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November 3, 2023

Irene Marion
Director, Departmental Office of Civil Rights
Office of the Secretary, USDOT
1200 New Jersey Avenue, SE
Washington, DC 20590

**RE: Additional Mitigation for Environmental Justice Communities
Disproportionately Affected by the North Houston Highway Improvement Project
(NHHIP)**

Dear Director Marion:

On March 6, 2023, the Federal Highway Administration (FHWA) signed a Voluntary Resolution Agreement (VRA) with the Texas Department of Transportation (TxDOT) resolving a number of Civil Rights complaints related to the NHHIP. While the VRA included increased transparency and reporting requirements, and requires TxDOT to update its language access plan and procedures, it does not provide mitigation for the most severe negative effects of the NHHIP; displacement of homes and businesses and the negative health effects of increased air pollution. Both of these negative impacts will be borne disproportionately, in fact almost exclusively, by Black and Latinx Texans. Because the VRA does not require TxDOT to mitigate these effects, we are requesting that USDOT and other federal agencies provide the monitoring and mitigation necessary to prevent severe harm to these families.

Community organizations and directly affected residents were disappointed that mitigating these adverse impacts was not addressed in the VRA, and are concerned that TxDOT has represented the VRA as a vindication of their approach to the project. Providing additional mitigation would be consistent with USDOT's stated commitment to redressing the racist history of highway construction in the United States and the Biden Administration's Executive Orders on environmental justice, racial equity, and supporting underserved communities.

In order to ensure that the civil rights, health, and communities of environmental justice populations in the path of the North Houston Highway Improvement Project (NHHIP) are protected, we make the following requests.

First, that the Departmental Office of Civil Rights designate a representative to oversee the implementation of the VRA and to coordinate additional mitigation activities. We request that the Secretary's representative participate in all activities related to the implementation and monitoring of the VRA, including:

- Participating in meetings between the FHWA, TxDOT, and representatives of affected environmental justice communities;
- Reviewing TxDOT compliance with the VRA; and,
- Ensuring environmental justice neighborhoods receive appropriate notice, have full language access and access for persons with disabilities, and provide a process for affected residents to raise civil rights and environmental justice issues with USDOT directly.

Second, that USDOT convene other federal agencies including the Department of Housing and Urban Development (HUD), the Environmental Protection Agency (EPA), the Department of Health and Human Services (HHS), the Department of Justice (DOJ), and the Department of Education to identify resources and create a mitigation plan to deal with the disproportionate negative effects of the NHHIP on environmental justice communities.

Thank you for your consideration. We look forward to hearing from you.

Sincerely,

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On behalf of Air Alliance Houston, LINK Houston, Stop TxDOT-I-45, and Texas Housers.

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