



To: Federal Highway Administration (FHWA)
U.S. Department of Transportation (DOT)
From: Jennifer Hadayia, MPA, Executive Director at Air Alliance Houston
Date: Dec 9, 2024

Subject: Docket No: FHWA-2019-0013

RE: Renewal Package from the State of Texas to the Surface Transportation Project Delivery Program and Proposed Memorandum of Understanding (MOU) Assigning Environmental Responsibilities to the State

I am submitting these comment on behalf of Air Alliance Houston and our 2,750 subscribers from the Greater Houston Area. Our mission is to reduce the public health impacts of air pollution.

I understand that NEPA environmental review authority was granted to the Texas Department of Transportation (TxDOT) to prevent the delay of needed infrastructure in the state due to lack of FHWA capacity to conduct said reviews. It is my firm belief that TXDOT has misappropriated the authority granted to it by FHWA in order to obfuscate the impacts of their projects on public health and the environment in ways that violate the intent of NEPA.

The Texas Transportation Commission (TTC), which makes policy decisions for TXDOT, is a politically appointed and motivated body that has been charged, from the highest levels of Texas government, with advancing certain infrastructure solutions; namely, highway expansions. Without an objective NEPA review, separate from the influence of this political aim, there are no "checks and balances" for ALL interests in an infrastructure project. The result for Houstonians has been decades of highway widening and elevating through urban neighborhoods and business areas (with more to come) despite our stated desires (demonstrated in surveys/polls and Proposition votes) for cleaner, less disruptive, and more sustainable alternatives.

In particular: my organization focuses on curbing the sources of air pollution. Tailpipe and tire pollution caused by highway expansion projects have been unquestionably linked to increases in asthma, heart attacks, poor birth outcomes, and the heat-trapping gases that cause climate change. TxDOT has claimed, using its NEPA authority, that adding 3,000+ new highway miles in Texas will not significantly impact public health. This statement is patently false.

These are some of the ways that TXDOT wrongly applies its NEPA authority:

[Everyone has a right to breathe clean air.](#)

[a: 2520 Caroline Street, Suite 100, Houston, TX 77004](mailto:info@airalliancehouston.org) | [p: 713.528.3779](tel:713.528.3779) | [w: airalliancehouston.org](http://www.airalliancehouston.org)

- * TxDOT segments large infrastructure projects, such as Interstate highway builds, into smaller sub-projects in order to reduce cumulative impacts and avoid a full EIS.
- * TxDOT further intentionally avoids full EIS reviews by using “enhanced” EA processes.
- * TxDOT has not adhered to the public input requirements and timelines associated with the EIS requirements.
- * TxDOT rarely, if ever, considers viable infrastructure alternatives presented by local governments prior to completing their EA/EIS; and
- * TxDOT routinely restarts paused projects without conducting new EA/EIS; claiming that decades-old EA/EIS remain accurate for the current day.

[For a complete summary of TxDOT's violations of NEPA during its period of NEPA assignment status, please refer to the comments submitted by the Texas Streets Coalition: Comment ID: FHWA-2019-0013-0013, <https://www.regulations.gov/comment/FHWA-2019-0013-0013>]

As a result, the air quality in Texas counties is negatively impacted. In the two periods since TxDOT was granted NEPA assignment status, the number of Texas counties in non-attainment for National Ambient Air Quality Standards (NAAQS) has more than doubled. Given the contribution that highways make to air pollution, and TxDOT's continued expansion of highways (under its NEPA authority), this trend cannot be a coincidence. Without federal oversight, and continuing to allow TXDOT to determine for itself if they are in compliance with NEPA, there will no true “checks and balances” on TxDOT projects; and the status quo is all but assured.

This is unacceptable for the Houstonians that my organization represents.

For the reasons itemized here, I respectfully urge the FHWA to revoke TxDOT's NEPA review authority by not renewing the MOU as drafted. There are more protective alternatives to the currently drafted MOU, which are itemized in this report:

https://drive.google.com/file/d/1HeXNOv5tfDMYXUtcPWESelTU_xVXpsyC/view

Thank you for the opportunity to provide these comments. If it would be of value to discuss these concerns and recommendations further, I am available at any time at:

Jennifer@airalliancehouston.org or (713) 539-1894.

Sincerely,
Jennifer Hadayia, MPA
Executive Director
Air Alliance Houston

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