



Commissioner Adrian Garcia

Harris County Precinct Two

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December 9, 2020

Via Email

Attention Director of Project Planning and Development
Texas Department of Transportation
P.O. Box 1386
Houston, Texas 77251
sent via email HOU-piowebmail@txdot.gov

RE: UPDATED LETTER-Comments on the Final Environmental Impact Statement (FEIS) for the North Houston Highway Improvement Project (NHHIP)

Dear Chairman Bugg, Members of the Texas Transportation Commissioner, and TXDOT Director of Project Planning and Development,

As elected officials who represent millions of residents in the Houston area, we are respectfully submitting this joint letter in response to TXDOT's FEIS for the NNHIP. Throughout this process, we have and will continue to see ourselves as partners and collaborators who wish to find common ground with TXDOT. It is our sincere hope that TXDOT will also see us as partners in this initiative who are listening and responding to the feedback we have received from our constituents. Many of us represent communities that are largely low-income and of color, predominately Latino, and to some degree, Spanish-speaking only. Many in our community are reluctant to engage in government-led projects out of fear and/or lack of understanding, and therefore it is critical that we respond to the FEIS on their behalf.

This joint letter includes **Commissioner Adrian Garcia, Harris County Precinct 2, Congresswoman Sheila Jackson Lee, 18th District of Texas, State Senator Carol Alvarado, Senate District 6, State Representative Armando Walle, District 140, State Representative Christina Morales, District 145, Houston City Council Member Robert Gallegos, District I, Houston City Council Member Carla Cisneros, District H, Richard Cantu, HCDE School Trustee, Position 3, At-Large, Amy Hinojosa, HCDE School Trustee, Position 1, Precinct 2, Judith Cruz, Houston ISD Board Trustee, District VIII, Second Vice President, and State Representative-Elect Penny Morales-Shaw.** We all recognize the potential economic and social impacts that this project, if not done properly, could have on our constituents.

We would like to make one thing clear –the current facility as it stands could benefit from modifications, but we cannot support the current project as presented in the FEIS. This project has the potential to be an example for our entire state, but only if we seize this moment. We have a once-in-a-lifetime opportunity to consider and integrate feedback received from the community, experts in the field and area advocates. We should envision and execute a project that will benefit everyone while also bringing in jobs and critical investment into our region.

Harris County Judge Lina Hidalgo, three county departments (Harris County Flood Control, Harris County Engineer's Office and Harris County Toll Road Authority), Mayor Sylvester Turner, Commissioner Rodney Ellis, and METRO will also submit letters in response to the FEIS. All these agencies and elected officials have participated throughout the NHHIP project timeline and are in general agreement that alternatives that align with community input must be considered, and that the FEIS needs further evaluation.

Our goal with this letter is not to regurgitate the concerns they will present but to highlight several concerns we have with the FEIS as presented.

Community Engagement

Over the last several years, TXDOT, the City of Houston, Harris County and METRO have participated in the coordination of public engagement. The feedback received has been extensive and well documented. Commissioner Adrian Garcia and his office coordinated a survey with nearly 1,000 respondents whose top concerns included safety, neighborhood connectivity, flooding, and air quality. Other high-ranking concerns in the survey included bike and pedestrian safety, neighborhood appearance, and noise pollution. Fifty-two percent of the survey respondents were opposed to the project as currently proposed. In addition, the neighborhoods located within Harris County Precinct 2 (zip codes 77002, 77007, 77009, 77022, 77003, 77011, 77012, 77023, 77087, and 77076) were overwhelmingly opposed, with 71 percent saying they disagree with the project as currently proposed.

The City of Houston's Planning Department, in a multi-agency collaborative effort, led a public engagement process where community members voted in person and online for various feasible alternatives to the current proposed design. Almost three quarters of respondents voted for the design alternative that fits predominantly in the existing right-of-way. It is abundantly clear that the public wants, at a minimum, an alternative that improves safety for all road users, reduces our flooding risk, is environmentally friendly, aesthetic, and fits within the existing ROW.

TXDOT's FEIS does not take into account the overwhelming multi-agency public input and proposes a design that is less safe for motor vehicle users, cyclists, and pedestrians; does not reduce the risk of flooding; generates more air and noise pollution; documents negative visual and park impacts but doesn't resolve them adequately; and substantially increases the ROW with significant economic, social, and environmental impacts, as detailed in Appendices A, B, C, D and E.

It is important to note that TXDOT has received comments that repeat the same themes going back to the inception of the project, through the DEIS, this FEIS and at multiple points in between. These are comments that have been reiterated repeatedly for over 15 years and continue to be ignored. At some point we must question whether public input matters. It appears that community feedback and agency coordination has been a perfunctory effort that has resulted in changes only at the margins, with the result being a predetermined design outcome independent of public input.

NEPA Concerns

The National Environmental Policy Act (NEPA) gives specific and critical guidance on project development. TXDOT's FEIS appears not to have adhered to this guidance. A technical review of the FEIS was performed by the Harris County Engineer's Office, the Harris County Flood Control District, and the Harris County Toll Road Authority, as referenced in Appendix A. Attachment B in Appendix A highlights critical areas where TXDOT did not follow NEPA guidelines nor did it provide documentation on why NEPA guidelines were not followed. The fact that these federal guidelines were not followed is fundamental to the issues associated with the project. Furthermore, the lack of adherence to NEPA guidelines reveals a disconnect between TXDOT's needs and purpose, the selected Build Alternative, and the local community and stakeholder's needs and wants.

The potential NEPA violations include, but are not limited to:

- Given the number of claims in the FEIS that lack supporting data and documentation and given the results of the extensive multi-agency public engagement, the preferred alternative does not meet decision-maker and stakeholder needs.
- The FEIS does not meet the goals of the NEPA process to accurately assess and document the full impacts of the proposed Build Alternative on the many communities impacted by the project.
- The identified purpose and needs were defined in a manner that could only result in a widened highway project that prioritizes single occupancy vehicles.

- Viable alternatives exist but were not evaluated. The alternatives presented in the FEIS did not consider options that would have reduced impacts on adjacent neighborhoods.
- The FEIS process does not meet the requirements of NEPA, which stipulate that projects must avoid, minimize, or commit to mitigation that will reduce or offset impacts where possible.
- The lack of detailed traffic analysis does not allow for a full assessment of the potential impacts of the project. The modeling approach is poorly documented and does not follow best practices recommended in NEPA guidance on traffic modeling and documentation of approach and results.
 - The reasonableness test for travel time assumptions does not appear to be met, in other words, the traffic model appears to be wrong.
 - Traffic growth projections utilized in the model use outdated data and grossly overestimate traffic counts compared to actual data.
 - No local traffic microsimulation model was included with the FEIS, making it impossible to fully understand the impacts of the project on local street traffic, connectivity, and safety. For a project with as much potential impact as the NHHIP, microsimulation would provide a better assessment of the true impact of the proposed changes. A VISSIM model and a “detailed model” are mentioned in the FEIS Comment Response document but no details on the traffic modeling scope, approach, or output are provided in the FEIS.
 - The lack of detailed traffic modeling of local streets likely underestimates the impacts of intersection operations caused by the expanded freeway capacity increasing downstream traffic volumes.
 - There is incomplete documentation of induced demand.
 - No alternatives with dedicated transit lanes were considered.
 - Given the scale and complexity of the project, NEPA also recommends that a peer review of the modeling analysis be conducted to confirm assumptions and approach. For example, the proposed travel time estimates, and traffic growth assumptions do not seem supportable or reasonable based on the existing traffic data. A peer review would either validate TXDOT’s analysis or provide critical feedback to improve the model, potentially affecting the selected alternatives.

For a more detailed analysis of the potential NEPA violations and for specific examples, please refer to Appendix A.

COVID-19 Impacts on Traffic Assumptions

The proposed NHHIP FEIS lacks sufficient data and analysis to support the projected traffic volume increases on the facility, and as we have seen from past projects, simply including additional lanes for single occupancy vehicles will not improve travel times. For the last nine months, we have all modified the ways in which we do business because of the COVID-19 pandemic. This shift has resulted in fewer vehicles on our freeways as many businesses have moved their operations to virtual offices. We should not assume that all businesses will return to business as usual as many will find cost savings in the form of reductions in mileage, rental space, and efficiencies in conducting virtual meetings. We would ask that TXDOT evaluate this shift in commuting behavior which may have a lasting impact on future traffic projections.

Harris County Precinct 2 Impacts

The history of highways having negative impacts on marginalized and oppressed communities for the benefit of others is well documented both locally and nationally, including for the original Gulf Freeway project. Proposing to perpetuate further social, economic, and environmental injustice, as this project is currently suggesting, is unacceptable. This project favors white communities while disproportionately impacting Latino and Black communities. This project should at a minimum strive to have no negative impacts on adjacent communities; ultimately a project this transformative should be aspirational in its

approach. It should endeavor to remedy historical injustices, including the impacts of the original highway, and through the lens of equity, direct investment to the most marginalized and oppressed communities. This work will not and should not be easy. Frameworks exist to accomplish this end. One example is the Envision sustainable infrastructure framework, which Commissioner Garcia is using on a project on Kowis St., to ensure a consistent, consensus-based foundation for assessing sustainability and resilience in infrastructure. Taking from the Envision framework, we should prioritize community input and buy-in; we should resolve, not perpetuate, historical inequities; and we should minimize negative social, economic, and environmental impacts on the surrounding community.

As detailed in the FEIS, the displacement impacts to adjacent communities are well documented and significant, including:

- 160 single-family residences
- 433 multi-family residential units
- 486 public and low-income housing multifamily units
- 344 businesses
- 58 billboards
- 5 places of worship
- 3 schools/universities
- 5 parking business
- Five historic properties and two historic districts would be directly adversely affected

Some of the worst impacts in Harris County Precinct 2 include, but are not limited to:

Lost Housing - Clayton Homes, Skylane Downtown Apartments, Avenue CDC Homes, North Lindale Homes

Lost Institutions - Texas Department of Health and Human Services office, Culinary Institute Le Notre

Lost Businesses - Warehouse District Area, Urbana Recording Studio, America's Best Value Inn

Other impacts: University of Houston – Downtown, White Oak Bayou Greenway, North St. Bridge

In conclusion, the Issues with the FEIS are not minor in nature, especially given the size and impact of the project. We are in concurrence that our region can benefit from this project. However, given the errors in the analysis and assumptions, the failure to adequately address community and stakeholder input, and the lack of adherence to NEPA guidelines, we believe that this project is not ready for a Record of Decision.

We are hopeful that TXDOT will work with the community and stakeholders to come to a design alternative that is a win for everybody; an alternative that improves safety for all road users, reduces our flooding risk, is environmentally friendly, is visually aesthetic, and fits within the existing right-of-way.

Sincerely,



Adrian Garcia
Harris County
Commissioner
Precinct 2

Sheila Jackson Lee
Congresswoman
18th District, Texas

Carol Alvarado
Texas State Senator
District 6

Armando Walle
Texas State
Representative
District 140

Christina Morales
Texas State
Representative
District 145



Robert Gallegos
Houston City Council
District I



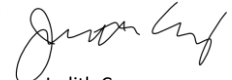
Karla Cisneros
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Richard Cantu
Harris County
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Trustee



Amy Hinojosa
Harris County
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Judith Cruz
Houston ISD
Board Trustee
District VIII

Penny Morales-Shaw
Texas State Representative-Elect
District 148

Attachments:

Appendix A: [Transmittal of Comments on the Final Environmental Impact Statement \(FEIS\) for the North Houston Highway Improvement Project \(NHHIP\) Prepared by the County Engineers Office, Harris County Flood Control District and Harris County Toll Road Authority, December 4, 2020](#)

Appendix B: [Huitt-Zollars North Houston Highway Improvement Project FEIS Report, December 4, 2020](#)

Appendix C: [Toole Design NHHIP FEIS Review, December 3, 2020](#)

Appendix D: [Letter from Judge Lina Hidalgo](#)

Appendix E: [METRO Response to FEIS](#)