

7.0 REFERENCES

TECHNICAL RESOURCES AND REFERENCES OF INDUSTRY STANDARDS AND BEST PRACTICES

Our appreciation for those involved in previous work on bus stop guidelines, as these were used as base information to develop the Votran Technical Design Standards for Accessible Bus Stops. Most notable of these were:

- *TCRP Report 19, Guidelines for the Location and Design of Bus Stops (1996)*

Review of content from several other agency design and standards manuals and other technical sources were considered in the development of this manual and include:

- *U.S. Access Board technical publications and published regulations and guidelines*
- *TCRP/Transit Research Board technical publications*
- *Easter Seals Project ACTION publications*
- *U.S. Department of Transportation/Federal Transit Administration technical assistance publications*
- *U.S. Department of Justice technical source documentation*
- *Florida Department of Transportation resource publications*
- *American Public Transportation Association resources*

From: Elizabeth Suchsland
To: jimb@waverlyMedia.com
CC: Blanck, Heather; Davenport, Robert
Date: 12/17/2012 10:56 AM
Subject: Fwd: Votran Sign/Bench

Jim-

I think this is one of your benches.

Thanks,
Liz

Elizabeth Suchsland
Assistant General Manager of Operations and Maintenance
VOTRAN
950 Big Tree Road
South Daytona, FL 32119
Telephone: 386-763-3727
Fax: 386-756-7487
Cell - 386-216-6983

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>>> "Michael Kimpton" <mkimpton@gatewaybankfl.com> 12/17/2012 10:30 AM >>>
On Friday, December 14th there was an automobile accident that occurred at one of the Votran Bus stop locations. As a result, the Votran sign and bench have been damaged and are in need of replacement. The location of this stop is directly in front of our Gateway Bank of Florida Port Orange address. The exact physical location is 3741 S Nova Road, Port Orange, FL 32129.

If you need any additional information or have any questions please feel free to contact me at 386-761-9377.

Thank you,

Mike

Michael Kimpton | Assistant Vice President | Financial Center Manager

Gateway Bank of Florida | 3741 S. Nova Road | Port Orange, FL 32129

Office: 386.761.9377 | Fax: 386.761.9379 | NMLS #552270

mkimpton@gatewaybankfl.com <<mailto:mkimpton@gatewaybankfl.com>> |
www.gatewaybankfl.com <<http://www.gatewaybankfl.com>>

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From: Jim Brown <jimb@waverlymedia.com>
To: Elizabeth Suchsland <esuchsland@volusia.org>
Date: 12/17/2012 6:32 PM
Subject: Re: Fwd: Votran Sign/Bench

Hi Liz,
Thank you. Will get it fixed asap! No later than Wednesday.
Sincerely,
Jim

--- On Mon, 12/17/12, Elizabeth Suchsland <esuchsland@volusia.org> wrote:

From: Elizabeth Suchsland <esuchsland@volusia.org>
Subject: Fwd: Votran Sign/Bench
To: jimb@waverlymedia.com
Cc: "Heather Blanck" <HBlanck@volusia.org>, "Robert Davenport" <RDavenport@volusia.org>
Date: Monday, December 17, 2012, 10:56 AM

Jim-

I think this is one of your benches.

Thanks,
Liz

Elizabeth Suchsland
Assistant General Manager of Operations and Maintenance
VOTRAN
950 Big Tree Road
South Daytona, FL 32119
Telephone: 386-763-3727
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mkimpton@gatewaybankfl.com <mailto:mkimpton@gatewaybankfl.com> |
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From: Elizabeth Suchsland
To: jimb@waverlymedia.com
CC: Bill Mayer; Robert Davenport; Rick Kazawitch
Date: 12/19/2012 11:44 AM
Subject: Bench
Attachments: SKMBT_C36012121910540.pdf

Jim –

I am not sure if this is one of your's, please advise.

Thank you.

Liz



WITNESS SUBPOENA
CRIMINAL DIVISION
RE: STATE ATTORNEY INVESTIGATION

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT IN AND FOR
VOLUSIA COUNTY, FLORIDA

SUBPOENA DUCES TECUM FOR INVESTIGATION

THE STATE OF FLORIDA TO: COUNTY OF VOLUSIA
C/O COUNTY ATTORNEY
THOMAS C. KELLY ADMINISTRATION CENTER
123 W. INDIANA
DELAND, FL 32720

YOU ARE HEREBY COMMANDED TO BE AND APPEAR BEFORE THE ABOVE NAMED ATTORNEY OF THE CIRCUIT COURT IN AND FOR SAID COUNTY OF ST. JOHNS, AT THE OFFICE OF THE STATE ATTORNEY, *****INSTANTER***** THEN AND THERE TO TESTIFY IN A CERTAIN MATTER BEFORE THE SAID COURT PENDING AND UNDETERMINED, WHEREIN THE STATE OF FLORIDA IS PLAINTIFF.

YOU ARE COMMANDED TO HAVE WITH YOU AT THAT TIME AND PLACE THE FOLLOWING:

DUCES TECUM:




PLEASE NOTE: YOU NEED NOT APPEAR, PLEASE FORWARD THE APPROPRIATE DOCUMENTATION TO THE UNDERSIGNED ASSISTANT STATE ATTORNEY OR HAND DELIVER TO INVESTIGATOR MIKE TAYLOR, OFFICE OF THE STATE ATTORNEY, 4010 LEWIS SPEEDWAY, SUITE 2022, ST. AUGUSTINE, FL 32084..

*****PURSUANT TO A CRIMINAL INVESTIGATION, YOU ARE NOT TO DISCLOSE THE
EXISTENCE OF THIS REQUEST. "ANY SUCH DISCLOSURE COULD OBSTRUCT AND IMPEDE THE
INVESTIGATION BEING CONDUCTED AND THEREBY INTERFERE WITH THE ENFORCEMENT OF
THE LAW" *****

*****IF YOU FAIL TO APPEAR, YOU MAY BE HELD IN CONTEMPT OF COURT*****

DATED this 12TH DAY OF JANUARY, 2013.

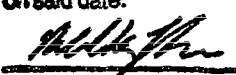
AS PRAYED FOR BY
R.J. LARIZZA
STATE ATTORNEY

BY 
JAMES R. DISINGER
ASSISTANT STATE ATTORNEY
FLORIDA BAR NO. 0543454
101 NORTH ALABAMA AVENUE
DELAND, FL 32724

ATTENTION: PERSONS WITH DISABILITIES

"In accordance with the Americans with Disabilities Act, person needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice: Telephone: 904-819-3630. If you are hearing or voice impaired, call 1-800-955-8771(TDD) - THIS IS NOT A COURT INFORMATION LINE

Received this Subpoena
the 18 day of January.
A.D. 20 13, and executed it
on the 19 day of January.
A.D. 20 13, by Robert
Schnee the witness
named Volusia County

On said date.

Investigator
State Attorney's Office
7th Judicial Circuit

From: Daniel Eckert
To: Northey, Patricia; Sherrer, Steven
Date: 2/2/2013 12:40 PM
Subject: Re: Bus benches

Pat, This has been a topic of management review that I would like to talk to you about next week. Dan

>>> Patricia Northey <pnorthey@volusia.org> 2/1/2013 10:07 PM >>>

Dan , it seems to me waverly's desire to provide inkind services should've not relieve them of payment to the county. Otherwise, the county is participating in campaigns. Please advise.

Steve, how do we account for payment?

Pat Northey
Volusia County Council Member
District 5

"Do what you feel in your heart to be right, for you will be criticized anyway" Eleanor Roosevelt.
Sent from my iPad

On Feb 1, 2013, at 8:23 PM, "Steven Sherrer" <SSherrer@volusia.org> wrote:

> Ms. Northey,
>
> We don't know what arrangements were made with candidates for bus bench advertising.
>
> Steve
>
> >>> Patricia Northey 2/1/2013 3:35:37 PM >>>
> can you confirm how they accounted for in kind bus bench advertising? In other words, did we get our
> cut for any inkind advertising that they gave to candidates?
>
>
> Patricia Northey
> Volusia County Council Member
> District 5
> Cell: 386-717-0505
> Fax: 386-789-7501
>
> "Life isn't about waiting for the storm to pass...It's about learning to dance in the rain.
> >>> On 2/1/2013 at 3:09 PM, in message <510C20F8.6EA : 202 : 2440>, Steven Sherrer wrote:
> Ms. Northey,
>
> We collected \$13,806.55 in 2012. There are 95 benches in unincorporated Volusia owned by Waverly.
>
> Steve
>
> >>> Patricia Northey <pnorthey@volusia.org> 1/31/2013 10:15:53 PM >>>
> How much are we collecting annually and what is the breakdown of number of benches.
>
> Patricia Northey
> District 5
> Volusia County Council
> (O)386-943-7026 or 386-736-5920
>
> "Life isn't about waiting for the storm to pass... It's about learning to dance I'm the rain."
>

> On Jan 31, 2013, at 7:55 PM, "Steven Sherrer" <SSherrer@volusia.org> wrote:

>

>> Ms. Northey,

>>

>> Waverly does own the bus benches in unincorporated Volusia county. Our contract with waverly is expired and a new RFP for bus bench advertising has been held up by the ADA accessibility issues that exist at the benches. We are currently working on a scope of work for a contract for correcting accessibility issues.

>>

>> Steve

>>

>> >>> Patricia Northey 1/31/2013 6:44:43 PM >>>

>> What is our relationship with Waverly? Do we have contracts? are they providing services in the unincorporated county for us?

>>

>>

>> Patricia Northey

>> Volusia County Council Member

>> District 5

>> Cell: 386-717-0505

>> Fax: 386-789-7501

>>

>> "Life isn't about waiting for the storm to pass...It's about learning to dance in the rain.

Daniel Eckert - Fwd: Bus benches

From: Patricia Northey <pnorthey@volusia.org>
To: DEckert@volusia.org
Date: 2/4/2013 1:57 PM
Subject: Fwd: Bus benches

Pat Northey
 Volusia County Council Member
 District 5

"Do what you feel in your heart to be right, for you will be criticized anyway" Eleanor Roosevelt.
 Sent from my iPad

Begin forwarded message:

From: "Steven Sherrer" <SSherrer@volusia.org>
Date: February 4, 2013, 12:21:26 PM EST
To: "Patricia Northey" <PNorthey@volusia.org>
Subject: Re: Bus benches

Ms. Northey,

They send us a check for the benches quarterly. They also send a list where the benched are located but the business advertising on it is not listed.

Steve

>>> Patricia Northey <pnorthey@volusia.org> 2/1/2013 10:07:15 PM >>>
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learning to dance in the rain.

Daniel Eckert - Re: Bus benches

From: Patricia Northey
To: Eckert, Daniel
Date: 2/7/2013 10:27 AM
Subject: Re: Bus benches

I intend to discuss this during Council time, unless you believe you have an appropriate response.

Patricia Northey
Volusia County Council Member
District 5
Cell: 386-717-0505
Fax: 386-789-7501

"Life isn't about waiting for the storm to pass...It's about learning to dance in the rain.

From: Julie Dziak
To: Marcy Zimmerman
Date: 2/12/2013 12:51 PM
Subject: Assistance with Document History
Attachments: Bus Bench Ad-Bus Stop Amenities History - MARCY REVIEW - 2.12.13.pdf

Marcy:

Thanks so much for your willingness to assist me with this request. In an effort to provide you with as much info as necessary for our request, I've attached a timeline. This document was provided to Steve from legal and I have gone through and summarized the original document to keep it more in line with the specifics we were seeking that may be in the system. Date timeline, project name and contractors are included. Please let me know if I can provide further information.

Thank you again for your help and any questions, please don't hesitate to email or call.

Have a great day!

Julie

PS - Marcy if you received my previous, I had attached the incorrect PDF, my apologies.

Julie Dziak
Executive Assistant to General Manager
Voltran
950 Big Tree Road
South Daytona, Florida 32119
o. 386.756.7496, ext. 4145
f. 386.756.7487
jdziak@volusia.org

Bus Bench Advertising / Bus Stop Amenities - History

Date	Description
10/01/79	County/Votran enters into "exclusive" bus bench advertising agreement with AMI (Associated Marketing, Inc.) for a period of 5 years.
11/01/92	County enters into bus bench advertising contract with AMI (Associated Marketing, Inc.) for a period of 1 year. NOTE: This contract automatically renews for 1 year unless notice of cancellation provided in writing by either party.
06/07/01	Council Member Pat Northey requests that "staff AGENDA the bus bench advertising contract."
07/05/01	Council Member James Ward asks when the Council is going to "discuss the bus bench advertising issue."
08/16/01	Agenda Item #23 - proposes that the County's agreement with AMI (Associated Marketing, Inc.) be modified to allow benches to be placed only at VOTRAN bus stops.
01/23/03	Agenda Item #10 - pulled by Council Members Pat Northey & Joseph Jaynes. Item #10 seeks council approval of the following: <ol style="list-style-type: none"> 1. Bus stop amenities should be provided by each municipality through a contract with a vendor that results in the purchase, installation and maintenance of bus benches and shelters, that is off-set by revenue from advertising on the benches and shelters; 2. In municipalities that do not allow advertising on benches and shelters, Votran will assist with the capital costs of purchasing bus benches and shelters; and 3. In municipalities that allow advertising on benches or shelters and derive revenue from such arrangements, the municipalities should assume responsibility for maintenance of Votran benches and shelters. <p>Council approves the foregoing policies and further directs staff NOT to accept advertising on shelters for bus stop amenities in the unincorporated areas of Volusia County and to provide separate contracts for cities that want to accept advertising on bus stop amenities.</p>
08/07/03	Proposed TDP (Transit Development Plan) for 2003-2007 is approved. TDP refers to the establishment of a countywide policy related to the implementation of bus stop amenities, under which, Votran would continue to provide bus benches through a contract with AMI (Associated Marketing, Inc.) and shelters with advertising to those communities that want them. However, for those municipalities that do not allow advertising, provisions would be established that would enable them to address their own needs for amenities, including installation and maintenance. <p>TDP further reiterates the result of the 1/23/03 meeting, were Council directed staff to take NO advertising on shelters located in unincorporated areas while acknowledging that contracts could be made separate from the County for those cities that wish to advertise.</p>
08/26/04	Updated TDP for 2003-2007 refers to the establishment of a countywide policy related to the implementation of bus stop amenities, under which, Votran would continue to provide bus benches through a contract with AMI (Associated Marketing, Inc.).
02/21/05	AMI (Associated Marketing, Inc.) becomes Maverick Bench Media. - ANY DOCUMENTATION IN THE SYSTEM FOR COUNCIL APPROVAL OF THIS CONTRACT REVISION AND/OR ASSIGNMENT?
06/29/05	Memo from Lois Bollenback to Reggie Williams, Community Services Director & Ken Fischer, General Manager for Votran that details a potential conflict between County ordinances and bus bench advertising efforts. Memo outlines the cost/benefit of Votran continuing the advertising program vs. Votran constructing own benches.
08/04/05	Annual update TDP indicates Votran will continue to provide benches through a contract with AMI (Associated Marketing, Inc.) or Maverick Bench Media. This update would override 2003 County Council direction to take no advertising on shelters located in unincorporated areas.
06/13/08	Harold Gallup of AMI (Associated Marketing, Inc.) / Maverick Bench Media advised notification from Lois Bollenback that County's intent to issue an RFP to install/maintain bus benches in unincorporated Volusia County beginning as soon as 181 days from receipt of such notice. Letter stated County unable to move forward with RFP and requests parties extend current agreement.
06/08 -	Any documentation and/or agenda approval items referencing agreement between County and/or

→ Marcy & I need
marcy & I need

→ ?
Nothing in system
→ Nothing in system
→ Nothing in system
I can locate as
submitted a year
by council -

Bus Bench Advertising / Bus Stop Amenities - History

06/09	Votran and Waverly Media, LLC for bus bench advertising program?
12/01/08	Letter from Lois Bollenback, General Manager for Votran sent to Michelle Jura of Waverly Media, LLC providing notice of discontinuance of the 1992 bus bench advertising agreement, effective June 1, 2009
06/01/09	Effective date of termination letter sent on 12/01/08 - any documentation identifying approval by Council for Waverly Media, LLC bus bench advertising agreement?
06/04/09	Votran proposed a program to facilitate installation of streetside amenities for public transit. Any notes and or documentation for this item presented?
02/18/10	Is this the appropriate date the sign ordinance was amended to allow for "signs erected on public property or public rights- of-way" when such signs are placed on public transportation benches or shelters as approved through a competitive selection process of the County? We also have an 08/09 date that this ordinance was potentially approved.

Nothing in note
Nothing in sig

From: Steven Sherrer
To: Jennings, Jeaniene
CC: Chumley, J. Giffin; Hargrove, Charles
Date: 2/25/2013 12:18 PM
Subject: Benches
Attachments: County Bus Benches 12-2012.xlsx

Jeaniene,

Please see the most recent bench inventory we've received from Waverly for benches in the unincorporated area dated 12/2012.

We do not know how many benches there are that are not located at Votran stops. This is because the inventory we've received from Waverly only includes a vague description of location. We are confident that the majority of the benches are located at Votran bus stops.

We will request an updated list from Waverly with more specific location details if that is the desire of the county. We have not been inclined to communicate with Waverly recently given their current circumstances.

Three items that can be added to Giff's timeline are:

August 2011 - Communication began between Votran and Tindale-Oliver & Associates to create the document entitled "Votran Technical Design Standards for Accessible Bus Stops". This document is Final as of late 2012.

October 2011 - FDOT document "Accessing Transit - Design Handbook for Florida Bus Passenger Facilities" update Phase I began by Tindale-Oliver. This document is updated every 4 years.

June 2012 - Accessing Transit - Design Handbook for Florida Bus Passenger Facilities update Phase I complete. Currently - Phase II of Accessing Transit - Design Handbook... is underway but not complete.

Votran has recently created and begun collaboration with County Purchasing department to solicit qualified Architectural/Engineering firms to survey and analyze Votran's existing stops in unincorporated areas of the county (approx. 300 stops) in order to create construction documents to be used to improve existing stops.

Steve

Steve Sherrer
General Manager
Votran
950 Big Tree Road
South Daytona, FL 32119
(t) 386-756-7496, x 4126
(f) 386-756-7487
ssherrer@co.volusia.fl.us

From: Steven Sherrer
To: Chumley, J. Giffin; Hargrove, Charles; Jennings, Jeaniene
Date: 2/26/2013 4:34 PM
Subject: 2003 TDP Reference to bus stop amenities

Below is the excerpt from the 2003 TDP update to the establishment of a county-wide policy related to the implementation of bus stop amenities...

4. Continue to work towards establishing a countywide policy for the installation of bus shelters and benches.

Description: Consistent with recommendations made in the previous TDP, the TDP adopted last year included the establishment of a countywide policy related to the implementation of bus stop amenities. Under such a policy, VOTRAN would continue to provide benches (through a contract with Associated Marketing) and shelters with advertising to those communities who want them. However, for those municipalities who do not allow advertising, provisions would be established that would enable them to address their own needs for amenities, including the installation and maintenance of the amenities.

Status: VOTRAN has continued to promote a county-wide policy for the installation of bus benches and shelters. The preferred policy would utilize advertising to offset the maintenance cost of the amenity, while recognizing the autonomy of each jurisdiction with regards to design. At a January 2003 meeting, Volusia County Council directed staff to take no advertising on shelters located in the unincorporated areas, while acknowledging that contracts could be made separate from the County with cities that wish to advertise. VOTRAN will continue to work with all jurisdictions to ensure that appropriate amenities exist for VOTRAN riders.

Steve Sherrer
General Manager
Votran
950 Big Tree Road
South Daytona, FL 32119
(t) 386-756-7496, x 4126
(f) 386-756-7487
ssherrer@co.volusia.fl.us

Municipality County	Map ID	Description	Customer
Deland/ Daytona	38	Woodland S of Glenwood (ESR)	
	39	Woodland N of Robinhood (ESR)	
	40	Woodland Across Robinhood (WSR)	Rue Law
	41	Woodland N of Melodie (ESR)	Grace House
	42	Woodland @ Phonix Estate (ESR)	
	43	Woodland Across Phonix Estate (WSR)	Politis
	44	Woodland Across Mills Rd (WSR)	
	45	Woodland S of W Davis (WSR)	Politis
	46	Woodland N of W Davis (ESR)	Laundry Mat
	47	17-92 N of Baxter (ESR)	Politis
	65	17-92 S of Spring Garden (WSR)	Laundry
	66	17-92 S of Lake Winona(WSR)	Politis
	67	17-92 S of 40 (WSR)	
	68	17-92 N of 40 (ESR)	
	81	ISB E of Jacobs (SSR)	Rue Law
	82	ISB Across State Troopers Bldg (SSR)	Skydive Deland
	83	ISB IFO State Troopers Bldg (NSR)	Planet Fitness
	84	ISB W of Olympia/Oak (SSR)	
39 Benches	85	ISB W of Olympia/Oak (NSR)	Noahs Ark
	86	ISB W of Kepler (NSR)	BFC Fence
	87	ISB E of Kepler (SSR)	
	88	ISB E of Mid FL Golf Carts (NSR)	Planet Fitness
	89	ISB W of West Parkway (SSR)	
	90	ISB W of West Parkway (NSR)	
	91	ISB W of Big John (NSR)	
	92	ISB E of Big John (SSR)	
	93	Red John N of IBS (ESR)	T Mott
	94	Red John N of IBS (WSR)	T Mott
	95	ISB E of Collin Kelly (SSR)	
	96	ISB E of Gen. Cluster (SSR)	
	97	ISB W of Gen. Custer (NSR)	Keiser
	98	ISB W of Roosevelt (NSR)	
	99	ISB E of Roosevelt (SSR)	
	100	ISB W of 4th St (SSR)	Fox Mat.
	101	ISB E of 4th St (SSR)	Keiser
	102	ISB E of 4th St (NSR)-	
	103	ISB @ Fire Tower Road (NSR)	
	104	ISB E of Fire Tower Rd (SSR)	
	105	ISB E of Educators (NSR)	
Port Orange	12	US 1 S of Nova (WSR) IFO Scoot Inn	
	13	US 1 S of 1st bridge (WSR)	JB Fish

17 Benches	14	US 1 S of Spruce Creek Park (WSR)	Dr Lester
	15	US 1 S of Divito (WSR)	B Davenport
	16	US 1 Across from Spruce Creek Park (ESR)	
	17	US 1 @ Palm Shores Park (ESR)	Air Specialists
	18	US1 S of Magnolia (ESR)	
	95	Clyde Morris N of Big Tree (ESR) IFO BB&T	Family First
	96	Clyde Morris S of Pine (ESR)	
	97	Clyde Morris N of Pine (ESR)	
	98	Clyde Morris N of Sun Pointe Apts (ESR)	
	99	Clyde Morris N of Springwood Dr (ESR)	Do Shuttle
	100	Clyde Morris S of Springwood Dr (WSR)	Do Shuttle
	101	Clyde Morris IFO Ospray Landing (WSR)	
	102	Clyde Morris S of Georgetowne (WSR)	
	103	Clyde Morris IFO Morristown Apts. (WSR)	Planet Fitness
	104	Clyde Morris N of Big Tree (WSR) IFO Park	Family First
Ormond by the Sea 28 Benches	1	A1A N of Brooks (ESR) IFO Surfside North	Look Twice
	2	A1A @ Breezeway (ESR)	Keiser
	3	A1A across Seaside (ESR)	
	4	A1A across from Carol (ESR)	Cow
	5	A1A N of Roberta (ESR) IFO Beach Patrol	Bettys Café
	6	A1A across Sunrise (ESR)	Cow
	7	A1A S of Bass (WSR)	Politis
	8	A1A @ Seabridge (WSR)	Cow
	9	A1A @ Ocean Aire (ESR)	Politis
	10	A1A S of Ocean Aire (WSR)	Pig
	11	A1A S of Capistrano (WSR)	
	12	A1A S of Capri (WSR)	Cow
	13	A1A S of Ocean Grove (WSR)	Pig
	14	A1A S of Surfside (WSR)	
	15	A1A S of San Jose (WSR)	Cow
	16	A1A S of Wisteria (WSR)	
	17	A1A S of Briggs (WSR)	
	18	A1A S of Berkley (WSR)	Pig
	19	A1A S of Sunrise (WSR) IFO Sunrise Condo	Murrys
	20	A1A IFO Ocean House Condo (WSR)	Murrys
	21	A1A S of Kathy (WSR)	Pig
	22	A1A N of Sunset (WSR)	Keiser
	23	A1A IFO Bicentennial Park (WSR)	Daves Fence
	24	A1A N of Seacrest (WSR)	Ash-Lee
	25	A1A N of Carol (WSR)	Crime Stoppers
	26	A1A N of Seaside (WSR)	Keiser
	27	A1A IFO Stavros (WSR)	Keiser
	28	A1A S of Tropical IFO Citgo	Ash-Lee

Ormond Beach	86	US 1 N of Coquina (ESR)	Cow
	87	US 1 N of Iron Horse (ESR)	Politis
	88	US 1 across Adilac Concrete (ESR)	
	89	US1 across Hull (ESR)	
11 Benches	90	US1 N of Southland (ESR)	Cow
	91	US1 S of Ormond Commerce Park (ESR)	Flooring Outlet
	92	US1 Across Hawaiian Tropics (ESR)	Pig
	93	US1 S of 95 (WSR) IFO McDonalds	Politis
	94	US1 S of Southland (WSR)	
	95	US1 @ Hull (WSR)	CM Custom
	96	US1 IFO Hawaiian Tropics (WSR)	Pig

95 Total Benches



Legal Department

February 14, 2013

James R. Disinger
Assistant State Attorney
101 North Alabama Avenue
DeLand, Florida 32724

Reference: Subpoena Duces Tecum for Investigation

Dear Mr. Disinger:

Per our telephone conversation, the response to the Subpoena Duces Tecum for Investigation has been forwarded via FedEx this date to:

Investigator Mike Taylor
Office of the State Attorney
4010 Lewis Speedway, Suite 2022
St. Augustine, Florida 32084

If there are any questions regarding the documents provided, or if you require additional information, do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Giffin Chumley", written over a horizontal line.

J. Giffin Chumley
Assistant State Attorney

cc: Investigator Mike Taylor
Office of the State Attorney
Daniel D. Eckert, County Attorney
without enclosures

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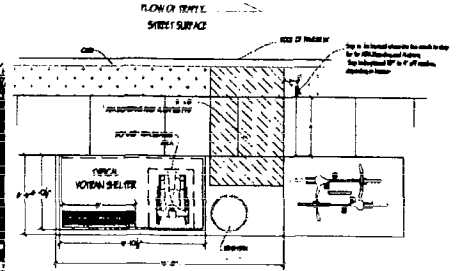
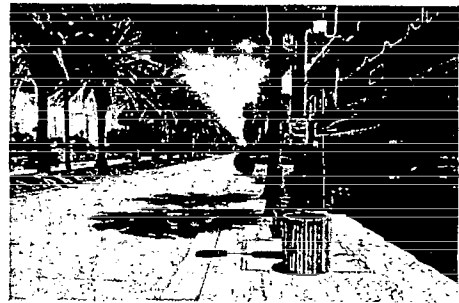
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TECHNICAL DESIGN STANDARDS FOR ACCESSIBLE BUS STOPS

PREPARED FOR
VOLUSIA COUNTY GOVERNMENT
VOTRAN PUBLIC TRANSIT SYSTEM
JANUARY 2013



Tindale-Oliver
&
Associates, Inc.
Planning and Engineering

TECHNICAL DESIGN STANDARDS FOR ACCESSIBLE BUS STOPS

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1.0 INTRODUCTION

1.1 OVERVIEW

Volusia County's public transit system, Votran, is interested in improving access and control of bus stops established throughout its service area, as well as providing comprehensive guidance and standards for the placement, maintenance, and usability of related bus stop amenities to other entities that are allowed to place bus stops and amenities in the public right-of-way. This document will address the accessibility of bus stops and the placement of amenities at bus stops in accordance with applicable requirements of the ADAAG (Americans with Disabilities Act Accessibility Guidelines) as revised and published by the U.S. Access Board on July 26, 2004, and adopted as regulatory requirements by the U.S. Department of Transportation on November 29, 2006, as well as in consideration of the Florida Building Code, Chapter 11, 2012 Florida Accessibility Code (FAC) (effective March 15, 2012).

To ensure a consistent approach to siting, placing, maintaining, and meeting standards related to transit stops and amenities, these guidelines for the design and placement of bus stops have been developed. The standards and design templates included in this document have been developed with respect to the requirements of the ADAAG, the FAC, and, where applicable, those standards adopted by Florida Department of Transportation (FDOT) from the Public Rights-of-Way Accessibility Guidelines issued by the U.S. Access Board. These standards and requirements help address issues related to the accessibility of bus stop facilities when placed in the public right-of-way. The standards include the following categories:

- Pedestrian access pathways
- Wheelchair maneuvering clearances
- Design characteristics
- Placement characteristics for bus stop passenger access

The goal of this design document is to promote consistency in bus stop placement and design throughout the Votran transit service area and to encourage the use of the stops by the general public and individuals with disabilities.

This document is intended as a design guide to be used to meet Federal, FDOT, and local standards as they exist based on the date of issue.

Consideration of existing Votran bus stop design standards and operational guidelines as detailed in the August 29, 2007, "Votran Transit Development Design Guidelines" manual as it pertains to the placement and design of bus stops has not been incorporated in this document except where changes in code compliance have occurred to accommodate those materials previously used by Votran staff in the design, maintenance, repair, and placement of bus stops. It must be noted that the 2007 document references the FDOT Accessing Transit guidelines (March 2004) for design guidance. The Accessing Transit guidelines were updated in 2008 and, as of this writing, this handbook is undergoing another update to include the ADAAG and FAC code changes occurring since 2004, among other enhancements.

1.0 INTRODUCTION

1.2 DISCLAIMER

The guidelines included in this document are intended to provide general parameters for personnel and organizations when designing and placing bus stops and amenities in the public right-of-way. This document is not intended to be an engineering design manual, and it does not provide site-specific detailed public transit, engineering, architectural, construction, or legal information. Users of this document will need to adjust the information contained in the guidelines to site-specific needs, constraints, and applicable laws, regulations, and ordinances. If a user desires expert advice concerning any of the information in these guidelines, the user is encouraged to retain the services of an appropriate expert.

Some bus stops, public seating benches, and other amenities at bus stops currently in place in the public domain at existing Votran transit facilities are inconsistent with the goals and guidelines presented in this document. In some instances, bus stop conditions and placement are defined by the underdeveloped corridors or roads they serve. In these cases, application of the design guidelines in this document may be limited by a lack of right-of-way development, constraints due to the natural terrain, unimproved roadways with no infrastructure (e.g., curb, gutter, drainage, sidewalks, etc.), or because of the policies and standards of the jurisdiction in which the bus stop is located. Because of these conditions, Votran may not be able to improve the public right-of-way sufficient to support an accessible bus stop placement until such time as major improvements are planned and funded. The facilities can best be improved through a coordinated planning and design effort between Votran and the local agencies responsible for maintaining and upgrading the roadway and pedestrian rights-of-way.

Votran has a responsibility to ensure that bus stops and amenities are placed in a manner that provides access and use by individuals with disabilities and must, therefore, use non-discriminatory judgment when planning for the placement of bus stops for public use. This judgment may result in refusal by Votran to either place or allow placement of a bus stop at a desired location because site conditions prevent an accessible environment resulting in a non-accessible transit stop. Establishment of a new bus stop at a site where full access is afforded is mandated by the ADA.

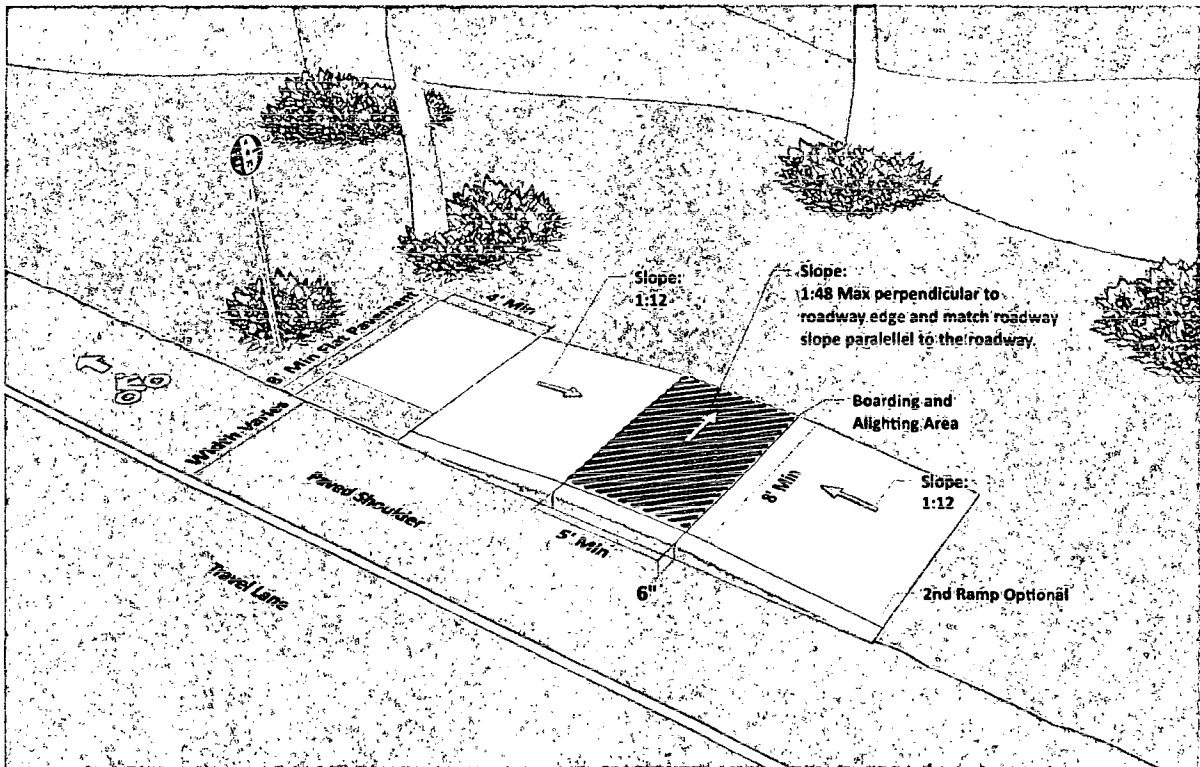
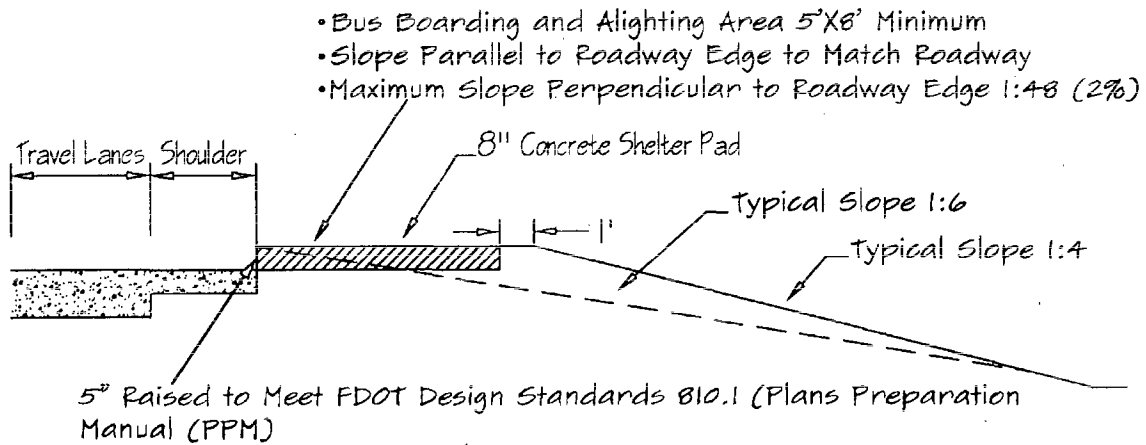
2.0 BUS STOP DESIGN PROTOTYPES

2.1 OVERVIEW

Successfully providing transit that is accessible to all individuals requires a balanced mix of local and state agency coordination and consideration regarding needs, costs, location, federal and state regulations, public relations, and transit-dependent populations. Better accessibility within the bus stop area ensures a comfortable and safe movement of passengers at a bus stop. Mobility aid users, older adults, individuals with disabilities, and passengers needing assistance (such as parents and care givers with strollers and shoppers with bags) will have less difficulty boarding and alighting the bus when there is a level and unobstructed area. ADA standards require all bus stops to have sufficient space for a boarding and alighting area that has a firm, stable, and slip-resistant surface to accommodate boarding and alighting at the stop.

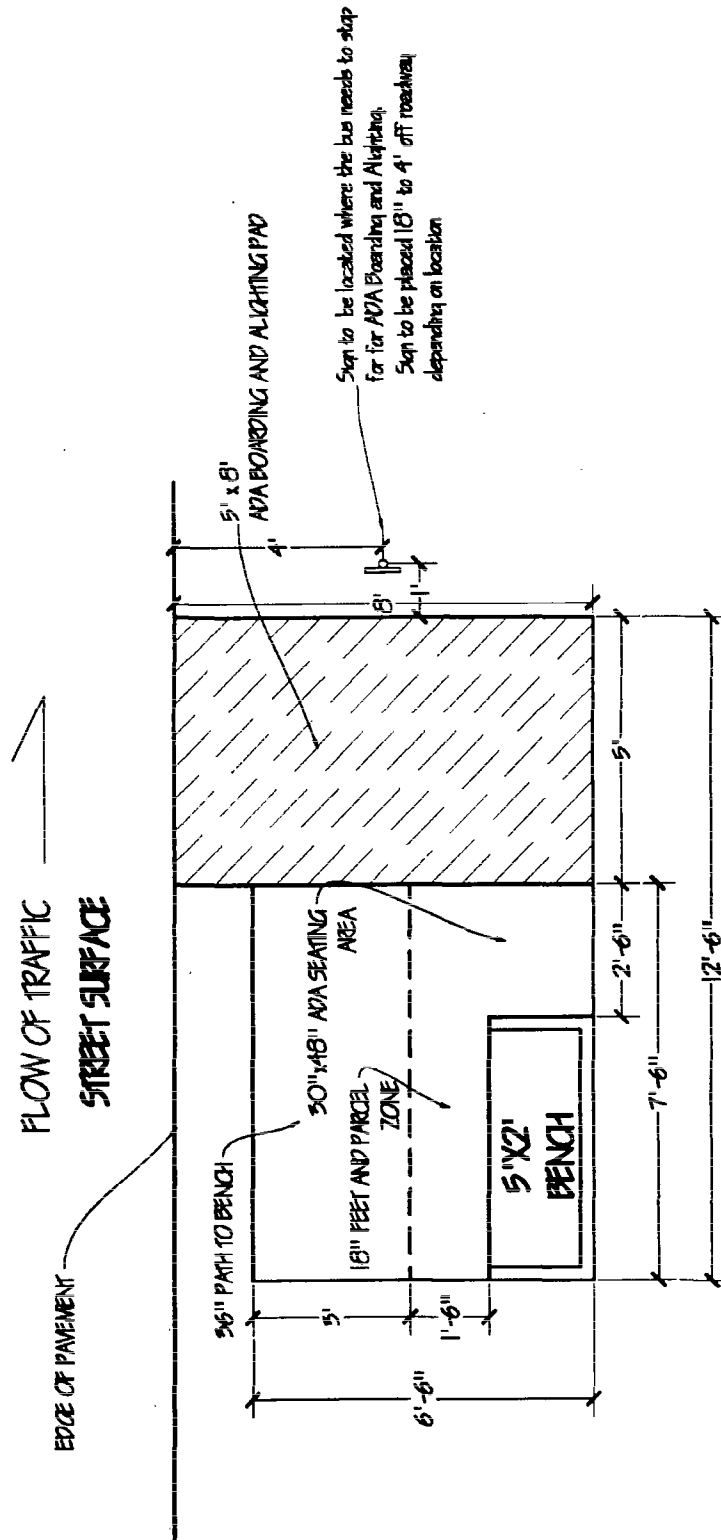
The following section contains design prototypes for ADA-compliant bus stops, including the coordination of bus stop elements such as bus stop signs, benches, and shelters. Any contracted improvements at Voltran bus stops in Volusia County are required to meet the design criteria specified in these prototypes.

2.0 BUS STOP DESIGN PROTOTYPES



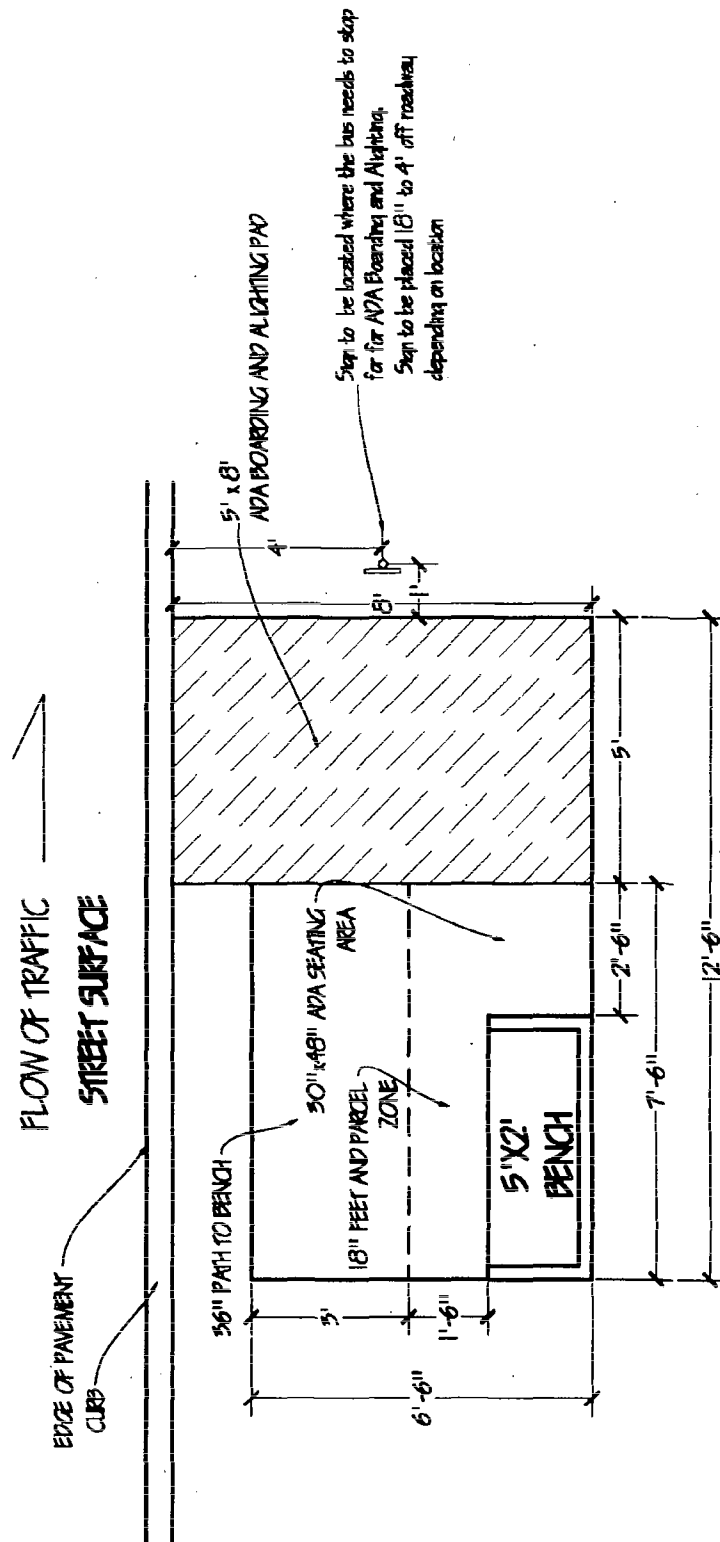
2.2 Basic Bus Stop Grade and Slopes

2.0 BUS STOP DESIGN PROTOTYPES



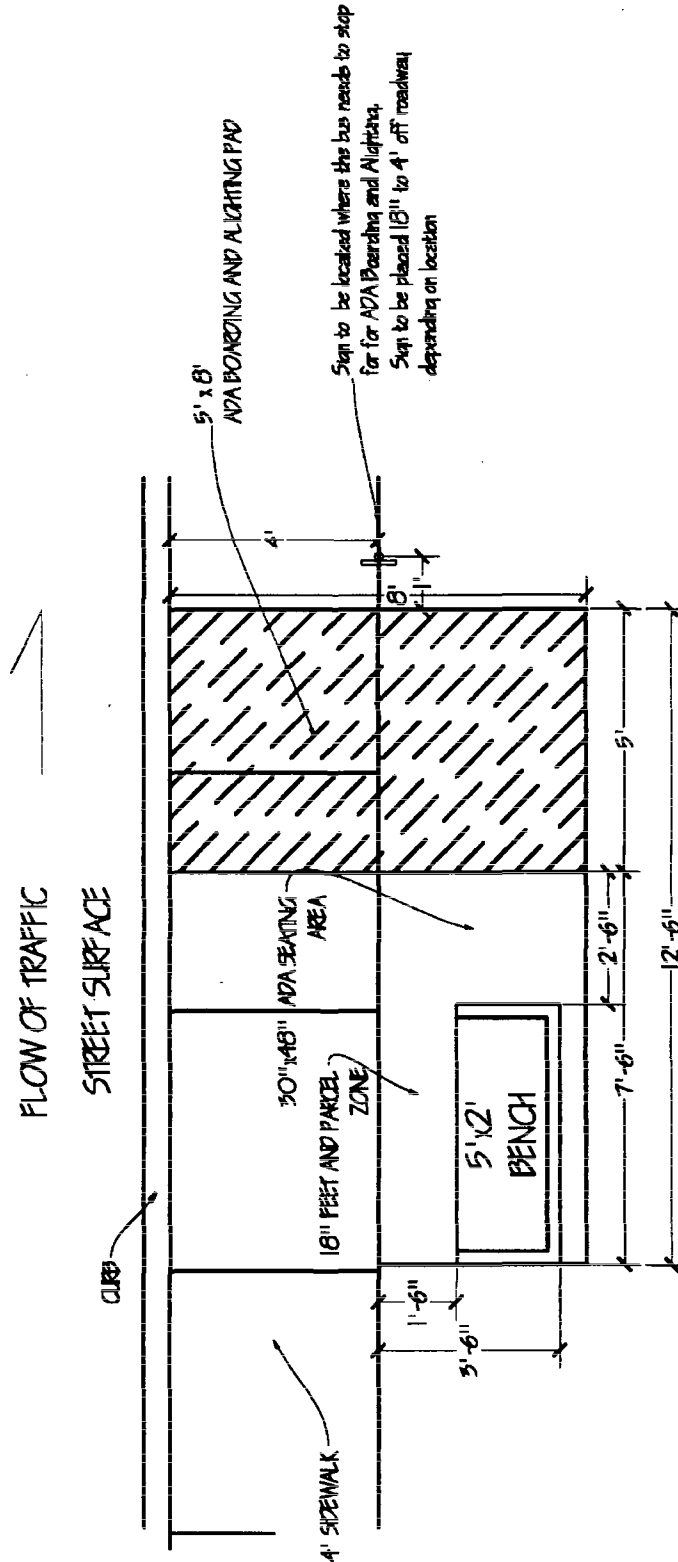
2.3 Bus Bench Pad with No Curb, Sidewalk, or Path

2.0 BUS STOP DESIGN PROTOTYPES



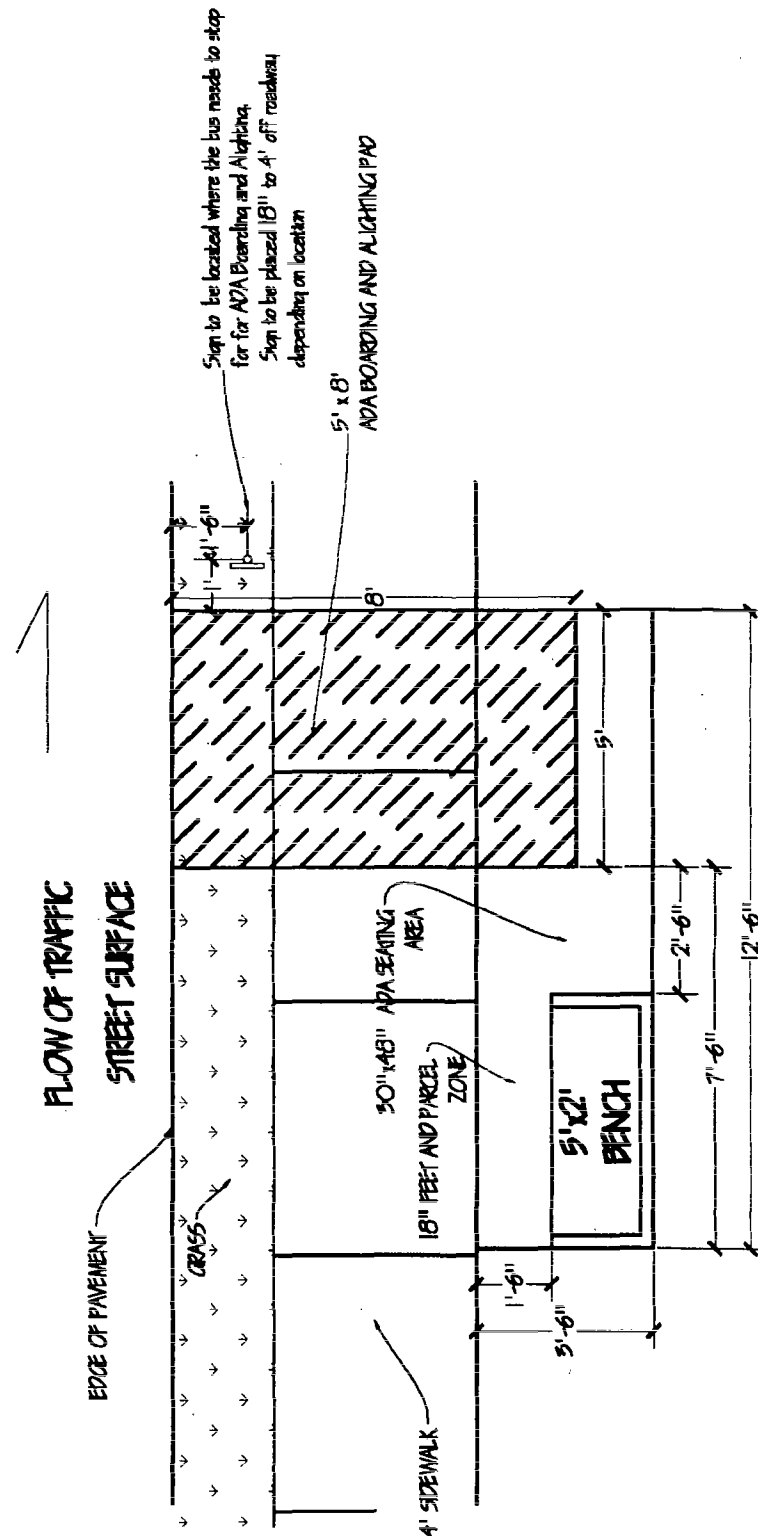
2.4 Bus Bench Pad, No Curb, No Sidewalk or Path

2.0 BUS STOP DESIGN PROTOTYPES



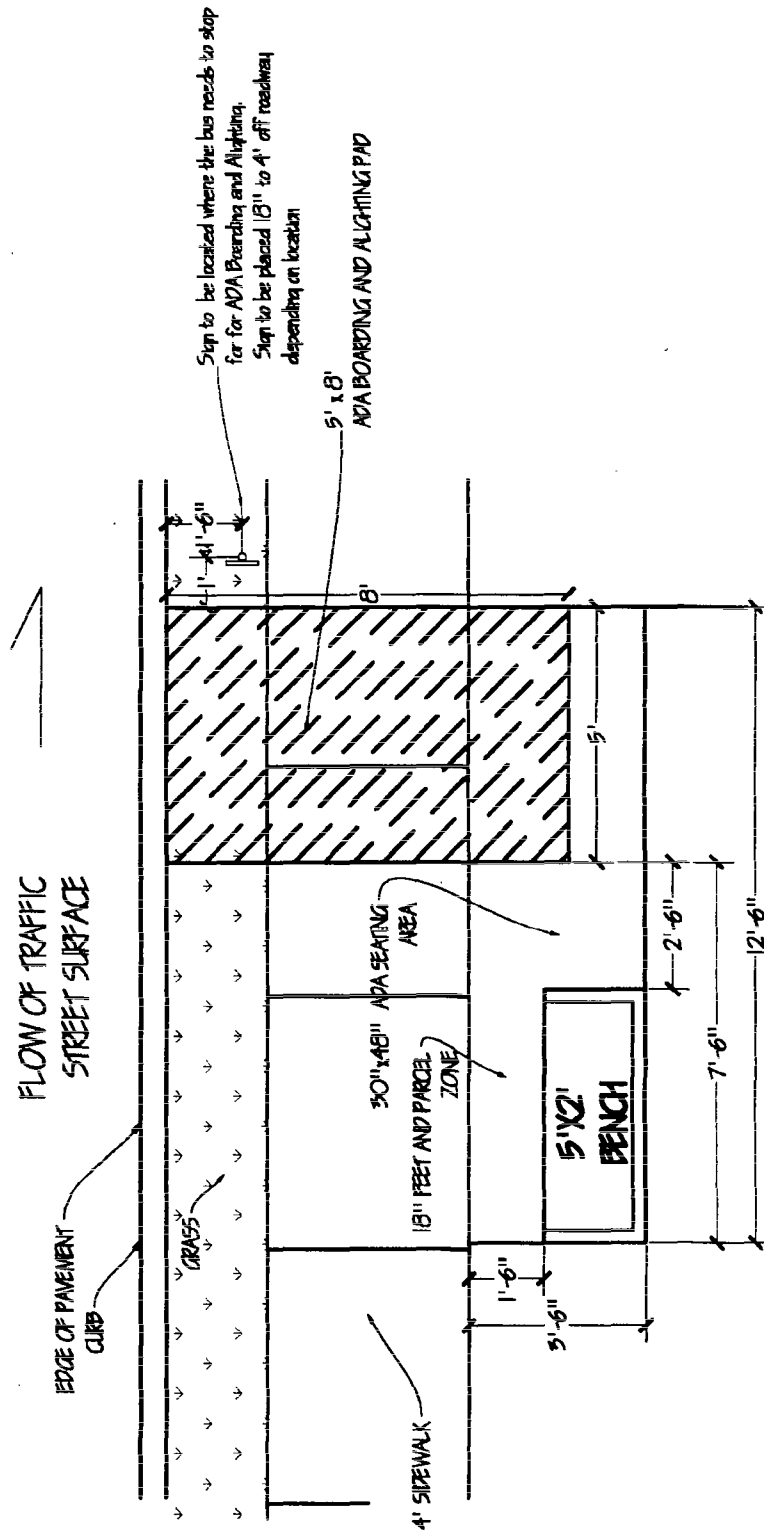
2.5 Bus Bench Pad with Sidewalk Adjacent to Curb

2.0 BUS STOP DESIGN PROTOTYPES



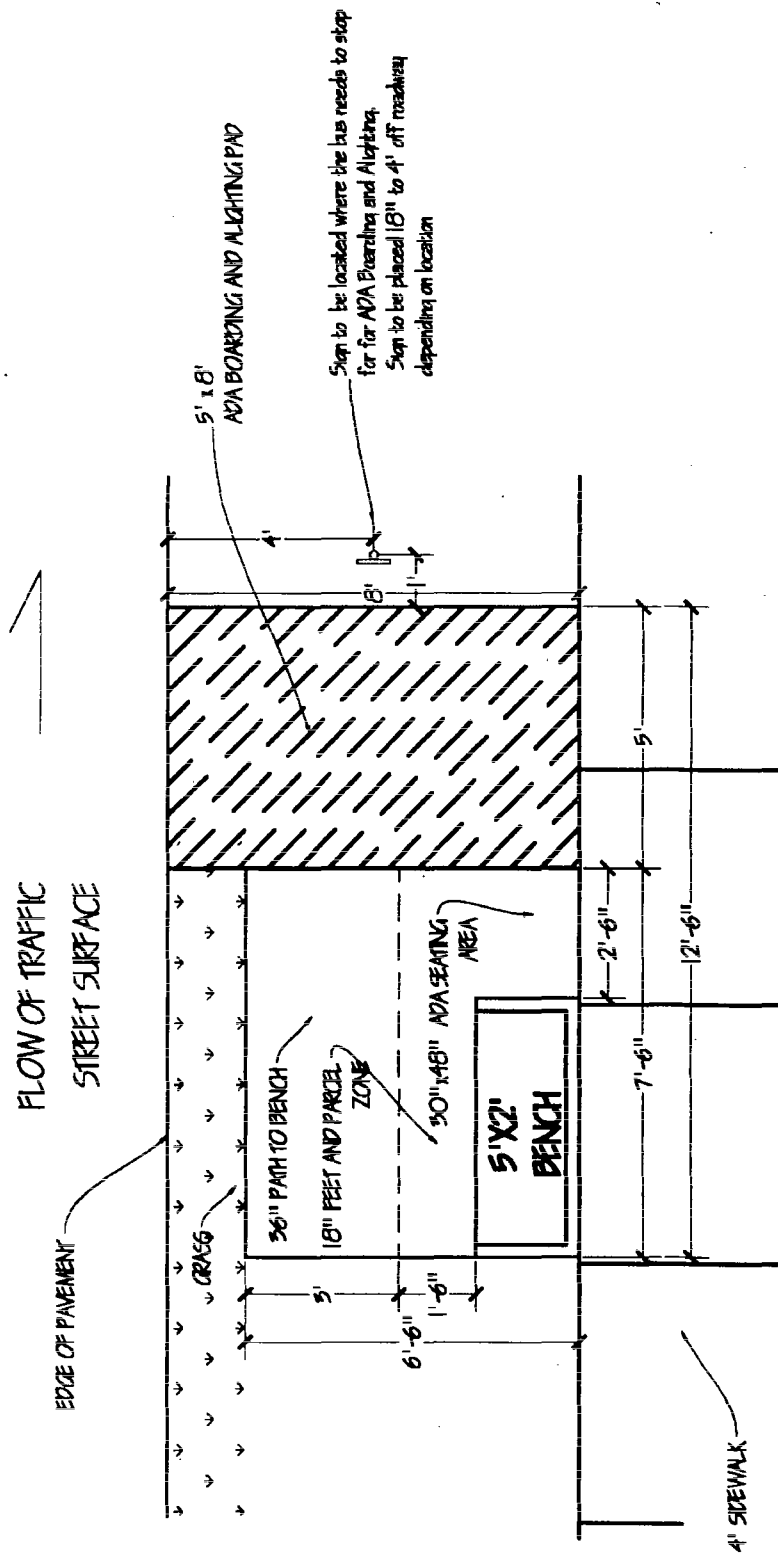
2.6 Bus Bench Pad with Sidewalk No Curb

2.0 BUS STOP DESIGN PROTOTYPES



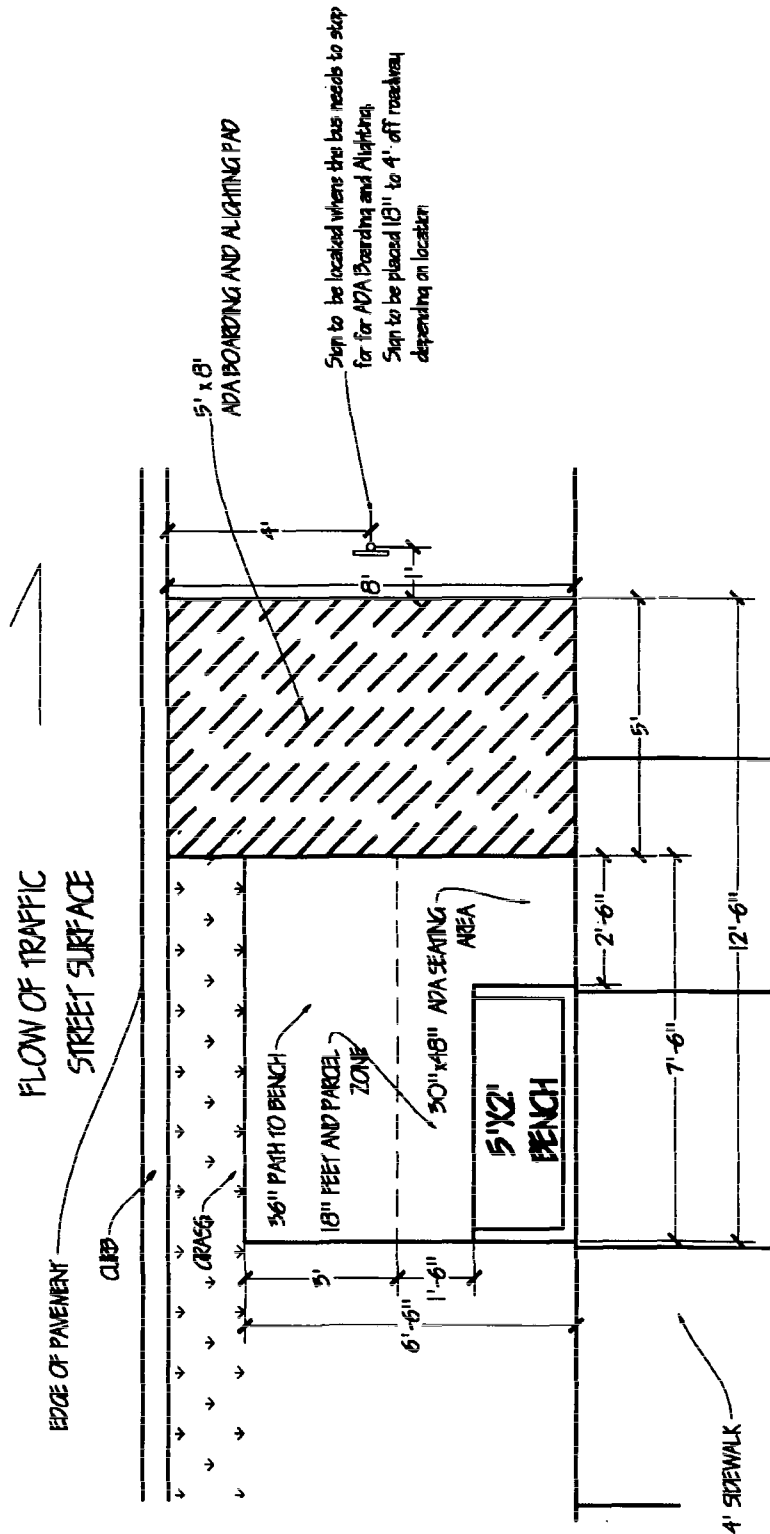
2.7 Bus Bench Pad without Curb, Sidewalk Behind Pad

2.0 BUS STOP DESIGN PROTOTYPES



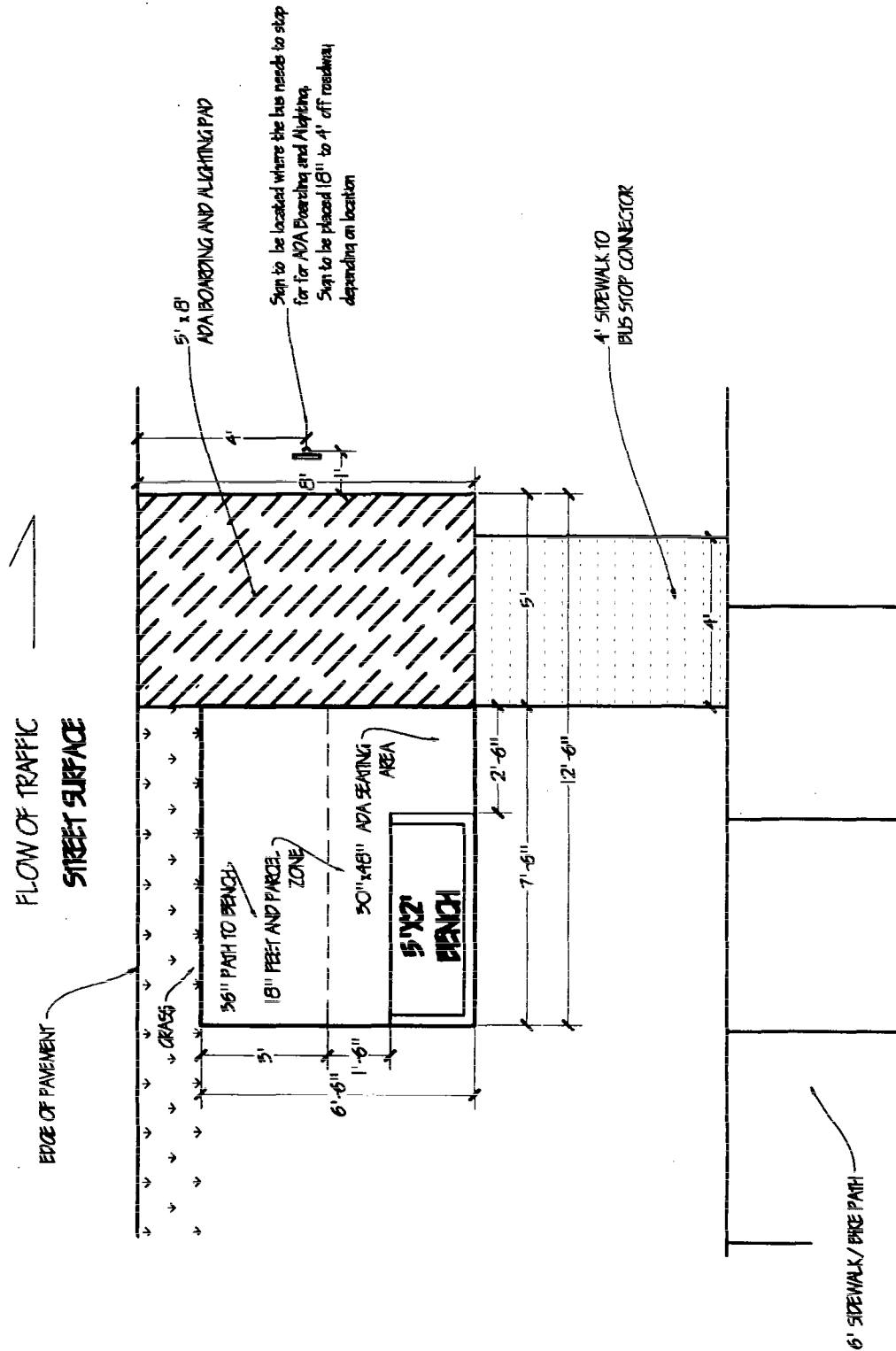
2.8 Bus Bench Pad with Sidewalk and Curb

2.0 BUS STOP DESIGN PROTOTYPES



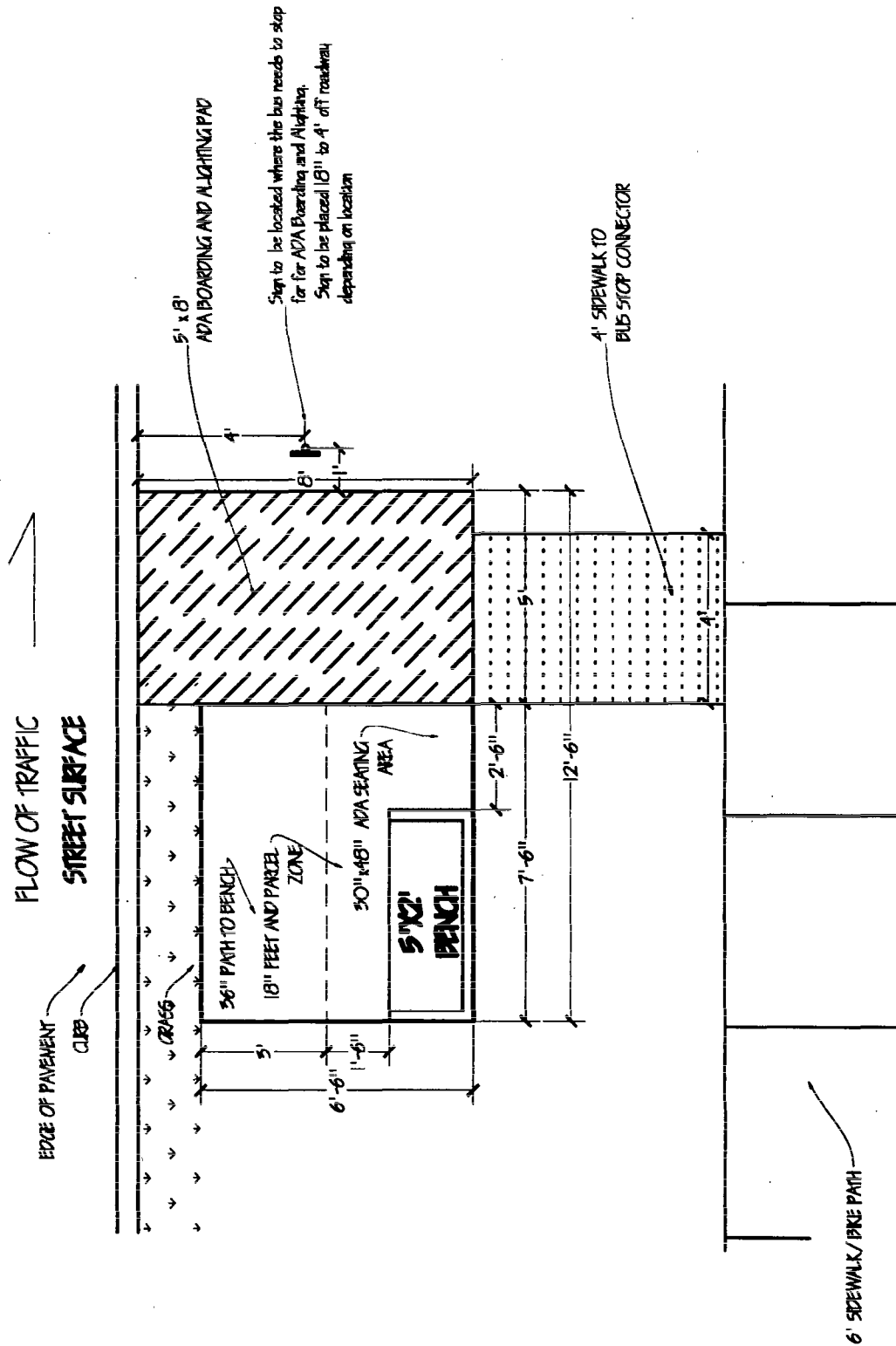
2.9 Bus Bench Pad with Curb, Sidewalk Behind Pad

2.0 BUS STOP DESIGN PROTOTYPES



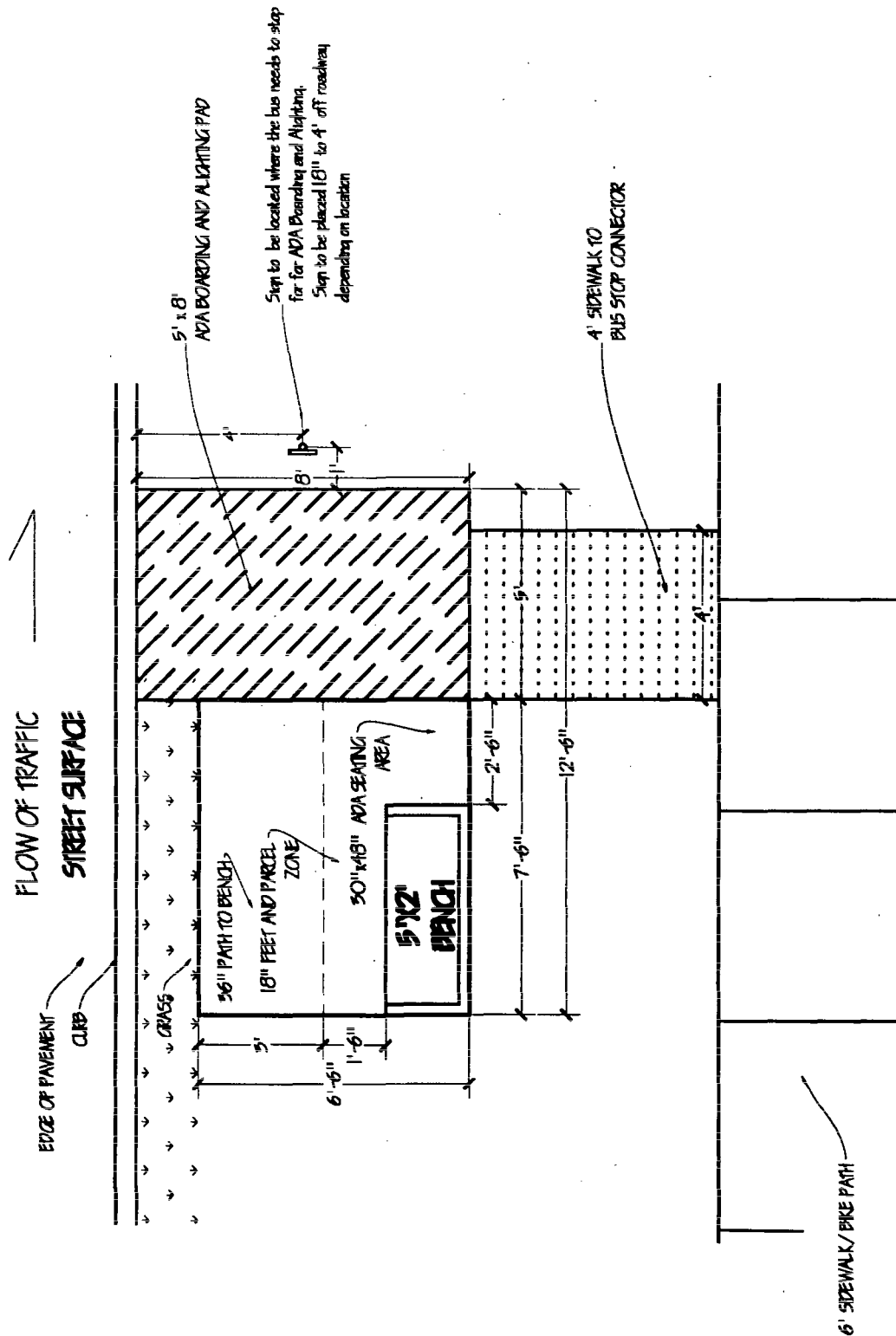
2.10 Bus Bench Pad w/o Curb, Sidewalk Behind Pad w/ Connector

2.0 BUS STOP DESIGN PROTOTYPES



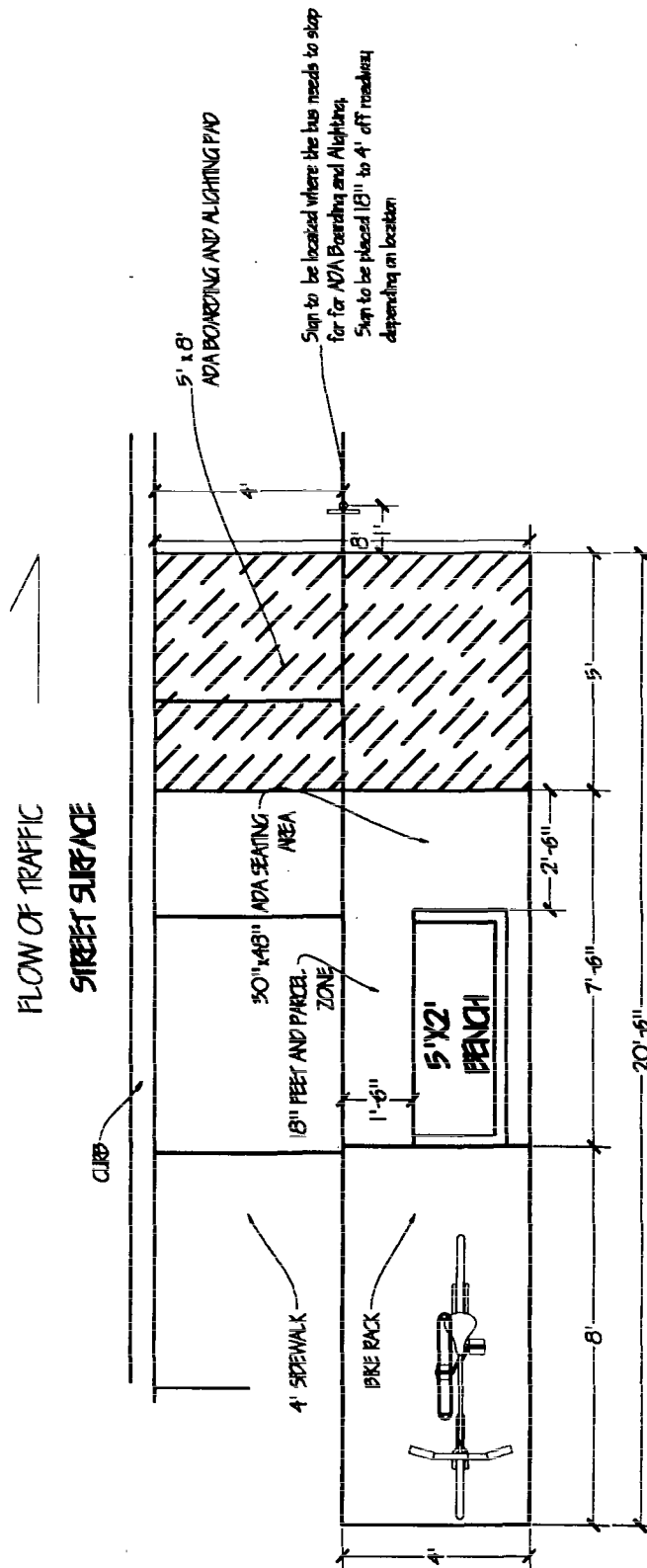
2.11 Bus Bench Pad w/ Curb, Sidewalk Behind Pad w/ Connector

2.0 BUS STOP DESIGN PROTOTYPES



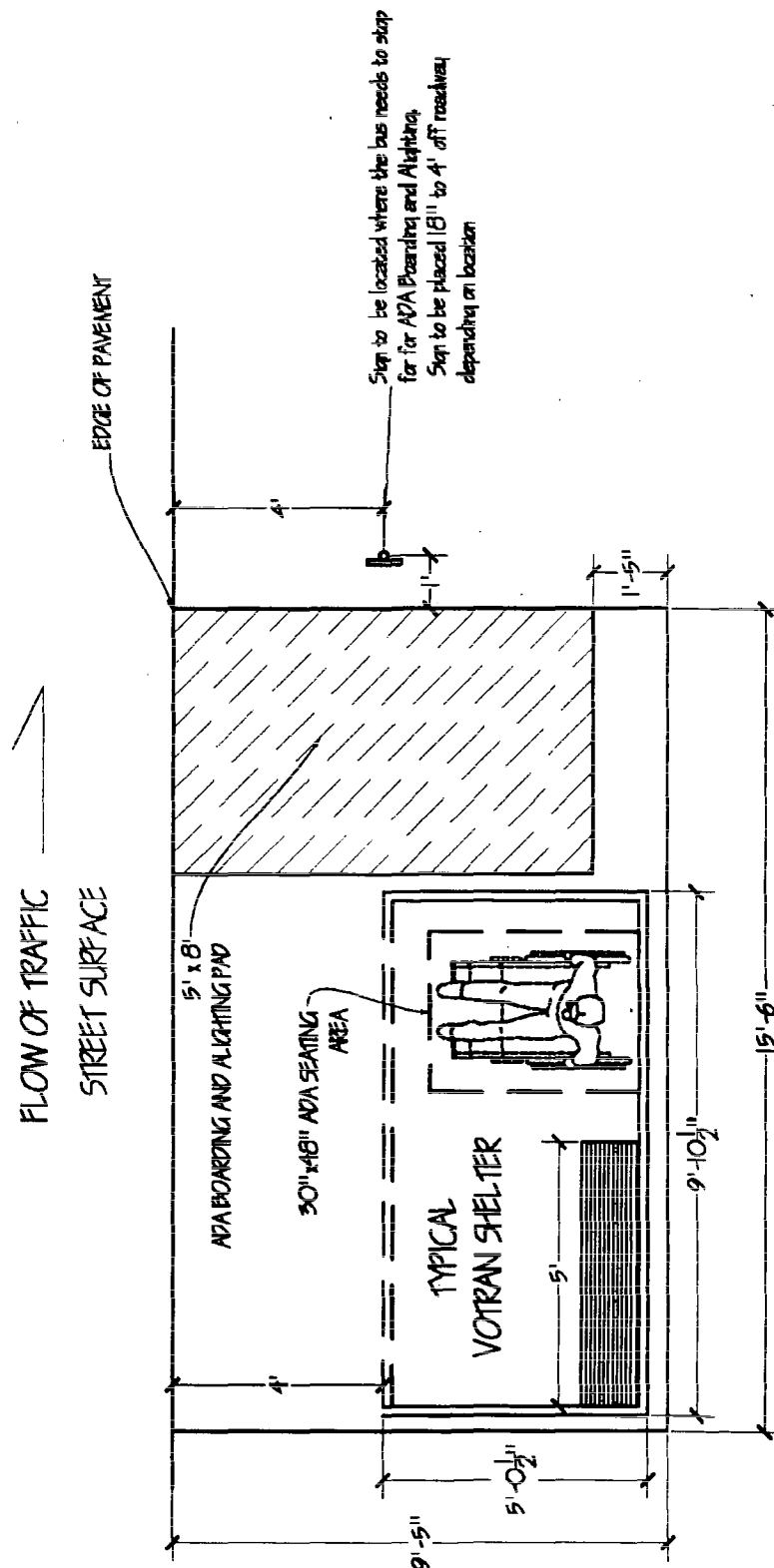
2.12 Bus Bench Pad w/ Curb, Sidewalk w/ Bike Rack

2.0 BUS STOP DESIGN PROTOTYPES



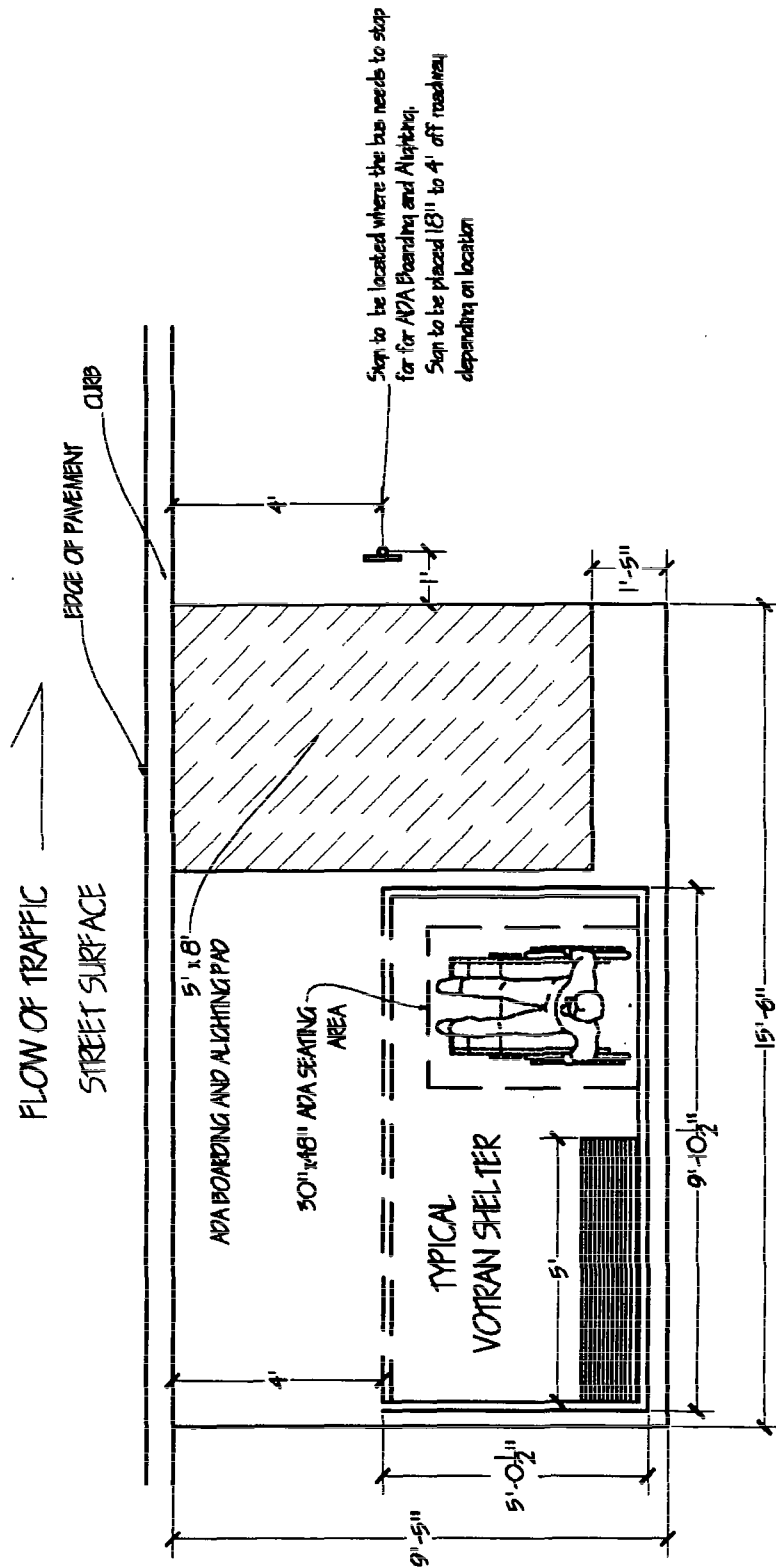
2.13 Bus Bench Pad w/ Curb, w/o Sidewalk, w/ Bike Rack

2.0 BUS STOP DESIGN PROTOTYPES



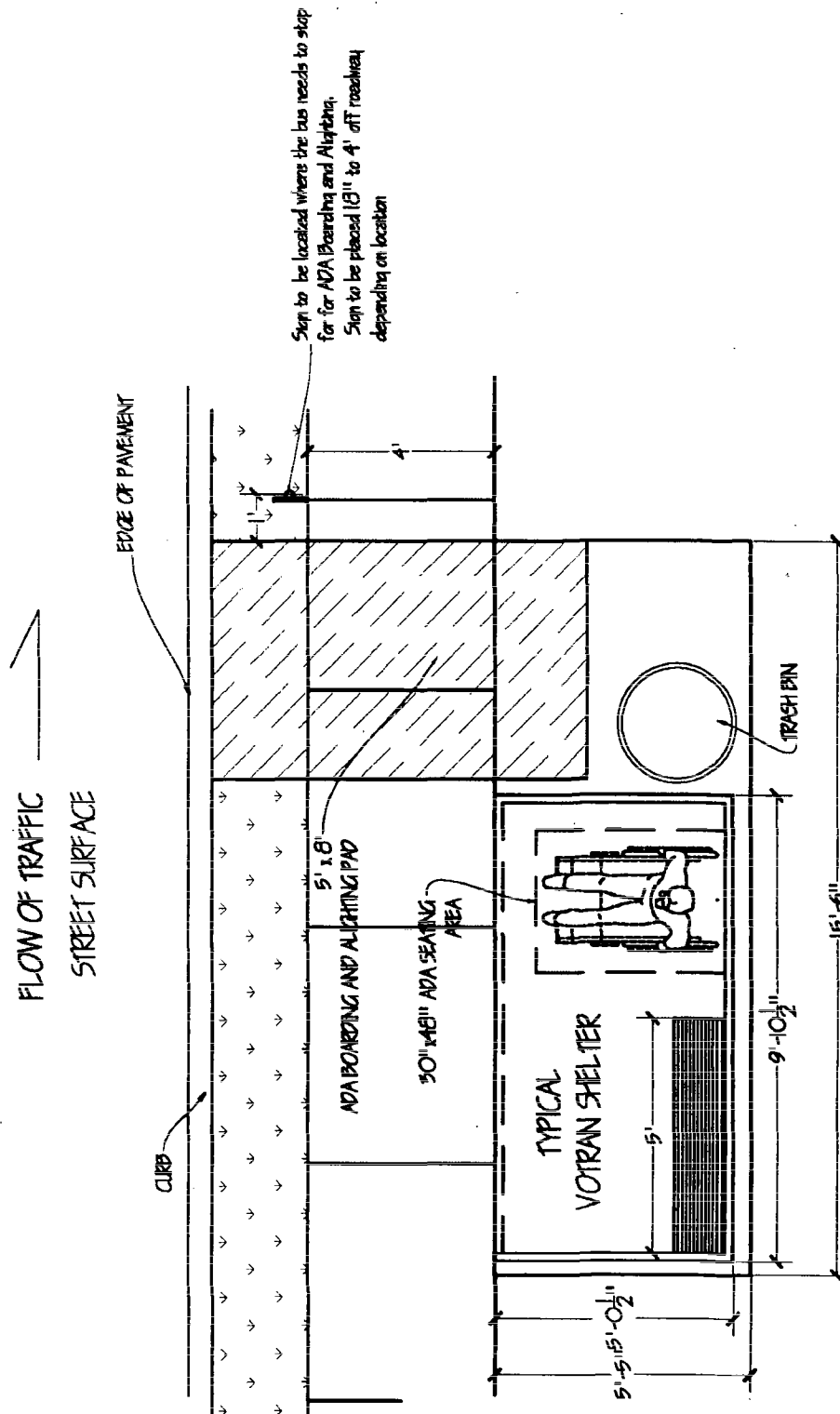
2.14 Bus Bench Pad w/ Curb, w/ Sidewalk, w/ Bike Rack

2.0 BUS STOP DESIGN PROTOTYPES



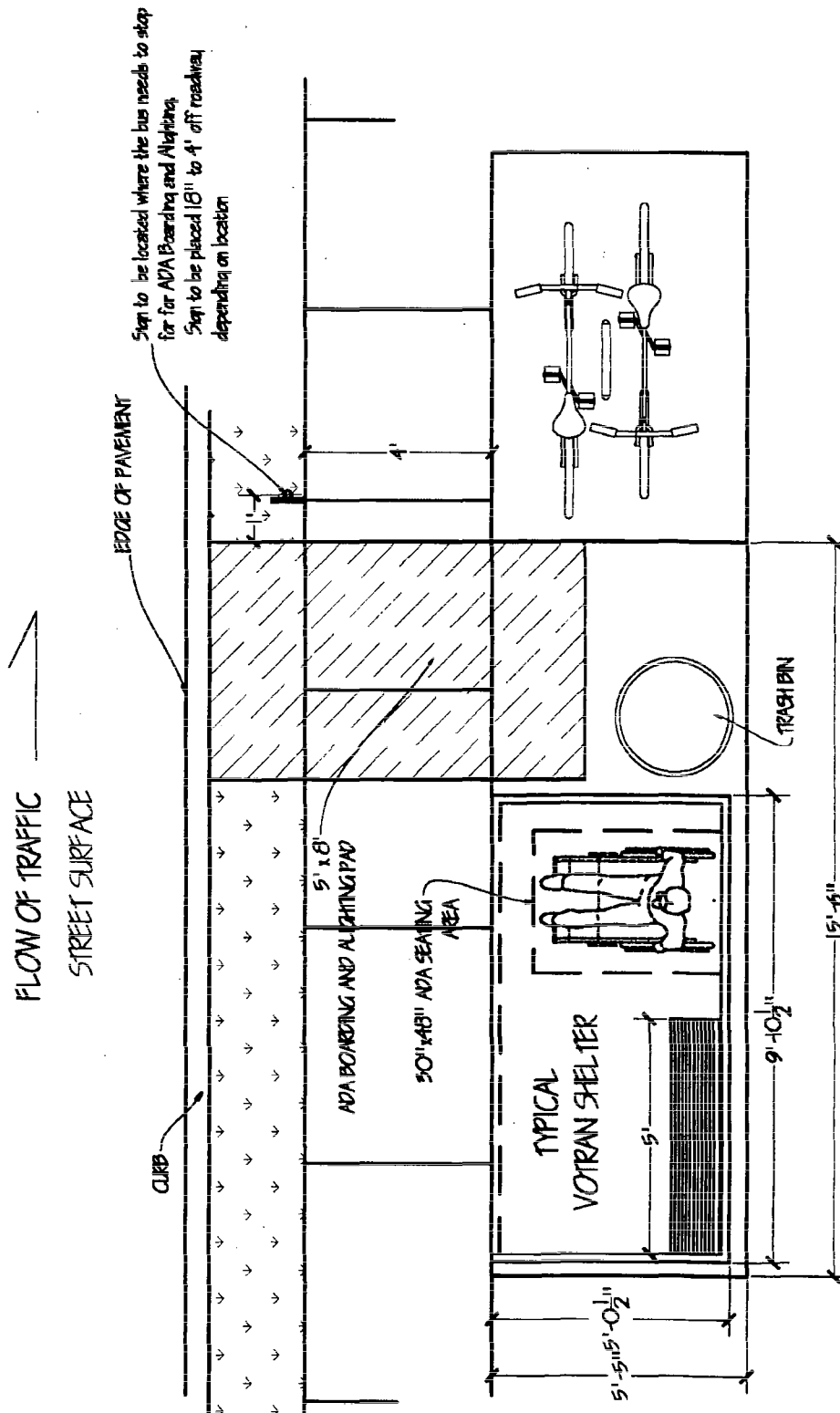
2.15 Shelter Pad w/ Curb, w/o Sidewalk

2.0 BUS STOP DESIGN PROTOTYPES



2.16 Shelter Pad w/ Curb, w/ Sidewalk

2.0 BUS STOP DESIGN PROTOTYPES



2.17 Shelter Pad w/ Curb, w/ Sidewalk, w/ Bike Rack

3.0 GENERAL ACCESSIBILITY GUIDELINES

3.1 ELEMENTS OF AN ACCESSIBLE ENVIRONMENT

Bus stops should be designed to make transit more convenient, accessible, and aesthetically appealing to transit users. These measures are necessary if public transportation is to compete effectively with other transportation modes. The proper design of bus stop zones and adjacent curbs can increase transit access and convenience by eliminating barriers, especially for those individuals with mobility limitations. The ADA mandates equal access to mass transit for every U.S. citizen, thereby requiring every new bus and bus stop to be wheelchair accessible to the maximum extent practicable. All elements, including benches, placed at or near bus stops for use by the public in conjunction with use of the transit system must also be fully compliant with the ADA provisions as adopted by the U.S. Department of Transportation.

Regulatory Requirements for Accessible Transportation Facilities are provided by the Federal and State governments. The ADAAG includes the Federal regulations governing accessible transportation facilities and is enforced by the U.S. Department of Transportation. The ADAAG provides the architectural specifics for the construction of new and alteration of existing transportation facilities.

The Florida State regulatory requirements are provided under the Florida Building Code, Chapter 11 Florida Accessibility Code (FAC) for Building Construction. The Florida Accessibility Code generally mirrors the requirements of the ADAAG, but is somewhat more stringent in some areas such as accessible parking spaces and accessible restroom configurations.

The following information provides a general overview of the accessibility regulations requirements for bus stops and facilities that may affect the accessibility to or use of a bus stop and amenities placed at the bus stop. Not all of the ADAAG requirements are given here. Only those pertinent for the understanding of personnel responsible for bus stop siting and placement of amenities in an accessible manner are listed.

- **Accessible Pedestrian Routes**

- ◊ Must be 36" minimum width, continuous, and unobstructed path (note that the 2012 Florida Accessibility Code requires a 48" clear accessible pathway which can be reduced to no less than 36" when approved by the Engineer).
- ◊ Must have a 32" minimum width at doorways.
- ◊ Must have 60" X 60" passing spaces at 200' intervals (if <60" wide).
- ◊ Running slope (direction of travel) must be equal to or less than 5 percent (1:20) (>5% = ramp / ramp slope cannot exceed 8.33%).
- ◊ Cross slope (perpendicular to direction of travel) must be equal to or less than 2 percent (1:48).

3.0 GENERAL ACCESSIBILITY GUIDELINES

- **Surfaces and Sidewalks**

- ◊ Surface must be firm, stable, and slip resistant (wet or dry).
- ◊ Changes in level between 1/4" and 1/2" must be beveled at 1:2 slope.
- ◊ Changes in level greater than 1/2" are not allowed or must be ramped.
- ◊ Gaps in gratings within the accessible pathway must be no greater than 1/2" wide and openings must be aligned perpendicular to travel.
- ◊ The maximum walkway cross slope permitted is 1:48 (2%).

- **Protruding Objects**

- ◊ Objects at 27" to 80" above grade must not be more than a 4" protrusion.
- ◊ Post or column-mounted objects must not be more than a 12" protrusion.
- ◊ Overhead clearance must be equal to or greater than 80" above the surface.

- **Curb Ramps**

- ◊ The maximum ramp running slope permitted is 1:12 (8.33%).
- ◊ The maximum ramp cross slope permitted is 1:48 (2%).
- ◊ Side flare (transition) slopes must be no greater than 1:12 (8.33%).
- ◊ Curb ramps must be 48" wide (FDOT Design Standards, Index 304 - width may be reduced to 36" as required by ADAAG in restricted conditions and as approved by the Engineer).
- ◊ Curb ramps must have detectable warning material the full width of ramp and 24" from back edge of curb.
- ◊ Curb ramps must have a 48" long landing at top of slope (FDOT Design Standards, Index 304).
- ◊ Curb ramps must have detectable warning in truncated domes with pattern and characteristics defined by regulations, including contrasting color.
- ◊ Detectable warning also required at landings and flush transitions at street crossings.

- **Bus Stops**

- ◊ Must be on or connect to an accessible route.
- ◊ Must have an accessible approach to the boarding and alighting area and all provided amenities.

3.0 GENERAL ACCESSIBILITY GUIDELINES

- ◇ The clear space of the boarding and alighting area must be equal to or no less than 60" parallel and 96" perpendicular to the curb or street/roadway edge and be connected to the accessible route.
- ◇ Slope of the boarding and alighting area perpendicular to the curb must be equal to or less than 1:48 (2%).
- ◇ The slope parallel to the curb of the boarding and alighting area should match the slope of the roadway.
- ◇ The boarding and alighting area must provide a firm, stable, and slip resistant surface.
- ◇ The bus stop site must be chosen to provide the greatest degree of accessibility practicable.
- ◇ If provided, the boarding and alighting area concrete pad must be located within the specified clear zone for the roadway environment being used according to FDOT Design Standards, Index Number 700.

Index 700 states that, "The roadside clear zone is that area outside the traveled way available for use by errant vehicles. Vehicles frequently leave the traveled way during avoidance maneuvers, due to loss of control by the driver (e.g., falling asleep) or due to collisions with other vehicles. The primary function of the clear zone is to allow space and time for the driver to retain control of his vehicle and avoid or reduce the consequences of collision with roadside objects. This area also serves as an emergency refuge location for disabled vehicles."

- ◇ Bus stop amenities must be connected to the accessible route and allow accessible maneuvering space and be within 48" maximum reach range of all operating controls (FDOT requires a 42" reach range limit for pedestrian signal control buttons).
- ◇ If a shelter is provided, it must connect to the accessible route and allow a minimum space of 30" X 48" fully within shelter.
- ◇ If a bench is included within a shelter, it must allow minimum space of 30" X 48" resting/transfer space at one end of bench.

3.0 GENERAL ACCESSIBILITY GUIDELINES

3.2 SPECIFIC ADAAG REQUIREMENTS FOR BUS STOPS & FACILITIES

ADAAG Section 810—Requirements for Bus Stops

The following excerpt from the revised ADAAG (2004 published version adopted by the USDOT on November 29, 2006) provides the following specific requirements for bus stops.

810 Transportation Facilities

810.1 General. Transportation facilities shall comply with 810.

810.2 Bus Boarding and Alighting Areas. Bus boarding and alighting areas shall comply with 810.2.

Advisory 810.2 Bus Boarding and Alighting Areas. At bus stops where a shelter is provided, the bus stop pad can be located either within or outside of the shelter.

810.2.1 Surface. Bus stop boarding and alighting areas shall have a firm, stable surface.

810.2.2 Dimensions. Bus stop boarding and alighting areas shall provide a clear length of 96 inches (2,440 mm) minimum, measured perpendicular to the curb or vehicle roadway edge, and a clear width of 60 inches (1,525 mm) minimum, measured parallel to the vehicle roadway.

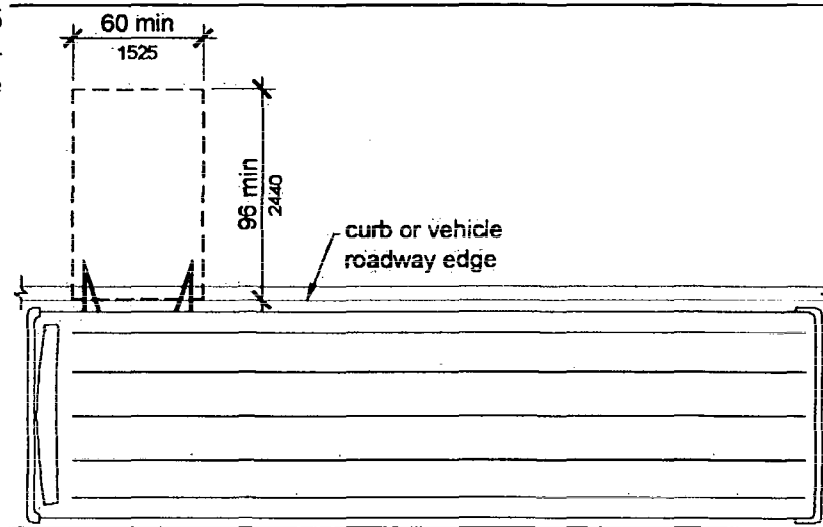


Figure 3.2.1
Dimensions of Bus Boarding and Alighting Areas
(Adapted from ADAAG Figure 810.2.2)

810.2.3 Connection. Bus stop boarding and alighting areas shall be connected to streets, sidewalks, or pedestrian paths by an accessible route complying with 402.

3.0 GENERAL ACCESSIBILITY GUIDELINES

810.2.4 Slope. Parallel to the roadway, the slope of the bus stop boarding and alighting area shall be the same as the roadway, to the maximum extent practicable. Perpendicular to the roadway, the slope of the bus stop boarding and alighting area shall not be steeper than 1:48.

810.3 Bus Shelters. Bus shelters shall provide a minimum clear floor or ground space complying with 305 entirely within the shelter. Bus shelters shall be connected by an accessible route complying with 402 to a boarding and alighting area complying with 810.2.

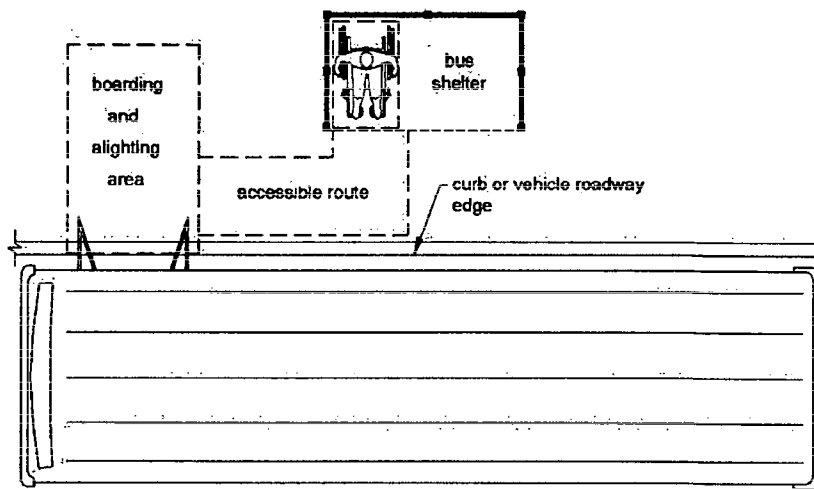


Figure 3.2.2
Bus Shelters
(Adapted from ADAAG Figure 810.3)

810.4 Bus Signs. Bus route identification signs shall comply with 703.5.1 through 703.5.4, and 703.5.7 and 703.5.8. In addition, to the maximum extent practicable, bus route identification signs shall comply with 703.5.5. These requirements include specifications for contrast, character height and spacing, style, etc.

EXCEPTION: Bus schedules, timetables, and maps that are posted at the bus stop or bus bay shall not be required to comply.

Figure 3.2.3 on the following page illustrates the dimensional characteristics of an accessible bus stop. Note that placement of a bench or other item at the transit site must be as an attached amenity and placed in a manner to ensure that those clear areas provided for accessibility are not obstructed.

3.0 GENERAL ACCESSIBILITY GUIDELINES

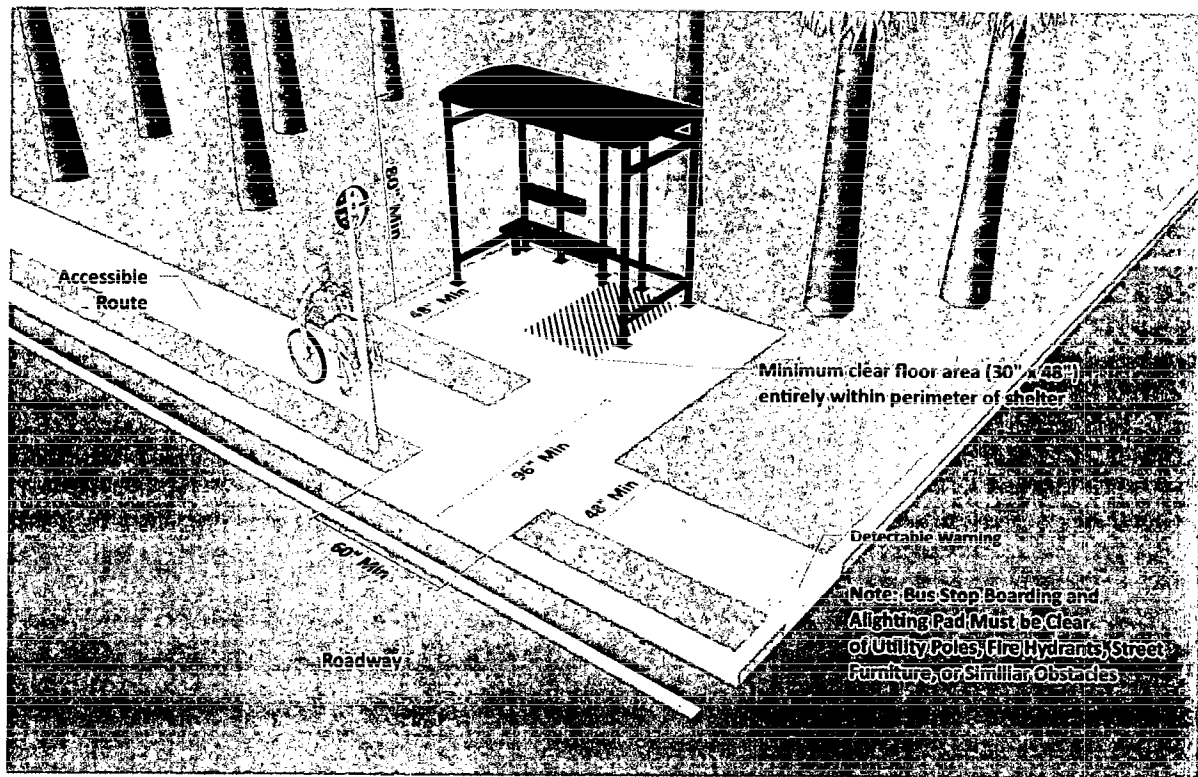


FIGURE 3.2.3 General Bus Stop Site Design Characteristics

4.0 RESEARCH & FINDINGS

4.1 CODE APPLICABILITY DISCUSSION FOR BENCH PLACEMENT AT BUS STOPS

The ADAAG contains specific requirements for benches in Section 903. However, the scoping provisions of the ADAAG indicate that Section 903 is only applicable to benches located in interior spaces such as dressing, fitting, and locker rooms (803.4), and in holding and housing cells (807.2.2).

Additionally, to reinforce agreement of the above comment, it is necessary to note that according to direct communication with U.S. Access Board technical staff, ADAAG Section 903 is not applicable to benches placed in the public right-of-way. However, the Public Rights-of-Way Accessibility Guidelines published by the Access Board (PROWAG are not enforceable regulations at the time of this writing) do specify accessibility guidelines for benches in the public right-of-way. PROWAG particularly emphasizes the need to consider the dimensions and use of pedestrian circulation routes when coordinating the placement of improvements, appurtenances, utilities, or street furniture (including benches). Comments from disability organizations and individuals have identified blocked or compromised pedestrian routes as a major barrier to independent travel.

FDOT has taken an aggressive posture concerning the placement of benches and other amenities within the public right-of-way, particularly at transit stops. Rule 14-20.0032, Placement of Transit Bus Benches, specifically addresses requirements for benches placed in the public right-of-way. This rule utilizes many of the requirements of ADAAG Section 903 and PROWAG R212.6 covering the placement and dimensional characteristics for benches. This Votran Bus Stop Design standards document has been developed to incorporate the FDOT (PROWAG) and ADAAG requirements for benches and the applicable requirements are included on the following pages.

4.0 RESEARCH & FINDINGS

4.2 ADAAG SECTION 903 REQUIREMENTS

ADAAG SECTION 903

903 Benches

903.1 General. Benches shall comply with 903.

903.2 Clear Floor or Ground Space. Clear floor or ground space complying with 305 shall be provided and shall be positioned at the end of the bench seat and parallel to the short axis of the bench.

903.3 Size. Benches shall have seats that are 42 inches (1065 mm) long minimum and 20 inches (510 mm) deep minimum and 24 inches (610 mm) deep maximum.

903.4 Back Support. The bench shall provide for back support or shall be affixed to a wall. Back support shall be 42 inches (1065 mm) long minimum and shall extend from a point 2 inches (51 mm) maximum above the seat surface to a point 18 inches (455 mm) minimum above the seat surface. Back support shall be 2½ inches (64 mm) maximum from the rear edge of the seat measured horizontally.

903.5 Height. The top of the bench seat surface shall be 17 inches (430 mm) minimum and 19 inches (485 mm) maximum above the finish floor or ground.

903.6 Structural Strength. Allowable stresses shall not be exceeded for materials used when a vertical or horizontal force of 250 pounds (1112 N) is applied at any point on the seat, fastener, mounting device, or supporting structure.

903.7 Wet Locations. Where installed in wet locations, the surface of the seat shall be slip resistant and shall not accumulate water.

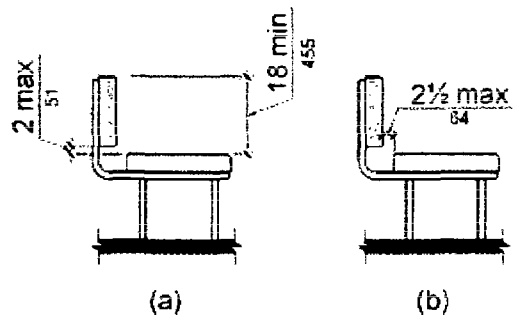


Figure 4.2.1
ADAAG Figure 903.4 Bench Back Support

4.0 RESEARCH & FINDINGS

4.3 PUBLIC RIGHTS-OF-WAY ACCESSIBILITY GUIDELINES

The specific PROWAG guidelines relevant to accessible placement of benches follows. As of this writing, these guidelines are not enforceable requirements. A public review and comment period and a Notice of Proposed Rule Making are pending for the adoption and enforcement of the PROWAG.

R211 Street Furniture

Street furniture intended for use by pedestrians and installed on or adjacent to a pedestrian circulation path shall comply with R307.

Advisory R211 Street Furniture. This scoping applies usability and operability criteria to certain items intended for pedestrian use in the public right-of-way. Where multiple items of a single type are provided at a single location, only a proportion may be required to be accessible and to be located on a pedestrian access route. Types of street furniture for which usability and operational criteria are provided include elements such as drinking fountains; public telephones; public toilet facilities; and tables, counters, and benches in R211; parking meters in R308.6; bus stops and shelters in R212; and signage, including bus stop signage, in R210. Where applicable, usability and operability provisions shall be satisfied in the design and construction of other items installed on or along a public right-of-way for pedestrian use (see sections R307, R401, and R405).

Careful coordination is required between agencies and divisions authorized to install items on and along sidewalks in order to avoid inadvertent conditions that may constitute barriers. The U.S. Department of Justice ADA regulations required that the usability of accessible features be maintained (28 CFR §35.133 and §36.211).

R212 Bus Stops

Where provided, bus boarding and alighting areas shall comply with R410. Where provided, bus shelters shall comply with R410.2.

Advisory R212 Bus Stops. Where bus stops are marked along existing streets by the placement of signage, benches, or shelters, other features necessary to accessibility, such as surface improvements and curb ramps, will be subject to the program access requirements of the U.S. Department of Justice title II regulation at 28 CFR 35.151 or the U.S. Department of Transportation 504 regulation at 49 CFR Part 27. Transportation, public works, and transit agencies should consider including needed improvements in their transition plans and other program accessibility planning.

Furthermore, the placement of such items is subject to usability and protruding objects provisions that apply to street furniture. Bus stop benches and shelters shall not intrude into an existing pedestrian access route.

4.0 RESEARCH & FINDINGS

R307 Street Furniture

R307.1 General. Street furniture shall comply with R307.

Advisory R307.1 General. Elements are often placed on a sidewalk without coordination by different agencies or entities. Covered entities must ensure that the usability of the pedestrian access route is maintained.

Where items are added to an existing developed streetscape and the pedestrian walkway is not being replaced or altered within the scope of the project, locations should be carefully selected for minimum slope and cross slope and adequate width and maneuvering space to optimize usability.

R307.2 Clear Floor or Ground Space. Street furniture shall have clear space complying with R402 and shall be connected to the pedestrian access route.

R307.6 Tables, Counters, and Benches. Tables, counters, and benches shall comply with R307.6.

R307.6.3 Benches.

R307.6.3.1 Clear Space for Wheelchairs at Benches. Where benches without tables are provided at a single location, at least 50 percent, but no fewer than one*, shall provide clear space complying with R402 [30" X 48"] positioned at the end of the bench seat and located for shoulder-to-shoulder seating.

**This statement refers to a single seat position.*

R307.6.3.2 Benches. Where benches without tables are provided at a single location, at least 50 percent, but no fewer than one, shall have a seat height at the front edge of 43 cm (17 in) minimum and 49 cm (19 in) maximum above the ground or floor space.

Advisory R307.6.3.2 Benches. Benches will be most useful if they have full back support and armrests to assist in sitting and standing.

4.0 RESEARCH & FINDINGS

4.4 FLORIDA ACCESSIBILITY CODE: PLACEMENT OF TRANSIT BUS BENCHES

The requirements of the Florida Accessibility Code are generally in concert with the Public Rights-of-Way Accessibility Guidelines and the ADAAG accessibility requirements. The following provides the text of Florida Administrative Code (FDOT) Rule 14-20.0032 *Placement of Transit Bus Benches*. Note that the upcoming revision of the FDOT Accessing Transit handbook will likely include requirements that are not currently included in Rule 14-20. Additionally, FDOT's ADA Coordinator has stated that an update to Rule 14-20 is also likely in the near future.

The Department allows placement and maintenance of transit bus benches on the right-of-way of a Federal-Aid highway or state highway pursuant to written approval by the appropriate city or county government within whose jurisdiction the bench is to be located. All bus benches shall be subject to the following:

- (1) Transit bus benches placed on the right-of-way shall not exceed 74 inches in length, 28 inches in depth, and 44 inches in height.
- (2) Any bench placed on any part of a sidewalk shall leave at least three feet clearance for pedestrian traffic between the bench and the nearest edge of the road.
- (3) Transit bus benches shall not be placed in the median of any divided highway or on limited access facilities.
- (4) Unless otherwise herein provided, transit bus benches shall be placed only at recognized transit stops. However, only the minimum number of benches necessary to accommodate the comfort and convenience of the general public shall be erected or maintained.
- (5) Benches may be placed at points of pedestrian convenience other than recognized transit bus stops, where, in the judgment of the appropriate city or county government, there exists a necessity for such seating or where such seating would otherwise serve the public interest and shall comply with all other requirements placed upon transit bus benches in Rule 14-20.0032, FAC. However, only the minimum number of benches necessary to accommodate the comfort and convenience of the general public shall be erected or maintained.
- (6) If the Department finds any bench in violation of any portion of this rule, except those determined to endanger life or property, the Department shall provide written notice of the violation to the owner of the bench, or the appropriate city or county government, who shall correct the violation or remove the shelter within 30 days after receipt of the notice. If the Department finds any bench to be a danger to life or property, the Department shall provide notice to the owner of the bench, or the appropriate city or county government, who shall take immediate steps to make the bench safe or remove the bench. If the condition or location of a bench is not corrected in accordance with the Department's notice, the Department will cause the bench to be removed and seek the cost of removal from the owner of the bench.
- (7) Commercial advertising shall be displayed upon a transit bus bench only on either the front or rear surface of the backrest area.
- (8) Advertising displayed on a transit bus bench shall not be greater than 72 inches in length

4.0 RESEARCH & FINDINGS

nor greater than 24 inches in height, and no advertising displayed upon a bench shall be of a reflectorized material.

- (9) The transit bus bench location must meet the set back and minimum clear recovery zone requirements as detailed in the Florida Department of Transportation's *Roadway and Traffic Design Standards*, Index Number 700, entitled "Design Criteria Related to Highway Safety" (incorporated by reference in Rule 14-85.004, Florida Administrative Code).
- (10) Any transit bus bench that was in service prior to April 1, 1992, may be replaced with a bus bench of the same size or smaller, if the bench is damaged or destroyed or otherwise becomes unusable.
- (11) Any transit bus bench placed at points of public convenience which violates any portion of this rule shall be subject to removal upon 30 days notice if the violation is not corrected.
- (12) Whenever necessary for the construction, repair, improvement, maintenance, safe and efficient operation, alteration, or relocation of all, or any portion of a State Road, as determined by the Department, any bus bench and appurtenances thereto, authorized by this Rule, shall be immediately removed from said State Road Right-of-Way or shall be reset or relocated thereon as required by the Department, at the expense of the bench owner unless reimbursement is authorized by separate agreement. In the event the relocation of said benches is scheduled to be done simultaneously with the Department's construction work, the bench owner shall coordinate with the Department before proceeding. The bench owner shall cooperate with the Department's contractor to arrange the sequence of work so as not to delay the work of the Department's contractor and shall defend any legal claims of the Department's contractor due to delays caused by the bench owner's failure to comply with the approved schedule. The bench owner shall not be responsible for delays for reasons beyond the bench owner's reasonable control.

Specific Authority 334.044(2) FS. Law Implemented 334.044(13), 335.021(1), 337.408 FS. History—New 12-26-90, Amended 8-11-92, 5-15-97, 7-16-98.

5.0 DEFINITIONS & ACRONYM LIST

ACCESSIBLE - A site, building, facility, or portion thereof that is in compliance with the ADAAG provisions and regulations.

ACCESSIBILITY - A measure of the ability or ease of all people to access a given area or system.

ACCESSIBLE MEANS OF EGRESS - A continuous and unobstructed way of egress travel from any point in a building or facility that provides an accessible route to an exit or a public way.

ADA - The Americans with Disabilities Act of 1990, which includes the final rule, which sets forth the transportation standards contained in 49 CFR Parts 27, 37, and 38.

ADAAG - The appendix to the 49 CFR Part 37 containing the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, which provides the architectural and structural requirements for an accessible environment.

ALTERATION - A change to a building or facility that affects or could affect the usability of the building or facility or portion thereof. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, resurfacing of circulation paths or vehicular ways, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reproofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.

BOARDING AND ALIGHTING AREA - The clear space at a bus stop allocated for patrons to board or alight from the bus.

BUILDING - Any structure used or intended for supporting or sheltering any use or occupancy.

BUS BAY - A widened portion of the roadway or right-of-way that permits buses or special use vehicles to stop outside of the traffic through lanes while passengers board or alight the bus or special use vehicle. It is designed to allow easy reentry of the bus or special use vehicle into the traffic stream.

5.0 DEFINITIONS & ACRONYM LIST

BUS STOP - A designated area where local buses stop to load and unload passengers along local or express routes. The bus stop is the passenger interface and bus operating area. The ADA considers a bus stop a "transportation facility" and is governed by the USDOT ADA regulations.

CIRCULATION PATH - An exterior or interior way of passage provided for pedestrian travel, including, but not limited to, walks, hallways, courtyards, elevators, platforms, ramps, stairways, and landings.

CLEAR ZONE - The area outside the traveled way available for use by errant vehicles. The primary function of the clear zone is to allow space and time for the driver to retain control of his vehicle and avoid or reduce the consequences of collision with roadside objects.

CONNECTION - For purposes of access management, any driveway, street, turnout, sidewalk, or other means of providing for the movement of vehicles, pedestrians, or bicycles to or from the public roadway system.

CORRIDOR - A broad geographical band that follows a general directional flow or connects major sources of trips.

CROSS SLOPE - The slope that is perpendicular to the direction of travel.

CURB RAMP - A short ramp cutting through a curb or built up to it to allow accessible travel between two elevations.

DETECTABLE WARNING - A standardized surface feature built in or applied to walking surfaces or other elements to warn of hazards on a circulation path.

ELEMENT - An architectural or mechanical component of a building, facility, space, or site.

FACILITY - All or any portion of buildings, structures, site improvements, elements, and pedestrian routes or vehicular ways located on a site.

FDOT - Florida Department of Transportation

HEADWAY - The scheduled time intervals between vehicles moving along the same route, line, or roadway in the same direction.

5.0 DEFINITIONS & ACRONYM LIST

MARKED CROSSING - A crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.

MODE - A particular form of travel (i.e., walking; bicycling; travel by air, land, or sea in various purpose vehicle). More generally identifies mode of transportation within a system such as bus, rail, shuttle, etc.

PPM - Plans Preparation Manual. The PPM sets forth geometric and other design criteria, as well as procedures, for Florida Department of Transportation (FDOT) projects.

PUBLIC ROAD - Any roadway owned and/or maintained by the state, county, or city.

PUBLIC TRANSPORTATION FACILITIES - Bus stops, transit centers, park-and-ride lots, high occupancy vehicle (HOV) lanes and pullouts, multi-modal facilities, rail stations, etc.

PUBLIC USE - Interior or exterior rooms, spaces, or elements that are made available to the public. Public use may be provided at a building or facility that is privately or publicly owned.

PUBLIC WAY - Any street, alley, or other parcel of land open to the outside air leading to a public street, which has been deeded, dedicated, or otherwise permanently appropriated to the public for public use and that has a clear width and height of not less than 10 feet.

RAMP - A walking surface that has running slope steeper than 1:20 (5%).

REGULATED ROADWAY - A road segment that has an adopted level of service standard.

RIGHT-OF-WAY - A general term denoting land, property, or interest therein, usually in a strip, acquired for transportation purposes.

ROADWAY - The portion of a street or highway, including shoulders, for the intended use of vehicles.

RUNNING SLOPE - The slope that is parallel to the direction of travel.

5.0 DEFINITIONS & ACRONYM LIST

SPACE - A definable area, such as a room, toilet room, hall, assembly area, entrance, storage room, alcove, courtyard, or lobby.

TACTILE - An object that can be perceived using the sense of touch.

TECHNICALLY INFEASIBLE - With respect to an alteration of a building or a facility, something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.

TRANSFER - A passenger's change from one transit vehicle to another transit vehicle to complete the patron's travel pattern.

TRANSIT AMENITIES - Added fixtures at transit stops and facilities to provide additional comfort and conveniences for patrons (i.e., benches, kiosks, waste receptacles, telephones, shelters, etc.) (also known as "transit infrastructure").

TRANSIT STATION - A designated area where passengers may embark or disembark from rail or bus public transportation equipment.

TRANSIT STOP - A designated area where passengers may embark or disembark from rail or bus public transportation equipment.

US DOJ - United States Department of Justice

US DOT - United States Department of Transportation

VEHICLE - Every device in, upon, or by which any person or property is or may be transported or drawn upon a travel way, excepting devices used exclusively upon stationary rails or tracks.

VEHICULAR WAY - A route provided for vehicular traffic, such as in a street, driveway, or parking facility.

WALK - An exterior prepared surface for pedestrian use, including pedestrian areas such as plazas and courts.

5.0 DEFINITIONS & ACRONYM LIST

WHEELCHAIR LIFT - A device mounted on a transit vehicle used to raise and lower a platform to transport a person in a wheelchair or other mobility aid from the ground surface, sidewalk, or landing area to the interior of a transit vehicle and vice versa.

WHEELCHAIR RAMP - A device mounted on a transit vehicle and deployed to the ground surface, sidewalk, or boarding and alighting area to allow a person in a wheelchair or other mobility aid to enter or exit the transit vehicle.

WHEELCHAIR SPACE - Space for a single wheelchair and its occupant.

6.0 REFERENCES

TECHNICAL RESOURCES AND REFERENCES OF INDUSTRY STANDARDS AND BEST PRACTICES

Our appreciation for those involved in previous work on bus stop guidelines, as these were used as base information to develop the Votran Technical Design Standards for Accessible Bus Stops. Most notable of these were:

- *TCRP Report 19, Guidelines for the Location and Design of Bus Stops (1996)*

Review of content from several other agency design and standards manuals and other technical sources were considered in the development of this manual and include:

- *U.S. Access Board technical publications and published regulations and guidelines*
- *TCRP/Transit Research Board technical publications*
- *Easter Seals Project ACTION publications*
- *U.S. Department of Transportation/Federal Transit Administration technical assistance publications*
- *U.S. Department of Justice technical source documentation*
- *Florida Department of Transportation resource publications*
- *American Public Transportation Association resources*
- *Florida Administrative Code 14-20: Rules for Private Use of Right of Way*

Appendix—DESIGN STANDARDS & SCENARIOS

A.1 PRIORITY CONSIDERATIONS FOR BENCH AND SHELTER PLACEMENT AT BUS STOPS

This section describes important considerations for bench and shelter placement at bus stops. ADA standards require all bus stops to have sufficient space for a boarding and alighting area that has a firm, stable, and slip-resistant surface to accommodate boarding and alighting at the stop. When a bench or shelter is provided at a bus stop, a boarding and alighting area concrete pad is required and must be located within the specified clear zone for the roadway environment being used according to FDOT Design Standards, Index Number 700. If bus stop amenities in addition to a bus stop sign are provided, the bus stop boarding and alighting area shall be connected to the amenities, streets, sidewalks, and/or existing pedestrian infrastructure by an accessible route.

1. **Bus access characteristics (critical)** – This category involves characteristics related to the use of a particular location by a transit entity for a bus stop. For a location to be viable for application of a bus stop, requirements must be met for vertical and side clearance of the bus, turning radius of the intersection, curb lane width, parking clear zone, and presence of driveways, among other criteria. Placement of a bench at a site that does not provide an accessible environment is not recommended and may present liability issues for the transit agency.
2. **Patron accessibility characteristics (critical)** – Once it is determined that a bus is capable of safely accessing a potential bus stop location, it next must be determined whether patrons can access the location conveniently and safely. To do this, patron access to/from and use of the site must be assessed. For a location to be viable from the point of view of the transit patron, requirements must be met for the presence, width, and relative connectivity of sidewalks where applicable, the presence of an ADA boarding and alighting area (minimum 5-foot by 8-foot) enabling clearance for wheelchair lift/ramp deployment, and the presence of accessible connecting pedestrian pathways and curb ramps, among other potential considerations.
3. **Site infrastructure characteristics (non-critical)** – If buses and patrons are both able to successfully access a potential bus stop location, then the location should be suitable for the placement of a bus stop. As noted previously, the purpose of evaluating the site infrastructure characteristics is to locate the best spot for the stop within the general area of the location. In considering placement of a bench or shelter, issues that should be identified and considered in establishing the best placement at a stop within a particular location include utilities, guide wires, signage, and other potential obstructions to visibility and access; the presence of driveways and other access points to adjacent development; and the presence of parallel parking.

Appendix—DESIGN STANDARDS & SCENARIOS

4. **Safety, comfort, & security characteristics (non-critical)** – The other category of characteristics that should be used to fine-tune the decision for bench or shelter placement at a potential stop at a particular location considers issues related to safety, comfort, and security of patrons and buses. Stop placement considerations in this category include appropriate visibility for both bus operators and patrons, the presence of lighting, the presence of shade, surrounding slopes (especially if a ditch is present), and the presence of a bridge, among others. These and other potential considerations related to safety, comfort, and security at stops are important considerations when reaching a decision to place a bench or shelter at a bus stop.

Appendix—DESIGN STANDARDS & SCENARIOS

A.2 GUIDELINES FOR BENCH PLACEMENT

The following are minimum guidelines for the placement of benches at bus stops. These guidelines are written in concert with established accessibility requirements found in ADAAG and the FAC.

Wheelchair Clearance

Minimum clear width for a single wheelchair passage shall be 36 inches continuously.

Note: Clearance for new locations or locations to be adjusted should provide for 48-inch clearance to be in conformance with FDOT design standards and the 2012 FAC.

Minimum clear length of 96 inches (measured perpendicular from the curb or vehicle roadway edge) and a minimum clear width of 60 inches measured parallel to the curb or roadway (8-foot deep by 5-foot wide total space) will be provided on new construction to the maximum extent allowed by legal or site constraints for deployment of a wheelchair lift/ramp from a bus.

Minimum 60-inch clearance between bench and fire hydrants.

Minimum 30-inches by 48-inches clear area at the front edge of the bench to provide space for a wheelchair to maneuver at the bench and allow the transfer from wheelchair to bench if desired. See Exhibit 5.2.1 for suggested bus stop design layouts. There are a myriad of design layout options, and the ones shown are typical for urban, suburban, or rural environments.

Clearance between Bench and Other Bus Stop Components (Trash Cans, Shelters, and Kiosks)

Avoid placement of bench next to walls or fences. If possible, maintain 36-inch clearance in front of and behind bench. If not possible, place bench within 4 inches of wall or other structure. However, this placement *must* maintain 36 inches in front of bench for accessible path clearance.

Benches placed adjacent to shelters should allow an accessible route not less than 36 inches minimum, 48 inches preferred.

Benches may be placed within a bus shelter. A space no less than 30-inches by 48-inches at one end of the bench must be provided fully within the shelter for wheelchair parking. Most bus stop shelters are designed to include benches placed to provide for a wheelchair turning space of at least 60 inches. The space required for a wheelchair to make a 180-degree turn is a clear space of 60 inches in diameter.

Appendix—DESIGN STANDARDS & SCENARIOS

Benches should avoid proximity to boarding and alighting area of 60 inches wide by 96 inches deep so as to not obstruct access.

Sight Visibility

Transit stop furniture over 2-½ feet high should be located to provide drivers in nearby drive-ways clear visibility of the street.

Firm Stable Surfaces

Place bench on firm, stable surface that allows for surface drainage.

Desirable Placement

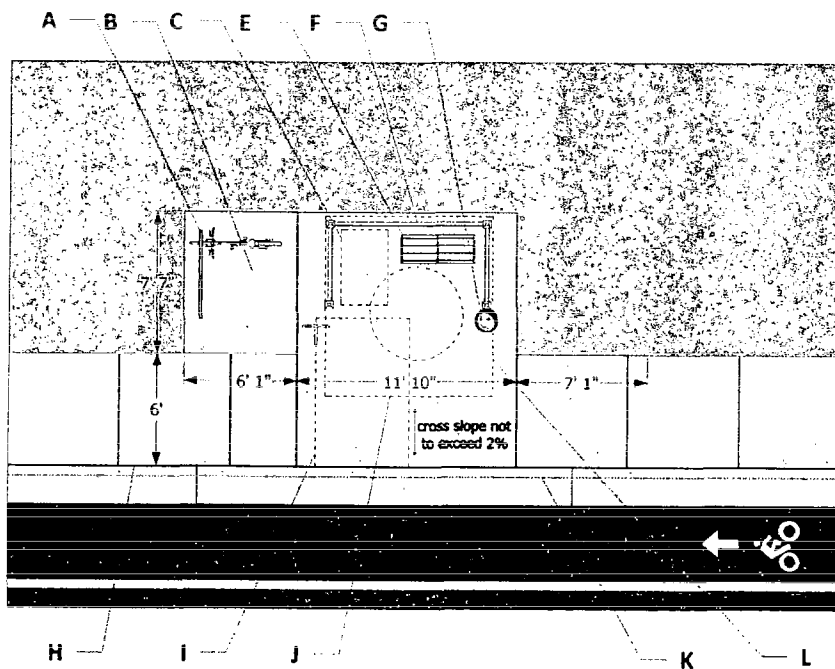
Wherever possible, benches should be anchored to concrete to prevent unauthorized movement.

Place bench in shaded area if possible.

Place bench outside of landscape watering areas.

Beginning on page 40, typical design scenarios are provided in Figures 5.2.2 through 5.2.6 that provide illustrations and descriptions of conditions for bench placement at bus stops. These scenarios are intended as guidance for the approach to siting a bus stop and the application of public seating found at typical sites throughout the Votran service area.

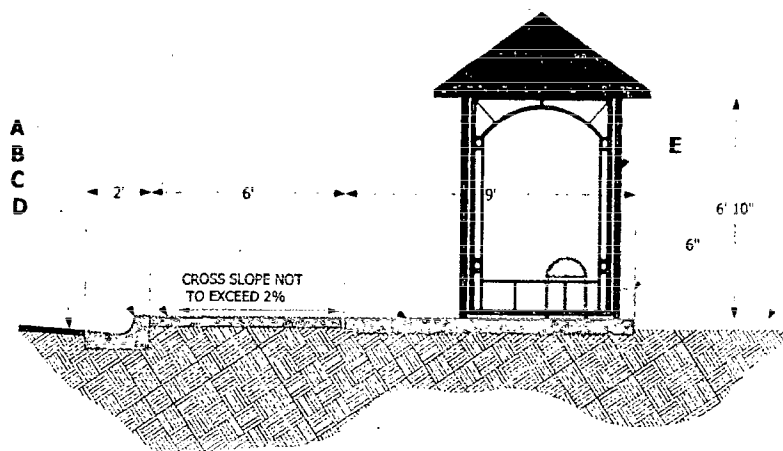
Appendix—DESIGN STANDARDS & SCENARIOS



Plan View: Bus Stop Site at Existing Sidewalk

Plan View

- A: optional bike rack
- B: optional concrete pad (~56 SF)
- C: 30"X48" minimum clear area for wheelchair resting area within shelter
- E: bench within shelter
- F: bus shelter
- G: hanging trash can
- H: existing roadway curb
- I: minimum 5'X8' bus stop boarding and alighting area
- J: ~9'X9'-7" concrete bus shelter pad
- K: cross slope not to exceed 2% perpendicular to roadway edge
- L: typical 60" diameter wheelchair turning space



Cross Section View: Bus Stop Site at Existing Sidewalk

Cross Section View

- A: new concrete bus shelter pad
- B: new sidewalk
- C: new roadway curb and gutter
- D: existing asphalt
- E: new bus shelter
- F: existing grass

Figure A.2.1 Accessible Bus Stop Site Layout Design

Appendix—DESIGN STANDARDS & SCENARIOS

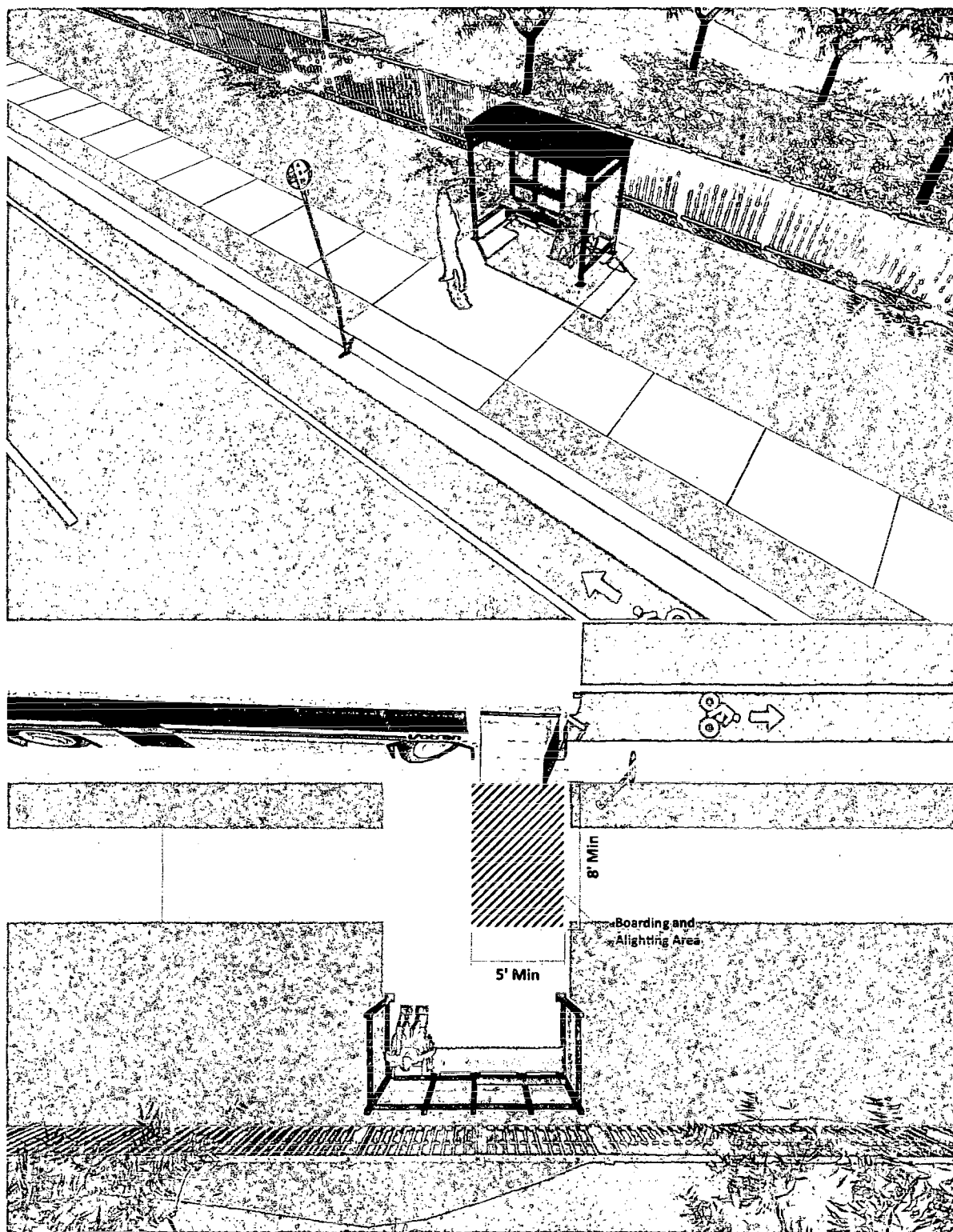


Figure A.2.1 Accessible Bus Stop Site Layout Design (continued)

Appendix—DESIGN STANDARDS & SCENARIOS

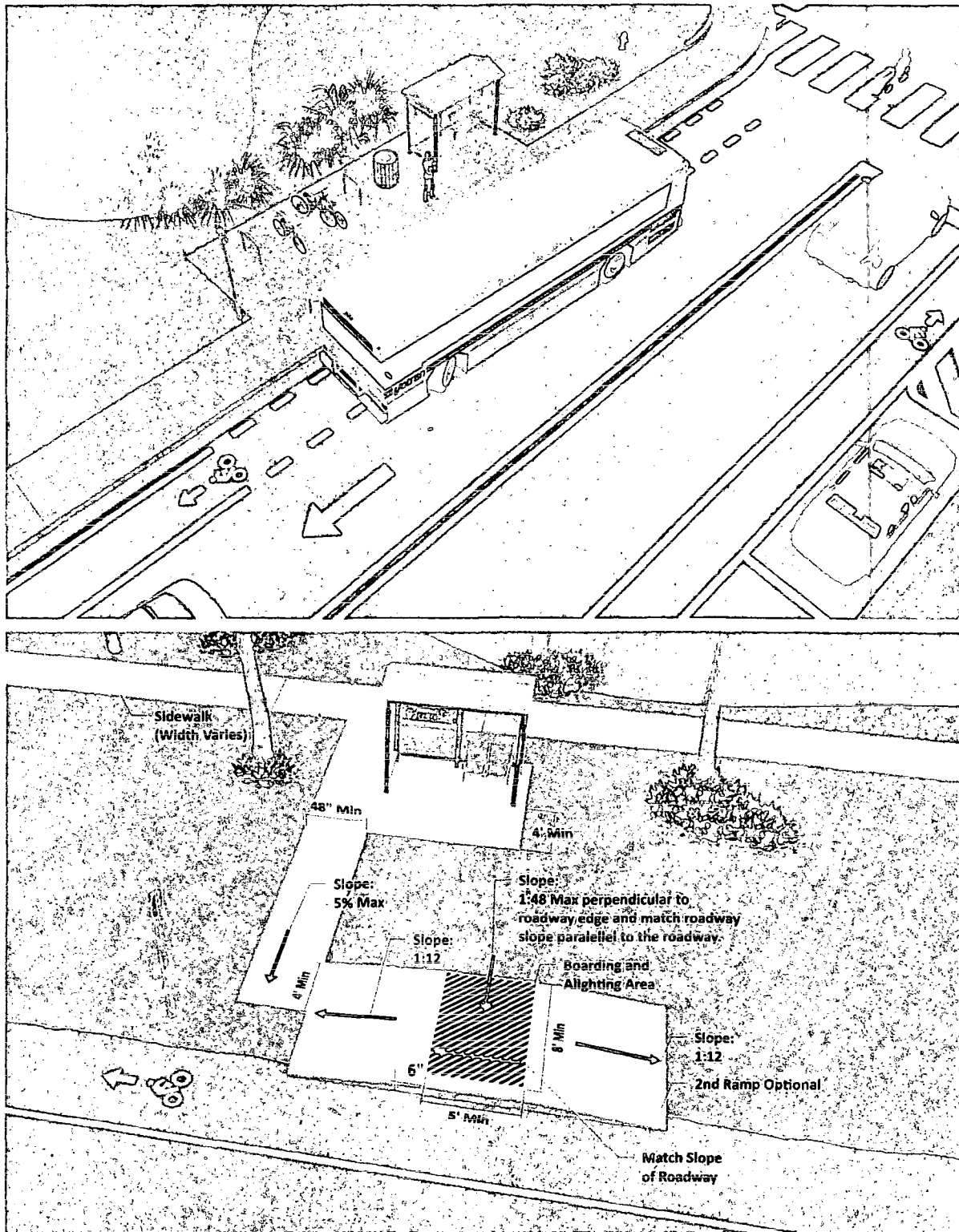
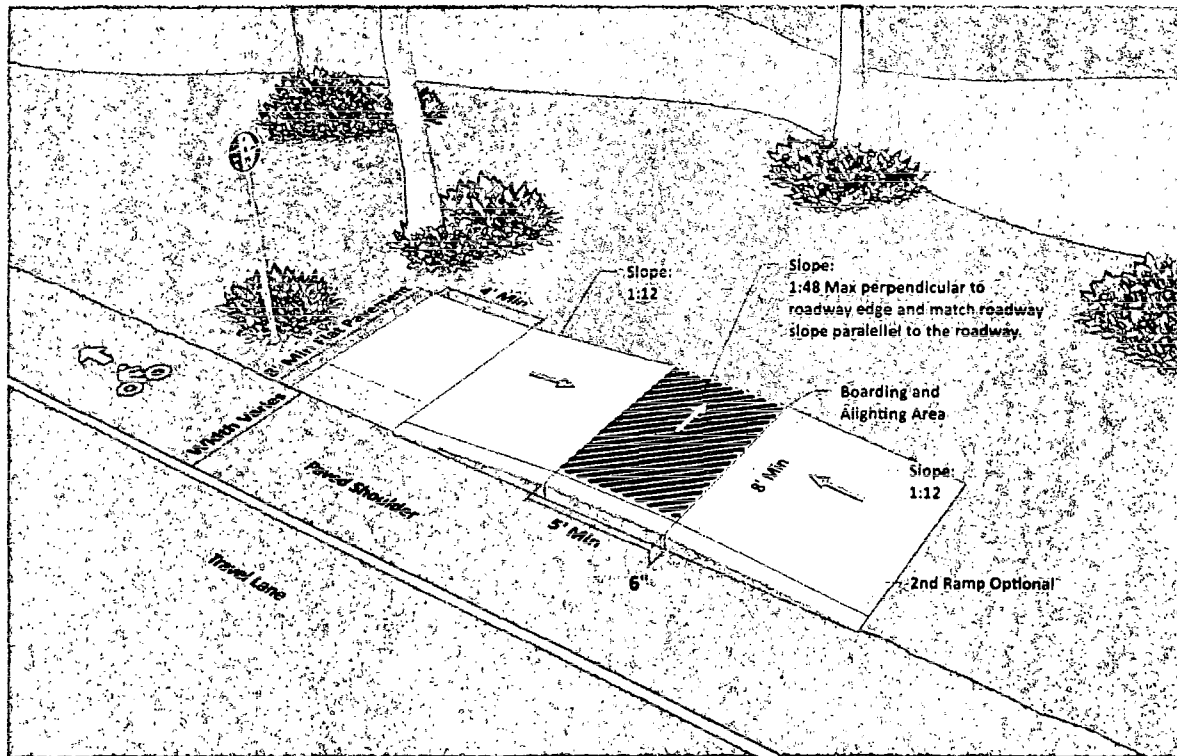
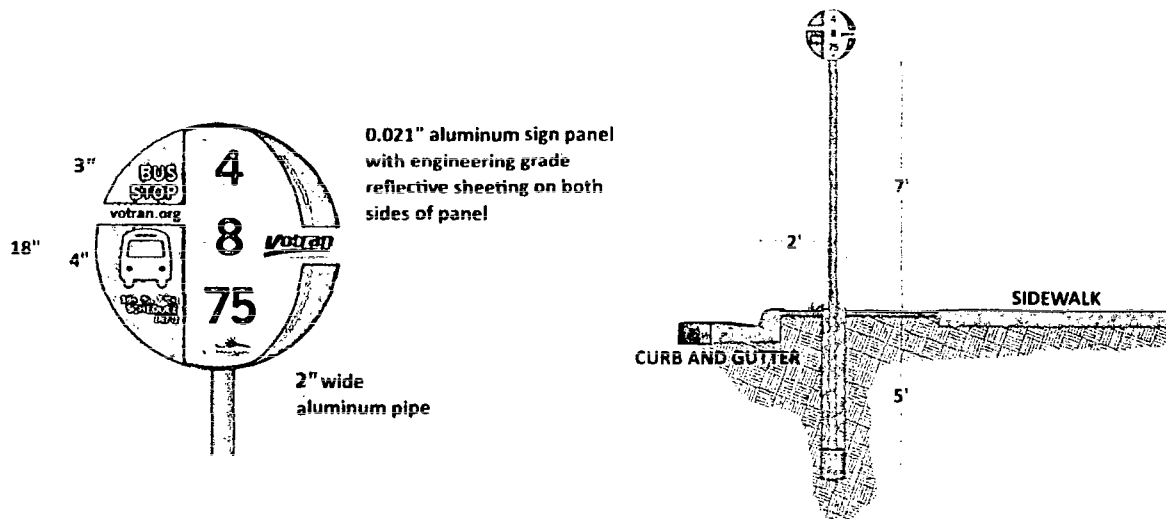


Figure A.2.1 Accessible Bus Stop Site Layout Design (continued)

Appendix—DESIGN STANDARDS & SCENARIOS



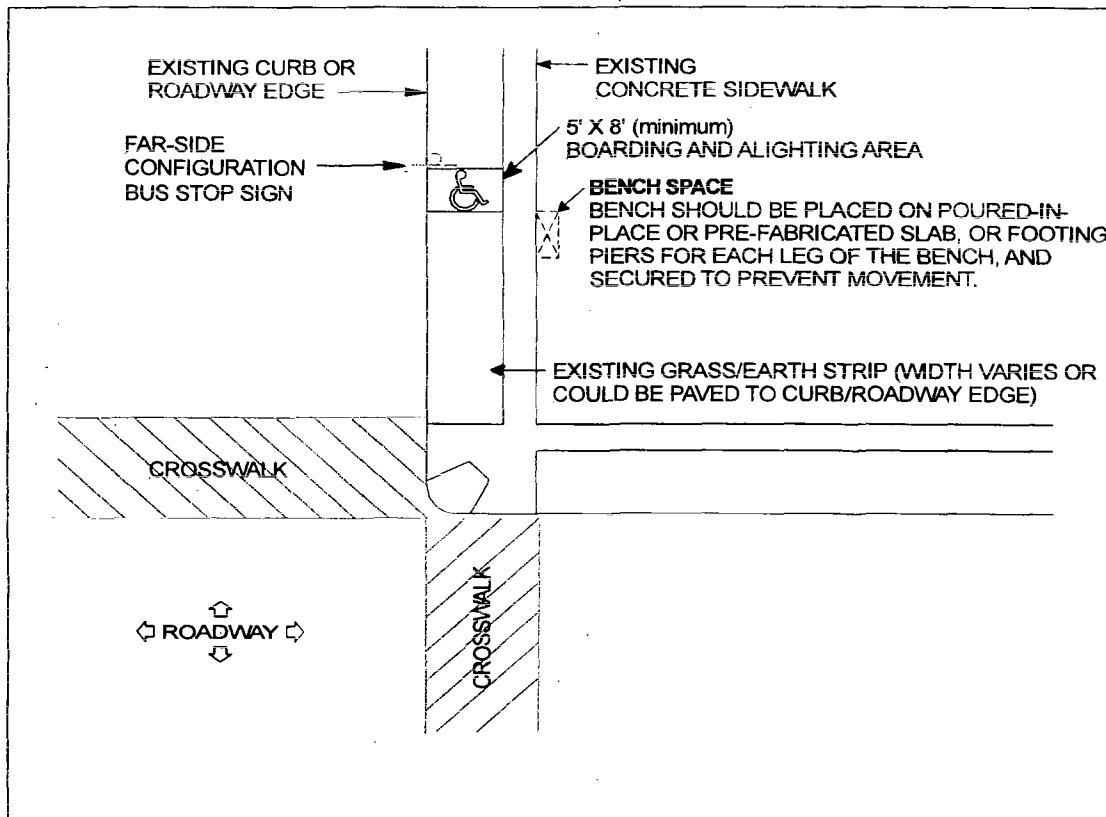
Rural Bus Stop



Bus Stop Sign Design & Placement

Figure A.2.1 Accessible Bus Stop Site Layout Design (continued)

Appendix—DESIGN STANDARDS & SCENARIOS



SCENARIO 1: GRASS/EARTH STRIP BETWEEN CURB/ROADWAY EDGE AND EXISTING WALKWAY

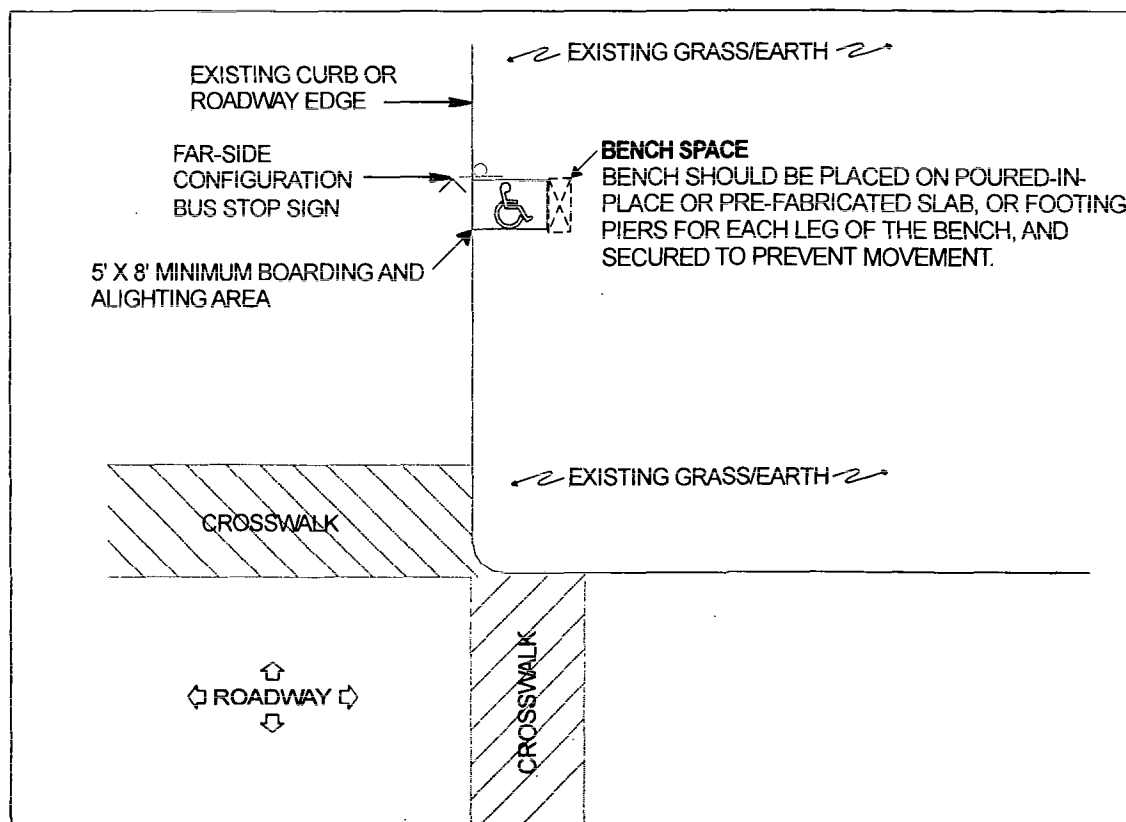
This scenario solution can be applied at urban, suburban, or rural environments.

The determination of a site for bench placement at a bus stop that affords the greatest accessibility practicable given the existing site conditions is essential. Placement of the bench must allow access by an individual using a wheelchair. A minimum 36" wide path to the bench and an area no less than 30" perpendicular and 48" parallel to the bench must be provided. The bench location must provide an unobstructed accessible path from the bus stop boarding and alighting area to the bench.

All new work, or alterations to existing sites, must be performed in compliance with ADAAG regulations by maintaining a cross slope less than 2% and running slope less than 5% except that the boarding and alighting area must coincide with slope of the roadway. Connection to existing curb/roadway edge and existing walkway must be consistent with ADAAG surface and walkway regulations by ensuring that the connection provides a smooth transition with a change in level not to exceed 1/4 inch. Walking surfaces of new work must be slip resistant - generally achieved by a broom finish to standard concrete surface.

Figure A.2.2 Bench Placement Scenario One

Appendix—DESIGN STANDARDS & SCENARIOS



SCENARIO 2: GRASS/EARTH ALONG CURB/ROADWAY EDGE - NO EXISTING WALKWAY AT STOP WITH CONCRETE BOARDING AND ALIGHTING AREA.

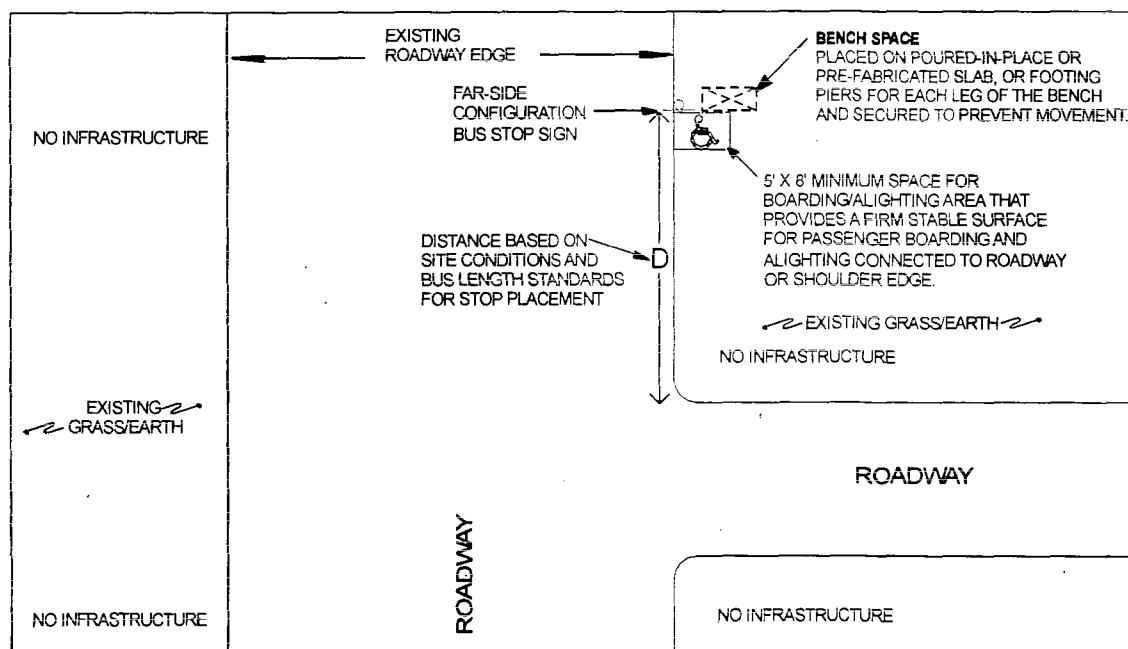
This scenario solution can be applied at urban, suburban, or rural environments.

The determination of a site for bench placement at a bus stop that affords the greatest accessibility practicable given the existing site conditions is essential. Placement of the bench must allow access by an individual using a wheelchair. A minimum 36" wide path to the bench and an area no less than 30" perpendicular and 48" parallel to the bench must be provided. The bench location must provide an unobstructed accessible path from the bus stop boarding and alighting area to the bench.

All new work, or alterations to existing sites, must be performed in compliance with ADAAG regulations by maintaining a cross slope less than 2% and running slope less than 5% except that the boarding and alighting area must coincide with slope of the roadway. Connection to existing curb/roadway edge and existing walkway must be consistent with ADAAG surface and walkway regulations by ensuring that the connection provides a smooth transition with a change in level not to exceed 1/4 inch. Walking surfaces of new work must be slip resistant generally achieved by a broom finish to standard concrete surface.

Figure A.2.3 Bench Placement Scenario Two

Appendix—DESIGN STANDARDS & SCENARIOS



SCENARIO 3: RURAL ENVIRONMENT WITH GRASS/EARTH ALONG CURB/ROADWAY EDGE - NO EXISTING WALKWAY OR INFRASTRUCTURE AT BUS STOP SITE OR OTHER RIGHT-OF-WAY ABUTMENTS.

Transit agencies are required by the ADA to select a site for the creation of a bus stop that affords the greatest accessibility practicable given the route and site conditions.

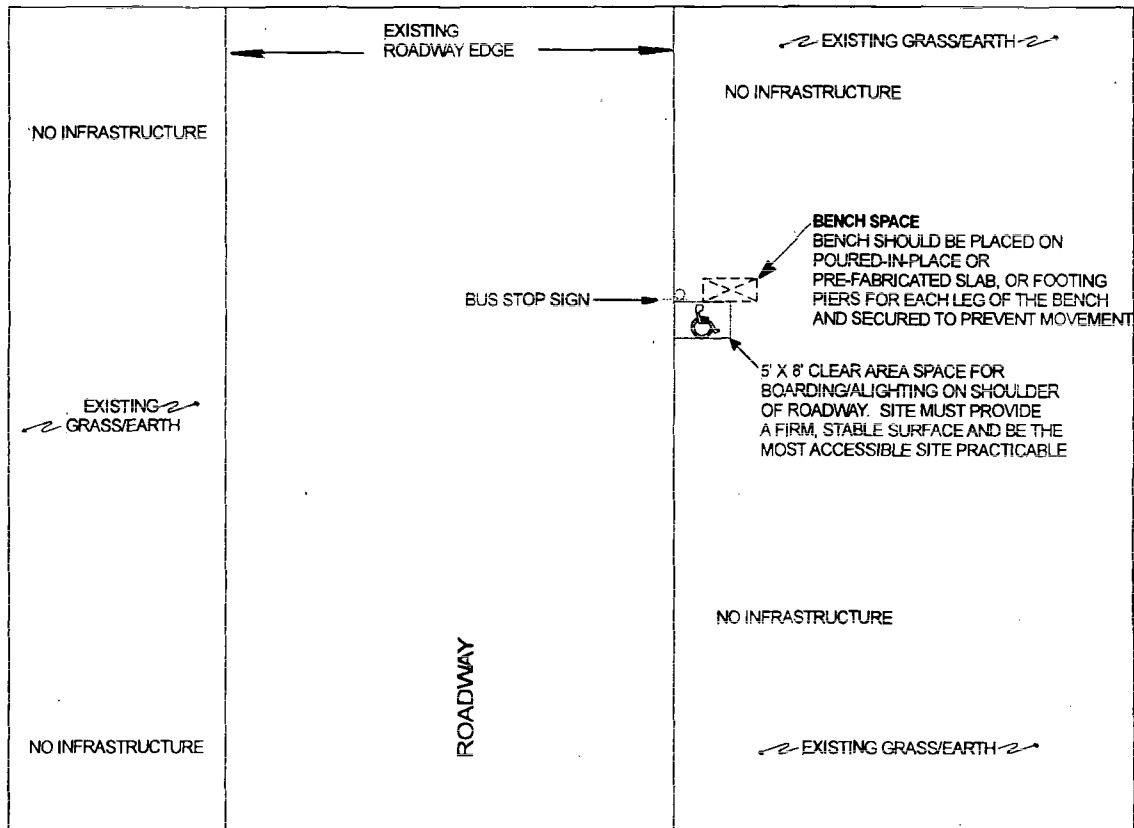
This scenario solution can be applied at suburban or rural environments where no infrastructure exists and no pedestrian pathways have been established formally or informally. However, it is presumed that the minimum 5'-by 8'-bus stop boarding and alighting area has been established by the transit agency with a paved material.

Without infrastructure support such as walkways, curb ramps, crosswalks, pedestrian or vehicle control devices, or other forms of pedestrian rights-of-way amenities (except for the paved boarding and alighting area), passengers are at risk whenever entering into the environment described in this scenario as it is assumed that the roadway shoulder provides the pathway to and from the bus stop. However, in certain instances, particularly in undeveloped rural areas, the establishment of public transit services may serve the best interest of the community. Given this condition, bus stop sites must be selected to provide the most accessible environment possible.

Placement of a bench at sites where undeveloped and non-accessible connections to the bus stop is not provided is not recommended. However, in good faith to provide seating at these stops, placement of benches must also be accomplished in the interest of providing the most accessible placement arrangement possible. Direct connection to the paved boarding and alighting area is required to afford access to the bench by individuals with disabilities.

Figure A.2.4 Bench Placement Scenario Three

Appendix—DESIGN STANDARDS & SCENARIOS



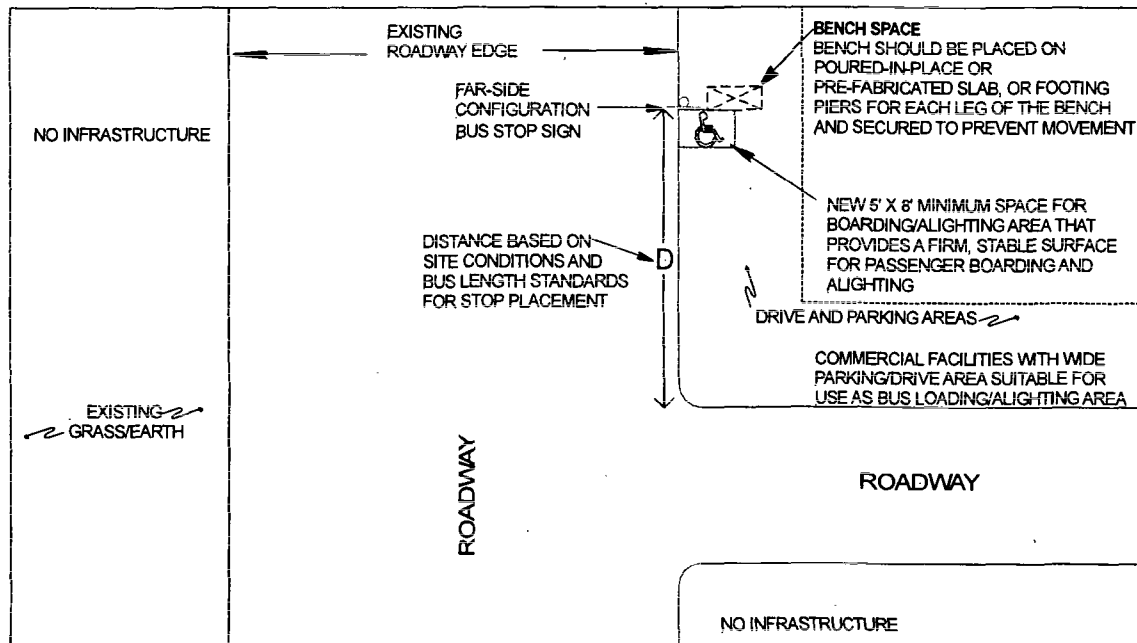
SCENARIO 4: RURAL ENVIRONMENT WITH GRASS/EARTH ALONG CURB/ROADWAY EDGE AND NO AREA AVAILABLE FOR BOARDING/ALIGHTING DUE TO RAVINE, SWALE, OVERGROWTH, OR OTHER OBSTRUCTIONS OR STRUCTURES PREVENTING SPACE FOR PASSENGERS TO MANEUVER OR BOARD BUS - NO EXISTING WALKWAY OR INFRASTRUCTURE AT STOP SITE OR OTHER RIGHT-OF-WAY ABUTMENTS.

Given this scenario, a more suitable location must be identified to establish a bus stop unless site conditions and traffic patterns allow the bus to stop in the roadway and board or alight passengers directly onto an existing shoulder meeting the boarding and alighting area requirements of the ADA. Otherwise, the site will have to be improved or another site chosen for the stop.

Without infrastructure support such as walkways, curb ramps, crosswalks, pedestrian or vehicle control devices, or other forms of pedestrian rights-of-way amenities (except for the paved boarding and alighting area), passengers are at risk whenever entering into the environment described in this scenario as it is assumed that the roadway shoulder provides the pathway to and from the bus stop. However, in certain instances, particularly in undeveloped rural areas, the establishment of public transit services may serve the best interest of the community. Given this condition, bus stop sites must be selected to provide the most accessible environment possible.

Figure A.2.5 Bench Placement Scenario Four

Appendix—DESIGN STANDARDS & SCENARIOS



SCENARIO 5: RURAL ENVIRONMENT WITH NO EXISTING WALKWAY OR INFRASTRUCTURE NEAR PROPOSED STOP SITE OR OTHER RIGHT-OF-WAY ABUTMENTS. PLACEMENT OF STOP WITHIN EXISTING PAVED COMMERCIAL DRIVE/PARKING AREA.

This scenario solution can be applied at suburban or rural environments where no infrastructure exists and no pedestrian pathways have been established formally or informally except at site abutting commercial space.

Without infrastructure support such as walkways, curb ramps, crosswalks, pedestrian or vehicle control devices, or other forms of pedestrian rights-of-way amenities (except for the paved boarding and alighting area), passengers are at risk whenever entering into the environment described in this scenario as it is assumed that the roadway shoulder provides the pathway to and from the bus stop. However, in certain instances, particularly in undeveloped rural areas, the establishment of public transit services may serve the best interest of the community. Given this condition, bus stop sites must be selected to provide the most accessible environment possible.

Placement of a bench at sites where undeveloped and non-accessible connections to the bus stop are not provided are not recommended. However, in good faith to provide seating at these stops, placement of benches must also be accomplished in the interest of providing the most accessible placement arrangement possible. Direct connection to the paved boarding and alighting area is required to afford access to the bench by individuals with disabilities.

Figure A.2.6 Bench Placement Scenario Five

From: Inga Fegley
To: Byron, Dave; Chumley, J. Giffin; Jennings, Jeaniene; Sherrer, Steven
CC: Wilsky, Pam
Date: 3/19/2013 5:14 PM
Subject: 13-P-82IF, Bus Bench Advertising

Good afternoon,

Request for Proposals (RFP) 13-P-82IF for Bus Bench Advertising has been published to the County website and advertised in the News Journal today. The pre-proposal meeting is scheduled for 10:00 a.m. EST, Friday, April 5, 2013 in the Purchasing Conference Room. This solicitation is scheduled to close on Tuesday, April 23, 2013.

Please let me know if you have any questions.

Thank you,

Inga Fegley
Procurement Analyst II
County of Volusia
123 W Indiana Ave, Rm 302
Deland, FL 32720
386-626-6623
386-626-6629 Fax
ifegley@volusia.org

From: Dave Byron
To: Jennings, Jeaniene
CC: Sherrer, Steven
Date: 3/19/2013 8:09 PM
Subject: bench contract

Jeaniene:

I discussed the bench solicitation with Jim yesterday. He directed that we proceed without a notification to Waverly re: the three benches at locations other than Votran stops. And, Jeaniene, not to worry about the possibility of an unfair claim with Waverly. His rationale is that it's such a short time frame, not to worry about it. Call me if you need. Dave

Inga Fegley - RE: Solicitation Announcement for 13-P-82IF, Bus Bench Advertising

From: "Danny Pouladian" <DannyP@BlueLineMedia.com>
To: "Inga Fegley" <ifegley@volusia.org>
Date: 3/20/2013 3:50 PM
Subject: RE: Solicitation Announcement for 13-P-82IF, Bus Bench Advertising

Is this solicitation to hire a company to manage advertising on the benches?

From: Inga Fegley [mailto:ifegley@volusia.org]
Sent: Wednesday, March 20, 2013 12:42 PM
To: Inga Fegley
Subject: Solicitation Announcement for 13-P-82IF, Bus Bench Advertising
Importance: High

The County of Volusia, FL, has issued a Request for Proposals (RFP) #13-P-82IF to solicit competitive sealed proposals for Bus Bench Advertising. The County invites you to view the solicitation and related documents on our website at www.volusia.org/bidlist under the "Open Bids" heading or <http://vcservices.vcgov.org/bidlistnet1/default.aspx> - Select Open Bids.

A pre-proposal conference is scheduled for Friday, April 5, 2013 at 10:00 a.m. EST. Please see the RFP for details.

You are encouraged to participate in this solicitation process. Responses must be received by 3:00 p.m., EST on the closing date of Tuesday, April 23, 2013. Should you have any questions about the solicitation documents or this process, please contact me by return e-mail or by calling 386-626-6623.

Regards,

Inga Fegley
Procurement Analyst II
County of Volusia
123 W Indiana Ave, Rm 302
Deland, FL 32720
386-626-6623
386-626-6629 Fax
ifegley@volusia.org

Inga Fegley - RFP for Bus Bench Advertising - Volusia County (13-P-82IF)

From: Inna Gerchikov <InnaGerchikov@CreativeOutdoor.com>
To: "ifegley@co.volusia.fl.us" <ifegley@co.volusia.fl.us>
Date: 3/21/2013 9:08 AM
Subject: RFP for Bus Bench Advertising - Volusia County (13-P-82IF)

Hello Inga,

Is there an actual bid document for the above mentioned RFP?

Please advise.

Many thanks,
Inna

Inna Gerchikov

Creative Outdoor
Director of Municipal Administration

Tel: 1.800.661.6088 x307
Fax: 1.866.426.2237
Email: InnaGerchikov@CreativeOutdoor.com
Website: www.CreativeOutdoor.com



This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company. Finally, the recipient should check this email and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this email.

Inga Fegley - Questions/Exceptions re:RFP#13-P-82IF, "Bus Bench Advertising"

From: Jim Brown <jimb@waverlymedia.com>
To: <ifegley@volusia.org>
Date: 3/28/2013 2:52 PM
Subject: Questions/Exceptions re:RFP#13-P-82IF, "Bus Bench Advertising"

Hello Ms. Fegley:

I have a number of questions regarding this RFP:

1. There is no mention made of FDOT's pending ADA requirements made in the RFP. Is this an oversight, or merely a matter to be handled between the Contractor and FDOT?
2. Why is Wilbur by the Sea, being an unincorporated area, excluded as part of this program and RFP?
3. Are you aware the Belsen bench, as indicated in the RFP, has recycled plastic legs, is lightweight, and would require a concrete pad to be poured for each location, and the bench then anchored to the pad at six points? That is the only safe way to install this or any bench with recycled plastic legs. FDOT's ADA requirements specify this as a minimum.
4. Page 6, 2.5 states, "The County shall have the final approval on any and all advertisements." How would this work, and who would be the point of contact? This could be very costly and time consuming for all involved.
5. Page 6, #2 states, "pay all fees, costs and permit charges regularly assessed by the County..." What are these fees, if any?
6. Page 8, C. Is that 15% or more PLUS a \$100 annual fee per bench? That could put the commission to the County at greater than 26%. The last sentence states these are "minimum requirements." Is the County serious? Also under section 2.7 no mention is made of monthly minimum guarantees, while Tab 11 is listed as "Fee Proposal & Guarantee."
7. Has there been an addendum yet or a change to the RFP since its release?
8. Section 3.24 Award Term. Any contractor with a true knowledge of the bus bench business would understand:
 - a. The cost to install 115 benches with recycled legs and/or seating, and pour 115 concrete pads, and to meet the minimum of ADA requirements would not be able to recoup their initial investment in under 4 years, especially considering the payments the County is seeking, and
 - b. A one year term is a losing proposition. The month to month renewals mean nothing as the County, based on other clauses, has the right to cancel with 30 days notice (See 3.29, A, and B). We also can not see County Council wanting to have the renewal brought before them every month as dictaed by two sections of this RFP.

Thank you for your attention to the questions and exceptions above.

Sincerely,

Jim Brown
 Manager
 Waverly Media, LLC

From: Steven Sherrer
To: Byron, Dave; King, Bobbie; Smith, Arlene
Date: 3/21/2013 8:27 AM
Subject: Fwd: Legislative Alert
Attachments: Amend to 1132- 972224.pdf

Dave,

Please see the amendment to SB 1132 regarding installation of bus benches with advertising along state, municipal, & county roads. This amendment shifts all liability for compliance with ADA and all other applicable laws onto "a person who installs or has installed a transit shelter or a bus bench". The link below is to the original law as it was passed in 2012 that placed that responsibility on the municipality or county that authorized placement of bench.

<http://www.flsenate.gov/Laws/Statutes/2012/337.408>

I'm not sure how or if this will change the direction we've been given with regard to the bus bench RFP.

Steve

Steve Sherrer
General Manager
Votran
950 Big Tree Road
South Daytona, FL 32119
(t) 386-756-7496, x 4126
(f) 386-756-7487
ssherrer@co.volusia.fl.us

>>> "Lisa Bacot" <lisabacot@floridatransit.org> 3/20/2013 5:19 PM >>>
TO: Transit System Personnel/FPTA Board Members Only

An amendment was placed onto the FDOT Legislative Bill (SB 1132) today altering the bus bench/shelter language that passed last year (amendment is attached). The language was described as providing the following:

The change shifts all liability away from the cities and counties and places it on any entity or person that installs a bench on a State right-of-way;

Takes out FDOT from determining bench installation compliance on State roads;

Requires bench installers to provide an inventory of existing benches and notice of future installations on State roads;

All bench installers must insure FDOT for their benches on State roads with an insurance indemnification policy;

Relieves cities and counties of the duty to certify bench compliance of law.

On page 3, starting at line 68, this section requires the municipality or county that authorizes a qualified private supplier to install the bench or shelter, must require that that supplier obtain \$1 million in liability insurance and \$4 million in supplemental liability insurance. The last very last sentence of this paragraph seems to then attempt to exempt out transit shelters (not benches) that are installed by public transit providers at designated stops on official transit routes. But, this seems a bit contradictory to me. Unless, there are transit systems that actually have employees that install the benches or shelters?

Question for you: Do any of you have the ability to install benches or shelters in-house?? If not, and you indeed do bid out these projects, will the insurance levels of \$1M/\$4M cause a lower pool of potential private suppliers and/or create an increase in the cost of the bids?

If you've given me your legislative consultant's and governmental affairs staff contact information, they are already aware of the amendment and I'll keep them in the loop, but I would still appreciate any feedback on the above question.

The folks that offered the amendment are willing to make adjustments to it, as long as FDOT is OK with the changes.

Lisa M. Bacot

Executive Director

Florida Public Transportation Association

PO Box 10168

Tallahassee, FL 32302

850.878.0855

850.445.8329 Cell

www.floridatransit.org

From: Jim Brown <jimb@waverlymedia.com>
To: <ifegley@volusia.org>
Date: 3/28/2013 2:52 PM
Subject: Questions/Exceptions re:RFP#13-P-82IF, "Bus Bench Advertising"

Hello Ms. Fegley:

I have a number of questions regarding this RFP:

1. There is no mention made of FDOT's pending ADA requirements made in the RFP. Is this an oversight, or merely a matter to be handled between the Contractor and FDOT?
2. Why is Wilbur by the Sea, being an unincorporated area, excluded as part of this program and RFP?
3. Are you aware the Belsen bench, as indicated in the RFP, has recycled plastic legs, is lightweight, and would require a concrete pad to be poured for each location, and the bench then anchored to the pad at six points? That is the only safe way to install this or any bench with recycled plastic legs. FDOT's ADA requirements specify this as a minimum.
4. Page 6, 2.5 states, "The County shall have the final approval on any and all advertisements." How would this work, and who would be the point of contact? This could be very costly and time consuming for all involved.
5. Page 6, #2 states, "pay all fees, costs and permit charges regularly assessed by the County..." What are these fees, if any?
6. Page 8, C. Is that 15% or more PLUS a \$100 annual fee per bench? That could put the commission to the County at greater than 26%. The last sentence states these are "minimum requirements." Is the County serious? Also under section 2.7 no mention is made of monthly minimum guarantees, while Tab 11 is listed as "Fee Proposal & Guarantee."
7. Has there been an addendum yet or a change to the RFP since its release?
8. Section 3.24 Award Term. Any contractor with a true knowledge of the bus bench business would understand:
 - a. The cost to install 115 benches with recycled legs and/or seating, and pour 115 concrete pads, and to meet the minimum of ADA requirements would not be able to recoup their initial investment in under 4 years, especially considering the payments the County is seeking, and
 - b. A one year term is a losing proposition. The month to month renewals mean nothing as the County, based on other clauses, has the right to cancel with 30 days notice (See 3.29, A, and B). We also can not see County Council wanting to have the renewal brought before them every month as dictated by two sections of this RFP.

Thank you for your attention to the questions and exceptions above.

Sincerely,

Jim Brown
Manager
Waverly Media, LLC

Inga Fegley - Questions/Exceptions re:RFP#13-P-82IF, "Bus Bench Advertising"

From: Jim Brown <jimb@waverlymedia.com>
To: Inga Fegley <ifegley@volusia.org>
Date: 4/1/2013 11:56 AM
Subject: Questions/Exceptions re:RFP#13-P-82IF, "Bus Bench Advertising"

Good morning Ms. Fegley,

Thank you for your response below. Two things:

1. Can you indicate when the detailed response for the previous questions will be posted in Addendum format to the County website? Answers to these are critical with respect to submitting a timely and complete bid.

2. How will RFQ

13-SQ-77JD	4/18/2013	Bus Stop Engineering Services
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affect the contractor, in the long run with respect to RFP #13-P-82IF, "Bus Bench Advertising"? It would appear that since the RFQ and RFP deal with the same approximate 115 stops, that there seems to be a corollary between them that will affect the Bus Bench Advertising contractor?

Thank you,

Sincerely,

Jim Brown
 Manager
 Waverly Media, LLC

--- On Thu, 3/28/13, Inga Fegley <ifegley@volusia.org> wrote:

From: Inga Fegley <ifegley@volusia.org>
 Subject: Questions/Exceptions re:RFP#13-P-82IF, "Bus Bench Advertising"
 To: jimb@waverlymedia.com
 Date: Thursday, March 28, 2013, 3:20 PM

Good afternoon Mr. Brown,

Thank you for your interest in 13-P-82IF for Bus Bench Advertising. The answers to your questions will be posted in Addendum format to the County website at www.volusia.org/bidlist.

Thank you,

Inga Fegley

Procurement Analyst II
 County of Volusia
 123 W Indiana Ave, Rm 302
 Deland, FL 32720
 386-626-6623
 386-626-6629 Fax
ifegley@volusia.org

>>> Jim Brown <jimb@waverlymedia.com> 3/28/2013 2:51 PM >>>
 Hello Ms. Fegley:

I have a number of questions regarding this RFP:

1. There is no mention made of FDOT's pending ADA requirements made in the RFP. Is this an oversight, or merely a matter to be handled between the Contractor and FDOT?
2. Why is Wilbur by the Sea, being an unincorporated area, excluded as part of this program and RFP?
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 - b. A one year term is a losing proposition. The month to month renewals mean nothing as the County, based on other clauses, has the right to cancel with 30 days notice (See 3.29, A, and B). We also can not see County Council wanting to have the renewal brought before them every month as dictaed by two sections of this RFP.

Thank you for your attention to the questions and exceptions above.

Sincerely,

Jim Brown
Manager
Waverly Media, LLC

From: Steven Sherrer
To: Fegley, Inga
CC: Jennings, Jeaniene
Date: 4/1/2013 3:23 PM
Subject: Re: Question for RFP 13-P-82IF, Bus Bench Advertising

Inga,

In the long run the county intends to improve the existing 115 bus bench locations to bring them up to ADA standards. The contract for bus bench advertising the County is seeking by RFP #13-P-92IF is a short term contract that will be in place in the interim while the ADA upgrade work is completed.

Steve

Steve Sherrer
General Manager
Votran
950 Big Tree Road
South Daytona, FL 32119
(t) 386-756-7496, x 4126
(f) 386-756-7487
ssherrer@co.volusia.fl.us

>>> Inga Fegley 4/1/2013 2:46 PM >>>
Good afternoon Steve,

Listed below is a question received today for RFP 13-P-82IF, Bus Bench Advertising. Please submit the answer to my attention in order for the information to be posted in Addendum format for all potential vendors.

How will RFQ

13-SQ-77JD (<http://vcservices.vcgov.org/bidlistnet1/documents.aspx?bidid=e3efd80c-9f70-4284-9762-7c2e6d515ef8>) 4/18/2013 Bus Stop Engineering Services affect the contractor, in the long run with respect to RFP #13-P-82IF, "Bus Bench Advertising"? It would appear that since the RFQ and RFP deal with the same approximate 115 stops, that there seems to be a corollary between them that will affect the Bus Bench Advertising contractor?

Let me know if you have any questions.

Thank you,

Inga Fegley
Procurement Analyst II
County of Volusia
123 W Indiana Ave, Rm 302
Deland, FL 32720
386-626-6623
386-626-6629 Fax
ifegley@volusia.org

From: Inga Fegley
To: Sherrer, Steven
CC: Jennings, Jeaniene
Date: 4/1/2013 2:46 PM
Subject: Question for RFP 13-P-82IF, Bus Bench Advertising

Good afternoon Steve,

Listed below is a question received today for RFP 13-P-82IF, Bus Bench Advertising. Please submit the answer to my attention in order for the information to be posted in Addendum format for all potential vendors.

How will RFQ

13-SQ-77JD (<http://vcservices.vcgov.org/bidlistnet1/documents.aspx?bidid=e3efd80c-9f70-4284-9762-7c2e6d515ef8>) 4/18/2013 Bus Stop Engineering Services affect the contractor, in the long run with respect to RFP #13-P-82IF, "Bus Bench Advertising"? It would appear that since the RFQ and RFP deal with the same approximate 115 stops, that there seems to be a corollary between them that will affect the Bus Bench Advertising contractor?

Let me know if you have any questions.

Thank you,

Inga Fegley
Procurement Analyst II
County of Volusia
123 W Indiana Ave, Rm 302
Deland, FL 32720
386-626-6623
386-626-6629 Fax
ifegley@volusia.org

From: Inga Fegley
To: JJennings@volusia.org
Date: 4/4/2013 3:47 PM
Subject: Meeting Cancelled: Pre-Proposal Meeting 13-P-82IF, Bus Bench Advertising-Delegated ;
(5 Apr 2013 10:00) Eastern Daylight Time

Project has been cancelled and may be re-solicited at a later date.

Meeting Cancelled:

Subject: Pre-Proposal Meeting 13-P-82IF, Bus Bench Advertising-Delegated

Date: (5 Apr 2013 10:00) Eastern Daylight Time

Location: Purchasing Conf Room

From: Steven Sherrer
To: Byron, Dave
CC: Jennings, Jeaniene
Date: 4/11/2013 9:37 AM
Subject: Bus Bench Legislation

Dave,

I received a call from Lisa Bacot of FPTA this morning. Her call was to let me know that the proposed legislation to shift the liability for ADA accessibility away from the counties, state, & municipalities onto the bus bench/shelter contractors was removed from SB 1132 yesterday. As it is today the bill is unchanged from what was passed in July 2012 and as of today there is no language being proposed that changes that.

This puts us back where we were before we put a hold on the RFP and RSQ...

Steve

Steve Sherrer
General Manager
Votran
950 Big Tree Road
South Daytona, FL 32119
(t) 386-756-7496, x 4126
(f) 386-756-7487
ssherrer@co.volusia.fl.us

From: Jeaniene Jennings
To: Byron, Dave; Chumley, J. Giffin; Sherrer, Steven
CC: Ditslear, Jennifer; Fegley, Inga; Hargrove, Charles
Date: 4/23/2013 10:30 AM
Subject: Bus Bench

How would you like us to proceed with next steps on the bus bench advertising? The A&E is on web on hold and the bid for the advertising is off web completely. Please advise if you want us to reactivate the A&E, and on the bus bench, we would need to repost with possible change of scope due to the questions we received previously. Giff, I know you had opinions on this also, not sure if you have shared with Steve and Dave.

Thank you,
Jeaniene

Jeaniene Jennings, CPPB
Director of Purchasing and Contracts
County of Volusia
386-822-5789

From: Dave Byron
To: Jennings, Jeaniene
Date: 5/22/2013 3:50 PM
Subject: Re: A&E Bus Benches

thanks

>>> On 5/22/2013 at 3:20 PM, in message <519CE94D.9015.00E1.0@volusia.org>, Jeaniene Jennings wrote:

The A&E for the bus benches is posted again and will run in the paper this Sunday,
Thank you,
Jeaniene

Jeaniene Jennings, CPPB
Director of Purchasing and Contracts
County of Volusia
386-822-5789

Lougena Carolin - Bus Bench Contract Waverly Media

From: <kim@waverlymedia.com>
<jdinneen@volusia.org>, <jdavis@volusia.org>, <jcusack@volusia.org>, <pp...
Date: 10/9/2013 3:28 PM
Subject: Bus Bench Contract Waverly Media
Attachments: Volusia County Council Letter.pdf

Dear Mr. Dinneen and County Council Members,

Please see attached letter.

Thank you,

Kimberly Was
Manager
Waverly Media
www.WaverlyBenchAds.com
386-322-3600

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October 9, 2013

Mr. Dinneen and County Council Members,

We are proud to have been the Bus Bench provider to Volusia County for over 23 years now. For those of you who aren't aware of our history, we would like to bring you up to speed. Associated Marketing is a local company that was started in Volusia County in 1977. For many years, the company serviced most of the benches in the County, and did a great job of maintaining, selling and servicing the benches, and always paid their municipalities on time. In the 1990's Associated Marketing sold the company to Maverick Bench Media, who was primarily a billboard company from the Tampa area. Since they did not maintain local oversight, the benches eventually fell into disrepair. Further, payments were no longer being made on time.

In late 2007, Waverly Media purchased both Maverick Bench Media and Associated Marketing. We immediately set out to repair and replace every bench in the County. We also brought Volusia County current on payments that were due from the prior ownership. Since we purchased the company, the payments to Volusia County have increased over 1,800%. Per our contract with the County, we are only required to pay a minimum of \$500 per year. This year we are on track to pay the County over 29 times that amount. It also should be noted, that a sales report is included with every payment we make, even though it is not required per our contract.

It is our goal to change the look of the "old style" concrete and timber benches that were placed throughout the County. If you notice in local cities (Port Orange, Edgewater, Deland) we have changed to a brand new park-style bench that is recycled, recyclable, and made in the USA. For every new bench we pour concrete pads. We have worked hand in hand with our municipal partners to locate, place and improve every stop. We are very proud of how our bench locations look and are maintained on a daily basis. As the only Volusia County based bus bench provider, we are able to respond within hours to damaged benches, and replace them sometimes even the same day. As VOTRAN staff will tell you, we are only one call away. When they request bench installations from us, some are done the same day. In fact, we are routinely called to service, clean and replace benches that belong to other municipalities, and we gladly take care of them. We understand that the main reason for a bus bench program is the community, and the riders of our public transportation system. We even install benches at locations where we know revenue may never exist.

4188 Dairy Court Suite D. Port Orange, FL 32127 Ph: 386-322-3600 Fax: 888-288-6241

www.WaverlyBenchAds.com

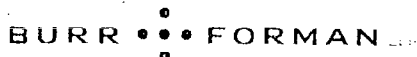
The County Council voted almost 3 years ago to put the bench contract out for an RFP. We agreed with that plan then, and continue to now. We have wanted to replace every bench in unincorporated Volusia County with the "new-style" recycled benches, but with the current contract on a year to year basis, that wasn't fiscally possible. We have strived to constantly improve our product and service to the County, but without a longer agreement, we are unable to install a new upgraded product, and pour the concrete that will be required with that upgrade. Per Florida Statute, once the current benches are removed, the site has to be made ADA compliant in order to install a new bench. I believe that this is the reason the RFP has been delayed as County staff sought clarification.

We have enjoyed being your bus bench provider, and look forward to a future RFP so we can improve our product for the community.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly Was".

Kimberly Was
Manager
Waverly Media LLC



results matter

Douglas K. Gartenlaub
Board Certified Business Litigation
dgartenlaub@burr.com
Direct Dial: (407) 540-6643
Direct Fax: (321) 249-0517

200 South Orange Avenue
Suite 800
Orlando, FL 32801

Main (407) 540-6600
Fax (407) 540-6601

October 9, 2013

BURR.COM

VIA FACSIMILE (386-736-5990), ORIGINAL TO FOLLOW BY U.S. MAIL

Daniel D. Eckert, Esquire
County of Volusia
123 W. Indiana Avenue
Deland, Florida 32720-4615

Re: Agreement between Votran and AMI

Dear Mr. Eckert:

This law firm represents Associated Marketing, Inc., a wholly owned subsidiary of Waverly Media LLC ("Waverly Media"), in connection with that certain agreement originally between AMI and the East Volusia Transportation Authority ("Votran"), under the terms of which Waverly Media, or its predecessor have been providing bus stop benches to Votran's bus riding customers since November 1, 1992 (the "Agreement"). Please direct all further communication in this regard to the undersigned.

It has come to Waverly Media's attention that the referenced Agreement has been placed on the agenda as a potential item for consideration at tomorrow's County Council meeting. Specifically, it is our understanding that at tomorrow's meeting the County Council may consider terminating and/or cancelling the Agreement that has been in place for more than two decades.

To the extent that the County Council intends to consider terminating the Agreement, I bring the following to the County's attention. First and foremost, pursuant to the language of the Agreement itself (specifically, paragraph 8), the Agreement has been (since 1992), and continues to be, automatically renewed unless notice is given in writing, sixty days prior to the end of the one-year contract term. Therefore, any notice of termination would necessarily have had to be given to Waverly Media sixty days prior to November 1, 2013, and specifically at sometime in early September, 2013. Waverly Media received no such notice, and accordingly any attempt to now cancel the existing contract would constitute, among other things, a clear breach of the Agreement itself.

Second, the Agreement expressly states that the bus benches are the property of Waverly Media such that upon termination of the Agreement, Waverly agrees to remove the benches. Thus, if

Daniel D. Eckert, Esquire
October 9, 2013
Page 2

Waverly ceases to provide bus benches to Votran, it will certainly remove its benches, and any successor vendor will be forced to provide and install benches and attendant appurtenances that comply with the current and existing ADA standards that Waverly had been exempted from due to certain "safe harbor" provisions that essentially provided "grandfather" protections to Waverly's benches. This will undoubtedly render any alternative vendor significantly more costly than Waverly.

With the foregoing in mind, I, on behalf of Waverly Media, urge the County Council to reconsider the issue of terminating the Agreement with Waverly. Please feel free to call me if you would like to discuss this matter further.

Sincerely,



Douglas K. Gartenlaub

DKG/dm

cc: General Manager, Votran (*via U.S. Mail*)

From: <Jcgigi@aol.com>
To: <jdinneen@volusia.org>
CC: <jwagner@volusia.org>, <jcusack@volusia.org>, <millsatwilbur@mindspring....>
Date: 10/14/2013 12:14 PM
Subject: VOTRAN Advertising Bench Contract

Dear Mr Dinneen, I understand County Staff/VOTRAN is preparing a new contract for the VOTRAN Advertising benches. In this regard, request County exempt Wilbur By The Sea from any advertising on benches which may be placed at VOTRAN stops along Atlantic Ave in Wilbur by the Sea. Justification for this exemption include:

- The advertising benches were removed from Wilbur in 2011 because they were unsightly in front of residences, degraded and adversely impacted our residential zoned neighborhood. This was substantiated by the fact that Ponce inlet, Daytona Beach Shores, and Daytona Beach do not have VOTRAN advertising benches along Atlantic Ave.
- Commercial advertising is inconsistent with the Wilbur by the Sea Local Plan adopted by the County and the State in 2004.
- Advertising in our residential area is inconsistent with the County sign code "Intent" and "Purpose" i.e.: "The regulations are also designed to preserve the character, appearance and aesthetic qualities of Volusia County and to insure such signs do not have a detrimental effect on the character, appearance and property values of the County."
- Permitting advertising benches In Wilbur along Atlantic Ave (a County Road and not A1A) appears to conflict with sign code provision 72-298 (para 9) stating "Off premises signs may only be erected in the B-6, I-1, or I-2 zoning classification established in division 7 along federal aid primary or interstate highways".

Thank you for your attention to this matter and hopefully your agreement to continue to preserve the residential nature of our neighborhood by prohibiting VOTRAN bench advertising in Wilbur by the Sea in any new contract.

Respectfully, Chris Gigicos 4221 S. Atlantic Ave, (386 761 0653)

*Please forward
to J Jennings
in purchasing*

From: Rhonda Orr
To: Chumley, J. Giffin; DePeyster, Donna; Felton, Mary
CC: Weaver, Charlene
Date: 10/15/2013 12:33 PM
Subject: Re: Bus Bench Revenue from Waverly Media Since June 1, 2009.
Attachments: waverley.xlsx

Giff,
Attached is a report I received from Jim Dorsten of Votran today.
Rhonda

Rhonda C. Orr, CGFO | Deputy Finance Director |
Volusia County | Office of the Chief Financial Officer |
123 W. Indiana Ave., Rm. 300 | DeLand, FL 32720 |
rorr@volusia.org | **Phone:** 386-943-7054 | **Fax:** 386-822-5780

>>> J. Giffin Chumley 10/15/2013 11:33 AM >>>

The County attorney has requested that I ascertain the amount of money received from Waverly from June 1, 2009 until the present with regard to bus bench advertising. This figure will be a topic of discussion at today's meeting at 1:30 PM.

Please send me the amount at your earliest convenience.

Best regards,

J. Giffin Chumley
Assistant County Attorney
Legal Department
County of Volusia
123 West Indiana Avenue
DeLand, Florida 32720-4613
Voice: (386) 736-5950
Fax: (386) 736-5990
e-mail: jchumley@co.volusia.fl.us

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[illegible]

From: Deborah A. Denys
To: Cusack, Joyce; Daniels, Doug; Davis, Jason; Dinneen, James; Eckert, ...
CC: Byron, Dave; Carolin, Lougena; Chumley, J. Giffin; Connors, Mary; Ha...
Date: 10/7/2013 10:21 AM
Subject: Re: bus bench contract

Looking through the attachments, the latest date referenced is 2-15-11. Is there nothing after that date referring to contract provisions?

How much was the County to be indemnified? How often was the reporting? Please forward reports of all monies the County received from the initial contract. Who was the responsible agency for verifying contract provisions?

Thank you for forwarding this information prior to the meeting this week.

Deb Denys

>>> Daniel Eckert 10/7/2013 8:51 AM >>>

Attached for information is a copy of the contract for bus benches. The secretary of state website shows that Waverly Media, LLC, has been the manager of Associated Marketing, Inc., which was administratively dissolved on September 27, 2013, for failure to file its annual report.

From: Steven Sherrer
To: Chumley, J. Giffin
CC: Hargrove, Charles; Tavano, Ann
Date: 4/25/2013 10:41 AM
Subject: Re: Bus Bench Advertising

I understand. If that's the direction Management wants us to take then we'll revisit the RFP and adjust the terms.

Steve

Steve Sherrer
General Manager
Votran
950 Big Tree Road
South Daytona, FL 32119
(t) 386-756-7496, x 4126
(f) 386-756-7487
ssherrer@co.volusia.fl.us

>>> J. Giffin Chumley 4/25/2013 10:22 AM >>>
Steve,

If the onus of ADA compliance is on the vendor, then a longer term contract (as initially contemplated) should be acceptable - this could likely offset the cost.

Best regards,

J. Giffin Chumley
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>>> Steven Sherrer 4/25/2013 10:06 AM >>>
Giff,

Either way is fine with Votran. I expect that interest in the project will be much lower under the first scenario given the cost that will be involved to comply with the contract terms. However, you mentioned that there was interest in the most recent RFP before it was put on hold so I could be wrong...

This decision is going to require management input. I do believe we have some challenging questions to

answer if we go back out with the same RFP that we did last month so I think we need to address those internally before doing anything else.

SS

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>>> J. Giffin Chumley 4/24/2013 4:56 PM >>>
Steve,

The way I see it is that we can go one of two ways on this:

(1) As recently suggested, we can place the onus of ADA compliance in the installation of bus benches on the bus bench advertising company. The RFP and Contract will be written to make ADA compliance paramount, reference as many applicable statutes, regulations, and FDOT ADA guidelines as it can, and require the vendor to indemnify and insure the County for ADA violations in the same manner as recently suggested by proposed state legislation (I know the legislation failed, but we may be able to accomplish by contract what could not be accomplished by legislative intervention).

(2) We could also do the contract as initially planned by hiring consultants to prepare specific ADA safe harbor requirements and bench specifications. This would provide with more specific contractual requirements to enforce, but, as previously noted, would result in the additional expense of getting the consultants and, perhaps unacceptably, delay implementation of a new bus bench program until the consulting studies can be concluded.

Let me know what you think or if you have additional concerns I've not touched on.

Thanks,

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From: J. Giffin Chumley
To: Sherrer, Steven
CC: Hargrove, Charles; Tavano, Ann
Date: 4/25/2013 10:22 AM
Subject: Re: Bus Bench Advertising
Attachments: Chumley, J. Giffin.vcf

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To: Chumley, J. Giffin
CC: Hargrove, Charles; Tavano, Ann
Date: 4/25/2013 10:06 AM
Subject: Re: Bus Bench Advertising
Attachments: Waverly questions 3-28-13.docx

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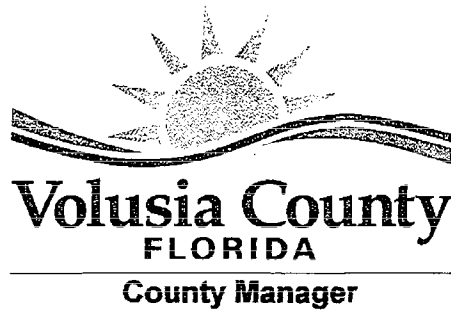
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JASON P. DAVIS
COUNTY CHAIR

JOYCE CUSACK
Vice-Chair
AT-LARGE

PAT PATTERSON
DISTRICT 1

JOSHUA J. WAGNER
DISTRICT 2

DEBORAH DENYS
DISTRICT 3

DOUG DANIELS
DISTRICT 4

PATRICIA NORTHEY
DISTRICT 5

JAMES T. DINNEEN
COUNTY MANAGER

Via electronic transmission and U.S. mail

October 17, 2013


Ms. Kimberly Was, Manager
Waverly Media, LLC
4188 Dairy Court, Suite D
Port Orange, FL 32127

Re: Bus benches

Dear Ms. Was:

Please remove all bus benches to which Associated Marketing, Inc., or Waverly Media, LLC, may claim ownership from rights-of-way in the county unincorporated area by December 20, 2013. Any contract with the East Volusia Transportation Authority or the county previously has expired or been terminated. The removal of benches will conclude any other business relationship which may exist.

Sincerely,


for James T. Dinneen
County Manager

cc: Honorable Members Volusia County Council
Daniel D. Eckert, County Attorney
Douglas K. Gartenlaub, Esq.