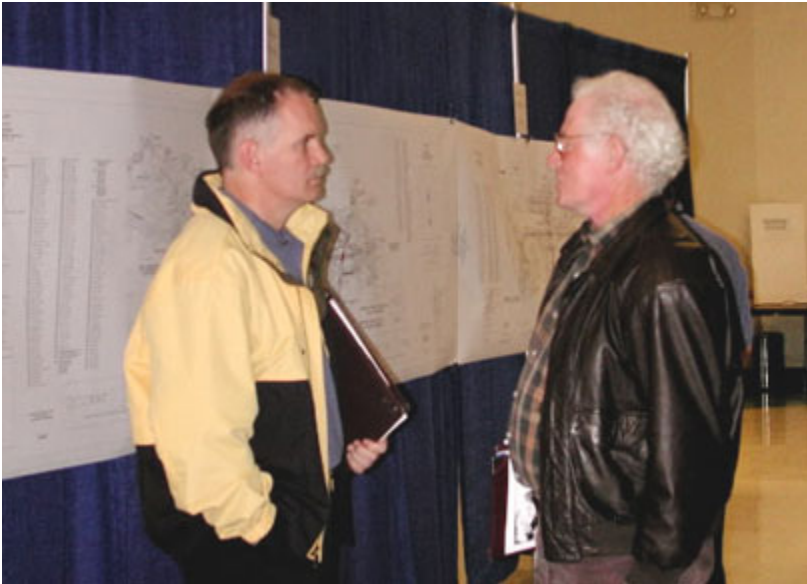


Northern Beltway right-of-way purchases delayed by lawsuit

Groups say officials violated law on eastern leg of project



Journal File Photo

Robin Dean (right) is a longtime figure in the opposition to the Northern Beltway project in Forsyth County. He's shown at a 2004 hearing with Pat Ivey, a division engineer for the N.C. Department of Transportation.

By John Hinton | Journal Reporter

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State transportation officials have delayed acquiring right of way for the eastern section of the Northern Beltway because two activist groups have filed a lawsuit over the project.

The lawsuit alleges that state and federal highway officials violated state and federal laws in conducting their environmental-impact studies. It asks a federal judge to issue an injunction to stop the project until state and federal officials comply with the laws.

Nine years ago, a similar lawsuit helped delay construction on the highway's western section.

Missy Dickens, a staff engineer with the N.C. Department of Transportation, sent a letter dated Sept. 15 to a Kernersville woman who owns property in the path of the highway. Dickens told her that the DOT is postponing right-of-way acquisition that was scheduled to begin this month.

Dickens wrote that she didn't know how long the postponement will last, but that the project is still

scheduled to begin in 2013.

"We don't anticipate delaying the construction date," Dickens said Friday.

A spokeswoman for the DOT wouldn't comment on the lawsuit.

Doug Hecox, a spokesman for the Federal Highway Administration, wouldn't comment on the lawsuit's allegations.

Hecox said he didn't know if the latest lawsuit will delay the project. "It will be for the judicial process to decide that," he said.

An attorney for the N.C. Alliance for Transportation Reform Inc. and the Friends of Forsyth County filed the lawsuit Aug. 13 in U.S. District Court in Durham. Those groups have 210 members that the lawsuit says would be affected by the highway or live near its planned route.

C. Robin Dean of Clemmons, a member of both activist groups, said that the project faces problems regardless of the outcome of the lawsuit. Federal and state highway officials don't have any money to build the road, Dean said.

The lawsuit was filed the day before the DOT held a public hearing at East Forsyth High School, where an official told about 800 people that the agency would notify affected property owners about the right-of-way process next year. The eastern section of the project would affect 452 houses, 18 businesses, one church and one farm.

Marsh Smith of Southern Pines, the plaintiffs' attorney, said that the Northern Beltway is an unnecessary project because people are driving less in an era of high gas prices.

"A lot of people have gotten tired of doing battle with the DOT over this," Smith said. "They still haven't gotten it right."

The DOT plans to spend \$445.2 million on the eastern section, which will run from U.S. 52 north of Winston-Salem to U.S. 311 southeast of Winston-Salem. Construction is expected to begin in 2013 and be completed within three to four years.

The lawsuit said that state and federal environmental-impact studies violated the national and N.C. Environmental Policy Acts because they did not cover the highway's southern loop and the airport connector that would link the beltway with the urban loop around Greensboro.

It also alleges that those studies did not sufficiently analyze the project's effect on air quality and that officials failed to demonstrate a need for the highway. The lawsuit said that the officials failed to analyze how the highway would affect residential and commercial development along its corridor.

The lawsuit lists as defendants the U.S. Department of Transportation and its secretary, Mary E. Peters; the Federal Highway Administration and James Ray, its acting administrator, and Don Voelker, its N.C. division administrator; and the N.C. Department of Transportation and its

secretary, Lyndo Tippet.

The friends and the alliance groups filed a similar lawsuit in February 1999, asking a federal judge to issue a temporary restraining order and injunction stopping the first construction project on the western section of the Northern Beltway. Construction was scheduled to begin March 1, 1999.

The western section of the beltway will run from U.S. 52 and connect to U.S. 158 in western Forsyth County. It will cost \$447.2 million.

That lawsuit alleged that federal and state highway agencies underestimated the beltway's effect on the health and society of Forsyth County, and failed to follow federal guidelines with their environmental-impact statement and other studies.

U.S. District Judge Frank W. Bullock Jr. agreed with the lawsuit's allegations, and the DOT later agreed to postpone construction and redo the environmental-impact study. The opponents then dropped the lawsuit.

The construction of the western section is scheduled to begin after 2015. The DOT is uncertain about its completion date.

Melody Anderson, who lives in western Kernersville, got a letter from the DOT about the delayed caused by the latest lawsuit.

Anderson said she is opposed to this new legal action because it delayed the agency buying any property in the highway's path.

"I don't see the purpose of delaying this thing any longer," Anderson said. "It is very selfish. It is for people who've got more money than they know what to do with. It's a futile effort."

■ John Hinton can be reached at 727-7299 or at jhinton@wsjournal.com.

