

(S. B. 1857)

(No. 201-2010)

(Approved December 16, 2010)

AN ACT

To set forth the public policy of the Government of Puerto Rico on the adoption of the “Complete Streets” concept as part of the planning, design, new construction, reconstruction, remodeling, and maintenance of Puerto Rico thoroughfares; direct municipalities to incorporate this public policy into their operations; and for other purposes.

STATEMENT OF MOTIVES

Mobility within our communities is a matter of vital importance to our future because it impacts the quality of our citizens’ daily life. In particular, the streets of our towns and cities are an essential part of community life; thus, they should provide service equally to all: young and old, driver or cyclist, and the pedestrian who walks on his own, or uses a walker or a wheelchair.

For many years, urban planning in Puerto Rico has drifted away from traditional urbanism, community, and mobility models, thereby causing a great dependence on the automobile. Unfortunately, most streets are designed solely and exclusively for automobiles, thus fostering heavy traffic and traffic jams, and taking a toll on community life. Some examples of this include a lack of pedestrian access to many places, damaged sidewalks, and the invasion of sidewalks and pedestrian areas by automobiles.

We must rescue our streets and sidewalks so that pedestrians, as well as all other forms of mobility (automobiles, bicycles, wheelchairs, and motorcycles), are able to coexist safely and create a secure and friendly environment for all. This is a matter of public health and social welfare that also allows for the economic development of the communities.

In Puerto Rico, there is an extremely high incidence of health conditions, which are related in part to the lack of physical activity. Recent statistics from the Department of Health show high levels of obesity, heart disease, and diabetes in the Island. In 2002, 22% of the population was obese. In 2005, 31.9% of the population was diagnosed with high cholesterol. Moreover, by 2003, 4,912 people had died of heart disease. That same year, 27.3% of the population was diagnosed with high blood pressure and, in turn, 1,257 people died of causes related thereto. In 2004, 10.6% of the population was diagnosed with diabetes, for a total of 411,124 persons. In 2003, 2,555 people died of causes attributed to this condition.

In light of this reality, the State must promote physical activity in all its undertakings, including the design and construction of public roads. A “walkable” community prevents isolation and promotes physical activity, especially among our older citizens. Because of the mobility issues in their communities, many elderly persons opt to stay in their homes yielding to inactivity, which affects their physical and emotional health. Walking is vital to maintain good health and essential for mobility, especially as we age.

Aside from promoting health, a “walkable” community is crucial in fostering a social and cultural community environment, which has been much neglected, while at the same time boosting local commerce in the area. As downtown areas and their respective pedestrian ways have deteriorated, so did the economy and the quality of life in various towns of the Island. The development of “walkable” options cannot be limited to downtown areas; it is important to expand it to other areas and communities where most of the population lives.

In economic terms, a livable community reduces automobile dependence, thus reducing pollution and gasoline expenses. In addition to individual savings, other jurisdictions where livable community projects have been implemented have experienced an increase in commercial activity, which benefits both consumers and

small businesses that provide goods and services, thereby strengthening local economies.

According to the U.S. Census Bureau's Community Survey for 2006-2008, 87% of Puerto Rican workers go to work in their private automobile, which means that 885,120 travel alone in their motor vehicles. A very small number of drivers carpool with other coworkers or use other means of transportation. Only 38,824 workers use mass transportation systems, which account for only 3.8% of all workers.

A study conducted by the University of Puerto Rico entitled "The Morning Traffic Jam" shows that one in eight persons spends more than one hour travelling to work. The same study showed that, if the same methodology is used for the current minimum wage, we can conclude that the cost in terms of the commuting time each morning amounts to \$3.2 million, which would represent approximately \$845 million a year.

To such amount we must add the costs of driving a vehicle such as depreciation, maintenance, and gasoline, among others. We would also have to add the social cost of higher environmental pollution and the mental stress experienced by citizens during rush hour.

There is a movement throughout the United States to "complete the streets." States, cities, and towns are working with their planners and engineers to build safe roads that foster human activity and facilitate equal access to all. State and Municipal Governments have established a public policy regarding the concept of "complete streets" in order to create livable and friendly walkable communities. This has direct health, general wellbeing, social, and economic effects.

In the case of Puerto Rico, instituting the development of "complete streets" in our communities as public policy and implementing it shall allow planners and engineers who design and operate the road system to have all types of users in

mind, including cyclists, public transportation vehicles and its passengers, and pedestrians of all ages and abilities.

Aware of the need to aim at promoting and creating livable communities for the well-being of our population, the Legislative Assembly of Puerto Rico deems it meritorious to set forth this public policy.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1. - Title of the Act.-

This Act may be cited as the “Act to set forth the Public Policy on the Adoption of the Concept of ‘Complete Streets’.”

Section 2. - Definitions.-

For purposes of this Act, the following terms or phrases shall have the meaning stated hereinbelow, except where clearly stated otherwise, and terms in the singular form shall include the plural form and vice versa:

a) Complete Streets.- Road design characteristics that facilitate the safety and mobility of public thoroughfare users. It also expands and complements the design requirements established by the Act and by state and Federal regulations to include the mobility needs of pedestrians, cyclists, users of public transportation, drivers of motor vehicles, and persons of all ages and abilities. Such characteristics include, but are not limited to: walkable sidewalks, exclusive lanes labeled for cyclists, construction of signs and structures such as traffic islands, rotundas, and crossroads that allow for sharing public roads, corner cut-offs, raised sidewalks with access ramps, and the adoption of public security measures to control traffic.

b) Commission.- Shall mean the Evaluation Commission for the Adoption of the Complete Streets Concept, created pursuant to this Act.

c) Public Thoroughfare.- Highways, roads, streets, routes, lanes, sidewalks, and the crossroads and intersections that interconnect them.

Section 3. - Statement of Public Policy.-

The adoption of the concept of Complete Streets is hereby established as the public policy of the Government of Puerto Rico.

a) The Department of Transportation and Public Works, the Highway and Transportation Authority, and the municipal transportation and highway departments or divisions shall adopt, as part of their regulations, a policy to create Complete Streets with the purpose of facilitating convenient access and mobility to all users of public thoroughfares, including pedestrians, cyclists, persons who use public transportation systems, drivers of motor vehicles and, in general, persons of all ages and abilities.

b) This public policy shall apply to the planning, design, new construction, remodeling, and maintenance of public thoroughfares located in urban areas, as well as in suburban and rural areas undergoing improvements and/or new construction which allow for the application of the Complete Streets Concept.

For purposes of practicality, usefulness, reasonability, and proportion between the investment and use of such public thoroughfare by people, the public policy established by this Act shall be subject to the following conditions, if necessary:

a) That the use of a particular public thoroughfare by cyclists or pedestrians be prohibited by law or against established laws and regulations.

b) That the cost of building a particular public thoroughfare be proportional to the need or potential use given thereto, and that the cost of implementing Complete Streets characteristics in the project do not exceed twenty percent (20%) of the total cost of the project.

c) That the development of Complete Streets be in order of priority.

Section 4. - Evaluation Commission for the Adoption of the Complete Streets Concept.-

A temporary Commission shall be established, to be chaired by the Secretary of the Department of Transportation and Public Works or his/her representative, which shall have the following name: “Evaluation Commission for the Adoption of the Complete Streets Concept.” The Commission shall have the following purposes:

- a) To establish a series of standards, uniform guidelines, and measures to enforce and track success, which apply at the local and municipal level.
- b) To propose amendments to laws and regulations, and changes to road design guidelines and standards.
- c) Make all recommendations within a term of one (1) year after this Act becomes effective.

Section 5. - Composition of the Evaluation Commission for the Adoption of the Complete Streets Concept.-

The Governor shall designate the Commission not later than thirty (30) days after the approval of this Act, and the same shall be composed of members representing the following agencies and organizations:

- a) The Department of Transportation and Public Works
- b) The Planning Board
- c) The Permit Management Office
- d) The Department of Health
- e) One member from each organization that represents municipalities
- f) The College of Engineers and Surveyors of Puerto Rico
- g) The College of Architects and Landscape Architects of Puerto Rico
- h) The Puerto Rican Planning Society
- i) The AARP-Puerto Rico

- j) The Federal Highway Administration
- k) The Puerto Rico Home Builders Association
- l) The Highway Safety Commission
- m) The Office of the Advocate for Persons with Disabilities
- n) The Associated General Contractors of America, Puerto Rico Chapter

Section 6. - Powers, Duties, and Dissolution of the Evaluation Commission for the Adoption of the Complete Streets Concept.-

The Secretary of the Department of Transportation and Public Works, or his/her representative, shall call and hold the first meeting not later than thirty (30) days after the designation of the members of the Commission.

a) Once convened and gathered, the Commission shall establish the rules of operation.

b) Within ninety (90) days after the first meeting, and in subsequent ninety (90) day terms, the Commission shall submit a brief progress report to the Legislative Assembly. A copy of said report shall be sent to the pertinent agencies and to all the municipalities of the Island.

c) The Commission shall draft model regulations to be used by the agencies and municipalities in the implementation of this public policy.

d) A final report including findings, recommendations, and proposals shall be submitted to the Legislative Assembly, as well as to the agencies and municipalities, within a term of one (1) year after the first meeting of the Commission.

e) The Commission shall be dissolved once it renders its final report.

Section 7. - Effectiveness.-

This Act will take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 201-2010 (S. B. 1857)** of the **4th Session of the 16th Legislature** of Puerto Rico:

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has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 6th day of June, 2013.

Juan Luis Martínez-Martínez
Acting Director