



Republic of the Philippines
Tangapan ng Sangguniang Panlungsod
2/F City Hall Bldg., J. Miranda Ave., Con. Peq., Naga City
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ORDINANCE NO. 2017-030
XXXXXXXXXXXXXXXXXXXXXXX

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS FOR THE USE AND PROMOTION OF BICYCLES IN THE CITY OF NAGA, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, APPROPRIATING FUNDS AND FOR OTHER PURPOSES:-

Hon. Nelson S. Legacion, Vice Mayor
Hon. Joselito Del Rosario, Councilor
Authors

EXPLANATORY NOTE

Bicycles are environment-friendly and cost-efficient mode of transportation. It should be promoted not only for sports and recreation but also as a primary alternative for cars and motorcycles.

Aside from this, the use of bicycles may also stimulate robust equitable and sustainable economic development. Bicycle tourism can attract visitors and spur growth. They can also help decongest traffic and, thus, significantly eliminate or, at least, reduce losses in travel time and opportunity costs.

With this, it is imperative that the city promotes the use of bicycles. Regulations are also needed to be laid down in order to ensure the effective advancement of the goals of the city government to create a bicycle-friendly city. Thus, the passage of this ordinance is necessary.

Be it ordained, therefore, by the Sangguniang Panlungsod of the City of Naga that:

Article 1
Preliminaries

SECTION 1. Title. This ordinance shall be known as the "Naga Bicycle Ordinance".

SECTION 2. Declaration of Policy. It is hereby the declared policy of the City Government of Naga to:

a. Recognize the right of cyclists to safe road conditions and comfortable bicycling environment as well as the city's corresponding obligation to provide them thereof including the necessary facility as it does for other road users;

b. Promote cycling as a convenient, inexpensive, and sustainable mode of transportation; and

- c. Promote cycling as a means to promote health, sports, and recreation as well as love for Mother Earth.

SECTION 3. Definition of Terms. For purposes of this ordinance, the following terms shall mean as follows:

- a. Bicycle/Bike - a non-motorized vehicle propelled by human power consisting of a light frame mounted on two wire-spiked wheels one behind the other and having a seat, handlebars for steering, brakes, and two pedals;
- b. E-bike - or electric bicycle which is also known as booster bike is a bicycle with an integrated electric motor which can be used for propulsion;
- c. Cyclist - a person who rides a bicycle;
- d. Cycling - also called bicycling or biking is the use of bicycles for transport, recreation, exercise or sport;
- e. Bicycle/Bike Lanes - areas designated as lanes for the passage of bicycles/bikes that alert all road users that a road or portion of a roadway is for the primary, if not exclusive, use by cyclists.

Article 2

Use and Promotion of Bicycles

SECTION 4. Use of Bicycles. The following shall be the duties and obligations of a cyclist:

- a. Register his bike and secure the necessary license from the City Treasurer's Office;
- b. Obey all traffic rules and regulations;
- c. Equip bike with brakes as well as light bulb in front and blinker on the rear if to be used during night time;
- d. Wear the appropriate bike safety gears;
- e. Keep at least one hand on the handlebar of the bicycle at all times;
- f. Make the appropriate hand signals in every turn which shall be given not less than 100 feet from turn;
- g. Yield the right-of-way to all traffic on a roadway whenever entering or about to enter or to cross a roadway;

- h. Exercise proper precautions upon observing any child, person with disability, or senior citizen upon a road, especially on pedestrian crossing;
- i. Take the designated bike lane at all times except on the following circumstances:
 - 1. When preparing for a turn at an intersection or into a private road or driveway; and
 - 2. When reasonably necessary to leave the bike lane to avoid debris or hazardous conditions;
- j. Ride as near as practicable to the right curb or edge of the roadway when there is no designated bike lane except as follows:
 - 1. The cyclist is preparing to turn left at an intersection or onto a private road or driveway;
 - 2. A condition on the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard, prevents the cyclist from safely riding next to the right curb or edge of the roadway;
 - 3. The cyclist is riding in a lane in which the traffic is turning right but he/she intends to go straight through the intersection.

SECTION 5. Bike Club/Organization. Any Naga-based bike club/organization in active operation for at least one (1) year may be registered and accredited by the Sangguniang Panlungsod upon compliance with Ordinance No. 95-092.

Said bike club/organization shall be classified according to their primary objective of promoting bicycle use, to wit:

- 1. For transport;
- 2. For sports and tourism; and
- 3. For health and wellness.

All bike clubs/organizations are encouraged to organize themselves into a federation for purposes beneficial to its members.

SECTION 6. Bike Tourism. The Arts, Culture, and Tourism Office (ACTO) and/or such office as the City Mayor may designate shall establish and implement a program that will enable the City of Naga to be a Bike Travel Friendly City.

The Bike Program shall include, among others, the following:

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1. Production and distribution of printed, audio-visual and digital information materials that will promote the safe and habitual use of bicycles;
2. Conduct of seminars, competitions and other events that will raise the awareness and enthusiasm on the use of bicycles; and
3. Partnership with travel and tour operators and other tourism establishments in coming up with bike stations and bike tours in the City of Naga.

The necessary budget for implementation of the program shall be incorporated in the office's annual budget.

SECTION 7. Educational Program. The same office, in coordination with the Public Safety Office, shall establish an educational program to increase awareness on bike safety and road sharing. The program shall be designed for traffic enforcers, motorists, cyclists, and the commuting public. The program shall include:

- a. Cycling rules;
- b. Benefits of the use of bicycles;
- c. Bicycle maintenance;
- d. Children's bicycle certification;
- e. Driver's education;
- f. Speed Limits in National and Local Roads.

SECTION 8. Bike to Work Program. To further promote bicycling, preserve the environment and enhance the psychical fitness of city employees, the City Government of Naga shall devise and implement a Bike to Work Program. This program shall include: (a) provision of a bicycle loan window for city government employees, excluding its elective officials, (b) construction of shower rooms, and (c) others as may be conceptualized, adopted and implemented by the Office of the City Mayor or such other office he may designate.

The loans shall bear **zero interest**. Payment thereof shall be automatically deducted from the monthly salaries of the employee-beneficiaries.

Barangays are encouraged to adopt a similar program for their officials and personnel.

Private establishments shall also be urged to establish the same program for their employees. A Memorandum of Agreement between the City Government of Naga and said

enterprises may be entered into in order to lay out possible arrangements and/or incentives to cooperating firms.

SECTION 9. Bike to School Program. To increase access to education of the poor and marginalized, especially those living in far-flung areas, as well as to instill to the future generation the habit of cycling, the Education, Sports and Scholarships Office (ESSO) is hereby mandated to forge a close collaboration and strategic partnership with the Department of Education in implementing a Bike to School Program.

Such amount as may be necessary for the implementation of the aforesaid program shall be included in ESSO's annual appropriation.

SECTION 10. Bicycle Month. November is hereby declared Bicycle Month when main programs for the promotion and use of bicycles shall be highlighted. For the same purpose, **LESS CAR DAYS** shall also be implemented in the month of November on dates, at streets and in a manner to be identified, recommended and approved by the Bicycle Board herein created.

Article 3 Cycling Infrastructure

SECTION 11. Bicycle Lanes. There shall be designated bicycle lanes for both bike and e-bike of about one and a half (1.5) meters in all national roads within the territorial jurisdiction of Naga and in all city primary and secondary roads that shall:

- a. be clearly distinguished or identified as such by a stripe, bicycle symbol and signage; and
- b. serve as exclusive access for cyclists if they are separated by physical barrier between persons on bicycles and moving cars.

The City Engineer, in coordination with the Department of Public Works and Highways insofar as national roads are concerned and the Public Safety Office as regards city roads, shall be responsible for the designation and maintenance of the appropriate bike lanes.

SECTION 12. Bicycle Parking. The City shall provide bicycle parking with bicycle racks and iron hooks in appropriate public places, public schools and government offices within its jurisdiction. To ensure their safety and to guard against possible theft, bicycle parking shall be located near police stations, police or tanod outposts, and/or in highly visible and well-lighted areas with duly installed CCTV cameras.

Private schools, major business establishments, especially malls, banks, restaurants, hospitals, and the

like, are highly urged to provide similar facility. A Memorandum of Agreement between the City Government of Naga and said private enterprises may be entered into in order to set out guidelines and specifications for the bicycle parking and lay out, if possible, arrangements to cooperating firms.

Bicycle parking area shall be in accordance with the specifications laid out in Ordinance No. 2008-068 (Naga City Bicycle and Motorcycle Area Ordinance).

SECTION 13. Support Facilities. In addition to the bicycle lanes and bicycle parking areas, support facilities shall be established to ensure that cyclists and their bicycles can travel safely and avoid the possibility of collision with pedestrians. These facilities include, but are not limited to, the following:

- a. Sidewalk improvements;
- b. Pedestrian and bicycle crossing improvements;
- c. Traffic signages pertaining to bicycles; and
- d. Bicycle Boulevards.

SECTION 14. Bicycle Park. A bicycle park shall hereby be established.

The site development plan of the bike park shall be presented to and be approved by the Bicycle Board herein created, with a representative of the cycling community in actual attendance. Said plan shall contain, among others, the city-government-owned lot where the park will be constructed and the routes, slopes and amenities that will be built therein.

Article 4 Bicycle Registration

SECTION 15. Registration. All bicycles acquired in, and being used by residents of, Naga City shall be registered pursuant to Ordinance No. 2004-123, as amended.

A cyclist shall present a receipt to prove his/her ownership of the bicycle to be registered. In the absence thereof, he/she shall submit an Affidavit of Ownership instead.

Only those aged 12 years old and above shall be allowed to become registered cyclists. But individuals who are below 18 years of age shall present proof of parental consent to the City Treasurer's Office.

Indigent bicycle owners, duly-certified as such by the City Social Welfare and Development Office, are hereby exempted from the payment of the bicycle registration and other fees being collected by the Office of the City Treasurer.

The City Treasurer's Office shall keep a bicycle registration book and/or computer program indicating therein relevant information of the owners and of the bikes.

SECTION 16. Sticker and Road ID. In lieu of a license plate, a Sticker and Road ID shall be issued by the city government to a cyclist upon registration of his bicycle.

The Sticker shall be placed by the owner at the rear of his/her bicycle exposed to the public view.

The Road ID shall be worn by the owner on his wrist. It shall contain, among others, the cyclist's name, sticker number of his bicycle, his address and contact information of person to be reached in case of emergency.

Designs of the Sticker and Road ID must be presented to and duly-approved by the Bicycle Board herein created with a representative of the city's bicycling community in actual attendance.

Article 5

Traffic Regulations and Penalties

SECTION 17. Traffic management and peace and order. Traffic police, deputized traffic enforcers and personnel of the Public Safety Office shall maintain order in the bike lanes and shall implement this ordinance.

For this purpose, the Chief of the Public Safety Office is hereby mandated to ensure that the areas designated as bicycle lanes shall at all times be free of any illegal parking or obstruction. Failure to do so shall be deemed prima facie evidence of dereliction of duty which shall subject the said chief of office to administrative and criminal sanctions.

SECTION 18. Prohibited Acts. The following are acts prohibited under this ordinance, to wit:

- a. Operating a bicycle at a speed greater than 30 kilometers per hour within Central Business Districts 1 and 2 and in such areas where any applicable law or regulation so provides, except on the occasion of or during bike sports or promotional events;
- b. Driving a bicycle under the influence of alcohol;

- c. Using a cellular phone while driving that thereby distracts and prejudices the cyclist's or others' lives and limbs;
- d. Carrying more persons at a time than the number for which the bike is designed and equipped;
- e. Clinging to another vehicle upon a roadway to hitch a ride;
- f. Riding a bicycle on the middle of any city or national road;
- g. Parking in areas other than the designated bicycle parking areas. If there is no designated bicycle parking area, no cyclist shall park his/her bicycle in a manner that would obstruct a pathway or passageway.

SECTION 19. Prohibited Acts on Bicycle Lanes. The following shall be observed in the bicycle lanes:

- a. A person shall not operate a vehicle on or across a bicycle lane, except to enter or leave adjacent property or when it is evidently clear from a distance of thirty (30) meters that no cyclist is using the same;
- b. A person shall not park a vehicle on a bike lane;
- c. A person shall not create obstruction along the bike lane such as, but not limited to, sidewalk vending, dumping of construction materials, and loading and unloading of goods except in emergency cases;
- d. A person shall not use the designated bike lanes for rallies, peaceful concerted activities, or other similar events, except those expressly permitted by the city government via an ordinance duly-enacted by the Sangguniang Panlungsod; provided, that the term or period of such activities are clearly stated in the said legislative measure.

SECTION 20. Safe Distance. A driver of a motor vehicle, while driving, shall maintain no less than three (3) meters distance from a bicycle in front or at the back and no less than one and a half (1.5) meters distance beside it.

SECTION 21. Construction of Traffic Rules. In cases of accidents or violations of traffic regulations, rules shall be liberally construed in favor of cyclist if the incident happened on bicycle lanes or, in the absence thereof, in the right curb of a road. Any person involved other than the cyclist is presumed at fault.

If the incident happened on the middle of a city or national road, or very proximate thereto, rules shall be liberally construed in favor of motorist.

SECTION 22. Penalties. (a) Any person who violates any of the prohibited acts specified under Section 18 hereof shall plant at least ten (10) trees, donate blood in accordance with the City's Blood Donation Program, or do other form of community service whichever is practicable at the option of the offender.

Proof of compliance on the first shall be a Certification from the Punong Barangay where the offender resides or in the barangay within the City where he planted and a photograph of the offender in the act of planting. For blood donation, the certification of the sponsoring barangay, office or agency shall be considered as sufficient compliance. For community service, a certification of the concerned Punong Barangay, the head of either the City Social Welfare and Development Office or Solid Waste Management Office shall also be considered sufficient compliance. No transaction of such offender with the city government shall be permitted unless such compliance is made.

(b) Any person who violates any of the prohibited acts specified under Section 19 hereof shall be imposed the following penalties, to wit:

- a. First Offense - A fine of One Thousand Pesos (P 1,000.00);
- b. Second Offense - A fine of Three Thousand Pesos (P3,000.00);
- c. Third Offense - A fine of Five Thousand Pesos (P 5,000.00) and/or imprisonment of no longer than six months, subject to the discretion of the court.

Provided, that no implementation of Sections 19 and 22 of this Ordinance is made until the desired Cycling Infrastructures are actually realized as certified by the Bicycle Board.

Article 7 Program Implementation

SECTION 23. Bicycle Board. A Bicycle Board, herein created for the primary purpose of ensuring the effective and efficient implementation of this ordinance, shall be composed of:

- Chairman - City Mayor
- Co-Chairman - City Vice Mayor
- Members - Chairman, Committee on Transportation

- City Engineer
- Public Safety Officer
- City Planning and Development Officer
- President, Transport Bicycle Organization
- President, Sports/Tourism Bicycle Organization
- President, Health and Wellness Bicycle Organization

The following shall be invited to sit as additional members of the Bicycle Board:

- Chief, Naga City Police Office
- Representative, Land Transportation Office; and
- Representative, 2nd Engineering District of Camarines Sur, Department of Public Works and Highways.

Save for the appropriation to implement the Cycling Infrastructure provisions of this ordinance which is considered self-executory but which may nonetheless be submitted for consideration of the Bicycle Board, any and all activities, events or projects for the promotion and use of bicycle or in furtherance of this Ordinance shall be presented to and approved by the Bicycle Board. Provided, that decision on the determination of bicycle lanes under Section 11 shall be furnished the Sangguniang Panlungsod.

SECTION 24. Urban Plan Integration. The City Planning and Development Office shall ensure that the Cycling Infrastructure provisions of this ordinance are taken into consideration in the formulation of the city's 30-Year Sustainable Urban Development Plan mandated by Ordinance No. 2016-038.

Article 8 Final Provisions

SECTION 25. Appropriation. Such amount as may be necessary to implement the mandate in this ordinance shall be allocated in the city's yearly budget beginning the next budget year.

SECTION 26. Repealing Clause. The penal provisions of Ordinance No. 91-011, Ordinance No. 93-012, Ordinance No. 2008-068 and Ordinance No. 2004-123, as amended, insofar as the latter pertains to bicycle, are hereby repealed. All other ordinances, rules, orders, and regulations or parts thereof contrary to or inconsistent with any of the provisions of this ordinance are also hereby repealed.

SECTION 27. Separability Clause. Should any portion or provision of this ordinance be declared unconstitutional or invalid, the other parts thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 28. Effectivity Clause. This ordinance shall take effect immediately upon its approval.

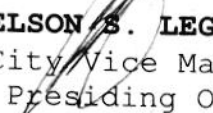
ENACTED: May 16, 2017


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WE HEREBY CERTIFY to the correctness of the foregoing ordinance.


NELSON S. LEGACION
City Vice Mayor
& Presiding Officer


GIL A. DE LA TORRE
Secretary to the
Sangguniang Panlungsod

APPROVED:


JOHN G. BONGAT
City Mayor *5/19/17*