

(H. B. 331)

(No. 92)

(Approved August 26, 2005)

AN ACT

To amend Sections 2 and 4 of Act No. 25 of June 8, 1962, as amended, to update its language and to include acoustic barriers for noise control among the structures that developers of residential urbanizations and buildings must provide in all construction projects when the houses are located at less than fifty (50) meters from highway or expressway easements and that the cost of the construction be included in the cost of the development.

STATEMENT OF MOTIVES

The cohesion of the urban network greatly depends on the manner in which harmony is achieved among the centers of commercial and service activities, the residential areas and the transportation means. The goal should be for the citizens to have easy access to the obtainment of goods and services and places of employment without it being at the expense of the quality of life of other citizens.

In an environment such as Puerto Rico's, the balance we wish to achieve creates special challenges. Since we are the most industrialized country in the Caribbean Basin, our land is both insular and of reduced extension, and we are one of the most densely populated jurisdictions in the world, both in the human sense and in the sense of public thoroughfares and infrastructure. Essentially, these characteristics mean that in Puerto Rico, to make the maximum use of our land, we are forced to place our residential, commercial and industrial areas, as well as our transportation thoroughfares, very close together. Contrary to jurisdictions located in the continent, we do not have enough spare land to create uninhabited strips around our main thoroughfares. The alternative is to worsen the sprawl of our

population, forcing developers to continue to go more deeply into the rural areas.

People are entitled to expect their home to be a safe refuge from daily bustle and agitated living sometimes forced upon us by modern life. Urban development has often caused adverse changes in the quality of life of residential community environments. An example of this is construction of highways and expressways through former residential areas, resulting in noise and vehicular pollution. In those cases, it is justified for the State, the main promoter of thoroughfare works, to assume the construction of works to mitigate such effects.

However, we continue to see cases in our island in which housing developers locate a project immediately adjacent to expressways or highways that ate either pre-existing or already under construction. In such cases, the reasonable thing to do would be for the developer to incorporate the necessary mitigation measures, such as, for example, the construction of acoustic barriers to control the noise from highways, including such cost in the construction costs from the beginning, and therefore into the sales price of the land or houses.

Through this legislation, it is provided that the Regulations and Permits Administration (ARPE, Spanish acronym) shall require that any projects submitted for its consideration must include the construction of acoustic barriers as part of the vicinal well-being facilities that should be a part of any project, and that it shall compel the requirement thereof if the land or common areas are located less than 50 meters from high traffic public thoroughfare easements. We also take the opportunity to update the language of Act No. 25 of June 8, 1962 with respect to the construction of shelters to have it show our current reality more accurately.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 2 of Act No. 25 of June 8, 1962, as amended, is hereby amended to read as follows:

“Section 2.-The Regulations and Permits Administration is hereby

authorized to require, prior to the approval of housing developments and multistory buildings, the following vicinal facilities: the construction of educational, cultural, recreational, commercial and any other facilities that contribute toward the physical, social, moral, religious and cultural development of the community. It may also require the installation of acoustic barriers to reduce noise; however, it shall be compelled to enforce this requirement on all new construction projects of residential urbanizations and buildings in which the land of any housing unit or common area is located fifty (50) meters or less from the any highway, expressway or primary road thoroughfare easements, whether divided, existing or under construction. No housing development, including multistory buildings, shall be approved unless it complies with the Vicinal Facilities Regulation; provided, further, that, in order to enforce the requirement of vicinal facilities, the Regulations and Permits Administration shall exercise the powers conferred to it by this Act, following insofar as applicable, the procedures established by the laws and planning regulations in force. Jointly with the requirement of vicinal facilities referred to in this section, the Regulations and Permits Administration may require, as part thereof, the construction of shelters for the civil population to furnish protection against natural or man-made disasters.”

Section 2.- Section 4 of Act No. 25 of June 8, 1962, as amended, is hereby amended to read as follows:

“Section 4.-The cost of the cultural and recreational facilities, as well as the shelters and acoustic barriers shall be taken into account by the developer or constructor in determining the cost of the residential lots and/or housing units, as the case may be, according to the proposed development.”

Section 3.- The Regulations and Permits Administration shall incorporate the

compulsory requirement of acoustic barriers to reduce noise into the Vicinal Facilities Regulation within ninety (90) days as of the approval of this Act.

Section 4.- This Act shall take effect immediately after its approval and shall apply to all projects not approved as of the date in which its provisions are incorporated into the Vicinal Facilities Regulation.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 92 (H.B. 331) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Sections 2 and 4 of Act No. 25 of June 8, 1962, as amended, to update its language and to include acoustic barriers for noise control among the structures that developers of residential urbanizations and buildings must provide in all construction projects when the houses are located at less than fifty (50) meters from highway or expressway easements and that the cost of the construction be included in the cost of the development,

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

In San Juan, Puerto Rico, today 15th of November of 2006.

Francisco J. Domenech
Director