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Re: Draft Cumulative Impacts Technical Report for the North Houston Highway Improvement Project

About our Organization

Founded in 1988, Texas Housers is a statewide policy advocacy organization that believes in the right of all Texans to experience the powerful sense of belonging that comes from a safe, healthy, and affordable home in the neighborhood of their choice. Our advocacy also extends to equitable disaster recovery and issues of neighborhood quality. The proposed expansion of I-45 impacts all areas of our work in Houston.

Executive summary

In these comments, as in our comments on the Draft Community Impacts Assessment our organization seeks to do three things. First, we want to register our clear disapproval of this project which would only continue this city's dismal track record of putting pavement over people. There is no formula that can quantify the value of what ill-conceived projects like this have cost American cities. Second, we've added context we feel this draft report is lacking by providing references to additional sources on Houston's housing crisis and history of transit activism. We encourage the project team to read, reflect, and respond to the bibliography and image appendix provided to demonstrate their sincere interest in crafting a project that works for Houstonians. Third, we've offered recommendations on key points related to housing and quality of life should the project move forward under the preferred alternative.

Background

Highway construction and expansions have been conducted at the expense of Black and brown communities since their inception. The NHHIP is no exception. As Harold Dutton said in 1991 about the expansion of I-45, the emphasis is "on ensuring suburban mobility" once again at the cost of the rich heritage that lives here. (Shelton 221) The project's priorities are made clear on page 3 of the Draft Cumulative Impacts Technical Report, "the proposed project is expected to induce redevelopment in two general locations: within a 0.25-mile buffer along I-45 from I-610 to Beltway 8 and the Downtown Management District" (3). What happens to the communities in between?

In the past, environmental justice communities, like Fifth Ward and Third Ward, have been largely left out of the conversation. In writing about the construction of I-10 and US 59/I-69 in the 1960s, Kyle Shelton, deputy director at Kinder Institute, argues, "Fifth Warders had almost no warning that the road was being planned. Many learned of its routing only after the first steps of construction began" (Shelton 2). TxDOT has the opportunity to remedy some of the cumulative impacts that plague environmental justice communities from prior highway constructions. While developers and business interests have been engaged in the planning process for decades, TxDOT must ensure that

environmental justice communities and everyday people have equitable voice and mitigation through this process. Just like in the 1960s, everyday residents of neighborhoods like the Fifth Ward are just now learning that they will be displaced. TxDOT should ensure thorough mitigation for these communities.

In the Draft Cumulative Impacts Technical Report, TxDOT argues that “the past, present, and reasonably foreseeable future projects would have limited adverse impacts on residential resources to the extent that a concerted effort has been made by TxDOT to ensure that residential properties—particularly low-income housing—would be replaced or relocated and targeted financial and logistical assistance to these residents would be provided” (41). We argue that replacement and relocations are not enough. The wrongs committed on communities adjacent to the highways in Houston are innumerable. The effects are not limited, but rather extremely plentiful.

Please consider the below recommendations for further mitigation.

Recommendation 1: Deeper assessment of cumulative impacts

The Draft Cumulative Impacts Technical Report focuses on the loss of specific community resources, such as churches, social services, and medical services. It lacks adequate assessment of the impacts of highway construction and expansion on EJ communities over time. Further, it does not adequately assess the compounding effects of the loss of these resources. It also does not fully address the impact the project will have on communities holistically. What happens to access to a community resource that will not be displaced, but will be blocked by construction on its highway exit? Merely writing, the effects will be “either positive or negative” (4) is not enough. The Draft Cumulative Impacts Technical Report should more thoroughly address the following:

1. The economic, historic, health, and social effects of prior highway constructions that will be impacted by the NHHIP. This should include a thorough assessment of the impacts of flooding that have resulted from prior highway projects, as well as the potential impacts of flooding, especially to the 498 acres of highway in the Preferred Alternative that will be in the 100-year floodplain (9).
2. A systemic analysis of the losses of community resources. What are the ripple effects of these losses? What is the effect of them together?
3. In-depth analysis of the impacts the highway expansion will have on community assets and resources that will not be displaced. These assets and resources should be defined by residents.
4. A thorough analysis of the potential impacts on displaced people, who may have to move up to 3-5 miles as a result of this project. What does this do to family wealth? What is the effect on people's jobs, education, family and community connectedness, mental and physical health, commute, etc.?
5. Assessment of the impacts of loss of housing affordability in the region caused by highway construction historically and expected. Where will residents go? What do they lose in the process?
6. Assessment of the loss of property values as a result of TxDOT's highway accessibility choices and proximity to the highway.

7. A thorough analysis of the potential impacts on the changes in each individual bus stop and transit route during and after construction.
 - a. There is no way to accurately assess the impact of this change on people's access to jobs and commute time, education, family and community connectedness, mental and physical health, etc.?
 - b. As indicated on page 43, displacement of "bus stops could affect people that do not have access to automobiles or that are dependent on public transportation." Paratransit should be arranged until replacement stops have been developed and properly communicated to regular users.
8. A clear analysis of the impacts of changes in access on community assets located in neighborhoods abutting the highways.
9. A clear analysis of the historic and expected impacts of the highway construction on movement through communities. Impacts on walkability, transit, bikeability, and safety.
10. The impacts on the health of communities adjacent to the project that will be exposed to chemicals related to the construction project. TxDOT should go beyond stating that it will "implement spill prevention measures set by the storm water pollution prevention plan" (8). It should specify what those prevention measures are and give impacted communities the opportunities to review and revise the policies. Residents should know what materials are being used and what their potential health impacts are. Furthermore, the Draft Cumulative Impacts Technical Report should assess the impacts of industry growth as a result of the NHHIP. For example, the greater Houston area will need more concrete batch facilities to support the highway's expansion. The health implications for the communities abutting these facilities are numerous including increase rates of asthma and other respiratory ailments as well as negative ocular impact. Although the communities impacted by these facilities will not necessarily be displaced by the NHHIP, they will certainly be impacted.
11. If these figures cannot be assessed thoroughly before the project, TxDOT should keep a record of these throughout and following the NHHIP so that the findings can be understood by communities that will be impacted by future highway projects.

Recommendation 2: Language accessibility

Houston is proudly the nation's most diverse city, but its linguistic diversity has not been taken into account in the development of this program. The following recommendations regarding language accessibility are mirror our comments on Community Impacts Assessment.

- The reports/website itself should be translated to Spanish, if not more languages.

- There should be simultaneous interpretation available at all public meetings; not just public hearings.
- If there was an express need for interpretation to Swahili and Haitian Creole at HHA meetings, they should have it at TxDOT meetings and in all TxDOT reports, etc
- TxDOT met with the owner and English-speaking brother to discuss the option of applying for advance acquisition of the property, among other topics” - they should have interpretation available if people can’t make informed decisions about their property in English.
- Reports should be translated to Spanish (and other languages) and readily available
- Public meetings should have simultaneous interpretation.
- Are they sending out multilingual notifications based on the neighborhoods they are displacing? If so, who is in charge of this process? Will their relocation counselors be multilingual?

Recommendation 3: Address the climate crisis

Houston is among the worst polluters in the world.¹ In 2014, it “emitted 34.3 million metric tonnes of carbon dioxide equivalent.”² That year, 47% of Houston’s greenhouse gas emissions were caused by transportation.³ This pollution is having very real impacts on everyday Houstonians. Our highways give way to pollution that increases the size of storms, which cause greater flooding, and threaten the immediate health of Houstonians daily. The NHHIP will likely increase the urban heat island effect, as well. Threatening the lives of TxDOT’s own workers. The impacts that this project will have on the climate crisis should be thoroughly outlined and assessed and residents should have the opportunity to decide if they want to contend with such climate impacts. TxDOT should provide thorough mitigation for the emissions caused by highway development historically and going forward.

Recommendation 4: Further mitigation for displaced residents

As the Draft Cumulative Impacts Technical Report indicates on page 23, “Houston faces the third-worst housing shortage of the country’s 50 largest metropolitan areas.” Furthermore we are facing a housing and transportation affordability crisis comparable to cities like New York and Washington D.C.⁴

According to the Draft Cumulative Impacts Technical Report, the Preferred Alternative would displace 1,079 total residences, while “45 percent of the housing displacements are public and low-income housing developments” (39). This is 433 multi-family residential units and 486 public and low-income

¹ [Greenhouse Gas Protocol for Cities Interactive Dashboard](#)

² <http://greenhoustontx.gov/climateactionplan/>

³ <http://greenhoustontx.gov/climateactionplan/>

⁴ <https://cbcny.org/research/rent-and-ride>

housing multi-family residential units. This means renters will bear the brunt of the displacements. TxDOT should ensure that the following are universally available to all displaced people:

1. The option for down payment assistance
2. Help with finding new jobs
3. Help enrolling children in new schools if applicable
4. Transport to look at houses/apartments
5. Rental application assistance
6. Security deposit and pet deposit assistance
7. One-on-one counselling with information about
8. The opportunity to move to a place in the neighborhood of their choice or stay in their neighborhood and not be rent burdened
9. Rental assistance
10. A fair price for their home that allows them to relocate in the rapidly gentrifying project areas or an area of their choice and afford any increase in property taxes.
11. Assistance clearing deeds
12. Moving costs
13. Replacement of displaced public housing units including those destroyed by Hurricane Harvey
14. Construction of new, affordable housing with long-term (40+ year) affordability.

Furthermore, TxDOT should:

12. Identify its historic role in the loss of affordable housing and provide mitigation for those harms in the form of significant investment in affordable housing. TxDOT should not leave managing the affordability crisis to “planning initiatives and non-profit activities” (38). TxDOT has the responsibility to remedy the historic and present displacement and loss of affordable housing.
13. Acknowledge the downstream effects of the displacement of public housing residents on rental properties available to section 8 tenants. While TxDOT indicates that “The displacement of [apartment] units would decrease the already limited housing supply for voucher holders” (39), it should further acknowledge that there will be new voucher holders from Kelly Village and Clayton homes entering the market. Because the voucher housing supply is already limited, TxDOT should fund development of housing that accepts section 8 vouchers.
14. Address its cumulative impacts on Kelly Village. In the 1960s, when I-10 and US 59/I-69 were developed, Kelly Court (now Kelly Village) had access to neighborhood streets. Today, not only are tenants being displaced, but their health and safety are also being threatened on a daily basis because of their proximity to the highways.
15. Ensure relocation of all of the before-Harvey public housing units and ensure long-term affordability. Displaced tenants should have the opportunity to move to a new location within their current neighborhood if they choose to.

16. Specify what it means when it says, “TxDOT would appropriately mitigate the displacements caused by the proposed project in accordance with federal regulations and will continue to work with the HHA and representatives of other housing and community organizations to provide focused mitigation to lessen the problems of homelessness and affordable housing availability” (40).

Recommendation 5: Further and deepen community engagement in Segments 1 and 2

Recommendation 6: Clarity and comprehensive mitigation measures

When TxDOT writes “would be mitigated,” it is not specifying how. Therefore, it is difficult to make recommendations. However, from the mitigation that is specified, we recommend:

17. More comprehensive measures. For example, TxDOT should go beyond paying people for what their properties cost; it should address the harm caused by uprooting whole families.
18. TxDOT should mitigate prior damage to communities. For example, while “the proposed improvements to I-10 would not create a new barrier in the Greater Fifth Ward” (4), TxDOT should mitigate the historic impacts of this barrier on the social, health, and economic well being of the Greater Fifth Ward.
19. There should be efforts to re-employ people who lose their jobs as a result of the NHHIP.
20. Flood mitigation should be thoroughly outlined. The Draft Cumulative Impacts Technical Report indicates that “approximately 498 acres of existing and proposed right-of-way associated with the Preferred Alternative would traverse mapped 100-year floodplains” (9). Highways have already increased flooding. TxDOT should address its cumulative impacts by going beyond its commitment to “not alter the base flood elevations;” TxDOT should take whole neighborhoods out of the floodplain entirely.

Recommendation 7: Center pedestrians, transit, and bikers

Mitigation for impacts to pedestrians, transit, and bikers should center around their need. For example, acknowledging that some bus stops will be moved and that “during construction, access to bike routes could be limited or redirected” (5) is not enough.

21. TxDOT should acknowledge the systemic impacts of the relocation of “multiple bus stops located in high-minority and low-income Census areas” (7). These changes will impact how people get to and from work and school and ultimately their employability.
22. TxDOT should address these downstream effects for all people whose transit is adversely impacted by the NHHIP.

Recommendation 8: Mitigation for historic harms

According to the Draft Cumulative Impacts Technical Report, “the project area largely comprises minority and/or low-income communities” (6). This is not an accident. As Richard Rothstein writes in his book, *Color of Law*, “in many cases, state and local governments, with federal acquiescence, designed interstate highway routes to destroy urban African American communities. Highway planners did not hide their racial motivations” (Rothstein 127). There is a legacy of highways destroying Black and Brown and low income communities.

23. TxDOT should go beyond identifying the displacement of social services and churches.

24. TxDOT should look at the whole picture and expand its definition of community resources and assets. TxDOT should understand and explain that the impacts all together have a greater effect than they do individually. TxDOT should address these harms.
25. TxDOT should explain how highways have historically contributed to flooding and plan mitigation for those harms.
26. TxDOT should supply additional replacement housing due to flooding beyond the already allocated CDBG-DR money.
27. TxDOT should address its cumulative impacts on Kelly Village. In the 1960s, when I-10 and US 59/I-69 were developed, Kelly Court (now Kelly Village) had access to neighborhood streets. Today, not only are tenants being displaced, but their health and safety are also being threatened on a daily basis because of their proximity to the highways.

Conclusion

As the Draft Cumulative Impacts Technical Report indicates, “the efforts toward more sustainable development patterns have emerged as a result of federal regulation, disaster recovery and resilience, and regional and local policies. Relevant policies include the livable cities and complete communities initiatives, which call for multi-modal transportation options; better access to schools, jobs, and essential services; and walkable environments that may better serve residents, including low-income and/or zero car households”(40).

28. TxDOT should align its efforts with these goals.

Thank you for reading our comments. Please feel encouraged to reach out to us with any questions or clarification you have about the listed recommendations.

Sincerely,

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