



GOVERNMENT OF PUERTO RICO
Puerto Rico Highway and Transportation Authority

Public Involvement Plan

For the Environmental Process

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

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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**

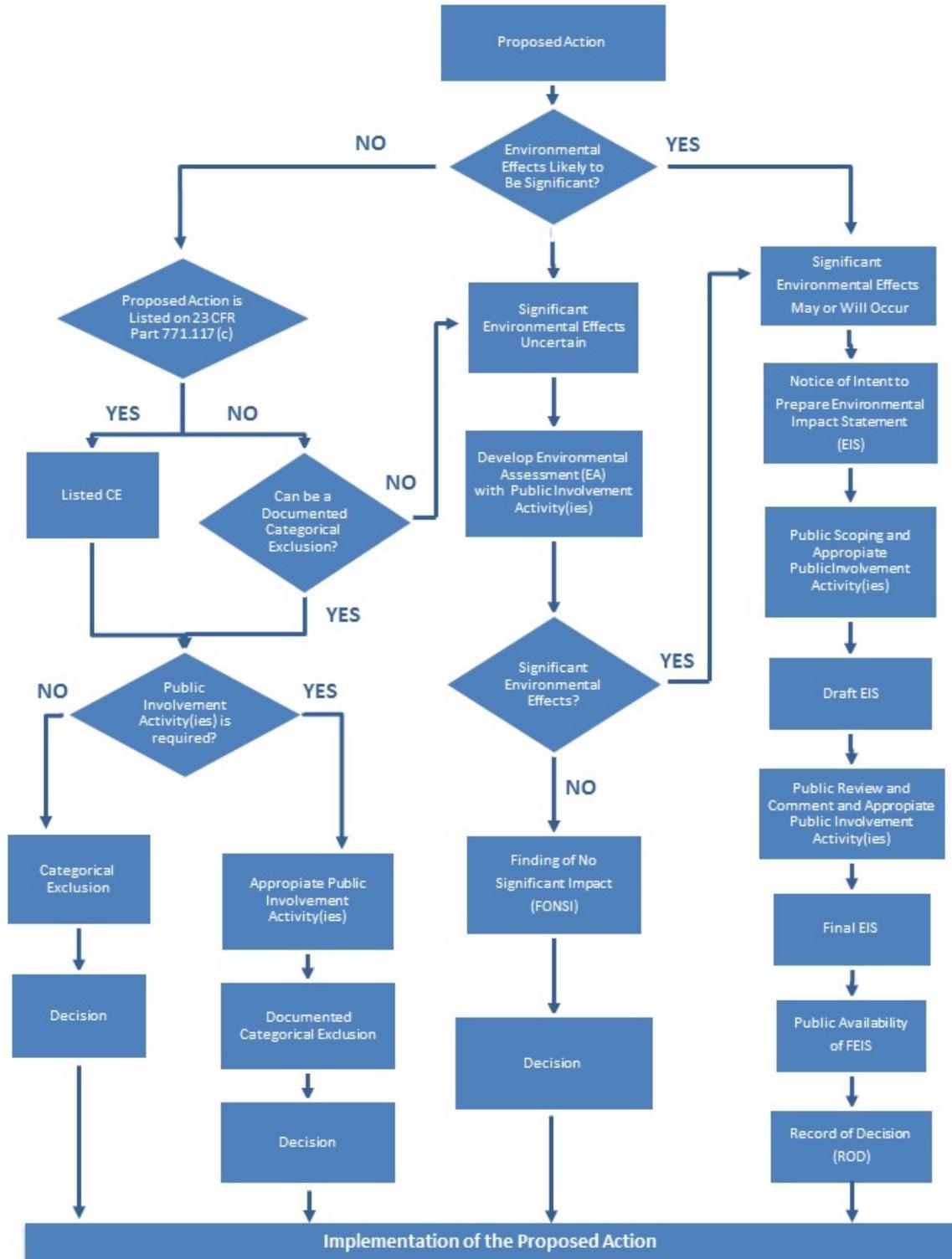
A Notice of Intent (NOI) is a formal announcement of intent to prepare an EIS as defined in Council on Environmental Quality (CEQ) NEPA regulations (40 CFR 1508.22). FHWA publishes NOIs in the Federal Register in accordance with FHWA NEPA regulations.

- **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.



