

(S.B. 484)

(No. 84)

(Approved August 26, 2005)

AN ACT

To authorize the Puerto Rico Highways and Transportation Authority to establish along the expressways, avenues, streets or main public thoroughfares, informative electronic signboards or billboards to provide information on the disappearance of minors in case an Amber Alert is activated (America's Missing: Broadcast Emergency Response), such as the vehicle used and the direction in which it was traveling, among other things, or to issue information to send an alert or announce an emergency through the Emergency Broadcast System in the case of meteorological emergencies or relevant information on the conditions of the highways; to amend Sections 3, 4 and 4(A) of Act No. 74 of June 23, 1965, as amended, known as the "Puerto Rico Highways and Transportation Authority Act;" and for other purposes.

STATEMENT OF MOTIVES

At the national level, every year 114,600 attempted kidnappings of minors by persons other than their relatives take place; 74% of the minors murdered by persons other than their relatives are killed within the first 3 hours after being kidnapped and there is typically a delay of 2 hours before the disappearance of a minor is initially reported. The Federal Department of Justice has indicated that in almost all cases in which minors are abducted by sexual predators the victims are murdered; 44% are murdered within the first hour, 74% within the first 3 hours and less than 1% a day later. Forty percent (40%) of the victims die before their disappearance is reported.

In 1996, nine year old Amber Hagerman was kidnapped while playing near her home in Arlington, Texas. Subsequently she was found dead. As a response to that tragedy the Association of Radio Managers (ARMS) of Texas created the AMBER ALERT system (America's Missing: Broadcast Emergency Response) with the collaboration of local public safety authorities for the purpose of recovering minors suspected of having been kidnapped and who are in danger of being killed or of suffering serious physical harm.

In essence the Amber Alert plan involves the voluntary collaboration of the media and public safety authorities to issue urgent bulletins about the kidnapping of minors. When the plan is activated, the authorities use the emergency alert system (Emergency Alert System (EAS) formerly known as the Emergency Broadcast System, the same concept used to alert the population about meteorological emergencies), to rapidly send over the radio, the television and other participating media critical information about the disappearance.

For example, a message is sent over the radio with all the pertinent information such as a description of the victim and of the suspect of the kidnapping, the vehicle used and the direction in which the vehicle was traveling, among other data (the name of the minor is broadcast only with the authorization of the parents or guardian). The message is repeated every 15 minutes during the first 2 hours and every half hour during the subsequent 3 hours. The main objective of the plan is to instantly set the whole community in motion to help in searching the minor.

The national implementation of the Amber Alert system has helped recover more than a dozen children and in Puerto Rico it has been effectively used in some cases. Furthermore, this program sends a very

forceful message that says that crimes against minors will not be tolerated and that the Puerto Rico and the Municipal Police Forces, the media and the community are working together to rescue kidnapped children and arrest their abductors.

Were these informative electronic signboards or billboards to be established along the expressways, avenues, streets or main public thoroughfares, Amber Alert messages could be posted to achieve a broader and more efficient diffusion. Said informative electronic signboards or billboards could also be activated in cases of meteorological emergencies.

We believe that one of our ministerial responsibilities is to evaluate and adopt those proposals that address the welfare of the citizens, especially that of our children. For this reason we believe that it would be prudent to establish along the expressways, avenues, streets or main public thoroughfares, informative electronic signboards or billboards to provide information on the disappearance of minors in case an Amber Alert is activated (America's Missing: Broadcast Emergency Response), such as the vehicle used and the direction in which it was traveling, among other things, or to issue information to send an alert or announce an emergency through the Emergency Broadcast System in the case of meteorological emergencies. It also propitiates the display of important information on highway conditions.

Through this Act we authorize the Puerto Rico Highways and Transportation Authority to establish said informative electronic signboards or billboards along the expressways, avenues, streets or main public thoroughfares. For this we take notice of the availability of federal funds from diverse programs of the Government of the United States, including the recently created Department of Homeland Security.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-A subsection (w) is hereby added to Section 4 of Act No. 74 of June 23, 1965, to read as follows:

w. The Puerto Rico Highways and Transportation Authority is authorized to establish along the expressways, avenues, streets or main public thoroughfares, informative electronic signboards or billboards to provide information on the disappearance of minors in case an Amber Alert is activated (America's Missing: Broadcast Emergency Response), such as the vehicle used and the direction in which it was traveling, among other things, or to issue information to send an alert or announce an emergency through the Emergency Broadcast System in the case of meteorological emergencies. The display of relevant information on the conditions of the highways is also allowed. The Puerto Rico Highways and Transportation Authority shall not be subject to the provisions of any other Commonwealth law that regulates the placement of informative electronic signboards or billboards when establishing or placing informative electronic signboards or billboards to provide information on the disappearance of minors in case an Amber Alert is activated (America's Missing: Broadcast Emergency Response), or to issue information to send an alert or announce an emergency through the Emergency Broadcast System in the case of meteorological emergencies. However, the use of said informative electronic signboards or billboards for any type of propaganda or announcements unrelated to the information issued about an Amber Alert or an alert or emergency through the Emergency Broadcast System in the case of meteorological emergencies or to relevant information about the conditions of the highways, is prohibited.

Section 2.-A new clause (5) is hereby added to subsection (c) of Section 3 of Act No. 74 of June 23, 1965, amended, to read as follows:

“Section 3.-Definitions

The following words or terms as used or referred to in this Section shall have the meaning expressed below, except when the context clearly indicates otherwise:

(a) ...

(b) ...

(c) Traffic and transportation facilities shall mean:

(1) ...

(5) Informative electronic signboards or billboards – means any structure devoted to the diffusion of information about the disappearance of minors in case an Amber Alert is activated (America’s Missing: Broadcast Emergency Response), such as the vehicle used and the direction in which it was traveling, among other things, or to issue information to send an alert or announce an emergency through the Emergency Broadcast System in the case of meteorological emergencies or relevant information on the conditions of the highways. The term ‘traffic and transportation facilities,’ shall also apply to all property, rights, easements, or interests on these that may be necessary or advisable for the construction, maintenance, control, operation or development of such informative electronic signboards or billboards.

(d)”

Section 3.-Section 4(A) of Act No. 74 of June 23, 1965, as amended, is hereby amended to read as follows:

“Section 4(A).-Construction, operation and maintenance contracts

(1) The Authority or the Department of Transportation and Public Works may contract with private entities and through the use of private funds, the final design, construction, operation and maintenance of new highways, bridges, avenues, expressways and ancillary transit facilities and of informative electronic signboards or billboards devoted to the diffusion of information about the disappearance of minors in case an Amber Alert is activated (America’s Missing: Broadcast Emergency Response), or to issue information to send an alert or announce an emergency through the Emergency Broadcast System in the case of meteorological emergencies or relevant information on the conditions of the highways subject to the following conditions:

- (a) The highways, bridges, avenues, expressways and ancillary transit facilities and the informative electronic signboards or billboards devoted to the diffusion of information in case an Amber Alert is activated or in case of an alert or emergency shall be public property.
- (b) The preliminary design of the project may be entrusted to any legally authorized natural or juridical person chosen by the Secretary of Transportation and Public Works or the Authority, except that it may not be the same private entity contracted for the construction, including the final design done by a legally authorized person, and the

operation and maintenance of the highway, bridge, avenue or expressway and the ancillary transit facilities or of the informative electronic signboards or billboards devoted to the diffusion of information in case an Amber Alert is activated or in case of alert or emergency or with relevant information on the conditions of the highways.

- (c) The easements needed to operate the highway, bridge, avenue or expressway and the ancillary transit facilities or to locate the informative electronic signboards or billboards for information in case an Amber Alert is activated or in case of alert or emergency or with relevant information on the conditions of the highways shall belong to the Commonwealth or to the Authority.
- (d) The land and other properties or rights required for the construction of the highway, bridge, avenue or expressway and their transit facilities or to establish the informative electronic signboards or billboards for information in case an Amber Alert is activated or in case of alert or emergency or with relevant information on the conditions of the highways shall be acquired by the Commonwealth, and financed or not by the private entity contracted for the creation of their final design and their construction, operation and maintenance. The private entity contracted for such purposes shall be able to acquire, subject to the standards established for such purposes by the Authority, the land, properties or rights directly from their owners by purchase, in which case it

shall transfer them immediately to the Commonwealth. If an acquisition by means of expropriation is required, the private entity under contract may be required to advance to the Commonwealth all the amounts needed to acquire the land, properties or rights in question. In cases of voluntary purchase as well as in cases of expropriation, the acquisition costs shall include those for relocating the affected persons pursuant to the applicable laws and the other expenses incidental to the acquisition of the right in question.

- (e) The contract shall include, in addition to the final design and construction, the operation and maintenance of the highway, bridge, avenue or expressway and their ancillary transit facilities or of the informative electronic signboards or billboards for information in case an Amber Alert is activated or in case of alert or emergency or with relevant information on the conditions of the highways.
- (f) ...
- (g) The contract shall contain an indemnity clause by which the private entity commits itself to defend and to pay any claim filed under Section 404 of the Political Code of 1902, as amended, or Sections 1802, 1803, 1807 and 1809 of the Puerto Rico Civil Code of 1930, as amended, for the Commonwealth and the Authority. This obligation shall be secured or covered by a public liability insurance policy that shall include the

Commonwealth and the Authority as coinsured. The sums or amounts to be secured by said policy shall be fixed by the Authority or the Secretary of Transportation and Public Works and their decision shall be backed by the evaluation of a professional with expertise in the field of insurance concerning the risks involved in the design, construction, operation and maintenance phases of the public highway or the informative electronic signboards or billboards for information in case an Amber Alert is activated or in case of alert or emergency or with relevant information on the conditions of the highways object of the contract.

- (h) ...
- (i) ...
- (j) ...
- (k) Once the construction phase of the project is concluded, the private entity shall be responsible for maintaining the highway, bridge, avenue or expressway and their ancillary transit facilities or the informative electronic signboards or billboards for information in case an Amber Alert is activated or in case of alert or emergency or with relevant information on the conditions of the highways, in adequate conditions for their use.

(2)”

Section 4.-Relationship with other laws

Any law, which as a whole or in part were incompatible with the present Act, is by the latter repealed as far as the incompatibility is concerned.

Section 5.-Severability

Should any part, paragraph or section of this Act were to be declared null and invalid by a Court of competent jurisdiction, the decision issued to that effect shall only affect that part, paragraph or section whose nullity or invalidity has been declared.

Section 6.-Effectiveness

This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 84 (S.B. 484) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to authorize the Puerto Rico Highways and Transportation Authority to establish along the expressways, avenues, streets or main public thoroughfares, informative electronic signboards or billboards to provide information on the disappearance of minors in case an Amber Alert is activated (America's Missing: Broadcast Emergency Response), such as the vehicle used and the direction in which it was traveling, among other things, or to issue information to send an alert or announce an emergency through the Emergency Broadcast System in the case of meteorological emergencies or relevant information on the conditions of the highways,;

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

In San Juan, Puerto Rico, today 20th of January of 2006.

Francisco J. Domenech
Director