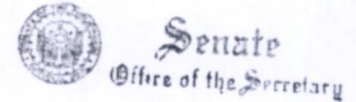


SEVENTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
*First Regular Session*



'16 SEP 14 P4:45

SENATE  
S.B. No. 1146

RECEIVED BY: *[Signature]*

Introduced by Senator Poe

**AN ACT**  
**ESTABLISHING A NETWORK OF SUSTAINABLE ELEVATED PEDESTRIAN WALKWAYS ALONG EPIFANIO DE LOS SANTOS AVENUE AND PERTINENT MAJOR PUBLIC THOROUGHFARES IN HIGH DENSITY URBAN AREAS, ESTABLISHING APPROPRIATE INFRASTRUCTURE AND FACILITIES, APPROPRIATING FUNDS THEREFORE, AND FOR OTHER PURPOSES.**

*Explanatory Note*

A network of elevated walkways is an effective response to overcrowding and urban chaos.<sup>1</sup> As in Hong Kong, aerial pedestrian walkways will portray dense urban areas in a new light. A network of sustainable elevated walkways are designed precisely for highly congested areas, and will form an integral part of a larger, more comprehensive solution to the traffic and transport crisis of Metro Manila and affected urban areas.

The primary purpose of elevated walkways is to encourage pedestrianization and to connect pedestrians from one consumer activity to the next. An elevated walkway system furthers concepts of inclusive mobility and can be considered an alternative mode of transportation for our daily commuters. Aerial walkways are essential pedestrian infrastructure. On a smaller scale, airport terminals are often connected by moving walkway systems such as the "Skylink" system at Manchester Airport, United Kingdom, which link airport terminals to railway stations.<sup>2</sup> Elevated walkways will advance the current thrust of the government towards greater intermodality. The possibilities for the application and use of elevated walkways are limitless, especially for areas with very high density and which suffer from urban blight. Sustainable walkway systems can radically improve urban development.

This bill seeks to establish a network of sustainable elevated pedestrian walkways along Epifanio de los Santos Avenue traversing Metro Manila and major public thoroughfares in high density urban areas. For an aerial walkway system to succeed, it needs

<sup>1</sup> See J. Rotmeyer, Can Elevated Pedestrian Walkways be Sustainable? in *The Sustainable City IV: Urban Regeneration and Sustainability* 293-302 (2006), available at

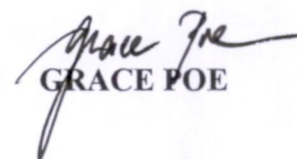
<http://www.witpress.com/Secure/elibrary/papers/SC06/SC06028FU1.pdf> (accessed on Aug. 31, 2016).

<sup>2</sup> See, e.g., Transpennine Express, Manchester Airport Travel Links, <https://www.tpexpress.co.uk/train-destinations/manchester-airport/travel-links/> (accessed on Aug. 31, 2016); World Travel Guide, Manchester Airport Guide, <http://www.worldtravelguide.net/manchester/manchester-airport> (accessed on Aug. 31, 2016).

to be fully sustainable on all accounts: socially, economically and environmentally.<sup>3</sup> Studies show that high density, connectivity, and quality of life comprise the three topmost elements in maintaining a sustainable elevated walkway system.<sup>4</sup> The ultimate goal is to create a safe, comfortable, well-connected quality of life above the ground (grade) level, reclaiming without killing the street.<sup>5</sup> Elevated walkways must be interlinked in a manner that connects pedestrian movement to retail, residential, commercial, and business activities, as well as adopt essential access points that facilitate pedestrian entry to and exit from ground level walkways. Elevated walkways must make optimal use of densities and cater to the largest percentage of people in a given area. Such a system must also address safety, pollution, law enforcement activity, and social inclusion (especially for PWDs), as well as consider right-of-way (ROW) and air rights issues and legal easements.

To ensure the success and sustainability of aerial pedestrian walkways, this bill sets forth important principles and standards which the implementing agency, here the Department of Public Works and Highways, must consider. These include principles of connectivity, use of densities, temperature and climate control, environmental sustainability, social inclusivity, right-of-way interfacing, and good use of vertical access systems. The draft bill calls for the establishment of a 'sustainable elevated walkway program', which will include educational and awareness programs on elevated walkway safety and use, health benefits, and social and economic benefits of aerial walkways.

Immediate approval of this measure is eagerly sought.



GRACE POE

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<sup>3</sup> See Rotmeyer, *supra* note 1, at 294.

<sup>4</sup> *Id.* at 301.

<sup>5</sup> *Id.*



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AN ACT

ESTABLISHING A NETWORK OF SUSTAINABLE ELEVATED PEDESTRIAN WALKWAYS ALONG EPIFANIO DE LOS SANTOS AVENUE AND PERTINENT MAJOR PUBLIC THOROUGHFARES IN HIGH DENSITY URBAN AREAS, ESTABLISHING APPROPRIATE INFRASTRUCTURE AND FACILITIES, APPROPRIATING FUNDS THEREFORE, AND FOR OTHER PURPOSES.

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

1           **SECTION 1. Short Title.** - This Act shall be known as the “Sustainable Elevated  
2 *Walkways Act of 2016.*”  
3

4           **SECTION 2. Declaration of Policy.** - It is the policy of the State to establish a  
5 sustainable network of safe, secure, comfortable, and aesthetically pleasing elevated  
6 pedestrian walkways which separate pedestrians from vehicular movement, link pedestrians  
7 to public transit, integrate human activity with the built environment, and allow for a  
8 continuous flow of movement, without interruption from vehicular traffic, stop lights, and  
9 pollution.

10           It is likewise a policy of the State to establish elevated pedestrian networks that are  
11 fully sustainable on all accounts, that is, socially, economically, and environmentally, to  
12 achieve a well-connected quality of life above the ground layer. High density, connectivity,  
13 and quality of life comprise the three topmost elements in maintaining a sustainable elevated  
14 walkway system.

15           Towards this end, the State shall promote the use of sustainable elevated walkway  
16 networks and walkway facilities through a comprehensive elevated walkway program. The  
17 State shall ensure that the needs and safety of all pedestrians are fully integrated into the  
18 planning, design, operation, and maintenance of the country's areal walkway networks.

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**SECTION 3. *Elevated Walkways.*** – There shall be designated elevated walkways in Epifanio de los Santos Avenue, commonly referred to by its acronym “EDSA”, which traverses Metro Manila, and in all major public thoroughfares in high density urban areas, consisting of enclosed or covered footbridges serving as exclusive access-ways for pedestrians, under the parameters set forth in this Act.

Elevated walkways which utilize air rights above the road rights-of-way (RROWs), being part of the public domain, shall be considered public spaces. Motor and non-motor vehicles are prohibited from being driven or parked on all such walkways.

The design, purposes, and specifications of elevated walkways to be established under this Act shall be governed by the following standards:

- (a) *Continuous flow* – Elevated walkways must maintain a continuous flow of pedestrian movement throughout the day and night, allowing pedestrians to move freely without vehicular congestion and interruptions from traffic lights and intersections. Way-finding provisions and directional signages shall facilitate flow within the system;
- (b) *High density* – The design and location of elevated walkways must maximize the use of high density areas in order to relieve pressure from overcrowded streets by catering to the largest percentage of pedestrians throughout urban areas at any given time, displacing ground-level pedestrian movement to several levels, and enhancing movement within city centers;
- (c) *Temperature control* – Elevated pedestrian routes must provide climatically controlled continuous spaces, provide relief from extreme temperatures associated with hot, humid, and wet climates, distance pedestrians from vehicular pollution and vehicular contact, and adopt measures that maximize the use of shaded, cool, open-air zones. Both passive cooling techniques and artificial ventilation devices shall be used in a sustainable manner;
- (d) *Connectivity* – Elevated walkways must be interlinked in a manner that connects pedestrian movement to retail, residential, commercial, and business activities, as



1 well as adopt essential access points that facilitate pedestrian entry to and exit  
2 from ground (grade) level walkways;

3  
4 (e) *Safety* – Elevated walkways must directly address issues of pedestrian safety,  
5 including the separation of pedestrians from vehicular traffic, exposure to natural  
6 hazards, and compliance with disaster resilience and mitigation standards;

7  
8 (f) *Environmental sustainability* – The Program must maintain adequate spatial  
9 standards between the existing environment and all urban intervention under this  
10 Act; address potential ground floor decay and abandoned space; provide necessary  
11 safeguards and protection to walkway users who will be exposed to both air and  
12 noise pollution; and establish public address systems designed to warn all users of  
13 encountering such pollution upon entering and using the walkways. Energy and  
14 water conservation as well as solid waste management shall be the key  
15 sustainability features of the system;

16  
17 (g) *Social inclusivity* – Elevated walkway networks must be socially inclusive by  
18 addressing potential social separation caused by the introduction of aerial  
19 walkways in areas of different income classes, and by accommodating persons  
20 with disability (PWDs) through the installation of structural and vertical access  
21 facilities that reasonably enhance their mobility consistently with existing  
22 disability laws, including, without limitation, *B.P. Blg. 344*, otherwise known as  
23 the Accessibility Law, and R.A. No. 7277, as amended, otherwise known as the  
24 Magna Carta for Disabled Persons;

25  
26 (h) *Right-of-way interfacing* – The design and establishment of elevated walkways  
27 must consider affected portions of the road right-of-way and other key portions of  
28 the public domain. Of particular importance are the interfaces with grade level  
29 sidewalks allotted for exclusive use by pedestrians, for the elevated walkway  
30 supports/foundation and for the vertical access system; air rights directly above  
31 the sidewalks; required space for connectors that shall utilize air rights above the  
32 carriageway portion allotted for the exclusive use of vehicles using the road right-  
33 of-way; connection of air rights above the sidewalks at opposite sides of the road  
34 right-of-way; legal easements and their air rights along waterways in a manner

1 that would enable such easements to host elevated walkways consistent with of  
2 P.D. No. 1067 (s. 1976), otherwise known as the Water Code, and R.A. No.  
3 10752, otherwise known as the “The Right-of-Way Act”.

4  
5 (i) *Vertical Access System* – As elevated walkways may have finished floor  
6 elevations above sidewalk surfaces, vertical access systems shall be established to  
7 connect the walkways to ground level pedestrians. Vertical access systems  
8 established under this Act shall include, without limitation, elevators, stairs, and  
9 escalators that shall be gender-sensitive, socially-inclusive, elongated and  
10 appropriately sloped, and constructed in a manner that will not unduly constrict  
11 connecting sidewalks. Sidewalks adjacent to elevated walkways shall give way to  
12 pedestrian drop-off areas catering to public transport commuters and private  
13 vehicle riders who desire to avail of vertical access systems to reach elevated  
14 walkway systems;

15  
16 (j) *Support facilities* – Elevated walkway systems shall include the construction and  
17 maintenance of support facilities, such as bicycle parking lots, adequate lighting,  
18 crime prevention facilities and well-lit patrolling space for law enforcement  
19 personnel, closed-circuit television (CCTV) camera systems, access to restrooms,  
20 and adequate drainage. The maintenance of pedestrian infrastructure and  
21 functional public spaces above the street level shall be a requisite for sustainable  
22 elevated walkways;

23  
24 (k) *Active policing* – Elevated walkway networks established under this Act must  
25 provide for the administration of active policing and law enforcement  
26 coordination to prevent obstructions, nuisances, and illegal vending and squatting  
27 along elevated walkways;

28  
29 (l) *Adaptability to future technology* – Elevated walkway structures shall be designed  
30 in ways that will render them adaptable to future technology and technological  
31 capacity, including the capacity to be later fitted with walkalators to increase  
32 pedestrian capacity; and  
33



1 (m) *Expandability* – Elevated walkway networks must provide for both horizontal and  
2 vertical expandability to accommodate increases in capacity.  
3

4 **SECTION 4. *Sustainable Elevated Walkway Program.*** - The Department of Public  
5 Works and Highways (DPWH) shall establish a comprehensive sustainable elevated walkway  
6 program (“the Program”) to promote the establishment and use of sustainable networks of  
7 aerial pedestrian walkways along EDSA and major public thoroughfares in high density  
8 urban areas throughout the country. This Program shall be governed by the key indicators  
9 and standards set forth in the preceding section and in the provisions of this Act.

10 To promote the objectives of this Act, the DPWH, in cooperation with the Department  
11 of Education, the Commission on Higher Education, and affected local governments, shall  
12 establish educational and awareness programs on elevated walkway safety and use, general  
13 pedestrian safety, pedestrian infrastructure, health benefits, quality of life, and social and  
14 economic benefits of aerial walkways.  
15

16 **SECTION 5. *Prohibited Acts.*** – The use of elevated walkways and vertical access  
17 systems for commercial and personal purposes shall be prohibited. Such prohibited acts  
18 include but are not limited to the following:

- 19 (a) Driving or parking motor and non-motor vehicles on all such walkways, including its  
20 vertical access points and drop-off areas;
- 21 (b) Vending, selling, or servicing of foods, magazines, newspapers, cigarettes, brooms,  
22 watches or jewelries, shoes and other footwear, shoe-shine and shoe repair, and/or  
23 any other commodities, items, and services;
- 24 (c) Alms or donation-seeking activities;
- 25 (d) Doing house chores such as washing clothes, hanging clothes, and bathing;
- 26 (e) Repair of vehicles of all types;
- 27 (f) Dumping garbage;
- 28 (g) Sports, games, and amusements;
- 29 (h) Use of walkway to install pens of animals or keep animals in chains or tether;
- 30 (i) Holding picnics/gatherings or storage of foodstuffs and beverages for such gatherings;
- 31 (j) Drinking liquor;
- 32 (k) Storing of junks and recyclable materials;
- 33 (l) Storage of construction materials for sale (pipes, tubings, lumber, cement, and the  
34 like);

- 1 (m) House extension or stall/store extension including installation of roofs or awnings;  
2 (n) Installation of temporary or permanent fences;  
3 (o) Use of walkways for plants, trees and plant boxes; and  
4 (p) Signs or signboards above sidewalks and detached from the business establishment.  
5

6 **SECTION 6. *Obstructions as nuisance per se.*** – Without prejudice to the prosecution  
7 of prohibited acts defined under the immediately preceding section, all obstructions along  
8 elevated walkways are hereby presumed or declared nuisances *per se* and, as such, are subject  
9 to summary abatement without need of judicial proceedings.  
10

11 Obstructions include any structure, permanent or otherwise, movable or immovable,  
12 erected along, standing on, abutting or in any manner impeding safe and convenient passage  
13 through any elevated walkway; *Provided*, That property of the government including  
14 structures erected or installed for the purpose of regulating the flow of traffic shall not be  
15 deemed obstructions.  
16

17 **SECTION 7. *Penalties.*** – The principal penalty for any violation of the provisions of  
18 this Act or its implementing rules shall be summary abatement, dismantling, forfeiture, and  
19 disposal of the obstruction to the walkway.  
20

21 In addition, any person, corporation, trust, firm, partnership, association or entity  
22 found violating this Act or the rules and regulations promulgated hereunder shall be punished  
23 by a fine of Three Thousand pesos (P3,000.00) which shall accrue to the National Treasury,  
24 or imprisonment of not more than 30 days, or both, at the discretion of the court. When the  
25 offender is a juridical entity, the officers or agents responsible for the violation shall be meted  
26 with said penalties.  
27

28 Any officer of the duly designated enforcement agency who neglects or fails to  
29 enforce the provisions of this Act shall be administratively liable and in addition, punished by  
30 a fine of not less than Twenty Thousand Pesos (P20,000.00), without prejudice to the filing of  
31 other appropriate administrative charges.  
32

33 The Secretary may enlist the assistance of other departments or government agencies  
34 to carry out this section.



1  
2           **SECTION 8. *Implementing Rules and Regulations.*** - Within thirty (30) days after this  
3 Act takes effect, a committee composed of the following members shall be created to  
4 formulate the draft implementing rules and regulations of this Act:

- 5  
6           a.) The Secretary of DPWH, or an authorized representative, who shall serve as chair  
7           of the committee;  
8           b.) A representative from the Department of Transportation;  
9           c.) A representative from the Department of Budget and Management;  
10          d.) A representative from the National Economic and Development Authority;  
11          e.) A representative from the Department of Environment and Natural Resources;  
12          f.) A representative from the Metro Manila Development Authority;  
13          g.) A professor from the University of the Philippines School of Urban and Regional  
14          Planning;  
15          h.) Two (2) representatives from non-government organizations which advocate for  
16          alternative modes of transportation; and  
17          i.) Other representatives of concerned entities and organizations as determined by the  
18          committee as members.

19  
20           Upon the release and consideration of the above draft implementing rules and  
21 regulations and in no case beyond six (6) months after this Act takes effect, the Secretary of  
22 DPWH shall promulgate and disseminate the implementing rules and regulations.

23  
24           **SECTION 14. *Appropriations.*** – To carry out the provisions of this Act, such amount  
25 as may be necessary is hereby authorized to be appropriated from the National Treasury.  
26 Thereafter, the amount necessary for the continuous operation of the Program shall be  
27 included in the annual appropriation of the DPWH.

28  
29           **SECTION 15. *Separability Clause.*** - If any provision of this Act is declared  
30 unconstitutional or invalid, other parts or provisions hereof not affected thereby shall  
31 continue to be in full force and effect.

32  
33           **SECTION 16. *Repealing Clause.*** - Any law, presidential decree or issuance,  
34 executive order, letter of instruction, administrative order, rule or regulation contrary to or is

1 inconsistent with the provision of this Act is hereby repealed, modified, or amended  
2 accordingly.

3

4 **SECTION 17. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its  
5 publication in the Official Gazette or in a newspaper of general circulation.

6

7 *Approved,*