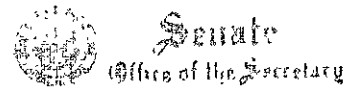



FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'11 FEB 10 P 4 :45

S.B. No. 2688

RECEIVED BY: 

Introduced by SEN. MANNY VILLAR

EXPLANATORY NOTE

It is a declared policy of the State to protect and promote the right to health of the people and instill health consciousness among them. Concomitant to this is the State duty to protect the environment enroute to a balanced and healthful ecology.


The development of the bicycle occurred over a period of around seventy years and yet, throughout that period, cyclists had no legal right to use the roads or walkways. The first Bicycle Law was enacted by the New York State Legislature in 1887 entitled, "An Act in relation to the use of bicycles and tricycles"¹. As the years went on, simultaneous with the growing popularity of the bicycle, several American states followed suit and enacted their own bicycle related ordinances aiming to give cyclists equal rights, privileges and duties with respect to road usage. In 1968, the cyclists' right to the road was enshrined in international law with the enactment of the Vienna Convention on Road Traffic.

In the Philippines, one of the first laws related to bicycle use was enacted by the Marikina City Council in 1996 which dwells on the use of all streets, avenues, alleys, sidewalks, bridges, parks, and other public places as bicycle lanes². In 2001, another ordinance from the same city created a Bikeways Office tasked to create, supervise and manage bikeways in the city. Recently, another bicycle ordinance was approved on second reading in the City of Davao.

It is no wonder that different cities and municipalities are following the bicycle law model which Marikina has pioneered. Bicycle riding not only promotes health and leisure but also provides for an alternative solution to high fuel prices, increasing transport fares, traffic management, air and noise pollution and high cost of motorized vehicles including maintenance and parking fees.

Of recent, the Cultural Center of the Philippines Complex has integrated a bicycle lane in its road network.

This bill seeks to provide a framework for a bicycle law on a national level so that Filipino commuters may find a cheaper alternative to get to their destination while saving the environment from harmful emissions. Thus, the passage of this bill is earnestly sought.


MANNY VILLAR

¹ New York Law 1887, Chapter 704, An Act in Relation to the Use of Bicycles and Tricycles

² "Marikina to establish bicycle lanes", Philippine Star, May 26, 2001



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AN ACT
PROVIDING FOR BICYCLE RIGHTS, CREATION OF LOCAL BIKEWAYS OFFICE
(LBO), ESTABLISHING INFRASTRUCTURE IN RELATION THERETO AND FOR
OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Short Title. - This Act shall be known as the "Bicycle Act of 2011"

SECTION 2. Declaration of Policy. - It is the policy of the State to protect and promote the right to health of the people and instill health consciousness among them and to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

Likewise, in view of the fluctuating fuel prices in the world market, the State recognizes the need for cheap alternative means of transportation and encourages the use of non-motorized and environment friendly modes of transport.

SECTION 3. Definition of Terms. - For the purpose of this Act, the term:

- (A) "Bicycle" means any two wheeled vehicle having a rear drive which is solely human powered and having a seat height of 25 inches or greater when the seat is in the lowest possible position;
- (B) "Local Bikeways Office (LBO)" refers to the agency in charge of implementing policies, rules and regulations pertinent to this Act;
- (C) "Cyclist" shall refer to drivers of bicycles;
- (D) "Department" shall refer to the Department of Public Works and Highways;
- (E) "Driver" means any person who drives a vehicle, motorized or non-motorized;
- (F) "Lane" means any longitudinal strips designated for passage of bicycles;
- (G) "Non-Motorized Transport (NMT)" means any vehicle which does not use a motorized engine;
- (H) "Road" means the entire surface of any way or street open to public traffic;

SECTION 4. Creation of Bikeways. - All main roads and highways shall be provided with Bicycle Lanes or "bikeways" identified by the Local Bikeways Office under the supervision of the city or municipal engineering office.

SECTION 5. Powers and Functions of the Local Bikeways Office. – The LBO shall be an adjunct of the city or municipal engineering office and shall have the following powers and functions:

- a. To manage the construction and maintenance of a bikeway network including the identification of a bikeway roadmap;
- b. To establish provision of safe and strategic parking facilities, road signages and maps, including the planting of trees in designated areas of the network;
- c. To encourage partnership with local and foreign organizations to facilitate easy access to bicycles;
- d. To conduct education and information drives on the benefits of using bicycles or NMTs in order to promote the usage of the same;
- e. To cause all bicycles operating on the bikeways to be registered and determine therefore the manner of such registration;
- f. To maintain and keep a bicycle registry where the LBO, within sixty (60) days from the approval of this Act, shall have formulated a system of procedure pertinent to bicycle registration.

SECTION 6. Bicycle Park. – Each city or municipality shall create, through the LBO and the city or municipal engineering office, a Bicycle Park where provisions for bicycles are present such as but not limited to bikeways, bicycle parking areas and similar infrastructure. Such Bicycle Parks shall be funded by the city or municipality by allocating thirty percent (30%) of their respective revenues raised from miscellaneous activities like parking and license fees.

SECTION 7. Rights, Duties and Obligations of Cyclists. – The following shall be the rights, duties and obligations of cyclists:

- a. Ride on any public road or street provided that it has been designated as a bikeway except highways or where signs specifically prohibiting bikes have been posted;
- b. Every person riding a bicycle on the designated bikeways shall be granted all the rights and shall be subject to all the duties applicable to drivers of motorized vehicles except those which by their nature are inapplicable;
- c. A trailer or semitrailer may be attached to the bicycle;
- d. Right and left turn signals shall be given not less than 100 feet from turn and while stopped waiting to turn. Such signals may be given intermittently rather than continuously if the hand giving the signal is needed to control the bicycle;
- e. An audible signal shall be given before overtaking;
- f. When riding at night, a bicycle shall be equipped with reflective material visible from both sides for at least six hundred (600) feet, or a lighted lamp visible from both sides for at least five hundred (500) feet from a motor vehicle;
- g. A bicycle and its corresponding cyclist may be equipped with additional lights and reflectors;
- h. A cyclist shall keep one hand on the handlebar at all times;
- i. A cyclist must always wear a helmet properly where the chin strap is securely fastened;

- j. Every bicycle shall be equipped with brakes that are capable of stopping the bicycle within twenty-five (25) feet from a speed of 10mph on dry, clean level pavement;

SECTION 8. *Restrictions.* – The following are restrictions imposed upon cyclists and the right to use a bicycle:

- a. No bicycle shall carry more persons than it was designed to carry except when another regular seat or trailer towed by the bicycle is present;
- b. Persons riding a bicycle shall not cling to another vehicle while in the designated bikeway;
- c. Bicycles may not be parked in areas other than those specifically designated as such by the CBO;
- d. A cyclist shall not ride a bicycle on a sidewalk or crosswalk;
- e. A cyclist shall not carry anything on the bicycle unless it is in a basket, bag, rack or trailer designed for that purpose;
- f. A modified bicycle is not allowed on the bikeways, or that which makes the hands higher than the shoulders when gripping the handlebars;
- g. Ownership or custody of a bicycle which has a destroyed, removed, altered, covered or defaced serial number;
- h. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

SECTION 9. *Obedience to Traffic Laws and Devices.* – Any person operating a bicycle shall obey the instructions of official traffic control signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer. Whenever authorized signs are posted, a person operating a bicycle shall not disobey the direction of such sign except when that person dismounts from the bicycle, in which case such person shall then obey the regulations applicable to pedestrians. No person shall ride or operate a bicycle in any direction except that permitted for vehicular traffic traveling on the same side of the bikeway.

SECTION 10. *Flagging By A Police Officer.* – A uniformed police officer, or any deputized traffic officer, may stop, inspect and test a bicycle that is suspected to be unsafe or to have improper equipment. He may also stop any cyclist operating the bicycle in such a manner as to pose danger to others.

SECTION 11. *Riding on Bicycle Lanes.* Every person operating a bicycle upon a designated bikeway lane shall remain inside such lane, exercising due care when passing a standing vehicle or a vehicle proceeding in the same direction. When a person operating a bicycle upon a bikeway at a speed less than the normal speed of traffic, such person may move out of the lane under any of the following circumstances:

- a. Whenever overtaking or passing another bicycle, vehicle or pedestrian within the lane or about to enter the lane if such overtaking or passing cannot be done safely within the lane;
- b. When preparing for a turn at an intersection or into a private road or driveway;

- c. When reasonably necessary to leave the bicycle lane to avoid debris or hazardous conditions.

SECTION 12. *Yielding Right-of-Way From Bicycle Paths to Sidewalks.* – Every person riding a bicycle on a bikeway that is about to enter or cross a roadway shall yield the right-of-way to all traffic on such roadway.

SECTION 13. *Motor Vehicles In Bikeways.* – Whenever a bikeway has been established on a road, any person operating a motor vehicle on such road shall not drive in the bikeway except to park when parking is permitted, to enter or leave the road or prepare for a turn.

SECTION 14. *Exercise of Due Care.* – Every cyclist shall exercise due care to avoid colliding with any pedestrian, or any person operating a bicycle or other device propelled by human or animal power, upon any road, and shall give warning by sounding the horn when necessary and shall exercise proper precautions upon observing any child or any incapacitated person upon a road.

SECTION 15. *Penalties.* – Any person who violates any of the provisions of this Act shall be subject to the penalty of a fine of not less than Five Hundred Pesos (P500.00) but not more than One Thousand Pesos (P1,000.00). If such violation causes damage or injury to persons or property then the appropriate provisions of the Civil Code and the Revised Penal Code shall take effect.

SECTION 16. *Separability Clause.* - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 17. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

SECTION 18. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,