

# LINK HOUSTON

December 3, 2020

*Via Email*

- Ms. Eliza Paul, P.E., Houston District Engineer  
- Ms. Laura Ryan, Texas Transportation Commission  
Texas Department of Transportation  
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## **RE: NHHIP FEIS Comments**

Dear Commissioner Ryan and Ms. Paul:

This letter contains LINK Houston's comments on the proposed Final Environmental Impact Statement (FEIS) for the North Houston Highway Improvement Project (NHHIP) by the Texas Department of Transportation (TxDOT). The project described in the FEIS is marginally better than the project proposed in the 2017 DEIS, but substantial deficiencies remain, and significant reimagining persists to ensure equitable outcomes, particularly for communities along the project corridor.

Through public engagement in the past three years, we have consistently heard from concerned residents and organizations about both the importance of this project to the region and the significant impacts it will have on the low-income residents and communities of color adjacent to the project.

LINK Houston's own comments to TxDOT on the Draft EIS and subsequent technical reports focused on three concerns:

- Environmental justice and displacement of people and businesses
- Local connections for people walking, rolling, biking, and riding transit
- Traffic noise pollution impacts

We provided TxDOT with two types of comments: comments citing examples for TxDOT to apply systemically and comments about concerns at specific locations. The three primary sections of this letter summarize LINK Houston's review of the FEIS and NHHIP. We again discuss systemic concerns and reference specific comments where TxDOT's response is lacking. LINK Houston provides these comments as a member of the Make I-45 Better Coalition and in support of the many directly impacted communities with environmental justice populations.

While we do not specifically tackle all aspects of all topics of concern, we urge TxDOT and partners to resolve each unaddressed issue on flooding, environment, and transit connections, etc., identified in the NHHIP FEIS Report by the University of Houston Community Design Resource Center (UH CDRC) and Huitt-Zollars team working for the City of Houston and Harris County ([www.letstalkhouston.org/nhhip](http://www.letstalkhouston.org/nhhip)).



# ENVIRONMENTAL JUSTICE AND DISPLACEMENT OF PEOPLE AND BUSINESSES

LINK Houston does not agree with TxDOT's change in position from the DEIS to the FEIS, namely that due to the agency's mitigation changes the NHHIP would no longer have "disproportionately high and adverse affects" on environmental justice populations. The FEIS details TxDOT's continued plans to displace many people and businesses. This not acceptable.

While the DEIS stated that "all alternatives would cause disproportionately high and adverse impacts to minority and low-income populations" (FEIS, Table ES-1), the FEIS says that, due to mitigation, this is not the case (FEIS, p.3- 15). The FEIS states that "TxDOT has made a number of commitments to offset the adverse effects of the project on minority and low-income populations related to relocation of residences and facilities, affordable housing...". TxDOT asserts that changes to the NHHIP since the 2017 DEIS mean the project "as a whole would not have 'disproportionately high and adverse affects' on EJ populations."

This is simply not the case as the FEIS details TxDOT's continued plans to displace many people and businesses, including 160 single-family residences, 433 multi-family residences, 496 public and low-income residences, 344 businesses, 5 places of worship, and 2 schools.<sup>1</sup>

While the FEIS states that "Overall, the proposed improvements to the existing freeway facilities would have benefits that extend to EJ populations including improved safety, expanded capacity for transit use, and improved drainage," it also notes that "Nonetheless, TxDOT recognizes that some of the specific impacts of the Preferred Alternative may adversely affect EJ populations."

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**TxDOT should put forward a different Preferred Alternative for the NHHIP based on the vision in Mayor Turner's May 2020 position letter, one that prioritizes eliminating displacement of people and businesses to the greatest extent possible, especially in environmental justice communities.**

The FEIS further notes, "While more detailed analysis of the Proposed Recommended Alternative shows that it would result in more adverse impacts to EJ populations than the initial impacts identified for the other alternatives, TxDOT will provide mitigation measures to a degree that the ultimate resulting impacts on these populations will not be greater than the impacts of the other alternatives." In other words, the project's impacts actually got worse, but it is okay because TxDOT will use public dollars to mitigate (i.e., relocate people & businesses) and every alternative was going to harm communities anyways. TxDOT is partially correct, every alternative identified in the early stages back in 2011-2013 assumed expansion of right-of-way (excepting the no-build, do nothing scenario).

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<sup>1</sup> FEIS, Table ES-2



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**The FEIS continues TxDOT’s overreliance on complying with relocation regulation and policy. Furthermore, the FEIS continues to assert that such compliance is adequate, not only mitigate impacts, but in TxDOT’s view, to remove disproportionate impacts on environmental justice communities altogether. This is not true.**

Relocation is the most harmful and disruptive form of mitigation and must not be construed as the meaningful “enhancement measures and potentially offsetting benefits” expected as a result of proactive, best-practice compliance with federal environmental justice regulations.<sup>2</sup> TxDOT should rely far less on relocation as the preferred form of mitigation. Displacement of residences (single family and multifamily), businesses (i.e., jobs), schools, and other important community resources (i.e., churches, social services, etc.) by NHHIP will revisit and indeed expand the harm to communities begun when IH-45 North was first constructed in the 1950s-60s.

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**The FEIS for the NHHIP details plans to continue to displace important resources in environmental justice communities, including affordable housing (both naturally occurring and publicly managed), places of worship, and community resources. This is not acceptable.**

Delaney Street Homes (109-225 Delaney St)<sup>3</sup> and La Vista Apartments (4920 Marable Dr)<sup>4</sup> are naturally occurring affordable housing that continue to be displaced.

Centro Cristiano Alpha Omega Church (5621 North Freeway)<sup>5</sup> and Greater Mt. Olive Missionary Baptist Church (1317 N. Loop West)<sup>6</sup> are places of worship that continue to be displaced. TxDOT notes a benefit from their view for Greater Mt. Olive Church and other nearby assets, noting they would “experience little to no change in access and travel patterns as a result of the proposed improvements.”<sup>7</sup> The church itself predicted a large financial and emotional impact due to relocation, “...moving Greater Mt. Olive will be moving Independence Heights’ historical landmark.”<sup>8</sup>

Culinary Institute LeNôtre (7070 Allensby St) is a prestigious educational facility and fresh food location that will continue to be displaced, despite expressing concern “about finding a property along the highway frontage road because it wants to maintain its current level of exposure and visibility.”<sup>9</sup>

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<sup>2</sup> FEIS, page 3-15

<sup>3</sup> FEIS, Table G-1

<sup>4</sup> FEIS, Table 5-3

<sup>5</sup> FEIS, page 5-38

<sup>6</sup> FEIS, page 5-49

<sup>7</sup> FEIS, page 5-164

<sup>8</sup> FEIS, Table A-1

<sup>9</sup> FEIS, page 5-39



## LOCAL CONNECTIONS FOR PEOPLE WALKING, ROLLING, BIKING, AND RIDING TRANSIT

The NHHIP will impact local connections during the decade plus of construction and for the following 50+ years. Approximately 80% of all METRO riders will be impacted during construction and more than a dozen bus routes will have permanently altered routes. The FEIS barely acknowledges and fails to adequately address and mitigate those and other related impacts to transit riders. The FEIS is unclear about commitments to maintain walk, roll, and bike access across the NHHIP during construction and the timing of those type of improvements during construction. TxDOT often restores walk, roll, and bike access in the final stages of a project (e.g., the expansion of US 290 mainlanes and frontage roads was completed in 2017 but sidewalk construction continued through 2019 into early 2020).

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**LINK Houston noted the FEIS commits TxDOT to several positive changes to the NHHIP since the DEIS resulting from community and stakeholder requests. LINK Houston will look to the City of Houston and TxDOT to follow through on this commitment.**

TxDOT will build a concrete cap on top of I-45 North at N. Main St. Another stakeholder will be welcome to turn the concrete pad into something, perhaps a park. The DEIS proposed for the frontage roads to have the typical U-turn lanes at both ends of the cap. Concerns about safe access to the potential new public space resulted in the FEIS design removing the U-turn lanes to improve safety by reducing potential pedestrian and bicyclist conflicts with vehicles.

The FEIS details TxDOT's agreement to construct frontage roads in Segments 2 and 3 (essentially all of the project south of I-610 North) to City of Houston street standards (i.e., narrower lanes, etc.).

The NHHIP, as proposed, is entirely elevated when crossing Stokes St. The FEIS details TxDOT's plan to improve walk/bike access along Stokes St by moving the sidewalk back from the curb and connecting to trails in the area. This is especially important as Theodore Roosevelt Elementary is nearby and some students walk to school from the other side of I-45.

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**TxDOT must create updated design schematics that accurately depict the agency's commitments for sidewalks and bikeways, which we expect to be 6'+ sidewalks set back from the curb and separated high-comfort bikeways, both designed to provide safe priority crossing at intersections.**

The FEIS and the most recent schematics disagree on some details regarding sidewalks and bikeways. It seems clear that one major improvement from the DEIS to the FEIS is TxDOT committing to ensuring all new bridges crossing the various highways will have much wider sidewalks and bikeways. This is a positive commitment by TxDOT that needs additional clarification. It is much less clear exactly how the sidewalks and bikeways will be designed on frontage roads and on local crossing streets that cross at-



grade (i.e., not bridges). Some FEIS text suggests wider than standard sidewalks and separated bikeways will generally be typical, but schematic drawings do not reflect the same position.

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**TxDOT needs to clarify FEIS commitments to improve trail connections, mitigate disrupted trails, and funding the construction and maintenance of trails. In addition, the agency should update the design schematics to reflect FEIS commitments to replace culverts with bridges large enough to safely accommodate trails underneath.**

The FEIS does not propose any new connection to mitigate the removal of the North Street Overpass, for vehicles or people walking, rolling, or biking. TxDOT needs to document the impact of eliminating an exit ramp near North Main Street. The agency should commit to reinstate pedestrian/bike access closer to North Street by accommodating and funding a trail along Little White Oak Bayou. Similarly, the FEIS says the highway will be designed for a hike-and-bike path along Little White Oak Bayou.

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**TxDOT should update NHHIP traffic projections based on more recent traffic counts and determine a projected traffic growth rate that much more closely matches reality.**

The FEIS states that traffic volumes are projected to increase, which does not reflect actual traffic counts since 2014. Traffic volumes have generally been decreasing since 2014. The traffic analysis for the NHHIP is based on far outdated years, pre-2015, and the alternative designs for the project are even more stale (pre-2005). Different traffic growth rates should be considered for each segment to better represent traffic growth trends. Traffic growth rates used for the traffic projections should be reevaluated to determine a growth rate that is representative of actual traffic growth.

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**TxDOT should commit to modeling NHHIP impacts on local streets, including safety for people traveling outside vehicles, and mitigating any adverse impacts.**

The FEIS does not discuss safety on neighborhood streets. Safety is a major goal of the FEIS; therefore, the safety analysis performed, results and conclusions should be documented in the body of the FEIS. TxDOT should justify claims that the project will improve safety.



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**LINK Houston supports the investigation and resolution of all unresolved issues identified in the NHHIP FEIS Report by the UH CDRC and Huitt-Zollars team working for the City of Houston and Harris County. We do not detail those in this letter but reiterate our strong support for their resolution, especially the nine issues about NHHIP’s impacts on transit (e.g., impacts to Wheel Transit Center, bus layover areas, transit only lanes with direct ramps, and transit operating expenses during construction).**

The NHHIP FEIS Report by the UH CDRC and Huitt-Zollars team working for the City of Houston and Harris County details many unresolved issues LINK Houston urges TxDOT to address before proceeding: six unresolved issues pertaining to traffic, nine about transit connections, and eleven about local bike, pedestrian, and vehicle connections. Transit, in all its forms, is an essential means of reaching destinations of all types for many Houstonians. The FEIS discusses some of the ways TxDOT will coordinate with METRO. LINK Houston looks to TxDOT and METRO to work in good faith with each other to ensure the best possible outcome for transit riders, including ways to ensure the METRONext projects for local bus and bus rapid transit are incorporated into the NHHIP.

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**LINK Houston recommends that TxDOT include residents who routinely walk, roll, bike, and ride transit on any committees involved in advising TxDOT during construction.**

The 10+ years of construction mean that it is equally important to design the project to improve non-driving access as it is to also manage construction in a way that minimizes disruption to people’s access.



# TRAFFIC NOISE POLLUTION IMPACTS

Traffic noise levels have a profound impact on community quality of life and affect people's ability and choice to safely travel affordably by walking and biking. The current highways touched by the NHHIP project already have innumerable effects on the surrounding environment, and the reconstructed freeways will have considerable impacts on traffic noise pollution both during construction and upon completion. Traffic noise is most problematic for residents of Fifth Ward, Second Ward, and Near Northside (i.e., low-income communities with majority Hispanic/Latino or Black/African American populations) and people traveling outside a vehicle (i.e., people walking, rolling, biking, and riding transit).

LINK Houston provided substantial comments on the Draft Traffic Noise Technical Report. The FEIS public comment response matrix documents our comments using 32 rows<sup>10</sup>.

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**We understand TxDOT is following protocol regarding the placement and type of noise walls and accept the response because elsewhere in the FEIS TxDOT commits to create “aesthetic walls” in some locations where there would be some increase in traffic noise but modeling does not support a noise wall<sup>11</sup>.**

LINK Houston identified nine specific locations where blocks of residences were not modeled for noise impacts despite being 200-350 feet from the proposed highway. TxDOT's response to each of those comments was, “There is commercial property between these residences and the right of way. Mitigation is considered at properties directly adjacent to the right of way per TxDOT Guidelines for Analysis and Abatement of Roadway Traffic Noise. Therefore, they are not modeled.” “Proposed aesthetic walls are preliminary and the final decision to build aesthetic walls will not be made until completion of the project design, utility evaluation, and polling of property owners adjacent to the proposed aesthetic walls”<sup>12</sup>. TxDOT should prioritize aesthetic wall implementation in environmental justice communities.

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**TxDOT should clarify that noise walls between main lanes and frontage roads will be considered in final design given the agency's response to several comments on this matter.**

In the DEIS, TxDOT described the options for the location of the sound walls: “Traffic noise barriers would be located along the outside of the frontage road/ right-of-way where barriers could be continuous, without gaps for driveways or streets and traffic noise barriers could also be located in between mainlanes and frontage roads.” In the FEIS, this language has been taken out<sup>13</sup> and the barriers are shown exclusively on the outside of the right-of-way.

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<sup>10</sup> FEIS, Public Comment Response Matrix for the Draft Traffic Noise Technical Report, pages 2 to 13

<sup>11</sup> FEIS, page 7-2

<sup>12</sup> FEIS, page 214, response to comment 553

<sup>13</sup> FEIS, page 3-41



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**TxDOT should more concretely commit to design and implementation of 6-8' mainlanes noise walls as the systemic sound abatement solution.**

LINK Houston and others commented to recommended changing the typical noise wall implementation (i.e., ≈16' high walls located on the edge of right-of-way) to instead locate noise walls between mainlanes and frontage roads (i.e., ≈6-8' high walls located on the outside edge of the mainlanes shoulder). Shorter walls placed between mainlanes and frontage roads benefit everyone. Noise barriers at grade are not always feasible or effective due to the elevation with the highway and ramps elevated well above ground level, but 6-ft barriers at the edge of ramps and main lanes could be very effective at reducing noise pollution for everyone. TxDOT implemented such barriers on I-610 West Loop through Bellaire and found them beneficial. TxDOT's response to our comments about sound wall type and location was generally dismissive, "Adjustments to noise barrier locations, such as placement along mainlanes, may occur during final design, if reasonable and feasible."

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**While we appreciate the assurance about quiet pavement on non-elevated roadway, due to the significant portions of NHHIP that are elevated, we reiterate our recommendation that TxDOT consider 6-8' noise walls adjacent to mainlanes, including elevated structures if at all possible given sound engineering.**

LINK Houston and others commented to recommend that TxDOT use quiet pavement treatments, such as longitudinally tined concrete, to reduce noise pollution at the source. TxDOT responded positively, "Longitudinally-tined pavement is proposed as a best management practice to reduce noise levels" and "The longitudinal-tined pavement will be placed on all non-elevated structures. Structures such as overpasses and elevated connectors will not have the longitudinal-tined pavement."

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**LINK Houston noted there was one case where TxDOT addressed our comment with an actual change to the NHHIP.**

We suggested that TxDOT reconsider the noise barrier type and location for the east and west sides of SH 288 from about Southmore to Alabama, especially the section on the east side between Barbee and Cleburne where a senior housing project and community center are in development. We noted that the planned barriers were at grade, and their effectiveness would be hindered by the highway being elevated and by the necessary gaps in noise walls for intersecting roads and garages. While TxDOT did not commit to using the 6-8' mainlanes noise walls we recommended, the agency did study noise impacts to the new senior housing project and subsequently added a noise wall.



# CONCLUSION

This letter summarized the current state of LINK Houston's concerns about the NHHIP project described in the FEIS. We provide this letter also as a member of the Make I-45 Better Coalition. We believe every major infrastructure project using taxpayer dollars is an opportunity to improve the quality of life in the surrounding neighborhoods, rather than simply mitigating negative impacts. Transportation infrastructure will continue to influence access to opportunity and quality of life, including health and wellness in Harris County.

In addition to our specific concerns about the FEIS described in the previous three sections, the following are our five overarching recommendations to TxDOT concerning the NHHIP and its FEIS.

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**1. LINK Houston urges TxDOT to put forward an updated Preferred Alternative for the NHHIP based on the vision in [Mayor Turner's May 2020 position letter](#) that prioritizes eliminating displacement of people and businesses; improving local connections for people walking, rolling, biking, and riding transit; and reducing noise pollution.**

TxDOT's overreliance on and assertion that complying with relocation regulation and policy is adequate mitigation to altogether remove disproportionate impacts on environmental justice communities is not acceptable.

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**2. LINK Houston urges TxDOT to issue a Supplemental FEIS before a formal Record-of-Decision to proceed. There is significant precedent for issuing a Supplemental FEIS for a project the size of the NHHIP, especially given significant new public engagement and coordination efforts by the City of Houston, Harris County, Harris County Metropolitan Transit Authority (METRO), and Harris County Flood Control District.**

TxDOT did not release a Supplemental DEIS in response to LINK Houston, Make I-45 Better Coalition, and others' repeated recommendation to do so due to the opaque, abnormal process of releasing an incomplete DEIS followed by intermittent release of technical reports over a 2+ year period.

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**3. TxDOT should have used the same format for comment responses to the Community Impacts Assessment so the public could determine if the significant concerns about the NHHIP were adequately addressed. LINK Houston urges TxDOT to address this issue in a Supplemental FEIS and detail exactly how comments are "noted and will be considered as the project moves forward."**

TxDOT's public comment response matrix for the Draft Community Impacts Assessment and Draft Cumulative Impacts Assessment had a different format than all others in the FEIS, a format that obfuscated the nature of concerns by the many commenters. Readers of the table only know to whom



TxDOT was responding and the agency's response – most often a dismissive, canned response – without tediously studying the originally submitted comments in a separate document. Many comments received canned responses: TxDOT is continuing to develop and design this project and will continue to coordinate with stakeholders and the public; TxDOT followed all applicable regulatory procedures and best practices in conducting its analyses and feels the adequacy is sufficient to support the project decision; comments have been noted and will be considered as the project moves forward; the analyses for the project evaluated these issues, and identified the project impacts and mitigation to address them.

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#### **4. LINK Houston urges TxDOT and partners resolve each of the 40 unaddressed issues identified in the FEIS Report pertaining to property, flooding, environment, traffic, transit connections, and local bike, pedestrian, and vehicle connections.**

LINK Houston intentionally focused on three topics in this letter: environmental justice and displacement of people and businesses; local connections for people walking, rolling, biking, and riding transit; and traffic noise pollution impacts. We intentionally did not attempt to tackle all aspects of all topics of concern. We did, however, review each unaddressed issue identified in the NHHIP FEIS Report by the UH CDRC and Huitt-Zollars team working for the City of Houston and Harris County.

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#### **5. LINK Houston urges TxDOT to return discussion of climate change impacts, which was deficient but present in the DEIS, into the FEIS.**

The DEIS analysis of climate change impacts was important, but insufficient. As noted in the DEIS, we can expect an increase in rainfall rates, more hot days, more drought, and sea level rise. While the impacts on the facility itself were considered, the DEIS did not consider the impacts of the facility on the surrounding communities. For example, the widened highway would increase heat island effects in the surrounding neighborhoods, and longer bridges over highways increase heat exposure for pedestrians. This analysis should be retained, and strengthened, in the FEIS, not removed.

**The current IH-45 North facility has existed for approximately 50 years and the NHHIP represents a once-in-generations opportunity to improve the greater Houston metropolitan area's image and mobility while equitably mitigating past impacts and justly improving quality of life for people in the immediate neighborhoods.**

Sincerely concerned,



Oni K. Blair  
Executive Director  
LINK Houston

