



River to Sea TPO Executive Committee Meeting

January 3, 2024

9:00 am



**Executive Committee Meeting
January 3, 2024**

I. Call to Order/Roll Call/Determination of Quorum



Executive Committee Meeting
January 3, 2024

II. Public Comment/Participation



Executive Committee Meeting January 3, 2024

III. BUSINESS ITEMS

**A. Review and Recommend Approval of the River to Sea
TPO's FY 2022/23 Independent Audit Report**



River to Sea Transportation Planning Organization

Audit for the Year Ended June 30, 2023

Overview

- ❖ Thank You
- ❖ Audit Process

Required Communications

- ❖ Our Responsibility in Relation to Financial Statement Audit
- ❖ Significant Risks Considered
 - Improper revenue recognition, management override of internal controls, improper use of restricted resources
- ❖ Significant Estimates and/or Disclosures:
 - Net Pension Liability (\$234,192) – (Note 8)
- ❖ Corrected and/or Uncorrected Audit Adjustments:
 - Three entries to adjust to reconcile year-end balances
- ❖ Significant Difficulties Performing Audit, Disagreements with Management: None

Audit Reports

- ❖ Report on Financial Statements (page 2): Unmodified Opinion
- ❖ Report on Compliance for Major Federal Programs (page 38): Unmod. Opinion
- ❖ Report on Internal Control and Compliance (page 41):
 - 1 Significant Deficiency (Preparation of Financial Statements)
 - Prior comment reduced from Material Weakness to SD, no new comments
- ❖ Management Letter Required by Auditor General (page 43): No Modifications or Findings
- ❖ Independent Accountant's Examination Report (page 45): TPO in Compliance

Financial Highlights

- ❖ Grant Revenues - \$902,719
- ❖ Total Fund Balance - \$609,745
- ❖ Governmental Activities
 - Unrestricted \$402,081

Questions



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Financial Snapshot

Balance Sheet (page 13)

	General Fund	Special Revenue Fund	Total Governmental Funds
ASSETS			
Equity in pooled cash	\$ 264,226	\$ -	\$ 264,226
Investments	140,258	-	140,258
Due from other governments	-	228,994	228,994
Due from other funds	189,566	-	189,566
Deposits	5,000	-	5,000
Total assets	\$ 599,050	\$ 228,994	\$ 828,044
LIABILITIES			
Accounts payable and accrued liabilities	\$ 14,149	\$ 14,584	\$ 28,733
Due to other funds	-	189,566	189,566
Total liabilities	14,149	204,150	218,299
FUND BALANCES			
Nonspendable:			
Deposits	5,000	-	5,000
Assigned for:			
Transportation	-	24,844	24,844
Unassigned	579,901	-	579,901
Total fund balances	584,901	24,844	609,745
Total liabilities and fund balances	\$ 599,050	\$ 228,994	\$ 828,044

Income Statement (page 15)

	General Fund	Special Revenue Fund	Total Governmental Funds
Revenues			
Charges for services	\$ 62,971	\$ -	\$ 62,971
Intergovernmental:			
Federal	-	902,719	902,719
Non-federal	-	48,571	48,571
Investment income	4,908	-	4,908
Miscellaneous	32	-	32
Total revenues	67,911	951,290	1,019,201
Expenditures			
Current:			
General government	33,244	-	33,244
Transportation	-	922,493	922,493
Capital outlay	-	11,151	11,151
Debt service:			
Principal	-	4,776	4,776
Total expenditures	33,244	938,420	971,664
Net change in fund balances	34,667	12,870	47,537
Fund balances, beginning of year	550,234	11,974	562,208
Fund balances, end of year	\$ 584,901	\$ 24,844	\$ 609,745



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III. BUSINESS ITEMS

B. Discussion of TPO Financial Management

Invoicing

Grant Status

OIG Audit Draft Report



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III. BUSINESS ITEMS

C. Discussion of TPO Office Relocation Lease Term Negotiations



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III. BUSINESS ITEMS

**D. Discussion of Greenhouse Gas (GHG) Emissions
Performance Measure and FDOT's Response**



Florida Department of Transportation

RON DESANTIS
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JARED W. PERDUE,
P.E. SECRETARY

November 13, 2023

The Honorable Pete Buttigieg, Secretary
U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590

Secretary Buttigieg,

As Secretary of the Florida Department of Transportation (FDOT), it is my responsibility to keep Florida's supply chain moving to ensure it can support over 22.5 million residents, 137 million visitors, and a top-15 global economy. Today, FDOT is managing the largest Transportation Work Program in state history totaling over \$68 billion, with only 25% coming from federal sources. Given these record investments, my fiduciary responsibility to Florida taxpayers is more important than ever and extends to the evaluation of federal programs—whether formula-based or competitive.

In consultation with my team and after careful review of the requirements for the U.S. Department of Transportation's (USDOT) formula-based 'Carbon Reduction' Program outlined in 23 USC 175, I write to formally notify you of FDOT's decision to not participate in the continued efforts of this program. In making this decision, it became clear that conflicts exist between the authority granted to USDOT by Congress and the broad interpretation that USDOT seeks to implement.

As I noted last year in comments¹ regarding USDOT's attempt to legislate through administrative action, nothing within the IIJA explicitly allows for federally-induced mandates for states to track, *or achieve a certain level*, of reduced CO₂ emissions. Further, to-date USDOT has failed to publish or provide guidance it committed to in April 2022, "on the process under which the Secretary will certify state transportation emissions reductions."²

As highlighted in Florida's recent³ response to a similar proposal by the U.S. Environmental Protection Agency (EPA), Florida has the cleanest air on record, meeting or exceeding all EPA benchmarks, with emissions continuing to fall as fast as our state grows.

Rather than support the continued politicization of our roadways, FDOT's time, money, and resources will be focused on building roads and bridges—not reducing carbon emissions. Please consider this letter as FDOT's response to your department's November 15th deadline. My team

¹ [Florida Department of Transportation's Response](#) to Docket ID No. FHWA-2021-004

² [USDOT Carbon Reduction Program Implementation Guidance](#)

³ [Florida Department of Environmental Protection's](#) Response to Docket ID No. EPA-HQ-OAR-2023-0072

stands ready to discuss at your team's availability and will continue to review remaining programs in the IJA to determine our participation.

Regards,

A handwritten signature in black ink, appearing to read 'JWP', is positioned above the typed name.

Jared W. Perdue, P.E.
Secretary

cc: Shailen Bhatt, FHWA Administrator



For Immediate Release
December 21, 2023

CONTACT FDOT: FDOT COMMUNICATIONS OFFICE
(850) 414-4590 | FDOTCommunicationsOffice@dot.state.fl.us

ICYMI: Attorney General Moody and Governor DeSantis Challenge Biden Administration Rule Requiring States Set Targets to Reduce On-Road CO2 Emissions

TALLAHASSEE, Fla. — Attorney General Ashley Moody is pushing back against the Biden administration’s federal overreach. Attorney General Moody, with the support of Governor Ron DeSantis, filed a lawsuit challenging a new Biden administration rule requiring all states with National Highway System mileage to set arbitrary emissions targets. In addition to today’s announcement, Florida’s foresight and prudent fiscal management practices are now the standard-bearer amongst states given FDOT being the sole state to take the responsible step by no longer participating in USDOT’s carbon reduction program.

According to this new rule, states are required to set arbitrary targets for reduced CO2 emissions, to track progress towards said targets and report to the federal government goal progress. This rule forces states to spend an inordinate amount of time, resources and money with no clear guidance for what success looks like. The complaint argues that Congress has not given the U.S. Department of Transportation the authority to regulate greenhouse gas emissions.

Attorney General Ashley Moody said, “As if Biden’s unfounded and reckless energy policies haven’t devastated our economy enough, this new, foolhardy edict from the U.S. Department of Transportation will create even more financial hardships for our state and Floridians. We’re taking action today to ensure that this misguided new-emissions rule does not stand.”

Governor Ron DeSantis said, “Florida will not sit idly by while the Biden Administration tries to force the Green New Deal into existence through the U.S. Department of Transportation. Florida will always fight for freedom and against the federal government’s unlawful efforts to control the American people.”

Florida Department of Transportation Secretary Jared W. Perdue, P.E. said, “FDOT has continued to voice concerns about the rule for well over a year, yet never received complete answers before the rule was finalized—clearly showing it was done to push the federal government’s agenda for the Green New Deal and is not reflective of a collaborative effort from states across the country. Operating in this manner is irresponsible and reckless, which is why Florida proudly stands united with these other states to safeguard the freedoms that this nation is so well known for.”

In the complaint filed today in federal court, Attorney General Moody and a 21-state coalition of attorneys general assert that DOT's Federal Highway Administration overstepped its legal authority. The coalition writes, "Congress has not given FHWA or USDOT authority to regulate greenhouse gas emissions ('GHG'). Nor can the Agencies compel the States to administer a federal regulatory program or mandate them to further Executive policy wishes absent some other authority to do so—which is lacking as to this rule."

The action also makes clear that the proposed measure violates the principles of federalism by requiring states to implement a federal regulatory program. The complaint explains: "The Constitution is also clear that action by the States cannot be mandated through federal action like the Final Rule. 'The Federal Government may not compel the States to enact or administer a federal regulatory program.' [because] 'the Constitution protects us from our own best intentions: It divides power among sovereigns and among branches of government precisely so that we may resist the temptation to concentrate power in one location as an expedient solution to the crisis of the day.'" Accordingly, "[e]ven if Congress believed the Final Rule was the best means of reducing CO2 in order to address climate change, the States could not be directed to implement the policy choices of the federal government."

Further, the attorneys general note that FHWA previously issued a similar rule, soon repealed after the agency determined that the measure may duplicate "existing efforts in some States" and imposed "unnecessary burdens on State DOTs and MPOs [metropolitan planning organizations] that were not contemplated by Congress."

In addition to Attorney General Moody, the following states signed onto the complaint: Alabama, Alaska, Arkansas, Idaho, Indiana, Iowa, Kansas, Kentucky, Mississippi, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Utah, Virginia, South Carolina, South Dakota, West Virginia, and Wyoming.

Read the complaint [here](#).

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www.fdot.gov | Twitter: [@MyFDOT](https://twitter.com/MyFDOT) | Facebook: [@MyFDOT](https://www.facebook.com/MyFDOT)

The Florida Department of Transportation's mission is to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity, and preserves the quality of the state's environment and communities. The department is committed to building a transportation system that not only fits the current needs of Florida's residents and visitors, but also enhances mobility throughout the state to accommodate its consistent and rapid growth. The unique nature of the Sunshine State and its year-round warm climate provides numerous opportunities to achieve the department's mission through multiple transportation modes including highways/streets, air, rail, sea, spaceports, transit, and the ever-expanding deployment of bicycle & pedestrian facilities.



Florida Department of Transportation

RON DESANTIS
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JARED W. PERDUE, P.E.
SECRETARY

December 22, 2023

Dear Metropolitan Planning Organization Partners,

As a valued partner and in an effort to continue to collaborate and support Florida's Metropolitan Planning Organizations (MPO), the Florida Department of Transportation (FDOT) would like to provide information on recent news for clarity and transparency.

The Department deeply values the commitment and dedication each of your MPOs take to thoroughly develop, plan, and prioritize each region's transportation projects, including with your long-range transportation plans. With your input, Florida has the world's most diverse transportation portfolio. FDOT plans to continue to make responsible and strategic investments in every region of the state, including traffic congestion reduction, multimodal transportation (including bicycle and pedestrian facilities), truck parking, intelligent transportation systems, and energy-efficient alternatives.

After careful consideration, FDOT notified USDOT and the Federal Highway Administration (FHWA) of the decision to not submit a formal Carbon Reduction Strategy document. This document required states to submit strategies to reduce carbon emissions by tracking and reducing emissions from vehicles. FDOT did not receive answers to all of our concerns prior to USDOT's strategy document submittal deadline.

Within a few days after that document was due, USDOT issued a final Greenhouse Gas (GHG) Rule. The final rule requires State DOTs and MPOs to establish declining carbon dioxide targets for reducing emissions and report biennially on progress toward achievements of those targets. However, in the final rule, FHWA acknowledges that the Infrastructure Investment and Jobs Act (IIJA) does not explicitly authorize the agency to assess environmental performance. Performance, as used in the law, is intended to address physical issues with infrastructure, not CO₂ emissions.

FDOT believes that FHWA has exhibited broad overreach in their implementation of the rule. Congress used clear language to direct USDOT to establish performance measures to assess pavement condition, bridge condition, system performance, and serious injuries and fatalities. Notably absent is a reference to GHG. Last year, FDOT formally responded to the proposed FHWA GHG emissions rule. FHWA received approximately 40,000 comments on the proposed rule, but did not significantly alter the final rule, or take into consideration the unique characteristics of all 50 states.

With the uniqueness of Florida and this rule affecting beyond just our agency, the Department diligently considered impacts for our partners and the transportation industry as a whole. This was especially important due to the language in the rule that relates to MPOs, as Florida has the highest number of MPOs in the nation – 27 MPOs and 33 UZAs (urbanized areas with populations over 50,000). Through this rule, 25 of the 27 MPOs are required to create joint targets and comply with establishing targets. FDOT estimates a high level of effort and costs, in addition to imposed compliance costs, which far exceeds FHWA’s cost estimate.

While it should be very apparent after working so closely with us through the years, I want to reaffirm FDOT’s commitment to environmental preservation and resiliency. In fact, Florida has achieved the cleanest air on record and is the most populous state to meet or exceed the existing Environmental Protection Agency (EPA) benchmarks for air quality. It is unfortunate that the new GHG rule penalizes states for population, tourism, and economic growth.

With factors such as these, FDOT has been left with no choice but to join 20 other states and file a complaint in federal court requesting injunctive relief from this rule. This action was filed yesterday, December 21, 2023.

As always, we appreciate working together to best serve our communities. FDOT remains committed to being transparent and working with our MPOs to deliver a successful transportation system. Thank you for your continued partnership.

Regards,

A handwritten signature in black ink, appearing to read 'JWP', with a stylized flourish extending to the right.

Jared W. Perdue, P.E.
Secretary



Executive Committee Meeting January 3, 2024

III. BUSINESS ITEMS

**E. Review and Approval of November 1, 2023 Executive
Committee Minutes**



Executive Committee Meeting January 3, 2024

III. BUSINESS ITEMS

**F. Review and Approval of Draft January 24, 2024 TPO
Board Agenda**



DRAFT

MEETING AGENDA

Please be advised that the **RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION (TPO) BOARD** will be meeting on:

DATE: WEDNESDAY, JANUARY 24, 2024
TIME: 9:00 A.M.
PLACE: AIRLINE ROOM
DAYTONA BEACH INTERNATIONAL AIRPORT
700 Catalina Drive, Daytona Beach, FL 32114

NOTE:
A Microsoft Teams meeting has been established for remote participation.

River to Sea TPO Board Meeting

[Click here to join the meeting](#)

Or call in (audio only)

+1 561-484-5911 787231393# United States, West Palm Beach

Phone Conference ID: 787 231 393#

[Find a local number](#) | [Reset PIN](#)

DeLand Mayor Chris Cloudman, Chairperson Presiding

- I. CALL TO ORDER / ROLL CALL / DETERMINATION OF A QUORUM**
- II. PLEDGE OF ALLEGIANCE**
- III. PUBLIC COMMENT/PARTICIPATION** *(Public comments may be limited to three (3) minutes at the discretion of the Chairperson)*
- IV. CONSENT AGENDA**
 - A. DECEMBER 6, 2023 RIVER TO SEA TPO BOARD MEETING MINUTES** *(Contact: Donna King)*
 - B. TREASURER REPORT** *(Contact: Mariel Lemke)*
 - C. EXECUTIVE COMMITTEE REPORT** -- Report by DeLand Mayor Chris Cloudman, TPO Board Chairperson
 - D. TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD REPORT** -- Report by Volusia County Council Member Matt Reinhart, TDLCB Chairperson)
 - E. BICYCLE/PEDESTRIAN ADVISORY COMMITTEE REPORT** -- Report by Mr. Ted Wendler, BPAC Chairperson

Beverly Beach	DeBary	Flagler Beach	New Smyrna Beach	Palm Coast	South Daytona
Bunnell	DeLand	Flagler County	Oak Hill	Pierson	Volusia County
Daytona Beach	Deltona	Holly Hill	Orange City	Ponce Inlet	
Daytona Beach Shores	Edgewater	Lake Helen	Ormond Beach	Port Orange	

IV. CONSENT AGENDA (continued)

- F. CITIZENS ADVISORY COMMITTEE REPORT**-- Report by Mr. Dave Castagnacci, CAC Chairperson
- G. TECHNICAL COORDINATING COMMITTEE REPORT** -- Report by Mr. Brian Walker, TCC Chairperson
- H. RIVER TO SEA TPO BOARD REPORT** -- Report by DeLand Mayor Chris Cloudman, TPO Board Chairperson
- I. EXECUTIVE DIRECTOR TIMESHEET REVIEW REPORT** -- Report by DeLand Mayor Chris Cloudman, TPO Board Chairperson
- J. APPROVAL (RATIFICATION) OF AMENDMENT TO SHARED USE NON-MOTORIZED (SUN) TRAIL PROJECT LIST** (Contact: Colleen Nicoulin)
- K. REVIEW AND APPROVAL OF LETTER OF SUPPORT FOR THE FDOT CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS (CRISI) GRANT APPLICATION FOR THE PROPOSED RAILROAD CROSSING SAFETY IMPROVEMENTS AND MONITORING SYSTEM PROJECT.** (Contact: Colleen Nicoulin)

V. ACTION ITEMS

- A. REVIEW AND APPROVAL OF THE RIVER TO SEA TPO'S FY 2022/23 INDEPENDENT AUDIT REPORT** (Contact: Mariel Lemke)
- B. REVIEW AND APPROVAL OF RESOLUTION 2024-## AMENDING THE FY 2023/24 TO FY 2027/28 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) (ROLL CALL VOTE REQUIRED)** (Contact: Colleen Nicoulin)
- C. REVIEW AND APPROVAL OF RESOLUTION 2024-## ADOPTING THE 2024 RIVER TO SEA TPO SAFETY DATA AND TARGETS** (Contact: Colleen Nicoulin)
- D. REVIEW AND APPROVAL OF RESOLUTION 2024-## ADOPTING THE 2020 ADJUSTED URBAN AREA BOUNDARY** (Contact: Colleen Nicoulin)

VI. PRESENTATIONS, STATUS REPORTS, AND DISCUSSION ITEMS

- A. PRESENTATION AND DISCUSSION OF FY 2024/25 AND FY 2025/26 UNIFIED PLANNING WORK PROGRAM (UPWP)** (Contact: Colleen Nicoulin)
- B. PRESENTATION AND DISCUSSION OF AMENDMENT TO THE CONNECT 2045 LONG RANGE TRANSPORTATION PLAN (LRTP)** (Contact: Colleen Nicoulin)
- C. FDOT REPORT** (Contact: Kia Powell, FDOT District 5)

VII. EXECUTIVE DIRECTOR'S REPORT

VIII. RIVER TO SEA TPO BOARD MEMBER COMMENTS

IX. RIVER TO SEA TPO CHAIRPERSON COMMENTS

X. INFORMATION ITEMS (Enclosure)

- Bicycle/Pedestrian Advisory Committee Attendance Record – 2023
- Citizens Advisory Committee Attendance Record – 2023
- Technical Coordinating Committee Attendance Record– 2023
- River to Sea TPO Outreach and Activities

- Upcoming Events Flyer
- Volusia and Flagler County Construction Reports

XI. ADJOURNMENT

The next River to Sea TPO Board meeting will be on February 28, 2024

February 2024 Meeting Dates

Executive Committee, February 7, 2024 @ 9:00 a.m.

Bicycle/Pedestrian Advisory Committee, February 14, 2024 @ 2:00 p.m.

Citizens Advisory Committee, February 20, 2024 @ 1:15 p.m.

Technical Coordinating Committee, February 20, 2024 @ 3:00 p.m.

River to Sea TPO Board, February 28, 2024 @ 9:00 a.m.

If any person decides to appeal a decision made by this board with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made.

Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the River to Sea TPO office, 1 Deuce Court, Suite 100, Daytona Beach, Florida 32124; (386) 226-0422, extension 20416, at least five (5) working days prior to the meeting date.

The River to Sea TPO does not discriminate in any of its programs or services. To learn more about our commitment to nondiscrimination and diversity, visit our Title VI page at www.r2ctpo.org or contact our Title VI/Nondiscrimination Coordinator, Pamela Blankenship, at 386-226-0422, extension 20416, or pblankenship@r2ctpo.org

Persons who require translation services, which are provided at no cost, should contact the River to Sea TPO at (386) 226-0422 or by email at PBlankenship@r2ctpo.org at least five (5) business days prior to the meeting.



Executive Committee Meeting

January 3, 2024

IV. STAFF COMMENTS



Executive Committee Meeting January 3, 2024

V. EXECUTIVE COMMITTEE MEMBER COMMENTS



Executive Committee Meeting January 3, 2024

VI. ADJOURNMENT

***The next Executive Committee meeting
will be February 7, 2024***