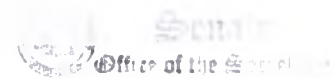


NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Third Regular Session

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24 JUL 10 P1:10

SENATE

S. No. 2727

RECEIVED BY:

Introduced by Senator Jinggoy Ejercito Estrada

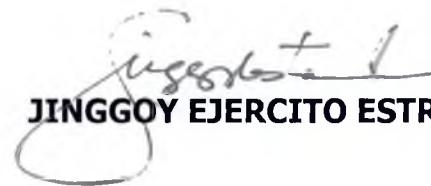
**AN ACT
PROVIDING FOR A MAGNA CARTA OF COMMUTERS**

Mobility and transportation are an integral part of economic development, allowing the movement of individuals and goods as well as access to essential services. Filipino commuters however, especially in urban areas, face a myriad of issues on their commute with regard to safety, comfort, and reliability. Among these issues are navigation overcrowded public transportation and nonexistent timetables. For many of the populace, taking public transportation is the only resort but this is made even more challenging by having to get up extra early to ensure that they get to catch a mode of transportation to get to school or work, or lining up for hours in the scorching heat or in torrential rain along roads. Apart from affecting the wellbeing of commuters, impacts on the increased demand of transportation include traffic congestion and road traffic accidental injuries and deaths.

This proposed measure seeks to provide a framework which will specify and uphold the rights of commuters, including ensuring adequate public transportation services that will meet the mobility requirements of commuters, reliable and affordable public transport services, infrastructure accessible to persons with disabilities and impaired movement, fair share of public road space, access to clean air quality during travel, among others.

It is imperative to uphold the rights of commuters to ensure access to safe, efficient, reliable, and cost-effective modes of transportation. This measure will not only allow for convenience in travel and mobility, but will also promote equality of opportunity.

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



JINGGOY EJERCITO ESTRADA

24 JUL 10 P1:10

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Introduced by Senator Jinggoy Ejercito Estrada

**AN ACT
PROVIDING FOR A MAGNA CARTA OF COMMUTERS**

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

CHAPTER I

GENERAL PROVISIONS

1 Section 1. *Short Title.* – This Act shall be known as the “*Magna Carta of*
2 *Commuters*”.

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 guarantee the rights of all sectors, including the commuter sector, to participate in the
5 policy and decision-making processes affecting their rights, welfare, and privileges.
6 Mobility is a basic human need. Commuters have the right to travel safely and
7 conveniently on reliable modes of transportation. Without mobility, citizens are unable
8 to access basic services such as education, employment, and healthcare, or enjoy
9 fundamental freedoms. Moreover, mobility should be enjoyed by people of all ages,
10 abilities, gender, and economic status.

11 The State also reaffirms the right of all citizens to participate in the policy
12 formulation, planning, implementation, management, monitoring, and evaluation of
13 all institutions, programs, projects, and services related to upholding the rights of
14 commuters.

15 In all decisions related to the provision of mobility infrastructure and
16 transportation services, the welfare of the commuter shall be the paramount objective.

1 While the interests of the transportation industry, private motor vehicle users, and
2 other stakeholders should also be considered any decision, these interests should be
3 secondary to the welfare of the commuting public.

4 To attain the foregoing policy, the State shall provide the necessary
5 mechanisms, human and financial resources, and legal measures to enable its citizens
6 to fully enjoy the rights embodied in this Act.

7 CHAPTER II

8 DEFINITION OF TERMS

9 Sec. 3. *Definition of Terms.* – For purposes in this Act, the following terms shall
10 mean:

- 11 a) *Active transport* refers to non-motorized means of travel, including walking
12 or using a bicycle;
- 13 b) *Activity Center* refers to a place in a city or municipality where people gather
14 regularly for work, worship, education, social events, trade, exercise,
15 leisure, or other common interests and purposes;
- 16 c) *Advance Notice* refers to the provision of early information regarding any
17 consultations with stakeholders, for which the period from the
18 announcement or delivery of the invitation to the consultation event will be
19 a minimum of ten (10) working days;
- 20 d) *Commuter* refers to a person that needs to travel from one place to another,
21 often using a combination of transportation modes to get to their
22 destination;
- 23 e) *Greenway* refers to a road, street, or path with ample greenery and shade
24 where private motorized transport is not allowed to welcome and encourage
25 environmentally sustainable transportation modes, especially walking and
26 cycling;
- 27 f) *High-Volume Transport Corridor* refers to walkways, paths, roads, bridges,
28 streets, or mass transportation terminals where the flow of people is at least
29 2,000 persons per hour per direction during peak travel periods;
- 30 g) *Mobility* refers to the ability of a person to travel from one place to another
31 to conduct daily and extraordinary activities and business;

- 1 h) *Mobility Infrastructure* refers to physical facilities, such as foot paths, bicycle
2 lanes, roads, public utility vehicle (PUV) loading and unloading bays, PUV
3 terminals, and public transport systems that support and enhance a person's
4 mobility;
- 5 i) *Private Motorized Transport* refers to motorized vehicles weighing more
6 than 100 kilograms; and
- 7 j) *Public Transport* refers to public sector and franchised private sector
8 services that transport people over land or water, including jeepneys, UV
9 Express, buses, minibuses, railways, ferries, taxis, and tricycles.

10 CHAPTER III

11 RIGHTS OF COMMUTERS

12 *Sec. 4. Right to Public Transportation Services that Meet Commuters' Mobility*
13 *Requirements.* – The State shall ensure that adequate public transportation services
14 are available to meet the needs of its citizens. Public transportation services and
15 infrastructure plans and programs should be prepared and updated on an annual basis
16 in order to satisfy the evolving mobility requirements in our communities, especially in
17 urban areas.

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

21 The State shall ensure that:

- 22 a) Every town and municipality will have a community-wide network of safe
23 sidewalks, bicycle lanes, and roads to enable travel around the city entirely
24 by foot, bicycle, or by other forms of light mobility;
- 25 b) Public Transport services are available within a 500-meter walk from any
26 residence or Activity Center in a city;
- 27 c) Public Transport services are connected to another public service within a
28 300-meter walk to promote seamless connectivity;
- 29 d) Public Transport services are in sufficient quantity and frequency so that
30 commuter waiting time at stops and terminals do not exceed 10 minutes
31 during peak demand periods;

- 1 e) Public Transport is accorded priority in the use of road space and traffic
2 signal operation so that it is able to traverse 15 kilometers within 1 hour,
3 including all scheduled stops;
- 4 f) Public Transport services are supported by properly equipped, adequately-
5 sized and well-maintained terminals and stops, with attention to the safety
6 and comfort of commuters;
- 7 g) Every road with a speed limit of over 20 kilometers per hour (kph) and under
8 60 kph shall feature dedicated pedestrian infrastructure, in the form of an
9 unobstructed walking path of at least 2.5 meters wide in each direction; and
- 10 h) Every road with a speed limit of under 60 kph shall feature dedicated bike
11 lanes which are wide enough to comfortably accommodate at least two (2)
12 bikes side by side.

13 The State shall ensure that Transport Services are inclusive, so that they are
14 accessible to persons of all ages and abilities. Public Transport infrastructure and
15 vehicles shall be designed and implemented so that persons with disabilities or special
16 needs are not excluded from their use.

17 The State shall ensure that in all renovations of existing infrastructure or
18 construction of new infrastructure, preserving or improving the travel time impact on
19 Public Transport, bicycles, and pedestrians shall be prioritized over preserving or
20 improving travel time impact on private motorized transport. The State shall generally
21 avoid the implementation of projects that produce a positive impact on the travel time
22 of users of private motorized modes at large expense to Public Transport, bicycles,
23 and pedestrians.

24 *Sec. 5. Right to Safe, Convenient, and Affordable Public Transport Services.* –
25 The State shall ensure that Public Transport services are safe, dignified, convenient,
26 comfortable, and reliable while remaining affordable to the general public.

27 Concessional or discounted fares shall be offered for disadvantaged or special
28 groups, such as students, senior citizens, and persons with disabilities. The State shall
29 provide subsidies to compensate for discounts offered to special or disadvantaged
30 groups.

31 The State shall reward the use of Public Transport through financial and non-
32 financial incentives to promote the frequent use of Public Transport. The State shall

1 ensure that it is more economical for commuters to use Public Transport more
2 frequently rather than less frequently.

3 The State shall ensure that it is more economical for commuters to use Active
4 Transport or Public Transport more frequently than to use private motorized transport.

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

10 The State shall promote safe and efficient driving behavior by Public Transport
11 drivers through mandatory trainings and more stringent licensing. All Public Transport
12 vehicles will be required to install electronic vehicle tracking devices and Closed-circuit
13 televisions that will enable concerned authorities to conduct real-time monitoring of
14 vehicle location, vehicle speed, and driver status. Dangerous on-street competition
15 and behavior among Public Transport drivers shall be eliminated through the removal
16 of any incentive for drivers that is related to ridership or fare revenue. Streets must
17 be designed in accordance with international best practices in road safety design to
18 reduce the occurrence of dangerous driving behavior.

19 *Sec. 6. Right to Infrastructure for Pedestrians, Cyclists, and Persons with*
20 *Disabilities.* – The State shall accord priority to the development of adequate sidewalks
21 and networks of bicycle lanes that encourage Active Transport and that provide safe
22 and direct access to priority destinations such as housing, education, and business
23 centers, as well as Public Transport nodes.

24 The State shall ensure that all Public Transport stops are accessible to persons
25 with disabilities and impaired movement. The State shall ensure that ease of access
26 by pedestrians especially at Public Transport stops and government facilities is
27 prioritized over mobility of private motorized transport.

28 The State shall ensure that safe and adequate walking and cycling
29 infrastructure is incorporated in the design and implementation of road transport
30 projects at national and local government levels. The State shall ensure that the
31 Comprehensive Land Use Plan of every city (and municipality) includes the
32 development of a city-wide network of safe sidewalks, bicycle lanes, and road lanes

1 to enable travel around the city entirely by foot, bicycle, or by other forms of light
2 mobility.

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

9 In cities and municipalities, the State shall ensure that the infrastructure of
10 each barangay includes:

- 11 a) Safe foot paths or sidewalks, free of obstruction, well-protected from
12 automobiles, compliant with universal design guidelines, and accessible to
13 pregnant women, elderly, and persons with strollers or wheelchairs;
- 14 b) Networks of greenways to encourage active transport modes (walking and
15 cycling);
- 16 c) Proper lighting on all roads and footpaths to allow safe travel even after dark;
- 17 d) Tactile paving on sidewalks of high-volume transport corridors for the benefit
18 of pedestrians who are visually-impaired;
- 19 e) Bicycle racks in every transportation hub or terminal and in every commercial,
20 community, and activity center; and
- 21 f) Safe intersections and pedestrian crossings such as provision of raised
22 pedestrian platforms, highly visible advance warning signages, adequate street
23 lighting, mid-crossing refuges, traffic calming for motorized vehicles and curb
24 outstands to reduce road pavement crossing width.

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

30 The State shall adopt the Vision Zero in road safety and ensure that road crashes
31 are eliminated particularly those of vulnerable road users. The State shall implement
32 a comprehensive road safety program and will allocate funding to implement activities

1 under the five pillars of the Philippine Road Safety Action Plan, namely: Road Safety
2 Management, Safer Roads, Safer Vehicles, Safer Road Users, and Post-Crash
3 Response. The State shall also create a National Road Safety Unit under the
4 Department of Transportation (DOTr) and shall also implement a national road crash
5 database for effective road safety planning.

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

13 Because roads are a scarce public asset, the State shall ensure that road space is
14 prioritized for modes of travel, such as public transport, walking, cycling, that move
15 more people and maximize the productivity and social benefit of the public asset. The
16 planning and design of roads must prioritize the needs of private motor vehicles. Public
17 Transport shall have priority use of road space over private motor vehicles.

18 The State shall ensure that there will be no private appropriation of public road
19 space and foot paths for parking, commerce, or other activities that will restrict public
20 use of, or access to, the road.

21 *Sec. 8. Right to Breathe Clean Air during Travel.* – The State shall take
22 measures to ensure that commuters are able to travel using Public Transport or active
23 transport (walking or cycling) without compromising their health.

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

28 The State shall provide programs which reduce the volume of motorized vehicles
29 to reduce vehicle-related pollution emissions. The State shall also provide facilities and
30 programs which support and incentivize the use of cleaner alternative fuels.
31 Recognizing that non-exhaust emissions make up a significant portion of total pollutant
32 emissions and that the levels of such emissions are dependent on vehicle weight, the

1 State shall provide programs that encourage the reduction of average vehicle weight
2 and encourage citizens to commute using cycling or other lighter vehicles.

3 The State shall measure air quality along the major transport corridors in all cities
4 and municipalities and provide this information to the public in real time. When air
5 quality exceeds safe levels according to internationally-accepted standards,
6 particularly from the World Health Organization, the State shall activate emergency
7 procedures with the aim of reducing the exposure of the public, especially the young
8 and the elderly, to unclean air.

9 *Sec. 9. Right to Information for Efficient and Convenient Travel.* – The State
10 shall provide timely and adequate information so that commuters are able to make
11 good travel plans and choices about modes and routes. The State shall make publicly
12 available information on all Public Transport services, including route maps, fares,
13 schedules, and real time vehicle location and availability, for the convenience of
14 commuters. The State shall ensure that such information is prominently displayed at
15 all stops of public transport services and at other locations deemed necessary or
16 beneficial to commuters.

17 The State shall establish technical standards and regulation for the display of
18 street maps at strategic locations in each neighborhood, for the reference of residents
19 and visitors.

20 The State shall ensure that, at all ports and terminals, a 24-hour information or
21 assistance counter will be available to serve the needs of travelers.

22 The State shall establish a National Transport Data and Planning Center
23 (NTDPC) which will collect and process the mobility data for evidence-based transport
24 planning which can quickly adapt to the evolving mobility requirements in our
25 communities. The NTDPC shall ensure that data in aid of policy and research on
26 mobility be open and available to the public. The data shall include reliable and
27 accurate road crash data, air pollution levels, public transport routes, and travel time
28 information, among others.

29 *Sec. 10. Right to Special Attention during Service Breakdowns and to*
30 *Compensation for Deficiencies in Service.* – The State shall ensure that in case of a
31 breakdown in a Public Transport service, passengers shall be entitled to receive from

1 the transport operator a full refund of the fare and assistance in securing onward
2 journeys.

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

6 Sec. 11. *Right to Representation and Participation.* – The State shall ensure
7 that the welfare and interest of commuters are considered in all decision-making
8 related to mobility and transportation services. To this end, commuters have a right
9 to advance notice and information on any proposed policy, regulation, project, or
10 service at local or national level that affect their mobility, including full details on how
11 they will be affected by the proposed initiative. Affected commuters have a right to
12 provide their comments and suggestions of the proposed initiative. Affected
13 commuters must receive a response to such comments from the concerned public
14 official within twenty (20) working days.

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

20 CHAPTER IV

21 INSTITUTIONAL MECHANISMS

22 Sec. 12. *Establishment of the Office of Commuter Affairs.* – An Office of
23 Commuter Affairs shall be established at the DOTr at the national level, as well as in
24 all city and municipal government units. The Office of Commuter Affairs shall be under
25 the direct supervision of an Assistant Secretary at the national level, and a city or
26 municipal administrator at the local level.

27 Sec. 13. *Functions and Responsibilities of the Office of Commuter Affairs.* – The
28 Office of Commuter Affairs shall be tasked to perform the following functions and
29 responsibilities:

30 a) Coordinate with the respective government agencies dealing with
31 transportation policy to ensure safe, efficient, and comfortable travel of
32 commuters;

- 1 b) Operate Help Desks for the riding public;
- 2 c) Assist commuters whenever the safety and efficiency of travel is
- 3 compromised;
- 4 d) Undertake massive commuter education programs for the travelling public
- 5 to know their rights and responsibilities;
- 6 e) Ensure legal assistance for commuters, when necessary; and
- 7 f) Ensure adequate representation of commuters in any public consultation
- 8 that will impact on the welfare and interest of commuters.

9 Sec. 14. *Penal Provisions.* – Any person or government agency who has been

10 found to have violated any of the provisions of this Act shall be fined not less than

11 Two hundred thousand pesos (P200,000.00), but not more than Five hundred

12 thousand pesos (P500,000.00).

13 If the offender is a public official, they shall be dismissed from government

14 service, in addition to the penalties above stated.

15 Sec. 15. *Implementing Agencies.* – The DOTr, the Department of Public Works

16 and Highways, the Department of the Interior and Local Government, Metropolitan

17 Manila Development Authority, DENR, DTI, and concerned LGUs shall be the

18 implementing agencies for this Act, with DOTr as the lead implementing agency with

19 responsibility for coordinating and monitoring all implementation activities.

20 The State shall ensure that the core concepts of this framework is integrated

21 in the annual government budget process. The State shall ensure that compliance with

22 the provisions of this Act are included in the annual performance targets of all relevant

23 agencies.

24 The State shall ensure that the Implementing Agencies will annually be

25 allocated budget to strengthen organizational capacities and to sufficiently fund the

26 establishment and operations of the NTDPC, the Offices of Commuter Affairs, and

27 other related offices.

28 The State shall ensure that relevant technical standards, guidelines, and

29 manuals of national and local agencies are amended to incorporate all requirement

30 under this Act.

31 Sec. 16. *Implementing Rules and Regulations.* – Within one hundred and eighty

32 (180) days from the effectivity of this Act, the DOTr and other implementing agencies

1 will prepare the IRR of this Act, with the participation of non-government
2 organizations, civil society organizations and academic institutions that champion the
3 welfare of commuters, when applicable.

4 Sec. 17. *Separability Clause.* – Should any provision herein be declared
5 unconstitutional, the other provisions not affected shall remain in full force and effect.

6 Sec. 18. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or
7 other issuances or parts inconsistent with the provisions of this Act are hereby
8 repealed, amended, or modified accordingly.

9 Sec. 19. *Effectivity.* – This Act shall take effect fifteen (15) days after its
10 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,