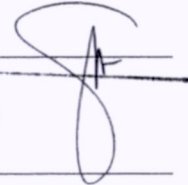


SENATE

'19 SEP 23 P1 :22

S.B. No. 1064

RECEIVED BY: _____



INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

**AN ACT PROVIDING FOR A BILL OF RIGHTS OF COMMUTERS,
PROMOTING SAFE AND ACCESSIBLE PUBLIC TRANSPORTATION,
APPROPRIATING FUNDS THEREFORE AND FOR OTHER PURPOSES**

EXPLANATORY NOTE


The 1987 Constitution protects the people's freedom of movement. Consequently, the State has the duty to provide and promote safe and accessible public transportation with the end in view of achieving inclusive growth and development.

However, the basic service currently provided has not adequately served the riding public. Our mass transit utilities have failed to meet the demands caused by the increase in urban population.

The current situation not only violates the people's right to travel. Worse, it poses risks to the lives and limbs of commuters. This issue aggravates the situation of the most vulnerable sector of our society who largely depend on public transportation.

Furthermore, it is estimated that about Php 3.5 billion a day is lost due to traffic in Metro Manila. Thus, there is an urgent need to look into our current transportation policy and institute concrete and lasting solutions.

Wherefore, swift passage of this measure is earnestly sought.



EMMANUEL D. PACQUIAO

SENATE

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**AN ACT PROVIDING FOR A BILL OF RIGHTS OF COMMUTERS,
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

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ARTICLE I

3

GENERAL PROVISIONS

4

Section 1. Short Title. This Act shall be known as the "The Commuter's Welfare Act."

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Sec. 2. Declaration of Policy. It is the declared policy of the State to guarantee the rights of all sectors, particularly the commuting sector to participate in the policy and decision making processes affecting their rights, welfare, and privileges. Mobility is a basic human need; commuters have rights to travel safely, conveniently, and reliably. Without mobility, citizens are unable to access basic services such as healthcare and education, or enjoy fundamental freedoms. Moreover, mobility should be enjoyed by people of all ages, abilities, gender, and economic status, not only by those who are physically fit, with private motor vehicles or with financial means.

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To attain the foregoing policy, the State shall provide the necessary mechanisms, human and financial resources, and legal measures to enable its citizens to enjoy fully the rights embodied in this Act. The State also reaffirms the right of all citizens to participate in the policy formulation, planning, implementation, management, monitoring and evaluation of all institutions, programs, projects and services related to upholding the rights of commuters

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ARTICLE II

20

RIGHTS OF COMMUTERS

1 It will be the responsibility of metropolitan authorities and local government units to measure,
2 analyze and update the mobility requirements in each locality and to develop plans and
3 programs to address the mobility requirements of their citizens.

4 The State shall ensure that:

5 (a) Every town and municipality will have a community-wide network of safe
6 sidewalks, bicycle lanes, and roads to enable travel around the city entirely by foot,
7 bicycle or by other forms of light mobility;

8 (b) Public Transport services are available within a 500-meter walk from any residence
9 or activity center in a city;

10 (c) Public Transport services are connected to another public service within a 300-meter
11 walk to promote seamless connectivity;

12 (d) Public Transport services are in sufficient quantity and frequency so that commuter
13 waiting time at stops and terminals do not exceed 10 minutes during peak demand
14 periods;

15 (e) Public Transport is accorded priority in the use of road space and traffic signal
16 operation so that it is able to traverse 15 kilometers within 1 hour, including all
17 scheduled stops;

18 (f) Public Transport services are supported by properly equipped, adequately-sized and
19 well-maintained terminals and stops, with attention to the safety and comfort of
20 commuters;

21 (g) Every road with a speed limit of over 20 kph and under 60 kph shall feature
22 dedicated pedestrian infrastructure, in the form of an unobstructed walking path of
23 at least 2.5 meters wide in each direction;

24 (h) Every road with a speed limit of under 60 kph shall feature dedicated bike lanes
25 which are wide enough to comfortably accommodate at least two bikes side by side;

26 (i) Transport services are inclusive, so that they are accessible to persons of all ages and
27 abilities. Public Transport infrastructure and vehicles shall be designed and
28 implemented so that persons with disabilities or special needs are not excluded from
29 their use.

30 (j) In all renovations of existing infrastructure or construction of new infrastructure,
31 preserving or improving the travel time impact on Public Transport, bicycles, and
32 pedestrians shall be prioritized over preserving or improving travel time impact on
33 private motorized transport. The State shall generally avoid the implementation of
34 projects that produce a positive impact on the travel time of users of private motorized
35 modes at large expense to Public Transport, bicycles, and pedestrians.

1 **Sec. 4. *Right to Safe, Convenient and Affordable Public Transport Services.*** The State shall
2 ensure that Public Transport services are safe, dignified, convenient, comfortable and reliable,
3 while remaining affordable to the general public.

4 Concessional or discounted fares shall be offered for disadvantaged or special groups (i.e.,
5 students, senior citizens, persons with disabilities, poor households).

6 The State shall provide subsidies to compensate for discounts offered to special or
7 disadvantaged groups. The State shall reward the use of Public Transport via financial and non-
8 financial incentives to promote the frequent use of Public Transport. The State shall ensure that
9 it is more economical for commuters to use Public Transport more frequently rather than less
10 frequently.

11 The State shall apply financial and non-financial disincentives to reduce the use of private
12 motorized transport. Funding earned from such disincentives must be utilized for funding of
13 Mobility Infrastructure in favor of Active Transport and Public Transport. The State shall
14 ensure that it is more economical for commuters to use Active Transport or Public Transport
15 more frequently than to use private motorized transport.

16 During periods when transportation services are deficient, the State shall employ alternative
17 approaches for enabling additional mobility options for its citizens, including through the use
18 of public resources to fill temporary gaps in services, such as through government-owned
19 vehicles or through the government charter or lease of private vehicles.

20 The State will promote safe and efficient driving behavior by Public Transport drivers through
21 mandatory trainings and more stringent licensing. All Public Transport vehicles will be
22 required to install electronic vehicle tracking devices and CCTVs that will enable concerned
23 authorities to conduct real-time monitoring of vehicle location, vehicle speed, and driver status.
24 Dangerous on-street competition and behavior among Public Transport drivers shall be
25 eliminated through the removal of any incentive for drivers that is related to ridership or
26 fare revenue. Streets must be designed in accordance with international best practices in road
27 safety design to reduce the occurrence of dangerous driving behavior.

28 **Sec. 5. *Right to Infrastructure for Pedestrians Cyclists and Persons with Disabilities.*** -
29 The State shall accord priority to the development of adequate sidewalks and networks
30 of bicycle lanes that encourage Active Transport and that provide safe and direct access to
31 priority destinations such as housing, education, and business centers as well as Public
32 Transport nodes.

33 *The State shall ensure that all Public Transport stops are accessible to persons with disabilities*
34 *and impaired movement. The State shall ensure that ease of access by pedestrians especially at*
35 *Public Transport stops and government facilities is prioritized over mobility of private*
36 *motorized transport.*

37 The State shall ensure that safe and adequate walking and cycling infrastructure is
38 incorporated in the design and implementation of road transport projects at national and local
39 government levels. The State shall ensure that the Comprehensive Land Use Plan of every city

1 includes the development of a city-wide network of safe sidewalks, bicycle lanes, and roads
2 lanes to enable travel around the city entirely by foot, bicycle or by other forms of light mobility.

3 The State shall ensure that travel by walking or cycling is no less direct to destinations than
4 travel by private motorized transport. No commuter shall be made to travel above or below street
5 level to cross any street or intersection if it is possible to implement an at-grade crossing. No
6 commuter, when traveling by walking or cycling, shall be made to diverge from his or her
7 route of travel if a commuter traveling by private motorized vehicle would have enjoyed a more
8 direct trip.

9 The State shall require all government offices and buildings to have shower facilities for the
10 use of commuters. If these buildings receive citizens in the delivery of front-line services, these
11 shower facilities must be open to the public. The State shall offer incentives to private sector
12 for the provision of shower facilities in their offices and buildings.

13 In Philippine cities and urbanized municipalities, the State shall ensure that the infrastructure
14 of each barangay includes:

15 (a) Safe foot paths or sidewalks, free of obstructions, well-protected from automobiles,
16 compliant with universal design guidelines, and accessible by pregnant women, elderly,
17 and persons with strollers or wheelchairs;

18 (b) Networks of greenways to encourage active transport modes (walking and cycling)

19 (c) Proper lighting on all roads and footpaths to allow safe travel even after dark;

20 (d) Tactile paving on sidewalks of high-volume transport corridors for the benefit of
21 pedestrians who are blind;

22 (e) Bicycle racks in every transportation hub or terminal and in every commercial,
23 community and activity center. Such racks shall be provided at street level if
24 possible, and at most one level above or below the street; *and*

25 (f) Safe intersections and pedestrian crossings such as provision of raised
26 pedestrian platforms, highly visible advance warning signages, adequate street
27 lighting, mid crossing refuges, traffic calming for motorized vehicles and curb
28 outstands to reduce road pavement crossing width.

29 The State shall not require parking for cars to be built in any buildings, and shall encourage
30 commercial development and the built environment to accommodate non-car travel. The
31 State shall promote light mobility by requiring that buildings provide bicycle racks that can
32 accommodate 10% of the anticipated users of any building.

33 The State shall adopt the Vision Zero in road safety and ensure that road crashes are
34 eliminated particularly those of vulnerable road users. The State shall implement a
35 comprehensive road safety program and will allocate funding to implement activities
36 under the five pillars of the Philippine Road Safety Action Plan namely Road Safety
37 Management, Safer Roads, Safer Vehicles, Safer Road Users, and Post-Crash Response. The

1 State must also create a National Road Safety Unit under the Department of Transportation
2 and must also implement a national road crash database for road safety planning.

3 **Sec. 6. Right to a Fair Share of Public Road Space.** - The State will ensure that public road
4 space is used in a manner that delivers the greatest socio-economic benefit. The State shall
5 ensure that safety of road users, especially non-motorized and vulnerable users, shall be
6 prioritized over the mobility of motorized modes of transport. The State shall employ
7 treatments to the design, engineering and operation of road infrastructure in order to
8 achieve the goal of road safety and access for non-motorized and vulnerable users.

9 Because roads are a scarce public asset, the State shall ensure that road space is prioritized
10 for modes of travel (e.g., public transport, walking, cycling, etc.) that move more people
11 and maximize the productivity and social benefit of the public asset. The planning and
12 design of roads must prioritize the needs of pedestrians, micromobility users, and Public
13 Transport users above the needs of private motor vehicles. Public Transport shall have
14 priority use of road space over private motor vehicles.

15 The State will ensure that there is no private appropriation of public road space and foot
16 paths for parking, commerce or other activities that will restrict public use of, or access to,
17 the road.

18 **Sec. 7. Right to Breathe Clean Air During Travel.** - The State shall take measures to ensure
19 that commuters are able to travel using Public Transport or active transport (walking or
20 cycling) without compromising their health.

21 The State shall ensure that all Public Transport vehicles comply with the emission
22 standards set by the Department of Environment and Natural Resources (DENR),
23 Department of Trade and Industry (DTI), and/or the Land Transportation Franchising and
24 Regulatory Board (LTFRB), whichever is more stringent.

25 The State shall provide programs which reduce the volume of motorized vehicles to
26 reduce vehicle-related pollution emissions. The State shall also provide facilities and
27 programs which support and incentivize the use of cleaner alternative fuels. Recognizing
28 that non-exhaust emissions make up a significant portion of total pollutant emissions and
29 that the levels of such emissions are dependent on vehicle weight, the State shall provide
30 programs that encourage the reduction of average vehicle weight and encourage citizens
31 to commute using cycling or other lighter vehicles.

32 The State will measure air quality along the major transport corridors in all cities and
33 provide this information to the public in real time. When air quality exceeds safe levels
34 according to internationally-accepted standards, particularly from the World Health
35 Organization, the State will activate emergency procedures with the aim of reducing the
36 exposure of the public, especially the young and the elderly, to unclean air.

37 **Sec. 8. Right to Information for Efficient and Convenient Travel.** - The State will provide
38 timely and adequate information so that commuters are able to make good travel plans and
39 choices about modes and routes. The State shall make publicly available information on all
40 Public Transport services, including route maps, fares, schedules, and real time vehicle location
41 and availability, for the convenience of commuters. The State shall ensure that such
42 information is prominently displayed at all stops of public transport services and at other
43 locations deemed necessary or beneficial to commuters.

1 The State will establish technical standards and regulations for the display of street maps at
2 strategic locations in each neighborhood, for the reference of residents and visitors.

3 The State will ensure that, at all ports, airports, and terminals, a 24-hour information/assistance
4 counter will be available to serve the needs of travelers.

5 The State shall establish a National Transport Data and Planning Center (NTDPC) which will
6 collect and process the mobility data for evidence-based transport planning which can
7 quickly adapt to the evolving mobility requirements in our communities. The NTDPC shall
8 ensure that data in aid of policy and research on mobility be open and be made available to the
9 public. These kinds of data include reliable and accurate road crash data in
10 <http://roadsafety.gov.ph>, air pollution levels, and Public Transport routes and travel time
11 information, among others.

12 **Sec. 9.** Right to Special Attention During Service Breakdowns and to Compensation for
13 Deficiencies in Service. - The State shall ensure that, in case of a breakdown in a Public
14 Transport service, passengers will be entitled to receive from the transport operator a full refund
15 of the fare and assistance in securing onward journeys.

16 Stranded passengers should be informed in a timely manner about how they will be redirected
17 to their final destination. If onward journeys are unavailable for more than one (1) hour, the
18 transport operator should provide food, water, and access to a waiting area with restrooms and
19 ventilation.

20 Any student or employee should not be penalized for arriving late by their school or employer
21 if the reason for their tardiness was a disruption in a Public Transport service.

22 **Sec. 10.** Right to Representation and Participation. -- The State shall ensure that the welfare
23 and interest of commuters are considered in all decision-making related to mobility and
24 transportation services. To this end, commuters have a right to advance notice and information
25 on any proposed policy, regulation, project or service at local or national level that affect their
26 mobility, including full details on how they will be affected by the proposed initiative. Affected
27 commuters have a right to provide their comments and suggestions of the proposed initiative.
28 Affected commuters must receive a response to such comments from the concerned public
29 official within 20 working days.

30 If a public consultation will be held regarding any initiative affecting the mobility of
31 commuters, the consultation meeting shall be held at a time, even on a weekend or after office
32 hours, and at a convenient and accessible venue that will maximize the participation and
33 feedback from affected commuters. In parallel, commuter feedback shall be solicited through
34 social media and other channels for information exchange.

35 **ARTICLE III**

36 **INSTITUTIONAL MECHANISMS**

1 **Sec. 11.** Establishment of the Office of Commuter Affairs. -- An Office of Commuter Affairs
2 shall be established at the Department of Transportation (DOTr) at the national level, as well
3 as in all city and municipal government units. The Office of Commuter Affairs shall be under
4 the direct supervision of an Assistant Secretary at the national level, and a city/municipal
5 administrator at the local level.

6 **Sec. 12.** Functions and Responsibilities of the Office of Commuter Affairs -- The Office of
7 Commuter Affairs shall be tasked to perform the following functions and responsibilities:

8 (a) Coordinate with the respective government agencies dealing with road, rail, air, and
9 maritime transportation policy to ensure safe, efficient and comfortable travel of
10 commuters;

11 (b) Operate Help Desks for the riding public;

12 (c) Assist the commuters whenever the safety and efficiency of travel is compromised;

13 (d) Undertake massive commuter education programs for the travelling public to know
14 their rights and responsibilities;

15 (e) Ensure legal assistance for commuters, when necessary; and

16 (f) Ensure adequate representation of commuters in any public consultation that will
17 impact on the welfare and interest of commuters.

18 **Sec. 13.** Implementing Agencies. -The Department of Transportation (DOTr), the
19 Department of Public Works and Highways (DPWH), the Department of Interior and Local
20 Government (DILG), the Metropolitan Manila Development Authority (MMDA), Department
21 of Environment and Natural Resources (DENR), Department of Trade and Industry (DTI), and
22 concerned local government units shall be the Implementing Agencies for this Act, with DOTr
23 as the lead implementing agency with responsibility for coordinating and monitoring all
24 implementation activities.

25 The State shall ensure that the core concepts of this framework are integrated in the
26 annual government budget process. The State shall ensure that compliance with the provisions
27 of this Act are included in the annual performance targets of all relevant national and local
28 government agencies. The State shall ensure that the Implementing Agencies will annually
29 be allocated budget to strengthen organizational capacities and to sufficiently fund the
30 establishment and operations of the NTDPC, the Office of Commuter Affairs, and other related
31 offices. The State shall ensure that relevant technical standards, guidelines, and manuals of
32 national and local agencies are amended to incorporate all requirements under this Act.

33 **Sec. 14.** Implementing Rules and Regulations. - Within one hundred and eighty (180) days
34 from the effectivity of this Act, the DOTr and the other implementing agencies will
35 prepare the implementing rules and regulations (IRR) of this Act, with the participation of non-
36 government organizations, civil society organizations and academic institutions that champion
37 the welfare of commuters.

1 **Sec. 15.** Penal Provisions. - Any person or government agency who has found to be in violation
2 of any of the provisions of this Act shall be fined not less than Two Hundred Thousand Pesos
3 (P200,000) but not more than Five Hundred Thousand 27 Pesos (PS00,000). If the offender
4 is a public official, he/she shall be dismissed from government service, in addition to the
5 penalties above stated.

6 **Sec. 16.** Separability Clause. - Any portion or provisions of this Act that may be declared
7 unconstitutional or invalid shall not have the effect of nullifying other portions or provisions
8 hereof as long as such remaining portions or provisions can still subsist and be given effect in
9 their entirety.

10 **Sec. 17.** Repealing Clause. - All laws, presidential decrees, executive orders, memoranda,
11 circulars and other issuances or parts thereof, which are inconsistent with this Act, are hereby
12 repealed or modified accordingly.

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

15

16 *Approved,*