

**Citizens' Advisory Committee (CAC)
Meeting Minutes
January 17, 2023**

CAC Members Physically Present:

Janet Deyette
Ed Fendley
Greg Feldman
Gilles Blais
Fred Heyne
Bobby Ball
Dave Castagnacci, Vice Chairperson
Elizabeth Alicia Lendian
Edie Biro
Sean Castello (non-voting)
Rakinya Hinson (non-voting)

CAC Members Virtually Present:

Emily Nice
Patricia Lipovsky

CAC Members Absent:

Shawn Collins
Erika Benfield
Kerry Karl, Chairperson (excused)
Bliss Jamison (excused)
Faith Alkhatib (non-voting)
Tisha Peterson
Rick Basso
Bob Storke (excused)
Sue Elliott (excused)
Paul Martel (excused)
Jack Delaney (excused)

Others Physically Present:

Colleen Nicoulin
Stephan Harris
Jonathan Scarfe
Mark Trebitz
Kathy Alexander-Corbin
Ed Kestory
Claire Hartman

Others Virtually Present:

Debbie Stewart, Recording Secretary
Pamela Blankenship
Dennis LaRose
Vicki LaRose
Rich Malaszowski
Jay Williams

Representing:

Deltona
Flagler Beach
Flagler County
Holly Hill
Ormond Beach
Port Orange
Volusia County Chair
Volusia County At Large
Votran (CTC)
Volusia County Traffic Engineering
FDOT

Representing:

Daytona Beach Alternate
Volusia County D-2

Representing:

Daytona Beach
DeBary
DeLand
Edgewater
Flagler County Traffic Engineering
Flagler County Public Transportation
Lake Helen
Orange City
Pierson
Pierson Alternate
South Daytona

Representing:

TPO Staff
TPO Staff
FDOT
FDOT
FDOT
FDOT
Ghyabi Consulting

Representing:

TPO Staff
TPO Staff
Citizen
Citizen
Citizen
Volusia County Traffic Engineering

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

Vice Chairperson David Castagnacci called the meeting of the River to Sea Transportation Planning Organization (TPO) Citizens Advisory Committee (CAC) to order at 1:15 p.m. The roll was called and it was determined that a quorum was

physically present. Due to the COVID-19 virus, the meeting was held in a hybrid format with nine voting and two non-voting members physically present; and with two voting members virtually present.

MOTION: *A motion was made by Mr. Feldman to allow members attending virtually to participate and vote. The motion was seconded by Ms. Biro and carried unanimously.*

The Pledge of Allegiance was given.

II. Public Comment/Participation

There were no public comments.

III. Action Items

A. Review and Approval of the November 15, 2022 CAC Minutes

MOTION: *A motion was made by Mr. Feldman to approve the November 15, 2022 CAC minutes. The motion was seconded by Mr. Ball and carried unanimously.*

B. Review and Recommend Approval of Resolution 2023-## Amending the Connect 2045 Long Range Transportation Plan (LRTP) (Roll Call Vote Required)

(Handout)

Ms. Nicoulin stated this request to amend the Connect 2045 Long Range Transportation Plan (LRTP) was presented at the November meeting prior to opening it up for public comment; she noted this is the fourth amendment to the Connect 2045 LRTP. She reviewed the three previous amendments and explained this request for an amendment is to add funding for the I-95 interchange at Pioneer Trail and to advance the project to the current year. The I-95 at Pioneer Trail interchange project is currently within the Connect 2045 LRTP. The project was a recipient of American Rescue Plan Act (ARPA) funding last year and accordingly, the TPO must amend the LRTP to reflect that funding as well as the advancement of the project. The TPO's LRTP was unanimously adopted in September of 2020. Development of the LRTP was an 18-month process during which the TPO held 82 public workshops, meetings, and webinars on the development of the plan throughout the process. The request for the amendment is to add additional funding and to advance the project to the current year. She referred to the handout that includes a compilation of the comments received to-date. The TPO received comments which are provided in the handout; the public comment period is still open through the January 25, 2023 TPO Board meeting at 9:00 am when the board will take action. All the comments received to-date, any new comments, and the recommendations from the advisory committees will be presented to the TPO Board.

Mr. Feldman referred to the tables shown and the \$4 million under PE Cost for this project and asked if that money was already spent or if it is rolled into the total ARPA funding amount.

Ms. Nicoulin replied that when the plan was adopted, that was what was programmed into the Transportation Improvement Program (TIP); it was the funding within the first five-year band of the LRTP. She referred to the Cost Feasible Plan provided and noted that it is specific to the LRTP; it identifies the funding for planning, design, right-of-way, and construction. The design, right-of-way and construction funding are what is being amended as well as advancing the project to the current year. She explained funding for the LRTP is broken down into five-year bands; the design is being advanced from the time band of 2031 to 2035 to the current year which is 2021 to 2025. Additional funding is also being programmed for the right-of-way phase for the current year and construction funding is being advanced from the 2036 to 2045 time band to the current time band of 2021-2025. The \$4 million shown for an environmental study was already programmed in the TIP and the LRTP; this amendment is not addressing that dollar amount.

Ms. Blankenship announced she has received two public comments through the virtual comment form; one from Dr. Denise DeGarmo and one from Mr. Bryon White. She read both comments into the record (attached).

Vice Chairperson Castagnacci asked if FDOT should provide a response to those comments or if they are just accepted; or if the committee should respond to them.

Ms. Nicoulin replied the TPO accepts them as public comments; if the committee has specific questions we can request FDOT to address those. All of the comments will be provided to the TPO Board for their meeting next week.

Mr. Fendley requested clarification of the comments that were submitted by the Volusia County Chair and a coalition of individuals in opposition of the 2045 LRTP Amendment for Pioneer Trail.

Ms. Nicoulin explained that there are two handouts with public comments. One of the handouts contains a comment that was received prior to this meeting from a number of individuals and it included four attachments to the comment. One of the attachments was a letter sent by the Volusia County Chair, not sent on behalf of the Volusia County Council, but on behalf of the County Chair as an individual. The other Handout contains comments that we have received through this morning since the project was open for public comment.

Mr. Fendley commented from his perspective there are a couple items of concern, one is procedural issue with regards to the Chair of the County in opposition to the project on his own behalf and the members of the public that have expressed opposition to the project. He asked if FDOT would be able to speak to project process and the level of opposition to the project.

Ms. Nicoulin explained that the Pioneer Trail interchange project has a long history; it has been within the TPO's LRTP dating back to the 2020 LRTP; we are now in the 2045 LRTP. It was a project initiated by Volusia County and the city of Port Orange; this project has been vetted throughout the different developments of the Long Range Transportation Plans. The reference letter from the Volusia County Chair did not come from the Volusia County Council and is not a position of Volusia County, but rather one individual on the Council.

Mr. Mark Trebitz, FDOT, spoke on the process and explained that this project is in the design phase and before that went through the planning phases. The Department has conducted what is called a PD&E, which is a project development and environmental study; it is an environmental and engineering process where the social, economic, and environmental impacts associated with any proposed transportation improvement project are investigated. An engineering analysis is conducted to see what wetlands or wildlife would be impacted, the right-of-way needs, and any socioeconomic or cultural impacts. The public is engaged throughout the entire process to inform them of the proposed improvements and work with them on the preferred alternative. Public hearings and meetings are held and FDOT documents all public comments received from those meetings. The PD&E study is completed and FDOT is currently in the design phase.

Mr. Fendley asked if the Volusia County Council supports the project with the County Council Chair being opposed to it.

Ms. Nicoulin explained that the County Council requested the interchange and throughout the process they have passed resolutions in support of the project and she can't speak to the County Chair's position.

Ms. Lendian asked about flooding in the canals along Pioneer Trail.

FDOT explained they project will improve drainage in the area; flood plain compensation ponds would be built. Resiliency is also a factor that is considered with regards to evacuations route and ensuring vital roads are open.

Mr. Ball commented on the interchange as it relates to flooding, when Williamson Blvd was flooded in addition to SR 415 and Pioneer Trail, the interchange provides a necessary safety outlet as another way to get to an evacuation route on I-95.

It was clarified that the current Volusia County Council Chair was not on the TPO Board when the Connect 2045 LRTP was adopted in September of 2020.

MOTION: *A motion was made by Mr. Ball to recommend approval of Resolution 2023-## amending the Connect 2045 Long Range Transportation Plan (LRTP). The motion was seconded by Ms. Biro and failed by a roll call vote of nine to two.*

C. Review and Recommend Approval of Resolution 2023-## Amending the FY 2022/23 to 2026/27 Transportation Improvement Program (TIP) (Roll Call Vote Required)

(Handout)

Ms. Nicoulin stated this request is to amend the TIP to include seven new projects; there are five new transit operations and capital projects; one project that programs funding for a new operations safety project; one project that programs funding for a new electric vehicle infrastructure project in the current fiscal year. This TIP amendment also programs funding for the I-95 at Pioneer Trail interchange project for the current year; this funding is supported by the table shown referenced for the LRTP amendment. In addition, there is another request from FDOT to include the Flagler Central Commerce Parkway Connector; this project was amended into the LRTP and the TIP in November. The request is to include local funding which will make this project whole.

Mr. Feldman asked how the TIP request for the Pioneer Trail interchange would be affected since the committee just voted down the LRTP amendment for it.

Ms. Nicoulin explained the TIP request includes all the projects shown on the summary sheet; the committee could move forward and vote on the projects, either as a group or separately; or vote on the Pioneer Trail interchange project separately and the rest of the projects as a group.

The members decided to vote on each project individually.

MOTION: *A motion was made by Mr. Feldman to recommend approval of Resolution 2023-## amending the FY 2022/23 to 2026/27 Transportation Improvement Program (TIP) by individual roll call votes for each project. The motion was seconded by Mr. Blais.*

The roll call vote for project FM 451133-1 carried unanimously by a roll call vote.

The roll call vote for project FM 452481-1 carried unanimously by a roll call vote.

The roll call vote for project FM 452510-1 carried unanimously by a roll call vote.

The roll call vote for project FM 452480-1 carried unanimously by a roll call vote.

The roll call vote for project FM 452480-2 carried unanimously by a roll call vote.

The roll call vote for project FM 245316-6 carried unanimously by a roll call vote.

The roll call vote for project FM 452364-5 carried unanimously by a roll call vote.

The roll call vote for project FM 450921-1 carried unanimously by a roll call vote.

The roll call vote for project FM 436292-1, I-95 at Pioneer Trail interchange project failed by a roll call vote of nine to two.

IV. Presentation Items

A. Presentation and Discussion of 2023 River to Sea TPO Safety Data and Targets

Ms. Nicoulin gave a PowerPoint presentation on the updated safety data and the TPO's safety targets. Adopting safety targets by the end of February has been a requirement for the TPO for the last five years and the five measures have remained unchanged. The targets include the number of fatalities, serious injuries, non-

motorized fatalities and serious injuries, the rate of fatalities, and the rate of serious injuries. FDOT has adopted a target of Vision Zero which sets a target of zero for all five of these measures. Over the last five years, the TPO has adopted an independent target based on a 2% reduction. The TPO recently applied for the Safe Streets and Roads for All (SS4A) grant, and as part of that grant, the TPO must make the commitment to adopt the Vision Zero target. This target focuses on driver behavior and working with partner agencies such as FDOT and local law enforcement agencies. She noted that the TPO always addresses safety in the projects that are programmed through the annual Call for Projects and this year, safety was emphasized in the project applications. The past year's safety data was just released yesterday so staff has not yet had the opportunity to dissect it; she reviewed the safety data for both Volusia and Flagler Counties as a whole. The data shows that the numbers have increased; she showed the data for fatalities, serious injuries, non-motorized fatalities and serious injuries, and the rates for both. The data will be analyzed specifically for the TPO's planning area.

Members discussed the safety data; it was asked if it would be of value to reflect the data for local roads versus the interstate and if more state resources would be available if the fatalities and serious injuries were occurring more frequently on I-95 than on local roads. If they do occur more frequently on the interstate, then it would be a matter for the Florida Highway Patrol (FHP) and/or the state legislatures to allocate more funding to address it; the TPO's funding is limited and could go more towards addressing safety locally. It was explained that data is available and the TPO can collaborate with its agency partners for a plan. One step moving forward is to adopt FDOT's Vision Zero target; we will all be coming to the table with one goal. The TPO wants to look at where the fatalities are occurring, what the contributing factors are, and put together an action plan to address safety in our area. It was also asked if the data takes into account the type of vehicles that are involved; it was explained the data can be separated by vehicle type, weather, time of day, etc.; all of that information is within the data.

B. Presentation and Discussion of FDOT's Tentative Five-Year Work Program for FY 2023/24 to 2027/28

Ms. Kathy Alexander-Corbin, FDOT, gave a PowerPoint presentation of FDOT's Tentative Five-Year Work Program (WP) for fiscal year (FY) 2023/24 to 2027/28. FDOT's WP is a five-year plan and a listing of transportation needs planned for the upcoming five-year period and includes public transit, seaport, airport and rail projects; activities such as transportation planning, transportation systems management and operations, engineering and design; right-of-way acquisition and construction activities. Each year, the upcoming five-year needs are developed in collaboration with their local partners' priorities. She explained the process of approval for the WP. The WP is managed on a fiscal year basis which starts July 1 and ends June 30. A video that explains the process is available on FDOT's website. They held a public hearing in December and public comments were accepted until December 23, 2022. She explained the key dates and the timeline for the WP. The WP must be balanced with the available resources such as revenue forecasts for state and federal resources; program target areas must be met. She reviewed the funding table specific to the River to Sea TPO's planning area as well as a breakdown of project types such as safety, capacity, bicycle/pedestrian, etc. She reviewed key projects in the WP for Volusia County and Flagler County and noted the funding for each project. She reviewed the projects deferred and how far out they were deferred.

Mr. Fendley asked how much of the WP and the projects for this area will reduce target speeds and therefore, reduce fatalities and serious injuries. He referred to the most recent safety presentation given by FDOT's Safety Office; there were a couple of main points in that presentation with the first being speed kills and the second, being that communities should support reduced target speeds to save lives, which is Vision Zero. There were specific design measures presented as options that can reduce speeds through design. This is the deadliest area in the country for bicyclists and pedestrians; he asked how many of the projects in the WP for the TPO's planning area include design components to reduce target speeds.

Ms. Alexander-Corbin replied that is a tangible number that is difficult to answer; safety is taken into account with each FDOT project. Collaboration with partners regarding safety is done to take those benefits into account.

Mr. Trebitz stated that every project has a target speed; the context of the area, land use, etc., are looked at to develop a target speed that is then brought to the design, traffic engineering, and planning departments. It is not just a matter of changing a speed limit sign; they use engineering techniques to reduce speeds through

driver behavior. Every project has a safety component, whether it is an interstate project or a local Complete Streets project.

Mr. Fendley asked what the end result is; he has heard presentations that we are the worst in the nation for our two-county jurisdiction and another presentation on reducing target speeds. He asked how much of the WP is reducing target speeds. He understands there is a process to understand what the target speed should be but his specific question is how many of the WP projects reduce speeds which the data tells us will save lives. It seems to him that what has been done so far has not worked and the process may deserve more attention.

Ms. Alexander-Corbin replied that projects that have been completed that include recommended reduced speeds could be reviewed; it takes time to see the impact of the improvements.

Ms. Nice asked why the SR 430 east and westbound bridge project over the Halifax River was deferred.

Ms. Alexander-Corbin replied there was another project (SR 40 over the St. Johns River bridge) that needed critical mechanical repairs that required additional funding; this project was a more sustainable repair so it was deferred.

Ms. Nice asked if the decision was solely FDOT's and if city staff was involved in the decision.

Ms. Alexander-Corbin replied it was based on the nature of the bridge and the critical nature of the repair; she will find out if the city was involved and provide the information to the TPO.

C. Presentation and Discussion of 2023 Call for Projects Workshop (TCC Only)

D. FDOT Report

Ms. Hinson stated the FDOT report was provided in the agenda; if members have questions regarding a specific project, the cflroads.com website has FDOT's most up-to-date information. She introduced Mr. Jonathan Scarfe, the new FDOT liaison.

E. Volusia and Flagler County Construction Reports

The Volusia County and Flagler County Construction Reports were provided in the agenda.

V. Staff Comments

Ms. Nicoulin announced the TPO's annual Call for Projects is currently open through the end of February for local governments to submit project applications to the TPO for bicycle/pedestrian, traffic operations, and planning studies. The TPO will then convene the subcommittees to score and rank those project applications received.

VI. CAC Member Comments

Mr. Feldman referred to the I-95 at Pioneer Trail interchange project and commented that he voted against it because it seemed that there is a large number of citizens against it and since this is the Citizens Advisory Committee, he took that into account. He is for projects that move traffic more efficiently but in this case the feedback presented warranted that type of vote.

Ms. Biro announced Votran will have service changes beginning January 29, 2023 with a reduction in service hours; reduced service hours have been in place for a year and now will be made permanent. They are also making schedule adjustments to the SunRail Routes 31 and 32; there is a handout provided with an explanation of the changes.

VII. Information Items

- CAC & TCC Attendance Records
- River to Sea TPO Outreach and Events
- Upcoming River to Sea TPO events
- TPO Board Report
- 2023 TPO Meeting Schedule

VIII. Adjournment

There being no further business, the CAC meeting adjourned at 2:43 p.m.


RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION



MS. KERRY KARL, CHAIRPERSON
CITIZENS' ADVISORY COMMITTEE (CAC)

CERTIFICATE:

The undersigned duly qualified and acting Recording Secretary of the River to Sea TPO certified that the foregoing is a true and correct copy of the minutes of the January 17, 2023 regular meeting of the Citizens' Advisory Committee (CAC), approved and duly signed this 21st day of February 2023.



DEBBIE STEWART, RECORDING SECRETARY
RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION

***** A recording of the January 17, 2023 CAC meeting is available upon request.***

VOLUSIA TRANSPORTATION PLANNING ORGANIZATION (TPO)

CITIZENS ADVISORY COMMITTEE (CAC)

ROLL CALL VOTE – LRTP AMENDMENT

MEETING DATE: TUESDAY, JANUARY 17, 2023
 MEETING TIME: 1:15 P.M.
 MEETING LOCATION: RIVER TO SEA TPO

QUORUM: 9 MEMBERS YES

9-2

REPRESENTING:

CAC MEMBER:

YES / NO

DAYTONA BEACH
 DELTONA

SHAWN COLLINS
 JANET DEYETTE

 /
 /

DEBARY
 DELAND

ERIKA BENFIELD
 KERRY KARL

 /
exc /

EDGEWATER
 FLAGLER BEACH

BLISS JAMISON/REBECCA CREWS
 ED FENDLEY

 /
 /

FLAGLER COUNTY

GREG FELDMAN/RICK BELHUMUER

 /

HOLLY HILL

GILLES BLAIS

 /

LAKE HELEN
 NEW SMYRNA BEACH

RICK BASSO
 NORA JANE GILLESPIE

 /
 /

ORANGE CITY

BOB STORKE

 /

ORMOND BEACH

FRED HEYNE

 /

PONCE INLET

JOE VILLANELLA

 /

PIERSON

SUSAN ELLIOTT
 PAUL MARTEL (ALTERNATE)

 /
exc /

PORT ORANGE

BOBBY BALL

 /

SOUTH DAYTONA
 VOLUSIA COUNTY CHAIR

JACK DELANEY
 DAVE CASTAGNACCI

 /
exc /

VOLUSIA COUNTY D-2

PATRICIA LIPOVSKY

 /

VOLUSIA COUNTY AT LARGE

ELIZABETH LENDIAN

 /

VOTRAN (CTC)

EDIE BIRO

 /

FLAGLER COUNTY TRANSIT

TISHA PETERSON

 /

VOLUSIA TRANSPORTATION PLANNING ORGANIZATION (TPO)

CITIZENS ADVISORY COMMITTEE (CAC)

ROLL CALL VOTE – TIP AMENDMENT FM 451133-1

MEETING DATE: TUESDAY, JANUARY 17, 2023
 MEETING TIME: 1:15 P.M.
 MEETING LOCATION: RIVER TO SEA TPO

QUORUM: 9 MEMBERS YES

REPRESENTING:	CAC MEMBER:	YES	NO
DAYTONA BEACH	SHAWN COLLINS/EMILY NICE	✓	
DELTONA	JANET DEYETTE	✓	
DEBARY	ERIKA BENFIELD		
DELAND	KERRY KARL	exc	
EDGEWATER	BLISS JAMISON/REBECCA CREWS	exc	
FLAGLER BEACH	ED FENDLEY	✓	
FLAGLER COUNTY	GREG FELDMAN/RICK DELHUMBER	✓	
HOLLY HILL	GILLES BLAIS	✓	
LAKE HELEN	RICK BASSO		
ORANGE CITY	BOB STORKE	exc	
ORMOND BEACH	FRED HEYNE	✓	
PIERSON	SUSAN ELLIOTT		
	PAUL MARTEL (ALTERNATE)	exc	
PORT ORANGE	BOBBY BALL	✓	
SOUTH DAYTONA	JACK DELANEY	exc	
VOLUSIA COUNTY CHAIR	DAVE CASTAGNACCI	✓	
VOLUSIA COUNTY D-2	PATRICIA LIPOVSKY	✓	
VOLUSIA COUNTY AT LARGE	ELIZABETH LENDIAN	✓	
VOTRAN (CTC)	EDIE BIRO	✓	
FLAGLER COUNTY TRANSIT	TISHA PETERSON		

**VOLUSIA TRANSPORTATION PLANNING ORGANIZATION (TPO)
CITIZENS ADVISORY COMMITTEE (CAC)**

ROLL CALL VOTE – TIP AMENDMENT FM 452481-1

MEETING DATE: TUESDAY, JANUARY 17, 2023
MEETING TIME: 1:15 P.M.
MEETING LOCATION: RIVER TO SEA TPO

QUORUM: 9 MEMBERS YES

REPRESENTING:

CAC MEMBER:

YES / NO

DAYTONA BEACH
 DELTONA

~~SHAWN COLLINS~~/EMILY NICE
 JANET DEYETTE

✓ /
✓ /

DEBARY
 DELAND
 EDGEWATER
 FLAGLER BEACH

ERIKA BENFIELD
 KERRY KARL
 BLISS JAMISON/~~REBECCA CREWS~~
 ED FENDLEY

 /
exc /
exc /
✓ /

FLAGLER COUNTY

GREG FELDMAN/~~RICK BELHUMUER~~

✓ /

HOLLY HILL

GILLES BLAIS

✓ /

LAKE HELEN

RICK BASSO

 /

ORANGE CITY

BOB STORKE

exc /

ORMOND BEACH

FRED HEYNE

✓ /

PIERSON

SUSAN ELLIOTT
 PAUL MARTEL (ALTERNATE)

 /
exc /

PORT ORANGE

BOBBY BALL

✓ /

SOUTH DAYTONA
 VOLUSIA COUNTY CHAIR

JACK DELANEY
 DAVE CASTAGNACCI

exc /
✓ /

VOLUSIA COUNTY D-2

PATRICIA LIPOVSKY

✓ /

VOLUSIA COUNTY AT LARGE

ELIZABETH LENDIAN

✓ /

VOTRAN (CTC)

EDIE BIRO

✓ /

FLAGLER COUNTY TRANSIT

TISHA PETERSON

 /

VOLUSIA TRANSPORTATION PLANNING ORGANIZATION (TPO)
CITIZENS ADVISORY COMMITTEE (CAC)

ROLL CALL VOTE – TIP AMENDMENT FM 452510-1

MEETING DATE: TUESDAY, JANUARY 17, 2023
MEETING TIME: 1:15 P.M.
MEETING LOCATION: RIVER TO SEA TPO

QUORUM: 9 MEMBERS YES

<u>REPRESENTING:</u>	<u>CAC MEMBER:</u>	<u>YES</u> / <u>NO</u>
DAYTONA BEACH	SHAWN COLLINS/EMILY NICE	<u>✓</u> / <u> </u>
DELTONA	JANET DEYETTE	<u>✓</u> / <u> </u>
DEBARY	ERIKA BENFIELD	<u> </u> / <u> </u>
DELAND	KERRY KARL	<u>exc</u> / <u> </u>
EDGEWATER	BLISS JAMISON/ REBECCA CREWS	<u>exc</u> / <u> </u>
FLAGLER BEACH	ED FENDLEY	<u>✓</u> / <u> </u>
FLAGLER COUNTY	GREG FELDMAN/ RICK BELHUMIER	<u>✓</u> / <u> </u>
HOLLY HILL	GILLES BLAIS	<u>✓</u> / <u> </u>
LAKE HELEN	RICK BASSO	<u> </u> / <u> </u>
ORANGE CITY	BOB STORKE	<u>exc</u> / <u> </u>
ORMOND BEACH	FRED HEYNE	<u>✓</u> / <u> </u>
PIERSON	SUSAN ELLIOTT	<u> </u> / <u> </u>
	PAUL MARTEL (ALTERNATE)	<u>exc</u> / <u> </u>
PORT ORANGE	BOBBY BALL	<u>✓</u> / <u> </u>
SOUTH DAYTONA	JACK DELANEY	<u>exc</u> / <u> </u>
VOLUSIA COUNTY CHAIR	DAVE CASTAGNACCI	<u>✓</u> / <u> </u>
VOLUSIA COUNTY D-2	PATRICIA LIPOVSKY	<u>✓</u> / <u> </u>
VOLUSIA COUNTY AT LARGE	ELIZABETH LENDIAN	<u>✓</u> / <u> </u>
VOTRAN (CTC)	EDIE BIRO	<u>✓</u> / <u> </u>
FLAGLER COUNTY TRANSIT	TISHA PETERSON	<u> </u> / <u> </u>

VOLUSIA TRANSPORTATION PLANNING ORGANIZATION (TPO)
CITIZENS ADVISORY COMMITTEE (CAC)

ROLL CALL VOTE – TIP AMENDMENT FM 452480-1

MEETING DATE: TUESDAY, JANUARY 17, 2023
MEETING TIME: 1:15 P.M.
MEETING LOCATION: RIVER TO SEA TPO

QUORUM: 9 MEMBERS YES

<u>REPRESENTING:</u>	<u>CAC MEMBER:</u>	<u>YES</u> / <u>NO</u>
DAYTONA BEACH	SHAWN COLLINS /EMILY NICE	<u>✓</u> / _____
DELTONA	JANET DEYETTE	<u>✓</u> / _____
DEBARY	ERIKA BENFIELD	_____ / _____
DELAND	KERRY KARL	<u>exc</u> / _____
EDGEWATER	BLISS JAMISON/ REBECCA CREWS	<u>exc</u> / _____
FLAGLER BEACH	ED FENDLEY	<u>✓</u> / _____
FLAGLER COUNTY	GREG FELDMAN/ RICK BELHUMIER	<u>✓</u> / _____
HOLLY HILL	GILLES BLAIS	<u>✓</u> / _____
LAKE HELEN	RICK BASSO	_____ / _____
ORANGE CITY	BOB STORKE	<u>exc</u> / _____
ORMOND BEACH	FRED HEYNE	<u>✓</u> / _____
PIERSON	SUSAN ELLIOTT	_____ / _____
	PAUL MARTEL (ALTERNATE)	<u>exc</u> / _____
PORT ORANGE	BOBBY BALL	<u>✓</u> / _____
SOUTH DAYTONA	JACK DELANEY	<u>exc</u> / _____
VOLUSIA COUNTY CHAIR	DAVE CASTAGNACCI	<u>✓</u> / _____
VOLUSIA COUNTY D-2	PATRICIA LIPOVSKY	<u>✓</u> / _____
VOLUSIA COUNTY AT LARGE	ELIZABETH LENDIAN	<u>✓</u> / _____
VOTRAN (CTC)	EDIE BIRO	<u>✓</u> / _____
FLAGLER COUNTY TRANSIT	TISHA PETERSON	_____ / _____

VOLUSIA TRANSPORTATION PLANNING ORGANIZATION (TPO)
CITIZENS ADVISORY COMMITTEE (CAC)

ROLL CALL VOTE – TIP AMENDMENT FM 452480-2

MEETING DATE: TUESDAY, JANUARY 17, 2023
MEETING TIME: 1:15 P.M.
MEETING LOCATION: RIVER TO SEA TPO

QUORUM: 9 MEMBERS YES

<u>REPRESENTING:</u>	<u>CAC MEMBER:</u>	<u>YES</u> / <u>NO</u>
DAYTONA BEACH	SHAWN COLLINS/EMILY NICE	<u>✓</u> / <u> </u>
DELTONA	JANET DEYETTE	<u>✓</u> / <u> </u>
DEBARY	ERIKA BENFIELD	<u> </u> / <u> </u>
DELAND	KERRY KARL	<u>exc</u> / <u> </u>
EDGEWATER	BLISS JAMISON/ REBECCA CREWS	<u>exc</u> / <u> </u>
FLAGLER BEACH	ED FENDLEY	<u>✓</u> / <u> </u>
FLAGLER COUNTY	GREG FELDMAN/ RICK BELHUMUER	<u>✓</u> / <u> </u>
HOLLY HILL	GILLES BLAIS	<u>✓</u> / <u> </u>
LAKE HELEN	RICK BASSO	<u> </u> / <u> </u>
ORANGE CITY	BOB STORKE	<u>exc</u> / <u> </u>
ORMOND BEACH	FRED HEYNE	<u>✓</u> / <u> </u>
PIERSON	SUSAN ELLIOTT	<u> </u> / <u> </u>
	PAUL MARTEL (ALTERNATE)	<u>exc</u> / <u> </u>
PORT ORANGE	BOBBY BALL	<u>✓</u> / <u> </u>
SOUTH DAYTONA	JACK DELANEY	<u>exc</u> / <u> </u>
VOLUSIA COUNTY CHAIR	DAVE CASTAGNACCI	<u>✓</u> / <u> </u>
VOLUSIA COUNTY D-2	PATRICIA LIPOVSKY	<u>✓</u> / <u> </u>
VOLUSIA COUNTY AT LARGE	ELIZABETH LENDIAN	<u>✓</u> / <u> </u>
VOTRAN (CTC)	EDIE BIRO	<u>✓</u> / <u> </u>
FLAGLER COUNTY TRANSIT	TISHA PETERSON	<u> </u> / <u> </u>

VOLUSIA TRANSPORTATION PLANNING ORGANIZATION (TPO)
CITIZENS ADVISORY COMMITTEE (CAC)

ROLL CALL VOTE – TIP AMENDMENT FM 245316-6

MEETING DATE: TUESDAY, JANUARY 17, 2023
MEETING TIME: 1:15 P.M.
MEETING LOCATION: RIVER TO SEA TPO

QUORUM: 9 MEMBERS YES

<u>REPRESENTING:</u>	<u>CAC MEMBER:</u>	<u>YES</u> / <u>NO</u>
DAYTONA BEACH	SHAWN COLLINS /EMILY NICE	<u>✓</u> / _____
DELTONA	JANET DEYETTE	<u>✓</u> / _____
DEBARY	ERIKA BENFIELD	_____ / _____
DELAND	KERRY KARL	<u>exc</u> / _____
EDGEWATER	BLISS JAMISON/ REBECCA CREWS	<u>exc</u> / _____
FLAGLER BEACH	ED FENDLEY	<u>✓</u> / _____
FLAGLER COUNTY	GREG FELDMAN/ RICK BELHUMIER	<u>✓</u> / _____
HOLLY HILL	GILLES BLAIS	<u>✓</u> / _____
LAKE HELEN	RICK BASSO	_____ / _____
ORANGE CITY	BOB STORKE	<u>exc</u> / _____
ORMOND BEACH	FRED HEYNE	<u>✓</u> / _____
PIERSON	SUSAN ELLIOTT	_____ / _____
	PAUL MARTEL (ALTERNATE)	<u>exc</u> / _____
PORT ORANGE	BOBBY BALL	<u>✓</u> / _____
SOUTH DAYTONA	JACK DELANEY	<u>exc</u> / _____
VOLUSIA COUNTY CHAIR	DAVE CASTAGNACCI	<u>✓</u> / _____
VOLUSIA COUNTY D-2	PATRICIA LIPOVSKY	<u>✓</u> / _____
VOLUSIA COUNTY AT LARGE	ELIZABETH LENDIAN	<u>✓</u> / _____
VOTRAN (CTC)	EDIE BIRO	<u>✓</u> / _____
FLAGLER COUNTY TRANSIT	TISHA PETERSON	_____ / _____

VOLUSIA TRANSPORTATION PLANNING ORGANIZATION (TPO)
CITIZENS ADVISORY COMMITTEE (CAC)

ROLL CALL VOTE – TIP AMENDMENT FM 452364-5

MEETING DATE: TUESDAY, JANUARY 17, 2023
MEETING TIME: 1:15 P.M.
MEETING LOCATION: RIVER TO SEA TPO

QUORUM: 9 MEMBERS YES

<u>REPRESENTING:</u>	<u>CAC MEMBER:</u>	<u>YES</u> / <u>NO</u>
DAYTONA BEACH	SHAWN COLLINS/EMILY NICE	✓ /
DELTONA	JANET DEYETTE	✓ /
DEBARY	ERIKA BENFIELD	/
DELAND	KERRY KARL	exc /
EDGEWATER	BLISS JAMISON/ REBECCA CREWS	exc /
FLAGLER BEACH	ED FENDLEY	✓ /
FLAGLER COUNTY	GREG FELDMAN/ RICK BELHUMIER	✓ /
HOLLY HILL	GILLES BLAIS	✓ /
LAKE HELEN	RICK BASSO	/
ORANGE CITY	BOB STORKE	exc /
ORMOND BEACH	FRED HEYNE	✓ /
PIERSON	SUSAN ELLIOTT	/
	PAUL MARTEL (ALTERNATE)	exc /
PORT ORANGE	BOBBY BALL	✓ /
SOUTH DAYTONA	JACK DELANEY	exc /
VOLUSIA COUNTY CHAIR	DAVE CASTAGNACCI	✓ /
VOLUSIA COUNTY D-2	PATRICIA LIPOVSKY	✓ /
VOLUSIA COUNTY AT LARGE	ELIZABETH LENDIAN	✓ /
VOTRAN (CTC)	EDIE BIRO	✓ /
FLAGLER COUNTY TRANSIT	TISHA PETERSON	/

VOLUSIA TRANSPORTATION PLANNING ORGANIZATION (TPO)
CITIZENS ADVISORY COMMITTEE (CAC)

ROLL CALL VOTE – TIP AMENDMENT FM 436292-1 PIONEER TRAIL

MEETING DATE: TUESDAY, JANUARY 17, 2023
MEETING TIME: 1:15 P.M.
MEETING LOCATION: RIVER TO SEA TPO

QUORUM: 9 MEMBERS YES

<u>REPRESENTING:</u>	<u>CAC MEMBER:</u>	<u>YES</u> / <u>NO</u>
DAYTONA BEACH	SHAWN COLLINS/EMILY NICE	_____/✓
DELTONA	JANET DEYETTE	_____/✓
DEBARY	ERIKA BENFIELD	_____/
DELAND	KERRY KARL	exc/
EDGEWATER	BLISS JAMISON/REBECCA CREWS	exc/
FLAGLER BEACH	ED FENDLEY	_____/✓
FLAGLER COUNTY	GREG FELDMAN/RICK BELHUMUER	_____/✓
HOLLY HILL	GILLES BLAIS	_____/✓
LAKE HELEN	RICK BASSO	_____/
ORANGE CITY	BOB STORKE	exc/
ORMOND BEACH	FRED HEYNE	_____/✓
PIERSON	SUSAN ELLIOTT	_____/
	PAUL MARTEL (ALTERNATE)	exc/
PORT ORANGE	BOBBY BALL	✓/
SOUTH DAYTONA	JACK DELANEY	exc/
VOLUSIA COUNTY CHAIR	DAVE CASTAGNACCI	_____/✓
VOLUSIA COUNTY D-2	PATRICIA LIPOVSKY	_____/✓
VOLUSIA COUNTY AT LARGE	ELIZABETH LENDIAN	_____/✓
VOTRAN (CTC)	EDIE BIRO	✓/
FLAGLER COUNTY TRANSIT	TISHA PETERSON	_____/

VOLUSIA TRANSPORTATION PLANNING ORGANIZATION (TPO)
CITIZENS ADVISORY COMMITTEE (CAC)

ROLL CALL VOTE – TIP AMENDMENT FM 450921-1

MEETING DATE: TUESDAY, JANUARY 17, 2023
MEETING TIME: 1:15 P.M.
MEETING LOCATION: RIVER TO SEA TPO

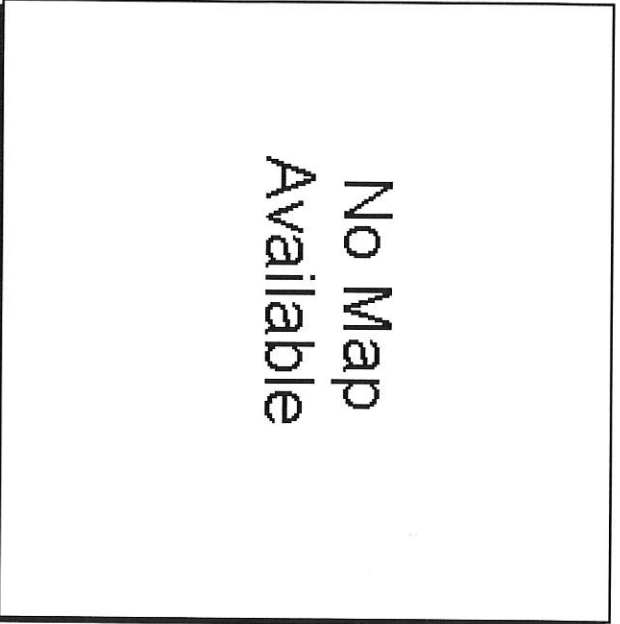
QUORUM: 9 MEMBERS YES

<u>REPRESENTING:</u>	<u>CAC MEMBER:</u>	<u>YES</u> / <u>NO</u>
DAYTONA BEACH	SHAWN COLLINS /EMILY NICE	<u>✓</u> / _____
DELTONA	JANET DEYETTE	<u>✓</u> / _____
DEBARY	ERIKA BENFIELD	_____/_____
DELAND	KERRY KARL	<u>exc</u> / _____
EDGEWATER	BLISS JAMISON/ REBECCA CREWS	<u>exc</u> / _____
FLAGLER BEACH	ED FENDLEY	<u>✓</u> / _____
FLAGLER COUNTY	GREG FELDMAN/ RICK BELHUMUER	<u>✓</u> / _____
HOLLY HILL	GILLES BLAIS	<u>✓</u> / _____
LAKE HELEN	RICK BASSO	_____/_____
ORANGE CITY	BOB STORKE	<u>exc</u> / _____
ORMOND BEACH	FRED HEYNE	<u>✓</u> / _____
PIERSON	SUSAN ELLIOTT	_____/_____
	PAUL MARTEL (ALTERNATE)	<u>exc</u> / _____
PORT ORANGE	BOBBY BALL	<u>✓</u> / _____
SOUTH DAYTONA	JACK DELANEY	<u>exc</u> / _____
VOLUSIA COUNTY CHAIR	DAVE CASTAGNACCI	_____/_____
VOLUSIA COUNTY D-2	PATRICIA LIPOVSKY	<u>✓</u> / _____
VOLUSIA COUNTY AT LARGE	ELIZABETH LENDIAN	<u>✓</u> / _____
VOTRAN (CTC)	EDIE BIRO	<u>✓</u> / _____
FLAGLER COUNTY TRANSIT	TISHA PETERSON	_____/_____

4509211

Flagler Central Commerce Parkway Connector - Bunnell

Non-SIS



Work Summary: NEW ROAD
CONSTRUCTION - 2

From: US Hwy 1 (N State St)
To: State Road 100 (E Moody Blvd)

Lead Agency: Flagler County

Phase	Fund Source	2022/23	2023/24	2024/25	2025/26	2026/27	Total
CST	GR23	6,800,000	0	0	0	0	6,800,000
CST	LF	4,138,655	0	0	0	0	4,138,655
Total		6,800,000	0	0	0	0	6,800,000
		10,938,655					10,938,655

Prior Cost < 2022/23: 0

Future Cost > 2026/27: 0

Total Project Cost: ~~6,800,000~~ 10,938,655

Project Description: Construction of a new 2-lane roadway with associated infrastructure and utilities from US Hwy 1 (N State St) to State Road 100 (E Moody Blvd). . (Reference 2045 Long Range Transportation Plan, Pages 2-3 to 2-5, Pages 6-12 (Table 6-8) and 6-21 (Table 6-13) and Appendix B).



Media Contact: Clayton Jackson
Volusia County Community Information

Jan. 11, 2023
386-473-5260
For immediate release

Votran service changes in January

Votran will adjust several routes beginning on Sunday, Jan. 29, to improve service reliability and efficiency.

Routes 10, 11, 19, 10S and 11N will have routing adjustments at the Volusia Mall. These routes will no longer serve the two bus stops on the mall's backside. These routes will be changed to serve the two existing stops at the front side of the mall. Due to anticipated roadwork, minor schedule adjustments for these routes may also occur.

Route 31, which serves the DeBary SunRail Station, will have schedule adjustments to the afternoon portion of the schedule.

Route 32, which serves the DeBary SunRail Station, will have a schedule reduction to the morning portion of the schedule.

Flyers will be available on all buses announcing the route changes. Votran staff will also be onsite at the DeBary SunRail Station in the mornings and afternoons periodically throughout January to answer riders' questions regarding these service adjustments.

For real-time updates, alerts and route changes, visit votran.org and click the "Join" button at the bottom of the page. Riders may also download the MyStop mobile app for these notifications.

Votran continuously evaluates operations and implements route and schedule adjustments to optimize service to its riders.

-30-



Connect 2045 LRTP Public Comments

January 2023 Pioneer Trail Amendment

Herein, we are submitting comments in opposition to the proposed I-95/Pioneer Trail Interchange in Volusia County, and the allocation of any funds to it. Please find attached our Main Comment Letter (exactly as submitted to the FDEP last year), our Application Response Rebuttal (again, as submitted to FDEP originally), a Transportation Report, and a Letter from the Volusia County Chair calling for an investigation into FDOT's misuse of a "Categorical Exclusion."

These comments represent groups, coalitions, organizations, businesses, and individuals totaling several thousand people. We hope you carefully review our comments, which have already been submitted to the St. Johns River Water Management District, FDOT, and FDEP. (Apologies for any broken links, as several of the websites linked therein have updated since last year.)

Since the FDOT's last public meeting in 2020, the project has changed and expanded significantly, adding new elements that were never there before and which were never presented to the public. It is clear to us that the public deserves more time for further review in the interest of full transparency and preventing irreversible damage to our environment, health, and way of life.

We strongly recommend denial of this ARPA amendment and any associated permits, as the "No Build" solution is what the majority of the public wants. So please do not amend the 2045 Long Range Transportation Plan to bestow \$100+ million to this controversial and harmful project. Please transmit these comments to the TPO Board and its subcommittees, and let us know if there will be a chance for remote public comments (and how to access that) at these upcoming meetings.

We are happy to meet with you to discuss more details of our concerns at your convenience. Thank you for your time.

Sincerely,

The Save Don't Pave Spruce Creek Coalition
SaveDontPaveSpruceCreek@gmail.com

Florida Defenders of the Environment
Jim Gross, PG, CPG, Executive Director
<https://fladefenders.org>

NSB Residents' Coalition, Inc.
<https://www.ournsb.org/>

DREAM GREEN VOLUSIA
dreamgreenvolusia@gmail.com



William D. Lenz
3049 Pioneer Trail, New Smyrna Beach, Florida 32168
Wredryder@aol.com

Denise DeGarmo, PhD
Professor Emerita, SIUE
International Environmental Security
279 Luis Lane, Debary, Fl. 32713
denise_degarmo@mac.com

Lillian Moore
Port Orange resident, New Smyrna Beach business owner

Sally Spencer
826 E 23rd Ave, New Smyrna Florida 32169

Lilly Rose Café, New Smyrna Beach, FL

Lillyrosecafe@gmail.com

SAVE THE FROGS!

Kerry Kriger, Ph.D., Executive Director

kerry@savethefrogs.com

Stone Crab Alliance

Co-founder Karen Dwyer, Ph.D.

dwyerka@gmail.com

Sustainability Leaders Initiative, Inc.

A Florida Non-Profit Organization

Katrina Shadix, Executive Director

The SaveSpruceCreek Team

SaveSpruceCreek@gmail.com

The Sweetwater Coalition of Volusia County, Inc.

uneasement@gmail.com

Derek LaMontagne, Port Orange resident

VolusiaDerek@gmail.com

Lorraine Sharp

New Smyrna Beach, FL 32168

Ronald Nekula

New Smyrna Beach, FL 32168



**Jeff Brower, Chairman
Volusia County Council**

July 27, 2022

Governor Ron DeSantis
State of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

Jason Purdue
Secretary
Florida Department of Transportation
605 Suwannee Street
Tallahassee, FL 32399-0450

Paul Rennar
Florida House of Representatives
Suite 1
4877 Palm Coast Parkway Northwest
Palm Coast, FL 32137-3667

John E. Tyler, P.E.
Secretary
District 5
Florida Department of Transportation
719 South Woodland Blvd.
DeLand, FL 32720

Re: Request for Investigation into Improper use of Categorical Exclusion for the I-95
Pioneer Trail Interchange—Volusia County, Florida

August 5th, 2022

Via Email

Florida Department of Environmental Protection

Email: DEP_CD@FloridaDEP.gov

Cc: DEP_CD@dep.state.fl.us

Cc: Alicia Lowenstein

3319 Maguire Boulevard

Orlando, FL 32803

Phone: 407-897-4312

Email: Alicia.Lowenstein@FloridaDEP.gov

Re: I-95/Pioneer Trail Interchange Objection Comments
Permit Application No. 416255-001-SFI

Dear Ms. Lowenstein and FDEP,

These comments are submitted on behalf of the undersigned organizations and individuals, and complement comments already sent to the FDEP over previous months and years.

We believe that the proposed highway interchange at Interstate-95 and Pioneer Trail in New Smyrna Beach is **not in the public's best interest**, and that the "No Build" alternative is the one that should be implemented. We strongly recommend **denial** of Permit Application No. 416255-001-SFI.

Our concerns stem mainly from cost, reduction in quality of life, worsening of traffic, increased flood risk, and most importantly, negative impacts to the environment that such a development would bring. During the most recent public comment period, the FDOT received *at least* **375 comments in opposition to only 49 in favor**, but yet the FDOT proceeded anyway, contrary to the public's wishes. It is unclear why.

The area on which the interchange is being proposed is land that is critical to the health and well-being of the Doris Leeper Spruce Creek Preserve (DLSCP, the Preserve) and Spruce Creek itself, an Outstanding Florida Waterbody (OFW). Leaving land undeveloped allows for more plant and animal species, including endangered and/or threatened species like the scrub jay and gopher tortoise, to have habitat to survive. Wetlands and forests themselves serve important ecological functions that are of benefit to people and nature alike, cleaning our air, water, and soil. Manatees also reside in Spruce Creek, so any negative affects to the area nearby could drastically hurt this imperiled species.

That northeast parcel (relative to the interchange project) is therefore rated very high in terms of land acquisition value, both for the need to preserve filtration lands within the Spruce Creek waterbasin (as not much remains in an undeveloped state), and for the need and desire to expand the boundaries of the DLSCP. Any nature conservation area becomes more effective in its ability to maintain a healthy and sustainable ecosystem the larger it is, and for many conservation areas, the entire purchase and/or reservation occurs stepwise over many years. It is clear that the public has always desired to add more land into the DLSCP (as additional land purchases over the years have shown), but this process is nowhere near done, and this critical land where the interchange is planned **should not be built on** in order to allow the public to amass the funds and time necessary to add it to the Preserve, with special acknowledgement to the recently passed Volusia Forever ballot initiative in 2020 which could do just that.

Also, in 2014, Florida voters overwhelmingly passed a Constitutional Amendment which demanded more acquisition of conservation areas to protect our land and water. However, this desire of the public has been delayed or denied by improper (or lack) of implementation of the Amendment. As of 2022, legal challenges exist to try to force the state to fulfill the voters' wishes and set aside more money for land acquisitions; and after many years, the state is finally beginning to address nature corridors, allocating millions of dollars to that idea in this year's budget. But in order for those funds or the current challenges to have a chance at success, there needs to be land still available for purchase, so prematurely building an interchange on such land that would/should eventually be protected as conservation in the future renders the will of the people moot.

Additionally, we feel that the Florida Department of Environmental Protection has failed in its duties to protect Spruce Creek, as mandated by state and federal laws (like the Clean Water Act). OFWs like Spruce Creek necessitate special protections under Florida law that are generally not being followed due to the continued agnosticism of the state towards its study and protection. Specifically, we feel the FDEP (and jointly, water management district) is in **violation of its duties** by not creating or even trying to create a **Basin Management Action Plan (BMAP) for Spruce Creek**. In 2008, when a Total Maximum Daily Load (TMDL) study was concluded for Spruce Creek, several nutrient impairments were found. That TMDL report requested that a BMAP be implemented within the following year, but that was never done. Since then, no additional funding has been provided to conduct new TMDL studies, and **Spruce Creek remains impaired**.

recent press release by Volusia County Chair Jeff Brower, who is **calling for an investigation** into FDOT's inappropriate use of a "Categorical Exclusion."

<https://www.wesh.com/article/volusia-county-environmental-impact-i-95-interchange/40734175>

<https://www.news-journalonline.com/story/business/real-estate/2022/07/27/brower-demands-probe-of-proposed-pioneer-trail-interchange-project/10166954002/>

A massive project such as this can in no reasonable sense be considered to have no impact on the environment, and therefore NEPA and other federal rules must apply. A comprehensive **Environmental Impact Statement** must be done.

Looking at the bigger picture, we worry that land near to the interchange project will face additional, secondary development pressures as a result of this interchange. These areas are not suitable for human habitation, are low-lying, are distant from any city center, and requires excessive drainage and fill to build on. There is a reason they have not been built on already, despite being discussed (and denied) for over 30 years. Additionally, the major reason for the economic recession from over a decade ago was exactly what the proposed "benefit" of this project would be, namely, more speculative home building, spurred on by improper governmental incentives and lax regulation.

We believe it is inappropriate for the FDOT to claim a "Categorical Exclusion" from federal environmental rules for a project which is slated to directly destroy dozens of acres of pristine wetlands. From our understanding of the permitting process, regulations promulgated under the National Environmental Policy Act (NEPA) provide that the permitting agency shall consider all effects, both direct and indirect. 40 C.F.R. 1508.8. All cumulative impacts shall also be considered. 40 C.F.R. 1508.7. In the permit applications, it does not appear that an analysis of all direct/indirect effects and cumulative impacts of this project was done. These include, but are not limited to:

- Fragmentation of the landscape
- Impacts to floodplain
- Increases in human population
- Impacts to the demand for municipal services
- Impacts to wildlife, including federally listed species
- Increased demand for water
- Creation of sprawl
- Impacts to water quality and aquifer recharge

(i) Will be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed (62- 330.301(1)(i), F.A.C.);

(j) Will be conducted by a person with the financial, legal and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued (62- 330.301(1)(j), F.A.C.); and

(k) Will comply with the applicable special basin or geographic area criteria in Chapter 40C-41, F.A.C. (62-330.301(1)(k), F.A.C.);

We believe **several of the items above are being violated**, especially since a federal “exclusion” from NEPA and other rules has been erroneously applied. When dozens of wetlands are directly impacted, and hundreds more indirectly, it seems wrong to bypass laws whose purpose is to protect our most vulnerable areas.

We therefore request that you **put an immediate halt to the interchange project**. In addition, we wish to be notified of any discussion, meeting, application, or approval of permits for this project on any level, including federal, and including any supplemental modifications. We are happy to work with you to review the environmental impacts of the project designs, and would like to assist in whatever way needed. For all of the reasons mentioned in this letter, we would like to **request a public meeting** to discuss further.

Finally, if it is determined that an interchange must be done, we request that you choose the design that impacts the fewest wetlands and forests, **especially in the northeast quadrant where the Preserve is located**. Current plans appear to show the FDOT building developer’s roads for them, as well as a new roundabout, which not only is unrelated to the interchange project and was never presented to the public or federal agencies, but goes against goals of minimization of impacts. Please note that by its establishment, the Community Development District in that area is **responsible for constructing its own infrastructure**, not the general taxpayers. This requirement should prevent the FDOT from including any non-interchange-related addendums to the project.

As a final supplement, we are herein attaching our **Application Response Rebuttal** which covers many of the items listed in FDEP’s State 404 Program Public Notice for this Project (No. 416255-001-SFI) on a point by point basis.

Thank you for your consideration of these comments and we look forward to hearing from you soon.

protected. The Legislature further finds that the Florida wildlife corridor is an existing physical, geographically defined area consisting of more than 18 million acres of land, 10 million of which are conservation lands.

A stated FDOT purpose for building the I-95 Pioneer Trail Interchange is to provide access for the development of those very lands designated by the Florida Wildlife Corridor as "Opportunity Areas" needing permanent protection in order to achieve permanent biodiversity connectivity throughout the state:

"Opportunity area" means those lands and waters within the Florida wildlife corridor which are not conserved lands and the green spaces within the Florida wildlife corridor which lack conservation status, are contiguous to or between conserved lands, and provide an opportunity to develop the Florida wildlife corridor into a statewide conservation network.

Section 259.1055(4)(e), Florida Statutes. (The statute is attached hereto.)

It is axiomatic in Florida that development follows road construction. There are ambitious, politically connected developers who seek the construction of this interchange in order to enable development. These developers *need* the Interchange because, if FDOT builds it, development will rush in, like the tide. The Categorical Exclusion itself makes this obvious at page 3 of 130:

The project also aims to support economic development associated with existing and approved developments, including three Developments of Regional Impact (Farmton, Restoration, and Pavilion at Port Orange).

Both Farmton and Restoration are "opportunity areas" designated as Zone 1-critical linkage priority within the Florida Wildlife Corridor by the Florida Department of Environmental Protection. This critical fact *has not been considered or mentioned by FDOT in its decision to categorically exclude the I-95 Pioneer Trail Interchange from federal environmental review.*

I am on record opposing the misuse of taxpayer funds (federal, state, county and municipal) to fund new infrastructure projects in undeveloped areas that enable developers to inject their sprawl into our remaining undeveloped/agricultural and wetlands, as well as critical watersheds. The I-95 Pioneer Trail Interchange constitutes just such a misuse of taxpayer funds. The property rights of every Volusia County resident, indeed the rights of

impacts. For an understanding of the genuine degrading impacts that will result from the construction of the Interchange, I am attaching for your review an eloquent, compelling letter in opposition to the Interchange written by my constituent Derek LaMontagne, PhD, co-President of the Sweetwater Coalition of Volusia County, Inc. Of particular importance, Dr. LaMontagne states:

*We believe that the proposed highway interchange at Interstate-95 and Pioneer Trail in New Smyrna Beach is **not in the public's best interest**, and that the "No Build" alternative is the one that should be implemented. Our concerns stem mainly from cost, reduction in quality of life, worsening of traffic, increased flood risk, and most importantly, negative impacts to the environment that such a development would bring. During the most recent public comment period, the FDOT received at least **375 comments in opposition to only 49 in favor**, but yet the FDOT proceeded anyway, contrary to the public's wishes. It is unclear why.*

The area on which the interchange is being proposed is land that is critical to the health and well-being of the Doris Leeper Spruce Creek Preserve (DLSCP, the Preserve) and Spruce Creek itself, an Outstanding Florida Waterbody (OFW). Leaving land undeveloped allows for more plant and animal species, including endangered and/or threatened species like the scrub jay and gopher tortoise, to have habitat to survive. Wetlands and forests themselves serve important ecological functions that are of benefit to people and nature alike, cleaning our air, water, and soil. Manatees also reside in Spruce Creek, so any negative affects to the area nearby could drastically hurt this imperiled species.

Part of the land where this construction is potentially slated to occur is on land that has been (and still is) desired to be purchased for conservation by state and/or local government agencies [see:

[https://floridadep.gov/sites/default/files/](https://floridadep.gov/sites/default/files/FLDEP_DSL_OES_FF_BOT_SpruceCreek.pdf)

*FLDEP_DSL_OES_FF_BOT_SpruceCreek.pdf]. The 2021 Florida Forever Five-Year Plan for Spruce Creek calls that piece an "**essential parcel**," and places a cost of the remaining 366 acres at just ~\$6 million, which is less*

Congress incorporated within NEPA “action-forcing” provisions which require agencies to follow specific procedures in order to accomplish any federal project. *Id.* at 409 & n. 18, 96 S.Ct. 2718. The cornerstone action-forcing provision within NEPA is the environmental impact statement (“EIS”). As an agency plans a major federal action, it is required to consider the environmental impacts of that action. 40 C.F.R. § 1500.1. Projects that are generally known by the agency through its experience to significantly affect the quality of the human environment necessitate the preparation of an EIS, which describes in detail both the positive and negative environmental impacts of the action and analyzes other alternatives that might provide the same benefits at a lower environmental cost. *See id.* §§ 1502.1–1502.25. Conversely, projects that are known by the agency through its experience to not significantly affect the human environment (either individually or cumulatively) can be classified as categorical exclusions (“CEs”), relieving the agency of the EIS requirement. *Id.* § 1508.4; *see also id.* § 1501.4(a). Finally, where an agency’s regulations do not classify a major federal action as a CE or as one requiring an EIS, or where an agency is unsure of how a particular project should proceed, the agency will prepare an environmental assessment (“EA”) to briefly and concisely determine whether an EIS is necessary. *Id.* §§ 1501.4(b), 1508.9. An EA will result in the agency either deciding to prepare a full EIS or filing a “finding of no significant impact,” which, like a CE, dispenses with the EIS requirement. *Id.* § 1508.13.

112 F.Supp. 3rd at 1307-1308.

As set forth in NEPA implementing regulation 40 CFR § 108.1(d), a Categorical Exclusion is defined as:

Categorical exclusion means a category of actions that the agency has determined, in its agency NEPA procedures (§ 1507.3 of this chapter), normally do not have a significant effect on the human environment.

Like all federal agencies, FHWA must comply with its statutory obligations under NEPA through application of its own in-house NEPA regulations. FHWA NEPA regulation 23 CFR § 771.117 sets forth the use of the Categorical Exclusion in FHWA projects.

affected by the recommended alternative evaluated in the study. A UMAM analysis of each wetland impacted by the preferred alternatives results in an estimated functional loss of 27.53 UMAM units associated with the project. Additionally, development associated with induced growth could potentially affect wetlands and surface waters in the indirect effects study area. These potential indirect effects to wetlands include placement of fill that could produce degradation/ changes in wetland functions. The total estimated wetlands in the indirect effects study area as shown on Figure 2-11 is approximately 7,500 acres (25.5%). The wetlands within the potential growth parcels within the Indirect Effects Study Area shown on Figure 2-12 is approximately 3,700 acres (30.3%). The amount of wetlands within the Induced Growth Area (Figure 2-13) is approximately 1,000 acres (25%). Of these, approximately 600 acres (30%) are within the boundaries of the No Build planned future development growth areas (those areas with planned developments at the current time unrelated to this project) as shown on Figure 2-14. Wetlands in the induced development parcels identified in the Build forecasted growth area (Figure 2-15) include approximately 200 acres (22.2%).

And yet this Memorandum blithely goes on to say not to worry, just keep building--there will not be many negative impacts.

*The October 2020 "Natural Resource Update Report" for the I-95 Pioneer Trail Interchange issued October 2020 makes this statement in connection with water quality impacts:

2.3-A Water Resources

Comments from the FDOT's Efficient Transportation Decision Making (ETDM) screening were received from the SJRWMD, Florida Department of Environmental Protection (FDEP), and the U.S. Environmental Protection Agency (EPA) regarding water quality and quantity. SJRWMD and the FDEP assigned a degree of effect of "none", while the EPA assigned a "moderate" degree of effect for the project.

The EPA noted that the project is located within a 500' buffer of a principal aquifer, surficial aquifer system, and recharge area. In addition, the EPA noted that the project is approximately five miles south of Spruce Creek, an Outstanding Florida Water (OFW).

Categorical Exclusion. Review of the I-95 Pioneer Trail Interchange establishes it is much, much more environmentally significant than the Flyover Project and is not the type of construction appropriate for application of a Categorical Exclusion. As Judge Byron ruled in RB Jai Alai:

Specifically, upon review of the Administrative Record and the applicable law, the Court concluded that the Flyover Project is not the type of project that may be categorically excluded under NEPA and [FHWA]. 112 F.Supp.3d at 1310.

Conclusion

I hope this letter provides you with sufficient documentation and binding legal authority to revisit and reconsider the Categorical Exclusion issued by FDOT for the I-95 Pioneer Trail Interchange. At a minimum, compliance with NEPA requires the preparation of a comprehensive Environmental Impact Study ("EIS"). The best course is to end consideration of this project.

Beyond that, FDOT and all state, local and federal agencies, including but not limited to the Florida Governor and cabinet, state water management districts, the Florida Department of Agriculture, the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the U.S. Environmental Protection Agency, the U.S. Department of Interior, the U.S. Fish & Wildlife Service, the US Army Corps of Engineers, FHWA, the Federal Emergency Management Agency, county and municipal governments, and any other government actors that guide and control land and water use, must coordinate and incorporate the Florida Wildlife Corridor into their rules, policies and decision making. The Florida Wildlife Corridor Act is not a self-executing statute. Creative, deliberate, long-term commitment to the Corridor must be codified into binding law at every level of government in order to ensure the Corridor is a reality for future generations.

I look forward to discussing this with you further. Please do not hesitate to contact me.

Sincerely yours,

Jeff Brower
Volusia County Chair

Attachments

FDEP Application Response Rebuttal

Permit Application No. 416255-001-SFI

PROJECT PURPOSE:

“The proposed I-95 interchange at Pioneer Trail is intended to reduce traffic congestion, enhance regional mobility, and provide a viable alternative for emergency evacuations for this area in southern Volusia County.”

Response: In a recent news story, Volusia County Chair Jeff Brower commented that “If anybody thinks that putting this exchange here will take more cars off of 44 going to the beach or pioneer trail or airport road, it's going to put more,” and he is right. “Induced demand” is the concept of creating more traffic due to opening of a new facility which spurs on secondary factors like development. The concept is explained more thoroughly by *Smart Growth America* in the following article:

<https://smartgrowthamerica.org/induced-demand-calculator/>

which mentions that the “unreliable models that agencies depend upon have a poor track record of success” and this should not be overlooked. But even taking the FDOT’s own numbers, as outlined in a letter to FDOT by engineer Joe Dlubac, there won’t be much improvement:

“The state’s own predictions show that, by 2048, the interchange at Pioneer Trail is expected to result in a nominal 13% decrease in traffic at Dunlawton Ave. and a nominal 5% decrease at SR-44. Now 2048 is 25 to 30 years from now. I am an engineer/mathematician/statistician and am aware that predictions beyond 5 years are a reach; predictions 25 to 30 years into the future which result in only a nominal 5- 10% change is statistically insignificant; the data is meaningless.”

Similarly, according to *The Fourth Regional Plan*, “The only way to address congestion effectively is to manage traffic.” See:

<http://fourthplan.org/action/highway-congestion>

One way to manage traffic is to remove bottlenecks, but this project only will create a new one on Pioneer Trail due to the addition several new stoplights in under a mile and the fact that the road narrows and becomes two lanes. The website above provides a concrete example from New Jersey, stating: “One particularly striking example is the exit for I-80 off of I-287, a major interchange in New Jersey, where westbound traffic has dramatically increased since the interchange was built. Long queues extend back into the travel lanes and create a safety hazard.”

PROPOSED WORK:

“The applicant seeks authorization to impact 64.86 acres of wetland and surface water communities. . . . Facility improvements will include the widening of the Pioneer Trail overpass through reconstruction, construction of entry and exit ramps, construction of stormwater management facilities, and improvements to Pioneer Trail to the east and west of the interchange. . . . The 64.86 acres of impacts include 48.80 acres direct wetland impacts (45.80 acres forested and 3.00 acres herbaceous), 5.94 acres of surface water impacts, and 10.12 acres of secondary/indirect impacts (10.01 acres forested and 0.11 acres herbaceous). The wetland impacts occur in four (4) different vegetative communities. . . . A functional assessment of the federally jurisdictional wetlands . . . concluded that the direct and secondary impacts will incur a total functional loss of 35.62 UMAM units or 35.58 WRAP units to the onsite wetlands. The functional loss [will] be offset by the purchase of federal mitigation credits.”

Response: It should not have to be stated as it is obvious, but the loss of 64+ acres of wetland and surface water communities is a significant environmental loss for an area already suffering from environmental degradation. According to two different Total Maximum Daily Load reports from the FDEP for Spruce Creek from 2008, it was found that Spruce Creek is **impaired**:

“The creek was verified as impaired for fecal coliform” and “The creek was verified as impaired for both DO [dissolved O₂] and nutrients.”

Concluding that: “A fecal coliform reduction of 53% is required” and “A TP [total phosphorous] reduction of 27% and a 25% reduction in BOD [biological oxygen demand] are required.”

After those 2008 studies were finished, FDEP failed to implement a BMAP (Basin Management Action Plan) for Spruce Creek, although required under Florida law. At this time, a BMAP protection is more than 10 years overdue, so it does not make sense for FDEP to approve projects in this watershed *until such time as a BMAP is created*, in order to ensure the creek is protected.

A 2020 Report from Coastal Risk Consulting lists many issues that this project could have:

“1B. Impact of proposed project

- If permits are granted for pending development projects sought in the Preserve, there would be a significant adverse impact to plant and animal life in the area.

project. They only serve to further damage the wetlands (adding roughly 5 additional acres of impact) and open the door to further development in a very sensitive area.

As a matter of fact, public funds *cannot* be spent on such infrastructure due to a case from 2005/2006 in which the applicant for the “Pioneer Community Development District” (PCDD) promised the state it would pay for its own infrastructure. This promise is what granted the PCDD its existence and all the benefits that come with it, so it is a betrayal of the public trust if state agencies will not recognize that agreement.

The PCDD was established by rule following review by ALJ Johnston on September 21, 2005, with the requirement that the establishment not impede the state’s acquisition of the 450 acres of the Spruce Creek Preserve located within the proposed PCDD boundary and formally approved for establishment by the Florida Cabinet during the May 31, 2006, FLWAC meeting [FLWAC Ex., p. 91]. According to ALJ Johnston’s conclusion, “Based on the record evidence, . . . there appears to be no compelling reason not to grant the Petition, as supplemented and corrected, and establish the proposed Pioneer Community Development District by rule, unless establishment would be at odds with State plans to purchase the 450 acres east of I-95.” [FLWAC Ex., p. 38]

That last line is key, as only half of that 450 acres has been acquired, and this proposed interchange project is now “at odds” with further acquisition of this essential parcel for Spruce Creek Preserve. The FDOT acknowledges that part of the stated reason for the interchange is because of pressure from development in that area, which taken together is contradictory, as the State has already “promised” that the PCDD’s establishment will not harm acquisition, but clearly inducing an interchange that will be placed on that essential parcel does exactly that.

Furthermore, the fact that “overpass” improvements are incorporated without including a “nature” over/underpass misses a vital need for the area, namely connecting the Doris Leeper Spruce Creek Preserve to the northeast with habitat to the south and/or west. This poor design not only was uncreative, but failed to listen to the 300+ commenters who requested exactly such a nature corridor be included in the design.

Lastly, preliminary analysis by local experts have concluded that UMAM and other functional wetland loss are being unvalued and undermitigated with the current proposal. Clearly, ~35 credits for ~65 acres is not a 100% valuation, which

actually true. According to a 2020 Traffic Analysis Letter by *Professional Planners and Engineers, Inc.*:

“To date, there have been no fewer than five previous studies performed between 2005 and 2020 on the “need” for an interchange at I-95 and Pioneer Trail. Three of those studies found that the new interchange will not have any significant effects on relieving congestion”

That letter goes on to point out the controversy and harm such a forced interchange could cause. It should also be pointed out that “economic vitality” for some at the expense of others is not in the public’s interest, especially when the potential beneficiaries are not current residents, but instead future, hypothetical ones. In any case, a price tag of \$80+ million puts the tax-payer in the hole from the beginning, and seems to be a form of corporate welfare for the potential businesses and developer that are speculating in that area.

The cost also seems to be extremely high for Right-of-Way acquisition (over \$30 million for roughly 60 acres is half a million per acre!), and no appraisals appear to have been presented to the public. This needs to be addressed before the project can continue.

A “2016 Demand Letter” from several environmental groups points out some more issues:

“the Interchange Justification Report for the new interchange relies on “a significant amount of development plans” and states that the interchange will enhance the potential for local economic development. In other words, the interchange makes sense only in the context of the Volusia County Development Projects and aims to facilitate that development. The Florida Department of Transportation recently received comments from the Federal Highway Administration indicating that a NEPA review is necessary before this process may proceed.”

To date, no agency or government official has responded to that letter or the many concerns it raised.

AVOIDANCE AND MINIMIZATION INFORMATION:

“Based on information provided by the applicant, the proposed design was selected because it minimized impacts to the environment including wetlands, and wildlife habitat while still achieving the project’s purpose and need. Wetlands and

Bank (USACOE Permit No.: SAJ-1998-01836) and Lake Swamp Mitigation Bank (SJRWMD Permit No.: 4-035-1044334 & USACOE Permit No.: SAJ-2006-2586-TLH) respectively. ”

Response: Farnton Mitigation Bank is an inadequate source of mitigation protection at this time due to the bank’s controversial plan to “build a city” within its borders instead of protecting the land for perpetuity as originally designed. Any credits purchased in that distant area also do little to no good for Spruce Creek, which is the waterbody most threatened by the project. As stated earlier, anything less than 1:1 mitigation is a travesty, as ~65 acres of critical wetlands simply are not “offset” by ~35 credits so far away, especially when the state has already previously acknowledged their high value.

CULTURAL RESOURCES:

“A CRAS survey was conducted in May of 2019 and concluded that no artifacts were recovered and no archaeological sites or occurrences were identified within the project area and no further work is recommended.”

Response: A survey from 2019 is outdated since the project has expanded in scope since then. A few additional digs would not be enough sufficient, a full review of the entire secondary impact area is needed, as it is known that there are shell middens and other archaeological sites at Doris Leeper Spruce Creek Preserve, which adjacent to the project area.

FEDERALLY AND STATE-LISTED SPECIES:

Response: There are many more species than the ones that are listed that could be impacted, including some that have not been identified. Additionally, relocating gopher tortoises is traumatic, and often wherever they are moved to is over-crowded. We therefore demand further analysis, especially with regard to aquatic species (like the manatee), the scrub jay population which uses the nearby Preserve, and all plant species that are threatened/endangered.



Professional Planners & Engineers®
Planning Transportation for a Lifetime

20 November 2020

The Public Trust Environmental Legal Institute of Florida, Inc.
Mr. John November, Esq.
Mr. Derek LaMontagne

SUBJECT: Comments on FDOT's Preliminary Engineering Report - [I-95 at Pioneer Trail Interchange][Financial Management Number: 436292-1-22-01] [ETDM Number: 14193]

Professional Planners and Engineers, (PP&E) offer the following comments, concerns, and recommendations on the FDOT's Preliminary Engineering Report - [I-95 at Pioneer Trail Interchange] referenced above, and currently under consideration for funding for the design phase.

Our position is:

1. The stated "need" for the I-95 interchange at Pioneer Trail is to relieve congestion at the two interchanges immediately north and south of Pioneer Trail. Empirical data on the "need" for interstate interchanges have historically been to provide "access" to facilities or communities that were previously inaccessible or difficult to reach. That is not a need or a limitation for either of the communities affected by this project.
2. To date, there have been no fewer than five previous studies performed between 2005 and 2020 on the "need" for an interchange at I-95 and Pioneer Trail. Three of those studies found that the new interchange will not have any significant effects on relieving congestion (*which is not a criterion to meet to support interchanges*) at either of the interchanges north and south of Pioneer Trail. The fact that different studies performed at different times, have reached different conclusions, indicate that other alternatives should be seriously considered before a major project such as this is finalized.

vehicular traffic from intersecting facilities at some point in the foreseeable future. Inherent to that purpose should be empirical data that supports and verifies that traffic from the crossroad facility has no other means or options available (i.e., alternative interchanges) to use in order to access the interstate.

The act creating the interstate system was passed by the U.S. Congress back in 1956, with the **“Interstate Defense Highway Act”**. The agency responsible for providing and controlling access to the interstate is the Federal Highway Administration (FHWA). The FHWA is **not** responsible for providing and controlling access to property owners adjacent to the Interstate, that responsibility lies with County and local government.

The land use characteristics, present and future, of the area adjoining the interchange and the crossroad are the third variable in the capacity- traffic balance. While the inter-relationships of traffic and land use are only imperfectly understood, it is clear that the number of vehicular movements at a given point bears a direct relationship to the use made of the land and the approach. The highway agency, however, has little if any control over the changes in land use which occur after the facility is constructed. While this subsequent change in land use can destroy the usefulness of an interchange, direct public control over land use change lies primarily with agencies other than the highway agency. While some indirect controls are exercised on the state level, the regulation of land use is almost exclusively a function of county and municipal governments. (Covey, Summer 1961)

With few exceptions, the location of interchanges has added to the effectiveness and efficiency of the interstate system. In those instances where the interchanges have not been effective, the common traits identified have been the choice of land-uses that are surrounding and/or abutting the interchange, as well as the distance to or the location of the closest cross-street intersections. Locally, some of the successful interchanges on I-95, along with the distance to their closest signalized intersection are:

- U.S. 1 (.20th of a mile)
- S.R. 40 (Granada Blvd.) (.25th of a mile)
- LPGA (.46th of a mile)
- U.S. 92 (ISB) (.30th of a mile)
- Beville Road/I-4 (.40th of a mile)
- S.R. 44, (.44th of a mile) and

Beltline, was originally conceived as a reliever route to I-95 on the east side of Volusia County. The project can trace its infancy as far back as the late 1960s when it was listed in the County's transportation plans. At that time, the 'need' for the project was based wholly on the limitations of U.S. 1 and its distance from I-95.

Proponents of the Beltline argued that traffic on U.S. 1 would continue to increase in future years and that local motorists would eventually turn to I-95 as a way to get between cities in the Greater Halifax Area. They compared this eventuality to something similar to the changes to I-4 in downtown Orlando, which was a result that neither the federal, state, or local governments foresaw or desired.

However, detractors noted that in addition to U.S. 1 and I-95, other north-south routes existed in SR 5A (Nova Road) and Clyde Morris Blvd., each of which could be widened to accommodate any increases in traffic more economically than a brand new alignment.

The "need" for the project had always been a point of contention, as was the funding and the actual alignment of the route. As far back as 1978, which is the earliest documented attempt to fund at least a portion of the project; the County set aside road building funds to the tune of \$1.3 million dollars. At that time the route kept the same alignment as it appears today, with one exception, it did not cross I-95. In fact, back in the late 1970's and all of the 1980's the route had the alignment crossing Clyde Morris Blvd just north of Dunlawton Blvd. heading southeast and just before Dunlawton taking a southwesterly turn ending at Taylor Road. (See Map A).

By early 1990, not only had the alignment and terminus been modified, but so had an earlier stipulation concerning prohibition of quid pro quo on right-of-way acquisition. According to County records, 200 feet of right-of-way between Beville Road in Daytona Beach and Taylor Road in Port Orange was acquired in a deal with DSC Enterprises. The contract required DSC to lend the county at least \$5.53 million to build the beltline segment between those two points. About \$1.7 million was provided up front, with the remaining portion coming from the purchase of bonds by DSC Enterprises.

According to this agreement, and **as built today**, the beltline, beginning at Beville Road, would stay east of I-95, continue south to Willow Run Blvd. From there it would cross

- In 2009, during the 2035 update to the plan (***adopted in Sept. 2010***), the Pioneer Trail interchange was once again modeled, but failed to make it onto the final adopted Financially Feasible list. In fact, it did not even make it onto the unfunded Needs Plan; which has a much-lower threshold.
- In April of 2013, Volusia County, on behalf of the Pioneer CDD, requested an amendment to Volusia TPO's 2035 Long Range Transportation Plan (LRTP) to include an interchange at I-95 and Pioneer Trail. The rationale cited in defense of the project was the impending traffic generated by the Woodhaven development.
- In August of 2013 the TPO voted to amend the 2035 plan to include the interchange, even though the update to *that* plan was just getting underway that fall. TPO members voting in favor of the project did so, according to their statements, **to provide the Pioneer CDD access to the interstate.**

It's ironic that the proponents of the Williamson Blvd project claimed that the project was necessary to relieve traffic **'off'** of the interstate, while simultaneously requesting a new interchange that would **'add'** traffic to the interstate.

OCEAN GATE COMMERCE CENTER

The Ocean Gate Commerce Center (OGCC) development is located within the City of New Smyrna Beach, in the southwest quadrant of SR 44 and I-95. (***See Map B***). The OGCC development will consist of 975,000 square feet of commercial and industrial development. This approved PUD sits on 188 acres.¹ The OGCC development plays an important part in the Williamson Blvd. extension, it is the beginning of the middle section of the project that has not been designed or programmed for construction. However, this section *will not* connect with the Restoration DRI section in the City of Edgewater²

Another important fact is that no agency, at this point has indicated whether this alignment will line up with the Williamson Blvd alignment across the street on the north side of SR 44. The County has not indicated exactly where the 'northern' alignment (Pioneer Trail to SR 44) will begin and end. The only section that has been designed and

¹ City of New Smyrna Beach, ***Development Activity Report***, September 2013, Page 13.

² City of New Smyrna Beach, ***Interoffice Memorandum - Gail Henikson to Pam Brangaccio***, 23 April 2013, Page 3.

(SDAs).⁵ The development begins at the southwest quadrant of SR 442 and I-95, and covers most of what is west and south of that location. The development will also extend into northwest Brevard County as well.

The FMDP is proposing to build the largest section of the Williamson Blvd. extension. (*See MAP D*). This section will be approximately 16 miles in length. It will connect to the section that is to be built by the Restoration DRI to the north (*previously discussed*). A special note is warranted here, a new interchange at Maytown Road has found its way into the River-to-Sea Transportation Planning Organization's Transportation Improvement Plan (TIP). This is another project that is being totally spearheaded by a private developer, and not because of or for a greater community-wide need.

The identification and analysis of practicable alternatives to the Pioneer Trail Interchange project.

- ***Williamson Blvd. and Its Extension***

According to Volusia County, building the Williamson Blvd. extension would provide a north-south reliever for I-95 and other north-south facilities.⁶

We compared 2009 traffic counts⁷ on I-95 and Williamson Blvd. to their 2019 traffic counts to determine if building the Williamson Blvd extension has actually served its intended purpose. If the road accomplished what was its originally intended purpose, there should be a noticeable reduction in traffic on I-95 and an increase in traffic on Williamson Blvd. What we found is that Williamson Blvd. is in fact, accomplishing its intended purpose. With few exceptions, traffic on I-95 actually decreased at every interchange in Volusia County

As was indicated, there were a few instances where there were increases (*5 of the 10 interchanges in the County*), but even in those instances, the largest increase was less than 4%. Additionally, those increases were due to trips traveling from one municipality to

⁵ Volusia County Gov't, *County Council Agenda Item 31*, 22 August 2013, Page 31-33.

⁶ "North-South Beltline Dusted Off, Debated", *Daytona News Journal*, 13 November 1980. Local Section.

⁷ Vol. County Traffic Engineering Dept., 2019 Volusia County Traffic Counts, Volusia Co. Gov't., 2020

Conversely, it's rare that the question, "*what if we accept congestion?*" is ever asked during the traditional planning process. If the question becomes a part of the process, data indicates that initially the response is less than positive. Afterwards, once the initial sting has been absorbed, collateral positive impacts emerge.

Rather than lead to catastrophic failure, congestion leads to behavior change. People live in town or at least closer. Redevelopment through rehabilitation of existing houses, in place of moving to bigger houses further from town begin to be commonplace. Older neighborhoods get fixed up; real-estate values increase; in-town schools are retained and maintained; public transit is developed. Health improves (people's physical & emotional health; and society's economic and ecological health as well.) Conventional wisdom indicating dire predictions rarely happens, because overtime, people get used to traffic congestion. Accommodation for motor vehicular traffic will always be necessary, but it should not be the only factor in our planning for the future.

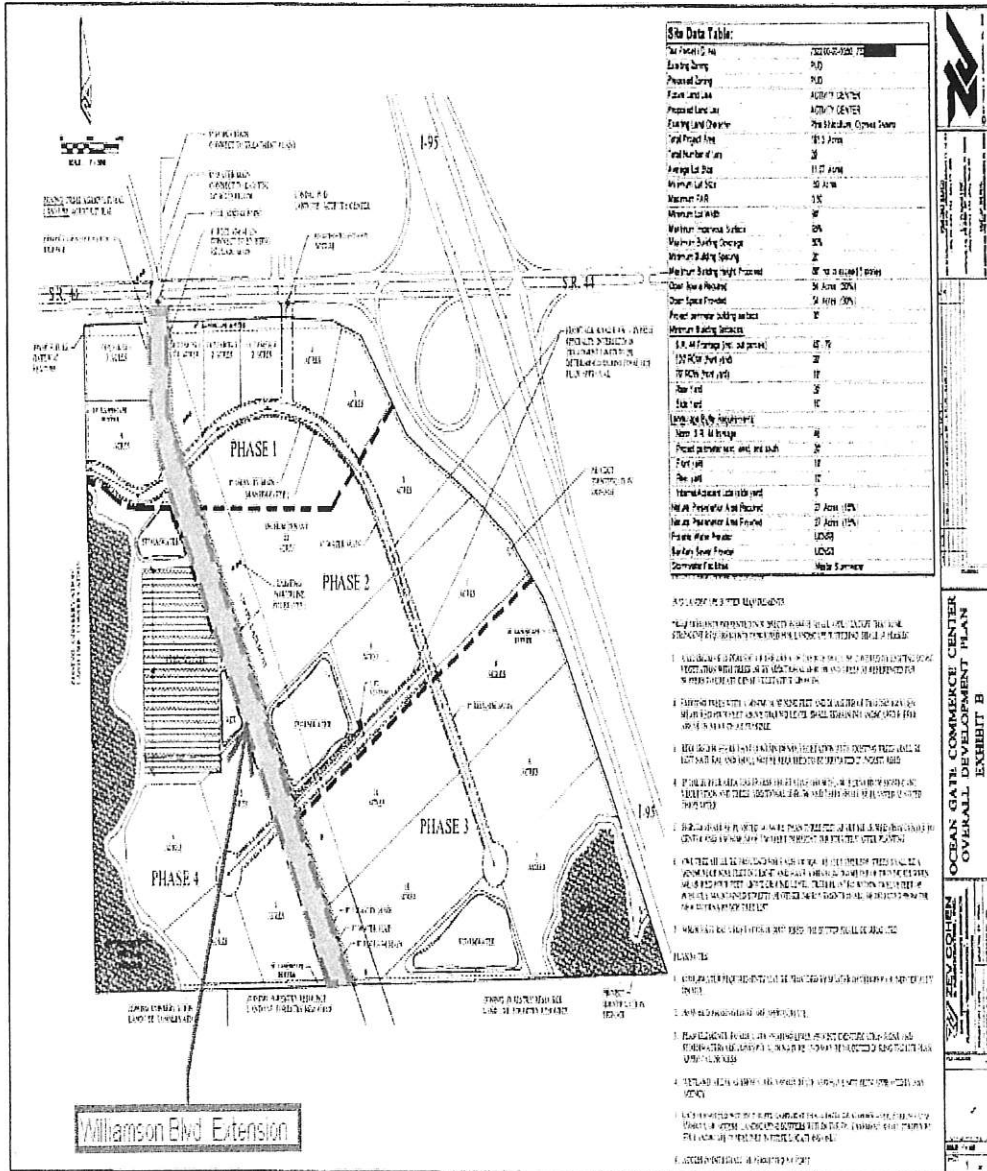
In conclusion, the public is now being told that the interchange system is in place to provide access to the development community's properties, and to relieve congestion on local facilities caused by poor land-use decisions, while ignoring safety and the smooth flow of traffic between cities and regions that the system was originally designed for.

We contend that **FDOT's Preliminary Engineering Report - [I-95 at Pioneer Trail Interchange]** is deficient in several instances. The data and analysis that was provided in support of the project was limited, inaccurate, and in most cases, not complete. The stated purpose of the project is inaccurate, to say the least. In fact, the actual purpose of the project is to increase the value of property owned by three entities. There is no *greater good* involved with this project. The vast majority of the development that's identified in the study is residential, not commercial. Hence, very few jobs will actually be created. Building an interchange at Pioneer Trail will ultimately lead to more congestion on SR 44, which is the ultimate destination point utilized currently by development traffic on that facility.

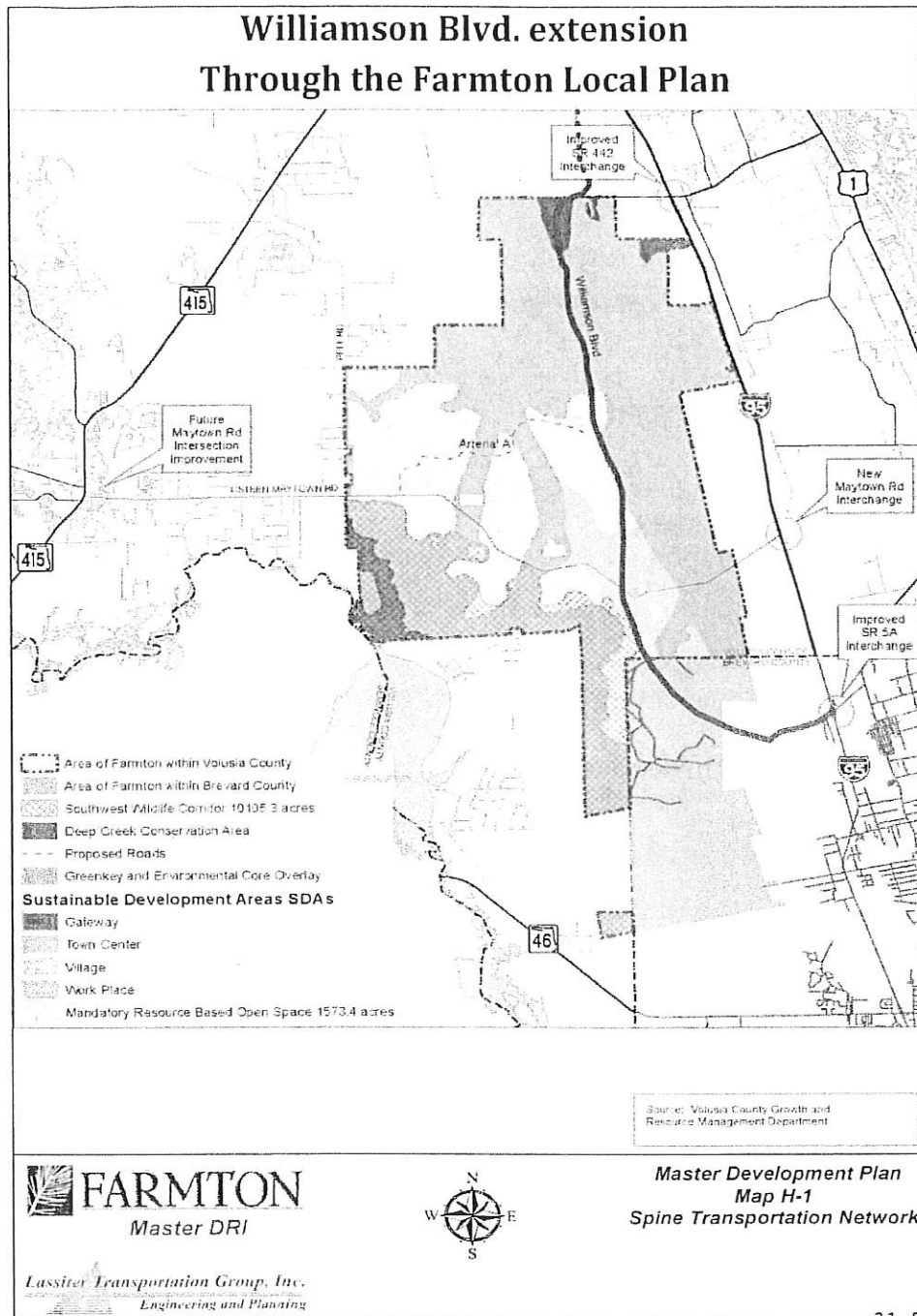
MAPS & REFERENCES

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(Into the Ocean Gate Commerce Center)



MAP D



File Name:
 31-1157-Farmton-Master-Development-of-Regional-Inter-agreement

31-51
 Date: 04/01/2013 11:51



Connect 2045 LRTP Public Comments

January 2023 Pioneer Trail Amendment

A word from the locals of New Smyrna Beach,

We understand that you love to visit our beaches, town and restaurants ever weekend and holiday. We appreciate the love and business which it brings. What we do not appreciate is the constant change we see coming to our town. We wish to keep our small town vibe just how it is, which is a reason why everyone loves our town to begin with! Please say NO to creating a new interchange at Pioneer trail and 95! Not only will it bring unwanted traffic, but it also brings down the sanctity and localness of our little beach town. This proposal is expensive and unwanted from the people who actually live here!

Please consider us, just as we consider our visitors.

Thank you.

Olivia Massett

I do not want to see the Pioneer Trail Interchange at all, living on Pioneer Trail it would have a definite negative impact on the quality of life for us residents and wildlife with the added traffic to this area. It would be like having 44 right in my backyard.

Sincerely,

Kandis Dye

Totally 100% against the building of this project as it will finish off ruining NSB Thanks

Sent from my iPhone

Gary Phillips

321-795-5239

I am writing to express my support for the proposed interchange addition to I95 on Pioneer Trail Rd. As a resident of New Smyrna Beach, I can attest to the rapid growth our community has experienced in recent years. As a result, traffic congestion has become a major concern for both residents and visitors.

I support the interchange and believe it will add a much needed alternative route for visitors, residents and industry. Easing congestion and providing an alternate route is crucial for the economic prosperity of our rapidly growing city. As New Smyrna Beach continues to develop and attract more tourists and businesses, it is important for our public investments to keep pace with the increasing traffic demands of our community. By committing to build this interchange, we are laying a strong foundation for the future prosperity of our city.

Best Regards,

Alexander D. Smith

302 Crawford Rd, New Smyrna Beach, FL 32169



I really love Spruce Creek with the abundance wildlife and beautiful scenery. I've hiked, biked, and paddled this vital watershed since the early 1980s. As tax payers, we payed millions of dollars to clean it, restore it and protect it. Big developers want to build a major interchange through part of it. This same developer has plans to build huge neighborhoods once he gets the roadway approved(if).

I am deeply opposed to this development as it will destroy such beautiful parkland forever. We need trees and parkland to fight against the devastating effects of climate change.

Please don't sell out to developers!

Thank you

Connie Edlund

325 N Causeway New Smyrna Beach FL 32169

Please do not proceed with this interchange.

1. It would increase flooding potential in New Smyrna Beach- an area years away from recovering from the effects of Hurricanes Ian and Nicole.
2. It would disrupt the Florida Wildlife Corridor.
3. It would be environmental social injustice- pushing beachward traffic through the chronically disadvantaged Historic Westside Community of New Smyrna Beach

Lisa Martin

618 S Pine St

New Smyrna Beach FL 32169-2947

408-205-6842 [cell/text]

Can you please tell me how much ARPA funding can be utilized towards the Pioneer Trail Interchange and how it can be used, per ARPA guidelines and the plans for the Interchange?

Also, how does building the Interchange plan to address flooding in the area? Stormwater runoff?

Thank you,

Suzanne Scheiber

Please register my public comment regarding the Pioneer Trail Interchange:

I am adamantly opposed to the Pioneer Interchange Project! It is completely unnecessary! There are two nearby interchanges, within a few miles of the location. It will endanger and impact a sensitive and precious natural wildlife area. The cost will waste valuable money that could be better spent on other much needed programs to protect clean water and natural resources.

Please do NOT build the Pioneer Interchange.

Thank you,

Erica Ell

4200 Saxon Drive

New Smyrna Beach, FL

In reference to the Pioneer Trail Interchange Project:

I am not sure of all the goals of the Pioneer interchange, but it seems that there is a lot of angst about dumping I-95 traffic on the east bound Pioneer road. Below is a map of I-95 in Delray Beach between the Linton Blvd. and Yamato Rd. exits. It allows access from I-95 to Congress Blvd. and all points west. It doesn't dump traffic into residential neighborhoods east of I-95.

I think it would be a great compromise to design something similar that connects Williamson Rd. to I-95 a bit farther north of Pioneer. Maybe someplace where Williamson is much closer to I-95. It would seem to save on many construction costs due to its close proximity to the interstate.

This compromise won't satisfy the efforts of the rural residents west on Pioneer, but it would maybe meet goals of all the uncontrolled growth that will happen along Williamson. It could possibly relieve exit traffic at the Dunlawnton/Taylor Rd. exit off I-95.

Please let me know if you have questions. I appreciate the opportunity to provide input.

Respectfully,
Tim Syverson
New Smyrna Beach, FL

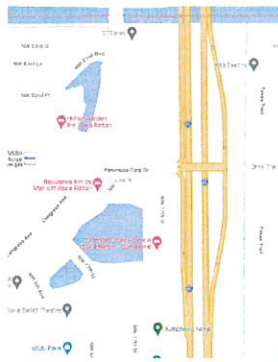


Exhibit A: Detail of I-95 exit without an eastern exit. North and South bound traffic can exit to Congress without disturbing residential area to east.

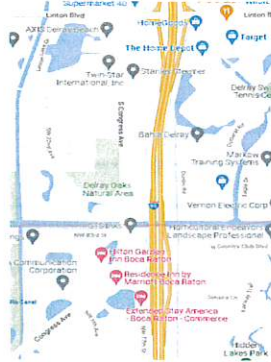


Exhibit B: Location of the I-95 exit between Linton Blvd. and Yamato Rd.



Exhibit C

I oppose this project and its entirety. It will interfere with our wetlands and environment.
Stephanie Cox



I believe that the proposed highway interchange at Interstate-95 and Pioneer Trail in New Smyrna Beach is not in the public's best interest, and that the "No Build" alternative is the one that should be implemented. I am concerned about the high cost (now over \$200 million of taxpayer dollars), reduction in quality of life, and most importantly, negative impacts to the environment that such a development would bring. I believe that the area on which the interchange is being proposed is land that is critical to the health and well-being of the Doris Leeper Spruce Creek Preserve and Spruce Creek itself, an Outstanding Florida Waterbody.

Wetlands and forests serve important ecological functions that are of benefit to people and nature alike, including cleaning our air and water. Losing this valuable nature corridor to an interchange and subsequent high-impact developments is simply not worth it. Furthermore, the need for such an interchange has not been justified substantially enough, and local citizen input needs to be considered, as they have been fighting against it for over 30 years!

After over 1000 residents were inundated with flooding during the past two hurricanes in 2022, it appears more apparent than ever the need to preserve these recharge areas. Our NSB city commission has voted unanimously to proceed with a moratorium on large scale building projects to determine how to better protect the resources we have and to be sure any future development is sustainable and safe.

Thank you for choosing the no build option and your dedication to preserving Florida's waterways for the present residents and those in the future.

Sincerely,

Sally Spencer

826 E 23rd Ave

New Smyrna Beach 32169

I am writing in opposition to the Pioneer Trail Interchange. It is an absolute misuse of taxpayer relief funds and will facilitate the continued destruction of Spruce Creek Watershed. It is an important parcel of land for wildlife (is a corridor to surrounding areas from Spruce Creek) and will add more pollution to the area. Not only that but this interchange is not needed as the Port Orange and New Smyrna Beach exits are so close together. This Interchange (with taxpayer money) seems only to benefit land developers in the area for building more homes. Our money and relief funds should be used for more pertinent local issues such as land preservation for flood mitigation or building homeless shelters and food banks.

Thank you,

Rebecca Chaffee

NSB resident

Good afternoon~

Would it be possible to send me a Link to where I might view the proposed Pioneer Trail Interchange so as to get a complete picture of what the drawings are?

I appreciate it, Thank-you

Arthur E. vonBulin

171 Live Oak Court

New Smyrna Beach, Florida 32168

702-403-3356



To Whom it May Concern....I am a resident at 511 Ball Street, New Smyrna Beach, and I object to the project for the additional interchange with I-95 between the existing NSB and Port Orange interchanges. It endangers the sensitive wetland area adjacent to Doris Leaper's Spruce Creek Preserve.

As researched and advised, "if built, this project and associated secondary impacts will bring about the loss of hundreds of acres of critical wetlands in Volusia County, FL, as well as destroy habitat corridors needed to maintain the health and biodiversity of Doris Leeper Spruce Creek Preserve."

Wetlands are vital ecosystems. Home to 40 percent of the world's species, they protect us from flooding, provide food and clean water, play a crucial role in combating climate change, maintain stream flows, remove pollution, control shoreline erosion, sequester carbon, provide recreation and aesthetics for residents and visitors to enjoy. Wetlands recharge our groundwater which store our water to ensure supply during dry periods.

Wetlands provide habitat for thousands of species of aquatic and terrestrial plants and animals but they are critically important for the survival humans too, from the mitigation of Climate Change to the protection of human settlements from floods.

If we protect wetlands, we also protect our planet and ourselves.

In the words of Joni Mitchell "they've paved paradise and put up a parking lot." We cannot lose anymore of these precious, life giving natural areas.

We do not need new highways. Let' repair the infrastructure we already have.

Joyce Cusimano

511 Ball Street

New Smyrna Beach, FL 32168

I want to say as a Port orange 50 year resident that in my opinion it makes absolute sense to create a new interchange to reduce the ridiculous traffic we have at our I95 interchange on Dunlawton. All due to the increase of residences on the Pioneer Trail area of Samsula and the Williamson and Airport road increased residences. There is NO other answer to this traffic problem....

CCuster33@aol.com

I write this email to let you know of my opposition to the proposed I95 / Pioneer Trail exchange. This proposal makes no sense in light of the many downsides, which include but are not limited to:

- flood water in the area
- water runoff into existing wetlands which will further spread harmful items to wildlife
- increased traffic to an area already stretched past capacity at peak times
- improper or non existent study by EPA

In short, the potential benefit of this exchange is far outweighed by the multitude of drawbacks. Most local residents, the people who have to bear the burden of this proposed exchange, are in opposition. Local voices should outweigh bureaucratic intrusion from outside sources. I urge the rejection of the proposed exchange. Regards, Jeff

Jeff Tyrrell 203-722-2974

431 Gleneagles Dr New Smyrna Beach, Florida 32168



My wife and I have lived full time in Sugar Mill for the past 12 years and have been life long residents of Central Florida, spending time in new Smyrna Beach frequently. During the time we have have been full time residents, we have seen New Smyrna Beach change from a lovely beach town to a city run amok with uncontrolled growth with very little planning for the consequences.

While I am not naive to believe we can stop community growth, even if we want to. I do believe with proper planning we can minimize the negative impact on current residents that have supported this community for years. The pioneer interchange will have dramatic effects on the current residential developments along Pioneer Trail. Traffic will increase beyond expectations creating traffic log jams along a 2 lane road that can't possibly the traffic load. This will make it difficult for residents to enter or leave their subdivisions and homes leading to excess traffic congestion and more accidents.

If you going to go ahead with this unwanted and unneeded project, then Pioneer Trail must be increased to a 4 lane road before the interchange is built, not afterwards. This would be prudent planning and handling growth, we may not want properly. Don't increase insurmountable traffic problems by building an interchange with out increasing the roads to handle the increase in usage. You will not be good stewards for the residents you work for if you do.

James Lorch
Ph 813-205-8867
Sugar Mill Subdivision Resident

I am totally opposed to the creation of the exchange. I live in a quiet residential neighborhood off of Pioneer Trail (Sugar Mill) and the traffic from this exchange will be devastating to the ecology and safety of my neighborhood. The flooding issue experienced in my neighborhood after the 2 storms this past fall, will be greatly exacerbated with the removal of trees and tampering with estuaries that will occur in building this exchange. The price tag is outrageous, and funds should not be used in this manner. This exchange is being consider solely for a developer's purpose, not for the citizens of New Smyrna Beach. Please act on the behalf of preserving our fragile ecosystem and OPPOSE the Pioneer Trail exchange!

With much appreciation,

Maureen Tyrrell
431 Gleneagles Drive New Smyrna Beach

Please stop development of the Pioneer Trail Interchange at I-95. We need to protect this area from development for the sake of the environment.

Nancy Long
1967 Red Cedar Circle
South Daytona FL 32119



I am a resident and business owner in Volusia County. I write in objection to the proposed I-95/Pioneer Trail Interchange, and the allocation of any funds to this project. I stand with thousands of neighbors and friends who are against the taking of conserved lands and the areas that buffer them for unnecessary and unwanted roads. The community is adequately served by the interchange at State Road 44. The damage to our environment, loss of land to pavement incapable of absorbing and filtering surface water is dangerous and unacceptable.

On behalf of myself, my business and the environmental organizations I work with and support, I urge denial of permits and amendments to the existing Long Range Transportation Plan and any further spending on this harmful and unwanted project. I strongly request no building be allowed. Please transmit this to the Transportation Planning Organization and let me know if I might assist you.

Sincerely,

Lori Sandman, Esq.

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