



Office of the Associate Administrator
for Airports

800 Independence Ave, SW.
Washington, DC 20591

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Joel A. Pizá Batiz, Esq.
Executive Director
Puerto Rico Ports Authority
P.O. Box 362829
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San Juan, PR 00936

Dear Mr. Pizá Batiz:

I write in response to the letter of March 21 from Governor Wanda Vázquez, which outlines proposed restrictions on flights into Puerto Rico in response to the novel coronavirus (COVID-19) pandemic. Governor Vázquez's letter follows a March 20 telephone conversation between the Federal Aviation Administration's (FAA) Office of the Chief Counsel and Office of Airports, the Honorable Román, Puerto Rico Secretary of State, General José Reyes, United States National Guard, and representatives of the Puerto Rico Ports Authority (PRPA) to discuss flight restrictions that had been proposed in letters of March 4 and 17 from the PRPA. I understand that the flight restrictions outlined in your March 21 letter supersede the proposals made in those two earlier letters.

As outlined in Governor Vázquez's letter and during the March 20 telephone call, the objective behind the proposed flight restrictions is to centralize the health screening of persons arriving into Puerto Rico by air. Governor Vázquez noted in particular that Luis Muñoz Marín International Airport (SJU) is the only airport in Puerto Rico with the resources to perform infrared temperature screening and the only airport at which Puerto Rico can provide the National Guard to perform or assist with the screening. In the March 20 call, Secretary Román also emphasized the fragile state of Puerto Rico's public health infrastructure, following two hurricanes and an earthquake, and the particular vulnerability that the islands face from contagious disease outbreaks such as the COVID-19 virus. I can assure you that the FAA and the Federal Government share the Governor's concerns and her desire to stop the spread of this deadly virus.

The request to impose restrictions on flights coming into Puerto Rico consists of two elements. The first element would require that all Part 121 passenger flights be redirected to land at SJU, where the Puerto Rican Health Department (PRHD) has centralized health

screening for arriving passengers. Although not stated in your letter, we understand from the March 20 discussion that the intent is to divert all scheduled and unscheduled commercial air carrier passenger operations – whether foreign or domestic – to SJU for screening by the PRHD. The second element in the request would require all domestic and foreign general aviation and charter passenger flights arriving from a location outside Puerto Rico to land first at one of three airports –SJU, Isla Grande Airport (SIG), or Aguadilla PR (BQN) – where the passengers will be screened by the PRHD. The request specifically did not propose any flight restrictions on air cargo or maintenance flights into Puerto Rico.

We evaluated the request in light of the FAA's oversight authorities, including in particular the Airport Improvement Program grant assurances, and have determined that the proposed flight restrictions are a reasonable response to the COVID-19 pandemic. In making this determination, we specifically have taken into account the state of emergency declared by Puerto Rico in response to the COVID-19 pandemic. We note that Puerto Rico is still suffering the effects of two major hurricanes and an earthquake earlier this year. These multiple disasters are having an ongoing impact, limiting the resources and staffing that the Government of Puerto Rico can devote to the screening of passengers and the protection of public health. We also find that your requests would not have a significant impact on the National Airspace System because the affected flights will be allowed to continue to their regularly scheduled destinations following a health screening. Because of these unique circumstances, the FAA does not object to your requests. The restrictions are a reasonable accommodation under the law, and particularly the grant assurances, inasmuch as they are temporary, justified by the emergency, respond to a domestic and worldwide public health crisis, and are intended to save lives. We, along with the Office of the Secretary of Transportation, consider that such actions would not conflict with the Federal Government's obligations under applicable international agreements.

In the circumstances raised by the pandemic, U.S. Customs and Border Protection's (CBP), Office of Field Operations, San Juan Field Office, has advised us that they possess the authority to grant or deny landing rights or permits to land pursuant to its regulatory authority under title 19 Code of Federal Regulations 122.14 for flights arriving from foreign places and are willing to do so to support the request of the Government of Puerto Rico. The CBP notes that the vast majority of foreign arrivals have been taking place at SJU; therefore, the operational impact of granting this request is minimal. Furthermore, they are prepared to direct all general aviation and charter passenger flights arriving from a foreign location to SJU, SIG, or BQN. In summary, CBP advises that they are prepared to continue to process all foreign arrivals, in accordance with existing federal protocols, including those established by the Centers for Disease Control and Prevention, prior to the PRPH screening at the designated airports. CBP's decision is effective during the period of the present emergency.

The FAA supports Puerto Rico in its efforts to protect the island and pledges to work with you and the people of Puerto Rico in fighting COVID-19. If you have any questions regarding the matters discussed above, please do not hesitate to reach out to me or to have your staff contact Steven Hicks, Director, Southern Regional Airports Division at [REDACTED]

Sincerely,

A handwritten signature in blue ink that reads "Winsome A. Lenfert". The signature is written in a cursive, flowing style.

Winsome A. Lenfert
Deputy Associate Administrator
for Airports