

NC BETTER ROADS AND RAILS, Raleigh NC 27616 bobblank100@gmail.com

From: Perplexity.ai: Can the US Dept. of Justice sue a local government planning agency that approves a project costing over one billion three hundred million dollars for a highway project that would use federal dollars to build when the agency rejects an alternate plan that would accomplish all the goals of the recommended plan for a fraction of the planned expenditures

The U.S. Department of Justice (DOJ) can potentially sue a local government planning agency under specific circumstances tied to federal civil rights or environmental laws, particularly when federal funds are involved. Here's the analysis based on the legal principles and cases outlined in the search results:

Key Legal Grounds for DOJ Action

1. Title VI of the Civil Rights Act

If the highway project disproportionately harms communities protected under civil rights laws (e.g., low-income or minority neighborhoods), the DOJ could sue for violating Title VI, which prohibits discrimination in federally funded programs.

Example: In the California highway expansion case, community groups argued that Caltrans' failure to disclose the project's link to industrial development (and its pollution impacts) violated civil rights protections for South Fresno's predominantly Latino residents

The DOJ could similarly intervene if a local agency's rejection of a cheaper alternative perpetuates discriminatory outcomes. The freeway/tollway divided highway concept divides east and west demographically, and favors the interests of far-north commuters over the neighborhoods and businesses south of Falls of Neuse/Main Street.

☐ Federal Funding Conditions

Federal grants often require compliance with laws like the National Environmental Policy Act (NEPA) or state equivalents (e.g., CEQA). **If the local agency failed to adequately analyze alternatives or disclose costs, the DOJ could challenge the project's approval under these statutes**

For instance, courts have allowed lawsuits when agencies ignored cheaper or less harmful alternatives in environmental reviews

Spending Clause Authority

The federal government can attach conditions to federal funds, such as requiring cost-effective solutions or equitable planning. A local agency's rejection of a lower-cost alternative might violate these conditions, enabling the DOJ to seek injunctive relief or withhold funding.

Critical Factors for Litigation

Discriminatory Impact: The DOJ would need evidence that the chosen highway plan exacerbates racial, economic, or environmental inequities. For example, if the rejected alternative would have spared a marginalized community from pollution, the DOJ could argue Title VI violations. **The freeway/tollway divided highway concept divides east and west demographically, and favors the interests of far-north commuters over the neighborhoods and businesses south of Falls of Neuse/Main Street.**

Procedural Violations: Failure to follow federal requirements (e.g., omitting cost comparisons or environmental analyses) could form the basis of a lawsuit under NEPA or CEQA

Standing: The DOJ must demonstrate concrete harm to federal interests, such as misuse of funds or noncompliance with grant conditions

Precedents Supporting DOJ Authority

In *Bruckner v. Biden* (2023), courts upheld the DOT's authority to enforce antidiscrimination rules in federally funded projects, emphasizing that agencies must avoid policies causing disparate harm

The *Fresno highway expansion case* (2025) affirmed that community groups could sue state agencies for flawed environmental reviews linked to civil rights violations

The DOJ could adopt similar arguments in a federal enforcement action.

The Second Circuit has ruled that the federal government can withhold grants from jurisdictions violating funding conditions, reinforcing federal oversight power

Conclusion

The DOJ has legal pathways to challenge a local agency's approval of a highway project if it can demonstrate:

1. The project violates civil rights laws (e.g., Title VI) by disproportionately harming protected communities.
2. The agency failed to comply with federal environmental or fiscal requirements tied to funding.
3. ***The rejection of a cheaper alternative was arbitrary, capricious, or discriminatory.***

NC BETTER ROADS AND RAILS

A North Carolina Nonprofit Organization
Raleigh, NC 27616 828 337 2851

MEDIA RESOURCE GUIDE

The NCDOT Plan To Create A Freeway Of Capital Blvd. North Of I-540 Is Going in the Wrong Direction

The Plan Contradicts Best Practices in Highway and Transportation Planning

***Its Higher Speed Limit Will Injure and Kill More People, Save Only 3.2 Minutes
vs. a 45 MPH Limit, and Soon Become as Congested as It Is Today***

==F a c t s==

The NCDOT plan to convert Capital Blvd. to a freeway north of I-540 is deeply ***flawed***.

The plan ***contradicts best practices*** in Highway and Transportation planning and creates more dangerous intersections.

- 70 mpg vs. 55 mpg - Higher speed limits ***injure and kill more people***.
- Increasing speeds by removing red lights will only ***save 3.2 minutes***
- Initial plan expands Capital Blvd. for 2 out of 10 miles with ***no projection to completion***.
- 10-mile stretch will affect ***environment, homeowners, business owners, churches, and the landscape of north Raleigh***
 - o *Accidents within corridors create more harmful situations for motorists.*
 - o *Adding more vehicle capacity without improving public transportation will not alleviate traffic concerns and only create more issues for those who rely on public transportation.*
 - o *NCDOT refuses to reconsider any changes to their antiquated design.*

--SEE REVERSE SIDE OF PAGE--

Primary delays stem from lights at the following intersections:
Durant/Perry Creek; Thornton Rd.; Burlington Mills; New Falls of Neuse

- Projected plan expected to cost **\$747 million (2023) dollars.**
- **The time saved** during a trip from the northern terminus of the 10-mile planned freeway to I-540 is **3.2 minutes. That is \$233,437,500 per minute saved.**
 - o Currently NCDOT is considering **toll lanes or making Capital Blvd. a toll road.**
- Without expansion of I-540 the capital freeway will only **create more congestion on I-540** which already cannot handle rush hour traffic
 - o **Impact on Schools** (Bus routes, zoning, kids time on bus)
 - o **First responder times will increase.**
 - o **Impact on homeowners** (concept adds time and distance to travel; there is no impact study for current plan as developments are cut off from direct access to the Blvd., increasing noise for homeowners, no study exists for impact to side and frontage roads).
 - o **Environmental impact** (Increases motor vehicles on the road, removes trees and greenery).
- No foresight into **how this would affect travel on Capital Blvd. while under construction** or about the feeder roads.

There is a **lack of concern for public safety and usage:**

- o *No walkways*
- o *No bus lanes*
- o *No sidewalks*
- o *No pedestrian considerations*
- o *No EV lanes contrary to plans for CO2 reduction*
- The plan was presented during two phone call public meetings **missing any viable presented options**
- Discussion on **operation plan for construction on an already congested roadway is missing.**

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BUILD A BETTER BOULEVARD

The NCDOT plans for a separated freeway to be built over the existing Capital Boulevard right of way have recently been postponed for several years. *This presents an extraordinary opportunity for the City of Raleigh.*

NCDOT now forecasts an estimated \$1.3 billion in 2031-dollar extrapolations to build the freeway beginning on that date. During that time the population of Wake County is anticipated by demographic experts to grow by 100,000 people.

But there has always been a much cheaper, better alternative to a freeway or tollway.

That alternative is to *build a better Boulevard*, by:

- building *overpass interchanges* at the existing major traffic lights; that solves the back-up traffic problem;
- *improving access* for neighborhoods and businesses by improving local lanes for safer access;
- adding *local and express bus service* to points of employment and shopping;
- adding *pedestrian overpasses* for access to bus stops;
- adding *trees and other landscape features* that would make Capital Blvd. a visual delight.

Removing traffic lights would immediately improve traffic flow.

Maintaining the boulevard status would preserve neighborhoods and businesses.

Adding reliable bus transit would reduce some of the traffic and reduce environmental impact.

But what of the cost? A respected AI service projects a cost of about \$25 million for a standard 4-lane overpass over a 4-6 lane highway in North Carolina (2025). *For example, flyover ramps at Durant/Perry Creek; Burlington; Falls of Neuse/Main St., and Y-type flyovers at Gresham, other traffic lights north of Durant/Perry Creek.*

Building access lanes and bus stops might add another \$50 million, including a couple of Y-shaped flyovers at the above-mentioned intersections. *This would total about \$150 million. That is a savings of over ONE BILLION taxpayer dollars. With proper planning this could be completed within two years (AI estimate again).*

Why has an alternative plan not been adopted by NCDOT over the past 20-plus years that the freeway plan has been on the shelf? (SEE OTHER SIDE)

The damage created by construction of a freeway/tollway to the neighborhoods and businesses in Raleigh can be mitigated only by creation of a better Boulevard.

Now is the time to move forward with a plan that would create a smooth flow of traffic, eliminate accident-producing traffic light intersections, save access for businesses and neighborhoods, and finally allow for public transit that would have many social and environmental benefits.

The solution to this issue lies with our local political institutions and representatives.

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April 3, 2025

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RE: Public Comment re: TIP Amendment #9
Public Comment Draft 2026-2035 STIP

To Whom it May Concern,

I am writing in regard to the U-5811 Aviation Parkway project. This project was scheduled in the State Transportation Improvement Plan (STIP) for construction in FY28. Construction is now proposed to be postponed until FY30. This is a critical project for Morrisville and the many motorists in the region that use the corridor to reach other destinations. While it's disappointing that the project is proposed to be delayed, we understand that additional time is needed for right-of-way acquisition and utility relocation. Therefore, the Town of Morrisville requests that the project be approached in phases to allow construction of the section between Town Hall Drive and McCrimmon Parkway to commence on its original schedule (or as soon as possible) with construction of the remainder of the corridor to follow immediately thereafter.

This is a crucial project that will provide critical safety improvements along the corridor needed to address existing conditions.

1. Pedestrian Safety. Significant portions of Aviation Pkwy currently lack sidewalks. Events frequently occur along the Aviation Pkwy corridor at Cedar Fork District Park, the Hindu Society of North Carolina (HSNC) and BAPS Shri Swaminarayan Mandir. These events attract large numbers of people who can often be seen walking along the side of the road adjacent to vehicles. Planned safety enhancements with the U-5811 project, including a sidewalk and multiuse path, are desperately needed to provide infrastructure essential for pedestrian safety.

A camera at the Aviation Pkwy and NC 54 intersection found that since August of 2023, 6,152 people have traversed the intersection with a comparable number of near miss vehicle to pedestrian accidents. The intersection currently contains no pedestrian infrastructure. The planned addition of crosswalks at the intersection will provide an essential pedestrian safety element.

2. Aviation Pkwy/NC 54 Intersection. The Aviation Pkwy and NC 54 intersection is on the 2024 Highway Safety Improvement Plan and noted as a crash location with a pattern of crashes. Since 2018 there have been a total of 283 crashes at the intersection including at least 24 angle crashes and 56 left turn same road crashes. Three cars and trains have also collided at the Aviation Pkwy and NC 54 intersection since 2013 which has resulted in a total of 4 fatalities. Another near miss occurred in 2024 when a Morrisville officer jumped out of his car to get a vehicle to back up moments before getting hit by a train. The project includes a much-needed redesign of the intersection that will improve safety including elimination of the westbound left turn lane onto NC54 and the addition of a pre-signal in the eastbound lane before the railroad tracks.

Thank you for your consideration and assistance in keeping this important project on track.

Sincerely,



Mayor TJ Cawley
On behalf of the Morrisville Town Council

Attachment: Aviation White Paper

Cc:

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U.S. 1 / Capital Blvd. North Upgrades – Tolling Option

Public Engagement Preliminary Results

The Capital Area Metropolitan Planning Organization (CAMPO) has pursued converting the U.S. 1 (Capital Blvd) North Corridor to a freeway for several decades. To address continued project delays and cost escalations, in 2024, CAMPO partnered with the N.C. Turnpike Authority (NCTA) to investigate alternative and innovative methods to complete this project.

At the March 2025 Executive Board Meeting, NCTA presented their study findings regarding four (4) potential tolling scenarios which looked at a mix of elements from the type of tolling infrastructure - expressway and express lanes, to financing, such as delivering the upgrades project as part of the Triangle Expressway System. The Executive Board directed CAMPO staff to engage the public on the scenarios to help inform the Executive Board. Public engagement activities, including a public comment period, occurred from April 7th to May 14th. This included an educational website, online survey, in-person public information sessions, supported by a variety of outreach mechanisms targeted to users and residents along the corridor.

Engagement Performance & Analysis

There were approximately 3,680 participants in the online survey and over 1,750 written comments. The in-person information sessions in Raleigh and Wake Forest had over 180 public attendees. The public comments have been compiled and preliminarily analyzed by CAMPO staff and through Large Language Models (LLMs) like ChatGPT (Model o3 for advanced reasoning). The use of LLMs was used to increase the efficiency of data processing. CAMPO staff conducted quality assurance on the data processing by repeating several of the analyses manually.

The following provides a preliminary synthesis of the public input received.

Overall Take-Aways:

1. **Affordability is the starting point.** Whether people favor or oppose tolling, the *price* of using U.S. 1 is the first thing they consider. If tolling is pursued as a project delivery method, public education on toll schedules, discounts, and how revenue is reinvested will be essential.
2. **Congestion relief is still the end-goal.** Even many toll skeptics commented that “something has to be done” to address existing delays. Messaging that links funding choice (tolls vs. traditional) to how fast congestion can be reduced resonates.
3. **Secondary impacts—diversion & local access—must be addressed up front.** Traffic modeling, mitigation plans for key cut-through routes, and a frontage-road continuity strategy will directly address the # 3 and # 4 concerns.
4. **A minority sees tolling as an acceptable trade-off.** About one comment in ten explicitly endorses tolls **if** they accelerate construction or fund managed lanes. This suggests room for a balanced narrative rather than an all-or-nothing debate.
5. **Requests for multimodal and environmental considerations, while not dominant, are consistent.** If tolling is pursued, integrating transit commitments, bike/ped crossings, and environmental mitigation should be given strong consideration in future planning.

Top Three Concerns from Comments:

Local trips becoming a pay to use system would burden residents going to schools, churches, shopping, and more. For many years U.S. 1 has been a local road and residents are concerned about how tolling will impact their usual trips.

Tolls on U.S. 1 will increase traffic on alternate routes like Falls of Neuse Road and Ligon Mill Road; lack of confidence in trip time savings on U.S. 1 and diversionary analysis for impacts to non-tolled alternate routes.

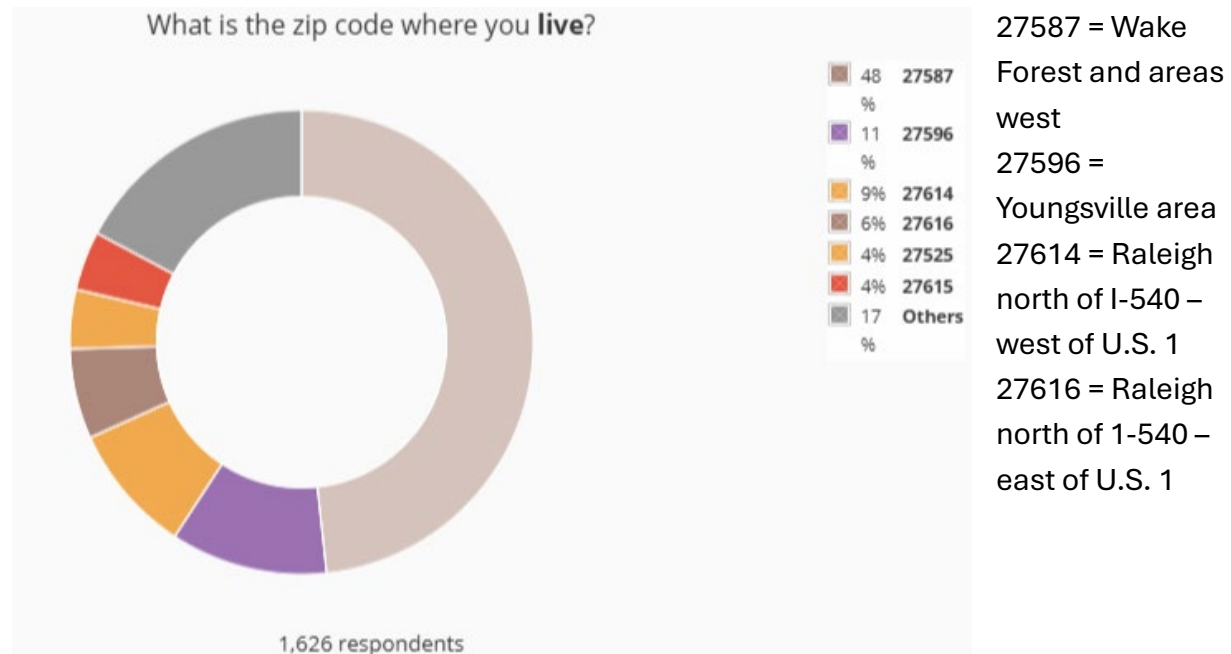
Length of time tolls will be in place; how the money is utilized, and the entity operating the tolls. Many have stated concerns about outside entities being involved in the tolling infrastructure.

Online Survey Results

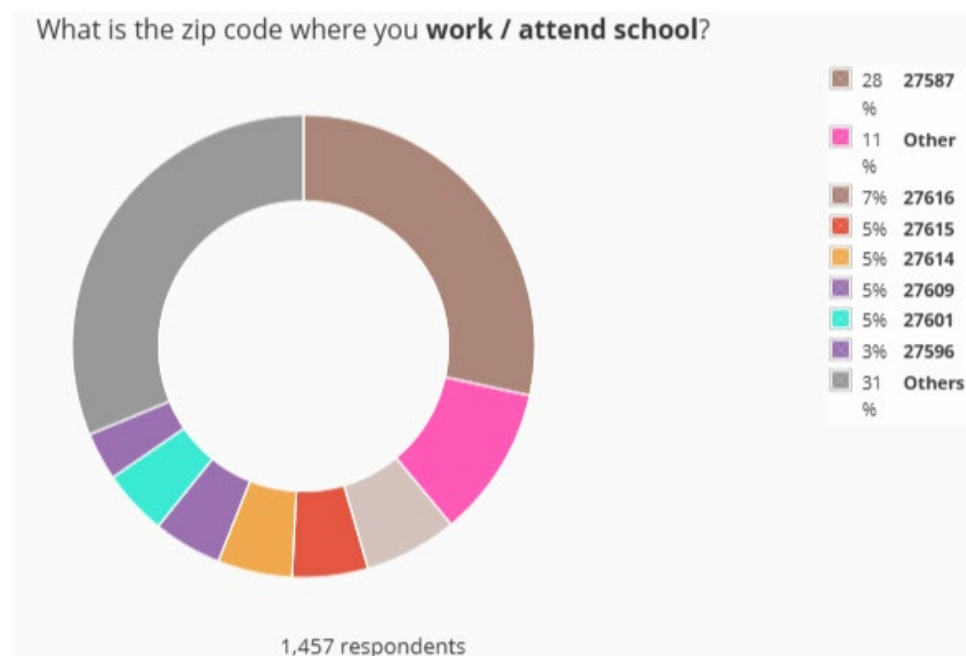
Respondent Characteristics

Among persons who responded to the demographic questions at the end of the survey, most report living in the U.S. 1 Corridor area.

What is the zip code where you *live*?

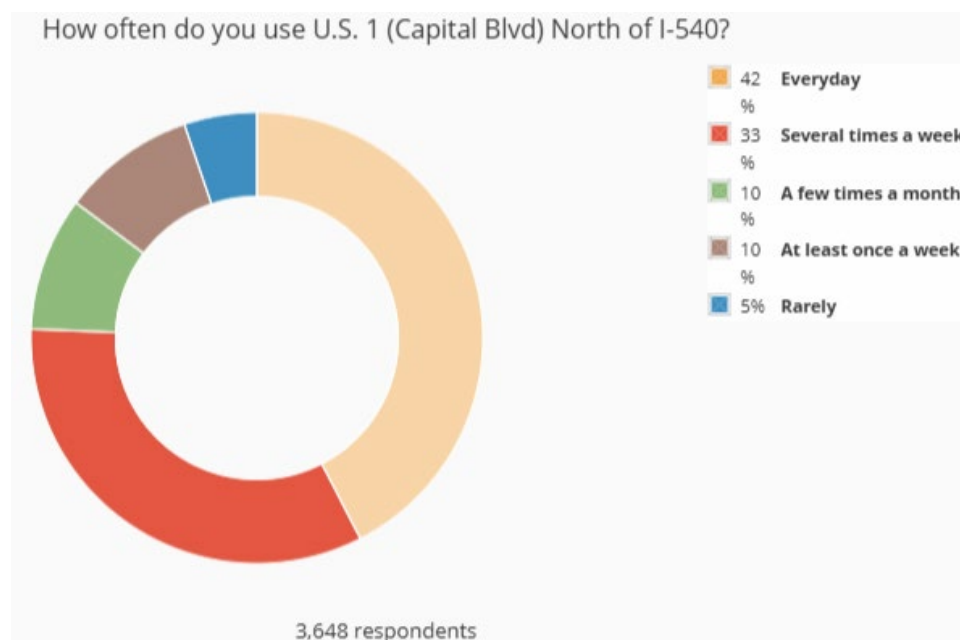


What is the zip code where you *work/attend school*?



****Maps of zip codes and responses attached to end of summary***

How often do you use U.S. 1 (Capital Blvd) North of I-540?



Most Important Factors to Consider

Survey participants were asked to rank the most important factors to consider in determining a path forward for the project. In the image below, each factor was given a “Rank score” – **the lower the score is, the higher that factor was ranked** among the 2,400 respondents for this question.

What are the **most important factors** that should be considered when determining a path forward for the U.S. 1 Upgrades project?

80%	Cost to Users (Toll Price)	Rank: 2.62	1929 ✓
77%	Reducing U.S. 1 (Capital Blvd) Congestion	Rank: 2.69	1846 ✓
79%	Impacts to Congestion on Nearby Roads	Rank: 2.76	1894 ✓
69%	Current and Projected Growth along the Corridor	Rank: 3.72	1664 ✓
67%	Timely Project Delivery	Rank: 4.29	1606 ✓
64%	Cost of Overall Project	Rank: 4.66	1549 ✓
61%	Air Quality & Environmental Impacts	Rank: 5.36	1455 ✓
19%	Other	Rank: 5.70	456 ✓

2,403 Respondents

Ranking differences across user type

1. Everyday users (1,548 respondents)

Rank	Item (lower avg weight = higher priority)	Avg. weight
1	Cost to Users (Toll Price)	2.28
2	Reducing Capital Blvd. congestion	2.71
3	Congestion on nearby roads	2.72

Daily users (likely commuters) prioritize what they'll pay first, then congestion.

2. Several times a week (1,211)

Rank	Item (lower avg weight = higher priority)	Avg. weight
1	Reducing Capital Blvd congestion	2.62
2	Congestion on nearby roads	2.70
3	Cost to Users	2.71

Frequent—but not daily—users put congestion slightly ahead of toll price, though all three top factors sit within a narrow band.

3. At least once a week (349)

Rank	Item (lower avg weight = higher priority)	Avg. weight
1	Nearby-road congestion	2.70
2	Capital Blvd congestion	2.76
3	Cost to Users	2.92

Weekly users prioritize impacts to nearby roads, then mainline delay, then cost to users.

4. A few times a month (350)

Rank	Item (lower avg weight = higher priority)	Avg. weight
1	Capital Blvd congestion	2.67
2	Nearby-road congestion	2.93
3	Cost to Users	3.09

Infrequent users prioritize congestion first; cost slips to third.

5. Rarely (190)

Rank	Item (lower avg weight = higher priority)	Avg. weight
1	Capital Blvd congestion	3.16
2	Nearby-road congestion	3.36
3	Cost to Users	3.52

Those who seldom use the corridor give all factors lower priority, but congestion remains their top concern.

Key Takeaways

- **Cost sensitivity rises with frequency of use.** Daily users rank toll price #1; by contrast, rare users place it third.
- **Congestion relief is universally high—but its exact form varies.** Frequent users emphasize mainline flow; weekly users focus on spill-over to nearby roads.

Comments

Overall, 1,542 comments that were received. Based on CAMPO staff analysis as described above, several trends appear.

Of the 888 comments opposed to tolling, 151 stated opposition for reasons related to negative impacts on businesses/schools/properties that currently have access to the U.S. 1 Corridor. The U.S. 1 Upgrades project will convert the roadway to a freeway and the design, includes the construction of service roads on both sides of U.S. 1. These parallel service roads will provide access to businesses/schools/properties that would lose access due to the upgrade to freeway. In all cases these access roads would never be tolled, allowing residents to continue free local travel to meet daily needs.

"It does not seem fair to charge a toll to residents who have no option to not use any stretch of US 1 because of where they live. This is not a normal highway - people, myself included, live directly off of Cap1 & unless there is a caveat that's not been explained, then these residence shouldn't be forced into something they can't afford."

"Our neighborhood exits onto Capital. Essentially every single car trip we take involves some amount of Capital boulevard. A toll road could be a huge financial burden to us."

The 256 comments indicating direct support for tolling further breaks down to 75 specifically requesting 'Express Lanes' and 21 specifically requesting 'Expressways'.

"I am in favor of toll road with local access roads and 1-2 lanes in each direction be "express lanes" with higher toll."

"For those of us in Wake Forest, we would absolutely be willing to pay a toll to have a full expressway to 540."

There is broad agreement that the growing congestion on U.S. 1 is a problem that needs to be addressed. This is seen in both the free response question and survey ranking question, with 342 comments and 1,800+ survey respondents highlighting congestion as highly important. Often comments in opposition to tolls acknowledge that congestion needs to be addressed.

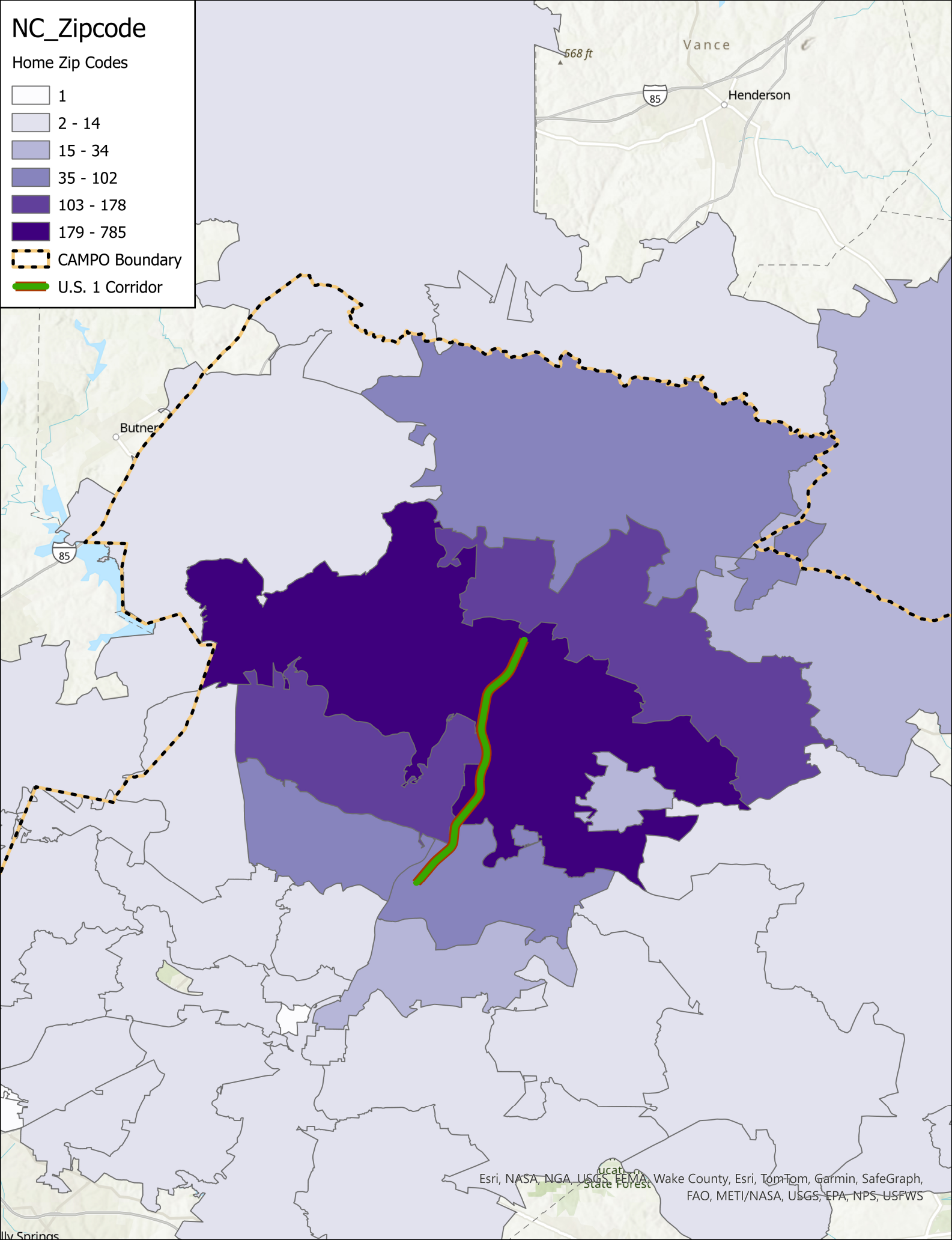
"I do not want a toll, I'd prefer first expanding to us1 to being 6 lanes all the way from 540 to 98. Currently some sections are 6 lanes but others are only 2, creating a bottle neck. Make the intersections you can a freeway with on/off ramps as you can without tolling."

"Congestion on this road is so bad, especially between Durant and Burlington Mills. Why can't they add lanes without worrying about making it a toll road? If it becomes a toll road, other routes will also become overcrowded as this just happened when Lihon Mill was closed."

NC_Zipcode

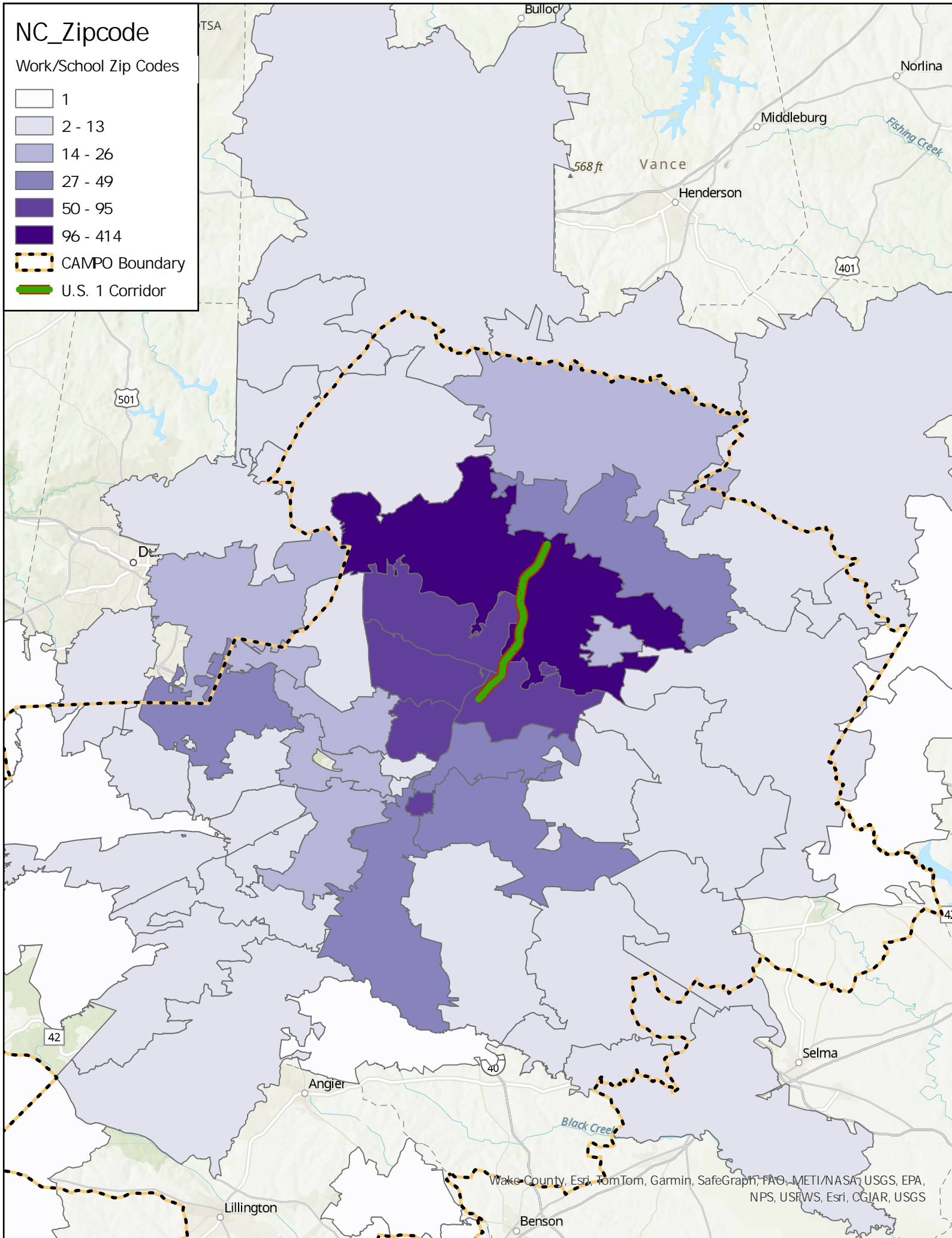
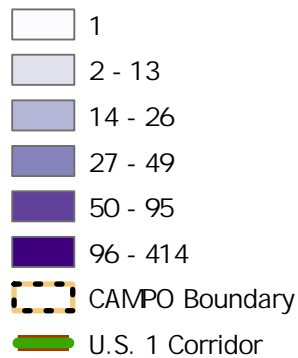
Home Zip Codes

- 1
- 2 - 14
- 15 - 34
- 35 - 102
- 103 - 178
- 179 - 785
- CAMPO Boundary
- U.S. 1 Corridor



NC_Zipcode

Work/School Zip Codes



CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION EXECUTIVE BOARD

**RESOLUTION AUTHORIZING THE USE OF TOLL FUNDING OR OTHER ALTERNATIVE
DELIVERY METHODS TO DELIVER IMPROVEMENTS TO THE US 1 CORRIDOR BETWEEN I-540
IN RALEIGH TO SR 1909 PURNELL ROAD/SR 1931 HARRIS ROAD IN WAKE FOREST**

A motion was made by Executive Board Member _____ and seconded by Executive Board Member _____ for the adoption of the following, and upon being put to a vote, was duly adopted.

WHEREAS, the Capital Area Metropolitan Planning Organization Executive Board is the duly recognized transportation decision making body as required by 23 CFR Part 134 and North Carolina General Statute.

WHEREAS, the Capital Area Metropolitan Planning Organization ("CAMPO") provides transportation planning services for the entire Wake County area and its municipalities, and the North Carolina Board of Transportation ("BOT"); and

WHEREAS, the North Carolina Department of Transportation ("NCDOT") includes the US 1 corridor from Raleigh, North Carolina to I-85 in Henderson, North Carolina in its list of Strategic Transportation Corridors and is important for the movement of goods and people in the region; and

WHEREAS, the US 1 North corridor is a critical transportation corridor serving the needs of local and commuter mobility, commercial transport, and regional economic development; and

WHEREAS, increasing traffic congestion and aging infrastructure along the US 1 North corridor have created an urgent need for sustainable funding to support improvements, expansion, and long-term maintenance; and

WHEREAS, traditional funding sources, including fuel taxes and general revenue, are anticipated to be insufficient to meet the immediate and projected financial requirements of the Highway project; and

WHEREAS, the US 1 corridor from I-540 in Raleigh to SR 1909 Purnell Road/SR 1931 Harris Road in Wake Forest has long been planned to become a fully controlled-access freeway facility, with planned access roads intended to serve local multi-modal trips, and is identified as a future freeway in the adopted 2050 Metropolitan Transportation Plan and has been included in the region's transportation plans for over 20 years; and

WHEREAS, U-5307 A, B, C, and D represent four separate funded projects in the 2024-2033 State Transportation Improvement Program adopted by the NCDOT BOT in June 2023 and has been included as funded projects in the State Transportation Improvement Program for over 15 years; and

WHEREAS, previously U-5307 A, B, and C were labeled as committed and U-5307 D was labelled funded but non-committed in the 2020-2029 State Transportation Improvement Program; and

WHEREAS, due to rising construction costs and estimates, the 2024-2033 State Transportation Improvement Program became approximately \$12B overprogrammed; and

WHEREAS, adjustments to project schedules and committed status were made to develop the 2026-2035 State Transportation Improvement Program; and

WHEREAS, U-5307 A, B, C, and D are labeled as committed in the 2026-2035 State Transportation Improvement Program and will not have to recompetete for funding in future State Transportation Improvement Programs, but have been delayed an additional five years, and may be subject to additional delays; and

WHEREAS, CAMPO has identified the need to assure delivery of U-5307 A, B, C, and D as opposed to the unknown schedule associated with the current and future State Transportation Improvement Programs; and

WHEREAS, CAMPO requested, and the NCDOT completed, a toll study for the US 1 North corridor that identified four toll options as viable and financially feasible; and

NOW THEREFORE, be it resolved that the Capital Area Metropolitan Planning Organization Executive Board as follows:

1. The US 1 North project is hereby approved for the use of toll funding for an all-toll expressway or other alternative delivery options that may be identified or provided for by the State, as a potential means to deliver U-5307 A, B, C, and D on an accelerated and predictable schedule.
2. The Capital Area MPO Executive Board hereby reserves the right to withdraw any approval of a toll option at any time up until the Department advertises a contract to construct the project.
3. The US 1 North project shall include all appropriate access road connections, including the permanent access road connection across the Neuse River, any necessary y-line or alternate route improvements, and future planned transit compatibility in the scope of the toll project that is delivered.
4. The NCDOT/NCTA is hereby authorized to implement tolling infrastructure and shall utilize open-road, all-electronic tolling to minimize delays and optimize traffic flow.
5. Toll rates shall be established by the NCTA, subject to periodic review and adjustment, in compliance with applicable laws and regulations
6. Tolls will be removed at the appropriate time in accordance with applicable North Carolina law.
7. The NCTA is strongly encouraged to pursue static time of day tolling for peak, off-peak, or other time periods as may be practicable to ensure the lowest necessary toll rates for users.
8. The NCTA shall ensure that appropriate mitigation strategies are implemented to address potential impacts on low-income communities.
9. This Resolution shall become effective immediately upon its adoption.

APPROVED and ADOPTED this the ____ day of _____ 2025.

Vivian Jones, Chair

NC Capital Area MPO

Chris Lukasina, Executive Director

NC Capital Area MPO