



GOVERNMENT OF PUERTO RICO
Puerto Rico Highway and Transportation Authority

Public Involvement Plan

For the Environmental Process

Effective Date: May 2, 2019

Puerto Rico Department of Transportation and Public Works
Puerto Rico Highway and Transportation Authority
Environmental Studies Office



U.S. Department
of Transportation
**Federal Highway
Administration**

**Puerto Rico and
U.S. Virgin Islands Division**

September 5, 2019

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San Juan, P.R. 00918-2161
787-766-5600
787-766-5924
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In Reply Refer To:
HDA-PR

Rosana M. Aguilar Zapata, Executive Director
Puerto Rico Highway and Transportation Authority
PO Box 9023935
San Juan, Puerto Rico 00902-3935

Subject: Public Involvement Plan for the Environmental Process

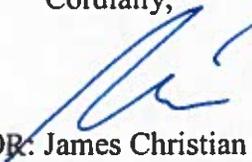
Dear Ms. Aguilar,

The Federal Highway Administration has received the Public Involvement Plan (PIP) for the Environmental Process in compliance with 23 CFR 771 and 23 U.S.C. 128, dated on July 18, 2019. We have reviewed the document and we found that it meets the requirements established in the regulations.

As indicated in your letter, this document is a living document and it's open to be revised as necessary. We commend your staff by developing this process to provide more transparency during the project development phase.

If you have any questions, please contact Luis D. López Rivera at luis.d.lopez@dot.gov or 407-867-6420.

Cordially,


FOR: James Christian
Division Administrator

Enclosures

cc: Ms. Alexandra Velazquez, PRHTA
Ms. Jeanette Villamil, PRHTA
Ms. Lumary Soto, PRHTA
Ms. Ana L. Torres, PRHTA
Mr. Michael Avery, FHWA
Mr. Andrés Alvarez, FHWA



GOVERNMENT OF PUERTO RICO

Puerto Rico Highway and Transportation Authority

July 18, 2019

Mr. Jamie Christian
Division Administrator
Federal Highway Administration
350 Torre Chardón, Suite 210
San Juan, Puerto Rico 00918

**PUBLIC INVOLVEMENT PLAN
NEPA COMPLIANCE**

Dear Mr. Christian:

Puerto Rico Highway and Transportation Authority (PRHTA) prepared a Public Involvement Plan (PIP) in compliance with the 23 CFR Part 771 & USC Title 23, Sec 128 among others. This document serves as the PRHTA Public Involvement Plan for the environmental process. This Plan identifies and addresses transportation related issues early in the project development process, to provide complete information, timely public notice, and supports early and continuing involvement of the public in developing environmental documents.

The PIP is a working document to be used by the PRHTA to provide outreach and to ensure that persons have the opportunity to participate in the environmental process. The due date to obtain comments from the public finished, and no more comments were received, therefore we are submitting PRHTA Public Involvement Plan for your approval and concurrence.

Rosana M. Aguilar Zapata
Executive Director
Puerto Rico Highway and
Transportation Authority

Date

Jamie Christian
Division Administrator
Federal Highway Administration

Date



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List of Acronyms

CE- Categorical Exclusion

CFR- Code of Federal Regulations

EA- Environmental Assessment

EIS- Environmental Impact Statement

EPA- Environmental Protection Agency

EQB- Environmental Quality Board

ESO- Environmental Studies Office

FHWA- Federal Highway Administration

FONSI- Finding of No Significant Impact

IPRC- Institute of Puerto Rican Culture

NEPA- National Environmental Policy Act

PIP- Public Involvement Plan

PRHTA- Puerto Rico Highway and Transportation Authority

ROD- Record of Decision

SAFETEA-LU- Safe, Accountable, Flexible, Efficient Transportation Equity Act

SHPO- State Historic Preservation Office

1 Introduction

Every time that a federal agency gets involved in a varied range of actions such as, but not limited to, construction projects, plans, federal approvals of non-federal activities such as grants, licenses and permits, they are required to assess the environmental effects of such activities. This review is required under the National Environmental Policy Act (NEPA) of 1970 and as part of it, the agencies and the public are encouraged to provide their comments. The comments received under this activity shall be used by the sponsor agency in its analysis of the environmental effects of the proposed action as well as to help in the formulation of possible mitigation measures to possible negative effects associated from those actions. As a result of the implementation of this participation, it is expected that the outcome will be better decisions as well as citizen involvement on government actions that may affect their communities. It is also important to note that the comments received during this process are not a vote, but an opportunity to express concerns about the specific activity being analyzed. To that end, this document provides guidance and procedures for meeting public-involvement requirements for the Federal and State funded highway projects during the environmental process phase. The public involvement will start as a function of the project scope and complexity. Public involvement for highway improvement projects that use Federal-aid Highway funds shall be consistent with applicable federal law, which states that public involvement shall be encouraged as an important element of project planning. This process shall be a collaborative effort that should help to build mutual understanding and trust between the agencies and the public they serve and obtains input from those directly affected by the decisions made regarding transportation projects.

Effective public involvement through all phases of the transportation decision-making process is the key to developing an efficient transportation system where projects move forward smoothly. In addition, it leads to transportation improvements that meet community needs, provides for greater acceptance of projects, and enhances agency credibility. Public involvement builds credible and trusting relationships between agencies and with the community. These relationships, in turn, will minimize conflict and help resolve potential problems that may arise when implementing a project. The public is more likely to support and take ownership of a plan or project when given time and opportunity to review information, share ideas and concerns, and observe changes as a result of their input. Participation establishes trust and openness in the decision-making process.

2 Compliance Overview

Early involvement and participation of the public on projects development is required by the National Environmental Policy Act (NEPA). Also, public participation or public involvement is required to comply with the following Federal and State requirements:

- **SAFETEA-LU- Safe, Accountable, Flexible, Efficient Transportation Equity Act.** This act gives emphasis on developing early public involvement in the planning and programming process to protect the environment, promote the conservation of energy, and improve the quality of life. Also, it calls for the use of visualization techniques to strengthen public participation and, specifically, to aid the public in understanding proposed plans.
- **23 CFR 450.210- Interested parties, public involvement, and consultation.** In carrying out the statewide transportation planning process, including development of the long-range statewide transportation plan and the STIP, the State shall develop and use a documented public-involvement process that provides opportunities for public review and comment at key decision points.
- **23 CFR 771.111 - Early coordination, public involvement, and project development.** This regulation requires early coordination with appropriate agencies and the public aids in determining the type of environmental review documents an action requires, the scope of the document, the level of analysis, and related environmental requirements.
- **Title III of the Americans with Disabilities Act of 1990, as codified at 42 USC Sections 12131-12134-** Requires public accommodations to provide equivalent access to individuals with disabilities.
- **USC Title 23, Sec. 128** requires public hearings and consideration of environmental impacts as part of planning projects for Federally-aided highways.

- **USC Title 23, Sec 135** requires participation by interested parties in the development of statewide and nonmetropolitan transportation planning.
- **Title VI of the Civil Rights Act of 1964, as codified at 42 USC 2000-** Prohibits federally assisted programs from discrimination based on race, color, or national origin. Since public funds are comprised of contributions from taxpayers of all races, colors, and national origins, fairness requires that federal activities receiving such funds be conducted in a manner that discourages racial discrimination.
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations-** Promotes access by minority and low-income communities to public information and public participation
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency-** Requires agencies to develop plans so that people for whom English is not their native language or who have a limited ability to read, speak, write, or understand English can have meaningful access to the services provided. Requires recipients of federal funding to also provide meaningful access.
- **Section 106 of the National Historic Preservation Act 36 CFR Part 800-** Federal requirements mandate undertaking public involvement specific to historic properties potentially affected by a project.
- **Regulation for the Evaluation and Processing of Environmental Documents of the Puerto Rico Environmental Quality Board**
- **Community Impact Assessment-** an iterative process to evaluate the effects of a transportation action on a community and its quality of life. It is a way to incorporate community considerations into the planning and project development of transportation projects. Several Federal regulations, statutes, policies, technical advisories, and Executive Orders support the need for a process to evaluate impacts on the human environment.

3 Types of Environmental Documents

NEPA regulations (23 CFR 771.115) establishes a hierarchy of environmental documents as a function of the project scope and complexity. A brief description of each one follows:

- **Categorical Exclusions (CE)**

Categorical exclusions are categories of actions that FHWA has determined, by regulation, do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental assessment nor an environmental impact statement normally is required. FHWA's categorical exclusions are listed in 23 CFR 771.117.

- **Environmental Assessments (EA)**

A concise public document that a Federal agency prepares under NEPA to provide sufficient evidence and analysis to determine whether a proposed agency action would require preparation of an environmental impact statement or a finding of no significant impact.

- **Environmental Impact Statements (EIS)**

The detailed written statement that is required by section 102(2)(C) of NEPA for a proposed major Federal action significantly affecting the quality of the human environment.

With respect to type of environmental documents, it is important to indicate that for EA's and EIS's, it is necessary to perform public notifications for the following actions:

- **Findings of No Significant Impact (FONSI)**

A public document issued by a Federal agency briefly presenting the reasons why an action for which the agency has prepared an environmental assessment will not have a significant effect on the human environment and, therefore, will not require preparation of an environmental impact statement.

- **Notices of Intent (NOI) and Scoping Process**

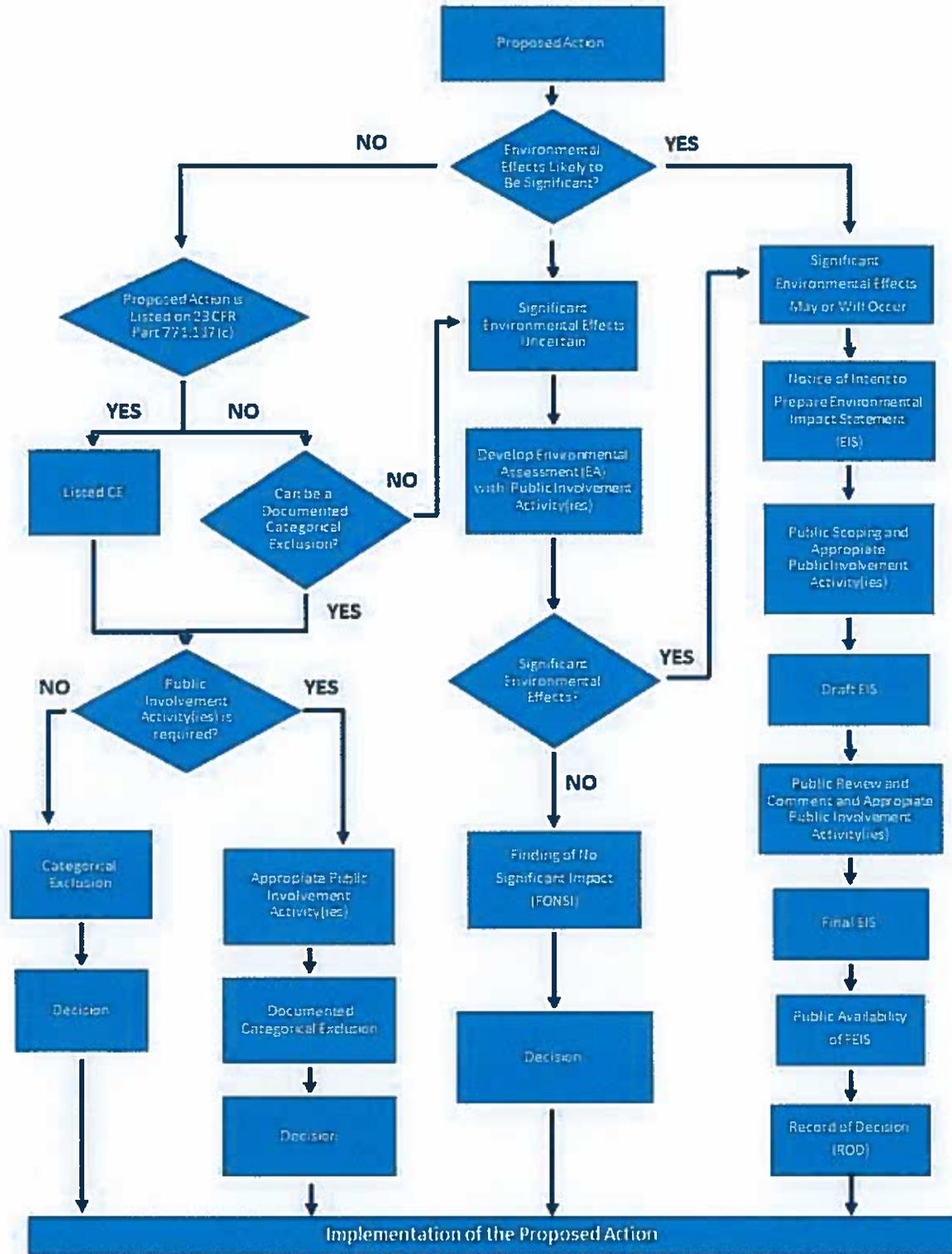
A Notice of Intent (NOI) is a formal announcement of intent to prepare an EIS as defined in Council on Environmental Quality (CEQ) NEPA regulations (40 CFR 1508.22). FHWA publishes NOIs in the Federal Register in accordance with FHWA NEPA regulations.

- **Records of Decision (ROD)**

A concise public document that records a Federal agency's decision(s) concerning a proposed action for which the agency has prepared an environmental impact statement (See CEQ and FHWA NEPA regulations at 40 CFR 1505.2.)

The following flowchart illustrates the NEPA process and the phase in which the public involvement activities are conducted according to the type of environmental document. Nevertheless, there are specific situations that even if public involvement is not required, the PRHTA and FHWA would consider performing public involvement activities to obtain input from the community or to inform the community about specific issues. The comments from the public will be evaluated and properly addressed.

The National Environmental Policy Act Process



4 Public Involvement Need

As a recipient of Federal funds, the PRHTA is required to comply with various nondiscrimination laws and regulations to promote inclusive public involvement.

determining appropriate - methods.

If the project involves...	Then public involvement
Minor improvements; no additional right of way; no closure of existing access, and other projects that meets the criteria for CEs listed on 23 CFR 771.117(c).	Usually none required, but it may be considered.
Minor improvements; minor amount of additional right of way; projects with minor design changes; temporary easements; and other projects that meets the criteria for CEs listed on 23 CFR 771.117(d).	If required, public-participation activity will be selected by PRHTA in coordination with FHWA after the corresponding evaluation.
Alternatives alignments and/or alignments that required relocation and ROW acquisition.	Required. At least a public involvement activity will be held. PRHTA, in coordination with FHWA, will evaluate the need for other public involvement activities, depending on projects and issues that may be addressed.
Added capacity improvements; no or minimal additional right-of-way needed, and other activities that do not qualifies as	Required. At least one public involvement activity and the publication of Public Notice requesting comments from the agencies and

If the project involves...	Then public involvement
CE's and do not require the preparation of an EIS. (EA/FONSI)	public comments and advising about the possibility of holding a public hearing.
The action is likely to cause significant impacts on the environment. (EIS)	Needed. A Coordination Plan will be developed for the project, detailing the types of public involvement activities.

5 Public Involvement Activities

As mentioned in the table of Section 4, the method of public involvement varies. The type of involvement depends of the type on project, level of impact, laws and regulations requirements, and specific situations.

- **Community awareness notice** – For the projects that require PI.
 - Flyer
 - Newspaper
 - Website
 - Social media

- **Surveys** - Questionnaires are prepared and customized to obtain the information needed from the public. The results of these surveys are used as input for the project.

- **Individual coordination meeting or community visit**- Sometimes the information that PRHTA wants to deliver or the information that PRHTA needs to obtain from the community requires a more personal approach. In those situations, a visit to the community is arranged and the residents are interviewed. Sometimes this activity includes the preparation of a questionnaire to obtain input from the community. Another approach includes presentation to the community and/or association.

Public meetings- Meetings provide a time and place for face-to-face contact and two-way communication that helps the interaction between community and the agency. Public meetings present information to the public and obtain informal input from community residents. The location of the public meeting is usually coordinated with the municipality to use public facilities near the project area and in compliance with American with Disabilities Act (ADA). Meetings are announced using banners, flyers, municipalities and PRHTA website, Facebook or Twitter agency official pages or other communication alternatives that could be available, and a public notice in a major or regional newspaper. The meetings will be announced at least 15 calendar days before the meeting. In the announcement, agency contact information will be included. Coordination with the municipalities will be performed, to request their cooperation spreading the meeting

information with their vehicles with loudspeakers system, when available. The format of the meetings may be a workshop, an open house, or small group community meetings.

- **Public Hearings-** A public hearing is a more formal event than a public meeting. A hearing always includes a verbatim transcript of public input. Held prior to a decision point, a public hearing gathers community comments and positions from all interested parties for public record and input into decisions.
- **23 CFR 771.111(h)(2) indicates that the State public involvement/public hearing procedures must provide for:**
 - (iii)** One or more public hearings or the opportunity for hearing(s) to be held by the State highway agency at a convenient time and place for any Federal-aid project which requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest.
 - (iv)** Reasonable notice to the public of either a public hearing or the opportunity for a public hearing. Such notice will indicate the availability of explanatory information. The notice shall also provide information required to comply with public involvement requirements of other laws, Executive orders, and regulations.
 - (v)** Explanation at the public hearing of the following information, as appropriate:
 - **(A)** The project's purpose, need, and consistency with the goals and objectives of any local urban planning,
 - **(B)** The project's alternatives, and major design features,
 - **(C)** The social, economic, environmental, and other impacts of the project,
 - **(D)** The relocation assistance program and the right-of-way acquisition process.
 - **(E)** The State highway agency's procedures for receiving both oral and written statements from the public.
 - (vi)** Submission to the FHWA of a transcript of each public hearing and a certification that a required hearing or hearing opportunity was offered. The transcript will be accompanied by copies of all written statements from the public, both submitted at the public hearing or during an announced period after the public hearing.
 - (vii)** An opportunity for public involvement in defining the purpose and need and the range of alternatives, for any action subject to the project development procedures in 23 U.S.C. 139.

The public hearing will be announced in a general circulation newspaper cite the time, date, and place of a hearing. The period between notice and hearing dates provides time for preparing comments for submission to an agency. This period will be no less than 30 calendar days. If interested parties are identified, direct

invitation to the public hearing, by email or regular mail or any other method, will be performed. The attendees to the public hearing provide written or oral input on the project and receive information on how to contact the PRHTA to obtain updates on the ongoing process. Those who contact the agency receive information by email or regular mail, according to their preferences.

- **Language:** The official languages of Puerto Rico are Spanish and English. Spanish is the dominant language of business, education and daily life on the island. All the public involvement activities are conducted in Spanish and accommodation to any non-Spanish speaker is provided, when requested as specified in the Public Notice. Documents are developed both in English and Spanish.

6 Responsible Parties

Public involvement, depending upon the complexity of the project, can require a large team of professionals to achieve. The ESO is the office responsible for the environmental phase of project development. As part of this efforts, the ESO is responsible for actively engaging the public and soliciting input, developing and implementing appropriate public-involvement activities, maintaining a list of interested groups and individuals, and ensuring that public involvement activities complies with public involvements requirements, including laws, Executive Orders and regulations regarding civil rights.

The ESO coordinates public-involvement strategies for compliance with environmental requirements; evaluates the data acquired from public hearings and/or informative meetings; and uses that input in collaboration with the project-development team to take it into consideration for the environmental review process. Other partners that are part of these efforts are municipalities, FHWA, state and federal agencies, PRHTA Design Area, PRHTA Acquisition Area, PRHTA Safety Office, PRHTA Communication Office, among others.

7 Duration and Amendments

This plan will be valid during a five-year period from date of approval. An annual meeting with FHWA will be performed to discuss if an update is needed. If major changes are performed to the PIP, the amended plan will be published with a 15-day period for comments. After this period the Amended Plan will be approved by the FHWA and adopted by the PRHTA.





GOVERNMENT OF PUERTO RICO

Puerto Rico Highway and Transportation Authority

September 10, 2020

Mr. Jamie Christian
Division Administrator
Federal Highway Administration
Puerto Rico and US Virgin Islands Division Office
350 Carlos Chardón Avenue, Suite 210
San Juan, Puerto Rico 00918-2161

REQUEST TO SUPPLEMENT FHWA APPROVED PUBLIC INVOLVEMENT PROCEDURES VIRTUAL PUBLIC INVOLVEMENT

Dear Mr. Christian:

As previously discussed, and consulted with the Federal Highway Administration (FHWA), the Puerto Rico Highway and Transportation Authority (PRHTA), requests FHWA concurrence for the adoption of its virtual public involvements procedures, effective immediately. Therefore, the purpose of this communication is to document the FHWA concurrence with virtual public involvement procedures with the purpose of:

- Provide an ongoing method of public outreach; and
- Encourage public participation during emergencies declared by the President, and the Governor

Concurrently with this request, the following public involvement procedures will be incorporated into the PRHTA FHWA approved Public Involvement Plan (PIP) for the Environmental Process as an appendix, as a guide to PRHTA employees engaged in public involvement activities. The procedures are applicable to federally eligible projects.

PRHTA Virtual Public Involvement Guidance

Virtual public involvement (VPI) is a method for stakeholder outreach, input, and inclusion. It will be used depending on the scope, location and stakeholder composition associated with the project. For federally eligible projects, but especially in emergency situations (as declared by the President of the United States and/o the Governor), flexibility inherent in federal public involvement requirements should be considered and used to the extent allowed by federal law and regulations. Current federal law and regulation require that a public hearing be held when project meets certain conditions, and the FHWA has determined that an in-person public hearing is required for such projects to comply applicable requirements set forth in:



➤ **Section 128 of Title of the U.S. Code**

This section of the law states that:

- (a) Any State transportation department which submits plans for a Federal-aid highway project involving the by-passing of or, going through any city, town,, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic and social effects of such a location, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community ...*
- (b) When hearings have been held under subsection (a), the State transportation department shall submit copy of the transcript of said hearings to the Secretary, together with the certification and report.*

➤ **Federal Regulations in 23 CFR Part 771.111 (h) (2)(iii)**

This regulation states that:

"One or more public hearings or the opportunity for hearing(s) to be held by the State highway agency at a convenient time and place for any Federal-aid project that requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest..."

The above described conditions are assumed to be applicable to all projects requiring an Environmental Impact Statement, but in general, not applicable to projects subject to other types of NEPA classes of actions (CE's and EA's).

If the FHWA concurs that a project does not necessitate a public hearing or an opportunity for a public hearing as outlined in 23 U.S.C. 128 and 23 CFR Part 771.111 previously described, then, PRHTA may use VIP to expedite the NEPA process and satisfy the requirements of public involvement. As part of this process, consideration shall be provided to the accessibility of the virtual public involvement tools listed in Attachment A. The PRHTA must consider the accessibility, capability and technological resources of the impacted community as well as those of the impacted property owners to determine the applicable outreach for the virtual activity. The Project Manager shall work with the Environmental Studies Office (ESO), Public Relations Department, Legal Division and Right of Way Acquisition personnel to develop and appropriate communication and outreach plan.

Mr. Jamie Christian
Request to Supplement FHWA approved Public Involvement Procedures
Virtual Public Involvement
Page 3

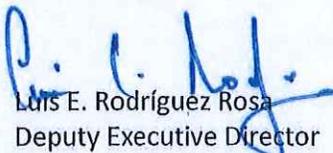
Virtual Public Involvement as a Supplement to Public Hearings

If a project meets the prescribed Federal law and regulation conditions (23 U.S.C. and 23 CFR Part 771.111) requiring a public hearing, virtual public hearing involvement may be used to supplement, but not as a substitute for, providing an opportunity for a public hearing. PRHTA may post a willingness to conduct a public hearing to comply with the requirement to provide the opportunity for a public hearing. The willingness posting will vary depending on the impacted stakeholders and the project context. If a willingness posting results in the need for a public hearing, virtual public involvement, as noted below, should be considered as a supplement to public hearing. Acceptable virtual public involvement tools methods are listed in, but not limited to those detailed in Attachment A. Project specific tools, based on the attached menu of tools, will be tailored based on the context of the project scope, location, and emergency situation, if applicable. Consideration should be given to the accessibility of the virtual public involvement tools listed in Attachment A.

Locations for conducting public hearings shall consider the context of the project, stakeholder composition, project scope, facility availability, and emergency conditions, if applicable. Items to consider in the hearing notice and the method of distribution will vary as a function of the impacted stakeholders and project context. If required, the FHWA will be consulted.

We appreciate your support in the development and construction of the Island's transportation related projects and remain available to provide additional one that your agency may require. If you wish to discuss any particulars of this subject, at lurodriguez@dto.pr.gov or (787) 721-8787, extension 1008.

Cordially yours,



Luis E. Rodriguez Rosa
Deputy Executive Director

**Luis D.
Lopez Rivera** Digitally signed by
Luis D. Lopez Rivera
Date: 2020.09.21
15:52:25 -04'00'

FHWA Concurrence

Date

6704/LER/JVR/opc

Enclosures

ATTACHMENT A

Attachment A

Public Involvement Tools

Social Media/Online Tools

- Study website
- Pre-recorded voiceover presentation with captioning available in Spanish and English (if required)
- PDF of public hearing brochure and other project pertinent material
- Virtual meetings using internet-based communication (WebEx, Google, Facebook Live, Microsoft Teams, Zoom, etc.)
- Podcasts
- Press release
- Distribution of newsletters, etc. via email

Print Tools

- Newspaper notice
- Yard signs
- Media briefings
- Billboards
- Postcards mailers
- Providing presentation transcripts and comments sheets by mail

Phone/Radio/TV Tools

- Text messages
- Pre-movie advertisements
- Radio broadcast of presentation and Q & A
- Call-in event with presentation and Q & A
- TV broadcast of pre-recorded presentation
- Voicemail repository for verbal comments

In-Person Tools

- Limited in-person interaction using appointment -based PI or large venue use of public drive-thru where project information could be distributed, and comments received
- Use of temporary mobile structures to house project documents for public review and comments
- Fairs/community gatherings to distribute print materials/provide information and receive comments
- Limited study team presentation to provide the in-person element of a public hearing and receive comments, technical representatives available via phone or live stream