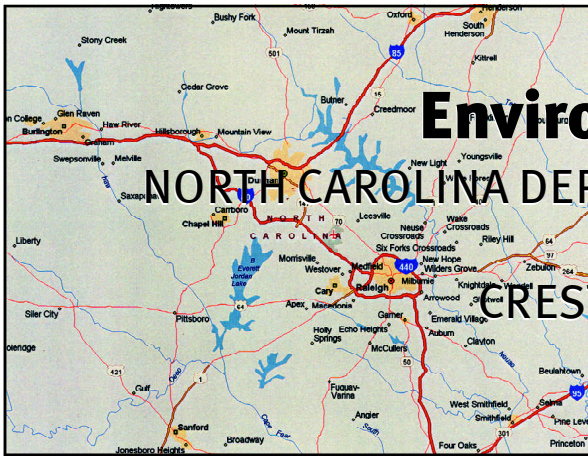




**Title VI Administrative Complaint,
Mitigation and Enhancement
Plan, Housing of Last Resort,
Collaborative Planning**



East-West Expressway Environmental Impact Study

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
CITY OF DURHAM
CREST STREET COMMUNITY COUNCIL

Introduction

In 1959, the East-West Expressway, a 10-mile, limited-access highway, was planned near the central business district of Durham, North Carolina. Passing through a mixture of industrial, railroad, and older residential land uses, the East-West Expressway was designed to connect I-85 with I-40 in central North Carolina. It would serve a severely congested area of Durham, then a rapidly growing city of more than 100,000 persons and now part of the “Research Triangle” area. By the early 1970s, about half of the East-West Expressway had been constructed. The right-of-way for part of the project had been acquired with urban renewal funds and as a Federal-aid project. In 1973, plans were proceeding for right-of-way acquisition for the remainder of the highway when a court decision required the Federal Highway Administration (FHWA) and the North Carolina Department of Transportation (NCDOT) to prepare an Environmental Impact Statement (EIS) to comply with the National Environmental Policy Act (NEPA) of 1969.

An unbuilt segment of the East-West Expressway would go through a small African-American neighborhood known as Crest Street. Crest Street has existed for more than 100 years, originally as an agricultural

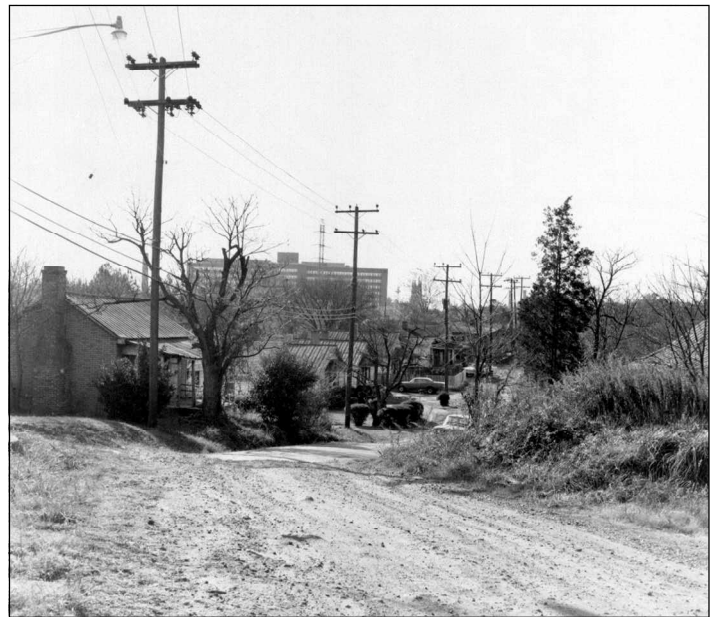
settlement of former slaves on the outskirts of Durham. Later, Crest Street became a semi-urban, residential neighborhood near the rapidly growing employment centers at Duke University, the Veterans Administration Hospital, and industries in the area. Plans for the East-West Expressway called for relocating the residents of Crest Street to another area in or near Durham. Crest Street residents, well acquainted with the large-scale, urban-renewal displacements of other African-American neighborhoods to complete another segment of the East-West Expressway during the 1970s, decided to oppose the expressway.

For 2 years, the leaders of the Crest Street community in Durham worked closely with a dedicated group of professionals from the FHWA, the NCDOT, the city of Durham, Duke University, the U.S. Department of Housing and Urban Development (HUD), and others to develop a comprehensive impact mitigation and enhancement plan to preserve the cohesiveness of the Crest Street community. An NCDOT official with a role in developing the mitigation and enhancement plan called the effort the “highlight” of his career. His remark did not apply to the laying out of asphalt, concrete, and steel for roads and bridges. Rather, he was referring to the successful implementation of the mitigation and enhancement plan that preserved a cohesive community as well as the satisfaction he felt

from working in a collaborative process with community residents and committed professionals both inside and outside the transportation community to make it happen.

The situation in this case was difficult from the beginning — property acquisition and housing relocation are among the most politically and emotionally charged aspects of large transportation projects. Moreover, the history of this project encompassed eras of highway construction and urban renewal that were significantly detrimental to Durham’s African-American population. From 1973 to 1983, the opposition that began as a heated disagreement with racial overtones became the impetus for one of the most creative community mitigation and enhancement efforts the Federal-aid Highway Program has experienced.

The case is also notable because it clearly illustrates the potency of Title VI of the Civil Rights Act of 1964 and its applicability to transportation projects even before the 1994 *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*.



Before the project, many Crest Street neighborhood residents walked to their jobs at the Durham, NC, Veteran’s Hospital (shown in the background), as well as to nearby Duke University Medical Center. Because the Crest Street project used nearby vacant land to reconfigure the neighborhood, the Crest Street residents who walked to work were able to keep their jobs.

The Crest Street Neighborhood

The Crest Street community was formed in the decades immediately following the Civil War. Originally, it was an area of small subsistence farms on the outskirts of Durham. In the 1920s and 1930s, the construction of Duke University generated jobs that were filled by many Crest Street residents, stimulating the growth of the community. Crest Street is located within a mile of the University and the Duke University Medical Center. Crest Street residents attained a modest but stable standard of living over a long period of time, filling a need for laborers, food service workers, housekeepers, and grounds maintenance workers, and farming part time on open parcels of land in the vicinity. By the 1970s, the community included more than 200 households.



The final section of the 10-mile East-West Expressway that began near downtown Durham, NC, crossing the Crest Street neighborhood northwest of Durham.



By a review of exterior conditions, the Crest Street neighborhood appeared distressed before the project. However, sociological studies prepared during the EIS process looked beneath the surface and discovered a highly stable, cohesive community where residents knew and cared about each other.

Prior to the 1960s, the Crest Street community had only one paved road. Later, other streets were paved minimally, without sidewalks. The housing stock, never substantial, deteriorated steadily when plans for the highway became known, and obtaining mortgages or funding for housing improvements became difficult. Anticipating relocation, community businesses that had served residents for years began to move away.

To those who looked beneath the exterior, however, Crest Street was, in fact, a strong community. Despite limited material wealth, residents seemed content with their lives. Sociological surveys showed that the Crest Street community had several characteristics of a highly cohesive community. Most of the residents had relatives in the community, and many families had been in the community for generations. The presence of extended family and close friends enabled Crest Street residents to survive quite well, although 40 percent of

Snapshot of the Crest Street Community

By appearances alone, the Crest Street neighborhood looked severely distressed. To the casual, outside observer, the neighborhood seemed to have little physical value and probably represented an opportunity for what was referred to informally in the 1960s as “slum clearance.” During the EIS process, however, commissioned sociological surveys gave a strong statistical portrait of a cohesive community:

Length of Tenure for Residents

- Average length of residence in the community — 36.5 years
- Average length of tenure for tenants — 10 years
- Residents whose tenure exceeded 50 years — 30 percent

Kinship in the Community

- Residents with at least one relative in the community — 65 percent
- Residents with five or more relatives in the community — 55 percent

Source: Elizabeth Friedman, *Crest Street: A Family/Community Impact Statement*, Institute of Policy Sciences and Public Affairs, Duke University, 1978.

Degree of Job Stability

- Average length of employment at job — more than 8 years

Local Employment

- Workforce working within a mile of the community — 44.3 percent

Perception of Physical Safety

- Considered the neighborhood safe — 90 percent
- Complaints about community’s minors — none

While the sociological surveys compiled a provocative set of social indicators to explore “community cohesiveness,” statistics and surveys reveal only so much. The cohesiveness of Crest Street was exhibited in the daily interactions between people. They lived as though they were all related (but not all were), looking after each other’s children, borrowing and lending items, and sharing emotional good times and bad — a community where all residents knew and cared about each other.

the households were living below the Federal poverty limit.

Residents provided child care and transportation to one another, cooperated during times of need, and participated freely in neighborhood improvement activities such as periodic community clean-up days. These informal, social-support systems provided access to jobs for people who might otherwise have depended upon unemployment compensation or welfare. They also allowed elderly and disabled residents to live in their own houses and near their families, thereby avoiding the substantial expense of State-financed, long-term care facilities.

Two other characteristics of the Crest Street community also deserve special notice — the presence of a strong church and the continuity of its leadership. The New Bethel Baptist Church, to which nearly two-thirds of Crest Street’s residents belonged, was founded in the 1880s and, over time, became the focus of community activities. In the 1960s and 1970s, the church was providing many services, such as day care and tutoring, and was serving as the organizational focus for political activities.

The Crest Street Community Council, the group that handled most negotiations concerning the East-West Expressway project, was an outgrowth of the church organization. The leaders of Crest Street, who organized the opposition to the East-West Expressway, were long-term residents who occupied prominent positions in the community. The outstanding character of these leaders is, in hindsight, a strong indicator of community cohesion. Council leaders remained in their leadership roles throughout the long and complex negotiation process, obtained a strong community consensus on project issues, and remain leaders in their community to this day. This type of staying power is one of the key indicators of a community with a high degree of cohesiveness.



The New Bethel Baptist Church, built in 1965, was the focus of community life in Crest Street, Durham, NC. The church is shown as it was before the project.

What Happened

Planning for the East-West Expressway began in 1959. The highway was intended to provide access to a corridor characterized by high employment density, including the Durham central business district, major nearby manufacturers, and the Duke University Medical Center complex. The route was to generally follow the Southern Railroad tracks through the city, where increasing congestion was hampering the city’s growth.

During the 1960s, several urban-renewal programs were undertaken in conjunction with the East-West Expressway project. The programs concentrated on the older communities located along the proposed East-West corridor. Many households and businesses were relocated at a time when relocation benefits were limited, and many relocated residents became distrustful of the city for not keeping promises it had made. A major African-American community, Hayti, was virtually dismantled by a combination of urban renewal and the East-West Expressway, and the result was long-term resentment and distrust of government agencies among Durham’s African-American residents.

Project Chronology

1959

East-West Expressway appears in thoroughfare plans of NCDOT and city of Durham.

1967

Construction begins on the first segment of the expressway.

1970

First expressway segment opens.

1973

NCDOT required to prepare NEPA EIS for remaining expressway construction.

1975

Crest Street Community Council (CSCC) formed.

1977

CSCC obtains assistance from North-Central, Legal-Assistance Program attorneys.

1978

CSCC files Title VI administrative complaint with U.S. DOT alleging racial discrimination. NCDOT completes Draft EIS.

1980

U.S. DOT issues preliminary ruling that the proposed East-West Expressway alignment is discriminatory. East-West Expressway Steering Committee established.

1981

Smaller Task Force convenes and begins negotiations for community-impact mitigation and enhancement plan. Housing-of-last-resort relocation funding used to relocate the entire community.

1982

Final mitigation and enhancement plan agreed to by CSCC, city of Durham, NCDOT, and the FHWA. Final EIS completed; FHWA issues Record of Decision.

1986

Construction of the new Crest Street community completed.

1992

Final East-West Expressway construction completed.

1996

Crest Street community reaches its 10th anniversary in its new location. The community continues to be socially cohesive, it has strong leadership and is a well-maintained community.

The Crest Street community was the next African-American community to face the prospect of relocation. Beginning in the 1960s, Crest Street residents became active in opposing efforts to complete the East-West Expressway, which was already delayed because of funding problems. Residents clearly recognized that the proposed highway, if implemented as planned, threatened the survival of their community.

Crest Street neighborhood opposition was noticed early because, throughout Durham, this large African-American neighborhood had achieved a significant degree of economic and political power over the years.

Crest Street residents were able to effectively use their long-term connections and respect in the Durham area to develop political alliances with sympathetic activist groups such as ECOS (a Duke University group opposed to the expressway for environmental reasons). An important milestone was reached in 1973, when ECOS won a court decision that required NCDOT and the FHWA to comply with NEPA and prepare an EIS.

During the preparation of the EIS in the mid-1970s, the NCDOT, FHWA, and the city of Durham worked together to prepare a restructuring plan for Crest Street. This plan, which would have dispersed Crest

Street residents throughout the city, was actively opposed by the Crest Street neighborhood. In 1977, the Crest Street neighborhood was declared eligible to receive legal aid from the North-Central Legal-Assistance Program. The help of legal-aid attorneys was crucial to Crest Street residents' ability to make themselves heard.

The Crest Street neighborhood obtained expert technical assistance services during the development of the East-West Expressway. For example, a qualified traffic engineer offered credible counter arguments to NCDOT proposals. In 1978, a Duke University group conducted a sociological survey of the community. Although disputed at the time, the survey findings were subsequently validated by a 1980 survey commissioned by a project Steering Committee. These surveys were important in convincing people of the value of preserving the Crest Street community.

This case highlights the fact that even in the period prior to the 1994 *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, Federal-aid recipients have been required to certify, and the U.S. DOT has had to ensure nondiscrimination under Title VI of the Civil Rights Act of 1964, as well as in many other laws, regulations, and policies. In 1978, the Crest Street Community Council, assisted by legal-aid attorneys, filed an administrative Title VI complaint with the U.S. DOT alleging racial discrimination in the planning of the East-West Expressway project. Today, most parties agree that this complaint and the resultant favorable advisory ruling by the U.S. DOT Office of Civil Rights in 1980 were the crucial elements in making the FHWA, NCDOT, and the city enter into serious negotiations with the Crest Street neighborhood.

A series of meetings was convened among all parties, including a representative from the FHWA's Headquarters, Washington, DC. These meetings were instrumental in formulating a collaborative process for preparing a comprehensive mitigation and enhancement plan for the Crest Street neighborhood. The objectives

The Participants

Agencies and groups involved in the Crest Street project included:

Steering Committee Members set the overall committee structure, approved the initial plan of action, monitored study and provided oversight of relocation planning process. The steering committee included top officials and senior membership from:

- North Carolina Department of Transportation
- Federal Highway Administration (Headquarters and Division offices)
- City of Durham
- County of Durham
- Duke University
- Crest Street Community Council
- Durham Committee on the Affairs of Black People
- The People's Alliance, an environmental coalition opposed to the expressway project

Task Force Members represented the following agencies and organizations and developed the technical studies to prepare the community impact mitigation and enhancement plan:

- Crest Street Community Council and its legal counsel, the North-Central Legal-Assistance Program
- Duke University
- City of Durham (the Durham City/County Planning Department)
- Federal Highway Administration, North Carolina Division Office, Raleigh, NC
- North Carolina Department of Transportation

Other Parties:

- ECOS, a group of Duke University Law School students opposed to the expressway project
- The Durham Voter's Alliance was involved in the City Council elections and politics in Durham as it related to the expressway project

Title VI's Administrative Complaint Process—

Its Purpose, Arguments, and Outcome in the Crest Street Case

Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Title VI of the Civil Rights Act of 1964 requires that all agencies establish regulations to enforce its provisions. The Federal DOT regulations are set out at 49 C.F.R. Part 21, and require that the Secretary investigate whenever it appears that there may be a violation and to take the necessary steps to correct the violation.

The Crest Street Community Council, assisted by legal-aid attorneys, filed an administrative Title VI complaint with U.S. DOT. The complaint alleged that the State DOT plans violated Title VI, which prohibits racial discrimination in any program that receives Federal funding, in that the plan was prepared with a discriminatory intent and had a discriminatory impact. Several Title VI allegations were made by the Crest Street community and its legal team:

1. The first argument presented a set of facts suggesting that African Americans bore a disproportionate share of the adverse impact of the freeway project because the percentage of African Americans displaced was much higher than the overall percentage of the city that was African American. The disparity was evident in the proposed section and existed in the previously built sections of the expressway. The community further argued that alternative

transportation improvements and designs were possible to reduce the number of displaced and that more cost-effective alternatives were present to satisfy the transportation needs.

2. The second argument gave a specific example of a case in which a white neighborhood was given different and better treatment in the siting of a Durham highway transportation facility by State DOT in the 1970s.
3. The third argument arrayed a set of facts suggesting that African Americans had been excluded from the State DOT positions at policymaking and technical levels including decision-making bodies responsible for decisions about which transportation projects were built and where. The arguments were intended to show that the highway project was tainted because the selection of projects in the State was not made by a properly representative body using current data.
4. The complaint also alleged that the State DOT had failed to comply with the Uniform Relocation Act by failing to plan for or provide last resort housing.

In February 1980, the U.S. DOT issued a preliminary finding that the expressway, as proposed, would violate Title VI. The preliminary ruling was made by U.S. DOT's Office of Civil Rights and it did not make detailed findings of fact or law. Instead, it cited the broad antidiscrimination language from the U.S. DOT Title VI regulations and noted that 1) the project as proposed would destroy the African-American community; and 2) there appeared to be other project designs that would greatly reduce this adverse impact while still satisfying the transportation needs of the city. Most importantly, it urged the parties to meet and seek to negotiate a solution.

Source: Excerpted from Alice A. Ratliff and Michael D. Calhoun, "Use of Last Resort Housing Benefits and Redevelopment Powers to Preserve a Low-Income Community Threatened with Displacement: A Case History," *Clearinghouse Review*, Volume 22, No. 5, October 1988, p. 441-454.

and organizational framework were established and included a technical, operating committee (the Task Force) composed of representatives from the Crest Street Community Council and the principal public agencies and private organizations involved in the project, including FHWA. A Steering Committee composed of Task Force members, top government officials, and private interest groups was also created. Although the process was interrupted for 11 months to resolve a controversial zoning dispute in the Crest Street neighborhood, the basic structure survived this challenge and members forged a comprehensive mitigation and enhancement plan in 1983.

The completion of the East-West Expressway had become a volatile and racially charged political issue in the city of Durham. Several elections turned on the issue. In the end, however, the Durham City/County Planning Department began developing a mitigation and enhancement plan with the NCDOT and FHWA.

The most encouraging and inspiring part of the Crest Street story is the evolution of the mitigation effort. In a period of less than 2 years, the working environment changed from angry and adversarial to a spirit of cooperation and mutual respect rarely, if ever, found in negotiations among opposing parties on a highway or other type of project.

Mitigation and Enhancement Measures. The mitigation and enhancement plan was made a part of the final EIS for the East-West Expressway. The plan involved a comprehensive restructuring of the entire Crest Street neighborhood, keeping it intact in the process. Although it sounds like a simple concept, the mitigation and enhancement plan actually took several years to develop and gain support. Its implementation required the innovative use of program resources and a commitment of time from agency representatives, community leaders, and residents.

The Crest Street mitigation and enhancement plan would not have been feasible without sufficient, suitable vacant land on which to reestablish the neighborhood. Siting the new neighborhood in the

vicinity of the old location minimized the disruptions in people's lives and avoided adverse impacts for those residents who walked to work. Sufficient vacant land was located nearby, however, site assembly was complicated dramatically when the city rezoned some of the proposed site for a health club facility. The city justified this on the grounds that commercial facilities near an expressway interchange were economically important in terms of tax revenues and jobs. This decision removed a crucial parcel from the proposed relocation site. Additional land had to be assembled, and the only remaining location was a community cemetery. This might have been an insurmountable obstacle were it not for expeditious action on the part of the NCDOT and FHWA to secure approval by the Crest Street neighborhood and relocate all of the graves to a satisfactory site nearby. More than 1,000 graves were involved in this relocation. The resultant vacant parcel allowed the elements of the mitigation and enhancement plan to fall into place, and a new site for the Crest Street neighborhood was successfully created.

The Federal housing-of-last-resort provision of the Uniform Relocation and the Real Property Acquisition

Mitigation and Enhancement Measures

- Moved more than 1,000 graves to provide an adequate community site.
- Realigned an expressway interchange to maximize land available for reconfigured community.
- Moved and rehabilitated 65 houses.
- Rehabilitated 12 housing units in place.
- Constructed 178 new housing units, including 112 single-family and 66 multifamily units.
- Renovated a former school for elderly housing
- "Stacked" relocation benefits and housing assistance programs to maximize homeownership.
- Built infrastructure for the new community location, including streets, sidewalks, sanitary and storm sewers, and street lighting.
- Constructed two new parks and a community center.

Uniform Relocation and the Real Property Acquisition Policies Act of 1970 —

Housing of Last Resort

The *Uniform Relocation and the Real Property Policies Act of 1970* consolidated diverse relocation assistance requirements found in Federal legislation and regulations and provided uniform and equitable treatment of displaced people. The act requires that displaced individuals and families be given the opportunity to secure decent, safe, sanitary housing of adequate size that is within their financial means. It established maximum levels for payment to relocatees for moving expenses and assistance payments, including payments to renters and homeowners.

The act includes a Housing of Last Resort provision that was exercised in the Crest Street case. It gives an agency more flexibility in funding replacement housing if a program or project cannot proceed on a timely basis because comparable replacement housing is not available within the monetary limits set by the Act. Any decision to provide last resort housing assistance must be adequately justified either:

1. On a case-by-case basis, for good cause, or
2. By a determination that:
 - There is little, if any, comparable replacement housing available to displaced persons within an entire program or project area; and, therefore, last resort housing assistance is necessary for the area as a whole; and
 - A program or project cannot be advanced to completion in a timely manner without last resort housing assistance; and
 - The method selected for providing last resort housing assistance is cost effective, considering all elements which contribute to total program or project costs.

Further information about the *Uniform Relocation and the Real Property Acquisition Policies Act of 1970*, and its Housing of Last Resort provision can be found on the web at: <http://www.fhwa.dot.gov/legsregs/directives/fapg/cfr4924e.htm>

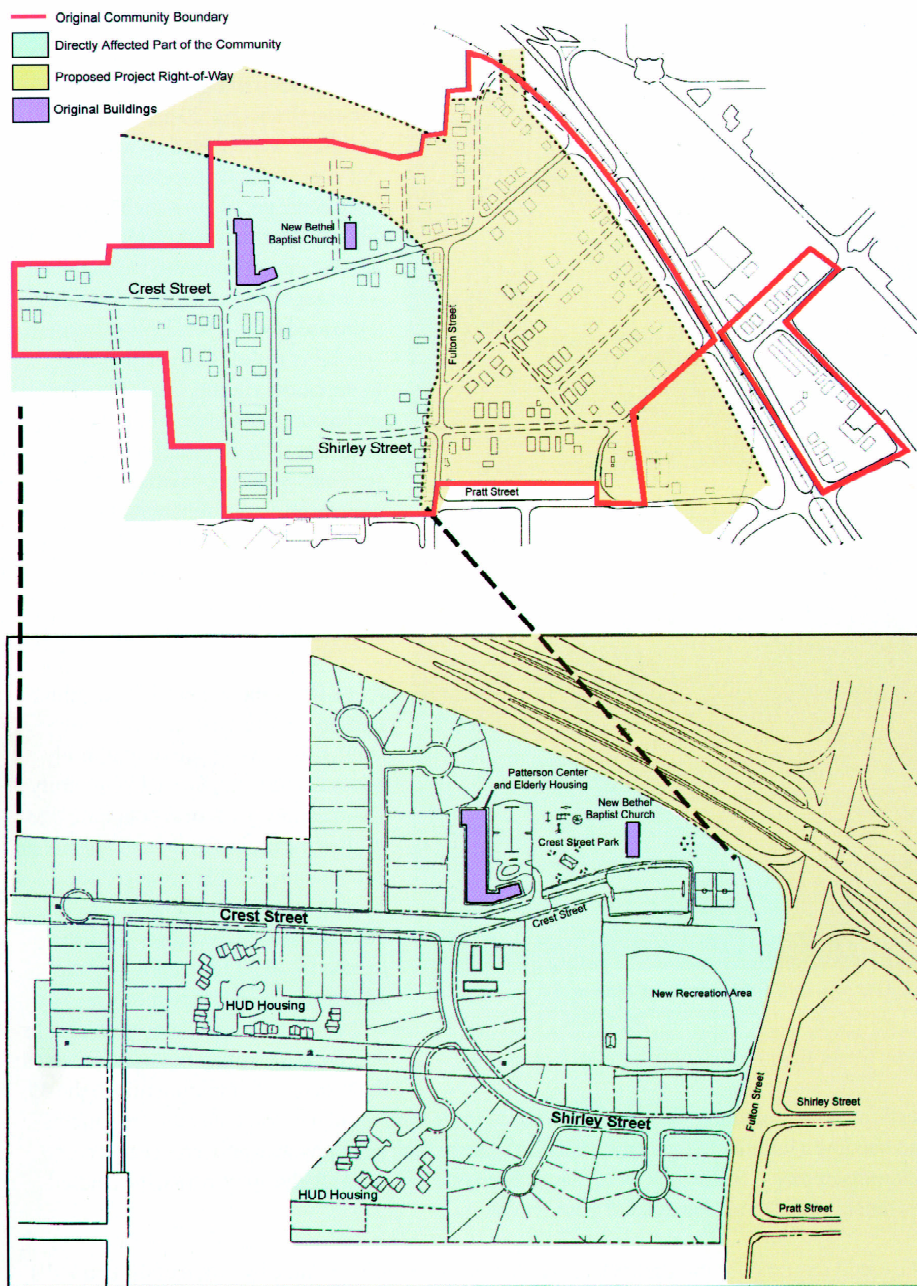
Policies Act of 1970 provided the flexibility that the FHWA needed to commit Federal funds to construct replacement dwellings for the new community configuration. However, the State of North Carolina had not previously enacted legislation commensurate with the Federal Act (including housing of last resort). It took a separate act of the North Carolina legislature to make State funds available.

The community successfully argued that replacement housing should be provided as a means of preserving the family relationships and social fabric of the Crest Street neighborhood. This reasoning permitted the neighborhood to be treated as a whole, and enabled some Crest Street residents outside the highway footprint to be included as part of the mitigation. In addition, based on 23 U.S.C. 109(h) of the 1970 Federal-aid Highway Act, Title VI of the 1964 Civil Rights Act of 1964, and NEPA, the FHWA is required to consider fully not only the direct impacts, but also secondary and cumulative impacts of proposed Federal-aid highway projects. This

further buttressed the idea that the mitigation and enhancement plan should include the entire Crest Street neighborhood — not just that portion within the project footprint.

Many houses were rehabilitated with entirely new interiors and modern conveniences. Sixty-five houses were moved from the old community to the new. In addition, several new single-family homes were built; a former school building was converted to housing for the elderly; existing houses on the new site were rehabilitated; and apartments were built for those who could not afford to purchase homes.

Rental housing was built with the help of the city of Durham and HUD Section 208 housing program. The Section 208 program allows residents to pay rent based upon their incomes, with the remaining cost financed by Federal funds. The Crest Street Community Council acquired the right from HUD to purchase a controlling share of the rental units in the event that the private investors had financial difficulties.



The top map shows the original Crest Street neighborhood superimposed on the East-West Expressway right-of-way. The mitigation and enhancement plan called for reestablishing the community into the West Fulton Street area. The area included vacant land and initial designs of the interchange were modified to a more compact “urban diamond” in order to leave more community land intact and accommodate the relocation of the neighborhood. The bottom map shows the plan implemented for that area.

Another key element in the mitigation and enhancement plan was the provision of modern infrastructure in Crest Street. This included paved streets, sidewalks, sewerage, and recreation facilities. The city, NCDOT, FHWA, and HUD shared the cost. NCDOT waived the usual North Carolina requirement that a city acquire a prorated portion of a State highway right-of-way based on its projected use by local traffic. This saved the city of Durham a substantial sum of money, which was then made available for infrastructure improvement in the new Crest Street community.

Before the mitigation and enhancements, 22 percent of the households owned their homes (although another 20 percent of the buildings were owned by residents for use as rental properties). To encourage people to own homes, the FHWA, HUD, NCDOT, and the city of Durham worked out an arrangement whereby subsidies were used to give residents maximum flexibility in deciding whether or not to purchase a home. At project completion, 56 percent of Crest Street's households were homeowners.

As of 1996, there were 155 dwelling units in the Crest Street community, about half of which were single-family homes. The Crest Street Community Council took an active hands-on approach to the management and ownership of the multifamily units in the neighborhood. Using its prior investment in a senior citizen property developed with the assistance of HUD and the city of Durham as collateral, the council acquired title to other units, including Section 208 rental units. The former owner of the Section 208 units went bankrupt, and the apartments had become a liability to the community because of their poor physical appearance and some disruptive tenants. The Crest Street Community Council assumed ownership and active management of the apartments, rehabilitated them and evicted problem tenants.

The total cost of the mitigation has been estimated at approximately \$15,700 per housing unit above what would normally have been spent for a relocation project. The FHWA's share of expenditures on this project was not significantly more than what the



Two parks were built as part of the mitigation and enhancement plan. A picnic and playground were located adjacent to the New Bethel Baptist Church. A baseball field was sited in the middle of the community.

agency normally spends for housing of last resort. Moreover, the FHWA was able to creatively partner with HUD and the city of Durham, thus leveraging its resources with additional funds from nontransportation agencies.

Today, Crest Street is a vital, inner-city neighborhood with modern streets, sidewalks, and infrastructure. The homes are well maintained with neatly mowed lawns and landscaping. The neighborhood's livability was further enhanced by the development of two parks specified in the mitigation and enhancement plan. One park supports active recreational activities such as baseball, while the other, with a picnic shelter and a playground with swings and apparatus for younger children, appeals to families.

Near the parks is the W.I. Patterson Community Center, part of a former school building renovated during the project. The community center includes housing for the elderly as well as facilities for the community as a whole. Crest Street is physically smaller than it was before the project, and the lots are smaller, which has led to a few complaints from people who liked the more rural environment that existed prior to the mitigation plan. The community's attractive, compact appearance, however, more than counters such criticisms.

Even more important, Crest Street retained its sense of togetherness. The New Bethel Church's importance in the community has grown even stronger, while the community's elderly housing has enabled three and four generations to retain close family ties.

Perhaps the most important legacy of this project is the Crest Street Community Council, whose five governing members are elected by the residents. The council ensures that homes in the community are properly maintained and it sponsors periodic cleanup days. It effectively serves as a central organization for the social support systems that have existed for generations. With its real estate holdings, the council has managed to finance its operation without imposing dues on the members. It is a stabilizing institution that fosters community cohesiveness and promotes a family-oriented environment.

Effective Environmental Justice Practices

This case shows how the project development process — even one that started with animosity and suspicion between the project sponsor and affected communities — can be successfully transformed when its participants are faithful to core principles of environmental justice. Several effective practices were employed to bring this transformation about:

- **Adherence to Title VI Requirements and Principles.** Crest Street neighborhood residents

saw a pattern of discrimination and developed a strategy for addressing it. They had seen how previous segments of the East-West Expressway had cleared out Hayti, a mostly African-American, low-income area. They further observed that their community had been denied revitalization investments from the city, in part, because their community was slated for demolition with the subsequent phase of expressway construction. The community organized and filed a Title VI administrative complaint and U.S. DOT concluded, in the neighborhood's favor, that the project would have an extremely adverse and disproportionate impact on the African Americans as compared with whites in the surrounding area. Once the validity of the neighborhood's civil rights concerns were recognized, a sincere, collaborative planning process was undertaken to resolve conflicts and produce meaningful agreements. The NCDOT, acting on the advice of U.S. DOT, set up an East-West Expressway steering committee to provide a forum for further negotiations. Ultimately it was adherence to the requirements and principles of Title VI that allowed this project to become such a success.

- **Personnel Skilled in Conflict Resolution were Empowered to Make Decisions.** Key personnel assigned to the task force were properly trained and sufficiently autonomous to negotiate solutions. Personnel were senior enough to make key decisions and they devoted significant time to the project. Most importantly, they had the maturity and experience to handle emotionally charged events, such as those early in the process when negotiations did not always go smoothly. Staff continuity was also preserved through successive phases of project development, from site planning to implementation, which built trust and credibility between the parties.
- **Project Meetings in the Community.** The FHWA and NCDOT personnel met at locations convenient for people in the community. Most meetings were held in the New Bethel Baptist Church fellowship hall.



Approximately 80 percent of the Crest Street neighborhoods housing stock was classified as substandard before the project. The mitigation plan resulted in the construction of new homes, repositioning and rehabilitation of dwellings, and the installation of modern infrastructure facilities at the new location.

- **Detailed Mitigation and Enhancement Plan.** Key participants signed a carefully worded, detailed, and precise plan to mitigate community impacts, which defined commitments, roles, and responsibilities.
- **Use of the Housing-of-Last-Resort Provision.** Exercising the housing-of-last-resort provision was integral to amassing sufficient funds to relocate

an entire community. It provided necessary funds, greater flexibility in the use of funds, and broadened the base of eligible applicants to better preserve family relationships and the social fabric of the community. By keeping the community intact during relocation, traditional social support networks were preserved and certain social and human health costs of disruption, particularly for the elderly, were minimized. Expending additional funds to keep the community intact also could be justified on the basis that the Crest Street neighborhood and its residents had long been underserved by public investments. In more practical terms, the expressway's completion was threatened and the costs of failure to complete were simply too great for the interested parties not to explore creative solutions that would resolve the impasse.

- **Building a Planning Partnership with the Community.** The strength and leadership of the community, embodied in the Crest Street Community Council, allowed the FHWA, NCDOT, and other agencies to build a true planning partnership with the Crest Street neighborhood. Once this partnership was established, the involved agencies and the community were able to mobilize their respective resources to understand and achieve shared goals.
- **Leveraging Transportation Resources through Creative Partnering Arrangements to Foster Livable Communities.** Effective mitigation is sometimes expensive. The Crest Street mitigation and enhancement plan had its genesis in the East-West Expressway project, but it also involved expenditures for housing, infrastructure, parks, and other neighborhood enhancements. Each partner brought essential funds, unique technical competencies, or community-based activism to supply key ingredients of a livable community (e.g., transportation, housing finance, tenant management, park development, community facilities and leadership, urban design, and land use planning). The project provided an

extraordinary forum for combining forces. The partners were able to accomplish more together by combining their resources than could have been achieved separately.

- **Field Office During Relocation Phase.** The NCDOT renovated a house near the site to serve as a field office to facilitate relocation. They maintained a staff that worked closely with the city in improving the site and coordinating financing for residents. The agency also coordinated all construction and moving of structures.

Challenges Ahead

The East-West Expressway has been built, the Crest Street neighborhood has been relocated and revitalized, and the Crest Street Community Council is a greater social force that serves as an agent for dedicated volunteerism and community-building projects. This successful outcome was not inevitable, rather it depended upon the various parties capitalizing on emerging favorable conditions and becoming increasingly creative in their approach to negotiations and problem solving.

This effort was possible, in part, because adequate land was available nearby to facilitate a major community-scale relocation and mitigation. Moreover, substantial funding was made available at the right time for many of the programs involved, especially those dealing with housing. Significant public controversy and the risk of failure finally brought an urgency to negotiations that gave each of the conflicting parties the willingness to explore the potential of a community-based collaboration and partnership. The successful conclusion of the project only occurred when proponents sat down and broke bread with opponents — an event that did not take place until an administrative complaint against the proponent agencies forced negotiations.

A challenge for transportation practitioners will be to recognize that the collaborative planning process does not have to begin only after allegations, conflict,



An abandoned school building was transformed into housing for the elderly and a community center named after one of the community leaders. The elderly housing, seen in the right of the photo, minimized the disruptive impacts of relocation, preserving bonds with family and community.

posturing, and brinkmanship occur. Similarly, initiating a collaborative planning process does not require extraordinary resources or leadership at the very highest levels of government.

Perhaps, the most important challenge highlighted by this case, is the challenge to “do the right thing” from the beginning. The East-West Expressway project took decades to complete. While funding shortfalls were responsible for some of the delays, other delays were caused by the disruptive and controversial nature of the project itself. The challenge will be to avoid these types of delays and uncertainties.

Integrating this lesson into the culture of transportation agencies may be difficult. Agency discretion and authority — granted by law, regulations, and legal precedent — are often jealously guarded, and collaborative planning with a neighborhood community can “feel” to an agency like a loss of power. This case, however, is a powerful reminder that transportation systems are of immense significance to the shape, form, and livability of communities. Therefore, transportation practitioners have a duty to listen, to observe



The New Bethel Baptist Church remained at its original site in the Crest Street neighborhood. The mitigation and enhancement plan, however, included careful landscaping of the church grounds.

carefully, and to learn more about the lives of the communities along the right-of-way.

The challenge ahead is to learn how to better integrate transportation systems planning and specific project development planning into a process that recognizes the value of sustainable communities. Regardless of whether future projects can amass as many resources or replicate so many favorable conditions, the transportation practitioner should be intrigued by collaborative planning processes that bring together multidisciplinary teams to address the elements, including transportation, that make communities sustainable. The collaborative planning model starts with the idea that bringing diverse partners and communities together holds enormous potential for creative planning, problem solving, and realistic, implementation-minded planning. All of which is of immeasurable value to promoting sustainable, livable communities, and responsive transportation systems.

Lessons Learned

The development and implementation of the Crest Street mitigation and enhancement plan is an example of what a collaborative problem-solving approach can accomplish when pursued during transportation

decision making. Using existing programs in creative combinations, the FHWA, NCDOT, and the city of Durham were able to work with the Crest Street Community Council to develop such a plan. FHWA and NCDOT representatives were instrumental in helping to preserve the social bonds that had existed for generations within Crest Street. Application of the housing-of-last-resort provision was an integral source of funds for a large-scale community relocation.

Organized minority communities used Title VI legal protections and administrative procedures to gain a place at the transportation planning table. However, creative planning and solutions were not discovered until there was trust, communication, and an understanding of the community's needs and values.

It is important to recognize the spirit of dedication and cooperation that developed during the final planning period to address challenges and overcome obstacles. The collaborative problem-solving approach and multi-organizational partnerships that were forged, not just the physical circumstances of the community, were vital elements to success. Early tensions that had led to anger and animosity were replaced by a cooperative working environment between the agencies and the community.

Finally, the Crest Street case offers several instructive lessons about resolving conflicts between parties:

- **Identify Essential Parties.** The Crest Street dispute was resolved only after several parties who had participated in various stages of the controversy, but who were not crucial to the final settlement, withdrew from the negotiations. At various times during the two years of negotiations, no fewer than nine separate groups were at the negotiating table. Gradually, the

*We are people who will stick together
and fight for our rights.*

– A Crest Street resident

negotiating process was winnowed down to five, and then three participants who signed the final agreement for the mitigation and enhancement plan — the City of Durham, Crest Street Community Council and NCDOT.

- **Recognize Critical Issues for Each Party.** Progress was made when the individual interests of each major party to the dispute were deemed legitimate. The ability “to see the other side” occurred when all the essential parties were recognized as having power and legitimacy and when the crucial negotiations shifted to the less political task force.
- **Sense of Urgency.** All parties felt a sense of urgency because of their prior resource

commitments, their legitimate fears of letting down their constituents, failing in their principal objectives, and their desire not to squander funds or opportunities. For example, the city had received a mandate from the electorate for the expressway and felt failure to complete the project would be a major political liability. Additionally, the city had received housing subsidy funds that HUD threatened to withdraw. NCDOT had invested time and money on planning the highway segment and was eager to complete the entire East-West Expressway. The Crest Street neighborhood had been denied revitalization funds for its community in the past and did not expect to receive funds without a solution.

Benefits from Environmental Justice in Decision Making

For the Community:

- The Crest Street neighborhood residents overcame a threat to their community in the form of a highway project. They successfully organized and initiated a Title VI administrative complaint process in order to protect their civil rights and preserve their community. The mitigation and enhancement remedies emerging from a collaborative negotiation and planning process were highly creative, yielding a more livable community for its residents.
- The Crest Street neighborhood built valuable partnerships with institutions such as Duke University and organizations such as local environmental, legal, and civil rights groups. The neighborhood leadership recognized an opportunity as well as a potential threat to the community from relocation. The neighborhood accepted the challenges of participation in a complicated planning process and drew upon professional advisory services on sociological, legal, engineering, architectural and urban design matters to successfully advocate for their interests.
- Crest Street neighborhood residents avoided many of the social and psychological stresses that

displacement projects often generate. Although the community was disrupted by the completion of the East-West Expressway, by becoming a partner in the development of a comprehensive mitigation and enhancement package, it was able to preserve its social support network and strengthen its community institutions.

For the Agencies:

- The NCDOT and FHWA were able to complete an important transportation project with the cooperation of a minority community and they earned a measure of goodwill and trust from a community whose prior experiences with State and local governments had been largely negative.
- The agencies built a set of relationships and an approach to community-based planning, that can serve as a model for future transportation efforts. Cooperation among agencies, originally arising from concerns about Title VI compliance, ultimately led to a substantial and creative community mitigation and enhancement plan that took advantage of a broader range of resources than any one agency could have marshaled alone.

What we did in order to break down the type of fighting that we did not want was, we invited those people [FHWA, NCDOT, and other closely involved parties] here, to this church, in the fellowship hall. We fed them and we sat down together, like human beings, and worked the thing out. This is what we did.

– Dr. Lowery W. Reid
Community leader and pastor of the New Bethel Baptist Church

- **Elements of Uncertainty and Flexibility.** Each party had specific interests to pursue, but they were flexible to possible alternative solutions or devising mutually acceptable outcomes. While the expressway was needed, the city was not fully certain that the Crest Street neighborhood had to be displaced, and if so, how best to mitigate a massive community disruption. The NCDOT had a strong interest in minimizing the social and political impact of displacement, even as it was concerned about the costs tolling from delays. Alternatives were possible, but there was considerable uncertainty over the future design costs, the role the State should play financially and administratively in relocating displaced residents, and its role in relationship to the city in the dispute. Finally, the Crest Street neighborhood wanted to preserve its community, but community members recognized that opposition to the expressway did not ensure the community of its needed improvements or addressed problems in traffic flow and congestion that plagued the western portion of the city, including the Crest Street area.

This was a highlight of my career.

– Richard F. Smith
Retiree of NCDOT, reflecting on his role
in developing the mitigation plan.

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