



U.S. Department
of Transportation
Federal Highway
Administration



SUCCESS STORIES OF PROGRAMMATIC AGREEMENTS IN PUERTO RICO UNDER EDC I

By: Cathy Kendall, AICP
Environmental Specialist
FHWA-FL&PR



Benefits of Agreements as Recognized by Puerto Rico from EDC 1

- The goal of streamlining the documentation process with the state and federal regulatory agencies has been effective.
- Time and resources are saved because of standardized procedures that have been agreed to by the Puerto Rico Highway Transportation Authority and the agencies.



Initiative Status

- What has Puerto Rico done so far?
 - PR started and have continued coordination meetings with some federal and state regulatory agencies to present the initiative.
 - Started and have continued to work with the agencies to identify categories of projects that have similar scopes in which we can standardize the process.



Examples of Agreements

Agency	Signed	Purpose or Objective	Approximately Saved Time
Federal Highway Administration (FHWA)	August 4, 2008	Authorization to conduct Section 106 consultation on behalf of FHWA for projects requiring FHWA approval .	2 to 4 months
Department of Natural and Environmental Resources (DNER)	October 7, 2010	Authorization for all minor highway reconstruction and rehabilitation under the existing right of way.	3 to 6 months
Puerto Rican Cultural Institute (ICP)	January 28, 2011	Authorization for all minor highway reconstruction and rehabilitation under the existing right of way.	1 to 3 months
Permits Management Office (PMO)	March 9, 2011	Concurrence for all improvements, resurfacing and repairs of highways island-wide under the existing right of way.	30 days
Permits Management Office (PMO)	March 28, 2011	Concurrence for all improvements and repairs of existing structures on highways in all Municipalities of Puerto Rico.	30 days
State Historic Preservation Office (SHPO)	July 31, 2012	Provide expedited review of those activities that have no effect on historic properties.	1 to 3 months



PROJECTS ALREADY DEVELOPED UNDER TERMS OF THE AGREEMENTS

Agency	Amount of Projects Covered	Time Saving (months)	Comments
DNER	80	1 - 6	Fiscal Year (2011-12).
ICP	115	2 - 6	Two years of implementation (2011-2012).
PMO	80	1 - 3	Fiscal Year (2011-12).
SHPO	36	2 - 6	Six (6) months of implementation.



Agreements in Process (EDC 2)

Agency	Purpose
State Historic Preservation Office (SHPO)	Streamlining Section 106 review for undertakings affecting post 1945 concrete and steel bridges
US Army Corps of Engineer (USACE)	Provide authorization for categories of activities that are similar in nature and would have only minimal individual or cumulative adverse environmental effects.
US Fish and Wildlife Service (USFWS)	Joint coordination procedures for the Endangered Species Act



Post 1945 Bridges Program Comment SHPO





State Historic Preservation Office (SHPO)

Post 1945 Bridges Program Comment

- Program issued for streamlining Section 106 review for undertakings affecting post 1945 steel and concrete bridges.
- In this Program a “common bridge” is defined as structure constructed in vast numbers from plans that quickly became standardized around the middle 20th Century.

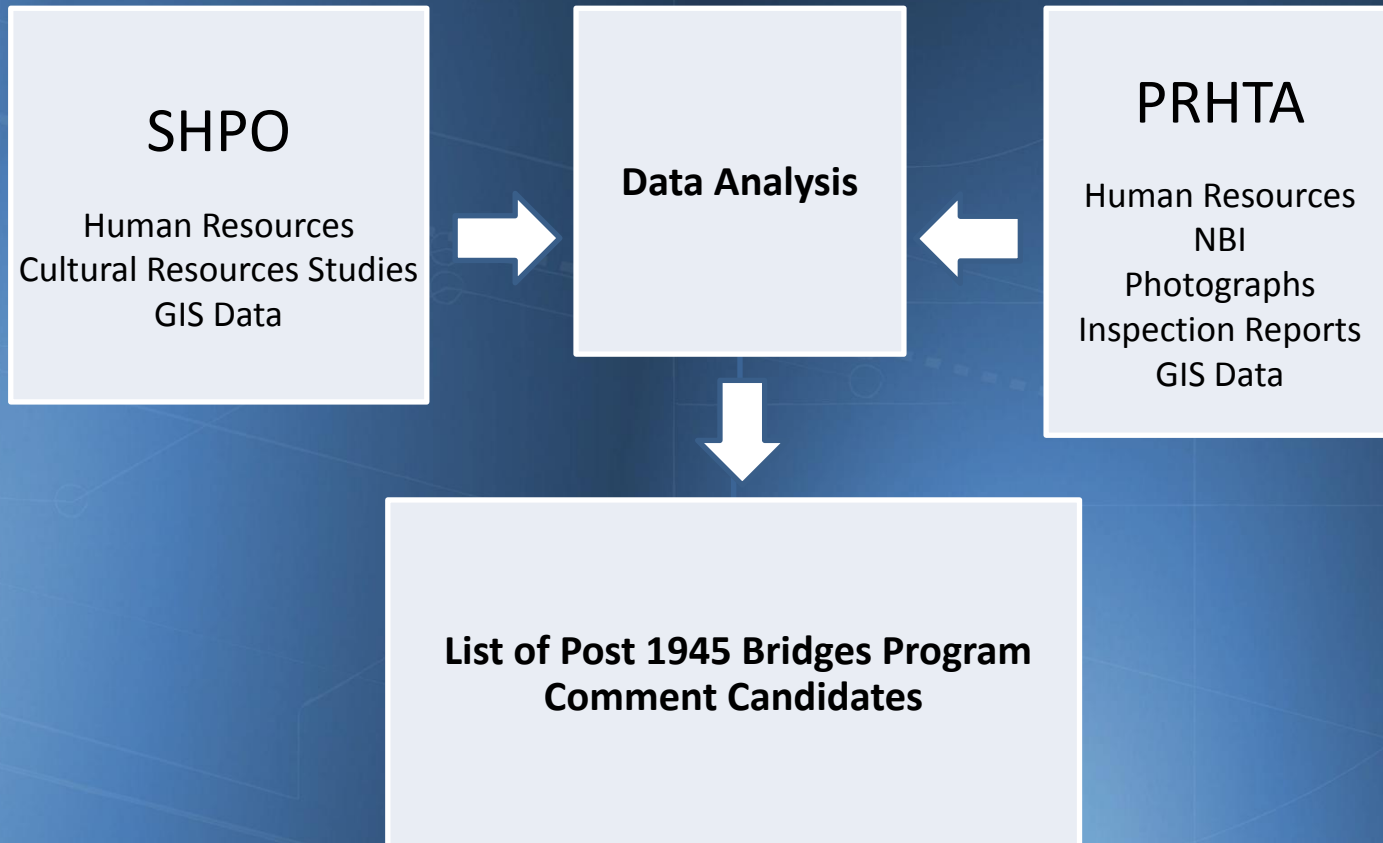


State Historic Preservation Office (SHPO)

- These bridges are generally undistinguished from an engineering or architectural perspective and are considered to have little value for preservation in place, and are rarely viable candidates for relocation.
- Agencies complained about the excessive cost of evaluating “common” bridges under Section 106.
- Various agencies reported a Section 106 review cost of \$78 million over a 10 year period.



Action Plan In Puerto Rico





State Historic Preservation Office (SHPO)

- A total of 1,908 bridges needs to be evaluated and were divided in two groups:

Period	Numbers of Bridges
1945 - 1969	539
1970 - present	1,369

- Evaluation of bridges from 1970 to present was completed and under evaluation of FHWA. A total of 44 bridges were recommended by PRHTA and the SHPO to qualify for the program.
- Presently, we are working on the remaining ones.



General Permit USACE





U.S. Army Corps of Engineers (USACE) Agreement Objective

- Obtain approval of a General Permit (GP) applicable to activities that may affect navigable waters of the United States.
- The GP would apply to activities with minimal impacts on navigable waters of the United States and/or wetlands.



U.S. Army Corps of Engineers (USACE) Agreement Status

A draft of GP has already been developed and will be submitted to the USACE for review and approval.



U.S. Army Corps of Engineers (USACE) Agreement Benefits

- A GP is effective for a period of 5 years vs. 2 years for a Nationwide permit.
- GP intended to significantly reduce permitting processing time.
- PRHTA has many bridges that need to be repaired, rehabilitated and/or replaced.
- PRHTA has found that it typically takes 8-12 months for a Nationwide permit review by USACE, and given the number of projects needed, the overall time savings from a GP for these will be significant.



U.S. Army Corps of Engineers (USACE)

- Activities to be included in this GP are:
 - Replacement of existing bridges
 - Widening of existing bridge structures
 - Construction of energy dissipaters
 - Temporary impacts associated with MOT
 - Improvement of existing and construction of new roadways with minimal wetlands impacts



Joint Coordination Procedure USFWS





U.S. Fish and Wildlife Service (USFWS) Joint Coordination Procedure

- Intended to clarify procedures for consultation that will satisfy the requirements of section 7 of the Endangered Species Act (ESA).
- Provide measures to streamline the process in an effort for ensure consistent quality and provide for improved efficiency of the project development process.



U.S. Fish and Wildlife Service (USFWS) Procedure Focus

- Early NEPA Coordination
 - Not required for projects that have been categorically been determined to have no effect on federally threatened or endangered species.
 - Early coordination is required for projects with federally-listed threatened or endangered species, proposed and candidate species, or habitat present within the project's area of potential effect.



U.S. Fish and Wildlife Service (USFWS)

- Section 7 Consultation Procedures
 - For projects that have listed species but have no habitat for the listed species and no species are found in the project area, sufficient information must be provided to the FHWA to make a determination of “no effect” on the listed species.



Benefits of the USFWS Joint Procedures

1. Better focus on primary issues of the projects
2. Time savings
3. Human resources
4. Save Money
5. Quality Control
6. Common goals are accomplish through partnership
7. Improved relationship between agencies



Conclusion

What we want from you?

- Promote win-win partnership inviting the agencies to be part of the initiative.
- Promote ideas between agencies to continue the streamlining process.



Questions?