

(H. B. 4123)

(No. 148)

(Approved August 3, 2008)

AN ACT

To transfer the competence of the planning and regulation of the collective transportation provided by public vehicles and non-tourist taxis from the Public Services Commission to the Department of Transportation and Public Works; to authorize the Secretary of the Department of Transportation and Public Works to establish through an Administrative Order, Public Vehicles and Non-tourist Taxis Regulating Office; to direct that said officer adopt Regulations on the Planning and Regulation of Public Vehicles and Non-tourist Taxis; to create a Consulting Council to advise the Department of Transportation and Public Works, its Public Vehicles and Non-tourist Taxis Regulating Office and the Transportation Advisory Board on the planning and regulation of collective transportation provided by public vehicles and non-tourist taxis; and for other related purposes.

STATEMENT OF MOTIVES

In Puerto Rico, there are different means that provide collective transportation services to the residents of the Capital City and other municipalities, among which are the Tren Urbano, the buses of the Metropolitan Bus Authority and the Highways and Transportation Authority (Metrobus), taxis and public vehicles as well as motorboat services (Acuaexpreso).

With the exception of taxis and public vehicles, all other means fall under the jurisdiction of the Department of Transportation and Public Works.

It is necessary for all collective transportation means in Puerto Rico to be organized and coordinated more closely within a philosophical frame,

administrative structure and the adequate operational criteria. It is only through said organization that there shall be an increase in the use of collective transportation, its quality shall be improved and its users shall be satisfied.

The Department of Transportation and Public Works has administratively established the so-called “Integrated Transportation Alternative,” which has the purpose of achieving said organization. Pursuant to the above, the transfer of the competence of the planning and regulation of the collective transportation provided by public vehicles and non-tourist taxis from the Public Services Commission to the Department of Transportation and Public Works is set forth in this Act, so that an efficient and convenient collective transportation system is made feasible and the chronic lack of integration between the different transportation means is corrected.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- The planning and regulation of collective transportation provided by public vehicles and non-tourist taxis shall be henceforth the competence of Department of Transportation and Public Works, with the advise of the Transportation Advisory Board and the Consultative Council established herein. Provided, that the Department of Transportation and Public Works shall not have competence on the tourist ground transportation regulated by the Tourism Company pursuant to the provisions of Act No. 282 of December 19, 2002, as amended, known as the “Puerto Rico Tourist Ground Transportation Act.”

Section 2.- The Secretary of the Department of Transportation and Public Works shall establish through an Administrative Order the Public Vehicles and Non-tourist Taxis Regulating Office which may be established

as an independent unit or as part of any program or initiative within said Department. The Secretary shall also adopt the Regulations on the Planning and Regulation of Public Vehicles and Non-tourist Taxis in order to implement this Act.

Section 3.-The Secretary of the Department of Transportation and Public Works shall also define the term “public vehicle” through the regulations adopted pursuant to this Act, taking into account the provisions of law in effect, specially those established in the public service laws and the provisions of the Vehicles and Traffic Act regarding the “small public motor vehicles” but without any reference to the Puerto Rico Tourist Ground Transportation Act. Furthermore, the services provided by the Tren Urbano and the Metropolitan Bus Authority are excluded from said definition.

Section 4.- The Department of Transportation and Public Works, its Public Vehicles and Non-tourist Taxis Regulating Office, and the Transportation Advisory Board shall be advised on all that concerns the implementation of this Act by a Consultative Council which shall be composed of:

- a) the officer in charge of the Public Vehicles and Non-tourist Taxis Regulating Office, who shall chair the same;
- b) the Executive Director of the Highways and Transportation Authority or his/her authorized representative;
- c) the Executive Director of the Metropolitan Bus Authority or his/her authorized representative;
- d) the Executive Director of the Tourism Company or his/her authorized representative;
- e) the Secretary of the Department of Consumer Affairs or his/her authorized representative;

f) six (6) representatives of the public interest, three (3) of which shall be owners of non-tourist taxi or small motor vehicles (public vehicles), designated by the bona-fide representatives of carriers, according to the regulations adopted pursuant to this Act, and three (3) shall be citizens who frequently use the collective transportation system.

The Regulations adopted pursuant to this Act shall determine all that pertains to the operations and organization of the Consultative Council. The Council shall meet at least six (6) times every year and shall render reports to the Legislature, the Governor, and the Secretary of the Department of Transportation and Public Works, as determined by the Council itself, but not less than once every year.

Section 5.- The Department of Transportation and Public Works shall be the sole regulatory agency of public transportation, including public vehicles and non-tourist taxis, according to the following provisions:

1.-All obligations, accounts, records, funds, among other resources, assets, appropriations, rights and files of the Public Service Commission related to public vehicles and non-tourist taxis shall be transferred to the Department.

2.- Any debts, liabilities, responsibilities and obligations of the Public Service Commission related to public vehicles and non-tourist taxis shall be deemed to be imposed on the Department.

3.- All regulations, orders, resolutions, circular letters, and other administrative documents of the Public Service Commission shall remain in effect as regulations, orders, resolutions, circular letters of the Department, until the same are amended, supplemented, repealed or rendered ineffective by the Secretary, according to the applicable provisions of law.

4.- The Department may exercise any and all powers, faculties, functions, rights, prerogatives, privileges and attributions and shall be entitled to all exemptions, rights, and benefits exercised by the Public Service Commission pursuant to all applicable provisions of law, especially all that concerns the fixing of and collection rates, charges and granting of franchises.

Section 6.- The Public Vehicles and Non-tourist Taxis Regulating Office shall be initially nourished from the funds destined or administered at present by the Public Service Commission in all that pertains to the regulation of public vehicles and non-tourist taxis. It shall also be nourished from those funds granted, from time to time, by Municipal Governments, the Department of Transportation and Public Works, and any other federal or Commonwealth government entities or private persons. The budget of the Office shall be part of the budget of the Department of Transportation and Public Works in the Joint Resolution of the Budget of the Commonwealth of Puerto Rico. The Department may accept and administer donations, inheritances and legacies or other aid provided by the laws of Puerto Rico or the United States of America or by any other entity or person and may request and enter into agreements with the United States of America or the Commonwealth of Puerto Rico or any agency or instrumentality thereof or any public or private entity, including municipalities, foundations, corporations, government bodies or persons for loans, donations, legacies or other aid. The Department is hereby authorized to agree and comply with the requirements, obligations, terms and conditions imposed with respect to any of said loans, donations, legacies or other aid.

Section 7.- The Secretary of the Department of Transportation and Public Works shall be empowered to adopt the necessary regulations to

implement the provisions of this Act within one hundred and eighty (180) days as of the effective date of this Act, specially all that pertains to Section 5. These regulations shall be adopted pursuant to the formal regulatory procedure set forth in Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedure Act,” in those cases in which there is enough time to comply with the requirements of notice and consultation provided in said Act.

Section 8.- Any provision of law or regulations that is incompatible with the provisions of this Act is hereby repealed to the extent of said incompatibility.

Section 9.- In the event that any article, section, paragraph, subsection, norm or provision of this Act is repealed or amended or declared null or unconstitutional, the remaining provisions and parts that are not shall remain in effect and shall have full applicability. If its application to any person or circumstance were declared null, its nullity shall not affect other provisions of the Act that may remain in effect without resorting to the provision declared null.

Section 10.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 148 (H.B. 4123) of the 7th Session of the 15th Legislature of Puerto Rico:

AN ACT to transfer the competence of the planning and regulation of the collective transportation provided by public vehicles and non-tourist taxis from the Public Services Commission to the Department of Transportation and Public Works; etc,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 30th of January of 2009.

Kevin Miguel Rivera-Medina, Esq.
Deputy Director