



2018

# Draft Amendment - RULES AND OPERATING PROCEDURES OF PUERTO RICO METROPOLITAN PLANNING ORGANIZATION



Puerto Rico Metropolitan Planning Organization



Prepared by Federal Coordination Office  
PUERTO RICO DEPARTMENT OF  
TRANSPORTATION AND PUBLIC  
WORKS

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## OVERVIEW

This document presents the rules and operating procedures that will guide the Puerto Rico Metropolitan Planning Organization (PRMPO) administrative responsibilities and describes the roles and composition of its members. As it will be mentioning, the Metropolitan Planning Organization (MPO) is a transportation policy-making body made up of representatives from local government and transportation agencies with authority and responsibility in metropolitan planning areas. The MPO was created in the early 1970s, by the Department of Transportation Act, for any urbanized area (UA) with a population greater than 50,000. The purpose of the MPO is to carry out the statewide and metropolitan planning process as required by the federal legislation (23 USC 134 and 135, related to statewide and metropolitan planning process; 42 USC 7410, the U.S. Code, related to the planning of highway; and under 49 USC 5303, 5304 and 5305, related to mass transportation planning).

PRMPO was created in order to ensure that existing and future expenditures for transportation projects and programs were based on a continuing, cooperative, and comprehensive (3-C) planning process. Federal funding for transportation projects and programs in the metropolitan or urbanized areas is channeled through the PRMPO.

In 1973, the Governor of Puerto Rico designated the Puerto Rico Department of Transportation and Public Works (PRDTPW) as the PRMPO for the urbanized areas. Therefore, **the Secretary of the PRDTPW is the President of the PRMPO.** The responsibilities of the PRMPO must conform to 23 USC 134 (ISTEA), as well as to the requirements established by the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005, Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) of 2012 and the Fixing America's Surface Transportation Act (FAST) of 2015.

The Secretary of the PRDTPW, as the President of the PRMPO, in coordination with the PRMPO members promotes the development of an integrated, efficient, and safe transportation system that will expedite the development of the economy and improve the general welfare and safety of citizens. On March 6, 1991, the Governor signed Law Number 1, which changed the name of the Highway Authority to the Puerto Rico Highway and Transportation Authority (PRHTA) and widened its responsibilities to include planning, promotion, and development of the transit system. The PRDTPW and PRHTA continually evaluate and study the transportation problems. Also, the PRHTA is the designated recipient of the FTA and FHWA funds.

The Metropolitan Planning Organization approves funding for the development of the activities necessary to carry out the transportation planning processes including the preparation of the require planning and programming documents: Transportation Improvement Program, Metropolitan Transportation Plan, Unified Planning Work Program, Public Involvement Plan among other documents. These documents will be further explained. The following Rules of Operating Procedures for the PRMPO will outline the participant roles (members, technical staff, general public), the composition of the organization, the duties and the power of the PRMPO, the type of meetings, and the procedures for the various facets of the transportation planning process for the San Juan, Aguadilla and the rest of the Urbanized Areas.

## RULES AND OPERATING PROCEDURES OF PUERTO RICO METROPOLITAN PLANNING ORGANIZATION

*AMENDED AUGUST 2018*

### ARTICLE 1 – ORGANIZATION NAME

Puerto Rico Metropolitan Planning Organization (PRMPO).

### ARTICLE II – DEFINITION

- **Fixing America’s Surface Transportation Act (FAST)** – FAST was signed by President Obama on December 4, 2015. The FAST Act maintains its focus on safety, keeps intact the established structure of the various highway-related programs, continues efforts to streamline project delivery and, for the first time, provides a dedicated source of federal dollars for freight projects. FAST Act is the federal authorization for federal highway and transit programs. FAST Act creates a streamlined, performance-based, and multimodal program to address the many challenges facing the U.S. transportation system. FAST Act builds on and refines many of the highway, transit, bike, and pedestrian programs and policies established in 1991.
- **Federal Highway Administration (FHWA)** – A branch of the U.S. Department of Transportation that administers the federal-aid highway program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges. The FHWA also administers the Federal Lands Highway Program, including survey, design, and construction of forest highway system roads, parkways and park roads, Indian reservation roads, defense access roads, and other Federal Lands roads.
- **Federal Transit Administration (FTA)** – A branch of the U.S. Department of Transportation that administers federal funding to transportation authorities, local governments, and state to support a variety of locally planned, constructed, and operated public transportation system throughout the U.S, including buses, subways, light rail, commuter rail, streetcars, monorail, passenger ferry boats, inclined railways, and people movers.
- **Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)** – Legislative initiative by the U.S. Congress that restructured and authorized federal funding for transportation programs; provided for an increased role for regional planning commissions/MPOs in funding decisions; and required comprehensive regional and statewide long-term transportation plans.
- **Metropolitan Planning Area** –The geographic area determined by agreement between the metropolitan planning organization (MPO) for the area and the Governor, in which the metropolitan transportation planning process is carried out.
- **Metropolitan Transportation Plan (MTP) or Regional Transportation Plan (RTP), also called in Puerto Rico as the Long Range Transportation Plan (LRTP)** – In the case of Puerto Rico, the metropolitan areas are the urbanized areas and its regions. The

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MTP is the official multimodal transportation plan addressing no less than a 20-year planning horizon that is developed, adopted, and updated by the MPO through the metropolitan transportation planning process.

- **Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21)** –MAP-21 was signed into law by President Obama on July 6, 2012. Funding surface transportation programs for fiscal years (FY) 2013 and 2014, MAP-21 is the first long-term highway authorization enacted since 2005. MAP-21 creates a streamlined and performance-based surface transportation program and builds on many of the highway, transit, bike, and pedestrian programs and policies established in 1991.
- **Public Involvement Plan (PIP)** – A PIP is the document that establishes the process and the outreach strategies that the PRMPO will use to achieve early and continuous public participation in the transportation planning process.
- **Puerto Rico Department of Transportation and Public Works (PRDTPW)**–The Governor of the Puerto Rico designated the PRDTPW as the operational and technical staff of the Puerto Rico Metropolitan Planning Organization (PRMPO) for the urbanized area. The Agency formulates the general policy for surface and water transportation for Puerto Rico and recommends programs, projects, and other measures which will meet the Island’s needs regarding transportation services and facilities.
- **Puerto Rico Highway and Transportation Authority (PRHTA)** – The PRHTA is the designated recipient of the FTA and FHWA funds. The purpose of the agency is facilitating the movement of the vehicles, alleviate as much as possible the dangers and disadvantages that brings congestion on roads in Puerto Rico and to meet the growing demand for more and better transit facilities growth entails economy.
- **Puerto Rico Long Range Transportation Plan (PRLRTP)** –A document resulting from statewide collaboration and consensus on Puerto Rico transportation system and serving as the defining vision for the Puerto Rico transportation system and services. The PRLRTP is an official, comprehensive, intermodal transportation plan developed and adopted for the Urbanized Area and Non-Urbanized Areas through the transportation planning process. The PRLRTP identifies the existing and future transportation needs and develops coordinated strategies to provide the necessary transportation facilities essential for the continued mobility and economic vitality of Puerto Rico. These coordinated transportation strategies include roadway development and operations, truck and rail freight movement, transit operations, bikeways and pedestrian facilities. The development of the PRLRTP is required by the federal regulation.
- **Puerto Rico Metropolitan Planning Organization (PRMPO)** –The forum for cooperative transportation decision-making. The PRMPO is responsible for identifying local transportation needs, in cooperation with the PRDTPW, following a "Continuing, Comprehensive, and Cooperative" transportation planning process pursuant to 23 USC 134 and 135 requires a statewide and metropolitan planning process. The PRMPO is also responsible for proposing and recommending projects for all modes of urban transportation

to those governmental units that are responsible for program development and project implementation.

- **Puerto Rico Metropolitan Planning Organization Policy Board Committee (Policy Board Committee – PBC)** –The PBC is the cooperative decision making body integrated by municipal governments (Mayors), local agencies related to transportation, public and private providers of transportation services, representatives of various federal agencies, state and the general public (identified in the Article VI). The PBC is established pursuant to 23 USC 134 and 135, with the responsibility for establishing transportation public policy and the authority to approved transportation planning and programming documents: the Unified Planning Work Program (UPWP), the Transportation Improvement Program (TIP) and the Long Range Transportation Plan (LRTP).
- **Puerto Rico Metropolitan Planning Organization Technical Advisory Committees (Technical Advisory Committees – TAC)** - The TAC is a branch of the PRMPO composed of a Technical Committee (TC), Long Range Transportation Plan Technical Group (LRTPTG), and Central Planning and Coordination Work Group (CPCWG). This branch is integrated of non-voting members, which main responsibilities are to carry out the process of planning, developing and coordinating all activities that entails. Also, the TAC is responsible for professional and technical review of work programs, policy recommendations and transportation planning activities.
- **Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)** – SAFETEA-LU authorized the federal surface transportation programs for highways, highway safety, and transit for the 5-year period 2005-2009.
- **Statewide Transportation Improvement Program (STIP)** – A program of transportation projects based on the goals, using spending, regulating, operating, management, and financial tools on the Puerto Rico Long Range Transportation Plan. The STIP is a four year project scheduling tool, which provides a list of transportation and highway improvement projects. The STIP includes projects for urbanized (this urbanized projects are the TIP’s approved by the PRMPO Policy Board Committees) and non–urbanized areas. The STIP is prepared by the CPCWG in consultation with officials from the affected areas and the public.
- **Transportation Improvement Program (TIP)** –The MPO identifies the transportation projects and strategies from the MTP that it plans to undertake over the next four years. All projects receiving federal funding must be in the TIP. The TIP is the region’s way of allocating its limited transportation resources among the various capitals and operating needs of the area, based on a clear set of short-term transportation priorities.
- **Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21)** – Legislated in 1998, TEA-21 authorized federal funding for transportation investment for FYs 1998-2003. Used for highway, transit, and other surface transportation programs.
- **Unified Planning Work Program (UPWP)** – The UPWP consists of a list of transportation studies and tasks to be performed by the PRMPO and staff member. Also,

the UPWP is developed and updated to outline the planning projects that will reflect the local issues, strategic priorities, and assists in further defining the comprehensive and multimodal transportation plans. The UPWP covers two year period.

### **ARTICLE III – PURPOSE OF THE PRMPO**

- A. To develop and direct a comprehensive, cooperative and continuing transportation planning process carried by the PRMPO in coordination with the general public, public and private providers of transportation services and federal, state, and municipal governments in concurrence with Federal regulations.
- B. To provide and develop a comprehensive, cooperative and continuing transportation planning process, in conjunction with the PRHTA and PRDTPW, that results in plans and programs consistent with development of the planning documents: the Unified Planning Work Program (UPWP), the Transportation Improvement Program (TIP) and the Long Range Transportation Plan (LRTP), among others.
- C. To identify and evaluate alternative transportation improvement options: use data and planning methods to generate and evaluate alternatives. The planning studies and evaluations are included in the UPWP.
- D. To assist and involve the general public in the planning process.
- E. To provide transportation planning input into a regional development plan that includes transportation planning projects and strategies that will support economic vitality, increase the safety and security of the transportation system for motorized and non-motorized users, increase the accessibility and mobility options available to people and freight, protect and enhance the environment, enhance the integration connectivity of the transportation system, promote efficient system management and operation, and emphasize the preservation of the existing transportation system, improve the resiliency and reliability of the transportation system and enhance travel and tourism.
- F. To act as a forum for cooperative decision-making by elected officials of the metropolitan area in cooperation with the State.

### **ARTICLE IV – POWERS AND AUTHORITY**

A Metropolitan Planning Organization (MPO) is a transportation policy-making body made-up of representatives from local government and transportation agencies with authority and responsibility in metropolitan planning areas. This organization is designated to carry out the urbanized areas transportation planning process (FTA C 8100.1C).

This organization was required in an early 1970's federal legislation. The legislation required the formation of an MPO for any urbanized area with population greater than 50,000 and was created in order to ensure that existing and future transportation expenditure followed the comprehensive, cooperative, and continuing, (3-C) planning process. All federal funding for transportation projects and programs are channeled through the MPO.

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In accordance with federal regulations, the MPO is required to carry out metropolitan transportation planning in cooperation with the state and with operators of publicly owned transit services. The MPO must involve local transportation providers in the planning process by including transit agencies, state and local highway departments, airport authorities, maritime operators, rail-freight operators, Amtrak, port operators, private providers of public transportation, and others within the MPO region.

Metropolitan Transportation Planning and Programming rules and regulations are defined under 23CFR Part 450, 49 CFR Part 613, and 40 CFR Part 93.

The MPO shall have the following authority pursuant to 23 CFR Part 450:

- a) To develop and establish policies, procedures, plans, and programs for the transportation planning in urbanized areas.
- b) To certify such actions as may be necessary to comply with the federal regulations.
- c) To ensure that the metropolitan transportation planning process is carried out as the requirements of 23 USC 134 and 135 and 49 USC, Chapter 53, 5301, et seq.
- d) To develop and maintain a comprehensive transportation planning program in conformity with requirements of 23 USC 135 and 49 USC 5303.
- e) To adopt a Long Range Transportation Plan (LRTP) for the metropolitan planning area that will complement the Statewide Transportation Plan required by Federal Laws, a Transportation Improvement Program and a Unified Planning Work Program and such other planning documents and reports that may be required by the Government of Puerto Rico, federal laws or regulations.
- f) To establish one or more advisory committees to assist in the transportation planning process and/or assist in promoting the implementation of approved plans. The Policy Committee may create ad-hoc (specific) committees or other technical subcommittees.

## **ARTICLE V – RESPONSIBILITIES**

The responsibilities of the PRMPO are generally to provide a comprehensive, cooperative, and continuing, (3C) transportation planning process that results in plans and programs consistent with the comprehensively planned development of the metropolitan planning area. This organization is the forum for cooperative decision-making by elected officials of local government. The specific duties to meet the requirements of the federal legislation include:

- A. Establishment of goals and objectives for the transportation planning process;
- B. To duly consider the recommendations of the Transportation Technical Group and Citizen's on issues relative to the LRTP, the TIPs and other matters pertaining to furthering the transportation planning process;
- C. Develop, maintain, review and approve the PRLRTP, LRTPs, UPWP, TIPs, PIP;
- D. Promote the participation of the public or public involvement in the transportation planning process.
- E. Distribution and publication of the planning and programming document to the PRMPO members and the general public.

**ARTICLE VI – MEMBERS**

**6.1 Puerto Rico MPO Compositions**

According to the Census, Puerto Rico is organized in eleven (11) urbanized areas. Two of those urbanized areas are Transportation Management Areas (TMAs) of San Juan and of Aguadilla, which means these are urbanized area with a population of 200,000 or more. The other nine (9) urbanized areas (UZA), that have 50,000 or more in population, according to the U.S. Census Bureau are: Arecibo UZA, Fajardo UZA, Florida-Imbery-Barceloneta UZA, Guayama UZA, Juana Díaz, Mayagüez UZA, Ponce UZA, San Germán-Cabo Rojo-Sabana Grande UZA and Yauco UZA. Although there are eleven urbanized areas, there is one MPO. The PRMPO has a centralized structure in order to facilitate the administration and the metropolitan planning activities, as well as to maximize the human and financial resources, most of the which comes from the federal funds from the Federal Transit Administration (FTA) and Federal Highway Administration (FHWA). Nonetheless, to respond to the specific needs of an area; the PRMPO organization incorporates a Policy Board branch divided in three committees, one for the SJUA, another for the AUA, and one that integrates the nine UZAs.

**6.1.1 Policy Board Committees (PBC)**

- A. The **San Juan Urbanized Area (SJUA)** Policy Board Committee, as defined by the 2010 Census falls in the funding category of areas with over one million in population and comprising the following thirty-eight (38) municipalities, and fifteen (15) agencies voting and non-voting members:

<b>Comprising Municipalities – San Juan Urbanized Area (SJUA)</b>			
Aguas Buenas	Cidra	Loíza	San Juan
Aibonito	Coamo	Manatí	San Lorenzo
Barranquitas	Comerío	Maunabo	Toa Baja
Bayamón	Corozal	Morovis	Toa Alta
Caguas	Dorado	Naguabo	Trujillo Alto
Canóvanas	Guaynabo	Naranjito	Vega Alta
Carolina	Gurabo	Orocovis	Vega Baja
Cataño	Humacao	Patillas	Yabucoa
Cayey	Juncos	Río Grande	
Ciales	Las Piedras	Salinas	

- 1. Voting Members:
  - i. The Secretary of the Puerto Rico Department of Transportation and Public Works (PRDTPW)
  - ii. The Executive Director of the Puerto Rico Highways and Transportation Authority (PRHTA)
  - iii. The Executive Director of the Puerto Rico Integrated Transit Authority (PRITA)

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- iv. The President and General Manager of the Metropolitan Bus Authority (MBA)
- v. The Executive Director of the Ports Authority (PA)
- vi. The Chairman of the Planning Board (PB)
- vii. The President of the Public Services Commission (PSC)
- viii. The Executive Director of the Permissions Management Office (PMO)
- ix. The President of the Environmental Quality Board (EQB)
- x. The Executive Director of the Maritime Transportation Authority (MTA)
- xi. The Secretary of the Department of Environmental and Natural Resources (DENR)
- xii. Puerto Rico Tourism Company (PRTC)
- xiii. Puerto Rico Emergency Management Agency (PREMA)
- xiv. The Mayors of the municipalities that make up the San Juan Urbanized Area (SJUA), according to 2010 Census.

2. Non-voting Members:

- i. The Division Administrator, Region I of the Federal Highway Administration (FHWA)
- ii. The Regional Administrator, Region IV of the Federal Transit Administration (FTA)

B. The **Aguadilla Urbanized Area (AUA)** Policy Board Committee, which falls in the funding category of areas with over 200,000 and less than one million in population. It is defined as comprising the following eleven (11) municipalities and thirteen (13) agencies voting and non-voting members:

<b>Comprising Municipalities – Aguadilla Urbanized Area (AUA)</b>			
Aguada	Camuy	Las Marías	Rincón
Aguadilla	Isabela	Moca	Utuatedo
Añasco	Lares	San Sebastián	

1. Voting Members:

- i. The Secretary of the Puerto Rico Department of Transportation and Public Works (PRDTPW)
- ii. The Executive Director of the Puerto Rico Highways and Transportation Authority (PRHTA)
- iii. The Executive Director of the Puerto Rico Integrated Transit Authority (PRITA)
- iv. The Executive Director of the Ports Authority (PA)
- v. The Chairman of the Planning Board (PB)
- vi. The President of the Public Services Commission (PSC)
- vii. The Executive Director of the Permissions Management Office (PMO)
- viii. The President of the Environmental Quality Board (EQB)

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- ix. The Secretary of the Department of Environmental and Natural Resources (DENR)
- x. Puerto Rico Tourism Company (PRTC)
- xi. Puerto Rico Emergency Management Agency (PREMA)
- xii. The Mayors of the municipalities that make up the Aguadilla Urbanized Area (AUA), according to 2010 Census.

2. Non-voting Members:

- i. The Division Administrator, Region I of the Federal Highway Administration (FHWA)
- ii. The Regional Administrator, Region IV of the Federal Transit Administration (FTA)

C. The **Urbanized Areas Under 200,000 Population (UZA)** Policy Board Committee, which falls in the funding category of areas with under 200,000 and over than 50,000 in population. It is defined as comprising the following twenty-nine (29) municipalities and fourteen (14) agencies voting and non-voting members:

<b>Urbanized Area</b>	<b>Comprising Municipalities – UZA</b>
Arecibo	Arecibo, Camuy, Hatillo, Quebradillas
Fajardo	Ceiba, Fajardo, Luquillo, Naguabo
Florida-Imbéry-Barceloneta	Arecibo, Barceloneta, Florida, Manatí
Guayama	Arroyo, Guayama, Patillas, Salinas
Juana Díaz	Juana Díaz, Villalba
Mayagüez	Añasco, Hormigueros, Mayagüez
Ponce	Ponce
San Germán – Cabo Rojo	Cabo Rojo, Lajas, Sabana Grande, San Germán
Yauco	Guánica, Guayanilla, Peñuelas, Yauco

1. Voting Members:

- i. The Secretary of the Puerto Rico Department of Transportation and Public Works (PRDTPW)
- ii. The Executive Director of the Puerto Rico Highways and Transportation Authority (PRHTA)
- iii. The Executive Director of the Puerto Rico Integrated Transit Authority (PRITA)
- iv. The Executive Director of the Ports Authority (PA)
- v. The Chairman of the Planning Board (PB)
- vi. The President of the Public Services Commission (PSC)
- vii. The Executive Director of the Permissions Management Office (PMO)
- viii. The President of the Environmental Quality Board (EQB)
- ix. The Executive Director of the Maritime Transportation Authority (MTA)

- x. The Secretary of the Department of Environmental and Natural Resources (DENR)
  - xi. Puerto Rico Tourism Company (PRTC)
  - xii. Puerto Rico Emergency Management Agency (PREMA)
  - xiii. The Mayors of the municipalities that make up the Urbanized Areas Under 200,000 Population (UZA), according to 2010 Census
2. Non-voting Members:
- i. The Division Administrator, Region I of the Federal Highway Administration (FHWA)
  - ii. The Regional Administrator, Region IV of the Federal Transit Administration (FTA)

### 6.1.2 Technical Advisory Committees (TAC)

The TAC consists of three groups or committee, as define below:

- A. **Technical Committee (TC)** is composed of representatives of the municipalities and agencies belonging to the PRMPO. Members are trained professionals in the disciplines of transportation, land use, transit, public works planning, and related fields.
- B. **L RTP Technical Group (LRTPTG)** is a subcommittee of the PRMPO Technical Advisory Committee, whose purpose is to provide a participatory forum for the development of Long Range Transportation Plans (LRTP). The LRTPTG comprises representatives from the PRDTPW, PRHTA, municipalities, and other agency representatives, certain private entities and consultants. The LRTPTG will coordinate with the PRMPO Technical Committee the activities of preparing and updated of the LRTPs. The LRTPTG is responsible for preparing the LRTPs and PRLRTP.
- C. **Central Planning and Coordination Work Group (CPCWG)** is composed of technical and management staff of the Executive Secretary of the PRMPO, the Strategic Planning Office (SPO), Federal Coordination Office (FCO), and Programming and Special Studies Office (PSSO) of the PRHTA. The CPCWG is responsible for advising of Policy Board Committees and provide technical information through the PRMPO Technical Advisory Committees. It also provides support and assists the Executive Secretary in carrying out the duties of the same. The FCO and PSSO are responsible for preparing the UPWP and the TIPS, according to needs of the PRMPO members.

In this same group (CPCWG), another subgroup called Interdisciplinary Pre-Planning Group (IPPG) composed of staff from the Strategic Planning Office (SPO), Programming and Special Studies Office (PSSO), Transit, Design, Construction, Acquisition, and the Environmental Office (TDCAEO) are responsible for evaluating, recommending and prioritizing the Federal Highway Administration (FHWA) petitions.

### 6.1.3 Public Participation Committee (PPC)

This PPC is responsible of implementing and updating the Public Involvement Plan (PIP). It is also responsible of promoting and facilitating the participation of representatives of private

agencies, community organizations and the general public, as well as to assure that the interests and social, economic and environmental concerns of the community are being considered in the planning process. Furthermore, to carry out this duty, the PPC can create other groups, like the Citizen Advisory Committee or a Regional Economic Development Group, in order to incorporate the representation of the different stakeholders in the development or update of the planning and programming documents. The members of the PPC, CPCWG, Technical Committee and LRTP Technical Group will coordinate and collaborate together to promote public involvement in the transportation planning process (See Public Involvement Plan).

## **ARTICLE VII – DUTIES OF THE PRMPO MEMBERS**

- A. Attend meetings cited by the President or Executive Secretary of the PRMPO.
- B. Designate a representative from the agency or municipality to the Technical Committee.
- C. Assist in the formulation of Public Policy to be followed in terms of transportation programs.
- D. Discuss and exchange ideas exposing the needs of the area they represent.
- E. Actively participate in the decision-making process for the planning, development and endorsement of transportation projects that reflect and respond to the needs of programs in Puerto Rico.
- F. Exercise the right to vote on decisions made by the members of the Committee.

## **ARTICLE VIII – OFFICERS**

### **8.1 Officers Defined:**

- A. President of the PRMPO is the Secretary of the PRDTPW.
- B. Executive Secretary of the PRMPO is assigned by the President of the PRMPO.

### **8.2 Duties of the President:**

The President shall:

- A. Convene, preside, direct meetings and set the order of the work for each meeting.
- B. Certify the decision of the PRMPO.
- C. Represent the PRMPO at the federal and local government.
- D. Create a work environment that encourages discussion and development of consensus agreements, or at least respect for the decisions of the majority, in terms of Policy Board and the documents and proceedings of the Committee.
- E. Vote in tie situations.

In the President's absence, the Executive Secretary shall preside and complete all duties of the President.

### **8.3 Duties of the Executive Secretary:**

The Executive Secretary shall:

- A. Is in charge of everything related to the administrative phase of the PRMPO work, but without vote in the meetings of the PRMPO.

- B. Provide or otherwise delegate staff service for the PRMPO, as needed, and will be responsible for taking summary minutes of the Committee's proceedings.
- C. Maintain a current copy of these *Rules and Operating Procedures of PRMPO* to be distributed to the public upon request.
- D. Prepare agenda for meetings, which shall be circulated to members with at least **fifteen (15) calendar days** before the celebration of the same.
- E. Keep a complete record of the meetings with agendas, transcription, resolutions, and decisions adopted.
- F. Prepare the act of meetings and send copies to each member.
- G. Certify the act was approved by the members.
- H. Liaison between PRDTPW/PRHTA, federal agencies, and PRMPO members.
- I. Perform tasks as delegated or assigned by the President.

## ARTICLE IX – PRMPO MEETINGS

### 9.1 Regular Meetings:

Regularly scheduled meeting will be held at least twice a year.

### 9.2 Special and Emergency Meetings:

The **special (extraordinary) meetings** may be held when necessary at the request of the President or at least six (6) members of the PRMPO within **fifteen (15) calendar days'** notice. The request must specify the purpose of the meeting. An **emergency meeting** may be held at any time the President deems necessary, based on any special situation, regulation or as requested by the PRMPO members.

### 9.3 Notice Meetings:

#### 9.3.1 Public Notice:

A public notice will be published in a major local newspaper at least fifteen (15) calendar days before the meeting date. The notice will include the purpose, date, time, location and document(s) to be discussed in the meeting.

#### 9.3.2 Invitation Letter:

The meeting letter should include an agenda, purpose, date, time, location and document(s) to be discuss in the meeting. The same shall be mailed at least **fifteen (15) calendar days** in advance of the meeting.

### 9.4 Quorum:

The quorum for the meetings will be constituted with the presence of its members or their designated representatives present, at the time of the second call. The second call is determined half hour after the appointed hour.

### 9.5 Agenda:

The agenda is a list of topics for discussion and considerations at a meeting.

### 9.6 Meetings Procedures

- a. Meetings are conducted in accordance with rules and procedures established by the parliamentary process and procedures.
- b. In every meeting should be approved, ratified and /or amended the act of the previous meeting.
- c. In meetings, the issues on the agenda will have priority, although other issues can be discussed.
- d. The actions, decisions, and resolutions adopted by the Committee, prior to the adoption of this Regulation, shall have the same validity as if they were adopted after its approval.
- e. All meetings will be open to the public. Public participation shall be allowed at the discretion of the President. Members of the public desiring to speak shall address the Chair by a raise of hands and upon recognition shall state their name and the organization that represent and shall confine themselves to the agenda item under discussion.

### 9.7 Alternates:

The voting members of the PRMPO members may designate an alternate official to represent them in the meetings. The designation must be in writing and signed by the PRMPO member who desires representation. The letter must be submitted in the meeting. Members and or representatives may be accompanied by advisers they consider relevant to specific cases, which have voice but cannot vote on matters considered by the Committees. The Executive Secretary will maintain permanent records of all designations.

### 9.8 Voting Procedures:

The agreements and resolutions of the Committees shall be approved by the affirmative vote of more than half of its members or representatives present at the time of the vote. Another option to consult the PRMPO members is through written consultation (referendum), the affirmative vote of more than half of its members of those who participated in the process.

The members who are entitled to vote, who are the members that are listed in **Article VI – Members**, the designate alternate official, and the President of PRMPO, in case of a tie decision.

### 9.9 Records, Regulations, and Agreements

The agreements and resolutions adopted at meetings of the PRMPO members shall be recorded, certified, distributed and filed by the Executive Secretary of the PRMPO. The following documents will be presented at the meeting of PRMPO for consideration of approval of the members:

- Act of Previous meeting (The act shall include a record of attendance, actions, and decisions taken.)

**[DRAFT AMENDMENT - RULES AND OPERATING PROCEDURES  
OF PUERTO RICO METROPOLITAN PLANNING ORGANIZATION]**

- UPWP
- TIPs
- Planning Certification
- LRTPs
- PRLRTP
- Rules and Operating Procedures of PRMPO
- PIP
- Statewide Performance Target
- Program of Project
- Asset Management Plan

As specified in 23 CFR 450.314 – Metropolitan Planning Agreement, an agreement between the President of the Environmental Quality Board (EQB) and the MPO should include the list of all non-attainment or maintenance area in Puerto Rico.

A maintenance area means any geographic region of the United States that the Environmental Protection Agency (EPA) previously designated as a nonattainment area for one or more pollutants pursuant to the Clean Air Act Amendments of 1990, and subsequently re-designated as an attainment area subject to the requirement to develop a maintenance plan under section 175A of the Clean Air Act, as amended (42 U.S.C. 7505a).

Source: 23 CFR § 450.104

**Nonattainment Areas in Puerto Rico as of June 30, 2018**

County	NAAQS	Area Name	Nonattainment in Year	Redesignation to Maintenance	Classification	Whole or / Part County	Population (2010)	State / County FIPS Codes
<b>PUERTO RICO</b>								
Arecibo Municipio	Lead (2008)	Arecibo, PR	11 12 13 14 15 16 17 18	//		Part	32,185	72/013
Bayamon Municipio	Sulfur Dioxide (2010)	San Juan, PR	18	//		Part	22,921	72/021
Catano Municipio	Sulfur Dioxide (2010)	San Juan, PR	18	//		Whole	28,140	72/033
Guaynabo Municipio	PM-10 (1987)	Mun. of Guaynabo, PR	92 93 94 95 96 97 98 99 00 01 02 03 04 05 06 07 08 09	02/11/2010	Moderate	Part	90,470	72/061
Guaynabo Municipio	Sulfur Dioxide (2010)	San Juan, PR	18	//		Part	23,802	72/061
Salinas Municipio	Sulfur Dioxide (2010)	Guayama-Salinas, PR	18	//		Part	23,401	72/123
San Juan Municipio	Sulfur Dioxide (2010)	San Juan, PR	18	//		Part	147,963	72/127
Toa Baja Municipio	Sulfur Dioxide (2010)	San Juan, PR	18	//		Part	52,441	72/137

The President of the Environmental Quality Board (EQB) will have the responsibility of updating the above chart each year. Shall a change be reflected in future years this document will be updated.

The above chart should be considered when a municipality/agency is developing their transportation planning process.

**[DRAFT AMENDMENT - RULES AND OPERATING PROCEDURES  
OF PUERTO RICO METROPOLITAN PLANNING ORGANIZATION]**

Important notes on the above chart:

These state/county reports list the annual nonattainment and maintenance status of each county by designated area name by National Ambient Air Quality Standard (NAAQS). Any county not listed has been designated attainment since 1992. There can be multiple rows for a county for a NAAQS if different parts of a county falls within the boundaries of separate areas.

(See the "Whole or Part County Nonattainment Status by Year for All Criteria Pollutants" report for the summarized nonattainment status of a county potentially within multiple areas for a single NAAQS.)

"Nonattainment in Year" refers to the calendar year and reflects the area's nonattainment status as of the date of the report. For older NAAQS, many areas were nonattainment before 1992 but the 1992 starting year is based on 40 CFR Part 81 designations, effective January 6, 1992.

See: 40 CFR Part 81 (165 pp, 9.3 MB, [About PDF](#))

For the newer NAAQS, the designation dates for original areas were:

- 8-Hour Ozone (2008) areas were designated July 20, 2012
- PM-2.5 (2012) areas were designated April 15, 2015
- PM-2.5 (2006) areas were designated December 14, 2009
- PM-2.5(1997) areas were designated April 5, 2005
- SO<sub>2</sub> (2010) areas were designated October 4, 2013
- Lead (2008) areas were designated December 31, 2010

Revoked NAAQS include 1-Hour Ozone (1979), 8-Hour Ozone (1997), and attainment and maintenance areas for PM-2.5 (1997). The 8-Hour Ozone (1997) classified areas were designated on June 15, 2004 and were revoked on April 6, 2015. 1-Hour Ozone (1979) areas were revoked on June 15, 2005. The Primary Annual PM-2.5 (1997) NAAQS (level of 15 µg/m<sup>3</sup>) was revoked in attainment and maintenance areas for that NAAQS. For additional information see the PM-2.5 NAAQS SIP Requirements Final Rule, effective October 24, 2016. (81 FR 58009)

Counties in Revoked NAAQS areas have "NAAQS revoked" appended to the NAAQS description.

A blank cell for a year indicates either the area the county is in: 1) was not designated nonattainment for that NAAQS, 2) had been redesignated to maintenance, or 3) is for a NAAQS that was revoked prior to that year.

The column "Classification" is the latest area classification. A county could have had a different classification in the past.

The column "Whole or Part County" indicates whether only a part of the county or the whole county is/was designated in the nonattainment area.

## ARTICLE X – UPDATES, ADMINISTRATIVE MODIFICATION AND AMENDMENT PROCEDURES OF THE PLANNING AND PROGRAMMING DOCUMENTS

### 10.1 Revision Procedures of the planning and programming documents

There are three types of revisions to the following documents, which can be performed at any time as necessary, following federal regulation:

- LRTPs/PRLRTP
- UPWP
- TIPs/STIP

A minor revision is considered an **administrative modification**, a major revision is considered an **amendment** and making a plan current is considered an **update**.

**Note:** The following procedures are consistent with 23 CFR Part 450 of the Statewide Transportation Planning; Metropolitan Transportation Planning; Final Rule.

### 10.2 Updates of the planning and programming documents

Updates means making current a long- range statewide transportation plan, metropolitan transportation plan, TIP or STIP through a comprehensive review. The TIPs and STIP is a four year program that will be updated every three years.

The metropolitan transportation plans and long-range statewide transportation plan are for a 20 years horizon. Updates require public review and comments, demonstration of fiscal constraint (except for long range statewide transportation plans), and a conformity determination (for metropolitan transportation plans and TIPs in nonattainment and maintenance areas).

### 10.3 Administrative Modification and Amendment Definitions

#### A. Administrative Modification

Administrative modifications are minor revisions to the TIPs. These types of revisions do not require solicitation of public comment or re-demonstration of financial constraint. However, the TIPs must remain financially constrained, and administrative modifications must not result in the addition or deletion of another project, including the deferral of a project to a year that is outside of the four year TIPs. There are two types of administrative modifications, **pre-approved** and **expedited**:

#### 1. Pre-Approved Administrative Modifications

To prevent TIPs procedures from becoming overly burdensome, Federal regulations allow procedures for administrative modifications to be commensurate with its perceived impact. Recognizing the need to streamline the process for these minor changes, pre-approved administrative modifications, are true as long as the following conditions apply:

- The administrative modifications do not affect financial constraint of the TIPs; and

**[DRAFT AMENDMENT - RULES AND OPERATING PROCEDURES  
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- The administrative modification does not change the scope of the project or the environmental determination.

The following revisions could be considered as administrative modifications:

- a) The source of federal funds designated for a project may be revised to reflect a different funding program administered by the same U.S. DOT operating agency.
- b) Federal funding for a project may be changed to local funding.
- e) The amount programmed for a project phase may be revised to reflect changes in cost estimates. Additional funding may reflect up to 50% of the project estimated cost. Without exceeding the annual allocation of federal funds.
- d) Additional federal funding, such as congressional earmarks or discretionary funds may be added to a project currently included in the TIPs.
- e) In order to expedite project selection for implementation and ensure timely TIPs implementation, projects may be advanced from their programmed year if they are “ready-to-go.”
- f) Projects may be deferred to a later year if they are not “ready-to-go” as originally programmed.
- g) A project phase may be deleted or deferred to a year that is outside of the four -year TIPs as long as another phase of the project remains in the TIPs and the project’s scope is not affected.
- h) Changes may be made to projects that are included in the TIPs for illustrative purposes.
- i) A project’s description may be revised or clarified as long as the project’s scope is not affected.
- j) Earmarks and discretionary funds are pre-approved administrative modifications.

## **2. Expedited Administrative Modifications**

Requests for expedited approval of administrative modifications are submitted directly to the PRMPO Policy Committee without solicitation of public comment. The administrative modification must not affect the financial constraint of the TIPs.

Expedited administrative modifications include the following:

- a) Changing from replacement buses to expansion buses (and vice versa).
- b) Changing the scope of a project to accommodate environmental impact mitigation measures.
- c) Changing the size of revenue rolling stock (e.g. vans, 30’ buses) if the changes results in a change in the total carrying capacity by **25 percent or less**.
- d) Changing the quantity for the acquisition for revenue rolling stock that **exceeds 25 percent or less** of the original quantity.

## B. Amendment

In the Metropolitan Transportation Planning Final Rule an Amendment “means a revision to a long-range statewide or metropolitan transportation plan, TIPS, or STIP that involves a major change to a project included in a metropolitan transportation plan, TIPS, or STIP, including the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope (e.g., changing project termini or the number of through traffic lanes). The changes to projects those are included only for illustrative purposes do not require an amendment. An amendment is a revision that requires public review and comment, re-demonstration of fiscal constraint, or a conformity determination (for metropolitan transportation plans and TIPS involving “non-exempt” projects in nonattainment and maintenance areas). In the context of a long-range statewide transportation plan, an amendment is a revision approved by the State in accordance with its public involvement process.”

If the amendment is required, it shall be processed through the PRMPO administrative processes with communication of the changes to the PRMPO policy board, PRDTPW and FHWA/FTA. An amendment requires public review and comment, re-demonstration of fiscal constraint, and a conformity determination in air quality non-attainment and maintenance areas, as needed.

Within the context of current planning rules amendment guidelines, can be further categorized as minor or major.

Major amendment includes the following actions:

- a) Adding a project to the TIPS/STIP.
- b) Deleting a project from the TIPS/STIP, including deferring a project to a year that is outside of the four-year TIPS/STIP.
- c) Significantly modifying the design concept or design scope of a programmed project (e.g., changing the project termini). For projects programmed with FTA funds, a change in a project’s scope is considered “major” if the change materially alters the objective or description of the project, or the size, type, or quantity of items. Examples include:
  - i. Changing the size of revenue rolling stock (e.g. vans, 30’ buses) if the change results in a change in the total carrying capacity by **more than 25 percent**.
  - ii. Changing the quantity for revenue rolling stock that are **more than 25 percent** of the original quantity.
  - iii. Revising the amount programmed for a project phase if it increases the estimated total project cost by **more than 50 percent**.

A major amendment to the TIP requires formal public notice and appropriate comment opportunity as provided in the PRMPO public involvement plan. Following appropriate consideration of public comments, a major amendment requires approval by the PRMPO policy board and must be submitted by PRDTPW to the FHWA and FTA.

#### 10.4 Steps in the process to amend or modify a document

- A. Any administrative modification or amendment request must be submitted by email or send by mail and should include a resolution or letter signed by Policy Board member to:

Puerto Rico Department of Transportation and Public Works (PRDTPW)  
Puerto Rico Highway and Transportation Authority (PRHTA)  
Director of Federal Coordination Office (1604)  
Postal address: PO Box 42007  
San Juan, Puerto Rico 00940-2007  
Phone: (787) 721-8787x: 1600 or 1601  
E-mail: [ocf@dtop.pr.gov](mailto:ocf@dtop.pr.gov)

- B. The CPCWG determines if the amendment or modification is an eligible one (i.e., contemplated in the applicable PRLRTP/LRTPs).
- i. If it is valid, the CPCWG will determine if it qualifies for an administrative modification or amendment as explained in this *Rules and Operating Procedures of the PRMPO*.
  - ii. The CPCWG can request additional information to the petitioner in order to complete the project petition (i.e., the number of traffic lanes, project cost, previous route, environmental, or studies).
  - iii. If not found to be eligible, the CPCWG will send a letter to the petitioner explaining the reason for denial with **fifteen (15) calendar day** to appeal.
- C. The CPCWG, in coordination with the PRMPO member, will submit the project for consideration to the corresponding committee of the PRMPO.
- D. Public participation procedures shall be utilized in revising the documents mention in **Section 10.1**, except that these procedures are not required for administrative modifications.
- E. For Administrative Modifications, the project will be included in the documents mentioned in **Section 10.1** and will be sent to the corresponding committee of the PRMPO, for informational purposes only.
- F. For Amendment, after approval of the corresponding committee of the PRMPO, the project will be included in the corresponding document and then submitted to the Federal Agency for their information and/or approval.
- G. The final result of the consultation process, will be notified to the corresponding committee of the PRMPO.

#### 10.5 Public Review

An amendment to the documents mentioned in **Section 10.1**, requires **15 calendar days** for public review. A public notice will be published in a major local newspaper to notify to the general public, public and private providers of transportation services and federal, state, and municipal governments, and giving them the opportunity to review and comment on the referred documents.

Also, a letter will be sent to the corresponding committee of the PRMPO by email, mail or fax. The proposed amendment may also be posted on the PRDTPW/PRHTA website during the

public review period and paper copies will be made available upon request. Any public comments will be notified to the PRMPO voting members as part results of the consultation process.

### **10.6 Voting Member Approval**

The amendments consideration approval process is the same as described in **Article 9.8**.

### **10.7 Review Process**

The mentioned documents will be review as per requests of the PRMPO members as described above or based a new federal regulation.

## **ARTICLE XI – AMENDMENTS TO THE RULES AND OPERATING OF PROCEDURES OF PRMPO**

- A. The *Rules and Operating Procedures of the PRMPO* may be revised or amended by approval of the Policy Committees at a meeting at which a quorum, as defined herein, is present.
- B. Any suggested amendments must be processed to the Executive Secretary who shall circulate it to the members at least **fifteen (15) calendar days prior to the date of the meeting** at which it will be discussed.
- C. Any member of the PRMPO who for some reason cannot attend or send an appointed representative for a meeting, where an amendment to the *Rules and Operating Procedures of the PRMPO* will be discussed must submit in writing to the Executive Secretary of the PRMPO, approval or rejection of the amendment.
- D. Amendments to *Rules and Operating Procedures of the PRMPO* shall be valid if approved by more than half of its members or their designated representatives present at the meeting or who have given a written decision or through a referendum process.

## **ARTICLE XII – REPEAL**

This *Rules and Operating Procedures of the PRMPO* are to enter into force, repealing the Rules of Procedures approved through a meeting held on August 6, 2015.

## **ARTICLE XIII – EFFECTIVE**

This *Rules and Operating Procedures of the PRMPO* shall take effect on the day it was signed by the President of the PRMPO, as a result of the approval by the PRMPO members through a referendum process conducted from July \_\_\_ to \_\_\_, 2018.

**CERTIFICATION**

I certify that this *Rules and Operating Procedures of the PRMPO* was approved by the Policy Board Committees of the Puerto Rico Metropolitan Planning Organization of the SJUZA, AUZA and UZA through a referendum process conducted from July \_\_\_\_ to \_\_\_\_, 2018.

\_\_\_\_\_  
Carlos M. Contreras Aponte  
President of the PRMPO Committees

\_\_\_\_\_  
Date