



REVISED - MEETING NOTICE & AGENDA

Please be advised that a meeting of the River to Sea Transportation Planning Organization (R2CTPO) Transportation Disadvantaged Local Coordinating Board (TDLCB) **GRIEVANCE COMMITTEE** will be held on:

Date: Monday, **OCTOBER 4, 2021**
Time: 10:00 A.M.
Place: Volusia County Mobility Management Center (Votran)
950 Big Tree Road
South Daytona, FL 32119

Grievance Committee
Monday, October 4, 2021 10:00 AM (EDT)

Join the Grievance Committee Meeting your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

+1 561-484-5911_434477658# United States, West Palm Beach

Phone Conference ID: 434 477 658#

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

Volusia County Council Member Barbara Girtman, Chairperson

AGENDA

- I. CALL TO ORDER/ROLL CALL/DETERMINATION OF QUORUM/PLEDGE OF ALLEGIANCE
- II. PUBLIC COMMENT/PARTICIPATION
- III. ACTION ITEM
 - A. REVIEW AND RECOMMEND RESOLUTION OF GRIEVANCE FILED BY MR. CESAR RODRIGUEZ (*Contact: Stephan Harris*) (*Enclosure, pages 3-9*)
- IV. STAFF AND COMMITTEE MEMBER COMMENTS
- V. CHAIRPERSON COMMENTS
- VI. ADJOURNMENT

Grievance Committee Notice and Agenda

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Grievance Committee Members

Council Member Barbara Girtman

Carlos Colon, FDOT

Doug Hall

Patricia A. Lipovsky

NOTE: Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the River to Sea TPO office, 2570 W. International Speedway Blvd., Suite 100, Daytona Beach, Florida 32114-8145; (386) 226-0422, extension 20416, at least five (5) working days prior to the meeting date.

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

NOTE: The River to Sea TPO does not discriminate in any of its programs or services. To learn more about our commitment to nondiscrimination and diversity, visit our Title VI page at www.R2CTPO.org or contact our Title VI/Nondiscrimination Coordinator, Pamela Blankenship, at 386-226-0422, extension 20416, or pblankenship@r2ctpo.org.

**SUMMARY SHEET
GRIEVANCE COMMITTEE
OCTOBER 4, 2021**

III. ACTION ITEM

A. REVIEW AND RECOMMEND RESOLUTION OF GRIEVANCE FILED BY MR. CESAR RODRIGUEZ

BACKGROUND INFORMATION

June 11, 2021

- Incident involving Mr. Rodriguez occurs on Votran Fixed Route #20 Bus.
- Incident is investigated by Votran staff and Orange City Police.
- Mr. Rodriguez is suspended indefinitely from the Votran Transit System.

August 23, 2021

- Appeal is requested by Mr. Nick Moleri, Supported Employment Manager, Progressive Abilities.
- Mr. Rodriguez's suspension is upheld.

September 2, 2021

- Mr. Rodriguez's appeal of Votran's suspension is received by the TDLCB Grievance Committee.

Supporting documentation is included in this agenda packet.

ACTION REQUESTED:

MOTION TO RECOMMEND RESOLUTION OF GRIEVANCE FILED BY MR. CESAR RODRIGUEZ

Cesar Rodriguez
1108 Aaron Drive
Deltona, FL 32725

Dear Ms. Suchsland,

On June 11, 2021, I made a regretful choice while riding on the Votran fixed route #20. From my point of view, I was riding the bus heading home and minding my own business. I had been drinking at the time, which I now realize is a mistake. I overheard a couple of women making statements that I disagreed with regarding sexual orientation, and stated as much to them. However, as I attempted to leave the situation and tried my best not to engage, I felt that I was being cornered and reacted aggressively. I asked to leave the bus and the women in question continued following me. This continued harassment did not help me to calm down and I continued to escalate in response, ultimately leading to having the police called on me and being arrested. I regret my actions deeply and, if it were possible to do things differently, I would certainly wish for it to be so. I sincerely apologize for my behavior and my actions. I do not want my behavior that day, nor the fallout to those actions, to define who I am.

That all being said, I feel that it is not fair to have an indefinite ban on utilizing Votran services. I have made several choices in my life that I am not proud of, and I am working hard to try and move past that point in my life. A few years ago, I earned a technical certificate in HVAC services, and I am in the process of looking for a job where I can put that knowledge to use. I am also in the process of trying to move into a new place in Daytona Beach through Section 8 housing. The goal and hope with this is that I will be able to move away from the area I am currently in and to have an opportunity to start over in a new community. I am also doing this because I do not want to become homeless, which is a real possibility for me. These activities, plus other activities that involve my daily living, such as grocery shopping, going to doctor appointments, and going to other appointments in the community, are difficult, if not impossible, for me to complete without transportation. I do not have a car I can use, nor do I have anyone who can help me with this long term, meaning that my only other option is taking Uber everywhere, whose costs stack up quickly. I understand the need for safety and the general regard for other people's wellbeing, not just that of my own, but moving forward is impossible without access to public transportation.

I am not asking for my ban to be lifted today, nor tomorrow, nor the next day. What I am asking is to be given a reasonable timeline in which this ban can be lifted for me because, if I know the general timeline, I can pause my plans for the future, but not cancel them outright because I don't know how long it would be until I can ride the bus again. I also want to mention that I have never had issues riding the Votran Gold service, and if I was permanently banned from using the city route and could only use the Gold service, I would accept that as well. Additionally, I was not charged with a felony in this case and was cleared of the charges based on video evidence from the bus. It is difficult for me to accept being left in the dark, waiting for the day I can ride the bus again, not knowing if it would be in 6 months, 6 years, or never again. I am in my 50's going into my 60's soon, and I want to have the opportunity to live my life to the fullest while I still can. I ask you to please consider these words and my sincere attempt to turn my life around. I do not care how long it takes, I just want to know so that I can know how to plan my life for the following months or years. I am willing to discuss this matter further in-person, by phone (386-631-8426), or by email at cesar1library2010@gmail.com.

Thank you for taking the time to read this letter. I hope to hear from you soon.

Sincerely,

Cesar Rodriguez



August 23, 2021

Cesar Rodriguez
1108 Aaron Dr.
Deltona, FL 32725

Dear Mr. Rodriguez,

On June 11, 2021 you were removed from the Votran fixed route bus by the Orange City Police Department due to a verbal and physical altercation with 2 passengers. At that time you were banned from the Votran system.

An appeal was requested through Nick Moleri at Progressive Abilities. After another review of your case and the bus video, the suspension will stand.

Please understand that the safety to our passengers and drivers is Votran's primary concern. In accordance with Votran policy and Federal Regulations, service may not be provided if an individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others.

If you disagree with our decision, your next step is to file a grievance with the Transportation Disadvantaged Local Coordinating Board within 10 days after the receipt of this letter. The River to Sea TPO's Grievance procedures are included with this letter.

Sincerely,

A stylized, handwritten signature in blue ink that appears to read "Edie Biro".

Edie Biro
Customer Service Manager

CC: Elizabeth Suchsland, Assistant General Manager Operations
Frank Alvarez, Safety/Security Training Officer
Nick Moleri, Supported Employment Manager - by e-mail

950 BIG TREE ROAD - SOUTH DAYTONA, FLORIDA 32119-8815
(386) 756-7496 - FAX (386) 756-7487



We drive a f!!!E!bargain

VOTRAN GOLD PASSENGER DISCIPLINARY SUSPENSION POLICY

OBJECTIVES: To provide Votran Gold customers, contracted carriers and the Disciplinary Resolution Committee knowledge and understanding of disciplinary procedures for inappropriate behavior during service delivery or service request.

Seat Belts - Florida State law determined that all passengers on Paratransit vehicles must wear seat belts. A passenger who refuses to remain seated with the seatbelt in place will be denied service. If you have medical documentation stating that the use of a seat belt may be detrimental to your health, the seat belt regulation will be waived. You will be required to provide Votran with written documentation to have the seat belt requirement waived.

Disruptive or Illegal Activity - Passengers may not eat, drink, smoke (including electronic cigarettes and personal vaporizers), or spit on the vehicle. Passengers are responsible for being considerate of other passengers in sharing rides, practicing good personal hygiene, and to refrain from excessive noise, constantly changing seats, throwing objects, fighting, sticking heads or arms out the windows, and/or lewd behavior and speech, etc.

In accordance with Votran's Policies, service may be refused, suspended or terminated due to: seriously disruptive behavior; illegal conduct; or threats or violent/ abusive treatment towards the operator or other passengers. Seriously disruptive conduct does not include behavior or appearance that only offends, annoys, or inconveniences other riders or employees.

Service Animals - Although allowed on Votran (and contractor) vehicles and in Votran facilities, service animals must display appropriate behavior while riding on the vehicle. Any service animal that poses a direct threat to the health and safety of others may be excluded from riding Votran Gold service or entering a Votran facility (as per Florida Statute 413.083(c) and the ADA of 1990). Additionally, a disruptive service animal (e.g. a dog that constantly barks while on board) may be excluded. The individual with the disability who uses the service animal still has the option to ride Votran Gold on future trips without the service animal.

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.5(e), a transit entity is prohibited from requiring that an individual with disabilities be accompanied by a personal care attendant (PCA). Transit entities are also not required to provide PCA services. This provision must be considered in light of the fact that under 49 C.F.R. 37.5(h), an entity may refuse service to someone who engages in violent, seriously disruptive, or illegal conduct. If an entity may legitimately refuse service to someone, it may condition service to him on actions that would mitigate the problem. The entity could require a PCA as a condition of providing service it otherwise had the right to refuse. However, a transit entity cannot refuse to provide service solely because an individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience the entity or other persons.

Reports of Passenger Violations will result in an immediate suspension until an investigation is completed. Communication of the suspension of service will be made by phone and/or mail to the Passenger or Parent/Guardian of the Passenger with a copy to the appropriate agency (if applicable).

A full suspension will be issued only after a thorough investigation of the alleged non-compliance, corroboration of witnesses and as directed by the AGM of Operations and Maintenance and the AGM of Customer Service, Marketing and Planning.

PASSENGER VIOLATIONS

- A. Disruptive to the Service
 - 1. Holding the Vehicle Hostage
 - 2. Slanderous Verbage/Inappropriate Screaming
 - 3. Unauthorized Use of Operating Equipment
- B. Illegal Acts
 - 1. Physical Assault
 - 2. Indecent Exposure
 - 3. Sexual Harassment/Rape
 - 4. Illegal Substance
 - 5. Theft of Property
 - 6. Damage of Property
- C. Unsafe Acts
 - 1. Jumping from a Moving Vehicle
 - 2. Improper Seatbelt Usage
 - 3. Fighting
 - 4. Throwing Objects From the Vehicle
 - 5. Failing to Remain Seated While the Vehicle is Moving

Disciplinary Process

Terms of Suspension (Calendar Days). Time of Suspension Will Be Counted From Time of Incident.

1. 1st Offense - 30 Days
2. 2nd Offense - 90 Days
3. 3rd Offense - 120 days
4. 4th Offense - 365 days/New Application
5. 5th Offense - Indefinite/New Application
6. Options:
 - a. Travel With an Escort
 - b. Proof of Behavior Modification

The passenger may appeal by following locally approved grievance procedures set forth by the Local Coordinating Board.