

January 26, 2021

James M. Bass, Executive Director  
Texas Department of Transportation  
125 East 11 th Street  
Austin, TX 78701

RE: Objection to issuance of ROD on the NHHIP as violation of Title VI, Civil Rights Act of 1964

Dear Mr. Bass,

I write to request that the Texas Department of Transportation withhold the issuance of a Record Of Decision (ROD) in the pending matter regarding improvements to Interstate Highway 45 in the city of Houston. The issuance of a ROD in this matter would violate Title VI of the Civil Rights Act of 1964 by denying benefits of a federally funded activity to many thousands of Black Americans living both in the proposed right-of-way and in the adjacent neighborhoods.

Although Texas Housers co-signed a letter written by Air Alliance Houston and partner organizations, we feel that it's critical to emphasize the harm that moving forward with a record of decision on the NHHIP will cause by magnifying the devastating racial segregation begun by past acts of TxDOT.

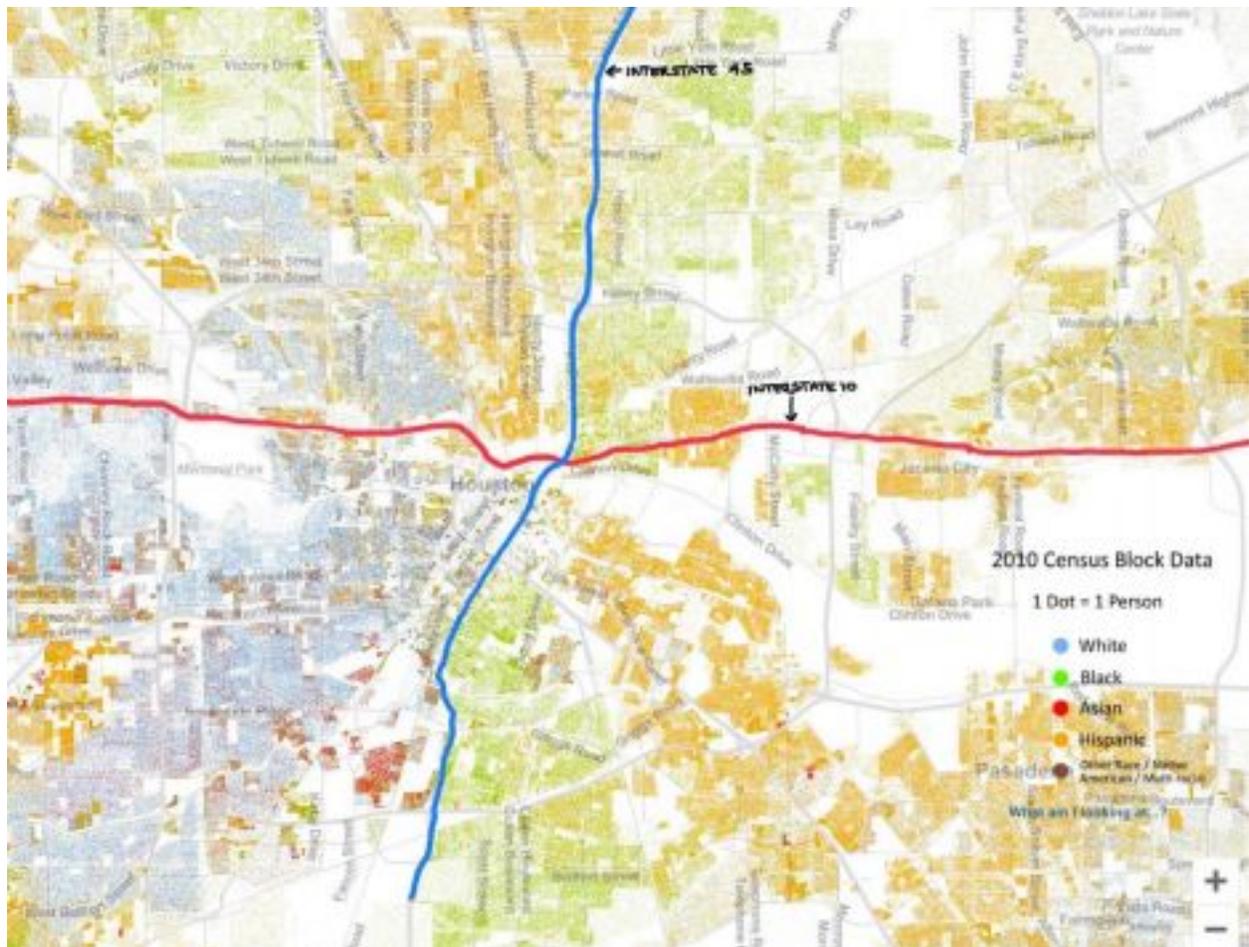
Texas Housers is a 30-year old civil rights policy advocacy organization with offices across the state of Texas. We work with low-income Texans' to support their efforts to achieve the American dream of a decent, affordable home in a quality neighborhood. All of our work is guided by what we call the four rights: the right to choose where one lives (1) , the right to have a say in issues that impact one's home and neighborhoods (2) , the right to stay in one's neighborhood of origin (3) , and the right to equal treatment (4). For the past several years we've followed, participated and have supported public participation by residents in the North Houston Highway Improvement Project (NHHIP). The concerns of those residents are reflected both in the letter from Air Alliance and in this letter. Our objections to the NHHIP as currently proposed are that it will result in disparate treatment families living in the proposed right-of-way. Those living in the project area, who are mostly Black and Hispanic, will be further isolated by the proposed expansions of the freeways — services and public facilities the rest of the non-African-American population of the city of Houston would continue to enjoy.

In undertaking a new project such as is being proposed, TxDOT must recognize and mitigate the historical harms it has caused to majority Black people and neighborhoods through the development of Interstate Highway 45 and Interstate Highway 10 in Houston. The direct effect of construction of these freeways has been to condemn and destroy Houston's principal Black-owned business district,

homes and religious institutions located in what is now the right-of-way of these two highways. These freeways have effectively isolated the city's oldest and largest Black neighborhoods in the historic Fifth Ward. The effect of this has been to greatly enhance residential racial segregation of the city's Black population [see map]. Another devastating effect has been the concentration of poverty within those neighborhoods walled off from the remainder of the city by expressways. This has directly resulted in neighborhoods in the Fifth Ward that contain populations totaling upwards of 40 percent living below the poverty level. It has destroyed economic corridors, homes, generational wealth and personal health.

### The Impact of I-59 and I-10 on Fifth Ward

The physical isolation of this majority Black population has led not only to residential racial segregation but has also led to widespread economic disinvestment that has directly resulted in deterioration and demolition of homes and businesses. Highway locational decisions and highway expansion projects undertaken by TxDOT around Fifth Ward are directly responsible for the resulting unhealthy conditions that impact its majority Black population.



Further evidence of TxDOT's racially discriminatory practices in decisions related to the proposed Interstate 45 project can be found in the proposal to relocate that portion of Interstate 45 that now divides the downtown from the historic African-American Freedman's Town neighborhood of Fourth Ward. When TxDOT constructed that portion of the freeway known locally as "The Pierce Elevated Highway" the massive, elevated expressway served as a physical barrier to separate the Black Freedman's Town from downtown. Today, Freedman's Town has undergone massive gentrification resulting in the almost complete change in the racial composition of the population from Black to white. Plans now call for the abandonment and demolition of the elevated freeway to affect a linkage of the now white Midtown (formerly Fourth Ward or Freeman's Town) with downtown.

Your department's past decisions are responsible for this. Issuance of a ROD that will pave the way to expand and make worse the harms TxDOT has inflicted on Black Houstonians will expand and guarantee this harm for many future generations.

This action would be unlawful under Title VI of the Civil Rights Act of 1964..

Thank you for your consideration.

Sincerely,



Zoe Middleton  
Southeast Texas Co-Director



Christina Rosales  
Deputy Director

CC:  
Jeff Graham, General Counsel

Michael Bryant, Civil Rights Division Director