

15<sup>th</sup> City Council  
13th Regular Session  
Series of 2010

Republika ng Pilipinas  
**LUNGSOD NG DABAW**  
Tanggapan ng Sangguniang Panlungsod

**PRESENT:**

Councilor	Ma. Elean S. Acosta	- President Pro Tempore
Vice Mayor	Sara Z. Duterte	
Councilor	Nilo G. Abellera	
Councilor	Wilberto E. Al-ag	
Councilor	Dante L. Apostol Sr.	
Councilor	Leonardo R. Avila III	
Councilor	Conrado C. Bahuran	
Councilor	Samuel B. Bangoy	
Councilor	Karlo S. Bello	
Councilor	Louie John J. Bonguyan	
Councilor	Pilar C. Braga	
Councilor	Arnolfo Ricardo B. Cabling	
Councilor	Daniilo C. Dayanghirang	
Councilor	Paolo Z. Duterte	
Councilor	Edgar R. Ibuyan	
Councilor	Peter T. Lawina	
Councilor	Diosdado Angelo A. Mahipus Sr.	
Councilor	Bonifacio E. Militar	
Councilor	Thomas J. Montecarde IV	
Councilor	Myrna G. L'Dalado-Ortiz	
Councilor	Susan Isabel C. Reta	
Councilor	Halila Y. Sudagar	
Councilor	Angela A. Librado-Trinidad	
Councilor	Jose Louie P. Villafuerte	
Councilor	Rachel P. Zozobrado	

**ABSENT:**

Councilor	Victorio S. Advincula Sr.
Councilor	Teresita C. Mata-Maranon

**ORDINANCE NO. 0409-10**  
Series of 2010

**"THE BICYCLE ORDINANCE  
OF DAVAO CITY"**

Be it ordained by the Honorable Sangguniang Panlungsod of  
Davao City in session assembled, that:

**ARTICLE I  
GENERAL PROVISIONS**

**SECTION 1. TITLE.** This Ordinance shall be known as **"THE BICYCLE ORDINANCE OF DAVAO CITY"**;

**SECTION 2: SCOPE OF APPLICATION.** This Ordinance provides for the bicycle user provisions, bicycle user equipment, bicycle facilities, traffic rules and regulations, implementation and funding, advocacy and incentives for the promotion of the use of bicycle as a mode of transportation and establishing bicycle lanes in Davao City;

**SECTION 3. DECLARATION OF POLICY.** In accordance with the Philippine Constitution and the Local Government Code, it is the policy of the City Government of Davao to promote the use of bicycles as a mode of transportation and encourages its use by providing incentives and amenities for the safety of cyclists through:

- a. Providing a safer environment and creating a more efficient flow of traffic for the existing bicycles in Davao City;
- b. Rationalizing the efficiency, capacity and compatibility in the flow of motorized vehicles and bicycle traffic in Davao City; and
- c. Improving the attractiveness and promote the use of bicycle for health benefits and as an economically and environmentally viable mode of transport in Davao City;
- d. Establishing bicycle lanes in selected streets in Davao City;

**ARTICLE II  
DEFINITION OF TERMS**

**SECTION 4. DEFINITION OF TERMS.** When used in this ordinance, each of the following words and phrases shall be construed to mean as follows;

- a. **Bicycle** - a vehicle propelled solely by human power upon which a person may ride having two tandem wheels commonly used in Davao City excluding three (3) or four (4) wheeled human powered vehicles, scooters, tricycles for children and similar devices;
- b. **Bicycle User** - any person allowed by this Ordinance to use a bicycle;
- c. **Bicycle Facilities** - a general term denoting improvements and provisions made or will be undertaken by the local and national government agencies and private organizations to accommodate safe and efficient bicycling and encouraging its use in the City;

- d. **Bikeway or Bicycle Lanes** - a generic term for any highway, road or street which in some manner is specifically designated for bicycle travel regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other mode of transportation;
- e. **Roadway** - the portion of the highway, road or street including shoulders intended for vehicular use;
- f. **Shared Roadway** - a roadway which is open to both bicycle and motor vehicle travel that may be an existing roadway and street with paved or unpaved shoulders;
- g. **Signed Shared Roadway (Signed Bike Route)** - a shared roadway which has been improved and designated with signage for "bicycle use";
- h. **Sidewalk**- the portion of a street or highway for right-of-way designed for preferential or exclusive use by pedestrians;
- i. **Shoulder** - the portion of the roadway contiguous with the traveled way;
- j. **Unpaved Path** - paths not surfaced with asphalt or concrete cement;

### **ARTICLE III BICYCLE USER**

**SECTION 5. BICYCLE USER CLASSIFICATION.** The bicycle users in Davao City are classified according to the frequency in the use of bicycle and more importantly the acceptable age to ride bicycle alongside allowable volume of motorized traffic. The skills and confidence in bicycling may differ variably for each class. The variation shall be considered in the establishment, utilization and maintenance of bicycle facility particularly the signed shared roadway (signed bike route);

- a. **Regular** - any person ranging from ages sixteen (16) years old and above, who is generally riding a bicycle daily as a means of transportation in going to school, commercial establishments and/or place of employment;
- b. **Occasional** - any person from sixteen (16) years of age and above, who is generally riding a bicycle for recreation, leisure or sports. He/She rides his/her bicycle mostly during weekends; and
- c. **Child** - any person below sixteen (16) years of age but not less than nine (9) years old, who rides a bicycle in going to key destinations particularly to the school, convenient stores and recreational establishments;

**SECTION 6. CHILD BICYCLE USER.** Any person, below sixteen (16) years of age but not less than nine (9) years old, who rides a bicycle must be accompanied by his/her parent, guardian or any adult on a separate bicycle;

No person below nine (9) years old is allowed to use bicycle on main roads and highways. Persons of such age shall use their bicycles only within the play grounds, parks and/or subdivision areas;

**SECTION 7. BICYCLE USER REGISTRATION.** Bicycle user registration is mandatory for the purpose of orienting the bicycle users of the applicable traffic rules and regulations and penalties in case of violation. Within one (1) year from the implementation of the ordinance, all bicycle users must be registered in order to use the signed hike route and the shared roadways;

**SECTION 8. BICYCLE USER IDENTIFICATION.** Bicycle users must always carry a valid and authenticated identification card which shall be presented if apprehended due to traffic violation. Moreover, it must contain necessary medical information for emergency cases that may require prompt medical assistance;

**SECTION 9. BICYCLE USER EDUCATION.** Information/Educational programs shall be introduced and regularly provided such as "share the road" and "bicycles are vehicles" messages to educate and create awareness among the bicycle users as well as motorists on how to safely share the roads with each other;

**SECTION 10. BICYCLE USER INSURANCE.** A traffic accident insurance program for bicycle users shall be developed. While the insurance coverage is generally optional, it is highly recommended for regular and occasional bicycle users. On the other hand, such insurance coverage shall be strictly required for children bicycle users;

#### **ARTICLE IV**

#### **BICYCLE, ACCESSORIES AND THEIR REGISTRATION**

**SECTION 11. BICYCLE.** - Old or new bicycles may be utilized but it should be assured that the brakes are conditioned. When the bicycle is used at nighttime, it should be provided with white light (with at least two (2) small batteries) at the front, a red pedal reflector and a flashing red reflector light attached at the rear of the bicycle or bicycle user.

**SECTION 12. BICYCLE REGISTRATION.** - Bicycle registration, which shall charge a minimal fee of Twenty Pesos (Php 20.00), is mandatory. Upon registration, the bicycle should be brought to ensure that the brakes are working and that it has the necessary accessories required under Section 11 of this Ordinance. Thereafter, a water-proof sticker with license number shall be attached as proof that the bicycle has already been registered.

**SECTION 13. HELMET.** - The use of helmet is encouraged to be worn at all times especially when traveling a distance of more than ten (10) kilometers;

**ARTICLE V  
BICYCLE FACILITIES**

**SECTION 14. SIGNED SHARED ROADWAY (SIGNED BIKE ROUTE).** The Traffic Management Center (TMC) shall designate the routes to be considered as signed shared roadways or signed bike routes taking the following considerations:

- a. The route provides a direct travel from the north to the south of the City and vice versa passing through the Central Business District; and
- b. It continues through the bicycle shared roadways

**SECTION 15. DESIGN, OPERATION AND MAINTENANCE OF THE SIGNED SHARED ROADWAY (SIGNED BIKE ROUTE).** - After the designation of the Traffic Management Center (TMC), of the signed shared roadways or signed bike routes the same shall be upgraded as follows:

- a. **Provision of Signs** - Signs along the route shall be installed to indicate to the bicycle users that particular advantages exist in using the route and more importantly to serve as notice to motorized vehicle drivers that bicycle traffic is present. Signs such as "share the road" and "bicycles are vehicles" shall be placed every five hundred (500) meters distance and at major unsignalized and signalized intersections;
- b. **Regulation of Motorized Vehicle Operating Speed** - Motorized vehicle speed along the full length of the road shall be regulated at a maximum of forty (40) kilometers per hour;
- c. **Bicycle Operating Space** - Bicycle users shall be accorded a minimum of one (1.0) meter operating space;
- d. **Pavement Surface Quality** - Pavement surfaces shall be regularly cleaned from debris, repaved and potholes repaired;
- e. **Regulation of On-Street Parking of Motorized Vehicles** - On-street parking including parking on shoulders by motorized vehicles shall be prohibited at all times;

- f. **Use of Bicycle-Safe Drainage Inlet Grates** - Drainage inlet grates and utility covers shall be flushed or leveled with the adjacent pavement surface, drainage inlet grates with slots parallel to the direction of the road shall be replaced with perpendicular ones and gaps between the frame and the grates shall be eliminated;
- g. **Intersection (unsignalized)** - Recommended path for bicycle users at unsignalized intersection shall be painted to alert bicycle users and motorists of the conflict area and assigned the right-of-way to bicycle users;
- h. **Intersection (signalized)** - If appropriate, advanced stop bars at signalized intersections exclusively for bicycle users shall be provided; and
- i. **Properly Marked Crosswalks with Stop Lines** - All crosswalks at intersections or mid block crosswalks shall be properly marked with stop lines;

**SECTION 16. SHARED ROADWAY.** - The Traffic Management Center (TMC) shall designate the highways, roads and streets in the City that are to be considered as shared roadways which are open to both bicycle and motor vehicle travel except those routes where bicycle use is legally prohibited;

**SECTION 17. BICYCLE ROUTE DEVELOPMENT PLAN.** - The Traffic Management Center (TMC) shall prepare a Bicycle Route Development Plan within sixty (60) days after the passage of this Ordinance in accordance with its mandate under Sections 14 and 16 hereof. The Bicycle Route Development Plan shall be subject to the approval of the Sangguniang Panlungsod;

**SECTION 18. INVERTED U-RACKS AND BICYCLE PARKING.** - Bicycle Inverted U-Racks shall be installed in appropriate areas near the City Hall Building, City Legislative Building and Public Markets within six (6) months after the passage of this Ordinance. Commercial establishments, schools and churches are encouraged to immediately install Bicycle Inverted U-Racks;

A bicycle parking development plan, design and guidelines shall be prepared within sixty (60) days after the passage of this Ordinance;

## **ARTICLE VI TRAFFIC RULES AND REGULATIONS**

**SECTION 19. TRAFFIC RULES AND REGULATIONS FOR BICYCLE USERS.** - To ride efficiently and safely, bicycle users shall operate according to the following rules on the use of the bikeway;

- a. **Ride on the Right** - It is highly recommended to bicycle users to ride closer to the right edge of the paved roadway safely shared with the flow of the motorized traffic. This is to facilitate overtaking by motorists on the left and easy evasive maneuver by bicycle users from merging motorists on the right from loading/unloading, parking on alleys or driveways;
- b. **Never Ride Against Traffic** - Bicycle users should ride with the flow of the traffic, never against it;
- c. **Ride in a Straight Line** - Bicycle users should ride in a straight line and not weaving (wobble or swerve) in and out of slower moving motorists;
- d. **Ride on Single File** - Bicycle users should ride on a single file. Bicycle users of more than four (4) should break in clusters and may ride in two (2) files;
- e. **Obey Traffic Signs and Signals** - Bicycle users are expected to know and obey all traffic laws, rules, signs and signals;
- f. **Use Hand Signals** - Bicycle users should use the proper hand signals for left or right turn and for slowing or stopping. When turning, the bicycle user must signal continuously at least thirty (30) meters before the turn or while he/she is on stop waiting to turn, unless the two hands are needed to control the bicycle;
- g. **Never "Ride Double"** - Bicycles should never carry more than one (1) person at one time. Only bicycles equipped to carry a passenger are allowed to do so;
- h. **Never Hitch a Ride** - Bicycle users should never hitch to any motor vehicle;
- i. **Keep Hands on Handlebars** - a bicycle user should keep at least one hand on the handlebar at all times;
- j. **Use Lights and Reflectors** - Bicycle users should equipped their bicycles with headlights (color white with at least two small batteries), a red pedal reflector and a flashing rear reflector light attached to the bicycle or bicycle user;
- k. **Overtake on the Left** - Bicycle users should establish position behind the motorists where you can watch for turn signals and always use extreme caution when overtaking on the left; and
- l. **Riding on Sidewalks and Crosswalks** - Bicycle users should not ride on sidewalks and crosswalks;

**SECTION 20. TRAFFIC RULES AND REGULATIONS FOR MOTORISTS.** - Bicycles are vehicles that have legal rights to use the roadway. Motorists have the responsibility to act in ways that will make the roads safer for all users. The driver of a motorized vehicle should consider the following rules when passing a bicycle user ;

- a. Motorists should provide a space of one (1) meter from the side of a bicycle user and a safe distance from the back of the bicycle user depending on the speed of the motor vehicle;
- b. Motorists should wait until it is safe to overtake a bicycle user, as one should in any other slow-moving vehicle;
- c. Before or prior to overtaking, motorists should blow the vehicle horn from a safe distance and not directly from behind a bicycle user;
- d. When turning right and the bicycle user is proceeding straight through the intersection, motorists should not speed up ahead and cut-off a bicycle user;
- e. On unsignalized intersection, motorists should give the right of way to the bicycle user; and
- f. Modified traffic regulations shall be implemented to give prominence to bicycling;

**ARTICLE VII  
IMPLEMENTATION**

**SECTION 21. BROCHURE.** - A reference material for bicycle users and motorists regarding the rules on the bikeway shall be prepared within sixty (60) days after the passage of this Ordinance. At a minimum, the reference material shall contain the rules for bicycle traffic and motorists as provided in Sections 18 and 19. The material shall be made available in English and Visayan versions and distributed free to as many bicycle users and motorists as possible;

**SECTION 22. LAW OFFICER'S GUIDE AND ORIENTATION.** - A law officer's guide to bicycle safety and enforcement of traffic laws to bicycle users shall be prepared within sixty (60) days after the passage of this Ordinance. At a minimum the reference material shall contain the rules for bicycle traffic and motorists as provided in the preceding Sections 18 and 19. An orientation shall be conducted for the law enforcement officers to reinforce the law officer's guide;

**SECTION 23. CITY BICYCLE UNIT.** - The City Government shall create a City Bicycle Unit, which shall be headed by a Bicycle Program Coordinator under the City Engineer's Office. The primary task of the said unit is to formulate and implement the Bicycle Program of the City;



**SECTION 24. BICYCLE PROGRAM COORDINATOR.** - The City Government shall create or designate a position for Bicycle Program Coordinator, who shall head the City Bicycle Unit, to coordinate initiatives and act as a liaison to advocate the Bicycle Program of the City. He or she shall be appointed by the City Mayor for a period duly specified;

**SECTION 25. CITY BICYCLE PROGRAM.** - There shall be a City Bicycle Program to be formulated by the City Bicycle Unit which must form part of the present and future transportation development plan of the City;

**SECTION 26. BICYCLE USER AND BICYCLE UNIT DATABASE.** - As an initial activity, the Bicycle Program Coordinator shall draw up the guidelines and undertake the registration of all bicycle users and bicycle units in the City within six (6) months after the effectivity of this Ordinance. Henceforth, he shall maintain the database for reference and whatever purposes it may serve;

**SECTION 27. MONITORING AND EVALUATION.** - The Bicycle Program Coordinator shall formulate and implement the City Bicycle Medium Term Development Plan. The plan shall be the basis for the evaluation report of the overall bicycle program of the City which shall be prepared and presented to the Sangguniang Panlungsod;

**SECTION 28. PRIVATE SECTOR INVOLVEMENT.** - The City shall foster a strong partnership with the private sector including bicycle users associations, bicycle sellers and commercial establishments in the City to promote the bicycle program of the City;

**SECTION 29. BICYCLE DEVELOPMENT PLAN.** - A Bicycle Medium Term Development Plan shall be formulated within six (6) months after the passage of the Ordinance to provide over-all direction to the bicycle program of the City;

#### **ARTICLE VIII FINANCIAL SUPPORT**

**SECTION 30. BICYCLE DEVELOPMENT PROGRAM FUND.** - The City shall provide sufficient funds for the Bicycle Development Program of Davao City through an appropriation either in the Annual Budget or in any of the City's Supplemental Budgets, as the case may be;

**SECTION 31. AUTHORITY TO SEEK EXTERNAL SUPPORT.** - The Office of the City Mayor may seek logistical support from any sources to augment the technical, financial, material and other requirements in the implementation of this Ordinance;

**SECTION 32. PENALTIES.** All persons caught in violation of this Ordinance shall be penalized as follows;

- a. **First Infraction:** A fine of Two Hundred Pesos (Php200.00) or community service of four (4) hours;
- b. **Second Infraction:** A fine of Four Hundred Pesos (Php400.00) or community service of 8 hours; and
- c. **Succeeding Infractions:** A fine of One Thousand Pesos (Php1,000.00) or community service of 20 hours;

**SECTION 33. SEPARABILITY CLAUSE.** Any provision of this Ordinance which may be declared null and void by an appropriate court shall not affect other provisions thereof;

**SECTION 34. REPEALING CLAUSE.** Any Ordinance or administrative issuance inconsistent with the provisions of this Ordinance is hereby repealed and/or amended accordingly;

**SECTION 35. EFFECTIVITY CLAUSE.** This Ordinance shall take effect fifteen (15) days after official publication in any newspaper of general circulation in the City of Davao;

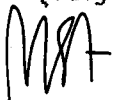
**ENACTED,** April 6, 2010, by a majority vote of all the Members of the Sangguniang Panlungsod.

**CERTIFIED CORRECT:**

  
**ZULEIKA T. LOPEZ**

Secretary to the Sangguniang Panlungsod  
(City Government Department Head II)


**ATTESTED:**

  
**MA. BELEN S. ACOSTA**  
President Pro Tempore  
Temporary Presiding Officer  
/bcc

**APPROVED:** JUN 29 2010, 2010

  
**RODRIGO R. DUTERTE**  
City Mayor

**ATTESTED:**

  
**MARCELIHO P. ESCALADA JR.**  
Acting City Administrator