

January 10, 2022

RESS RELEASE  
IMPORTANT COURT APPEAL FILED

FLORIDA BARRIER ISLAND ACCESS SAFETY ISSUES – SIESTA KEY  
WALLACE v STATE OF FLORIDA Dept of Transportation

Dr. James P. Wallace III (“Dr. Wallace”) has filed an appeal of FDOT’s decision to deny him a hearing regarding the FDOT permit for a new Signalized Traffic Intersection on Stickney Point Road between the South drawbridge to Siesta Key and US 41 Intersection.

FDOT acknowledged the severe preexisting traffic safety and operational problems associated with this roadway and the US 41 Intersection; problems that, in FDOT’s own words, required “that access types, safety concerns, and operational limitations of this intersection should be given special consideration”.

However, FDOT later totally ignored these facts, and instead issued the permit and denied Dr. Wallace a formal administrative hearing to challenge the permit.

The permit approved the creation of this new signalized intersection at Ave. B&C on grounds that “being stuck in traffic” is insufficient to establish legal standing. However, the allegations of Dr. Wallace’s petition establish that his interests encompass far more than just “being stuck in traffic.”

This case raises an important issue as to whether, under the Florida Administrative Procedures Act (“APA”), the uniquely situated residents of Florida’s offshore barrier islands who depend almost exclusively upon a single roadway for access to and from their homes and the mainland in order to conduct their daily lives and receive emergency medical services, do in fact have legal standing.

Stickney Point Road intersects U.S. Highway 41, a major north-south arterial roadway. This Intersection frequently has Level of Service "F." An "F" represents near "gridlock" conditions, where every vehicle moves in lockstep with the vehicle in front of it and traffic frequently comes to a complete stop. Under these conditions, traffic on Stickney Point Road backs up from the Stickney Point Road/U.S. 41 intersection on mainland Sarasota all the way to its intersection with Midnight Pass Road on Siesta Key.

Dr. Wallace has resided on Siesta Key, an offshore island within unincorporated Sarasota County, for the last 20 years. His family has owned property on the Key for well over 50 years. He is an engineer.

His ingress and egress to mainland Sarasota County nearly always is via Stickney Point Road -where FDOT approved the new Traffic Signal and Intersection at Avenue B&C which is located between the bridge and US 41. Unlike the general traveling public, because he lives on Siesta Key, he utilizes this roadway, often multiple time a day, to obtain goods and services. However, he must always rely upon Stickney Point, Siesta Key's Primary Access Road, for emergency medical services and hurricane evacuation.

FDOT says that Dr. Wallace has no legal standing to contest the FDOT permit for a new Traffic Signal and Intersection at Ave. B&C. FDOT's position on legal standing under the APA is, effectively, that the propriety of its actions regulating to the safety and operational integrity of the State Highway System are immune from third party challenge and, ultimately, judicial review.

All briefing in the case will likely be completed by March 2022 after which argument before the appellate court will likely be in the late spring of 2022.

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**How to donate:**

Contributions to help fund the litigation to deny the installation of the new traffic light and intersection on Stickney Point Road at Ave. B&C can be sent to the office of:

Ralf Brookes, Attorney, P.O. Box 100238, Cape Coral, FL 33910

**Make checks payable to: Ralf Brookes Attorney Trust**

**Account.** Please put "Stickney Point Road Project" in the Memo line on your check. These donations are not tax deductible.