



Dear Chair Bruce Bugg and Texas Transportation Commissioners,

Thank you for the opportunity to provide feedback on the Unified Transportation Plan (UTP). Our organization, Air Alliance Houston (AAH), is a research-based non-profit organization that believes everyone has a right to breathe clean air. We advocate for policies to reduce air pollution because where you live, work, learn, and play should not determine your health.

Throughout the past three years, as the NHHIP has passed through several planning- and environmentally-related 'checkpoints,' AAH has consistently expressed concerns regarding multiple aspects of the project, including but not limited to air quality impacts, safety, flooding, displacement of residents in low income and minority neighborhoods, greenhouse gas emissions, and overall efficacy of the proposed design (see attachment: [AAH Comments - NHHIP FEIS](#)). Additionally, AAH conducted a Health Impact Assessment (HIA); among other findings, our study finds that, contrary to TxDOT's analyses, *localized* air quality will worsen significantly as a result of TxDOT's project design (see attachment: [Health Impact Assessment of the NHHIP](#)). At nearly every point, the Texas Department of Transportation (TxDOT) has either dismissed or wholly ignored these concerns, or offered token mitigations that will not comprehensively address these issues.

TxDOT's blatant disregard for the communities their design would impact can be described as callous at best. Earlier this year, AAH was joined by several other organizations and community groups in submitting a Title VI complaint to the US Department of Transportation (USDOT), outlining how TxDOT's design violates Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7, the USDOT implementing regulations, 49 C.F.R. pt. 21 and the Texas Department of Transportation's own Title VI/Nondiscrimination Plan and assurances submitted to the federal government, as well as other state and federal civil rights and environmental justice requirements. In January, our organization notified TxDOT of this complaint (see attachment: [NHHIP Civil Rights - 01-18-21](#)). Since being notified of this complaint, TxDOT has not made any substantive effort to rectify the issues outlined; in fact, your agency has done everything in its power to push this project through against the express wishes of the City of Houston, Harris County, and the federal government. Because our organization's concerns with the project design itself are well-documented, the remainder of this public comment will focus on issues with TxDOT's ham-handed attempts at 'public participation' and problems with the state's transportation funding structure as a whole, as it exists within the UTP.

During the Texas Transportation Commission's (TTC) meeting on June 30, 2021, Chairman Bruce Bugg and Commissioner Laura Ryan explicitly stated that the TTC would use the regular UTP comment period to gather further feedback on the NHHIP, and use this feedback to determine whether or not to remove funding for the NHHIP from the UTP. The survey being used to gather this feedback, as well as the manner in which TxDOT has framed the question of funding for the project and the methods used to gather information, have demonstrated that the TTC did not intend for this to be a genuine public engagement process. Rather, it's clear that the TTC specifically geared this process to collect positive feedback from parties supportive of the project and discourage community involvement from potentially impacted areas.

TxDOT has conducted two virtual public meetings on the UTP. While our organization is sensitive to the precautions needed for safe public engagement during a pandemic, residents who do not have access to the internet or who do not speak English are effectively excluded from participating in these meetings. Residents were able to call in to the meeting, but the call-in number was only listed for those wishing to leave a comment. Furthermore, the call-in number was only listed online. Additionally, the only online posting for the UTP public meetings was entirely in English. The posting contains a section offering language needs assistance, but that section is only written in English (see attachment: [UTP public involvement page](#)). Neglecting to provide adequate language accessibility while trying to collect feedback in a region where up to [half of its residents speak a language other than English at home](#) does not represent meaningful public engagement and is an inexcusable oversight that significantly limits public participation in this process.

If residents are able to find the UTP survey at all, they are immediately greeted with TxDOT's version of soliciting feedback: offering a binary yes or no choice on a multi-billion dollar project. TxDOT oversimplifies the debate concerning this project into either unwavering support for TxDOT's design of the project - which, again, is currently under investigation for civil rights and environmental justice violations - or the removal of funding for all maintenance and improvements along the I-45 corridor. As our organization has outlined previously, framing the question of funding for this project as a binary choice between support for a deeply flawed design or relegating the corridor to continued disrepair borders on institutionalized coercion (see attachment: [Letter to FHWA re UTP public comment period](#)). Furthermore, including a question asking residents to identify as "Citizen" or "Other" is, at best, deeply negligent and at worst, intentionally discriminatory. Houston and Texas are home to a large immigrant community, many of whom may be directly affected by any number of projects available for comment. Language asking commenters to identify as "Citizens" or "Other" discourages broad participation from community members.

The TTC's notion that public opinion on this project can be accurately gauged by a hastily distributed and unscientific online poll, or that Houston residents have not already made their feelings on the project known in the various iterations of public engagement that have already taken place, is asinine. In 2019, recognizing TxDOT's deficiencies in addressing community concerns with the NHHIP, the City of Houston undertook an extensive community engagement process of their own. What resulted was a resounding rejection of not only specifics within TxDOT's design, but many of the underlying precepts dictating the overall project. Among other things, the hundreds of residents that participated called for a project that stayed within the existing Right of Way. Many of these sentiments were articulated in Mayor Sylvester Turner's Vision C design, which the City has continuously asked TxDOT to consider since May of 2020 (see attachment: [Mayor Turner 'Vision C' letter](#), [COH public engagement results](#)).

If the TTC's intent was to gauge public opinion on the project, they could also engage with elected officials who represent the affected areas, who have repeatedly expressed the desire for a substantially different design and for the project to not proceed until changes are agreed to. At every point, TxDOT has ignored or refused to meaningfully engage with these requests (see attachments: [Commissioner Ellis](#), [Commissioner Garcia et al](#), [Harris County Engineering](#), [METRO](#), [CM Cisneros](#), [CM Gallegos](#), [Mayor Turner](#), [Congresswoman Lee](#)).

It's clear TxDOT arbitrarily picks and chooses what it considers community engagement or public sentiment; this survey, which business, contracting, engineering, and construction firms have now spent

tens of thousands advertising to their audiences, is aimed at getting a very specific type of result - one that differs from all the other public engagement processes that have been held in the past few years.

The NHHIP is symptomatic of a much larger issue within TxDOT's approach to transportation planning. TxDOT itself has demonstrated that a vast majority of state transportation funding is constitutionally dedicated to highway construction and maintenance. The restrictions placed on the use of these funds is antithetical to TxDOT's purported mission of providing mobility and, as recently stated by TxDOT Houston Engineer Eliza Paul's recent statements, TxDOT's goal of reducing Vehicle Miles Traveled (VMT) on Texas roads (see attachment: [RTP amendment comment response](#)). Allowing state transportation funds to be used on multimodal infrastructure is necessary to designing projects that are innovative, sustainable, accessible, and meet the needs and wants of a diverse Texas population. TxDOT's overreliance on expanding highways as the only solution to transportation issues cannot continue. During the regular 87th Texas legislative session, AAH supported HJR 109 and SJR 40, two resolutions that would have allowed state funds to be used in support of other modes, not just cars on highways. If TxDOT truly believes in its mission of improving mobility, safety, and sustainability, it will advocate in support of these necessary changes to our state's transportation funding structure.

Our organization calls on the Texas Transportation Commission to reaffirm its commitment to providing Texans with safe, accessible, equitable transportation options by retracting this poor and divisive survey and committing to genuinely engaging with Houston communities in redesigning the NHHIP. TxDOT and its commissioners have the capacity to lead on transformational change within this state - but this requires fundamental change within the agency's current operations. TxDOT will be doomed to repeating the mistakes made with the NHHIP if it cannot adapt its planning practices to meet the rapidly changing and incredibly diverse needs of Texas' growing population. The first step in this process is supporting necessary changes to the State Highway Fund that will allow TxDOT to build innovative projects that support a variety of modes. We look forward to discussing your support for these efforts going forward.

Sincerely,
Harrison Humphreys
Transportation Program Manager
Air Alliance Houston