

Crest Street Community negotiations

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The specific factors essential to successful negotiations in an environmental dispute resolution is agreement on the essential parties to the dispute and on the critical issues, a balance of power between the essential parties involved in the negotiation, a sense of urgency, and flexibility and uncertainty regarding the ultimate correctness of each of the parties course of action.

Introduction

Twenty years ago a four-lane, controlled access expressway was planned to pass through the heart of Durham, North Carolina from I-40 on the east to I-85 on the west. Durham, a city of 120,000, was originally a tobacco center with chewing tobacco and cigarettes as its major economic resource. For approximately the past 30 years, Durham has become a center of a growing population because of Duke University, Duke Medical Center, the famous "Rice Diets," and the VA hospital. Recently Durham was named the City of Medicine. In addition, Durham's growth has been stimulated by its proximity to "Research Triangle Park," to the capital city of Raleigh, and the University of North Carolina.

In fact, the North Carolina Department of Transportation (NCDOT) had planned to extend the Durham East-West Expressway to U.S. 15-501 as early as 1959. Approximately 15 years ago only one-half of the planned expressway had been completed and opened to just east of the Duke University Campus. This part of the expressway went through a depressed area of Durham, taking down many homes, businesses, and churches and bisecting the city itself.

On December 15, 1982 the City of Durham, the North Carolina Department of Transportation (NCDOT) and the Crest Street Community Council agreed on a mitigation plan for a neighborhood allocation project with Durham. The route of the proposed expressway was to go through an essentially low income, black community, just north of Duke University and the Veteran's Administration Hospital.

As part of the 1982 agreement an approximate three year time table was imposed to ensure timely compliance.

Today the project is about 95% complete and within the allocated 3 year projected time frame. Louis S. Allen, SR/WA, Assistant State Relocation Agent for NCDOT and Crest Street Project Coordinator summarizes and itemizes the complex problems that the project encountered and solved:

- buying up an entire community and reestablishing that community on much of the same acquired land;
- moving a cemetery with over 1,000 graves
- subdividing the lands
- moving some 70 homes
- rehabilitating these homes as available replacement housing
- building some 16 new homes
- constructing new streets, sidewalks, a park, a ballfield, housing for the elderly
- changing the lifestyles of the community from 10% home owners prior to the project to 95% homeowners after the project.

This article was written by 3 graduate students at the University of North Carolina in Chapel Hill, North Carolina for the Department of City and Regional Planning. The research that preceded the writing of this article is unique in that one student talked only with the NCDOT, another talked solely with the City of Durham and the third talked only with the Crest Street Community. Starting from three separate vantage points the final report presents all parties to the dispute objectively and shows each to be winners



The CREST STREET COMMUNITY COUNCIL meeting in the CREST STREET NEW BETHEL BAPTIST CHURCH.

even in the presence of conflict. The intent of this article is to present and analyze the negotiation process used for the relocation of the Crest Street Neighborhood.

PRE-NEGOTIATION PHASE

The major participants in the negotiations were the City of Durham (City), the Crest Street Community Council (Council), the North Carolina Department of Transportation (NCDOT), Duke University (Duke) and the Federal Highway Administration (FHWA). Outside groups also active at various stages of the negotiations included Durham County, the Durham Committee on the Affairs of Black People, the People's Alliance, and the Durham Voter's Alliance.

ISSUES, OBJECTIVES, AND INSTITUTIONAL CONSTRAINTS

Several issues surfaced after the project was first proposed in 1959 and after the first segment was opened in 1970. A major point of conflict for the Crest Street Community was the reluctance of

the City to use community development grants for improvements within the neighborhood. The Community Council representing the Crest Street Community also remembered the displacement and bisecting of the Hayti Community of the late 1960's and its resultant loss of homes, businesses and churches. The Crest Street neighborhood was determined to remain a cohesive community with adequate living conditions.

The City of Durham was in a dilemma: they saw the funds that they did have as inadequate to improve the neighborhood; they needed the Expressway to alleviate traffic circulation problems within the City; they were faced with a changed social climate of the community as evidenced by its willingness to hire attorneys and proceed through the courts.

The NCDOT presented numerous transportation plans at public hearings and committee meetings, but not until 1980 when North Carolina adopted last resort housing was the State finally able to legally provide the necessary housing assistance to displaced families. The NCDOT also had a public relations problem with the Council because of the displacement of the Hayti Community in the 1960's.

The use of last resort housing by a state agency makes it possible to allocate additional money for housing needs of those displaced by a state road. The housing must truly be "last resort." It must be proven that no other assistance is forthcoming and the beneficiaries have no other recourse. Last resort housing, although available at the federal level in 1970 was not adopted by the North Carolina state legislature until 1980.

Prior to 1981, the major objective of the State DOT had been to cover the costs of highway construction. This compounded the City's problem of relocating the displaced citizens because it was evident that funding assistance was needed from the State.

Another component of resource allocation conflict was the refusal of the Department of Housing and Urban Development (HUD) to release funds for the community until an agreement was reached among the other parties to the conflict regarding the Expressway.

The history of the pre-negotiation

process, highlighting issues and concerns throughout the period is given in Table 1.

In 1978, the City Council directed staff to prepare a relocation plan for the Crest Street Neighborhood. General data on the neighborhood was collected and a Citizen Participation Plan devised to involve citizens in the rehousing plan. The plan was not implemented due in large part to its emphasis on broad representation. As meetings between the parties progressed, it was found that the perspective provided by a few citizens who had already gained respect and support from the neighborhood could best serve the community's interests.

In 1979 the City Council voted against the Expressway and work ceased. After the November elections, the new City

Council made the Expressway a top priority and began to exert pressure on the NCDOT and the Governor's office for assistance in the relocation of the Crest Street Community. Governor James C. Hunt was a principal player in getting the parties together. Time, attitude, and resources were the major factors that resulted in all parties agreeing to negotiate a settlement of the conflict that had been stalemated for the past ten years.

NEGOTIATION PHASE — PART ONE APRIL 1980

Formation of a Steering Committee in April 1980 marked the beginning of the first phase of the negotiation process. The Steering Committee was formed at a meeting attended by representatives

TABLE 1

1959	City thoroughfare plan; East-West Expressway (I-85 to RTP) highest priority needs, adopted by city and NCDOT.
1963	Public hearing held in which preliminary design for entire East-West Expressway was presented with generally favorable comments.
1968	Freeway construction commences: East end.
1970	First segment opens.
1972	Draft EIS, pursuant to NEPA, finished and circulated; Ecos Inc. et. al. sues to enjoin construction re violations of NC EPA; State Superior Court rejects motion for preliminary injunction; Plaintiffs bring same suit in federal district court only on NEPA violations, DOT Act of 1966, 23 USC 128 (Public Hearing requirements).
1973	District Court, after hearing on the motion, grants preliminary injunction as to the "Crest St." portion of the Expressway, pending compliance with federal statutes; Decision appealed to 4th Circuit; Court Appeal affirms preliminary injunction.
1974	Freeway completed to Erwin Rd.
1975	Crest St. Community Council formed and organized.
1977	NCDOT representatives meet with City to formulate agenda for finishing the freeway.
1978	First Neighborhood Public Meetings to get citizen input; Durham City Council directs City Administrator to prepare a rehousing plan for relocation of the Crest St. neighborhood "as a community"; City begins collecting general impact data; City and neighborhood representatives meet to develop rehousing plan; CSCC files Administrative Complaint with the USDOT alleging racial discrimination against neighborhood by NCDOT in Expressway route choice.
1979	Durham City Council, in February, resolves <i>not</i> to extend the Expressway as proposed and urges alternatives and rehousing plans stop; November Elections; Council reverses.
1980	USDOT, acting on administrative complaint, advises NCDOT that construction of Freeway along proposed route violates Title VI of the Civil Rights Act of 1964; Meeting held between the City, FHWA, NCDOT, to develop plan of action for resolution of impact problems; Steering Committee formed; NCDOT proposes five alternatives designs; Durham City Council approves zoning request for parcel in neighborhood from residential to commercial; CSCC withdraws, charging a breach of faith; Steering Committee dies.
1981	NCDOT meets with participants separately behind the scenes in an effort to restart negotiations; CSCC indicates that, in order to be acceptable, any design must include an agreeable mitigation plan; Three alternatives are chosen; Task Force-CSCC, Durham, Duke, FHWA, NCDOT, meet in negotiations and CSCC accepts with a home ownership plan attachment.
1981-1982	Task Force meets 2-3 times a month in negotiations; CSCC accepts; Durham Council Approves.