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Citizen activist grates on state over traffic signals

RALEIGH -- David N. Cox says he was merely exercising his right to petition the government, but a state Department of Transportation official has raised allegations that Cox committed a misdemeanor: practicing engineering without a license.

Cox and his North Raleigh neighbors are lobbying city and state officials to add traffic signals at two intersections as part of a planned widening of Falls of Neuse Road.

After an engineering consultant hired by the city said that the signals were not needed, Cox and the North Raleigh Coalition of Homeowners' Associations responded with a sophisticated analysis of their own.

The eight-page document with maps, diagrams and traffic projections was offered to buttress their contention that signals will be needed at the Falls of Neuse at Coolmore Drive intersection and where the road meets Tabriz Point / Lake Villa Way.

It did not persuade Kevin Lacy, chief traffic engineer for the state DOT, to change his mind about the project. Instead, Lacy called on a state licensing agency, the N.C. Board of Examiners for Engineers and Surveyors, to investigate Cox.

Cox says Lacy is trying to squelch dissent.

"All we ever tried to do was express our view about this," said Cox, a computer scientist. "We never expected something like this. We think it's wrong. We're just trying to make our neighborhood safe."

Lacy said his complaint "was not an accusation" against Cox.

"I'm not trying to hush him up," Lacy said.

Cox has not been accused of claiming that he is an engineer. But Lacy says he filed the complaint because the report "appears to be engineering-level work" by someone who is not licensed as a professional engineer.

The city will start construction this spring on the 1.3-mile project to widen Falls of Neuse, a busy commuter route, from Fonville Road to Raven Ridge Road. Cox's group has been lobbying elected city, state and federal officials to help push for the added traffic signals.

The City Council agreed last year to add signals at the two intersections if DOT agrees that they are warranted by traffic conditions. But an engineering firm hired by the city concluded that the signals were not needed.

The North Raleigh group contends that the city's engineer erred by failing to predict how traffic conditions will change after Falls is widened to four lanes and medians are installed to block left turns from some side streets.

Lacy said he had told the group last year that it should hire an engineer to make its case. He said he was surprised to see engineering-quality work in a report that was not signed by a licensed professional.

"When you start applying the principles for trip generation and route assignment, applying judgments from engineering documents and national standards, and making recommendations," that's technical work a licensed engineer would do, Lacy said.

DOT gets many reports and petitions from residents opposing road plans and engineering decisions. Lacy said this is the first time he has referred a case to the professional licensing board.

Andrew L. Ritter, executive director of the engineers licensing board, said it will take three or four months to investigate Lacy's allegation against Cox. He said there is a potential for violation if DOT and the public were misled by "engineering-quality work"- even if the authors did not claim to be engineers.

"We don't take the side of the DOT," Ritter said. "What's best for the public is what we'll find."

If Cox is found to have practiced engineering without a license, Ritter said, the likely action would be a letter telling him not to do it again.

Cox would not identify the report's authors.

"I helped pull the report together," he said. "Because of this investigation, I'm not going to say who was involved in it and who wasn't involved. All we're saying is our association prepared the report."

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