

**GOVERNMENT OF PUERTO RICO  
LA FORTALEZA  
SAN JUAN, PUERTO RICO**

Administrative Bulletin No. OE-2023-003

**EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. PEDRO R. PIERLUISI, TO CONTINUE THE ACTIVATION OF THE PROVISIONS OF ACT NO. 76-2000, AS AMENDED.**

**WHEREAS:** Act No. 76-2000, as amended, also known as the “Procedures in Emergency Situations or Events Act,” provides that, upon declaring a state of emergency, the Governor shall activate an expedited process for the execution of all works and projects necessary to address and solve critical situations involving the physical infrastructure for the provision of essential services to citizens, as well as any situations that may pose a risk to the lives, health, and safety of the population.

**WHEREAS:** Through Administrative Bulletin No. 2021-024, promulgated March 25, 2021, I declared—pursuant to Act No. 76-2000—an infrastructure emergency in Puerto Rico due to the damages caused by Hurricanes Irma and Maria and the earthquakes of 2020. Furthermore, I ordered that every reconstruction and mitigation project that has been identified by the Reconstruction Council—created under Administrative Bulletin No. OE-2021-011—as a critical project shall be dealt with quickly and urgently, ensuring compliance with all applicable environmental rules. Also, OE-2021-011 was extended through Administrative Bulletins Nos. OE-2021-069, OE-2022-021, and OE-2022-050.

**WHEREAS:** Even though we have made significant progress since the promulgation of administrative bulletins nos. OE-2021-024, OE-2022-021, and OE-2022-050, the need to promptly address deficient infrastructure in Puerto Rico remains.

**WHEREAS:** During the past few years, the lives of Puerto Ricans have been disrupted by Hurricanes Irma and María, as well as by the earthquakes that have affected our Island’s infrastructure. The damages and consequences suffered as a result of these natural disasters have created an emergency that threatens the welfare, health, and safety of all Puerto Ricans.

Consequently, Puerto Rico's infrastructure, housing, electrical system, storm sewer system, landfill systems, schools, roads, and hospitals have been affected, among others.

**WHEREAS:** The Island's essential services infrastructure is highly vulnerable. A report published by the Puerto Rican Chapter of the American Society of Civil Engineers (ASCE) rated Puerto Rico's general infrastructure condition for the year 2019 as (D-). The evaluation included the conditions of bridges, dams, roads, solid waste, and wastewater management, as well the drinking water, energy, and ports infrastructure.

**WHEREAS:** The recovery and reconstruction of Puerto Rico is the highest priority of this Administration. The Island's reconstruction shall improve the quality of life of our citizens and provide an opportunity to upgrade part of our critical infrastructure. At the same time, it shall usher in a new era of economic development for the benefit of all Puerto Ricans.

**WHEREAS:** In order to achieve our Island's reconstruction, we need to expedite access to and maximize the use of more than \$50 billion in direct funds from the Federal Emergency Management Agency's (FEMA) Public Assistance and Mitigation Program and the U.S. Department of Housing and Urban Development's Community Development Block Grant for Disaster Recovery (CDBG-DR). Likewise, we need to ensure that the Permit Management Office ("OGPe," Spanish acronym) of the Department of Economic Development and Commerce of Puerto Rico has the necessary tools to promptly process all permits, endorsements, consultations, certifications, and recommendations necessary to address our current crisis.

**WHEREAS:** We must ensure that the federal and state funds intended for Puerto Rico's reconstruction and recovery are used effectively and efficiently, so that all Puerto Ricans affected by Hurricanes Irma, María, and Fiona as well as those affected by the earthquakes of 2020, are finally able to receive the assistance they need.

**WHEREAS:** This Administration acknowledges the need for a prompt rehabilitation and reconstruction of all affected homes and communities, as well as the need

to revitalize downtown areas; to enhance and strengthen the electric power, aqueduct, and reservoir systems; to build new hospital facilities, to rehabilitate public schools in order to bring them up to the codes in effect contained in the 2018 Puerto Rico Building Code, and to improve and rebuild the road infrastructure, among other needs.

**WHEREAS:**

In order to achieve this reconstruction and to promote a proper and efficient use of allocated funds, it is necessary that we expedite financing procedures and facilitate the prompt issuance of recommendations, consultations, and permits for the execution of critical and urgent infrastructure projects, in order to address the damages caused by the natural disasters.

**WHEREAS:**

In reaching the above, it is extremely urgent that a state of emergency be declared regarding Puerto Rico's infrastructure and that all necessary mechanisms be quickly activated for the execution of works and critical reconstruction projects, as well as to ensure that the bureaucracy involved in the obtention of permits shall not impinge on the Island's recovery and construction initiatives.

**WHEREAS:**

This Administration must take concrete actions with respect to Puerto Rico's infrastructure, including the continuation of the state of emergency declared under administrative bulletins nos. OE-2021-024, OE-2021-069, OE-2022-021, and OE-2022-050.

**WHEREAS:**

Section 5.10 of Act No. 20-2017, as amended, known as the "Puerto Rico Public Safety Department Act," empowers me, as Governor, upon declaring a state of emergency or disaster, to enact such measures as may be necessary, for the duration of the emergency, in order to protect the safety, health, and property of all the residents of Puerto Rico.

**WHEREAS:**

Paragraph (b) of Section 5.10 of Act No. 20-2017, as amended, provides that, as Governor of Puerto Rico, I am authorized to issue, amend, and repeal regulations, as well as to issue, amend, and rescind any orders as I may see fit to rule during a state of emergency or disaster.

**WHEREAS:**

Moreover, paragraph (c) of Section 5.10 of Act No. 20-2017, provides that, as Governor of Puerto Rico, I may implement any state regulations, orders,

plans, or measures to address emergencies or disasters or to amend them as I may deem appropriate.

**WHEREAS:** Paragraph (b) of Section 5.10 of Act No. 20-2017, as amended, provides that any regulations or orders issued during a state of emergency or disaster shall have the force of law for the duration of said state of emergency or disaster.

**WHEREAS:** I, PEDRO R. PIERLUISI, Governor of Puerto Rico, by virtue of the powers inherent in my office and by the authority vested in me by the Constitution and the Laws of Puerto Rico, hereby declare and order the following:

**Section 1:** **DECLARATION OF STATE OF EMERGENCY.** I hereby declare a state of emergency in the infrastructure of Puerto Rico due to the damages caused by Hurricanes Irma, María, and Fiona, as well as the earthquakes of 2020, which are yet to be addressed. In addition, every infrastructure directly or indirectly related to electric power generation, transmission, distribution, and storage as well as ancillary services to electric power generation in Puerto Rico, are hereby included in the declaration of state of emergency.

In accordance with Administrative Bulletin No. 2021-011, any reconstruction and mitigation project that has been identified by the Reconstruction Council as a critical project shall be dealt with swiftly and promptly to ensure compliance with all applicable environmental rules. All critical projects shall have the highest priority for the Government of Puerto Rico; therefore, such critical projects shall have the support of all agencies to achieve a streamlined reconstruction process, thus enabling the achievement of the proposed goals in the shortest time possible. Priority consideration shall be given to these projects, expediting the issuance of permits and in compliance with the rules of state and federal agencies. This task shall be aimed at guaranteeing the health, public safety, and welfare of all the citizens of Puerto Rico.

**Section 2:** **ACTIVATION OF AN EXPEDITED PROCEDURE.** Due to the declared emergency, I hereby order the use of the expedited procedure established in Act No. 76-2000, as amended, for the construction and reconstruction of

critical projects, with particular emphasis on the following projects: the reconstruction of homes affected by Hurricanes Irma, María, and Fiona, as well as by the earthquakes of 2020; the revitalization of downtown areas; the reconstruction, upgrading, and resilience of the electrical and the aqueduct and sewer systems, including dams; the reconstruction of school buildings, construction of new hospital facilities; the reconstruction of the road, port, and airport infrastructure; and mitigation projects, as well as other critical projects, including the telecommunications infrastructure. In addition, as provided in Section 1.11 (f) of Act No. 17-2019, as amended, known as the "Puerto Rico Energy Public Policy Act," for the purpose of facilitating the development of projects that shall enable us to comply with the Renewable Energy Portfolio, as such term is defined in Act No. 82-2010, as amended, known as the "Public Policy on Energy Diversification by Means of Sustainable and Alternative Renewable Energy in Puerto Rico Act," as well as microgrid projects, energy storage projects, and the provision of ancillary services to power generation in Puerto Rico, all agencies are hereby ordered to adopt and implement expedited procedures for processing applications for permits, consultations, variations, endorsements, certifications, concessions, and/or authorizations in accordance with Act No. 76-2000, as amended.

Therefore, all agencies affected by this Executive Order shall follow the expedited procedure provided in Act No. 76-2000, as amended, in issuing all relevant permits, consultations, endorsements, comments, recommendations, and certifications for the projects listed above, among others. Thus, I hereby release all agencies from compliance with all ordinary terms and processes.

Furthermore, I hereby order the Planning Board ("JP", Spanish acronym), OGPe, and any other agency concerned to comply with Rule 2.5.1 of Joint Regulation 2020 on the procedure for carrying out transactions during the emergency in order to comply with this Executive Order. All this, for the purpose of reestablishing and rehabilitating the electric power infrastructure, including, but not limited to, replacement or repair of power poles, public lighting, and power lines, to be carried out with the use of federal funds allocated in the aftermath of the hurricanes and the

earthquakes— which is exempt from certain transactions for being directly affected by natural disasters, as allowed by Joint Regulation 2020. Road traffic control shall be coordinated with the appropriate entities, including the Department of Transportation and Public Works. JP and OGPe are hereby ordered to issue the necessary documents for the implementation of these provisions within 15 days from the promulgation of this Executive Order.

**Section 3:**

**ALTERNATE EXPEDITED PROCEDURES.** Pursuant to the authority granted by Sections 2 and 7 of Act No. 76-2000, as amended, JP and OGPe shall continue, or prescribe by regulations and administrative orders, the necessary alternate expedited procedures for the issuance of the different permits, consultations, endorsements, comments, recommendations, and certifications required for the aforementioned projects. These alternate procedures include expedited terms similar to those established under Act No. 76-2000, as amended, and shall comply with all applicable environmental requirements.

Furthermore, in order to streamline the procedures described above, licensed engineers, land surveyors, or architects are hereby authorized to issue certifications and permits that are ministerial in nature for critical projects. To this end, these professionals shall execute a self-certification process to ensure that applicants meet all applicable requirements for an automatic construction certification. If it is determined that any of these professionals has acted negligently, JP, in accordance with the powers granted thereto under Act No. 75 of June 24, 1975, as amended, and the pertinent regulations, may impose a fine of up to \$10,000. In addition, they may be disqualified as Authorized Professionals, where applicable, in accordance with Act No. 161-2009, as amended, known as the “Puerto Rico Permitting Process Reform Act,” and may be referred to the Planning Board, the appropriate board before the Department of State, the Puerto Rico Professional College of Engineers and Land Surveyors, the Puerto Rico Professional College of Architects and Landscape Architects, and the Department of Justice, as applicable, for the corresponding administrative or criminal proceedings, including, without limitation, violations of Arts. 211



and 215 of the Puerto Rico Penal Code, and Section 5.14 of Act No. 20-2017, as amended. The above notwithstanding, OGPe or the agencies concerned may examine and monitor compliance with all applicable self-certification requirements, as established in the Joint Regulation, and may refer to JP any permit that fails to comply with the established requirements, including the imposition of the applicable fines and penalties. Furthermore, for the purpose of avoiding duplication in the permitting, endorsement, consultation, certification, evaluation, concession, and authorization processes that have already undergone a thorough evaluation and approval process by federal agencies pursuant to the authority delegated to agencies under Section 2 of Act No. 76-2000, as amended, the Aqueduct and Sewer Authority, the Highways and Transportation Authority, the Department of Transportation and Public Works, and the various state agencies charged with reviewing electrical infrastructure projects, including transmission, distribution, and generation, are hereby ordered to create alternate procedures in order to deem approved any of the aforementioned processes that were already reviewed and approved by federal agencies. Reciprocity shall not apply in cases where the review and approval process by federal agencies has not begun. In these cases, the agencies within the Government of Puerto Rico with jurisdiction over the matter shall apply their respective authority to review and approve such process, pursuant to the provisions of this Executive Order.

**Section 4:**

**CREATION OF INTERAGENCY SUBCOMMITTEE.** The Interagency Subcommittee on Expedited Environmental Regulations (the "Subcommittee") is hereby maintained pursuant to the provisions of Section 4 of Act No. 76-2000, as amended, which shall be responsible for reviewing the environmental documents submitted for any project under this Executive Order. The Subcommittee shall be composed of:

- a) OGPe's Assistant Secretary, who shall act as Committee Chair;
- b) one Associate Member of OGPe's Adjudication Board, appointed as an environmental subject matter expert;

  


- c) one representative of the Department of Natural and Environmental Resources;
- d) one representative of the Puerto Rico Planning Board;
- e) one representative of the Puerto Rico Highways and Transportation Authority;
- f) one representative of the Puerto Rico Electric Power Authority, and
- g) one representative of the Puerto Rico Aqueduct and Sewer Authority.

Likewise, all applications for Environmental Review Recommendation, Environmental Assessment, and/or Environmental Impact Statement under Act No. 76-2000, as amended, shall be submitted to OGPe.

**Section 5:** **INTERIM MEASURES.** The Secretary of the Department of Natural and Environmental Resources, the Secretary of the Department of Economic Development and Commerce, the Assistant Secretary of OGPe, the President of the Puerto Rico Planning Board, and the director or secretary of any other governmental agency concerned, shall adopt such interim measures, and make any such decisions as are necessary to comply with this Executive Order.

**Section 6:** **DEFINITION OF THE TERM AGENCY.** For the purposes of this Executive Order, the term "Agency" means any agency, instrumentality, office, or department of the Executive Branch of the Government of Puerto Rico, including public corporations, regardless of its name.

**Section 7:** **NON-CREATION OF ENFORCEABLE RIGHTS.** This Executive Order is not intended to create any rights, substantive or procedural, enforceable at law or equity, by any person or entity, in any matter, civil, criminal, or administrative, against the Government of Puerto Rico or its agencies, officials, employees, or any other person.

**Section 8:** **SEVERABILITY.** The provisions of this Executive Order are separate and independent from each other, and if any part, section, provision, or



sentence of this Executive Order were held to be unconstitutional, void, or invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining provisions, which shall remain in full force and effect.

**Section 9:** **REPEALING CLAUSE.** This Executive Order repeals any other executive order that is inconsistent, in whole or in part, with the provisions herein to the extent of such inconsistency.

**Section 10:** **PUBLICATION.** This Executive Order shall be filed immediately with the Department of State and the widest possible publication thereof is hereby ordered.

**Section 11:** **EFFECTIVENESS.** This Executive Order shall be effective uninterruptedly for six (6) months from the expiration date of Administrative Bulletin No. OE 2022-050, and may be extended in accordance with Act No. 76-2000.



**IN WITNESS WHEREOF,** I hereby issue this Executive Order under my signature and cause the Great Seal of the Government of Puerto Rico to be affixed, in La Fortaleza, San Juan, Puerto Rico, this 13<sup>th</sup> day of March, 2023.

PEDRO R. PIERLUISI  
GOVERNOR

Promulgated in accordance with the law, this 13<sup>th</sup> day of March, 2023.

OMAR J. MARRERO DÍAZ  
SECRETARY OF STATE