

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4705



Introduced By Representative **ALLAN BENEDICT S. REYES**

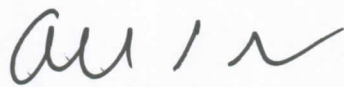
EXPLANATORY NOTE

According to the 2018 World Health Organization ("WHO") Global Status Report on Road Safety, about half of the number of road traffic deaths in the Philippines involved vulnerable road users such as motorcyclists, cyclists and pedestrians. In the same report, it said that there was an estimated 12,690 road traffic deaths in the Philippines in 2016. It also identified road traffic injuries as the leading killer of children and young people aged 5 to 29 around the world.

In a study conducted by the *Centre for Liveable Cities* ("CLC") in Singapore, it said that *"where the first storey does not offer a safe and accessible walking environment or where there is poor or limited pedestrian infrastructures, elevated pedestrian networks add value."* The same study also mentioned the benefits it has contributed in countries where it is widely used namely, Hong Kong, Malaysia, London and Bangkok. It added that elevated pedestrian walkways offer better point-to-point connectivity and increased comfort especially at crossings of wide, high-speed roads. They also supplement a street-level system where pedestrian activities and building densities are high.

Thus, in order to promote and institutionalize elevated walkways, this Representation seeks to file the counterpart measure of Senate Bill No. 903 authored by the Hon. Grace Poe in the House of Representatives.

In view of the foregoing, passage of this counterpart bill is earnestly sought.


HON. ALLAN BENEDICT S. REYES *apc*
Representative
3rd District, Quezon City

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HOUSE BILL NO. 4705

Introduced By Representative **ALLAN BENEDICT S. REYES**

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 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.*"

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
7 pedestrians to public transit, integrate human activity with the built environment and allow
8 for a continuous flow of movement, without interruption from vehicular traffic, stop lights
9 and pollution.

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

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

21
22 **SECTION 3. Elevated Walkways.** - There shall be designated elevated
23 walkways in all major public thoroughfares in high density urban areas, consisting of
24 enclosed or covered footbridges serving as exclusive access-ways for pedestrians,
25 under the parameters set forth in this Act.

26
27 Elevated walkways which utilize air rights above the road rights-of-way (RROWs),
28 being part of the public domain, shall be considered public spaces. Motor and non-motor
29 vehicles are prohibited from being driven or parked on all such walkways.

1
2 The design, purposes and specifications of elevated walkways to be established
3 under this Act shall be governed by the following standards:
4

- 5 (a) *Continuous flow*- Elevated walkways must maintain a continuous flow of
6 pedestrian movement throughout the day and night, allowing pedestrians to
7 move freely without vehicular congestion and interruptions from traffic lights
8 and intersections. Way-finding provisions and directional signage's shall
9 facilitate flow within the system;
10
- 11 (b) *High density*- The design and location of elevated walkways must maximize
12 the use of high density areas in order to relieve pressure from overcrowded
13 streets by catering to the largest percentage of pedestrians throughout urban
14 areas at any given time, displacing ground-level pedestrian movement to
15 several levels and enhancing movement within city centers;
16
- 17 (c) *Temperature control*- Elevated pedestrian routes must provide climatically
18 controlled continuous spaces, provide relief from extreme temperatures
19 associated with hot, humid and wet climates, distance pedestrians from
20 vehicular contact and adopt measures that maximize the use of shaded,
21 cool, open-air zones. Both passive cooling techniques and artificial ventilation
22 devices shall be used in a sustainable manner;
23
- 24 (d) *Connectivity* – Elevated walkways must be interlinked in a manner that
25 connects pedestrian movement to retail, residential, commercial and
26 business activities, as well as adopt essential access points that facilitate
27 pedestrian entry to and exit from ground (grade) level walkways;
28
- 29 (e) *Safety* – Elevated walkways must directly address issues of pedestrian safety,
30 including the separation of pedestrians from vehicular traffic, exposure to
31 natural hazards and compliance with disaster resilience and mitigation
32 standards;
33
- 34 (f) *Environmental Sustainability* – The Program must maintain adequate spatial
35 standards between the existing environment and all urban intervention under
36 this Act; address potential ground floor decay and abandoned space; provide
37 necessary safeguards and protection to walkway users who will be exposed
38 to both air and noise pollution and establish public address systems designed
39 to warn all users of encountering such pollution upon entering and using the
40 walkways. Energy and water conservation as well as solid waste management
41 shall be the key sustainability features of the system;
42
- 43 (g) *Social Inclusivity* – Elevated walkway networks must be socially inclusive by
44 addressing potential social separation caused by the introduction of aerial
45 walkways in areas of different income classes and by accommodating persons
46 with disability (PWDs) through the installation of structural and vertical access
47 facilities that reasonably enhance their mobility consistently with existing
48 disability laws, including, without limitation, *B. P. Blg. 344*, otherwise known as
49 the Magna Carta for Disabled Persons;
50

- 1 (h) *Right-of-Way Interfacing* – The design and establishment of elevated walkways
2 must consider affected portions of the road right-of-way and other key portions
3 of the public domain. Of particular importance are the interfaces with grade level
4 sidewalks allotted for exclusive use by pedestrians, for elevated walkway
5 supports/foundation and for the vertical access system; air rights directly above
6 the sidewalks; required space for connectors that shall utilize air rights above the
7 carriageway portion allotted for the exclusive use of vehicles using the road right-
8 of-way; connection of air rights above the sidewalks at opposite sides of the road
9 right-of-way; legal easements and their air rights along waterways in a manner
10 that would enable such easements to host elevated walkways consistent with of
11 P. D. No. 1067 (s. 1976), otherwise known as the Water Code and R. A. No.
12 10752, otherwise known as the “The Right-of Way Act”.
13
- 14 (i) *Vertical Access System* – As elevated walkways may have finished floor
15 elevations above sidewalk surfaces, vertical access systems shall be established
16 to connect the walkways to ground level pedestrians. Vertical access systems
17 established under this Act shall include, without limitation, elevators, stairs and
18 escalators that shall be gender-sensitive, socially-inclusive, elongated and
19 appropriately sloped and constructed in a manner that will not unduly constrict
20 connecting sidewalks. Sidewalks adjacent to elevated walkways shall give way
21 to pedestrian drop-off areas catering to public transport commuters and private
22 vehicle riders who desire to avail of vertical access systems to reach elevated
23 walkway systems;
24
- 25 (j) *Support facilities* – Elevated walkway systems shall include the construction and
26 maintenance of support facilities, such as bicycle parking lots, adequate lighting,
27 crime prevention facilities and well-lit patrolling space for law enforcement
28 personnel, closed-circuit television (CCTV) camera systems, access to
29 restrooms and adequate drainage. The maintenance of pedestrian infrastructure
30 and functional public spaces above the street level shall be a requisite for
31 sustainable elevated walkways;
32
- 33 (k) *Active policing* – Elevated walkway networks established under this Act must
34 provide for the administration of active policing and law enforcement coordination
35 to prevent obstructions and nuisances;
36
- 37 (l) *Adaptability to future technology* – Elevated walkway structures shall be designed
38 in ways that will render them adaptable to future technology and technological
39 capacity, including the capacity to be later fitted with walkalators to increase
40 pedestrian capacity; and
41
- 42 (m) *Expandability* – Elevated walkway networks must provide for both horizontal and
43 vertical expandability to accommodate increases in capacity.
44

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

1 this Act.

2
3 To promote the objectives of this Act, the DPWH, in cooperation with the Department
4 of Education, the Commission on Higher Education and affected local governments, shall
5 establish educational and awareness programs on elevated walkway safety and use,
6 general pedestrian safety, pedestrian infrastructure, health benefits, quality of life and
7 social and economic benefits of aerial walkways.

8
9 **SECTION 5. *Prohibited Acts.*** – The use of elevated walkways and vertical access
10 systems for commercial and personal purposes shall be prohibited. Such prohibited acts
11 include but are not limited to the following:

- 12
13 (a) Driving or parking motor and non-motor vehicles on all such walkways,
14 Including its vertical access points and drop-off areas;
15
16 (b) Alms or donation-seeking activities;
17
18 (c) Doing house chores such as washing clothes, hanging clothes and bathing;
19
20 (d) Repair of vehicles of all types;
21
22 (e) Dumping garbage;
23
24 (f) Sports, games and amusements;
25
26 (g) Use of walkway to instill pens or animals or keep animals in chains or tether;
27
28 (h) Holding picnics/ gatherings or storage of foodstuffs and beverages for such
29 Gatherings;
30
31 (i) Drinking liquor;
32
33 (j) Storing of junks and recyclable materials;
34
35 (k) Storage of construction materials for sale (pipes, tubing's, lumber, cement and
36 the like);
37
38 (l) House extension or stall/store extension including installation of roofs or
39 Awnings;
40
41 (m) Installation of temporary or permanent fences;
42
43 (n) Use of walkways for plants, trees and plant boxes;
44
45 (o) Signs or signboards above sidewalks and detached from the business
46 Establishments;
47
48 (p) Any other purpose which violate the standards enumerated in Section 3.

1
2 **SECTION 6. *Obstructions as nuisance per se.*** – Without prejudice to the
3 prosecution of prohibited acts defined under the immediately preceding section, all
4 obstructions along elevated walkways are hereby presumed or declared nuisances *per*
5 *se* and as such, are subject to summary abatement without need of judicial proceedings.
6

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

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

17 In addition, any person, corporation, trust, frim, 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)
20 which shall accrue to the National Treasury, or imprisonment of not more than 30
21 days, or both, at the discretion of the court. When the offender is a juridical entity,
22 the officers or agents responsible for the violation shall be meted with said
23 penalties.
24

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

30 The Secretary may enlist the assistance of other departments or
31 government agencies to carry out this section.
32

33 **SECTION 8. *Implementing Rules and Regulations.*** – Within thirty (30) days after
34 this Act takes effect, a committee composed of the following members shall be created
35 to formulate the draft implementing rules and regulations of this Act:
36

- 37 a.) The Secretary of DPWH, or an authorized representative, who shall serve as
38 chair of the committee;
39
40 b.) A representative from the Department of Transportation;
41
42 c.) A representative from the Department of Budget and Management;
43
44 d.) A representative from the National Economic and Development Authority;
45
46 e.) A representative from the Department of Environment and Natural Resources;
47
48 f.) A representative from the Metro Manila Development Authority;
49
50 g.) A professor from the University of the Philippines School of Urban and

1 Regional Planning;

2
3 h.) Two (2) representatives from non-government organizations which advocate
4 for alternative modes of transportation; and

5
6 (i.) Other representative of concerned entities and organizations as determined
7 by the committee as members.

8
9 Upon the release and consideration of the above draft implementing rules and
10 regulations and in no case beyond six (6) months after this Act takes effect, the Secretary
11 of DPWH shall promulgate and disseminate the implementing rules and regulations.

12
13 **SECTION 9. Appropriations.** – To carry out the provisions of this Act, such amount
14 as may be necessary is hereby authorized to be appropriated from the National Treasury.
15 Thereafter, the amount necessary for the continuous operation of the Program shall be
16 included in the annual appropriation of the DPWH.

17
18 **SECTION 10. Separability Clause.** – If any provision of this Act is declared
19 unconstitutional or invalid, other parts or provisions hereof not affected thereby shall
20 continue to be in full force and effect.

21
22 **SECTION 11. Repealing Clause.** – Any law, presidential decree or issuance,
23 executive order, letter of instruction, administrative order, rule or regulation contrary to or
24 in inconsistent with the provision of this Act is hereby repealed, modified, or amended
25 accordingly.

26
27 **SECTION 12. Effectivity Clause.** – This Act shall take effect fifteen (15) days after
28 its publication the *Official Gazette* or in the two (2) national newspaper of general
29 circulation.

30
31 *Approved,*