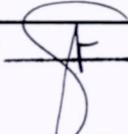




SENATE
S. No. 930

'19 AUG 20 A11 :16

Introduced by Senator Grace Poe

RECEIVED BY: 

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.

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.³ Studies show that high density, connectivity, and quality of life comprise the three topmost elements in maintaining a sustainable

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).

³ See Rotmeyer, *supra* note 1, at 294.

elevated walkway system.⁴ The ultimate goal is to create a safe, comfortable, well-connected quality of life above the ground (grade) level, reclaiming without killing the street.⁵

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.

Immediate approval of this measure is eagerly sought.



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⁴ *Id.* at 301.

⁵ *Id.*

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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"

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,
7 and allow for a continuous flow of movement, without interruption from vehicular
8 traffic, stop lights, and pollution.

9 It is likewise a policy of the State to establish elevated pedestrian networks
10 that 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
2 areal 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
15 to move freely without vehicular congestion and interruptions from traffic
16 lights and intersections. Way-finding provisions and directional signages
17 shall facilitate flow within the system;

18 (b) *High density* – The design and location of elevated walkways must
19 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
22 pedestrian movement to several levels, and enhancing movement within
23 city centers;

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

31 (d) *Connectivity* – Elevated walkways must be interlinked in a manner that
32 connects pedestrian movement to retail, residential, commercial, and

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

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

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

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

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

1 way; connection of air rights above the sidewalks at opposite sides of the
2 road right-of-way; legal easements and their air rights along waterways in
3 a manner that would enable such easements to host elevated walkways
4 consistent with of P.D. No. 1067 (s. 1976), otherwise known as the Water
5 Code, and R.A. No. 10752, otherwise known as the "The Right-of-Way
6 Act".

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

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

26 (k) *Active policing* – Elevated walkway networks established under this Act
27 must provide for the administration of active policing and law enforcement
28 coordination to prevent obstructions and nuisances;

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

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

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

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

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

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

- 1 (l) House extension or stall/store extension including installation of roofs or
2 awnings;
- 3 (m) Installation of temporary or permanent fences;
- 4 (n) Use of walkways for plants, trees and plant boxes;
- 5 (o) Signs or signboards above sidewalks and detached from the business
6 establishment;
- 7 (p) Any other purpose which violate the standards enumerated in Section 3.

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved,