GOVERNMENT OF PUERTO RICO
DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS

METROPOLITAN BUS AUTHORITY

DEPARTMENT OF STATE
No: 8242
Date: August 16, 2012
Approved Hon. Kenneth D. McClintock
Secretary of State

By: Eduardo Arosemena Muñoz
Assistant Secretary for Services

REGULATION NO. H-12-01

OPERATIONAL REGULATION
CALL AND RIDE PROGRAM

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TRANSPORTE URBANO

Approved on July 18, 2012
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ARTICLE I: INTRODUCTION

The Metropolitan Bus Authority is a Commonwealth of Puerto Rico public corporation, created under Law 5 of May 11, 1959, as amended, known as the Metropolitan Bus Authority Law. It has the principle endeavor of developing, improving, holding, and managing any type of land transportation, passenger, and services facilities in and throughout the territory encompassed by the Capital of Puerto Rico and the Metropolitan Area, as has been defined by the Puerto Rico Planning Board.

For purposes of making sure that people with disabilities, who are unable to derive benefits from fixed route services, equal opportunity for utilizing mass transit services managed by the MBA, a complementary paratransit system is created denominated as the Call and Ride Program.

ARTICLE II: PURPOSE

The purpose of this Regulation is to establish the rules of eligibility to receive Call and Ride Services as well as to establish the basic rules and standards to regulate user services. This Regulation also establishes user duties and obligations, and those of Call and Ride Service officers and employees.
ARTICLE III: ENABLING LEGISLATION BASIS

This Regulation is promulgated under the power vested in the Transportation and Public Works Department Secretary, by the Reorganization Plan 6 of 1971 and Article 6, Paragraph C, of Law 5 of May 11, 1959, as amended, that empowers the Department to: "[f]ormulate, adopt, amend, and repeal regulations to govern the rules of its businesses in general and to exercise, perform, and execute the powers that are conferred and imposed pursuant to law."1

Moreover, this Regulation is promulgated in accordance with the Americans with Disabilities Act ("A.D.A"), 42 U.S.C. §121012, et seq., and Law 44 of July 2, 1985, as amended, 1 LPRA §501, et seq.

ARTICLE IV: APPLICABILITY

The provisions of this Regulation will apply to all citizens who request Call and Ride Program services, its users and those who accompany them, and those employees of the MBA who provide services under the Program.

ARTICLE V: DEFINITIONS

The following words and phrases as used in this Regulation shall have the meanings that are expressed below:

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1 23 L.P.R.A. § 606.
1. **Companion:** A person who accompanies and assists the Program User at all times. He/she must also board and disembark the vehicle at the same point of origin of destination as the Program User.

2. **Admonishment:** A communication sent to the Program User for every three times on which he/she fails to be present at the point of origin or destination of a trip within a one month period.

3. **Service Animal:** A domestic animal duly trained to assist and respond to the Program User’s command; e.g., a seeing eye dog.

4. **Written warning:** Written notice made by a Program representative to a User or companion, when either of the latter indulges in improper behavior or is in a violation of their responsibilities as a Program User.

5. **Service Area:** Area in which the Program will perform complementary transportation services, i.e., ¼ of a mile beyond the corridor in which the regular route travels.

6. **Personal Care Assistance ("PCA"):** Assistance provided by persons with expertise and training in the health field, such as physicians or duly certified nurses, who accompany the Program User for purposes of providing them medical assistance.

7. **Authority:** The Metropolitan Bus Authority (M.B.A.), as enabled through Law 5 of May 11, 1959, as amended.
8. **Late Cancellation:** Cancellation of a trip less than two hours prior to the service.

9. **Cancellation at Door:** Cancellation of a trip by a user at the point of origin when the vehicle arrives.

10. **Improper and/or Disorderly Conduct:** Inappropriate conduct or behavior by a customer, user, or companion which affects the operation or the rendering of Program services.

11. **Service Coordinators:** Persons who answer to all user and general public telephone calls requesting information on the Program, make reservations, and are responsible for all endeavors related to program service trips.

12. **Call and Ride Project Manager:** Highest ranking officer of the Call and Ride Program.

13. **Call and Ride:** Name given to the fixed route complementary mass transit service for people who are unable to use the regular services provided by the Authority.

14. **Golden Program:** Non-revenue service provided to people who are 75 years or more of age. They must show official proof of date of birth.

15. **Reservations and Cancellations:** Procedure that all customers of the Program must follow in order to utilize or cancel services.
16. **Sidewalk to Sidewalk Service**: Service that operates from the sidewalk of the point of origin of the trip to the end of trip, without fixed route system transfer.

17. **Paratransit Service**: Shared public transportation service for people with disabilities with the purpose of complementing the fixed route system.

18. **Common wheelchair**: A manual or electric mobility aid device akin to any type of three or four wheel equipment that is used by people having mobility impairments.

19. **Fixed Route System**: Schedules and trajectories previously established by the Authority.

20. **Suspension**: Cessation of services to all customers who accrue three (3) or more warnings within a six (6) month period.

21. **Future Suspension**: Notification of Cessation of services for those Program Users and/or companions who have failed to follow the rules contained in this Regulation.

22. **Immediate Suspension**: Notification of cessation of services when the Program User and/or companion present danger to themselves, other passengers, or the driver.

23. **Suspension of service for medical condition**: Notification of suspension of service because the Program User needs greater medical attention, needs to lie down, or use of medical equipment within the unit (e.g., respiratory equipment or ventilator).
24. **Transfers:** Are those made within regular service, to or from the municipalities of Bayamón or Cataño / Levittown.

25. **Program User / Customer:** Person with a disability who is authorized to receive established regular route transportation services.
   a. Eligible without restriction: Person who is unable to use fixed route services;
   b. Eligible with conditions: Person who is able to use fixed route services under certain circumstances;
   c. Temporary eligible: Person who suffers some type of temporary condition, such as accidents, surgery, or some types of illnesses, who may or may not utilize fixed route services.

26. **Vision impaired User / Customer:** Person who is duly certified by a physician as being blind.

27. **Transferable User / Customer:** Person who is able to move from his/her mobile equipment to a seat in the vehicle with minimum assistance.

28. **Thirty minute (30) window:** All trips shall be reserved within a pick-up window of thirty (30) minutes; fifteen (15) minutes before and fifteen (15) minutes after the reservation time frame.

29. **No-Show:** When the user cannot be found at the point of origin or destination at the appointed hour.
30. **Subscription Trips:** A pattern of trips, from the same point to origin to the same destination, at the same time and on the same days of the week, i.e., from Monday through Saturday, at least three (3) times per week, over a period of six (6) consecutive months.

31. **Visitors:** Persons who qualify for the Program who do not reside within the jurisdiction in which the Program provides services. These are provided with visitor services for twenty one (21) days.

**ARTICLE VI: PARATRANSIT SERVICES**

The service is designed for people who are unable to use the fixed route system. To receive this service, the user is required to make a previous reservation.

**Section 6.1: Service Area**

The service area includes a strip of up to 3/4 of a mile distance from the regular service corridor that is provided by the Authority. It includes the areas that are covered by the Metrobus I and Metrobus II routes of the Highways and Roads Authority and the area of the trolley bus of the Municipality of San Juan, the Old San Juan Area, Río Piedras, and the Municipality of Guaynabo. At present, service is provided in the municipalities of San Juan, Guaynabo, Catoia, Bayamón, Carolina, Toa Baja ('Levittown'), Trujillo Alto, and Loiza (via Piñones).
Section 6.2: Sidewalk to Sidewalk Service

Assistance by the driver beyond the sidewalk (of the trip origin and destination) is not allowed. Drivers are NOT authorized to leave their vehicles to accompany or escort a user from the place of origin or to the place of destination.

Section 6.3: Reservations and Cancellations

A Program User must make his/her reservation up to fourteen (14) days prior to the trip by calling 787-294-0500, ext. 599; 787-758-8112; 1-800-981-0097 (toll free) or 787-763-2473 (TTY), Monday through Sunday from 7:30 AM though 4:00 PM. Reservations will be subject to availability of services.

To cancel, the Program User must call at least two (2) hours before the appointed hour to pick-up. All trips that are cancelled after that time frame or upon arrival of the driver will be considered Late Cancellations or Cancellations at the Door. The schedule for cancellation, information requests, or to perform any other endeavor shall be from 4:30 AM to 10:00 PM.

Section 6.4: Fares

a. The fare is one dollar and fifty cents ($ 1.50) fixed indistinctively of how many transfers may be deemed necessary or applicable. The rate is not adjusted in accordance to the number of transfers a user would have to make, if he or she uses the regular fixed route service, to and from the same place, the same day.
b. Upon presentation of duly issued identification by the Golden Program, said users do not pay. The companion, regardless of being a member of the Golden Program, is required to pay full rate.

c. A person who provides Personal Care Assistance ("PCA") does not pay fares, provided that he/she presents appropriate identification upon boarding the unit.

Section 6.5: Schedule

Program services will be offered on Monday through Sunday from 4:30 AM to 10:00 PM. For additional information please call 787-294-0500, ext. 599, from Monday through Sunday, between 7:30 AM and 4:00 PM.

Section 6.6: Subscription Trips

Customers who have frequent trip changes are NOT eligible for Service Subscription. Only 50% of total daily reservations will be allowed as Subscription Trips. Trips are limited to trips to and from work, medical visits, and medical treatment to educational institutions. The service will not be available on holidays.

ARTICLE VII: PICK-UP TIME AND WASTED TRIPS

Section 7.1: Thirty Minute (30) Window

Program vehicles will arrive within a thirty (30) minute window. Program Users are not compelled to board a vehicle that is designated to transport them if it arrives prior to the aforementioned window. However, users must be ready to leave at the onset of said window. The
driver will wait five (5) minutes after arrival and if the Program User does not arrive, the driver may depart, which shall be considered to be a "No Show."

Section 7.2: Late Arriving Vehicles

Vehicles have up to thirty (30) minutes to arrive at the pick-up point. If the vehicle does not arrive within the thirty (30) minute pick-up window, the Program User must call the Program office to report the situation and to be provided with an estimated time of arrival.

Section 7.3: No-Show and Service Suspension

All No-Shows will be recorded in the user's file and will be subject to the established administrative procedures as provided in this Regulation, which may have results ranging from the issuance of a warning up to, and including, the definitive suspension of the service.²

ARTICLE VIII: ELIGIBILITY

Section 8.1: General Rules

Complementary Paratransit Services are provided to individuals who are not able to use fixed route services to satisfy their particular trip needs. Said determination will be made on the basis of degree and/or circumstances under which the person is unable to utilize fixed route services. Consideration will also be given to factors such as environmental and architectural barrier and disabilities of the person.

² As provided in 49 CFR 37.125.
Section 8.2: Eligibility Categories

The Program will utilize the following categories to determine which persons are eligible for the service.\(^3\)

Category I: Any person with a disability who cannot, because of a physical or mental limitation (including visual impairment) and without the assistance of another person (except the ramp operator or other boarding system device) board, travel, or disembark from a system vehicle.

Category II: Any person with a disability who needs the assistance of a wheelchair or any other means of assistance to board and is able to board with said assistance, travel and disembark from any accessible vehicle. (E.g., persons who use wheelchairs, as well as persons who employ mobility aids, such as walkers, canes, etc.)

Category III: Any person who by reason of a specific condition is unable to travel to a designated vehicle boarding site or to disembark in a designated site at his/her final destination point.

Environmental conditions and architectural barriers that are beyond the Authority’s control, as such do not result in eligibility.

\(^3\) This determination will be made pursuant to 49 CFR 37.123.
Section 8.3: Visitor Eligibility

Provided that a visitor obtains a certification from a public entity designating him/her as "Paratransit Service Eligible under ADA", the Authority may provide up to twenty one (21) days of Paratransit Services per year. Visitors who require more than twenty one (21) days of service per year must apply for local eligibility.

The service that is provided to visitors will be the same that is provided to local eligible persons under ADA.

ARTICLE IX: APPLICATION AND CERTIFICATION

Section 9.1: How to Apply?

Any person who is interested in receiving Program services shall file an application\(^4\) and all other documents necessary to determine their Eligibility. Said application will be evaluated using the three (3) categories of eligibility\(^5\) that are expressed in Section 8.2 of this Regulation.

Section 9.2: Certification

All applications will be reviewed by a Program representative. An applicant will be notified by the Authority in writing, within twenty one (21) business days following the filing of an application form, whether he/she is eligible to receive Program services or whether the application for service was denied.

\(^4\) See Attachment 1
\(^5\) According to 49 CFR 37.125.
If the Authority determines that the applicant is eligible for services, it will provide an identification card to him/her that includes full name, address, signature, eligibility category, identification number, and the user’s photo.

After processing the application and determining whether or not the user is eligible, a file will be created which will include the application form, documents and related annotations, determination of eligibility, appeals information, if one has been filed, and corrective actions, among others. The information contained in said file will be confidentially treated. In the event that applicant or Program User information is requested by another service provider, it will only be provided if a written authorization is given by the applicant and/or Program User for those purposes.

Section 9.3: Administrative Appeal Procedure

Applicants who have received an ineligibility determination for Paratransit Complementary Services, as well as all persons who have been served with a conditional eligibility determination, may use of the following administrative appeals procedure as described below:

a. The MBA President and General Manager shall appoint an Appellate Committee which will evaluate requests for review by applicants.

b. The appeals request must be addressed to the MBA President and must be filed in the Authority Main Office within a term of sixty (60) days computed from the date of receipt of the initial written notification to: METROPOLITAN BUS AUTHORITY,
Programming and Service Development Area, Call and Ride Program, P.O. Box 195349, San Juan, PR 00919-5349.

c. In the writ of appeal, the applicant may present documents and arguments, and may request the holding of a hearing in which he/she will be heard and may present any and all evidence that he/she may deem relevant.

d. The Committee shall have a term of thirty (30) business days to consider the writ of appeal. In that sense, the Committee shall meet once per month to review writs of appeal.

e. Call and Ride will notify the decision made to the appellant in writing and give the grounds for denial, if any. Said decision will be final and firm. Documents related to an appeal will be kept in the applicant's file.

The procedure contained in this Section will also be used for appeals against disciplinary actions taken against the user.

ARTICLE X: USERS DUTIES AND RESPONSIBILITIES

For purposes of ensuring an orderly and efficacious rendering of services, the following rules are hereby created:

6 As expressed by ADA in 49 CFR 37.125(g)(1).
Section 10.1: User

a. The User must file an application for Paratransit Services as provided in this Regulation, accompanied by two (2) photos and medical certificates as may be necessary;

b. The User must keep his/her identification card visible at all times.

c. The User must make reservations in the manner provided in this Regulation and will pay the applicable fare for each trip.

d. Upon arrival at the destination point, the User will sign a form that will be provided to him/her by the driver indicating pick-up time and fare.

e. The User must pay exact rate. The driver does not carry change.

f. User must notify all changes at least twenty four (24) hours in advance.

g. In the event of trip cancellation, the User must call at least two (2) hours prior to the scheduled pick-up time.

7 Attachment 1.
h. If the User will travel with a companion, he/she must notify so at the time of making the reservation.

i. Both the User and the Companion must observe personal hygiene and must exhibit appropriate, courteous, and respectful behavior in all dealings with other users and Authority employees.

j. The User may not ask the driver to carry packages, luggage, or other objects.

k. Eating, drinking, and/or smoking are prohibited on the vehicle.

l. It is forbidden to travel under the effects of alcoholic beverages or illegal drugs.

m. Firearms, manual weapons, explosives, flammable, caustic, acid or corrosive substances, and any materials that may cause damages are prohibited.

n. Inappropriate, violent, or illegal behavior is prohibited.

o. Radios, recording devices, and any equipment that generate unnecessary noises are prohibited, unless utilized for purposes of communication or are used with earphones.

Failure to comply with the duties and responsibilities hereinabove expressed may result in disciplinary measures that may range from a written warning up to and including the suspension of services.

Section 10.2: Corrective Measures

The Call and Ride Project Manager will impose and notify users of any corrective measures that shall be applicable, as the case may be. Upon making said determinations, the Manager will
weigh the following factors: seriousness of the violation, history of faults incurred by the User, whether it is a subsequent violation of any rule, and other extenuating or aggravating circumstances.

Section 10.3: Suspensions

a. **Future Date Suspension:** The fault will be evaluated and the User will be notified of the suspension period by mail.

b. **Immediate Suspension:** The suspension will be made immediately; at the time of the violation.

c. **Suspension for Medical Condition:** In this case, service will be suspended until the User's health condition improves.

The type of measure to be applied will depend on the situation and frequency of the problem. The Program will notify in writing the specific reasons for which suspension of service to the User is proposed, who may in turn request revision of the determination through application of the procedures established in Section 9.3 of this Regulation. Until the revision request presented is aired, the User will continue to receive services.

Section 10.4: Repeat Violations

The imposition of several corrective actions on a User within a determined period of time established below, shall be deemed to constitute evidence to the effect that the Program User is unable to adapt to the rules established by the Program.

Service may be suspended to any User who has received:

a. Five (5) written warnings or advises;
b. Three (3) suspensions of services.

Section 10.4: Statute of Limitations

For purposes of determining repeat violation by a User, the following statute of limitations is hereby established:

a. Two (2) years for unjustified delays, provided that the User shall not have incurred in any other violation within that same period.

b. Four (4) years for other violations, provided that the User shall not have incurred in any other violation within that same period.

In the case of warnings, said statute of limitations will commence on the date of the warning, while the suspensions will commence on the date in which the User is reinstated to the Paratransit service.

ARTICLE XI: DUTIES AND RESPONSIBILITIES OF EMPLOYEES AND OFFICERS

Section 11.1: Driver

a. The driver has the obligation of leaving passengers at their destination site.

b. Upon arrival at their destination site, the Driver will require the User to sign a sheet indicating pick-up time and collection of fare.

c. The Driver may not leave the vehicle to enter a building or home. Therefore, any User who requests assistance to board or disembark the vehicle from a building or home must be accompanied by another person or medical care personnel. If that is the case, the User must notify so when making the reservation.
d. Drivers are forbidden from carrying users.

e. The Driver may not assist users who utilize mobility equipment to climb or descend stairs and other obstacles. If that is the case, the User must travel accompanied by another person or medical care personnel to aid him/her at the places of origin and destination.

f. The Driver will notify the Service Coordinator of any tardiness or No-Show by the user.

g. The Driver is not allowed to receive tips or gratuities.

h. If assistance of a User by the Driver affects continuity of services, the User will be subject to suspension of service until such time as the situation is remedied.

Section 11.2: Service Coordinators

a. Service Coordinators have the responsibility of attending all calls made by Users and by the general public requesting information on the Program.

b. As may be requested by Users, Coordinators will make reservations, changes, cancellations, and others.

c. Verify and/or confirm schedules and places of origin and destination.
d. No changes in time or in places or origin or destination may be made within less than twenty four (24) hours in advance.

e. Reservations, change requests, or others may not be accepted from persons other than users / customers, except as previously coordinated and accepted by the latter in writing.

f. The Coordinator will record all delays, tardiness, wasted trips, and No-Shows in user files.

g. The Coordinator will report user tardiness and/or wasted trips to the Call and Ride Project Manager.

ARTICLE XII: OTHER PROVISONS AND SERVICES

Section 12.1: Companions

In order to ensure space in the vehicle, the User must inform whether he/she will be accompanied by someone at the time of making the reservation. The companion must have the same place of origin and destination as the User and will pay the appropriate fare.

Section 12.2: Service Animals

Visually impaired users may travel with their service animals. To ensure space in the vehicle, a visually impaired user must inform whether he/she will travel with an animal. This is subject to:

a. The animal responding to the commands of the owner/master;

b. The animal always wearing a collar or leash and be under the owner/master’s control.
c. The Driver may never handle a service animal.
d. The animal must be controlled (must be housebroken, may not growl or threaten other users, the Driver or other service animals).
e. If the service animal gets the vehicle dirty, the owner must clean it.
f. The animal must be in a "down" or "sit" position and may not obstruct the aisle or the vehicle.
g. The animal may not occupy a seat.
h. The animal must be clean.

Section 12.3: Packages

The User may bring up to three (3) grocery bags or the equivalent on board the vehicle. The equivalent would be bags, packages, or pieces of luggage. The total weight may not exceed twenty five (25) pounds. The contents of said packages must comply with Section 10.1 of this Regulation.

Section 12.4: Lost and Found

The Authority assumes no responsibility for objects that are lost or damaged within the vehicle. If the User leaves an object on the vehicle, he/she must call and report it as soon as possible. Everything found will be taken to the MBA Lost and Found Office for a period of sixty (60) days. After expiration of that term, the object will be disposed of.

Section 12.5: Mobility Equipment

A User may make use of mobility equipment, such as wheelchairs, canes, walkers, and other common equipment, provided said equipment complies with ADA specifications. If necessary, the
User may seek the assistance of a companion, as defined in this Regulation, who shall be solely responsible for providing said assistance.

The Program vehicles will transport all types of "common wheelchairs." Service may be suspended to a User who travels with mobility equipment that does not comply with size and weight requirements. Said requirements are:

Wheelchairs:

a. The measurements may not exceed thirty (30) inches in width and forty eight (48) inches in length; said measurement taken two (2) inches from the platform.

b. Weight may not exceed six hundred (600) pounds or two hundred seventy two point eleven (272.11) kilograms when occupied.

c. As a safety measure, it must enter the hydraulic ramp in reverse.

d. Brakes must be locked on the ramp.

e. If it is an electric wheelchair, it must be turned off until the Driver authorizes its power up.

f. Wheelchair users must wait for assistance by the Driver in terms of instructions for boarding the vehicle.

g. It is recommended that a User having a manual wheelchair must have the foot support engaged.
Scooters:

a. These are unstable on the ramp and may exceed acceptable ADA dimensions. Some have a manufacturer’s warning that they may not be used as chairs in moving vehicles.

b. Users may use scooters on the ramp, although it is recommended that they transfer to a seat in the vehicle as soon as they are inside of same.

c. Users who travel on scooters must adhere to the same rules and regulations as users who travel on wheelchairs.

Section 12.6: Safety in the use of mobility equipment

a. Users who use wheelchairs or scooters must transfer from their equipment to a seat in the vehicle on their own.

b. The Program will not transport mobility equipment that is broken or damaged.

Section 12.7: Medical Equipment

Users may travel with oxygen tanks and respirators when using the service. For safety considerations, oxygen tanks and respirators must be secured to keep them from falling and colliding with other objects or users in the vehicle.
Section 12.8: Minors

All children who are less than four (4) years of age must travel in a "car-seat" during their trip in Program vehicles. See Art. 13.03, Law 22 of January 7, 2000, Article 13.03, known as Puerto Rico Transit Law.

All Users who are less than sixteen (16) years of age must always be accompanied by an adult or by an assistance provider when receiving Program services and must pay full rate.

ARTICLE XIII: WARRANTIES OF QUALITY

/Section 13.1: Customer Satisfaction

The goal of Call and Ride service is to meet the needs of its users. If any of these have any comment, suggestion, or complaint, they must call 787-29400500, ext. 599, 787-758-8112, 1-800-981-0097 (toll free), 787-763-2473 (TTY).

Section 13.2: Comments and complaints

Comments and complaints must be addressed to the following address: METROPOLITAN BUS AUTHORITY, Programming and Service Development Area, Call and Ride Program, P.O. Box 195349, San Juan, PR 00919-5349. They must include name, address, and telephone number; day and time of situation; vehicle number and/or name of Driver; name of the person who made the reservation, whether it involves a telephone call and an explanation of the incident, suggestion or comment.
ARTICLE XIV: JUDICIAL REVIEW

A party who is adversely affected by a decision or final resolution and who has exhausted all other remedies provided in this Regulation, may file a request for review before the Commonwealth of Puerto Rico Circuit Court of Appeals within a term of thirty (30) days counted from the date of filing of a copy of notification of the decision or final Appellate Committee resolution in the case file.

ARTICLE XV: AMENDMENTS

This Regulation may be amended by the Transportation and Public Works Secretary through recommendation of the Authority President and General Manager.

ARTICLE XVI: SEPARABILITY CLAUSE

In the event that any word, sentence, section, or article hereof were found to be unconstitutional, null, or void by a court, said finding will not undermine or invalidate the remaining provisions and parts hereof, but rather the effects thereof will be limited to that word, sentence, section, or article, so it will not be deemed in any manner to affect or prejudice the application or validity hereof in any other case.

ARTICLE XVII: EFFECTIVE DATE

The provisions included in this Regulation will become effective thirty (30) days after its filing in the Commonwealth of Puerto Rico State Department.

In San Juan, Puerto Rico, on July 18, 2012.
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