



January 31, 2024

Advanced Project Development Director
Texas Department of Transportation
Houston District Office
P.O. Box 1386
Houston, TX 77251-1386

Via email: HOU-PIOwebmail@txdot.gov

Dear Director:

The White Oak Bayou Association (WOBA) appreciates this opportunity to express our continuing opposition to TxDOT's plan to elevate I-10. Over the course of the past year and a half since TxDOT first publicly announced this unnecessary and destructive encroachment upon the White Oak Bayou Greenway, the need for this "improvement" has yet to be adequately justified, much less its projected cost of over a third of a billion dollars of taxpayer money.

For your convenience we are attaching our letter, dated August 1, 2022, commenting on TxDOT's plan as presented in public meetings held in July 2022. See also TxDOT's Response Matrix ("the matrix," not attached), issued a full year later in July 2023, providing TxDOT's responses to comments by WOBA and 465 other groups and individuals (in which WOBA is listed as commenter number 32.) In our view, TxDOT's responses at that time failed to adequately address many of the public's concerns. While we acknowledge TxDOT has at some level "addressed" a number of the concerns raised by the affected community, the issues at the very core of our opposition remain unanswered. As is readily apparent from the matrix, WOBA is far from alone in this and our other concerns.

First and foremost, TxDOT's fundamental justification for the project has been that short-term closures of small segments of the roadway have occurred due to minor flooding during and after major storms on several occasions over the past three decades. As noted in our August 2022 letter, TxDOT's initial presentation (consisting of a 10-minute long video) included no specific information that *any* of these closures had *any* significant impacts: not on public safety, not on evacuation operations, emergency response or transport of relief supplies, and not on post-storm economic activity. We asked TxDOT to provide data and specific facts to support the contention that any of these ten or so road closures have risen above the level of an inconvenient nuisance. To date, TxDOT has not done so.

Secondly, virtually everyone who has ever driven or ridden in an automobile has at some point been delayed by a detour around a road closure of some sort. On Texas freeways, these are most often associated with TxDOT road construction projects, and they often last for months. In the vast majority of cases, they are no more than an aggravating



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inconvenience, a fact of life in our car-centric society. We deal with it: slow down and proceed with caution. Flooded roads in Houston are no different in that regard, except that the closures and delays are of shorter duration, typically only a few hours.

These brief, flood-related closures simply do not justify spending the projected \$347-million to elevate 1.8 “centerline miles” of roadway (amounting to over \$36,000 per “centerline” foot, more than \$3000 per inch). We urged TxDOT to conduct a rigorous cost-benefit analysis of this project. To date TxDOT has not done so, or has not made it public information.

If the I-10 elevation project goes forward, the inconvenience and aggravation associated with detours and delays will be of a different order of magnitude than the typical construction detour, and they will last for years. These and other effects could potentially result in some measurable economic impact. In addition, evacuation, emergency response and the rest could well be hampered by construction detours and delays for an unknown number of hurricane seasons to come. Any cost-benefit analysis should include data on the economic impacts to neighborhoods resulting from similar projects, both during and after construction.

Beyond being stuck in traffic, local residents cannot just patiently wade through the delay and forget about it as they continue on to their destination, because their homes will be within the impact zone of the project, both during and after construction. As documented in the Response Matrix, many residents are concerned about the noise and visual impacts the project will likely have on their quality of life and on their property values. Some commenters have indicated that they may ultimately need to relocate.

Even a cursory review of the matrix shows that numerous commenters share WOBA’s dissatisfaction with TxDOT’s failure to adequately justify either the need for or cost of this project. It seems obvious that when a tax-payer-funded agency proposes to spend over a third of a billion tax-payer dollars, it should make the information justifying that expenditure available to the tax-paying public *before* it spends the money. TxDOT has not done so. We continue to urge TxDOT to provide the public with the *quantitative* information it needs to assess whether or not this project really makes any economic sense or not. To date, TxDOT has provided little more than unsubstantiated generalities.

We acknowledge that TxDOT has made some positive modifications to the original plan. For example, we were relieved to see that, in response to comments by WOBA and many others, TxDOT no longer intends to cut down the 12.4-acre wooded area, informally known as Taylor Woods, located between the freeway and the south bank of the bayou, in order to build its detention pond.

But why was clear-cutting the largest intact riparian woodland along the bayou inside Loop 610 even considered a good idea at the time? The decision not to do so seems more like just plain common sense than an example of forward-thinking environmentally responsible design. It should never even have been part of the plan in the first place.



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We do appreciate TxDOT's inviolable commitment to preserving intact this valuable bird habitat though, and we intend to hold TxDOT to it. Beyond not clear cutting Taylor Woods, TxDOT has provided few additional details on the construction of the detention pond, such as how locating it under the freeway will not inevitably result in pollution and blight, or how the impounded water will be released to the bayou without further impacting water quality which the community has been working for decades to improve.

In its recent public meetings and in the media, TxDOT has emphasized its responsiveness to public comments on the project, and yes, they have made some concessions, especially to noise issues. A January 15, 2024, article in the *Houston Chronicle*, noted that the increased elevation of the carpool lane would be less than originally presented and a 6-foot tall noise barrier would be incorporated. In addition, an effort would be made to improve bike-lane connectivity. We acknowledge these as positive responses to public input. To some they may be adequate and to others not acceptable, but the bottom line is that they are just refinements to a bad and unwanted plan.

The bigger picture, as is obvious from a more detailed review of the matrix, is that an overwhelming majority does not want this project to be built. We count a total of only nine individuals who positively affirmed their support for the project among the 466 individuals and organizations providing comments. Those nine individuals represent less than two per cent of the enumerated commenters, but they are actually an even smaller minority, in that many of the commenters represent neighborhood associations environmental groups and other organizations, as well as elected officials listening to their constituents, collectively representing thousands, if not tens of thousands of individuals.

A clear majority of the commenters specifically declared their opposition to the project (which was often stated to be "strong," "adamant," "vehement" or "total"), while virtually of all those who did not explicitly voice opposition to the project concept at least expressed serious reservations, concerns, questions and doubts about the purported need for the project and it's anticipated cost. Many also expressed concerns over the preliminary design as presented, the design and construction process, TxDOT's commitment to avoiding environmental impacts and or TxDOT's perceived lack of transparency in communicating with the public. In their comments, some even deemed at least some of TxDOT's communications to be "misleading" or even "deceptive."

Our discussions with numerous other groups and individuals over the past year and a half have shown unequivocally that there is very strong and widespread (nearly unanimous) sentiment that the primary concerns of the neighboring communities have been largely disregarded. Therefore, it can be difficult to see TxDOT's public outreach and its purported concern for community priorities as being entirely genuine or more than just a federally required box checking exercise.

WOBA agrees with many other commenters that a better approach to transportation in the 21st century would be to develop more forward-thinking, less polluting "multi-modal" alternative strategies involving mass transit and other innovations and developing



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technologies. Instead, TxDOT acts like the Texas Department of Road Building rather than of Transportation, pouring concrete by the millions of cubic yards to build ever-wider freeways. This may benefit road construction contractors but it comes at the expense of human health and the environment, and accomplishes at most short-lived relief from traffic congestion until more cars quickly merge from the on-ramp to take up the increased capacity.

Unfortunately, this comes as no surprise in light of witnessing first hand TxDOT's approach to the North Houston Highway Improvement Project (NHHIP). During the past decade, through our participation in the Make I-45 Better Coalition, it was WOBA's perception that TxDOT gave little more than lip service to environmental concerns, least of all to bayou-related issues other than flooding. This is a systemic problem arising from a memorandum of understanding (MoU) between TxDOT and the Federal Highway Administration, which gives TxDOT sole authority and discretion to approve its own environmental assessments. This arrangement neither encourages environmental stewardship nor promotes a culture of responsiveness to public concerns.

At a public meeting in 2018, we provided TxDOT (i.e., then Commissioner Laura Ryan and then District Engineer Quincy Allen) with copies of a feasibility study for concrete removal and channel restoration conducted in 2017 (pre-Harvey) under the direction of Harris County Flood Control District (HCFCD) by one of its contractors, with funding from TIRZ 5 as directed by the Memorial Heights Development Authority. We were concerned that the NHHIP would so damage the greenway that our efforts to restore the bayou would be thwarted and we urged TxDOT to seriously engage with the community on this effort, suggesting that they consider this when planning mitigation for its environmental impacts.

Instead, in its December 2019 Draft Cumulative Impacts study, TxDOT dismissed our concern on the basis that the bayou is already degraded. In our comments on that document, issued February 7, 2019, we pointed out that federal rules for assessing *cumulative* impacts specifically require that incremental additional impacts, even to already degraded waterways, must be taken into account. TxDOT ignored this fact in unilaterally approving its plainly deficient document regardless of water quality issues.

Another issue that jumps out in the matrix is "segmentation." TxDOT categorizes the I-10 elevation and I-45 expansion projects as separate, and independent of other proposed projects along the I-10 "Katy Corridor." It seems clear though that these projects must be part of a master plan, which would be the logical approach for an organization run by engineers. In fact, intuitively it would seem strange, and poor engineering practice to not consider how one project links to another.

Many commenters, skeptical of TxDOT's transparency, expressed the opinion that the "segmentation" of these projects is an effort at *fragmentation* of any effective, integrated opposition. Divide and conquer and drive the steamroller full speed ahead. Whether or not that is TxDOT's intent or strategy, it is a very plausible result. Those of us who focus our energies on advocating for environmental protection and restoration know from long experience that the environment almost always takes a back seat to economic



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“progress,” and that agencies like TxDOT can become very adept at navigating around rules or through what they see as obstacles. We do what we can to get them to do the right thing, but we’ve learned to manage our expectations. We acknowledge as facts of life that we live in a car-centric society and that TxDOT’s entire focus is on building roads. “Building roads creates good jobs,” and all that.

So frankly, even though an overwhelming majority of the community opposes, or at least does not support or endorse this project, we are just cautiously optimistic that TxDOT can be stopped from elevating I-10, or from causing much additional damage over the coming decade or more as it moves forward with the NHHIP and other projects. But it may be in the end that all we can realistically do is urge TxDOT to approach this and all future projects with a higher level of respect for the affected communities and regard for their values than it has been perceived to up until now, and then, to “hope for the best.”

So what is “the best” we can hope for? If nothing else, going forward we not only hope, but demand and expect that TxDOT treat us and our communities with the respect we deserve by mitigating the impacts of its activities before, during and after construction; by communicating openly and transparently; and by making a positive contribution to the community instead of degrading our environment. That should be integral to TxDOT’s way of doing business. Those of us who participate in this public process by reviewing and commenting TxDOT’s plans do so in good faith as concerned taxpayers, homeowners, citizens and other new and long-time residents performing our civic duty while trying to protect our own interests. For its part, TxDOT needs to recognize that and to not treat informed objections as speed bumps to be gotten over or around and past.

TxDOT must also acknowledge that whatever it does short of canceling this project, environmental damage will occur during and after construction, even if the construction is flawlessly executed, and the damage will need to be mitigated and compensated for. That should be integral to the ethos of any public institution. Whatever it does or doesn’t do with I-10, TxDOT should engage with community groups like the White Oak Bayou Association and others, and the community at large, on specific actions it will take to minimize and mitigate harm to the environment, human and otherwise.

Toward that end, TxDOT should begin by immediately providing detailed information on the entire construction process, including but not limited to details such as the intended locations, footprints and access routes for materials and equipment storage areas, the concrete batch plant and other temporary infrastructure. Tell the public where and how the concrete rubble from the removal of existing lanes will be staged, stored and transported. Tell us how will concrete batch plant emissions be managed. Inform the public on these and other matters, which could impact their daily lives for years. And for just how many years? TxDOT should also immediately provide a detailed construction timeline. And then, finally, do what the community wants, while simultaneously trying not to do what they don’t want you to do.

WOBA looks forward to TxDOT’s response to these concerns, but we are not expecting to just hear back from TxDOT with more vague generalities and top-down pronouncements. We urge TxDOT to engage with all interested groups and individuals



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in a truly meaningful dialogue beginning right away and continuing throughout whatever the process winds up doing. We believe this could actually be a mutually beneficial approach going forward.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Steuer".

Mark Steuer, Ph.D.
President

A handwritten signature in black ink, appearing to read "Robert S. Lee".

Robert S. Lee, P.G.
Past President

attachment

cc: w/o attachment

Marc Williams, Executive Director, TxDOT
Eliza Paul, P.E., Houston District Engineer, TxDOT
J. Bruce Bugg, Commissioner and Chair, TxDOT
W. Alvin New, Commissioner, TxDOT
Robert C. Vaughn, Commissioner, TxDOT
Alejandro G. Meade III, Commissioner, TxDOT
Steven D. Alvis, Commissioner, TxDOT
John Whitmire, Mayor, City of Houston
Chris Newport, Mayor's Chief of Staff, City of Houston
Letitia Plummer, Houston City Council, At-Large
Abbie Kamin, Houston City Council, District C
Mario Castillo, Houston City Council, District H
Ann Lents, Chair, Memorial Heights Redevelopment Authority
Lina Hidalgo, County Judge, Harris County
Rodney Ellis, Commissioner, Harris Co. Precinct 1
Adrian Garcia, Commissioner, Harris Co. Precinct 2
Tina Peterson, Ph.D., Executive Director, HCFCD
Todd Running, Clean Rivers Program Manager H-GAC
Beth White, President and CEO, Houston Parks Board
Brittani Flowers, President and CEO, Bayou Preservation Association
Paul Nelson, Chair, Bayou Preservation Association
Penny Morales Shaw, Texas House of Representatives, District 148