



GOBERNACIÓN

Departamento Archipiélago de San Andrés,
Providencia y Santa Catalina
Reserva de Biosfera Seaflower
Nit: 892.400.038-2

DECREE No. 0356

(September 6, 2016)

"Whereby measures are taken to control illegal public transportation service provider on motorcycle and other provisions are issued."

THE GOVERNOR OF THE DEPARTMENTAL ARCHIPELAGO OF SAN ANDRES, PROVIDENCE, AND KETHLEENA, in use of his Legal and Constitutional Powers, especially those conferred by Law 769 of 2002, Decree 2961 of 2006, Law 47 of 1993 and,

CONSIDERING

The second section of Article 2 of the Constitution states that: "the authorities of the Republic are instituted to protect all residents of Colombia, in their life, honor, property, beliefs and other rights and freedoms, and to ensure compliance with the social obligations of the State and individuals ..., "hence the State must ensure security, peace and collective well-being and for that purpose, prohibit, condition and restrict traffic and transportation.

That Article 24 of the Constitution, developed by Article 1 of Law 769 of 2002, as amended by Article 1 of Law 1383 of 2010, stipulates that: "Every Colombian has the right to move freely throughout the National Territory, but subject to the intervention and regulations of authorities to ensure the safety and convenience of the inhabitants, especially pedestrians and physically and mentally disabled, for the preservation of a healthy environment and protecting the common use of public space."

That in accordance with Article 303 of the Constitution "(...); in each of the Departments will have a Governor who is head of the Sectional Administration and legal representative of the Department; the Governor, agent of the President of the Republic for maintaining public order (...)."

That according to Article 305 of the Constitution that are the responsibilities of the Governor among others, to comply with and enforce the Constitution, laws, Government Decrees and Ordinances of the Departmental Assemblies.

That in accordance with paragraph 3 of Article 6 of Law 769 of 2002 as amended by Law 1383 of 2010 - "Governors and Mayors are Transit Authorities, the latter within their respective jurisdiction, **correspond to issue rules and take necessary measures to better organize the flow of people, animals and vehicles on public roads subject to National Traffic Code** (Highlight ours outside the text).

That according to Article 7 of the same statute "Transit Authorities with ensure the safety of people and things in public and private road open to the public. **Their functions will be of regulatory and punitive character and their actions must be directed at preventing** and to technical and human assistance to road users. "(Highlight ours outside the text).

That through Decree 2961 of 2006, as amended by Decree 4116 of 2008 - the President of the Republic issued measures to control public transport service on motorcycle and consequently empowered the Municipal Authorities to restrict the circulation of companions or passengers through areas under their jurisdiction or at special times according to your need.

That by External Circular No. 000009 of 2007 the Superintendent Delegate of Traffic and Automotive Land Transportation for Municipal, district, metropolitan Mayors, and Heads of Transit Agencies handling the subject matter of this administrative act "measures aimed at the fulfillment of the Law 769 of 2002 and the regulatory Decree 2961 of September 4, 2006".



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That in San Andres Island, the development of an illegal form of public transportation service of passengers is verified by using the transportation of people on motorcycle, a situation that endangers public safety and tranquility as elements of internal public order, since this form of transportation is not contemplated by the rules governing the Public Transport Service.

That Article 8 of Law 47 of 1993 states that the Governor of the Departmental Archipelago of San Andres, Providence and Kethleena, exercises on the Island of San Andres the functions of Mayor and is responsible for ensuring the safety of people and things on public and private roads open to the public, through the exercise of regulatory and punitive functions directed at the prevention of road users.

That base on the foregoing, this Office

DECREEES

ARTICLE ONE: Restrict for the period of one year from Monday through Friday in the hours between 8:30 a.m. to 12: 30 p.m. the circulation of motorcycles with passenger on the Island of San Andres, for the reasons given in the legal grounds of this Administrative Act.

ARTICLE TWO: Exclude from the previous Article, motorcycles of members of law enforcement, transit authorities and security personnel of State Agencies, personnel of relief agency, officials escorts of National, Departmental, and Municipal Order as long as they are in the exercise of their functions, passenger – motorcycle instructor who is carrying out automotive training course at a legally authorize training center for motorcycles that are designated for vehicle rental companies, for tourists travelling on the Departmental streets as long as they present before the competent authority at least a copy of their tourist card or any other means of proving such.

ARTICLE THREE: In case of not abiding what is in this administrative act, owners, drivers, or holders of vehicles will be sanctioned by the Traffic Authorities in accordance with Articles 2 and 4 of Decree 2961 of 2006 and Law 769 of 2002 - as amended by Law 1383 of 2010.

ARTICLE FOUR: It corresponds to the Secretariat of Transportation in conjunction with the National Police in their specialty of Transit and Highways to carry out the necessary pedagogy and monitor the compliance of this decree.

ARTICLE FIVE: This Decree is in force as from the date of its publication and repeals the rules that are contrary.

THEREFORE BE IT

Given in San Andres Island, on the 06 day of the month of September, 2016

RONALD HOUSNI JALLER
Governor

JOSE HUMPHRIES DORIA
Secretary of Mobility