

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



'22 JUL 12 AIO :31

SENATE
S. No. 330

RECEIVED BY: _____

Introduced by Senator Grace Poe

AN ACT
TO ENSURE EASIER COMMUTING BY ESTABLISHING A NETWORK OF SUSTAINABLE ELEVATED WALKWAYS ALONG ALL MAJOR PUBLIC THOROUGHFARES IN HIGH DENSITY URBAN AREAS, ESTABLISHING APPROPRIATE INFRASTRUCTURE AND FACILITIES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Elevated walkways are an effective response to overcrowding and urban chaos.¹ Their primary purpose is to encourage commuters to walk instead of taking motorized transportation by connecting pedestrians from one consumer activity to the next. Some small-scale examples include the moving walkway systems such as the "Skylink" system at Manchester Airport, United Kingdom, which link airport terminals to railway stations.² Another key example is the Central Elevated Walkway which spans Admiralty, Central and parts of Sheung Wan in Hong Kong.

Elevated walkways can be observed in some parts of Metro Manila. This includes the elevated walkways in Makati which connects important parts of the central business district. However, more needs to be done to mainstream elevated walkways as part of our urban infrastructure.

¹ 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).

² 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).

The necessity and importance of elevated walkways became especially apparent when the COVID-19 pandemic hit the country. Its early stages, which were characterized by strict lockdowns and stringent enforcement of social distancing rules, revealed the urgent need for alternative modes of transportation and mobility in the country due to the scarcity of transportation services that could cater to the particular exigencies of the time. The current situation is aggravated by the fact that there are only a few elevated pedestrian walkways in Metro Manila, such as the Ortigas Elevated Walkways and Plaza, which stretches to 320 meters and located along the Julia Vargas Avenue in Pasig,³ and the De La Rosa Elevated Walkway, which stretches to 1,110 meters and covers a significant portion of the Makati Central Business District.⁴ And while other walkway projects have also been recently greenlit, they are confined only to some portions of the Metro.⁵

Thus, this bill seeks to establish a network of sustainable elevated pedestrian walkways in all major public thoroughfares in high density urban areas. For the walkways to be successful, they must be fully sustainable on all accounts: socially, economically and environmentally.⁶ Studies show that high density, connectivity, and quality of life comprise the three topmost elements in maintaining a sustainable elevated walkway system.⁷ The ultimate goal is to create a safe, comfortable, well-connected quality of life above the ground (grade) level, reclaiming without killing the street.⁸

³ See ANCX Staff, This green Pasig walkway and place wins prestigious architecture prize, available at news.abs-cbn.com/ancx/culture/spotlight/03/08/21/this-green-pasig-walkway-and-plaza-wins-prestigious-architecture-prize (accessed on June 13, 2022).

⁴ See ABS-CBN News, Makati's elevated walkway is now country's longest, available at news.abs-cbn.com/news/11/28/16/makatis-elevated-walkway-is-now-countrys-longest (accessed on June 13, 2022).

⁵ See B. Laforga and A. Balinbin, EDSA walkway project to start in Jan, available at <https://www.bworldonline.com/editors-picks/2020/12/15/334009/edsa-walkway-project-to-start-in-jan/> (accessed on June 13, 2022).

⁶ See Rotmeyer, *supra* note 1, at 294.

⁷ *Id.* at 301.

⁸ *Id.*

Further, 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. They must also make optimal use of densities and cater to the largest percentage of people in a given area. Finally, 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.

We envision sustainable elevated walkways as an integral part of a larger, more comprehensive solution to the traffic and transport crisis of Metro Manila and affected urban areas. The draft bill also 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.

Thus, the immediate approval of this measure is eagerly sought.



GRACE POE

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AN ACT
TO ENSURE EASIER COMMUTING BY ESTABLISHING A NETWORK OF SUSTAINABLE ELEVATED WALKWAYS ALONG ALL MAJOR PUBLIC THOROUGHFARES IN HIGH DENSITY URBAN AREAS, ESTABLISHING APPROPRIATE INFRASTRUCTURE AND FACILITIES, APPROPRIATING FUNDS THEREFOR, 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 2022".

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

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

14 Towards this end, the State shall promote the use of sustainable elevated
15 walkway networks and walkway facilities through a comprehensive elevated walkway
16 program. The State shall ensure that the needs and safety of all pedestrians are fully

1 integrated into the planning, design, operation, and maintenance of the country's areal
2 walkway networks.

3 Sec. 3. *Elevated Walkways.* – There shall be designated elevated walkways in
4 all major public thoroughfares in high density urban areas, consisting of enclosed or
5 covered footbridges serving as exclusive access-ways for pedestrians, under the
6 parameters set forth in this Act.

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

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

13 a. *Continuous flow* – Elevated walkways must maintain a continuous flow of
14 pedestrian movement throughout the day and night, allowing pedestrians to
15 move freely without vehicular congestion and interruptions from traffic lights
16 and intersections. Way-finding provisions and directional signages shall
17 facilitate flow within the system;

18 b. *High density and accessibility* – The design and location of elevated walkways
19 must maximize the use of high density areas in order to relieve pressure from
20 overcrowded streets by catering to the largest percentage of pedestrians
21 throughout urban areas at any given time, displacing ground-level pedestrian
22 movement to several levels, and enhancing movement within city centers. They
23 must also be accessible and permeable to pedestrians in order to ensure that
24 a large segment of the walking public is served by the project.;

25 c. *Temperature control and comfortability* – Elevated pedestrian routes must
26 provide climatically controlled continuous spaces, provide both comfort and
27 relief from extreme temperatures associated with hot, humid, and wet climates,
28 distance pedestrians from vehicular pollution and vehicular contact, and adopt
29 measures that maximize the use of shaded, cool, open-air zones. Both passive
30 cooling techniques and artificial ventilation devices shall be used in a
31 sustainable manner;

- 1 d. *Connectivity* – Elevated walkways must be interlinked in a manner that
2 connects pedestrian movement to retail, residential, commercial, and business
3 activities and locations, as well as adopt essential access points that facilitate
4 pedestrian entry to and exit from ground (grade) level walkways;
- 5 e. *Safety and transparency* – Elevated walkways must directly address issues of
6 pedestrian safety and transparency, including the separation of pedestrians
7 from vehicular traffic, exposure to natural hazards, and compliance with
8 disaster resilience and mitigation standards;
- 9 f. *Environmental sustainability* – The Program must maintain adequate spatial
10 standards between the existing environment and all urban intervention under
11 this Act; address potential ground floor decay and abandoned space; provide
12 necessary safeguards and protection to walkway users who will be exposed to
13 both air and noise pollution; and establish public address systems designed to
14 warn all users of encountering such pollution upon entering and using the
15 walkways. Energy and water conservation as well as solid waste management
16 shall be the key sustainability features of the system;
- 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 h. *Right-of-way interfacing* – The design and establishment of elevated walkways
26 must consider affected portions of the road right-of-way and other key portions
27 of the public domain. Of particular importance are the interfaces with grade
28 level sidewalks allotted for exclusive use by pedestrians, for the elevated
29 walkway supports/foundation and for the vertical access system; air rights
30 directly above the sidewalks; required space for connectors that shall utilize air
31 rights above the carriageway portion allotted for the exclusive use of vehicles
32 using the road right-of-way; connection of air rights above the sidewalks at

- 1 opposite sides of the road right-of-way; legal easements and their air rights
2 along waterways in a manner that would enable such easements to host
3 elevated walkways consistent with of P.D. No. 1067 (s. 1976), otherwise known
4 as the Water Code, and R.A. No. 10752, otherwise known as the "The Right-
5 of-Way Act".
- 6 i. *Vertical Access System* – As elevated walkways may have finished floor
7 elevations above sidewalk surfaces, vertical access systems shall be established
8 to connect the walkways to ground level pedestrians. Vertical access systems
9 established under this Act shall include, without limitation, elevators, stairs, and
10 escalators that shall be gender-sensitive, socially-inclusive, elongated and
11 appropriately sloped, and constructed in a manner that will not unduly constrict
12 connecting sidewalks. Sidewalks adjacent to elevated walkways shall give way
13 to pedestrian drop-off areas catering to public transport commuters and private
14 vehicle riders who desire to avail of vertical access systems to reach elevated
15 walkway systems;
- 16 j. *Support facilities* – Elevated walkway systems shall include the construction and
17 regular maintenance of support facilities, such as bicycle parking lots, adequate
18 lighting, crime prevention facilities and well-lit patrolling space for law
19 enforcement personnel, closed-circuit television (CCTV) camera systems,
20 access to restrooms, and adequate drainage. The maintenance of pedestrian
21 infrastructure and functional public spaces above the street level shall be a
22 requisite for sustainable elevated walkways;
- 23 k. *Active policing* – Elevated walkway networks established under this Act must
24 provide for the administration of active policing and law enforcement
25 coordination to prevent obstructions and nuisances;
- 26 l. *Adaptability to future technology* – Elevated walkway structures shall be
27 designed in ways that will render them adaptable to future technology and
28 technological capacity, including the capacity to be later fitted with walkalators
29 to increase pedestrian capacity; and
- 30 m. *Expandability* – Elevated walkway networks must provide for both horizontal
31 and vertical expandability to accommodate increases in capacity.

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

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

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

- 16 a. Driving or parking motor and non-motor vehicles on all such walkways,
17 including its vertical access points and drop-off areas;
- 18 b. Alms or donation-seeking activities;
- 19 c. Doing house chores such as washing clothes, hanging clothes, and bathing;
- 20 d. Repair of vehicles of all types;
- 21 e. Dumping garbage;
- 22 f. Sports, games, and amusements;
- 23 g. Use of walkway to install pens of animals or keep animals in chains or tether;
- 24 h. Holding picnics/gatherings or storage of foodstuffs and beverages for such
25 gatherings;
- 26 i. Drinking liquor;
- 27 j. Storing of junks and recyclable materials;
- 28 k. Storage of construction materials for sale (pipes, tubings, lumber, cement, and
29 the like);
- 30 l. House extension or stall/store extension including installation of roofs or
31 awnings;
- 32 m. Installation of temporary or permanent fences;

- 1 n. Use of walkways for plants, trees and plant boxes;
- 2 o. Signs or signboards above sidewalks and detached from the business
- 3 establishment;
- 4 p. Any other purpose which violates the standards enumerated in Section 3.

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

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

14 *Sec. 7. Penalties.* – The principal penalty for any violation of the provisions of
15 this Act or its implementing rules shall be summary abatement, dismantling, forfeiture,
16 and disposal of the obstruction to the walkway.

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

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

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

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

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

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

18 *Sec. 9. Appropriations.* – To carry out the provisions of this Act, such amount
19 as may be necessary is hereby authorized to be appropriated from the National
20 Treasury. Thereafter, the amount necessary for the continuous operation of the
21 Program shall be included in the annual appropriation of the DPWH.

22 *Sec. 10. Separability Clause.* - If any provision of this Act is declared
23 unconstitutional or invalid, other parts or provisions hereof not affected thereby shall
24 continue to be in full force and effect.

25 *Sec. 11. Repealing Clause.* - Any law, presidential decree or issuance, executive
26 order, letter of instruction, administrative order, rule or regulation contrary to or is
27 inconsistent with the provision of this Act is hereby repealed, modified, or amended
28 accordingly.

29 *Sec. 12. Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
30 publication in the Official Gazette or in a newspaper of general circulation.

Approved,