

## TPC MOU Workgroup-Public Comments October 1, 2020

### Comment 1:

I'm concerned by the lack of public transparency in the Memorandum of Understanding process. I think it's important for H-GAC to post instructions on their website that allow the public to opt into email notifications when a MOU meeting is scheduled.

I spoke with Patrick on the phone today and he suggests adding a web form that the public can use to subscribe to email notifications. I think this is a great idea. Please prioritize it 😊

Thank you for your leadership on this matter. I look forward to a more transparent H-GAC in the future.

Sincerely,  
Neal Ehardt

### Comment 2:

Comments on 9/29/20 working draft of the MOU for the NHHIP  
Jay Blazek Crossley, Farm&City

#### Page One

There's an extra and in this sentence:

The I-45 North Corridor between Beltway 8 North and the Houston Central Business District ~~and~~ has elements that do not meet current design standards which must be corrected for the safety, health and prosperity of both the region and those who live or work along the corridor.

Also, "equity" should be added to this list, such that it says "must be corrected for the safety, health, equity, and prosperity..."

The second paragraph mentions the concept of accommodating future traffic growth. While accommodating all the trips and needs of future population, focusing just on growth is an inequitable process that disadvantages existing neighborhoods and gives undo extra attention to the needs of perceived future growth neighborhoods (which may simply be filled with the wealthier elite moving out of existing neighborhoods). This goal needs to be reworded to encompass a desire to meet the safe access and mobility needs of all the people of the Houston region in the future - including new people and existing ones.

Also in this paragraph, there is reference to a TXDOT goal to "increase the facility's capacity." This is not a goal. The public does not want to increase the capacity. The public wants safe access, including some who want to drive long distances every day in a personal vehicle and

others who want to never be in a car and wish to walk everywhere, and all of the rest of us in between. But increasing capacity is not a goal, that is a means to achieve a goal. This is not a valid purpose and need for such a project, and this MOU should not pretend that is logical.

Finally, this paragraph notes that TXDOT claims to have a goal to reduce traffic deaths, but the EIS does not seem to have any sort of systemic analysis of traffic fatalities on I-45 corridor today or what might occur with future investment scenarios. The current freeway is one of the worst transportation systems in the nation, and any contractors designing and building anew could improve safety from the dismal current situation. Simply bringing the freeway up to current TXDOT design standards – which themselves are now wildly out of date in terms of national traffic engineering thinking – is not at all an appropriate response to the epidemic of traffic deaths in the Houston region and along this corridor. TXDOT’s explicit goal is to eliminate traffic deaths by 2050 and the freeway should be designed entertaining a death and serious injury free transportation system.

In the next paragraph, there is a claim that the potential negative impacts identified in the TXDOT EIS process had a causal relationship to “substantial public comment, robust discussion...” While many negative impacts were identified in the DEIS and remain in the plans moved forward in the FEIS, those articulated by TXDOT staff and consultants are only a small subset of the universe of negative impacts of the proposals put forward in the EIS, and the public is responding to many problems beyond those articulated in the EIS. Constraining this MOU only to the narrow band of problems admitted in the EIS process is a disservice to the public and unnecessary. This sentence is just factually incorrect and should not be included in this MOU. Perhaps a more accurate statement could be such:

The Draft Environmental Impact Statement for the project identifies a number of potentially adverse impacts to neighborhoods within the project footprint. These potential impacts – and others not identified in the EIS process, but brought forward by various members of the public – have produced substantial public comment, robust discussion at the Transportation Policy Council, and have generated a series of community and local-government proposed modifications to the project.

In the fourth paragraph, there is a claim that the public engagement process for the NHHIP has resulted in a theme calling for “more capacity for automobile, freight, and transit.”

I searched the Comment Matrix presented in the FEIS for people asking for more capacity for automobiles. The word “capacity” is on 138 pages, but most references are to the phrase “high-capacity transit,” and there seem to be a grand total of four comments using the word “capacity” and meaning to support adding car-priority lanes to this corridor:

On May 15, 2017, Seth Hopkins said “I like the idea of more capacity on our interstates. I think it's great. I think these guys have done a terrific job.”

On May 9, 2017 Brian Ray said “Why are no general purpose lanes being added? The current four general purpose lanes are already full capacity. I think we need to add more

general-purpose lanes capacity for those who can't afford tolls. If you look at the Katy Freeway, the areas with only 4 General Purpose lanes are always gridlocked. The areas of the Katy Freeway with 5-plus lanes always flow better.”

On June 27, 2017 Thomas Robertson said “I am a resident of Houston just west of Downtown, and I would like to express my support for the project as planned. The benefits of reconnecting Downtown to the rest of the city will be manifold, and the capacity increases strike a fair balance between traffic needs and the reality that cities will always have a base level of congestion with thriving activity. The valid concerns of Ea Do residents notwithstanding, we will not be missing the Pierce once it is gone. While my personal preference would be to create some sort of signature bridge complex over Buffalo Bayou, nevertheless there is no need to let the perfect be the enemy of the good.”

On July 27, 2017, the Greater Northside Management District said “Our stakeholders have commented in various meetings that regardless of the selected alignment, the preferred alternative should offer a cost-effective mobility solution that increases the capacity of the freeway and takes into consideration the mobility of public transportation, pedestrians, cyclists and vehicles.”

Where is the documentation of a public call for more capacity for automobiles? While many of us think this kind of public desire seems obvious, why was it not possible to document this public desire in this very expensive and extensive EIS process?

If this cannot be produced, then the parties to this MOU should not sign on to a document that makes this seemingly false statement.

## **Page Two**

There is a statement that “all agencies confirm common project goals to ... make travel safer on the entire system,” but the City of Houston, Harris County, and the Texas Department of Transportation have already committed to goals to end all traffic deaths. No deaths on the I-45 corridor are acceptable today. No deaths on the I-45 corridor are acceptable in 2040 or in 2050. “Make travel safer” is insufficient and these three entities cannot sign on to such a weak goal. The goal should be to fix this entire corridor such that no people have to die for our transportation needs. This should be seen as a constraint on all possible options.

Also, there is a repetition of the inappropriate emphasis on the desire to “accommodate future growth” which should instead be an emphasis on accommodating the access and mobility needs of the people of the Houston region today and in the future, when we expect to have more people, all of whose needs and desires are equally valid.

## **Page Three**

The second point on this page has a series of clauses separated by periods. However, it is important to establish whether TXDOT is committing to all the sentences or just the first one,

which only suggest mitigating all the problems, but does not allow for the possibility of changing design.

In the fourth point, there is discussion of finding further private sector and non-profit funding to solve some of the issues identified. However, the use of further public funds from city, county, MPO, state, and federal level should not be ruled out to meet these identified needs.

In the City of Houston section, there is a commitment to “participate in confirming methodologies (including traffic modeling) for review of new designs.” The City of Houston should also confirm the methodology for regional growth forecasts, and should explicitly pursue a Scenario Planning paradigm for considering future design changes, as advocated by the Federal Highway Administration for effectively and equitably engaging the public in this kind of decision making process.

A meaningful Scenario Planning process would allow for changing assumptions on regional growth models, travel demand models, and entertaining serious meaningful alternative investments scenarios (which has not been done in the EIS process so far).

Were the NHHIP to have considered meaningful alternative investment scenarios, we would have data on the expected VMT, traffic crash, air quality, displacement, flooding, and cost impacts of the freeway expansion project proposed along with a meaningfully different proposal to use safe urban design standards for the entire project, optimized for transit, walking, biking, and driving at safe speeds appropriate for an urban setting.

#### **Page Four**

This sentence has an error:

Program Transportation projects and coordination of federal highway and transit investments in the Metropolitan Planning Area.

#### **Page Five**

Discussing electric vehicles without specifically discussing accommodating and ideally subsidizing electric bicycles, personal assistance devices, and other small vehicles is inequitable and inefficient and should never be done by an MPO, city, county, or DOT.

A section should be added to this document on the need to use Scenario Planning processes to optimize this work for the people of the Houston region.

### **Comment 3:**

October 1, 2020

Dear Chair Lewis:

We appreciate your efforts and the efforts of many of the participants and staff to maintain a transparent process in the development of the Memorandum of Understanding for the North Houston Highway Improvement Project by the parties named by the H-GAC Transportation Policy Council Chair. We write to provide our overarching comments on the development of the MOU.

Chief among the stated purposes of the proposed MOU is to formalize the parties' commitment to common goals for the NHHIP.

As we have stated previously at TPC meetings, it is important that a future agreement prioritizes the public interest of people and businesses directly impacted – those people living and working adjacent to the project corridor – during construction and for the 50+ year lifespan of whatever is built. Therefore, the goals in this MOU should clearly reflect the parties' commitment to address the concerns identified by Mayor Sylvester Turner in his [May 2020 letter](#) to Texas Transportation Commissioner Laura Ryan, which reflect community members' concerns about the project:

- Address outstanding adverse impacts outlined in the Mayor's document, especially displacement of people and businesses.
- Include a decision to halt or withdraw funding should the project fail to address the very real concerns of residents and business owners who live adjacent to the project corridor.
- Provide ongoing and meaningful engagement with the public.
- Separate completion of the NEPA process for Segment 3 from that for Segments 1 & 2.

Additionally, many of the parties to the agreement have commitments to equity, and an MOU should expressly state equity as a cross-cutting goal.

Finally, the document at this stage does not appear to address "capacity" in a way consistent with the intention of many public comments on the NHHIP. Many of the public comments reflect a concern about capacity for people traveling on the I-45 North corridor or for high-capacity transit. While the MOU negotiation has attempted to address the need for capacity, the present draft does not reflect the needs and demands for people traveling across all modes.

The overall document still reads with a lens towards prioritizing vehicle over people capacity. Pursuing an NHHIP design that prioritizes people capacity via all travel modes will future the project, especially considering present circumstances:

- Traffic volumes on I-45 North have declined since 2010 in Segments 1 and 2.
- COVID-19 workplace impacts are changing the flexibility of work locations in ways that will persist to some degree into the future.
- Future vehicle technologies, including partial or full autonomy, will facilitate safety improvements while increasing the density and cohesive movement of more vehicles in same amount of physical space.

- Traffic volumes, trips taken, and the resulting congestion are driven by human decision making. Clear bodies of research and local observation of historical projects corroborate the fundamental law of induced and latent demand – vehicles at peak hour fill roadways based on human decisions. Traffic/congestion modeling is a [flawed science](#), and capacity is better thought of as a policy decision related to other quality-of-life goals that are more attainable.

It is imperative that the TPC working group negotiate in good faith to address the real concerns that numerous stakeholders and residents have identified concerning the inequitable consequences of the proposed NHHIP on Black and Latinx communities, especially displacing people, businesses, and community resources.

Sincerely,

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