

Here is a summary of the Civil Rights Complaint filed by Lita Epstein from Solivita on behalf of the SCAR group opposing the Southport Connector project.

External Civil Rights Complaint Filing with Departmental Office of Civil Rights, United States Department of Transportation

Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color and national origin in any program or activity that receives federal financial assistance from the U.S. Government. Executive Order 12898 mandates Other federal statutory authorities provide similar protections from discrimination to the elderly, including Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act.

This Complaint is filed with the Departmental Office of Civil Rights (“DOCR”) of the US Department of Transportation to call attention to a matter of significant consequence pertaining to a State of Florida highway project the Southport Connector. This Complaint is not intended to provide exhaustive information or data at this particular point in time but rather to call the DOCR’s attention to the issues and the problems presented to the local community.

As planned, the highway project involving Poinciana Parkway/I-4 Connector/Southport Connector known as the Central Florida Expressway (“CFX Project”) will adversely impact the Florida community of Poinciana whose residents are primarily comprised of members of minority, low income and elderly communities with a population that is 83% minority. The CFX Project will have an unacceptable and unlawful discriminatory impact on the residents of Poinciana.

The CFX Project has effectively already predetermined the course of action to be implemented in constructing the Project without properly advising, communicating with or informing the Poinciana residents of the plans and without any significant public involvement or comment. The CFX Project if allowed to continue along the route presently conceived will physically sever the community, splitting it in half, and remove a major thoroughfare that presently exists in and serves the community. Although the Project may arguably help others in Central Florida in facilitating traffic through the area it will decimate the community of Poinciana.

This dramatic and unnecessary impact on Poinciana has to date been based primarily on inadequate planning, failure meaningfully to consider alternative routes that are less burdensome on the community and outdated planning and environmental studies. All of which is being undertaken with callous disregard for the adverse impacts the Project will have on Poinciana residents who have no appointed or elected community leadership to voice their concerns or protect them from the harsh impacts of the Project. Instead, the CFX Project has paid “lip service” to the concerns expressed thus far regarding the adverse consequences of the CFX Project and the dramatic impacts associated with the Project, treating them instead as a mere formality.

The CFX Project is planning to develop an elevated highway expressway that will divide a minority community in half with no benefit to the community.

As residents of a minority community in Poinciana, Florida, we are fighting the dissection of the community by the planned CFX Project that is intended to serve as an outer beltway for Orlando with no plans to improve local traffic conditions or consideration for the interests and concerns of local Poinciana residents. A major local road, Cypress Parkway, will be cut in half as the elevated expressway is planned to be constructed in the middle of the current Parkway. Poinciana was designed and constructed because of proximity to large local lakes with only one major roadway to get through town, i.e., the Cypress Parkway. Poinciana residents have no alternative but to use and traverse the Parkway in order to travel through town.

Poinciana is an unincorporated area that sits within two counties, Osceola County and Polk County, with no appointed or elected town leadership. It has a population that is 83% minority, with 18% to 22% of the population below the poverty level. In 2020, the median household income was \$49,628 – with most residents having to work two or three jobs just to make ends meet. Poinciana is a community that will be easily overrun by a major expressway project like that planned for the CFX Project because most people are too busy working to make ends meet to battle – or even become informed about - the planned major highway road project.

CFX has already predetermined its course of action with no or little communication and public involvement.

While many residents have written to CFX with questions and comments and to express opposition to the Project, no significant effort has been made to date to address questions or concerns communicated by residents. Nor has any meaningful notice and comment opportunity been provided to residents as the CFX Project is being pushed through to a final resolution. Without responding to expressed concerns or answering direct questions CFX has effectively ignored the legitimate concerns voiced by the residents.

Examples of written communications that have been exchanged with the CFX Project along with dismissive responses can be provided, if needed, to show clear evidence of the lack of response or, at best, a terse response with a promise to get back in touch; a response that never occurs. While officials involved with the Project have continued to promise answers to questions that have been posed, no answers have been forthcoming.

CFX is using outdated and incomplete studies to make critical decisions and has failed to consider reasonable alternatives.

Studies associated with the CFX Project dating back to 2008 and 2009 are being used presently by CFX along with planning documents to make its development decisions. These documents and related studies by any measure are simply woefully out of date. Although the CFX Project has been provided with

reasonable alternatives likely to have fewer adverse impacts on the community, those at CFX responsible for the Project remain uninterested and unwilling to consider them seriously.

The CRX Project has failed to consider reasonable existing alternatives that could and should be implemented to ease traffic congestion in the area and to accomplish longer term goals of providing a connector route to I-4. Instead of the currently planned connector project, the State could and should seriously consider widening Cypress Parkway to 6 lanes from the Marigold intersection to Pleasant Hill Road.

The current CFX Project Connector proposal does not address the present, let alone future, traffic congestion on Cypress Parkway through downtown Poinciana. Rather than providing added lanes to Cypress Parkway, the proposed Project with its elevated highway feature will add much wider and more complex underpass intersections that reduce traffic passage and will cause more congestion and delay. The elevated tollway plan must be changed and an extra lane in each direction on local Cypress Parkway must be planned and added instead.

Further consideration should be given to replacing Cypress Parkway with 6 lanes instead of the 4 lanes that currently serve the Parkway in order to reduce and even eliminate the adverse impacts the CFX Project will have on traffic flow in Poinciana and the community as a whole. This 1.7-mile-long expansion of Cypress Parkway to 6 lanes from the intersection of Pleasant Hill Road to Marigold Street is estimated to cost \$8.4 million based on the attached FDOT long-range estimating system. This cost is but a fraction of what the CFX Project will cost to build the elevated expressway.

Reasonable Questions About the CFX Project Have Been Ignored and Remain Unanswered.

Set forth below are but a few examples of the reasonable questions that have been asked regarding the CFX Project and presented to planning officials but which have fallen on deaf ears.

1. Are sound walls planned for the entire distance that the CFX Project borders Solivita (south side of Cypress Parkway)?

Why are there no sound walls planned on the proposed fly-over exit ramp associated with the CFX Project from Poinciana Parkway to Cypress Parkway eastbound? There are sound walls that have been and continued to be added to the east side of the Poinciana Parkway near residential areas of Poinciana. The current expansion of the Poinciana Parkway toll road includes sound walls on the east side where the road borders Poinciana residential neighborhoods. However, no such sound walls are planned for homes in Solivita that are closer to the planned new elevated roadway. Due to the close proximity of Solivita homes to the proposed elevated highway portion of the CFX Project, sound walls should be required to mitigate noise propagation into the residential neighborhoods *if* the CFX Project is ultimately constructed.

2. Why are the planned exit and entrance ramps close to Poinciana's Laurel Street intersection (Fire Station) not reversed?

An eastbound entrance and a westbound exit must be provided to and from the planned tollway at the Laurel Street intersection location. There already is an eastbound exit and westbound entrance ramp to the tollway a few thousand feet west at the intersection of Solivita Blvd. and Cypress Parkway making the currently planned ramps at the Laurel Street intersection clearly redundant. Traffic traveling from and to the Haines City area to the west need an entrance and exit to the tollway that prevents traffic from having to travel through the Solivita main gate intersection at Marigold Street and Cypress Parkway. Reversing the current Laurel Street ramps will accomplish this positive result to reduce congestion. Consequently, why is no consideration being given this alternative solution?

3. What sense does it make to reconfigure the Cypress Parkway and Pleasant Hill Road Intersection to require turns for the majority of traffic?

Currently, southbound traffic on Pleasant Hill Road make no turns to continue onto Cypress Parkway southwest bound. The vast majority of all the heavy traffic in both directions (north and south) do not turn at this intersection. Yet, the planned CFX Project reconfigures the intersection of Cypress Parkway and Pleasant Hill Road requiring almost all heavy commuter traffic passing through this intersection to make right and left turns which will result in a massive bottleneck.

Note that two lanes of southbound commuter traffic from Poinciana Boulevard (currently being expanded due to high traffic volumes) and two lanes of heavy southbound commuter traffic from Pleasant Hill all merge into only two lanes of traffic flowing through this intersection. Cypress Parkway is already in need of expansion as a result of current daily traffic volume.

At a minimum, *if* allowed to move forward, why shouldn't the CFX Project overpass span at this intersection be reconfigured and possibly made longer to allow local traffic flow without unnecessary turns?

Conclusion.

For the reasons relatively briefly set forth and enumerated herein on behalf of the residents of Poinciana, we respectfully request that the DOCR initiate an investigation as soon as reasonably possible into allegations asserted in this Complaint. Assistance is expressly requested from the U.S. Department of Transportation under Title VI, which forbids discrimination based on race, color or national origin. We believe the CFX Project that is being planned will significantly and adversely divide and disrupt the community of Poinciana, Florida, which is comprised predominantly of minority, low income and elderly individuals, which is precisely the type of community Title VI seeks to protect. The issues and concerns set forth in the Complaint fall squarely within the protections afforded by Title VI, Executive Order 12898, Section 504 of the Rehabilitation Act.

We stand ready to assist in that regard and willing to provide all available information and documentation to support such an effort. We are willing as well to meet with you to discuss further the issues and problems associated with the CFX Project as currently being planned and look forward to your input and assistance with this important matter.

