



U.S. Department
of Transportation
**Federal Highway
Administration**

Texas Division

June 14, 2021

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In Reply Refer To:
HDA-TX

Mr. Marc Williams
Executive Director
Texas Department of Transportation
125 E. 11th Street
Austin, TX 78701

Dear Mr. Williams:

I am writing in response to Texas DOT's (TxDOT) March 30 letter regarding the North Houston Highway Improvement Project (NHHIP). I appreciate your commitment to meet Federal environmental requirements and your willingness to cooperate with the Title VI investigations.

In that letter, TxDOT offered to have detailed discussion with the Federal Highway Administration (FHWA) and the United States Department of Transportation (USDOT) about the mitigation efforts that will be undertaken to lessen the impacts associated with the NHHIP. In addition, TxDOT requested that we discuss what our "requested pause" might mean for the continued progress of the NHHIP before initiating further contract solicitation efforts, including issuance of any Requests for Proposals.

With respect to scope of the "pause", the FHWA requests that the pause apply to right-of-way (ROW) acquisition, including solicitations, negotiations and eminent domain, and final design activities. FHWA will similarly pause any of its activities and approvals, including but not limited to sign-off on the submitted Interchange Justification Report. There are numerous environmental and civil rights issues involved and FHWA believes that no further actions be taken on this project that might impact our Title VI investigation and any proposed remedies should the agency find that a violation has occurred.

As you know, TxDOT has requested additional time to submit documents needed by FHWA for our Title VI investigation. TxDOT's responsiveness in the Title VI investigation and project review are essential to ensuring their timely completion, which in turn will determine when the "pause" can come to an end.

By this letter, I am also informing you that the FHWA has also elected to review TxDOT's compliance with the Memorandum of Understanding (MOU) executed on December 9, 2019, in issuing its Record of Decision for the NHHIP. Our review will be conducted as an extension of the FHWA's monitoring responsibilities in accordance with 23 U.S.C. 327(c)(4) and (d), and sections 8.1.5 and 8.2 of the MOU. This review will inform the FHWA's decisions regarding

TxDOT's compliance with the MOU for the NHHIP project, including project or program reassignment under MOU section 9.1, intervention under 23 U.S.C. 327(d)(3), and other appropriate remedies under 23 CFR 1.36. The FHWA will reach out soon with more details regarding this project review.

The FHWA appreciates TxDOT's willingness to work with FHWA as the FHWA reviews the concerns that have arisen regarding this important project. We look forward to TxDOT's continued cooperation as we work with you to find an appropriate resolution for the NHHIP.

Sincerely,

Achille Alonzi
Division Administrator

cc: Bill Hale, P.E., Chief Engineer