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20 November 2020

The Public Trust Environmental Legal Institute of Florida, Inc.
Mr. John November, Esq.
Mr. Derek LaMontagne

SUBJECT: Comments on FDOT's Preliminary Engineering Report - [I-95 at Pioneer Trail Interchange][Financial Management Number: 436292-1-22-01] [ETDM Number: 14193]

Professional Planners and Engineers, (PP&E) offer the following comments, concerns, and recommendations on the FDOT's Preliminary Engineering Report - [I-95 at Pioneer Trail Interchange] referenced above, and currently under consideration for funding for the design phase.

Our position is:

1. The stated "need" for the I-95 interchange at Pioneer Trail is to relieve congestion at the two interchanges immediately north and south of Pioneer Trail. Empirical data on the "need" for interstate interchanges have historically been to provide "access" to facilities or communities that were previously inaccessible or difficult to reach. That is not a need or a limitation for either of the communities affected by this project.
2. To date, there have been no fewer than five previous studies performed between 2005 and 2020 on the "need" for an interchange at I-95 and Pioneer Trail. Three of those studies found that the new interchange will not have any significant effects on relieving congestion (*which is not a criterion to meet to support interchanges*) at either of the interchanges north and south of Pioneer Trail. The fact that different studies performed at different times, have reached different conclusions, indicate that other alternatives should be seriously considered before a major project such as this is finalized.

3. This project is actually the final “phase” of another controversial, piecemealed segment of one much longer road project that was completed years ago, namely the extensions of Williamson Blvd. down to Pioneer Trail. The planning, design, construction, and *actual* use of Williamson Blvd. from SR 40 in Ormond Beach to Pioneer Trail in Port Orange/New Smyrna Beach are typical of a traffic congestion reliever road for I-95. Its planning, design, construction, and current use is, and will always be that of a local development road, servicing the planned residential and commercial developments it traverses. Constructing this interchange will not provide additional capacity for any of the “failing” facilities north or south of Pioneer Trail. Adding an interchange at Pioneer Trail will actually “attract” trips currently using Williamson Blvd. to the interstate, which in essence defeats to the overall purpose for Williamson Blvd.

The purpose of this comment letter is to provide you with supporting information, documentation, and analysis. This will be done by presenting the following;

1. An objective thesis on interchanges in general, and the proposed Pioneer Trail interchange, in particular.
2. A brief history of the Williamson Blvd./East Coast Beltline project and its original and final purpose of relieving traffic on I-95, as well as to attract development along its route;
3. A chronology of the various developments that require Williamson Blvd for its survival, such as the Pioneer CDD, the Ocean Gate Commerce Center, the Hammock Creek Green (Restoration DRI), and the Farmton Local Plan developments. And finally,
4. The identification and analysis of practicable alternatives to the proposed interchange project.

The Interstate Highway System

The original interstate system was envisioned and designed for “Inter-**STATE**” travel (*including between regions and cities*), which has morphed into what is now, as in this project, “Inter-**DEVELOPMENT**” travel. Ideally, the purpose to plan, design, and eventually, build an interchange is to provide access *to the interstate* for anticipated

vehicular traffic from intersecting facilities at some point in the foreseeable future. Inherent to that purpose should be empirical data that supports and verifies that traffic from the crossroad facility has no other means or options available (i.e., alternative interchanges) to use in order to access the interstate.

The act creating the interstate system was passed by the U.S. Congress back in 1956, with the “**Interstate Defense Highway Act**”. The agency responsible for providing and controlling access to the interstate is the Federal Highway Administration (FHWA). The FHWA is **not** responsible for providing and controlling access to property owners adjacent to the Interstate, that responsibility lies with County and local government.

The land use characteristics, present and future, of the area adjoining the interchange and the crossroad are the third variable in the capacity- traffic balance. While the inter-relationships of traffic and land use are only imperfectly understood, it is clear that the number of vehicular movements at a given point bears a direct relationship to the use made of the land and the approach. The highway agency, however, has little if any control over the changes in land use which occur after the facility is constructed. While this subsequent change in land use can destroy the usefulness of an interchange, direct public control over land use change lies primarily with agencies other than the highway agency. While some indirect controls are exercised on the state level, the regulation of land use is almost exclusively a function of county and municipal governments. (Covey, Summer 1961)

With few exceptions, the location of interchanges has added to the effectiveness and efficiency of the interstate system. In those instances where the interchanges have not been effective, the common traits identified have been the choice of land-uses that are surrounding and/or abutting the interchange, as well as the distance to or the location of the closest cross-street intersections. Locally, some of the successful interchanges on I-95, along with the distance to their closest signalized intersection are:

- **U.S. 1 (.20th of a mile)**
- **S.R. 40 (Granada Blvd.)(.25th of a mile)**
- **LPGA (.46th of a mile)**
- **U.S. 92 (ISB) (.30th of a mile)**
- **Beville Road/I-4 (.40th of a mile)**
- **S.R. 44, (.44th of a mile) and**

- **S.R. 442 (Indian River Blvd.) (.83th of a mile)**

In fact, this list represents the entirety of the interchanges along I-95 in Volusia County, with the exception of S.R. 421 (Dunlawton Blvd.). The distance to the closest signalized intersection on Dunlawton is less than a .10th of a mile in either direction. That will continue to be the case, with or without the Pioneer Trail interchange. In other words, unless and until a major re-configuration at the Dunlawton/Taylor Road and Williamson Blvd., which is the intersection immediately west of the I-95 ramps, the level of service within that area will continue to fail.

Constructing new federal interchanges as a means of alleviating local LOS failures has never been a successful solution. In fact, a new interchange at Pioneer Trail has the potential of transferring, or at the very least, duplicating the problems at Dunlawton Blvd/Taylor Road. Additionally, if the goal of the interchange is to provide access to potential future development there are other, less intrusive and more effective solutions or alternatives available. Those alternative solutions will be discussed later in this letter.

Historically, when interchanges are proposed, there are clear and indisputable data in existence that shows existing travel patterns along the crossroad facility leading to the closest interchange. Those patterns supposedly indicate that a substantial amount of trips on the intersecting facility are now being distributed along parallel routes heading to the next available interchange. That “need indicator” was not present or identified in any of the several studies performed for this project. In other words, there are no data or traffic counts available to show trips along Dunlawton Blvd. in Port Orange or SR 44 in New Smyrna Beach, having as their point of destination any development, current or planned, along Pioneer Trail.

History and Transformation of Williamson Blvd. – from “the East Coast Beltline” to a Development Road.

What started off as simple lines on a map morphed into one of *the* most controversial road projects in Volusia County. Williamson Boulevard, referred to as the East coast

Beltline, was originally conceived as a reliever route to I-95 on the east side of Volusia County. The project can trace its infancy as far back as the late 1960s when it was listed in the County's transportation plans. At that time, the 'need' for the project was based wholly on the limitations of U.S. 1 and its distance from I-95.

Proponents of the Beltline argued that traffic on U.S. 1 would continue to increase in future years and that local motorists would eventually turn to I-95 as a way to get between cities in the Greater Halifax Area. They compared this eventuality to something similar to the changes to I-4 in downtown Orlando, which was a result that neither the federal, state, or local governments foresaw or desired.

However, detractors noted that in addition to U.S. 1 and I-95, other north-south routes existed in SR 5A (Nova Road) and Clyde Morris Blvd., each of which could be widened to accommodate any increases in traffic more economically than a brand new alignment.

The "need" for the project had always been a point of contention, as was the funding and the actual alignment of the route. As far back as 1978, which is the earliest documented attempt to fund at least a portion of the project; the County set aside road building funds to the tune of \$1.3 million dollars. At that time the route kept the same alignment as it appears today, with one exception, it did not cross I-95. In fact, back in the late 1970's and all of the 1980's the route had the alignment crossing Clyde Morris Blvd just north of Dunlawton Blvd. heading southeast and just before Dunlawton taking a southwesterly turn ending at Taylor Road. *(See Map A)*.

By early 1990, not only had the alignment and terminus been modified, but so had an earlier stipulation concerning prohibition of quid pro quo on right-of-way acquisition. According to County records, 200 feet of right-of-way between Beville Road in Daytona Beach and Taylor Road in Port Orange was acquired in a deal with DSC Enterprises. The contract required DSC to lend the county at least \$5.53 million to build the beltline segment between those two points. About \$1.7 million was provided up front, with the remaining portion coming from the purchase of bonds by DSC Enterprises.

According to this agreement, and **as built today**, the beltline, beginning at Beville Road, would stay east of I-95, continue south to Willow Run Blvd. From there it would cross

over I-95 via an overpass and run southeast to Taylor Road at the intersection of Airport Road on the west. [At this point in its history, the terminus was projected to extend further south to SR 442 (Indian River Blvd) in Edgewater. The route at that time used the Airport Road alignment all the way south of Pioneer Trail and crossed back over I-95 just north of SR 44 where it took a southeasterly bend to SR 442 in Edgewater.

In short, what began over twenty years earlier as an east-side reliever route for I-95 has changed to include being a facility for the various developments west of I-95, as far south as to Brevard County. Additionally, at no time was there an agreement, plan, or stipulation to end the project at Pioneer Trail. In fact, the Ocean Gate Commerce Center, the Restoration DRI, and the Farmton Local Plan developments show this road project continuing as far south as the SR 5A and I-95 interchange in Brevard County. (*See Maps B, C & D*). A discussion on those projects follows.

Chronology of Developments:

- **Pioneer CDD**
- **Ocean Gate Commerce Center**
- **Hammock Creek Green (Restoration DRI), and**
- **Farmton Local Plan developments.**

The Pioneer CDD (aka, Stanaki PUD)

- Pioneer CDD and its precursor, Stanaki PUD, (1200 acres, 1300 residential units and 25 acres of commercial) date back to 1997.
- In 2005, the PUD was purchased by its current owner, ICI Homes. With that purchase the owner (Pioneer CDD) was granted State authorization to issue over \$52 million in tax-exempt bonds to be used to build the necessary infrastructure within the development.
- In early 2008, subsequent to a shift in the road alignment and commercial node location within the Pioneer CDD development due to environmental issues, a request was made to modify the Volusia Transportation Planning Organization's (TPO) 2025 Cost Feasible Plan by adding an interchange at Pioneer Trail and I-95.
- In 2008, the TPO voted against that amendment.

- In 2009, during the 2035 update to the plan (***adopted in Sept. 2010***), the Pioneer Trail interchange was once again modeled, but failed to make it onto the final adopted Financially Feasible list. In fact, it did not even make it onto the unfunded Needs Plan; which has a much-lower threshold.
- In April of 2013, Volusia County, on behalf of the Pioneer CDD, requested an amendment to Volusia TPO's 2035 Long Range Transportation Plan (LRTP) to include an interchange at I-95 and Pioneer Trail. The rationale cited in defense of the project was the impending traffic generated by the Woodhaven development.
- In August of 2013 the TPO voted to amend the 2035 plan to include the interchange, even though the update to *that* plan was just getting underway that fall. TPO members voting in favor of the project did so, according to their statements, **to provide the Pioneer CDD access to the interstate.**

It's ironic that the proponents of the Williamson Blvd project claimed that the project was necessary to relieve traffic **'off'** of the interstate, while simultaneously requesting a new interchange that would **'add'** traffic to the interstate.

OCEAN GATE COMMERCE CENTER

The Ocean Gate Commerce Center (OGCC) development is located within the City of New Smyrna Beach, in the southwest quadrant of SR 44 and I-95. (***See Map B***). The OGCC development will consist of 975,000 square feet of commercial and industrial development. This approved PUD sits on 188 acres.¹ The OGCC development plays an important part in the Williamson Blvd. extension, it is the beginning of the middle section of the project that has not been designed or programmed for construction. However, this section *will not* connect with the Restoration DRI section in the City of Edgewater²

Another important fact is that no agency, at this point has indicated whether this alignment will line up with the Williamson Blvd alignment across the street on the north side of SR 44. The County has not indicated exactly where the 'northern' alignment (Pioneer Trail to SR 44) will begin and end. The only section that has been designed and

¹ City of New Smyrna Beach, ***Development Activity Report***, September 2013, Page 13.

² City of New Smyrna Beach, ***Interoffice Memorandum - Gail Henikson to Pam Brangaccio***, 23 April 2013, Page 3.

programmed, and constructed is the Pioneer CDD alignment (Airport Rd. to Pioneer Trail). Only two of the remaining three sections, namely; the 'middle' section (SR 44 to SR 442) and the 'southern' section (SR 442 to SR 5A in Brevard County) are, for the most part, listed as developer-funded roads. What this means is that the County could end up with Williamson Blvd. terminating at Pioneer Trail, and picking up again at SR 44 down to the end of the OGCC development, and picking up yet again at the beginning of the Restoration DRI. What is missing is the 'northern' piece and that section between the OGCC development and Restoration. If Williamson Blvd. is to be a *true* reliever route to I-95, it must by definition, be continuous like I-95, it is not.

HAMMOCK CREEK GREEN DRI

The Hammock Creek Green DRI (HCGDRI) development is located within the City of Edgewater in the northwest quadrant of SR 442 and I-95. The site encompasses approximately 5,181 acres. The RDRI project, at build out (2023), will consist of 8,500 residential units (3,825 single-family residential units and 4,675 multi-family residential units) together with no more than 3,300,000 (1,904,443 square feet of office and 1,395,557 20 square feet of retail) square feet of non-residential uses.³

The HCGDRI is proposing to build the majority of the 'middle' section of Williamson Blvd. It will begin at SR 442 and run north to the City limits of Edgewater (*see Map D*). As was pointed out earlier, there are no plans to connect the HCGDRI segment with the OGCC segment, leaving a missing link between the two sections.⁴

FARMTON MASTER DEVELOPMENT PLAN (MDP)

The Farmton MDP (FMDP) development is located within unincorporated Volusia County and the City of Edgewater, in the southwest quadrant of SR 442 and I-95. The FMDP project, at build out (2060), will consist of 23,100 residential units and 4.7 million square feet of non-residential development on 47,000 acres within Volusia County, with 32,000 acres designated as GreenKey areas, and 15,000 as Sustainable Development Areas

³ Restoration DRI, ***Amended and Restated Development Order for Restoration DRI***, 23 Feb. 2010, Page 11.

⁴ IBID. 3, p. 3.

(SDAs).⁵ The development begins at the southwest quadrant of SR 442 and I-95, and covers most of what is west and south of that location. The development will also extend into northwest Brevard County as well.

The FMDP is proposing to build the largest section of the Williamson Blvd. extension. (*See MAP D*). This section will be approximately 16 miles in length. It will connect to the section that is to be built by the Restoration DRI to the north (*previously discussed*). A special note is warranted here, a new interchange at Maytown Road has found its way into the River-to-Sea Transportation Planning Organization's Transportation Improvement Plan (TIP). This is another project that is being totally spearheaded by a private developer, and not because of or for a greater community-wide need.

The identification and analysis of practicable alternatives to the Pioneer Trail Interchange project.

- ***Williamson Blvd. and Its Extension***

According to Volusia County, building the Williamson Blvd. extension would provide a north-south reliever for I-95 and other north-south facilities.⁶

We compared 2009 traffic counts⁷ on I-95 and Williamson Blvd. to their 2019 traffic counts to determine if building the Williamson Blvd extension has actually served its intended purpose. If the road accomplished what was its originally intended purpose, there should be a noticeable reduction in traffic on I-95 and an increase in traffic on Williamson Blvd. What we found is that Williamson Blvd. is in fact, accomplishing its intended purpose. With few exceptions, traffic on I-95 actually decreased at every interchange in Volusia County

As was indicated, there were a few instances where there were increases (*5 of the 10 interchanges in the County*), but even in those instances, the largest increase was less than 4%. Additionally, those increases were due to trips traveling from one municipality to

⁵ Volusia County Gov't, ***County Council Agenda Item 31***, 22 August 2013, Page 31-33.

⁶ "North-South Beltline Dusted Off, Debated", *Daytona News Journal*, 13 November 1980. Local Section.

⁷ Vol. County Traffic Engineering Dept., 2019 Volusia County Traffic Counts, Volusia Co. Gov't., 2020

another, which is the intended purpose for the interstate system, i.e., inter-City, not inter-Development.

Williamson Blvd. had increases in every segment, the largest showing a 20% average annual growth rate. Ironically, the segment showing the smallest increase (3%), between Airport Rd. and Pioneer Trail, would logically indicate that there is no great desire for residents in Port Orange to travel to points along Pioneer Trail. Even if the desire to travel south to Pioneer Trail is somehow increased, there is currently sufficient enough capacity to handle that increase.

It should be noted that if there is a desire to travel further south passed the current terminus on Williamson Blvd. there are two options available, namely; Airport Road and Pioneer Trail, because both facilities parallel I-95. Additionally, discussions on extending Williamson Blvd. further south have been included as a needed facility in each of the four developments chronicled in the previous section.

- ***Induced Traffic Demand***

Induced Traffic Demand is the increase in travel demand that is generated by increases in road capacity, as in the case of a new interchange at Pioneer Trail. Induced traffic is similar to climate change in that it has both supporters as well as skeptics/deniers. In essence, people respond to increases in road capacity — supply and demand. As the cost (in this case travel time) goes down, demand increases. A 30-minute reduction in commute time will greatly influence peoples' choice of residence; homeowners feel comfortable living further from work, school, shopping, etc.

Research shows that in just 5 years after building or expanding a road, induced traffic will take up about 75% of the new capacity. After 10 years it increases to about 90%. Induced demand is not being captured in the transportation planning/engineering process. It's totally outside industry models because of its unpredictability. According to the Federal Highway Administration, industry standard models are not performing well in terms of prediction.

Conversely, it's rare that the question, "*what if we accept congestion?*" is ever asked during the traditional planning process. If the question becomes a part of the process, data indicates that initially the response is less than positive. Afterwards, once the initial sting has been absorbed, collateral positive impacts emerge.

Rather than lead to catastrophic failure, congestion leads to behavior change. People live in town or at least closer. Redevelopment through rehabilitation of existing houses, in place of moving to bigger houses further from town begin to be commonplace. Older neighborhoods get fixed up; real-estate values increase; in-town schools are retained and maintained; public transit is developed. Health improves (people's physical & emotional health; and society's economic and ecological health as well.) Conventional wisdom indicating dire predictions rarely happens, because overtime, people get used to traffic congestion. Accommodation for motor vehicular traffic will always be necessary, but it should not be the only factor in our planning for the future.


In conclusion, the public is now being told that the interchange system is in place to provide access to the development community's properties, and to relieve congestion on local facilities caused by poor land-use decisions, while ignoring safety and the smooth flow of traffic between cities and regions that the system was originally designed for.

We contend that **FDOT's Preliminary Engineering Report - [I-95 at Pioneer Trail Interchange]** is deficient in several instances. The data and analysis that was provided in support of the project was limited, inaccurate, and in most cases, not complete. The stated purpose of the project is inaccurate, to say the least. In fact, the actual purpose of the project is to increase the value of property owned by three entities. There is no *greater good* involved with this project. The vast majority of the development that's identified in the study is residential, not commercial. Hence, very few jobs will actually be created. Building an interchange at Pioneer Trail will ultimately lead to more congestion on SR 44, which is the ultimate destination point utilized currently by development traffic on that facility.

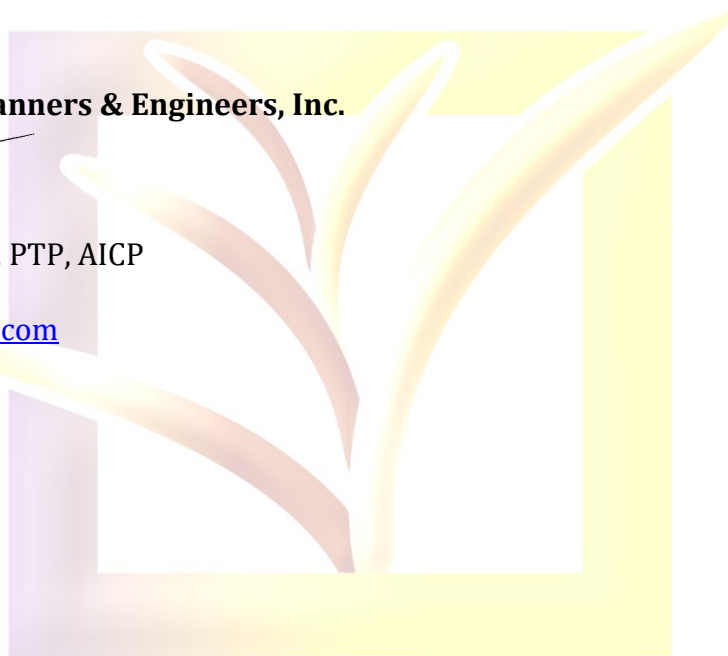
And finally, by having a project that's led by a group of landowners defies all logic given the history of Williamson Blvd. and its original (and according to traffic data, current) purpose. Additionally, previous studies have verified that Williamson Blvd., south of Airport Road is needed as a reliever route for I-95, as well as an economic boost for each of the communities and developments it traverses.

We appreciate the opportunity to comment on this project and look forward to your response.

Sincerely,
Professional Planners & Engineers, Inc.



A. Shawn Collins, PTP, AICP
Principal
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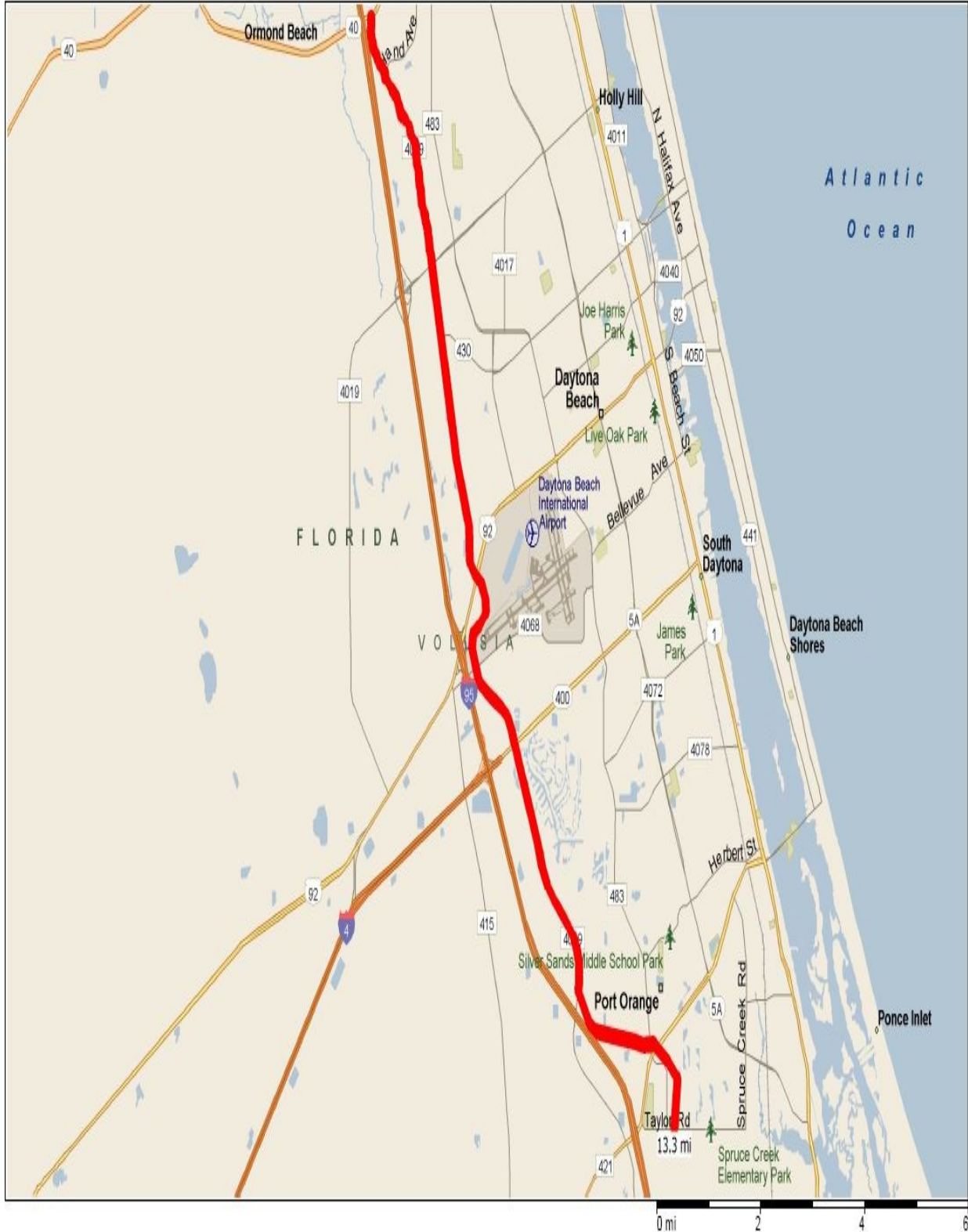
MAPS & REFERENCES



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MAP A

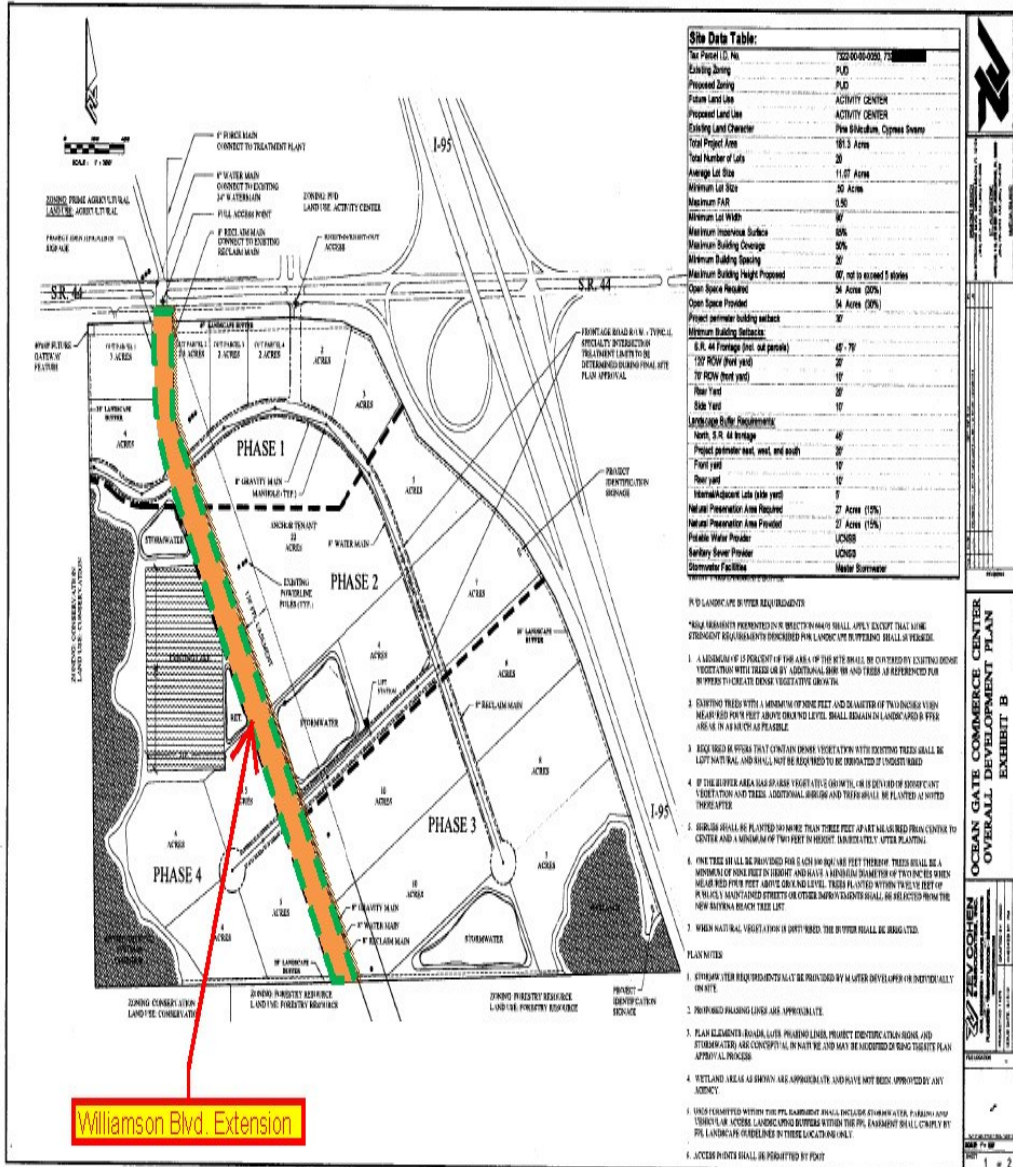
Williamson Blvd Alignment [1980]



MAP B

Williamson Blvd. Ext.

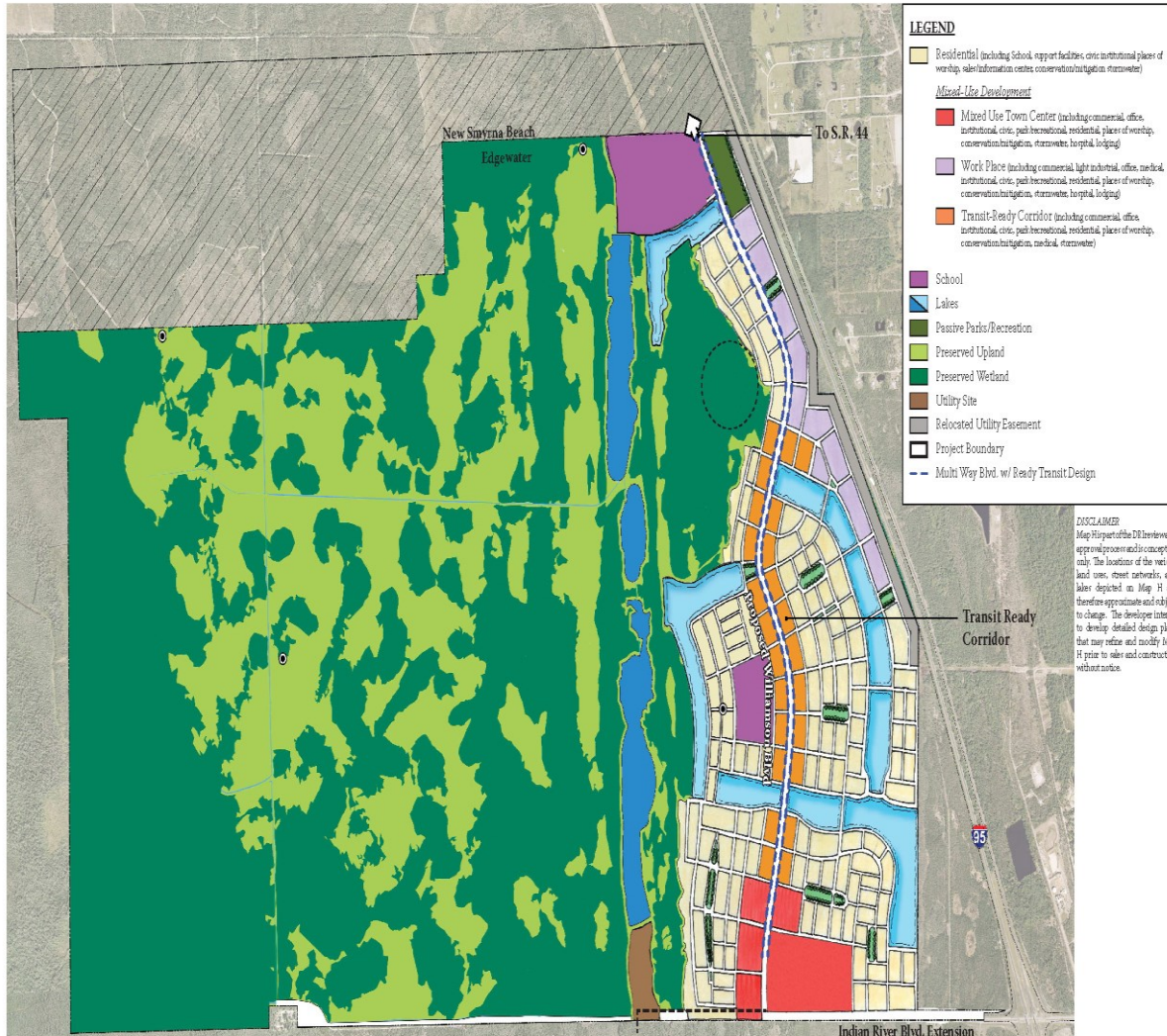
(Into the Ocean Gate Commerce Center)



OCEAN GATE COMMERCE CENTER OVERALL DEVELOPMENT PLAN EXHIBIT B
 PREPARED BY: [Firm Name]
 DATE: [Date]

MAP C

Williamson Blvd. extension [Through the Restoration DRI]



LEGEND

- Residential (including school, support facilities, civic/institutional places of worship, sales/information centers, conservation/trail/golf, stormwater)
- Mixed-Use Development**
 - Mixed Use Town Center (including commercial, office, institutional, civic, park/recreational, residential, places of worship, conservation/trail/golf, stormwater, hospital, lodging)
 - Work Place (including commercial, light industrial, office, medical, institutional, civic, park/recreational, residential, places of worship, conservation/trail/golf, stormwater, hospital, lodging)
 - Transit-Ready Corridor (including commercial, office, institutional, civic, park/recreational, residential, places of worship, conservation/trail/golf, medical, stormwater)
- School
- Lakes
- Passive Parks/Recreation
- Preserved Upland
- Preserved Wetland
- Utility Site
- Relocated Utility Easement
- Project Boundary
- Multi Way Blvd. w/ Ready Transit Design

DISCLAIMER
Map H is part of the DR. It is intended for informational purposes only. The locations of the various land uses, street networks, and lakes depicted on Map H are therefore approximate and subject to change. The developer intends to develop detailed design plans that may refine and modify Map H prior to sales and construction without notice.



EXHIBIT B: Map H (Revised)
Master Development Plan
Edgewater, Florida

Hammond Creek Green, LLC
Owner/Applicant

Curtis Associates, Inc.
Planning & Landscape Architecture

Donald W. McIntosh Associates, Inc.
Civil Engineer

Brae-Rove, Dennis & Associates, Inc.
Environmental Scientist

Kimley-Horn & Associates, Inc.
Transportation

Fishkind & Associates, Inc.
Economics

Baker & Hostetler, LLP
Legal

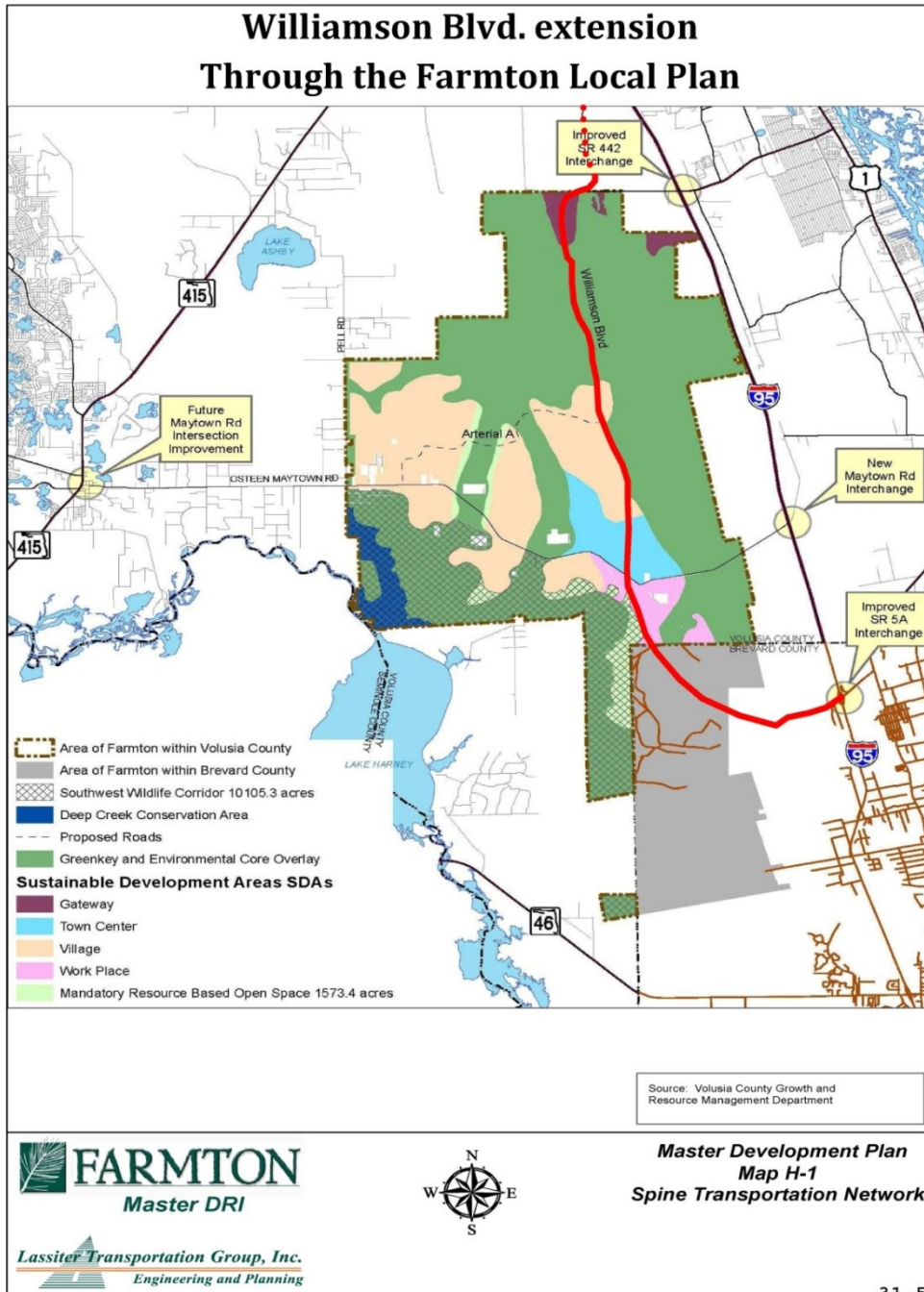
Holland & Knight, LLP
Legal



CMIN ASSOCIATES
urban planning/landscape architecture/infrastructure design
500 Alhambra Avenue, Orlando, Florida 32803-4074/4040
305.392.1100

REVISION	REVISION	REVISION	REVISION
NO. 001	NO. 002	NO. 003	NO. 004
DATE	DATE	DATE	DATE

MAP D



File Name: 31 1157 Farmton Master Development of Regional Impact agreement.

31-51
 Date: 04/01/2013 31-51

REFERENCE INDEX

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- Volusia County Council Agenda, **Item 31, Farmton Master Development of Regional Impact Agreement**, 22 August 2013.
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- Daytona Beach News Journal Article, '**Port Orange Council To Hear Presentation on Beltline Plan**', 8 February 1982.
- Daytona Beach News Journal Article, '**East Coast Beltline gets decade head start**', January 1990.
- Volusia County Traffic Engineering Dept., **2004 Traffic Counts**, Fall 2005.
- Volusia County Traffic Engineering Dept., **2012 Traffic Counts**, Fall 2013.
- Volusia TPO, **FY 2013/14 - 2017/18 Transportation Improvement Program**, 25 June 2013.
- City of New Smyrna Beach, **Development Activity Report**, September 2013.
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- Port Orange, **Staff Report**, 16 Aug 2005.
- Port Orange, **Staff Report**, 13 May 2013.
- Victoria Transport Policy, **Generated Traffic and Induced Travel**, July 2020.