



# MEETING NOTICE

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Please be advised that there will be a meeting of the Volusia Transportation Planning Organization (VTPO) **TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD (TDLCB)** will be held on:

**DATE:** Wednesday, March 9, 2011

**TIME:** 11:00 AM

**PLACE:** Volusia County Mobility Management Center  
Conference Room(s)  
950 Big Tree Road  
South Daytona, Florida

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**County Chair Frank T. Bruno, Jr., Chairman Presiding**

## AGENDA

- I. **CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM**
- II. **PUBLIC COMMENT/PARTICIPATION** (LENGTH OF TIME AT THE DISCRETION OF THE CHAIR)
- III. **ACTION ITEMS**
  - A) **APPROVAL OF THE JANUARY 12, 2011 TDLCB MEETING MINUTES** (Contact: Carole Hinkley) (Enclosure, pages 3-11)
  - B) **REVIEW AND APPROVAL OF THE COMMUNITY TRANSPORTATION COORDINATOR'S (CTC's) MONTHLY PARATRANSIT REPORT** (Contact: Heather Blanck) (Enclosure, pages 12-14)

**IV. DISCUSSION ITEMS AND PRESENTATIONS**

- A) OVERVIEW BY ATTORNEY CHARLES J. CINO OF CHAPTER 112.3143 F.S., CONCERNING VOTING CONFLICTS** (Contact: Carole M. Hinkley) (Enclosure, pages 15-17)
- B) BRIEF RECAP OF THE LAKE CITY REGIONAL MEETING WITH THE COMMISSION FOR THE TRANSPORTATION DISADVANTAGED STAFF** (Contact: Carole M. Hinkley) (Enclosure, page 18)

**IV. STAFF COMMENTS** (page 19)

**V. TDLCB CHAIRMAN COMMENTS** (page 19)

**VI. TDLCB MEMBER COMMENTS** (page 19)

**VII. PRESS/CITIZEN COMMENTS** (page 19)

**VIII. INFORMATION ITEMS** (pages 19-28)

- **Long Range Transportation Plan (LRTP) Subcommittee Meeting Summary for January 19, 2011 (Final meeting for this Subcommittee)**
- **ADA Title 2 and 3 Fact Sheets**
- **TDLCB Membership List**

**IX. ADJOURNMENT** (page 19)

**\*\*\*NEXT MEETING OF THE TDLCB WILL BE MAY 11, 2011\*\*\***

NOTE: Individuals covered by the American with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the Volusia TPO office, 2570 W. International Speedway Blvd., Suite 100, Daytona Beach, FL 32114-8145; (386) 226-0422 at least five (5) working days prior to the meeting date.

**SUMMARY SHEET  
TDLCB  
MARCH 9, 2011**

**III. ACTION ITEMS**

**A) Approval of the January 12, 2011 Meeting Minutes**

**Background Information:**

Minutes are prepared for each Board meeting and the minutes must be approved by the TDLCB.

***Action Requested:***

***Motion to approve the January 12, 2011 meeting minutes***

## Minutes

### Transportation Disadvantaged Local Coordinating Board

January 12, 2011

Volusia County Mobility Management Center  
950 Big Tree Road, South Daytona, FL 32119

#### Members Present:

County Chair Frank Bruno  
Reggie Williams  
DeWeece Ogden  
David Dixon  
Judy Ryan  
Diane Poitras  
Marilu Klopp  
Christine Davenport  
Shari Day  
Mike White  
Patricia Antol  
Peter Cerullo  
Mary Ellen Ottman

#### Representing:

Volusia TPO  
Department of Children and Families  
Health Care Administration  
Citizens Advocate  
Medical Community  
Florida Department of Transportation  
Vocational Rehabilitation Services  
Early Child Care  
Elder Affairs  
Veterans Services Group  
Elderly Citizens  
Mass Transit  
Citizens Advocate (System User)

#### Members Absent:

Barbara Goldstein (excused)  
Chip Kent  
Patricia James  
Rick Fraser

#### Representing:

Handicapped Citizens  
Public Education Community  
Association of Community Action  
Workforce Development Board

#### Others Present:

Pamela Blankenship, Recording Secretary  
Carole M. Hinkley  
Ken Fischer  
Heather Blanck  
Jim Dorsten  
Steve Jack  
James Selzer  
Andre Anderson  
Mark Ehrbar  
Rose Lorens

#### Representing:

TPO Staff  
TPO Staff  
Votran Staff  
Votran Staff  
Votran Staff  
Med One Shuttle  
Citizens Advocate (alternate)  
Center for Business Excellence  
Ehrbar Medicar  
Ehrbar Medicar

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

TDLCB Chairman Frank Bruno called the meeting to order at 11:05 a.m.

Ms. Pamela Blankenship proceeded to call the roll and a quorum was determined.

Mr. White introduced Mr. Jefferey Bumb who will be his new alternate on the TDLCB representing Volusia County Veterans Services.

## II. Public Comment / Participation

There were no public comments.

## III. Action Items

### A) Approval of the November 10, 2010 Meeting Minutes

*A motion was made Mr. Dixon to approve the November 10, 2010 TDLCB meeting minutes. The motion was seconded by Mr. White and passed unanimously.*

### B) Review and Approval of the Community Transportation Coordinator's (CTC's) Monthly Paratransit Report

Ms. Blanck mentioned that the package included the October and November reports. October showed a slight decline in the number of paratransit trips provided, about 1.7%; fixed route, however, was up about 1.3%. November showed a decline in fixed route trips of 7% and paratransit was up by about 10%. Fixed route wheelchair trips in October were up by about 12% and down in the paratransit service. In November, paratransit provided 6% more trips than in the previous year and about 8% more in the fixed route service. Concerning the increases in the number of cancellation and no-shows, Ms. Blanck explained that Votran uses the paratransit system when it schedules flex trips; Votran is in an adjustment period concerning this, hence, the cancellations and no shows in this report are higher than normal. Votran will be meeting to review the first quarter activity to see how it is reflected in the report. Ms. Blanck asked the members how they would like to see the Flex Service numbers reported.

Mr. Dixon indicated that he has heard that the people using the flex service are very happy with it. He added that the flex numbers should be separated from the paratransit report numbers.

Chairman Bruno indicated that by the response of the group, that there appeared to be a consensus recommending the data be reported separately.

Mr. Dixon added that there should be some way to educate the people who use flex service as to what cancellations and no-shows mean.

Ms. Blanck mentioned that there will be a meeting this month with the Operations and Marketing and Customer Service staff to review flex service.

Mr. Williams indicated that there is a handbook for the paratransit and it could be helpful to develop something similar for the flex service.

Ms. Blanck indicated that there is a brochure on this service; adding something like a Take-One would be possible.

Ms. Day asked if the meeting that took place at the Brannon Center had been well attended.

Ms. Blanck replied that it was very well attended.

Ms. Day asked if there were informational items at the Brannon Center and if she should check occasionally and notify Votran to refill them.

Ms. Blanck replied yes.

***Mr. Dixon moved to approve the CTC Monthly Paratransit Reports. The motion was seconded by Ms. Ottman and carried unanimously.***

#### **IV. Discussion Items and Presentations**

##### **A) Review of Section 5311 Grant Applications**

Ms. Blanck mentioned that the current year grant request is 10% less than last year. She reminded the members that the 5311 grant is to support Votran's provision of rural services. This represents not only the Gold Service that is provided in the rural area but also the Route 24 service which runs virtually throughout its entirety in a rural service area. Currently, Votran is applying for FY 2011-2012 and the only information available for the application at the time to support the grant application has to do with the previous year. The previous year is the first year that ended subsequent to the FY 2008-2009 which was the first year without any Medicaid transportation being provided. Although we do describe that Votran had almost 25% more trips in FY 2009/10 compared with the previous year 2008/09, there is more effective service with less miles travelled overall and lower fuel consumption with lower fuel cost.

##### **B) Review of Coordination Agreement which allows for Section 5310 Grant Applications by Non-Profit Agencies**

Ms. Blanck mentioned that this grant application provides assistance for vehicles that will be requested by non-Votran transportation providers. These are primarily human services groups that need vehicles which they are unable to provide for themselves. Votran has a workshop each year before it gets into the details of putting all the documents together for these grant applications. Votran, as the CTC, participates with FDOT by reviewing the grant applications submitted. Votran also reviews the grant to ensure that there is no duplication of service. Further, Votran provides assistance in grant monitoring to the extent that with the coordinated partners Votran makes site visits to do vehicle inspections and to ensure that the documentation that they are keeping and providing records for is properly kept. All this entails CTC agreements. In the most current year, FDOT has been visiting with Votran's coordinated partners. For Volusia these include: Duvall Home, Good Samaritan, CVI, ARC and Stewart Marchman. During the visits, the agencies were reminded that they need to provide enough service to support the ongoing use of the vehicle. To this end, FDOT, jointly with the CTC, have come up with a threshold of activity that would be expected from agencies making these types of applications. An agency should be able to provide 18 trips per day, on a fairly consistent basis, five days of operation per week, or approximately 15,000 miles per year.

Ms. Blanck mentioned that for this particular year there were no grant applications received. She added that the agreements are being updated and Votran is working with county legal staff to incorporate the threshold language.

An agency called Kinsman has had discussions with Votran, but it is unclear as to how one could identify trips. They have made application and will be serving in the Lynx Service area and in Lake County and perhaps things will be clearer then.

Mr. Williams wanted to know if the threshold mentioned was a statewide threshold.

Ms. Poitras replied, yes this was statewide and new. She added that District 5 realizes that the vehicles are bigger and better and are expected to last longer. Minimum thresholds need to be set so that the vehicles are used to the fullest extent possible.

Mr. Williams wanted to know what happens if those agencies currently under the coordinated agreement don't meet the thresholds on an annual basis.

Ms. Poitras replied that it hasn't been figured out yet.

Mr. Dixon mentioned that if an agency applies for 5310 vehicles those vehicles are supposed to be available to Votran for any emergency and they would have to be equipped to handle complete paratransit services to include having lifts for access by wheelchairs in order to match up with the paratransit system. He further added that he wanted to know why these specifications that should be in the 5310 contract are not there.

Ms. Blanck replied that the grant application allows one to show that the trips one is providing do not require that additional equipment. This does meet the Federal requirement. She

further indicated that this Board might want to identify the additional equipment as a standard that should be considered.

Mr. Dixon replied that this was already in the law. That in an emergency a piece of equipment that Votran would call in to supplement the fleet would need to have the additional equipment. It seems that some of the requirements are being bypassed.

Mr. Fischer indicated that he understands Mr. Dixon's concerns and that the 5310 agreement was brought up to make sure the members understand that Votran is looking at this document. He further added that concerning Mr. Dixon's comments, Votran would need to go back in and address the concern that if the agreement calls for those vehicles to be made available in an emergency then they need to be ADA equipped. Votran would have to work with FDOT on that.

Ms. Poitras clarified that as part of the grant application one has to provide a form that indicates the applicant will provide equivalent service. If the applicant does not want to buy a vehicle that has a wheelchair lift then they have to be able to show that there are wheelchair accessible vehicles that you could be call in. So this allows the applicant to work with someone else and not have to buy a wheelchair equipped vehicle if it is not needed. A Certificate of Equivalent Service is provided in the 5310 grant application that each applicant can submit.

Mr. Williams informed the members that this same discussion took place 3 or 4 years ago and it involved Duvall Home. Since they had vehicles on sight that were ADA equipped they were allowed to purchase a non-ADA equipped vehicle.

Mr. Fischer asked if the LCB sees the 5310 applications before they are submitted to FDOT.

Ms. Hinkley replied that every year in January the 5310 applications are included in the meeting package for the LCB to review as is required.

Chairman Bruno added that the agencies applying also attend the January meeting and speak to the LCB about their application.

Chairman Bruno asked Ms. Blanck to confirm that there were no new applications and that there were 5 active agencies utilizing what is out there right now.

Ms. Blanck replied that that was correct.

### **C) Update on the New Smyrna Beach Flex Route Service**

Ms. Blanck informed the members that Votran had made an initial projection of around 170 users based on a best review of the information at hand. By the end of November there were 184 registered users. The number of trips provided during the month of October was 1234 and in November there were 1389 trips.



**D) Overview of the Major Update to the Transit Development Plan (TDP) and the Transportation Disadvantaged Service Plan (TDSP)**

Ms. Blanck mentioned that the TDP is a five year document and is used a strategic operating plan.

Ms. Hinkley added that the TDSP is a five year plan that is a requirement in the Memorandum of Agreement (MOA) with the TD Commission. She further mentioned that the TPO staff and Votran staff work together to provide the data to be included in both the TDP and the TDSP.

Ms. Blanck indicated that Tindale-Oliver will be the consultant on board working with both documents.

Ms. Hinkley mentioned that at this time it is still not clear what will happen with the current coordinated system if it will remain the same or become regionalized. Senate President Haridopolos made it clear that the coming session will be looking at Medicaid Reform. She further added the TDSP is a requirement if one is the CTC and if you're not the CTC then it is not clear what happens then. There have been challenges around the state concerning whether the TD Commission can indeed take away CTC status if that CTC does not provide Medicaid NET. At this time there have been no clarifications on this. She then reminded the members that TD Day will be on March 17<sup>th</sup> and encouraged everyone to attend if possible.

Chairman Bruno asked Mr. Fischer if there were any specific lobbying issues related to Votran and that the County was meeting with their lobbyist the next day to put together the agenda. He further inquired if Mr. Fischer had anything he (Chairman Bruno) needs to be aware of when he goes to Tallahassee.

Mr. Fischer replied that he would check and that he is coordinating that through Dona DeMarsh and should be in the package.

Ms. Blanck informed the group of the coming year's activities with the TDP and TDSP. There will be interviews with committee representatives. There will also be passenger surveys in two formats (onboard and telephone), four workshops (maybe more with County approval) and presentations as Votran moves forward with the different outcomes of the study. Ms. Blanck also indicated that efforts will be made to put information on the website. Ms. Blanck also talked about the Review Committee.

Chairman Bruno indicated that a member of the TDLCB should be on that Review Committee.

After a brief discussion, the TDLCB members agreed that Mr. Dixon should be on the Review Committee. Chairman Bruno then submitted Mr. Dixon's name as the TDLCB member for the Review Committee.

**V. Staff Comments**

Ms. Hinkley reminded the TDLCB members that TD Day this year will be on March 17, 2011. She further added that this is an opportune time to speak face to face with your Senator or Representative concerning issues relating to the Transportation Disadvantaged. An email will be sent out concerning this event and the sponsorship.

Chairman Bruno asked Ms. Hinkley to check his schedule with Darla. It is possible that the event this year falls on a County Council meeting day and that he will not be able to attend.

Ms. Davenport wanted to know what happens on TD Day

Ms. Hinkley gave a brief overview of the activities that occur at this event.

Ms. Blanck informed the members that Logisticare has been attending the TDLCB meetings but called today to be excused. She also informed the members that Votran has been working with the TD Commission to have their Annual TD Conference at the Ocean Center in Daytona Beach this year.

Mr. Fischer wanted to make the TDLCB members aware of non payment of fares in the paratransit system. He added that most of that dates back to Medicaid when the \$1 co-pay was not always collected. Even though Votran no longer provides Medicaid trips service it is still having fare non payment issues. Staff is working on a possible solution. Votran will be notifying those folks that are not paying fares that they are subject to being suspended from service. Votran will also work with County staff concerning those individuals that for some reason cannot pay the fare and see if some assistance is available for them. Mr. Fischer added that Votran will inform the LCB when they get ready to issue the notification letters.

Mr. Dixon mentioned that he's aware of some folks who are of the understanding that they do not have to pay the fare if they indicate that they do not have the money.

Ms. Ottman added that there was an attitude that if Votran takes a customer one way on a trip they have to bring that customer back whether they pay the fare or not. She further mentioned that one of the consumer organizations she belongs to took a stand against such behavior and did not approve of it.

Ms. Blanck stated that the projection of the possible number of letters to be sent out could be somewhere between 30 and possibly as many as 60 people for the initial mailing.

## **VI. TDLCB Chairman Comments**

There were no comments.

## **VII. TDLCB Member Comments**

Ms. Day voiced that she was anxiously waiting to see what happens with the legislators this year.

Ms. Ottman wanted to thank staff for getting all the information about the TDLCB meeting ahead of time via email so that she can sit and read it on the computer. This is very helpful.

Mr. White indicated that the Veterans community in the last seven years has just doubled and re-doubled and re-doubled in Florida. He indicated that he is finding higher rates of Veterans trying to get to their four offices and that more and more are using Votran to do that.

**VIII. Press / Citizen Comments**

There were no comments.

**IX. Information Items**

**X. Adjournment**

The meeting was adjourned at 12:03 pm

**SUMMARY SHEET  
TDLCB  
MARCH 9, 2011**

**III. ACTION ITEMS**

**B) Review and Approval of the Community Transportation Coordinator's (CTC) Monthly Paratransit Report**

**Background Information:**

The Community Transportation Coordinator's report provides statistical information every month on the transportation services provided by Votran and the contracted transportation providers. The reports for December 2010 and January 2011 are enclosed for your review.

Staff will be available to answer questions regarding the reports.

***Action Requested:***

***Motion to approve the CTC's monthly paratransit report***

MONTHLY TRANSPORTATION DISADVANTAGED REPORT						
	DEC., 2010 VOTRAN	DEC., 2009 VOTRAN	DEC., 2010 CONTRACTED	DEC., 2009 CONTRACTED	DEC., 2010 TOTAL	DEC., 2009 TOTAL
<b>TOTAL PASS TRIPS</b>	<b>11,489</b>	<b>11,274</b>	<b>8,219</b>	<b>8,125</b>	<b>19,708</b>	<b>19,399</b>
<b>TRIP PURPOSE</b>						
Medical	4,248	4,120	3,430	3,638	7,678	7,758
Nutrition	1,145	1,081	82	60	1,227	1,141
Other	2,197	1,986	2,064	1,892	4,261	3,878
Education	1,032	1,253	555	589	1,587	1,842
Shopping	742	704	615	599	1,357	1,303
Work	2,125	2,130	1,473	1,347	3,598	3,477
<b>PASSENGER TYPE</b>						
Disabled	10,346	10,232	7,912	7,838	18,258	18,070
Elderly	1,140	1,038	305	282	1,445	1,320
Child	3	4	2	5	5	9
<b>TRIP TYPE</b>						
Ambulatory	8,346	8,062	5,496	5,289	13,842	13,351
Wheelchair	3,143	3,212	2,723	29	5,866	3,241
<b>TOTAL COMPLAINTS</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>3</b>	<b>6</b>	<b>4</b>
Discourtesy	0	0	0	0	0	0
Safety	1	0	1	0	2	0
Early	0	1	0	0	0	1
Late	0	0	2	3	2	3
Driver	0	0	2	0	2	0
Schedule/Routes	0	0	0	0	0	0
Vehicle/Equipment	0	0	0	0	0	0
Other	0	0	0	0	0	0
<b>TOTAL ACCIDENTS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CHARGEABLE:</b>						
Person Only	0	0	0	0	0	0
Vehicle Only	0	0	0	0	0	0
Person & Vehicle	0	0	0	0	0	0
<b>NON-CHARGEABLE:</b>						
Person Only	0	0	0	0	0	0
Vehicle Only	0	0	0	0	0	0
Person & Vehicle	0	0	0	0	0	0
<b>CANCELLATIONS</b>	<b>1,034</b>	<b>944</b>	<b>741</b>	<b>681</b>	<b>1,775</b>	<b>1,625</b>
<b>NO SHOWS</b>	<b>327</b>	<b>236</b>	<b>235</b>	<b>170</b>	<b>562</b>	<b>406</b>
<b>REVENUE MILES</b>	<b>95,629</b>	<b>91,477</b>	<b>74,311</b>	<b>73,618</b>	<b>169,940</b>	<b>165,095</b>
<b>REVENUE HOURS</b>	<b>5,842</b>	<b>5,639</b>	<b>5,855</b>	<b>5,572</b>	<b>11,697</b>	<b>11,211</b>

MONTHLY TRANSPORTATION DISADVANTAGED REPORT						
	JAN., 2011 VOTRAN	JAN., 2010 VOTRAN	JAN., 2011 CONTRACTED	JAN., 2010 CONTRACTED	JAN., 2011 TOTAL	JAN., 2010 TOTAL
<b>TOTAL PASS TRIPS</b>	11,445	10,712	8,077	7,826	19,522	18,538
<b>TRIP PURPOSE</b>						
Medical	4,340	4,018	3,437	3,324	7,777	7,342
Nutrition	1,102	975	63	57	1,165	1,032
Other	2,089	1,858	2,069	1,930	4,158	3,788
Education	1,184	1,221	599	635	1,783	1,856
Shopping	547	562	465	473	1,012	1,035
Work	2,183	2,078	1,444	1,407	3,627	3,485
<b>PASSENGER TYPE</b>						
Disabled	10,227	9,694	7,700	7,366	17,927	17,060
Elderly	1,214	1,017	373	459	1,587	1,476
Child	4	1	4	1	8	2
<b>TRIP TYPE</b>						
Ambulatory	8,432	7,723	5,488	5,267	13,920	12,990
Wheelchair	3,013	2,989	2,589	2,559	5,602	5,548
<b>TOTAL COMPLAINTS</b>	<b>3</b>	<b>1</b>	<b>5</b>	<b>4</b>	<b>8</b>	<b>5</b>
Discourtesy	0	0	0	0	0	0
Safety	1	0	0	1	1	1
Early	1	0	0	0	1	0
Late	1	1	3	1	4	2
Driver	0	0	0	0	0	0
Schedule/Routes	0	0	0	0	0	0
Vehicle/Equipment	0	0	0	1	0	1
Other	0	0	2	1	2	1
<b>TOTAL ACCIDENTS</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>CHARGEABLE:</b>						
Person Only	0	0	0	0	0	0
Vehicle Only	0	0	0	0	0	0
Person & Vehicle	0	0	0	0	0	0
<b>NON-CHARGEABLE:</b>						
Person Only	0	0	0	0	0	0
Vehicle Only	1	0	0	0	1	0
Person & Vehicle	0	0	0	0	0	0
<b>CANCELLATIONS</b>	<b>877</b>	<b>873</b>	<b>619</b>	<b>640</b>	<b>1,496</b>	<b>1,513</b>
<b>NO SHOWS</b>	<b>243</b>	<b>223</b>	<b>172</b>	<b>163</b>	<b>415</b>	<b>386</b>
<b>REVENUE MILES</b>	<b>91,804</b>	<b>86,787</b>	<b>70,030</b>	<b>70,901</b>	<b>161,834</b>	<b>157,688</b>
<b>REVENUE HOURS</b>	<b>5,537</b>	<b>5,368</b>	<b>5,571</b>	<b>5,480</b>	<b>11,108</b>	<b>10,848</b>

**SUMMARY SHEET  
TDLCB  
MARCH 9, 2011**

**IV. DISCUSSION ITEMS AND PRESENTATIONS**

**A) Overview by Attorney Charles J. Cino of Chapter 112.3143 F.S., Concerning Voting Conflicts**

**Background Information:**

The Transportation Disadvantaged Local Coordinating Board's structure and duties are described in Chapter 41-2 of the Florida Administrative Code. As a reminder the purpose of the TDLCB is to identify local service needs and to provide information, advice and direction to the Community Transportation Coordinator (CTC) on the coordination of services to be provided to the transportation disadvantaged through the Florida Coordinated Transportation System. The composition of the LCB's membership is spelled out in Chapter 41-2.012 and includes individuals from various agencies or groups.

Because of the varied membership on the TDLCB there may arise, on occasion, a need for the voting member to consider the possibility of a voting conflict.

Mr. Cino will provide helpful information concerning this topic and Chapter 112.3143 of the Florida Statutes.

***Action Requested:***

***No action is required unless otherwise directed by the Board***

# The Florida Senate

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## 2010 Florida Statutes (including Special Session A)

[Title X](#)  
PUBLIC OFFICERS, EMPLOYEES, AND  
RECORDS

[Chapter 112](#)  
PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS

[View  
Entire  
Chapter](#)

112.3143 Voting conflicts.—

(1) As used in this section:

(a) “Public officer” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(b) “Relative” means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(2) No state public officer is prohibited from voting in an official capacity on any matter. However, any state public officer voting in an official capacity upon any measure which would inure to the officer’s special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer shall, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. [112.312\(2\)](#); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer’s interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b) However, a commissioner of a community redevelopment agency created or designated pursuant to s. [163.356](#) or s. [163.357](#), or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

(4) No appointed public officer shall participate in any matter which would inure to the officer’s special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.



(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

(5) Whenever a public officer or former public officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

History.—s. 6, ch. 75-208; s. 2, ch. 84-318; s. 1, ch. 84-357; s. 2, ch. 86-148; s. 5, ch. 91-85; s. 3, ch. 94-277; s. 1408, ch. 95-147; s. 43, ch. 99-2.

Quick Links

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**SUMMARY SHEET  
TDLCB  
MARCH 9, 2011**

**IV. DISCUSSION ITEMS AND PRESENTATIONS**

**B) Brief Recap of the Lake City Regional Meeting with the Commission for the Transportation Disadvantaged Staff**

**Background Information:**

A Planners regional meeting was scheduled by the Staff for the Commission for the Transportation Disadvantaged on February 24, 2011 at the FDOT District 2 offices in Lake City, Florida.

Several topics were covered including, but not limited to: TD Day 2011, Planning Grants, Annual Operating Report and the 2011 TD Conference.

Ms. Hinkley will provide a brief recap to the members.

***Action Requested:***

***No action is required unless otherwise directed by the Board***

**SUMMARY SHEET  
TDLCB  
MARCH 9, 2011**

**V. STAFF COMMENTS**

**VI. TDLCB CHAIRMAN COMMENTS**

**VII. TDLCB MEMBER COMMENTS**

**VIII. PRESS/CITIZEN COMMENTS**

**IX. INFORMATION ITEMS**

- Long Range Transportation Plan (LRTP) Subcommittee Meeting Summary for January 19, 2011 (Final meeting for this Subcommittee)
- ADA Title 2 and 3 Fact Sheets
- TDLCB Membership List

**X. ADJOURNMENT**

L RTP Subcommittee  
Meeting Summary  
January 19, 2011

**Members Present:**

A.J. Devies  
Mike Marcum  
John Decarie, Chairman  
Tomm Friend  
Bill McCord  
Blanche Hardy  
Ferd Heeb  
Dan D'Antonio  
Ron Paradise  
Bobby Ball  
Heather Blanck  
Melissa Booker  
Wendy Hickey  
Heather Blanck

**Members Absent:**

County Chair Frank Bruno  
Gilles Blais  
Gail Henrikson  
Barbara Goldstein (excused)

**Others Present:**

Pamela Blankenship  
Karl Welzenbach  
Carole Hinkley  
Lorelle Friend

**Representing:**

Volusia County  
Daytona Beach  
Port Orange  
Volusia County  
Port Orange  
DeLand  
Edgewater  
Volusia County  
Deltona  
Port Orange  
Votran  
VC Traffic Engineering  
Orange City  
Votran

**Representing:**

Volusia County  
Holly Hill  
New Smyrna Beach  
Disabled Citizens

**Representing:**

TPO Staff  
TPO Staff  
TPO Staff  
Citizen (Turnbull Bay Community)

LRTP Subcommittee  
Meeting Summary  
January 19, 2011

- Approved the November 17, 2010 LRTP Subcommittee meeting summary
- Reviewed the projects listed on the 2035 LRTP Needs Plan discussed which projects should be removed
- Approved a motion recommending the following projects that will comprise the needs plan in its entirety:

<u>Facility</u>	<u>Sponsor</u>	<u>Improvement</u>	<u>From</u>	<u>To</u>
SR 600/SR 15 (US 17/92)	FDOT	Widen to 8 lanes	SR 472	SR 15A/Taylor Road
SR 600/SR 15 (US 17/92)	FDOT	Widen to 6 lanes	Enterprise Road	SR 472
I-95	FDOT	Widen to 6 lanes	SR 44	Brevard County Line
Park Ave	Edgewater	widen to 4-lanes	Park Towne Industrial Center	Old Mission Rd
SR 44	DeLand	Widen to 4 Lanes	Interstate 4	Kepler Road
North Entrance DeLand Airport Industrial Park	DeLand	New 2 Lane Access Road, SR 11 Improvements	SR 11	Industrial Drive
Madeline Avenue	Daytona Beach	Roadway Extension	Tomoka Farms Road	LPGA

- Approved a motion to recommend the exclusion of the remaining roadway projects that were submitted for the unfunded needs plan (three members voted in opposition); Recommended the Enhancement, Bicycle/Pedestrian projects and Park and Ride lots remain on the needs plan; the Freight project to be removed from the plan.
- Approved a motion to dissolve the LRTP Subcommittee upon adjournment

**\*\*\*There will be no further meetings of the LRTP Subcommittee\*\*\***



## FACT SHEET

### Highlights of the Final Rule to Amend the Department of Justice's Regulation Implementing Title II of the ADA

*The Department of Justice (the Department) has amended its regulation implementing title II of the Americans with Disabilities Act (ADA), which applies to public entities. The ADA requires the Department to publish ADA design standards that are consistent with the guidelines published by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board). Therefore, the title II rule adopts new Standards for Accessible Design that are consistent with the ADA/ABA Accessibility Guidelines developed by the Access Board. The final rule also amends the existing title II regulation to make it consistent with current policies and published guidance, to reflect the Department's experience since the regulation was first published in 1991, and to address and respond to comments received from the public in response to the Department's 2008 Notice of Proposed Rulemaking (NPRM). These revisions take effect on March 15, 2011.*

#### SUMMARY OF CHANGES:

1. Adoption of the 2010 ADA Standards for Accessible Design. The Department has adopted revised ADA design standards that include the relevant chapters of the Access Board's 2004 ADA/ABA Accessibility Guidelines as modified by specific provisions of this rule. To minimize compliance burdens on entities subject to more than one legal standard, these design standards have been harmonized with the Federal standards implementing the Architectural Barriers Act and with the private sector model codes that are adopted by most States.
2. Effective Date. The rule will become effective on March 15, 2011. On March 15, 2012, compliance with the 2010 Standards will be required for new construction and alterations. In the period between September 15, 2010 and March 15, 2012, covered entities may choose between the 1991 Standards, the Uniform Federal Accessibility Standards (UFAS), and the 2010 Standards. Covered entities that should have complied with the 1991 Standards or the UFAS during any new construction or alteration of facilities or elements, but have not done so by March 15, 2012, must comply with the 2010 Standards.
3. Element by Element Safe Harbor. The rule includes a general "safe harbor" under which elements in covered facilities that were built or altered in compliance with the 1991 Standards or the UFAS would not be required to be brought into compliance with the 2010 Standards until the elements were subject to a planned alteration.

Similar safe harbors were adopted for elements associated with the "path of travel" to an altered area.

4. Ticketing. The rule provides guidance on the sale of tickets for accessible seating, the sale of season tickets, the hold and release of accessible seating to persons other than those who need accessible seating, ticket pricing, prevention of the fraudulent purchase of accessible seating, and the ability to purchase multiple tickets when buying accessible seating. It requires a venue operator to accommodate an individual with a disability who acquired inaccessible seating on the secondary ticket market only when there is unsold accessible seating for that event.
5. Service Animals. The rule defines "service animal" as a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. The rule states that other animals, whether wild or domestic, do not qualify as service animals. Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are used purely for emotional support, are not service animals. The final rule also clarifies that individuals with mental disabilities who use service animals that are trained to perform a specific task are protected by the ADA. The rule permits the use of trained miniature horses as alternatives to dogs, subject to certain limitations. To allow flexibility in situations where using a horse would not be appropriate, the final rule does not include miniature horses in the definition of "service animal."
6. Wheelchairs and Other Power-Driven Mobility Devices. The rule adopts a two-tiered approach to mobility devices, drawing distinctions between wheelchairs and "other power-driven mobility devices." "Other power-driven mobility devices" include a range of devices not designed for individuals with mobility impairments, such as the Segway® PT, but which are often used by individuals with disabilities as their mobility device of choice. Wheelchairs (and other devices designed for use by people with mobility impairments) must be permitted in all areas open to pedestrian use. "Other power-driven mobility devices" must be permitted to be used unless the covered entity can demonstrate that such use would fundamentally alter its programs, services, or activities, create a direct threat, or create a safety hazard. The rule also lists factors to consider in making this determination. This approach accommodates both the legitimate business interests in the safe operation of a facility and the growing use of the Segway® PT as a mobility device by returning veterans and others who are using the Segway® PT as their mobility aid of choice.
7. Effective Communication. The rule includes video remote interpreting (VRI) services as a kind of auxiliary aid that may be used to provide effective communication. VRI is an interpreting service that uses video conference technology over dedicated lines or wireless technology offering a high-speed, wide-bandwidth video connection that delivers high-quality video images. To ensure that VRI is effective, the Department has established performance standards for VRI and requires training for users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI system.

8. Residential Housing Offered for Sale to Individual Owners. Residential housing programs provided by title II entities are covered by the ADA. For the first time, however, the final rule establishes design requirements for residential dwelling units built by or on behalf of public entities with the intent that the finished units will be sold to individual owners. These design requirements are set forth in the 2010 Standards.
9. Detention and Correctional Facilities. The final rule clarifies the requirements that apply to correctional facilities. It requires three percent of newly constructed or altered cells to be accessible.

**For more information:** Copies of this rule, the 2010 Standards, and this fact sheet are available in an accessible electronic format on the Internet at <http://www.ada.gov/>. For additional information or to order copies of any documents, call the ADA Information Line (800) 514-0301 (voice) or (800) 514-0383 (TTY). Copies of this notice will be available in accessible formats.

last updated October 7, 2010





## Fact Sheet

### Highlights of the Final Rule to Amend the Department of Justice's Regulation Implementing Title III of the ADA

*The Department of Justice (the Department) has amended its regulation implementing title III of the Americans with Disabilities Act (ADA), which applies to public accommodations (private businesses that fall within one of twelve categories established by the statute) and commercial facilities. The ADA requires the Department to publish ADA design standards that are consistent with the guidelines published by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board). Therefore, the title III rule adopts new Standards for Accessible Design that are consistent with the ADA/ABA Accessibility Guidelines developed by the Access Board. The final rule also amends the existing title III regulation to make it consistent with current policies and published guidance, to reflect the Department's experience since the regulation was first published in 1991, and to address and respond to comments received from the public in response to the Department's 2008 Notice of Proposed Rulemaking (NPRM). These revisions take effect on March 15, 2011.*

#### SUMMARY OF CHANGES:

1. Adoption of the 2010 ADA Standards for Accessible Design. The Department has adopted revised ADA design standards that include the relevant chapters of the Access Board's 2004 ADA/ABA Accessibility Guidelines as modified by specific provisions of this rule. To minimize compliance burdens on entities subject to more than one legal standard, these design standards have been harmonized with the Federal standards implementing the Architectural Barriers Act and with the private sector model codes that are adopted by most States.
2. Effective Date. The rule will become effective March 15, 2011. On March 15, 2012, compliance with the 2010 Standards will be required for new construction and alterations and barrier removal. In the period between September 15, 2010 and March 15, 2012, covered entities may choose between the 1991 Standards and the 2010 Standards. Covered entities that should have complied with the 1991 Standards during any new construction or alteration of facilities or elements, but have not done so by March 15, 2012, must comply with the 2010 Standards.
3. Element by Element Safe Harbor. The rule includes a general "safe harbor" under which elements in covered facilities that were built or altered in compliance with the 1991 Standards would not be required to be brought into compliance with the 2010 Standards until the elements were subject to a planned alteration. A similar safe

harbor applies to elements associated with the "path of travel" to an altered area.

4. Ticketing. The rule provides guidance on the sale of tickets for accessible seating, the sale of season tickets, the hold and release of accessible seating to persons other than those who need accessible seating, ticket pricing, prevention of the fraudulent purchase of accessible seating, and the ability to purchase multiple tickets when buying accessible seating. It requires a venue operator to accommodate an individual with a disability who acquired inaccessible seating on the secondary ticket market only when there is unsold accessible seating for that event.
5. Service Animals. The rule defines "service animal" as a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. The rule states that other animals, whether wild or domestic, do not qualify as service animals. Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are used purely for emotional support, are not service animals. The final rule also clarifies that individuals with mental disabilities who use service animals that are trained to perform a specific task are protected by the ADA. The rule permits the use of trained miniature horses as alternatives to dogs, subject to certain limitations. To allow flexibility in situations where using a horse would not be appropriate, the final rule does not include miniature horses in the definition of "service animal."
6. Wheelchairs and Other Power-Driven Mobility Devices. The rule adopts a two-tiered approach to mobility devices, drawing distinctions between wheelchairs and "other power-driven mobility devices." "Other power-driven mobility devices" include a range of devices not designed for individuals with mobility impairments, such as the Segway® PT, but which are often used by individuals with disabilities as their mobility device of choice. Wheelchairs (and other devices designed for use by people with mobility impairments) must be permitted in all areas open to pedestrian use. "Other power-driven mobility devices" must be permitted to be used unless the covered entity can demonstrate that such use would fundamentally alter its programs, services, or activities, create a direct threat, or create a safety hazard. The rule also lists factors to consider in making this determination. This approach accommodates both the legitimate business interest in the safe operation of a facility and the growing use of the Segway® PT as a mobility device by returning veterans and others who are using the Segway® PT as their mobility aid of choice.
7. Effective Communication. The rule includes video remote interpreting (VRI) services as a kind of auxiliary aid that may be used to provide effective communication. VRI is an interpreting service that uses video conference technology over dedicated lines or wireless technology offering a high-speed, wide-bandwidth video connection that delivers high-quality video images. To ensure that VRI is effective, the Department has established performance standards for VRI and requires training for users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI system.

8. Reservations Made by Places of Lodging. The rule establishes requirements for reservations made by places of lodging, including procedures that will allow individuals with disabilities to make reservations for accessible guest rooms during the same hours and in the same manner as other guests, and requirements that will require places of lodging to identify and describe accessible features of a guest room, to hold back the accessible guest rooms for people with disabilities until all other guest rooms of that type have been rented, and to ensure that a reserved accessible guest room is removed from all reservations systems so that it is not inadvertently released to someone other than the person who reserved the accessible room. The final rule limits the obligations of third-party reservation operators that do not themselves own and operate places of lodging. In addition, to allow the hospitality industry appropriate time to change reservation systems, the final rule gives places of lodging 18 months from the publication date, September 15, 2010, to come into compliance with these requirements.
9. Timeshares, Condominium Hotels, and Other Places of Lodging. The rule provides that timeshare and condominium properties that operate like hotels are subject to title III, providing guidance about the factors that must be present for a facility that is not an inn, motel, or hotel to qualify as a place of lodging. The final rule limits obligations for units that are not owned or substantially controlled by the public accommodation that operates the place of lodging. Such units are not subject to reservation requirements relating to the "holding back" of accessible units. They are also not subject to barrier removal and alterations requirements if the physical features of the guest room interiors are controlled by their individual owners rather than by a third party operator.

**For more information:** Copies of this rule, the 2010 Standards, and this Fact Sheet are available in an accessible electronic format on the Internet at <http://www.ada.gov/>. For additional information or to order copies of any documents, call the ADA Information Line (800) 514-0301 (voice) or (800) 514-0383 (TTY). Copies of this notice will be available in accessible formats.

last updated October 7, 2010

## Transportation Disadvantaged Local Coordinating Board (TDLCB) Membership List

<u>Name</u>	<u>Address</u>	<u>Phone #</u>	<u>Email Address</u>	<u>Representing:</u>
<b>County Chair</b> <b>Frank T. Bruno Jr.</b> <i>Chairman</i>	123 W. Indiana Ave., rm 301 DeLand, FL 32720	386-736-5920	fbruno@co.volusia.fl.us	Volusia County
<b>Patricia James</b>	123 W. Indiana Ave., rm 101 DeLand, FL 32720	386-736-5956	pjames@co.volusia.fl.us	Association of Community Action
<b>Jo Santiago</b> <i>alternate: Marianne Prioleau</i>	133 S. Semoran Blvd. Orlando, FL 32807	407-482-7887	jo.santiago@dot.state.fl.us marianne.prioleau@dot.state.fl.us	FDOT
<b>Reggie Williams</b> <i>Vice-Chairman</i>	210 N. Palmetto Ave. Daytona Beach, FL 32114	386-238-4755	reggie_williams@dcf.state.fl.us	Dept. of Children & Families
<b>Clay LaRoche</b> <i>alternate</i>	210 N. Palmetto Ave. Ste 430 Daytona Beach, FL 32114	386-239-6208	claylaroche@dcf.state.fl.us	Dept. of Children & Families
<b>Chip Kent</b>	P O Box 2118 DeLand, FL 32721	386-736-6753 ext. 20812	cnkent@volusia.k12.fl.us	Public Education Community
<b>Dr. Emily Cortes-Torrado</b> <i>alternate</i>	P O Box 2118 DeLand, FL 32721	386-736-6753 ext. 40018	ecortest@volusia.k12.fl.us	Public Education Community
<b>Marilu Klopp</b>	775 Harley Strickland Blvd Ste 102 Orange City, FL 32763	386-456-5320 ext. 105	marilu.klopp@vr.fldoe.org	Dept. of Education
<b>Phyllis Heath</b> <i>alternate</i>	775 Harley Strickland Blvd Ste 102 Orange City, FL 32763	386-456-5320 ext. 103	phyllis.heath@vr.fldoe.org	Dept. of Education
<b>Dr. Douglas Beach</b>	P O Box 671 Daytona Beach, FL 32114	386-253-4700 ext.233	dbeach@coaiaa.org	Elder Affairs
<b>Shari Day</b> <i>alternate</i>	P O Box 671 Daytona Beach, FL 32114	386-253-4700 ext. 216	sday@coaiaa.org	Elder Affairs
<b>Mike White</b>	123 W. Indiana Ave. DeLand, FL 32720	386-740-5102	mwhite@co.volusia.fl.us	Veterans Services Group
<b>Jefferey Bumb</b> <i>alternate</i>	123 W. Indiana Ave. DeLand, FL. 32720	386-740-5102	<a href="mailto:jbumb@co.volusia.fl.us">jbumb@co.volusia.fl.us</a>	Veterans Services Group
<b>Lisa Broward</b>	921 Davis St., Bldg A, Ste 160 Jacksonville, FL 32209	904-798-4212	lisa.broward@ahca.myflorida.com	Health Care Administration
<b>Dewece Ogden</b> <i>alternate</i>	921 Davis St., Bldg A, Ste 160 Jacksonville, FL 32209	904-798-4267	dewece.ogden@ahca.myflorida.com	Health Care Administration

## Transportation Disadvantaged Local Coordinating Board (TDLCB) Membership List

<u>Name</u>	<u>Address</u>	<u>Phone #</u>	<u>Email Address</u>	<u>Representing:</u>
<b>Peter Cerullo</b>	19 Tropical Drive Ormond Beach, FL 32176	386-441-5882	petercerullo@aol.com	Mass Transit
<b>Judy Ryan</b>	421 S. Keech St. Daytona Beach, FL 32114	386-238-4980 ext. 122	Judy_ryan@doh.state.fl.us	Medical Community
<b>Sharol Robinson alternate</b>	421 S. Keech St Daytona Beach, FL 32114	386-238-4980 ext. 122	Sharol_robinson@doh.state.fl.us	Medical Community
<b>Rick Fraser</b>	329 Bill France Blvd. Daytona Beach, FL 32114	386-323-7076	rickfraser@cbe-fvc.org	Work Force Dev. Board
<b>Andre Anderson alternate</b>	359 Bill France Blvd. Daytona Beach, FL 32114	386-323-7042	andreanderson@cbe-fvc.org	Work Force Dev. Board
<b>Barbara Goldstein</b>	12 Eclipse Trail Ormond Beach, FL 32174	386-676-2435	bgold@iag.net	Disabled Citizens
<b>Mary Ellen Ottman</b>	1690 Dunn Avenue #113 Daytona Beach, FL 32114	386-254-3854 V 386-212-9908 C	maryellenottman@dbs.fldoe.org	Citizens Advocate System User
<b>David Dixon</b>	6156 Sequoia Dr. Port orange, FL 32127	386-760-3180	seemor@bellsouth.net	Citizens' Advocate
<b>Jean Selzer Alternate</b>	19 Tropical Drive Ormond Beach, FL 32176	386-689-5300	jselzer143@yahoo.com	Citizens' Advocate
<b>Christine Davenport</b>	2400 S. Ridgewood Ave Ste. 32 South Daytona, FL 32119	386-304-7600	christine.davenport@chsfl.org	Children at Risk
<b>Patricia R. Antol</b>	697 Winterberry Trail DeLand, FL 32724	386-740-8975	bpantol@cfl.rr.com	Elderly Citizens

### **VOTRAN STAFF SUPPORT:**

<b>Heather Blanck</b>	950 Big Tree Rd South Daytona, FL 32119	386-756-7496 ext. 21	hblanck@co.volusia.fl.us	Votran
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### **TPO STAFF SUPPORT:**

<b>Carole Hinkley</b> Transit Planner	2570 W. Int'l Speedway Blvd. Suite 120 Daytona Beach, FL 32114	386-756-7496 ext. 4123 (Votran)	cmhinkley@volusiatpo.org	Volusia TPO
<b>Pamela Blankenship</b> Office Manager		386-226-0422 ext. 21	pblankenship@volusiatpo.org	Volusia TPO