



PUERTO RICO

Commercial Vehicle Safety Plan

**Federal Motor Carrier Safety Administration's
Motor Carrier Safety Assistance Program**

Fiscal Year 2019

Date of Approval: August 30, 2019

FINAL CVSP



**U.S. Department of Transportation
Federal Motor Carrier Safety Administration**

Part 1 - MCSAP Overview

Part 1 Section 1 - Introduction

The Motor Carrier Safety Assistance Program (MCSAP) is a Federal grant program that provides financial assistance to States to help reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicles (CMV). The goal of the MCSAP is to reduce CMV-involved accidents, fatalities, and injuries through consistent, uniform, and effective CMV safety programs.

A State lead MCSAP agency, as designated by its Governor, is eligible to apply for grant funding by submitting a commercial vehicle safety plan (CVSP), in accordance with the provisions of [49 CFR 350.201](#) and [205](#). The lead agency must submit the State's CVSP to the FMCSA Division Administrator on or before August 1 of each year. For a State to receive funding, the CVSP needs to be complete and include all required documents. Currently, the State must submit a performance-based plan each year to receive MCSAP funds.

The FAST Act required the Federal Motor Carrier Safety Administration (FMCSA) to “prescribe procedures for a State to submit a multiple-year plan and annual updates thereto, under which the State agrees to assume responsibility for improving motor carrier safety by adopting and enforcing State regulations, standards, and orders that are compatible with the regulations, standards, and orders of the Federal Government on commercial motor vehicle safety and hazardous materials transportation safety.”

The online CVSP tool (eCVSP) outlines the State's CMV safety objectives, strategies, activities and performance measures and is organized into the following five parts:

- Part 1: MCSAP Overview
- Part 2: Crash Reduction and National Program Elements
- Part 3: National Emphasis Areas and State Specific Objectives
- Part 4: Financial Information (FY 2019)
- Part 5: Certifications and Documents

You will find that each of the five eCVSP parts listed above contains different subsections. Each subsection category will provide you with detailed explanation and instruction on what to do for completing the necessary tables and narratives.

The MCSAP program includes the eCVSP tool to assist States in developing and monitoring their grant applications. The eCVSP provides ease of use and promotes a uniform, consistent process for all States to complete and submit their plans. States and territories will use the eCVSP to complete the CVSP and to submit either a single year, a 3-year plan, or an Annual Update to a 3-year plan. As used within the eCVSP, the term ‘State’ means all the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Virgin Islands.

NEW FOR FY 2019:

Single Year and Multi-Year plans—For FY 2019, the primary difference in the single year and multi-year CVSP formats is that objectives, projected goals, and activities in the 3-year plan will cover an entire three-year period. The financial information and certifications will be updated each fiscal year.

Annual Updates for Multi-Year plans—Those States in Year 2 of a 3-year plan will be providing an Annual Update only. States will be able to review the project plan submitted in Year 1 and indicate whether anything needs to be updated for Year 2 via a Yes/No question provided in each Section of Parts 1-3. **NOTE: Answer carefully as there is one opportunity to check Yes/No and then the input is locked.**

- If Yes is indicated, the information provided for Year 1 will be editable and State users can make any necessary changes to their project plan.
- If No is indicated, the Year 1 information will not be editable and the user can move forward to the next section.
- The financial information and certifications will be updated each fiscal year.

All single year, multi-year, and annual update plans have been pre-populated with data and information from their FY 2018 plans. States must carefully review and update this information to reflect FY 2019 activities prior to submission to FMCSA.

In addition, States are reminded to **not** include any personally identifiable information (PII) in the CVSP. The final

CVSP approved by FMCSA is required to be posted to a public FMCSA website.

Part 1 Section 2 - Mission/Goal Statement

Instructions:

Briefly describe the mission or goal of the lead State commercial motor vehicle safety agency responsible for administering this Commercial Vehicle Safety Plan (CVSP) throughout the State.

NOTE: Please do not include information on any other FMCSA grant activities or expenses in the CVSP.

The Puerto Rico Transport and other Public Services Bureau (henceforth "PR TPSB" previously known as Puerto Rico Public Service Commission) the Government of Puerto Rico's (hereafter PR) Agency assigned with the task of regulating "For Hire" and private transportation services. In 1984, PR TPSB was named as the lead MCSAP Agency in PR responsible for administering the Commercial Vehicle Safety Plan (CVSP) throughout PR. This lead to the creation of the Office of Motor Carrier Safety and Hazardous Materials (herein on "PR MCSAP") within the PR TPSB.

PR MCSAP agrees that CMV safety is a shared responsibility. Which is why it has adopted FMCSA's goal:

To reduce crashes, injuries and fatalities involving Commercial Motor Vehicles in Puerto Rico.

Our ultimate goal is to **reduce Puerto Rico's Fatality Rate to 0.00 per 100 Million vmt.**

PR MCSAP will accomplish this goal by performing roadside inspection activities in High Risk Crash corridors, therefore ensuring motor carrier are operating safely. Second, continue to promote inter-agency cooperation and coordination by performing traffic enforcement activities as means to prevent and deter unsafe Motor Carrier Practices.

There are several agencies that collaborate with our mission; and strive to improve Commercial Motor Vehicle (henceforth CMV) safety.

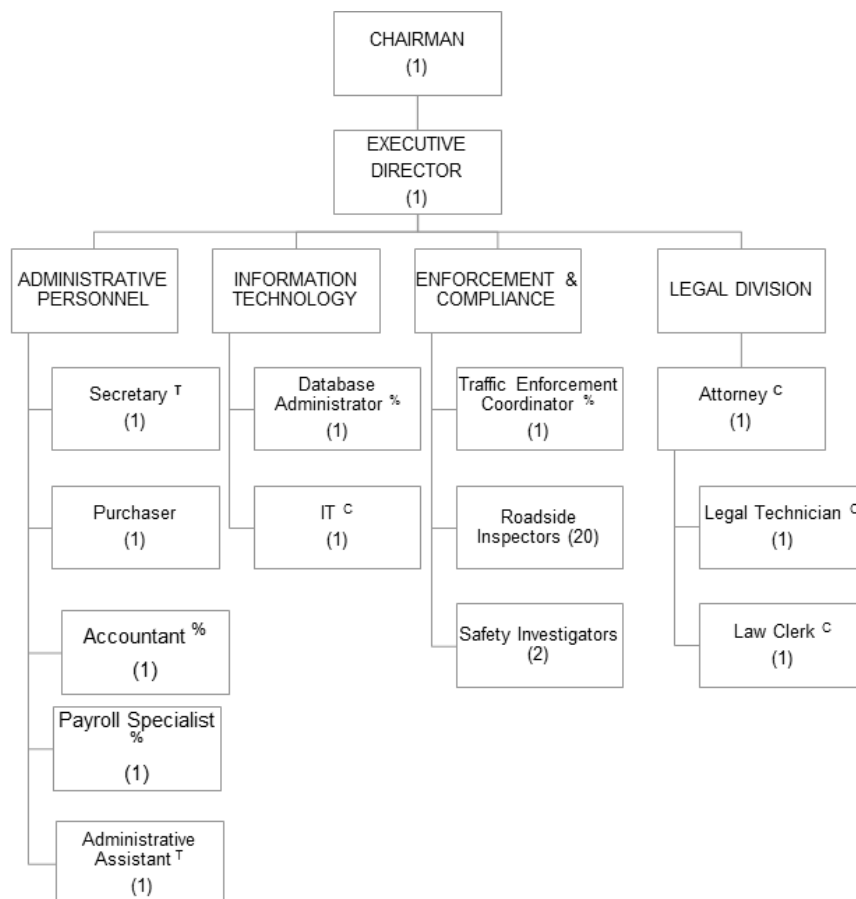
1. Puerto Rico Emergency Management Agency: (PR FEMA) It is the local PR's Agency responsible for the 9-1-1 Emergency Services Administration. It provides PR TPSB/PR MCSAP with CMV related crash notification.
2. Puerto Rico Police Department: (PR PD) PR local law enforcement agency. It also provides CMV related crash notification and post-crash investigation. Member of the traffic enforcement initiative that may include drug and alcohol detection and non CMV safety.
3. Puerto Rico Department of Transportation and Public Works: (PR DTOP) Agency in PR designated with the task of issuing driver's licenses and motor vehicle registrations. Agency is a key component in the Intrastate PRISM interfacing.
4. Puerto Rico Ports Authority: (PR PA) Agency in PR that regulates the ports and cargo. With its assistance PR MCSAP is able to coordinate strike forces in the ports, where inter and intrastate cargo is both shipped and received.
5. Puerto Rico Highway and Transportation Authority: (PR HTA) PR highway safety representatives. Along with PR MCSAP perform traffic enforcement activities dedicated to enforce Size and Weight restrictions in CMV's as well as incident management. PR MCSAP collaborates with the development of the Highway Safety Plan.
6. Puerto Rico Traffic Safety Commission: (PR TSC) Lead agency in the Traffic Records Committee. Multi-agency group that includes PR MCSAP, PR PD, PR DTOP, Department of Justice, Emergency Management Services collaborating to improve data sharing and collection.
7. Puerto Rico Environmental Quality Board: (PR EQB) Agency assigned the task of regulating Hazardous Substances and Hazardous Waste in Puerto Rico. Partners in ensuring hazardous material transportation safety. It also notifies PR MCSAP in case they were alerted first of a hazardous spill while being transported.

Part 1 Section 3 - MCSAP Structure Explanation

Instructions:

Briefly describe the State's commercial motor vehicle (CMV) enforcement program funded by the MCSAP grant.

NOTE: Please do not include activities or expenses associated with any other FMCSA grant program.



The MCSAP Program within the PR TPSB is currently staffed by thirty four (34) employees. Twenty (20) regular employees, six (6) term employees, four (4) under contract and four (4) supporting personnel dedicating fifteen percent (15%) of the time in MCSAP related activities. The services are distributed among Main Office (MO) and three (3) Regional Offices (RO).

1. **Chairman(1):** State Official, head of the Puerto Rico Transport and other Public Services Bureau, agency that houses the PR MCSAP Program. As such is the Certifying State Official.
2. **Director (1):** State official assigned to manage the PR MCSAP Program. Responsible for personnel, scheduling and management. Monitors daily activities to ensure program effectiveness. Responsible for the overall inter-agency coordination, and educational activities. One of only two people, certified to perform Level VI inspections. Collaborates with the Legal Technician to prepare the Commercial Vehicle Safety Plan.
3. **Secretary (1):** Official responsible for handling correspondence, telephone calls, filing, clerical work, as well as, other duties as assigned such as providing support for the Director's administrative duties. Term employee.
4. **Purchaser (1):** Official responsible for purchasing, tracking inventory and other clerical duties in support of the Director.
5. **Executive Assistant (1):** Assist Secretary and other MCSAP personnel as needed with clerical duties in support of the program. Term employee
6. ***Accountant (1):** Dedicate 10% of the time to perform MCSAP related activities such as preparing PR MCSAP federal financial reports and voucher review.

7. ***Payroll Specialist (1): Dedicate 15% of the time** to perform MCSAP related activities such as accurate processing and recording payroll and other expenses related to CVSP activities.
8. ***Database Administrator (1): Dedicate 15% of the time** to perform activities in support of the MCSAP program such as assist the IT with the maintenance of the computer system. Also provides technical support when a broader expertise is required beyond the IT's capabilities. Provide Cloud Connectivity support.
9. ****Information Technology/ Computer Specialist (1) (This position is under contract):** Official responsible for providing technical support to the program. Responsible for technical equipment (i.e. computers), office servers, as well as supporting software. Liaison with Volpe technical support. Responsible for data collection and Safetynet maintenance. Other tasks include downloading inspections, review for errors and uploading into MCMIS. Responsible for vouchering and submitting invoices to the FMCSA.
0. ***Traffic Enforcement Coordinator (1): Dedicate 15% of the time** to perform activities in support of the MCSAP program such as inter agency coordination to perform traffic enforcement strike forces. Serve as the Director's substitute when the Director is not available.
11. **Roadside Inspectors (20):** Roadside inspectors are officials designated to conduct CVSA North American Standard Inspection Levels I - V. Only the Director and one (1) other inspector are certified to perform Level VI inspections. There will be two Official Inspectors with supervision responsibilities over the remaining Roadside Inspectors, one will be supervising the inspectors on the south part of the island the other over the north. Inspectors are authorized to impose fines, and place vehicles Out of Service. Responsible for investigating accidents where a CMV was involved. Provide education support as needed.
2. **Safety Investigators (2):** Personnel designated to audit companies on CMV Safety/HM Regulation compliance. Authorized to impose fines including placing vehicles and/or drivers Out of Service. Provide education support as needed. Safety Investigators will continue performing Roadside Inspectors in order to maintain their certifications, while the program is implemented.
3. ****Attorney (1) (This position is under contract):** Official appointed by the agency to conduct investigations and administrative hearings regarding violations to the CMV's regulations. Acts as representative for the office in administrative and court proceedings, as required. Draft new regulations for the PR TPSB and MCSAP to adapt to the TPSB's Administrative Transformation Act, Act No. 75 of 2017, in matters related to CMVs and to propel MCSAP's goals. Will draft the documents necessary to adopt 49 C.F.R sections, as well as participate in the adoption process required for the development of Safety Audits and Compliance Reviews programs in Puerto Rico.
4. ****Law Clerk (1) (This position is under contract):** Official appointed by the agency to help the attorney with the programs above describe in order to further develop the MCSAP program. Performs research to assist attorney implement regulations mentioned above and programs such as the Safety Audits and Compliance Reviews.
5. ****Legal Technician (1) (This position is under contract):** Official appointed by the agency to to prepare the Commercial Vehicle Safety Plan (in collaboration with the Director).

Part 1 Section 4 - MCSAP Structure**Instructions:**

Complete the following tables for the MCSAP lead agency, each subrecipient and non-funded agency conducting eligible CMV safety activities.

The tables below show the total number of personnel participating in MCSAP activities, including full time and part time personnel. This is the total number of non-duplicated individuals involved in all MCSAP activities within the CVSP. (The agency and subrecipient names entered in these tables will be used in the National Program Elements —Roadside Inspections area.)

The national program elements sub-categories represent the number of personnel involved in that specific area of enforcement. FMCSA recognizes that some staff may be involved in more than one area of activity.

Lead Agency Information	
Agency Name:	TRANSPORT AND OTHER PUBLIC SERVICES BUREAU
Enter total number of personnel participating in MCSAP activities	34
National Program Elements	Enter # personnel below
Driver and Vehicle Inspections	22
Traffic Enforcement Activities	1
Investigations*	0
Public Education and Awareness	1
Data Collection and Reporting	10
* Formerly Compliance Reviews and Includes New Entrant Safety Audits	

Subrecipient Information	
Agency Name:	0
Enter total number of personnel participating in MCSAP activities	0
National Program Elements	Enter # personnel below
Driver and Vehicle Inspections	0
Traffic Enforcement Activities	0
Investigations*	0
Public Education and Awareness	0
Data Collection and Reporting	0
* Formerly Compliance Reviews and Includes New Entrant Safety Audits	

Non-funded Agency Information	
Total number of agencies:	0
Total # of MCSAP Participating Personnel:	0

Part 2 - Crash Reduction and National Program Elements

Part 2 Section 1 - Overview

Part 2 allows the State to provide past performance trend analysis and specific goals for FY 2019 in the areas of crash reduction, roadside inspections, traffic enforcement, audits and investigations, safety technology and data quality, and public education and outreach.

In past years, the program effectiveness summary trend analysis and performance goals were separate areas in the CVSP. Beginning in FY 2017, these areas have been merged and categorized by the National Program Elements as described in [49 CFR 350.109](#). This change is intended to streamline and incorporate this information into one single area of the CVSP based upon activity type.

Note: *For CVSP planning purposes, the State can access detailed counts of its core MCSAP performance measures. Such measures include roadside inspections, traffic enforcement activity, investigation/review activity, and data quality by quarter for the current and past two fiscal years using the State Quarterly Report and CVSP Data Dashboard, and/or the CVSP Toolkit on the A&I Online website. The Data Dashboard is also a resource designed to assist the State with preparing their MCSAP-related quarterly reports and is located at: <http://ai.fmcsa.dot.gov/StatePrograms/Home.aspx>. A user id and password are required to access this system.*

In addition, States can utilize other data sources available on the A&I Online website as well as internal State data sources. It is important to reference the data source used in developing problem statements, baselines and performance goals/ objectives.

Part 2 Section 2 - CMV Crash Reduction

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA) is to reduce crashes, injuries and fatalities involving large trucks and buses. MCSAP partners also share the goal of reducing commercial motor vehicle (CMV) related crashes.

Trend Analysis for 2013 - 2017

Instructions for all tables in this section:

Complete the tables below to document the State's past performance trend analysis over the past five measurement periods. All columns in the table must be completed.

- Insert the beginning and ending dates of the five most recent State measurement periods used in the Measurement Period column. The measurement period can be calendar year, Federal fiscal year, State fiscal year, or any consistent 12-month period for available data.
- In the Fatalities column, enter the total number of fatalities resulting from crashes involving CMVs in the State during each measurement period.
- The Goal and Outcome columns allow the State to show its CVSP goal and the actual outcome for each measurement period. The goal and outcome must be expressed in the same format and measurement type (e.g., number, percentage, etc.).
 - In the Goal column, enter the goal from the corresponding CVSP for the measurement period.
 - In the Outcome column, enter the actual outcome for the measurement period based upon the goal that was set.
- Include the data source and capture date in the narrative box provided below the tables.
- If challenges were experienced while working toward the goals, provide a brief narrative including details of how the State adjusted the program and if the modifications were successful.

ALL CMV CRASHES

Select the State's method of measuring the crash reduction goal as expressed in the corresponding CVSP by using the drop-down box options: (e.g. large truck fatal crashes per 100M VMT, actual number of fatal crashes, actual number of fatalities, or other). Other can include injury only or property damage crashes.

Goal measurement as defined by your State: Large Truck Fatal Crashes per 100M VMT

If you select 'Other' as the goal measurement, explain the measurement used in the text box provided:

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
10/01/2016	09/30/2017	4	0	0.03
10/01/2015	09/30/2016	4	0	0.03
10/01/2014	09/30/2015	8	0	0.04
10/01/2013	09/30/2014	3	0	0.02
10/01/2012	09/30/2013	8	0	0.04

MOTORCOACH/PASSENGER CARRIER CRASHES

Select the State's method of measuring the crash reduction goal as expressed in the corresponding CVSP by using the drop-down box options: (e.g. large truck fatal crashes per 100M VMT, actual number of fatal crashes, actual number of fatalities, other, or N/A).

Goal measurement as defined by your State: Other

If you select 'Other' or 'N/A' as the goal measurement, explain the measurement used in the text box provided:

Bus Fatal Crashes per 100M VMT

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
10/01/2016	09/30/2017	0	0	0
10/01/2015	09/30/2016	1	0	0.0060
10/01/2014	09/30/2015	0	0	0
10/01/2013	09/30/2014	0	0	0
10/01/2012	09/30/2013	0	0	0

Hazardous Materials (HM) CRASH INVOLVING HM RELEASE/SPILL

Hazardous material is anything that is listed in the hazardous materials table or that meets the definition of any of the hazard classes as specified by Federal law. The Secretary of Transportation has determined that hazardous materials are those materials capable of posing an unreasonable risk to health, safety, and property when transported in commerce. The term hazardous material includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, and all other materials listed in the hazardous materials table.

For the purposes of the table below, HM crashes involve a release/spill of HM that is part of the manifested load. (This does not include fuel spilled from ruptured CMV fuel tanks as a result of the crash).

Select the State's method of measuring the crash reduction goal as expressed in the corresponding CVSP by using the drop-down box options: (e.g., large truck fatal crashes per 100M VMT, actual number of fatal crashes, actual number of fatalities, other, or N/A).

Goal measurement as defined by your State: Other

If you select 'Other' or 'N/A' as the goal measurement, explain the measurement used in the text box provided:

Hazardous Material Large Trucks and Buses Fatal Crashes per 100M VMT

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
10/01/2016	09/30/2017	0	0	0
10/01/2015	09/30/2016	0	0	0
10/01/2014	09/30/2015	0	0	0
10/01/2013	09/30/2014	0	0	0
10/01/2012	09/30/2013	0	0	0

Enter the data sources and capture dates of the data listed in each of the tables above.

FMCSA Motor Carrier Management Information System (MCMIS) data snapshot as of 06/29/2018, including crash records through 02/28/2018. Report: 07/19/2018

Narrative: Describe any difficulties achieving the goal, problems encountered, obstacles overcome, lessons learned, etc.

A. Problems encountered: Having an approved Crash Report that complies with the Model Minimum Uniform Crash Criteria Guideline (MMUCC).

B. **FY 2018 Update**: The Crash Reporting Form is approved by the Committee, however:

- The intention is to put it in an electronic format so as to eliminate paper forms.
- They are working on the electronic version and the acquisition of tablets to enable their portability.

C. Additional steps taken while the Electronic Crash Report is officially used:

1. PR MCSAP inspectors will continue to perform post crash investigations and recording the data into ASPEN.
2. The information will be transferred into Safetynet and uploaded to FMCSA systems.
3. The information will be retrieved by PR MCSAP administrative personnel which is used to identify trends and crash corridors.
4. Director will keep using the information to allocate resources into monthly calendar.

Narrative Overview for FY 2019***Instructions:***

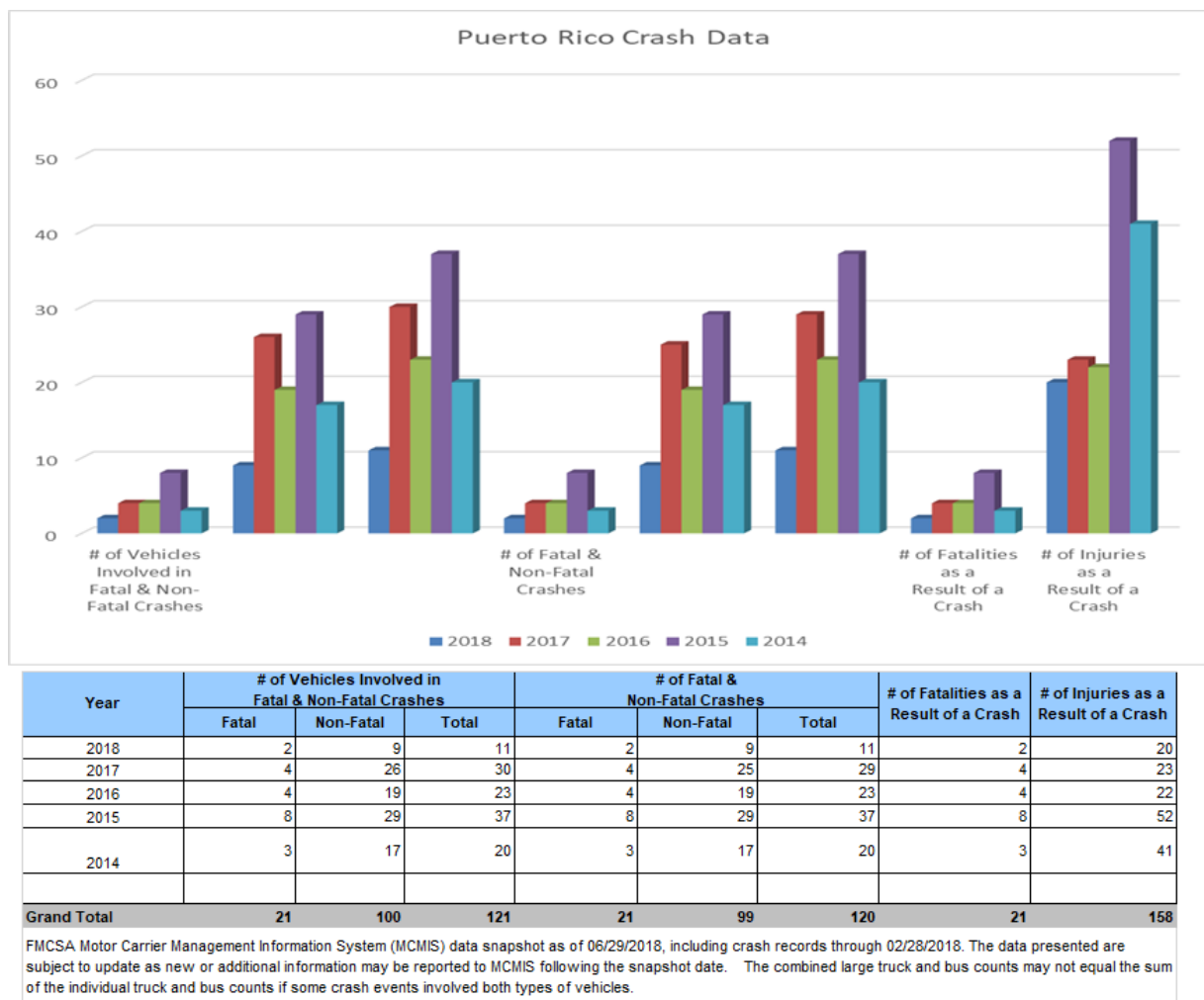
The State must include a reasonable crash reduction goal for their State that supports FMCSA's mission to reduce the national number of crashes, injuries and fatalities involving commercial motor vehicles. The State has flexibility in setting its goal and it can be based on raw numbers (e.g., total number of fatalities or CMV crashes), based on a rate (e.g., fatalities per 100 million VMT), etc.

Problem Statement Narrative: Describe the identified problem, include baseline data and identify the measurement method.

Identified Problem: Puerto Rico has yet to achieve a 0.00% per 100M VMT Fatality Rate.

- a. Of the thirty (30) crashes that occurred during FY 2017, four (4) of them were fatal. The highest contributing factor was Vehicle Maintenance which was responsible for at least twenty five percent (25%) of crashes.
- b. As per Safetynet Reports, during FY 2018 fourteen (14) crashes have occurred so far. Although Vehicle Maintenance is no longer the highest contributing factor it is still in the top three with twenty one percent (21%). Driver error is the number one contributing factor with thirty six percent (36%), and Unsafe driver behavior for both CMV and Non CMV Drivers is the second with twenty nine (29%).

Baseline Data:

**Enter the data source and capture date:**

1. MCMIS Report data snapshot as of 7/7/2017 including crash records through 03/31/2017. Capture Date: 08/08/2017
 2. MCMIS data snapshot as of 06/29/2018, including crash records through 02/28/2018. Capture Date: 07/19/2018
 3. Safetynet Detailed History Crash Report for FY 2018 Capture Date: 07/26/2018

Projected Goal for FY 2019**Enter Crash Reduction Goal:**

0.00 per 100M VMT

Program Activities: States must indicate the activities, and the amount of effort (staff hours, inspections, traffic enforcement stops, etc.) that will be resourced directly for the program activities purpose.

1. PR MCSAP will perform at least 2,000 Roadside Inspections and Highly visible Inspection activities in previously identified High Risk Crash Corridors.
2. PR MCSAP will schedule at least 4 traffic enforcement activities per quarter in coordination with the PR PD.
3. PR MCSAP will perform at least 1 educational activity during this year related to both Driver Vehicle Inspection Reports (49 C.F.R. §396.11) and the Periodic Inspection (49 C.F.R. §396.17).
4. Roadside Inspectors will require proof of Periodic Inspection Reports on all commercial motor vehicles just as they would driver's license and vehicle's registration. There will be a period this violation may not be penalized but it will be recorded in the inspection, will be used also to educate the companies and drivers. After a period (yet to be determined by the Director) fines will be imposed on said violations.

Performance Measurements and Monitoring: The State will monitor the effectiveness of its CMV Crash Reduction Goal quarterly and annually by evaluating the performance measures and reporting results in the required Standard Form - Performance Progress Reports (SF-PPRs).

Describe how the State will conduct ongoing monitoring of progress in addition to quarterly reporting.

1. Percent of Violations and Out of Service Orders in High Risk Corridors: PR MCSAPs Director will allocate Roadside Inspectors in High Risk Corridors as needed but no less than three hundred (300) staff hours per month. Each inspector is responsible for entering inspections into ASPEN daily and submitting copies of their inspections to the Official Inspector. The Official Inspector who will report those numbers to the Director at the end of the week who will ensure numbers add up to those reported unto SafetyNet review them for errors and upload them into the Cloud.
2. Periodic Inspection Violations in Inspections: PR MCSAPs Roadside Inspectors will require CMV Drivers proof that the Periodic Inspection was performed during that year. Failure to hand in the proof will result in a violation that will be included in the Roadside Inspection. Second, the Driver will also be educated regarding this violation and the inspection will reflect that the driver received the information. Each inspector is responsible for entering inspections into ASPEN daily and submitting copies of their inspections to the Official Inspector. The Official Inspector who will report those numbers to the Director at the end of the week who will ensure numbers add up to those reported unto SafetyNet review them for errors and upload them into the Cloud.
3. Percent of Fatalities in CMV related crashes: PR MCSAPs Inspectors are assigned to investigate a crash involving a fatality are required to enter the report into ASPEN within 48 hours of the crash. The Director will follow up to verify and upload the report to the Cloud. The information will be included in the SF-PPR.
4. Percent of Crashes in High Risk Corridors: PR MCSAPs inspectors will fill out the ASPEN Crash report completely to include the location of the Crash. The information regarding the Crash Reports will be analyzed and included in the corresponding SF-PPR.

Part 2 Section 3 - Roadside Inspections

In this section, provide a trend analysis, an overview of the State's roadside inspection program, and projected goals for FY 2019.

Note: *In completing this section, do NOT include border enforcement inspections. Border Enforcement activities will be captured in a separate section if applicable.*

Trend Analysis for 2013 - 2017

Inspection Types	2013	2014	2015	2016	2017
Level 1: Full	993	2327	2106	1113	963
Level 2: Walk-Around	822	2469	2334	1590	1454
Level 3: Driver-Only	1161	1823	1895	954	928
Level 4: Special Inspections	166	723	524	429	976
Level 5: Vehicle-Only	538	804	876	378	367
Level 6: Radioactive Materials	0	2	2	7	5
Total	3680	8148	7737	4471	4693

Narrative Overview for FY 2019

Overview:

Describe components of the State's general Roadside and Fixed-Facility Inspection Program. Include the day-to-day routine for inspections and explain resource allocation decisions (i.e., number of FTE, where inspectors are working and why).

Enter a narrative of the State's overall inspection program, including a description of how the State will monitor its program to ensure effectiveness and consistency.

PR MCSAP conducts Level I - Level V inspections with a view to reducing CMV crashes and fatalities. Inspections serve as the cornerstone of our program.

The priorities established in the planning memorandum are that Level III inspections constitute 33% of all inspections. However, PR MCSAP has been unable to comply with this objective. The reasons being that:

1. When violations are observed, a stricter level of inspection is required.
2. Puerto Rico is an island, approximately 110 miles in length and 40 miles in width (approximately 95 air mile radius), so 100 Air-mile Radius Hours of Service Rules Exemption applies.

General Roadside and Fixed-Facility Inspection Program: Puerto Rico has only one (1) Fixed Inspection Site located in the municipality of Salinas (Salinas Weight Station). The other Roadside inspection locations are: PR-167, Toa Alta; Caguas South; Vega Alta; Ponce; Ceiba; PR-3, Rio Grande; PR-3, Luquillo; PR-111, Moca; PR-2, Mayaguez; Naranjito; Corozal; Muñoz Base, Carolina; Isla Grande, San Juan; PR-1, Guaynabo; CZL, Guaynabo; Trujillo Alto; Yabucoa; Los Colobos, Carolina; Barranquitas and Peñuelas.

Roadside Inspection Locations
Rural Roads

Municipality	Road Number
Barranquitas	PR-152
Bayamón	PR-167
Cabo Rojo	PR-100
Cayey	PR-194
Coamo	PR-14
Isabela	PR-2
Lajas	PR-116
Naranjito	PR-5
	PR-64
Rincón	PR-115
Santa Isabel	PR-536

Resource Allocation Decisions; PR MCSAP Director decides where to allocate resources. The Director bases his decision primary on Crash Corridor data from previous quarters. Another factor to allocate resources is where CMVs major movement is located.

FY 2019 Projected Goals:

1. Roadside Inspection Number Goal will remain the same for this year. Currently there are several other projects that are trying to be implemented that may affect Roadside Inspection Numbers.
2. Other Projects: Compliance Reviews/Safety Audits, Enforcement of 49 C.F.R. secs. 382, 383, 384.
3. **Puerto Rico MCSAP will try to add new technology to the Roadside Inspection process. Our goal is to acquire and use Performance-Based Brake Testers during the grant performance period for FY 2019.**

Projected Goals for FY 2019

Instructions for Projected Goals:

Complete the following tables in this section indicating the number of inspections that the State anticipates conducting during Fiscal Year 2019. For FY 2019, there are separate tabs for the Lead Agency, Subrecipient Agencies, and Non-Funded Agencies—enter inspection goals by agency type. Enter the requested information on the first three tabs (as applicable). The Summary table totals are calculated by the eCVSP system.

To modify the names of the Lead or Subrecipient agencies, or the number of Subrecipient or Non-Funded Agencies, visit [Part 1, MCSAP Structure](#).

Note: Per the [MCSAP Comprehensive Policy](#), States are strongly encouraged to conduct at least 25 percent Level 1 inspections and 33 percent Level 3 inspections of the total inspections conducted. If the State opts to do less than these minimums, provide an explanation in space provided on the Summary tab.

MCSAP Lead Agency

Lead Agency is: TRANSPORT AND OTHER PUBLIC SERVICES BUREAU

Enter the total number of certified personnel in the Lead agency: 22

Projected Goals for FY 2019 - Roadside Inspections					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	864	216	270	1350	27.00%
Level 2: Walk-Around	975	225	300	1500	30.00%
Level 3: Driver-Only	813	187	250	1250	25.00%
Level 4: Special Inspections	228	52	70	350	7.00%
Level 5: Vehicle-Only	358	82	110	550	11.00%
Level 6: Radioactive Materials	0	0	0	0	0.00%
Sub-Total Lead Agency	3238	762	1000	5000	

MCSAP subrecipient agency

Complete the following information for each MCSAP subrecipient agency. A separate table must be created for each subrecipient.

Subrecipient is: 0

Enter the total number of certified personnel in this funded agency: 0

Projected Goals for FY 2019 - Subrecipients					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full				0	%
Level 2: Walk-Around				0	%
Level 3: Driver-Only				0	%
Level 4: Special Inspections				0	%
Level 5: Vehicle-Only				0	%
Level 6: Radioactive Materials				0	%
Sub-Total Funded Agencies	0	0	0	0	

Non-Funded Agencies

Total number of agencies:	0
Enter the total number of non-funded certified officers:	
Enter the total number of inspections projected for FY 2019:	

Summary

Projected Goals for FY 2019 - Roadside Inspections Summary

Projected Goals for FY 2019 Summary for All Agencies					
MCSAP Lead Agency: TRANSPORT AND OTHER PUBLIC SERVICES BUREAU					
# certified personnel: 22					
Subrecipient Agencies: 0					
# certified personnel: 0					
Number of Non-Funded Agencies: 0					
# certified personnel:					
# projected inspections:					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	864	216	270	1350	27.00%
Level 2: Walk-Around	975	225	300	1500	30.00%
Level 3: Driver-Only	813	187	250	1250	25.00%
Level 4: Special Inspections	228	52	70	350	7.00%
Level 5: Vehicle-Only	358	82	110	550	11.00%
Level 6: Radioactive Materials	0	0	0	0	0.00%
Total ALL Agencies	3238	762	1000	5000	

Note: If the minimum numbers for Level 1 and Level 3 inspections are less than described in the [MCSAP Comprehensive Policy](#), briefly explain why the minimum(s) will not be met.

Minimum number for Level 1 will be met. The priorities established in the planning memorandum are that Level III inspections constitute 33% of all inspections. However, PR MCSAP has been unable to comply with this objective. The reasons being that: 1. When violations are observed, a stricter level of inspection is required. 2. Puerto Rico is an island, approximately 110 miles in length and 40 miles in width (approximately 95 air mile radius), so 100 Air-mile Radius Hours of Service Rules Exemption applies

Part 2 Section 4 - Investigations

Describe the State's implementation of FMCSA's interventions model for interstate carriers. Also describe any remaining or transitioning compliance review program activities for intrastate motor carriers. Include the number of personnel assigned to this effort. Data provided in this section should reflect interstate and intrastate investigation activities for each year.



The State does not conduct investigations. If this box is checked, the tables and narrative are not required to be completed and won't be displayed.

Part 2 Section 5 - Traffic Enforcement

Traffic enforcement means documented enforcement activities of State or local officials. This includes the stopping of vehicles operating on highways, streets, or roads for moving violations of State or local motor vehicle or traffic laws (e.g., speeding, following too closely, reckless driving, and improper lane changes).

Trend Analysis for 2013 - 2017

Instructions:

Please refer to the [MCSAP Comprehensive Policy](#) for an explanation of FMCSA's traffic enforcement guidance. Complete the tables below to document the State's safety performance goals and outcomes over the past five measurement periods.

1. Insert the beginning and end dates of the measurement period being used, (e.g., calendar year, Federal fiscal year, State fiscal year or any consistent 12-month period for which data is available).
2. Insert the total number CMV traffic enforcement stops with an inspection, CMV traffic enforcement stops without an inspection, and non-CMV stops in the tables below.
3. Insert the total number of written warnings and citations issued during the measurement period. The number of warnings and citations are combined in the last column.

State/Territory Defined Measurement Period (Include 5 Periods)		Number of Documented CMV Traffic Enforcement Stops with an Inspection	Number of Citations and Warnings Issued
Begin Date	End Date		
10/01/2016	09/30/2017	1624	5
10/01/2015	09/30/2016	1996	140
10/01/2014	09/30/2015	3082	200
10/01/2013	09/30/2014	1942	277
10/01/2012	09/30/2013	423	425

☒ **The State does not conduct CMV traffic enforcement stops without an inspection. If this box is checked, the "CMV Traffic Enforcement Stops without an Inspection" table is not required to be completed and won't be displayed.**

☒ **The State does not conduct documented non-CMV traffic enforcement stops and was not reimbursed by the MCSAP grant (or used for State Share or MOE). If this box is checked, the "Non-CMV Traffic Enforcement Stops" table is not required to be completed and won't be displayed.**

Enter the source and capture date of the data listed in the tables above.

Source: MCMIS Data Snapshot as of 6/29/2018 Capture Date: 07/24/2018

Narrative Overview for FY 2019

Instructions:

Describe the State's proposed level of effort (number of personnel) to implement a statewide CMV (in conjunction with and without an inspection) and/or non-CMV traffic enforcement program. If the State conducts CMV and/or non-CMV traffic enforcement activities only in support of the overall crash reduction goal, describe how the State allocates traffic

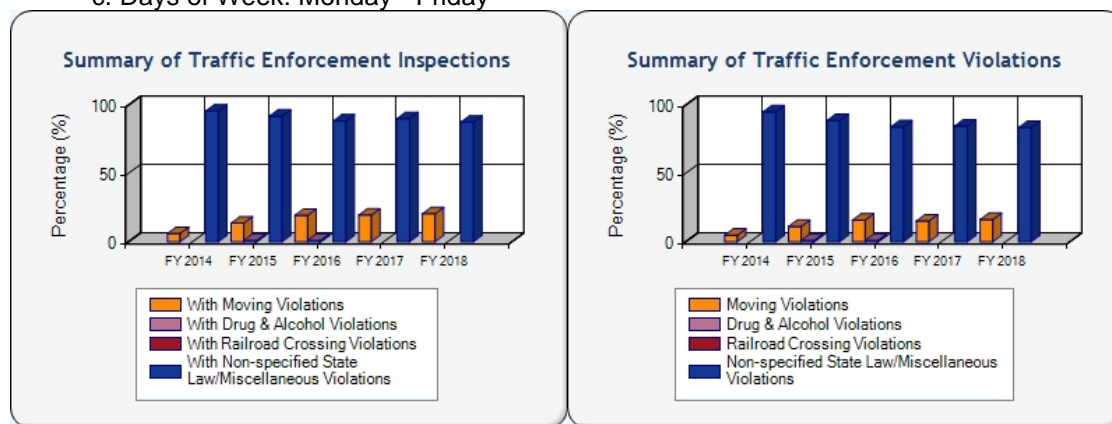
enforcement resources. Please include number of officers, times of day and days of the week, specific corridors or general activity zones, etc. Traffic enforcement activities should include officers who are not assigned to a dedicated commercial vehicle enforcement unit, but who conduct eligible commercial vehicle/driver enforcement activities. If the State conducts non-CMV traffic enforcement activities, the State must conduct these activities in accordance with the [MCSAP Comprehensive Policy](#).

1. PR Level of Effort: 23 Roadside Inspectors (to include Director plus 1 non certified officers, one of them is expected to obtain certification during the grant period of performance). Traffic Enforcement Coordinator who assists the Director.

2. CMV and Non-CMV traffic enforcement program: PR MCSAP inspectors are not police officers therefore they do not have jurisdiction over Non-CMV vehicles.

3. Traffic Enforcement Resources:

- Number of officers: 20 MCSAP Roadside Inspectors 2 Safety Investigators., Director (1), and Traffic Enforcement Coordinator (1)
- Time of day: 06:00 - 14:30 (23 Inspectors)
- Days of Week: Monday - Friday



Projected Goals for FY 2019

Using the radio buttons in the table below, indicate the traffic enforcement activities the State intends to conduct in FY 2019. The projected goals are based on the number of traffic stops, not tickets or warnings issued. These goals are NOT intended to set a quota.

			Enter Projected Goals (Number of Stops only)
Yes	No	Traffic Enforcement Activities	FY 2019
<input checked="" type="radio"/>	<input type="radio"/>	CMV with Inspection	2100
<input type="radio"/>	<input checked="" type="radio"/>	CMV without Inspection	0
<input type="radio"/>	<input checked="" type="radio"/>	Non-CMV	0
<input checked="" type="radio"/>	<input type="radio"/>	Comprehensive and high visibility in high risk locations and corridors (special enforcement details)	550

In order to be eligible to utilize Federal funding for Non-CMV traffic enforcement, the [FAST Act](#) requires that the State must maintain an average number of safety activities which include the number of roadside inspections, carrier investigations, and new entrant safety audits conducted in the State for Fiscal Years 2004 and 2005.

The table below displays the information you input into this plan from the roadside inspections, investigations, and new entrant safety audit sections. Your planned activities must at least equal the average of your 2004/2005 activities.

FY 2019 Planned Safety Activities				
Inspections	Investigations	New Entrant Safety Audits	Sum of FY 2019 Activities	Average 2004/05 Activities
5000	0	0	5000	1640

Describe how the State will monitor its traffic enforcement efforts to ensure effectiveness, consistency, and correlation to FMCSA's national traffic enforcement priority.

One of our Roadside Inspector is going to be assisting the TPSB Chairman this grant period of performance as a Traffic Enforcement Coordinator (TEC). The TEC will coordinate traffic enforcement activities monthly with the Director and other TPSB Divisions to perform MCSAP related activities. The Director will schedule roadside inspectors as needed to participate in these activities. A report will be generated monthly to notify results of the activities. The report will be made available to the Director and the legal technician to include information in the SF-PPRs.

Part 2 Section 6 - Safety Technology

The FAST Act made Performance and Registration Information Systems Management (PRISM) a condition for MCSAP eligibility in [49 CFR 350.201 \(aa\)](#). States must achieve full participation by October 1, 2020. FMCSA defines “fully participating” in PRISM, for the purpose of determining eligibility for MCSAP funding, as when a State’s or Territory’s International Registration Plan (IRP) or CMV registration agency suspends or revokes and denies registration if the motor carrier responsible for safety of the vehicle is under any Federal OOS order and denies registration if the motor carrier possess an inactive or de-active USDOT number for motor carriers operating CMVs in commerce that have a Gross Vehicle Weight (GVW) of 26,001 pounds or more. Further information regarding full participation in PRISM can be found in the MCP Section 4.3.1.

Under certain conditions, the FAST Act allows MCSAP lead agencies to use MCSAP funds for Operations and Maintenance (O&M) costs associated with Innovative Technology Deployment (ITD) and the PRISM ([49 CFR 350.201\(aa\) \(cc\)](#)). For PRISM, O&M costs are eligible expenses subject to FMCSA approval. For ITD, if the State agrees to comply with ITD program requirements and has complied with all MCSAP requirements, including achievement of full participation in PRISM, O&M costs are eligible expenses. O&M expenses must be included and described in the Spending Plan section per the method these costs are handled in the State’s accounting system (e.g., contractual costs, other costs, etc.).

Safety Technology Compliance Status

Please verify the current level of compliance for your State in the table below using the drop-down menu. If the State plans to include O&M costs in this year’s CVSP, please indicate that in the table below. Additionally, details must be in this section and in your Spending Plan.

Technology Program	Current Compliance Level	Include O & M Costs?
ITD	Not Active	No
PRISM	Less Than Full Participation	No

Available data sources:

- [FMCSA website ITD information](#)
- [FMCSA website PRISM information](#)

Enter the agency name responsible for ITD in the State, if other than the Lead MCSAP Agency:

Enter the agency name responsible for PRISM in the State, if other than the Lead MCSAP Agency: Puerto Rico Department of Transportation and Public Works

Narrative Overview for FY 2019

Problem Statement Narrative and Projected Goal:

If the State’s PRISM compliance is less than full participation, describe activities your State plans to implement to achieve full participation in PRISM.

Problem Statement:

1. PR MCSAP does not currently have the basis to comply with PRISM. FMCSA has provided for an alternate method of compliance but it is still on the approval process.

Projected Goal: Adopt intrastate PRISM program.

FY 2018 Program Update: FMCSA is waiving the October 1, 2020 PRISM participation deadline for the Territories until such a time as legislation, rulemaking, and or a Territorial action requires that it achieve compatibility with the PRISM program. This is not a permanent exemption from participating in PRISM.

Funds used for the intrastate PRISM program will be identified once compatibility is required for the Territories.

Program Activities: Describe any actions that will be taken to implement full participation in PRISM.

1. Receive notification and information from FMCSA of an approved intrastate PRISM compliance plan.
2. Meetings among PR TPSB and PR MCSAP personnel and FMCSA PR Division to draft a compliance plan.
3. Meetings with FMCSA to obtain intrastate PRISM compliance plan draft approval.
4. Inter agency Coordination with the PR PD, the Traffic Records Committee and the PR Department of Transportation and Public Works to implement intrastate PRISM Plan.
5. Inter agency Coordination with the PR PD, the Traffic Records Committee and other agencies to adopt a MMUCC compliant Crash Data Reporting Form.
6. Inter agency Coordination with the PR PD, the Traffic Records Committee and other agencies for training on how to fill out the MMUCC compliant Crash Data Reporting Form. (Data entry sessions)

Performance Measurements and Monitoring: Describe all performance measures that will be used and include how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.

1. Number of meetings reported in SF-PPRs as well as reports available to Inter agency participants.
2. Number or training sessions held. Information to be provided to Inter agency participants and will be included in the SF-PPRs.

Part 2 Section 7 - Public Education and Outreach

A public education and outreach program is designed to provide information on a variety of traffic safety issues related to CMVs and non-CMV's that operate around large trucks and buses.

Trend Analysis for 2013 - 2017

In the table below, provide the number of public education and outreach activities conducted in the past 5 years.

Public Education and Outreach Activities	2013	2014	2015	2016	2017
Carrier Safety Talks	0	49	13	1	0
CMV Safety Belt Education and Outreach	0	52	13	1	0
State Trucking Association Meetings	0	1	0	1	0
State-Sponsored Outreach Events	0	0	1	0	0
Local Educational Safety Events	0	2	1	0	0
Teen Safety Events	0	0	1	0	0

Narrative Overview for FY 2019

Performance Objective: *To increase the safety awareness of the motoring public, motor carriers and drivers through public education and outreach activities such as safety talks, safety demonstrations, etc.*

Describe the type of activities the State plans to conduct, including but not limited to passenger transportation, hazardous materials transportation, and share the road safety initiatives. Include the number of personnel that will be participating in this effort.

The PR TPSB Public Education Division has increased public education and awareness activities but to this date has not officially sent the information.

Personnel: All Enforcement & Compliance Personnel will be in one way or another involved in educational activities.

Activities:

- 1. Carrier Safety Talks: (10)**
 - a. May 2019: Hazardous Material Transport Awareness Talk in anticipation of the 2019 Hurricane Season.
- 2. CMV Safety Belt Education and Outreach (1)**
 - a. Coordinate with the Puerto Rico Traffic Safety Commission to include CMV Safety in their campaigns.
- 3. State Trucking Association Meetings (4)**
 - a. At least four meetings with representatives from Puerto Rico's main Trucking Associations.
 - b. January, April, August and November 2019.
- 4. State-Sponsored Outreach Events (10)**
 - a. Educational campaigns, orientation visits and TPSB coordinated Task Forces.
 - b. March and June 2019: Cargo Transport Safety Task Force.
 - c. July 2019: School Bus Safety Task Force.
 - d. October 2019: Party Bus/Motor Coach Safety Task Force.
- 5. Social Media Outreach (5)**
 - a. CMV Safety Belt social media campaigns.
 - b. Highlight the importance of CMV Annual Inspections through social media campaigns.
 - c. Cargo Transport Safety Diagrams.
 - d. Adapt the diagrams and instructions found at:
 - i. <https://www.fmcsa.dot.gov/regulations/cargo-securement/drivers-handbook-cargo-securement-chapter-2-general-cargo-securement>

**All numbers are only preliminary, and a minimum standard.*

Projected Goals for FY 2019

In the table below, indicate if the State intends to conduct the listed program activities, and the estimated number, based on the descriptions in the narrative above.

			Performance Goals
Yes	No	Activity Type	FY 2019
<input checked="" type="radio"/>	<input type="radio"/>	Carrier Safety Talks	10
<input checked="" type="radio"/>	<input type="radio"/>	CMV Safety Belt Education and Outreach	1
<input checked="" type="radio"/>	<input type="radio"/>	State Trucking Association Meetings	4
<input checked="" type="radio"/>	<input type="radio"/>	State-Sponsored Outreach Events	15
<input checked="" type="radio"/>	<input type="radio"/>	Local Educational Safety Events	0
<input checked="" type="radio"/>	<input type="radio"/>	Teen Safety Events	0

Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct monitoring of progress. States must report the quantity, duration and number of attendees in their quarterly SF-PPR reports.

1. The Public Education Division will post educational activities celebrated in the PR TPSB Intranet Calendar, if unable will forward the information via email.

2. Information obtained will be included in the SF-PPR reports.

Part 2 Section 8 - State Safety Data Quality (SSDQ)

The FAST Act allows MCSAP lead agencies to use MCSAP funds for Operations and Maintenance (O&M) costs associated with Safety Data Systems (SSDQ) if the State meets accuracy, completeness and timeliness measures regarding motor carrier safety data and participates in the national data correction system (DataQs).

SSDQ Compliance Status

Please verify the current level of compliance for your State in the table below using the drop-down menu. If the State plans to include O&M costs in this year's CVSP, select Yes. These expenses must be included in the Spending Plan section per the method these costs are handled in the State's accounting system (e.g., contractual costs, other costs, etc.).

Technology Program	Current Compliance Level	Include O & M Costs?
SSDQ		No

Available data sources:

- [FMCSA website SSDQ information](#)

In the table below, use the drop-down menus to indicate the State's current rating within each of the State Safety Data Quality categories, and the State's goal for FY 2019.

SSDQ Category	Current SSDQ Rating	Goal for FY 2019
Crash Record Completeness		
Fatal Crash Completeness		
Crash Timeliness		
Crash Accuracy		
Crash Consistency		
Inspection Record Completeness		
Inspection VIN Accuracy		
Inspection Timeliness		
Inspection Accuracy		

Enter the date of the A & I Online data snapshot used for the "Current SSDQ Rating" column.

Data snapshot unavailable. PR does not have an SSDQ Rating.

Narrative Overview for FY 2019

Problem Statement Narrative: Describe any issues encountered for any SSDQ category not rated as "Good" in the Current SSDQ Rating category column above (i.e., problems encountered, obstacles overcome, lessons learned, etc.). If the State is "Good" in all categories, no further narrative or explanation is necessary.

1. PR MCSAP has no rating or has been incorporated into the network.
2. Since no SSDQ rating is available, PR MCSAP does not currently have the basis to comply with PRISM.
3. Puerto Rico has yet to approve a MMUCC compliant Crash Data Reporting Form.
4. The SSDQ does not have PR included in the Menu or been given a rating. PR MCSAP however is still capturing Crash Data and performing Roadside Inspections uploading them into the Federal Network.

Program Activities for FY 2019 - 2021: Describe any actions that will be taken to achieve a "Good" rating in any category not currently rated as "Good," including measurable milestones.

1. Quarterly meetings with PR MCSAP personnel to draft compliance plan.
2. Meetings with FMCSA staff to present compliance plan to request recommendations and assistance with SSDQ

Rating.

3. Interagency meetings on as needed basis to adopt a MMUCC Compliant Crash Form.
4. Coordinate on as needed basis training to Traffic Enforcement officials (PR PD, PR MCSAP Inspectors) regarding new Crash Data Reporting form.
3. Improve the accuracy and timelinesses of PR MCSAPs Crash Data information.

Performance Measurements and Monitoring: Describe all performance measures that will be used and include how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.

1. Meeting after action reports available for participating staff.
2. Number of Traffic Records Committee meetings attended and reported in the SF-PPR.
3. Number of Training Data Sessions coordinated.
4. Quarterly evaluation of timeliness and accuracy of data.

Part 2 Section 9 - New Entrant Safety Audits

The FAST Act states that conducting interstate New Entrant safety audits is now a requirement to participate in the MCSAP ([49 CFR 350.201](#).) The Act allows a State to conduct intrastate New Entrant safety audits at the State's discretion. States that choose to conduct intrastate safety audits must not negatively impact their interstate new entrant program.

Note: The FAST Act also says that a State or a third party may conduct New Entrant safety audits. If a State authorizes a third party to conduct safety audits on its behalf, the State must verify the quality of the work conducted and remains solely responsible for the management and oversight of the New Entrant activities.

Yes	No	Question
<input type="radio"/>	<input type="radio"/>	Does your State conduct Offsite safety audits in the New Entrant Web System (NEWS)? NEWS is the online system that carriers selected for an Offsite Safety Audit use to submit requested documents to FMCSA. Safety Auditors use this same system to review documents and communicate with the carrier about the Offsite Safety Audit.
<input type="radio"/>	<input type="radio"/>	Does your State conduct Group safety audits at non principal place of business locations?
<input type="radio"/>	<input type="radio"/>	Does your State intend to conduct intrastate safety audits and claim the expenses for reimbursement, state match, and/or Maintenance of Effort on the MCSAP Grant?

Trend Analysis for 2013 - 2017

In the table below, provide the number of New Entrant safety audits conducted in the past 5 years.

New Entrant Safety Audits	2013	2014	2015	2016	2017
Interstate	0	0	0	0	0
Intrastate	0	0	0	0	0
Total Audits	0	0	0	0	0

Note: Intrastate safety audits will not be reflected in any FMCSA data systems—totals must be derived from State data sources.

Narrative Overview for FY 2019

Enter the agency name conducting New Entrant activities, if other than the Lead MCSAP Agency:

Program Goal: Reduce the number and severity of crashes, injuries, and fatalities involving commercial motor vehicles by reviewing interstate new entrant carriers. At the State's discretion, intrastate motor carriers are reviewed to ensure they have effective safety management programs.

Program Objective: Statutory time limits for processing and completing interstate safety audits are:

- If entry date into the New Entrant program (as shown in FMCSA data systems) September 30, 2013 or earlier—safety audit must be completed within 18 months.
- If entry date into the New Entrant program (as shown in FMCSA data systems) October 1, 2013 or later—safety audit must be completed within 12 months for all motor carriers and 120 days for motor carriers of passengers.

Projected Goals for FY 2019

For the purpose of completing the table below:

- **Onsite safety audits** are conducted at the carrier's principal place of business.

- **Offsite safety audit** is a desktop review of a single New Entrant motor carrier's basic safety management controls and can be conducted from any location other than a motor carrier's place of business. Offsite audits are conducted by States that have completed the FMCSA New Entrant training for offsite audits.
- **Group audits** are neither an onsite nor offsite audit. Group audits are conducted on multiple carriers at an alternative location (i.e., hotel, border inspection station, State office, etc.).

Projected Goals for FY 2019 - New Entrant Safety Audits		
Number of Safety Audits/Non-Audit Resolutions	FY 2019	
	Interstate	Intrastate
# of Safety Audits (Onsite)	0	0
# of Safety Audits (Offsite)	0	0
# Group Audits	0	0
TOTAL Safety Audits	0	0
# of Non-Audit Resolutions	0	0

Strategies: Describe the strategies that will be utilized to meet the program objective above. Provide any challenges or impediments foreseen that may prevent successful completion of the objective.

Not applicable to Puerto Rico. (As per 49 C.F.R. § 350.201z, Puerto Rico is considered a Territory of the United States.)

Activity Plan: Include a description of the activities proposed to help achieve the objectives. If group audits are planned, include an estimate of the number of group audits.

Not applicable to Puerto Rico.

Performance Measurement Plan: Describe how you will measure progress toward meeting the objective, such as quantifiable and measurable outputs (staffing, work hours, carrier contacts, inspections, etc.). The measure must include specific benchmarks to be reported on in the quarterly progress report, or as annual outputs.

Not applicable to Puerto Rico.

Part 3 - National Emphasis Areas and State Specific Objectives

FMCSA establishes annual national priorities (emphasis areas) based on emerging or continuing issues, and will evaluate CVSPs in consideration of these national priorities. Part 3 allows States to address the national emphasis areas/priorities outlined in the Notice of Funding Opportunity (NOFO) and any State-specific objectives as necessary.

Part 3 Section 1 - Enforcement of Federal OOS Orders during Roadside Activities**Instructions:**

FMCSA has established an Out-of-Service (OOS) catch rate of 85 percent for carriers operating while under an OOS order. In this part, States will indicate their catch rate is at least 85 percent by using the check box or completing the problem statement portion below.

Check this box if:

As evidenced by the data provided by FMCSA, the State identifies at least 85 percent of carriers operating under a Federal OOS order during roadside enforcement activities and will not establish a specific reduction goal. However, the State will maintain effective enforcement of Federal OOS orders during roadside inspections and traffic enforcement activities.

Part 3 Section 2 - Passenger Carrier Enforcement

Instructions:

FMCSA requests that States conduct enhanced investigations for motor carriers of passengers and other high risk carriers. Additionally, States are asked to allocate resources to participate in the enhanced investigations training being offered by FMCSA. Finally, States are asked to continue partnering with FMCSA in conducting enhanced investigations and inspections at carrier locations.

Check this box if:

☐ As evidenced by the trend analysis data, the State has not identified a significant passenger transportation safety problem. Therefore, the State will not establish a specific passenger transportation goal in the current fiscal year. However, the State will continue to enforce the Federal Motor Carrier Safety Regulations (FMCSRs) pertaining to passenger transportation by CMVs in a manner consistent with the [MCSAP Comprehensive Policy](#) as described either below or in the roadside inspection section.

Narrative Overview for FY 2019

Problem Statement Narrative: Describe the problem as identified by performance data and include the baseline data.

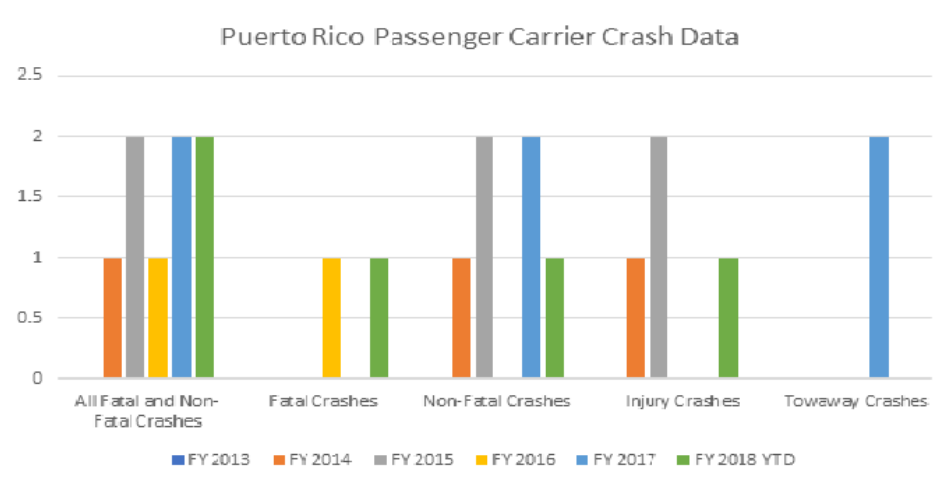
Problems Identified:

1. Passenger Carrier Crashes continue to occur as well as fatalities.

Baseline Data:

FY 2018 Update:

1. Vehicle Maintenance still tops the list in observed violations with fifty percent (50%) of the top ten violation observed.
2. Driver Violations have also entered the top ten list, with thirty percent (30%).
3. Other: Local Law violations are still in the picture with twenty percent (20%).



Passenger Carrier Crash	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018 YTD
All Fatal and Non-Fatal Crashes	0	1	2	1	2	2
Fatal Crashes	0	0	0	1	0	1
Non-Fatal Crashes	0	1	2	0	2	1
Injury Crashes	0	1	2	0	0	1
Towaway Crashes	0	0	0	0	2	0

Source: MCMIS Data Snapshot 06/29/2018

Capture Date: 07/25/2018

PASSENGER CARRIER TOP 10 ROADSIDE VIOLATIONS				
2014	2015	2016	2017	2018
50 % Vehicle Maintenance Violations	60 % Vehicle Maintenance Violations	60 % Vehicle Maintenance Violations	80 % Vehicle Maintenance Violations	50% Vehicle Maintenance Violations
50% Other: Local Laws	40% Other: Local Laws	40% Other: Local Laws	50% Other: Local Laws	30% Driver Violations

Source: MCMIS Data Snapshot 06/29/2018

Capture Date: 07/25/2018

Projected Goals for FY 2019: Enter performance goals.

1. Reduce Passenger Carrier Vehicle Maintenance Violations by 5% during the grant performance period.
2. Reduce Passenger Carrier related Crashes to 0.00 per 100M VMT.

Program Activities: Provide additional information regarding how these activities will be implemented.

1. Increase Passenger Carrier Roadside Inspections Level I or Level V during this grant period of performance to those performed on FY 2015.
2. Perform at least one Passenger Carrier targeted Strike force activity during the grant period of performance.

Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.

1. On a monthly basis, while preparing the following month's calendar the Director will evaluate previous months crashes, and vehicle violations to include activities concentrating on Passenger Carrier inspections.
2. On a quarterly basis the Director, the Public Education Office will evaluate the previous quarter of performance to schedule educational activities concentrating on a specific carrier, municipality etc..
3. On a quarterly basis the Director and the Traffic Enforcement Coordinator will evaluate Passenger Carrier's performance and will coordinate strike force activities as needed.

Part 3 Section 3 - State Specific Objectives – Past

Instructions:

Describe any State-specific CMV problems that were addressed with FY2018 MCSAP funding. Some examples may include hazardous materials objectives, Electronic Logging Device (ELD) implementation, and crash reduction for a specific segment of industry, etc. Report below on year-to-date progress on each State-specific objective identified in the FY 2018 CVSP.

Progress Report on State Specific Objectives(s) from the FY 2018 CVSP

Please enter information to describe the year-to-date progress on any State-specific objective(s) identified in the State's FY 2018 CVSP. Click on "Add New Activity" to enter progress information on each State-specific objective.

Activity #1

Activity: Describe State-specific activity conducted from previous year's CVSP.

Hazardous Materials Transportation Safety

Goal: Insert goal from previous year CVSP (#, %, etc., as appropriate).

Lower the number of Shipping Paper and Placarding Violations and OOS rates by 2% from FY 2015 rates.

Actual: Insert year to date progress (#, %, etc., as appropriate).

2018 FY (YTD): Violations have increased from those of FY 2015 1. Shipping Paper Violations: 63 violations (9% total violations) 2. OOS Pct: 76% 3. Placard Violations: 178 (25% of total violations) 4. OOS Pct: 29%

Narrative: Describe any difficulties achieving the goal, problems encountered, obstacles overcome, lessons learned, etc.

Problems encountered: 1. Two (2) hurricanes hit within a two week period at the end of FY 2017. The hurricanes destroyed the island's infrastructure and HM transportation increased. 2. Reduction in certified HM inspection personnel has affected number of inspections performed.

Activity #2

Activity: Describe State-specific activity conducted from previous year's CVSP.

CMV Safety Improvement

Goal: Insert goal from previous year CVSP (#, %, etc., as appropriate).

Lower Medical Certificate Violations to 20% within twelve months. Our ultimate goal will be to lower violations to 0

Actual: Insert year to date progress (#, %, etc., as appropriate).

2018 YTD Medical Certificate Violations 56 % of Total Violations - OOS Pct 7% Driver violations to include: 1. Operating a property-carrying CMV without a valid medical certificate. 2. No medical certificate in driver's possession. 3. Expired medical certificate.

Narrative: Describe any difficulties achieving the goal, problems encountered, obstacles overcome, lessons learned, etc.

Problems encountered: FY YTD 2018 medical certificate violations account for 56% of driver violations and 7% of Driver OOS Violations.

Activity #3

Activity: Describe State-specific activity conducted from previous year's CVSP.

Safety Assessment and Enforcement Program (SAEP)

Goal: Insert goal from previous year CVSP (#, %, etc., as appropriate).

Establishing a Safety Assessment Program

Actual: Insert year to date progress (#, %, etc., as appropriate).

1. Additional Personnel in the Legal Division has been contracted to help develop and establish the program. 2. Legal Personnel is currently working in development and the adoption of regulations that will serve as the basis for the program. 3. Legal Personnel in conjunction with the PR MCSAP Director are developing procedures to be used in the program.

Narrative: Describe any difficulties achieving the goal, problems encountered, obstacles overcome, lessons learned, etc.

The program was delayed due to the collapse of the island's infrastructure as a result of Hurricane Maria.

Part 3 Section 4 - State Specific Objectives – Future

Instructions:

The State may include additional objectives from the national priorities or emphasis areas identified in the NOFO as applicable. In addition, the State may include any State-specific CMV problems identified in the State that will be addressed with MCSAP funding. Some examples may include hazardous materials objectives, Electronic Logging Device (ELD) implementation, and crash reduction for a specific segment of industry, etc.

Describe any State-specific objective(s) identified for FY 2019. Click on "Add New Activity" to enter information on each State-specific objective. This is an optional section and only required if a State has identified a specific State problem planned to be addressed with grant funding.

State Objective #1

Enter the title of your State-Identified Objective.

Hazardous Materials Transportation Safety

Narrative Overview for FY 2019

Problem Statement Narrative: Describe problem identified by performance data including baseline data.

Problems identified: 1. HM roadside inspections with Shipping Paper and Placard Violations and OOS Pcts have increased during the past two years. 2. Placard and Shipping Paper Violations continue among the top five (5) Hazmat Violations in FY 2018. 3. LPG Cylinder Violations still occur. Baseline Data: 2014 Shipping Paper 4 % of Total Violations - OOS Pct 60% Placard 16% of Total Violations - OOS Pct 27% 2015 Shipping Paper 7% of Total Violations - OOS Pct 74% Placard 16% of Total Violations - OOS Pct 29% 2016 Shipping Paper 7% of Total Violations - OOS Pct 67% Placard 15% of Total Violations - OOS Pct 20% 2017 Shipping Paper 7% of Total Violations - OOS Pct 72% Placard 16% of Total Violations - OOS Pct 20% Data Source: FMCSA Motor Carrier Management Information System (MCMIS) data snapshot as of 06/29/2018. Capture Date: 07/25/2018 (only top ten violations considered)

Projected Goals for FY 2019:

Enter performance goal.

Reduce Shipping Paper and Placard Violations by 2% from FY 2015 rates.

Program Activities: Describe the activities that will be implemented including level of effort.

1. Roadside Inspections and Strike force activities will be conducted emphasizing HM Transportation. Shipping Paper and Placard violations will be fined or placed OOS to promote compliance. 2. Coordination with FMCSA, PHMSA and PR TPSB LPG office to perform educational activities to educate the LPG community.

Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.

1. The data will be evaluated monthly by the Director who will use it to coordinate as needed activities for the following month. 2. Plan and coordinate at least one meeting with FMCSA, PHMSA, PR TPSB Director, the Traffic Enforcement Coordinator and the Public Educational Office coordinate an educational activity with the LPG community.

State Objective #2

Enter the title of your State-Identified Objective.

CMV SAFETY IMPROVEMENT

Narrative Overview for FY 2019

Problem Statement Narrative: Describe problem identified by performance data including baseline data.

Medical Certificate violation issues for Large Trucks, Hazardous Material and Passenger Carrier Drivers lead the top ten (10) Driver Violations during Roadside Inspections in FY 2018. Baseline Data: 2014 Medical Certificate Violations 69 % of Total Violations - OOS Pct 15% 2015 Medical Certificate Violations 58 % of Total Violations - OOS Pct 18% 2016 Medical Certificate Violations 52 % of Total Violations - OOS Pct 12% 2017 Medical Certificate Violations 57 % of Total Violations - OOS Pct 13% 2018 YTD Medical Certificate Violations 56 % of Total Violations - OOS Pct 7% Data Source: FMCSA Motor Carrier Management Information System (MCMIS) data snapshot as of 06/29/2018. Capture Date: 07/25/2018. (only top ten violations considered)

Projected Goals for FY 2019:**Enter performance goal.**

Lower Medical Certificate Violations by 2% within the grant period of performance.

Program Activities: Describe the activities that will be implemented including level of effort.

1. Perform Roadside Inspections and traffic enforcement activities paying special attention to Medical Certificate Compliance. 2. Perform one activity within the CMV community to educate about Medical Certificate requirements.

Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.

1. The Director will evaluate the number of violations issued in this area on a quarterly basis to reallocate resources to increase inspection and / or traffic enforcement activities. 2. The Director will forward this information to the PR TPSB Public Education Coordinator to ensure Medical Certificate requirements are covered in educational activities. 3. The PR TPSB Education Coordinator will ensure Medical Certificate forms are available at all events held by the PR TPSB Educational Department.

State Objective #3**Enter the title of your State-Identified Objective.**

Safety Assessment and Enforcement Program (SAEP)

Narrative Overview for FY 2019**Problem Statement Narrative: Describe problem identified by performance data including baseline data.**

PR MCSAP is currently in the beginning stages of creating an investigation program applicable to the Territory. PR MCSAP believes that there is a greater chance of preventing Out of Service Violations and Crashes if caught early enough.

Projected Goals for FY 2019:**Enter performance goal.**

Establishing a Safety Assessment Program.

Program Activities: Describe the activities that will be implemented including level of effort.

1. Develop SAEP policies and procedures. (Currently) 2. Coordinate with FMCSA PR Division and submit document for comments within FMCSA. 3. Select two (2) officers to become Safety Investigators from the available pool of candidates. 4. Coordinate training for selected candidates. 5. Perform Safety Assessments to certify selected candidates.

Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.

1. Develop SAEP policies and procedures within this grant period of performance. (Currently) 2. FMCSA PR Division submit comments/approval. 3. Selection of Safety Investigators. 4. Training and selection of Safety Investigators within this grant period of performance.

State Objective #4

Enter the title of your State-Identified Objective.

Construction Work Zones

Narrative Overview for FY 2019**Problem Statement Narrative: Describe problem identified by performance data including baseline data.**

On September 2017 Puerto Rico suffered the impact of two (2) hurricanes within a two (2) week period. The second one, Hurricane Maria, caused serious damage to the island's infrastructure. As a result, CMV use increased to provide assistance with recovery and reconstruction efforts. Reconstruction efforts lead to increase in work zones also located in rural areas, and unfortunately during FY 2018 some of those CMV's have been involved in crashes. Problems identified: 1. Increase in Work Zones throughout the island may increase CMV Crashes in work zones and congested areas. Baseline Data: Crash Work Zone statistics for Large Trucks and Buses Fatal Crash Events 2012 Fatal Crash Events: 0 2013 Fatal Crash Events: 0 2014 Fatal Crash Events: 1 2015 Fatal Crash Events: 0 2016 Fatal Crash Events: 0 Data Source: FMCSA Motor Carrier Management Information System (MCMIS) as of 5/25/2018. (FARS Snapshot 2012 - 2016)

Projected Goals for FY 2019:**Enter performance goal.**

Reduce CMV Crashes occurring in Construction work Zones to 0 per 100M VMT.

Program Activities: Describe the activities that will be implemented including level of effort.

1. Perform Roadside Inspections and traffic enforcement activities around Construction Work Zones and Congested Areas. 2. Perform one activity within the CMV community to educate about Construction Work Zone Safety. 3. Partner with the FMCSA, the Puerto Rico Traffic Safety Commission and the PR PD to perform one activity within the CMV and Non CMV community to educate about Construction Work Zone Safety.

Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.

1. The Director will evaluate the number of violations issued in this area on a quarterly basis to reallocate resources to increase inspection and / or traffic enforcement activities. 2. Plan and coordinate at least one meeting with FMCSA, PR TSC, the PR PD, the Traffic Enforcement Coordinator and the Public Educational Office coordinate an educational activity within the communities.

Part 4 - Financial Information

Part 4 Section 1 - Overview

The Spending Plan is an explanation of each budget component, and should support the cost estimates for the proposed work. The Spending Plan should focus on how each item will achieve the proposed project goals and objectives, and explain how costs are calculated. The Spending Plan must be clear, specific, detailed, and mathematically correct. Sources for assistance in developing the Spending Plan include [2 CFR part 200](#), [2 CFR part 1201](#), [49 CFR part 350](#) and the [MCSAP Comprehensive Policy](#).

Before any cost is billed to or recovered from a Federal award, it must be allowable ([2 CFR §200.403](#), [2 CFR §200 Subpart E – Cost Principles](#)), reasonable and necessary ([2 CFR §200.403](#) and [2 CFR §200.404](#)), and allocable ([2 CFR §200.405](#)).

- **Allowable** costs are permissible under the OMB Uniform Guidance, DOT and FMCSA regulations and directives, MCSAP policy, and all other relevant legal and regulatory authority.
- **Reasonable and Necessary** costs are those which a prudent person would deem to be judicious under the circumstances.
- **Allocable** costs are those that are charged to a funding source (e.g., a Federal award) based upon the benefit received by the funding source. Benefit received must be tangible and measurable.
 - For example, a Federal project that uses 5,000 square feet of a rented 20,000 square foot facility may charge 25 percent of the total rental cost.

Instructions

The Spending Plan should include costs for FY 2019 only. This applies to States completing a multi-year CVSP or an Annual Update to their multi-year CVSP.

The Spending Plan data tables are displayed by budget category (Personnel, Fringe Benefits, Travel, Equipment, Supplies, Contractual and Subaward, and Other Costs). You may add additional lines to each table, as necessary. Please include clear, concise explanations in the narrative boxes regarding the reason for each cost, how costs are calculated, why they are necessary, and specific information on how prorated costs were determined.

The following definitions describe Spending Plan terminology.

- **Federal Share** means the portion of the total project costs paid by Federal funds. Federal share is 85 percent of the total project costs for this FMCSA grant program.
- **State Share** means the portion of the total project costs paid by State funds. State share is 15 percent of the total project costs for this FMCSA grant program. A State is only required to contribute up to 15 percent of the total project costs of all budget categories combined as State share. A State is NOT required to include a 15 percent State share for each line item in a budget category. The State has the flexibility to select the budget categories and line items where State match will be shown.
- **Total Project Costs** means total allowable costs incurred under a Federal award and all required cost sharing (sum of the Federal share plus State share), including third party contributions.
- **Maintenance of Effort (MOE)** means the level of effort Lead State Agencies are required to maintain each fiscal year in accordance with [49 CFR § 350.301](#). The State has the flexibility to select the budget categories and line items where MOE will be shown. Additional information regarding MOE can be found in the MCSAP Comprehensive Policy (MCP) in section 3.6.

On Screen Messages

The system performs a number of edit checks on Spending Plan data inputs to ensure calculations are correct, and values are as expected. When anomalies are detected, alerts will be displayed on screen.

- Calculation of Federal and State Shares

Total Project Costs are determined for each line based upon user-entered data and a specific budget category formula. Federal and State shares are then calculated by the system based upon the Total Project Costs and are added to each line item.

The system calculates an 85 percent Federal share and 15 percent State share automatically and populates these values in each line. Federal share is the product of Total Project Costs x .85. State share equals Total Project Costs minus Federal share. If Total Project Costs are updated based upon user edits to the input values, the 85 and 15 percent values will not be recalculated by the system and should be reviewed and updated by users as necessary.

States may edit the system-calculated Federal and State share values at any time to reflect actual allocation for any line item. For example, States may allocate a different percentage to Federal and State shares. States must ensure that the sum of the Federal and State shares equals the Total Project Costs for each line before proceeding to the next budget category.

An error is shown on line items where Total Project Costs does not equal the sum of the Federal and State shares. Errors must be resolved before the system will allow users to 'save' or 'add' new line items.

Territories must insure that Total Project Costs equal Federal share for each line in order to proceed.

- **MOE Expenditures**

States may enter MOE on individual line items in the Spending Plan tables. The Personnel, Fringe Benefits, Equipment, Supplies, and Other Costs budget activity areas include edit checks on each line item preventing MOE costs from exceeding allowable amounts.

- If "Percentage of Time on MCSAP grant" equals 100%, then MOE must equal \$0.00.
- If "Percentage of Time on MCSAP grant" equals 0%, then MOE may equal up to Total Project Costs as expected at 100%.
- If "Percentage of Time on MCSAP grant" > 0% AND < 100%, then the MOE maximum value cannot exceed "100% Total Project Costs" minus "system-calculated Total Project Costs".

An error is shown on line items where MOE expenditures are too high. Errors must be resolved before the system will allow users to 'save' or 'add' new line items.

The Travel and Contractual budget activity areas do not include edit checks for MOE costs on each line item. States should review all entries to ensure costs reflect estimated expenditures.

- **Financial Summary**

The Financial Summary is a summary of all budget categories. The system provides warnings to the States on this page if the projected State Spending Plan totals are outside FMCSA's estimated funding amounts. States should review any warning messages that appear on this page and address them prior to submitting the eCVSP for FMCSA review.

The system will confirm that:

- Overtime value does not exceed the FMCSA limit.
- Planned MOE Costs equal or exceed FMCSA limit.
- States' proposed Federal and State share totals are each within \$5 of FMCSA's Federal and State share estimated amounts.
- Territories' proposed Total Project Costs are within \$5 of \$350,000.

ESTIMATED Fiscal Year Funding Amounts for MCSAP			
	85% Federal Share	15% State Share	Total Estimated Funding
Total	\$1,173,367.00	\$206,902.00	\$1,380,269.00

Summary of MCSAP Funding Limitations	
Allowable amount for Overtime without written justification (15% of MCSAP Award Amount):	\$206,902.00
MOE Baseline:	\$134,329.05

Part 4 Section 2 - Personnel

Personnel costs are salaries for employees working directly on a project.

Note: Do not include any personally identifiable information (PII) in the CVSP. The final CVSP approved by FMCSA is required to be posted to a public FMCSA website.

List grant-funded staff who will complete the tasks discussed in the narrative descriptive sections of the CVSP. Positions may be listed by title or function. It is not necessary to list all individual personnel separately by line. The State may use average or actual salary and wages by personnel category (e.g., Trooper, Civilian Inspector, Admin Support, etc.). Additional lines may be added as necessary to capture all your personnel costs.

The percent of each person's time must be allocated to this project based on the amount of time/effort applied to the project. For budgeting purposes, historical data is an acceptable basis.

Note: Reimbursement requests must be based upon documented time and effort reports. Those same time and effort reports may be used to estimate salary expenses for a future period. For example, a MCSAP officer's time and effort reports for the previous year show that he/she spent 35 percent of his/her time on approved grant activities. Consequently, it is reasonable to budget 35 percent of the officer's salary to this project. For more information on this item see [2 CFR §200.430](#).

In the salary column, enter the salary for each position.

Total Project Costs equal the Number of Staff x Percentage of Time on MCSAP grant x Salary for both Personnel and Overtime (OT).

If OT will be charged to the grant, only OT amounts for the Lead MCSAP Agency should be included in the table below. If the OT amount requested is greater than the 15 percent limitation in the MCSAP Comprehensive Policy (MCP), then justification must be provided in the CVSP for review and approval by FMCSA headquarters.

Activities conducted on OT by subrecipients under subawards from the Lead MCSAP Agency must comply with the 15 percent limitation as provided in the MCP. Any deviation from the 15 percent limitation must be approved by the Lead MCSAP Agency for the subrecipients.

Summary of MCSAP Funding Limitations

Allowable amount for Lead MCSAP Agency Overtime without written justification (15% of MCSAP Award Amount):	\$206,902.00
--	--------------

Personnel: Salary and Overtime Project Costs							
Salary Project Costs							
Position(s)	# of Staff	% of Time on MCSAP Grant	Salary	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
Director	1	100.0000	\$56,568.00	\$56,568.00	\$48,082.80	\$8,485.20	\$0.00
Official Inspector II	1	100.0000	\$39,156.00	\$39,156.00	\$33,282.60	\$5,873.40	\$0.00
Official Inspector I	1	100.0000	\$49,020.00	\$49,020.00	\$41,667.00	\$7,353.00	\$0.00
Inspector IV	1	100.0000	\$36,672.00	\$36,672.00	\$31,171.20	\$5,500.80	\$0.00
Inspector IV	1	100.0000	\$27,828.00	\$27,828.00	\$23,653.80	\$4,174.20	\$0.00
Inspector IV	1	100.0000	\$22,200.00	\$22,200.00	\$18,870.00	\$3,330.00	\$0.00
Inspector III	1	100.0000	\$39,552.00	\$39,552.00	\$33,619.20	\$5,932.80	\$0.00
Inspector III	1	100.0000	\$30,984.00	\$30,984.00	\$26,336.40	\$4,647.60	\$0.00
Inspector III	1	100.0000	\$36,192.00	\$36,192.00	\$30,763.20	\$5,428.80	\$0.00
Inspector III	1	100.0000	\$30,312.00	\$30,312.00	\$25,765.20	\$4,546.80	\$0.00
Inspector II	1	100.0000	\$28,224.00	\$28,224.00	\$23,990.40	\$4,233.60	\$0.00
Inspector III	8	100.0000	\$22,620.00	\$180,960.00	\$153,816.00	\$27,144.00	\$0.00
Inspector I	4	100.0000	\$16,092.00	\$64,368.00	\$54,712.80	\$9,655.20	\$0.00
Administrative Staff (Secretary, Administrative Aide)	2	100.0000	\$16,092.00	\$32,184.00	\$27,356.40	\$4,827.60	\$0.00
Purchaser	1	100.0000	\$28,500.00	\$28,500.00	\$24,225.00	\$4,275.00	\$0.00
Database Administrator	1	15.0000	\$43,680.00	\$6,552.00	\$5,569.20	\$982.80	\$0.00
Accountant	1	10.0000	\$35,988.00	\$3,598.80	\$3,058.98	\$539.82	\$0.00
Payroll Specialist	1	15.0000	\$25,680.00	\$3,852.00	\$3,274.20	\$577.80	\$0.00
Traffic Enforcement Coordinator	1	15.0000	\$42,000.00	\$6,300.00	\$5,355.00	\$945.00	\$0.00
Subtotal: Salary				\$723,022.80	\$614,569.38	\$108,453.42	\$0.00
Overtime Project Costs							
Subtotal: Overtime				\$0.00	\$0.00	\$0.00	\$0.00
TOTAL: Personnel				\$723,022.80	\$614,569.38	\$108,453.42	\$0.00
Accounting Method:	Cash						

Enter a detailed explanation of how the personnel costs were derived and allocated to the MCSAP project.

1. PR TPSB employees are Full-Time employees.

2. **Full-Time:**

- Seven fifty (7.50) hours per day
- Five days (5) per week
- Thirty seven fifty (37.50) hours per week
- Nineteen hundred fifty hours per year
- Two hundred sixty work days

4. **10% of the Accountant time is dedicated to MCSAP related activities.**

5. **15% of the Database Administrator, Traffic Enforcement Coordinator and Payroll Specialist time is dedicated to MCSAP related activities, thus paid accordingly.**

6. There are four (4) employees, that are **contract employees** therefore their salaries are **not included in this section.**

Part 4 Section 3 - Fringe Benefits

*Fringe costs are benefits paid to employees, including the cost of employer's share of FICA, health insurance, worker's compensation, and paid leave. Only non-Federal grantees that use the **accrual basis** of accounting may have a separate line item for leave, and is entered as the projected leave expected to be accrued by the personnel listed within Part 4.2 – Personnel. Reference [2 CFR §200.431\(b\)](#).*

Show the fringe benefit costs associated with the staff listed in the Personnel section. Fringe costs may be estimates, or based on a fringe benefit rate approved by the applicant's Federal cognizant agency for indirect costs. If using an approved rate, a copy of the indirect cost rate agreement must be provided through grants.gov. For more information on this item see [2 CFR §200.431](#).

Show how the fringe benefit amount is calculated (i.e., actual fringe benefits, rate approved by HHS Statewide Cost Allocation or cognizant agency). Include a description of the specific benefits that are charged to a project and the benefit percentage or total benefit cost.

The cost of fringe benefits are allowable if:

- *Costs are provided under established written policies.*
- *Costs are equitably allocated to all related activities, including Federal awards.*
- *Accounting basis (cash or accrual) selected for each type of leave is consistently followed by the non-Federal entity or specified grouping of employees.*

Depending on the State, there are fixed employer taxes that are paid as a percentage of the salary, such as Social Security, Medicare, State Unemployment Tax, etc.

- *For each of these standard employer taxes, under Position you may list "All Positions," the benefits would be the respective standard employer taxes, followed by the respective rate with a base being the total salaries for Personnel in Part 4.2.*
- *The base multiplied by the respective rate would give the total for each standard employer tax. Workers' Compensation is rated by risk area. It is permissible to enter this as an average, usually between sworn and unsworn—any grouping that is reasonable and clearly explained in the narrative is allowable.*
- *Health Insurance and Pensions can vary greatly and can be averaged; and like Workers' Compensation, can sometimes be broken into sworn and unsworn.*

In the Position column include a brief position description that is associated with the fringe benefits.

*The **Fringe Benefit Rate** is:*

- *The rate that has been approved by the State's cognizant agency for indirect costs; or a rate that has been calculated based on the aggregate rates and/or costs of the individual items that your agency classifies as fringe benefits.*
- *For example, your agency pays 7.65 percent for FICA, 42.05 percent for health/life/dental insurance, and 15.1 percent for retirement. The aggregate rate of 64.8 percent (sum of the three rates) may be applied to the salaries/wages of personnel listed in the table.*

*The **Base Amount** is:*

- *The salary/wage costs within the proposed budget to which the fringe benefit rate will be applied.*
- *For example, if the total wages for all grant-funded staff is \$150,000 and the percentage of time on the grant is 50 percent, then that is the amount the fringe rate of 64.8 (from the example above) will be applied. The calculation is: $\$150,000 \times 64.8 \times 50\% / 100 = \$48,600$ Total Project Costs.*

Total Project Costs equal the Fringe Benefit Rate x Percentage of Time on MCSAP grant x Base Amount divided by 100.

Fringe Benefits Project Costs							
Position(s)	Fringe Benefit Rate	% of Time on MCSAP Grant	Base Amount	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
Director	100.0000	100.0000	\$8,768.57	\$8,768.57	\$7,453.28	\$1,315.29	\$0.00
Official Inspector II	100.0000	100.0000	\$6,792.31	\$6,792.31	\$5,773.46	\$1,018.85	\$0.00
Official Inspector I	100.0000	100.0000	\$7,843.79	\$7,843.79	\$6,667.22	\$1,176.57	\$0.00
Inspector IV	100.0000	100.0000	\$6,510.38	\$6,510.38	\$5,533.82	\$976.56	\$0.00
Inspector IV	100.0000	100.0000	\$5,506.58	\$5,506.58	\$4,680.59	\$825.99	\$0.00
Inspector IV	100.0000	100.0000	\$4,867.80	\$4,867.80	\$4,137.63	\$730.17	\$0.00
Inspector III	100.0000	100.0000	\$6,837.25	\$6,837.25	\$5,811.66	\$1,025.59	\$0.00
Inspector III	100.0000	100.0000	\$5,864.78	\$5,864.78	\$4,985.07	\$879.71	\$0.00
Inspector III	100.0000	100.0000	\$6,455.89	\$6,455.89	\$5,487.51	\$968.38	\$0.00
Inspector III	100.0000	100.0000	\$5,788.51	\$5,788.51	\$4,920.23	\$868.28	\$0.00
Inspector II	100.0000	100.0000	\$5,551.52	\$5,551.52	\$4,718.79	\$832.73	\$0.00
Inspector III	100.0000	100.0000	\$39,323.76	\$39,323.76	\$33,425.20	\$5,898.56	\$0.00
Inspector I	100.0000	100.0000	\$16,698.16	\$16,698.16	\$14,193.44	\$2,504.72	\$0.00
Administrative Staff (Secretary, Administrative Aide)	100.0000	100.0000	\$8,349.08	\$8,349.08	\$7,096.72	\$1,252.36	\$0.00
Purchaser	100.0000	100.0000	\$3,902.85	\$3,902.85	\$3,317.42	\$585.43	\$0.00
Database Administrator	100.0000	15.0000	\$20,611.67	\$3,091.75	\$2,627.99	\$463.76	\$0.00
Accountant	100.0000	10.0000	\$27,565.60	\$2,756.56	\$2,343.08	\$413.48	\$0.00
Payroll Specialist	100.0000	15.0000	\$18,568.67	\$2,785.30	\$2,367.50	\$417.80	\$0.00
Traffic Enforcement Coordinator	100.0000	15.0000	\$20,421.00	\$3,063.15	\$2,603.68	\$459.47	\$0.00
TOTAL: Fringe Benefits				\$150,757.99	\$128,144.29	\$22,613.70	\$0.00

Enter a detailed explanation of how the fringe benefit costs were derived and allocated to the MCSAP project.

PR MCSAP makes the following deductions as per Federal and State Laws: (*An official English copy of Act 26 of 2017 has been attached to the document section of the grant proposal)

- Health Plan: (Health)** A standard contribution of one hundred forty dollars (\$140.00) per month for a total of sixteen hundred eighty dollars (\$1,680.00) per year per employee. No deductions are made from this portion (i.e. SS, OWCP). For employees who dedicate fifteen (15%) or ten (10%) percent of the time to MCSAP activities the corresponding amount is charged to MCSAP.
- Social Security / Medicare: (SS)** As per State and Federal laws contributions are made to Social Security and Medicare of seven point sixty five percent (7.65%). For employees who dedicate fifteen percent (15%) of the time to MCSAP activities the corresponding amount is charged to MCSAP.
- Worker's Comp.: (OWCP)** As per State and Federal Laws a standard contribution of three point seventy percent (3.70%) is made (i.e. disability). For employees who dedicate fifteen percent (15%) of the time to MCSAP activities the corresponding amount is charged to MCSAP.
- Christmas Bonus: (Bonus)** Newly enacted laws have reduce the bonus to a standard of six hundred dollars for all employees. For employees who dedicate fifteen percent (15%) of the time to MCSAP activities the corresponding amount is charged to MCSAP. SS and OWCP deductions/contributions apply.
- Social Insurance for Motor Vehicle Operators (Seguro Choferil, in Spanish):** Standard contribution of forty one dollars and sixty cents (\$41.60) required for inspectors who work roadside and use government vehicles. Not included for the Executive Director, administrative or office personnel.
- Annual Leave:** As per Section 2.04 of Act 26 of 2017 (page 47) all employees accrue 1.25 days monthly, for a total 15 days per year.
- Sick Leave:** As per Section 2.04 of Act 26 of 2017 (page 50) , employees working prior to April 2017 accrue 1.50 days per month, i.e. 18 days per year. If employee started work on or after April 2017, they will accrue 1 day per month for a total of 12 sick days per year. Therefore, all but 6 employees will fall on the latter category and accrue 1 day per month for sick leave.
- Holidays:** As per Section 2.05 of Act 26 of 2017 (page 63) holidays were reduce to a total of 15 days a year.

Part 4 Section 4 - Travel

Itemize the positions/functions of the people who will travel. Show the estimated cost of items including but not limited to, lodging, meals, transportation, registration, etc. Explain in detail how the MCSAP program will directly benefit from the travel.

Travel costs are funds for field work or for travel to professional meetings.

List the purpose, number of persons traveling, number of days, percentage of time on MCSAP Grant, and total project costs for each trip. If details of each trip are not known at the time of application submission, provide the basis for estimating the amount requested. For more information on this item see [2 CFR §200.474](#).

Total Project Costs should be determined by State users, and manually input in the table below. There is no system calculation for this budget category.

Travel Project Costs							
Purpose	# of Staff	# of Days	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
Routine MCSAP related travel	23	158	100.0000	\$43,608.00	\$37,066.80	\$6,541.20	\$0.00
Conference Travel (4): MCSAP Meeting, CVSA Conference, COHMED Conference, CVSA Workshop	2	22	100.0000	\$15,780.00	\$13,413.00	\$2,367.00	\$0.00
Training Travel: Investigative Safety Analysis, New Entrant Safety Audit Workshop	2	19	100.0000	\$11,010.00	\$9,358.50	\$1,651.50	\$0.00
TOTAL: Travel				\$70,398.00	\$59,838.30	\$10,559.70	\$0.00

Enter a detailed explanation of how the travel costs were derived and allocated to the MCSAP project.

TRAVEL BUDGET: \$70,398.00

A. Federal (85%): \$63,061.50

B. State (15%): \$11,128.50

- *Travel Budget is estimated. All travel for professional meetings and conferences occur in the continental U. S. which we are not able to reach via vehicle. Expenses must include airfare and hotel accommodations which will vary depending the date and location.*
- *Accommodations will be shared whenever possible.*
- *Established government per diem rate is \$70.00 daily per person*

I. Routine MCSAP related travel: \$43,608.00

Twenty two (22) inspectors and the Director (1) performing 100% MCSAP enforcement and compliance work entitled to per diem benefits. All employees are Full time employees therefore the workweek should be considered as 37.50 hours, i.e. 260 work days.

7.5 hours a day x 5 days a week = 37.50 hours per week; 37.50 hours a week x 52 weeks a year= 1,950 hours per year. Subtracting the average days they remain at the office, they will spend approximately an average of 158 days performing enforcement and compliance work. 158 days x 23 employees x \$12.00 (who work the shift from 6:00 a.m. until 14:30).

Per diem rates: *Per diem rates have been attached

- **\$4.00 for breakfast**
- **\$8.00 for lunch**

- \$9.00 for dinner

II. Conferences: \$15,780.00

MCSAP Meeting				
Expense	Personnel	Amount	Days	Total
Airfare	2 Attendees	\$800.00	0	\$1,600.00
Per Diem	2 Attendees	\$140.00	4	\$560.00
Accommodations	2 Attendees	\$250.00	4	\$1,000.00
Registration	2 Attendees	\$0.00	0	\$0.00
Incidentals	2 Attendees	\$200.00	0	\$200.00
TOTAL				\$3,360.00

(Incidentals: Covers Transportation to and from Airport, gas, parking, internet use (if it is not included) on as needed basis.)

CVSA Conference				
Expense	Personnel	Amount	Days	Total
Airfare	2 Attendees	\$800.00	0	\$1,600.00
Per Diem	2 Attendees	\$140.00	6	\$840.00
Accommodations	2 Attendees	\$250.00	6	\$1,500.00
Registration	2 Attendees	\$0.00	0	\$0.00
Incidentals	2 Attendees	\$200.00	0	\$200.00
TOTAL				\$4,140.00

(Incidentals: Covers Transportation to and from Airport, gas, parking, internet use (if it is not included) on as needed basis.)

COHMED Conference				
Expense	Personnel	Amount	Days	Total
Airfare	2 Attendees	\$800.00	0	\$1,600.00
Per Diem	2 Attendees	\$140.00	6	\$840.00
Accommodations	2 Attendees	\$250.00	6	\$1,500.00
Registration	2 Attendees	\$0.00	0	\$0.00
Incidentals	2 Attendees	\$200.00	0	\$200.00
TOTAL				\$4,140.00

(Incidentals: Covers Transportation to and from Airport, gas, parking, internet use (if it is not included) on as needed basis.)

CVSA Workshop				
Expense	Personnel	Amount	Days	Total
Airfare	2 Attendees	\$800.00	0	\$1,600.00
Per Diem	2 Attendees	\$140.00	6	\$840.00
Accommodations	2 Attendees	\$250.00	6	\$1,500.00
Registration	2 Attendees	\$0.00	0	\$0.00
Incidentals	2 Attendees	\$200.00	0	\$200.00
TOTAL				\$4,140.00

(Incidentals: Covers Transportation to and from Airport, gas, parking, internet use (if it is not included) on as needed basis.)

III. Training: **\$11,010.00**

Investigative Safety Analysis				
Expense	Personnel	Amount	Days	Total
Airfare	2 Attendees	\$800.00	0	\$1,600.00
Per Diem	2 Attendees	\$140.00	14	\$1,960.00
Accommodations	2 Attendees	\$250.00	14	\$3,500.00
Registration	2 Attendees	\$0.00	0	\$0.00
Incidentals	2 Attendees	\$200.00	0	\$200.00
TOTAL				\$7,260.00

(Incidentals: Covers Transportation to and from Airport, gas, parking, internet use (if it is not included) on as needed basis.)

New Entrant Safety Audit Workshop				
Expense	Personnel	Amount	Days	Total
Airfare	2 Attendees	\$800.00	0	\$1,600.00
Per Diem	2 Attendees	\$140.00	5	\$700.00
Accommodations	2 Attendees	\$250.00	5	\$1,250.00
Registration	2 Attendees	\$0.00	0	\$0.00
Incidentals	2 Attendees	\$200.00	0	\$200.00
TOTAL				\$3,750.00

(Incidentals: Covers Transportation to and from Airport, gas, parking, internet use (if it is not included) on as needed basis.)

Part 4 Section 5 - Equipment

Equipment is tangible or intangible personal property. It includes information technology systems having a useful life of more than one year, and a per-unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the non-Federal entity (i.e., the State) for financial statement purposes, or \$5,000.

- If your State's equipment capitalization threshold is below \$5,000, check the box below and provide the threshold amount. See [§200.12](#) Capital assets, [§200.20](#) Computing devices, [§200.48](#) General purpose equipment, [§200.58](#) Information technology systems, [§200.89](#) Special purpose equipment, and [§200.94](#) Supplies.

Show the total cost of equipment and the percentage of time dedicated for MCSAP related activities that the equipment will be billed to MCSAP. For example, you intend to purchase a server for \$5,000 to be shared equally among five programs, including MCSAP. The MCSAP portion of the total cost is \$1,000. If the equipment you are purchasing will be capitalized (depreciated), you may only show the depreciable amount, and not the total cost ([2 CFR §200.436](#) and [2 CFR §200.439](#)). If vehicles or large IT purchases are listed here, the applicant must disclose their agency's capitalization policy.

Provide a description of the equipment requested. Include the quantity, the full cost of each item, and the percentage of time this item will be dedicated to MCSAP grant.

Total Project Costs equal the Number of Items x Full Cost per Item x Percentage of Time on MCSAP grant.

Equipment Project Costs							
Item Name	# of Items	Full Cost per Item	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
Other Inspection Vehicle Equipment (Lights, Sirens, Docking Stations...)	1	\$5,000.00	100	\$5,000.00	\$4,250.00	\$750.00	\$0.00
Vehicles	1	\$30,000.00	100	\$30,000.00	\$25,500.00	\$4,500.00	\$0.00
PBBT	1	\$1.00	100	\$1.00	\$0.85	\$0.15	\$0.00
Estimated MOE Other Inspection Vehicle Equipment (Lights, Sirens, Docking Stations...)	1	\$5,000.00	0	\$0.00	\$0.00	\$0.00	\$5,000.00
TOTAL: Equipment				\$35,001.00	\$29,750.85	\$5,250.15	\$5,000.00
Equipment threshold is greater than \$5,000.							

Enter a detailed explanation of how the equipment costs were derived and allocated to the MCSAP project.

- Related Vehicle Equipment: Lights, Sirens, Docking Stations for newer units and replacement for discolored/faded light, broken sirens or docking stations. For vehicle described below performing 100% MCSAP activities. Approximately \$10,000.00 per vehicle. Any costs over grant amount will be borne by the MOE (\$5,000.00).
- Vehicles: SUV to start replacing other vehicles which are constantly out for repairs. \$30,000.00**
- PBBT: Line left open in case it is used. [Estimated cost if used, \$190,000.00 per unit.] Investment in innovative technology to assist inspectors on the field performing activities with the goal of improving Commercial Vehicle Safety.

Part 4 Section 6 - Supplies

Supplies means all tangible property other than that described in [§200.33](#) Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or \$5,000, regardless of the length of its useful life. See also [§200.20](#) Computing devices and [§200.33](#) Equipment.

Estimates for supply costs may be based on the same allocation as personnel. For example, if 35 percent of officers' salaries are allocated to this project, you may allocate 35 percent of your total supply costs to this project. A different allocation basis is acceptable, so long as it is reasonable, repeatable and logical, and a description is provided in the narrative.

Provide a description of each unit/item requested, including the quantity of each unit/item, the unit of measurement for the unit/item, the cost of each unit/item, and the percentage of time on MCSAP grant.

Total Project Costs equal the Number of Units x Cost per Unit x Percentage of Time on MCSAP grant.

Supplies Project Costs							
Item Name	# of Units/ Unit of Measurement	Cost per Unit	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
Office Supplies	1 unit	\$2,385.32	100.0000	\$2,385.32	\$2,027.52	\$357.80	\$0.00
Uniforms and Other Related Supplies	18 Box	\$250.00	100.0000	\$4,500.00	\$3,825.00	\$675.00	\$0.00
Estimated MOE Uniforms and Other Related Supplies	48 Box	\$250.00	0.0000	\$0.00	\$0.00	\$0.00	\$2,000.00
Computers	1 Unit	\$2,760.00	100.0000	\$2,760.00	\$2,346.00	\$414.00	\$0.00
Estimated MOE Computers	2 units	\$5,000.00	0.0000	\$0.00	\$0.00	\$0.00	\$0.00
Printers	5 Unit	\$421.00	100.0000	\$2,105.00	\$1,789.25	\$315.75	\$0.00
Estimated MOE Printers	5 Unit	\$421.00	0.0000	\$0.00	\$0.00	\$0.00	\$2,105.00
Other (Inspection Tools, Books...)	1 Unit	\$1,000.00	100.0000	\$1,000.00	\$850.00	\$150.00	\$0.00
Estimated MOE Other (Inspection Tools, Books...)	7 Unit	\$1,000.00	0.0000	\$0.00	\$0.00	\$0.00	\$7,000.00
Hotspots	1 Unit	\$1.00	100.0000	\$1.00	\$0.85	\$0.15	\$0.00
SIM Cards	1 Unit	\$1.00	100.0000	\$1.00	\$0.85	\$0.15	\$0.00
Police Equipment (Bullets, firearms, bulletproof vests, batons...)	1 Unit	\$3,128.00	100.0000	\$3,128.00	\$2,658.80	\$469.20	\$0.00
Estimated MOE Office Supplies	200 Boxes	\$8,000.00	0.0000	\$0.00	\$0.00	\$0.00	\$8,000.00
TOTAL: Supplies				\$15,880.32	\$13,498.27	\$2,382.05	\$19,105.00

Enter a detailed explanation of how the supply costs were derived and allocated to the MCSAP project.

- General Office Supplies (copy paper, pens, pencils, etc...):** for an office of twenty- eight (28) MCSAP employees dedicated to 100% MCSAP activities. \$200.00 per week approximately. Any costs over grant amount will be borne by MOE.

2. **Uniforms and Other related supplies:** for an office of twenty-five (25) 100% dedicated PR MCSAP employees. \$660.00 per employee. Replacement uniforms. **Any costs over grant amount will be borne by MOE.**
3. **Computers:** \$3,190.00 per unit . **Although numbers are uneven PR MCSAP plans to acquire 4 units. Costs over identified amount will be borne by MOE (line below).**

Equipment	# Units	Cost	CVSP	MOE
Computer	1	\$3,190.00	\$2,760.00	\$0.00
Computer	3	\$9,570.00	\$0.00	\$0.00
Total	4	\$12,760.00	\$2,760.00	\$0.00

4. **Printers:** \$421.000 per unit \$2,105.00 for five (5) to replace broken ones and have spare ones. Any costs over grant amount will be borne by MOE.
5. **Other Inspection Tools:** Acquisition of regulatory books, guides for new inspection personnel and as applicable updated regulations for existing personnel. \$1,000.00 per employee. Any costs over grant amount will be borne by MOE.
6. **Hotspots:** Line left open in case it is used. Internet unit rent to access FMCSA's systems on the road to determine OOS units and US DOT's validity. [Estimated Costs 12 units at \$20.00 per month for a contract of one year.]
7. **SIM Cards:** Line left open in case it is used. 3 Units that will be acquired and used by Supervisory Personnel to have 24/7 internet access. [Estimated Cost 3 Units @\$10.00 per month for a one year contract.]
8. **Police Equipment:** Firearms, Bullet Proof vests, batons, handcuffs, bullets(qualification and everyday use). Protection equipment for new inspectors who are law enforcement officials. 2 Bullet Proof Vests, 35 Boxes of Bullets for Work and 35 Boxes of Bullets for Practice. [Estimated Cost- Baton: \$89.00 each, Baton Holder: \$41.00 each; Handcuffs: \$59.00 each, Handcuff Holder: \$14.90 each; Firearms: \$640.00 each, Bullets: \$18.00 per box/ \$16.00 per box (work/practice-qualification), Bulletproof Vest: \$969.00 each]

Part 4 Section 7 - Contractual and Subaward

This section includes contractual costs and subawards to subrecipients. Use the table below to capture the information needed for both contractual agreements and subawards. The definitions of these terms are provided so the instrument type can be entered into the table below.

Contractual – A contract is a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award ([2 CFR §200.22](#)). All contracts issued under a Federal award must comply with the standards described in [2 CFR §200 Procurement Standards](#).

Note: Contracts are separate and distinct from subawards; see [2 CFR §200.330](#) for details.

Subaward – A subaward is an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract ([2 CFR §200.92](#) and [2 CFR §200.330](#)).

Subrecipient - Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program, but does not include an individual who is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency ([2 CFR §200.93](#)).

Enter the legal name of the vendor or subrecipient if known. If unknown at this time, please indicate 'unknown' in the legal name field. Include a description of services for each contract or subaward listed in the table. Entering a statement such as "contractual services" with no description will not be considered meeting the requirement for completing this section.

Enter the DUNS or EIN number of each entity. There is a drop-down option to choose either DUNS or EIN, and then the State must enter the corresponding identification number.

Select the Instrument Type by choosing either Contract or Subaward for each entity.

Total Project Costs should be determined by State users and input in the table below. The tool does not automatically calculate the total project costs for this budget category.

Operations and Maintenance-If the State plans to include O&M costs that meet the definition of a contractual or subaward cost, details must be provided in the table and narrative below.

Please describe the activities these costs will be using to support (i.e., ITD, PRISM, SSDQ or other services.)

Contractual and Subaward Project Costs							
Legal Name	DUNS/EIN Number	Instrument Type	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
Legal Technician	DUNS 81250858	Contract	100.0000	\$30,000.00	\$30,000.00	\$0.00	\$0.00
Description of Services: CVSP grant proposal application. Quarterly and Annual Performance Reports.							
Single Audit	DUNS 0	Contract	100.0000	\$15,000.00	\$15,000.00	\$0.00	\$0.00
Description of Services: Annual Audit to comply with Federal Standards.							
IT	DUNS 0	Contract	100.0000	\$30,000.00	\$30,000.00	\$0.00	\$0.00
Description of Services: ASPEN/Safetynet Support							
AJP LLC (Advertisement)	DUNS 0	Contract	0.0000	\$0.00	\$0.00	\$0.00	\$20,000.00
Description of Services: Advertisement							
Legal Staff (Attorney and Law Clerk)	DUNS 0	Contract	100.0000	\$48,000.00	\$48,000.00	\$0.00	\$0.00
Description of Services: Perform updates to current regulations in light of recent government oversight policies. Establish Safety Audits, Compliance Reviews and CDL programs in Puerto Rico. Official appointed by the agency to conduct investigations and administrative hearing regard							
Baker Tilly Puerto Rico	EIN 660714530	Contract	100.0000	\$12,500.00	\$12,500.00	\$0.00	\$0.00
Description of Services: Drafts document used to negotiate Indirect Costs							
TOTAL: Contractual and Subaward				\$135,500.00	\$135,500.00	\$0.00	\$20,000.00

Enter a detailed explanation of how the contractual and subaward costs were derived and allocated to the MCSAP project.

- Legal Technician:** consultant who will be assisting the MCSAP Director with CVSP grant application and corresponding performance reports. Services will not exceed one hundred and six (106) hours per month, twenty five dollars (\$25.00) per hour for twelve (12) months.
- Single Audit:** performed to comply with regulations set for entities that receive Federal Funding. Currently the PR PSC is only receiving federal funding from FMCSA. PR PSC is receiving two (2) awards, the MCSAP Grant and the High Priority Grant.
- IT:** consultant that provides support services with ASPEN and Safetynet. Uploads inspection and crash reports into Safetynet / A&I. Additional financial duties related to vouchering / claiming reimbursements.
- AJP LLC:** consultant that performs duties related with educational campaigns. Costs covered by MOE.
- Legal Staff:** Perform updates to current regulations in light of recent government oversight policies. Establish Safety Audits, Compliance Reviews programs in Puerto Rico. Official appointed by the agency to conduct investigations and administrative hearing regarding violations to the CMV's regulations. Acts as representative for the office in administrative and court proceedings, as required.
 - Attorney (1):** \$50.00 per hour 100% dedicated to MCSAP activities.
 - Law Clerk (1):** \$15.00 per hour 100% dedicated to MCSAP activities.
- Baker Tilly Puerto Rico:** Accountants who draft the document used by the PR TPSB to negotiate the Indirect costs.

Part 4 Section 8 - Other Costs

Other Costs are those not classified elsewhere and are allocable to the Federal award. These costs must be specifically itemized and described. The total costs and allocation bases must be explained in the narrative. Examples of Other Costs may include utilities and/or leased equipment, employee training tuition, meeting registration costs, etc. The quantity, unit of measurement (e.g., monthly, annually, each, etc.), unit cost, and percentage of time on MCSAP grant must be included.

Operations and Maintenance—If the State plans to include O&M costs that do not meet the definition of a contractual or subaward cost, details must be provided in the table and narrative below. Please identify these costs as ITD O&M, PRISM O&M, or SSDQ O&M. Sufficient detail must be provided in the narrative that explains what components of the specific program are being addressed by the O&M costs.

Enter a description of each requested Other Cost.

Enter the number of items/units, the unit of measurement, the cost per unit/item, and the percentage of time dedicated to the MCSAP grant for each Other Cost listed. Show the cost of the Other Costs and the portion of the total cost that will be billed to MCSAP. For example, you intend to purchase air cards for \$2,000 to be shared equally among five programs, including MCSAP. The MCSAP portion of the total cost is \$400.

Total Project Costs equal the Number of Units x Cost per Item x Percentage of Time on MCSAP grant.

Indirect Costs

Information on Indirect Costs ([2 CFR §200.56](#)) is captured in this section. This cost is allowable only when an approved indirect cost rate agreement has been provided. Applicants may charge up to the total amount of the approved indirect cost rate multiplied by the eligible cost base. Applicants with a cost basis of salaries/wages and fringe benefits may only apply the indirect rate to those expenses. Applicants with an expense base of modified total direct costs (MTDC) may only apply the rate to those costs that are included in the MTDC base ([2 CFR §200.68](#)).

- **Cost Basis** — is the accumulated direct costs (normally either total direct salaries and wages or total direct costs exclusive of any extraordinary or distorting expenditures) used to distribute indirect costs to individual Federal awards. The direct cost base selected should result in each Federal award bearing a fair share of the indirect costs in reasonable relation to the benefits received from the costs.
- **Approved Rate** — is the rate in the approved Indirect Cost Rate Agreement.
- **Eligible Indirect Expenses** — means after direct costs have been determined and assigned directly to Federal awards and other activities as appropriate. Indirect costs are those remaining to be allocated to benefitted cost objectives. A cost may not be allocated to a Federal award as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been assigned to a Federal award as a direct cost.
- **Total Indirect Costs** equal Approved Rate x Eligible Indirect Expenses divided by 100.

Your State will claim reimbursement for Indirect Costs.

Indirect Costs					
Cost Basis	Approved Rate	Eligible Indirect Expenses	Total Indirect Costs	Federal Share	State Share
Salaries, Wages and Fringe (SWF)	22.03	\$690,911.90	\$152,207.89	\$123,333.80	\$28,874.09
TOTAL: Indirect Costs			\$152,207.89	\$123,333.80	\$28,874.09

Other Costs Project Costs							
Item Name	# of Units/ Unit of Measurement	Cost per Unit	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
Training Costs (tuition, books)	1 training cost	\$1,000.00	100.0000	\$1,000.00	\$850.00	\$150.00	\$0.00
CVSA Decals	2000 units	\$1.00	100.0000	\$2,000.00	\$1,700.00	\$300.00	\$0.00
Conference Costs (Registration Fees)	1 registration fees	\$7,500.00	100.0000	\$7,500.00	\$6,375.00	\$1,125.00	\$0.00
Fuel Costs	1 liters	\$30,000.00	100.0000	\$30,000.00	\$25,500.00	\$4,500.00	\$0.00
Maintenance of Vehicles (not under contract)	5 vehicle	\$3,800.00	100.0000	\$19,000.00	\$2,006.26	\$16,993.74	\$0.00
Fleet Cost (mileage, repairs)	1 0	\$5,000.00	100.0000	\$5,000.00	\$4,250.00	\$750.00	\$0.00
Marking	1 vehicle	\$8,000.00	100.0000	\$8,000.00	\$6,800.00	\$1,200.00	\$0.00
Communications (Internet Service)	1 year	\$8,000.00	100.0000	\$8,000.00	\$6,800.00	\$1,200.00	\$0.00
LAN Service (Internet Security Control)	1 year	\$1.00	100.0000	\$1.00	\$0.85	\$0.15	\$0.00
Tolls	1 annual	\$2,500.00	100.0000	\$2,500.00	\$2,125.00	\$375.00	\$0.00
Office Rent	1 unit	\$10,000.00	100.0000	\$10,000.00	\$8,500.00	\$1,500.00	\$0.00
Printer Rent	12 months	\$375.00	100.0000	\$4,500.00	\$3,825.00	\$675.00	\$0.00
Estimated MOE Training Costs	1 unit	\$3,500.00	0.0000	\$0.00	\$0.00	\$0.00	\$3,500.00
Estimated MOE CVSA Decals	1000 Decals	\$1.00	0.0000	\$0.00	\$0.00	\$0.00	\$1,000.00
Estimated MOE Fuel Costs	1 Fuel	\$14,395.00	0.0000	\$0.00	\$0.00	\$0.00	\$14,295.00
Estimated MOE Maintenance of Vehicles not under Contract	1 vehicles	\$11,345.23	0.0000	\$0.00	\$0.00	\$0.00	\$11,345.23
Estimated MOE Fleet Cost (Mileage/Repairs)	1 vehicles	\$6,183.82	0.0000	\$0.00	\$0.00	\$0.00	\$6,183.82
Estimated MOE Printer Rent	1 Unit	\$5,400.00	0.0000	\$0.00	\$0.00	\$0.00	\$5,400.00
Estimated MOE Toll	1 Unit	\$2,500.00	0.0000	\$0.00	\$0.00	\$0.00	\$2,500.00

Estimated MOE Marking	1 unit	\$8,000.00	0.0000	\$0.00	\$0.00	\$0.00	\$8,000.00
Estimated MOE Office Rent	1 Monthly	\$38,000.00	0.0000	\$0.00	\$0.00	\$0.00	\$38,000.00
TOTAL: Other Costs				\$97,501.00	\$68,732.11	\$28,768.89	\$90,224.05

Enter a detailed explanation of how the 'other' costs were derived and allocated to the MCSAP project.

1. Indirect Costs at the time of this amendment varied to 22.03%. In order to adjust costs to NGA, Indirect costs were reduced.
2. Training Costs:
 - Associated with any NTC or other approved FMCSA related training for or dedicated 100% MCSAP personnel belonging to our Enforcement and Compliance, Information Technology, Legal or Administrative Divisions.
 - **Law Enforcement Training for new officers and Continuing Education for existing officers.**
 - Costs over amount on grant will be borne by the MOE.
2. CVSA Decals: 100% dedicated MCSAP activities. An estimated of 2,000 used/shipped around 500 per quarter. At a \$1.50 per unit, costs may increase or decrease depending quantities used per quarter. Costs over amount on grant will be borne by the MOE.
3. Conference Costs (CVSA Dues): \$7,500.00 membership dues. PR MCSAP is a CVSA Member and participates actively in its Committees. The Director accompanied by one (1) inspector are certified to perform Level VI inspections and have to be re certified annually.
4. Fuel Costs: For 100% dedicated 16 MCSAP vehicles. \$2,557.38 approximately per month, costs may vary depending on the price of fuel. Costs over amount on grant will be borne by the MOE.
5. Maintenance of Vehicles not under Contract: One (1) Commercial Motor Vehicle dedicated 100% to MCSAP activities. Costs over amount on grant will be borne by the MOE.
6. Fleet Cost (Mileage/Repairs): \$3,066.43 per year. Costs borne by the MOE: Approximately \$6,183.82.
7. Marking: For new vehicle and maintenance of the current ones dedicated to 100% MCSAP activities. Costs over amount on grant will be borne by the MOE.
8. Office Rent: Will pay approximately \$10,000 any costs over will be borne by MOE. Main and three (3) regional office space rental dedicated to 100% MCSAP activities.
9. Printer Rent: Printer located at Main and Regional Offices dedicated to 100% MCSAP activities. Costs over amount on grant will be borne by the MOE.
0. Tolls: For sixteen (16) vehicles dedicated 100% MCSAP activities. To drive to and from inspection areas, crash sites including those in identified high crash corridors around the island. Costs over amount on grant will be borne by the MOE.
11. Communications: Radio communications with officers and Director. Approximately \$8,000.00. Monthly use fee for radio wave communications and radio units. Any costs over \$8,000.00 will be borne by MOE.
2. LAN Service: Line left open in case it is used during the period of performance of the award. Monthly fee for internet security access control for 15 units @ \$10.00 per month for 12 months.

Part 4 Section 9 - Comprehensive Spending Plan

The Comprehensive Spending Plan is auto-populated from all line items in the tables and is in read-only format. Changes to the Comprehensive Spending Plan will only be reflected by updating the individual budget category table(s).

ESTIMATED Fiscal Year Funding Amounts for MCSAP			
	85% Federal Share	15% State Share	Total Estimated Funding
Total	\$1,173,367.00	\$206,902.00	\$1,380,269.00

Summary of MCSAP Funding Limitations	
Allowable amount for Overtime without written justification (15% of Basic Award Amount):	\$206,902.00
MOE Baseline:	\$134,329.05

Estimated Expenditures				
Personnel				
	Federal Share	State Share	Total Project Costs (Federal + Share)	MOE
Director	\$48,082.80	\$8,485.20	\$56,568.00	\$0.00
Official Inspector II	\$33,282.60	\$5,873.40	\$39,156.00	\$0.00
Official Inspector I	\$41,667.00	\$7,353.00	\$49,020.00	\$0.00
Inspector IV	\$31,171.20	\$5,500.80	\$36,672.00	\$0.00
Inspector IV	\$23,653.80	\$4,174.20	\$27,828.00	\$0.00
Inspector IV	\$18,870.00	\$3,330.00	\$22,200.00	\$0.00
Inspector III	\$33,619.20	\$5,932.80	\$39,552.00	\$0.00
Inspector III	\$26,336.40	\$4,647.60	\$30,984.00	\$0.00
Inspector III	\$30,763.20	\$5,428.80	\$36,192.00	\$0.00
Inspector III	\$25,765.20	\$4,546.80	\$30,312.00	\$0.00
Inspector II	\$23,990.40	\$4,233.60	\$28,224.00	\$0.00
Inspector III	\$153,816.00	\$27,144.00	\$180,960.00	\$0.00
Inspector I	\$54,712.80	\$9,655.20	\$64,368.00	\$0.00
Administrative Staff (Secretary, Administrative Aide)	\$27,356.40	\$4,827.60	\$32,184.00	\$0.00
Purchaser	\$24,225.00	\$4,275.00	\$28,500.00	\$0.00
Database Administrator	\$5,569.20	\$982.80	\$6,552.00	\$0.00
Accountant	\$3,058.98	\$539.82	\$3,598.80	\$0.00
Payroll Specialist	\$3,274.20	\$577.80	\$3,852.00	\$0.00
Traffic Enforcement Coordinator	\$5,355.00	\$945.00	\$6,300.00	\$0.00
Salary Subtotal	\$614,569.38	\$108,453.42	\$723,022.80	\$0.00
Overtime subtotal	\$0.00	\$0.00	\$0.00	\$0.00
Personnel total	\$614,569.38	\$108,453.42	\$723,022.80	\$0.00

Fringe Benefits				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Director	\$7,453.28	\$1,315.29	\$8,768.57	\$0.00
Official Inspector II	\$5,773.46	\$1,018.85	\$6,792.31	\$0.00
Official Inspector I	\$6,667.22	\$1,176.57	\$7,843.79	\$0.00
Inspector IV	\$5,533.82	\$976.56	\$6,510.38	\$0.00
Inspector IV	\$4,680.59	\$825.99	\$5,506.58	\$0.00
Inspector IV	\$4,137.63	\$730.17	\$4,867.80	\$0.00
Inspector III	\$5,811.66	\$1,025.59	\$6,837.25	\$0.00
Inspector III	\$4,985.07	\$879.71	\$5,864.78	\$0.00
Inspector III	\$5,487.51	\$968.38	\$6,455.89	\$0.00
Inspector III	\$4,920.23	\$868.28	\$5,788.51	\$0.00
Inspector II	\$4,718.79	\$832.73	\$5,551.52	\$0.00
Inspector III	\$33,425.20	\$5,898.56	\$39,323.76	\$0.00
Inspector I	\$14,193.44	\$2,504.72	\$16,698.16	\$0.00
Administrative Staff (Secretary, Administrative Aide)	\$7,096.72	\$1,252.36	\$8,349.08	\$0.00
Purchaser	\$3,317.42	\$585.43	\$3,902.85	\$0.00
Database Administrator	\$2,627.99	\$463.76	\$3,091.75	\$0.00
Accountant	\$2,343.08	\$413.48	\$2,756.56	\$0.00
Payroll Specialist	\$2,367.50	\$417.80	\$2,785.30	\$0.00
Traffic Enforcement Coordinator	\$2,603.68	\$459.47	\$3,063.15	\$0.00
Fringe Benefits total	\$128,144.29	\$22,613.70	\$150,757.99	\$0.00

Travel				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Routine MCSAP related travel	\$37,066.80	\$6,541.20	\$43,608.00	\$0.00
Conference Travel (4): MCSAP Meeting, CVSA Conference, COHMED Conference, CVSA Workshop	\$13,413.00	\$2,367.00	\$15,780.00	\$0.00
Training Travel: Investigative Safety Analysis, New Entrant Safety Audit Workshop	\$9,358.50	\$1,651.50	\$11,010.00	\$0.00
Travel total	\$59,838.30	\$10,559.70	\$70,398.00	\$0.00

Equipment				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Other Inspection Vehicle Equipment (Lights, Sirens, Docking Stations...)	\$4,250.00	\$750.00	\$5,000.00	\$0.00
Vehicles	\$25,500.00	\$4,500.00	\$30,000.00	\$0.00
PBBT	\$0.85	\$0.15	\$1.00	\$0.00
Estimated MOE Other Inspection Vehicle Equipment (Lights, Sirens, Docking Stations...)	\$0.00	\$0.00	\$0.00	\$5,000.00
Equipment total	\$29,750.85	\$5,250.15	\$35,001.00	\$5,000.00

Supplies				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Office Supplies	\$2,027.52	\$357.80	\$2,385.32	\$0.00
Uniforms and Other Related Supplies	\$3,825.00	\$675.00	\$4,500.00	\$0.00
Estimated MOE Uniforms and Other Related Supplies	\$0.00	\$0.00	\$0.00	\$2,000.00
Computers	\$2,346.00	\$414.00	\$2,760.00	\$0.00
Estimated MOE Computers	\$0.00	\$0.00	\$0.00	\$0.00
Printers	\$1,789.25	\$315.75	\$2,105.00	\$0.00
Estimated MOE Printers	\$0.00	\$0.00	\$0.00	\$2,105.00
Other (Inspection Tools, Books...)	\$850.00	\$150.00	\$1,000.00	\$0.00
Estimated MOE Other (Inspection Tools, Books...)	\$0.00	\$0.00	\$0.00	\$7,000.00
Hotspots	\$0.85	\$0.15	\$1.00	\$0.00
SIM Cards	\$0.85	\$0.15	\$1.00	\$0.00
Police Equipment (Bullets, firearms, bulletproof vests, batons...)	\$2,658.80	\$469.20	\$3,128.00	\$0.00
Estimated MOE Office Supplies	\$0.00	\$0.00	\$0.00	\$8,000.00
Supplies total	\$13,498.27	\$2,382.05	\$15,880.32	\$19,105.00

Contractual and Subaward				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Legal Technician	\$30,000.00	\$0.00	\$30,000.00	\$0.00
Single Audit	\$15,000.00	\$0.00	\$15,000.00	\$0.00
IT	\$30,000.00	\$0.00	\$30,000.00	\$0.00
AJP LLC (Advertisement)	\$0.00	\$0.00	\$0.00	\$20,000.00
Legal Staff (Attorney and Law Clerk)	\$48,000.00	\$0.00	\$48,000.00	\$0.00
Baker Tilly Puerto Rico	\$12,500.00	\$0.00	\$12,500.00	\$0.00
Contractual and Subaward total	\$135,500.00	\$0.00	\$135,500.00	\$20,000.00

Other Costs				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Training Costs (tuition, books)	\$850.00	\$150.00	\$1,000.00	\$0.00
CVSA Decals	\$1,700.00	\$300.00	\$2,000.00	\$0.00
Conference Costs (Registration Fees)	\$6,375.00	\$1,125.00	\$7,500.00	\$0.00
Fuel Costs	\$25,500.00	\$4,500.00	\$30,000.00	\$0.00
Maintenance of Vehicles (not under contract)	\$2,006.26	\$16,993.74	\$19,000.00	\$0.00
Fleet Cost (mileage, repairs)	\$4,250.00	\$750.00	\$5,000.00	\$0.00
Marking	\$6,800.00	\$1,200.00	\$8,000.00	\$0.00
Communications (Internet Service)	\$6,800.00	\$1,200.00	\$8,000.00	\$0.00
LAN Service (Internet Security Control)	\$0.85	\$0.15	\$1.00	\$0.00
Tolls	\$2,125.00	\$375.00	\$2,500.00	\$0.00
Office Rent	\$8,500.00	\$1,500.00	\$10,000.00	\$0.00
Printer Rent	\$3,825.00	\$675.00	\$4,500.00	\$0.00
Estimated MOE Training Costs	\$0.00	\$0.00	\$0.00	\$3,500.00
Estimated MOE CVSA Decals	\$0.00	\$0.00	\$0.00	\$1,000.00
Estimated MOE Fuel Costs	\$0.00	\$0.00	\$0.00	\$14,295.00
Estimated MOE Maintenance of Vehicles not under Contract	\$0.00	\$0.00	\$0.00	\$11,345.23
Estimated MOE Fleet Cost (Mileage/Repairs)	\$0.00	\$0.00	\$0.00	\$6,183.82
Estimated MOE Printer Rent	\$0.00	\$0.00	\$0.00	\$5,400.00
Estimated MOE Toll	\$0.00	\$0.00	\$0.00	\$2,500.00
Estimated MOE Marking	\$0.00	\$0.00	\$0.00	\$8,000.00
Estimated MOE Office Rent	\$0.00	\$0.00	\$0.00	\$38,000.00
Other Costs total	\$68,732.11	\$28,768.89	\$97,501.00	\$90,224.05

Total Costs				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Subtotal for Direct Costs	\$1,050,033.20	\$178,027.91	\$1,228,061.11	\$134,329.05
Indirect Costs	\$123,333.80	\$28,874.09	\$152,207.89	NA
Total Costs Budgeted	\$1,173,367.00	\$206,902.00	\$1,380,269.00	\$134,329.05

Part 4 Section 10 - Financial Summary

The Financial Summary is auto-populated by the system by budget category. It is a read-only document and can be used to complete the SF-424A in Grants.gov. Changes to the Financial Summary will only be reflected by updating the individual budget category table(s).

- The system will confirm that percentages for Federal and State shares are correct for Total Project Costs. The edit check is performed on the **"Total Costs Budgeted"** line only.
- The system will confirm that Planned MOE Costs equal or exceed FMCSA funding limitation. The edit check is performed on the **"Total Costs Budgeted"** line only.
- The system will confirm that the Overtime value does not exceed the FMCSA funding limitation. The edit check is performed on the **"Overtime subtotal"** line.

ESTIMATED Fiscal Year Funding Amounts for MCSAP			
	85% Federal Share	15% State Share	Total Estimated Funding
Total	\$1,173,367.00	\$206,902.00	\$1,380,269.00

Summary of MCSAP Funding Limitations	
Allowable amount for Overtime without written justification (15% of Basic Award Amount):	\$206,902.00
MOE Baseline:	\$134,329.05

Estimated Expenditures				
	Federal Share	State Share	Total Project Costs (Federal + State)	Planned MOE Costs
Salary Subtotal	\$614,569.38	\$108,453.42	\$723,022.80	\$0.00
Overtime Subtotal	\$0.00	\$0.00	\$0.00	\$0.00
Personnel Total	\$614,569.38	\$108,453.42	\$723,022.80	\$0.00
Fringe Benefits Total	\$128,144.29	\$22,613.70	\$150,757.99	\$0.00
Travel Total	\$59,838.30	\$10,559.70	\$70,398.00	\$0.00
Equipment Total	\$29,750.85	\$5,250.15	\$35,001.00	\$5,000.00
Supplies Total	\$13,498.27	\$2,382.05	\$15,880.32	\$19,105.00
Contractual and Subaward Total	\$135,500.00	\$0.00	\$135,500.00	\$20,000.00
Other Costs Total	\$68,732.11	\$28,768.89	\$97,501.00	\$90,224.05
	85% Federal Share	15% State Share	Total Project Costs (Federal + State)	Planned MOE Costs
Subtotal for Direct Costs	\$1,050,033.20	\$178,027.91	\$1,228,061.11	\$134,329.05
Indirect Costs	\$123,333.80	\$28,874.09	\$152,207.89	NA
Total Costs Budgeted	\$1,173,367.00	\$206,902.00	\$1,380,269.00	\$134,329.05

Part 5 - Certifications and Documents

Part 5 includes electronic versions of specific requirements, certifications and documents that a State must agree to as a condition of participation in MCSAP. The submission of the CVSP serves as official notice and certification of compliance with these requirements. State or States means all of the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Virgin Islands.

If the person submitting the CVSP does not have authority to certify these documents electronically, then the State must continue to upload the signed/certified form(s) through the "My Documents" area on the State's Dashboard page.

Part 5 Section 1 - State Certification

The State Certification will not be considered complete until the four questions and certification declaration are answered. Selecting 'no' in the declaration may impact your State's eligibility for MCSAP funding.

1. What is the name of the person certifying the declaration for your State? Mr. Ricardo A. Roselló Nevares
2. What is this person's title? Governor
3. Who is your Governor's highway safety representative? Mrs. Darelis López Rosario, Esq.
4. What is this person's title? Puerto Rico Traffic Safety Commission Director

The State affirmatively accepts the State certification declaration written below by selecting 'yes'.

- ☐ Yes
- ☒ Yes, uploaded certification document
- ☐ No

State Certification declaration:

I, Mr. Ricardo A. Roselló Nevares, Governor, on behalf of the Commonwealth of PUERTO RICO, as requested by the Administrator as a condition of approval of a grant under the authority of [49 U.S.C. § 31102](#), as amended, certify that the Commonwealth satisfies all the conditions required for MCSAP funding, as specifically detailed in [49 C.F.R. § 350.211](#).

If there are any exceptions that should be noted to the above certification, include an explanation in the text box below.

Document has been uploaded/merged.

Part 5 Section 2 - Annual Review of Laws, Regulations, Policies and Compatibility Certification

You must answer all three questions and indicate your acceptance of the certification declaration. Selecting 'no' in the declaration may impact your State's eligibility for MCSAP funding.

1. What is the name of your certifying State official? Mr. Luis D. García Fraga, Esq.
2. What is the title of your certifying State official? Chairman
3. What are the phone # and email address of your State official? (787) 756-1919 x.1000 ldgarcia@csp.pr.gov

The State affirmatively accepts the compatibility certification declaration written below by selecting 'yes'.

- ☐ Yes
- ☒ Yes, uploaded certification document
- ☐ No

I, Mr. Luis D. García Fraga, Esq., certify that the Commonwealth has conducted the annual review of its laws and regulations for compatibility regarding commercial motor vehicle safety and that the Commonwealth's safety laws remain compatible with the Federal Motor Carrier Safety Regulations (49 CFR parts 390-397) and the Hazardous Materials Regulations (49 CFR parts 107 (subparts F and G only), 171-173, 177, 178, and 180) and standards and orders of the Federal government, except as may be determined by the Administrator to be inapplicable to a State enforcement program. For the purpose of this certification, Compatible means Commonwealth laws or regulations pertaining to interstate commerce that are identical to the FMCSRs and HMRs or have the same effect as the FMCSRs and identical to the HMRs and for intrastate commerce rules identical to or within the tolerance guidelines for the FMCSRs and identical to the HMRs.

If there are any exceptions that should be noted to the above certification, include an explanation in the text box below.

Document has been uploaded/merged.

Part 5 Section 3 - New Laws/Legislation/Policy Impacting CMV Safety

Has the State adopted/enacted any new or updated laws (i.e., statutes) impacting CMV safety since the last CVSP or annual update was submitted?

☐ Yes ☒ No

Has the State adopted/enacted any new administrative actions or policies impacting CMV safety since the last CVSP?

☐ Yes ☒ No



GOVERNMENT OF PUERTO RICO

Public Service Commission

Annual Review of Laws, Regulations, Policies and Compatibility Certification

I, **Luis D. García-Fraga, Chairman**, certify that the State has conducted the annual review of its laws and regulations for compatibility regarding commercial motor vehicle safety and that the State's safety laws remain compatible with the Federal Motor Carrier Safety Regulations (49 CFR parts 390-397) and the Hazardous Materials Regulations (49 CFR parts 107 (subparts F and G only), 171-173, 177, 178, and 180) and standards and orders of the Federal government, except as may be determined by the Administrator to be inapplicable to a State enforcement program.

For the purpose of this certification, Compatible means State laws or regulations pertaining to interstate commerce that are identical to the FMCSRs and HMRs or have the same effect as the FMCSRs and identical to the HMRs and for intrastate commerce rules identical to or within the tolerance guidelines for the FMCSRs and identical to the HMRs.

Signature of Certifying Official: _____

Title of Certifying Official: _____

Chairman

Date of Certification: _____

July 31, 2018





GOVERNOR OF PUERTO RICO


Ricardo Rosselló Nevares

FY 2019 Certification of MCSAP Conformance (State Certification)

I **Ricardo A. Rosselló Nevares, Governor**, on behalf of the **Government of Puerto Rico**, as requested by the Administrator as a condition of approval of a grant under the authority of 49 U.S.C. § 31102, as amended, do hereby certify as follows:

1. The Government has adopted commercial motor carrier and highway hazardous materials safety regulations, standards and orders that are compatible with the FMCSRs and the HMRs, and the standards and orders of the Federal Government.
2. The Government has designated **Puerto Rico Public Service Commission** (henceforward referred to as PR PSC) as the Lead State Agency to administer the Commercial Vehicle Safety Plan throughout the Government for the grant sought and perform defined functions under the CVSP. The **PR PSC** has the legal authority, resources, and qualified personnel necessary to enforce the Government's commercial motor carrier, driver, and highway hazardous materials safety laws, regulations, standards, and orders.
3. The Government will obligate the funds or resources necessary to provide a matching share to the Federal assistance provided in the grant to administer the plan submitted and to enforce the Government's commercial motor carrier safety, driver, and hazardous materials laws, regulations, standards, and orders in a manner consistent with the approved plan.
4. The laws of the Government provide the Government's enforcement officials right of entry (or other method a Government may use that is adequate to obtain the necessary information) and inspection sufficient to carry out the purposes of the CVSP, as approved, and provide that the Government will grant maximum reciprocity for inspections conducted pursuant to the North American Standard Inspection procedure, through the use of a nationally accepted system allowing ready identification of previously inspected CMVs.
5. The Government requires that all reports relating to the program be submitted to the appropriate Government agency or agencies, and the Government will make these reports available, in a timely manner, to the FMCSA on request.

- P2
6. The Government has uniform reporting requirements and uses FMCSA designated forms for record keeping, inspection, and other enforcement activities.
 7. The Government has in effect a requirement that registrants of CMVs demonstrate their knowledge of the applicable Federal or State CMV safety laws or regulations.
 8. The Government must ensure that the total expenditure of amounts of the Lead State Agency will be maintained at a level of effort each fiscal year in accordance with 49 CFR 350.301.
 9. The Government will ensure that MCSAP funded enforcement of activities under 49 CFR 350.309 will not diminish the effectiveness of the development and implementation of the programs to improve motor carrier, CMV, and driver safety.
 10. The Government will ensure that CMV size and weight enforcement activities funded with MCSAP funds will not diminish the effectiveness of other CMV safety enforcement programs.
 11. The Government will ensure that violation sanctions imposed and collected by the Government are consistent, effective, and equitable.
 12. The Government will (1) establish and dedicate sufficient resources to a program to provide FMCSA with accurate, complete, and timely reporting of motor carrier safety information that includes documenting the effects of the Government's CMV safety programs; (2) participate in a national motor carrier safety data correction program (DataQs); (3) participate in appropriate FMCSA systems including information technology and data systems; and (4) ensure information is exchanged in a timely manner with other States.
 13. The Government will ensure that the CVSP, data collection, and information data systems are coordinated with the State highway safety improvement program under sec. 148(c) of title 23, U.S. Code. The name of the Governor's highway safety representative (or other authorized Government official through whom coordination was accomplished) is **Darelis López Rosario, Esq.**
 14. The Government has undertaken efforts to emphasize and improve enforcement of Government and local traffic laws as they pertain to CMV safety.
 15. The Government will ensure that it has departmental policies stipulating that roadside inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel.

- 
16. The Government will ensure that MCSAP-funded personnel, including subgrantees, meet the minimum Federal standards set forth in 49 CFR part 385, subpart C for training and experience of employees performing safety audits, compliance reviews, or driver/vehicle roadside inspections.
 17. The Government will enforce registration (i.e., operating authority) requirements under 49 U.S.C 13902, 31134, and 49 CFR § 392.9a by prohibiting the operation of any vehicle discovered to be operating without the required registration or beyond the scope of the motor carrier's registration.
 18. The Government will cooperate in the enforcement of financial responsibility requirements under 49 U.S.C. 13906, 31138, 31139 and 49 CFR part 387.
 19. The Government will include, in the training manual for the licensing examination to drive a non-CMV and the training manual for the licensing examination to drive a CMV, information on best practices for safe driving in the vicinity of noncommercial and commercial motor vehicles.
 20. The Government will conduct comprehensive and highly visible traffic enforcement and CMV safety inspection programs in high-risk locations and corridors.
 21. The Government will ensure that, except in the case of an imminent or obvious safety hazard, an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where motor carriers may make planned stops (excluding a weigh station).
 22. The Government will transmit to its roadside inspectors the notice of each Federal exemption granted pursuant to 49 U.S.C. § 31315(b) and 49 CFR 390.32 and 390.25 as provided to the Government by FMCSA, including the name of the person granted the exemption and any terms and conditions that apply to the exemption.
 23. Except for a territory of the United States, the Government will conduct safety audits of interstate and, at the Government's discretion, intrastate new entrant motor carriers under 49 U.S.C. § 31144(g). The Government must verify the quality of the work conducted by a third party authorized to conduct safety audits under 49 U.S.C. §31144(g) on its behalf, and the Government remains solely responsible for the management and oversight of the activities.

24. The Government willfully participates in the performance and registration information systems management program under 49 U.S.C. §31106(b) not later than October 1, 2020, or demonstrates to FMCSA an alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies in a manner that provides an equivalent level of safety.
25. In the case of a Government that shares a land border with another country, the Government may conduct a border CMV safety program focusing on international commerce that includes enforcement and related projects or will forfeit all MCSAP funds based on border-related activities.
26. In the case that a Government meets all MCSAP requirements and funds operation and maintenance costs associated with innovative technology deployment with MCSAP funds, the Government agrees to comply with the requirements established in 49 CFR 350.203 and 350.310.

Date July 31, 2018
Signature 

(H. B. 1408)
(Conference)

(No. 211-2018)

(Approved August 12, 2018)

AN ACT

To enact the “Act for the Implementation of the Puerto Rico Public Service Regulatory Board Reorganization Plan,” in order to adjust the code of laws in effect to the provisions of said plan; amend Sections 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 19, 23, 28, 30, 34, 35, 36, 37, 49, 52, 55, 59, 68, 69, 76, 84, 85, and 89; repeal Section 5 and substitute it for a new Section 5 in Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act”; amend Section 3 of Chapter I, amend Sections 3, 7, 9, 10, and 11 of Chapter II; amend Sections 7 and 10 of Chapter III; amend Section I of Chapter IV; repeal Sections 2 and 4 of Chapter II and substitute them for new Sections 2 and 4 in Chapter II of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996”; amend Sections 1.3, 4.1, 6.1, 6.2, 6.3, 6.4, 6.10, 6.11, 6.12, 6.18, 6.20, 6.23, 6.28, 6.30, 6.37, and 6.40; repeal Sections 6.41 and 7.01; amend and renumber Section 6.42 as 6.41; renumber Sections 6.43, 6.44, 7.02, 7.03, 7.04, 7.05, and 7.06 as Sections 6.42, 6.43, 7.01, 7.02, 7.03, 7.04, and 7.05 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act”; amend Section 2(d) of Act No. 83 of May 2, 1941, as amended, known as the “Puerto Rico Electric Power Authority Act”; and for other related purposes.

STATEMENT OF MOTIVES

Leading Puerto Rico in the right path requires a paradigm shift, such as that proposed by this Administration in the Puerto Rico Socioeconomic Transformation Model included in the Plan for Puerto Rico. The Plan for Puerto Rico seeks to implement a new Government structure that significantly reduces public spending and substantially improves government functions. To achieve this, services provided by the government must be thoroughly assessed in order to determine which services may be consolidated, delegated to the private sector, or eliminated for they are no

longer necessary. Our goal is to avoid dismissing public employees, and move them according to our People's needs for services. In turn, the certified Fiscal Plan ratifies our commitment to reform the government apparatus thus eliminating obsolete, inefficient, or redundant structures and achieving transparency and efficiency.

Since January 2, 2017, we have been implementing a systematic plan to control government spending, reactivate our economy, and allow for the conditions to create more and better jobs in the private sector. We are showing the world that Puerto Rico is open to do business in a safe and stable governmental environment. The measures introduced by the Governor and approved by this Legislative Assembly during the first year of his administration have changed the course of the Government of Puerto Rico and have set it on a path of fiscal responsibility, but there is still much to do. Together, we are honoring our commitment at a fast pace and moving Puerto Rico towards stability.

Furthermore, in view of Puerto Rico's serious economic and fiscal emergency situation, it is necessary to approve this Act by virtue of the Police Power and in accordance with Sections 18 and 19 of Article II and Sections 7 and 8 of Article VI of the Constitution of Puerto Rico in order to achieve a more efficient and less costly Government. We exercise this Police Power to take the necessary measures and set Puerto Rico on the path of financial recovery.

In accordance with the foregoing, last December 18, 2017, the Governor of Puerto Rico, the Hon. Ricardo Roselló-Nevares, signed the "New Government of Puerto Rico Act," which became Act No. 122-2017. Pursuant to Act No. 122-2017, the Governor submitted to the Legislative Assembly a reorganization plan that provides for the creation of the Puerto Rico Public Service Regulatory Board (PSRB) in an effort to consolidate under a new administrative and operational structure the Telecommunications Regulatory Board, the Public Service Commission, the Independent Consumer Protection Office, the Puerto Rico Energy Administration,

and the Energy Commission. Upon the approval of the Reorganization Plan submitted by the Governor, in accordance with Section 2.05 of Act No. 122-2017, this Legislative Assembly promulgates this Act to repeal and/or adjust any laws or parts thereof that were affected by such Reorganization Plan.

A new administrative model is necessary to allow for a better use of human capital and fiscal resources. The PSRB shall operate as an independent entity and shall be vested with the necessary capacity and powers to enforce this Act and the Reorganization Plan of the Puerto Rico Public Service Regulatory Board. This Act shall allow for the integration of government activities relating to essential public services under a single entity directed by a collegial body whose principal mission is to regulate, oversee, and administer the consolidated instrumentalities as efficiently as possible.

Lastly, as stated in the approved Reorganization Plan, this Act does not seek to change the public policy of the Government of Puerto Rico on this subject. Its main intent is to adjust the code of laws in effect to the new organizational and administrative structure.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

CHAPTER I: GENERAL PROVISIONS

Section 1.- Title.

This Act shall be known as the “Act for the Implementation of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.”

Section 2.- Purpose and Scope.

The purpose of this Act is to implement and enforce the Reorganization Plan of the Puerto Rico Public Service Regulatory Board (Reorganization Plan) adopted and approved by the Legislative Assembly under Act No. 122-2017, known as the “New Government of Puerto Rico Act.” The implementation of the Reorganization

Plan shall adhere to the general principles and purposes of Act No. 122-2017, as stated by the Legislative Assembly in this Act.

Section 3.- The Board and its Chair.

The Public Service Regulatory Board and the Chair thereof are hereby empowered to take actions as are necessary to implement the Reorganization Plan of the Puerto Rico Public Service Regulatory Board and the amendments contained herein. Both the Board and its Chair shall have all the necessary powers and authorities to implement the Reorganization Plan in accordance with this Act.

Section 4.- Public Policy.

This Act does not change, modify, or alter the public policy set forth by the Legislative Assembly in the laws being amended. Any changes to the public policy set forth by law shall require the filing of a new bill.

Section 5.- Compliance with Act No. 122-2017.

The implementation of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board shall adhere to the general guidelines and principles established in Act No. 122-2017, known as the “New Government of Puerto Rico Act.”

Section 6.- Definitions.

For purposes of this Act, the following terms shall have the meaning stated below, unless the context clearly indicates otherwise:

(a) “Executive Director” - Means the Director appointed by the Chair of the Public Service Regulatory Board by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board, in charge of assisting the Chair in the administration of the Board.

(b) “Board” or “PSRB” - Means the Puerto Rico Public Service Regulatory Board created under the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(c) “Bureaus”- Means the Energy Bureau, the Telecommunications Bureau, the Transport and other Public Services Bureau, created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(d) “TEB” - Means the Puerto Rico Telecommunications Bureau.

(e) “PREB”- Means the Puerto Rico Energy Bureau.

(f) “TPSB”- Means the Puerto Rico Transport and other Public Services Bureau.

(g) “Plan”- Means the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(h) “Chair”- Means the Chair of the Puerto Rico Public Service Regulatory Board by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

Section 7.- Budget and Other Funds.

The Chair of the PSRB, in conjunction with the Commissioners of the Bureaus, shall prepare, administer, request, process, receive, and draw up the budgets of the Bureaus, as well as determine the use and control of the equipment, materials, and any transferred property, respecting the operational and functional independence of the Bureaus at all times.

All funds available, regardless of their nature, originating from the budgets, powers, and/or functions of the Bureaus which are transferred herein to the Board for the administration thereof shall be used to defray the operating expenses of the Board and each one of the Bureaus, in accordance with the purposes for which they were allocated, subject to the terms, restrictions, limitations, and/or requirements imposed thereon by the applicable state or federal laws.

Beginning Fiscal Year 2018-2019, and thereafter, the Chair, in conjunction with the Executive Director and the Commissioners of each Bureau shall draw up the annual budget of the Bureaus. The Executive Director shall submit the budget of the Bureaus to the Office of Management and Budget and the Legislative Assembly for the inclusion and approval of their budget allocations.

Section 8.- Transfer of Powers to the Bureaus.

The powers and authorities that were exercised, and the duties that were discharged by the Presidents or Heads by virtue of the respective organic acts of the instrumentalities that shall become Bureaus of the Board are hereby delegated exclusively to the Presidents of the Bureaus, upon the approval of this Act.

All of the services that were formerly rendered by the instrumentalities that are now part of the Board shall be likewise rendered by the Bureaus.

Section 8 A.- Executive Director.

The Executive Director of the PSRB, who shall be appointed by the Chair of the PSRB, shall discharge his functions pursuant to the Plan, this Act, and any other applicable law. The Executive Director shall be a citizen of the United States of America and a resident of Puerto Rico. Furthermore, he shall be of legal age, have recognized professional capacity, be of moral probity, have knowledge and experience in the field of public administration and government management, and have a college education as well as experience on matters under the jurisdiction of at least one of the bureaus attached to the PSRB. This shall be an at-will trust position.

Section 8B.- Members of the Public Service Regulatory Board.

The Board shall be composed of two (2) associate members and one (1) Chair, all of which shall be appointed by the Governor of Puerto Rico with the advice and consent of the Senate of Puerto Rico, and may only be dismissed for just cause. Initially, the Chair shall hold office for a term of six (6) years and the associate

members shall hold office for a term of three (3) and two (2) years, respectively. The members of the PSRB who are the successors of the Chair and the associate members shall hold office of a term of four (4) years. The members of the Board shall be citizens of the United States of America and residents of Puerto Rico, of legal age, have recognized professional capacity, be of moral probity, have knowledge and experience in the field of public administration and government management, and have a college education as well as experience on matters under the jurisdiction of at least one of the regulatory instrumentalities consolidated in the Plan. However, one of the members shall have experience on matters under the jurisdiction of the Energy Bureau.

The Chair and the two (2) associate members shall discharge all of their functions pursuant to the Plan, this Act, and any other applicable law.

Section 9.- Administrative and Judicial Review Procedures of the Bureaus.

A party adversely affected by an order, resolution, decision, or final determination by the Telecommunications Bureau or the Transport and other Public Services Bureau created by virtue of the Plan may file a petition for administrative review with the Public Service Regulatory Board, or with the Court of Appeals. The adversely affected party shall have discretion to choose the forum to which the party shall appeal unless jurisdiction has been granted by a law of the Government of the United States of America to any federal agency or entity or to the U.S. District Court for the District of Puerto Rico. The petition for review shall be filed in accordance with Act No. 38-2017, known as the “Government of Puerto Rico Uniform Administrative Procedure Act,” and with the rules of the Court of Appeals adopted for such purposes, as the case may be. The resolutions or decisions of the Public Service Regulatory Board shall be deemed to be final determinations of the Bureaus.

If a party adversely affected by an order, resolution, decision, or final determination of the Public Service Regulatory Board has filed a petition for review with said forum, pursuant to this Section, such party may file a petition for review with the Court of Appeals. The petition shall be filed in accordance with Act No. 38-2017, as amended.

A party adversely affected by an order, resolution, decision, or final determination of the Energy Bureau created by virtue of the Plan may only file a petition for review with the Court of Appeals of Puerto Rico.

Section 9A.- Reviewing Authority of the Public Service Regulatory Board.

The reviewing authority of the Public Service Regulatory Board shall be exercised by the chair and the two (2) associate members of such entity as a collegial body. If the chair is unable to exercise its reviewing authority in a particular case or matter by reason of disqualification or illness, the Executive Director shall substitute him in such case or matter only.

CHAPTER II: TRANSPORT AND OTHER PUBLIC SERVICES BUREAU

Section 10.- Section 2 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 2.- Definitions.

For purposes of this Act, unless the text clearly indicates another construction, the following words or terms shall have the meaning stated hereinbelow, and the words used in the singular form shall include the plural form and vice versa:

(a) ...

(b) Tourist Transport Areas or Zones.- Geographic area that may be designated and delimited by the President of the Transport and other Public Services Bureau (TPSB) as areas of recognized tourist significance for their historical, cultural, recreational, geographic, educational, or socioeconomic characteristics, among others, but not limited to the thoroughfares of Puerto Rico, in order to render

tourist ground transportation services. The President of the TPSB may consult with the Institute of Puerto Rican Culture, the Tourism Company, and any other entity it deems appropriate in order to designate such areas.

(c) Authorization.- Includes any license, permit, franchise, concession, power, right, privilege, and temporary permit of any kind, issued by the Transport and other Public Services Bureau or by the extinct Executive Council. The use of any of these terms individually or jointly with one or more of them does not have the purpose of excluding the others. Any natural or juridical person regulated by the Transport and other Public Services Bureau, including commercial motor vehicles, shall be required to hold an authorization issued by the TPSB it, to be allowed to operate in Puerto Rico.

(d) Holder of an Authorization.- Any natural or juridical person that has obtained a valid authorization to offer any of the services regulated by the Transport and other Public Services Bureau.

(e) Transportation Network Operator (TNO).- A natural person, independent from the TNC, who is authorized by the TPSB and drives a TNC-affiliated vehicle.

(f) Commission.- Means the Transport and other Public Services Bureau (TPSB) created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board. Any reference made in this Act to the 'Public Service Commission or Commission,' shall be construed as a reference to the Transport and other Public Services Bureau or TPSB.

(g) Commissioners.- Means the persons appointed by the Governor to constitute the Transport and other Public Services Bureau, under the provisions of this Act and the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(h) Public Service Company ...

(i) Corporation ...

(j) Transportation Broker.- Includes any person, except travel agencies and those included within the term public carrier and bona fide employees or agents of such public carriers, who, as principal or agent, engages in the sale or offering for sale of any kind of transportation subject to the jurisdiction of the TPSB, or undertakes negotiations, or offers through solicitation, advertisement or otherwise, to sell, provide, furnish, or contract or arrange for, transportation.

(k) Evidence of Indebtedness...

(l) Motor Vehicle Freight Transportation Enterprise...

(m) Dry Dock Company...

(n) Electric Energy Company...

(o) Company for the Bottling, Sale, Repair and Reconstruction of Liquid Petroleum Gas Cylinders...

(p) Railroad Company ...

(q) Nuclear Power Plant ...

(r) Gas Company ...

(s) Moving Company ...

(t) Toll Bridge Company ...

(u) Company for the Service and Sale of Taximeters ...

(v) Freight Transport Company ...

(w) Transportation Network Company (TNC) ...

(x) Passenger Transport Company ...

(y) Maritime Transport Company ...

(z) Air Transport Company ...

(aa) Tourist Transport Company ...

(bb) Car Rental Company ...

(cc) Private Vehicle Company Engaged in Trade ...

(dd) Equipment ...

(ee) Inspection.- Procedure carried out for the verification of the mechanical and physical conditions of motor vehicles authorized to render a public service, and commercial transport vehicles. This procedure shall be carried out in the facilities authorized for such purposes or by the TPSB Inspectors, in addition to the examination of the facilities and installations of any person under the jurisdiction of the TPSB, as well as any books, registries, documents, and accounts to ensure compliance with the laws and regulations promulgated, and the orders issued under the jurisdiction of the TPSB.

(ff) Inspector.- Law Enforcement Officer in charge of conducting interventions, inspections, surveillance, and investigations, and ensuring compliance with the laws and regulations under the jurisdiction of the TPSB, including this Act, Act No. 22-2000, as amended, and any other applicable law.

(gg) Board or PSRB.- Means the Puerto Rico Public Service Regulatory Board created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(hh) For Pay ...

(ii) Public Convenience and Necessity.- The actual public benefit, in general, in the broadest sense, of granting an authorization. It shall be understood that, if the service is governed by a regulation approved by the TPSB, such service is necessary and convenient for the public in general.

(jj) Officer ...

(kk) Dock Operator ...

(ll) Person ...

(mm) Plant ...

(nn) Contract Carrier ...

(oo) Public Carrier ...

(pp) Practices ...

(qq) President.- Means the President of the Transport and other Public Services Bureau (TPSB) created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(qq) Digital Network.- Means any mobile application, computer software, webpage, or other system used by a TNC to allow the people to contract the services of a TNO or a holder of an authorization of the TPSB.

(rr) Rule.- Means any rule, regulation, standard, declaration of policy of general application, or general order having force of law, including any amendment thereto or repeal thereof, issued by the TPSB to render effective, construe, or make specific the legislation enforced or administered by the TPSB. Said term does not include bylaws or orders issued by the President of the TPSB for the internal administration of the TPSB which do not affect private rights or interests.

(ss) Service ...

(tt) Transport Network Services (TNS) ...

(uu) Tariff ...

(vv) Transportation of Property ...

(ww) Passenger Conveyance ...

(xx) Motor Vehicle...

(yy) Commercial Motor Vehicle for Commercial Transport Vehicle..."

Section 11.- Section 4 of Act No. 109 of June 28, 1962, as amended, known as the "Puerto Rico Public Service Act," is hereby amended to read as follows:

"Section 4.- Name and Seal.

The agency in charge of enforcing this Act shall be known as the Puerto Rico Transport and other Public Services Bureau. All orders and authorizations shall be issued in the name of the Puerto Rico Transport and other Public Services Bureau, and all proceedings instituted by the Bureau shall be in the name of the Government

of Puerto Rico. It shall have an official seal bearing the words ‘Puerto Rico Transport and other Public Services Bureau’ and its design shall be that prescribed by the Bureau. With it, the Bureau shall authenticate its proceedings, and the courts shall take judicial notice thereof.”

Section 12.- Section 5 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby repealed and substituted for a new Section 5 to read as follows:

Section 5.- Commissioners of the Bureaus

The Transport and other Public Services Bureau shall be composed of three (3) Commissioners, one (1) of which shall be its President, to be appointed by the Governor with the advice and consent of the Senate. The Commissioners may only be removed from office for just cause. In the event of vacancy, the Commissioners may appoint an acting commissioner who shall hold such office until a successor is appointed by the Governor with the advice and consent of the Senate. The Commissioners shall earn a salary equal to that of a superior judge of the Court of First Instance.

The President and the Associate Commissioners shall be citizens of the United States of America. Of the three (3) Commissioners, one (1) shall be a professional engineer in Puerto Rico; one (1) shall be an attorney admitted to the Bar in Puerto Rico; and another shall be a professional with a master’s degree or a professional with ten (10) years of experience in the field of public transportation.

The Transport and other Public Services Bureau shall be directed by a President who shall be in charge of daily operations. The President shall supervise all employees and officials of the TPSB and may assign the Associate Commissioners to discharge the adjudicative, quasi-legislative, or operational functions of the agency or any other duty necessary and incidental to the authorities and powers conferred by this Act. The President shall supervise the assigned tasks

and may, at his discretion, convene the Bureau into units for the evaluation and adjudication of any application or to address any other matter pertinent to the duties of the TPSB. The President shall adopt regulations as are necessary to comply with the precepts of this Act and may delegate to the Commissioners those supervisory tasks he deems necessary to achieve the purposes of this Act.

The President and the Associate Commissioners appointed by virtues of the “Act for the Implementation of the Puerto Rico Public Service Regulatory Board Reorganization Plan,” shall initially hold office as follows: the President shall hold office for a term of six (6) years and the Associate Commissioners for a term of four (4) and two (2) years, respectively. Their successors shall be appointed for a term of six (6) years. Any person chosen to fill a vacancy shall be appointed only for the remainder of the unexpired term of his predecessor. Upon the expiration of the term of office, the Board members may continue discharging their duties until their successor are appointed and take office.

The Commissioners shall not have a direct or indirect interest in, or a contractual relation with, any public service company or contract carrier under the jurisdiction of the TPSB, or in entities within or outside of Puerto Rico affiliated to, or with interest in said public service companies or contract carriers. No Commissioner may participate in any matter or dispute in which a party to such matter or dispute is a natural or juridical person with whom he has had a contractual, professional, work, or fiduciary relationship within two (2) years before his appointment. Furthermore, no Commissioner shall represent, after ceasing his functions in the TPSB, any person or entity before the TPSB with regard to any matter in which he participated while in the service of the TPSB and for two (2) years following his separation from said office regarding any other matter. The Commissioners’ activities during and after the expiration of their terms shall be

subject to the restrictions provided in Act No. 1-2012, as amended, known as the ‘Organic Act of the Puerto Rico Government Ethics.’”

Section 13.- Section 6 of Act No. 109 of June 28, 1962, as amended, is hereby amended to read as follows:

“Section 6.- *Quorum.*

Two (2) members of the TPSB shall constitute a quorum at a meeting of the TPSB assembled as a whole. The President, at his discretion, may participate in a meeting where a determination is being made with regards to any matter.”

Section 14.- Section 7 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 7.-Delegation of Functions

(a) The President may order any matter to be assigned or referred to one or more Associate Commissioners or to one or more employees or hearing officers, who shall be designated in said order, and have all the powers set forth in subsection (c) of this Section.

(b) Any person aggrieved by any action taken in accordance with any order assigning or referring, may file a petition for review with the TPSB within such time and in such manner as the TPSB may prescribe by regulation. If the petition is granted, the TPSB may uphold, modify, or render ineffective such action, or may order the holding of a new hearing. The functions delegated by the President shall be performed within the term provided by him.

(c) Hearing officers shall have authority to:

- (1) administer oaths and take statements;
- (2) issue summonses;
- (3) receive and pass upon pertinent evidence;
- (4) take or cause depositions to be taken;
- (5) preside over and regulate the course of the hearing;

(6) hold conferences to simplify matters upon consent of the parties (to this end the Bureau of Legal Affairs of the TPSB shall be deemed to be a party);

(7) dispose of proceedings or similar matters; and

(8) propose decisions to the President or the person to whom he delegates the adjudication, in accordance with subsection (d) of this Section.

(d) The President is hereby empowered to delegate the power to settle disputes under the jurisdiction of the TPSB to one or more Commissioners. The President may also delegate the authority to settle disputes to other officials or employees of the TPSB who are attorneys duly admitted to the Bar in Puerto Rico.

(e) Any Commissioner or employee of the TPSB designated to preside over a hearing or inquiry shall have the same powers provided to hearing officers in subsection (c) of this Section.

(f) The following powers and duties shall be delegated to the directors of the regional offices or to the personnel of Integrated Service Centers (ISC) as designated by the President:

(1) Granting of extensions for inspection.

(2) Authorizing of license plate reinstatement.

(3) Authorizing applications to render ineffective substitutions, exchanges, or any other procedure delegated to the regional offices.

(4) Approving of the substitution of vehicles within the authorized term.

(5) Authorizing the exchange of routes and vehicles.

(6) Renewing authorizations.

(7) Issuing certifications of additions to rental cars.

(8) Administering oaths.

(9) Issuing summonses.

(10) Imposing civil fines within the established criteria.

(11) Issuing authorizations to change license plates.

(12) Authorizing the transfer of authorizations and/or units and ratify the substitutions for, and reinstatement of, license plates.

(13) Issuing Temporary Special Permits (Temporary Permits) for services regulated by regulations. This Special Permit shall be issued at the request of a person who meets all of the requirements prescribed through regulations for the petition for an authorization, and upon filing a Sworn Statement attesting that such person has never had an authorization cancelled by the TPSB, nor has been a member of the board of a juridical person that has had an authorization cancelled. In addition, the appropriate fee shall be paid in accordance with the procedure prescribed therefor through regulations by the TPSB. The President shall adopt rules as are necessary to exercise the powers conferred herein.”

Section 15.- Section 8 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 8.- Duties of the Secretary.

The Transport and other Public Services Bureau shall have a Secretary to be appointed by the President. It shall be his duty to keep the records of the TPSB and a true and correct account of all proceedings thereof. He shall be the custodian of the minutes and proceedings of the TPSB, and shall file and preserve all documents which may be entrusted to him, processing them as the TPSB may direct. Moreover, the Secretary may issue certifications of the records of the TPSB.

Under the direction of the President, the Secretary shall serve notice of all determinations, resolutions, and orders that are not served electronically. He shall prepare for service such documents and notices as required by the President or the TPSB, and shall perform such other duties as the TPSB may prescribe. He shall be empowered to administer oaths in all proceedings before the TPSB.

Whenever necessary, the President, shall designate the Secretary or any other employee to act as disbursing officer and collector of the TPSB with respect to procurements, disbursements, and collections. Before discharging the duties of his office, he shall post a bond in favor of the Government of Puerto Rico in the amount of ten thousand dollars (\$10,000), conditioned on the faithful performance of his official duties. The premiums of such bond shall be paid from the funds appropriated to the TPSB.

The President shall designate an employee who shall serve as Secretary, in his absence, as well as one or more additional employees, as substitutes therefor. It shall be the duty of such employees to perform the duties of the Secretary in his absence, and such other duties as the President may determine. Such substitute employees, as well as the Secretary, shall be empowered to administer oaths in any proceeding before the TPSB.”

Section 16.- Section 9 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 9.- Personnel.

The President shall appoint experts, hearing officers, inspectors, administrative clerks, and other employees as are necessary. The employees of the TPSB, except for the President and Associate Commissioners, shall be subject to the provisions of Act No. 8-2017, as amended, known as the ‘Government of Puerto Rico Human Resources Administration and Transformation Act.’”

Section 17.- Section 10 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 10.- Inspections.

The inspectors of the TPSB are hereby authorized to conduct interventions, inspections, surveillance, and investigations in order to enforce the laws, regulations promulgated, and the orders issued under the jurisdiction of the TPSB.

Any inspections required through regulations shall be conducted in accordance with the procedure established by the TPSB and in the facilities authorized in accordance with the regulations approved for such purposes. Until the TPSB approves regulations for such purposes, regulatory inspections pursuant to the regulations in effect as of the approval of this Act may be conducted at the Inspection Centers approved by the Secretary of the Department of Transportation and Public Works.”

Section 18.- Section 11 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 11.- Principal Office.

The principal office of the TPSB shall be in the Capital of Puerto Rico.”

Section 19.- Section 12 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 12.- Meetings.

The TPSB shall hold regular meetings at regular intervals at least twice a month in its offices. The President may, at his full discretion, call the Associate Commissioners for a meeting to evaluate any cases before the consideration of the TPSB, as well as any other matters he deems pertinent. Moreover, in such meetings, as called by the President, Associate Commissioners shall evaluate any proposal for a service that is not regulated by the TPSB.”

Section 20.- Section 13 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 13.- Notices and Document Management.

Whenever possible, notice of any determinations, resolutions, and orders of the TPSB shall be served electronically, whether by email or any other means, as prescribed by the TPSB through regulations. However, in the event that the

electronic service of any document is not possible, the TPSB shall serve notice thereof by regular or certified mail.”

Section 21.- Section 14 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 14.- General Powers

(a) The TPSB shall be empowered to grant all authorizations of a public nature for whose granting no other legal process has been established, including the right to use or cross public highways or public water riverbeds at grade, above grade or below grade, and to regulate public service companies, public carriers, and contract carriers, including the assignment of public vehicles which shall use parking lots (terminals) which are provided for passenger carriers by municipal legislatures or by the Department of Transportation and Public Works, which shall keep the TPSB informed of the existing or proposed parking lots (terminals) in order for the TPSB to be able to discharge such function, taking into consideration factors such as public peace, cooperation between carriers, and between these and the public, the parking lot (terminal) vehicle capacity and the facilities it provides for public service, among others.

The TPSB shall be empowered to regulate private vehicle companies engaged in trade, including commercial motor vehicles. These companies shall not be deemed to be Public Carriers. The TPSB shall be empowered to regulate, investigate, intervene, and sanction any person engaged in tourist transport services. Any person who wishes to engage in said tourist transport shall be required to follow the procedures provided in Sections 23 and 73 as well as any other regulatory provisions adopted by the TPSB for such purposes. The TPSB shall be empowered, for purposes of the implementation of this Act, to modify and/or eliminate tourist transport areas regardless of the tourist attraction zones established by the Puerto Rico Planning Board.

If there are tourist attraction areas, transport network companies (TNC) shall offer their services subject to the implementation of a mechanism that limits the availability of the service to persons who are residents of Puerto Rico.

In granting authorizations for public transportation, the TPSB shall consider the Transportation Plan prepared by the Secretary of the Department of Transportation and Public Works and approved by the Governor as one of the necessity and convenience criteria, as provided in Act No. 74 of June 23, 1965, as amended.

(b) The TPSB shall be further empowered to impose civil fines and other administrative sanctions under this Act, to conduct investigations and interventions; to require any type of information that may be necessary for the proper exercise of its powers; to direct or request the courts through the Public Interest Attorneys; to order the cease of activities or actions under Sections 51, 51A, or any other provision of this Act; to impose and order the payment of costs, expenses, and attorney fees; as well as the payment of expenses and fees for professional and advisory services, incurred in the investigations, hearings, and proceedings before the TPSB; and to order that any such actions be taken in compliance with the provisions of this Act.

(c) The powers and faculties provided in subsections (a) and (b) of this Section shall be enforceable not only with regard to public service companies, contract carriers, private vehicle companies engaged in trade, persons engaged in tourist transport, as defined in this Act, and entities acting as public service companies or contract carriers, but also with respect to:

- (1) Every person or entity who violates the provisions of this Act.
- (2) Every person or entity whose actions affect or may affect the rendering of any public service.
- (3) Every person or entity who is engaged in any activity that requires an authorization or endorsement issued by the TPSB.

(4) Every person or entity whose actions or omissions are detrimental to the activities, resources, or interests with regard to which the TPSB has regulatory, oversight, or surveillance powers.”

Section 22.- Section 16 of Act No. 109 of June 28, 1962, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 16.- New Rates or Charges; Suspension.

(a) Approval shall be requested from the TPSB for all new rates or rate modifications. The TPSB shall publish a notice of the request in a newspaper of general circulation in Puerto Rico, as well as on its website, and offer to all the parties affected an appropriate opportunity to be heard in the proceedings to be conducted, to determine whether the request shall be approved. The TPSB may issue an order, as appropriate, as if it were a procedure under Section 17 of this Act. With respect to transfers originating from the Luis Muñoz-Marín International Airport or from airport terminals or maritime terminals under the jurisdiction of the Ports Authority, located within tourist attraction areas, the fixed rates previously established by the Tourism Company shall remain in effect until the TPSB provides otherwise.

(b) The TPSB, when determining or prescribing just and reasonable rates, shall be empowered to consider among other things, the grade of efficiency, sufficiency, and adequacy of the available facilities and the services rendered. It may also consider the value of such services to the public and the potential of a public service company to improve said facilities and services. Subject to the provisions of subsection (a) of this Section, the TPSB shall allow for a just and reasonable profit on the just and reasonable basic rate determined and prescribed for a public service company.

(c) ...”

Section 23.- Section 19 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act” is hereby amended to read as follows:

Section 19.- Provisional Rates.

(a) In any proceeding involving the reasonableness of the rates of any public service company, the TPSB may, after providing the parties concerned with an adequate opportunity to be heard and, in those cases where, in its judgment, such action is required for the public benefit, fix provisional rates which shall be implemented by the public service company concerned, for as long as it is necessary, until a final determination of the rates that must be ultimately authorized or prescribed is made. When, in its judgment, the conditions which prevail in an enterprise are such as to require immediate action, the TPSB may waive the requirement of providing the parties with an opportunity to be heard, and make its determinations in accordance with the information available.

(b) The provisional rates thus prescribed shall be in effect until the final resolution of the rate proceeding. If after the rates are fixed, the TPSB or during a review the PSRB or the Court of Appeals finds that the provisional rates fixed by the TPSB are not just and reasonable, it shall allow the concerned public service company to recover through a temporary increase on the final rates, the amount that represents the difference between the gross income earned by reason of the temporary rates and the gross income which would have been earned had just and reasonable provisional rates been fixed.”

Section 24.- Section 23 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 23.- Application for Authorizations.

(a) Any application submitted to the TPSB shall be granted only when the TPSB determines that the granting or approval thereof is necessary or appropriate for the service, comfort, convenience, or safety of the public. The President,

Associate Commissioners or hearing officers to whom the President delegates, shall evaluate and grant any request application regulated by the TPSB and for which the holding of a public hearing is not necessary. If it warrants the holding of a public hearing, the President may delegate the holding thereof and the evaluation of the application to the Associate Commissioners or hearing officers or other employee or official of the TPSB.

(b) Except as provided further in this Section, no person shall begin operations as a public service company or contract carrier, nor shall continue to operate as such if he were already doing so, unless he holds a valid authorization from the TPSB for such operations. The TPSB may intervene with any person who, without holding a valid authorization, acts as a public service company or contract carrier, and may direct said person, after granting him an opportunity to be heard, to cease such operations.

(c) The TPSB may establish, for each trade, an optional procedure for applicants to file their application together with a request for a Temporary Special Permit (Temporary Permit) which, upon approval, shall be issued by the appropriate Regional Office or the personnel of the Integrated Service Centers (ISC), as designated by the President, or through the official website of the Government of Puerto Rico for permit integration, upon meeting all of the requirements established through regulations, filing the Sworn Statement, and paying the fee, while the TPSB evaluates the application for authorization. The term of validity of the Temporary Permit shall be established through regulations, and may not exceed one (1) year. The President shall provide the contents of the Sworn Statement, whose main purpose is to establish the reliability of the qualifications of the applicant, as well as any additional document or requirement deemed necessary, especially for the various regulated trades.

(d) All applications for authorization shall be made in writing and filed with the TPSB, with an Integrated Service Center (ISC), or through an official website of the Government of Puerto Rico for the integration of permits, and shall be made in such form and contain such information as the TPSB may by regulation prescribe. If the service proposed by the applicant is not regulated, proof of publication shall be required as prescribed by the TPSB through regulations. If the service proposed by the petitioner is regulated, the requirements of publication and service of notice to interested parties shall be waived, and the application shall be granted without holding a public hearing.

(e) If upon examining an application under this Section, the TPSB determines that the applicant is able and willing, and in a position to comply adequately with the applicable provisions of this Act, and meets the requirements and rules approved by the TPSB, and that present or future public necessity and convenience require or shall require the proposed operations to the extent that they are to be authorized, it shall authorize any or all parts of the operations covered by the application.

(f) If upon examining any application submitted under this Section the TPSB is unable to make a determination as required in subsection (e) of this Section, it shall so notify the applicant, stating the grounds and reasons for not being able to make the necessary determinations. The applicant shall then be provided a reasonable opportunity to answer such notice. If, upon considering the reply, the TPSB is still unable to make the determination as required in subsection (e) of this Section, it shall deny the application.

(g) The process to evaluate and grant applications for authorization with the TPSB is a licensure procedure rather than an adjudication procedure; hence, third-party intervention shall not be admitted.

(h) The TPSB may revoke or suspend any permit, authorization, or license issued under its jurisdiction due to a violation of the provisions of this Act or the regulations adopted thereunder.”

Section 25.- Section 28 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 28.- Approval by the Governor or the Board.

Authorizations of a public or quasi-public nature granted by the TPSB shall not be valid until approved by the Governor or the executive officer to whom he delegates.”

Section 26.- Section 30 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 30.- Authorizations Affecting Municipal Corporations

No authorization shall be granted which affects a municipality in the use of its streets or squares without providing the affected mayor or municipal legislature with an adequate opportunity to be heard. The TPSB shall have authority, after such hearing, to settle disputes between a municipality and a public service company or contract carrier, in relation to the use of the streets and squares of said municipality. The decision of the TPSB shall be final and subject to review only as provided in this Act.”

Section 27.- Section 34 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 34.- General Investigating Powers.

(a) The TPSB, its President, hearing officers, or employees duly authorized by the President shall have the powers established in subsection (l) of Section 6 of this Act, including the power to subpoena witnesses, administer oaths, examine witnesses, take testimony, or compel the production of books, papers, and documents as it may deem necessary and pertinent to any proceeding it conducts,

and take any actions in the exercise of its powers and duties. Whenever TPSB deems it necessary in the public interest, it may refrain from disclosing the facts or reports obtained in the course of any investigation.

(b) The TPSB may direct the public service companies or contract carriers concerned to pay the expenses and fees incurred for professional and advisory services in the investigations conducted, hearings held, or any other proceeding carried out with regard to such public service companies or contract carriers.

(c) The TPSB may direct any public service company or contract carrier to pay, in addition to the amount established in subsection (b) of this Section, any other expense incurred by the TPSB in the investigation of the books, accounts, practices, and activities of the company or carrier concerned; and any expense incurred in the investigations of the value of the profitable property and the property used by any public service company or contract carrier in the rendering of their services.

(d) The TPSB shall determine the time and manner in which payments shall be made upon approval of the invoices submitted by the persons rendering their services.”

Section 28.- Section 35 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 35.- Reports.

The TPSB, in accordance with the parameters established by the President, may require any public service company, contract carrier, and other persons subject to the jurisdiction thereof and this Act, to submit any reports it may determine. Likewise, any person who owns or holds a controlling interest in any public service company or contract carrier shall be subject to the jurisdiction thereof with respect to his relationship with said company.”

Section 29.- Section 36 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 36.- Rules.

The President shall adopt such rules as are necessary and convenient to exercise the powers granted herein to the TPSB, its Commissioners and officials, and/or to discharge its duties. Provided, that the President may authorize such rules or regulations so as to determine the conduct of the users of those modes of transportation regulated by the TPSB. These rules shall have force of law upon compliance with the provisions of Act No. 38-2017, known as the ‘Government of Puerto Rico Uniform Administrative Procedure Act.’”

Section 30.- Section 37 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 37.- Enumeration of Powers Does Not Entail Limitation.

The enumeration of the powers of the TPSB made in this Chapter shall not entail the exclusion of any other powers thereof under other provisions of this Act.”

Section 31.- Section 49 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 49.- Procedure for Hearings

(a) Every hearing or investigation shall be instituted upon order of the TPSB. The order shall provide timely notice of:

- (1) The time when and the place where it shall be held;
- (2) the legal basis by virtue of which it is held; and
- (3) the findings of fact and conclusions of law on which the TPSB

wishes to receive evidence or listen to reports.

Such order shall be served as provided in this Act. The order may be amended on motion or on petition of a party or of an intervener, filed pursuant to the rules of the TPSB. Intervention in the proceedings shall be allowed to those persons

who might be adversely affected if the petition in question is granted, provided such persons file a motion to intervene in accordance with the rules of the TPSB.

(b) Every hearing held or investigation conducted by the TPSB shall be presided over by the President, hearing officer, or any person designated by the President, upon whom the powers provided in subsection (c) of Section (7) and Section 34 shall be conferred.

(c) All parties to a hearing or investigation shall have the right to present their case or defense through oral or written evidence, to submit rebuttal evidence, and to conduct such cross-examinations as may be necessary for a complete and true disclosure of the facts. In cases regarding the adoption of rules or the fixing of rates, or in such other cases as the TPSB may deem it desirable or practicable, the latter may adopt procedures for the presentation in writing of all or part of the evidence.

(d) The TPSB is hereby authorized to promulgate regulations for its proceedings.”

Section 32.- Section 52 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended and substituted for a new Section 52 to read as follows:

“Section 52.- Reconsideration.

The reconsideration of the decisions made by the TPSB shall be governed by the provisions of Act No. 38-2017, known as the ‘Government of Puerto Rico Uniform Administrative Procedure Act.’ The request for reconsideration shall not exempt any person from complying with or adhering to any decision made by the TPSB, nor shall operate in any matter whatsoever so as to suspend or postpone the effective date thereof, unless upon a special order of the TPSB.”

Section 33.- Section 55 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended and substituted for a new Section 55 to read as follows:

“Section 55.- Review of Decisions.

(a) Any party to a proceeding under this Act who is adversely affected by the final order of the TPSB, may file a petition for review within thirty (30) days from the date of service of notice of decision, with the Public Service Regulatory Board or the Court of Appeals. The petition for review shall be filed and submitted in accordance with the rules in effect and with Act No. 38-2017, known as the ‘Government of Puerto Rico Uniform Administrative Procedure Act.’”

(b) The cost of transcribing, preparing, and certifying the administrative record shall be paid to the TPSB by the petitioner. The TPSB may, by means of rules, provide for the compensation to be paid to the persons preparing the administrative record. The TPSB shall not be required to certify and deliver the administrative record to the court until the petitioner has first deposited in the Office of the Clerk of the TPSB the total cost of the preparation, transcription, and certification of such record, except in cases of insolvency duly proven before the TPSB.”

Section 34.- Section 59 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 59.- Basis for Writ of Review.

The writ of review shall be made on the basis of the administrative record of the proceeding before the TPSB and certified by the Secretary. Should any of the parties convince the court that new evidence has been discovered, after the hearing before the TPSB which could not have been obtained by due diligence, for use in said hearing, and which shall materially affect the merits of the case, the court may remand the case and record to the TPSB for the receipt of the evidence subsequently discovered. The TPSB may modify its findings of fact as a result of the additional evidence thus presented, and shall file with the court the new or modified conclusions, which, if supported by substantial evidence, shall be conclusive, as well

as its recommendation, if any, to modify or to render ineffective the original decision. Judgments issued by the Court of Appeals in these cases shall be subject to review by the Supreme Court of Puerto Rico, subject to the rules promulgated therefor by such Forum.”

Section 35.- Section 68 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 68.- Copies of Documents Admitted as Evidence.

Copies of all documents filed or deposited according to law in the Office of the Clerk and certified by the Secretary shall be admitted as evidence in like manner and with the same effect as the originals. This shall not apply to accident reports.”

Section 36.- Section 69 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 69.- Actions Prohibited.

(a) The President, the Secretary of the TPSB, the Associate Commissioners, and all officials and employees thereof are hereby prohibited from directly or indirectly soliciting from or suggesting or recommending to any person subject to the jurisdiction of the TPSB, or to any official or lawyer thereof, the appointment of any person to any office, position, job, or employment. Furthermore, any person subject to the jurisdiction of the TPSB and all officials and lawyers thereof, are hereby prohibited from offering the President, the Secretary, the Associate Commissioners, or any official or employee appointed to any office in the TPSB, any office, position, appointment, or job, or to offer or give the President, the Secretary, the Associate Commissioners, or any official or employee appointed to any office by the TPSB, any free pass or transportation, or any discount in fare to which the general public is not entitled, or free transportation of property, or any gift, gratification, favor, or present of any kind. If the President, the Secretary, the Associate Commissioners, or other person employed by the TPSB violates any of

the provisions of this section, such person shall be removed from office. Any official, employee, or agent of the TPSB who discloses any fact or information brought to his knowledge in the course of any inspection or examination of the property, accounts, records, or memoranda of any person or municipality subject to the jurisdiction of the TPSB, except as ordered by the TPSB or a court, or as authorized by law, shall be guilty of a misdemeanor.

(b) ...”

Section 37.- Section 76 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 76.- Requirements, Duties, and Responsibilities of a TNO.

A. Beginning on January 1, 2018, the TNC shall require any individual who wishes to become a TNO and have access to the digital platform, to provide the authorization issued by the TPSB.

The TPSB, shall guarantee the implementation of an electronic system that integrates these authorizations and allows for the immediate issuance of Special Temporary Permits to petitioners who meet all the requirements of Section 73(c) of this Act.

...

B. ...

(a) ...

(f) No TNO shall engage in any other service regulated by the TPSB, unless such TNO is authorized therefor, and in the case of a commercial transport service, unless it complies with the applicable rates and regulations.

The TPSB may suspend or revoke the authorization issued to a TNO who fails to comply with these provisions, in accordance with the regulations and procedures adopted under this Act.”

Section 38.- Section 84 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 84.- Document Disposition

As established by the President of the TPSB, any administrative records of the authorizations and the matters under the consideration of the TPSB shall be kept on digital format and available for the public’s inspection in the Principal Office of the TPSB, the Regional Offices of the TPSB, and/or the Integrated Service Centers (ISC) of the Government of Puerto Rico.

In the event of a discrepancy between the records of the TPSB, the burden of the proof shall rest with the holder of the authorization or the person claiming such discrepancy.

The TPSB, may destroy any records under its custody that are older than five (5) years without having to comply with the procedures provided in the ‘Puerto Rico Public Documents Administration Act,’ Act No. 5 of December 8, 1955, as amended, and the regulations approved thereunder. Before destroying such documents, the TPSB shall publish a notice in a newspaper of general circulation in Puerto Rico, as well as on its website, to notify any holder of an authorization and operators that they have a term of not less than thirty (30) days from the date of publication to claim the delivery of the physical records before the TPSB. Only the person who currently holds an authorization shall be entitled to claim the appropriate record. The TPSB shall not deliver to such persons any personal and/or confidential documents of any other person and shall ensure that the social security number, mailing address or any other information of other persons included in the record is redacted. The President of the TPSB shall establish the procedure for the request and delivery of the records.”

Section 39.- Section 85 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 85.- Annual Report

The TPSB shall submit an annual report to the Governor, the Public Service Regulatory Board and the Legislative Assembly on the inspections, fines, and interventions conducted by the TPSB. The report shall be submitted on or before July 31st of each year.”

Section 40.- Section 89 of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act,” is hereby amended to read as follows:

“Section 89.- Construction.

The provisions of this Act shall be construed in the sense of allowing the TPSB the broad use of its powers through the formulation of rules that shall enable it to adjust to changing conditions and the optimum use of the acquired experience, provided that it is in benefit of the public interest. None of the provisions of this Act shall be construed as to modify, alter, or invalidate any covenant, agreement, or contract duly executed by entities or instrumentalities that shall become part of the TPSB of the Public Service Regulatory Board pursuant to the Reorganization Plan of the Public Service Regulatory Board, and that are in effect on the effective date of this Act.”

CHAPTER III: TELECOMMUNICATIONS BUREAU

Section 41.- Section 3 of Chapter I of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“Section 3.- Definitions.

- (a) ...
- (b) ...
- (c) ...

(d) ...

(e) ...

(f) ...

(g) ...

(h) ...

(i) 'Internet Access Centers'.- Means the municipal service centers where information, assistance, and help are available for anyone who requires the use of information and communication technologies to access the Internet free of charge and on equal conditions.

(j) 'Telecommunications Commissioners' or 'Commissioners'.- Means the persons appointed by the Governor who comprise the Telecommunications Bureau under the provisions of this Act.

(k) 'Cable Company'...

(l) 'Telecommunications Company' ...

(m) 'Eligible Telecommunications Company'.- Shall mean a telecommunications company designated by the Telecommunications Bureau (TEB) to provide universal service in a specific geographical area.

(n) 'Direct Broadcast Satellite (DBS) Companies'...

(o) 'Reciprocal Compensation' ...

(p) 'Symmetrical Compensation' ...

(q) 'Effective Competition' ...

(r) 'Damages'. - Shall exclusively mean the financial damages suffered by the consumer that directly arise from noncompliance with this Chapter, the regulations approved by the Board and/or the service contract between the consumer and the telecommunications or television cable company.

(s) 'Market Control' ...

(t) 'Imposition of Provider (Slamming)' ...

(u) ‘Imposition of an Additional Surcharge (Cramming)’ ...

(v) ‘Public Service Regulatory Board’ or ‘PSRB’.- Shall mean the Public Service Regulatory Board created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(w) ‘Telecommunications Regulatory Board or Board’.- Means the Puerto Rico Telecommunications Bureau (TEB) created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board. Any reference in this Act to the ‘Telecommunications Regulatory Board’ or ‘Board’ shall be construed as a reference to the Puerto Rico Telecommunications Bureau or TEB.

(x) ‘Federal Communications Act’ ...

(y) ‘Federal Cable Television Act’...

(z) ‘Parity in Dialing’...

(aa) ‘Person’.- Means any person, whether natural or juridical including, but not limited to, any individual, corporation, partnership, association, trust, agency, instrumentality or public corporation, cooperative, cooperative association, special employee-owned corporations, or any combination thereof, created, organized, or existing under the laws of the Government of Puerto Rico, the United States of America, any state of the Union, or any foreign state or country.

(bb) ‘Number Portability’...

(cc) ‘Registry’.- Means the telephone list of the persons who are not interested in receiving telemarketing calls to be created by TEB.

(dd) ‘Competitive Service’...

(ee) ‘Intrastate Long Distance Service’...

(ff) ‘Telecommunications Service’...

(gg) ‘Intrastate Telecommunications Service’...

(hh) ‘Local Telecommunications Service’...

(ii) ‘Noncompetitive Service’...

(jj) ‘Long Distance Telephone Service’ ...

(kk) ‘Universal Service’.- Means an evolving level of basic telecommunications services in Puerto Rico, as established by TEB from time to time, pursuant to the Federal Communications Act.

(ll) ‘Easements’...

(mm) ‘Emergency Alert System’ ...

(nn) ‘Telecommunications’...

(oo) ‘User’.- Shall mean a natural or juridical person that is not a telecommunications or television cable company certified by TEB that receives telecommunications or television cable services.”

Section 42.- Section 2 of Chapter II of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby repealed and substituted for a new Section 2 in Chapter II to read as follows:

“Section 2.- Organization.

TEB shall be attached to the Public Service Regulatory Board and shall be composed of two (2) associate commissioners and one (1) commissioner who shall be the President, all of which shall be appointed by the Governor of Puerto Rico with the advice and consent of the Senate of Puerto Rico. The Commissioners shall earn a salary equal to that of a superior judge of the Court of First Instance.

Two (2) members of the Telecommunications Bureau shall constitute a quorum at a meeting of the Bureau assembled as a whole. The actions taken by the President or by one (1) of the associate members shall be subject to review by the whole Bureau.

TEB decisions shall be made by a majority of the members thereof and the affected party may file a petition for administrative review with the Public Service Regulatory Board or with the Court of Appeals. The adversely affected party shall have discretion to choose the forum to which the party shall appeal unless

jurisdiction has been granted by a law of the Government of the United States of America to a federal agency or entity or to the U.S. District Court for the District of Puerto Rico.”

Section 43.- Section 3 of Chapter II of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“Section 3.- Requirements and Vacancies in the Offices of the Commissioners.

(a) The President and the Associate Commissioners shall be United States citizens and shall meet some of the following requirements: to be a professional engineer in Puerto Rico, preferably holding a master’s or doctoral degree in engineering with at least ten (10) years of experience practicing such profession, which includes experience in the field of telecommunications, or an attorney admitted to the Bar with at least ten (10) years of experience practicing his profession, including experience in the field of telecommunications, or a professional holding a master’s or doctoral degree in economics, planning or finance, or in telecommunications-related fields, or a professional with a bachelor’ degree or with ten (10) years of experience in the field of telecommunications. Neither the President nor the Associate Commissioners shall have a direct or indirect interest in, or any contractual relationship with, the telecommunications companies subject to the jurisdiction of TEB, or in entities within or outside of Puerto Rico affiliated to, or having interests in, said telecommunications companies. No member of the Board may participate in any matter or dispute in which a party thereto is a natural or juridical person with whom said member has had any contractual, professional, work, or fiduciary relationship within two (2) years before to his appointment. Furthermore, no board member shall represent, after ceasing his functions in TEB any person or entity before TEB with regard to any matter in which

he participated while in the service of TEB and for two (2) years following his separation from said office regarding any other matter. The activities of the members during and after the expiration of their terms of office shall be subject to the restrictions provided in the “Organic Act of the Puerto Rico Government Ethics Office.”

(b) The President and the Associate Commissioners of the Board shall be appointed for a fixed staggered term. The first members of TEB appointed by virtue of the “Act for the Implementation of the Puerto Rico Public Service Regulatory Board Reorganization Plan,” shall be appointed as follows: The President shall be appointed for a term of six (6) years and the Associate Commissioners shall be appointed for four-(4) and two-(2) year terms, respectively. Their successors shall be appointed for six-year terms. Any person chosen to fill a vacancy shall be appointed only for the remainder of the unexpired term of his predecessor. Upon the expiration of the term of office of any member, he shall continue to hold office until his successor is appointed and takes office. In the event that the President is absent or unable to discharge his responsibilities, TEB may temporarily designate one of its members as President until the cause or circumstance that required such designation ceases or is corrected.”

Section 44.- Section 4 of Chapter II of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby repealed and substituted for a new Section 4 in Chapter II to read as follows:

“Section 4.- Powers of the President.

The President shall preside over all TEB meetings, be in charge of all administrative operations, and represent TEB in all matters related to legislation and legislative reports; however, any associate member may present a dissenting or supplementary opinion. The President shall also represent TEB whenever

conferences or communications with other heads of agency of the Government of Puerto Rico or the Government of the United States are required.”

Section 45.- Section 7 of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“Section 7.- General Powers and Duties.

(a) TEB shall adopt, promulgate, amend, and revoke rules, orders, and regulations as it deems necessary and proper for exercising its powers and performing its duties. When adopting, amending, or revoking rules or regulations, TEB shall be subject to the provisions of Act No. 38-2017, known as the ‘Government of Puerto Rico Uniform Administrative Procedure Act,’ and, shall also:

(1) send notice by certified mail to the telecommunications companies in Puerto Rico that have received a certification as provided in subsection (a) of Section 2 of Chapter III of this Act, a notice of the adoption of regulations explaining the adoption, amendment, or repeal proposed by TEB, including information as to where the complete text of the proposed change may be obtained, and granting a term of not less than thirty (30) days to submit their comments on said proposal; and

(2) prior to the adoption, amendment, or repeal of a regulation, TEB shall issue a resolution stating its reasons for said action, specifically addressing each one of the points that have been made in writing with respect to the proposed regulations.

(b) TEB shall have the following powers to ensure compliance with this Act and its regulations:

(1) To impose reasonable civil fines for violations of this Act, its regulations, and orders up to a maximum of twenty-five thousand dollars (\$25,000) per violation.

(2) To require any type of information as necessary for the proper exercise of its powers, clarifying, however, that the information deemed confidential by its source shall be duly safeguarded and disclosed solely and strictly to TEB's personnel who have a need to know, subject to a nondisclosure agreement. Any confidentiality claim for information submitted by a telecommunications company under this subsection shall be processed expeditiously by TEB through a resolution to such effect before disclosing any such allegedly confidential information. The information furnished by each of the telecommunications companies regarding their rates and fees, pursuant to subsection (a) of Section 7 of Chapter III of this Act, shall be public and available to any person upon request.

(3) To order the ceasing of activities or acts in violation of any provision of this Act or TEB's regulations.

(4) To impose and order the payment of costs, expenses, and attorney fees, as well as the payment of expenses and fees for other professional and consulting services incurred for adjudicative procedures before TEB.

(5) To direct that any act be carried out in compliance with the provisions of this Act or TEB's regulations.

(6) To resort to the appropriate forums to enforce the purposes of this Act, as well as the rules, regulations, orders, resolutions, and determinations thereof.

(7) To appear before any private entity, public organization, court, board, committee, administrative organization, department, office, or agency of the Government of Puerto Rico or of the United States Government in any hearing, proceeding, or matter that affects or could affect the purposes of this Act or the

regulations that TEB promulgates or the interests of telecommunications services' consumers; and

(8) To carry out any other acts, if necessary, to ensure compliance with this Act or the regulations promulgated thereunder, such as:

(A) ...

(B) ...

(C) ...

(D) ...

(9) Prescribe through Regulations the duties that TEB shall discharge during an emergency in order to restore the communications infrastructure and facilitate systems recovery.

(10) To lead efforts to coordinate, establish, and maintain federal, state, and local communications during emergency situations.

(11) To promote and lead efforts to close the digital divide by furthering and moving towards broadband.

(12) To create an amateur radio operators database that during emergency situations can be shared with the pertinent emergency management agencies so that amateur radio operators may provide support if communications are affected.

(13) To provide support to the 9-1-1 Emergency Systems Bureau attached to the Department of Public Safety in order to ensure the compliance by telecommunication companies with the transfer of funds collected through the telephone service bill.

(14) To administer public and private telecommunications easements and establish the regulations as are necessary in connections with this duty.

(15) To lead efforts to address the issue of metal theft through an Interagency and Multisectoral Copper Theft Committee, and coordinate the jobs and

training necessary for Committee members. The Committee shall be presided by the President of TEB and shall be further comprised of: the Department of Justice, the Permit Management Office, Office of the Chief Permit Inspector, the Puerto Rico Police, the Electric Power Authority, the Environmental Quality Board, the Department of Consumer Affairs, the Puerto Rico Firefighters, the Transport and other Public Services Bureau; and the telecommunications companies that own installations affected by this type of criminal activity.

(c) TEB shall have authority to conduct inspections, investigations, and audits, if necessary, to attain the purposes of this Act.

(d) TEB shall also have the following powers and authorities:

(1) ...

(2) ...

(e) All agreements between TEB and any telecommunications company shall be in writing and all resulting documents shall be kept on file. TEB shall establish its offices and facilities separate from those of any company subject to its jurisdiction.

(f) All the actions, regulations, and determinations of TEB shall be governed by the 'Federal Communications Act,' by the public interest, and particularly by the protection of the consumers' rights.

(g) TEB shall create a do not call registry system for the persons to opt out of telemarketing calls.

(h) To ensure that any alerts required by law to be sent to citizens through text messages to their mobile phones are free of charge."

Section 46.- Section 9 of Chapter II of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“Section 9.- Delegation of Powers.

(a) To one or more Members.- Through an order, TEB may assign, refer, or delegate any adjudicative or non-adjudicative matter for its resolution to one or more commissioners who shall be appointed in said order and who shall have the powers that TEB expressly delegates in said order. The members shall be empowered to:

- (1) ...
- (2) ...
- (3) ...
- (4) ...
- (5) ...

Any order issued by one or more members pursuant to this Section shall become a final order of the Board as a whole, unless the Board renders ineffective, alters, or amends the order within thirty (30) days after it has been notified. With regards to the decisions of TEB, an adversely affected party may file a petition for administrative review with the Public Service Regulatory Board or with the Court of Appeals. The adversely affected party shall have discretion to choose the forum to which the party shall appeal unless jurisdiction has been granted by a law of the Government of the United States of America to any federal agency or entity or to the U.S. District Court for the District of Puerto Rico.

(b) Hearing Officers and Administrative Judges.- TEB shall be empowered to assign, refer, or delegate any matter to hearing officers who shall have authority to recommend decisions which shall take effect upon their approval by TEB. Any hearing officer appointed to preside over a hearing or investigation shall have the

powers expressly delegated to him by TEB and the designation order. TEB may also designate administrative judges with full decision-making powers. Said hearing officers and administrative judges shall be appointed and shall carry out their duties pursuant to Act No. 38-2017, known as the ‘Government of Puerto Rico Uniform Administrative Procedure Act.’”

Section 47.- Section 10 of Chapter II of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“Section 10.- Incidental Powers.

The provisions of this Act shall be liberally construed in order to achieve its purposes, and whenever any specific power or authority is granted to TEB, such specification shall not be construed as excluding or hindering any other power or authority otherwise conferred thereto. TEB, as created herein shall have, in addition to the powers specified in this Act, all those additional, implicit, or incidental powers that are pertinent and necessary to put into effect and carry out, perform, and exercise all the aforementioned powers and to attain the purposes of this Act, subject to the preemption of said powers by federal legislation or the rules of the Federal Communications Commission.”

Section 48.- Section 11 of Chapter II of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“Section 11.- Budget and Regulatory Fees.

(a) TEB shall impose and collect fees pursuant to the provisions of this Section in order to generate sufficient income to:

a. Cover the operating expenses of TEB in the fulfillment of its responsibilities under this Act; and

b. establish a reserve, as TEB deems reasonable, to ensure the continuous and efficient operation thereof, in accordance with its projected goals and objectives, and the experience of previous years' expenses. Said reserve shall not exceed twenty-five percent (25%) of TEB's annual budget.

(b) The annual fee to defray TEB's annual operating expenses shall be fixed proportionally on the basis of the gross income of the telecommunications or cable company that provides telecommunications services generated from the rendering of such telecommunications services in Puerto Rico. In the case of the resale of services, the gross income shall not include the cost corresponding to the acquisition of the service subject to resale. These fees shall be paid to TEB on a quarterly basis, pursuant to the regulations it promulgates.

(c) ...

(d) All telecommunications or cable companies shall submit the information required by TEB in the manner and on the forms established by TEB in order to be able to state the amount of fees established in this Section. TEB shall not be required to notify in advance or afford an opportunity for a hearing before the imposition of fees.

(e) TEB may compel a telecommunications or cable company to reimburse the fees, special expenses, and other direct and incidental charges incurred for professional and consulting services in the course of investigations, hearings, and other procedures conducted in connection with said companies.

(f) The telecommunications and cable companies shall liquidate the payment of the fees imposed within a period not to exceed thirty (30) days after notice to such effect. Any delay in the payment of said fees shall be subject to the payment of interest and penalties as determined by TEB through regulations. The payment of fees shall be made in the manner and through the negotiable instruments that TEB specifies in any notice of fees.

(g) No telecommunications or cable company may request judicial review of any fee imposed by TEB, unless:

1. said company has paid or posted bond to the satisfaction of TEB within the term established in subsection (f) of this Section or that TEB has extended said term;

2. ...

3. ninety (90) days have elapsed from the date of notice of the fees imposed. No petition for judicial review may be based on arguments other than those alleged by the company before TEB. TEB shall not be required to reimburse any portion of the fees imposed if it certifies that said reimbursement would adversely affect the operations of TEB. If TEB issues said certification, then the telecommunications or cable company thus affected shall be entitled to reduce the corresponding amount from future charges imposed by TEB.

(h) The Secretary of the Treasury shall deposit, in a special account designated as the ‘Special Fund of the Public Service Regulatory Board, Telecommunications Bureau,’ the money collected by virtue of this Act, which may be used only and exclusively to defray the operating expenses and operations of TEB. The Department of the Treasury may transfer the surplus income generated by TEB to the General Fund in accordance with Act No. 26-2017, provided that the reserve required by law is maintained.

(i) TEB’s operating expenses budget shall be separate from the General Budget of Expenses of the Government of Puerto Rico.”

Section 49.- Section 7 of Chapter III of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“Section 7.- Universal Service.

(a) Universal Service Principles.-

(1) TEB shall preserve and promote the universal service through predictable, specific, and sufficient support mechanisms, pursuant to the provisions of Section 254 of the ‘Federal Communications Act,’ and also, pursuant to the following principles:

(A) ...

(B) ...

(C) ...

(2) All telecommunications companies shall make an equitable and nondiscriminatory contribution, as established by TEB, to the preservation and development of universal services in Puerto Rico.

(3) The structure of those support mechanisms developed, implemented, and periodically reviewed by TEB shall complement but not duplicate the support mechanisms established at the federal level.

(4) The universal service shall include, at least, the following services without excluding any other service, as provided by TEB pursuant to subsection (c)(3) of this Section:

(A) ...

(B) ...

(C) ...

(D) ...

(b) Determination of Eligible Telecommunications Companies.—

(1) TEB may, *motu proprio* or by petition, designate a telecommunications company as an eligible telecommunications company to provide universal service in one or more areas designated by TEB. By petition, and consistent with the public interest, convenience, and necessity, TEB may designate

more than one company as an eligible telecommunications company for a service area established by TEB, provided that each company meets the requirements of paragraph (2) of this subsection. In order to make the corresponding designation, TEB shall take into consideration technological factors and the cost of providing the service, among other factors.

(2) ...

(3) If no telecommunications company that receives funds from the universal service program wishes or is able to provide services to a community, or any part thereof, that has requested them, TEB shall determine which telecommunications company or companies are in the best position to provide such service and shall direct such company or companies to proceed accordingly. Any telecommunications company which has been directed to provide services under this subsection must meet the requirements of paragraph (2) of this subsection, and shall be designated an eligible telecommunications company for such community or part thereof.

(4) TEB may allow an eligible telecommunications company, upon previous authorization from TEB, to surrender its designation in any area covered by more than one eligible telecommunications company. Before granting the authorization, TEB shall impose on the remaining eligible telecommunications companies the obligation to guarantee the service to the users of the eligible telecommunications company that withdrew, and shall require sufficient notice to allow the purchase or construction of proper facilities by any other eligible telecommunications company. The costs and expenses incurred by the telecommunications companies to provide eligible services shall be reimbursed to them through the universal service support procedures. TEB shall establish a term not to exceed one (1) year after the approval of such withdrawal under this subsection to complete the purchase or construction.

(c) Universal Service Procedures.-

(1) TEB shall determine:

(A) The support mechanisms needed in the jurisdiction of Puerto Rico to expand or maintain the universal service. The decision to such effects shall be made by the majority of TEB members if the favored mechanism or mechanisms are included among those already being used in any area under the jurisdictions governed by the Federal Communications Act, or are among those under the consideration of the Federal Communications Commission, or have been implemented in the different states of the United States of America. The decision to implement any other support mechanism shall require the unanimous vote of the members of TEB.

(B) ...

(C) ...

(2) The services to be defrayed by the universal service program in Puerto Rico shall include those services necessary to address unique needs across Puerto Rico, as established by TEB. When determining the services to be included in the definition of universal service, TEB shall take into consideration the recommendations, if any, made by the Federal-State Joint Board, established under Section 254(a) of the Federal Communications Act, as well as those services implemented by the different states of the United States of America in their respective universal service programs.

(3) ...

(4) ...

(5) The sums of money contributed by the telecommunications companies to the universal service fund through the support mechanisms established by TEB shall be deposited in a special account in a bank to be determined by TEB.

Said fund shall be used exclusively to help render, maintain, and improve services in support of which the fund is created.

(6) TEB shall designate TEB personnel to administer the sums deposited in the universal service account and supervise its disbursement to eligible telecommunications companies. The entire collection, administration, and disbursement process, and the use of said sums shall be subject to audits by the Comptroller of Puerto Rico.

(7) TEB shall review, at least once (1) a year, the amount of the contribution to the Universal Service Fund required from each telecommunications company or other providers of services developed in the future as technology evolves that are designated as an eligible telecommunications company. When fixing such amount, TEB shall take into consideration the recommendations, if any, of the President of TEB, the Chair of the Public Service Regulatory Board, or TEB personnel designated to the administration. The decisions adopted by TEB to such effects shall be based on two principal factors:

(A) ...

(B) ...

(8) ...

(9) Once the Puerto Rico Universal Service Fund is established, any decisions relating thereto shall be made by a majority of TEB members. However, the Puerto Rico Universal Service Fund may only be repealed by the unanimous vote of the TEB members in order to be valid, given the importance of said Fund to provide all the citizens of Puerto Rico with access to technology.

(d) Lifeline Service Automatic Subscription Program.

(1) Every telephone service user who is a beneficiary of any of the eligible assistance programs established by the Federal Communications Commission (FCC) shall be subject to automatic subscription to the Lifeline Service

provided for in the Universal Service Regulations adopted by TEB. TEB shall establish the eligibility criteria following the guidelines established by the FCC.

(2) ...

(3) TEB shall prepare the application form for the automatic subscription and shall remit them to the public agencies that administer assistance or grant programs that render clients eligible for the Lifeline Service Program. The pertinent agency shall provide to the eligible client the application prepared by TEB whereby clients may request to be automatically registered in the Lifeline Program, through a self-certification of eligible client that states, under penalty of prejudice[sic] and permanent ineligibility, that neither he, nor any residing member of the family unit have been receiving the benefit of the subsidy provided by said program and for which they are filing this application. The subsidy shall only be granted for a single landline or to a single wireless service for the family unit, at the discretion of the client. The application shall also provide the client with the option to opt out of the automatic registration.

(4) ...

(5) On or before March 31 of each year, the eligible telecommunications companies shall file a report with TEB of the total number of eligible clients that were registered in the Lifeline Service Automatic Registration Program during the preceding calendar year.

(6) ...

(7) ...

(8) TEB shall amend the regulations in effect within one hundred eighty (180) days after the approval of this Act for the implementation of the provisions thereof. These regulations shall contain, among other things, the penalties to be established when citizens attempt to receive benefits to which they are not entitled, through misrepresentation and similar fraud schemes. In addition, TEB

shall prescribe thereunder penalties for the irresponsible conduct of the eligible telecommunications companies that include noneligible subscribers in the Program, and that continually engage in fraud patterns which entail up to the partial or permanent suspension of the operations in Puerto Rico. Furthermore, public agencies are hereby empowered to draft regulations or to amend any existing regulations within one hundred and eighty (180) days after the approval of this Act, to the effect of establishing a procedure whereby the information requested is furnished without breaching the confidentiality of the participants.”

Section 50.- Subsection (b) of Section 10 of Chapter III of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“Section 10.- Regulation of Cable Systems

(a) Franchises.-

(1) ...

(b) Transfer of Authority.- All authorities, powers, and duties related to cable systems conferred by laws or regulations shall be transferred to TEB.

(c) ...”

Section 51.- Section 1 of Chapter IV of Act No. 213-1996, as amended, known as the “Puerto Rico Telecommunications Act of 1996,” is hereby amended to read as follows:

“Section 1.- Administrative Procedures.

All processes for which this Act fails to provide a procedure shall be governed by Act No. 38-2017, known as the ‘Government of Puerto Rico Uniform Administrative Procedure Act.’ This means that the ‘Government of Puerto Rico Uniform Administrative Procedure Act’ shall govern the procedures pertaining to the adoption of regulations, adjudications, judicial review, the granting of franchises, certifications, grievances from subscribers and between telecommunications

companies, and inspections. As provided in the ‘Government of Puerto Rico Uniform Administrative Procedure Act,’ the decisions and orders of TEB shall be subject to review by the Public Service Regulatory Board or the Court of Appeals of Puerto Rico. The adversely affected party shall have discretion to choose the forum to which the party shall appeal unless jurisdiction has been granted by a law of the Government of the United States of America to any federal agency or entity or to the U.S. District Court for the District of Puerto Rico.”

CHAPTER IV. ENERGY BUREAU

Section 52.- Section 1.3 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended to read as follows:

“Section 1.3.- Definitions.

The following terms, wherever they are used or referred to in this Act, shall have the meaning stated below, except where the context clearly indicates otherwise:

- (a) ‘Creditors’ Agreement’ ...
- (b) ‘Authority’ or ‘PREPA’ ...
- (c) ‘Agency’ or ‘Public Instrumentality’ - Shall mean any body, entity, or corporation of the Government of Puerto Rico.
- (d) ‘Bonds’ ...
- (e) ‘Bondholder’ or ‘Holder of Bonds’ ...
- (f) ‘Interconnection Charge’ ...
- (g) ‘Renewable Energy Portfolio’ ...
- (h) ‘Certified’ - Shall mean every electric power service company that has been evaluated and authorized by the Energy Bureau.
- (i) ‘Customer’ or ‘Consumer’ ...

(j) ‘Commission’ or ‘Energy Commission’ - Shall mean the the Puerto Rico Energy Bureau or PREB as established by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board, which is a specialized independent entity created by virtue of this Act, in charge of regulating, overseeing, and enforcing the public policy on energy of the Government of Puerto Rico. Any reference in this Act to the ‘Commission or Energy Commission’ shall be construed as a reference to the Puerto Rico Energy Bureau.

(k) ‘Commissioners’ - Shall mean the persons appointed by the Governor to constitute the Puerto Rico Energy Bureau.

(l) ‘Electric Power Company’ or ‘Electric Power Service Company’ ...

(m) ‘Electric Power Generation Company’ ...

(n) ‘Conservation’ ...

(o) ‘Energy Savings Performance Contracts’ ...

(p) ‘Power Purchase Agreement’ or ‘PPA’ - Shall mean any agreement or contract approved by PREB whereby an electric power generation company is bound to sell electric power to another natural or juridical person, and such other person is, in turn, bound to acquire said electric power at a just and reasonable rate.

(q) ‘Peak Demand’ ...

(r) ‘U.S. Department of Energy’ ...

(s) ‘Electric Power Distribution’ ...

(t) ‘Executive Director’ - Shall mean the Executive Director appointed by the Chair of the Public Service Regulatory Board pursuant to the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(u) ‘Energy Efficiency’ ...

(v) ‘Thermal Efficiency’ or ‘Heat Rate’ ...

(w) ‘Electricity Bill’ ...

(x) ‘FERC’ ...

(y) ‘Renewable Energy Sources’ ...

(z) ‘Electric Power Generation’ ...

(aa) ‘Distributed Generator’ or ‘Independent Producer’ ...

(bb) ‘Essential Public Service Facilities’ - Shall mean health facilities, police and armed forces stations, fire stations, emergency management offices, prisons, waste water supply and treatment facilities, public educational institutions owned or used by the government, and any other facility, whether owned or used by the Government, designated by the Energy Bureau as an ‘Essential Public Service Facility’ through regulations.

(cc) ‘Interconnection’ or ‘Electric Interconnection’ ...

(dd) ‘Environmental Quality Board’ ...

(ee) ‘Puerto Rico Public Service Regulatory Board’ or ‘PSRB’ - Shall mean the entity created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board, composed of the Puerto Rico Energy Bureau, the Puerto Rico Transport and other Public Services Bureau, and the Puerto Rico Telecommunications Bureau.

(ff) ‘Energy Bureau’ or ‘PREB’ - Shall mean the Puerto Rico Energy Bureau created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(gg) ‘Modernization’ ...

(hh) ‘Commonwealth Energy Public Policy Office’ or ‘CEPPO’ - Shall mean the Energy Public Policy Program of the Department of Economic Development and Commerce of Puerto Rico, created by virtue of this Act, in charge of developing and promulgating the public policy on energy of the Government of Puerto Rico. Any reference made in this Act to the ‘Commonwealth Energy Public Policy Office’ or ‘CEPPO’ shall be construed as a reference to the Energy Public Policy Program of the Department of Economic Development and Commerce.

(ii) ‘Independent Consumer Protection Office’ - Shall mean the entity created by virtue of this Act to assist and represent electric power service customers of the Government of Puerto Rico attached to the Public Service Regulatory Board by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

(jj) ‘Citizen Participation’ ...

(kk) ‘Person’ ...

(ll) ‘Integrated Resource Plan’ or ‘IRP’ - Shall mean a plan that considers all reasonable resources to satisfy the demand for electric power services during a specific period of time, including those related to the offering of electric power, whether existing, traditional, and/or new resources, and those related to energy demand, such as energy conservation and efficiency or demand response and localized energy generation by the customer. Every integrated resource plan shall be subject to the rules established by PREB and approved by the same. Every plan shall be devised with broad participation from citizens and other interested groups.

(mm) ‘Energy Relief Plan’ ...

(nn) ‘Power Plant’ ...

(oo) ‘Energy Producer’ ...

(pp) ‘Electric Power Grid’ ...

(qq) ‘Federal Environmental Regulations’ ...

(rr) ‘Electric Power Service’ or ‘Energy Service’ ...

(ss) ‘Electrical System’ ...

(tt) ‘Wheeling Rate’ ...

(uu) ‘Electricity Rate’ ...

(vv) ‘Energy Transmission’ ...

(ww) ‘Wheeling’ ...

(xx) ‘U.S. Energy Information Administration’ ...”

Section 53.- Section 4.1 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended to read as follows:

“Section 4.1.- Energy Savings in the Instrumentalities of the Executive Branch and the Offices of the Judicial Branch.

(a) In compliance with the public policy of the Government of Puerto Rico, all agencies, instrumentalities, and public corporations of the Executive Branch and all the offices of the Judicial Branch shall take measures and initiatives directed to reducing or eliminating those activities, practices, or uses in their facilities, buildings, and offices that result in the waste or inefficient use of energy resources.

(b) ...

(c) ...

(d) ...

(e) Energy Savings Performance Contracts.- In order to comply with the purposes of this Act, the Judicial Branch and every agency, instrumentality, or public corporation of the Executive Branch shall, as a strategy, enter into Energy Savings Performance Contracts (ESPCs), with a qualified energy service provider, as the first alternative to achieve savings in energy, operating, and maintenance costs, as established in Act No. 19-2012, as amended, known as the ‘Energy Savings Performance Contracts Act.’ If, after a cost-effective analysis regarding the composition and features of the buildings that house facilities of public entities, the entity determines that it is extremely onerous to comply with this provision, it may request an exemption to such effect to PREB. If an agency deems that it is onerous, or that the implementation of a strategy involving an energy savings performance contract is not cost-effective, it shall certify said fact to the Department of Economic Development and Commerce of Puerto Rico and shall notify the measures it shall adopt to ensure compliance with the provisions of this Act. Any energy savings

measure implemented under an energy savings performance contract shall comply with local building codes and the appropriate regulations of the Energy Public Policy Program of the Department of Economic Development and Commerce of Puerto Rico. The Department of Economic Development and Commerce of Puerto Rico, through the Energy Public Policy Program, shall be in charge of approving the regulations needed for the adoption of these types of agreements, in coordination with the pertinent agencies.

(f) The Department of Economic Development and Commerce of Puerto Rico, in coordination with the Public Buildings Authority, the General Services Administration, PREPA, and any other pertinent agency or public corporation, shall oversee compliance with energy use efficiency standards for buildings owned by the Government of Puerto Rico, as provided in this Act and in Act No. 229-2008, as amended, known as the “Act to Promote the Efficient Use of Energy and Water Resources in New and Existing Buildings of the Government of Puerto Rico.”

(g) Compliance Oversight.-

(1) It shall be a ministerial duty of every agency, instrumentality, and public corporation of the Executive Branch and the Director of the Office of Courts Administration (OCA) to submit to the Department of Economic Development and Commerce of Puerto Rico, every ninety (90) days, a report of the results of the implementation of their energy efficiency plans established by law. Provided, that the report to be filed by OCA shall include the results of the energy efficiency plans adopted in each office of the Judicial Branch. The Department of Economic Development and Commerce of Puerto Rico shall submit to PREB, twice (2) a year, a report including the consumption history of all the agencies, instrumentalities, and public corporations of the Executive Branch, and the offices of the Judicial Branch, as provided by PREPA (invoices or similar official document), and data regarding the measures taken to achieve energy reduction and

the savings achieved. Said report shall also identify the agencies, instrumentalities, and public corporations of the Executive Branch, and the offices of the Judicial Branch that fail to comply with their energy efficiency plan and the savings measures established in this Act; state the reasons provided by such agencies, instrumentalities, public corporations, or offices for noncompliance with this Act, and specify the corrective measures taken by the agency, instrumentality, public corporation, or office to ensure compliance with the purposes of this Act. Both the quarterly report to be filed by agencies, instrumentalities, public corporations, and OCA with the Department of Economic Development and Commerce of Puerto Rico, as well as the semiannual report submitted by the Department to PREB shall be published on the Department of Economic Development and Commerce of Puerto Rico's website.

(2) Every public entity, in conjunction with the Department of Economic Development and Commerce of Puerto Rico, shall be responsible for establishing the energy efficiency programs deemed pertinent to keep a database of information regarding compliance with this Section.

(h) Transparency and disclosure of energy savings: The Department of Economic Development and Commerce of Puerto Rico shall issue the semiannual scorecards or evaluations of the energy efficiency activities carried out by each agency, which shall be published on its website. These scorecards shall be based on the savings percentage gathered from the information submitted by public entities, pursuant to the criteria established through regulations by the Department of Economic Development and Commerce of Puerto Rico. Such scorecards shall be a measuring tool to promote greater transparency in the use of energy resources by public entities.

(i) Noncompliance with the energy savings plan: Every agency, instrumentality, or public corporation of the Executive Branch that fails to comply with its annual energy consumption reduction goals, as established in the action plan required by virtue of subsection (c) of this Section, shall have, as penalty, a budgetary cut on the following fiscal year. The budgetary cut shall be equal to the amount used, measured in kilowatt-hours, in excess of the goal established in the plan submitted to the Department of Economic Development and Commerce of Puerto Rico for that particular year, multiplied by the electricity rate charged by PREPA as of July of the previous year.

The Department of Economic Development and Commerce of Puerto Rico shall be the entity responsible for overseeing compliance with the government energy efficiency standards and, as such, shall have legal standing to bring any action before PREB, which may, in turn, bring any action before the Courts to achieve the purposes established herein.

(1) PREB shall have primary and exclusive jurisdiction to address cases and disputes arising as a result of noncompliance by any agency, instrumentality, or public corporation of the Executive Branch with the duties and obligations established in this Section.

2. ...”

Section 54.- Section 6.1 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended to read as follows:

“Section 6.1.- Creation of the Puerto Rico Energy Administration and the Energy Bureau.

(a) The Puerto Rico Energy Administration (PREA), hereinafter the ‘Administration’ or ‘PREA,’ is hereby created as an independent and autonomous government entity to provide support to the Puerto Rico Energy Bureau and the

Independent Consumer Protection Office. Moreover, the Puerto Rico Energy Bureau is hereby created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board, as an independent regulatory entity in charge of regulating, overseeing, and ensuring compliance with the public policy on energy of the Government of Puerto Rico. Pursuant to the Reorganization Plan of the Puerto Rico Public Service Regulatory Board, the Puerto Rico Energy Bureau shall be attached to the Public Service Regulatory Board.

(b) PREA shall be attached to the Puerto Rico Energy Bureau and shall be directed by an Administrator, and be responsible for the administration and operations of the Energy Bureau and the Independent Consumer Protection Office (ICPO) created herein. As part of its administrative or operational duties, PREA shall provide these entities with administrative services such as human resource management, procurement, budget, finance, technology, maintenance, and others.

(c) The Administrator shall be appointed by the President of the Energy Bureau and shall hold a university degree. Furthermore, he shall have experience in any of the following areas: management, human resources, procurement, budget, finances, technology, and accounting.”

Section 55.- Section 6.2 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended to read as follows:

“Section 6.2.- Powers and Duties of PREA.

(a) PREA shall provide support to the Energy Bureau.

(b) The head of PREA shall be an Administrator who shall exercise the powers and discharge the duties assigned to PREA under this Act.

(c) PREA shall have the following powers and duties:

(1) Hire and appoint the necessary personnel for its operations and functioning. No PREA employee, whether a regular or trust employee, may have a

kinship with the Chair, associate members, or the Executive Director of the Public Service Regulatory Board or with the President of the Energy Bureau within the degrees provided in Act No. 1-2012, known as the ‘Organic Act of the Office of Government Ethics’ as amended;

(2) Contract the personnel and professional services of the Energy Bureau in accordance with the rules established by each entity for such purposes;

(3) ...

(4) ...

(5) ...

(6) ...

(7) At the request of the Energy Bureau, provide administrative and clerical support in areas such as finance, procurement, and accounting, among others, and in any administrative task other than formulating or implementing public policy.

(d) ...”

Section 56.- Section 6.3 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended to read as follows:

“Section 6.3.- Powers and Duties of the Puerto Rico Energy Bureau.

The Energy Bureau shall have the following powers and duties:

(a) ...

(b) Establish by regulations the public policy rules regarding electric power service companies, as well as any transaction, action, or omission in connection with the electric power grid and the electric power infrastructure of Puerto Rico, and implement such public policy rules. The Energy Bureau shall draft such regulations in consultation with Department of Economic Development and Commerce of

Puerto Rico. These regulations shall be consistent with the public policy on energy set forth through legislation;

(c) Implement regulations and the necessary regulatory actions to guarantee the capacity, reliability, safety, efficiency, and reasonability of electricity rates in Puerto Rico, and establish the guidelines, standards, practices, and processes to be followed by the Authority when purchasing electricity from other electric power service companies and/or modernize its power plants or facilities; provided, that every power purchase agreement shall meet the standards, terms, and conditions established by PREB in accordance with the provisions of Section 6B(a)(ii) and (iii) of Act No. 83 of May 2, 1941, as amended, known as the ‘Puerto Rico Electric Power Authority Act.’

(d) ...

(e) ...

(f) Formulate and implement strategies to achieve the objectives of this Act, including, but not limited to, attaining the goal of reducing and stabilizing energy costs permanently, and controlling volatility in the price of electricity in Puerto Rico. In exercising its powers and authorities, the Energy Bureau shall require that the prices included in any power purchase agreement, any wheeling rate, and interconnection charge are just and reasonable, consistent with the public interest, and compliant with the parameters established by the Bureau through regulations;

(g) ...

(h) ...

(i) ...

(j) ...

(k) ...

(l) ...

(m) Ensure that the powers and authorities exercised by PREB over PREPA, including those related to rate review or approval, guarantee that PREPA meets its obligations to bondholders;

(n) Promote that the Authority's debt issues be in the public interest. Have the written approval of the Energy Bureau prior to the issue of any public debt of the Authority and the use proposed for such financing. The Authority or the Puerto Rico Fiscal Agency and Financial Advisory Authority (FAFAA) shall notify PREB of any proposed debt issue at least ten (10) days before the publication date of the preliminary official statement. PREB shall evaluate and approve that the use to be given to the proceeds of the proposed debt issue is consistent with the Integrated Resource Plan or the Energy Relief Plan. Said approval shall be issued in writing not later than ten (10) days as of the Authority or Puerto Rico Fiscal Agency and Financial Advisory Authority's notification to PREB of the proposed debt issue. Within said ten (10)-day period, PREB shall submit a report of its evaluation to both Houses of the Legislative Assembly. If, upon conclusion of said ten-day period, PREB fails to notify its approval or rejection to the proposed debt issue, the Puerto Rico Fiscal Agency and Financial Advisory Authority may continue with the bond issue process. None of these provisions shall apply to bond issues arising from a Restructuring Order promulgated in accordance with Chapter IV of the 'Electric Power Authority Revitalization Act';

(o) ...

(p) Require any electric power service company certified in Puerto Rico to keep, maintain, and regularly submit to PREB those records, data, documents, and plans that are necessary to attain the objectives of this Act;

(q) ...

(r) ...

(s) ...

(t) ...

(u) Establish efficiency parameters or standards for the facilities or plants of any electric power generation company to guarantee the efficiency and reliability of the electric power service, or any other efficiency parameter that is consistent with the best practices in the electric power industry, as deemed necessary by the Energy Bureau and recognized by governmental and nongovernmental organizations specialized in electric power service, and oversee compliance therewith;

(v) ...

(w) ...

(x) ...

(y) Conduct inspections, investigations, and audits, if necessary, to achieve the purposes of this Act. The Energy Bureau may delegate this power through a resolution. In such resolution, the Energy Bureau shall establish the limits and the term of such delegation of powers;

(z) ...

(aa) ...

(bb) ...

(cc) Disclose all sorts of public interest information, and develop, regulate, and implement customer service policies with specific parameters, indicators, and procedures that safeguard the rights of all customers, and citizen participation in the processes of the Energy Bureau;

(dd) Publish in an orderly manner, to be easily accessed by citizens, every decision issued by the Energy Bureau. Such decisions shall be published on the Energy Bureau's website readily accessible and available, together with the case record, at the office of the Bureau;

(ee) ...

(ff) Ensure continuous communication and information sharing between the Energy Bureau, the U.S. Department of Energy, the Environmental Protection Agency (EPA), FERC, and any agency or office with jurisdiction over energy affairs;

(gg) Identify and form partnerships with international organizations or associations specialized in energy affairs and regulations that are willing to collaborate and provide the Energy Bureau with assistance in the execution of its powers and functions;

(hh) Appear before any private entity, public organization, court, board, committee, administrative organization, department, office or agency of the Government of Puerto Rico or the United States Government in any hearing, proceeding, or matter that affects or could affect the objectives, powers, or duties of the Energy Bureau, the regulations it promulgates or the interests of electric power service customers;

(ii) Adopt and implement rules and procedures to ensure continuous communication and information sharing between the Energy Bureau, the Energy Public Policy Program of the Department of Economic Development and Commerce of Puerto Rico, the Independent Consumer Protection Office, PREPA, and any electric power company certified in Puerto Rico;

(jj) ...

(kk) ...

(ll) Sue and be sued in complaints or causes of action in its own name against any natural or juridical person that fails to meet or interferes with the requirements, purposes, and objectives of this Act before the Court of First Instance of the Government of Puerto Rico or any other administrative forum of the Government of Puerto Rico. For such purposes, the Bureau shall have legal standing

to bring the necessary action before a judicial forum to ensure full compliance with the public policy set forth in this Act;

(mm) ...

(nn) File writs, issue orders, and seek and grant any legal remedies that may be necessary to enforce the provisions of this Act, as well as its rules, regulations, orders, and determinations. For instance, among the actions and remedies that PREB may take and grant are the following:

(1) To hold public hearings;

(2) To order the cease of activities or acts in violation of any provision of this Act, the regulations of PREB, or any other legal provision whose interpretation and enforcement is under the jurisdiction of PREB;

(3) To impose on and order the parties the payment of costs, expenses, and attorney's fees, as well as the payment of expenses and fees for other professional and consulting services, as incurred in a proceeding before PREB, in accordance with the parameters established in the Rules of Civil Procedure of Puerto Rico;

(4) To direct that all actions shall be taken in compliance with the provisions of this Act, the regulations of PREB, or any other legal provision whose interpretation and enforcement is under the jurisdiction of the Bureau;

(5) To issue summons under penalty of contempt which shall be signed by the President of PREB and served personally or by certified mail with return receipt requested;

(6) To require the production and inspection of records, inventories, documents, and physical facilities of any juridical persons or entities subject to the jurisdiction of PREB or the Energy Public Policy Program of the Department of Economic Development and Commerce;

(oo) Submit annual reports, on or before March 1st, to the Governor, the PSRB, and the Legislative Assembly on the adequate performance of the duties and functions set forth herein; and

(pp) Review the final determinations of the Electric Power Authority with regard to complaints and requests for investigations submitted by its customers. All PREB orders shall be issued on behalf of the Puerto Rico Energy Bureau and the Puerto Rico Public Service Regulatory Board. All actions, regulations, and determinations of PREB shall be governed by the applicable laws, the public interest, and the interest of protecting the rights of customers or consumers. The provisions of this Act shall be construed liberally in order to achieve its purposes, and whenever a specific power or authority is granted to PREB, the same shall not be construed as to exclude or impair any other power or authority otherwise conferred thereto. PREB, created herein shall have, in addition to the powers specified in this Act, all those additional, implicit, and incidental powers that are pertinent and necessary to enforce and carry out, perform, and exercise all the aforementioned powers, and to achieve the purposes of this Act.

(qq) PREB, in conjunction with the Energy Public Policy Program of the Department of Economic Development and Commerce and PREPA, shall evaluate and make determinations regarding the interconnection of distributed renewable energy and large-scale renewable energy to PREPA's distribution and transmission grid in order to ensure access thereto justly and equitably.

(rr) PREB, in conjunction with the Energy Public Policy Program of the Department of Economic Development and Commerce and the Independent Consumer Protection Office, as well as the comments of interested persons and organizations shall establish the regulatory framework that shall guide PREPA in the development of regulations for community solar projects and microgrids.

(ss) PREB, with the advice of PREPA, shall determine the maximum capacity and other requirements for community solar projects, using as guidelines the recommendations of organizations such as IREC and NREL adapted to Puerto Rico.”

Section 57.- Section 6.4 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended to read as follows:

“Section 6.4.- Jurisdiction of the Energy Bureau.

(a) The Energy Bureau shall have primary and exclusive jurisdiction over the following affairs:

- (1) ...
- (2) ...
- (3) ...
- (4) ...
- (5) ...
- (6) ...

(b) The Energy Bureau shall have general jurisdiction over the following matters:

(1) The Energy Bureau shall have regulatory, investigative, and adjudicative jurisdiction over PREPA and any other certified electric power company providing services within the Government of Puerto Rico.

(2) Any natural or juridical person that violates the provisions of this Act in connection with energy-related matters or the regulations of the Bureau, including any natural or juridical person or entity exercising control over electric power services to commit said violations.

- (3) ...

(4) Any natural or juridical person that carries out any activity for which a certification, authorization, or permit issued by the Energy Bureau is needed.

(5) Any natural or juridical person whose actions or omissions are in prejudice to the activities, resources, or interests over which the Bureau has regulatory, investigative, adjudicative, or oversight powers, including any person exercising control over electric power services in such a manner as to cause said prejudice.

(c) Complaints for noncompliance with the public policy on energy.

(1) At the request of any affected party with legal standing, and as provided in this Act, PREB, may address complaints alleging or claiming that an electric power service company is not complying with the public policy on energy of the Government of Puerto Rico. Likewise, PREB may address those complaints regarding legal transactions or acts related to the purchase of energy or fuel; agreements between PREPA and independent power producers; cases and controversies among independent power producers; wheeling rates and interconnection charges; and cases and controversies regarding wheeling or electric power interconnection between PREPA or its subsidiaries, and any person that is connected, or wishes to connect to the electric power grid within the Government of Puerto Rico or any person with a direct or indirect interest in these electric power services.

(2) ...

(3) Once the complaint is filed, PREB may request, during its evaluation and adjudication process, the respondent party to furnish any information it deems pertinent to the controversy. This information shall be available to the petitioner; however, PREB may, at the request of any interested party and pursuant

to the provisions of Section 6.15 of this Act, protect information deemed confidential or privileged.

(d) PREB shall exercise jurisdiction over any matter that is not in conflict with federal statutory and regulatory provisions as well as with those preempted by Federal standards.”

Section 58- Section 6.7 of Act No. 57-2014, as amended, known as the ‘Puerto Rico Energy Transformation and RELIEF Act,’ is hereby amended to read as follows:

“Section 6.7.- Powers and Duties of Commissioners.

The Commissioners shall have the following powers and duties:

- (a) To act as the governing body of PREB;
- (b) Establish PREB’s general policy to attain the objectives of this Act;
- (c) Implement the public policy and objectives of PREB in accordance with this Act;
- (d) Authorize and oversee the implementation and the results of the annual work plan of PREB;
- (e) Draft, adopt, and amend rules and bylaws that govern the internal operations and the discharge of the powers and duties thereof, as well as the norms needed for the functioning, operations, and administration of PREB;
- (f) Keep complete records of all proceedings before its consideration and make them available to the public on PREB’s website;
- (g) Ensure the proper administration of PREB’s operational budget;
- (h) ...
- (i) Appear before judicial, legislative, and administrative forums in representation of PREB;

(j) Hire and appoint personnel as necessary for the operations and functioning of PREB, which shall be governed by the rules and regulations promulgated by PREB in accordance with Act No. 8-2017, known as the ‘Government of Puerto Rico Human Resources Transformation Act.’ In the qualification and the description of the duties of the positions, the personnel system shall be organized so as to promote the hiring of skilled and trained staff through a competition process that enables compliance with the purposes of this Act. Any recruitment process shall be carried out with the support of PREA;

(k) Hire trust employees, the number of which shall not be greater than fifteen percent (15%) of the total number of career positions in PREB. Trust employees shall be selected taking into consideration the capability, education, and professional experience required to ensure an effective performance of the duties of the position. No employee of PREB, be it of trust or career, may have any relationship within the degrees provided in Act No. 1-2012, known as the ‘Organic Act of the Puerto Rico Government Ethics Office,’ as amended, with the Chair, associate members, or Executive Director of the PSRB, or with the Commissioners. Any recruitment process shall be carried out with the support of PREA.”

Section 59.- Section 6.10 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended to read as follows:

“Section 6.10.- Personnel of the Energy Commission.

(a) PREB shall appoint administrative and technical personnel as needed to achieve the purposes of this Act.

(b) PREB’s technical personnel shall be specialized in the matters under its jurisdiction and carry out the tasks and functions delegated to them by the PREB.

(c) PREB shall promulgate a code of ethics to regulate the relations between the personnel appointed to PREB and the companies under the regulatory jurisdiction of PREB.

(d) The activities of all the personnel of PREB shall be subject to the restrictions provided in Act No. 1-2012, as amended, known as the ‘Organic Act of the Government Ethics Office.’”

Section 60.- Section 6.11 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended to read as follows:

“Section 6.11.- Delegation of Powers.

(a) PREB may issue orders to assign, refer, or delegate the resolution of any adjudicative or non-adjudicative matter to one or more of the commissioners. In said orders, PREB shall specify the name of the commissioner and the specific powers of PREB that are being delegated to him. PREB may delegate to its commissioners the following powers:

- (1) administer oaths and take depositions;
- (2) issue summons;
- (3) receive and evaluate evidence;
- (4) preside over hearings; and
- (5) hold conferences to simplify procedures.

Any order issued by one or more commissioners pursuant to this Section shall be notified to PREB before it is made public, and PREB may modify, amend, or render the order ineffective by a majority vote of its commissioners.

(b) Hearing Officers.-

PREB shall have the authority to refer or delegate any adjudicative matter to hearing officers, who shall be trust employees or contractors of PREB. PREB shall assign and distribute among its hearing officers the tasks and matters to

be delegated by PREB, after which the hearing officers shall be responsible for issuing recommendations regarding the adjudication of the case or a procedural incident subject to PREB's assignment, referral, or delegation. In issuing a decision, PREB shall have full discretion to accept or reject the recommendations of hearing officers. Any hearing officer appointed to preside over a hearing or investigation shall have the powers expressly delegated to him by PREB in the designation order. Hearing officers shall be designated and shall carry out their duties as provided in Act No. 38-2017, as amended, known as the 'Government of Puerto Rico Uniform Administrative Procedure Act.'

(c) Administrative Judges.-

As provided in this subsection, PREB shall be empowered to delegate to administrative judges, with full decision-making powers, the adjudication of any matter, case, and dispute on behalf of PREB, as these may be delegated in accordance with the provisions of this subsection. Administrative judges may be trust employees or contractors of PREB. PREB shall be empowered to assign and distribute among the administrative judges the issues, cases, or disputes delegated in accordance with the provisions of this subsection. In exercising its discretion, the Energy Bureau may delegate to administrative judges cases and disputes related to the review of PREPA's customers electricity bills; cases or disputes alleging noncompliance by an electric power service company with the regulations of the Energy Bureau in connection with the quality of the services provided to its customers; cases or disputes alleging noncompliance by PREPA or an electric power service customer with its obligations in connection with the interconnection of distributed generation systems or any other matter that PREB may provide. The Energy Bureau may delegate to its administrative judges any case or dispute in which the total value or cost of the remedies sought is twenty-five thousand dollars (\$25,000.00) or less. Administrative judges shall be appointed and shall carry out

their duties as provided in Act No. 38-2017, known as the ‘Government of Puerto Rico Uniform Administrative Procedure Act.’”

Section 61.- Section 6.12 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended to read as follows:

“Section 6.12.- Office of the Energy Bureau.

In order to promote greater transparency and autonomy in the exercise of its functions, PREB offices and facilities shall operate separately from those of any natural or juridical person under its jurisdiction. Such offices shall be located in existing facilities belonging to the Government of Puerto Rico.”

Section 62.- Section 6.18 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended to read as follows:

“Section 6.18.- Electronic Filing System.

The Puerto Rico Energy Bureau shall establish an electronic filing system whereby persons may access a website to file the corresponding documents to bring an action before PREB, and where the parties may submit any pleadings and documents pertaining to the procedural aspects of the case; and PREB may notify the parties of any orders or resolutions issued. For the purpose of facilitating access to the electronic filing system to persons who lack the means or skills to use the electronic filing system, PREB shall enter into interagency agreements with any other instrumentality of the Government of Puerto Rico or nonprofit organizations so that these may offer help to the people who resort to their main or regional offices seeking assistance for the use of the website and the electronic filing system, and provide the people with one or more computers to carry out the electronic filing process.”

Section 63.- Section 6.20 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended to read as follows:

“Section 6.20.- General Provisions on Administrative Procedures.

Any process for which this Act does not specifically provide, shall be governed by Act No. 38-2017, as amended, known as the ‘Government of Puerto Rico Uniform Administrative Procedure Act.’ Therefore, Act No. 38-2017, *supra*, shall govern the procedures pertaining to the adoption of regulations, adjudications, judicial review, the granting of franchises, certifications, grievances from subscribers and between electric power companies, and inspections. Provided, that, given PREB’s compelling need to start operations, the mechanism established in Section 2.13 of Act No. 38-2017, may be used to adopt the first regulations of PREB without the need for the Governor to issue any certification. As provided in the aforementioned Act, the decisions and orders of PREB shall be subject to review by the Court of Appeals of Puerto Rico.”

Section 64.- Section 6.23 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended to read as follows:

“Section 6.23.- Integrated Resource Plan.

(a) PREPA, or the successor or successors thereof, as provided in Act No. 83 of May 2, 1941, as amended, known as the ‘Act of the Puerto Rico Electric Power Authority,’ shall submit to PREB an Integrated Resource Plan (IRP) describing the combination of energy supply and conservation resources that satisfies in the short-, medium-, and long-term the present and future needs of Puerto Rico’s energy system and its customers at the lowest cost possible.

(b) PREPA shall submit its first IRP to PREB within one (1) year after July 1, 2014.

(c) Initially, PREB, addressing the comments of interested persons and organizations, shall review, approve and as applicable, modify said plans to ensure full compliance with the public policy on energy of Puerto Rico and the provisions of this Act.

(d) After the approval of the integrated resource plans, PREB shall supervise and oversee compliance therewith. Every three (3) years, PREB shall carry out another review process and, if applicable, modify such plans, as well as issue and post on its website, a detailed report showing compliance with integrated resource plans and the modifications made thereto after the review process. Provided, that in the event of a substantial change in energy demand or group of resources, the aforementioned review process shall be carried out prior to the three (3)-year period provided herein in order to address and/or mitigate such changes.”

Section 65.- Section 6.28 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended to read as follows:

“Section 6.28.- Customer Service.

(a) Customer Service of the Energy Bureau.- PREB shall promulgate rules or regulations as are necessary to guarantee the protection of the rights of persons or customers that receive electric power services in the Government of Puerto Rico. PREB shall adopt by regulations the customer service rules and policies that shall protect the rights of customers and ensure effective communication with and the participation of all customers. PREB shall adopt such regulations in consultation and in conjunction with the Puerto Rico Public Service Regulatory Board. The following initiatives shall be part of the policies that PREB shall establish through regulations:

(1) PREB shall ensure public dissemination of all sorts of changes in the electric power industry in Puerto Rico by disclosing on its website any public interest information it may have. PREB shall develop and implement a customer

education or orientation program regarding the contents of the information so disclosed;

(2) PREB shall develop and use viable internal parameters to assess the effectiveness of the service it provides to customers. PREB shall submit an annual report to the Legislative Assembly on or before January 30th with the results of the customer service policy adopted and shall publish said results on its website.

(b) Customer Service of Certified Electric Power Companies.- PREB shall regulate, oversee, and address cases and disputes regarding the quality of the services rendered by certified electric power companies to their customers. Every electric power service company shall adopt and submit the following information for PREB's evaluation and approval:

(1) ...

(2) ...

(3) ...

(4) ...

(5) ...

(6) ...

(7) Any other rules or regulations related to services provided by certified electric power companies that PREB deems necessary to implement the provisions of this Section.”

Section 66.- Section 6.30 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended to read as follows:

“Section 6.30.- Wheeling.

PREB shall regulate the wheeling mechanism in the Government of Puerto Rico. In doing so, PREB shall establish the rules and conditions to ensure that wheeling does not affect in any way whatsoever (including technical problems and

rate increases) nonsubscribers of wheeling services, as well as the rules necessary for the implementation of a system that allows exempt businesses described in Section 2(d)(1)(H) of Article 1 of Act No. 73-2008, as amended, known as the ‘Economic Incentives Act for the Development of Puerto Rico,’ or similar provisions in other incentive laws, to purchase electric power from other entities through wheeling services. Likewise, PREB shall consider, among others, the following factors when regulating the wheeling service:

- (a) ...
- (b) ...
- (c) ...
- (d) ...
- (e) ...”

Section 67.- Section 6.37 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended to read as follows:

“Section 6.37.- Annual Reports.

Before March 1st of each year, PREB shall submit to the Governor, the PSRB, and the Legislative Assembly of the Government of Puerto Rico the annual report required under Section 6.3(oo) of this Act. Such report shall contain the following information:

- (a) ...
- (b) ...
- (c) ...
- (d) ...
- (e) PREB’s annual work plan and the results of its execution; and
- (f) ...”

Section 68.- Section 6.40 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended to read as follows:

“Section 6.40.- Creation of the Independent Consumer Protection Office.

(a) The Independent Consumer Protection Office, hereinafter the ‘Office’ or ‘ICPO,’ is hereby created to educate, advise, assist, and represent electric power service customers in Puerto Rico. Pursuant to the Reorganization Plan of the Puerto Rico Public Service Regulatory Board, the Independent Consumer Protection Office is hereby merged with the Public Service Regulatory Board. The personnel designated to the Independent Consumer Protection Office by virtue of the ‘Puerto Rico Energy Transformation and RELIEF Act’ shall be transferred to the Public Service Regulatory Board created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board. Any transfer of personnel shall be made in accordance with the provisions of Act No. 8-2017, as amended.

(b) The Office shall have the administrative support of the Public Service Regulatory Board, and shall operate as an entity independent from PREB, PREPA, and any other electric power company certified in Puerto Rico.

(c) The Office shall be composed of the personnel and consultants that the Public Service Regulatory Board deems necessary to fully carry out the duties and functions of the Office as provided in this Act. The Office shall have full autonomy and independence to carry out its functions. No person may interfere or otherwise influence the personnel or consultants of the office to engage in any action or omission related to a matter under the office’s consideration. Any person who violates the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction, shall be punished by a term of imprisonment not to exceed six (6) months, or by a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000), or both penalties at the discretion of the court, without

prejudice to any other civil or criminal actions that may be brought for violations of any state or federal law.

(d) The Office shall have a website containing information regarding the electric power industry, which shall be shown in a manner that the average consumer is able to understand it. The Office shall share and post data and information to keep interested persons informed about their rights as electric power service customers, and Puerto Rico's electric power system.”

Section 69.- Section 6.41 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby repealed.

Section 70.- Section 6.42 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended and renumbered as Section 6.41 to read as follows:

“Section 6.41.- Organization of the Independent Consumer Protection Office.

(a) The Public Service Regulatory Board, shall ensure that the ICPO has the proper office space and facilities for its operations. The Public Service Regulatory Board shall have the duty to hire the professional personnel and services of the ICPO, subject to the provisions of the laws, regulations, and executive orders of the Government of Puerto Rico and subject to the limits of the budget to be appropriated to the ICPO.

(b) No employee of the Office, whether a career or trust employee, may be related within the fourth degree of consanguinity and second of affinity to the Chair, associate members, or the Executive Director of the PSRB, or the Commissioners of the Energy Bureau.

(c) No career or trust employee of the ICPO or the members of his family unit, as defined in Act No. 1-2012, as amended, known as the ‘Organic Act of the Government Ethics Office,’ may have a direct or indirect interest in, or a contractual relationship with PREPA and/or any certified electric power company in Puerto

Rico, or in entities in or outside of Puerto Rico affiliated to and with interest in PREPA or such companies.

(d) No career or trust employee of the ICPO may intervene in a matter or dispute in which a party to such matter or dispute is a natural or juridical person with whom said employee has had a contractual, professional, work, or fiduciary relationship within two (2) years before his appointment.

(e) Any action of the personnel of the Office shall be subject to the restrictions provided in Act No. 1-2012.”

Section 71.- Sections 6.43 and 6.44 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” are hereby renumbered as Sections 6.42 and 6.43.

Section 72.- The renumbered Section 6.42 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act,” is hereby amended to read as follows:

“Section 6.42.- Powers and Duties of the ICPO.

The Office shall have the following powers and duties:

(a) Educate, inform, and provide orientation and assistance to consumers on their rights and responsibilities with regard to the electric power service and the public policy on savings, conservation, and efficiency;

(b) Evaluate the impact that the rates, electricity bills, public policy on energy, and any other issue may have on electric power service customers in Puerto Rico;

(c) Defend and advocate for the interests of customers in all matters brought before the Energy Bureau or being addressed by the Energy Public Policy Program of the Department of Economic Development and Commerce of Puerto Rico with regard to electric power rates and charges, the quality of the electric power

service, services provided by electric power service companies to their customers, resource planning, public policy, and any other matter of interest for customers;

(d) File complaints or legal recourses with the Energy Bureau on behalf and in representation of electric power service customers who have no other legal representation, with regard to disputes in connection with the electricity bill, rates and charges of PREPA or independent power producers, the public policy on energy, environmental issues, disputes regarding customer service of electric power service companies, or any other matter that may affect the interests or rights of electric power service customers. Prior to filing complaints in representation of electric power service customers, the office shall verify that said customer has complied with the provisions of Section 6.27 of this Act. In the event of a conflict of interests between the different types of customers with regard to any cause of action or dispute, the priority of the ICPO shall be to represent and defend residential and small-business commercial customers;

(e) Participate in PREPA's rate adoption or modification process in accordance with Section 6A of Act No. 83 of May 2, 1941, as amended, known as the 'Puerto Rico Electric Power Authority Act,' and the rate review process before the Energy Bureau in accordance with Section 6B of Act No. 83, *supra*;

(f) Make independent recommendations to the Energy Bureau regarding rates, electricity bills, public policy on energy, and any other issue that may affect electric power service customers in Puerto Rico;

(g) Request and advocate for just and reasonable rates for the consumers represented by the Office;

(h) Participate or appear as intervenor in any action brought before a government agency of the Government of Puerto Rico or the Federal Government with jurisdiction, in connection with rates, electricity bills, public policy on energy,

and any other issue that may affect electric power service consumers and/or customers;

(i) Participate or appear as petitioner or intervenor in any action brought before the General Courts of Justice or a Federal court in connection with the rates, electricity bills, public policy on energy, and any other issue that may affect electric power service customers;

(j) Sue and be sued;

(k) Have access to documents, records, and information to which the Energy Bureau and the Energy Public Policy Program of the Department of Economic Development and Commerce of Puerto Rico have access, except for privileged documents, records and information, as provided in the Rules of Evidence;

(L)[sic] Conduct, on its own motion or through contract, studies, surveys, or investigations, or hear expert testimonies in connection with matters that affect the interests of electric power service customers;

(m) Review and issue comments on any proposed legislation or regulations that affect electric power service customers;

(n) Submit on or before March 1st of each year to both Houses of the Legislative Assembly of the Government of Puerto Rico an annual report stating the tasks undertaken by and the achievements of the Office in favor of consumers;

(o) Adopt regulations, norms, and rules as necessary to properly conduct its internal operations;

(p) Assist, advise, and cooperate with state and federal agencies to protect and promote the interests of electric power service customers;

(q) Evaluate the operation and laws that affect the electric power service customers, including small businesses, in order to make recommendations for amendments and to propose new bills to the Governor and the Legislative Assembly that are in the best interests of the electric power service customers.

(r) Organize and hold conferences and activities related to the problems that affect electric power service customers; and

(s) Take all actions necessary and incidental to the discharge of the duties, powers, and responsibilities established in this Section.”

Section 73.- Section 7.01 is hereby repealed and Sections 7.02, 7.03, 7.04, 7.05, and 7.06 are hereby renumbered as Sections 7.01, 7.02, 7.03, 7.04, and 7.05 of Act No. 57-2014, as amended, known as the “Puerto Rico Energy Transformation and RELIEF Act.”

Section 74.- Section 2(d) of Act No. 83 of May 2, 1941, as amended, known as the “Puerto Rico Electric Power Authority Act” is hereby amended, to read as follows:

“Section 2.- Definitions.

(a) ...

(d) Commission.- Shall mean the Puerto Rico Energy Bureau created by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board. Any reference in this Act to the ‘Commission or Energy Commission’ shall be construed as a reference to the Puerto Rico Energy Bureau.

(e) ...

...”

CHAPTER V: FINAL PROVISIONS

Section 75.- Equivalence of Concepts.

Any reference to the Commission or the Puerto Rico Energy Commission, respectively, in any law shall be construed as referring to the Energy Bureau under the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

Any reference to the Telecommunications Regulatory Board of Puerto Rico shall be construed as referring, respectively, to the Telecommunications Bureau under the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

Any reference to the Public Service Commission shall be construed as referring, respectively, to the Transport and other Services Bureau under the Reorganization Plan of the Puerto Rico Public Service Regulatory Board.

Section 76.- Conflict of Laws Provision.

If the provisions of this Act were in conflict or inconsistent with the provisions of any other laws, the provisions of this Act shall prevail. It is expressly provided, however, that this Act neither renders ineffective nor shall be construed to be inconsistent with Act No. 26-2017, as amended, known as the “Fiscal Plan Compliance Act.”

Section 77.- Injunction.

No injunction shall be issued to preclude the application of this Act or any part thereof.

Section 78.- Regulations Adopted under Previous Laws.

All regulations, orders, resolutions, circular letters, and all other administrative documents of the agencies that become Bureaus by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board and are consistent with this Act, shall remain in effect until expressly amended, supplemented, repealed, or rendered ineffective by the Board.

Section 79.- Special Provisions.

None of the provisions of this Act shall modify, alter, or invalidate any agreement, covenant, or contract duly executed by entities or instrumentalities that become Bureaus by virtue of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board and that are in effect as of the effective date of this Act.

Section 80.- Transition.

The Governor is hereby authorized to adopt transition measures as needed in order to implement the provisions of the Reorganization Plan without interrupting public services and other administrative processes of the entities that shall be part of the Department and its components.

Any actions that are necessary, appropriate, and convenient to attain the purposes of the Reorganization Plan, including, but not limited to, the revision of regulations, the establishment of their internal, programmatic, and budgetary structure, as well as the accounting structure required to carry out their fund accounting, and the relocation of offices, shall begin within a term that shall not exceed thirty (30) calendar days after the approval of this Act.

The person or committee designated by the Governor to carry out the transition set forth in this Act shall have up to one hundred and eighty (180) days after the approval of the Reorganization Plan of the Puerto Rico Public Service Regulatory Board or the approval of this Act, if it is approved on a subsequent date, to certify compliance with the transition process.

Meanwhile, administrative structures and functions may be carried out by current officials and existing structures until the completion of the transition is certified. Regulations and processes in effect shall continue in effect until the person or committee designated by the Governor for the transition modifies them in accordance with the Act, and such regulations and processes may be applied,

notwithstanding any reference made to the preceding administrative structure repealed under the Reorganization Plan.

The incumbent President of the Energy Bureau, Chair of the Telecommunications Regulatory Board, and Chair of the Public Service Commission who were appointed by the Governor with the advice and consent of the Senate shall hold office until their terms of appointment expire, as established prior to the effective date of this Act. Absent an incumbent chair or president, the office shall be declared vacant and be subject to the transition and appointment process described in this Act.

Current Associate Commissioners of the Telecommunications Regulatory Board and the Public Service Commission, as well as the Director of the Independent Consumer Protection Office shall cease functions as of the approval of this Act. The Governor, with the advice and consent of the Senate, shall make the pertinent appointments to constitute the Telecommunications Bureau, the Transport and other Public Services Bureau, and the Energy Bureau, pursuant to the provisions of this Act, within a term not to exceed thirty (30) days as of the approval of this Act. If the Governor fails to make the appointments within such term, said appointments shall be made by the Legislative Assembly of Puerto Rico.

The Presiding Officers of the legislative bodies shall have thirty (30) days from the expiration of the term granted to the Governor to submit their candidates. Each Presiding Officer shall appoint their respective candidates; however, in order for said candidates to hold office, both Houses shall approve Concurrent Resolutions to such effect.

Section 81.- Severability.

If any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the ruling, holding, or judgment to such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of said holding shall be limited to the clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act thus held to be null or unconstitutional. If the application to a person or a circumstance of any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the ruling, holding, or judgment to such effect shall not affect or invalidate the application of the remainder of this Act to such persons or circumstances where it may be validly applied. It is the express and unequivocal will of this Legislative Assembly that the courts enforce the provisions and application thereof to the greatest extent possible, even if it renders ineffective, nullifies, invalidates, impairs, or holds to be unconstitutional any part thereof, or even if it renders ineffective, invalidates, or holds to be unconstitutional the application thereof to any person or circumstance. The Legislative Assembly would have approved this Act regardless of any determination of severability that the Court may make.

Section 82.- Effectiveness.

This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 211-2018 (H. B. 1408)** **(Conference)** of the **3rd Regular Session** of the **18th Legislative Assembly of Puerto Rico**:

AN ACT to enact the “Act for the Implementation of the Puerto Rico Public Service Regulatory Board Reorganization Plan,” in order to adjust the code of laws in effect to the provisions of said plan; amend Sections 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 19, 23, 28, 30, 34, 35, 36, 37, 49, 52, 55, 59, 68, 69, 76, 84, 85, and 89; repeal Section 5 and substitute it for a new Section 5 in Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act”; amend Section 3 of Chapter I, amend Sections 3, 7, 9, 10, and 11 of Chapter II; amend Sections 7 and 10 of Chapter III; [...]

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

In San Juan, Puerto Rico, on this 26th day of September, 2018.

Orlando Pagán-Ramírez
Director

FY 2019 Certification of MCSAP Conformance (State Certification)

I **Ricardo A. Rosselló Nevares**, **Governor**, on behalf of the **Government of Puerto Rico**, as requested by the Administrator as a condition of approval of a grant under the authority of 49 U.S.C. § 31102, as amended, do hereby certify as follows:

1. The Government has adopted commercial motor carrier and highway hazardous materials safety regulations, standards and orders that are compatible with the FMCSRs and the HMRs, and the standards and orders of the Federal Government.
2. The Government has designated **Puerto Rico Transport and other Public Services Bureau** (henceforward referred to as TPSB) as the Lead State Agency to administer the Commercial Vehicle Safety Plan throughout the Government for the grant sought and (names of agencies) to perform defined functions under the CVSP. The **TPSB** has the legal authority, resources, and qualified personnel necessary to enforce the Government's commercial motor carrier, driver, and highway hazardous materials safety laws, regulations, standards, and orders.
3. The Government will obligate the funds or resources necessary to provide a matching share to the Federal assistance provided in the grant to administer the plan submitted and to enforce the Government's commercial motor carrier safety, driver, and hazardous materials laws, regulations, standards, and orders in a manner consistent with the approved plan.
4. The laws of the Government provide the Government's enforcement officials right of entry (or other method a Government may use that is adequate to obtain the necessary information) and inspection sufficient to carry out the purposes of the CVSP, as approved, and provide that the Government will grant maximum reciprocity for inspections conducted pursuant to the North American Standard Inspection procedure, through the use of a nationally accepted system allowing ready identification of previously inspected CMVs.
5. The Government requires that all reports relating to the program be submitted to the appropriate Government agency or agencies, and the Government will make these reports available, in a timely manner, to the FMCSA on request.
6. The Government has uniform reporting requirements and uses FMCSA designated forms for record keeping, inspection, and other enforcement activities.
7. The Government has in effect a requirement that registrants of CMVs demonstrate their knowledge of the applicable Federal or State CMV safety laws or regulations.
8. The Government must ensure that the total expenditure of amounts of the Lead State Agency will be maintained at a level of effort each fiscal year in accordance with 49 CFR 350.301.
9. The Government will ensure that MCSAP funded enforcement of activities under 49 CFR 350.309 will not diminish the effectiveness of the development and implementation of the programs to improve motor carrier, CMV, and driver safety.

10. The Government will ensure that CMV size and weight enforcement activities funded with MCSAP funds will not diminish the effectiveness of other CMV safety enforcement programs.
11. The Government will ensure that violation sanctions imposed and collected by the Government are consistent, effective, and equitable.
12. The Government will (1) establish and dedicate sufficient resources to a program to provide FMCSA with accurate, complete, and timely reporting of motor carrier safety information that includes documenting the effects of the Government's CMV safety programs; (2) participate in a national motor carrier safety data correction program (DataQs); (3) participate in appropriate FMCSA systems including information technology and data systems; and (4) ensure information is exchanged in a timely manner with other States.
13. The Government will ensure that the CVSP, data collection, and information data systems are coordinated with the State highway safety improvement program under sec. 148(c) of title 23, U.S. Code. The name of the Governor's highway safety representative (or other authorized Government official through whom coordination was accomplished) is **Darelis López Rosario, Esq.**.
14. The Government has undertaken efforts to emphasize and improve enforcement of Government and local traffic laws as they pertain to CMV safety.
15. The Government will ensure that it has departmental policies stipulating that roadside inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel.
16. The Government will ensure that MCSAP-funded personnel, including sub-grantees, meet the minimum Federal standards set forth in 49 CFR part 385, subpart C for training and experience of employees performing safety audits, compliance reviews, or driver/vehicle roadside inspections.
17. The Government will enforce registration (i.e., operating authority) requirements under 49 U.S.C 13902, 31134, and 49 CFR § 392.9a by prohibiting the operation of any vehicle discovered to be operating without the required registration or beyond the scope of the motor carrier's registration.
18. The Government will cooperate in the enforcement of financial responsibility requirements under 49 U.S.C. 13906, 31138, 31139 and 49 CFR part 387.
19. The Government will include, in the training manual for the licensing examination to drive a non-CMV and the training manual for the licensing examination to drive a CMV, information on best practices for safe driving in the vicinity of noncommercial and commercial motor vehicles.
20. The Government will conduct comprehensive and highly visible traffic enforcement and CMV safety inspection programs in high-risk locations and corridors.

21. The Government will ensure that, except in the case of an imminent or obvious safety hazard, an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where motor carriers may make planned stops (excluding a weigh station).
22. The Government will transmit to its roadside inspectors the notice of each Federal exemption granted pursuant to 49 U.S.C. § 31315(b) and 49 CFR 390.32 and 390.25 as provided to the Government by FMCSA, including the name of the person granted the exemption and any terms and conditions that apply to the exemption.
23. Except for a territory of the United States, the Government will conduct safety audits of interstate and, at the Government's discretion, intrastate new entrant motor carriers under 49 U.S.C. § 31144(g). The Government must verify the quality of the work conducted by a third party authorized to conduct safety audits under 49 U.S.C. § 31144(g) on its behalf, and the Government remains solely responsible for the management and oversight of the activities.
24. The Government will fully participate in the performance and registration information systems management program under 49 U.S.C. § 31106(b) not later than October 1, 2020, or demonstrates to FMCSA an alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies in a manner that provides an equivalent level of safety.
25. In the case of a Government that shares a land border with another country, the Government may conduct a border CMV safety program focusing on international commerce that includes enforcement and related projects or will forfeit all MCSAP funds based on border-related activities.
26. In the case that a Government meets all MCSAP requirements and funds operation and maintenance costs associated with innovative technology deployment with MCSAP funds, the Government agrees to comply with the requirements established in 49 CFR 350.203 and 350.310.

Date

7 / December / 2018

Signature

