

**Lee County Transportation Disadvantaged  
Local Coordinating Board- Public Workshop**  
**10:00 a.m., May 5, 2021**  
**815 Nicholas Parkway E, Cape Coral FL**  
Conference Call Number 1-800-356-8278  
Conference Access Code 316027



## AGENDA

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### Call to Order

### Introductions

1. **Overview of the Florida Commission for the Transportation Disadvantaged** (Brian Raimondo)
2. Open Forum

### Adjournment

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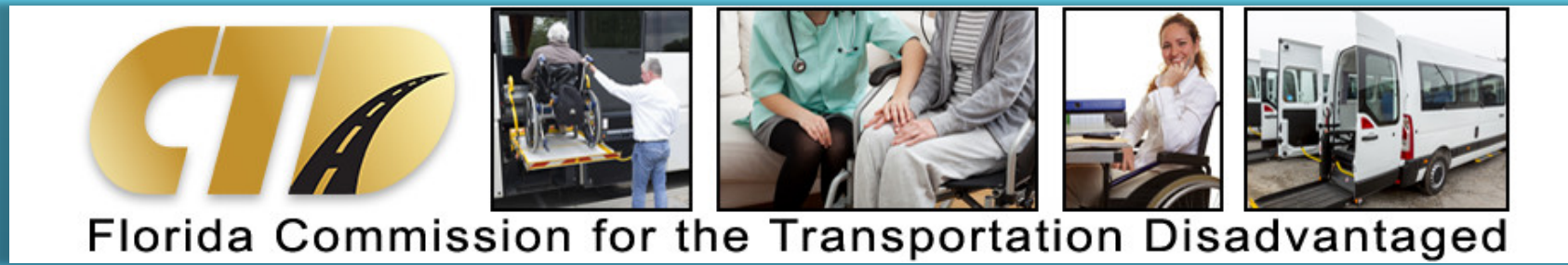
Public participation is solicited without regard to race, color, national origin, sex, age, disability, religion, or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact Calandra Barraco with the Lee County MPO at 239-330-2243 or by email at [cbarraco@leempo.com](mailto: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.

# OVERVIEW OF THE FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

## The Transportation Disadvantaged Program

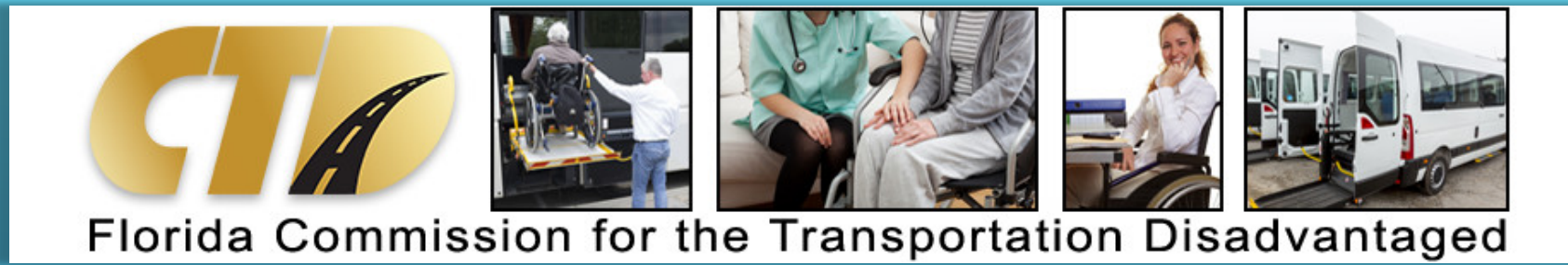
May 5, 2021





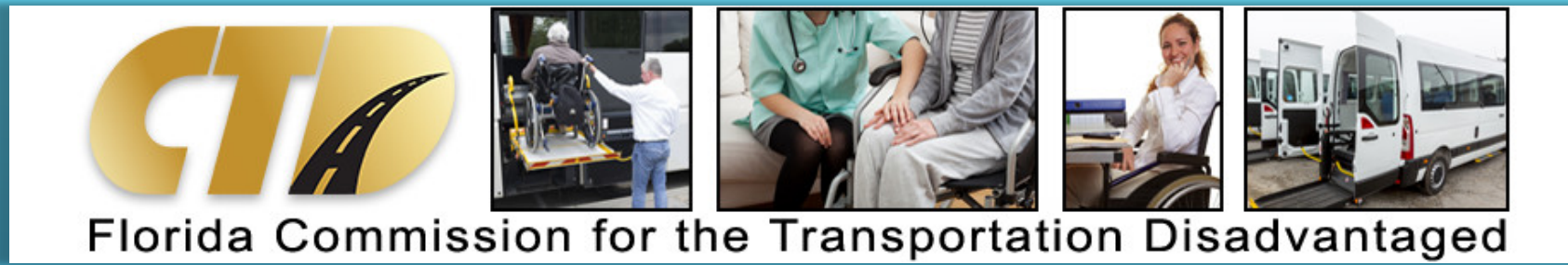
## The Florida CTD's Mission

To insure the availability of efficient, cost-effective, and quality transportation services for transportation disadvantaged persons.



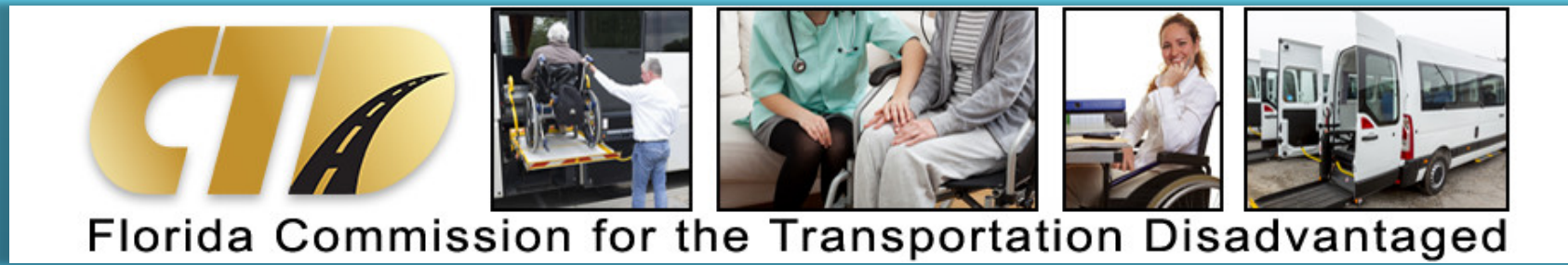
## What is Transportation Disadvantaged?

Those who cannot obtain their own transportation due to a disability, age or income are eligible.



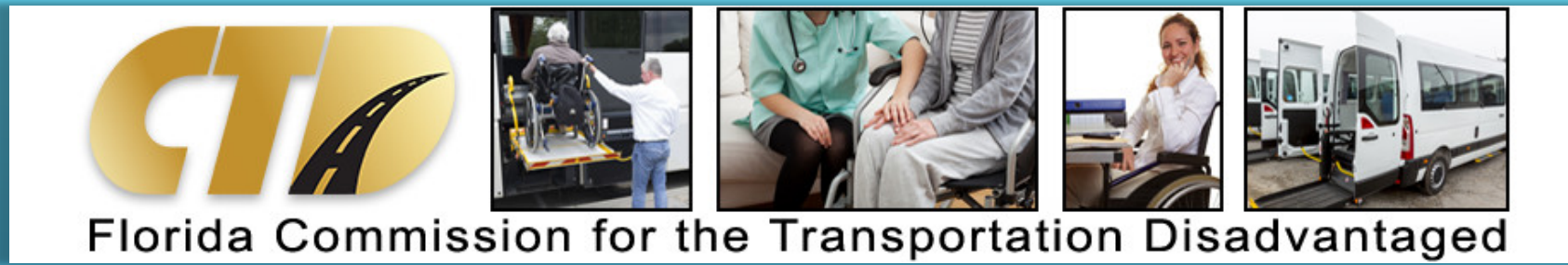
## The Florida CTD Programs

The Transportation Disadvantaged Program is a coordinated state-wide effort which groups riders together for a shared ride service. Transportation services are available in all 67 Florida counties for those who are eligible and have no access to transportation. Federal, State and Local agencies join together to provide necessary transportation to medical appointments, employment, educational and other life sustaining services.



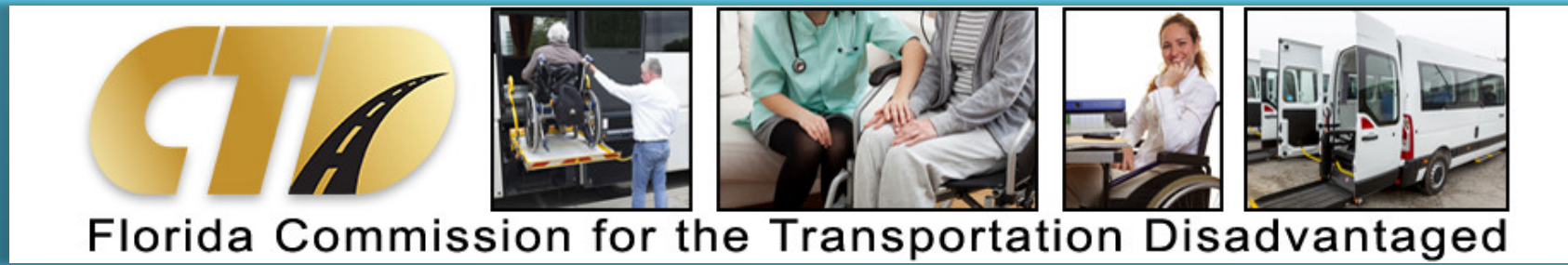
## The Florida CTD Programs

Every time you register or renew the tag on your car, truck or boat, simply check the box on the back of the registration form and contribute \$1 or more to the Transportation Disadvantaged Trust Fund or ask your Tax Collector's Office how you can contribute to the Florida Transportation Disadvantaged Voluntary Dollar Program. 100% of all donations go to assist people in your community.



## The Florida CTD Programs

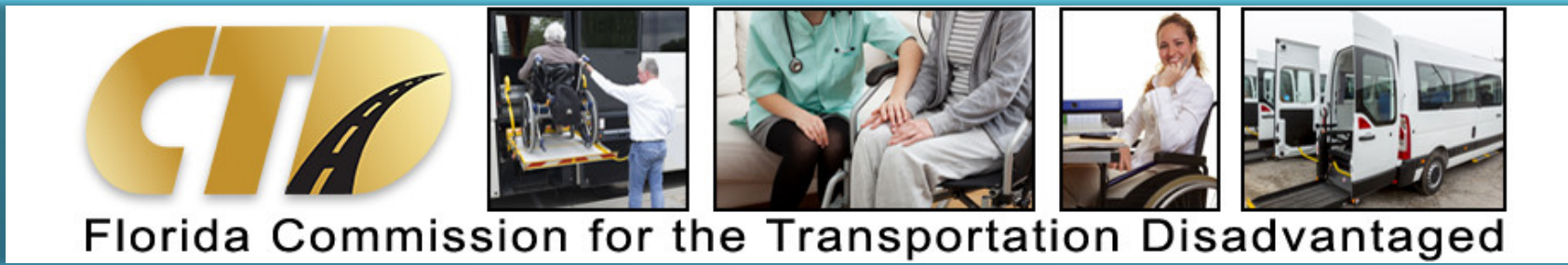
The Toll Permit Program was created in 1988 to address concerns raised regarding individuals who, due to an upper limb impairment, were unable to physically reach out to pay required tolls.



## The Florida CTD Governance

The Florida Legislature created the Commission for the Transportation Disadvantaged in 1989. The Commission sets policies and provides direction to its staff in the areas of quality assurance and program evaluation, technical assistance and training, review of policies and procedures, contract management and financial accountability. The CTD administers the Transportation Disadvantaged Trust Fund and implements all provisions in Chapter 427.013 F.S.





## Governing Documents

- Chapter 427.013, Florida Statutes
- Rule 41-2.003, Florida Administrative Code



# Florida Commission for the Transportation Disadvantaged

## Commission Staff Organization Chart

[David Darm](#)

Executive Director  
(850) 410-5700

**Vacant**

Administrative Assistant  
(850) 410-5721

[Karen Somerset](#)

Assistant Executive Director  
(850) 410-5701

[Elmer Melendez](#)

Support Services Director  
(850) 410-5707

[Cecile Del Moral](#)

Area 1  
Project Manager  
(850) 410-5702

Vacant  
Area 2 Project Manager

[Theresa Joaceus](#)

Financial Services Manager  
(850) 410-5722

[Deborah Hall](#)

Information Technology Manager  
(850) 410-5714

[Dan Zeruto](#)

Area 3  
Project Manager  
(850) 410-5704

[Kyle Mills](#)

Area 4  
Project Manager  
(850) 410-5713

[Sheri Powers](#)

Area 5  
Project Manager  
(850) 410-5710

[John Irvine](#)

Area 6  
Project Manager  
(850) 410-5712

[Helen Mitchell](#)

Secretary Specialist  
(850) 410-5703

[Ken Thompson](#)

Toll Permit Assistant  
(850) 410-5705

# PUBLIC COMMENT

## AGENDA

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### Call to Order

### Introductions

### New Business

1. \*Approval of the Minutes from the March 3, 2021 Meeting
2. Public Comments on Items on or not on the Agenda

### Other Business

3. \*Approval of LeeTran's CTC Acceptance for FYs 2021/2025 (Brian Raimondo)
4. \*Approval of the CTC's FYs 2021/2025 MOA between LeeTran and the CTD (Brian Raimondo)
5. \*CTC 2021-22 Rate Model (Brian Raimondo)
6. \*Approval of LeeTran's Trip/Equipment Grant FY 2021/2022(Brian Raimondo)
7. \*Approval of the Transportation Disadvantaged Service Plan Update (Brian Raimondo)
8. \*Approval of the Grievance Procedures Update (Brian Raimondo)
9. Program Updates and Distribution Items (Brian Raimondo)
10. CTC Updates and Reports
  - Operator Payments
  - Ridership and complaints for January through March 2021
11. Member Comments

### Adjournment

### Next Meeting: June 2, 2021

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#### \*Action Items \*May Require Action

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## Meeting Minutes

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### Call to Order

The LCB meeting, held both in-person (IP) and via conference call (CC), was called to order by Chair Jessica Cosden (CC) at 10:00 a.m.

Members in-person introduced themselves and those on the conference call were introduced as they joined the conference call. MPO staff recorded the roll. There was a quorum.

Those members in attendance included:

A Representative of:	Voting Members	Agency	Alternates to Voting Members	Agency
An elected official from the MPO Board to serve as the official Chairperson.	Jessica Cosden (Present, CC)	City of Cape Coral	No alternate	
A. A local representative of the Florida Department of Transportation (DOT)	Michelle Peronto (Absent)	FDOT	Dale Hanson (Absent) Paul Simmons (Present, CC)	FDOT
B. A local representative of the Florida Department of Children and Families (DCF)	Nicole Negron (Present, CC)	DCF	Bryan DeLaHunt (Absent)	DCF
C. A local representative of the Public Education Community which could include, but not be limited to, a representative of the District School Board, School Board Transportation Office, or Headstart Program in areas where the School District is responsible	Roger Lloyd (Absent)	Lee County School Board	David Rivera (Absent)	
D. In areas where they exist, a local representative of the Division of Vocational Rehabilitation Services or the Division of Blind Services, representing the Department of Education	Adam Long (Present, IP)		Shantel Chapman (Absent)	
E. A person recommended by the local Veterans Service Office, representing Veterans of the county	Sgt. James Lear (Present, IP)		(Vacant)	
F. A person recognized by the Florida Association for Community Action representing the economically disadvantaged	Mariel Orengo (Absent)	Lee County Human Services	Kellie-Ann Torres (Present, CC)	

G. A person representing the Elderly in the county	(Vacant)		(Vacant)	
H. A person with a disability representing the disabled in the county	Paul Lewis (Present, IP)		(Vacant)	
I-1. [One of Two] Citizen Advocates in the County	(Vacant)		(Vacant)	
I-2. [One of two] Citizen Advocates this one must be a person who uses the transportation service(s) of the system as their primary means of transportation.	(Vacant)		(Vacant)	
J. A local representative for children at risk	Juliana Whitaker (Absent)	Golisano Children's Hospital	Brenda Hernandez (Absent)	Golisano Children's Hospital
K. In areas where they exist, the Chairperson or designee of the local Mass Transit or Public Transit Systems Board, except in cases where they are also the Community Transportation Coordinator.	N/A		N/A	
L. A local representative of the Florida Department of Elder Affairs	Vacant	Area Agency on Aging	Vacant	Area Agency on Aging
M. An experienced representative of the local private for profit transportation industry. In areas where such representative is not available, a local private non-profit representative will be appointed, except where said representative is also the CTC.	Michael Griffin (Present, IP)	SWFL Transportation	Ryan Williams (Present)	Creative Resources
N. A local representative of the Florida Agency for Health Care Administration	Signe Jacobson (Present, CC)	AHCA	Lonnie Thompson (Absent) Alma Martinez (Absent)	AHCA
O. A representative of the Regional Workforce Development Board established in Chapter 445, <i>Florida Statutes</i> .	Jim Wall (Absent)	Career Source SWFL	Jah-Mau Lambert (Present, CC)	Career Source SWFL
P. A representative of the local medical community, which may include, but not be limited to, kidney dialysis centers, long term care facilities, hospitals, local health department or other home and community based services, etc.	Heidi Shoriak (Absent)	Lee Health Systems	Kim Anderson (Present, IP)	Lee Health Systems
Q. A representative of the Agency for Persons with Disabilities	Leah Watson (Present, IP)	Agency for Persons with Disabilities	Donna Fain (Absent)	Agency for Persons with Disabilities

Also in attendance: Carlos Menjivar (IP), Kelley Fernandez (CC), Ranice Monroe (CC), and Carlos Rivera (CC) with LeeTran; Kathleen Hoover (CC) with the Southwest Florida Council of the Blind; John Irvine (CC) with the Commission for

the Transportation Disadvantaged; Brian Raimondo (IP), Don Scott (IP), and Calandra Barraco (IP) with the Lee County MPO.

### **New Business**

#### **Agenda Item #1 - \*Approval of the Minutes from the October 28, 2020 Meeting**

**Vice-Chair Michael Griffin made the motion to approve the meeting minutes from October 28, 2020. Mr. Paul Lewis seconded the motion. There were no objections, and the motion passed unanimously.**

#### **Agenda Item #2 - Public Comments on Items on or not on the Agenda**

There were no comments on items on or not on the agenda.

### **Other Business**

#### **Agenda Item #3 - \*Endorsement of FTA Grant Applications for Operating and Capital Assistance**

Mr. Brian Raimondo presented this agenda item for the endorsement of the FTA Grant Applications for Operating and Capital Assistance. He referred to and reviewed the staff report and applications included in the agenda packet and posted to the website. He noted that representatives from LeeTran were in the room and on the phone if there were any questions. Chair Cosden asked if there were any questions, comments, or a motion.

**Sergeant James Lear made the motion to endorse the FTA Grant Applications for Operating and Capital Assistance. Vice-Chair Michael Griffin seconded the motion. There were no objections, and the motion passed unanimously.**

#### **Agenda Item #4 - \*CTC 2020-2021 Rate Model**

Mr. Raimondo presented this agenda item for the review and approval of the CTC 2020-2021 Rate Model. He noted LeeTran updates the rate model annually. He commented that this rate model would be for next year assuming LeeTran remains the CTC whether continuing in an emergency capacity or other role. He added the rate model was emailed to the committee last week. He explained the history and process of the development and approval of the rate model. He said Mr. Carlos Menjivar with LeeTran was present if there were any questions. Mr. Menjivar asked if there were any questions. Mr. Adam Long asked if the rate per rider was increasing. Mr. Menjivar said it was remaining the same. Chair Cosden asked if there were any other questions or comments. There were none. She asked for a motion for approval. There was a conference call attendee requested for those in person to speak up as it was difficult to hear. Mr. Raimondo noted the comment and said those present in person would endeavor to speak louder through their masks and socially distanced seating. Chair Cosden mentioned the Governor's ruling requiring committees to meet in person.

**Vice-Chair Michael Griffin made the motion to approve the 2020-2021 CTC Rate Model. Sergeant James Lear seconded the motion. There were no objections, and the motion passed unanimously.**

#### **Agenda Item #5 - +Approval of LeeTran's Trip/Equipment Grant**

Mr. Raimondo said this agenda item for the review and approval of LeeTran's Trip and Equipment Grant could be tabled until a future meeting due to the item not being ready to present. Chair Cosden asked if a motion was needed to table this item. Mr. Raimondo replied that it was not necessary.

#### **Agenda Item #6 - Program Updates and Distribution Items**

Mr. Raimondo presented this agenda item as an information agenda item on the program updates. He gave a brief explanation of the TDSP and noted that LeeTran had reviewed the entire document the prior year. He said the TDSP would be brought back at a future meeting for review and approval. Mr. Raimondo also mentioned the CTC evaluation did not occur this year due to LeeTran not having a full year of service as the CTC. He also

mentioned the items shared by Mr. John Irvine in the agenda packet. Mr. Raimondo noted he stopped providing the calendar in the agenda packet as it was difficult to keep updated with all of the recent changes in meetings and requirements. Mr. Raimondo said Mr. Menjivar was present to discuss Agenda Item #7. Mr. Menjivar noted there was a change to the TDSP in that trips were now being offered seven days a week and scheduling could also be done seven days a week. He added that due to the Emergency status of LeeTran as the CTC, copays of \$3 (three dollars) were being waived for TD clients. Mr. Raimondo asked if LeeTran had considered an income based copay similar to the system in place in Collier County. Mr. Menjivar said LeeTran would examine the options.

### **Agenda Item #7 - CTC Updates and Reports**

Mr. Carlos Menjivar with LeeTran presented this agenda item on the CTC updates and reports. He reviewed the Stats sheet that was included in the agenda packet including information on ridership for the months of October, November, and December. He said the ridership continues to increase and the rate model was calculated based on the percentage increase. He said the January and February data will be reviewed at the next meeting. He noted the average trip was eleven to twelve miles. He added that most clients were dual enrollment. He continued his presentation with a review of the on-time performance statistics, accidents, complaints, and resolutions. He asked if there were any questions. Mr. Raimondo asked if there was an update on LeeTran continuing as the CTC. Mr. Menjivar said the LeeTran Director, Mr. Robert Codie, was meeting in March to discuss the next steps.

### **Agenda Item #8 - Member Comments**

Mr. Paul Simmons with FDOT commented on grant applications, upcoming virtual summit, and triennial reviews. Chair Cosden asked if there were any comments from the members present in-person. Mr. Raimondo called on those present to provide member/public comments. There were no comments from those in the room. Mr. John Irvine commented on the upcoming public transportation and TD event, three grant opportunities, approval of budget, and LeeTran's rate model. He thanked those members who attended the meeting in person. Chair Cosden asked if there were any other comments. Mr. Irvine asked about local trips to vaccination sites. Mr. Menjivar said that LeeTran was providing free trips for vaccinations for both ADA and TD to RSW. Mr. Paul Lewis asked if LeeTran was providing trips to drive through sites. Mr. Menjivar noted that paratransit was only pick-up and drop-off. There were no further questions or comments.

**Chair Cosden thanked everyone for their attendance and announced that the next LCB meeting will be held on May 5, 2021.**

**The meeting was adjourned at 10:33 a.m.**

**An audio recording of the entire meeting can be accessed here: <https://soundcloud.com/user-390911534/03-03-2021-lcbwma>**

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\*Action Items    \*May Require Action

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## Approval of LeeTran's CTC Acceptance for FYs 2021/2025

**RECOMMENDED ACTION:** Review and approve LeeTran's Resolution to be the CTC for FYs 2021/25.

During February 2020, Good Wheels Inc. went out of business and with no interruption to service LeeTran took over as the CTC. The Commission for the Transportation Disadvantaged gave LeeTran the emergency designation until June 30, 2020, and then, an emergency designation extension for July 1, 2020 until June 30, 2021.

On April 20, 2021 LeeTran will vote to approve a resolution to become the CTC for Lee County and part of the resolution is asking the Lee LCB to approve LeeTran as the CTC. A county government's transit service has the right of first refusal to become the CTC, therefore, no RFP process was undertaken by the Lee MPO.

**LEE COUNTY RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REQUESTING A RECOMMENDATION FROM THE METROPOLITAN PLANNING  
ORGANIZATION TO DESIGNATE LEE COUNTY TRANSIT AS THE COMMUNITY  
TRANSPORTATION COORDINATOR FOR LEE COUNTY**

**WHEREAS**, pursuant to Chapter 427.015(2), Florida Statutes, the Metropolitan Planning Organization or Designated Official Planning Agency shall recommend to the Florida Commission for the Transportation Disadvantaged (“Commission”) a single community transportation coordinator; and,

**WHEREAS**, Lee County Transit is currently the Community Transportation Coordinator for Lee County, which designation expires on June 30, 2021; and,

**WHEREAS**, Section 287.057(13), Florida Statutes, provides that contracts for service such as the Memorandum of Agreement between the Community Transportation Coordinator and the Commission may be renewed for a period that may not exceed five (5) years as provided in the contract; and,

**WHEREAS**, the designation of Lee County Transit serving as the Community Transportation Coordinator continues to be in the best interest of the transportation disadvantaged.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA**, that:

1. The Lee County Board of County Commissioners requests a recommendation in the form of a Resolution from the Lee County Metropolitan Planning Organization to the Commission for the Transportation Disadvantaged to designate Lee County Transit as the Community Transportation Coordinator for Lee County for a five-year period, from July 1, 2021 through June 30, 2026.

2. This Resolution shall take effect upon approval of the Lee County Board of County Commissioners.

Commissioner \_\_\_\_\_ made a motion to adopt the foregoing resolution, seconded by Commissioner \_\_\_\_\_. The vote was as follows:

Kevin Ruane	___
Cecil L Pendergrass	___
Raymond Sandelli	___
Brian Hamman	___
Frank Mann	___

DULY PASSED AND ADOPTED this 20<sup>th</sup> day of April 2021.

ATTEST:  
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chair

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

\_\_\_\_\_  
County Attorney's Office

**LeeTran as CTC: MOA FYs 2021/25**

**RECOMMENDED ACTION: Review and approve the MOA between LeeTran and the CTD for FYs 2021/25**

On April 20, 2021 the Lee County BOCC will take action on whether to remain as the CTC for the next five years. If approved, LeeTran will need to enter into a Memorandum of Agreement with the CTD for FYs 2021/2025.

The Lee LCB is required to review, comment and approve the MOA.

STATE OF FLORIDA  
COMMISSION FOR THE TRANSPORTATION DISADVANTAGED  
**MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement is between the COMMISSION FOR THE TRANSPORTATION DISADVANTAGED, hereby referred to as the "Commission," and Lee County Board of County Commissioners, 3401 Metro Parkway, Ft Myers, FL 33901 the COMMUNITY TRANSPORTATION COORDINATOR, designated pursuant to Chapter 427, F.S., to serve the transportation disadvantaged for the community that includes the entire area of Lee county(ies), and hereafter referred to as the "Coordinator."

This Agreement is made in consideration of the mutual benefits to both parties; said consideration acknowledged hereto by the parties as good and valuable consideration.

The Parties Agree:

- I. The Coordinator Shall:
  - A. Become and remain totally apprised of all of the Transportation Disadvantaged resources available or planned in their designated service area. This knowledge will be used to plan, coordinate, and implement the most cost effective transportation disadvantaged transit system possible under the economic and other conditions that exist in the designated service area.
  - B. Plan and work with Community Transportation Coordinators in adjacent and other areas of the state to coordinate the provision of community trips that might be handled at a lower overall cost to the community by another Coordinator. This includes honoring any Commission-approved statewide certification program that allows for intercounty transportation opportunities.
  - C. Arrange for all services in accordance with Chapter 427, Florida Statutes, and Rule 41-2, FAC, and as further required by the Commission and the local Coordinating Board approved Transportation Disadvantaged Service Plan.
  - D. Return any acquired profits or surplus funds originating through the course of business as the Coordinator that are beyond the amounts(s) specifically identified and approved in the accompanying Transportation Disadvantaged Service Plan. Such profits or funds shall be returned to the Coordinator's transportation system or to any subsequent Coordinator, as a total transportation system subsidy, to be applied to the immediate following operational year. The Coordinator will include similar language in all coordination contracts to assure that transportation disadvantaged related revenues are put back into transportation disadvantaged services.

E. Accomplish this Project by:

1. Developing a Transportation Disadvantaged Service Plan for approval by the local Coordinating Board and the Commission. Coordinators who are newly designated to a particular service area shall submit a local Coordinating Board approved Transportation Disadvantaged Service Plan, within 120 calendar days following the execution of the Coordinator's initial memorandum of agreement with the Commission, for approval by the Commission. All subsequent Transportation Disadvantaged Service Plans shall be submitted and approved with the corresponding memorandum of agreement. The approved Transportation Disadvantaged Service Plan will be implemented and monitored to provide for community-wide transportation services for purchase by non-sponsored transportation disadvantaged persons, contracting social service agencies, and other entities that use local, state, or federal government funds for the purchase of transportation for the transportation disadvantaged.
2. Maximizing the use of available public school transportation resources and public fixed route or fixed schedule transit services and assuring that private or public transit, paratransit operators, and school boards have been afforded a fair opportunity to participate to the maximum extent feasible in the planning process and in the development of the provisions of the Transportation Disadvantaged Service Plan for the transportation disadvantaged.
3. Providing or arranging 24-hour, 7-day per week transportation disadvantaged service as required in the designated service area by any Federal, State or Local Government agency sponsoring such services. The provision of said services shall be furnished in accordance with the prior notification requirements identified in the local Coordinating Board and Commission approved Transportation Disadvantaged Service Plan.
4. Complying with all local, state, and federal laws and regulations that apply to the provision of transportation disadvantaged services.
5. Submitting to the Commission an Annual Operating Report detailing demographic, operational, and financial data regarding coordination activities in the designated service area. The report shall be prepared on forms provided by the Commission and according to the instructions of said forms.

F. Comply with Audit and Record Keeping Requirements by:

1. Utilizing the Commission recognized Chart of Accounts defined in the *Transportation Accounting Consortium Model Uniform Accounting System for Rural and Specialized Transportation Providers* (uniform accounting system) for all transportation disadvantaged accounting and reporting purposes. Community Transportation Coordinators with existing and equivalent accounting systems are not required to adopt the Chart of Accounts in lieu of their existing Chart of Accounts but shall prepare all reports, invoices, and fiscal documents relating to the transportation disadvantaged functions and activities using the chart of accounts and accounting definitions as outlined in the above referenced manual.

2. Assuming the responsibility of invoicing for any transportation services arranged, unless otherwise stipulated by a purchase of service contract or coordination contract.
  3. Maintaining and filing with the Commission, local Coordinating Board, and all purchasing agencies/entities such progress, fiscal, inventory, and other reports as those entities may require during the period of this Agreement.
  4. Providing copies of finance and compliance audits to the Commission and local Coordinating Board as requested by the Commission or local Coordinating Board.
- G. Retain all financial records, supporting documents, statistical records, and any other documents pertinent to this Agreement for a period of five (5) years after termination of this Agreement. If an audit has been initiated and audit findings have not been resolved at the end of five (5) years, the records shall be retained until resolution of the audit findings. The Coordinator shall assure that these records shall be subject to inspection, review, or audit at all reasonable times by persons duly authorized by the Commission or this Agreement. They shall have full access to and the right to examine any of the said records and documents during the retention period.
- H. Comply with Safety Requirements by:
1. Complying with Section 341.061, F.S., and Rule 14-90, FAC, concerning System Safety; or complying with Chapter 234.051, F.S., regarding school bus safety requirements for those services provided through a school board; and
  2. Assuring compliance with local, state, and federal laws, and Commission policies relating to drug testing. Conduct drug and alcohol testing for safety sensitive job positions within the coordinated system regarding pre-employment, randomization, post-accident, and reasonable suspicion as required by the Federal Highway Administration and the Federal Transit Administration.
- I. Comply with Commission insurance requirements by maintaining at least minimum liability insurance coverage in the amount of \$200,000 for any one person and \$300,000 per occurrence at all times during the existence of this Agreement for all transportation services purchased or provided for the transportation disadvantaged through the Community Transportation Coordinator. Upon the execution of this Agreement, the Coordinator shall add the Commission as an additional **named insured** to all insurance policies covering vehicles transporting the transportation disadvantaged. In the event of any cancellation or changes in the limits of liability in the insurance policy, the insurance agent or broker shall notify the Commission. The Coordinator shall insure that contracting transportation operators and coordination contractors also maintain the same minimum liability insurance, or an equal governmental insurance program. Insurance coverage in excess of \$1 million per occurrence must be approved by the Commission and the local Coordinating Board before inclusion in the Transportation Disadvantaged Service Plan or in the justification of rates and fare structures. Such coverage may be provided by a self-insurance program established and operating under the laws of the State of Florida and written verification of insurance protection in accordance with Section 768.28, Florida Statutes, shall be provided to the Commission upon request.

- J. Safeguard information by not using or disclosing any information concerning a user of services under this Agreement for any purpose not in conformity with the local, state and federal regulations (45 CFR, Part 205.50), except upon order of a court, written consent of the recipient, or his/her responsible parent or guardian when authorized by law.
- K. Protect Civil Rights by:
1. Complying with state and federal laws including but not limited to laws regarding discrimination on the basis of sex, race, religion, age, disability, sexual orientation, or national origin. The Coordinator gives this assurance in consideration of and for the purpose of obtaining federal grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other federal financial assistance to programs or activities receiving or benefiting from federal financial assistance and agreeing to complete a Civil Rights Compliance Questionnaire if so requested by the Commission.
  2. Agreeing that compliance with this assurance constitutes a condition of continued receipt of or benefit from federal financial assistance, and that it is binding upon the Coordinator, its successors, subcontractors, transferee, and assignees for the period during which such assistance is provided. Assure that all operators, subcontractors, subgrantee, or others with whom the Coordinator arranges to provide services or benefits to participants or employees in connection with any of its programs and activities are not discriminating against those participants or employees in violation of the above statutes, regulations, guidelines, and standards. In the event of failure to comply, the Coordinator agrees that the Commission may, at its discretion, seek a court order requiring compliance with the terms of this assurance or seek other appropriate judicial or administrative relief, to include assistance being terminated and further assistance being denied.
- L. To the extent allowed by Section 768.28, Florida Statutes, and only to the monetary and other limitations contained therein, indemnify and hold harmless the Commission and all of the Commission's members, officers, agents, and employees; purchasing agency/entity officers, agents, and employees; and the local, state, and federal governments from any claim, loss, damage, cost, charge or expense arising out of any act, action, neglect or omission by the Coordinator during the performance of this Agreement, whether direct or indirect, and whether to any person or property to which the Commission or said parties may be subject, except that neither the Coordinator nor any of its sub-contractors will be liable under this section for damages arising out of injury or damage to persons or property directly caused or resulting from the sole negligence of the Commission or any of its members, officers, agents or employees; purchasing agency/entity, officers, agents, and employees; and local, state, or federal governments. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency/entity or Coordinator to which sovereign immunity may be applicable. Nothing herein shall be construed as consent by a state agency/entity or political subdivision of the State of Florida or the federal government to be sued by third parties in any matter arising out of any Agreement or contract. Notwithstanding the foregoing, pursuant to Section 768.28, Florida Statutes, no agency or subdivision of the state shall be required to indemnify, insure, or assume any liability for the Commission's negligence.



- M. Comply with standards and performance requirements of the Commission, the local Coordinating Board approved Transportation Disadvantaged Service Plan, and any purchase of service contracting agencies/entities. Failure to meet the requirements or obligations set forth in this MOA, and performance requirements established and monitored by the local Coordinating Board in the approved Transportation Disadvantaged Service Plan, shall be due cause for non-payment of reimbursement invoices until such deficiencies have been addressed or corrected to the satisfaction of the Commission.
- N. Comply with subcontracting requirements by executing or negotiating contracts for transportation services with Transportation Operators and Coordination Contractors, and assuring that the conditions of such contracts are maintained. The requirements of Part 1, Paragraph E.5. through M are to be included in all contracts, subcontracts, coordination contracts, and assignments made by the Coordinator for services under this Agreement. Said contracts, subcontracts, coordination contracts, and assignments will be reviewed and approved annually by the Coordinator and local Coordinating Board for conformance with the requirements of this Agreement.
- O. Comply with the following requirements concerning drivers and vehicles:
1. Drivers for paratransit services, including coordination contractors, shall be required to announce and identify themselves by name and company in a manner that is conducive to communications with the specific passenger, upon pickup of each rider, group of riders, or representative, guardian, or associate of the rider, except in situations where the driver regularly transports the rider on a recurring basis. Each driver must have photo identification that is in view of the passenger. Name patches, inscriptions or badges that affix to driver clothing are acceptable. For transit services, the driver photo identification shall be in a conspicuous location in the vehicle.
  2. The paratransit driver shall provide the passenger with boarding assistance, if necessary or requested, to the seating portion of the vehicle. The boarding assistance shall include opening the vehicle door, fastening the seat belt or utilization of wheelchair securement devices, storage of mobility assistive devices, and closing the vehicle door. In certain paratransit service categories, the driver may also be required to open and close doors to buildings, except in situations in which assistance in opening/closing building doors would not be safe for passengers remaining on the vehicle. Assisted access must be in a dignified manner. Drivers may not assist wheelchair up or down more than one step, unless it can be performed safely as determined by the passenger, guardian, and driver.
  3. All vehicles shall be equipped with two-way communications in good working order and be audible to the driver at all times to the base.
  4. All vehicles providing service within the coordinated system, shall have working air conditioners and heaters in each vehicle. Vehicles that do not have a working air conditioner or heater will be scheduled for repair or replacement as soon as possible.

P. Comply with other requirements as follows:

1. Transport an escort of a passenger and dependent children as locally negotiated and identified in the local Transportation Disadvantaged Service Plan.
2. Determine locally in the Transportation Disadvantaged Service Plan, the use, responsibility, and cost of child restraint devices.
3. Transport with the passenger at no additional charge, passenger property that can be carried by the passenger and/or driver in one trip and can be safely stowed on the vehicle. Additional requirements may be negotiated for carrying and loading rider property beyond this amount. Passenger property does not include wheelchairs, child seats, stretchers, secured oxygen, personal assistive devices, or intravenous devices.
4. Provide shelter, security, and safety of passengers at vehicle transfer points.
5. Post a local or other toll-free number for complaints or grievances inside each vehicle. The local complaint process shall be outlined as a section in the local Transportation Disadvantaged Service Plan including advising the dissatisfied person about the Commission's Ombudsman Program as a step within the process as approved by the local Coordinating Board.
6. Provide out-of-service-area trips, when determined locally and approved by the local Coordinating Board, except in instances where local ordinances prohibit such trips.
7. Keep interior of all vehicles free from dirt, grime, oil, trash, torn upholstery, damaged or broken seats, protruding metal or other objects or materials which could soil items placed in the vehicle or provide discomfort for the passenger.
8. Determine locally by the local Coordinating Board and provide in the local Transportation Disadvantaged Service Plan the billing requirements of the Community Transportation Coordinator. All bills shall be paid to subcontractors within 7 calendar days after receipt of said payment by the Coordinator, in accordance with Section 287.0585, Florida Statutes.
9. Maintain or have access to a passenger/trip database on each rider being transported within the system.
10. Provide each rider and escort, child, or personal care attendant adequate seating for paratransit services. No more passengers than the registered passenger seating capacity shall be scheduled or transported in a vehicle at any time. For transit services provided by transit vehicles, adequate seating or standing space will be provided to each rider and escort, child, or personal care attendant, and no more passengers than the registered passenger seating or standing capacity shall be scheduled or transported in a vehicle at any time.
11. First Aid shall be determined locally and provided in the local Transportation Disadvantaged Service Plan.

12. Cardiopulmonary Resuscitation shall be determined locally and provided in the local Transportation Disadvantaged Service Plan.

II. The Commission Shall:

- A. Recognize the Coordinator as the entity described in Section 427.011(5), Florida Statutes, and Rule 41-2.002(4), F.A.C.
- B. Attempt to insure that all entities with transportation disadvantaged funds will purchase transportation disadvantaged services through the Coordinator's system.

III. The Coordinator and the Commission Further Agree:

- A. Nothing in this Agreement shall require the Commission to observe or enforce compliance with any provision thereof, perform any other act or do any other thing in contravention of any applicable state law. If any of the provisions of this Agreement is found by a court of law to violate any applicable state law, the purchasing agency/entity will at once notify the Commission in writing in order that appropriate changes and modifications may be made by the Commission and the Coordinator to the end that the Coordinator may proceed as soon as possible with the provision of transportation services.
- B. If any part or provision of this Agreement is held invalid, the remainder of this Agreement shall be binding on the parties hereto.
- C. Termination Conditions:
  1. Termination at Will - This Agreement may be terminated by either party upon no less than thirty (30) days notice, without cause. Said notice shall be delivered by certified mail, return receipt required, or in person with proof of delivery.
  2. Termination for Breach - Unless the Coordinator's breach is waived by the Commission in writing, the Commission may, by written notice to the Coordinator, terminate this Agreement upon no less than twenty-four (24) hours notice. Said notice shall be delivered by certified mail, return receipt requested, or in person with proof of delivery. Waiver by the Commission of breach of any provision of this Agreement shall not be deemed to be a waiver of any other breach and shall not be construed to be a modification of the terms of this Agreement, and shall not act as a waiver or estoppel to enforcement of any provision of this Agreement. The provisions herein do not limit the Commission's right to remedies at law or to damages.
- D. This agreement will expire unless an extension is granted to the Coordinator in writing by the Commission, in accordance with Chapter 287, Florida Statutes.
- E. Renegotiations or Modifications of this Agreement shall only be valid when they have been reduced to writing, duly approved by the Commission, and signed by both parties hereto.

F. Notice and Contact:

The name and address of the contract manager for the Commission for this Agreement is: **Executive Director, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450**. The representative/position of the Coordinator responsible for administration of the program under this Agreement is:

Mr. Robert L. Codie III, LeeTran  
3401 Metro Parkway, Ft. Myers, Florida 33901

In the event that either party designates different representatives after execution of this Agreement, notice of the name and address of the new representative will be rendered in writing to the other party and said notification attached to originals of this Agreement.

This document has been reviewed in its entirety and approved by the local Coordinating Board at its official meeting held on \_\_\_\_\_.

\_\_\_\_\_  
Coordinating Board Chairperson

WITNESS WHEREOF, the parties hereto have caused these presents to be executed.

COMMUNITY TRANSPORTATION  
COORDINATOR:

STATE OF FLORIDA, COMMISSION FOR  
THE TRANSPORTATION DISADVANTAGED:

Lee County Board of County Commissioners  
Agency Name

David Darm  
Printed Name of Authorized Individual

\_\_\_\_\_  
Printed Name of Authorized Individual

Signature:\_\_\_\_\_

Signature:\_\_\_\_\_

Title: Executive Director

Title:\_\_\_\_\_

## **CTC FY 21/22 RATE MODEL**

**RECOMMENDED ACTION:** Approve the CTC 21/22 Rate Model.

Prior to the TD Commission executing the CTC's 2021/22 trip/equipment grant, the LCB needs to review and approve the CTC's proposed next fiscal year rate model. The Excel sheet with all rate model tabs can be accessed at the following link:  
<https://leempo.com/wp-content/uploads/LCB05a.2021-22-Lee-Rate-Model-Approved.xls>

## **Approval of LeeTran's Trip/Equipment Grant**

**RECOMMENDED ACTION:** Review and approve LeeTran's Trip and Equipment Grant.

Annually, the CTC is required to fill out the Trip and Equipment Grant that is awarded by the CTD.

The Lee LCB is required to review, comment and approve the Trip and Equipment Grant.

## TDSP Update

**RECOMMENDED ACTION:** Review and comment on changes to the TDSP, and approve.

Annually, the Transportation Disadvantaged Service Plan is reviewed and updated. Below are the changes made to the TDSP by LeeTran and MPO staff. Additional changes can be made at the meeting. Refer to the page numbers below in the bullet point as they correspond to the TDSP document. The full TDSP Document can be viewed here: <https://leempo.com/wp-content/uploads/LCB07a.REM-TDSP-4.16.21-UPDATED-VERSION.pdf>

Cover Page: Date changes.

Pg 17-18: Updated LCB Certification sheet from September 18, 2020 MPO Board Meeting.

Pg 20: Removed old roll-call sheet in preparation for new one.

Pg 33: Updated population numbers (below).

Pg 38: Updated Colleges and Universities (below).

## Population/Composition

Area	2020 Estimate	2019 Estimate	2018 Estimate	2017 Estimate	2016 Estimate	2015 Estimate	2014 Estimate	2010 Actual	2000 Actual
<b>Florida</b>	21,596,068	21,208,589	20,840,568	20,484,142	20,148,654	18,815,183	19,507,369	18,801,332	15,982,378
<b>Lee County</b>	750,493	735,148	713,618	698,468	680,539	665,845	653,485	618,754	440,888
<b>Bonita Springs</b>	55,645	54,437	51,176	50,137	48,388	46,568	45,819	43,857	32,797
<b>FM Beach</b>	6,558	6,520	6,406	6,328	6,276	6,624	6,250	6,277	6,561
<b>Fort Myers</b>	92,599	87,871	81,798	79,106	76,108	72,395	69,437	62,298	48,208
<b>Sanibel</b>	6,849	6,756	6,701	6,659	6,591	6,502	6,490	6,469	6,064
<b>Cape Coral</b>	187,307	185,837	180,175	175,063	170,474	166,508	163,599	154,305	102,286
<b>Estero</b>	33,120	31,806	30,945	30,565	30,118				

Source: Bureau of Economic and Business Research Estimates of Population released annually (April 1, 2021 estimate)

**TABLE 9**  
**UNIVERSITIES/COLLEGES**

Edison State College	Florida Gulf Coast University	Barry University	Hodges University
Florida SouthWestern State College	Rasmussen College	Keiser University	Nova Southeastern University
ITT Technical Institute	Heritage Technical Institute	Southern Technical College	Florida Academy

Source: Lee MPO 2021



## **LeeTran's TDSP 2020-21 Recommended Changes:**

Page 40 – Table 9, Universities/Colleges: Removed Edison State College

Page 48 – Implementation Schedule: 6.8 – Replaced the word Good Wheels with LeeTran

Page 51 – General Service Hours:

- Updated General Service Hours to 5:00 am
- Updated Saturday to Sunday
- Updated pick up time to: up to two hours

Page 52 - Added sentence to the end of Cancellation Paragraph: Excessive No-Shows can lead to suspension of service.

Page 52 - Transportation Disadvantaged Qualifications and Guidelines:

- Replaced Saturday to Sunday
- Removed - If a trip is for medical purposes service is provided on Saturday. There is no service on Sunday.

Page 56 – Updated System Safety Program Plan (SSPP) Certification – Replaced Good Wheels with LeeTran

Page 57 – Updated Service Standards – 41-2.006 (4)(b), FAC:

- Replaced with An escort of a passenger and dependent children are to be transported as locally negotiated and identified in the local Transportation Disadvantaged Service Plan.
- Replaced escorts with Personal Care Attendants (PCA).
- Deleted but can negotiate cost to ride

Page 58 – 41-2.006(4)(f), FAC:

- Deleted: right visor of
- Added (239) 533-0300

Page 58 – 41-2.006(4)(g), FAC:

- Deleted: right visor of
- Added: (239) 533-033

Page 61 – 41-2.006(4)(r), FAC: Replaced 1<sup>st</sup> with First

Page 61 – 41-2.006(4)(v), FAC:

- Replaced with - to an hour with one up to two hours
- Deleted Passenger can expect their return trip to take up to 60 minutes from the time they are seated on the vehicle.

Page 62 – Rule 41-2.006(4)(x), FAC:

- Replaced 24 to 48

- Deleted 72 business hours for Medicaid trips. Non Medicaid reservations must be made before noon the day before the requested trip. Passengers with an urgent need to travel should call the CTC. Same day trip requests cannot be guaranteed, however, the CTC will attempt to assist the passenger.

Page 64 – Rule 2.006(4)(aa), FAC: Deleted on average

Page 65 – Policy 2.03:

- Updated 60 minutes to 120 minutes
- Deleted Community Care for the Elderly (CCE) – 90 minutes. This policy does not apply to ADA trips

Page 67 – Policy 2.13: Deleted complete and

Page 68 – Policy 2.14:

- Added Supervisor will contact the passenger. Second incident, a
- Deleted person, Added passenger
- Deleted Second, Added Third

Page 70 – Policy 2.16: Deleted Good Wheels is unable to transport clients in scooters because they cannot be secured safely in our vehicles. Passengers who ride in scooters must be able to transfer to a seat or use an approved wheelchair when being transported by Good Wheels, Inc. This is a safety issue and we are concerned for your safety as well as other passengers and our driver.

Page 73 – CTC Customer Service Phone:

- Added (239) 533-0300
- Reservations added: 533-0300
- Deleted: General

Page 83 Grievance Resolution Contacts:

- Added (239) 533-0300
- Reservations added 533-0300
- Deleted: General

- Replaced LeeTran’s Paratransit Application (see below)

## **THINGS TO DO:**

- ❖ Applicant or caregiver completes the Paratransit Service Application.
- ❖ Applicant or caregiver completes the emergency contact form.
- ❖ Licensed physician completes the Medical Certification form.
- ❖ Applicant or caregiver submits (upon request), an additional copy of your current medical disability or impairment to be provided by a physician or health care professional.
- ❖ Applicant submits a copy of a government issued identification with date of birth.
- ❖ Applicant can fax, mail or drop the completed forms at the address below.

Submit a completed application. Incomplete information will be returned immediately and the evaluation process will be delayed. LeeTran will notify you about the status of your application.

- For more information about the program, read the LeeTran Passport Passenger's Guide at [www.rideleetrans.com](http://www.rideleetrans.com)
- If you have any questions regarding this process, please contact the Passport office at the telephone number listed below.

Accessible formats are available upon request.



**Lee County Transit - LeeTran Passport Services**  
**3401 Metro Parkway**  
**Fort Myers, FL 33901**  
**Phone Number: (239) 533-0300**  
**Fax Number: (239) 432-2035**



Lee County Transit - LeeTran Passport Services  
3401 Metro Parkway  
Fort Myers, FL 33901  
Phone Number: (239) 533-0300  
Fax Number: (239) 432-2035

### EMERGENCY CONTACT FORM

APPLICANT/PASSENGER'S NAME: \_\_\_\_\_

EMERGENCY CONTACT: \_\_\_\_\_

RELATIONSHIP TO APPLICANT: \_\_\_\_\_

TELEPHONE NUMBER(S): \_\_\_\_\_

\_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_



## LeeTran Paratransit Service Application

### Introduction to Passport Paratransit Service

The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination and ensures equal opportunity and access for persons with disabilities. Lee County’s Paratransit service, called Passport, is offered in strict accordance with the ADA. Paratransit service is a shared-ride door-to-door service for persons with physical, cognitive, visual and/or other disabilities, which functionally prevent them from using the LeeTran fixed route bus system, either permanently or under certain conditions.

The Passport program provides transportation services sponsored by the Federal Transit Administration (FTA) and Florida Commission for the Transportation Disadvantaged (TD). Passport can be used for medical appointments, work, and other trips depending on the funding program the applicant qualifies under.

**LeeTran is not the Medicaid Transportation Provider.** Medicaid clients may receive their Medicaid transportation through the local Florida Managed Medical Assistance Provider (MMA). Medicaid clients must call the Medicaid Enrollment Help Line for information regarding MMA enrollment, benefits, and **Medicaid medical transportation at 1-800-226-6735.**

### What are the ADA eligibility requirements?

Eligibility for paratransit service is directly related to the functional ability of individuals with disabilities to use fixed route transit services. Eligibility is not based on a diagnosis or type of disability. Disability alone does not confer or create eligibility for Passport service.

The Paratransit Application and Medical Certification form must be thoroughly completed and signed before submitting. **The Medical Certification form must be completed by a Medical Licensed Professional.**

Eligibility Criteria	
Passport	Transportation Disadvantaged
<ul style="list-style-type: none"> <li>• The origin and destination of your trip is within ¾ mile from a fixed route.</li> <li>• You have a recognized disability verified by a medical professional.</li> <li>• You are unable to utilize LeeTran’s fixed route.</li> </ul>	<ul style="list-style-type: none"> <li>• Your trip origin or destination must reside outside the ADA corridor but within Lee County.</li> <li>• You have a physical or mental disability, income status, or age; that prevents you to transport yourself or purchase transportation.</li> </ul>

The applicant will be required to participate in an in-person, face-to-face assessment to discuss the Passport program and determine eligibility. During the interview, the applicant or caregiver provides details regarding the applicant’s ability to use the fixed route service and all available travel options. Through the interview, an evaluator can determine environmental, architectural, and personal barriers that may affect an applicant’s ability to safely and independently access transportation.

If an applicant fails to appear or fails to reschedule the in-person assessment, LeeTran will retain the submitted information for 60 days. If the applicant does not complete the process within the given period, his/her submitted information will be returned. You may reapply and resubmit a complete application.

Only LeeTran, for the determination of eligibility, will use the information obtained in this certification process. Incomplete information will be returned, and when completed please return to the address below. **Processing of this application can take up to 21 calendar days.** The 21-day period begins AFTER a complete application is received.

### **REMEMBER WHEN COMPLETING THIS APPLICATION**

1. Type or Print legibly, **ILLEGIBLE/INCOMPLETE AND/OR UNSIGNED APPLICATIONS WILL NOT BE ACCEPTED AND WILL BE RETURNED. THIS WILL CAUSE A DELAY IN YOUR ELIGIBILITY DETERMINATION.** Please review the application carefully before submitting.
2. To confirm disability, **THE MEDICAL CERTIFICATION FORM IS REQUIRED** and must be completed by a medical professional.
3. **PROOF OF INCOME IS REQUIRED IF A CO-PAY IS REQUESTED.** Acceptable types of proof of income are pension benefit statements, unemployment benefits, or current paystubs.

**SECTION 1- APPLICANT INFORMATION**

Check here if you are a current Paratransit rider

Check here if you currently receive Medicaid or any program that would pay for transportation.

(1) Name: \_\_\_\_\_  
Last Name First Name M.I.

(2) Phone Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_  
(Cell) \_\_\_\_\_

(3) Home Address: \_\_\_\_\_ Apt. # \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

\_\_\_\_\_  
Name of Subdivision and/or Building Complex

(3a) Gate Code: Yes \_\_\_\_\_ No \_\_\_\_\_ GATE# \_\_\_\_\_

(4) If you are currently staying in a nursing home, please provide the name of the Facility: \_\_\_\_\_

(5) Nursing Home Phone #: \_\_\_\_\_ Fax# \_\_\_\_\_

(6) Mailing address (if different): \_\_\_\_\_

(7a) Date of Birth \_\_\_\_ / \_\_\_\_ / \_\_\_\_ (7b) Social Security No. \_\_\_\_ - \_\_\_\_ - \_\_\_\_

(8) Medicaid Number: \_\_\_\_\_

(9) Medwaiver Program  No  Yes Agency for Persons with Disabilities (APD) Support Coordinator's Name & Phone #:

\_\_\_\_\_  
\_\_\_\_\_

## SECTION 2 - CURRENT TRAVEL INFORMATION

(1) How do you travel to your Destinations? \_\_\_\_\_

(2) List your most frequent destinations.

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(3) Do you currently use LeeTran bus services (the city bus)? \_\_\_\_\_

If yes, what routes do you use and how often? \_\_\_\_\_

(4) Would you be interested in receiving travel training to use the Lee County Bus system? (I.e. travel/wheelchair training to use the system).

Yes       No, please explain \_\_\_\_\_

## SECTION 3 - DISABILITY AND FUNCTIONAL ABILITIES

(1) What types of disabilities prevent you from using the LeeTran buses or utilizing your own transportation?

- |   |  |
|---|--|
| <input type="checkbox"/> Physical Disability      | <input type="checkbox"/> Visual Impairment/Blindness |
| <input type="checkbox"/> Developmental Disability | <input type="checkbox"/> Mental Illness              |
| <input type="checkbox"/> Other                    | <input type="checkbox"/> None                        |

(2) Please describe in detail, how your disability prevents you from using the LeeTran buses. \_\_\_\_\_

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(3) Mobility Aides

- |   |                                 |  |
|---|---------------------------------|--|
| <input type="checkbox"/> Manual Wheelchair        | <input type="checkbox"/> Braces | <input type="checkbox"/> Crutches            |
| <input type="checkbox"/> Guide Dog/Service Animal | <input type="checkbox"/> Cane   | <input type="checkbox"/> Scooter/Electric WC |
| <input type="checkbox"/> Portable Oxygen          | <input type="checkbox"/> Walker | <input type="checkbox"/> None of the above   |



(4) Do you require assistance of a Personal Care Attendant (PCA is someone who must assist you with daily life functions/activities and will be required to assist you with your transportation needs).

Yes I, need assistance with:

- Eating                       Mobility                       No  
 Medication                       Reading                       Other

(5) Using a mobility aid or on your own, how far can you ambulate (use wheelchair)?

- I can ambulate (wheelchair) up to three blocks (1/4 mile)  
 6 blocks (1/2 mile)  
 9 blocks (3/4 mile)

Other \_\_\_\_\_

(6) Can you wait outside for ten (10) minutes at a bus stop?

- Yes  
 Yes, only if the stop has a bench  
 No, explain \_\_\_\_\_

(7) Indicate which boxes apply to your ability to walk outside and to get to and from bus stops on your own.

- |   |   |
|---|---|
| <input type="checkbox"/> Yes, I can walk outside.                                   | <input type="checkbox"/> Most times/sometimes, I can walk outside.            |
| <input type="checkbox"/> I cannot get to places if there are no curb cuts.          | <input type="checkbox"/> I get confused and cannot find my way.               |
| <input type="checkbox"/> I cannot if the street or sidewalk is too steep.           | <input type="checkbox"/> No, my disability prevents me from walking outdoors. |
| <input type="checkbox"/> I cannot cross-busy streets and intersections.             | <input type="checkbox"/> I feel unsafe traveling alone.                       |
| <input type="checkbox"/> I cannot travel outside when it is too hot.                |   |
| <input type="checkbox"/> I cannot find my way at night because of a vision problem. |   |

(8) Please describe circumstances that limit or prevent walking outside.

---

---

(9) Can you climb up to three (3) steps or up a ramp without assistance of another person?

Yes       No, please explain \_\_\_\_\_

#### SECTION 4 - COGNITIVE ABILITIES

(1) Are you capable of doing the following?

A. Provide Name, Address and Phone Number?

Always       Sometimes       Never       Not Sure

B. Recognize destination/landmark or bus stops?

Always       Sometimes       Never       Not Sure

C. Ask for and understand written/oral direction?

Always       Sometimes       Never       Not Sure

D. Make a transfer from bus to bus with assistance from a LeeTran driver?

Always       Sometimes       Never       Not Sure

E. Use the telephone to get information.

Always       Sometimes       Never       Not Sure

#### SECTION 5 – TRANSPORTATION DISADVANTAGED APPLICANTS OR REDUCED CO-PAY

**NOTE: Proof of income is required. Please submit with completed application.**

1. In order to determine if you qualify as TD, please answer the following:

\_\_\_\_\_ # of persons in your household \$\_\_\_\_\_ Total Annual Household Income

2. How many personal vehicles are owned or used by members in your household?

0       1       2 or more

3. Are these vehicles available for use? If not, please state why:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION 6 - VERIFICATION**

Whoever knowingly and willfully falsifies or conceals a material fact, shall be fined not more than \$10,000 or imprisoned more than five (5) years or both (18 usc Section 1001,1982).

Under penalty of law, I hereby certify that the information given above is correct.

**Signature of applicant:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Representative/Power of Attorney:** \_\_\_\_\_

If someone else other than the person requesting certification has completed this application, please complete the following:

Name: \_\_\_\_\_ Relationship to Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

**LeeTran Passport Services  
3401 Metro Parkway  
Fort Myers, FL 33901**

ADDITIONAL COMMENTS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Grievance Procedures

**RECOMMENDED ACTION:** Review, comment and approve the Grievance Procedures.

Annually, the LCB needs to review and update the CTC's Grievance Procedures:

### LOCAL SERVICE COMPLAINT AND FORMAL GRIEVANCE PROCEDURE/PROCESS

This section was reviewed by the LCB and approved on May 5, 2021.

The LCB has a service complaint procedure, and a formal grievance procedure. This section of the TDSP has four parts, and is reviewed annually:

- ✚ A summary of the Service Complaint process is provided.
- ✚ A summary of the Formal Grievance Procedures is provided.
- ✚ The summaries are designed to fit on brochures. The CTC must make its brochures available in alternative formats, upon request.
- ✚ The Service Complaint Process is provided in full, and
- ✚ The Formal Grievance Procedures is provided in full.

The LCB's complete Service Complaint and Formal Grievance Procedures as contained in the TDSP, are consistent with the Commission for the Transportation Disadvantaged's *Uniform Service Reporting*; January 1996; this document is available upon request from the Commission for the Transportation Disadvantaged.

#### **Existence of Complaint Policy and Procedures:**

The Lee County Local Coordinating Board for the Transportation Disadvantaged has adopted procedures for the Community Transportation Coordinator to use to address complaints from agencies, users, potential users, subcontractors, and other interested parties. The policies are to be followed by the Community Transportation Coordinator (CTC) – LeeTran, and any of its operators. These procedures provide definitions of terms used in the process, identify how complaints are received by the CTC; provide a process and forms for the CTC to record complaints, and how the complaints were resolved; explains how the CTC is to collect monthly and annual data for reporting to the LCB, and explains what to do when a complaint cannot be resolved. The procedures also provide contact names and addresses.

#### **Definitions:**

**Service inquiries** are requests for information about the service and can occur once or several times in the course of a day's service. An example of a service inquiry is when a customer calls the CTC and says, "My bus is a few minutes late, where is it?" Service inquiries are reported to the driver or dispatcher or to other individuals involved with the daily operations, and are usually resolved by the CTC immediately or within the course of a reasonable time period suitable to the complainant. Service inquiries do not have to be 'recorded' as a complaint.

**Service complaints** are routine incidents that occur on a daily basis, are reported to the driver or dispatcher, or to other individuals involved with the daily operations, and are resolved within the course of a reasonable time period suitable to the complainant. Service complaints should be recorded as ‘complaints.’ The CTC is to total these service complaints on a yearly basis for the CTC’s Annual Operating Report, (AOR). Service Complaints may include but are not limited to:

- “My bus is late.” [beyond the On-Time Policy for the service area.] Late trips (late pickup and or late drop-off;)
- No-show by transportation operator;
- No-show by client;
- Client behavior;
- Driver behavior;
- Passenger discomfort;
- Service denial (refused service to client without an explanation as to why, e.g. may not qualify, lack of TD funds, etc.)

If unresolved, a routine service complaint can result in a formal grievance. (The Local Coordinating Board has a separate “Formal Grievance Procedure,” contained in the TDSP. Please review it for additional information.) Local service complaints are driven by the inability of the CTC or transportation operators to meet local service standards established by the CTC and LCB.

The Lee County Local Coordinating Board for the Transportation Disadvantaged has established rules and procedures to address grievances from agencies, users, potential users, subcontractors, and other interested parties relating to the coordination of non-emergency transportation services.

A formal grievance is a concern regarding the operation or administration of coordinated transportation disadvantaged services by transportation operators, the CTC, the Designated Official Planning Agency, or the LCB. A formal grievance may also be a service complaint that has been left unresolved for more than 45 days. A sample of this form is attached in *Exhibit E*.

The LCB shall “appoint a Grievance Committee to serve as a mediator to process and investigate complaints, from agencies, users, potential users of the system and the CTC in the designated service area, and make recommendations to the Coordinating Board for improvement of service. The Coordinating Board shall establish procedures to provide ... opportunities for issues to be brought before such committee and to address them in a timely manner...”  
The LCB does not have “adjudicative” or “determinative” powers.

**Forms to Use to record a complaint:**

The CTC shall utilize the form below to log complaints. This form is consistent with that provided by the Commission for the Transportation Disadvantaged’s Uniform Service Reporting [for Service Complaints] January 1996. This document, which is available upon request from the Commission for the Transportation Disadvantaged, is a guide to the proper method to identify a complaint, determine its validity, complete a service report, and achieve customer satisfaction. Carriers are to use the same forms. Each complaint shall be assigned a Log Number to assist in tracking the resolution of each complaint. All service complaints should be recorded.

**Letting the Consumer know how to complain:**

The CTC shall make reasonable efforts to ensure that its customers know how to submit a complaint. The CTC should announce the existence of its complaint process in its brochures and other printed material, in its telephone recordings, and in signs posted inside of the vehicles. Multiple formats should be accessible.

**Posting Of Contacts in the Vehicles:**




The CTC must ensure that the contact numbers for the CTC, for the CTD’s Ombudsman Hotline, are posted in each vehicle.

**Reporting Complaints:**

Quarterly, a summary of all complaints and their status of resolution should be provided by the CTC to the Planning Agency. The Planning Agency will then provide the most current summaries to the LCB for its next meeting:

**SAMPLE COMPLAINT FORM**

Log #	Date of Contact	Involved What? (Service, Policy or Vehicle)	Which Contracted Operator?	Status of Resolution

-  **Service** ( ride time, schedules, timeliness, attitude/conduct)
-  **Policy** (fares, co-payments, operation hours, prioritization, “won’t go to...”)
-  **Vehicle** (safety, equipment, cleanliness)

Surveying customers to determine satisfaction levels and to make route improvements based on future demand:

The LCB requires the CTC to conduct periodic surveys of consumers in order to determine their level of satisfaction with services. These surveys are also used by the LCB to evaluate the CTC on factors associated with customer satisfaction. The surveys also can be used to determine where the demand for service is. The CTC is to conduct random surveys of consumers each year. It is suggested that they conduct some surveys each month. In addition to this, the Commission for the Transportation Disadvantaged’s Quality Assurance team conducts random sample surveys of passengers by telephone, during the biannual review of the CTC’s. The CTC will tabulate the surveys and provide a report to the LCB for its next meeting.

**Agency Surveys:**

The DOPA will conduct mailed out surveys of the agencies each September to determine their levels of satisfaction with the County TD Program. The CTC shall provide the DOPA with current mailing list of agencies they provide transportation to by September 15th.

**Standards & Policies:**

The Local Coordinating Board sets performance standards for the Community Transportation Coordinator. The Local Coordinating Board evaluates the Community Transportation Coordinator’s performance based upon these standards and policies.

**Commission’s Ombudsman Hotline:**

The Commission for the Transportation Disadvantaged has an Ombudsman Program to assist individuals with complaints. The toll-free Ombudsman Hotline is-1-800-983-2435.

**LEE COUNTY LCB  
CONTACTS FOR SERVICE COMPLAINTS**

ENTITY	CONTACT INFORMATION	PHONE
Community Transportation Coordinator	Robert L. Codie, Transit Director Lee County Transit - LeeTran	Customer Service: (239) 533-8726
Lee County MPO -- Designated Official Planning Agency	Lee Metropolitan Planning Org. 815 Nicholas Pkwy, Cape Coral, FL 33915	(239) 244-2220
Local Coordinating Board Chairperson	Hon. Jessica Cosden c/o Mr. Brian Raimondo Lee Metropolitan Planning Org. 815 Nicholas Pkwy, Cape Coral, FL 33915	(239) 244-2220
Commission for the Transportation Disadvantaged	Ombudsman Hotline	(800) 983-2435 TDD (800) 648-4084

The Lee County Local Coordinating Board for the Transportation Disadvantaged has established the following rules and procedures to address grievances from agencies, users, potential users, subcontractors, and other interested parties.

**Authority**

According to Rule 41-2.012(5)(c), *Florida Administrative Code*, the Local Coordinating Board shall “appoint a Grievance Committee to serve as a mediator to process and investigate complaints, from agencies, users, potential users of the system and the Community Transportation Coordinator in the designated service area, and make recommendations to the Coordinating Board for improvement of service. The Coordinating Board shall establish procedures to provide ... opportunities for issues to be brought before such committee and to address them in a timely manner...”

It should be noted that there is a difference between “hearing” a grievance and “hearing and determining” a grievance. Neither the Grievance Resolution Committee nor the Local Coordinating Board has the authority to “hear and determine” a grievance. They only have the authority to “Hear” and advise. When an entity makes a determination of the rights, duties, privileges, benefits, or legal relationships of a specified person or persons, it is exercising “adjudicative” or “determinative” powers. Deciding a grievance between two independent parties may fall within these parameters, depending on the nature of the grievance. Chapter 427, *Florida Statutes*, grants no adjudicative powers to anyone.

Even though the Local Coordinating Board does not have determinative authority, the recognition of problems by the various members of the Local Coordinating Board is a very useful method to resolve many issues. In addition, it should be noted that since the Local Coordinating Board is involved in the development and approval of the Community Transportation Coordinator’s Transportation Disadvantaged Service Plan, and since the Local Coordinating Board also conducts

the annual evaluation of the Community Transportation Coordinator, there are significant opportunities for the Local Coordinating Board to make changes where needed.

## **Formal Grievance Policy and Procedures:**

### **Section 1: Creation**

- 1.1 There is hereby created a formal grievance procedure for the Lee County transportation disadvantaged program as specified by the Commission for the Transportation Disadvantaged pursuant to Chapter 427, *Florida Statutes*, and Rule 41-2.012, *Florida Administrative Code*, hereinafter referred to as the Grievance Process. The following rules and procedures shall constitute the grievance process to be utilized in the Coordinated Community Transportation System in Lee County.

### **Section 2: Definitions**

- 2.1 As used in these rules and procedures the following words and terms shall have the meanings assigned therein. Additional transportation disadvantaged program definitions can be found in Chapter 427, *Florida Statutes*, and Rule 41-2, *Florida Administrative Code*.
  - A) **Community Transportation Coordinator:** (CTC) Means a transportation entity recommended by a Metropolitan Planning Organization or by the appropriate designated official planning agency as provided for in Chapter 427 *Florida Statutes*, in an area outside the purview of a Metropolitan Planning Organization and approved by the Commission for the Transportation Disadvantaged, to ensure that coordinated transportation services are provided to serve the transportation disadvantaged population in a designated service area.
  - B) **Designated Official Planning Agency (DOPA)** means the official body or agency designated by the Commission for the Transportation Disadvantaged to fulfill the functions of transportation disadvantaged planning in areas not covered by a Metropolitan Planning Organization. The Metropolitan Planning Organization shall serve as the designated official planning agency in areas covered by such organizations.
  - C) **Transportation Disadvantaged (TD)** user of the system, “Those persons who because of physical or mental disability, income status, or age, or who for other reasons are unable to transport themselves or to purchase transportation, and are therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life sustaining activities, or children who are disabled or high risk or at risk as defined in Chapter 411.202, *Florida Statutes*.”
  - D) **Agency:** Means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or any other unit or entity of the state or of a city, town, municipality, county, or other local governing body or a private nonprofit entity providing transportation services as all or part of its charter.
  - E) **Transportation Operator:** Means one or more public, private for-profit or private non-profit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons pursuant to a Transportation Disadvantaged Service Plan, (TDSP).
  - F) **Service Complaint:** events that may occur on a daily basis and are reported to the driver or dispatcher or other individuals involved with the daily operations, and are resolved within the course of a reasonable time period suitable to the complainant. For more information, see the Local Coordinating Board’s policy on Complaints, (elsewhere in the



TDSP).

- G) **Formal Grievance** documents any concerns regarding the operation or administration of Transportation Disadvantaged services by the transportation operator, the Community Transportation Coordinator, the Designated Official Planning Agency, or the Local Coordinating Board. A formal grievance may also be a service complaint that has been left unresolved for more than 45 days. The formal grievance should demonstrate or establish their concerns as clearly as possible. Formal Grievances may include but are not limited to:
- ✚ Recurring or unresolved Service Complaints.
  - ✚ Violations of specific laws governing the provision of TD services i.e. Chapter 427 *F.S.*, Rule 41-2 *F.A.C.* and accompanying documents, Sunshine Law, Americans with Disabilities Act, (ADA;)
  - ✚ Coordination disputes;
  - ✚ Agency compliance;
  - ✚ Conflicts of interest;
  - ✚ Supplanting of funds;
  - ✚ Billing and/or accounting procedures;
  - ✚ Policies of the Local Coordinating Board, particularly the Prioritization Policy.
- H.) **Administrative Hearing process:** Chapter 120, *Florida Statutes*.
- I.) **Ombudsman Program** means a toll free phone number established and administered by the Commission for the Transportation Disadvantaged to enable persons to access information and /or file complaints or grievances regarding transportation services provided under the coordinated effort of the community transportation coordinator. See contact information for phone numbers.

### Section 3: Objectives

- 3.1 The objective of the LCB's grievance process shall be to process, investigate and make recommendations in a timely manner on formal grievances that are not resolved between the grievant and the other party or parties. It is not the objective of the grievance process to have "adjudicative" or "determinative" powers.
- 3.2 The CTC and its service operators and other transportation subcontractors must post the contact person's name and telephone number regarding the reporting of complaints (and the reporting of grievances) in each vehicle.
- 3.3 The grievance procedures and all documents pertaining to the grievance process will be made available to the grieving party.
- 3.4 The grievance procedures and all documents pertaining to the grievance process will be made available, upon request, in a format accessible to persons with disabilities.
- 3.5 Other than this grievance process, aggrieved parties with proper standing may also have recourse through Chapter 120, *Florida Statutes*, the Administrative Hearing Process, or through the judicial court system.

### Section 4: Membership

- 4.1 The local coordinating board's ad hoc grievance resolution committee shall be composed of a minimum of three (3) voting members or alternates of the LCB. Members shall be appointed to

the ad hoc grievance resolution committee by the LCB chairperson or his/her designee. The ad hoc grievance resolution committee membership shall include a representative of users of the coordinated transportation system. The LCB chairperson or his/her designee reserves the right to make reappointments to the ad hoc grievance resolution committee should any conflicts of interest arise.

- 4.2 The LCB chairperson or his/her designee shall appoint one member of the ad hoc grievance resolution committee to serve as its chairperson.
- 4.3 The LCB chairperson's designee shall be a member of the TD planning staff from the planning agency. The TD planning staff serves as facilitators to the grievance process. Every effort shall be made by the participants of the ad hoc grievance resolution committee to conduct the process as diplomatically as possible.
- 4.4 In cases where a grievance involves the private or personal or professional interests of a member of the ad hoc grievance resolution committee, such member shall be disqualified from hearing such a grievance.
- 4.5 Local Coordinating Board members who represent affected agencies will be invited to grievance hearings as advisors.
- 4.6 No member of the Local Coordinating Board shall appear before the Grievance Committee as an agent or attorney for any person.

#### **Section 5: Terms of Members**

- 5.1 The members of the ad hoc grievance resolution committee shall serve at the pleasure of the LCB chairperson or his/her designee, for the duration of the grievance for which they are appointed.
- 5.2 The members of the ad hoc grievance resolution committee may be removed for cause by the LCB chairperson or his/her designee.
- 5.3 The quorum shall be a simple majority. Meetings shall be held at such times as the ad hoc grievance resolution committee may determine and/or as necessitated by the formally filed grievance.

#### **Section 6: Grievance Procedures**

- 6.1 Grievance procedures have been developed by the Local Coordinating Board, based upon guidelines from the Commission for the Transportation Disadvantaged.
- 6.2 The Local Coordinating Board's grievance procedures are for the purposes of listening to the grievance, providing advice and making recommendations to the affected parties of the grievance. The Local Coordinating Board may not exercise adjudicative powers. Aggrieved parties with proper standing may also have recourse through Chapter 120, *Florida Statutes*, Administrative Hearing Process, or the judicial court.
- 6.3 When necessary, the designated official Planning agency's Transportation Disadvantaged Program staff shall provide assistance to individuals to prepare written grievances.
- 6.4 The formal grievance process shall be open to any person or agency wishing to address concerns involving: purchasing agencies, users, potential users, private for-profit operators, private non-profit operators, the Coordinator, the Designated Official Planning Agency, elected officials, and drivers.

- 6.5 The administrators of the grievance process shall make every effort to ensure that the grieving party has exercised the other procedures in place, including the LCB's Complaint procedures or the CTC's internal complaints procedures for its subcontractors.

Note: If it is an unresolved service complaint, the grievant will be asked if they have contacted the CTC for assistance in resolving their complaint. The grievant should have made reasonable effort to have their service complaint resolved by the CTC. The CTC is responsible for resolving service complaints.

If the CTC has an internal grievance policy, appropriate grievances will be forwarded back to the CTC for resolution, prior to being considered as a formal grievance for the local coordinating board.

### **Section 7: Filing the formal grievance**

- 7.1 The grievant should demonstrate or establish their concerns as clearly as possible. The grievance should try to demonstrate or establish a clear violation of a specific law, regulation, or contractual arrangement. Copies of pertinent laws and regulations may be obtained from the Designated Official Planning Organization's Transportation Disadvantaged Program staff.

- 7.2 The grievance must be filed to the Grievance Committee within ninety (90) days after the occurrence of the event giving rise to the grievance. The grievance shall be sent to:

Lee County Metropolitan Planning Organization, PO BOX 150045, Cape Coral, FL 33915

- 7.3 The grievance shall include:

- a. the name and address and telephone number of the grievant; They do not have to have an address or phone in order to file a grievance, but they need a place which will receive mail for them, and a phone where we may contact them.
- b. a statement of the grounds for the grievance, supplemented by supporting documentation, made in a clear and concise manner. This shall include a description of the efforts taken by the grievant to resolve the issue; and
- c. an explanation by the relief desired by the grievant.

If the grievant does not supply the above information to substantiate the grievance(s) no further action will be taken. [See section 6.3, above, about assistance in getting formal grievances reduced to writing.]

- 7.4 The date the formal grievance containing items a, b, and c, above is received in writing shall be the date the formal grievance was filed.

- 7.5 Upon receipt of the formal grievance, the designated official planning agency transportation disadvantaged planning staff will have 10 working days to contact the grievant by telephone\*, to discuss the materials received, and ask for additional information which may be necessary in order to file the grievance. (\* when the designated official planning agency makes or attempts to make these telephonic contacts, they will enter records of the calls into a log for that grievance.)

- 7.6 If the designated official planning agency transportation disadvantaged planning staff is unable to establish contact by telephone within the 10 working days; they will write a letter to the grievant, and send it by certified mail to the grievant. The letter will indicate that the formal grievance has been received, and that telephonic contact was unsuccessful, and that the grievance has either been

filed, or that additional information is necessary in order to file the grievance.

- 7.7 The designated official planning agency will have 10 working days from the date the grievance was filed to contact the Chairperson of the LCB, by telephone to inform of the receipt of the formal grievance, and proceed with the selection of the ad hoc grievance resolution committee. If the chairperson is not available, the DOPA staff may then contact the Vice-Chairperson.
- 7.8 The designated official planning agency will have ten 10 working days from the date the grievance was filed to contact the CTC (if the grievance involves the CTC) to inform that a formal grievance has been filed.
- 7.9 The designated official planning agency will have 10 working days from the date the LCB chair was contacted about the grievance [in Section 7.7] to contact members of the LCB to establish the membership of the ad hoc grievance resolution committee. Pursuant to Section 4.2 of this Process, the chairperson of the ad hoc grievance resolution committee will be established at this time.
- 7.10 After the designated official planning agency has received an agreement to serve as a member of the ad hoc grievance resolution committee from the sufficient amount of LCB members, the designated official planning agency will have ten 10 working days to set up a meeting to mediate the grievance. The grievant, the chairperson of the ad hoc grievance resolution committee, and the designated official planning agency staff will attend the mediation. (The CTC will be included in this meeting, if the grievance involves the CTC.)
- 7.11 After the mediation meeting, the DOPA shall prepare a report regarding the meeting outcome. The report shall be sent to the grievant, the LCB chairperson, and the chairperson (and all members) of the ad hoc grievance resolution committee within 10 working days of the date of the meeting.
- 7.12 The Chairperson of the ad-hoc Grievance Committee or DOPA staff will check with the grieving party in 10 working days, to determine whether they are resolved.
- 7.13 If mediation is successful, the grievance is closed.

**Section 8: If Mediation is not successful:**

- 8.1 If the grievance is not resolved through mediation the grievant may request in writing that their grievance be heard by the ad hoc grievance resolution committee. The grievant has 10 days from their receipt of the report (mentioned in Section 7.11) to notify the chairperson of the ad hoc grievance resolution committee through the DOPA.
- 8.2 Upon receipt of the written notice described in Section 8.1, the designated official planning agency has 15 working days to contact the chairperson and other members of the ad hoc grievance resolution committee, the grievant, and the involved parties, to set a grievance meeting date and location.
- 8.3 The grievant and all involved parties shall be notified of the meeting date and location at least seven working days prior to the meeting date by certified mail, return receipt requested.

**Section 9: A meeting of the ad hoc grievance resolution committee is held:**

- 9.1 All involved parties have a right to present their views to the Grievance Committee, either orally or in writing. In addition, all parties may present evidence.
- 9.2 The Grievance Committee may at any time during the course of the meeting question the parties and their witnesses on any facts which it deems material to the alleged improper action.

- 9.3 The entire meeting shall be recorded electronically. Any party requesting a copy of the transcription shall pay all costs incurred in furnishing the copy of the transcription.
- 9.4 The Grievance Committee will follow a meeting agenda in accordance with the procedures herein set forth:
- A. Call to Order;
  - B. Presentation of Grievance;
    - 1. Presentation of Grievance by Grievant, which will also include witnesses, if applicable
    - 2. Response of concerned parties, which will include witnesses, if applicable.
  - C. Discussion of grievance, which shall take place in accordance with Roberts Rules of Order amongst the Grievance Committee, staff, the grievant and other interested parties. Discussion shall focus solely on the grievance as filed by the grievant;
  - D. Following discussion of the grievance, the Grievance Committee may submit a recommendation to the Coordinating Board in response to the grievance; and
  - E. Close meeting.
- 9.5 Upon conclusion of the grievance meeting, the ad hoc grievance resolution committee must submit a written report of the meeting proceedings to the chairperson of the local coordinating board within 10 working days. The report must outline the grievance, and provide the findings/recommendations of the ad hoc grievance resolution committee.
- 9.6 If the grievance is resolved through the Meeting process, the grievance process will end. The final report will be forwarded to the members of the local coordinating board.

**Section 10: If the grievance is not resolved through the meeting of the ad hoc grievance resolution committee**

- 10.1 If the grievance is not resolved through the meeting of the ad hoc grievance resolution committee, the grievant may request in writing that their grievance be heard by the local coordinating board. This request shall be sent to the Chairperson of the Local Coordinating Board, through the designated official planning agency, and must be made within 10 working days of their receipt of the ad hoc grievance resolution committee's report (in Section 9.5) Immediately following the meeting of the ad hoc grievance resolution committee, the grievant may make their request that their grievance be heard by the Local Coordinating Board, however, the time frame will "wait" until the ad hoc grievance resolution committee's report is prepared and received, as described in 9.5.
- 10.2 The Local Coordinating Board chairperson shall have 15 working days to set a meeting date. Members of the Local Coordinating Board shall have at least 10 working days notice of such meeting. The meeting of the local coordinating board shall be advertised appropriately (14 days in advance).
- 10.3 The grievance shall be presented at the meeting of the local coordinating board. The Local Coordinating Board will follow a meeting agenda in accordance with the procedures herein set forth:
- A. Call to Order;

- B. Presentation of Grievance;
    - 1. Presentation of Grievance by Grievant, which will also include witnesses, if applicable
    - 2. Response of concerned parties, which will include witnesses, if applicable.
  - C. Discussion of grievance, which shall take place in accordance with Roberts Rules of Order amongst the Local Coordinating Board, staff, the grievant and other interested parties. Discussion shall focus solely on the grievance as filed by the grievant;
  - D. Following discussion of the grievance, the Local Coordinating Board may submit a recommendation to the appropriate parties in response to the grievance; and
  - E. Close meeting.
- 10.4 The results, findings and recommendations of the LCB shall be outlined in a final report to be completed within 10 working days of the meeting. The report shall be forwarded to the grievant, members of the Local Coordinating Board, the Community Transportation Coordinator, and all other persons/agencies directly involved in this grievance process.
- 10.5 If the grievance has not been resolved through these LCB procedures, the grievant may request that their grievance be heard by the Commission for the Transportation Disadvantaged.

### **Section 11: Prohibition against Retaliation**

- 11.1 No individual shall be unlawfully denied Transportation Disadvantaged services because such individual has filed a grievance related to the Transportation Disadvantaged Program or has testified or is about to testify in any such proceeding or investigation related to the Transportation Disadvantaged Program. (This shall be monitored by the DOPA.)

### **Appeals to the Commission for the Transportation Disadvantaged**

Should a grievant remain dissatisfied with the Local Coordinating Board or Community Transportation Coordinator's recommendation, he or she may contact the Commission for the Transportation Disadvantaged at the following address:

Commission for the Transportation Disadvantaged  
605 Suwannee Street, MS-49  
Tallahassee, Florida 32399-0450

The Commission for the Transportation Disadvantaged also has an Ombudsman Program to assist individuals with complaints. The CTD's toll-free Ombudsman Hotline is-1-800-983-2435.

Chapter 427, *F.S.* does not expressly confer the power or authority for the Commission for the Transportation Disadvantaged to "hear and determine" a grievance between two third parties. The Commission for the Transportation Disadvantaged may choose to listen to grievances and it can investigate them from a fact-finding perspective. It cannot be the "judge" or "arbiter" of the grievance in the sense of determining that one party's version of the facts is right and the other is wrong, and order the wrong party to somehow compensate the right party. On the other hand, the grievance may bring to light a problem within the system.

However, if the grievance showed that one of the parties with whom the Commission for the Transportation Disadvantaged contracts was acting so aberrantly as to not be in compliance with its contract, the

Commission for the Transportation Disadvantaged could exercise whatever contractual rights it has to correct the problem. Accordingly, the Commission for the Transportation Disadvantaged may take part in the grievance process, if it wants to, for purposes of listening to the grieving parties and gathering the facts of the matter. It may not decide the grievance, where doing so would amount to an exercise of adjudicative powers.

**LEE COUNTY LCB  
GRIEVANCE RESOLUTION CONTACTS**

<b>ENTITY</b>	<b>CONTACT INFORMATION</b>	<b>PHONE</b>
Community Transportation Coordinator	Robert L. Codie, Transit Director Lee County Transit - LeeTran	Customer Service: (239) 533-8726
Lee County MPO -- Designated Official Planning Agency	Lee Metropolitan Planning Org. 815 Nicholas Pkwy, Cape Coral, FL 33915	(239) 244-2220
Local Coordinating Board Chairperson	Hon. Jessica Cosden c/o Mr. Brian Raimondo Lee Metropolitan Planning Org. 815 Nicholas Pkwy, Cape Coral, FL 33915	(239) 244-2220
Commission for the Transportation Disadvantaged	Ombudsman Hotline	(800) 983-2435 TDD (800) 648-4084

Demand Response FY 2020	Goal	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Total
<b>Productivity</b>														
Ridership-AMB					1,178	1,105	1,368							3,651
Ridership-W/C					271	219	259							749
Ridership Total					1,449	1,324	1,627							4,400
Riders Per Revenue Hour	2													#DIV/0!
Revenue Hours					1,202.16	1,115.49	1,347.72							
Revenue Miles					16,521.00	15,593.00	19,687.00							35,280.00
Average Mile per Trip					11.40	11.78	12.10							8.02
On-Time Performance	85%				87.15%	88.20%	85.13%							87%
<b>Safety</b>														
Preventable Collisiosns					0	1	1							2
Preventable per 100k Miles	1.25				143587.00	142052.00	164202.00							449,841
Non-Preventable Collisions					0	0	0							0
<b>Customer Service</b>														
Complaints					2	3	3							8
Complaints per 1k boardings	2													0
Compliments														0
Avg Hold Time-Reservation	3:50				0:08	0:16	0:07							