

RECORD OF DECISION

North Houston Highway Improvement Project From US 59/I-69 at Spur 527 to I-45 at Beltway 8 North Harris County, Texas

CSJ: 0912-00-146

TEXAS DEPARTMENT OF TRANSPORTATION

February 2021

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019 and executed by FHWA and TxDOT.

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1.0 Introduction

This document is the Texas Department of Transportation's (TxDOT) Record of Decision (ROD) for the North Houston Highway Improvement Project (NHHIP) in Harris County, Texas. This ROD constitutes TxDOT's approval of the Preferred Alternative described in the Final Environmental Impact Statement (EIS) dated August 2020 as the alternative selected for implementation.

The EIS process for the NHHIP began nearly ten years ago and was preceded by initial corridor planning studies. In 2017, TxDOT issued the Draft EIS and held two public hearings and a public meeting in conjunction with its release.

After release of the Draft EIS in 2017, TxDOT continued public engagement through community meetings and by posting updated technical reports for public comments. Feedback received during that public engagement period resulted in project design changes as well as new information on the project's environmental concerns, impacts, and mitigation measures. In total, TxDOT has attended more than 300 stakeholder meetings with individuals, groups, or organizations over the course of the project's development.

In August of 2020, TxDOT issued the Final EIS for the NHHIP. The Final EIS was posted on the NHHIP website (<http://www.ih45northandmore.com>) on September 25, 2020, and was available for review at the TxDOT Houston District Office beginning September 28, 2020. The Notice of Availability was published in the Federal Register on October 9, 2020. An amended notice extending the comment period from November 9, 2020 to December 9, 2020 was published in the Federal Register on October 30, 2020. TxDOT has included in the official documentation any communication postmarked by or received on December 18, 2020, which represents a 9-day grace period.

This ROD identifies the Selected Alternative for the NHHIP, presents the basis for the decision, identifies the alternatives considered, specifies the environmentally preferable alternative and provides information on adopted means to avoid, minimize, and compensate for environmental impacts. It does not repeat all the information in the Final EIS, but instead incorporates it by reference. Although the ROD marks the end of the National Environmental Policy Act (NEPA) process, TxDOT is committed to continuing to meet with stakeholders and accepting public input as we proceed through future project development phases.

2.0 Decision

TxDOT has considered the alternatives, information, analyses, and input provided by federal, state, tribal, and local governments and public commenters for consideration by the lead and cooperating agencies in developing the EIS for this project. This ROD documents selection of the Preferred Alternative described in the Final EIS as the Selected Alternative for this project. In making this decision TxDOT is acting as the lead federal agency pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019 and executed by Federal Highway Administration (FHWA) and TxDOT.

The Selected Alternative for the NHHIP is designed to create additional roadway capacity to manage congestion, enhance safety, and improve mobility and operational efficiency on Interstate Highway 45 (I-45) from U.S. Highway 59 (US 59)/I-69 to Beltway 8 North, including improvements along US 59/I-69 between I-45 and Spur 527 in Harris County, Texas. The project includes three segments shown in **Figure 1**: Segment 1 is I-45 from Beltway 8 North to north of I-610 (North Loop); Segment 2 is I-45 from north of I-610 (North Loop) to I-10 (including the interchange with I-610); and Segment 3 is the Downtown Loop System (I-45, US 59/I-69, and I-10). The NHHIP includes:

Segment 1: I-45 from Beltway 8 North to north of I-610 (North Loop)

The Selected Alternative would widen the existing I-45 primarily on the west side of the roadway to accommodate four managed express (MaX) lanes. The proposed typical section would include eight to ten general purpose lanes (four to five lanes in each direction), four MaX lanes (two lanes in each direction), and four to six frontage road lanes (two to three lanes in each direction). Between Tidwell Road and I-610, there would be 12 general purpose lanes (six in each direction) to accommodate ramps and connections to and from I-610. The general purpose lanes and MaX lanes would be at-grade except at major cross streets, where they would be elevated over the intersecting streets. Approximately 200 to 225 feet of new right-of-way (ROW) would be required for the roadway widening, mostly to the west of the existing I-45. New ROW would also be required on the west side of I-45 for proposed storm water detention areas. New ROW would be required to the east of the existing I-45 ROW at intersections with major streets and between Crosstimbers Street and I-610. Approximately 246 acres of new ROW would be required in Segment 1.

Segment 2: I-45 from north of I-610 (North Loop) to I-10 (including the interchange with I-610)

The Selected Alternative would widen the existing I-45 to accommodate four MaX lanes. The proposed typical section would include ten general purpose lanes (five lanes in each direction), four MaX lanes (two lanes in each direction), and four to six frontage road lanes (two to three lanes in each direction). From north of Cottage Street to Norma Street, the general purpose lanes and the MaX lanes would be depressed, while the frontage road lanes would be at-grade. The proposed I-45 and I-610 frontage roads would be continuous through the I-45/I-610 interchange. New ROW would be required from both the east and west sides of the existing I-45. The new ROW would include proposed storm water detention areas on the east side of I-45, south of Patton Street. Approximately 44 acres of new ROW would be required in Segment 2. The Selected Alternative provides a structural “cap” over a portion of the depressed lanes of I-45 from north of Cottage Street to south of N. Main Street. Future use of the structural cap area for another purpose would require additional development and funding by entities other than TxDOT.

Segment 3: Downtown Loop System (I-45, US 59/I-69, and I-10)

The Selected Alternative would reconstruct all the existing interchanges in the Downtown Loop System and reroute I-45 to be parallel to I-10 on the north side of Downtown and parallel to US 59/I-69 on the east side of Downtown. Access to the west side of Downtown would be provided via “Downtown Connectors” that would consist of entrance and exit ramps for various Downtown streets. A section of the Downtown Connectors would be below-grade (depressed) between approximately W. Dallas Street to

Andrews Street. The existing elevated I-45 roadway along the west and south sides of Downtown would be removed. The portion of I-45 (Pierce Elevated) between Brazos Street and US 59/I-69 could be left in place for future use and redevelopment by others; however, an alternative use for the structure is not proposed by TxDOT and is not evaluated in this Final EIS.

To improve safety and traffic flow in the north and east portions of Segment 3, portions of both I-10 and US 59/I-69 would be realigned (straightened) to eliminate the current roadway curvature. I-45 and US 59/I-69 would be depressed along a portion of the alignment east of Downtown. South of the George R. Brown Convention Center, the rerouted I-45 would begin to elevate to tie to existing I-45 southeast of Downtown, while US 59/I-69 would remain depressed as it continues southwest toward Spur 527. US 59/I-69 would be widened from 8 to 12 general purpose lanes between I-45 and SH 288, and would be reconstructed to 10 general purpose lanes from State Highway (SH) 288 to Spur 527.

The four proposed I-45 MaX lanes in Segments 1 and 2 would terminate/begin in Segment 3 at Milam Street/Travis Street, respectively. I-10 express lanes (two lanes in each direction) would be located generally in the center of the general purpose lanes within the proposed parallel alignment of I-10 and I-45 on the north side of Downtown. The I-10 express lanes would vary between being elevated and at-grade.

New ROW to the east of the existing US 59/I-69 along the east side of Downtown would be required to accommodate the proposed realigned I-45. A new continuous southbound access road would be provided adjacent to US 59/I-69 and would tie to existing Hamilton Street on the south side of the Convention Center. The existing St. Emanuel Street would serve as a northbound access road. The project ROW would include areas to be developed as storm water detention. Approximately 160 acres of new ROW would be required, the majority of which would be for the I-10 and US 59/I-69 realignments (straightening) and to construct the proposed I-45 lanes adjacent to US 59/I-69 along the east side of Downtown.

The Selected Alternative provides a structural “cap” over the proposed depressed lanes of I-45 and US 59/I-69 from approximately Commerce Street to Lamar Street. There would also be a structural cap over the depressed lanes of US 59/I-69 between approximately Main Street and Fannin Street, and in the area of the Caroline Street/Wheeler Street intersection. Future use of the structural cap areas for another purpose would require additional development and funding by entities other than TxDOT.

Schematics of the Preferred Alternative (now the Selected Alternative) were included in Appendix B of the Final EIS.

The Selected Alternative is chosen as the alternative to construct based on its ability to best accomplish the need for and purpose of the transportation improvements, while minimizing impacts to social, economic, and environmental resources. For further explanation of how the Selected Alternative was chosen, see the discussion in Section 4.0 below, “Alternatives Considered.”

Figure 1 – Project Location and Segments



3.0 Purpose and Need

As explained in Section 1 of the Final EIS, there is a need to relieve traffic congestion, update the highway to current design standards, improve storm water drainage, and improve the evacuation route. The purpose of the project is to implement an integrated system of transportation improvements that would:

- Manage I-45 traffic congestion in the NHHIP area through added capacity, MaX lanes, options for single-occupancy vehicle (SOV) lanes, and improved operations.
- Improve mobility on I-45 between US 59/I-69 and Beltway 8 North by accommodating projected population growth and latent demand in the project area.
- Provide expanded transit and carpool opportunities.
- Bring I-45, I-10, and US 59/I-69 up to current design standards to improve safety and operations.
- Improve the capabilities of I-45 as an emergency evacuation route.
- Improve storm water drainage on I-45.
- Support the projected significant increase in travel on the regional highways in the Houston-Galveston area.

The ultimate goal is to provide a facility with additional capacity for projected travel demand by incorporating transit opportunities, travel demand and management strategies, and flexible operations. Such a facility would help manage congestion, improve mobility, enhance safety, and provide travelers with options to reach their destinations. More information regarding the purpose and need for this project can be found in Section 1 of the Final EIS.

4.0 Alternatives Considered

Section 2 of the Final EIS provides a detailed explanation of the alternatives analysis for the NHHIP. As explained in Section 2, various alternatives have been considered, evaluated, and modified during the EIS process. This process resulted in the narrowing down of alternatives to the ones evaluated in the Final EIS. This section of the ROD does not repeat the entire detailed discussion of alternatives considered in Section 2, but rather provides a summary discussion.

As explained earlier, the project was divided into three analysis segments that reflect the distinct characteristics and functionality of specific segments of I-45. The study segments, as shown in **Figure 1**, include:

- Segment 1: I-45 from Beltway 8 North to north of I-610 (North Loop)
- Segment 2: I-45 from north of I-610 (North Loop) to I-10 (including the interchange with I-610)
- Segment 3: Downtown Loop System (I-45, US 59/I-69, and I-10).

Beginning in 2011, TxDOT began the process of developing and evaluating a full range of project alternatives.

The initial group of project alternatives was called the “Universe of Alternatives,” and included the following (with Alternative 1 always being the no-build scenario):

- Segment 1: Alternatives 1-8
- Segment 2: Alternatives 1-15
- Segment 3: Alternatives 1-10

A summary description of the Universe Alternatives is included in Figures 2-2, 2-3, and 2-4 of the Final EIS.

Through an initial screening evaluation, TxDOT narrowed the Universe of Alternatives down to the six alternatives for each segment that appeared to best meet the evaluation criteria, which were:

- Meets the need for the project, purpose of the project, and specific project goals: Yes or No
- Meets current design criteria: Yes or No
- Requires new ROW between Cavalcade Street and Quitman Street (not including at intersections): Yes or No
- Provides traffic/mobility improvements: High/Medium/Low. Rating is based on travel demand modeling and considers how many drivers will use the highway if improved, how this compares among the alternatives, and how many hours drivers can expect to save traveling on the highway if improved. High is the best rating
- Impacts community parks, cemeteries, historic properties currently listed on the National Register of Historic Places (NRHP), or recorded archeological sites (due to ROW acquisition): Yes or No

Section 2.3.1 of the Final EIS explains how the Universe of Alternatives was evaluated using these criteria, and how the alternatives were narrowed to seven “Preliminary Alternatives” for each segment (plus the no-build alternative). The resulting Preliminary Alternatives included the following (with Alternative 1 always being the no-build alternative):

- Segment 1: Alternatives 1, 3, 4, 5, 6, 7, 8
- Segment 2: Alternatives 1, 3, 10, 11, 12, 14, 15
- Segment 3: Alternatives 1, 3, 4, 5, 10, 11, 12

The results of the initial screening of the Universe of Alternatives was presented to agencies and the public in October 2012 at the second scoping meeting. The Preliminary Alternatives were modified, where possible, to avoid and/or minimize adverse impacts to existing development and community resources (e.g., parks and cemeteries), and to improve traffic flow or connectivity with other alternatives, among other changes. For example, during the evaluation process, three design options for Segment 1, Alternative 3 (which included widening of Hardy Toll Road) were developed. A summary description of the Preliminary Alternatives that were carried forward is included in Figures 2-5, 2-6, and 2-7 of the Final EIS.

A secondary screening evaluation was conducted to reduce the seven Preliminary Alternatives per segment to three Reasonable Alternatives per segment (plus the no build alternative) for further analysis. This secondary screening evaluation included the following criteria:

- Meets need for the project, purpose of the project, and specific project goals: Yes or No
- Has potential to be a “Signature Project”: Yes or No
- There is an opportunity to implement “signature” bridges to signify and distinguish various neighborhoods and districts within the study corridor, while improving the visual qualities of the project.
- Engineering: Desirable/Undesirable/Neutral, based on qualitative assessment.
- Constructability: Construction duration, contractor availability, construction risk, construction staging/sequencing complexity, permanent ROW acquisition, utility relocation, and long-term geotechnical risk.
- Functionality Requirements: Design life expectancy, design criteria limitations, opportunity for future expansion, and incident management (related to design factors).
- Operations and Maintenance: Traffic and systems control, incident management operations), maintenance requirements, and incident recovery (recovery time).
- Traffic: Desirable/Undesirable/Neutral, based on initial assessment of the potential for each alternative to improve traffic conditions in the project area. The evaluation criteria include:
 - Managed lane utilization – represents the utilization of managed lanes based on travel demand and capacity. If the added capacity is underutilized, then capacity exceeds demand. If the added capacity is over-utilized, then demand exceeds capacity.
 - Travel demand along I-45 – represents the level of travel demand on the I-45 mainlanes and measures the collective distance that all drivers travel. When the number of vehicles on a roadway segment begins to reach capacity of that particular segment, congestion occurs and travel time increases.
 - Vehicle hours traveled along I-45, the study area freeway system, and the Downtown street system, as applicable – represents the total amount of travel time in hours that motorists spend traveling in their vehicles.
 - Volume to capacity ratio along I-45 – represents the level of congestion. Congested roadway segments are those where the volume-to-capacity ratio is equal or greater than 0.87.
- Environmental: Where a numeric evaluation is listed for the factors below, it does not indicate an absolute measure of the project impact, but is a preliminary measure of potential impact, and was used for assessing differences among the alternatives. At this point in the alternatives evaluation process, the environmental analysis was based on available data, with limited field investigation.
- Impacts to community parks or cemeteries (due to new ROW): Yes or No
- Impacts to existing land uses (due to new ROW): Acres
- Impacts to cultural resources (due to new ROW)

- Properties listed on the NRHP: Number
- Recorded Archeological Sites: Yes or No
- Archeological High Probability Areas: Acres
- Impacts to natural resources
 - Encroachment on the regulatory floodway and 100-year floodplain, and existing storm water detention basins (due to new ROW): Acres
 - Threatened or endangered species habitat within proposed ROW: Yes or No
 - Wetlands within new ROW: Acres
 - Streams within new ROW: Linear feet
- Traffic noise impacts: Total number of residential, charitable, religious, and cemetery parcels abutting the proposed or existing ROW
- Socioeconomics. Note: the parcels (properties) noted below are based on Harris County Appraisal District records.
 - Residential: number of parcels within proposed ROW
 - Commercial: number of parcels within proposed ROW
 - Churches: number within proposed ROW
 - Schools: number within proposed ROW
 - Visual Impacts: Desirable/Undesirable/Neutral
 - Elevated to elevated = Neutral
 - Elevated to at-grade = Desirable
 - At-grade to elevated = Undesirable
 - Tunnel = Desirable
 - Widening
 - With new ROW = Undesirable
 - Without new ROW = Neutral
 - Impacts to Specific Community Facilities. Impacts to parcels with churches, schools, or parks (due to new ROW): Yes or No
 - Environmental Justice (EJ). New ROW is in an EJ area: Yes or No
- Hazardous Materials Superfund Sites within one mile of project ROW: Number

Section 2.3.2 of the Final EIS explains how the Preliminary Alternatives were evaluated using these criteria, and how they were narrowed to three “Reasonable Alternatives” for each segment (plus the no-build alternative). The resulting Reasonable Alternatives included:

- Segment 1:
 - Alternative 4 – Widen I-45 Mostly to the West
 - Alternative 5 – Widen I-45 Mostly to the East
 - Alternative 7 – Widen I-45 on Both Sides

- Segment 2:
 - Alternative 10 – Add Four MaX Lanes to I-45
 - Alternative 11 – Add Four Elevated MaX Lanes in the Center of I-45
 - Alternative 12 – Add Four MaX Lanes (Two Elevated) in the Center of I-45
- Segment 3:
 - Alternative 10 – Widen I-45 to 10 Lanes
 - Alternative 11 – Realign I-45 along I-10 and US 59/I-69
 - Alternative 12 – Realign Northbound I-45 along US 59/I-69 and I-10

The results of the secondary screening of the Preliminary Alternatives and the selected Reasonable Alternatives were presented in November 2013 at public and agency meetings.

As explained in Section 2.3.3 of the Final EIS, with input from public meetings, other comments received, and additional coordination with agencies, groups, the public, and other interested stakeholders, the Reasonable Alternatives underwent further development and additional evaluation. The Reasonable Alternatives were modified, where possible, to avoid and/or minimize adverse impacts to cultural, natural, social and economic resources, and hazardous materials.

A further evaluation of the Reasonable Alternatives was conducted to identify one “Proposed Recommended Alternative” per segment. This evaluation included the following criteria:

- Meets need for the project, purpose of the project, and specific project goals: Yes or No.
- Has potential to be a “Signature Project”: Yes or No.
- Engineering and Traffic: Desirable/Undesirable/Neutral. Based on assessments of the potential reduction in systemwide traffic delay, increase in systemwide travel speed, and improvements to freeway ramping and access.
- Environmental. Where a numeric evaluation is listed for the factors below, it does not indicate an absolute measure of the project impact, but is a preliminary measure of potential impact, and was used for assessing differences among the alternatives. At this point in the alternatives evaluation process, the environmental analysis was based on available data, with some field investigation.
 - Impacts to cultural resources
 - Properties listed in or eligible for the NRHP: Number in Area of Potential Effect
 - Properties potentially eligible for the NRHP: Number in Area of Potential Effect
 - Potential for archeological deposits (mapped high-probability areas): Yes or No
 - Impacts to natural resources
 - Floodplain fill: Low/Medium/High based on comparison of acres of floodplain in the new ROW of the segment alternatives
 - Potential storm water detention needs: Low/Medium/High
 - Threatened or endangered species (State-listed) habitat within proposed ROW: Yes or No

- Wetlands within new ROW: Acres
- Streams within new ROW: Linear feet
- Social and Economic Resources
 - Traffic noise impacts: Number of impacted representative receivers, based on preliminary traffic noise analysis
 - Residential displacements single-family units: Number
 - Residential displacements multi-family units: Number
 - Business displacements: Number
 - Religious/fraternal facility and center displacements: Number
 - Parks: Acres within new ROW
 - School displacements: Number
 - Impacts to Specific Community Facilities. Impacts to parcels 1 with parks, schools, or churches (due to new ROW): Yes or No
 - Visual Impacts: Desirable/Undesirable/Neutral
 - Elevated to elevated = Neutral
 - Elevated to at-grade = Desirable
 - At-grade to elevated = Undesirable
 - Widening
 - With new ROW = Undesirable
 - Without new ROW = Neutral
 - Environmental Justice. New ROW is in an EJ area: Yes or No
- Hazardous Materials: Number
 - Regulatory database sites within project ROW
 - Regulatory database sites within project ROW considered moderate- or high-risk sites
 - Former gas stations and dry cleaner sites within project ROW

Section 2.3.3 of the Final EIS explains how the three Reasonable Alternatives per segment were evaluated based on the above evaluation criteria in 2015.

The Proposed Recommended Alternative documented in the Draft EIS for each segment was:

- Segment 1: Alternative 4 - Widen I-45 Mostly to the West
- Segment 2: Alternative 10 - Add Four MaX Lanes to I-45
- Segment 3: Alternative 11 - Realign I-45 along I-10 and US 59/I-69

The primary reasons for selection of these alternatives are summarized below. The evaluation and comparison of alternatives that led to these selections were based on a comparable level of design for each alternative.

Segment 1, Alternative 4

- Alternative 4 would not have the negative visual impact of an elevated structure as proposed for Alternative 7 and would allow for improved access to/from the MaX lanes as compared to Alternative 7. Having the MaX lanes at the same level of the I-45 general purpose lanes, as proposed for Alternatives 4 and 5, would provide more access points to the MaX lanes, which in turn would help accommodate traffic demand.
- Alternatives 4, 5, and 7 are similar for many of the environmental evaluation factors. Some differences include:
 - Alternative 4 would have fewer overall residential and business displacements than Alternative 5. Alternative 4 would have more residential displacements and fewer business displacements than Alternative 7. All alternatives would require ROW in areas identified as identified as EJ areas.
 - Alternative 4 would have fewer religious/fraternal facility and center displacements than Alternatives 5 and 7, and fewer school displacements than Alternative 5.
 - Alternative 5 would impact more than twice as many properties with known and potential hazardous materials concerns than Alternatives 4 and 7.
 - Alternative 4 would avoid a large commercial center (Northline Mall), an Aldine Independent School District middle school, and the ExxonMobil North Terminal, all of which are located on the east side of I-45.
 - Noise impacts could be greater for Alternative 4; mitigation measures may reduce noise impacts.
- Public comments favored Alternative 4 as compared to the other alternatives.

Segment 2, Alternative 10

- The Alternative 10 proposed MaX lanes would be at the same vertical elevation as the I-45 general purpose lanes. Although the proposed number of general purpose and MaX lanes, and the configuration of proposed ramps and direct connectors would be similar for all three Segment 2 alternatives, the MaX lanes for Alternatives 11 and 12 would be on elevated structures throughout Segment 2. Having the MaX lanes at the same elevation as the I-45 general purpose lanes would require less ROW than constructing MaX lanes on elevated structures.
- Alternatives 10, 11, and 12 are similar for many of the environmental evaluation factors. The estimated number of residential displacements is almost the same for all alternatives. The number of business displacements would be slightly higher for Alternative 10. For all alternatives, no religious/fraternal facilities or centers, parks, or schools would be displaced.
- Alternative 10 received favorable public support.

Segment 3, Alternative 11

- Alternative 11 would have a beneficial visual impact by removing the Pierce Elevated and depressing the roadway lanes on the east side of Downtown, which would enhance community cohesion.

- Alternatives 10, 11, and 12 are similar for many of the environmental evaluation factors. Some differences include:
 - Alternative 11 would provide the greatest improvement to mobility by increasing travel speeds around the Downtown Loop System by 20 to 25 mph. The increased travel speeds would be achieved by means of reconfiguring the Downtown Loop System, which would allow through traffic to bypass Downtown via the I-10 express lanes and the I-45 general purpose lanes on the east side of Downtown. Local traffic would have improved access to Downtown.
 - Alternative 11 would displace fewer single-family residences than Alternatives 10 and 12. Alternatives 11 and 12 would displace approximately the same number of multi-family units.
 - Alternative 11 would impact fewer parks and acquire less land from parks (for project ROW).
- Alternative 11 received favorable public support and community consensus, as extensive outreach was conducted between November 2013 and April 2015 to refine the design to benefit surrounding communities.

With continuing public input and more detailed analysis, the schematic design for the Proposed Recommended Alternatives that were identified in 2015 was revised, resulting in identification of the need for additional ROW for these alternatives, particularly in the area of the interchanges, as documented in the Draft EIS. The refinement of the schematic design for the Proposed Recommended Alternatives after their selection in 2015, including the proposed realignment (straightening) of I-10 and US 59/I-69 to eliminate the current roadway curvatures to improve safety and traffic flow in the north and east portions of Segment 3, combined with a more detailed impact analysis than was performed in previous screenings of the alternatives, resulted in an increase in adverse impacts to community resources, including protected populations, compared to the alternatives for Segments 1, 2, and 3 in 2015. Between 2015 and 2017, TxDOT did not refine the schematic designs for the alternatives other than the Proposed Recommended Alternative for each segment. Refinement of the schematic design for other alternatives would have increased the adverse impacts of those alternatives, as it did for the Proposed Recommended Alternative for each segment.

Based on stakeholder input and engineering review after publication of the Draft EIS in 2017, design changes were developed for the Proposed Recommended Alternative in each of the project segments. Some of the design changes were made to avoid impacts to parks. Other design changes also included modifications to intersections, proposed storm water detention basins, ramp and direct connector refinements, a pedestrian-bike trail connection, frontage road and surface street realignments, ramp modifications, realignment of the Downtown connectors, and managed lane connections to the Downtown area.

In the Final EIS, the revised alternatives for each project segment were identified as Preferred Alternatives, and when combined, they constituted the Preferred Alternative for the proposed NHHIP. The Preferred Alternative was selected because it best implements an integrated system of transportation improvements that would provide a facility with additional capacity in the I-45/Hardy Toll Road corridor for projected travel demand by incorporating transit opportunities, travel demand and management strategies, and flexible operations, while minimizing and mitigating adverse impacts. Such a facility would

help manage congestion, improve mobility, enhance safety, and provide travelers with options to reach their destinations.

The No Build Alternative represents the proposed NHHIP not being constructed. No roadway improvements would be constructed to provide additional capacity to reduce congestion and improve mobility, and the current design deficiencies, including drainage issues in some areas, would not be corrected. Although the No Build Alternative does not meet the need and purpose, this alternative was carried forward through the environmental impact analysis as a basis for assessing the impacts of no action. The Final EIS includes analysis of the potential impacts of the No Build Alternative.

Having considered the totality of the environmental review record, the mitigation measures as required herein, the public and agency comments on this record, and the written responses to these comments, TxDOT determined that the NHHIP Preferred Alternative in the Final EIS, now the Selected Alternative in the ROD, is also the Environmentally Preferable Alternative. The Selected Alternative represents the best option for the NHHIP. TxDOT has found that all practicable measures to minimize environmental harm have been incorporated into the design of Selected Alternative. TxDOT will ensure that the commitments outlined herein will be implemented as part of the design, pre-construction, construction, and post-construction monitoring phases.

5.0 Measures to Minimize Harm

TxDOT has included measures to avoid and/or minimize harm in the Selected Alternative. Means to avoid, minimize, and mitigate effects from the Preferred Alternative were presented in the Final EIS and have been updated in response to comments received on the Final EIS and progress made since the completion of the Final EIS, and are listed in Appendix A of this ROD. Appendix A is a summary of the means to avoid, minimize, and mitigate effects; additional information is included in the Final EIS.

All practicable measures to avoid or minimize environmental harm have been incorporated into the project. TxDOT's approach to avoid and minimize adverse effects of constructing the Selected Alternative includes the following efforts during the preparation of the EIS and development of the project:

- Identifying and advancing reasonable project alternatives for consideration that will result in the least overall environmental effects.
- Considering all feasible and prudent alternatives to the use of properties protected under Section 4(f).
- Conducting extensive public and stakeholder involvement.
- Developing commitments and mitigation measures designed to avoid, minimize, or mitigate impacts to the extent possible and that reflect input and concerns of the public and stakeholders.

The Final EIS identifies measures to avoid, reduce, and minimize environmental impacts of the Selected Alternative. Identification of mitigation measures in the Final EIS and in this ROD represents a commitment by TxDOT to implement the measures. Consequently, TxDOT is responsible for monitoring

and enforcing mitigation measures. Throughout the final design phase of the project, TxDOT will continue to monitor design changes/refinements and will determine if project impacts would change and if changes to mitigation commitments are warranted. In addition, TxDOT will assure compliance of all related commitments and regulatory permit conditions made or obtained for the Selected Alternative. TxDOT contracts will include, as appropriate, provisions for compliance with all applicable commitments and regulatory permit conditions made or obtained for the Selected Alternative. Specific mitigation measures and commitments are presented in Appendix A of this ROD and will be implemented as part of project development, including the final design, right-of-way acquisition, construction, operation, and maintenance phases of the Selected Alternative, as appropriate.

As mentioned, there has been progress on various mitigation items since the completion of the Final EIS. These updates are provided below as a supplement to the mitigation measures and commitments that are listed in Appendix A of this ROD.

Community Resources

Measures to minimize impacts to communities adjacent to the Selected Alternative are listed and shown under other headings in this section. The commitments and mitigation measures discussed under Affordable Housing, Pedestrian and Bicycle Paths, Displacements and Relocations, Transportation Facilities, Air Quality, Traffic and Construction Noise, Floodplains, Historic Resources, Visual and Aesthetic Qualities, and Section 4(f) Resources incorporate and relate to issues that are inclusive of measures to minimize effects to community resources.

Regarding TxDOT's response to environmental justice issues and effects to the communities, TxDOT has made a number of commitments to mitigate the adverse effects of the project on minority and low-income populations related to relocation of residences and facilities, affordable housing, local access, pedestrian safety, traffic noise, air quality, and homelessness. In some of these areas, there would be improvements over the existing conditions such as new facilities for the residents of Clayton Homes and Kelly Village, restoring local access in the area around the I-45/Loop 610 interchange, providing the opportunity for noise barriers, improving storm water drainage, and improving safety (e.g., improved pedestrian and bicycle accommodations) on cross-streets in environmental justice neighborhoods. These measures are discussed under other headings in this section and incorporate the mitigation measures and commitments for impacts in Appendix A of this ROD and further discussed in the Community Impacts Assessment Technical Report (Appendix F to the Final EIS).

Affordable Housing

TxDOT is committing \$27 million to support affordable housing initiatives in the neighborhoods most affected by the project in addition to the individual acquisition and relocation compensation provided to homeowners, renters and businesses that would be displaced. This commitment will provide financial assistance to support specific affordable housing initiatives. The eligible initiatives include construction of affordable single-family or multi-family housing, and support of programs that provide assistance and outreach related to affordable housing. Priority neighborhoods that would receive this assistance include Independence Heights, Near Northside, Greater Fifth Ward, and the Greater Third Ward. TxDOT is in

discussions with a non-profit affordable housing organization—the Texas State Affordable Housing Corporation (TSAHC)—to serve as the administrator for disbursement of the funds. TxDOT has begun discussions with the TSAHC regarding its potential role in implementing this initiative. It is important to note that this \$27 million affordable housing commitment is separate and apart from, and is above and beyond the funding for the acquisition, relocation and enhanced relocation services for the directly impacted residential properties. Please refer to the section below labeled “Displacements and Relocations” for additional information regarding enhanced relocation services.

Pedestrian and Bicycle Paths

TxDOT has collaborated with the City of Houston on 44 cross streets that will either go over or under the highways around Downtown in Segment 3. The coordination effort resulted in design elements that improve safety for the pedestrian, cyclist and vehicle driver. The improvements were tailored specifically to each cross street. TxDOT will engage in the same collaborative effort to identify pedestrian and bike facility improvements to the cross streets in Segments 1 and 2 as the design of the project proceeds on those sections.

The Selected Alternative will provide continuity of sidewalks and shared-use lanes along the frontage roads by adding sidewalks and pathways in areas as needed. All intersections will be designed in compliance with the Americans with Disabilities Act (ADA) per federal requirements. TxDOT will coordinate with the City of Houston, Independent School Districts, and Metropolitan Transit Authority of Harris County (METRO) during project design to minimize the temporary and permanent impacts to existing bicycle and pedestrian facilities. Additionally, TxDOT will accommodate or replace existing trails that are impacted by the proposed project, as well as allow for planned future trails as shown on the City of Houston Bike Plan. In the instance of any modifications to existing or proposed hike and bike facilities, TxDOT will coordinate with the City of Houston, Houston Parks Board, and other agencies or organizations to have the same level connectivity as the existing and planned future facilities provide.

TxDOT is providing improved pedestrian-bike accommodations on cross-streets and on frontage roads (subject to availability of right-of-way). Although the December 2019 schematic design shows shared vehicle/bike use lanes along some frontage roads, during detailed design following the ROD, TxDOT will evaluate the placement of a bike lane behind a protective curb and not in the lane shared with a motor vehicle. The pedestrian-bike realm was developed in collaboration with the City of Houston’s Public Works and Planning Departments and is aligned with City of Houston’s Bike Plan.

Displacements and Relocations

TxDOT’s acquisition and relocation assistance program will provide assistance to residents and businesses that are required to relocate. The relocation assistance program is conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Relocation resources are available without discrimination to all residents and businesses required to relocate as a result of implementation of the proposed project. No person would be displaced by the proposed project until adequate replacement housing has already been provided or is in place. Replacement housing would be fair housing and would be offered to all displaced persons regardless of race, color, religion, sex, or

national origin. All replacement housing would be decent, safe, and sanitary, without causing undue financial hardship.

Residents who are displaced as a result of right-of-way acquisition for the Selected Alternative will receive financial assistance to relocate. This financial assistance applies to tenants as well as owners occupying the property. Homeowners will receive a fair market value offer for their property. Additionally, TxDOT's relocation assistance program will supplement and assist with additional costs associated with purchasing a replacement home to the extent that replacement home values exceed the final compensation paid to the homeowner. Available relocation assistance also includes reimbursement of moving costs and certain related expenses incurred in moving.

Each displaced person will be given sufficient time to plan for an orderly, timely and efficient move. TxDOT's goal for notification to displacees is to notify them at least 180 days before they need to move. Earlier acquisition to accommodate hardships or other needs will be considered. Otherwise, contact with property owners will be phased based on acquiring needed right-of-way and adjusting utilities to meet the construction schedule. No person lawfully occupying real property will be required to move from that site without at least a 90-day written notice.

In addition to fair market value for the property, qualifying owners will receive a purchase supplemental as well as assistance with incidental costs necessary to purchase a comparable decent, safe, and sanitary replacement dwelling. The purchase supplemental includes the amount that a comparable replacement dwelling exceeds the acquisition cost of the displacement dwelling and certain loan-related fees and costs. Supplemental assistance provides the opportunity for displaced residents to relocate to a comparable residence in the same neighborhood even though the cost of the replacement home might be more than the acquisition cost of the displacement dwelling.

For tenants, a rental assistance supplement will be available to assist when renting a decent, safe and sanitary replacement dwelling. TxDOT will determine the maximum payment available in accordance with established procedures.

Owner-occupants of less than 90 days and tenants may be eligible for down-payment assistance and related incidental expenses, not to exceed the amount of the approved rental assistance supplement. Incidental expenses for replacement housing include the reasonable costs of loan applications, recording fees and certain other closing costs.

Displaced residents will be offered relocation assistance in the form of individual advisory services for the purpose of locating a suitable replacement property. These services will be provided by qualified personnel employed by, or contracted with, TxDOT. In providing these services, TxDOT will consider language needs, mobility restrictions and other special provisions that might be needed to communicate these services to the displacee. These services are intended to guide the affected residents through the process and facilitate the transition into the new residence.

Individual advisory services will:

-
- Determine needs and preferences of displacees
 - Explain relocation benefits
 - Offer transportation if necessary
 - Assure the availability of a comparable residential property in advance of displacement
 - Provide current listing of comparable properties
 - Provide the amount of the replacement housing payment in writing
 - Inspect residential dwellings for decent, safe and sanitary acceptability
 - Supply information on other federal and state programs offering assistance
 - Provide counseling to minimize hardships

Group/Program informational workshops will supplement the individual advisory services and will include:

- Explaining the acquisition process
- Explaining the relocation process
- Explaining the appraisal process
- Title Information and review of documents
- Property tax and exemption impacts
- Moving and move planning
- First Time Homebuyer seminars
- Escrow process and title clearing
- How to get social services and benefits
- How to select a real estate agent
- How to check your credit and improve your score
- Household budgeting
- Household maintenance

TxDOT has used advance acquisition (i.e., acquisition prior to the ROD) and will continue to pursue acquisition of some right-of-way parcels earlier than when it is needed for construction to minimize adverse effects to public/low-income housing providers, providers of homeless and welfare services, churches, certain businesses, and residents with special hardships. The benefit of the advanced or earlier-than-needed acquisition is to allow additional time for displaced entities and individuals to prepare, search for, construct if necessary, and move to a new location in advance of the project construction. TxDOT's commitments to advanced or earlier-than-needed acquisitions are shown in Appendix A of this ROD with some of the more notable acquisitions discussed below.

TxDOT and the Houston Housing Authority (HHA) have agreed that the 296-unit **Clayton Homes Apartment** complex would be purchased earlier-than-needed (executed agreement Aug. 29, 2019) so that HHA is provided time to search for and develop a new property. HHA's goal is to have replacement units available for the residents so that each resident will only have to relocate once. TxDOT committed in the agreement to compensate for relocating all 296 units even though 112 of the units have been

uninhabitable since 2016 due to flooding from Hurricane Harvey. TxDOT and HHA agree that 80 percent of the units will be reestablished within a two-mile radius of the current facility.

The 270-unit **Kelly Village Apartment** complex is an 81-year-old facility also owned and operated by HHA. The Selected Alternative will affect six buildings (50 units) with the widening associated with the NHHIP as discussed in the Final EIS. In negotiations, HHA requested that TxDOT take an additional four buildings (28 units) for the purpose of creating more green space at the apartment complex. No additional right-of-way is needed by TxDOT than that described in the Final EIS and affecting the above described six buildings (50 units). Negotiations between TxDOT and HHA are ongoing. The expected outcome for Kelly Village is an agreement similar to the one completed for Clayton Homes: ensuring that displaced residents are provided with multiple relocation options, including choices near the existing facility resulting in minimal disruptions.

The **Temenos Place Apartments II** is managed by a nonprofit organization (Temenos Community Development Corporation) and offers affordable housing for low-income individuals, homeless individuals, and persons with disabilities. TxDOT has executed an agreement with the Temenos Place Apartments II management to replace the 80 residential units affected by the project within a one-mile radius of the existing Temenos II facility (executed agreement May 12, 2020). During the relocation process, the residents will be able to remain in the existing facility so that services can continue uninterrupted.

TxDOT will continue working with the **Greater Mount Olive Missionary Baptist Church** (Independence Heights) for earlier-than-needed acquisition so that the church is provided time to search for and develop a new property in close vicinity of its current location. Additionally, TxDOT has also committed to dedicate land for a pocket park and marker at the current site of the Greater Mount Olive Missionary Baptist Church. Similarly, TxDOT has also committed to work with the **Goodwill Missionary Baptist Church** (Fifth Ward) for earlier-than-needed acquisition so that the church is provided time to search for and develop a new property in close vicinity of its current location.

TxDOT is coordinating early with other facilities important to the community so that these facilities have time to search for a new location, plan for the move and continue operations uninterrupted. These facilities include **Midtown Terrace Suites** (provides transitional and long-term housing and support services for veterans), **Loaves and Fishes Magnificat House Ministries**, **Fatima House** (provides social services and religious ministry services), and **SEARCH Homeless Services**.

Regarding homeless camps and homeless individuals in the right-of-way, TxDOT will coordinate with the City of Houston and homeless services providers to develop a plan to assist in the relocation of the homeless prior to construction.

The mitigation measures mentioned above and additional commitments related to displacements and relocations are included in Appendix A of this ROD and further discussed in the Community Impacts Assessment Technical Report (Appendix F of the Final EIS).

Transportation Facilities

TxDOT will continue to coordinate with the City of Houston and METRO during project design to minimize the temporary and permanent impacts to transportation, pedestrian, and bicycle facilities to provide an acceptable level of connectivity. Sidewalks, shared-use paths, and ADA compliance requirements have been addressed during the design process. TxDOT will work to ensure construction does not cause bus routes to be discontinued and will give METRO notice of construction so they can establish new stops near the displaced stops. Detailed commitments related to transportation, City of Houston and METRO are described in Appendix A of this ROD.

During construction, TxDOT will provide safe and efficient connections to and around neighborhoods for all modes of transportation, including bicycles and pedestrians. Advanced notice of temporary road closures and traffic detours will be provided. TxDOT will maintain access to properties during construction.

Air Quality

During construction, TxDOT will use fugitive dust control measures contained in TxDOT standard specifications, as appropriate. TxDOT will also encourage construction contractors to use Texas Emissions Reduction Plan (TERP) and other local and federal incentive programs to the fullest extent possible to minimize diesel emissions.

To mitigate for potential short-term construction dust impacts, TxDOT will provide funding for weatherization and energy efficiency for qualifying low-income single-family residences. The program will include a weatherization assessment and the opportunity for energy efficiency improvements (e.g., caulking, insulation, storm windows, and storm doors).

TxDOT will develop and fund an air monitoring program to operate for a minimum period of five years during construction; the monitoring will consist of one location in Segment 2 and one location in Segment 3. Monitoring will include nitrogen dioxide (NO₂), carbon monoxide (CO), particulate matter (PM_{2.5}), ozone, and nine priority mobile source air toxics (MSAT) except PM_{2.5} will be used as a surrogate for diesel particulate. A public facing website will disclose the monitoring data compared to National Ambient Air Quality Standards (NAAQS) limits and U.S. Environmental Protection Agency (EPA) and/or Texas Commission on Environmental Quality (TCEQ) air toxics health risk thresholds. The website will have an early warning alert system using the EPA and TCEQ Air Quality Index triggers.

Traffic and Construction Noise

Noise barriers are proposed as abatement measures for predicted traffic noise impacts, where reasonable and feasible. In all, 76 noise barriers are proposed for the Selected Alternative: 7 barriers in Segment 1, 12 barriers in Segment 2, and 57 barriers in Segment 3. The final decision to construct proposed noise barriers will not be made until completion of the final design on each segment, utility evaluation, and polling of adjacent property owners. For more information on noise mitigation and proposed noise barriers, see Section 3.6 of the Final EIS and the Traffic Noise Technical Report in Appendix I of the Final EIS.

TxDOT will include provisions in the construction plans and specifications that require the contractor to make every reasonable effort to minimize construction noise through abatement measures such as work hour controls and proper maintenance of muffler systems.

To mitigate for potential short-term construction noise impacts, TxDOT will provide funding for weatherization and energy efficiency for qualifying low-income single-family residences. The program will include a weatherization assessment and the opportunity for energy efficiency improvements (e.g., caulking, insulation, storm windows, and storm doors).

Water Resources and Wetlands

TxDOT will implement storm water control best management practices to minimize adverse effects to downstream water resources and wetlands. Additional information on water quality management and compliance with applicable permitting requirements is indicated in Appendix A of this ROD and further discussed in Section 7.8 and Section 7.10 of the Final EIS.

Floodplains and Flooding

TxDOT has performed a preliminary drainage study for the Selected Alternative and more detailed drainage studies for Segments 2 and 3. Detailed drainage studies for Segment 1 have yet to be completed. The drainage studies will be used to determine the appropriate locations and sizes of storm water detention basins, bridges, culverts, and other drainage structures that will be required to mitigate risks incurred by construction of the proposed project. Bridges, culverts, and cross-drainage structures will be designed to FHWA and TxDOT standards for design events up to the 100-year storm event. The drainage design will be required to demonstrate that the project will not adversely impact existing floodplain conditions within the vicinity of the project for extreme events (i.e., storm events in excess of a 100-year storm event). Best management practices (BMPs), such as the construction of storm water detention facilities, would be incorporated into the final design of the proposed project to offset increased flows from areas of impervious surface. Construction of the proposed project would comply with Harris County, City of Houston and Harris County Flood Control District floodplain guidelines and policies.

The detailed drainage studies take into consideration the new National Oceanic and Atmospheric Administration (NOAA) Atlas 14 rainfall data and the most recent three major flood events in Houston: Memorial Day (2015), Tax Day (2016), and Hurricane Harvey (2017). The highways within this project will be designed to be passable in a rain event similar to these three recent major storms. Section 3.8 in the Final EIS provides additional detail on flooding and floodplain mitigation.

The Selected Alternative will collect, convey and detain, where necessary, the storm water runoff not only from the highways but also from adjacent properties that are currently draining to the highways. This new infrastructure will help address many drainage issues in the vicinity of the project. In particular, the Independence Heights neighborhood will see benefits from implementation of the Selected Alternative. The drainage improvements would result in between a 2-foot and 5-foot reduction in the 500-year water surface elevations along Little White Oak Bayou, a portion of which runs through Independence Heights. This reduction in flood levels would benefit approximately 760 structures along Little White Oak Bayou,

with the largest concentration of benefited structures being immediately upstream and downstream of the I-45 and I-610 interchange.

Vegetation, Wildlife, and Threatened and Endangered Species

TxDOT will avoid and minimize vegetation removal and stream channel disturbance, and utilize native species for revegetation, to the extent practicable. Additional measures and commitments related to Vegetation, Wildlife, and Threatened and Endangered Species are listed in Appendix A and further discussed in Section 7.11 and Section 7.12 of the Final EIS.

Historic Resources

TxDOT has executed a project-level Programmatic Agreement for historic properties with the Texas State Historic Preservation Office and the Advisory Council on Historic Preservation (see Appendix R of the Final EIS). The Programmatic Agreement for historic properties sets procedures and practices in place designed to mitigate for known adverse effects such as demolition and buffers for other historic properties in the area of potential effect and adjacent to the area of potential effect from unanticipated additional adverse effects. The Programmatic Agreement for historic properties includes the design prescriptives (i.e., restrictions and special commitments) and mitigation commitments. The mitigation measures related to historic resources are listed in Appendix A of this ROD and further discussed in Section 7.15 of the Final EIS.

In addition to the measures described above, TxDOT will perform a historic resource inventory of the Independence Heights neighborhood for the purpose of identifying historic resources suitable for further documentation and preservation. This effort is intended to support the neighborhood's desire to maintain their historic identity and culture and contribute to Independence Heights' larger neighborhood planning efforts.

Archeological Resources

TxDOT will include provisions in the construction plans and specifications requiring that, in the event that unanticipated archeological resources are encountered during construction, the contractor shall cease work in the immediate area, and TxDOT archeological staff shall be contacted immediately to initiate post-review discovery procedures.

Soils

Soil erosion will be minimized during construction with implementation of management of soils and dust in compliance with applicable federal and state guidelines and in conformance with specific requirements of project permits.

Hazardous Materials

Special provisions or contingency language will be included in the construction plans and specifications of the Selected Alternative to handle hazardous materials and/or petroleum contamination according to

applicable state, federal, and local regulations per TxDOT Standard Specifications. Additional measures and commitments related to hazardous materials are listed in Appendix A and further discussed in Section 7.16 of the Final EIS.

Visual and Aesthetic Qualities

To the extent possible, the project will be designed to create an aesthetically and visually pleasing experience for both roadway users and roadway viewers. TxDOT has made a number of commitments related to landscaping, aesthetic treatments and open space that involve coordination with the City of Houston, Houston Parks Board, and local neighborhoods. These commitments are listed in Appendix A of this ROD and further discussed in Section 7.17 of the Final EIS.

Additionally, TxDOT is proposing aesthetic walls to provide aesthetic mitigation as well as noise mitigation in environmental justice areas. The aesthetic walls would be above and beyond usual noise mitigation to accommodate traffic noise issues in areas that would have a noise impact but did not meet the noise mitigation requirements. The wall could also serve as a visual screen. These walls are proposed where they would be effective for noise mitigation (reduce traffic noise levels by at least 3 dB(A)) in locations in the TxDOT right-of-way where they would not restrict access to the property, not impede drainage, and otherwise be constructible. Adjacent landowners would have the final decision on whether the wall would be constructed.

6.0 Section 4(f)

Section 4(f) of the Department of Transportation Act of 1966 prohibits the Secretary of Transportation from approving any program or project that requires the “use” of 1) any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance as determined by federal, state, or local officials having jurisdiction thereof, or 2) any land from an historic site of national, state, or local significance as so determined by such officials unless there is no feasible and prudent alternative to the use of such land and the project includes all possible planning to minimize harm to the resource. After field investigations and analysis, TxDOT found that the Selected Alternative would not impair the activities, features, or attributes of any public parks but would affect historic properties. Therefore, a Section 4(f) Evaluation was prepared for the NHHIP.

TxDOT coordinated with the Texas State Historic Preservation Office (SHPO) as part of the Section 106 process and as the Official with Jurisdiction for historic sites under Section 4(f). The Texas SHPO concurred with TxDOT’s determination that the project would have an adverse effect to the following properties and that there were no feasible and prudent avoidance alternatives to these properties.

- Houston Warehouse Historic District
- Carlisle Plastics North Warehouse
- Readers Distributors Warehouse
- Cheek-Neal Coffee Company Building and associated property parcel 2
- Rossonian Cleaners

The Texas SHPO had no comments on TxDOT's determination that the project would have *de minimis* impacts to six other historic properties:

- Near Northside Historic District
- Residential property at 109 Carl Street
- San Jacinto Warehouse
- Walter's Downtown (former Bottling Works)
- METRO Warehouse
- Former Downtown Post Office, Processing and Distribution Center

The project includes all possible planning to minimize harm to the Section 4(f) properties. The Individual Section 4(f) Evaluation is included in the Final EIS (Appendix O).

TxDOT developed a Programmatic Agreement that identifies historic properties adversely affected by the NHHIP, stipulates TxDOT's mitigation commitments, and specifies procedures and processes to be implemented during the design-build process to avoid and minimize harm to historic properties. TxDOT consulted with the Advisory Council for Historic Preservation, Texas SHPO, and other consulting parties in the development and execution of the Programmatic Agreement, signed on July 7, 2020, and included in the Final EIS (Appendix R).

7.0 Summary of Comments on the Final EIS

The Council on Environmental Quality (CEQ), which is the federal agency that implements NEPA, has explained that an agency is not required to treat the waiting period between a Final EIS and a ROD as a comment period, but that an agency may solicit comments on the Final EIS if it so chooses. CEQ's Response to Comments on its Final Rule Modernizing its NEPA Implementing Regulations at page 415. <https://www.whitehouse.gov/ceq/nepa-modernization/>. For the NHHIP Final EIS, although there were multiple opportunities for public input on the project spanning several years leading up to the Final EIS. TxDOT chose to offer another public comment period and so solicited public comments on the Final EIS.

The comment period for the Final EIS began on October 9, 2020 and was extended through December 9, 2020 per the public's request for a time extension. Comments received or postmarked through December 18, 2020 were also considered. Issues commonly raised in the comments on the Final EIS include the following:

- Displacements and Housing
- Air Quality
- Bicycle and Pedestrian Facilities
- Drainage and Floodplains/Flooding
- Indirect and Cumulative Impacts
- Mitigation
- Mobility and Traffic
- Noise
- Neighborhood Impacts

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- Need and Purpose
 - Project Design
 - Property Acquisition
 - Public Involvement
 - Project Schedule
 - Safety
 - Environmental Justice
 - Socioeconomic Impacts
 - Transit
 - Visual and Landscaping
 - Water Quality
 - Water Resources
 - Green space/Open space
 - Historic Resources
 - Supports the Project
 - Opposed to the Project
 - Greenhouse Gas Emissions and Climate Change
 - Supplemental EIS
 - Deadline for Comments on the Final EIS
 - Timing of MOU between TxDOT and local agencies

Responses to the issues and concerns commonly raised by commenters are included in Appendix B of this ROD.

8.0 Conclusion

The preparation and signature of this ROD constitutes TxDOT's approval of the Preferred Alternative described in the Final EIS dated August 2020 as the Selected Alternative for the NHHIP. The Selected Alternative will meet the project needs as well as or better than the other alternatives. Additionally, the Section 4(f) Evaluation demonstrated that no feasible and prudent avoidance alternatives were available for adversely affected historic properties. This ROD is based on the Final EIS and project file which have been independently evaluated by TxDOT and determined to adequately and accurately discuss the need, potential environmental issues and impacts of the proposed project, and appropriate mitigation measures.

BY: 

DATE: Feb. 3, 2021

*Director, Environmental Affairs Division
Texas Department of Transportation*