

Marsh Road VCSO Supervisory Review Complaint

Subject: Request for VCSO Supervisory Review: Marsh Road 10 MPH Enforcement Threshold, Commercial Vehicle Noise, and Traffic Safety

To Whom It May Concern,

I am requesting supervisory review of how repeated Marsh Road traffic, commercial vehicle, speed enforcement, exhaust noise, and related complaints are being handled by VCSO.

I am attaching and referencing the following materials:

Attachment A, VCSO All Traffic Solutions Speed Sign Report material for Marsh Road, including the February 22, 2026 through March 23, 2026 northbound report, the September 11, 2025 through October 10, 2025 southbound report, and the handwritten enforcement summary on the final page.

Attachment B, Marsh Road speed study math and interpretation issues.

Attachment C, May 11, 2026 Allen Tractor Service & Allen Plumbing noise incident evidence and related commercial vehicle documentation.

Attachment D, County Speed Study, Marsh Road south of Sandy Lane, July 2024.

Attachment E, County Speed Study, Marsh Road north of Palm Avenue, June 2025.

Attachment F, Volusia County Traffic Engineering memorandum, Marsh Road north of Carter Road large-vehicle concern, October 16, 2024.

Attachment G, April 15, 2026 email from Lieutenant Brodie Hughes stating that “fewer than 3%” of the 60,357 northbound vehicles were traveling at an “enforceable speed above the posted limit,” and referencing just over nine hours of targeted enforcement resulting in 13 citations and 4 warnings.

I want to be clear at the outset: I am not claiming VCSO has done no speed enforcement on Marsh Road. I understand that VCSO has conducted enforcement in the area at times, and I recognize that deputies have occasionally been visible on Marsh Road. My concern is different. My concern is that VCSO appears to be treating Marsh Road enforcement as largely discretionary, limited, and threshold-based, while residents are being told that meaningful speed enforcement does not begin until approximately 10 mph over the posted limit. That is materially different from saying Marsh Road does not have a speeding problem.

This is not a complaint about one isolated truck or one temporary noise event. Marsh Road is used daily by heavy commercial vehicles, including dump trucks, semi tractors, tractor-trailers, oversized or equipment-hauling loads, and vehicles associated with or believed to be associated with Allen Tractor Service & Allen Plumbing, EDDY V, CFB, and other commercial operators. The exact times vary, which makes a single dispatched response ineffective. The appropriate response is directed or random enforcement and interagency coordination, not simply closing individual calls because a violation was not observed during one visit.

May 11, 2026 Noise Complaint

On May 11, 2026, I reported an excessive heavy commercial vehicle noise issue involving a vehicle associated with Allen Tractor Service & Allen Plumbing. The VCSO call/event number

appears to be 261310798, listed as a Noise Complaint in the Deland district at approximately 9:31 a.m.

The first incident occurred at approximately 8:19 a.m. as the Allen Tractor Service & Allen Plumbing vehicle passed my property. As it reached the area of my property line, where the company is aware there are cameras and where it knows residents have complained about the disturbance caused by its vehicles, the driver appeared to briefly downshift or trigger the engine/compression brake for approximately three seconds. The noise appeared intentional or unnecessary given its timing and location.

The same vehicle later returned northbound at approximately 9:19 a.m., carrying a heavy load. From approximately Pine to Palmetto, the truck appeared to create substantial exhaust and acceleration noise, then the engine/compression brake appeared to engage as the driver decelerated or released the accelerator. By the time the vehicle passed approximately 2103 Marsh Road, immediately after my property, the truck became noticeably quiet. That pattern is why I reported the issue as more than ordinary pass-by noise.

I understand that a deputy may need to personally observe a traffic violation before issuing a citation. I am not asking VCSO to cite solely from my video. I am asking VCSO to treat this as a recurring traffic and equipment complaint involving heavy commercial vehicles, excessive or unusual exhaust noise, and possible unnecessary use of engine/compression braking in a residential area. The proper response should be directed or random observation, not categorical dismissal.

I am also concerned about the apparent imbalance in enforcement response. Allen Tractor Service & Allen Plumbing previously contacted VCSO claiming that I was "harassing" them after resident complaints and public reviews about their use of Marsh Road. VCSO appeared to spend more time contacting me and reviewing that allegation than addressing the underlying traffic, noise, and safety complaints residents have repeatedly made about commercial vehicle operation on Marsh Road. I am asking for supervisory review of that handling because it creates the appearance that a business operator's complaint about resident criticism was treated more seriously than residents' repeated complaints about noise, speeding, unsafe truck movement, and roadway safety.

F.S. 316.272 and F.S. 316.293 Authority Question

During the May 11 response, the deputy appeared to give several reasons why enforcement would not occur, including that the issue was an FDOT matter, that the violation had to occur in his presence, and that construction or agricultural vehicles are exempt. I understand that F.S. 316.293 contains an exemption for construction or agricultural equipment under that specific motor vehicle noise section. However, that does not answer whether F.S. 316.272 can be enforced against a commercial highway vehicle with an exhaust system creating excessive or unusual noise. F.S. 316.293 states that it does not limit or preclude enforcement of other Chapter 316 provisions relating to motor vehicle mufflers for noise control, and F.S. 316.272 separately requires every motor vehicle to have an exhaust system, including muffler, manifold pipe, and tailpiping, in good working order to prevent excessive or unusual noise.

If VCSO believes F.S. 316.293's exemption prevents enforcement of F.S. 316.272 against this type of heavy commercial vehicle traveling through a residential corridor, I am asking that VCSO identify the legal basis for that interpretation in writing.

Please clarify whether VCSO's position is that it cannot enforce F.S. 316.272 against a heavy commercial vehicle with excessive or unusual exhaust noise on Marsh Road, or whether the issue

is only that a deputy must personally observe the violation before citation. If the latter, I am asking for directed or random traffic enforcement because the issue is recurring.

Speed Enforcement Framing and the “Fewer Than 3%” Statement

I am also requesting review of how speed enforcement complaints on Marsh Road are being characterized. In Attachment G, Lieutenant Brodie Hughes wrote that the February 22, 2026 through March 23, 2026 speed study recorded 60,357 northbound vehicles, but that “fewer than 3%” were traveling at an “enforceable speed above the posted limit.” That wording is important because it appears to distinguish between vehicles exceeding the posted 35 mph limit and vehicles exceeding VCSO’s practical enforcement threshold.

On or about April 17, 2026, while present at our residence for an unrelated matter, Lieutenant Hughes also told my neighbor and me, in substance, that Marsh Road may be posted 35 mph, but VCSO policy prevents enforcement until approximately 45 mph because state law had changed. He further indicated that VCSO was not going to waste time stopping vehicles below that threshold because of a change related to FHP allegedly stopping drivers for very small speed differences.

If that is an official VCSO policy or legal position, I am asking VCSO to identify the specific statute, written policy, training bulletin, supervisory directive, or legal guidance supporting it. If it is an internal enforcement-priority practice rather than state law, please state that clearly.

That distinction matters because the speed study data that was provided to me in Attachment A does not support the plain-language conclusion that only “fewer than 3%” of traffic is speeding. It appears to support a different conclusion: only about 3% of vehicles were in the 46 mph and higher bins. The northbound All Traffic Solutions study from February 22, 2026 through March 23, 2026 recorded 60,357 vehicles. The total number of vehicles in the 36 mph and higher bins was 27,934, or approximately 46.3% of recorded northbound traffic. The number in the 41 mph and higher bins was 9,624, or approximately 15.9%. The number in the 46 mph and higher bins was 1,799, or approximately 2.98%. Therefore, the “fewer than 3%” figure appears to describe vehicles at 46 mph and above, not all vehicles exceeding the 35 mph posted speed.

I understand that VCSO may choose not to stop every vehicle traveling 36 to 40 mph in a 35 mph zone, and I am not asking for that. But if VCSO is using 46 mph and higher as the practical enforcement threshold, then the public-facing explanation should not imply that only 3% of vehicles are speeding. It should accurately state that approximately 3% exceeded VCSO’s apparent enforcement threshold, while a much larger percentage exceeded the posted speed limit.

Handwritten Enforcement Summary and Threshold Question

The handwritten enforcement summary included on the final page of Attachment A appears to show that VCSO enforcement on Marsh Road has produced measurable results when deputies are assigned to the area. The note appears to list approximately 9 hours and 20 minutes of enforcement in 2026 with 13 citations and 4 warnings, approximately 21 hours and 55 minutes in 2025 with 36 citations and 9 warnings, and approximately 273 citations from 2022 through 2026. I am not citing those numbers to claim that VCSO has done nothing. To the contrary, they appear to show that enforcement can and does identify violations when deputies are present.

But those numbers also do not answer the threshold issue. If VCSO’s practical enforcement threshold is approximately 45 or 46 mph on a 35 mph road, then the citation totals necessarily understate the number of vehicles exceeding the posted speed limit. In that case, VCSO’s enforcement history may show that deputies have written tickets, but it does not prove that

speeding is minimal. It only shows how many drivers were stopped or cited under the enforcement threshold VCSO was actually applying.

Florida Statute 318.18's base fine schedule for unlawful speed does not appear to define "speeding" as only 10 mph or more over the posted limit. It lists 1 to 5 mph over as a warning, 6 to 9 mph over as a fine, and 10 to 14 mph over as a higher fine. If VCSO has an internal practice of generally not stopping or citing until approximately 10 mph over the posted speed, or until 46 mph in a 35 mph zone, please identify whether that is based on statute, agency policy, court-practical considerations, officer discretion, or informal practice.

Comparison with Prior County Traffic Engineering Studies

The available speed data for Marsh Road also appears internally inconsistent. Attachment D, a County Traffic Engineering study south of Sandy Lane from July 10, 2024 through July 14, 2024, in a posted 40 mph segment, reported 5,902 combined vehicles, a mean speed of 48.2 mph, an 85th percentile speed of 54 mph, a 95th percentile speed of 60 mph, and 2,081 vehicles over 50 mph, which was 35.3% of the total recorded traffic.

Attachment E, a separate County Traffic Engineering study north of Palm Avenue from June 10, 2025 through June 16, 2025, in a posted 35 mph segment, reported 19,528 combined vehicles, a mean speed of 40.6 mph, an 85th percentile speed of 44 mph, a 95th percentile speed of 47 mph, and 2,887 vehicles over 45 mph, which was 14.8% of the total recorded traffic.

Those prior County Traffic Engineering studies do not square with using the later All Traffic Solutions speed-sign report from February 22, 2026 through March 23, 2026 to imply that Marsh Road has no meaningful speed problem. Lieutenant Hughes acknowledged that the speed display sign itself can affect driver behavior because some drivers react to it or attempt to trigger the lights. Based on my own observation during that study period, the sign did not appear to be placed in a naturally slower section of Marsh Road. I also observed that the sign did not appear to begin visibly flashing the displayed speed until approximately 44 to 45 mph, and did not appear to activate red/blue flashing lights until approximately 50 mph, despite the posted speed limit being 35 mph. If that observation is correct, then the device itself may have reinforced a practical threshold far above the posted speed limit during the same period used to support the "fewer than 3%" claim.

VCSO and the County should explain how the sign was configured from February 22, 2026 through March 23, 2026, what speed thresholds triggered the display and flashing lights, whether those thresholds were set above the posted 35 mph speed limit, whether those settings affected driver behavior, and why that data should be treated as more representative than prior County Traffic Engineering studies showing substantially higher speeds.

County Already on Notice of Speeding and Large-Vehicle Concerns

This issue also should not be characterized as a single-resident complaint. Attachment F, a Volusia County Traffic Engineering memorandum dated October 16, 2024, documents that VCTE received a concern on August 20, 2024 regarding high large-vehicle volume on Marsh Road north of Carter Road. That memo reported an 85th percentile speed of 54 mph, an average speed of 48 mph, a 10 mph pace of 43 to 52 mph, and concluded that "speeding is high for this area" and that law enforcement would be asked to help deter speeding. That record shows the County was already on notice of resident concern, large-vehicle volume concerns, and significant speeding before my most recent complaints.

The Marsh Road concern is also not limited to raw speeding. Residents have repeatedly documented heavy commercial vehicles, double-yellow-line encroachment, unsafe passing, hard acceleration, engine-brake or exhaust noise, vibration, and large vehicles using narrow curves and constrained road geometry. A speed-only study does not answer whether Marsh Road can safely accommodate the heavy commercial vehicles currently using it, especially oversized or equipment-hauling loads.

Specific Items I Am Requesting VCSO Address

I am organizing the items below into three categories so that the appropriate reviewer can address each group. Each numbered item retains its individual identity for reference and response.

Category A — Legal authority and policy questions (for supervisory and legal review)

1. Whether VCSO can enforce F.S. 316.272 for excessive or unusual exhaust noise from heavy commercial vehicles on Marsh Road, and if not, the specific legal basis for that interpretation.
2. Whether VCSO has a written policy not to stop or cite vehicles on 35 mph roads until approximately 45 or 46 mph, and whether that was accurately described to residents as state law. If it is an internal enforcement-priority practice rather than state law, please state that clearly and identify the supporting policy, training bulletin, supervisory directive, or legal guidance.
3. Whether the phrase “enforceable speed above the posted limit” in Attachment G refers to a legal threshold, an agency policy, an officer-discretion practice, or an informal enforcement threshold.

Category B — Data characterization and study transparency (for the Traffic Unit and County Traffic Engineering)

4. Whether the “fewer than 3%” figure in Attachment G means only vehicles in the 46 mph and higher bins, rather than all vehicles exceeding the posted 35 mph speed.
5. Whether VCSO agrees that the northbound All Traffic Solutions report shows approximately 46.3% of vehicles in the 36 mph and higher bins and approximately 15.9% in the 41 mph and higher bins.
6. Whether the handwritten enforcement summary reflects all Marsh Road speed enforcement from 2022 through 2026, what threshold or enforcement criteria were used during those details, and whether vehicles traveling 36 to 45 mph in the 35 mph zone were generally excluded from stops or citations.
7. Whether VCSO agrees that prior County Traffic Engineering studies show materially higher speeds than the later speed-sign report, including 35.3% of traffic over 50 mph south of Sandy Lane in a 40 mph segment and 14.8% of traffic over 45 mph north of Palm Avenue in a 35 mph segment.
8. Whether VCSO or the County can identify the speed thresholds used on the All Traffic Solutions sign from February 22, 2026 through March 23, 2026, including when the displayed speed began flashing, when red/blue warning lights activated, and whether those thresholds were set above the posted 35 mph speed limit.

Category C — Operational and enforcement action requests (for the Traffic Unit and interagency coordination)

9. Whether additional directed or random traffic enforcement can be assigned to Marsh Road for speeding, unsafe passing, failure to maintain lane, double-yellow encroachment, excessive or unusual exhaust noise, and unsafe heavy commercial vehicle operation, including recurring heavy vehicle use by Allen Tractor Service & Allen Plumbing, EDDY V, CFB, and other commercial operators.
10. Whether VCSO can coordinate with FHP Commercial Vehicle Enforcement, FDOT, or the appropriate local authority when an observed commercial vehicle issue falls outside normal patrol enforcement, such as unsafe load movement, lane encroachment, equipment defects, exhaust or equipment violations, or an oversized or overweight movement that appears to require specialized review.
11. Whether VCSO can refer or coordinate recurring commercial vehicle activity associated with the property at or around 2830 Marsh Road, which I understand to be associated with EDDY V, with Code Enforcement, Growth and Resource Management, and/or Environmental Management for review.

Regarding 2830 Marsh Road

Regarding 2830 Marsh Road, I am not asking a patrol deputy to make a zoning determination from the roadside. I am asking that the issue be referred to the proper County divisions and that VCSO clarify whether recurring nighttime commercial vehicle activity tied to that location is being treated as a traffic, noise, or code issue requiring coordination.

Vehicles associated with that property have reportedly operated during nighttime and early morning hours, including between 8:00 p.m. and 8:00 a.m., and commonly between approximately 2:45 a.m. and 6:00 a.m. If the property is being used as a commercial or industrial yard, contractor yard, truck staging point, equipment storage location, or similar operation, then the County should determine whether that use is permitted, whether required approvals exist, whether heavy commercial vehicle parking or storage is lawful, and whether nighttime operations create enforceable noise, nuisance, traffic, or code violations.

I am also asking why this activity appears to remain unresolved despite complaints reportedly dating back roughly a year. If the County or VCSO has determined that the activity is lawful or not enforceable, residents should be told the specific basis for that determination. If the issue is enforceable but has not been cited or corrected, residents should be told what agency or division is responsible for taking action.

Scope of Request and Closing

This complaint is not intended as a broad Chapter 119 public records request. I am requesting supervisory review and a written response explaining VCSO's enforcement position. If VCSO is relying on a specific written policy, statute, legal opinion, or internal directive to decline or limit enforcement, please identify it.

Residents have repeatedly raised concerns about Marsh Road experiencing daily heavy commercial vehicle impacts through residential areas. Those concerns are not limited to my own complaints. They are supported by neighborhood complaints, public records, resident documentation, and repeated observations along different parts of Marsh Road, including areas north of Carter Road. I recognize that VCSO has conducted some enforcement on Marsh Road. However, occasional enforcement does not resolve the concern if VCSO is operating under an

internal threshold that prevents stops below approximately 10 mph over the posted limit, while then using that threshold to characterize speeding as minimal.

The answer cannot simply be that each individual violation must happen in front of a deputy during a single call for service. If personal observation is required before citation, then the appropriate response is directed or random observation, not categorical dismissal.

Because part of this request concerns statements and written characterizations made by Lieutenant Hughes, I am asking that the supervisory review not be routed solely back to the same lieutenant or unit for final response.

Please confirm receipt and advise who will be responsible for reviewing and responding to each portion of this complaint.

Respectfully,

Justin Sandusky