

**[DOTC DEPARTMENT ORDER NO. 2007-38,
October 04, 2007]**

**RULES AND REGULATIONS GOVERNING THE USE OF LIMITED
ACCESS FACILITIES (EXPRESSWAYS) BY MOTORCYCLES**

WHEREAS, the Department of Transportation and Communications is the primary policy, planning, programming, coordinating implementing, regulating and administrative entity of the executive branch of the government in the promotion, development and regulation of dependable and coordinated network of transportation and communications system and has authority to administer and enforce all laws, rules and regulations relative to transportation;

WHEREAS, Section 3 of Republic Act 2000, otherwise known as the "Limited Access Highway Act", authorized the Department of Public Works and Communications (DOTC) to plan, designate, established, regulate, vacate, alter, improve, and provide limited access facilities for public use wherever it is of the opinion that traffic conditions, present or future, will justify such special facilities;

WHEREAS, Section 3 (h) of Administrative Order No. 1 dated 19 February 1968, issued by then Department of Public Works and Communications made it unlawful for any person or group of persons to drive any bicycle, tricycle, pedicab, motorcycle, or any vehicle not motorized to operate or otherwise traverse on the limited access highways;

WHEREAS, DOTC Department Order No. 2007-015 dated 23 March 2007, designated and declared all expressways as Limited Access Facilities defined as "highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land and other persons have no right of easement or only a limited right or easement of access, light, air or view by reason of the fact that their property abuts upon such limited access facility or for any other reasons;

WHEREAS, subject to certain conditions, motorcycle operation may be allowed in Limited Access Facilities considering that there are no intersections, no pedestrian crossings, no loading and unloading zones and the highways are designed for through traffic;

NOW, THEREFORE, by virtue of the authority granted by the law, the Department of Transportation and Communications hereby orders as follows:

Only motorcycles with an engine displacement of at least 400 cubic centimeters (cc) shall be allowed to operate within the limited access facilities and subject to the following conditions:

A. Compliance with R.A. 4136 - The motorcycles must comply with all the provisions of R.A. 4136, otherwise known as the "Land Transportation and Traffic Code of the