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Judicial Challenge to Expressway Expansion: North Carolina Department of Transportation and Clean Air Carolina/Center for Biological Diversity Enter into Settlement Agreement

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The Center for Biological Diversity and Clean Air Carolina (represented by the Southern Environmental Law Center) (collectively “CBD”) entered into an August 21st Settlement Agreement (“Agreement”) addressing CBD’s challenge to the expansion of a North Carolina expressway.

CBD filed suit in the United States District Court for the District of North Carolina in 2018 challenging certain North Carolina Department of Transportation (“NCDOT”) and Federal Highway Administration’s environmental approvals and alleging violations of the National Environmental Policy Act, Endangered Species Act, and the Administrative Procedures Act (“Federal Law Suit”).

Key provisions of the Agreement require NCDOT to:

- Take steps to reduce greenhouse gas emissions from construction equipment
- Conduct greenhouse gas analyses as part of major project studies in North Carolina
- Commission a report to discover strategies and tools to reduce vehicle-miles traveled and vehicular emissions across the State of North Carolina – reporting such findings

The Agreement also expands the amount of stream mitigation by added an additional 47,000 linear feet of mitigation and requires that NCDOT develop new and improved stormwater design guidelines.

Additional obligations include:

- Development of a new strategy for assessing stormwater impacts with financial incentives to ensure optimal hydrology
- Funding stormwater management control programs
- Set aside funding to buy high quality habitat
- Commitments to support increased public transit by guaranteeing that all future High-Occupancy-Toll lanes will include free access for public transit
- Commits NCDOT to partner with other agencies and North Carolina State University to support research projects for sites that are home to North Carolina’s most imperiled biodiversity

A copy of the Agreement can be downloaded [here](#).