

CITIZEN ADVISORY COMMITTEE

Lee County Metropolitan Planning Organization

Thursday, March 2, 2023

City of Cape Coral Public Works Building

815 Nicholas Parkway East, Cape Coral, FL 33990

3:00 p.m.



AGENDA

Call to Order

Roll Call

1. Public Comments on Items on the Agenda
2. LeeTran Report
3. FDOT Report

New Business

4. *Review and Approve the January 5, 2023 CAC Meeting Summary (Calandra Barraco)
5. *Acceptance of the Bonita Estero Rail Trail Feasibility Study (Ned Baier)
6. Discussion and Impacts Regarding the 2020 Census Data and Maps Release (Don Scott)
7. Review of the Federal Certification Report (Don Scott)
8. Follow up Information on the Lee County Transportation Project Tier Presentation and Project Information (Don Scott)
9. Information on Electric Vehicle Fee Resolution Discussion (Don Scott)

Other Business

10. Public Comments on Items not on the Agenda
11. Announcements
12. Topics for next meeting
13. Information and Distribution Items

Adjournment *Action Items +May Require Action

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CITIZEN ADVISORY COMMITTEE

Lee County Metropolitan Planning Organization
Thursday, January 5, 2023
City of Cape Coral Public Works Building
815 Nicholas Parkway East, Cape Coral, FL 33990
3:00 p.m.



Meeting Minutes

In the absence of Chair Rick Anglickis and Vice-Chair Albert O'Donnell, Citizen Advisory Committee member Mr. Ed Blot was asked to chair the meeting. The meeting was called to order at 3:00 p.m. by acting Chair Ed Blot. The Pledge of Allegiance was recited.

Roll Call

The roll was recorded by MPO staff. There was a quorum at 3:25 p.m. with the arrival of Mr. Josh Goergen. Members in attendance included Bev Larson, Joshua Goergen (3:25 p.m.); Ed Blot, Steve Henry, Don Apking, Randy Krise, and Jessica Russo. Others in attendance included Joshua Jester and Bill Howell with FDOT; Nicole Harris with Stantec; members of the public Patty Whitehead, Marsha Ellis, and Derek Felder; and Lee County MPO staff Don Scott, Ron Gogoi, and Calandra Barraco.

Agenda Item #1 - Public Comments on Items on the Agenda

Mr. Derek Felder, a member of the public, provided a public comment on Agenda Item #6 regarding the Sunshine project. Ms. Marsha Ellis, a member of the public, provided a public comment on Agenda Item #6 regarding the Kingston development on Corkscrew Road. Ms. Patty Whitehead, a member of the public, provided a public comment on Agenda Item #6 regarding the Kingston development on Corkscrew Road. Mr. Scott noted he would be addressing cost estimates in his presentation for Agenda Item #6. The committee members agreed to hold further discussion on these items until Agenda Item #6 was presented.

Agenda Item #2 – LeeTran Report

LeeTran had nothing to report.

Agenda Item #3 – FDOT Report

FDOT had nothing to report, but Mr. Scott mentioned upcoming public meetings.

Acting Chair Blot decided to take the non-action agenda items in order to allow additional time to achieve quorum.

Agenda Item #9 - Presentation on the I-75 South Corridor Master Plan Updates

Ms. Nicole Harris with Stantec, FDOT's consultant for this project, presented this agenda item as an update on the I-75 South Corridor Master Plan. Ms. Harris provided a Power Point presentation that included slides with information on an introduction to the Mater Plan, 2045 No-Build Year of Need, preliminary list of proposed projects, proposed typical sections, weave section, public outreach, and next steps. The presentation can be viewed here: [I-75 Master Plan South Corridor Update](#) The committee and members of the public present discussed south section configuration, traffic needs, volume of through trips, traffic increases as headed north, placement of through lanes in high traffic areas, distances between exits, Sarasota/Manatee configurations, bringing information on Sarasota/Manatee configurations back to committee, and funding.

Agenda Item #10 - Review of the Draft Tentative Work Program for FY 2023/2024 through 2027/2028

Mr. Gogoi presented this agenda item as a review of the Draft Tentative FDOT Work Program for FY 2023/2024 through FY 2027/2028. The FDOT Draft Tentative Work Program, which covers fiscal years 2024 through 2028 and is developed consistent with FDOT's plans and project priorities, the MPO's project priorities and available funding and the summary of changes from FDOT were [attached to the agenda packet](#). Mr. Gogoi provided a Power Point presentation that included slides with information on the Federal and State funded priorities, the TA and SU Multimodal Priorities, Coconut Road project, Daniels Parkway project, Carbon Reduction Program Priorities, and Carbon Reduction Fund use and remaining balance. He asked if there were any questions. His presentation can be found here: [Work Program](#) **During Mr. Gogoi's presentation, a quorum was achieved at 3:25 p.m. with the arrival of Mr. Josh Goergen.** The committee and members of the public present discussed the dates in the tables, funding of projects, reorganization of projects, prioritizing sidewalks, Safe Routes to School criteria, Carbon Reduction funds criteria, resurfacing categorization, noteworthy projects, funding sources, bus routes, capital funding for bus purchases, electric buses, allocation of Carbon Reduction Program funds, Daniels rest area project, adding electric buses or additional routes, Fort Myers micromobility study, funding depletion, approval date on table header, transportation bill, and uncertainty of future.

New Business

Agenda Item #4 - *Review and Approval of the November 3, 2022 Meeting Summary

Ms. Bev Larson made the motion to approve the November 3, 2022 Meeting Summary. Mr. Josh Goergen seconded the motion. There were no objections, and the motion passed unanimously.

Agenda Item #5 - *Election of Officers for 2023

Mr. Don Scott presented this agenda item for the Election of Officers for 2023. He said according to the CAC bylaws, a Chair and Vice-Chair are to be elected at the first regularly scheduled meeting of each calendar year. The current voting members were listed on the CAC roster that was [attached to the agenda packet](#). Mr. Scott noted that both the current Chair, Mr. Rick Anglickis, and the current Vice-Chair, Mr. Al O'Donnell, indicated that they would be willing to serve again.

Ms. Bev Larson made the motion to re-elect Mr. Rick Anglickis as CAC Chair and Mr. Al O'Donnell as CAC Vice-Chair for 2023. Ms. Jessica Russo seconded the motion. There were no other nominations. There were no objections, and the motion passed unanimously.

Agenda Item #6 - *Review and Approve the Proposed 2045 LRTP Amendments

Mr. Scott presented this agenda item for the review and approval of the proposed amendments to the 2045 Long Range Transportation Plan (LRTP). MPO staff is proposing the LRTP amendments/modifications to be voted on by the Board at their January 20th meeting. The proposed amendments to the Needs and Cost Feasible Plan tables and maps were [attached to the agenda packet](#) in underline and strike through format. He provided a Power Point presentation that included slides with information on a map of the Corkscrew area, traffic volumes, updated needs plan, updated language, updated project tables, review of projects, funding and revenues, and a map of the Hickey Creek area with respect to the Sunshine Boulevard extension project. His presentation can be viewed here: [2045 LRTP Amendments](#) The committee and members of the public present discussed the

financial feasibility of projects, objective of public concerns and comments, protection of panther, Kingston development, and growth in Florida and Lee County,

Mr. Randy Krise made the motion to approve the proposed Amendments to the LRTP. Ms. Bev Larson seconded the motion. There were no objections, and the motion passed unanimously.

Agenda Item #7 - *Review and Approve the 2050 Zonal Data Scope of Work

Mr. Scott presented this agenda item for the review and approval of the scope of services for the development of the socio-economic data that will be used in the update of the Regional Transportation Model. He referred to and reviewed the draft scope of services for the development of the 2050 socio-economic data that will be used in the update of FDOT's Regional Transportation Model which was attached to the agenda packet and [posted to the MPO website](#).

Mr. Josh Goergen made the motion to approve the 2050 Zonal Data Scope of Work. Ms. Jessica Russo seconded the motion. There were no objections, and the motion passed unanimously.

Agenda Item #8 - *Recommend MPO Support of FDOT's New Bridge, Pavement and System Performance (PM3) Targets

Mr. Ron Gogoi presented this agenda item to recommend MPO Support of FDOT's Statewide PM2 and PM3 Targets for the Second Performance Period. He provided a Power Point presentation that included slides with information on the performance measure targets and performance periods and two and four year performance measure targets for bridge and pavement. He asked if there were any questions. His presentation can be viewed here: [Performance Measure Targets](#) The committee discussed improving targets, pavement status in state, condition of I-75 pavement, requirements, pavement issues in other states, meeting targets, funding, increased congestion, loss of performance, peak hour performance, calculations, impact fees, traffic congestion readings, and longest commute times.

Ms. Bev Larson made the motion to recommend MPO support of FDOT's Statewide PM2 and PM3 Targets for the Second Performance Period. Mr. Steve Henry seconded the motion. There were no objections, and the motion passed unanimously.

Other Business

Agenda Item #11 - Public Comments on Items not on the Agenda

A member of the public, Ms. Marsha Ellis, provided a public comment on the Alico Connector project. The committee and members of the public present discussed the public comment. Mr. Scott said he would research the project and bring additional information back at the next meeting.

Agenda Item #12 – Announcements

Mr. Scott announced there would be no February CAC meeting due to the Joint MPO Board meeting with Charlotte – Punta Gorda MPO. He added the next CAC meeting would be in March.

Agenda Item #13 - Topics for next meeting

Topics suggested for the next meeting included the Alico Connector project and the Lee County project tiers. The committee also briefly discussed Hurricane Ian related funding and restoration.

Agenda Item #14 - Information and Distribution Items

There were no information and distribution items. Mr. Scott provided information on the CAC's electric vehicle resolution that went to the MPO Board. He added that he would do additional research on statewide legislation.

The meeting was adjourned at 4:39 p.m.

An audio recording of the meeting can be accessed here: [CAC January 5, 2023](#)

*Action Items †May Require Action

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ACCEPTANCE OF THE BONITA ESTERO RAIL TRAIL FEASIBILITY REPORT

ACTION ITEM: Committee recommendation to the Lee MPO Board that they accept the Rail Trail Feasibility Study Report.

The Lee MPO recently completed the Bonita Estero Rail Trail Feasibility Study which resulted in the development of a draft Preliminary Feasibility Report. The Draft Report and findings were presented to the Estero Village Council on December 7th and February 1st and to the Bonita Springs City Council on January 18th to gather Council input and public comments.

Staff and the MPO's consultant will present the final draft and findings at the March 2nd TAC and CAC meetings. The final draft can be viewed [here](#) for review.

The final draft was reviewed by the BPCC at its February 21st meeting and recommended for MPO Board acceptance.

DISCUSSION AND IMPACTS REGARDING THE 2020 CENSUS DATA AND MAPS RELEASE

DISCUSSION ITEM:

The 2020 urbanized population numbers and maps were released over the last two months and the population numbers and square miles of urban area indicate that the Bonita Springs-Estero urbanized area (formerly listed as the Bonita Springs urbanized area in the 2010 census) has expanded up to Alico Road. **Attached** is a map of the 2020 Cape Coral and Bonita-Estero urban areas. Listed below is a comparison of the 2020 and 2010 urban area populations and size in square miles:

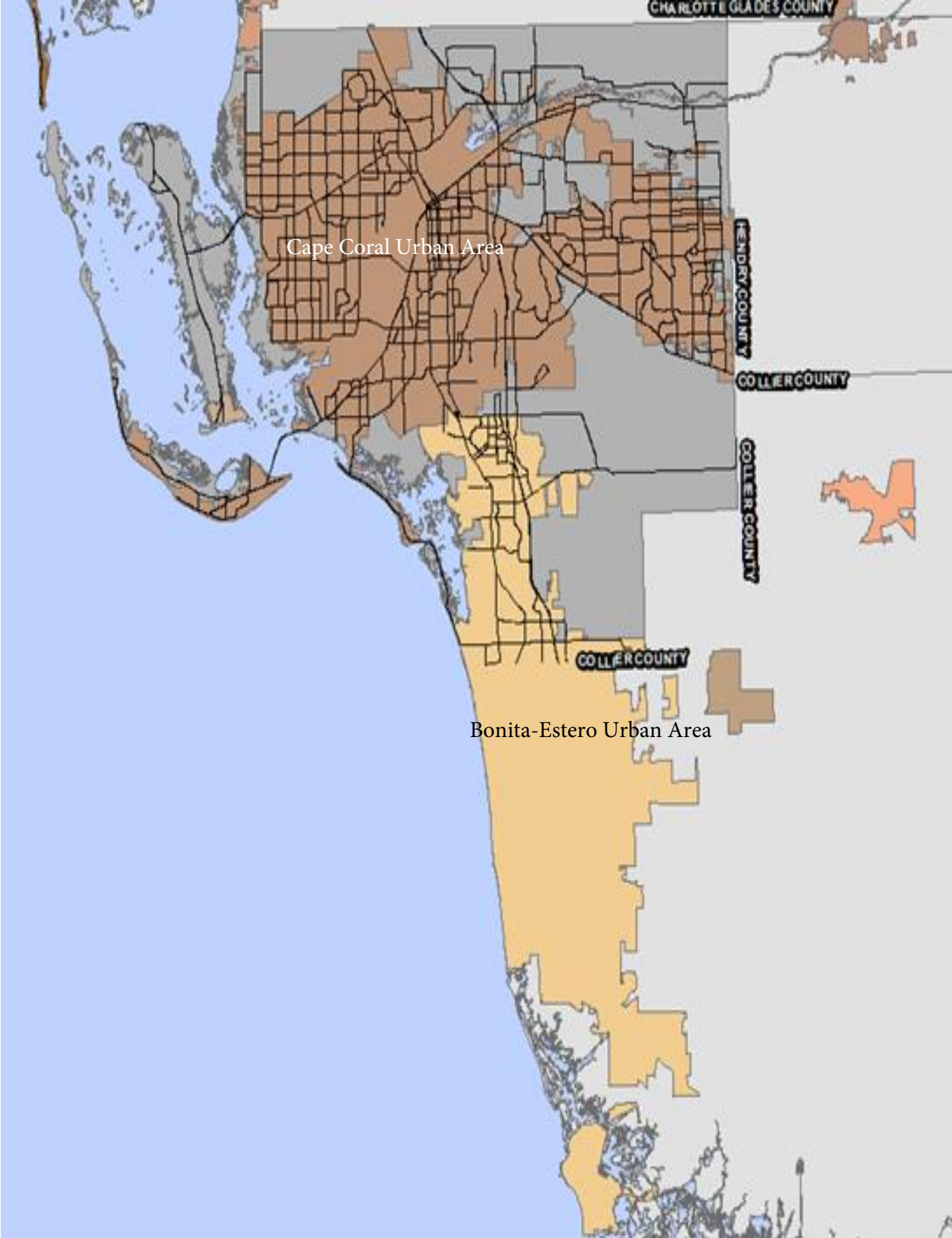
Urban Area Census Data for 2020:

2020 Urban Area	2020 Population	Land area (square miles)
Bonita Springs—Estero	425,675	243.0
Cape Coral	599,242	331.8

Urban Area Census Data for 2010:

2010 Urban Area	2010 Population	Land area (square miles)
Bonita Springs	310,298	187.0
Cape Coral	530,290	330.3

As was mentioned at an earlier meeting, for the determination of the 2020 urban area, the census bureau used a different methodology for determining the boundaries and the population of those areas. The impacts to us are that there are several funding sources that are allocated based on the urban area population numbers and the portion of the population of the Bonita Springs-Estero urbanized area that is in Lee County ends up going to the Collier MPO. At the meeting, the MPO staff will present information on the impacts of some of these changes, the schedule of census activities over the next eighteen months, and the history of what was done in the past.



Cape Coral Urban Area

Bonita-Estero Urban Area

REVIEW OF THE FEDERAL CERTIFICATION REPORT

DISCUSSION ITEM:

The Federal Highway Administration (FHWA) presented the certification review closeout at the November MPO Board meeting. Attached is the report and letter from the FHWA on the 2022 TMA Certification review that was conducted on March 15, 2022. The Federal Review team had no corrective actions but had three recommendations that include updating of the Public Involvement Plan (PIP) to address current practices, updating the community characteristics inventory, and providing an overall LRTP revenue versus costs table to show fiscal restraint. The presentation will include the results of the certification review and what staff is doing to address the recommendations.



2022 Certification Report

**Cape Coral Transportation
Management Area**

Lee County MPO

Prepared by:

Federal Highway Administration

Florida Division

Federal Transit Administration

Region 4

September 2022

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Executive Summary

Federal Law requires the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) to jointly certify the transportation planning processes of Transportation Management Areas (TMAs) at least every four years (a TMA is an urbanized area, as defined by the US Census, with a population over 200,000). A certification review generally consists of four primary activities: a site visit, a review of planning documents (in advance of the site visit), the development and issuance of a FHWA/FTA certification report and a certification review closeout presentation to the Metropolitan Planning Organization (MPO) governing board.

As a part of the TMA certification review process, FHWA and FTA utilize a risk-based approach containing various factors to determine which topic areas required additional evaluation during the certification review. The certification review process is only one of several methods used to assess the quality of a regional metropolitan transportation planning process, compliance with applicable statutes and regulations, and the level and type of technical assistance needed to enhance the effectiveness of the planning process. This certification review was conducted to highlight best practices, identify opportunities for improvements, and ensure compliance with regulatory requirements.

Transportation planning for the Cape Coral Transportation Management Area (TMA) is conducted by the Lee County MPO. The last certification review was completed in 2018. The Federal Review Team conducted a site visit for the current review of the Lee County MPO on March 15, 2022. The Federal Review Team recognizes three noteworthy practices, no corrective actions and offers three recommendations the MPO should consider for improving their planning processes. More information related to these findings can be found in the Findings/Conclusions section of this report.

Based on the overall findings of the certification review, the FHWA and FTA jointly certify that the transportation planning process of the Cape Coral TMA, which is comprised entirely by the Lee County MPO, substantially meets the federal planning requirements in 23 CFR 450 Subpart C. This certification will remain in effect until **September 2026**.

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Lee County Metropolitan Planning Organization

Section I. Overview of the Certification Process

Under provisions of 23 CFR 450.336(b) and 49 CFR 613.100, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must jointly certify the planning process of Transportation Management Areas (TMAs) “not less often than once every four years.” This four-year cycle runs from the date of issuance of the previous joint certification report.

The primary purpose of a certification review is to formalize the continuing oversight and evaluation of the planning process. The FHWA and the FTA work cooperatively with the TMA planning staff on a regular basis. By reviewing and approving planning products, providing technical assistance, and promoting best practices, the formal assessment involved in a certification review provides an external view of the TMA’s transportation planning process.

A certification review generally consists of four primary activities. These activities include: 1) a “desk audit” which is a review of the TMA’s planning documents (e.g. Long Range Transportation Plan (LRTP), Transportation Improvement Program (TIP), Unified Planning Work Program (UPWP); 2) a “site visit” with staff from the TMA’s various transportation planning partners (e.g. the Metropolitan Planning Organization (MPO), Florida Department of Transportation (FDOT), local/regional transit service provider, and other participating State/local agencies), including opportunities for local elected officials and the general public to provide comments on the TMA planning process; 3) a Certification Report, which the Federal Review Team prepares, to document the results of the review process; and, 4) a formal presentation of the review findings at a future Lee County MPO Board Policy meeting.

Certification of the planning process is a prerequisite to the approval of Federal funding for transportation projects in metropolitan areas. The certification review also helps ensure that the major issues facing a metropolitan area are being addressed. The review process is individually tailored to focus on topics of significance in each metropolitan planning area. Since 2018, to initiate the TMA certification review process, the Federal Review Team has utilized a risk-based approach containing various factors to determine which topic areas required additional evaluation during the certification review. **Appendix A** summarizes the risk evaluation, and the report notes in the relevant sections which topic areas were not selected for review due to existing stewardship and oversight practices after considering the risk factors.

The review for the Lee County MPO was held March 15, 2022. During this site visit, the Federal Review Team met with the staff of the Lee County MPO, FDOT LeeTran and

the public. See **Appendix B** for a list of review team members and site visit participants, and **Appendix C** for the TMA Certification Meeting Agenda.

The purpose of the public engagement process is to inform the public of the Federal transportation planning requirements and allow the public an opportunity to provide input on the transportation planning process to the Federal Review Team. The Lee County MPO held two public meetings, one in-person meeting and the other a virtual meeting. The in-person meeting was held on March 16, 2022 from 5 to 6 p.m. and the virtual meeting took place 6 to 7 p.m. For those that could not attend either public meeting or who did not want to speak during the public meeting, contact information for the Federal Review Team was provided. Members of the public were given 30 days from the public meeting on March 16, 2022 to mail, fax or email their comments and/or request a copy of the certification review report. Two comments were received by FHWA and FTA during the 30-day comment period.

A copy of the public meeting notices can be found in **Appendix D**. A listing of those in attendance, a summary of public comments and a summary of Survey Monkey results are provided in **Appendix E**.

A summary of the 2018 corrective actions and recommendations and their status can be found in **Appendix F**.

An explanation of planning acronyms can be found in **Appendix G**.

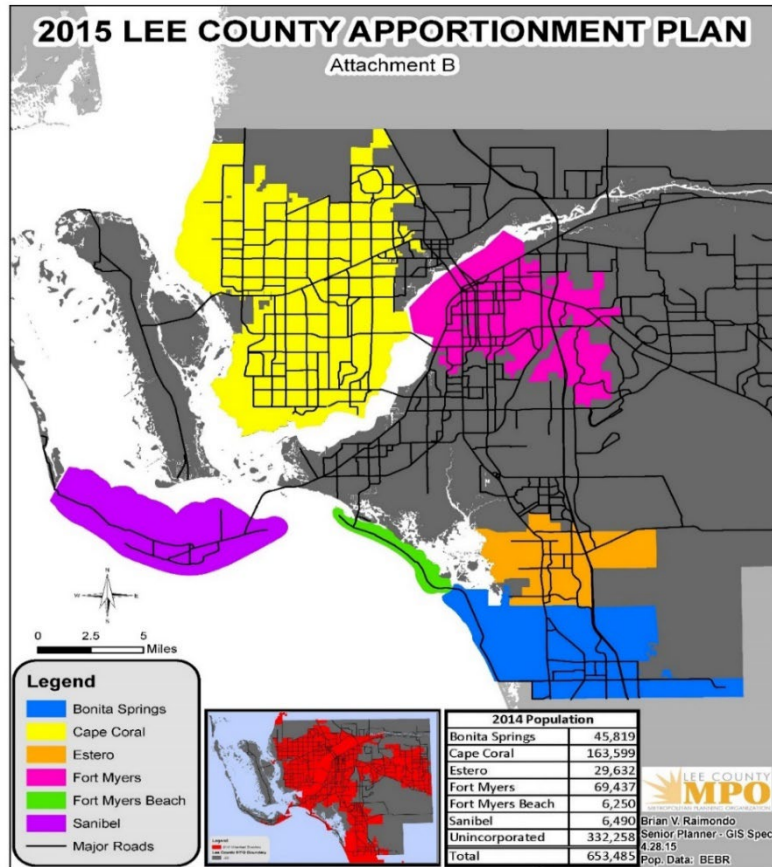
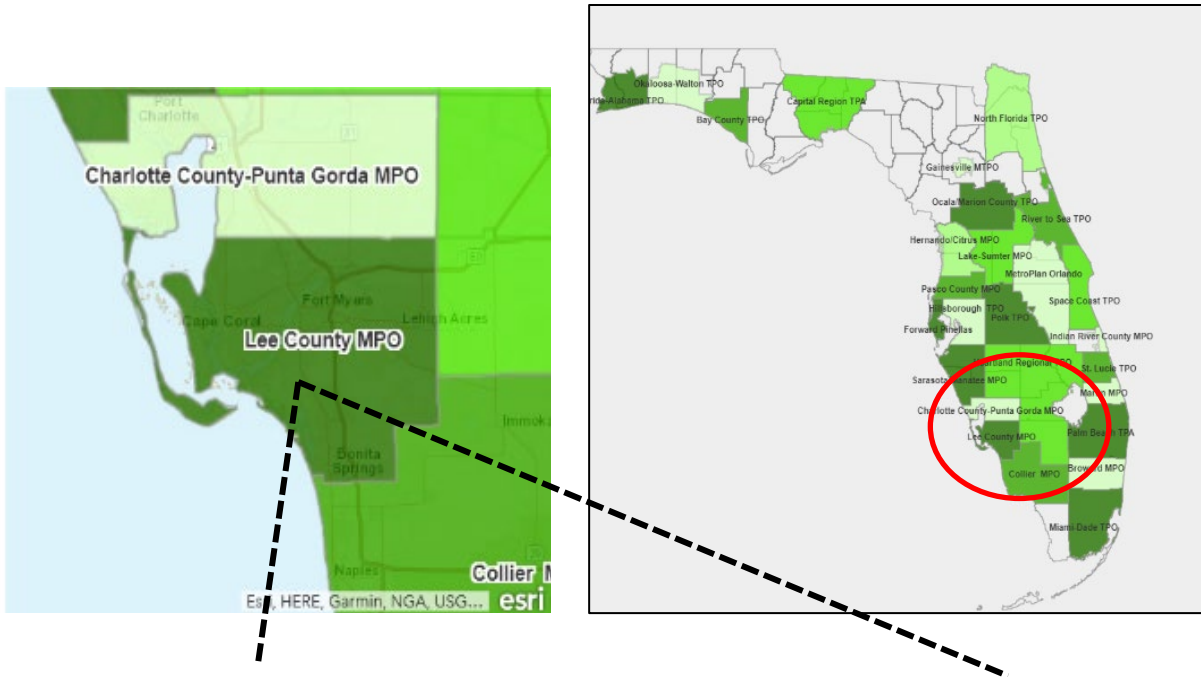
Section II. Boundaries and Organization (23CFR 450.310, 312, 314)

A. Description of Planning Area

Observations: The Lee County MPO Board is comprised of 18 voting members, including all five Lee County Commissioners, elected officials representing each incorporated area of the City of Sanibel, City of Cape Coral, City of Fort Myers, Town of Fort Myers Beach, Village of Estero, and City of Bonita Springs, and the FDOT District 1 Secretary as a non-voting member. As a department of the County, transit (LeeTran) is represented by the Lee County Board of Commissioners.

The primary responsibility of the MPO is to develop plans, policies and priorities that guide local decision making on transportation issues. The Lee County MPO staff includes the following positions: Executive Director, Transportation Planning Administrator, Senior Planner, and Planner/Administration/Public Information/Title VI. The MPO advisory committees associated with the transportation planning process in the MPO include the Citizen Advisory Committee (CAC), Technical Advisory Committee (TAC), Transportation Disadvantaged Local Coordinating Board (LCB), Bicycle Pedestrian Coordinating Committee (BPCC), and the Traffic Management and Operations Committee (TMOC).

The Lee County MPO planning boundary is visually depicted in maps below:



B. Metropolitan Planning Organization Structure

Observations: This topic area was not selected for additional review based on the results of the risk assessment process

Finding: The MPO's boundaries and organization substantially satisfy the federal requirements as outlined in 23 CFR 450.310 and 312.

C. Agreements

Current Agreement(s)/Date(s) Adopted:

Lee County MPO Bylaws, February 18, 2018

TAC Bylaws, January 21, 2022

CAC Bylaws, October 16, 2020

Observations: This topic area was not selected for additional review based on the results of the risk assessment process.

Finding: The MPO's agreements substantially satisfy the federal requirements as outlined in 23 CFR 450.314.

Section III. Transportation Performance Planning (23 CFR 450.306(a), 306(d), 314(h), 324(f), 326(c), 326(d))

Observations: The MPO set all of their targets for safety, bridge, pavement, and system performance and for Transit Asset Management (TAM) within the prescribed timeframes and documented setting the Safety Performance Measure Targets (PM1) in an MPO Board meeting on January 22, 2021 and most recently on January 21, 2022. The MPO adopted FDOT targets for Bridge and Pavement (PM2) and the System Performance (PM3) targets on September 21, 2018. The MPO has coordinated with the LeeTran local public transit agency to develop targets for transit asset management measures as indicated in the current approved Transportation Improvement Program (TIP), Adopted June 18, 2021 and Amended September 17, 2021 link <https://leempo.com/wp-content/uploads/Lee-MPO-TIP-for-FY-2022-to-FY-2026-amended-September-17-2021.pdf>. The targets are also published on the MPO's website, Lee MPO Performance Management link <https://leempo.com/programs-products/transportation-performance-management/> and page A-5 of Appendix A of the 2045 Transportation Plan [Appendix-A-Transportation-System-Performance-Report.pdf \(leempo.com\)](#).

The MPO has written provisions for cooperatively developing and sharing information related to transportation performance data, selection of performance targets, reporting of targets, reporting of performance to be used in tracking progress toward attainment of critical outcomes and reporting of data. These were documented through the approval of the FDOT and MPOAC "Transportation Performance Measures Consensus Planning Document" by the MPO Board on June 19, 2020.

In the development of the LRTP, the MPO included a description of the performance measures and targets to assess the transportation system performance. They integrated the FDOT Highway Safety Improvement Program, Strategic Highway Safety Plan, Asset Management Plan and Freight Plan's goals, objectives, measures and targets into the 2045 LRTP by reference on page 4-3. They also included a system performance report and evaluated the condition and performance of the transportation system with respect to the federally required performance targets, including progress achieved by the MPO in meeting the performance targets in comparison with system performance recorded in previous reports and baseline data.

In the development of the TIP, the MPO designed their TIP to make progress toward achieving the targets and described how they linked their project selections and investments to anticipate target achievement. Specifically, the MPO contains safety projects and programs that include funding and that promote infrastructure improvements, public safety awareness campaigns, safety education, analyzing safety data to target overrepresented crash causes, bicycle pedestrian and traffic operation improvements. Programs includes also promote rail safety projects, resurfacing bike lanes, signal reconstructions, median improvements, enhanced crosswalks, roundabout, multiuse trails, intersection improvements, sidewalks and pedestrian bridges and shared use path/shoulders.

Finding: The MPO's transportation performance planning activities substantially satisfy the federal requirements as outlined in 23 CFR 450.306, 314, 324, and 326.

Section IV. Scope of the Planning Process (23 CFR 450.306)

A. Transportation Planning Factors

Observations: This topic area was not selected for additional review based on the results of the risk assessment process.

Finding: The MPO's planning process substantially satisfies the federal requirements as outlined in 23 CFR 450.306(b).

B. Air Quality

Finding: The Lee County MPO is currently designated as an attainment area for all National Ambient Air Quality Standards (NAAQS).

C. Bicycle and Pedestrian Planning Activities

Observations: This topic area was not selected for additional review based on the results of the risk assessment process.

Finding: The MPO's bicycle and pedestrian planning activities substantially satisfies the federal requirements as outlined in 23 CFR 450.306(b), 324(f), and 326.

Noteworthy Practice: The Federal Review Team recognizes one noteworthy practice regarding Bicycle and Pedestrian Planning Activities. For more details about this noteworthy practice, please see Section XI.

D. Transit

Observations: Transit service in the Lee County MPO is provided by LeeTran. The LeeTran is organized in the following manner: LeeTran is the transit department of Lee County and is governed by the Lee County Commission consisting of five elected representatives who are also members of the Lee County MPO Board of Directors.

LeeTran operates fixed route bus, demand response service and employer provided vanpools throughout Lee County. Per the 2020 National Transit Database (NTD) report, LeeTran operates 50 fixed route buses, 38 demand response vehicles and 14 vanpools in maximum service. Average daily weekday unlinked trips were 7,490 with an annual 2,373,318 unlinked trips on 14,356,333 passenger miles. This represents approximately 75% of the 2019 reported ridership.

Through the MPO agreements, cooperative development of the planning products, coordination activities, and implementation of transit projects, particularly in the development and implementation of the Transit Development Plan, Transit Asset Management Plan and Public Transit Agency Safety Plan, LeeTran is a full partner in this MPO's planning process.

Finding: The MPO's transit activities substantially satisfy the federal requirements as outlined in 49 CFR 613.100 as well as the transit supportive elements outlined in 23 CFR 450.

Noteworthy Practice: The Federal Review Team recognizes one noteworthy practice regarding Transit. For more details about this noteworthy practice, please see Section XI.

E. Intelligent Transportation Systems (ITS)

Observations: This topic area was not selected for additional review based on the results of the risk assessment process.

Finding: The MPO's ITS activities substantially satisfy the federal requirements as outlined in 23 CFR 450.306, 322, and 23 CFR 940.

F. Freight Planning

Observations: This topic area was not selected for additional review based on the results of the risk assessment process.

Finding: The MPO's freight planning activities substantially satisfy the federal requirements as outlined in 23 CFR 450.306, 316, 324, and 326.

G. Security Considerations in the Planning Process

Observations: This topic area was not selected for additional review based on the results of the risk assessment process.

Finding: The MPO's security planning activities substantially satisfy the federal requirements as outlined in 23 CFR 450.306, 324(f), 324(h), and 326.

H. Safety Considerations in the Planning Process

Observations: This topic area was not selected for additional review based on the results of the risk assessment process.

Finding: The MPO's safety planning activities substantially satisfy the federal requirements as outlined in 23 CFR 450.306, 324(h), and 326.

Noteworthy Practice: The Federal Review Team recognizes one noteworthy practice regarding Safety Considerations in the Planning Process. For more details about this/these noteworthy practice(s), please see Section XI.

Section V. Unified Planning Work Program (23 CFR 450.308)

Observations: This topic area was not selected for additional review based on the results of the risk assessment process.

Finding: The MPO's UPWP substantially satisfies the federal requirements as outlined in 23 CFR 450.308.

Section VI. Interested Parties (23 CFR 450.316)

A. Outreach and Public Participation

Current Document Title: Lee County MPO Title VI/Nondiscrimination Program

Date Adopted: October 16, 2020

Observations: The Lee County MPO (MPO) Public Involvement Plan (PIP) provides reasonable opportunities for citizens, affected public transportation employees, freight shippers and providers of freight transportation services, public ports, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian and bicycle facilities, representatives of those with disabilities, and other interested parties to participate in all transportation processes.

The MPO electronically provides documentation related to transportation planning processes on their website. The MPO effectively employs visualization techniques in all documents demonstrating transportation planning processes such as the LRTP, TIP, STIP, and UPWP satisfying federal requirements.

The MPO uses the PIP, demonstrates public participation, and considers the input throughout the development of the LRTP and the TIP. The MPO also considers the

traditionally underserved communities, including minority and low-income households, and coordinates with FDOT on issues of interest or potential impact to these communities. The MPO revisits the PIP to ensure that it maintains a full and open participation process.

Additionally, the MPO uses social media outlets to further inform the public about meeting times and locations to all transportation planning processes such as developing and amending the LRTP and the TIP.

Finding: The MPO's outreach and public participation activities substantially satisfy the federal requirements as outlined in 23 CFR 450.316.

Recommendations: The Federal Review Team offers two recommendations regarding Outreach and Public Participation. For details about these recommendations, please see Section XI.

B. Tribal Coordination

Finding: There are no tribal lands within the MPO's planning boundaries requiring the MPO to provide tribal coordination.

C. Title VI and Related Requirements

Current Document Title: Lee County MPO Title VI/Nondiscrimination Program

Date Adopted: November 17, 2017

Observations: The Lee County MPO (MPO) has a coordinator assigned to Public Involvement and Title VI, who has direct, independent access to the MPO's Executive Director. The MPO has developed and executed a nondiscrimination policy, assurance, complaint filing procedure and 4-factor Limited English Proficiency (LEP) Plan, all of which are broad enough to cover Title VI classifications and those defined by other federal and state authorities. The MPO reviews its plans, programs and services at least triennially to determine nondiscrimination and equitable distribution of benefits and burdens, also collecting and analyzing demographic data of those impacted by its transportation decisions.

The MPO provides reasonable accommodation under the Americans with Disabilities Act (ADA) in providing access to its plans, programs and services. The MPO-posted nondiscrimination policies and complaint filing procedures specifically enumerate disability as a protected classification and identify a coordinator by name who is responsible for administration of the ADA program. The MPO ensures that its plans and activities include input by and consideration of those with disabilities or their service providers. The MPO itself does not own or operate pedestrian facilities. However, Lee County has an ADA transition plan as described by 28 CFR 35.150(d) covering both program access and pedestrian facilities. The plan is periodically updated and the results available for public inspection.

Finding: The MPO's Title VI and related activities substantially satisfy the federal requirements as outlined in 49 CFR 21, 49 CFR 27, 23 CFR 200, 23 CFR 450.316 and 336(a).

Section VII. Linking Planning and NEPA (23 CFR 450.318, 320, 324(f)(10), 324(g))

Observations: This topic area was not selected for additional review based on the results of the risk assessment process.

Finding: The MPO's linking planning and NEPA activities substantially satisfy the federal requirements as outlined in 23 CFR 450.318, 320, 324(f)(10), and 324(g).

Section VIII. Congestion Management Process (CMP) (23 CFR 450.322)

Observations: This topic area was not selected for additional review based on the results of the risk assessment process.

Finding: The MPO's congestion management process substantially satisfies the federal requirements as outlined in 23 CFR 450.322.

Section IX. Long Range Transportation Plan (23 CFR 450.324)

Current Document Title: Lee County MPO LRTP 2045 Transportation Plan

Date Adopted: December 18, 2020

A. Scope of LRTP

Observations: This topic area was not selected for additional review based on the results of the risk assessment process.

Finding: The general scope of the MPO's LRTP substantially satisfies the federal requirements as outlined in 23 CFR 450.324.

B. Travel Demand Modeling/Data

Observations: This topic area was not selected for additional review based on the results of the risk assessment process.

Finding: The MPO's travel demand modeling processes substantially satisfy the federal requirements as outlined in 23 CFR 450.324(e).

C. Financial Plan/Fiscal Constraint

Observations: The review team conducted the desk audit based on the 2018 FHWA/FTA LRTP Expectations Letter.

For the adopted LRTP, the Lee County MPO coordinated with FDOT and other planning partners to identify an estimate of federal and state revenue for capital projects over the

life of the Plan, as well as an estimate of transit, bike/ped and roadway maintenance revenue for the life of the plan to use. The LRTP addresses fiscal constraint in a narrative, using tables and in an appendix. The revenue estimates are included in the Cost Feasible Plan (CFP). The projected revenue over the life of the LRTP is \$6.5 B. The projected cost for maintaining the existing infrastructure, constructing new and widened roads, expanded transit services, and providing safer bicycling and walking facilities is \$5.2 B. The LRTP identifies the project limits, type of improvement, project phase, present day cost, and YOE cost. The LRTP is fiscally constrained

Finding: The MPO's 2045 Metropolitan Transportation Plan substantially satisfies the federal requirements as outlined in 23 CFR 450.324(f)(11).

Recommendation: The Federal Review Team offers one recommendation related to the LRTP - Financial Plan/Fiscal Constraint. For more details about this recommendation, please see Section XI.

Section X. Transportation Improvement Program (TIP) (23 CFR 450.326, 328, 330, 332, 334)

Current Document Title: Transportation Improvement Program FY 2021/22 through FY 2025/26

Date Adopted: June 18, 2021. **Amended:** September 17, 2021

Observations: This topic area was not selected for additional review based on the results of the risk assessment process.

Finding: The MPO's TIP substantially satisfies the federal requirements as outlined in 23 CFR 450.326,328, 330, 332, and 334.

Section XI. Findings/Conclusions

The following items represent a compilation of the findings that are included in this 2022 certification review report. These findings, which are identified as noteworthy practices, corrective actions, and recommendations are intended to not only ensure continuing regulatory compliance of the Lee County MPO's transportation planning process with federal planning requirements, but to also foster high-quality planning practices and improve the transportation planning program in this TMA. Corrective actions reflect required actions for compliance with the Federal Planning Regulations and must be completed within the timeframes noted. Recommendations reflect national trends or potential risks and are intended to assist the Lee County MPO in improving the planning process. Noteworthy practices highlight efforts that demonstrate innovative ideas or best practices for implementing the planning requirements.

A. Noteworthy Practices

1. **Bicycle and Pedestrian Planning Activities:** Lee County MPO funded and co-managed with local governments the completion of various bike/ped planning activities including: the Village of Estero Bicycle Pedestrian Master Plan in 2019; the Fort Myers Beach Lighting Study in 2020; the update of the City of Fort Myers Master Plan in 2021; the San Carlos Blvd. PD&E Study; and the Pine Island Shared Use Path PD&E. As well, the Lee County MPO funded, co-managed and served on the Project Advisory Committee for the City of Sanibel Shared Use Path Master Plan Update.
2. **Transit:** Lee Tran has introduced an on-demand transit service called [Ultra on Demand Transit](#) to serve a designated area. While an initiative of the transit agency, the Federal Review Team commends the Lee County MPO's support in helping to introduce this innovative transit service should be recognized.
3. **Safety Considerations in the Planning Process:** Lee County MPO coordinates with FDOT and local governments in Lee County to conduct Intersection Control Evaluations (ICE) at existing intersections and to recommend traffic signal controls that are context sensitive, and safe for all users. Lee County MPO provides data in support of the analysis, and the MPO also develops cost estimates to include potential projects in the LRTP. For example, the high crash location of US 41 and SR 78 intersection went through the ICE process where it was determined that a partial displaced left turn traffic control was the best option.

B. Corrective Actions

No corrective actions have been identified.

C. Recommendations

1. **Interested Parties – Outreach and Public Participation:**
Like many planning agencies across Florida, Lee County MPO (MPO) withstood the impacts of the pandemic, adhering to public gathering restrictions and nimbly embracing alternate platforms for continuing its outreach. While the MPO marked an initial increase in participation via electronic attendance, it now sees involvement numbers returning to pre-pandemic levels. Nevertheless, the MPO does not foresee a future that does not include some form of virtual participation. The MPO's current PIP, adopted in 2020, lacks the results of lessons learned over the past two years and is not an accurate reflection of the MPO's innovative, thoughtful, and robust program. The Federal Review Team recommends the MPO schedule a PIP update, ensuring that the plan continues to meet all the regulatory requirements, but also accurately describes the MPO's current outreach goals, strategies, partners and measures.

2. **Interested Parties – Outreach and Public Participation:**

Lee County MPO (MPO) has a Community Characteristics Inventory (CCI) developed in approximately 2016 from US Census and related resources. It uses this information to measure the effectiveness of public involvement, determine the need for English-language assistance and to assess its planning priorities for nondiscrimination and equity. However, the CCI is housed as part of the LRTP and not readily available to the public or conveniently accessed by staff to perform Title VI reviews. Moreover, the MPO is hesitant to update the data, as the decennial census products are unlikely to be fully available until 2023. The Federal Review Team recommends the MPO move its CCI profile and area mapping to a more centralized location on its website. This will not only emphasize the importance the MPO places on data-based decision making, but also provide reliable demographic information for the public and base data over which MPO staff can layer programs and projects to check for nondiscrimination. The Federal Review Team also recommends an update of the CCI, perhaps commensurate with that of the PIP. Though not all decennial data is available, the 2020 information on race and ethnicity is online, as are the American Community Survey (ACS) Limited English Proficiency (LEP) figures covering 2020.

3. **Long Range Transportation Plan – Fiscal Plan/Fiscal Constraint:** The Lee County MPO 2045 LRTP provides complex financial information in various formats in the Cost Feasible Plan (CFP) and in Appendix E of the 2045 LRTP. Tables in the CFP clearly show fiscal constraint by time bands. The Federal Review Team recommends the Lee County MPO provide a clear picture of how LRTP revenues exceed costs for the life of the Plan. A complete picture of available funds and project costs will increase readability and transparency. Please refer to FDOT's *Technical Memorandum 22-02 – Fiscal Constraint of the LRTP* for examples of how the MPO can more clearly show fiscal constraint.

D. Training/Technical Assistance

At the conclusion of the site visit, the Federal Review Team asked the MPO staff if they had any training or technical assistance needs. The Lee County MPO identified technical assistance requests for the following topical areas: local jurisdictions for discretionary grant opportunities under the new Bipartisan Infrastructure Law (BIL); how to change the Cape Coral urbanized area boundary to the County line; and training assistance on how the MPO can measure the impact of incidents on their congestion. FHWA and FTA will work with the MPO to provide resources in these areas.

E. Conclusion

Based on the overall findings of the certification review, the FHWA and FTA jointly certify that the transportation planning process of the Cape Coral TMA, which is comprised entirely by the Lee County MPO, substantially meets the federal planning requirements in 23 CFR 450 Subpart C. This certification will remain in effect until **September 2026**.

Appendix A. Summary of Risk Assessment

Florida TMA Certification Review Risk Assessment	
MPO:	Lee County MPO
Date of Assessment:	October 2021
Cert Review Report Date:	March 2022
Topic Area	Selected for additional review?
Organization of MPO/TPO (23 CFR 450.310, 312, 314)	No
Transportation Performance Planning (23 CFR 306(a), 306(d), 314(h), 324(f), 326(c), 326(d))	Yes
Scope of the Planning Process (23 CFR 450.306) - Transportation Planning Factors	No
Scope of the Planning Process (23 CFR 450.306) - Air Quality	No
Scope of the Planning Process (23 CFR 450.306) - Bicycle and Pedestrian Planning Activities	No
Scope of the Planning Process (23 CFR 450.306) - Transit	Yes
Scope of the Planning Process (23 CFR 450.306) - Intelligent Transportation Systems (ITS)	No
Scope of the Planning Process (23 CFR 450.306) - Freight Planning	No
Scope of the Planning Process (23 CFR 450.306) - Security Considerations in the Planning Process	No
Scope of the Planning Process (23 CFR 450.306) - Safety Considerations in the Planning Process	No
Unified Planning Work Program (23 CFR 450.308)	No
Interested Parties (23 CFR 450.316) - Outreach and Public Participation	No
Interested Parties (23 CFR 450.316) - Tribal Coordination	No
Interested Parties (23 CFR 450.316) - Title VI and Related Requirements	No
Linking Planning and NEPA (23 CFR 450.318, 320, 324(f)(10), 324(g))	No
Congestion Management Process (23 CFR 450.322)	No
Long Range Transportation Plan (23 CFR 450.324)	No
Long Range Transportation Plan (23 CFR 450.324) - Travel Demand Modeling/Data	No
Long Range Transportation Plan (23 CFR 450.324) - Financial Plan/Fiscal Constraint	No
Transportation Improvement Program (23 CFR 450.326, 328, 330, 332, 334)	No
<p>*Note: With the exception of Transit, if all areas are a "No", then the top 3 areas will be reviewed. The additional areas are: LRTP - Financial Plan/Fiscal Constraint and Interested Parties - Outreach and Public Participation.</p>	

Appendix B. Site Visit Participants

Lee County MPO

Don Scott
Ron Gogoi
Calandra Barraco
Brian Raimondo

Lee County MPO Disadvantaged Coordinating Board

Paul Lewis

LeeTran

Robert Codie
Dawn Huff
Dominic Gemelli
Kelley Fernandez

Federal Highway Administration (FHWA)

Carlos A. Gonzalez
Teresa Parker
Joseph Sullivan
Carey Shepherd

Federal Transit Administration (FTA)

John Crocker

Florida Department of Transportation (FDOT)

Wayne Gaither
Abra Horn

Collier MPO

Brandy Otero

MPOAC

Mark Reichert

Appendix C. TMA Certification Site Visit Agenda

Lee County MPO Metropolitan Planning Organization TMA Certification Review

March 15, 2022

**815 Nicholas Parkway E.
Cape Coral, FL 33990**

AGENDA

Tuesday	March 15, 2022	
Federal Certification Team Members	<ul style="list-style-type: none"> ➤ Carlos A. Gonzalez (FHWA), John Crocker (FTA) ➤ Teresa Parker (FHWA), Joseph Sullivan (FHWA) ➤ Carey Shepherd (FHWA) 	

Time	Item	Lead
8:15 a.m.	<p>Open Virtual Connections for Morning Session</p> <p>Note: Please join by Zoom and mute the computer, then also join by conference call so that the people joining from home can hear the people talking in the meeting room.</p>	<p>Join Zoom Meeting https://us06web.zoom.us/j/87585757254?pwd=aFFZdXd4QWY4RzRMSlhOa0NsYzVGdz09</p> <p>Meeting ID: 875 8575 7254 Passcode: 368593 Conference Call #: 1-800-356-8278 Conference Access Code: 316027</p>
8:30 a.m.	<p>Welcome / Introductions</p> <p>Roles/Responsibilities/Key Activities of MPO and Transit Agency Staff</p>	Federal Team, MPO, Transit, FDOT
8:45 a.m.	<p>Site Visit Overview</p> <ul style="list-style-type: none"> ➤ Purpose of the Certification Process ➤ Discussion of Risk Assessment ➤ Review schedule and close-out process 	Federal Team – Carlos / John

9:00 a.m.	Discussion of Previous Review Findings <ul style="list-style-type: none"> ➤ Federal TMA Certification ➤ State/MPO Annual 	Federal Team – John / Carlos
9:15 a.m.	MPO Overview including changes within MPO since last TMA Certification <ul style="list-style-type: none"> ➤ Demographics ➤ Boundaries ➤ Political ➤ Process Changes 	Federal Team – Joe Lee County MPO – Don Scott
9:45 a.m.	Break	
10:00 a.m.	Share Best Practices and Lessons Learned <ul style="list-style-type: none"> ➤ What is the MPO most proud of over the last four year ➤ What challenges have you encountered and addressed? 	Federal Team – Carlos Lee County MPO – Don Scott

Agenda (Continued)

10:45 a.m.	Technical Topic: LRTP <ul style="list-style-type: none"> ➤ Financial Plan / Fiscal Constraint 	Federal Team – Carlos
12:00 p.m.	Break for Lunch	
12:45	Open Virtual Connections for Afternoon Session Note: Please join by Zoom and mute the computer, then also join by conference call so that the people joining from home can hear the people talking in the meeting room.	Join Zoom Meeting https://us06web.zoom.us/j/83016979591?pwd=K3h1N2d3QkJUQ2Vn dGNGeGhCYlJhZz09 Meeting ID: 830 1697 9591 Passcode: 415462 Conference Call #: 1-800-356-8278 Conference Access Code: 316027
1:00 p.m.	Technical Topic: Transit <ul style="list-style-type: none"> ➤ Transit Accomplishments ➤ LeeTran / MPO Coordination ➤ Transit Challenges in Lee County 	Federal Team – John

2:00 p.m.	Technical Topic: ➤ Interested Parties / Public Participation	Federal Team – Carey / Teresa
2:45 p.m.	Break	
3:00 p.m.	Technical Assistance & Training ➤ Future Needs Additional Questions	Federal Team – Teresa
3:15 p.m.	Preliminary Findings Discussion Among Federal Team	Federal Team – All
4:00 p.m.	Preliminary Findings Discussion with MPO Staff	Federal Team – All
4:30 p.m.	Prepare for In Person Public Meeting	

5:00 p.m.	In Person Public Meeting	
6:00 p.m.	Virtual Public Meeting	VIRTUAL LINK TO REGISTER: https://us06web.zoom.us/webinar/register/WN_nmb73Gf-RQuR-G-x_1BZdg
7:00 p.m.	Adjourn Site Visit	

Appendix D. Public Engagement Notices



PUBLIC NOTICE:

Federal Certification Review In Person Public Meeting on March 15, 2022 at 5:00 p.m.
or
by Virtual Public Meeting on March 15, 2022 at 6:00 p.m.

Every four years the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) conduct a Certification Review of the Lee County Metropolitan Planning Organization (MPO) transportation planning process as required by law. The primary purpose of this review is to evaluate the MPO's compliance with Federal Transportation rules and regulations. Part of the review includes an opportunity for the public to provide comments on the Lee County MPO's transportation planning process to FHWA and FTA.

You can participate and provide input by attending the in person public meeting at the Lee County MPO's office in the City of Cape Coral Public Works Building located at 815 Nicholas Parkway East, Room 200 in Cape Coral at 5:00 p.m. on March 15, 2022 or by attending the virtual public meeting online at 6:00 p.m. on March 15, 2022, using this link to register for the virtual meeting:

https://us06web.zoom.us/webinar/register/WN_nmb73Gf-RQuR-G-x_IBZdg

You can also submit comments to FHWA and FTA through April 15, 2022 by email at: info@leempo.com, mail at P.O. Box 150045, Cape Coral, FL 33915-0045, phone at 239-244-2220 ext. 1, by survey comment form on the MPO website at:

<https://www.surveymonkey.com/r/TKNNCVR> or by Federal Webpage at www.fhwa.dot.gov/fldiv/tma.cfm.

Public participation is solicited without regard to race, color, national origin, sex, age, disability, religion, or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact Calandra Barraco with the Lee County MPO at 239-330-2243 or by email at cbarraco@leempo.com at least seven (7) days prior to the meeting. If you are hearing or speech impaired call (800) 955-8770 Voice / (800) 955-8771 TDD. The MPO's planning process is conducted in accordance with Title VI of the Civil Rights Act of 1964 and related statutes. Any person or beneficiary who believes they have been discriminated against because of race, color, national origin, sex, age, disability, religion, or familial status may file a complaint with the Lee County MPO Title VI Coordinator, Calandra Barraco, at 239-330-2243, or in writing at P.O. Box 150045, Cape Coral, Florida 33915-0045.

Published on February 12, 2022



PUBLIC NOTICE:

**Federal Certification Review In Person Public Meeting on March 15, 2022 at 5:00 p.m. or
by Virtual Public Meeting on March 15, 2022 at 6:00 p.m.**

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Published on March 1, 2022



PUBLIC NOTICE:

**Federal Certification Review In Person Public Meeting on March 15, 2022 at 5:00 p.m. or
by Virtual Public Meeting on March 15, 2022 at 6:00 p.m.**

Every four years the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) conduct a Certification Review of the Lee County Metropolitan Planning Organization (MPO) transportation planning process as required by law. The primary purpose of this review is to evaluate the MPO's compliance with Federal Transportation rules and regulations. Part of the review includes an opportunity for the public to provide comments on the Lee County MPO's transportation planning process to FHWA and FTA.

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https://us08web.zoom.us/webinar/register/WN_nmb73Gf-RQuR-G-x_IBZdg

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Lee County MPO

Advertisement in Capecoral.gov

Calendar Name: Public Calendar
Event Originates in the Calendar: Public Meeting Calendar

Event Name: Certification Review of the Lee County Metropolitan Planning Organization (MPO) transportation planning process In-Person Meeting at 5:00 p.m. and Virtual Meeting at 6:00 p.m.

CLOSE
ICAL

Date:	Mar 15, 2022		
Day:	Tue		
Time:	05:00 pm		
Detail:	<p>Federal Certification Review In-Person Public Meeting on March 15, 2022 at 5:00 p.m. or by Virtual Public Meeting on March 15, 2022 at 6:00 p.m.</p> <p>Every four years the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) conduct a Certification Review of the Lee County Metropolitan Planning Organization (MPO) transportation planning process as required by law. The primary purpose of this review is to evaluate the MPO's compliance with Federal Transportation rules and regulations. Part of the review includes an opportunity for the public to provide comments on the Lee County MPO's transportation planning process to FHWA and FTA.</p> <p>You can participate and provide input by attending the in person public meeting at the Lee County MPO's office in the City of Cape Coral Public Works Building located at 815 Nicholas Parkway East, Room 200 in Cape Coral at 5:00 p.m. on March 15, 2022 or by attending the virtual public meeting online at 6:00 p.m. on March 15, 2022, using this link to register for the virtual meeting: https://us06web.zoom.us/webinar/register/WN_nmb73Gf-RQuR-G-x_IBZdg</p> <p>You can also submit comments to FHWA and FTA through April 15, 2022 by email at: info@leempo.com, mail at P.O. Box 150045, Cape Coral, FL 33915-0045, phone at 239-244-2220 ext. 1, by survey comment form on the MPO website at: https://www.surveymonkey.com/r/TKNNCVR or by Federal Webpage at www.fhwa.dot.gov/fldiv/tma.cfm. Any person may also send comments directly to John Crocker, FTA or Carlos Gonzalez, FHWA at (see contact information below):</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> John Crocker Gonzalez FTA Region 4 230 Peachtree Street, NW, Suite 1400 Plaza, Suite 400 Atlanta, GA 30303 32312 Phone: (404) 865-5620 553-2221 E-mail: John.crocker@dot.gov carlos.a.gonzalez@dot.gov </td> <td style="width: 50%; vertical-align: top;"> Carlos A. FHWA FL Division 3500 Financial Tallahassee, FL Phone: (850) E-mail: </td> </tr> </table>	John Crocker Gonzalez FTA Region 4 230 Peachtree Street, NW, Suite 1400 Plaza, Suite 400 Atlanta, GA 30303 32312 Phone: (404) 865-5620 553-2221 E-mail: John.crocker@dot.gov carlos.a.gonzalez@dot.gov	Carlos A. FHWA FL Division 3500 Financial Tallahassee, FL Phone: (850) E-mail:
John Crocker Gonzalez FTA Region 4 230 Peachtree Street, NW, Suite 1400 Plaza, Suite 400 Atlanta, GA 30303 32312 Phone: (404) 865-5620 553-2221 E-mail: John.crocker@dot.gov carlos.a.gonzalez@dot.gov	Carlos A. FHWA FL Division 3500 Financial Tallahassee, FL Phone: (850) E-mail:		
Event updated:	Friday March 4, 2022 04:05:17 pm		

Viewing Event Details

Appendix E. Summary of Public Feedback

FHWA and FTA would like to thank everyone who participated in and contributed comments for the Lee County MPO TMA Certification Review. Public comments are a vital element of the certification review, as they allow citizens to provide direct input on the transportation planning process for their transportation planning area. The in-person meeting had no public participants. Six people attended the virtual meeting. The participants expressed extensive criticism of the MPO's and FDOT's ability to manage transportation projects, focusing on one project in particular. FHWA staff emphasized the purpose of the public meeting was to provide the public an opportunity to comment on the broad responsibility of the Lee County MPO and how they conduct the transportation planning process in Lee County. The federal review team received two comments during the 30-day public comment period following the site visit (March 15 – April 16). The first comment included several questions about the transportation planning process and about how proposed projects move forward and become actual projects. The second comment expressed concern about the Palm Beach Blvd. multi-use trail and sidewalk, including the lack of public meetings for the project. The project specific concerns have been referred to the appropriate parties for follow up. The next page has the written public comments received during the review period.

In-Person Public meeting

No Public Comments

Persides Zambrano, Cape Coral Staff

Virtual Public Meeting

Bev Larson, Lee MPO Citizen Advisory Committee

Jayson Moorehead, (public)

Denise Diamond, (public)

Robert Wilgosz (public)

John Majka (public)

Teresa Lewis, Lee MPO Bicycle Pedestrian Coordinating Committee

Written Comments via e-mail after the Virtual meeting

Teresa Lewis, Lee MPO Bike/Ped Coordinating Committee

Thank you (and everyone else from planning) for your time yesterday. I have a couple questions for you: 1). Is there a process map that shows visually the planning process? From the discussion, the process was described and appears to be a gated process. Showing visually a process map in meetings, might help focus on your request for input on the “process” and less discussion on a “project”. 2). In the process, there were questions about go-no-go decisions? What prevents a project from moving forward? What is required for it to move forward? What causes a change to a project? Is it the “squeaky wheel?” How does the input change by stage in the process? I don’t need a response. Just questions that I thought of after the meeting. Have a wonderful week.

Sudan Oehl –

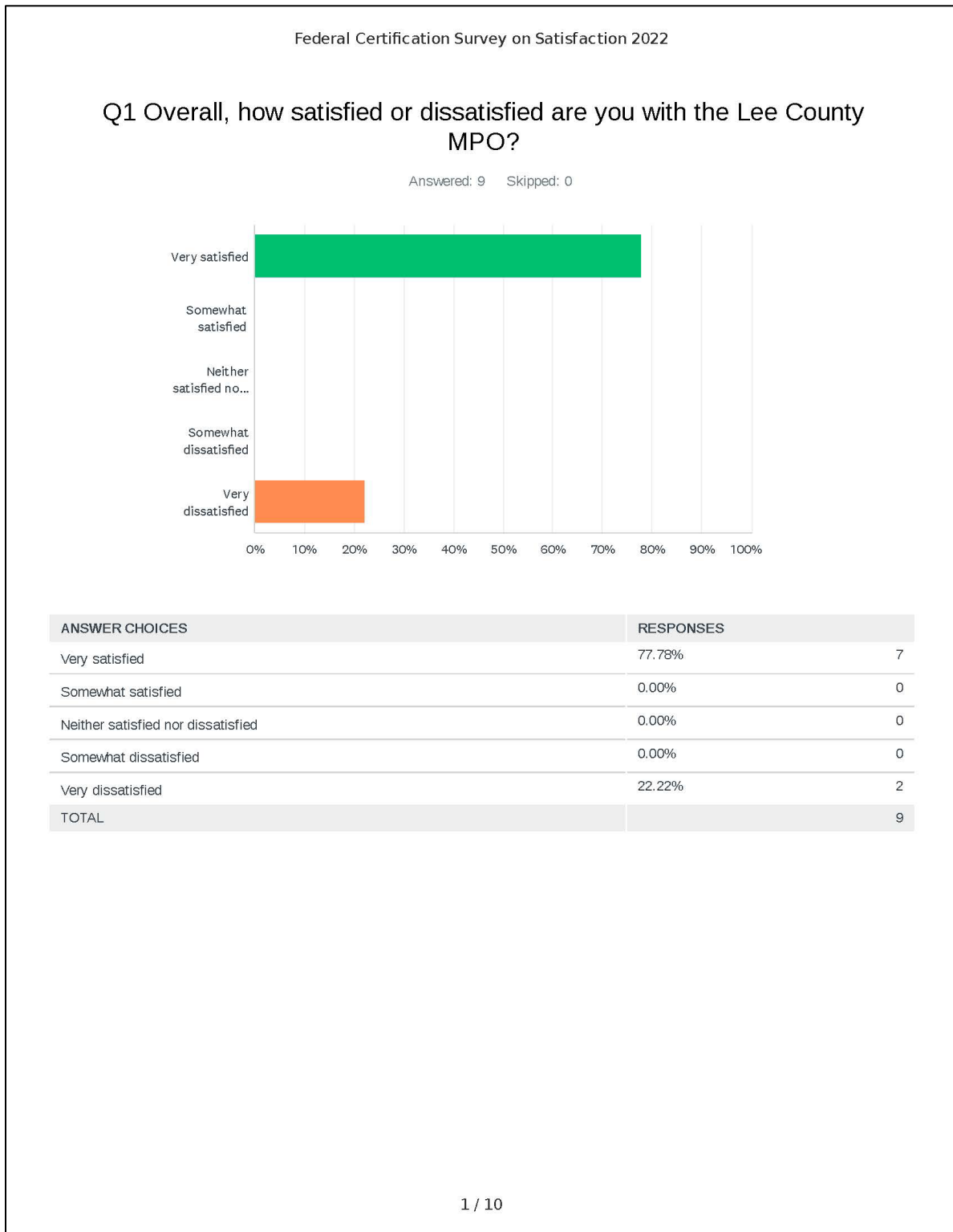
I am writing about the Palm Beach Blvd multi use trail and sidewalk being constructed at present. I understand there were no public meetings for input on this project. I think there should have been. From what I can see if this construction, public safety is a real concern here. A sidewalk in front of the businesses from Rt. 31 to Buckingham Rd, or Old Olga would have been a good thing. I used to get on the bus to go to meetings in the government t section of Fort Myers and had to take the bus home again and walk from Davis along 80 to Parker to get home, facing fast traffic on what shoulder I could find. But what I see now is a multi-use trail with cycles and pedestrians crossing many business driveways., which will be dangerous and could lead to county lawsuits. And it’s too late now to change the situation.

Survey Monkey Results.

The Lee County MPO posted an online a Survey Monkey questionnaire during the public involvement period. Nine people completed the eight-question survey. Of those who responded, most have lived in the area more than 10 years. Overall, respondents were very satisfied with the Lee County MPO’s programs and services. Of those who responded, the vast majority are likely to contact the MPO for transportation-related concerns in the future.

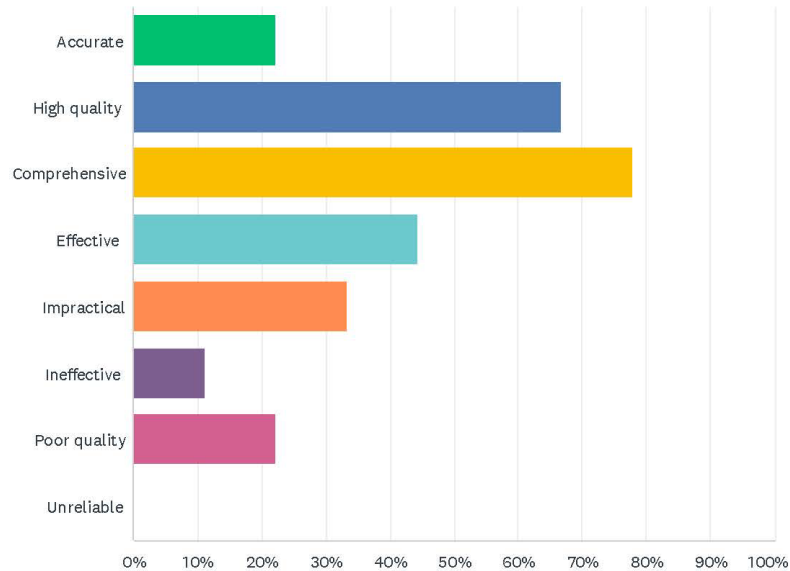
E-mail Comments and Responses

Survey Monkey Results



Q2 Which of the following words would you use to describe the Lee County MPO's transportation related programs and plans like the Long Range Transportation Plan and the Transportation Improvement Program? Select all that apply.

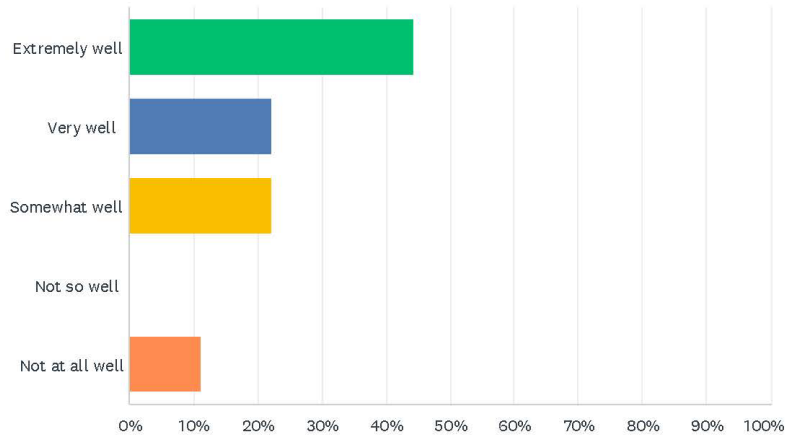
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Accurate	22.22%	2
High quality	66.67%	6
Comprehensive	77.78%	7
Effective	44.44%	4
Impractical	33.33%	3
Ineffective	11.11%	1
Poor quality	22.22%	2
Unreliable	0.00%	0
Total Respondents: 9		

Q3 How well does the Lee County MPO meet your transportation planning needs?

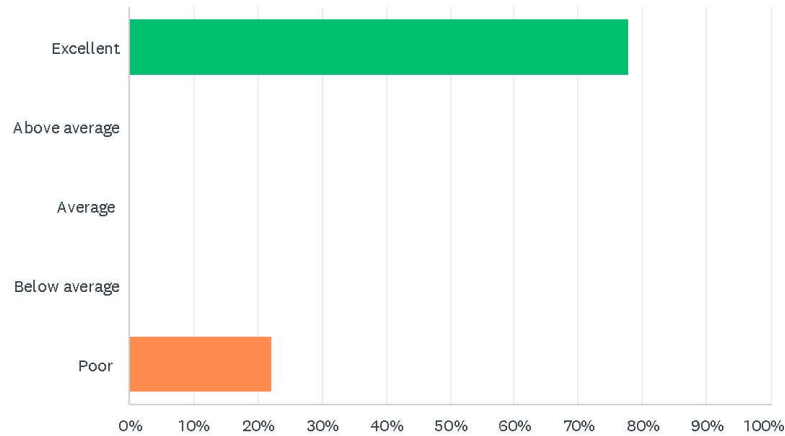
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Extremely well	44.44%	4
Very well	22.22%	2
Somewhat well	22.22%	2
Not so well	0.00%	0
Not at all well	11.11%	1
TOTAL		9

Q4 How would you rate the availability of the Lee County MPO to respond to your transportation related questions?

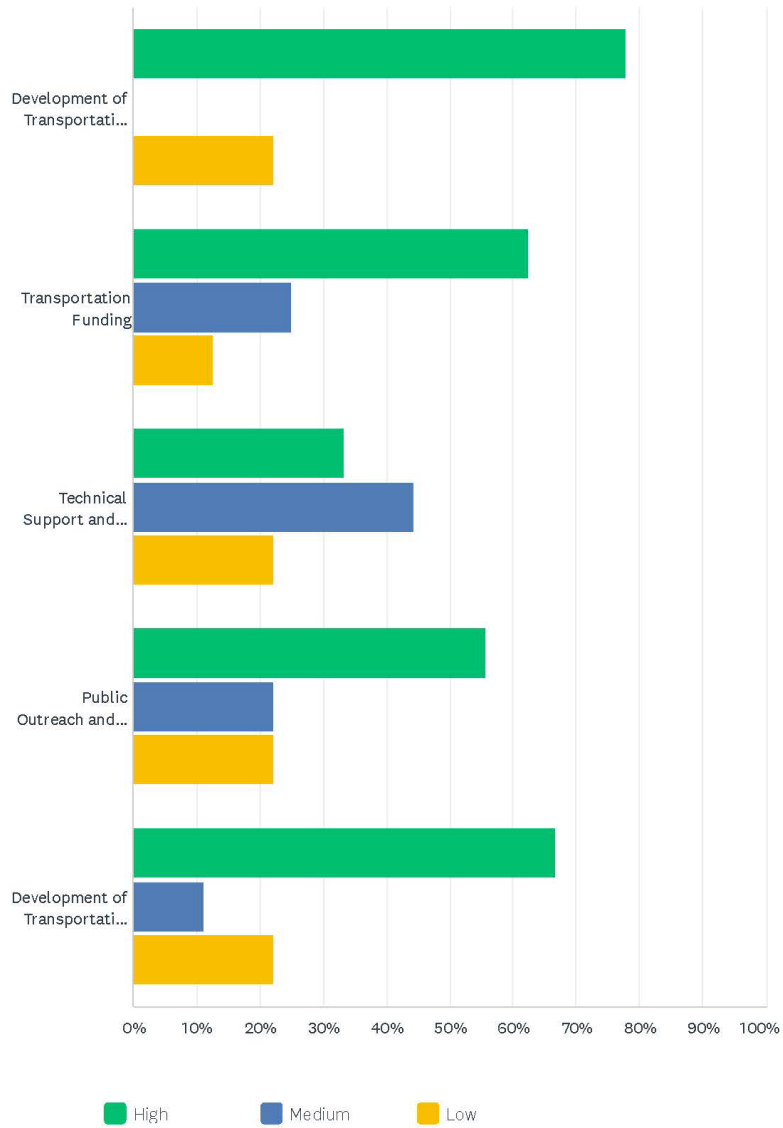
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Excellent	77.78%	7
Above average	0.00%	0
Average	0.00%	0
Below average	0.00%	0
Poor	22.22%	2
TOTAL		9

Q5 What are the most important MPO core areas of business?

Answered: 9 Skipped: 0



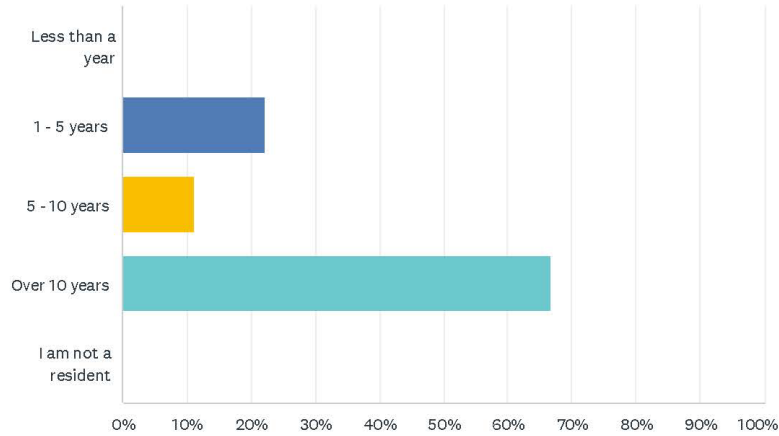
Federal Certification Survey on Satisfaction 2022

	HIGH	MEDIUM	LOW	TOTAL	WEIGHTED AVERAGE
Development of Transportation Plans, Reports, and Studies	77.78% 7	0.00% 0	22.22% 2	9	1.44
Transportation Funding	62.50% 5	25.00% 2	12.50% 1	8	1.50
Technical Support and Analysis (for example traffic modeling and crash data analysis)	33.33% 3	44.44% 4	22.22% 2	9	1.89
Public Outreach and Community Engagement	55.56% 5	22.22% 2	22.22% 2	9	1.67
Development of Transportation Project Priorities	66.67% 6	11.11% 1	22.22% 2	9	1.56

Federal Certification Survey on Satisfaction 2022

Q6 How long have you been a resident of Lee County?

Answered: 9 Skipped: 0

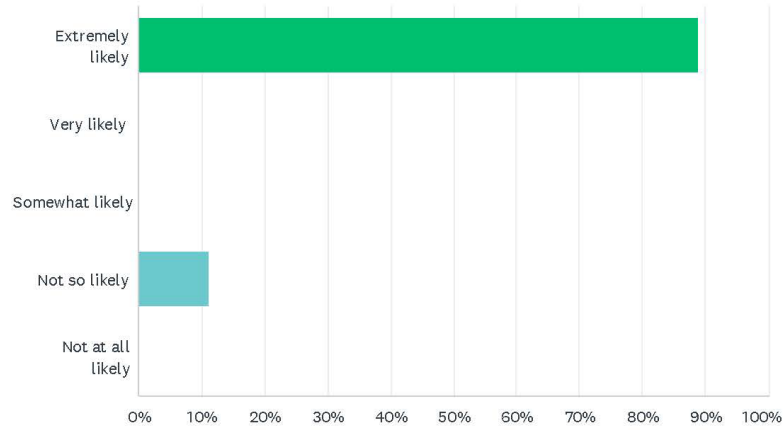


ANSWER CHOICES	RESPONSES	
Less than a year	0.00%	0
1 - 5 years	22.22%	2
5 - 10 years	11.11%	1
Over 10 years	66.67%	6
I am not a resident	0.00%	0
TOTAL		9

Federal Certification Survey on Satisfaction 2022

Q7 How likely are you to contact the Lee County MPO for transportation related items in the future?

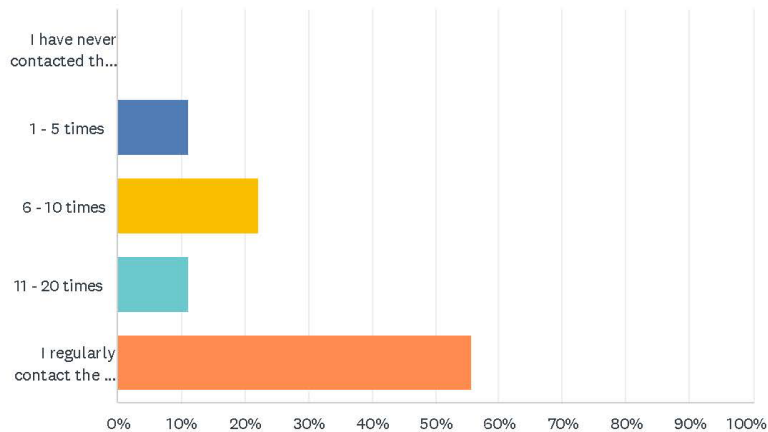
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Extremely likely	88.89%	8
Very likely	0.00%	0
Somewhat likely	0.00%	0
Not so likely	11.11%	1
Not at all likely	0.00%	0
TOTAL		9

Q8 How many times have you contacted the Lee County MPO with questions or concerns?

Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
I have never contacted the Lee County MPO	0.00%	0
1 - 5 times	11.11%	1
6 - 10 times	22.22%	2
11 - 20 times	11.11%	1
I regularly contact the Lee County MPO	55.56%	5
TOTAL		9

Question 10 of 10

Do you have any other comments or concerns?

LeeMPO does a lot for the community and our governments with a very small staff. They deserve to have additional staff as Lee County's growth continues to explode.

Before you ask a non-engineer to vet my concerns and dismiss this comment, please have a PROFESSIONAL ENGINEER evaluate the SR80 corridor, review fpn 429823-1 and 435341-1, and have them put it in writing that the project alignments should not be transposed for critical safety and levels of service failures. MPO staff violated fs 339.175 and FAILED the public, then knowingly have covered it up for the past 4 years. Listen to the audio from the 8-26-2014 BPCC meeting agenda Item #2 and the 5-26-2015 BPCC about the projects. If MPO staff deleted the meeting audio contact me for audio. The MPO staff disregarded a Feasibility Report and forced 429823-1 to be a Shared Use Path in conflict of professional engineer's opinion to design and construct a sidewalk. The failure of the Lee MPO resulted in a 5.7 million 10mph maximum speed Shared Use Path in 2022 because completely non-engineer MPO staff and the BPCC rejected engineering opinions recommending they approve a concrete sidewalk to be constructed in 2015/2016 for about 1 million. The Lee MPO staff is responsible for willfully misappropriating and additional 4-5 million dollars to construct a dangerous by design corridor that will jeopardize the health safety and welfare of the traveling public. The projects need to be pulled. Please respond to this comment with a professional engineer's opinion. Lives depend on it. Thank you

In my experience with the MPO, they are great at rubber stamping items. I have attended a number of meetings in regards to two projects that directly impact my community. When I asked about public involvement and when we were going to have a meeting I got blank stares and there were even members that while I was commenting were busy on there phones, that is not listening to the public. There was even a meeting where I was providing public comment and the chair was talking the entire time in a fashion that it drowned out my comments. Maybe the community that is evaluating the Lee MPO should take the time to listen to the auto during the public comment section in regards to SR80, this federally funded project should not be built as proposed it is creating a dangerous situation for my community. Yes there should be sidewalks on the northside and put the shared use path on the southside where there is plenty of room. This design should have also considered the medians that are in the LTP-they are hiding these projects from the public but not have public input mettings. They will say they did and the one they had was a miss representation of what is actually being built. It is not okay to have the mindset that if we don't spend it we will loose it, money can not replace lives that will be lost due to poorly designed projects. It is not acceptable for the MPO to not consider the input of the public or to heckle an individual when they are providing public comment. I do believe they have good intention but have gotten away from what they are there to do, they are driven by money more than what is going to make improvements long term, a project that goes nowhere is not good use of funding. The use it or loose it mentality needs to change.

Lee County MPO staff are extremely dedicated to the county and serving their constituents

I found about about the MPO from a County posting. Wanting to know more about the MPO, I called staff. They took the time to answer my questions in a manner that I, as a lay person, understand. There knowledge of Lee County and the surrounding counties was impressive. This organization is doing everything they can to try to plan for the future.

From: jm66@aol.com
 To: Chris@ch-james@fhwa.gov; Carole_A@FHWA.gov; Casper.John@FTA.gov
 Subject: Re: Request to pull Federal Certification from the Lee MPO - Meeting requests from public for substantially misrepresented federal aid projects fpn 429823-1 (10mph design speed Shared use path) and fpn 435341-1 (Connecting 20 year old damaged concrete ...
 Date: Thursday, May 5, 2022 1:35:47 PM
 Attachments: 9-25-19 Det Mot Motion For Continuance due to const olans at issue. / c) List about funded Safev Protect (d) proves motive to force a Path.pdf;
 S.O.S. Save Our (Ear) Mover Shows P.E SR89 10-5-21 routes 4437-2022.pdf;
 5-26-2020 Lee MPO BPCC Agenda Item#7-FI-21-25-TIP - Link #1 Agenda Item #7 with blatant false project information especially linear footage and existing width on page 5.pdf;
 FDOT OIG Final Report Investigation of former FDOT General Counsel who admitted to multiple counts of forserv.pdf

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Gentlemen,

Please review the following and take the appropriate necessary steps to place a stop work order and discontinue misappropriating federal funds as stopping work and revising the projects to transpose the two project's alignments is the only appropriate step to protect the health, safety, and welfare of the traveling public to the maximum extent.

One cause of action alone is that there is a preponderance of evidence to prove a no build outcome was never adequately offered by the Lee MPO staff. Additionally, evidence also proves the Lee MPO staff and the FDOT conspired to force the most unwanted by the public, non-conforming, impacting to the community, and costly option, that also has the lowest level of service, solely because that option was the only option that best supported frivolous litigation before the Division of Administrative Hearings.

The need for an Administrative Determination in relation to the subject project in itself invalidates the wrongful application of a Categorical Exclusion to circumvent a PO&E Study.

I would appreciate for Mr. Christian to please request and sign all the variations from FDM for federal aid projects fpn 429823-1 and fpn 435341-1, then kindly copy me. Here's one for an example of the variations.

Unfortunately, even though I made public comment for the variations to be disclosed prior to voting, the Lee MPO and FDOT both refused to disclose the substantial variations to the public or full MPO Board in June of 2020 when the MPO Board approved funding. The variations from FDM would render the federal aid project unable to be used by the traveling public for the intended purpose. As you know, this is a blatant violation of Title 18, USC, section 1020 due to substantially misrepresenting the projects. Please listen to the June, 2020 Lee MPO Board meeting when funding was approved for fpn 429823-1 and fpn 435341-1 to hear the Lee MPO Director, Don Scott, attempt to hide a Motion made by the Lee MPO CAC to revise the projects.

Recommended by:

Nicholas S Ruiz  Date 2/27/2020

Name: **Nicholas Ruiz, P.E.**
 Responsible Professional Engineer or Landscape Architect (Landscape-Only Projects)

Approvals:

SAM K JOSEPH  Date _____

Name: **Sam K. Joseph, P.E.**
 District or Turnpike Design Engineer

Name: _____ Date _____

Name: _____ Date _____

Name: _____ Date _____

Name: _____ Date _____

Name: _____ Date _____

Name: _____ Date _____

Name: _____ Date _____

Name: _____ Date _____



Name: _____ Date _____

FHWA Division Administrator

I've never received a written response from you with respect to my request for the FHWA to exercise their powers within the **stewardship and oversight agreement** to place a stop-work order on illegally let Federal aid projects fpn 429823-1 and fpn 435341-1.

I've requested many times via text to meet with you or your staff to delineate a blatant and intentional circumvention of law end generally accepted engineering practices, but you haven't afforded me that opportunity yet. Please advise a time when that can take place?

Please kindly forward me all documents you have regarding these two above mentioned projects.

FPN 429823-1 is being misrepresented by construction workers as an asphalt sidewalk. When I've informed the public that it's actually a substantially non-compliant 10 mph design speed, predominantly 8 ft wide shared use path, with numerous 20 ft radii, 0 ft horizontal clearance in places, and 0 ft separation from the roadway in others, some older folks started referring to it as the Frogger Trail, and some younger folks have started calling it the Squid game Trail.

Can I please have your permission suggest dedicating the subject section of the Statewide SUN Trail Network as the James Christian Trail simply to avoid any further confusion on who had the absolute last word on safety?

Please provide all copies signed by you as the FHWA Division Administrator approving the plentiful design variations alleged to be wrongfully applied to fpn 429823-1. I was only able to finally receive written documentation of the design variations after several months of denied requests for the subject variations.

Please listen to the sound audio from the June 2020 Lee MPO TIP approval and hear me pleading with the Lee MPO Board for them to please request to see the design variations for fpn 429823-1 so they could recognize how important it was for public safety to transpose the alignments of fpn 429823-1 and fpn 435341-1. Unfortunately, Lee MPO non-engineer Don Scott, FDOT non-engineer Wayne Gaither, as well as FDOT non-engineer Michael Tisch blatantly misrepresented the projects to the Lee MPO Board in violation of Title 18, USC, section 1020.

Please listen to and view the presentations during the May 26th, 2020 Lee MPO BPCC meeting. Non-engineer MPO Director, Don Scott, substantially misrepresented the project. Page 6 of his presentation is substantially false. Please compare the linear footage of different path widths cited in the presentation on May 26, 2020 that the non-engineer Director wrongfully used the influence the voters to approve what they were told was almost entirely 10' wide and were never informed there were design variations signed four months earlier indicating fpn 429823-1 would be predominantly only 8' wide and have a maximum design speed of only 10 mph, against the design variations prior to signing the variations.

Please listen to the 5-26-2020 Lee MPO BPCC Meeting to hear the same Lee MPO staff member, Ron Gogoi, (That wrongfully ignored Professional Engineer's opinions conveyed by FDOT during the 8-26-2014 and 5-26-2015 Lee MPO Meetings) interrupt the 5-26-2020 BPCC meeting and misinformed the BPCC as to the process after a BPCC voting member, Henry Burden, (That ironically, will be adversely impacted by fpn 429823-1) wanted to make a motion to bifurcate fpn 429823-1 and fpn 435341-1 from the TIP so transposing the projects could be evaluated more closely because he rides about 5k miles a year, lives in the community, and believed the alignments of the projects up for approval was unsafe.

The non-engineer BPCC Chair, Dan Moser, followed non-engineer Lee MPO staff member Ron Gogoi's abuses of power and the "process" by stating the Shared Use Path really should be on the other side of SR80, but since I know three Commissioners that are against the project we have to approve it so the Board has our recommendation and approves the project. We need to take the money now that is there now because I'm worried we will lose it if we don't. (May 26, 2020 Lee MPO BPCC Meeting)

Can any recipient of this email please comment if the MPO "process" defines the Lee MPO BPCC Chair not wanting to let the full MPO Board know how they really feel about the project because they want to misappropriate federal funding for a project they don't really want just because the federal funding is available?

From what I've read that is not the process. The "No-Build Outcome", or the widely known to be safer project that the public and voters endorsed was not an option to voters. This was likely because it would not support the State's pending litigation against a stakeholder within the project's limits over the FDOT improperly noticing a modification of a non-conforming grandfathered access point which could not be modified without site cures and adversely impacting the safety and operational characteristics of the state highway system.

Please do not simply ask the accused if they violated the law. The substantial design variations were signed by FDOT four months prior to the projects last being approved by full MPO Board in June of 2020.

I allege the substantial design variations pertaining to the substantially non-conforming, 10 mph, predominantly only 8' wide, as tight as 20' radii, as little as 0' horizontal clearance, as little as 0' separation from traveled way section of the Statewide SUN Trail Network section was substantially misrepresented to the public and ALL voting members of the Lee MPO advisory committees and the full MPO Board in

olation of federal law leading up to the Lee MPO approving the TIP in June of 2020 because non-engineers that included former FDOT General Counsel, Erik Fenniman, (See attached) forced Professional engineer FDOT District One Secretary, L.K. Nandam to believe that fpn 429823-1 had to be amended back to the shared use path proposed in 2018, from the sidewalk contracted in 2019, then approved by the Lee MPO in June or 2020 or FDOT because if not the Court may find that every document produced by the FDOT since 2017 and filed with the Court since 2018 was not supported by law and just volous litigation to cover up blatant wrongful governmental actions.

hat outcome would have proved the design firm, the FDOT, the Lee MPO were all at fault. Therefore, the only reason the least safety compliant, most expensive project option the public, largely if not unanimously, does not want constructed is in construction now was because it was best project option for FDOT to litigate a pending several year legal battle against a small business owner pertaining to the DOT wrongfully attempting to modify a non-conforming grandfathered access point with several versions of anonymous conceptual shop drawings related to a conceptual shop drawing the stakeholder was properly noticed with in 2017.

lease either take action to stop work on the above-mentioned illegally let projects so the corridor can be properly evaluated and a PD&E Study can bring substantial adverse impacts into consideration, or gn off on all design variations pertaining to fpn 429823-1 as Division Administrator and copy me on all design variations. I've provided an example below from one of a signature pages from one of the many esign Variations.

o be very clear of my accusations, FDOT denied my public record requests for Design Variations pertaining to fpn 429823-1 for several months prior to fpn 429823-1 and fpn 435341-1 being misrepresented to the public, the MPO advisory committees, and the full MPO Board prior to voting and on the day the TIP was approved on June 19, 2020 which included the subject projects. As a matter of fact, on June 9th, 2020 during the Lee MPO Board meeting I requested the Design Variations be made known to the Board prior to voting, but my request was denied. In stark contrast, multiple non-engineers with FDOT atantly misrepresented both fpn 429823-1 and fpn 435341-1.

Thank you
John Majka

Recommended by:

Digitally signed by Nicholas S Ruiz
DN: cn=Nicholas S Ruiz, o=Lee County, ou=Lee County Date 2/27/2020

Name: Nicholas Ruiz, P.E.
Responsible Professional Engineer or Landscape Architect (Landscape-Only Projects)

Approvals:

Digitally signed by SAM K JOSEPH
DN: cn=Sam K. Joseph, P.E., o=Lee County, ou=Lee County Date _____

Name: Sam K. Joseph, P.E.
District or Turnpike Design Engineer

Name: _____ Date _____
District Structures Design Engineer

Date _____

Date _____

Name: _____
State Roadway Design Engineer

Name: _____
State Structures Design Engineer

Date _____
Name: _____
Chief Engineer

Date _____
Name: _____
FHWA Division Administrator

If the above mentioned is not adequate to pull Federal Certification from the Lee MPO and exercise the Stewardship and Oversight Agreement to place a stop work order, this additional information and attachments should clearly prove the following.

1. The project in construction now is creating adverse impacts to stakeholders and an administrative determination was required.
2. The most recent *class of action determination* was intentionally falsified because meeting transcripts from the Lee MPO BPCC meeting on 8-26-14 proves both the Lee MPO staff and the FDOT staff knew fpn 429823-1 would create adverse impacts to property access.
3. A *Type 1 Categorical Exclusion* was wrongfully applied.
4. A PD&E Study should have been conducted and would have exposed substantial defects.
5. fpn 429823-1 and fpn 435341-1 were illegally let.
6. The only option is to pull the projects immediately.
7. The two projects need to be redesigned considering the existing Feasibility Study (2010) and findings from after mentioned #8, #9, and #10. The FDOT, the Lee MPO Staff, the Lee MPO BPCC, and Lee MPO TAC did not appropriately consider the 2010 Feasibility Study. The Lee MPO staff did not present the subject projects to the Lee MPO CAC on 8-26-2014 or 5-26-2015 like the BPCC and TAC.
8. A PD&E Study should not have been circumvented.
9. A corridor evaluation should not have been circumvented.
10. The Access Management Review Committee should not have been circumvented.

In my opinion, I've offered clear and convincing evidence of violating **Title 18, USC, section 1020**.

Please provide any updates and you opinions you may have with respect to taking affirmative action and contact me with available dates to meet with FHWA and FTA staff so I can provide more detailed information regarding how the Lee MPO has violated Federal law, State Statues, and County Ordinances.

I've included some emails after my signature to point out other failures in the "process" by the Lee MPO staff.

Here's the process used to approve fpn 429823-1 and fpn 435341-1 by the several voting members (about 1/3 of the voting body) on the Lee MPO from the City of Cape Coral.

1. Starting in 2019 the public requested to meet individually with all voting members sitting on the Board of the Lee MPO (about 1/3 of the voting body) about a safety concerns and substantial adverse impacts only had one single contact point.
2. The single contact point with the City of Cape Coral took the public request to the Mayor to determine if the Mayor would allow the Council members to discuss the topic with the public because that is the "Hierarchy" system the City of Cape Coral uses.
3. When the public was not allowed to discuss the Federal aid projects with any of the voting members from the City of Cape Coral, the member of the public explained to the single contact point how all the elected officials with the City of Cape Coral sit ex officio on the Lee MPO.
4. The single contact point with the City of Cape Coral sit ex officio on the Lee MPO, informed the member of the public they would have to contact the Lee MPO staff to find out what they should do.
5. The City of Cape Coral did not allow the member of the public to discuss the adverse safety, environmental, and economic impacts the proposed projects would create.
6. After written requests to Lee MPO staff failed, the member of the public appeared at dozens of Lee MPO Board meetings over four years requesting to be allowed to come back and present at a future meeting as an agenda item, but was told by the MPO Chair that they were informed the matter was not within the purview of the MPO.
7. The member of the public cited f.s. 335.175, presented a copy of the Statue, and requested a letter from the Board stating the matter was not within the purview of the MPO.
8. The subject Federal aid projects were approved by the Lee MPO Board after several years of opposition.
9. The City of Cape Coral, Bonita Springs, Village of Estero, Sanibel, and so on received Federal grant monies.
10. Federal aid projects fpn 429823-1 and fpn 435341-1 were both illegally let and construction commenced in the subject underserved community.

John Majka

-----Original Message-----

From: jjm66@aol.com
To: cgriglin@capecoral.gov <cgriglin@capecoral.gov>
Sent: Thu, Nov 4, 2021 1:12 pm
Subject: Re: Meeting requests for substantially misrepresented federal aid projects fpn 429823-1 and fpn 435341-1

Good afternoon Connie,

Are you in receipt of my email? For clarity purposes, I would like you to document why the MPO Board members refused to meet with me since first contacting you with my request to meet with them individually.

A word of advice, if you contact the MPO staff for advice, but suspect the MPO staff may be giving you and/or the MPO Board members incorrect advice to cover up criminal activity, please read F.S. 339.175 and the MPO Bylaws on your own so the MPO Board members from the City of Cape Coral don't inadvertently expose themselves.

I think you will eventually learn that you and/or the MPO Board members were likely given bad advice in 2019, because in 2018 I made the FDOT, the MPO staff, and MPO Board aware of mistakes the FDOT and MPO STAFF made in 2014 and 2015 prior to the reckless criminal intent.

I don't want to see 5.5 millions dollars misappropriated on projects that can't be used for their intended proposes and intentionally create a dangerous by design road.

Thank you
John Majka

-----Original Message-----

From: jjm66@aol.com
To: cgriglin@capecoral.gov <cgriglin@capecoral.gov>
Sent: Tue, Nov 2, 2021 2:17 pm
Subject: Re: Meeting requests for substantially misrepresented federal aid projects fpn 429823-1 and fpn 435341-1

Good morning Connie,

Thank you for reaching out in reference to transposing the alignments of fpn 429823-1 and fpn 435341-1 along SR80 for safety, environmental, and economic concerns.

In my opinion, it's problematic, concerning for Sunshine violations, and potentially detrimental to the health, safety, and welfare of the public to have a single contact point for a segment of the elected officials from Cape Coral sitting ex officio on the Lee County MPO Board.

For example, that one individual contact may seek guidance (correct guidance or not) from the MPO staff or MPO Counsel about complex MPO procedures, or the MPO board members roles, duties, and responsibilities, and then may influence only a segment of the full MPO Board prior to voting on an agenda item or taking action on other topics.

For example, during many meetings I've verbally requested for the MPO board to approve the SR80 safety concerns to be added as a future agenda item.

It is distressing to review my email and PowerPoint from April, 2019 that I sent in anticipation of using as a presentation when individually meeting as soon as possible with Mayor Coviello and every other voting member on the Board of the Lee County MPO at the time.

To answer your question, there are additional cumulative adverse impacts that were unknown or created in the last 2.5 years, however, *"the safety concerns that will be created when having to back in off SR80"*, does remain a major safety concern.

The Lee MPO staff and the FDOT have made the matter far more complex than it had to be, but I will start with the following topics.

1. A PD&E Study related to fpn 429823-1.

Who does the Board members believe?

A. The District One Secretary who informed the MPO Board that FDOT did conduct a PD&E Study on fpn 429823-1?

B. The Lee MPO Director who informed the MPO Board that FDOT did NOT conduct a PD&E Study on fpn 429823-1 because the State did not have to because the State did not need to take land for the project?

C. Stakeholder, John Majka, that alleges the District Secretary and MPO Director are both misrepresenting the truth to the MPO Board. The Secretary because the FDOT did not conduct, nor can produce, a PD&E Study. The MPO Director because the need to take property is not the sole mechanism to trigger conducting a PD&E Study. By their own law there needs to be a PD&E Study conducted.

Therefore, it is alleged that the FDOT and MPO Staff are both in violation of, including but not limited to, Title 18, USC, section 1020 for substantially misrepresenting fpn 429823-1 and fpn 435341-1.

2. Would have the Lee MPO Board members voted to approve the SR 80 projects in June of 2020, (as the surviving, deceased, and former Board members did at the time), if they knew prior to voting that a PD&E Study and the appropriate public involvement opportunities were illegally bypassed? Would have the board, the BPCC, and TAC committees (The CAC motioned to transpose the projects alignments) approved the projects if they were not substantially misrepresented?

For examples, FDOT purporting to the MPO board that fpn 429823-1 will be wide and able to ride a bike on, when it is not even the minimum design width and their own engineer imposed a 10 mph speed limit making it mostly unable to safely cycle on, prior to the MPO approval, or the MPO Director endorsing a shared use path along the North side as a better option to approve because a shared use path will have a higher design speed than a sidewalk. That statement would be true if there were not cumulative design variations hidden from the public, MPO Board, and committees that had already lowered the speed limit to slower than a beginner cyclist rides at.

These are both examples of the SR80 projects being substantially misrepresented by the FDOT and the MPO staff in violation of the law prior to the MPO Board approving federal aid projects.

As you know, I've made numerous request to meet individually with all the MPO Board members from Cape Coral dating back to 2019, but not a one meeting or telephone call was scheduled or took place.

As the single contact for the Cape Coral segment of the full MPO board, please provide the individual responses you received from each MPO Board member as to why they all have refused to meet with me individually as I requested.

I'm ready to meet individually with each of the current Lee MPO Board members as soon as possible.

Thank you
John Majka

From: [ROBERT WILGOSZ](#)
To: [Gonzalez, Carlos A \(FHWA\)](#)
Subject: Fw: ROUTE 80 SIDEWALK & MULTI-USE PATHWAY FORT MYERS SHORES - 429823 and 435341
Date: Wednesday, March 16, 2022 10:32:08 AM

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Carlos A. Gonzalez

In response to your request to send an email in relation to the MPO meeting that took place on March 15th 2022.. @ 6PM EST.

ITEMS:

- 1- In 2014 Ryan Weeks showed up late at the end of the MPO meeting, stated for the record that the North side project should only be sidewalk due to physical constraints, cost increases, and impacts businesses. A Multi-use Pathway was planned for the South Side of Rt.80.
- 2- The FDOT Manual Spells Out the Most Important General Basics Of Criteria which IS, Basic design of a Multi-use Pathway should be 12Ft. Wide, can narrow to10 Ft. Where necessary, to 8Ft in Avoidance of Major obstacles for short distances. Turning Radiuses should be smooth and Minimal in order to Maintain a minimum Speed of 18 MPH. A Multi-use Path should have, the least interruptions possible, so bicycles can move continuously unimpeded!!!! The Majority Of The Path on The North Side will only be 8 Feet with Very Sharp Turning Radiuses with a Maximum Speed of 10 MPH !!!!! WHAT BICYCLEST IS GOING TO WANT TO USE THAT PATHWAY???????
- 3- At present there are approximately 73 Interruptions currently and when all the properties are Developed approximately Over 100 On The North Side, Whereas the South Side has Approximately 10 Interruptions for the same 5 Mile Stretch. I believe it doesn't take a Rocket Scientist to Figure Out which Side the Multi-use Bicycle Path Belongs On. And on the South Side the Path would be Shielded From the Roadway By a Significant Buffer Zone.
- 4- Approximately 140 Trees Have TO BE REMOVED, and Less than Half of that for just a Sidewalk.
- 5- A large Majority of the water Drainage Swales will have to be eliminated and Replaced with Drainage Pipe to handle the Storm Water Runoff, this has the Potential of Creating A SIGNIFICANT ENVIRONMENTAL ISSUE WITH THE CALOOSA HATCHEE RIVER, SHALL I CONTINUE???????
- 6- It has been determined that on average 38k Vehicles pass through this area every day and that is only going to Increase, get Worse over time. With the narrowing of Driveway Access and whatever pedestrian, bicycle traffic is added, with no Queuing Lanes the backup of Traffic on Rt.80 is going to be Abominable. I believe there was not enough Forethought given all these considerations, FDOT Will be held Accountable for the Future Fatalities they are going to create and Folks Like Morgan & Morgan are Going To Have a Field Day, the Awards are Going to be Astronomical, WHEN It Happens, More and More Folks Like Us Will Come Forth and Testify as to All The ILLEGALITIES and Rules That were Flagrantly Broken By FDOT and Others Who Were Complicit in The Rubber Stamping of This Project, I could even Foresee Criminal Charges Being Brought Against Certain Individuals being held **individually** accountable for Neglecting Their Fiduciary Responsibility to The Public.

In Closing, I Hope The Facts I've Presented Here Which are Only The Tip Of The Iceberg, Cause Some People TO OPEN THEIR EYES AND WAKE UP, THIS IS A TIME BOMB JUST WAITING TO GO OFF.

With the majority of pedestrian and cyclist fatalities occurring when crossing the road, PLEASE TELL ME WHO WOULD DESIGN 5 MILES OF THE SUN TRAIL WITH NO MID-BLOCK CROSSWALKS ON A 6 LANE HIGHWAY?????

Be Well and Be Blessed Robert

PS. We Have Copies of Audio Transcripts preserved From All The Prior Meetings As Rocket Solid Proof Of What Has Taken Place Since The Inception Of This Project.

Appendix F. Status of Previous Certification Findings

The following is a summary of the previous corrective actions and recommendations made by the Federal Review Team to the Lee County MPO. The MPO's last certification review report was published September 2018.

A. Corrective Actions

LRTP - Financial Plan/Fiscal Constraint: The 2040 LRTP does not clearly demonstrate overall fiscal constraint. Several of the CFP tables show costs exceeding revenues and do not include costs for the full 20-year horizon of the plan. The tables also do not clearly specify which projects are federally-funded. **The MPO must update the CFP by March 1, 2019 to include costs for 2016-2020, identify those projects that are federally funded, and explicitly demonstrate how costs for planned projects do not exceed anticipated revenues.**

FHWA Update: The MPO took necessary actions to resolve the corrective action. The FHWA/FTA sent formal correspondence on March 5, 2020 confirming that the corrective action had been satisfied.

B. Recommendations

There were no recommendations identified in the 2018 Certification Review.

Appendix G. Acronym List

ADA – Americans with Disabilities Act	NTI – National Transit Institute
AQ – Air Quality	PEA – Planning Emphasis Area
CAAA – Clean Air Act Amendments of 1990	PL – Metropolitan Planning Funds
CFP – Cost Feasible Plan (of the LRTP)	PPP – Public Participation Plan
CFR – Code of Federal Regulations	RA – Regional Administrator
CMAQ – Congestion Mitigation and Air Quality	RTIP – Regional Transportation Implementation Plan
CMP – Congestion Management Process	RTP – Regional Transportation Plan
DA – Division Administrator	SAFETEA-LU – Safe, Accountable, Efficient Transportation Equity Act: A Legacy for Users
DBE – Disadvantaged Business Enterprises	RPC – Regional Planning Commission
DHHS – Department of Health and Human Services	SFY – State Fiscal Year
EJ – Environmental Justice	SHA – State Highway Administration
ETDM – Efficient Transportation Decision Making	SHSP – Strategic Highway Safety Plan
EPA – Environmental Protection Agency	SIP – State Implementation Plan
FAST Act – Fixing America’s Surface Transportation Act	SOP – Standard Operating Procedures
FDOT – Florida Department of Transportation	SOV – Single Occupancy Vehicle
FHWA – Federal Highway Administration	SPR – State Planning and Research
FTA – Federal Transit Administration	STIP – Statewide Transportation Improvement Program
FY – Federal Fiscal Year	STP – Surface Transportation Program
GIS – Geographic Information Systems	TAM – Transit Asset Management
HSIP – Highway Safety Improvement Program	TAMP – Transportation Asset Management Plan
HPMS Reviews – Highway Performance Monitoring System	TAZ – Transportation Analysis Zone
ISTEA – Intermodal Surface Transportation Efficiency Act	TCM – Transportation Control Measure
ITS – Intelligent Transportation Systems	TDM – Transportation Demand Management
LEP – Limited English Proficiency	TDP – Transit Development Plan
LRTP – Long Range Transportation Plan	TEA-21 – Transportation Equity Act for the 21 st Century
M&O – Management and Operations	TIP – Transportation Improvement Program
MAP-21 – Moving Ahead for Progress in the 21 st Century	Title VI – Title VI of the 1964 Civil Rights Act
MOA – Memorandum of Agreement	TMA – Transportation Management Area
MOU – Memorandum of Understanding	TMIP – Travel Model Improvement Program
MPA – Metropolitan Planning Area Boundary	TPA – Transportation Planning Agency
MPO – Metropolitan Planning Organization	TPCB – Transportation Planning Capacity Building Program
MPOAC – Metropolitan Planning Organization Advisory Council	TPM – Transportation Performance Management
NAAQS-National Ambient Air Quality Standards	TPO – Transportation Planning Organization
NEPA – National Environmental Policy Act	UAB – Urban Area Boundary
NHI – National Highway Institute	UPWP – Unified Planning Work Plan
NHS – National Highway System	U.S.C. – United States Code
	UZA – Urbanized Areas
	VMT – Vehicle Miles Traveled



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Federal Transit Administration
Region 4 Office
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Atlanta, Georgia 30303
(404) 865-5600

September 26, 2022

Councilmember Teresa Watkins Brown
City of Fort Myers
P.O. Drawer 2217
Fort Myers FL 22902-2217

**Subject: Federal Certification of the Cape Coral Transportation Management Area
Planning Process – Lee County Metropolitan Planning Organization**

Dear Councilmember Watkins Brown:

Federal law requires the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) to jointly review and certify the metropolitan transportation planning process for each Transportation Management Area (TMA) every four years. A Metropolitan Planning Organization (MPO) with an urbanized area of 200,000 or more in population is referred to, in federal legislation, as a TMA. We recently conducted a review of the Cape Coral TMA, more commonly referred to as the Lee County MPO.

As a part of the TMA certification review process, FHWA and FTA utilized a risk-based approach containing various factors to determine which topic areas required additional evaluation during the certification review. The certification review process is one of several methods used to assess the quality of a regional metropolitan transportation planning process, compliance with applicable statutes and regulations, as well as the degree of technical assistance needed to enhance the effectiveness of the planning process. This certification review was conducted to highlight best practices, identify opportunities for improvements, and ensure compliance with regulatory requirements.

The review of the Lee County MPO's planning process included a site visit conducted by representatives from the FHWA and the FTA on March 15, 2022. During the site visit, time was spent with the MPO staff, the Florida Department of Transportation (FDOT), and the transit agencies to discuss the status of the MPO's "3-C" planning process. Throughout the site visit, opportunities were afforded to local elected/appointed officials and the general public to provide their insights on the Lee County MPO's planning process. In addition to assessing the MPO's progress in addressing the findings from the previous certification review, the MPO's current and/or future implementation of the metropolitan transportation planning requirements was also considered.

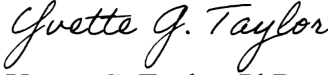
Enclosed for your consideration is the final *TMA Certification Review Report* for the Cape Coral TMA, which includes documentation of the various components of the FHWA/FTA certification review of the Lee County MPO. The report provides an overview of the TMA certification review process, summarizes the various discussions from the recent site visit, provides a series of review findings, and issues the FHWA/FTA certification action. In general, the review determined the existence of a “3-C” metropolitan transportation planning process that satisfies the provisions of 23 U.S.C. 134, 49 U.S.C. 5303/5305, and associated Federal requirements. The Federal Review Team identified three (3) noteworthy practices, no corrective actions, and offers three (3) recommendations to improve the current planning process of the Lee County MPO.

Based on the overall findings, the FHWA and the FTA jointly certify that the transportation planning process of the Cape Coral TMA, which is comprised entirely of the Lee County MPO, substantially meets the federal planning requirements in 23 CFR 450 Subpart C. This certification will remain in effect until **September 2026**.

If you have any questions regarding the certification review process and/or the *TMA Certification Review Report*, please contact Carlos A. Gonzalez by phone at (850) 553-2221 or by email at carlos.a.gonzalez@dot.gov.

Sincerely,

FOR: Jamie Christian, P.E.
Division Administrator
Federal Highway Administration


Yvette G. Taylor, PhD
Regional Administrator
Federal Transit Administration

Enclosure:
TMA Certification Review Report

cc: Mr. Don Scott, Lee MPO
Ms. Cathy Kendall, FHWA
Ms. Karen Brunelle, FHWA
Mr. John Crocker, FTA, Region 4
Mr. Carlos Gonzalez, FHWA
Mr. Carey Shepherd, FHWA
Mr. Joseph Sullivan, FHWA
Mr. Wayne Gaither, FDOT, District 1
Ms. Erika Thompson, FDOT
Ms. Alison Stettner, FDOT
Ms. Mark E. Reichert, MPOAC
Mr. Mike Neidhart, FDOT

FOLLOW UP INFORMATION ON THE LEE COUNTY TRANSPORTATION PROJECT TIER PRESENTATION

DISCUSSION ITEM:

The Lee MPO staff has mentioned in the past the Lee County transportation project prioritization tiering system and as a follow up to the discussion at the last meeting is presenting that information. **Attached** is a portion of the presentation that was made last year on the three tiers of project priorities and the projected cost of each project. Staff will provide additional project information at the meeting.

RANKING CRITERIA

System Preservation / Maintenance of Assets

Existing or Forecasted Service Level Deficiencies
(More weight applied existing deficiencies)

System Continuity

Safety

Multi-Modal Benefits

Donation or Matching Fund Offers
(State/Municipal/Private)

Return on Investment





TIER 1 PROJECTS

Priority	Current Priority	Project	Updated Score	Spent / Budgeted	Unfunded Balance	Total Project Cost
1	1	Three Oaks Pkwy. Extension North to Daniels Pkwy. & Daniels Pkwy. 8L, Apaloosa Ln.-I-75	10.4	\$156,470,281		\$156,470,281
2	2	Big Carlos Pass Bridge Replacement	9.65	\$80,157,241		\$80,157,241
3	3	Lehigh Acres Paving Program	5.4	\$42,925,369	\$57,074,631	\$100,000,000
4	4	Ortiz Ave. 4L, Colonial Blvd.-MLK Blvd	7.3	\$23,785,345		\$23,785,345
--	5	Estero Blvd. Improvements (Complete Mar. 2022)	9.6	\$80,085,797		\$80,085,797
5	6	Littleton Rd. 3L, Corbett Rd.-US 41	7.35	\$15,347,569		\$15,347,569
6	7	Corkscrew Rd. 4L, Ben Hill-Alico Rd. (2 seg.)	8.35	\$54,531,493		\$54,531,493
7	8	Alico 4L Connector, Airport Haul Rd-SR 82	9.8	\$171,256,253		\$171,256,253
8	9	Ortiz Ave. 4L, MLK Blvd.-Lockett Rd. & Lockett Rd. 4L, Ortiz Ave.-I-75	7.1	\$46,572,046		\$46,572,046
9	10	Colonial Safety Improvements, US41-McGregor	9.6	\$857,031		\$857,031
10	11	Cape Coral Bridge WB Span Replacement/6L	9.1	\$19,375,684	\$164,754,039	\$184,129,723
11	12	Colonial-Summerlin Flyover/Midpoint Bridge 6L	9.6		\$193,416,426	\$193,416,426
19 ↓	13	Veterans Pkwy. 6L, Chiquita Blvd.-Skyline Blvd.	5.4		\$17,615,375	\$17,615,375
12	14	Hickory Bridge Replacements	7.65	\$8,188,912	\$71,476,865	\$79,665,777
SUBTOTAL				\$699,553,021	\$504,337,336	\$1,203,890,357

TIER 1 PROJECTS



Priority	Project	Spent / Budgeted	Unfunded Balance	Total Project Cost	Recommended Funding Source	Const. Start *
1	Three Oaks Pkwy. Extension North to Daniels Pkwy. & Daniels Pkwy. 8L, Apaloosa Ln.-I-75	\$156,470,281		\$156,470,281	Impact Fees, Gas Tax, GIF	2022 2023
2	Big Carlos Pass Bridge Replacement	\$80,157,241		\$80,157,241	Grants, Surplus Tolls	2022
3	Lehigh Acres Paving Program	\$42,925,369	\$57,074,631	\$100,000,000	GIF	Ongoing
4	Ortiz Ave. 4L, Colonial Blvd.-MLK Blvd	\$23,785,345		\$23,785,345	Bond, Impact Fees, GIF, Grant	2022
5	Littleton Rd. 3L, Corbett Rd.-US 41	\$15,347,569		\$15,347,569	Impact Fees, Gas Tax, Grant	2022
6	Corkscrew Rd. 4L, Ben Hill-Alico Rd. (2 seg.)	\$54,531,493		\$54,531,493	Impact Fees, Gas Tax, Bond, Grant	1.Underway 2. 2023
7	Alico 4L Connector, Airport Haul Rd.-SR 82	\$171,256,253		\$171,256,253	Impact Fees, Gas Tax, Bond	1. 2023 2. 2025
8	Ortiz Ave. 4L, MLK Blvd.-Luckett Rd. & Luckett Rd. 4L, Ortiz Ave.-I-75	\$46,572,046		\$46,572,046	Impact Fees, Gas Tax	2025
9	Colonial Safety/Int. Improvements, US 41-McGregor	\$857,031		\$875,031	Surplus Tolls, Impact Fees, Gas Tax	2022
10	Cape Coral Bridge WB Replacement/6L	\$19,375,684	\$164,754,039	\$184,129,723	Grant, Surplus Tolls, Debt	2026
11	Colonial-Summerilin Flyover/Midpoint Bridge 6L		\$193,416,426	\$193,416,426	Grant, Surplus Tolls, Debt	TBD
12	Hickory Bridge Replacements	\$8,188,912	\$71,476,865	\$79,665,777	Grant, Surplus Tolls, Gas Tax	TBD
SUBTOTAL		\$619,467,224	\$486,726,961	\$1,106,194,185		

* Subject to change as CIP updated with new costs and balanced against available revenues

TIER 2 PROJECTS

Priority	Current Priority	Project	Updated Score	Spent / Budgeted	Unfunded Balance	Total Project Cost
13	15	Burnt Store Rd. 4L, Van Buren-Charlotte Co.	6.35	\$2,275,000	\$176,173,555	\$178,448,555
14	NEW	Corkscrew Rd. 4L, Alico Rd.-Verdana Village Ent.	7.3		\$68,154,351	\$68,154,351
15	16	Ortiz Ave. 4L, Lockett Rd.- Palm Beach Blvd.	5.4	\$11,558,339	\$16,860,000	\$28,418,339
16	17	Orange River Blvd. Bridge Replacement	6.7		\$2,420,508	\$2,420,508
17	18	Homestead Rd. 4L, Milwaukee Blvd.-Sunrise Blvd	4.9		\$22,173,517	\$22,173,517
18	19	Corkscrew Rd. 6L, Three Oaks Pkwy.-I-75	5.6		\$7,700,000	\$7,700,000
19	13 ↓	Veterans Pkwy. 6L, Chiquita Blvd.-Skyline Blvd.	5.4		\$17,615,375	\$17,615,375
20	20	Stringfellow Bridge Replacement (Monroe Canal)	5.4		\$1,751,000	\$1,751,000
21	21	Broadway (Alva) Bridge Replacement	4.75		\$17,888,578	\$17,888,578
			SUBTOTAL	\$13,833,339	\$330,736,884	\$344,570,223



TIER 3 PROJECTS

Priority	Current Priority	Project	Updated Score	Spent / Budgeted	Unfunded Balance	Total Project Cost	
22	NEW	Sunshine Blvd 4L, SR 82-Lee Blvd.	4.35		\$48,500,000	\$48,500,000	
23	22	Crystal Dr. 2L Ext., Plantation Rd.-Six Mile Pkwy.	3.9		\$15,987,304	\$15,987,304	
24	23	Hancock Bridge Pkwy. Bridge Replacement	4.6		\$3,918,506	\$3,918,506	
25	24	Buckingham Rd. 4L, Orange River Blvd.-Palm Beach	2.7		\$53,230,233	\$53,230,233	
26	25	Veterans/Santa Barbara Overpass	3.4		\$30,450,000	\$30,450,000	
27	26	Harbor Drive (Boca Grande) Bridge Replacement	3.2		\$2,043,850	\$2,043,850	
28	27	Bonita Beach Rd. 6L, US 41-Old 41	2.95	\$1,994,332	\$26,886,660	\$28,880,992	
29	28	Crystal Dr. 3L, US 41-Metro Pkwy.	2.35		\$12,738,455	\$12,738,455	
SUBTOTAL TIER 3					\$1,994,332	\$193,755,008	\$195,749,340
TOTAL ALL TIERS					\$635,294,895	\$1,011,218,853	\$1,646,513,748



INFORMATION ON THE ELECTRIC VEHICLE FEE RESOLUTION DISCUSSION

DISCUSSION ITEM:

Back in November the MPO staff presented the CAC resolution supporting legislation to increase the registration fee for electric and hybrid vehicles. The MPO Board did not approve the resolution and the discussion focused in on potentially using a portion of the electricity taxes for transportation projects. From a review of the current taxes on electricity in Florida, these include a gross receipts tax of 2.56% that goes to the State, franchise fees that go to the municipalities and or counties, utility municipal tax (includes Cape Coral, Fort Myers and Fort Myers Beach in our area), sales tax paid to the State, and discretionary sales surtax to the county.

Finding out where those or other similar charged taxes are used for transportation improvements or maintenance for examples to follow has not been easy. The State of Iowa is implementing a new tax to address the impacts of electric vehicles by adding an excise tax per kilowatt hour for non-residential charging added in with a registration fee from electric passenger covering charging at home. The kilowatt hour charge is mainly focused on making sure that out of state drivers contribute to Iowa's roads.