

From: jjm66@aol.com <jjm66@aol.com>

Sent: Tuesday, May 23, 2023 10:10 AM

To: Don Scott <dscott@leempo.com>; Ron Gogoi <rgogoi@leempo.com>; Derek P. Rooney <derek.rooney@gray-robinson.com>; carlos.a.gonzalez@dot.gov; Charles A. <OIG> Ward <chuck.ward@oig.dot.gov>; Scott V. Harding <scott.v.harding@oig.dot.gov>

Subject: 5-23-2923 BPCC Public comment with 6 images fpn 429823

Dear BPCC Chair,

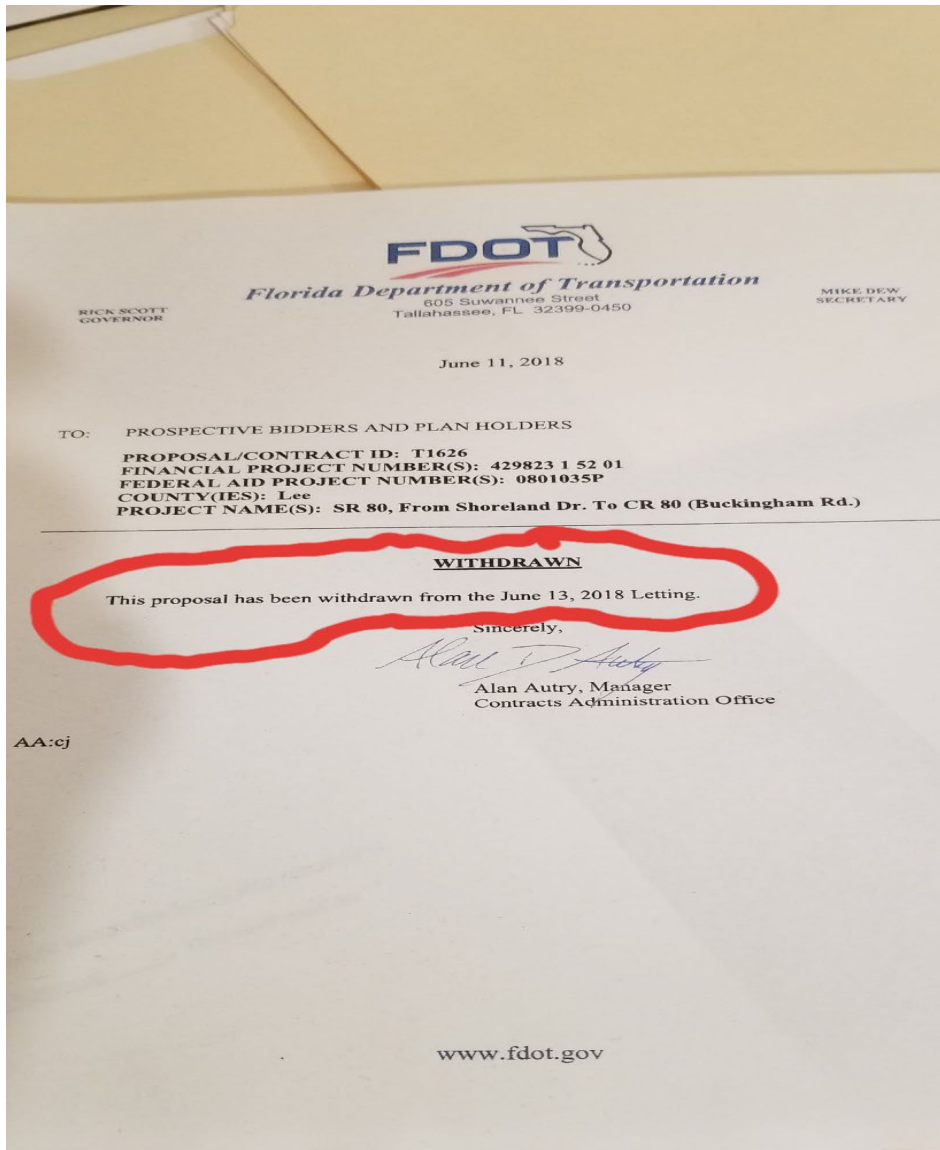
Please ask FDOT the following questions.

1. If fpn 429823 was not put out for letting in April of 2018 as scheduled, then indefinitely withdrawn from the FDOT tentative 5-year work program on June 11, 2018, (see attached) why isn't there correspondence to Commissioner Mann's Letter to FDOT dated June 8, 2018 indicating to the Commissioner that it was totally unnecessary to continue litigating the modification of my non-conforming grandfathered access point?
2. Why does the attached class of action determination from FDOT incorrectly state there will be no significant impacts to access?
3. How did the unbuildable segment of fpn 429823 depicted in the Department's first proposal in 2017, somehow become a buildable segment?
Please see the feasibility study provided to the BPCC in the information packet for the May 26th 2015 BPCC meeting which documents how the proposed project would be unsafe, cost prohibitive, and have unbuildable segments.
4. Why would FDOT attorneys use an excerpt from an email from Director Scott in October of 2018 indicating fpn 429823 would be pursued as an 8-ft concrete sidewalk when fpn 429823 wasn't even on the FDOT 5-year tentative work program?
5. Why wasn't the no build option considered by the LEE MPO as required by federal law?
6. Did FDOT misappropriate Federal funding to construct fpn 429823 as the least safest option, the most expensive option, and the option with the absolutely lowest level of service solely to very loosely support litigation against the small business owner in an underserved community?

Please start letting the public see all my comments and images.

Thank you
John Majka

[Sent from AOL on Android](#)



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

RICK SCOTT
GOVERNOR

MIKE DEW
SECRETARY

June 11, 2018

TO: PROSPECTIVE BIDDERS AND PLAN HOLDERS

PROPOSAL/CONTRACT ID: T1626
FINANCIAL PROJECT NUMBER(S): 429823 1 52 01
FEDERAL AID PROJECT NUMBER(S): 0801035P
COUNTY(IES): Lee
PROJECT NAME(S): SR 80, From Shoreland Dr. To CR 80 (Buckingham Rd.)

WITHDRAWN

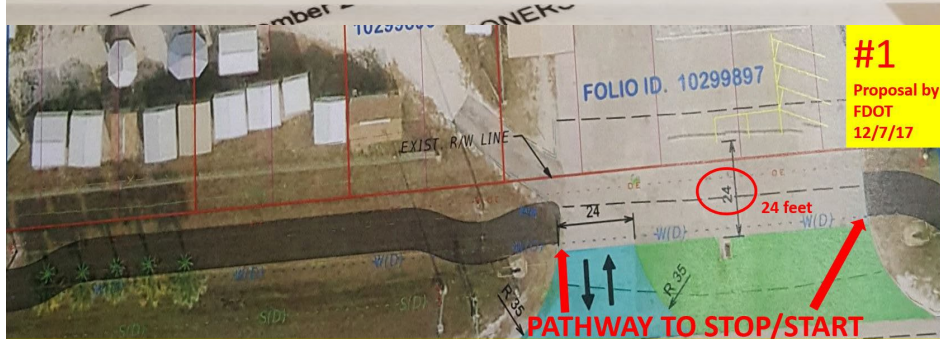
This proposal has been withdrawn from the June 13, 2018 Letting.

Sincerely,

Alan Autry, Manager
Contracts Administration Office

AA:cj

www.fdot.gov



Proposal #1 as first proposed by FDOT on 12/7/17 depicts a gap in the Shared Use Path to allow the minimum 24' (Code) to reasonably access parking spaces. On 12-28-2017 the project manager, Ryan Weeks, acknowledged oversights by FDOT and to compensate, he indicated it was only grass out front and we could drive over the grass when we needed to. Problems started when the business owner asked for a letter stating they could drive over the grass perpetually. Note: Parking spaces shown in yellow are only 5'9" wide by 10' long and do not meet code.



Florida Department of Transportation

801 North Broadway Avenue
Bartow, FL 33830

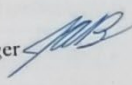
RICK SCOTT
GOVERNOR

MIKE DEW
SECRETARY

MEMORANDUM

Date: March 2, 2018

To: Ryan Weeks – Project Manager

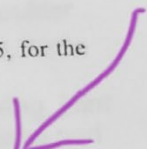
From: Jonathon A. Bennett - Environmental Project Manager 

Copies: Bernie Masing, Sharon Hedrick Harris, Greg Bowne, Jon Sands, Brian Blair, Sara Stevenson, Tanya Merkle, Brent Setchell, D’Juan Harris, Marlon Bizerra, Bill Hartmann, Jeffrey James, Vivianne Cross, Randy Cimini-Atkins, EMO file

Subject: Financial Project ID: 429823-1-52-01
Federal Project ID: 0801-035-P
County/Section No: Lee
Description: SR 80 from Shoreland Drive to CR 80 (Buckingham Road)

This is a class of action determination for the subject project.

This project is a Type 1 Categorical Exclusion under 23 CFR 771.117(c), effective October 30, 2015, for the following type of project action:

- 3. Construction of bicycle and pedestrian lanes, paths and facilities. 

It has been determined that the project will not cause significant adverse impacts to local traffic patterns, property access, community cohesiveness, planned community growth, wetlands, land use patterns, air quality, noise, water quality, navigation, and National System of Wild and Scenic Rivers. The project will not cause significant impacts to floodplains. There are contamination related impacts to this project if dewatering occurs. Please review the attached Contamination Plan Markings. Additional right-of-way will not be required, and there will be no relocations.

It should be noted that the project is located within the U.S. Fish and Wildlife Service Consultation Area for Audubon’s crested caracara, Florida grasshopper sparrow, American crocodile, West Indian manatee, red-cockaded woodpecker, Florida scrub jay, Southwest plants list, and Florida bonneted bat. The project is also located within the Core Forage Area for two wood stork nesting colonies and the Common Range for the Florida black bear. Habitat may also be present for the gopher tortoise. A gopher tortoise survey is recommended 90-days prior to construction to ensure gopher tortoises are not impacted by the proposed construction. A protected species memo was completed for this project and can be found attached. Section 7-1.4: Compliance with Federal Endangered Species Act and other Wildlife Regulations of the *Standard Specifications for Road and Bridge Construction* manual should be adhered to for wildlife involvement during

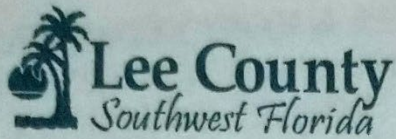
Department states the following:

- a. On October 3, 2018, following the Department's unsuccessful negotiations with Lee County who refused to accept maintenance responsibility of the previously proposed Share Use Path, Donald Scott, Executive Director of the Lee County Metropolitan Planning Organization (MPO) sent the Department's District Secretary the following email:

Per our discussion regarding the SR 80 multi-use pathway project from Shoreland Drive to Buckingham Road, now that Lee County has indicated that they will not maintain the asphalt multi-use pathway consistent with the FDOT requirements for this facility, the Lee MPO requests that the second option of building a concrete sidewalk be pursued. Our understanding is that this will include a redesign to an eight-foot sidewalk, which will eliminate the need for a local entity maintenance agreement for this project. We also understand that the fiscal year for construction will depend on our funding availability. Please feel free to contact me if you have any questions. Thanks.

Filed October 29, 2018 4:14 PM Division of Administrative Hearings





BOARD OF COUNTY COMMISSIONERS

June 8, 2018

John Manning
District One

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District Four

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District Five

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County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

Florida Department of Transportation
District 1
10041 Daniels Parkway
Fort Myers, FL 33913

RE: John Majka dba JPM VENTURES, INC
13850 Palm Beach Boulevard.
Widening Project

Gentlemen, and Ladies:

The above referenced gentleman visited me yesterday and shared his story about consequences he is about to suffer, the result of a planned SR 80 project in front of his place of business. I recognize this is a state project, but it will occur in my Commission District, and since he appears to have run into a brick wall with the state he came by here in hopes of some possible reprieve.

State plans presently appear to create havoc for his business that has been in that location some twenty years. Mr. Majka has industriously grown his little business at that location for all those years with no problems whatsoever to the state transportation needs along that road front. It seems to me that some reasonable accommodations might be found to soften the blow to his hard earned business. He's being told that his only relief is to go to Tallahassee, which is most difficult for local folks and expensive to boot. It's been my experience that sending local problem cases "to Tallahassee" is an age old method for dealing with minor issues we wish would go away.

Your Ft. Myers office has historically shown great empathy in dealing with these kinds of matters, and I'm hoping you might take one more quick look at this case to see if a friendlier, good citizen and taxpayer solution might be found.

Sincerely,

Frank Mann

cc: FDOT, Southwest Florida, Main Office
cc: Randy Cerchie
cc: John Majka