



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD
Lungsod Mandaluyong

ORDINANCE NO. 838, S-2021

**AN ORDINANCE ESTABLISHING A NETWORK OF
BICYCLE LANES AND IMPROVED PEDESTRIAN
WALKWAYS TO SUPPORT THE ALTERNATIVE
MOBILITY OF MANDALUYONG CITY**

WHEREAS, Section 15, Article II of the 1987 Constitution provides that "[t]he State shall protect and promote the right to health of the people and instill health consciousness among them;"

WHEREAS, Section 16, Article II of the Constitution provides that "[t]he State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;"

WHEREAS, Section 11, Article XIII of the Constitution provides that "[t]he State shall adopt an integrated and comprehensive approach to health development [..];"

WHEREAS, by virtue of Section 16 or the General Welfare Clause of Republic Act No. 7160 (1991) or the "Local Government Code of 1991," local government units ("LGU") are granted the authority to exercise powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

WHEREAS, through the General Welfare Clause of the Local Government Code ("LGC"), LGUs are mandated to promote the health and safety of the people within their respective territorial jurisdictions;

WHEREAS, included in the provision of basic services and facilities under Section 17 of the LGC is to ensure the safety and effective management of the LGU's transportation sector and its allied industries;

WHEREAS, the World Health Organization encourages the use of bicycles or walking during the COVID-19 pandemic as this provides the physical distancing while helping meet a person's minimum requirement for daily physical activity;

WHEREAS, pursuant to provisions of Republic Act No. 8749 or the Philippine Clean Air Act of 1999, its Implementing Rules and Regulations under Rule IV Section 1, item C, directs us to "Focus primarily on pollution prevention rather than on control and provide for a comprehensive management program for air pollution, such as the promotion of non-motorized transport, emphasis on public transport and travel demand measures.";



WHEREAS, the Philippine National Environmentally Sustainable Transport Strategy states that "the realization of walkable and cycling friendly cities is an overall vision for non-motorized transport" and that priority strategies for non-motorized transport promotion are to "develop policies and guidelines for pedestrian-and cycling-inclusive land use planning" and "provide non-motorized transport (NMT) facilities;"



WHEREAS, Section 447 (5) (v) and (vi) of the Local Government Code of 1991 empowers the Sangguniang Panlungsod to 'xxx (v) regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places and approve the construction, improvement, repair and maintenance of the same; (vi) regulate traffic on all streets and bridges, prohibit the putting up of encroachments or obstacles thereon, and when necessary in the interest of public welfare, authorize the removal of encroachments and illegal construction in public places [...];'



WHEREAS, bicycles are considered as one of the major modes of transportation in Mandaluyong City that is (i) cheaper, (ii) economical to maintain, and (iii) releases no harmful elements to the environment making it as the most environment-friendly mode of transport;



WHEREAS, to assure the protection of bicycle riders against accidents, there is a need to designate lanes for their exclusive use, especially in the major streets in the City of Mandaluyong;



WHEREAS, in compliance to the Department of the Interior and Local Government ("DILG") Memorandum Circular No. 2020-100 dated 17 July 2020 setting guidelines for the establishment of a network of Cycling lanes and walking paths to support people's mobility;



WHEREAS, the Joint Administrative Order No. 2020-0001 dated August 19, 2020 of the Department of Health, Department of Transportation ("DOTr"), DILG, and Department of Public Works and Highways ("DPWH"), setting the Guidelines of the Proper Use and Promotion of Active Transport During and After the COVID-19 Pandemic;



WHEREAS, the City of Mandaluyong is to set its program to promote, support and sustain the active transport establishing a network of active mobility along its jurisdiction; and



WHEREAS, the City is aware of and remain committed on its mandate to ensure efficient flow of traffic in the City and health and safety of all commuters and resident alike.

NOW, THEREFORE, BE IT ORDAINED, as it is hereby ordained by the Sangguniang Panlungsod of Mandaluyong City, in session duly assembled:



ARTICLE I General Provisions

Section 1. Title – This Ordinance shall be known as the “Active Transport Mobility Act of Mandaluyong City”.

Section 2. Declaration of Policy – It is hereby declared the policy of the City Government of Mandaluyong to promote active transport and set the framework and guidelines for alternative mobility permanently on the surrounding or adjacent road network and to plan and implement measures to prevent, alleviate, or mitigate its adverse effects, if any, to ensure order, safety, convenience, comfort and general welfare of the public.

Further, it is the policy of the City of Mandaluyong (“City”) to promote the active, safe, and efficient mobility of all people within its jurisdiction. Towards this end, the City shall adopt:

- a. A healthy approach to people’s mobility, where active and healthy modes of transport through increased physical activity are promoted and institutionalized in the City; and
- b. A people-oriented road network and design, such that safe efficient, and convenient mobility pedestrians, cyclists, and other vulnerable road users are prioritized over the mobility of private motor vehicles.

Section 3. General Objectives – This Ordinance seeks to:

- a. Provide people on bicycle and light mobilities with direct access to the entire City and essential service establishments, such as, but not limited to: (i) hospitals; (ii) public markets; (iii) schools; (iv) transport terminals; (v) government centers and offices; (vi) historical and heritage sites; and (vii) local tourist destinations. Direct access means that the preservation of direct routes for bicycles and light mobilities shall be preferred over the diversion of bicycle traffic in favor of reduced travel time for motor vehicles;
- b. Provide pedestrians, cyclists and other vulnerable road users, such as the elderly and those living with physical disability, with safe, efficient, convenient, and just access to the streets within the City;
- c. Ensure that the vulnerable road users, during their transport experience, are safe and protected from any road-related injuries that may involve higher-speed motorized vehicles;
- d. Promote healthy and active transport methods to commuters and other daily road users, without compromising the safety, comfort, ease, and time or duration of travel; and
- e. Provide a safe allotted area in the City’s thoroughfare setting regulations and guidelines for the protection and security of active transport users.

Section 4. Definition of Terms – The following, when used in this Ordinance, shall mean:

- a. Active transport – includes non-motorized forms of transport involving physical activity, such as walking and cycling. It also includes public transport for long distance trips.
- b. Bicycle – shall refer to any two-wheeled vehicle propelled solely by human force, a non-motorized vehicle consisting of a light frame mounted on two wheels, one behind the other, and having a seat, handle bars for steering, brakes and two pedals, propelled entirely by human energy or with assistance of an electric motor and batteries.
- c. Bicycle lane – shall refer to a path established for the exclusive use of bicycles including pedicabs propelled by human power but excluding pushcarts and animal-drawn vehicles. For all designated road and bridges for the purpose the minimum width to be adopted for a unidirectional bike lane shall be at least two (1.5) meter or more depending on availability of road space.
- d. Commuter – shall refer to any person who travels from one place to another, often using a combination of transportation modes to get to his/her destination.
- e. Motorized transport – shall refer to motorized vehicles weighing more than 100 kilograms ("kg")
- f. Pedestrian – shall refer to any person on foot who uses the shared paths or sidewalks.
- g. Pedestrian lane – shall refer to a portion of thoroughfare intended for use by pedestrians.
- h. Roadside friction – shall refer to roadside activities on the road segment that impact traffic.
- i. Road – shall refer to streets or highway.
- j. Sidewalk – shall refer to portion of the road for pedestrian's exclusive use, walking paths.
- k. Light Mobility – refers to travel using electronic assisted vehicles weighing not more than 100 kg.
- l. Grade separated – refers to raised bicycle lanes, made of different paving materials, and/or pavement markings, which can be shared with sidewalks, that provides separation and protection from motorized transport.
- m. Object separated – refers to bicycle lanes that are built at the same level as the surface of the street, where physical separation element (e.g curb, planter, flex delineators) is installed.

- n. Walking paths – shall refer to pathways which can be used by pedestrians.

ARTICLE II
Active Transport Office

Section 5. Active Transport Office – The City Government shall establish an Active Transport Office “ATO” under the Office of the Mayor which shall be anchored on a sound transportation planning practice.

Section 6. Organization – The ATO shall be composed of the following:

- a. Office Head, with the following qualifications:
 - i. At least 2nd year college/associate degree, completed relevant training, 3-year relevant experience;
 - ii. Career Service Professional – Salary Grade (“SG”) 22;
 - iii. Bicycle user; and
 - iv. At least two (2) years of experience in traffic management or transport planning.
- b. Inspector/Supervisor with the following qualifications:
 - i. At least 2nd year college/Relevant training, 1-year relevant experience;
 - ii. Career Service Professional - SG9; and
 - iii. Bicycle User.
- c. Secretary with the following qualifications:
 - i. At least 2 years college, 8 hours relevant training, 2-year relevant experience;
 - ii. Career Service Sub-professional - SG9
- d. Encoders with the following qualifications:
 - i. At least 2nd year college;
 - ii. Bicycle user;
 - iii. Knowledgeable in data encoding, QR code applications, software applications, and automated reporting tools; and
 - iv. Career Service Sub-professional - SG7
- e. Auxiliary Aide team members with the following qualifications:
 - i. At least High school graduate;
 - ii. Bicycle user;

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- iii. Able to conduct safety briefings and trainings, undergo traffic and Active Transport implementing rules, physically able to conduct long bicycle rides and patrols; attended OVR Seminars to implement Traffic Code Ordinance; and
 - iv. SG-3.

Section 7. Function of the ATO – The ATO shall be charged with the following duties and responsibilities, among others:

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- i. Ensure the bicycle lanes are free of obstructions; constant conduct of patrols and safety checks; traffic diversion in case of emergency; and maintenance and management of the active transport provisions.
 - ii. Implementation of Active Transport Vehicle Registration.
 - iii. Recommendation for the development of the Active Transport System.
 - iv. Maintain infrastructure provisions such as bike repair stations.
 - v. Implement ATO regulations and route signages.
 - vi. Implementation of Ordinance No. 600 S-2015 entitled, "An Ordinance Mandating Shopping Malls, Commercial Establishments, Schools, Barangay Halls, Government Offices and the Metro Rail Transit to Designate Convenient and safe Parking Facilities such as Bicycle Racks and Hooks."

ARTICLE III
Active Mobility Committee



Section 8. Active Mobility Committee – The local Active Mobility Committee ("Committee") is hereby convened, or an equivalent among the existing local committees hereby designated, to identify, establish, and maintain a bike lane network, as well as develop and maintain pedestrian walkways. The Committee to be constituted, convened, and/or designated by the City Mayor, shall be composed of the following:

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- i. Chairperson – Local Chief Executive or deputy;
 - ii. Secretary – Legal Officer;
 - iii. Engineer;
 - iv. Planning and Development Officer;
 - v. Budget Officer;
 - vi. Traffic Officer;

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- vii. Health Officer or representative;
 - viii. One (1) representative from and selected by the Sanggunian;
 - ix. One (1) representative from the Sanggunian Kabataan;
 - x. One (1) representative from the local cycling group;
 - xi. One (1) representative from the persons with disability group;
 - xii. One (1) representative from the women's group; and
 - xiii. One (1) representative from the senior citizens group.

A quorum of the Committee shall be composed of a simple majority of all voting members. The Chairperson shall vote only in case of a tie.



Section 9. Functions of the Committee – The Committee shall lead the development of the Bicycle Lanes Network Master Plan, which shall be consistent with the LGU's existing Local Public Transport Route Plan ("LPTRP"). For this purpose, the Committee shall: (a) determine sections of existing roads that may be developed into a continuous bicycle lane and pedestrian walkway network; (b) adopt traffic engineering solutions that will complement and support safe biking and walking; (c) identify local budget items for the development of bike lanes and improvement of walking paths; (d) approve the technical specifications prepared by the LGU engineer or other such entity assigned, in order to facilitate procurement or other administrative processes, as may be required; (e) initiate communication and education campaigns promoting the proper use of cycling and walking facilities; and (f) regularly oversee monitoring activities related to implementation of this Ordinance.



Section 10. Active Transport Registration System – Every bicycle owner residing permanently or temporarily in Mandaluyong City may register their bicycles with a registration system to be established by the ATO.



ARTICLE IV Bicycle Lane Networks and Pedestrian Walkways



Section 11. Designated Active Transport Lanes– The following areas are the designated Lanes with the secondary streets and residential areas open for use:



1. Shaw Boulevard;
2. General Kalentong Street;
3. Ortigas Avenue;
4. Boni Avenue;
5. Martinez Avenue;
6. Barangka Drive;

7. D.M. Guevarra;
8. Nueve De Febrero;
9. Acacia Lane; and
10. Fabella Road.

Please refer to the attached Map.

Section 12. Complementary Traffic Engineering and Infrastructure Solutions – The City, through the ATO, in coordination with the Committee, shall adopt traffic engineering solutions that will prioritize, complement, and support safe and efficient biking and walking. Any such solution shall (a) be supported by an appropriate traffic study conducted by the Committee, and/or (b) form part of the LGU's LPTRP.

Section 13. Bike Lane and Sidewalk Designs – The design of bike lanes and sidewalks must comply with the design standards provided by the DOTr and the DPWH. These standards must take account for safety, social distancing measures, operating speed, volume and composition of traffic and carriageway width of the roadway.

Section 14. Traffic Signages – To ensure the safety of all road users, appropriate traffic lights and signages shall be installed to indicated bicycle lane and motor vehicle lane signals, speed limits, and other traffic rules. The same shall indicate the beginnings and ends of special road categories. Where traffic lights and/or signages cannot be installed, traffic enforcers must be deployed for the purposes of these rules.

1. Active transport lanes are unidirectional, traffic flow follows the motor vehicle course, always ride on the right.
2. Obey traffic regulations, traffic signs and traffic signals in intersections, following motor vehicle flow.
3. Standard safety gears; helmet, reflectors are basic gears; other safety gears are encouraged.
4. Prioritize pedestrian lanes.
5. Travel in straight line, U-Turn is not allowed; to change to the opposite direction, user shall dismount their vehicle and cross the pedestrian lane.
6. In making a left turn, in approaching an intersection, riders shall position in the innermost left to make the turn.
7. Maximum speed is 25 kilometers per hour.
8. Counter-flowing is prohibited.

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9. Reflectorized vest, and/or shirts with reflectors and or flashers are compulsory at night and low light conditions.
 10. Hand signals are a must.
 11. Strictly no parking and obstruction along the designated bike lanes. In the absence of sufficient road space, bike lanes may be used as temporary loading and unloading of PUVs in designated zones by the TPMD for not more than 10 seconds.

Section 15. Auxiliary Programs, Projects, and Activities – The City, through the ATO, in support of the implementation of the bicycle lane and pedestrian walkway networks, shall endeavor to:

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- a. Install safe, sufficient, and proper bike use facilities, such as bicycle parking spaces, bike racks, and shower and change rooms in strategic locations accessible to cyclist, including, but not limited to government centers and public establishments.
 - b. Develop incentive mechanisms to encourage private entities, office establishments, and commercial buildings to provide the same bike use facilities to promote active transport among their clients and employees.
 - c. Develop and implement a local bike sharing program, to encourage active transport within the City.
 - d. Invest in and strategically distribute free bike units and accessories to local government employees and students in local public schools.
 - e. Implement training and information campaigns, programs, project, or activities which educate citizens on road safety and proper etiquette for walking, biking, and driving, and promote healthy lifestyle and active transport.



Section 16. Emergency Services – Emergency medical services shall be made available by the LGU for all road users, including cyclists and pedestrians, in case of road collisions.



ARTICLE V Enforcement and Penalties



Section 17. Penalties – Any violation of the provisions of this Ordinance and other existing rules relative to the implementation of the bicycle lane and pedestrian walkway networks, including violations on the use of the designated Active Transport lanes (Bike lanes) shall be penalized of a fine of:





First Offense	PhP100.00
Second Offense	PhP300.00
Third Offense	PhP500.00



Section 18. Enforcement – The Auxiliary Aide of the ATO are the authorized persons to fine violators in relation to this Ordinance.

ARTICLE VI
Monitoring

Section 19. Reporting and Monitoring – The City, through the ATO and in coordination with the Committee, shall regularly monitor the implementation of the bicycle lane and pedestrian walkway networks, and other indicators related to components of this Ordinance. Feedback from the public shall be incorporated into the monitoring process. Monitoring data shall be consolidated by the Committee and reported on a regular basis by the City to the relevant National Government Agencies (“NGA”).

ARTICLE VII
Appropriations



Section 20. Appropriations – The funding necessary to implement the provisions of this Ordinance, to establish and maintain bicycle lanes, to improve sidewalks, and to implement other related programs may be sourced from the following, in order of priority:



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- LGU's annual Internal Revenue Allotment;
 - Total collections from penalty fees incurred through road users' violation of traffic rules related to bicycle lane and use;
 - Local parking levies;
 - National Government subsidies to related programs, projects, and activities through the relevant agencies; and/or
 - Supplemental funding requests from NGAs.
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Article VIII
Final Provisions

Section 21. Implementing Rules and Regulations. – The City Mayor, in coordination with ATO and Committee, may issue appropriate Implementing Rules and Regulations, as necessary in the proper implementation of any and all provisions of this Ordinance.

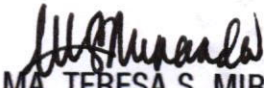
Section 22. Separability. – If any provision of this Ordinance or the application of such provision is declared unconstitutional or invalid, the remainder of this Ordinance or the application of such provision unaffected by such unconstitutionality and invalidity shall not be affected.

Section 23. Repealing Clause – Any Ordinance or any provision thereof, inconsistent with or contrary to the provisions of this Ordinance is hereby repealed.

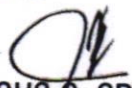
Section 24. Effectivity Clause – This Ordinance shall take effect after approval and after thirty (30) days following its complete posting and publication in a newspaper of general circulation in Metro Manila.

ENACTED on this 9th day of August, 2021 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS
ENACTED AND APPROVED BY THE SANGGUNIANG
PANLUNGSOD OF MANDALUYONG IN A REGULAR SESSION
HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:


JESUS C. CRUZ
City Councilor &
Acting Presiding Officer

APPROVED:


CARMELITA A. ABALOS
City Mayor

Date: AUG 23 2021