

West End Revitalization Association – WERA
U.S. EPA Collaborative Problem-Solving Cooperative Project: "Right to Basic Amenities"

April 6, 2006

Ann E. Goode, Director
Office of Civil Rights
U.S. Environmental Protection Agency
Mail Code 1201A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460



RE: Administrative Complaint filed by West End Revitalization Association on February 10, 1999, under Title VI of the Civil Rights Act of 1964 and Environmental Justice Executive Order 12898
U.S. Department of Transportation Complaint # 99-021

Ms. Goode:

We are writing concerning the lack of construction in the first-ever grading, widening, and paving of Allen Baynes Road in Mebane, North Carolina, and the continued delaying of the Draft Environmental Impact Statement (DEIS) by the North Carolina Department of Transportation (NCDOT) in relation to the NC 119 highway bypass project (TIP Project U-3109).

ADMINISTRATIVE COMPLAINT FILED

The West End Revitalization Association (WERA) has been engaged in a battle against continued patterns of racial discrimination aimed at the low-income and minority residents of the West End and White Level communities of Mebane, North Carolina. On February 10, 1999, WERA and the residents of West End filed an administrative complaint with the U.S. Department of Justice under Title VI of the Civil Rights Act of 1964 and Environmental Justice Executive Order 12898 against the City of Mebane, the NCDOT, the Alamance County Urban Area Transportation Improvement Program, and the Alamance County Transportation Advisory Committee. These government agencies planned to construct the NC 119 bypass in a path that would cause the destruction of numerous homes, historic churches, and a Masonic Lodge in the low-income and largely minority communities of West End and White Level without getting input from the residents of those effected communities. Allen Baynes Road, extending from US 70, was initially targeted for destruction by the NC 119 bypass overpass without citizen participation. These actions by the above named government agencies consisted of a campaign of unlawful racial discrimination which constituted violations of Title VI of the Civil Rights Act of 1964 and Environmental Justice Executive Order 12898.

U.S. EPA Collaborative Problem-Solving Cooperative Project: "Right to Basic Amenities"

PO Box 661 – 206 Moore Street ◊ Mebane, NC 27302-0661

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6/21

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IMPROVEMENT OF ALLEN BAYNES ROAD

On January 26, 2004, C. N. Edwards, Jr., the District Engineer for the NCDOT's District 1 which serves Alamance and Orange Counties and has offices in Graham, North Carolina, sent a letter to Joe Johnson, Sr., a WERA Board Member, concerning the first-ever grading, widening, and paving of Allen Baynes Road in Mebane, North Carolina. Mr. Johnson is a resident and property owner on Allen Baynes Road. Mr. Edwards wrote the letter in response to a January 2003 petition from Mr. Johnson and other residents of Allen Baynes Road requesting the NCDOT proceed with the condemnation of the remaining outstanding right of way and the paving of the road. Mr. Edwards explained that an investigation determined that the right of way had been previously secured by 95% of the property owners, representing 93% of the road frontage. Lincoln Trust Co., representing [REDACTED], the owner of the one remaining outstanding parcel, refused to provide the necessary right of way for the paving project. In August 2003, the State Board of Transportation authorized the condemnation of the remaining parcel provided the property owners requesting the condemnation post the cost of condemnation plus any damages. Edwards further explained that the NCDOT would proceed with the condemnation and Allen Baynes Road would be scheduled for paving on the next available annual secondary road construction program if the property owners provide the required funding. Mr. Edwards designated Ritchie Tuttle, Division of Right of Way Agent, as the contact person for this case.

On January 27, 2005, Mr. Tuttle contacted Mr. Johnson by letter informing him that the property owners along Allen Baynes Road were required to post a bond in the amount of \$4,150 (\$2,500 to cover the condemnation costs plus \$1,650 for the appraised damages to the condemned parcel) in order for the condemnation to occur. Mr. Tuttle also stated that the road would be closed and the funds reallocated if the Allen Baynes Road property owners failed to provide the bond.

Pursuant to the NCDOT's request, Mr. Johnson and the NCDOT entered into an escrow agreement on February 16, 2005, in which the sum of \$4,150 was delivered into an interest-bearing escrow account at Wachovia Bank in Mebane, North Carolina. The escrow agreement was signed by Mr. Johnson and notarized by Nina Hunt, a Right of Way Aide in the NCDOT Division 7 Right of Way Office in Greensboro, North Carolina. The NCDOT assured the residents of Allen Baynes Road that the road work would commence within 90 days following deposit of the \$4,150 into the escrow account. Mr. Johnson and his fellow Allen Baynes Road residents, with WERA's help, have fulfilled their end of the agreement between them and the NCDOT, but the NCDOT has yet to commence the grading, widening, and paving of Allen Baynes Road. Almost fourteen months have passed, but no work has been started.

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CONTINUED DELAY IN COMPLETION OF
DRAFT ENVIRONMENT IMPACT STATEMENT

We are also deeply concerned about the continued delay of the completion of the Draft Environmental Impact Statement (DEIS) that is to be prepared by the NCDOT for the proposed NC 119 bypass project (TIP Project U-3109). As you know, the DEIS is required under the National Environmental Policy Act (NEPA) of 1969 for major projects, programs, or actions that involve federal funding, permitting, or other involvement by a federal agency. The DEIS will evaluate the purpose and need for the project, the considered alternatives, existing conditions in the human and natural environments, detrimental and beneficial environmental consequences of the alternatives, and public and agency coordination and participation.

The NC 119 bypass project is divided into two phases, TIP Project 3109a and TIP Project 3109b. TIP Project 3109a is the southern phase of the NC 119 bypass extending from the existing I-85/NC 119 interchange through West End and ending at US 70. According to the NCDOT, this phase of the project has already been funded. TIP Project 3109b extends from US 70 and proceeds north to connect to existing NC 119 just south of White Level Road in the northern end of Mebane. TIP Project 3109b is not funded at this time.

According to the NCDOT’s NC 119 Relocation Newsletter Issue No. 3 which was released in December 2004, the DEIS was scheduled for completion and publication in the summer of 2006. The newsletter made no mention of the administrative complaint filed in February 1999 with the U.S. Department of Justice by WERA and West End residents under Title VI of the Civil Rights Act of 1964 and Environmental Justice Executive Order 12898 against the City of Mebane, the NCDOT, the Alamance County Urban Area Transportation Improvement Program, and the Alamance County Transportation Advisory Committee. The summer of 2006 date was repeated in a letter sent on March 11, 2005, by Karen Taylor, the former NCDOT Project Development Engineer assigned to the project.

On February 15, 2006, the NCDOT held a meeting chaired by N.C. Transportation Secretary Lyndo Tippet and over twenty people attended, specifically City of Mebane and Alamance County officials. WERA and representatives of the West End and White Level communities were not invited to attend. During the meeting, an attendee witnessed Secretary Tippet repeatedly state that WERA and the residents of West End and White Level were going to sue the NCDOT. If this is an official meeting, why haven’t the minutes to this meeting been made available?

WERA sent a letter to Secretary Tippet inviting him to the WERA/U.S. EPA Collaborative Problem-Solving Third “Progress Reporting for Model: WERA/EPA Right to Basic Amenities” Workshop on Saturday, April 1, 2006, in Mebane, North Carolina. In his reply dated March 22, 2006, Secretary Tippet declined to attend but announced that the NC 119 Steering Committee would be meeting on March 30 in Mebane. The letter also set the completion date for the DEIS for January 2007. However, at this meeting, Jennifer Fuller, the current NCDOT Project Development Engineer assigned to the project, distributed a Project Fact Sheet that scheduled the completion of the DEIS for late 2006. During the meeting, concerned

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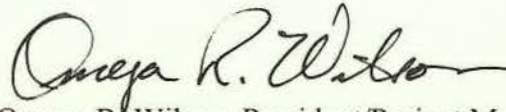
Mebane residents questioned the possibility of available funding for TIP Project 3109a when the DEIS has not yet been released and the mandatory subsequent public hearing, scheduled for early 2007, has not been held. A NCDOT official also stated that WERA and the residents of West End could file suit against the NCDOT after the completion and publication of the DEIS.

The completion date of the DEIS has been repeatedly changed or delayed. WERA would like full disclosure regarding a definite completion date for the DEIS. WERA is also requesting full disclosure for any and all planned projects in the NCDOT Transportation Improvement Program including the extension and widening of NC 119 from White Level Road in Alamance County to NC 62 in Caswell County (TIP Project R-3105), the widening of US 70 through downtown Mebane and West End (TIP Project U-2546), and the expansion of the railroad corridor throughout downtown Mebane and West End to include the proposed Southeast High Speed Rail Corridor (SEHSR) (TIP Project P-2918).

CONCLUSION

We trust that this information and the supporting attached documentation will prove helpful in your investigation. We appreciate your assistance in this matter. If you have any questions or would like additional information about anything that we have addressed in this letter, please do not hesitate to contact us.

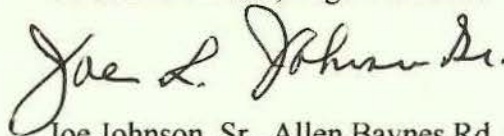
Sincerely,



Omega R. Wilson, President/Project Manager



Omari M. Wilson, Legal Assistant



Joe Johnson, Sr., Allen Baynes Rd. property owner

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Enclosures:

1. January 26, 2004, letter from C. N. Edwards, Jr., P.E., District Engineer for NCDOT District 1, to Joe Johnson, Sr.
2. January 27, 2005, letter from R. D. Tuttle, NCDOT Division of Right of Way Agent, to Joe Johnson, Sr.
3. February 16, 2005, Escrow Agreement between Joe Johnson, Sr., and Nina Hunt, Right of Way Aide in NCDOT Division 7 Right of Way Office
4. TIP Project 3109a & 3109b NC 119 Relocation maps, City of Burlington, GIS Division
5. NC 119 Relocation Newsletter Issue No. 3, December 2004
6. March 22, 2006, letter from Lyndo Tippet, Secretary of NCDOT
7. North Carolina Department of Transportation Project Fact Sheet
8. Isaac Groves, “Throughway Jousting: N.C. 119 bypass proposals,” Burlington (NC) Times-News, April 17, 2005
9. Isaac Groves, “West End Dilemma,” Burlington (NC) Times-News, April 18, 2005
10. “Urinating on WERA,” photographs of Jim Butcher’s property, located on the corner of US 70 and Allen Baynes Road in Mebane, NC

CC: Daria Neal, Lawyers’ Committee for Civil Rights Under Law
Dawn Battiste, Land Loss Prevention Project
Win N. Brown, Milbank, Tweed, Hadley & McCloy LLP

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File: Project
2/3/04 Allen Baynes
Rd

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

January 26, 2004

ALAMANCE COUNTY

Mr. Joe Johnson, *SR* ✓
[REDACTED]
[REDACTED]

Subject: Condemnation of Remaining Right of Way for SR 1950
Allen Baynes Rd.

Dear Mr. Johnson,

Per Mr. Omega Wilson's request, I am writing you to explain the condemnation process for Allen Baynes Rd. On January 29, 2003 this office received a petition from you and other property owners along Allen Baynes Rd. requesting that the Department of Transportation proceed with the condemnation of the remaining outstanding right of way and the paving of the road. After investigation, it was determined that right of way had previously been secured from 95% of the property owners, representing 93% of the road frontage. One outstanding parcel owned by Lincoln Trust Co. et al. remains. The property owner still refuses to provide the necessary right of way for the paving project. This road meets the requirements of G. S. 136-44.7 (C) as rewritten in accordance with House Bill 1492 which was passed during the 2001 session of the General Assembly. In August of 2003 the State Board of Transportation authorized the condemnation of the remaining parcel on the road subject to posting of required funds by the property owners requesting condemnation. Having verified that you are still interested in pursuing condemnation, the Department of Transportation will perform an appraisal of the outstanding parcel to determine damages, if any, that are due to the property owner. You will be presented with the findings of this appraisal and will be asked to provide funding for the cost of the condemnation plus any damages. The minimum cost for condemnation is \$2500.00 per parcel to be condemned.

If you decide to provide the required funding, the Department will proceed with the condemnation and Allen Baynes Road will be programmed for paving on the next available annual secondary road construction program. The Department cannot proceed with the condemnation unless you provide funding for the condemnation.

Please share this information with the other property owners on the road.

If you have any questions regarding the condemnation process, you may contact Mr. Ritchie Tuttle, Division Right of Way Agent, who is handling the case. Mr. Tuttle may be contacted at (336)334-3515.

Sincerely,



C. N. Edwards Jr., P.E.
District Engineer

Cc: J.M. Mills, P.E.
Ritchie Tuttle

Feb 1, 2005



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

P.O. BOX 14996
Greensboro, NC 27415-4996

LYNDO TIPPETT
SECRETARY

January 27, 2005

COUNTY: Alamance
DESCRIPTION: SR 1950 - Allen Baynes Road

Mr. Joe Johnson
[REDACTED]

Dear Mr. Johnson:

As you recall, the Department of Transportation acquired right of way from all but one owner along Allen Baynes Road in an effort to have the road improved and paved. This road was eventually approved for condemnation to allow the project to proceed. In order for the condemnation to take place, the owners along the road were required to post a bond in the amount of \$4,150.00 (\$2,500 to cover costs of the condemnation and \$1,650 for the appraised damages to the parcel being condemned). Notes from the file indicate that Ms. Nina Hunt last spoke with you in May of 2004 and you indicated that you did not feel the additional \$1,650.00 could be raised. Unfortunately, the funds for improving Allen Baynes Road must be re-allocated to other projects if the condemnation process is not going to proceed. By this letter, it is requested that the adjoining owners provide the necessary bond in the amount of \$4,150.00 prior to February 15, 2005. If the owners are not able to provide the bond, this road will have to be closed and the funds will be re-allocated. It has been the intent of the Department to assist you and the other owners in having the road paved, however there are no further steps the Department can take without the necessary bond. If you would like to discuss this matter further, please feel free to call me at (336) 334-3515.

Sincerely,

A handwritten signature in dark ink, appearing to read "R.D. Tuttle".

R.D. Tuttle
Division Right of Way Agent

RDT

Cc: Mr. C. N. Edwards, District Engineer

U-3109a NC 119 Relocation

City of Burlington, GIS Division
February 16, 2003



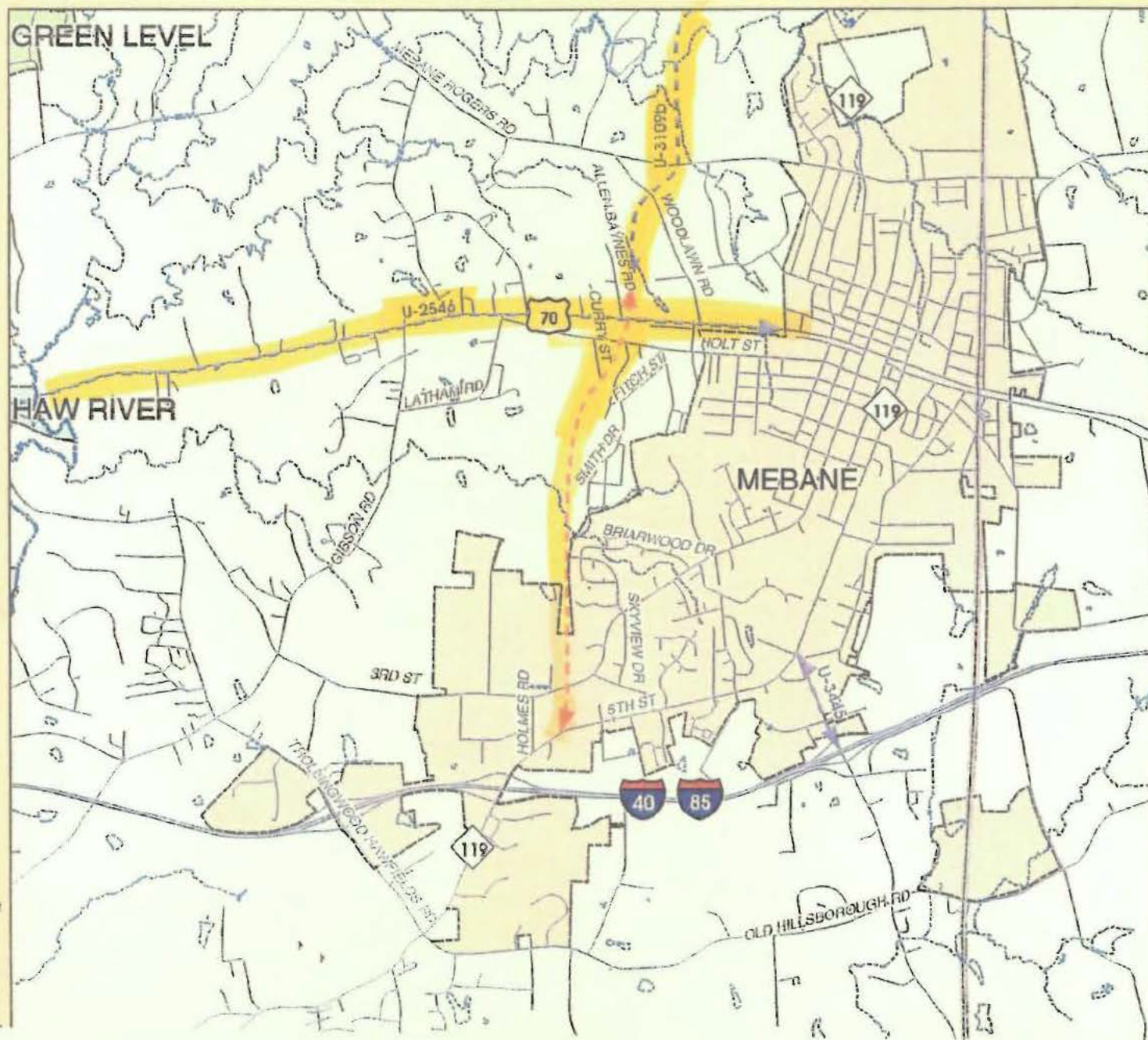
1 inch equals 3,500 feet

Description: From Interstate 40-85 to a point north of US Highway 70; multi-lanes on new location, Length = 2.4 miles

Estimated Project Timeline:

	04	05	06	07	08	09	PY
Planning							
Design							
Right-of-Way							
Construction							

map was compiled from the GIS resources of the Burlington Regional GIS Partnership for public planning and agency support purposes. These resources include public information sources of different scale, time, origin, definition and accuracy, which can produce inconsistencies among features represented either on this map. Neither the City of Burlington nor the Partnership shall be held liable for any errors in this map or for reporting data. Primary public information sources from which map was compiled, in conjunction with field surveys where



U-3109b NC 119 Relocation

City of Burlington, GIS Division
February 16, 2003



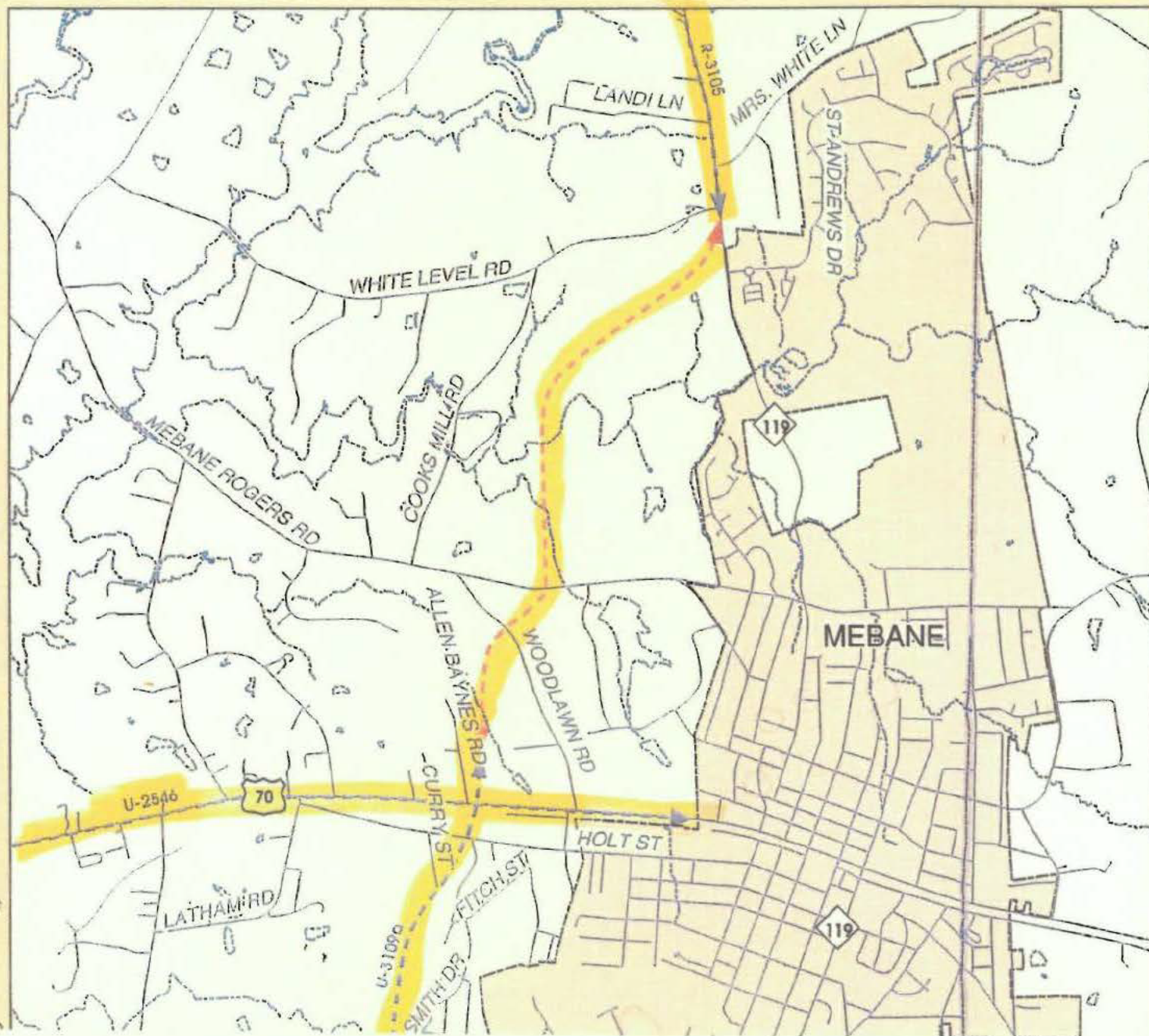
1 Inch equals 2,500 feet

Description: From a point north of US Highway 70 to a point south of State Route 1917 (White Level Rd.); multi-lanes on new location. Length = 1.9 miles

Estimated Project Timeline:

	04	05	06	07	08	09	PY
Planning							
Design							
Right-of-Way							
Construction							

map was compiled from the GIS resources of the Burlington Regional GIS Partnership for public planning and agency support cases. These resources include public information sources different scale, time, origin, definition and accuracy, which effects produce inconsistencies among features represented either on this map. Neither the City of Burlington nor the partnership shall be held liable for any errors in this map or carting data. Primary public information sources from which map was compiled, in conjunction with field surveys where data met its purpose for the collection of the information.





NC 119 RELOCATION NEWSLETTER



This newsletter provides an update on the progress of the NC 119 project and the current status of project activities.

Updated NC 119 Relocation Project Schedule

Winter 2004
Continue Environmental Impact Studies

Spring 2005
Preliminary Designs

Summer 2006
Draft Environmental Impact Statement (DEIS)

Spring 2007
Public Hearing on DEIS

Summer 2007
Select Preferred Alternative for NC 119

Summer 2008
Final EIS and Record of Decision

Winter 2009
Right-of-Way Acquisition from I-85 to US 70 (Part A)

Winter 2011
Construction from I-85 to US 70 (Part A)

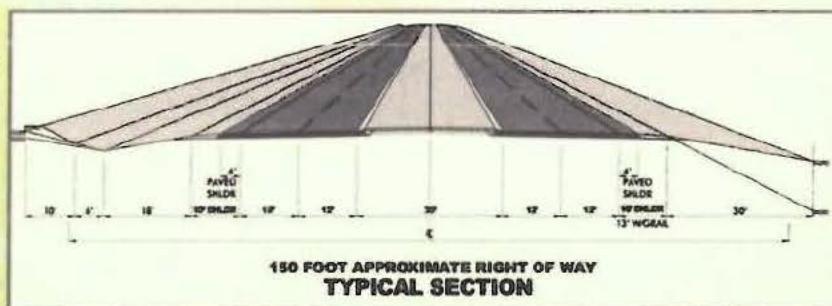
After 2011
Right-of-Way Acquisition from US 70 to White Level Road (SR 1917) Part B

NC 119 Relocation Project Update

The North Carolina Department of Transportation (NCDOT) proposes to relocate NC 119 between the I-85 interchange southwest of Mebane and White Level Road (SR 1917) north of Mebane in Alamance County. This project is included in the NCDOT Transportation Improvement Program (TIP) as Project No. U-3109. The NCDOT initiated studies for this project in 1994 and has conducted the preliminary phases of highway corridor planning and public involvement activities. The project development, environmental, and engineering studies for the proposed project are underway to determine the impacts of the detail study alternatives on the human, physical, and natural environments. The NC 119 Relocation is proposed as a four-lane roadway with two lanes in each direction and a grass median as shown in the typical section diagram. The proposed roadway would have partial access control, with access provided at existing and future intersecting roadways. The project also includes a bridge crossing of US 70 and the Norfolk Southern railroad, which is planned as part of the future Southeast High Speed Rail Study Corridor.

Upcoming Project Activities

A Draft Environmental Impact Statement (DEIS) will be prepared for the proposed project and is scheduled for completion in the summer of



2006. The DEIS is required under the National Environmental Policy Act (NEPA) of 1969 for major projects, programs, or actions that involve federal funding, permitting, or other involvement by a federal agency. The DEIS will document the purpose and need for the project, alternatives considered, existing conditions in the human and natural environments, adverse and beneficial environmental consequences of the alternatives, and public and agency coordination.

Following the completion of the DEIS, a public hearing will be held to provide citizens the opportunity to comment on the NC 119 detail study alternatives and the information presented in the document. The comments provided by the public during the hearings and comments received on the DEIS will be considered in selecting the Preferred Alternative. A Final EIS and Record of Decision will document the selection process for the Preferred Alternative. The acquisition of properties to construct the southern portion (Part A) of the NC 119 Relocation (between I-85 and US 70) is scheduled to begin in late 2009 and construction of this segment is scheduled to begin in late 2011. The acquisition of properties to construct the northern portion (Part B) of the NC119 Relocation (between US 70 and White Level Road) is scheduled to begin after 2011.

NC 119 Project Description and Purpose

The purpose of the NC 119 Relocation project is to reduce traffic congestion in downtown Mebane, improve access to surrounding communities and provide Alamance County with a primary north-south route.

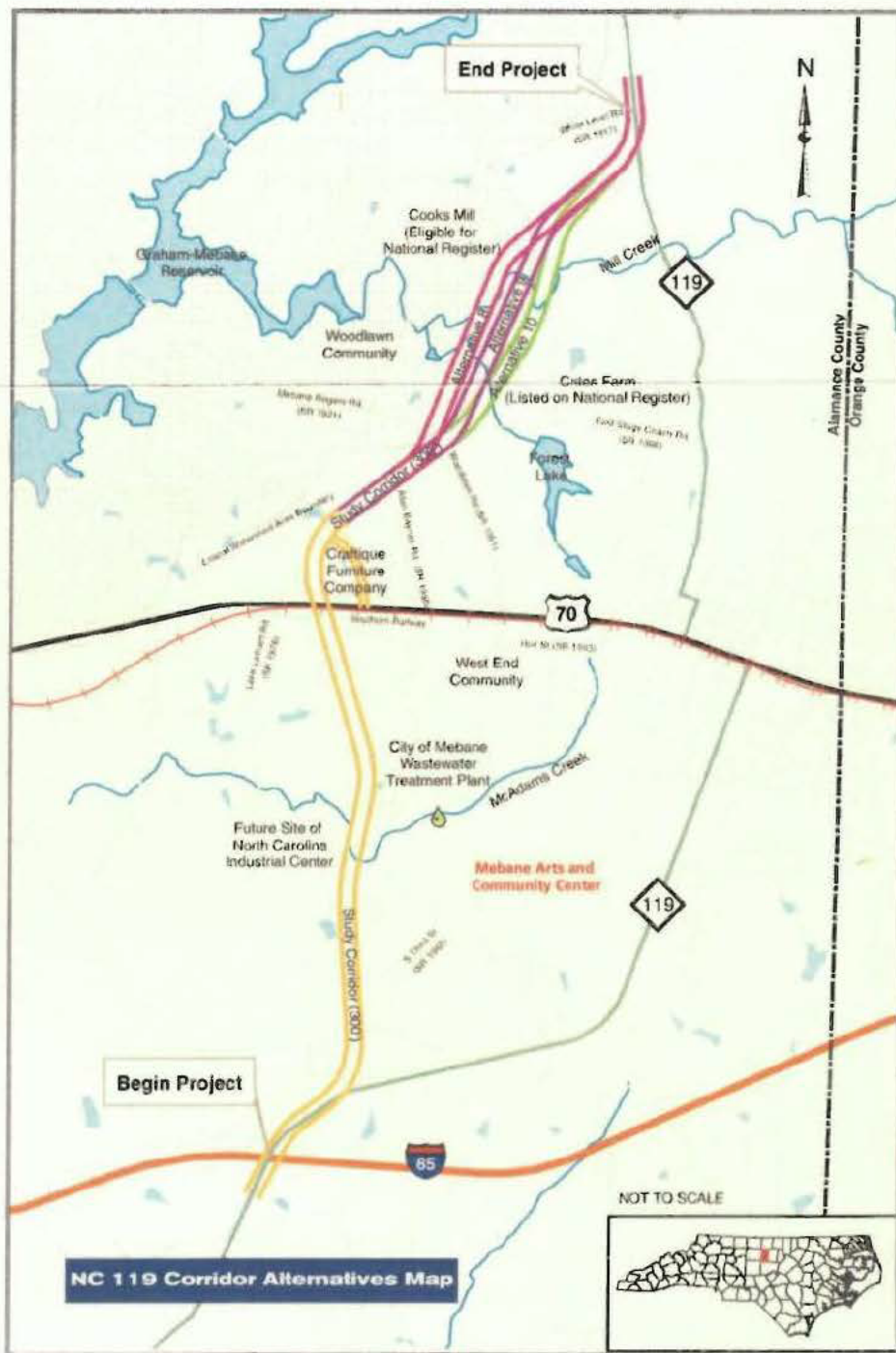
Reduce Traffic Congestion - NC 119 in Alamance County serves the dual functions of providing the primary regional north-south route between I-85 south of Mebane and US 58 in southern Virginia as well as providing north-south access to downtown Mebane. Since the early 1990's, the Mebane area has experienced rapid growth due to its proximity to both the Triad and Triangle areas. Increase in traffic associated with this growth is expected to overload existing NC 119 by the year 2025. NC 119 is a two-lane roadway that travels through neighborhoods as well as downtown Mebane. NC 119 runs concurrent with US 70 through downtown Mebane, with the railroad to the south and many shops and businesses to the north. The proposed NC 119 route would provide another option for commuters to reach the areas west and north of Mebane.

Provide Access - The proposed NC 119 Relocation would improve access within the local community, including the North Carolina Industrial Center located between I-85 and US 70. The project would also provide eastern Alamance County with a primary north-south roadway that avoids downtown Mebane.

Additional Benefits - The Norfolk Southern railroad runs parallel to US 70 through Mebane and is part of the future Southeast High Speed Rail Study Corridor. The proposed NC 119 Relocation would provide a bridge that crosses over the railroad and US 70. Currently, all railroad crossings in Mebane are at-grade, which can cause long traffic delays when a train occupies the tracks. The proposed NC 119 Relocation would provide a safe crossing over the railroad.

Project Alternatives - Initial planning studies for the project considered ten preliminary alternatives of which seven were eliminated from further study due to community and environmental impacts. The three alternatives remaining (Alternatives 8, 9 and 10) are being studied in detail (see map). The "no-build" alternative is also being studied as a basis of comparison for the other alternatives.

The three detail study alternatives begin at the existing NC 119/I-85 interchange and connect with existing NC 119 just south of White Level Road (SR 1917). Alternative 8 passes through the critical watershed area for the Graham-Mebane Reservoir. Alternative 9 passes through the critical watershed area and crosses the historic boundary of the Cates Farm. Alternative 10 crosses the historic boundary of the Cates Farm, but is outside of the critical watershed area.



Mebane Community Facilitation Project

The Mebane Community Facilitation Project was initiated as part of the recommendations contained in the Community Impact Assessment (CIA) report prepared for the NC 119 Relocation project in November 2003 by Wilbur Smith and Associates, Inc. NCDOT retained the services of The Wills Duncan Group, Inc. (WDG) to conduct a community facilitation program to promote local community involvement in the NC 119 Relocation project. The purpose of this program was to gather information and input from the local communities that could be used to better understand the issues and concerns that exist about the proposed project.

Starting their fieldwork within each community in February 2004, WDG employed an approach that increased citizen involvement and provided an opportunity for an exchange of ideas and suggestions that could be refined into specific designs and/or actions in the project development process. The approach used was a modified "Charette Process" combined with elements of basic community organization. One-on-one interviews, surveys, direct contact with elected officials (city, county, state) and stakeholders, as well as a series of small group neighborhood meetings provided a forum for residents to voice their concerns.

The use of this combination resulted in the formation of the NC 119 Relocation Steering Committee as a vehicle for on going two-way communication between the local communities and NCDOT. The first meeting with the Steering Committee and NCDOT took place on June 24, 2004 signifying the conclusion of the modified charette process.

NC 119 Relocation Steering Committee

The NCDOT Public Involvement Program for the NC 119 Relocation is designed to increase citizen participation in the transportation decision making process and to identify the most important issues regarding the project from the perspective of the local communities.

The NC 119 Relocation Steering Committee was formed in June 2004 to assist in achieving these goals. The Steering Committee is composed of residents representing the neighborhoods and the business community of the Greater Mebane area. The Steering Committee includes 18 community representatives and 2 members of the local business association. The Steering Committee is responsible for representing their local communities and for working with the NCDOT to organize community meetings and keep their neighborhoods informed about the project's progress. The Steering Committee Co-Chairs are Mr. Michael Jackson (White Level) 919-563-2032 and Mr. Steve Cole (Woodlawn) 919-563-3554.



On June 24 and October 7, 2004, the Steering Committee and local citizens met with NCDOT to discuss the NC 119 Relocation and related issues identified by the groups and neighborhoods they represent. These issues included:

- ▶ access control and local street connections to proposed NC 119 Relocation
- ▶ potential for increased traffic volumes (including truck traffic) on area roads
- ▶ advantages and disadvantages of alternatives being considered
- ▶ relationship of the NC 119 Relocation project to other long-range transportation improvement plans
- ▶ potential for growth within the study area as a result of the proposed project
- ▶ potential impacts to water quality and watershed water supply critical area
- ▶ potential impacts to historic properties
- ▶ right-of-way acquisitions and possible displacements
- ▶ timeline for project activities and decision-making process





rec: 3/24/2006

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

March 22, 2006

Mr. Omega Wilson
President
West End Revitalization Association
Post Office Box 661
Mebane, North Carolina 27302-0661

Dear Mr. Wilson:

Thank you for your letter concerning the West End Revitalization Association's Collaborative Problem-Solving Partners Progress Reporting Workshop.

You asked that representatives from the North Carolina Department of Transportation (NCDOT) attend this workshop on April 1, 2006, and report on steps taken toward reducing environmental hazards pertaining to the proposed NC 119 relocation project in Mebane (Transportation Improvement Program Project Number U-3109).

The North Carolina Department of Transportation, in conjunction with the Federal Highway Administration, is preparing a Draft Environmental Impact Statement (DEIS) which will address impacts associated with the proposed NC 119 relocation project. The DEIS is scheduled to be completed and published in January 2007.

While the NCDOT will be unable to attend your workshop on April 1, we will be meeting with the NC 119 Steering Committee on Thursday, March 30, 2006, at 6:30 PM at the Mebane Arts and Community Center to update the neighborhoods in the Mebane area on the progress of the project. We invite you to attend that meeting where we will provide an update to the entire Steering Committee. In April, we will distribute a project newsletter to the entire project mailing list.

I appreciate your taking time to share your concerns. If you have questions or need additional information on this project or the meeting on March 30, please contact Project Engineer Jennifer Fuller in the Project Development and Environmental Analysis Branch at 919-733-7844, Extension 244.

Sincerely,

Lyndo Tippet

LT/jf/ts

cc: J. Douglas Galyon, Member, Board of Transportation

Throughway JOUSTING

N.C. 119 bypass proposals

TODAY: After at least 15 years, millions of taxpayer dollars have been spent but little progress made.

MONDAY: A route that would have wiped out the West End

has been dropped, but a fight over the road continues.

TUESDAY: The road hasn't been built, but it has already divided the Woodlawn community.

By Isaac Groves
Times-News

MEBANE — Between 1990 and 2005, there have been four U.S. wars, four U.S. presidents, an economic bust, boom and bust, and absolutely no visible progress on a 4.2-mile road project called the N.C. 119 Bypass.

"You've got a watershed, environmental justice issues and historic properties," says state Department of Transportation (DOT) Deputy Secretary Roger Sheats. "It gets hard to find a footprint."

All those issues, and a few others, have run the department into a state or federal law delaying construction.

Mebane itself has grown a lot in that time, adding about 3,300 new residents between 1990 and 2003 alone. Still, the city has seen few new roads.

"In Mebane the only streets they get are subdivision streets," says Rodney Weaver, a Woodlawn resident who works in town. "We need major thoroughfares."

According to the DOT, the city especially needs

an uninterrupted north-south thoroughfare to replace the tangled path through residential streets now carrying cars and trucks through town.

Not everybody sees the need for a bypass. Opponents point out Mebane isn't

that big and doesn't have Raleigh's or even Burlington's traffic.

Karen Taylor, the department's planning engineer for the bypass project, doesn't disagree. She says Fifth Street has not reached its capacity, but could within a few years. Traffic could nearly double by 2025.

"This road is not for the traffic you see today," Taylor told a community

meeting in 2004. "This is for the traffic 25 years down the road."

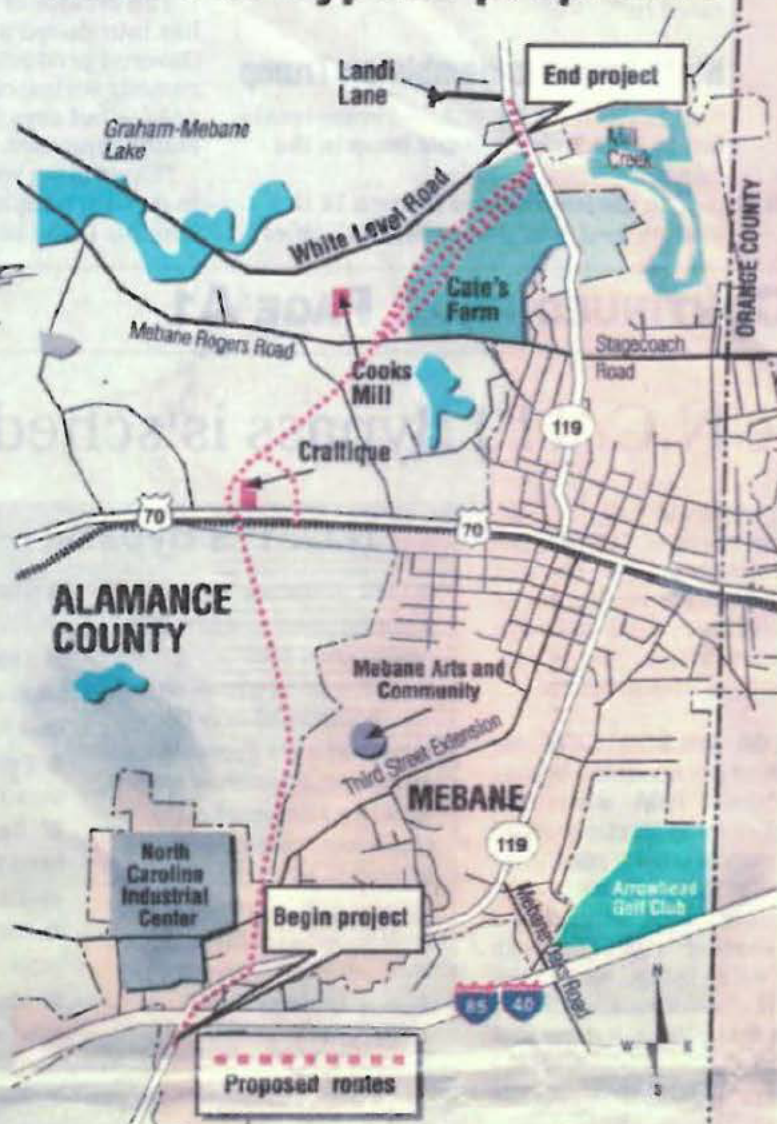
Fifth Street resident and state representative Alice Bordsen says a 119 Bypass wouldn't cut traffic much on her street, but there are bigger issues.

"This is a regional issue, not a Mebane issue," Bordsen says. "I think I should

take into account what is good for my district in context of what is good for the region."

If and when the bypass connects Interstate 85/40 to White Level Road, it will shave precious minutes off the trip from Caswell County to the interstate and much-needed

See JOUSTING/Page A2



Linda Bowden/Times-News

119
BYPASS

SUNDAY Edition
FRONT PAGE FEATURE
BURLINGTON, NC 4/17/05

Jousting: Construction on the N.C. 119

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ed jobs. Bordsen says Mebane can't just plan for its own future and growth anymore, because it's economically tied to its neighbors.

IN SPITE OF ALL these positives, the start date for the N.C. 119 Bypass has been pushed back again and again.

In 1993, construction was scheduled for 2000. The department has spent 15 years and \$1.8 million, but the road is still in the planning stages. Now construction is supposed to begin in 2011.

The delays have caused frustration at every level, from commuters stuck on Fifth Street in the morning to elected officials to property owners who don't know if they should build or sell.

The department should have a draft Environmental Impact Statement in 2006. Once that is finished, DOT will be able to say who will be moved and what the environmental impact will be.

So far, the route threads its way around two industrial parks, several subdivisions, the city's recreational center, the West End community, the Craftique furniture factory, the historic Cates property, the Woodlawn community, the watershed and the White Level community.

Each one of them has added a layer of controversy or legal problems and nudged the route in one direction or another.

The tangled route through town gave the city the idea for a western bypass as far back as 1969. It would have been a two-lane bypass going west around the city's core between Mebane Oaks and White Level roads.

That was the plan Steve Cole heard about when he asked about future road projects in

1989. Cole was house hunting in Woodlawn, and found out about a bypass going east of the Cates property, far from his house.

In 1994 or 1995, a realtor friend told Cole the plans had changed, pushing the bypass west of Cates Farm north of U.S. 70 and through the Mac Ray farm just north of Interstate 85/40.

Cole asked City Manager Robert Wilson about what he'd heard. Wilson showed him a map with some penciled lines. One of those lines, Cole said, went right up Cooks Mill Road and across his driveway off Tula Lambert Road. He says he became curious.

That western plan had been on the state's official to-do list since 1992, but became a bigger priority in 1993, when Mercedes-Benz considered building an auto plant in Mebane.

For better or worse, Mercedes chose a site in Alabama, so the department pushed back plans for the bypass nearly a year.

The state Department of Commerce was still marketing the old Mercedes site on Mac Ray's farm and asking Ray to keep the property intact, according to notes from a May 1994 meeting with DOT and the city. The city also wanted to keep as large a tract as possible and also avoid neighborhoods.

In the same meeting there was a "huge" concern over showing all the alternatives at a public workshop because it might "stir people up." It was a well-founded worry.

The department had enough possible routes to alienate everybody. Two routes crossing U.S. 70 either went through the Craftique furniture factory, putting jobs at risk, or Allen Baynes Road,

putting homes at risk.

To the north of U.S. 70, the department's maps showed several possible routes, all of which either went through Woodlawn homes, the watershed or the Cates property.

OMEGA WILSON SAYS he first found out about the bypass in October 1994 when his friend Lynwood Martin showed him a map of county road projects in the Times-News.

"He said, 'That looks like a road coming right through where we're living,' and I said, 'yeah it does look like that.'" Wilson says. "We found out that was the corridor for the 119 Bypass, which we'd never heard of."

As DOT started holding public workshops that winter, the opposition started.

People from both West End and Woodlawn quickly organized to fight the bypass or at least move it a little more. While the bypass was supposed to spare downtown Mebane from the transfer trucks hauling goods through town, downtown merchants spoke up to oppose the bypass, saying it would steer their customers away.

By 1996, every DOT memo about the bypass mentioned West End and the damage the Allen Baynes route would cause. Omega Wilson joined with many of his neighbors to form the West End Revitalization Association (WEA). The association wanted to address not the bypass, but neighborhood problems such as lack of sewer service, unpaved and dead-end streets.

As he went on, Wilson says he discovered more transportation plans coming through his neighborhood, such as the widening of U.S. 70 from Haw River to Mebane and the high-speed rail corridor pro-

Bypass is scheduled to begin in 2011

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N.C. 119 Bypass — 1970-2004

■ 1970 — Mebane includes western bypass to a long-term development plan.

■ 1990 — Local officials on the Transportation Advisory Committee add a 119 Bypass to the county's list of important projects, called the Alamance County Urban Area Thoroughfare Plan.

■ 1992 — NCDOT adds 119 Bypass to its seven-year list of projects, called a Transportation Improvement Program (TIP).

■ July 12, 1993 — city approves DOT plan at public hearing. There are no objections or comments.

■ Fall 1993 — Mercedes picks Alabama site for plant. Bypass planning delayed.

■ 1994-1995 — The Department begins holding community meetings.

■ West End residents form the West End Revitalization Association and Woodlawn residents organize to keep the 119 Bypass from coming through their neighborhoods.

■ Fall 1996 — Cost estimate goes from \$24 million to \$27 million.

■ 1997 — Craig Shoemaker and John Evans buy Craftique.

■ 1998 — James Bridges takes over as DOT project engineer from Eddie McFalls.

■ Feb. 10, 1999 — WERA files environmental justice complaint.

■ Sept. 24, 2001 — Cates Farm listed on the National Register of Historic Places.

■ Karen Taylor takes over as project engineer.

■ March 2002 — WERA releases EPA-funded report accusing city leaders of racism. The city releases a response.

■ March 2004 — NCDOT decides to switch from an Environmental Assessment to a more detailed Environmental Impact Statement.

■ Spring/summer 2004 — NCDOT hires the Wills Duncan Group to conduct surveys in Mebane, form a citizens steering committee and build a "consensus" on the NC 119 Bypass.

■ Fall 2004 — NCDOT announces another delay pushing construction to 2011.

Rights Act. In a case like this, the act keeps the federal agency from releasing funds when minority or low-income communities bear the brunt of a road project. West End had a law to protect it.

The department seemed to go quiet on the project for a while after that, but held dozens of meetings with the city and FHWA. Relations with WERA broke down; so most communications with the association went through lawyers.

In 2004, DOT made two changes to the process. One was to hire the Wills Duncan Group consulting firm to conduct a series of community meetings and form a steering committee representing the neighborhoods the bypass would affect.

Committee members say things seem to be on hold to them now as they wait for the environmental impact statement in 2006.

Ed Hooks, a Mebane city councilman and chairman of the county's local transportation planning group, still supports the bypass, but is not optimistic about it ever being finished.

Right now, the project is the number one road priority in Alamance County. Hooks has said in the past he's worried that might change the more the planning drags on.

Mike Nunn, planner with the Burlington Metropolitan Planning Organization, the local transportation planning group, says it could still happen if locals work for it.

"Once a project is funded, (DOT) stays on that project even if it takes 15 years," Nunn says. "Unless we say we don't want it, they will carry on."

sed to replace the railroad going through West End of the city.

The biggest wall DOT hit at the time was the Cates Farm. The land was eligible for the National Registry of Historic Places, which by law made it much more difficult to put a road on. The department would have to show it had exhausted all other options before it got the chance.

The department was busy meeting with the city to work out these problems, negotiating with the owners of the Cates Farm and holding some-

times-contentious informational meetings with people in the community.

By 1998, DOT had a third possible route over U.S. 70 just west of Craftique to save the jobs and most of the neighborhood. When WERA filed an environmental justice complaint in February 1999, the third plan became the only one.

About 80 percent of funding for state highway projects comes through the Federal Highway Administration (FHWA), which has to comply with Title VI of the Civil

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West End DILEMMA

Graham-Mebane
Lake



John Bostle / Times-News

Pictured above are houses that might be torn down to make way for the N.C. 119 Bypass around Mebane. West End residents and the town have begun working together to get the project done without harming the neighborhood.

Monday Front Page Feature 4/18/05

SUNDAY: After at least 15 years, millions of taxpayer dollars have been spent but little progress made.

TUESDAY: A route that would have wiped out the West End has been dropped, but a fight over the road continues.

THURSDAY: The road hasn't been built, but it has already divided the Woodlawn community.

By Isaac Groves
Times-News, *Burlington, NC*

MEBANE — Donald Tate, like a lot of people living near the city, has some unanswered questions about the N.C. 119 Bypass.

His street, Carry Street, is a dead end. The only outlet is West Holt Street, but it could be cut off to the west by an overpass carrying the bypass over U.S. 70. Tate also suspects some of his neighbors on nearby Smith Drive could be put out of their houses by an interchange.

"Every time we ask, they tell us they don't know," Tate says. "There's a lot of things, when you get down to the nitty gritty, they still don't

know, and so you don't know."

Tate is a member of the citywide steering committee set up to communicate directly with the state Department of Transportation. He is a board member with the West End Revitalization Association. Tate has also worked with other West

End residents on a committee planning which neighborhood streets will get water and sewer service with state grant money.

During the past 10 years, he has also seen the surveyors' stakes marking the route for the bypass go from one side of his house to the other, and the section of the bypass from Interstate 85/40 and

U.S. 70 become the state's top priority for Alamance County.

All of this makes Tate one of the better-informed people in Mebane about the bypass. But he still wants answers.

He is not the only one. The Department of Transportation won't know the full impact of the proposed road until it picks a final route. It can't do that until it completes a Draft Environmental Impact Statement, has more public meetings, meets with the Federal Highway Administration and writes a final report.

The soonest Tate expects to get clearer answers is the summer of 2006.

See DILEMMA/Page A3

West End Revitalization Association- WERA Photo Update 3-12-05



St. Luke Christian Church Located on Hwy -70 Threatened by 119-bypass



██████████'s Business on Hwy-70



██████████'s sign supports 119-bypass



██████████'s sign racial harassment of WERA

3/9/2005

Property of West End
Revitalization Association





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ds000148 (2048x1536x24b jpeg)





dsc00151 (2048x1536;24b jpeg)

