

APPENDIX B

Scoping, Public Involvement, and Agency Coordination

APPENDIX B
Public Outreach Efforts

Community Stakeholders Information Meeting Bridge of the Americas Land Port of Entry Modernization Project

Chamizal National Memorial Park Theatre

800 S. San Marcial, El Paso, TX 79905

Tuesday, April 4, 2023 5:00pm - 7:00pm

- *Presentation of Viable Alternatives*
- *Share the Project Schedule & Goals*
- *Share your expectations and issues*



BOAT LPOE Modernization - Project Meetings

Meeting Type	Date	Participants	Notes
Congresswoman Escobar Round table	8/15/22	USA, Congresswoman Escobar, Staff, El Paso Local Governments and public	Congresswoman round table with outside stakeholders
Kick-off Meeting	11/7/22	GSA, FDA, USIBWC, CBP, USDA, AE TEAM	On site meeting with Internal Stakeholders
Agency Interview Meetings	11/14/22	CBP, FMCSA, TABC, USFW	Information gathering with agencies on site.
Community Engagement #1	11/28/22	External Stakeholders	Kick off meeting to provide information on study and schedule
Viable Alternative Workshop	2/28/23	Internal Stakeholders	Develop Viable Alternatives
Community Engagement #2	4/4/23	External Stakeholders	Present Viable Alternatives
Meeting with El Paso County Judge	5/11/23	El Paso County Judge and Staff	Provided Status
Meeting with El Paso County Commissioner Pct. #2	5/16/23	El Paso County Commissioner Pct. #2 and Staff	Provided Status
Meeting with Neighborhood Assoc. Leaders	5/23/23	Neighborhood Association Leaders	Provided Status
Meeting with El Paso County Sport Comission and Rhinos Hockey Leaders	6/1/23	El Paso County Sports Commission and Rhinos	Provided Status



Congresswoman
VERONICA ESCOBAR
Texas' 16th Congressional District

FOR IMMEDIATE RELEASE:
October 19, 2023

Abbey Thompson: (202) 225-4831
abbey.thompson@mail.house.gov

Congresswoman Escobar Announces Bridge of the Americas Listening Sessions

(Washington, DC) – Today, Congresswoman Veronica Escobar (TX-16) announced the start of a series of listening sessions to collect community feedback on the feasibility of removing commercial traffic (18-wheelers) from [the Bridge of the Americas \(BOTA\) Port of Entry](#). In coordination with U.S. Customs and Border Protection (CBP), the General Services Administration (GSA), and several other federal agencies, the Congresswoman will be engaging with local government officials, stakeholders from the bi-national business community, neighborhood and community organizations, and other members of the public. These listening sessions will be critical in guiding CBP, the lead agency on the future of north and southbound commercial traffic, on their recommendations.

"With the amount of input I've received from the community about the possibility of diverting commercial traffic from BOTA, it is incredibly important to me that we hear from and engage with all stakeholders who would be affected by this decision," said Congresswoman Escobar. "I'm eager to provide a platform for our community to continue voicing their thoughts as we explore the potential of removing north and/or south bound commercial traffic at BOTA. By collaborating with CBP, the listening sessions will provide the feedback needed for them to make an informed decision."

The exact dates of the listening sessions are to be announced, but in the meantime, El Pasoans can submit their views and feedback [here](#). By submitting a comment, you will be automatically enrolled in updates on the listening sessions.

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**PROPOSED MODERNIZATION
BRIDGE OF THE AMERICAS (BOTA) LAND PORT OF ENTRY (LPOE)
EL PASO, TEXAS**



**PUBLIC SCOPING
MEETING**

**WEDNESDAY
DECEMBER 13, 2023,
5-7PM (MTN)**

**Presented by:
Karla R. Carmichael**

**U.S. General Services
Administration**

**Public Building Service
Region 7**



**PROPOSED MODERNIZATION
BRIDGE OF THE AMERICAS (BOTA) LAND PORT OF ENTRY (LPOE)
EL PASO, TEXAS**

MEETING FORMAT

- Overview of the project including current alternatives developed to implement the project.
- Overall anticipated project timing (start of construction, finish, etc.)
- Overview of the Environmental Impact Statement (EIS) process.
- Come-and-go breakout stations staffed for additional questions.



**PROPOSED MODERNIZATION
BRIDGE OF THE AMERICAS (BOTA) LAND PORT OF ENTRY (LPOE)
EL PASO, TEXAS**

PUBLIC COMMENTS AND INPUT

- Comment sheets provided. Leave them here tonight or mail them.
- Comments and input can also be submitted via mail or email:

Email: BOTA.NEPAcomments@gsa.gov

Mail: Karla R. Carmichael
NEPA Program Manager
Environmental, Fire and Safety & Health Branch
GSA/PBS, Facilities Management and Services Programs Division
Greater Southwest Region 7
819 Taylor St, Room 12-B, FW, TX 76102

For assistance with translating, reading, writing or any questions please reach out to one of the GSA staff.

PROJECT OVERVIEW

The purpose and need for the proposed action is multi-dimensional; to provide new/updated Port infrastructure and facilities to correct deficiencies and bring facilities up to standards and current codes - specifically GSA P100 (*Facilities Standards for the Public Buildings Service*) and the CBP Land Port of Entry Design Standard.

In order to bring the BOTA LPOE in line with CBP's design standards and operational requirements, action is necessary to satisfy the following overriding needs:

- Improve the capacity and functionality of the LPOE to meet future public demand, while maintaining the capability to meet border security initiatives.
- Ensure the safety and security for the employees and the travelling public.

CURRENT ALTERNATIVES DEVELOPED TO IMPLEMENT THE PROJECT

As part of initial project planning, the GSA has developed five (5) viable alternatives as potential means of implementing the project.

All five alternatives include the phased removal of all existing buildings/structures and infrastructure within the existing LPOE boundaries and construction of new buildings/structures and supporting infrastructure.

All five also include minimal land acquisition in areas immediately adjacent to the port, with some requiring varying degrees of additional land acquisition to the east.

The GSA NEPA process always includes the **NO ACTION ALTERNATIVE** which brings the total number within the EIS document to six.

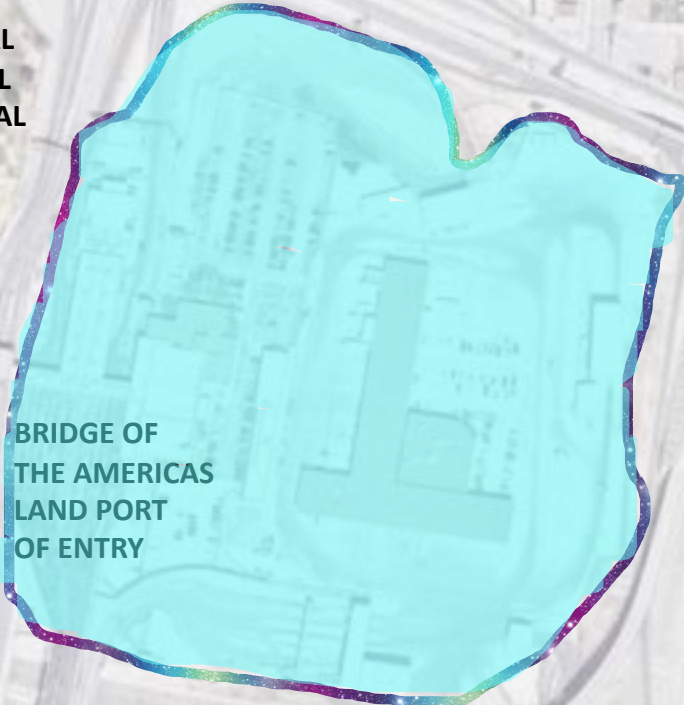
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SAN XAVIER
COMMUNITY

WASHINGTON
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EL PASO
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BRIDGE OF
THE AMERICAS
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US 54

E. PAISANO DR.

PAISANO
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COMMUNITY

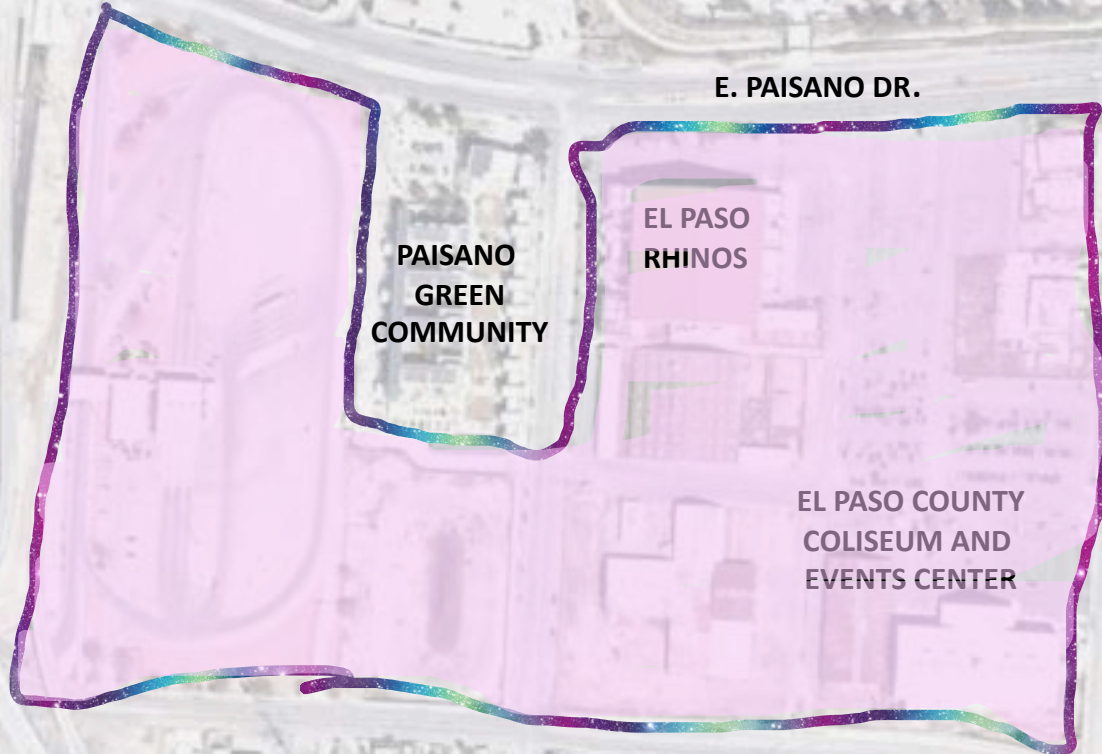
EL PASO
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DELTA
DR

EL PASO COUNTY
COLISEUM AND
EVENTS CENTER

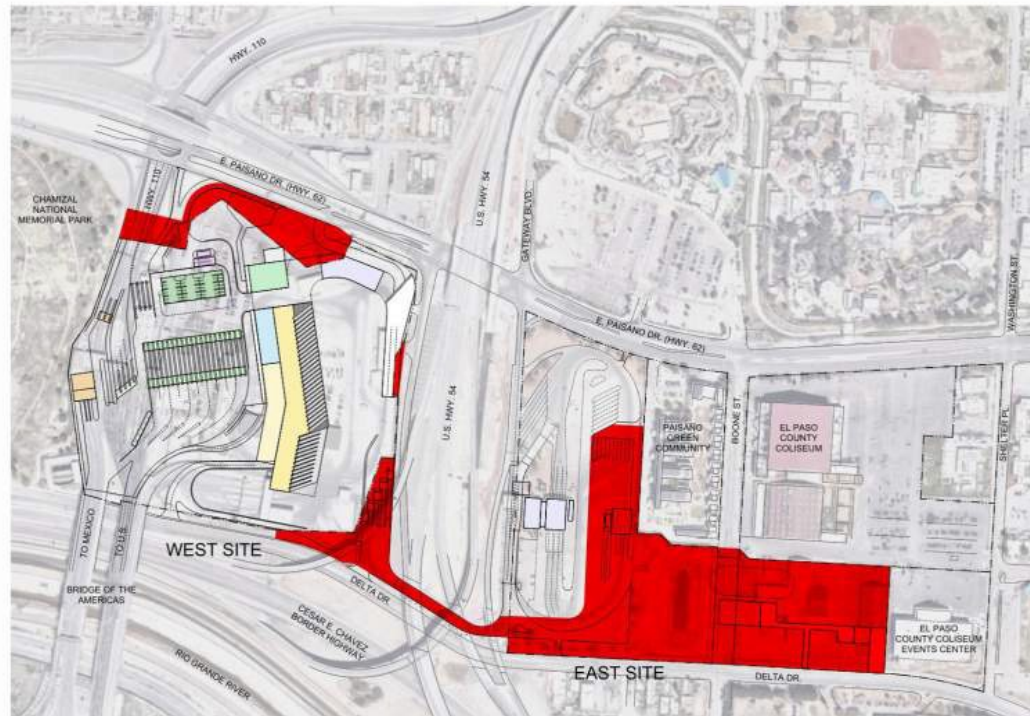
BRIDGE OF
THE
AMERICAS



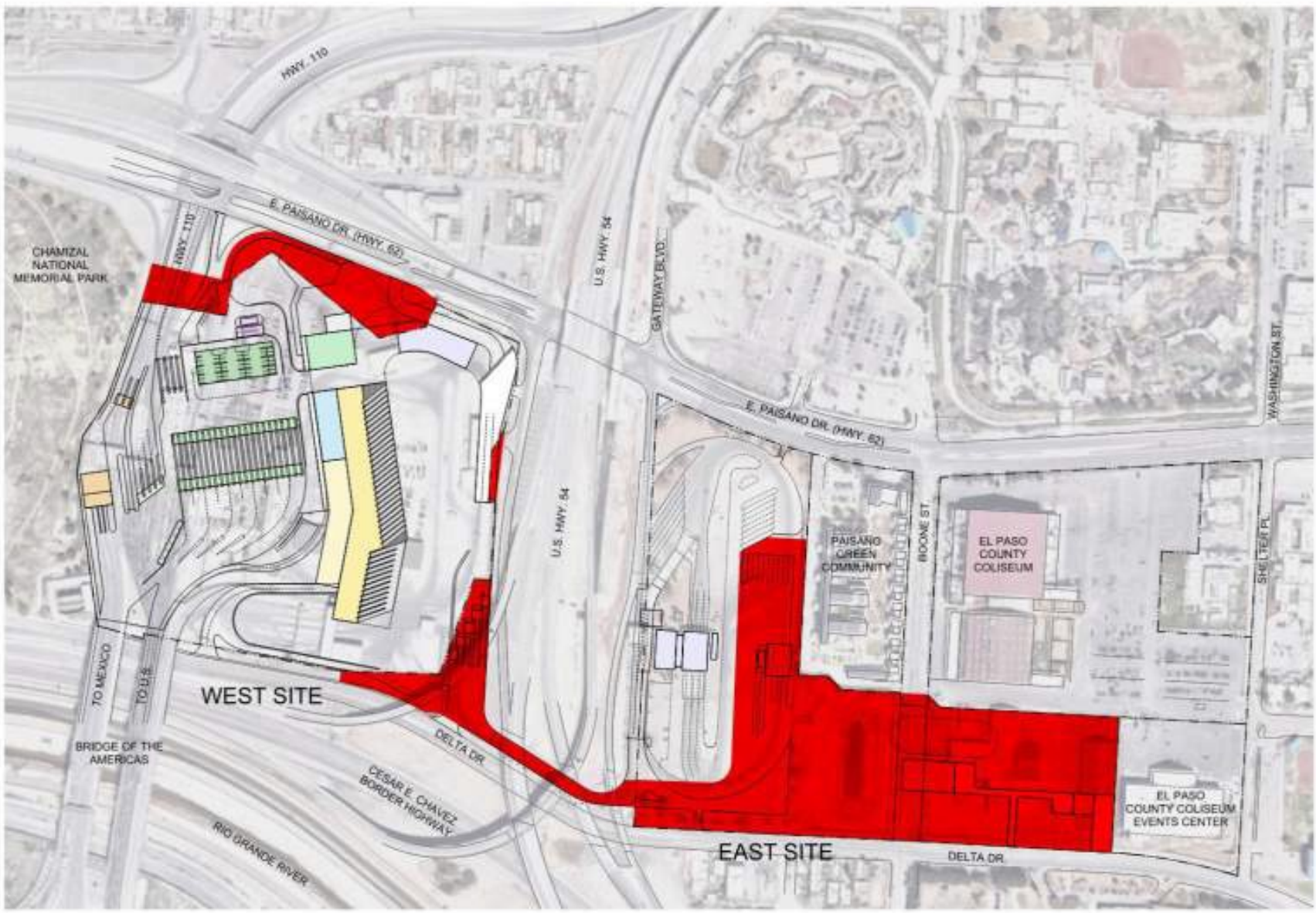
ACTION ALTERNATIVE 1 –

Multi-level scheme, with the majority of Port operations located on the existing site, with Federal Motor Carrier Safety Administration (FMCSA) inspections co-located with Texas Department of Transportation (TxDOT) to the east.

Dense land use including a small amount of land acquisition at the perimeter of the existing site, primarily within the TxDOT right-of-way. Then acquisition of the southern most area to the East.



**ALTERNATIVE
1
ACQUISITION**

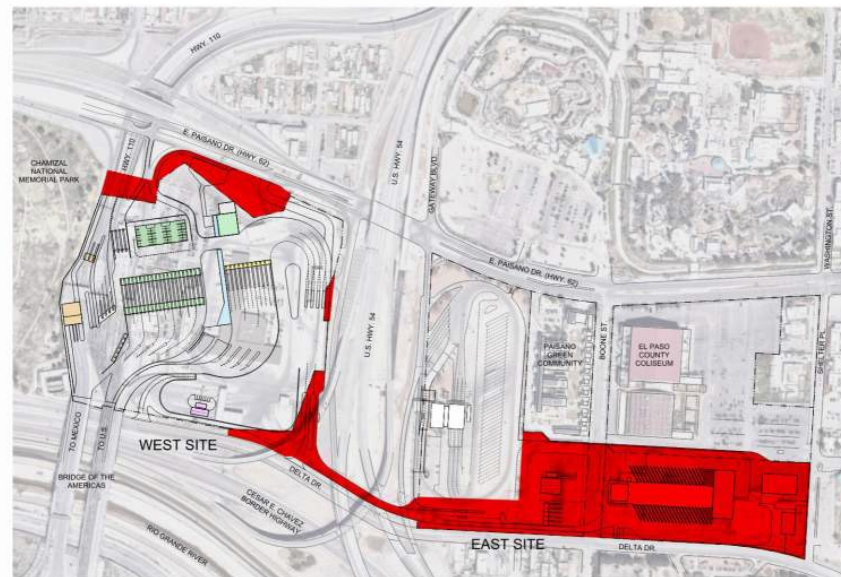


ACTION ALTERNATIVE 2 –

Non-commercial vehicle, pedestrian, bus and commercial primary located at the existing site.

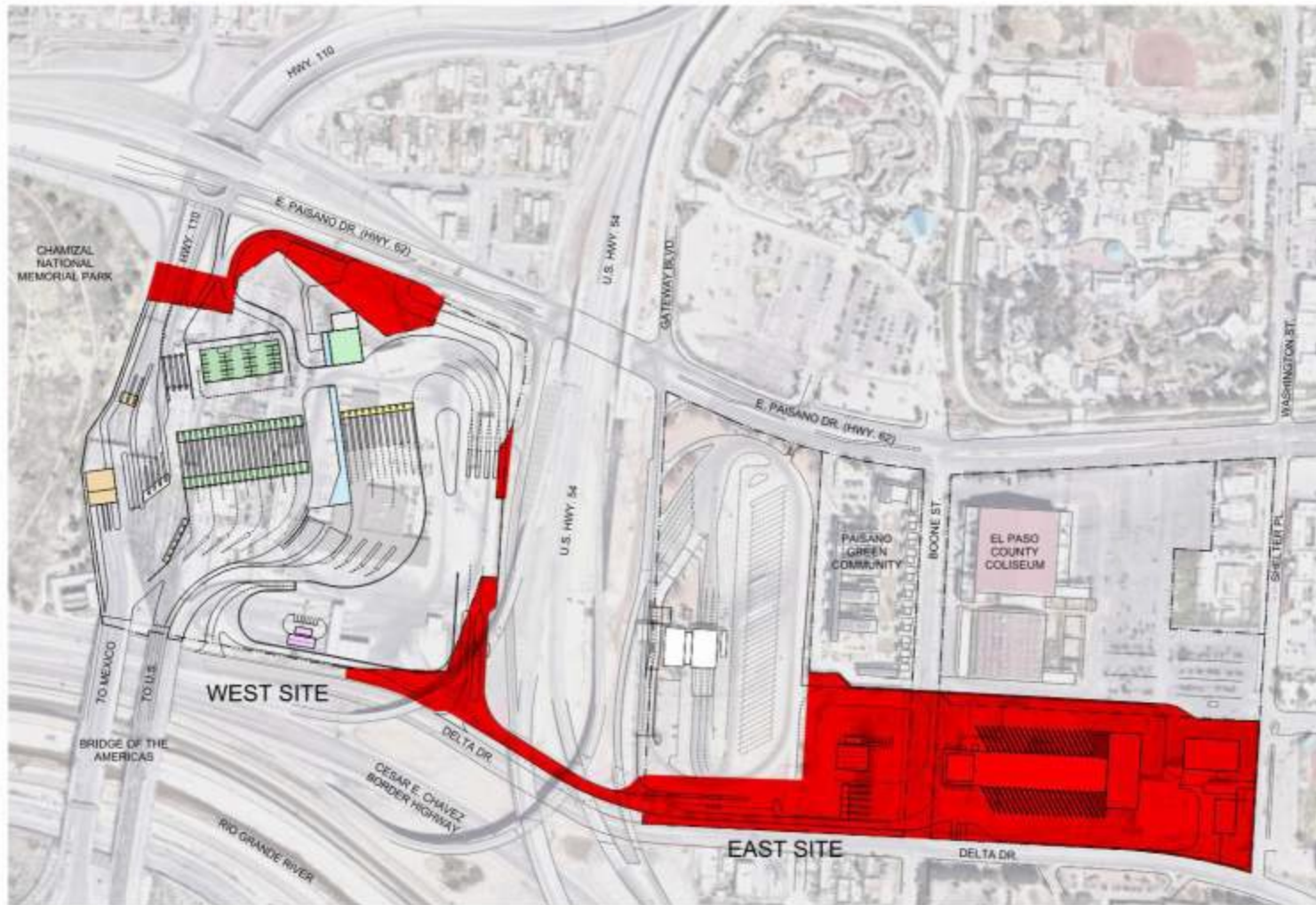
Commercial secondary and FMCSA truck inspections located at a new site to the east.

Includes acquisition of some new land currently owned by the County.



ALTERNATIVE
2
ACQUISITION

1" = 300'
0 100 500'



ALTERNATIVE
2
ACQUISITION

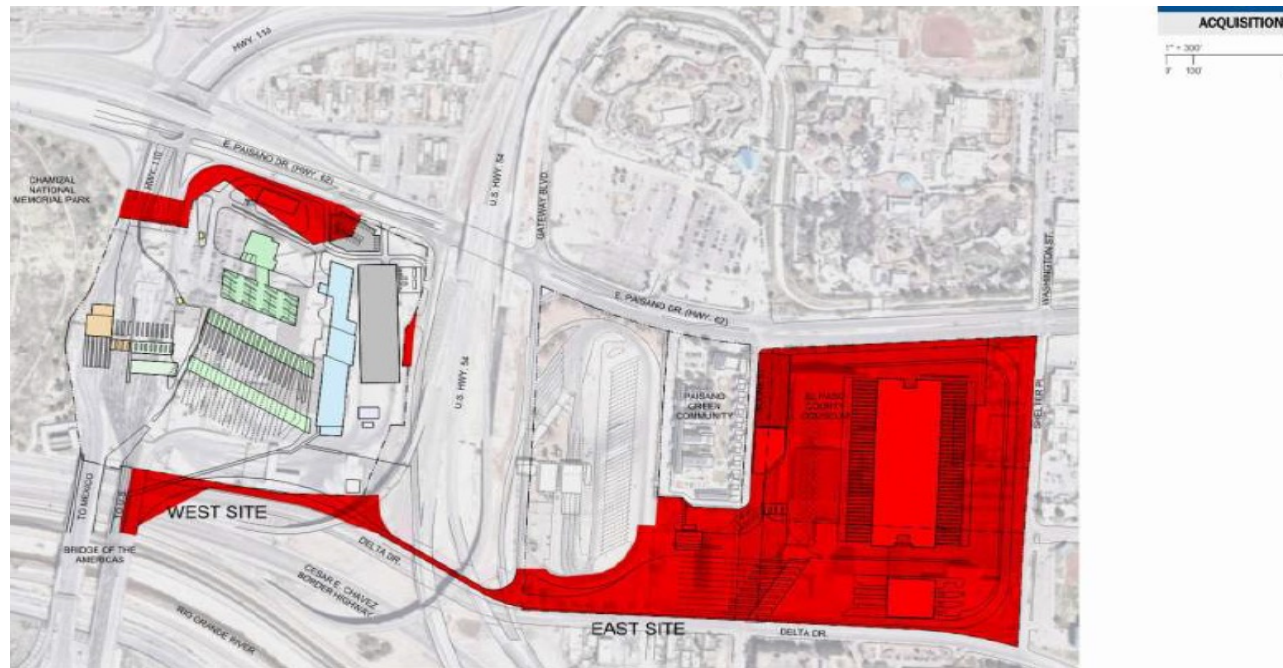


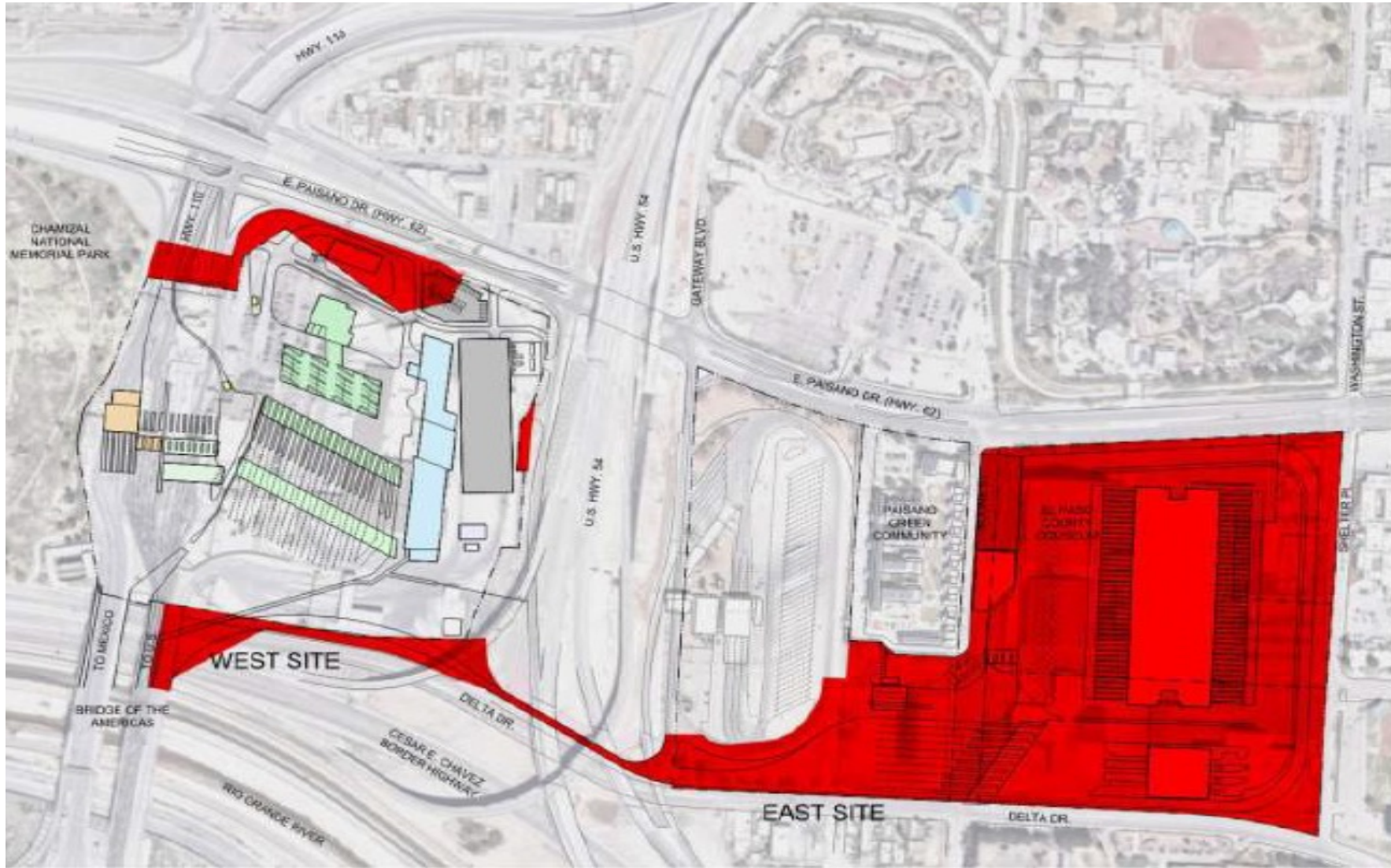
ACTION ALTERNATIVE 3 – ALL COMMERCIAL TO THE EAST

Non-commercial vehicle, pedestrian and bus inspections at the existing site.

All commercial cargo operations and FMCSA at new site to the east.

Includes a significant amount of land acquisition to the east, including land currently owned by the County.





ACQUISITION

1" = 300'


0 100 200

ACTION ALTERNATIVE 4 – NO COMMERCIAL TRAFFIC

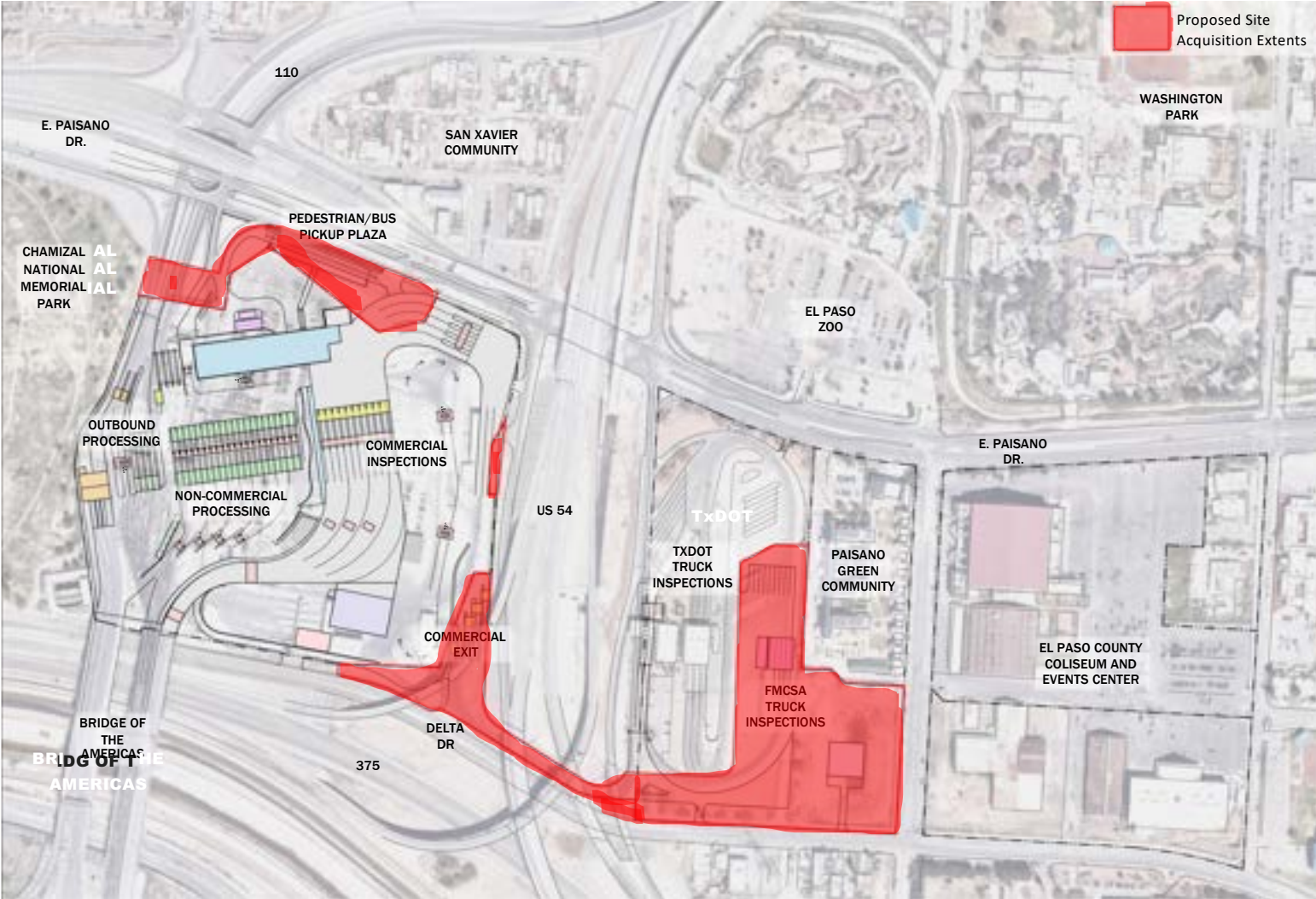
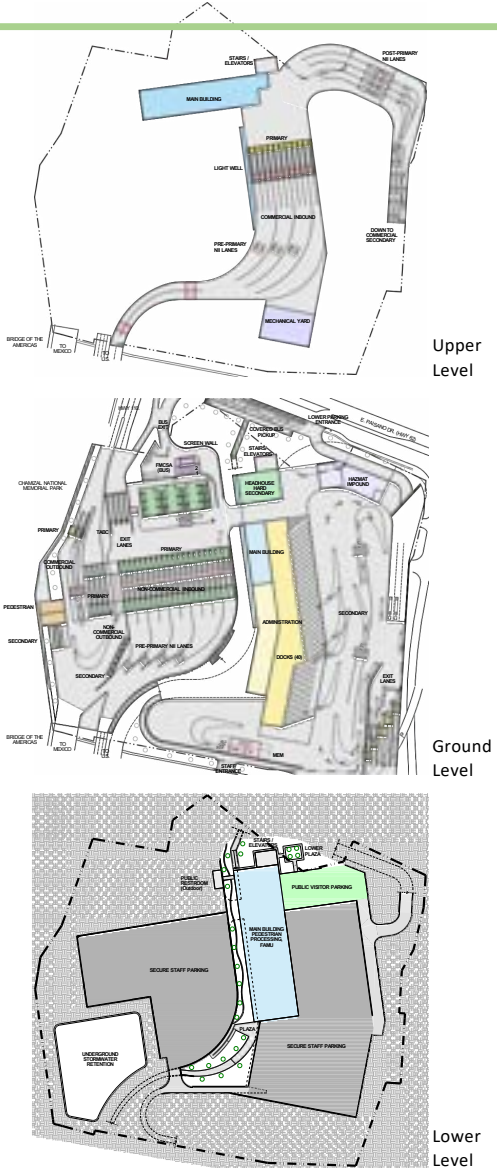
**VIABLE
ALTERNATIVE 4**
LAND ACQUISITION



**PROPOSED LAND
ACQUISITION**

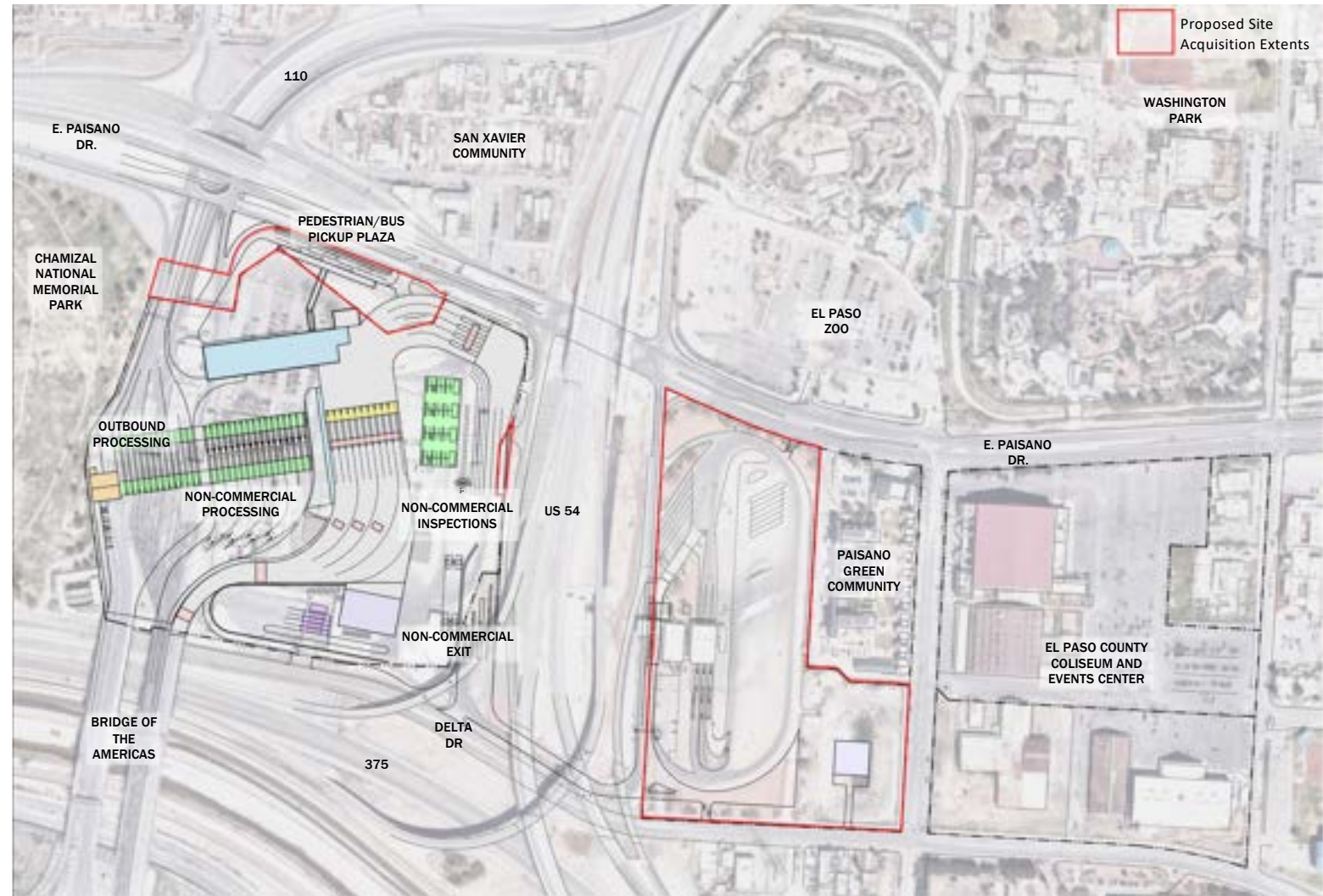
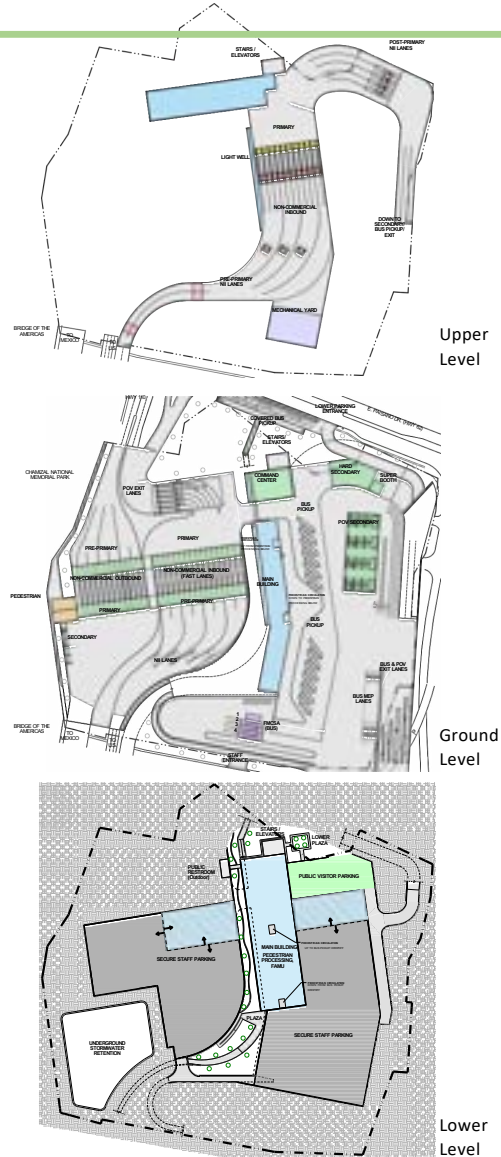


ACTION ALTERNATIVE 1A: FLEXIBLE WITH HIGH – LOW BOOTHS



Site Plan

ACTION ALTERNATIVE 1A: FUTURE NO COMMERCIAL

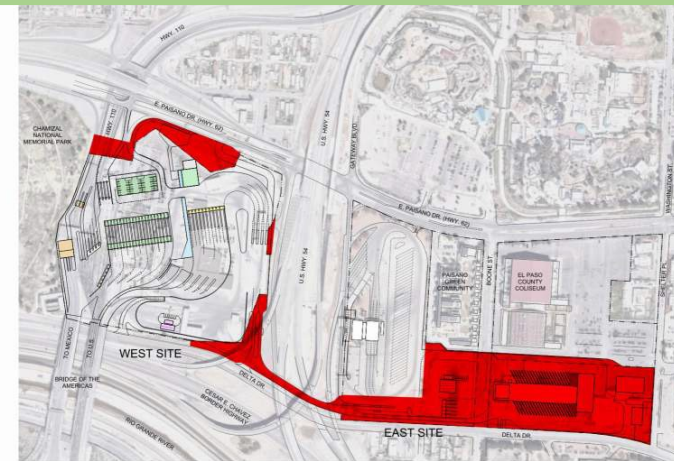


ACTION ALTERNATIVES TO BE INCLUDED



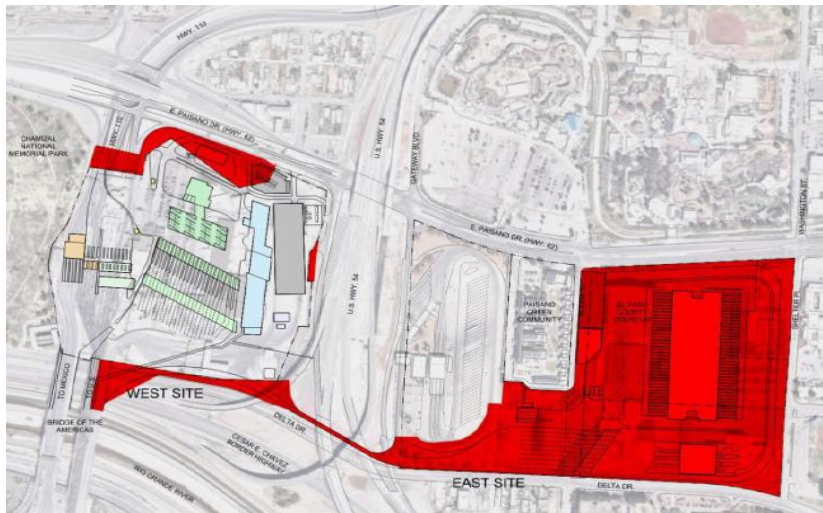
ALTERNATIVE 1
ACQUISITION

Action Alternative #1



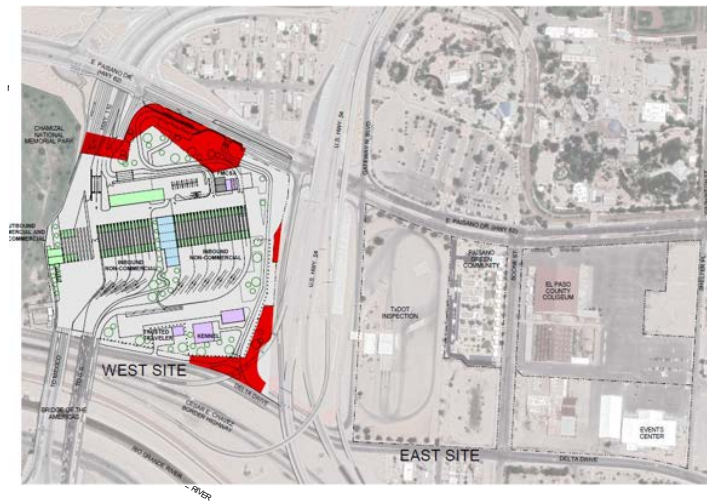
ALTERNATIVE 2
ACQUISITION

Action Alternative #2



ACQUISITION

Action Alternative #3



VIABLE ALTERNATIVE 4
LAND ACQUISITION

PROPOSED LAND ACQUISITION

Action Alternative #4

ACTION ALTERNATIVES TO BE INCLUDED

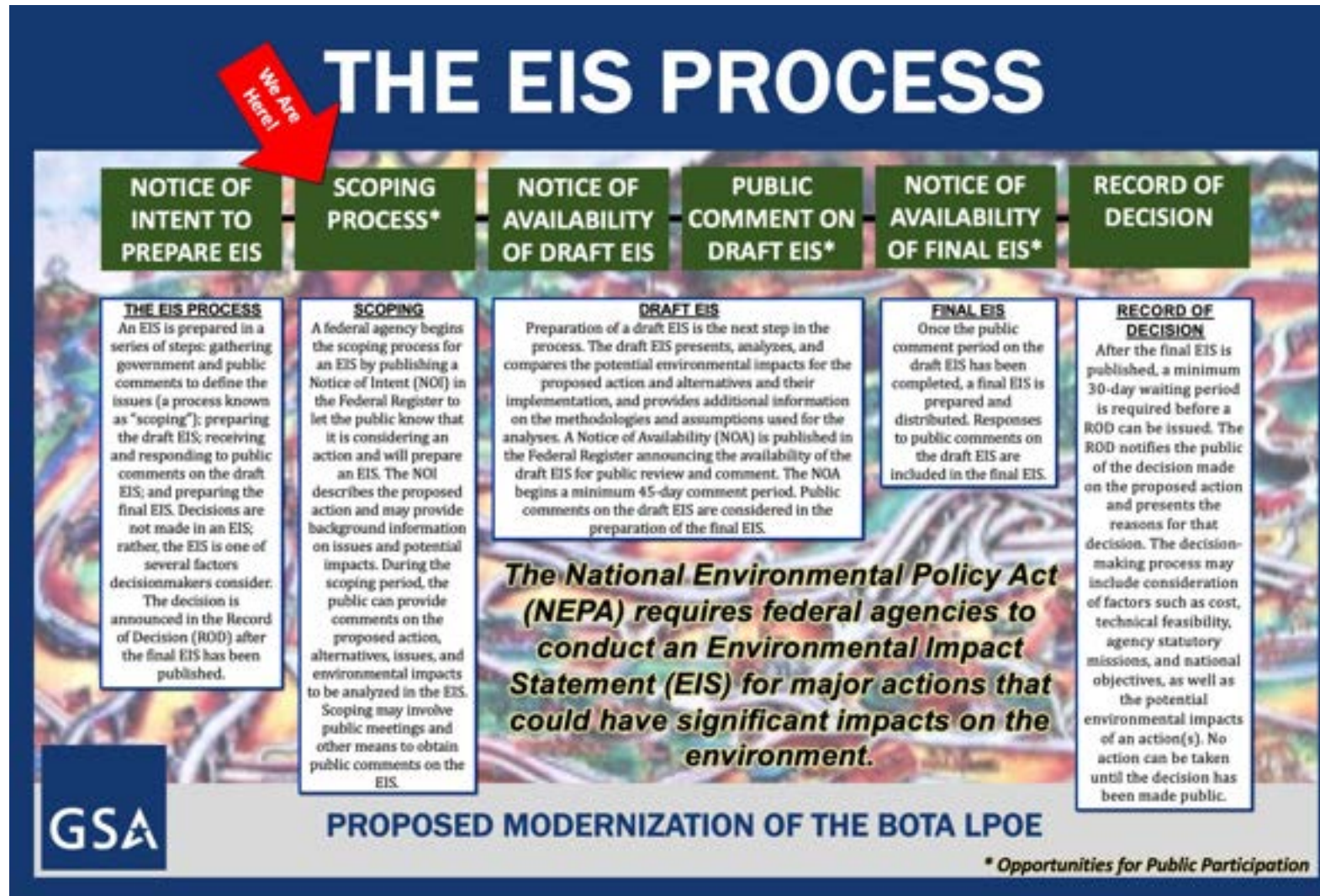


Action Alternative #1A



No Action Alternative #6

THE ENVIRONMENTAL IMPACT STATEMENT PROCESS



The EIS is prepared, and the process conducted in accordance with prevailing GSA National Environmental Policy Act (NEPA) guidance and implementation regulations.

THE ENVIRONMENTAL IMPACT STATEMENT PROCESS

An EIS is prepared in a series of steps:

- gathering government and public comments to define the issues (a process known as “scoping”);
- preparing the draft EIS;
- receiving and responding to public comments on the draft EIS; and
- preparing the final EIS.

Decisions are not made in an EIS; rather, the EIS is one of several factors decisionmakers consider.

The decision is announced in the Record of Decision (ROD) after the final EIS has been published.

NOTICE OF INTENT TO PREPARE EIS AND SCOPING PROCESS (STEPS 1 & 2)

GSA begins the scoping process for an EIS by publishing a Notice of Intent (NOI) in the Federal Register to let the public know that it is considering an action and will prepare an EIS.

The NOI describes the proposed action and provides background information on issues and potential impacts.

During the scoping period, the public can provide comments on the proposed action, alternatives, issues, and environmental impacts to be analyzed in the EIS.

The NOI for this project was published in the Federal Register on Monday, November 13, 2023.

NOTICE OF AVAILABILITY OF THE FINAL EIS (STEP 5)

Once the public comment period on the draft EIS has been completed, a final EIS is prepared and distributed.

Responses to public comments on the draft EIS are included in the final EIS.

RECORD OF DECISION (STEP 6)

After the final EIS is published, a minimum 30-day waiting period is required before a ROD can be issued.

The ROD notifies the public of the decision made on the proposed action and presents the reasons for that decision.

The decision-making process may include consideration of factors such as cost, technical feasibility, agency statutory missions, and national objectives, as well as the potential environmental impacts of an action(s).

No action can be taken until the decision has been made public

WHAT IS INCLUDED IN THE EIS?

The EIS will identify, describe, and analyze the potential effects of the action alternatives developed to implement the proposed action and the no action alternative. This will include direct, indirect, and cumulative effects. At present, GSA has identified the following resources/issues for analysis of both beneficial and adverse potential impacts:

- Hazardous Materials, Waste, and/or Site Contamination
- Socioeconomics (including Environmental Justice)
- Public Services, Infrastructure, and Utilities
- Surface Waters, Drainage, and Floodplains
- Land Use and Zoning (including Visual and Aesthetics)
- Traffic (Vehicular and Pedestrian), Transportation, and Parking
- Air Quality (including Greenhouse Gas Emissions)
- Noise and Vibration
- Cultural and Historic Resources

The EIS will document measures that could potentially avoid, minimize, or mitigate any identified adverse impacts. GSA welcomes public input on these potential impacts and other resources that could be considered.

PROJECTED PROJECT TIMING

Key anticipated milestones which are subjected to change:

- End of Initial NEPA Scoping Period Comments: Tuesday January 16, 2024
- Publication of the Draft EIS: Summer 2024. Comment period to follow
- Final EIS: September 2024
- Completion of EIS late 2024

- Site Acquisition – late-2024
- Design Build Procurement – early-2025
- Design Completion– early-2027
- Construction – early- to mid-2026
- Completion – mid- to late-2029

COME-AND-GO BREAKOUT STATIONS

Your participation and input is vital in ensuring the development of a modernized Port that serves the needs of the Government, the Travelling Public, and the Community.

Again, comment sheets have been provided.

Comments and input can also be submitted via mail or email:

Email: BOTA.NEPAcomments@gsa.gov

Mail: Karla R. Carmichael
NEPA Program Manager
Environmental, Fire and Safety & Health Branch
GSA/PBS, Facilities Management and Services Programs Division
Greater Southwest Region 7
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SIGN IN SHEET - PUBLIC INFORMATIONAL MEETING
Proposed Improvements at the Bridge of The Americas Land Port of
Entry (LPOE)

El Paso County, El Paso, Texas

December 13, 2023

FORMULARIO DE REGISTRACIÓN - REUNIÓN INFORMATIVA DE LAS PARTES INTERESADAS

Modernización del Puerto de Entrada Terrestre del Puente de las Americas

Condado de El Paso, El Paso, Texas | el 13 de diciembre de 2023

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Estrella Davila			
Bu y don D			
Alvin Reyes	323 Antivena	915-525-9783	azzy.vr4ps.6@gmail.com
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FRED EVANS	3801 O'Keefe 02	915-512-4848	frodevan@flash.net
Gus Sanchez	TxDOT	915 790 4253	gus.sanchez@ttdet.gov
Marie Munoz	3724 E. San Antonio	915-755-8375	



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Name/Nombre	Address/Dirección	Phone/Telefono	Email/Correo Electrónico
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Stipp White	4537 Hercules	915 270 0172	_____
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Patricia Garcia	249 Columbia, 79907	512-417-2636	patricia@barracuda.pr.com
Troy Ainsworth	Las Cruces NM		



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Condado de El Paso, El Paso, Texas | el 13 de diciembre de 2023

Name/Nombre	Address/Dirección	Phone/Telefono	Email/Correo Electrónico
Fred Borrego	6805 Alameda	915-526-1725	Alcoaga@stcglobal.net
Martha Lidia Muñoz	5935 Tejas Dr	(915) 710-8363	3mamunoz1950@gmail.com
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OLIVIA MTZ			
M ^a Luisa Karachak	3009 Cypress	915) 808-7608	-
Ami de los angeles			
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Mia Flor Gonzalez	416 Ghost Flower	(915) 222-6940	
Municipality of El Paso	416 ghost flower	(817) 889-0531	
Veronica Carbajal	TRLA 1331 Texas	915 488 585-5107	vCarbajal vCarbajal@trla.org
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Emily Loya	221 N. Kansas, Suite 1500	915-541-1400	emily.loya@mail-house.gov
Gerardo Fierro	MPO		fierro@elpasompo.org
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Guillermo	6129 2000 Tex.	915-4975177	



COMMENT FORM - PUBLIC INFORMATIONAL MEETING
Proposed Improvements at the Bridge of The Americas Land Port of Entry (LPOE)
El Paso County, El Paso, Texas December 13, 2023

FORMULARIO DE COMENTARIOS - REUNIÓN INFORMATIVA DE LAS PARTES INTERESADAS
Modernización del Puerto de Entrada Terrestre del Puento de las Americas
Condado de El Paso, El Paso, Texas | el 13 de Diciembre de 2023

NAME/ NOMBRE Jesus Reyes
ORGANIZATION/ ORGANIZACIÓN Amanecer People's Project
ADDRESS/DIRECCIÓN 1205 Wyoming Ave. Apt. B
TELEPHONE/TELÉFONO (915) 974-5535
EMAIL/ CORREO ELECTRÓNICO jusesreyes867@gmail.com

Please respond with any feedback, continuing on the back or on an additional sheet if necessary. This comment form may be turned in today, emailed or mailed to the following prior to **JANUARY 16, 2024**. While we are not able to respond individually to these comments, your input is welcome and valued to the team and will be incorporated into the EIS document.

Karla R. Carmichael NEPA Program Manager
Environmental, Fire and Safety & Health Branch
GSA/PBS, Facilities Management and Services Programs Division
819 Taylor St, Room 12-B, FW, TX 76102

BOTA.NEPACOMMENTS@gsa.gov

Por favor, responda con cualquier comentario y continúe en la parte posterior o en una hoja adicional si es necesario. Este formulario de comentarios puede ser entregado hoy o enviado por correo electrónico a **BOTA.NEPACOMMENTS@gsa.gov** antes del 16 de Enero de 2024 o enviar por correo a la siguiente direccion.

Karla R. Carmichael NEPA Program Manager
Environmental, Fire and Safety & Health Branch
GSA/PBS, Facilities Management and Services Programs Division
819 Taylor St, Room 12-B, FW, TX 76102.

No podemos responder individualmente a sus comentarios, su aporte es bienvenido y valorado por el equipo. Todos los comentarios se abordarán en el documento EIS.

COMMENTS/COMENTARIOS:

After Seeing the project information meeting, I ~~advocate~~ advocate to go forward for alternative #5 to make no more forward steps on this project. I push for ~~these~~ these instead to funnel funds to move commercial traffic ebeward and facilitate easier pedestrian travel across both sides of the border.



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El Paso County, El Paso, Texas December 13, 2023

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Condado de El Paso, El Paso, Texas | el 13 de Diciembre de 2023

NAME/ NOMBRE	JUAN ACERETO
ORGANIZATION/ ORGANIZACIÓN	GOBIERNO DE JUAREZ
ADDRESS/DIRECCIÓN	8270 BAUDELIO PENAYO CP 32600
TELEPHONE/TELÉFONO	915 316 6201
EMAIL/ CORREO ELECTRÓNICO	jaaceto@gmail.com

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Karla R. Carmichael NEPA Program Manager
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COMMENTS/COMENTARIOS:

EL GOBIERNO DE LA CIUDAD JUAREZ TIENE INTERES EN PARTICIPAR EN ESTA MESA POR LAS CONDICIONES DE INTERES PRIORITARIO EN EL IMPACTO QUE ESTE PROYECTO GENERARA

EN EL FUTURO.

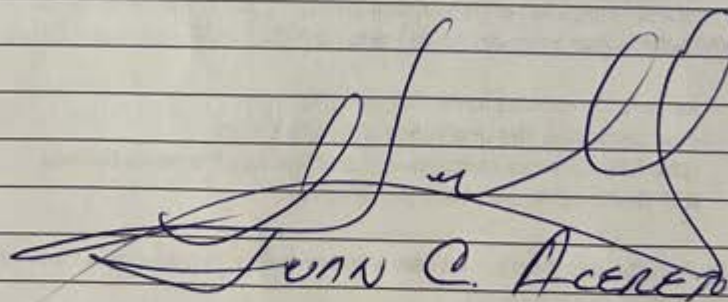
POR SUPUESTO QUEREMOS UN CRUCE DIGNO SOBRE EL PUENTE LIBRE O PUENTE DE LAS AMERICAS.

QUEREMOS QUE LAS CONDICIONES DE CRUCE PARA LOS USUARIOS SEAN CON REUNIONES RAPIDAS Y EXEDITAS.

QUEREMOS MOVILIDAD Y UN CRUCE SEGURO, QUE PODRIA SER ICONICO EN TODA LA FRONTERA DE MEXICO

- LOS QUE VIVIMOS EN ESTA REGION EXITOSA Y UNICA, MERECEMOS EL MEJOR PROYECTO POSIBLE.

AGRADECEREMOS Y ACOMPAÑAMOS ESTE PROYECTO DE GRAN ENVERGADURA QUE POR SEGURO TRAERA GRANDES BENEFICIOS PARA ESTA COMUNIDAD



JUAN C. ACERERA CERVERA

APPENDIX B

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COMMENT FORM

Bridge of the Americas Land Port of Entry Modernization Stakeholder Information Meeting | April 4, 2023

Formulario de Comentarios

Modernización del Puerto de Entrada Terrestre del Puente de las Americas
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Cemelli de Aztlan, Ricardo Leon
ORGANIZATION/ ORGANIZACIÓN	Familias Unidas del Chamizal, San Xavier Neighborhood
ADDRESS/DIRECCIÓN	c/o Texas RioGrande Legal Aid, Veronica Carbajal 1331 Texas, El Paso, TX 79901
TELEPHONE/TELÉFONO	915-585-5107
EMAIL/ CORREO ELECTRÓNICO	vcarbajal@trla.org

Please respond with any feedback and continue on the back or on an additional sheet if necessary. This comment form may be turned in today or emailed to daniel.partida@gsa.gov, prior to April 11, 2023. While we are not able to respond formally to these comments, your input is welcome and valued to the team.

Por favor, responda con cualquier comentario y continúe en la parte posterior o en una hoja adicional si es necesario. Este formulario de comentarios puede ser entregado hoy or enviado por correo electrónico a daniel.partida@gsa.gov antes del 11 de abril de 2023. Si bien no podemos responder formalmente a estos comentarios, su aporte es bienvenido y valorado por el equipo.

COMMENTS/COMENTARIOS:

Please see comments attached.

[Handwritten marks]



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April 12, 2023

VIA Email: daniel.partida@gsa.gov ; veronica.escobar@mail.house.gov

Daniel Partida
Architect/Project Manager
U.S. General Services Administration
Public Buildings Service
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El Paso, TX 79901

Veronica Escobar
U.S. Congresswoman, Dist. 16
Wells Fargo Plaza
221 N. Kansas Street, Suite 1500
El Paso, TX 79901

Re: Comments on Modernization of BOTA Submitted by San Xavier neighborhood and Familias Unidas del Chamizal

Dear Congresswoman Escobar and Mr. Partida,

Texas RioGrande Legal Aid, Inc. represents the San Xavier neighborhood and Familias Unidas del Chamizal for the purpose of submitting public comments on the GSA's Bridge of the Americas (BOTA) land port of entry modernization project. As you know, commercial traffic is a large component of the BOTA Modernization Project. We would like to invite you to the San Xavier, Chamizal and Washington-Delta neighborhoods so that the GSA may see for itself the current impact of commercial traffic on these neighborhoods. Please let us know when you are available to meet.

Per the GSA's website, the federal government is undergoing an Enhanced Feasibility study in an effort to modernize the Bridge of the Americas (BOTA) land port of entry with a budget between \$600 and \$700 million. The study has a time frame of October 2022 to September 2023. In describing the community impact of the project, GSA has stated "We will fully modernize the port with a new administration building, new pedestrian processing lanes, new primary building, new passenger vehicle lanes, and new commercial vehicle inspection area. The project will help improve traffic flow and border security while decreasing wait times for travelers."¹ The GSA also intends to modernize BOTA while being "responsive to local community needs" and meeting "the Administration's overall commitment to support the livability and vitality of communities where federal facilities are located," with an investment of \$600 million.²

¹ <https://www.gsa.gov/about-us/regions/welcome-to-the-greater-southwest-region-7/buildings-and-facilities/texas/bridge-of-the-americas-land-port-of-entry>

² GSA. Bridge of the Americas Land Port of Entry to be Modernized Under Bipartisan Infrastructure Law Signed by President Biden (Feb. 25, 2022), <https://www.gsa.gov/about-us/regions/welcome-to-the-greater-southwest-region-7/region-7-newsroom/greater-southwest-feature-stories-and-news-releases/bridge-of-the-americas-land-port-of-entry-to-be-modernized-under-bipartisan-infrastructure-law-signed-by-president-biden-02252022>

Our client organizations in the San Xavier neighborhood and Familias Unidas del Chamizal, as well as other residents in Washington/Delta neighborhoods are key stakeholders for the BOTA modernization project. These neighborhoods bear the persistent legacy of hundreds of years of institutional racism. This racism is embedded in mixed-used zoning that allows homes and residents to co-exist immediately next to commercial and light industrial facilities, such as recycling plants and warehouses, as well as large transportation projects. The San Xavier and Chamizal neighborhoods see commercial traffic due to their proximity to the Bridge of the Americas (BOTA), I-10 and 375. Commercial traffic that moved out of the Chamizal neighborhood when TXDOT's I-10 Connect Project closed off the entrance to the BOTA from Paisano, appears to have been replaced by commercial traffic traveling east and west on I-10. In addition, the north-south commercial traffic is now hyper concentrated around the San Xavier neighborhood even though TXDOT promised its I-10 Connect Project (completed in December of 2021) would reduce traffic.

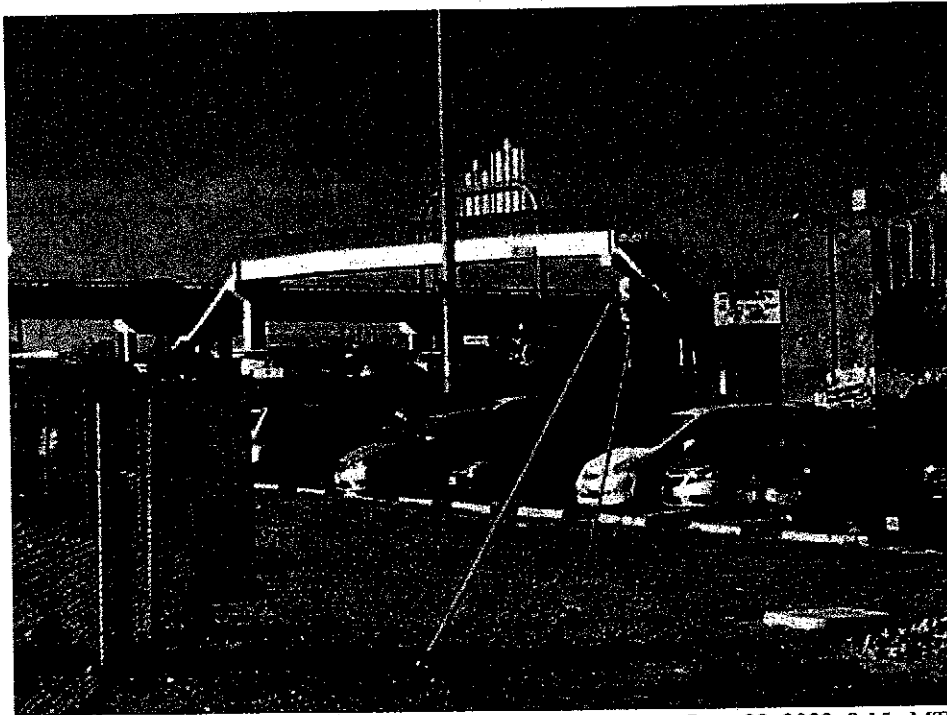
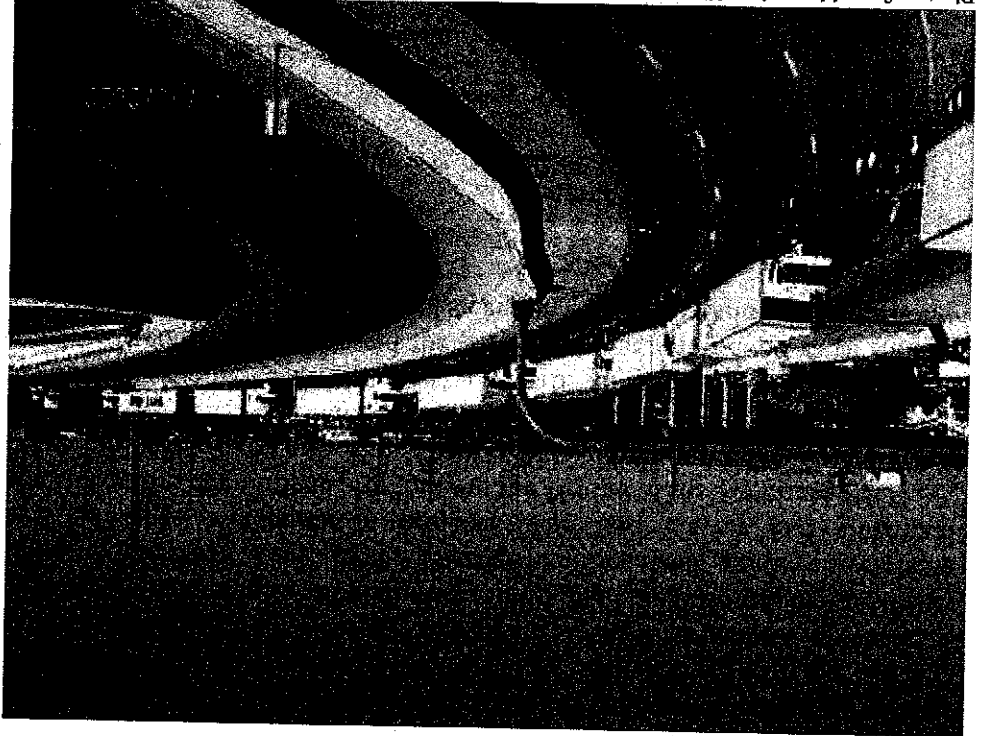


Photo of southbound traffic on I-110 next to Zavala Elementary, Sept. 28, 2022, 8:15a MT

Photo of southbound traffic on I-110 next to Zavala Elementary/San Xavier, November 29, 2022, 7p MT



Photo of southbound traffic on I-110 next to Zavala Elementary/San Xavier, November 29, 2022, 2p MT



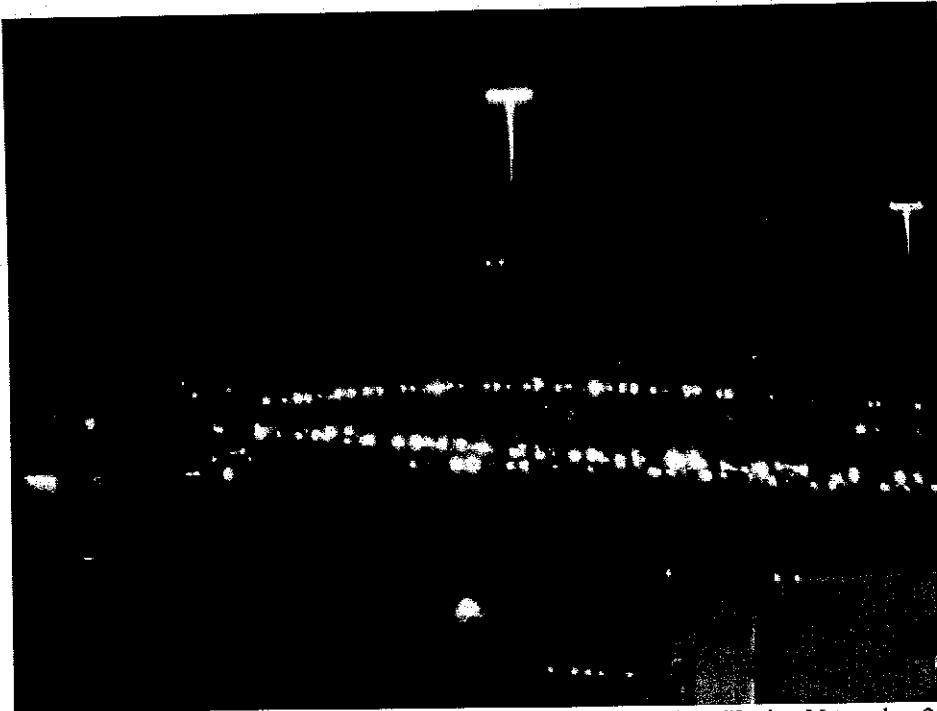


Photo of southbound traffic on I-110 next to Zavala Elementary/San Xavier, November 29, 2022, 7p MT

1. Neighboring environmental justice communities must be considered.

GSA has a duty to consider the impacts of the BOTA modernization plan on surrounding communities like San Xavier and Barrio Chamizal which have carried a disproportionate burden from the effects of the BOTA and El Paso's highway system. This disproportionate impact is precisely what President Joe Biden's promised to address with his Executive Order 14008, which builds on Executive Order 12898 on Environmental Justice.

“We've put environmental justice at the center of what we do, addressing the disproportionate health, environmental, and economic impacts that have been borne primarily by communities of color — places too often left behind”

PRESIDENT JOE BIDEN, EARTH DAY 2022³

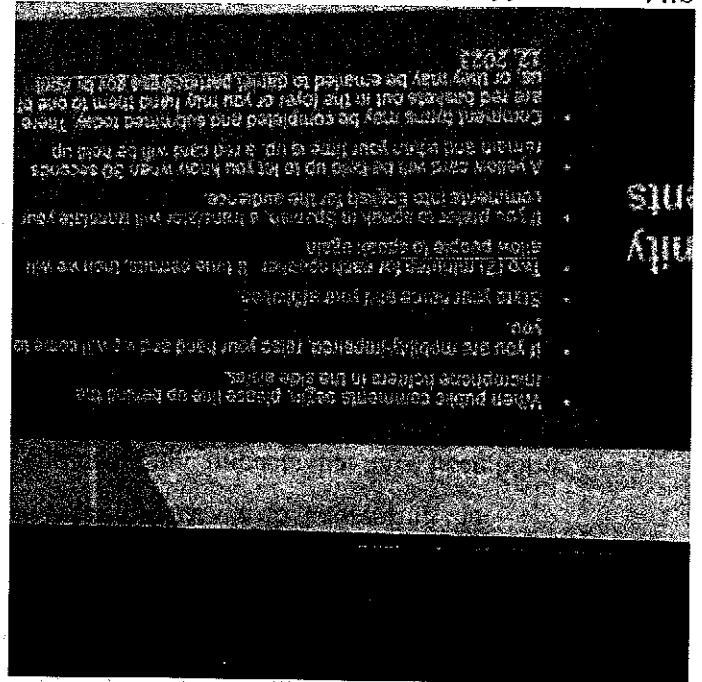
The GSA should reject any alternative that deepens that disproportionality. For instance, passenger and consumer traffic idles for hours through residential neighborhoods and immediately next to Zavala Elementary, which has a student population that is 99.1% Hispanic; 38.86% foreign born, which is 1.5 times the rate of the rest of El Paso; 86% English Language Learners; and most of whom are low income. The increase in idling traffic has resulted in an increase in air pollution, noise

³<https://www.whitehouse.gov/environmentaljustice/#:~:text=During%20his%20first%20week%20in,undertaken%20by%20the%20Federal%20Government.>

pollution, and a decrease in quality of life. For a detailed discussion on the environmental racism impacting San Xavier and Barrio Chaminaz, please see the attached comments to TXDOT.

2. GSA has failed to engage the community.

To our knowledge, GSA only invited elected officials to the community engagement meeting held on April 4, 2023. GSA previously hosted community meetings in August and November of 2022. Despite having attended previous meetings and signing-in at those meetings, GSA did not notify the San Xavier residents and TRLA about the Tuesday, April 4th meeting. Our clients at Familias Unidas notified us the Friday before the meeting. It appears that the April 4th meeting was not announced in the media and most of the attendees said they heard about it through word of mouth. GSA did not allow the media or the public to record the meeting, despite its importance. Dozens of local residents listened to the 3 alternatives and provided 2 minute comments. Every single one criticized all of the alternatives. Then, they were told that they needed to memorialize their comments in writing if they wanted them to be considered. The GSA presented a slide stating the deadline is April 12th, however, the comment form says the deadline is April 11th. The meeting was held on a Tuesday during the week of Easter, giving people very little time to gather comments from community residents. GSA has not demonstrated that it is committed to meaningful community engagement. Further, neither GSA or its architects should have been surprised by the negative comments they received since (months before) the community had expressed its opposition to alternatives that accommodated, rather than replaced commercial traffic on the BOTA. Those concerns have clearly been ignored as all 3 alternatives will support and encourage even more commercial traffic. In the future, GSA should announce the meeting through the local media, send notices to everyone who has signed in to all of its meetings on this project, and contact nearby residents directly.



Slide presented by GSA on April 4, 2023.

3. BOTA cannot be modernized unless the commercial traffic is removed.

GSA recognizes that not having a toll on the BOTA is a magnet for different types of traffic. “The [BOTA] port processes toll-free inbound and outbound commercial, non-commercial, and pedestrian traffic. As a result, the volume of traffic is heavy with many travelers and commercial vehicles choosing to enter and exit through this facility in lieu of paying a toll.”⁴ Rather than decentivize or prohibit commercial traffic on the BOTA, GSA’s 3 alternatives cater to commercial traffic, which will continue to attract more and more commercial traffic and the continued use of warehouses in the aforementioned environmental justice neighborhoods.

a. Commercial trucks must be removed from BOTA

El Paso is at the epicenter of freight/semi/truck traffic from every direction: east and west, north and south, including to and from Mexico. The freight traffic going into Mexico is particularly damaging because many of those vehicles meet the bare minimum health and safety requirements in order to travel on U.S. roads. Induced demand plays out not just from passenger occupied vehicles (POVs), but also from freight traffic driving from north and south and east and west.

It is undisputable that commercial vehicles and passenger vehicles are vastly different in size, air emissions, noise, the damage they cause to roads, handling and impact from car accidents. Even though there are less commercial vehicles than passenger vehicles at the BOTA, inspecting commercial vehicles at our ports of entry requires more time, labor and land than passenger vehicles. We also suspect that the most expensive components of the BOTA Modernization Project are for related to commercial truck traffic and inspection.

Familias Unidas del Chamizal and the San Xavier neighborhood request that commercial trucks be removed from the BOTA.

1. Accommodating the commercial trucks necessitates the taking of land. By removing the commercial trucks from the BOTA, GSA can minimize the physical footprint of the modernization project.
2. The Chamizal Treaty was signed into laws in 1963. The governments of Mexico and the United States did not foresee the volume of commercial traffic that would inundate the BOTA, especially after NAFTA passed in 1994. Commercial trucks or ventures are not mentioned in the Treaty which was intended to redistribute land, relocate residents and facilitate travel between the two nations. The Treaty required the BOTA, unlike the two bridges it replaced, to be toll-free “unless both Governments agree to the contrary.”⁵
3. The 3 alternatives fail to consider the commercial traffic congestion in neighborhoods as trucks head north and south. The photographs above illustrate this congestion. This congestion became **worse** after TXDOT’s I-10 Connect Project, which was meant to relieve congestion. Removing commercial traffic from BOTA would reduce traffic on I-10 Connect.

⁴ <https://www.gsa.gov/about-us/regions/welcome-to-the-greater-southwest-region-7/buildings-and-facilities/texas/bridge-of-the-americas-land-port-of-entry>

⁵ The Chamizal Convention, Article 10, available at:
<https://www.nps.gov/cham/learn/historyculture/chamizalconvention.htm>

4. GSA should analyze using port of entries that can serve as alternatives for commercial traffic or a single port for commercial traffic, including Tornillo, Ysleta, and Santa Teresa. Moving the trucks to a single port can concentrate labor, technology and land.
5. There is no indication that GSA has coordinated with Mexican authorities and as such, there is no guarantee that Mexican customs agents will be able to handle the influx of commercial trucks, causing even more congestion on both sides of the bridge.

b. Surrounding neighborhoods are necessary stakeholders.

6. Minimizing the physical and environmental footprint of the BOTA modernization project will minimize the negative impact on nearby residential neighborhoods, schools, and public spaces, including the El Paso Zoo.
7. Even if the GSA does not take homes, moving commercial trucks closer to residences will affect the health and safety of the Washington-Delta community, which includes hundreds of affordable housing apartments owned by HOME. In addition, while currently empty, it is possible that Burleson elementary may reopen.
8. Residents of the San Xavier neighborhood stated during the April 4th meeting that TXDOT and their contractor damaged their homes during the demolition and construction of the I-10 Connect Project. GSA should pre-assess homes in close proximity to the BOTA, should prohibit the use of heavy equipment known to cause vibrational damage to residential structures, should identify a construction liaison that residents can call to stop damaging activities, and should conduct a post-assessment of the homes.
9. GSA should not expand its physical footprint and should avoid displacing and/or destroying public spaces, including but not limited to the County Coliseum and the ice skating rink.
10. Children should not be attending elementary school in such close proximity to the BOTA and I-10 Connect. GSA should use Zavala Elementary for administrative offices, thereby reducing its physical footprint. Children at Zavala can be transferred to Bell Elementary or to Burleson Elementary, which are close to Zavala and are currently empty.

c. Air quality will only worsen with any of the 3 alternatives.

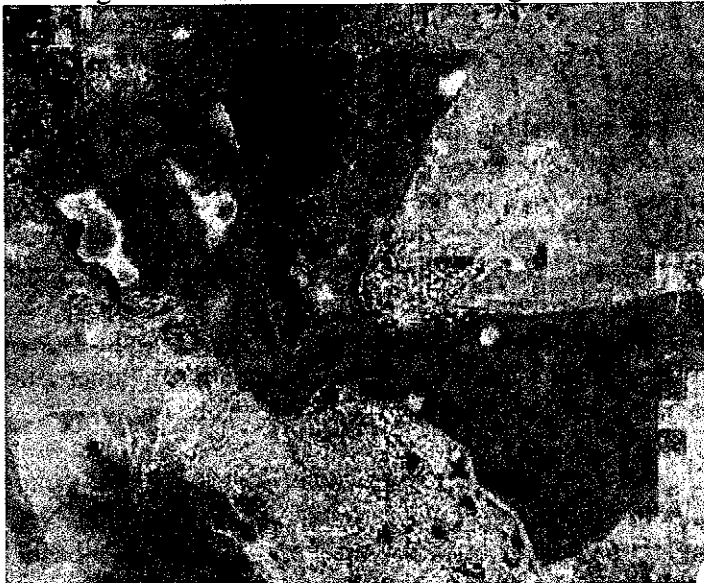
11. Exposure to ozone and particulate pollution is linked to premature death, damage to the respiratory and cardiovascular systems, increased risk to cancer and problems with fertility, conception, pregnancy and birth. Air pollution is also linked to increased risk of infection from infectious diseases, including COVID-19. Ozone irritates the lungs, making people more vulnerable to infections, and aggravates asthma and chronic bronchitis. The health impacts build up over time and can cause premature death, according to the American Lung Association.⁶ In 2020, the El Paso area had 126 days of elevated air pollution, with either elevated ozone, particulate matter, or both, the second most in Texas.⁷ This means that El Pasoans were breathing air with elevated levels of pollution on one out of every three days last year. The ports of entry, particularly the BOTA, are a major source of air pollution both because of the traffic congestion emissions and the geographic location of the bridge in an air basin. As the transportation sector is the largest source of greenhouse gas emissions in

⁶ El Paso had 126 elevated air pollution days in 2020. El Paso Times. Oct. 5, 2021.

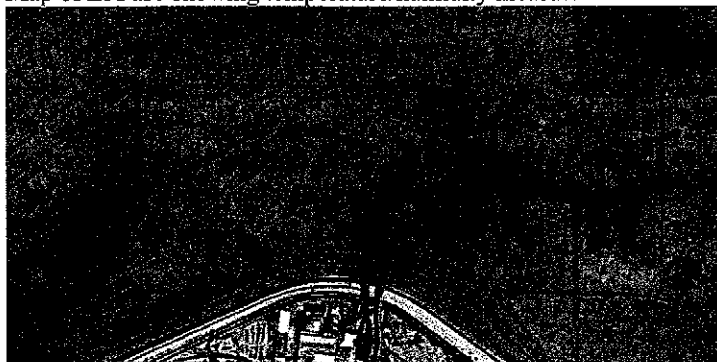
⁷ <https://environmentamerica.org/texas/resources/trouble-in-the-air/>

the United States and one of the largest contributors to ozone pollution in El Paso, it is especially critical to focus on these issues in developing transportation policy, including the modernization of the BOTA.

12. In addition, El Paso, like the rest of the world, has seen a dramatic increase in average temperatures in recent decades.⁸ Nine of the hottest 11 years in El Paso's history have occurred between 2011 and 2020. As shown by a recently created map of the heat island effect, the hottest streets in El Paso are along I-10 and the BOTA.⁹ Hotter temperatures contribute to ozone pollution. In El Paso, July of 2022 had the most unhealthy ozone days, at 11. The average high temperature in July in 2022 was 99.4 degrees, 3.6 degrees hotter than the historical average of 95.8. Climate change is contributing to higher temperatures and ozone levels in El Paso and statewide. Texas had more unhealthy ozone days this summer than in recent years.¹⁰ GSA must take affirmative action to address climate warming by reducing vehicle wait times and removing commercial traffic from the BOTA.



Map of El Paso showing temperature/humidity measurements over three one-hour periods on July 10, 2020.



Close up of the BOTA.

⁸ <https://climatexas.tamu.edu/files/ClimateReport-1900to2036-2021Update>

⁹ Available at: <https://www.utep.edu/liberalarts/sega/environmental-injustice-hurricane-harvey-in-greater-houston12.html>

¹⁰ Smog in El Paso increased in summer of 2022 while key air quality monitor was offline. El Paso Times. Sept. 8, 2022.

13. GSA can reduce air emissions by investing in public transportation, which is one of the long-recognized alternatives to relieving congestion along urban corridors.¹¹ It appears that none of the 3 alternatives invest in public transportation that would reduce the use of passenger vehicles on the bridge or on any of the traffic corridors heading north or south. Increasing road capacity encourages people to use their private vehicles, which in turn results in disinvestments in public transportation.
14. Studies have shown that “increases in greenhouse gas emissions attributable to capacity expansion are substantial.”¹² The Rocky Mountain Institute has programmed a calculator that allows users to estimate “long-run (i.e., after 5 to 10 years) induced vehicle miles traveled and emissions impacts from capacity expansions of large roadways”.¹³ The shift calculator indicates that the long-term impact for every one lane mile added in El Paso is an increase of 3 to 4 million vehicle miles traveled each year and emissions increases equal to roughly 400 passenger cars and light trucks.¹⁴ GSA must estimate the impacts from increased greenhouse gas emissions from the expansion of the BOTA and should use the social cost of carbon tool to do so.
15. GSA should not attempt to solve congestion at the BOTA in a vacuum or ignore the cumulative impact of other transportation projects in the region, including TXDOT’s I-10. As noted in TXDOT’s draft purpose and need for the project, the largest percentage increase in traffic predicted for the El Paso area comes from anticipated increased truck traffic crossing at the Bridge of the Americas.¹⁵ If GSA removes commercial trucks from BOTA, that in turn, may mitigate the need for expanding I-10.
16. Should the GSA insist on allowing commercial cargo on the BOTA, it should use conveyor belts and other technology to eliminate idling trucks on the bridge and on either side of the BOTA, meaning it will need to have similar equipment on the Mexican side.

El Pasoans, and particularly those living close to the Downtown 10 corridor, are already exposed to significant levels of air pollution, including diesel particulate matter. The passage of NAFTA in 1994 led to an increase in commercial and passenger traffic in the Paso del Norte air basin, which encompasses parts of Dona Ana County in New Mexico, Cd. Juarez, Chihuahua, Mexico and El Paso, Texas. This in turn, has led to the creation of the Joint Advisory Committee on Air Quality as part of the La Paz Agreement and many UTEP studies about the air quality in the region. However, air pollution continues to plague our community. For the 8-hour Ozone standard, El Paso is “Marginal Nonattainment,” effective December 30, 2021. This designation is the result of environmental petitioners, including Familias Unidas del Chamizal and the City of Sunland Park, New Mexico challenging the EPA’s attainment/unclassifiable designation for El Paso County which relied on blaming Juarez and Southern New Mexico for El Paso’s air pollution.¹⁶ For PM10, El

¹¹ See Mogridge, *supra* fn. 8.

¹² *Id.*

¹³ RMI, Shift Calculator. (Available at <https://shift.rmi.org/>).

¹⁴ *Id.*

¹⁵ Draft Purpose and Need at 2.

¹⁶ <https://www.tceq.texas.gov/airquality/sip/elp/elp-status>

Paso has been in "Moderate Nonattainment," since 1991.¹⁷ We request that the GSA use this incredible opportunity to address environmental injustice while fulfilling federal security goals.

Please contact us directly with any questions.

Respectfully Submitted,

By: **TEXAS RIOGRANDE LEGAL AID, INC.**
/s/ Verónica Carbajal
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DEL CHAMIZAL and SAN XAVIER
NEIGHBORHOOD**

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Phone: (575) 343-2782
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**ATTORNEY FOR FAMILIAS UNIDAS
DEL CHAMIZAL**

¹⁷ *Id.*

ATTACHMENT A



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January 11, 2023

VIA: Hand-delivery and email: downtown10@txdot.gov

TXDOT El Paso District Office
Attn. Downtown 10 / Hugo Hernandez
13301 Gateway Boulevard West
El Paso, TX 79928-5410

Re: Scoping Comments on Downtown 10 Submitted by Familias Unidas del Chamizal

Dear TXDOT,

Based on the National Environmental Policy Act (NEPA) process, TXDOT has determined that the Downtown 10 Project will now be classified and prepared as an Environmental Impact Statement (EIS) that will evaluate a range of build alternatives and a no-build alternative.¹ The purpose of the public scoping process is to provide the public an opportunity to review and comment on the draft coordination plan and schedule, the project purpose and need, the alternatives, and methodologies and level of detail for analyzing alternatives and provide input on any expected environmental impacts, anticipated permits or other authorizations, and any significant issues that will be analyzed in depth in the EIS.

Texas RioGrande Legal Aid, Inc. represents Familias Unidas del Chamizal for the purpose of submitting scoping comments on TXDOT's Downtown 10 Project.

Familias Unidas del Chamizal (Familias Unidas) is a membership organization that works with families in the Barrio Chamizal to address neighborhood-wide injustices around education, housing and the environment.² The Chamizal Neighborhood is one of the oldest and poorest in the city of El Paso, Texas. Nearly 100% of its residents are people of color, primarily Mexican and Mexican American, and its schools have one of the largest concentrations of English Language Learners in the city.

Similar to other neighborhoods south of I-10 in El Paso, the Chamizal bears the persistent legacy of hundreds of years of institutional racism. This racism is embedded in mixed-used zoning that allows homes and residents to co-exist immediately next to commercial and light industrial facilities, such as recycling plants and warehouses, as well as transportation projects. In addition to the freight/semi traffic used by commercial and light industrial businesses in the neighborhood, the

¹ <https://www.TXDOT.gov/projects/hearings-meetings/el-paso/el-paso-downtown10-11-30-22.html>

² The Chamizal neighborhood is bound to the south by Paisano, to the east by I-110, the west by Cotton, and to the north by I-10.

Chamizal also sees freight traffic due to its proximity to the Bridge of the Americas (BOTA), I-10 and 375. Freight traffic that moved out of the neighborhood when TXDOT's I-10 Connect Project closed off the entrance to the BOTA from Paisano appears to have been replaced by freight traffic traveling east and west on I-10.

The Chamizal is one of the environmental justice neighborhoods affected by Downtown 10. Other environmental justice neighborhoods that will be impacted by Downtown 10 include San Xavier, Washington Park/Delta, Lincoln Park, Segundo Barrio and south Sunset Heights. The San Xavier neighborhood and surrounding area are located north of Paisano, south of Alameda, west of US-54, and east of Copia. The San Xavier neighborhood is already suffering the consequences of TXDOT's I-10 Connect Project, completed in December of 2021, which damaged homes and increased traffic and noise and air pollution in the area.

TXDOT has a duty to consider the impacts of Downtown 10 on communities like the Barrio Chamizal that already bear a disproportionate burden from the effects of El Paso's highway system and should reject any alternative that deepens that disproportionality. TXDOT must prepare an Environmental Impact Statement that questions the current alternatives' ability to address the current purpose and need; adds purposes and needs that improve, or at the very least do not worsen the community's health, safety, and environment; considers the cumulative impact of all of Reimagine 10 and the Bridge of the Americas project; and addresses the impact of Downtown 10 on environmental justice communities.

I. Project Background

Between 2017 and 2019, TXDOT undertook a study of the I-10 corridor from its western origins at the border of Texas and New Mexico to FM 3380, south of El Paso ("Reimagine Project"). It divided the corridor into 4-segments and proposed modifications of all four segments to increase the flow of traffic.³ The recommendations include constructing corridor-wide adaptive lanes and frontage roads.⁴

Based on that corridor study, TXDOT initiated Downtown 10, which is segment 2 of the overall corridor.⁵ The current "purpose and need" are:⁶

NEED:

- Traffic congestion and mobility issues
- Concerns surrounding incident (i.e. accident) management
- Failure to meet current design standards

PURPOSE:

- Improve mobility and long-term congestion management

³ TXDOT, Reimagine I-10: Project Fact Sheet. ("Reimagine Fact Sheet").

⁴ *Id.*

⁵ TXDOT, Downtown 10: Draft Purpose and Need at 1 (Nov. 2022). ("Draft Purpose and Need").

⁶ *Id.*

- Reduce potential conflict points and improve incident management
- Bring facility up to current design standards

Each of the alternatives identified by TXDOT as “viable” to achieve its stated purpose and need includes increasing the number of lanes, and adding frontage roads, or flyovers, or new ramps to the downtown area.⁷ TXDOT is now tasked with preparing an Environmental Impact Statement of the project that will evaluate all reasonable alternatives and the no-build alternative. That statement must comply with all the Secretary of USDOT’s obligations under the National Environmental Policy Act (NEPA), including all statutes, regulations, policies, and guidance related to the implementation of NEPA for Federal highway projects.⁸

II. Purpose and Need Must Include Health, Safety and the Environment

The proposed Purpose and Need will not be met with the proposed alternatives. Further, any purpose and need for highway development in El Paso should include improving or at the very least, not further damaging the community’s health, safety and environment. Alternatives, including a no-build alternative, should be reflect these additional purposes and needs.

A. Proposed Alternatives do not meet the Purpose and Need

TXDOT’s Draft “Purpose and Need” states that the purpose of Downtown-10 is to “improve mobility and long-term congestion management, reduce potential conflict points, improve incident management, and bring the facility up to current design standards.”⁹ The only alternatives considered by TXDOT to meet this purpose and need are widening lanes, turning downtown local avenues into frontage roads, and adding more lanes to the highway itself.¹⁰

1. Increasing road capacity does not manage congestion

TXDOT’s alternatives run afoul decades of studies showing that increasing road capacity does not result in managing congestion. Studies indicate that increasing road capacity induces increased demand and results in greater congestion. TXDOT should therefore be considering increasing the use of *existing* alternatives and if necessary, new alternatives that de-incentivize I-10 usage in order to meet its purpose of managing congestion.

⁷ See TXDOT, Downtown 10 Public Scoping Meeting: Viable Alternatives (Nov. 30, 2022). (“Viable Alternatives”).

⁸ First renewed MOU between the FHA and the TXDOT concerning State of Texas’ participation in the project delivery program pursuant to 23 USC 327 at ¶3.1.1 (Available at <https://ftp.TXDOT.gov/pub/TXDOT-info/env/nepa-assignment/2019-nepa-assignment-mou.pdf>).

⁹ TXDOT, Downtown 10: Draft Purpose and Need, 8 (Nov. 2022).

¹⁰ See Viable Alternatives.

Since at least the 1980s, studies have indicated that increased road capacity may reduce congestion in the short run, but in the long run ultimately results in an increase in congestion.¹¹ These hypotheses have been bolstered by models of highway usage across America. Multiple studies show a correlation between an increase in expanding the number of lane miles and an increase in vehicle miles.¹² Several studies also demonstrate a causal relationship between increasing lane miles and increases in vehicle miles.¹³

The relationship between increased lane miles and increased vehicle miles is that increasing lane miles induces more drivers to use the new capacity because “increase in highway capacity (supply) reduces the generalized cost of travel, especially on congested highways, by reducing the time cost of travel. Travel time is the major component of variable costs experienced by those using private vehicles for travel.”¹⁴ This increased capacity can make people change their time of departure to peak travel times, change their routes to take advantage of new capacity, make longer trips, increase the number of trips taken, and switch from public transportation to personal cars.¹⁵ The latter then results in disinvestment in public transportation,¹⁶ which is one of the long-recognized alternatives to relieving congestion along urban corridors.¹⁷

It is estimated that a 10% increase in road capacity increases vehicle miles travelled by 3-6% in the short run and 6-10% in the long-run.¹⁸ The phenomenon of “induced demand” is well documented in academic literature.¹⁹ Induced demand occurs because people make short-term decisions about when and where to travel, and longer-term decisions about where to live or construct new homes and businesses, based on the transportation options are available. Increased highway capacity encourages people to drive more, and to live further away from city centers, reducing any benefit in terms of reduced congestion. A recent example from Texas is the Katy Freeway project in downtown Houston. This project, which cost \$2.8 billion and expanded the highway to 23 lanes, has actually made congestion worse, with morning commutes increasing by 25 minutes between

¹¹ See Mogridge, Martin J.H., *The Self-Defeating Nature of Urban Road Capacity Policy: A Review of Theories, Disputes, and Available Evidence*, Transport Policy Vo. 4, No. 1, 5-23 (1997).

¹² Noland, Robert B., and Lem L. Lewison, *A Review of the Evidence for Induced Travel and Changes in Transportation and Environmental Policy in the U.S. and the U.K.*, Transportation Research Part D 7, 8-10 (2002) (Reviewing multiple studies showing correlation between increased mile capacity and vehicle miles traveled).

¹³ *Id.* at 11-15.

¹⁴ *Id.* at 2.

¹⁵ *Id.* at 4-5.

¹⁶ *Id.*

¹⁷ See Mogridge, *supra* fn. 8.

¹⁸ Handy, Susan, *Increasing Highway Capacity Unlikely to Relieve Traffic Congestion*, U.C. Davis Dept. of Env'tl Science and Policy: Policy Brief (Oct. 2015). (Available at https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/final-reports/10-12-2015-ncst_brief_inducedtravel_cs6_v3.pdf).

¹⁹ See Hymel, Kent. (2019, April). If You Build It, They Will Drive: Measuring induced demand for vehicle travel in urban areas. Transport Policy. (Volume 76, pp. 57-66).

2011 and 2014, and afternoon commutes increasing by 23 minutes. The predictable result of building additional roadways in El Paso will be more traffic, more sprawl, more air pollution, and reduced quality of life—particularly for individuals (predominantly from environmental justice populations) that live directly adjacent to these roadways.

a. Increasing road capacity will not relieve freight traffic congestion

Without a doubt, El Paso is at the epicenter of freight/semi/truck traffic from every direction: east and west, north and south, including to and from Mexico. The freight traffic going into Mexico is particularly damaging because many of those vehicles meet the bare minimum health and safety requirements in order to travel on U.S. roads. Induced demand plays out not just from passenger occupied vehicles (POVs), but also from freight traffic driving from north and south and east and west. Widening I-10 along downtown will only attract even more freight traffic and the continued use of warehouses in the aforementioned environmental justice neighborhoods.

As part of the EIS and in order to meet its stated purpose and need of reducing congestion, TXDOT must consider no-build alternatives that include:

- 1) Removing freight traffic from Downtown 10
- 2) Removing freight traffic from the Bridge of the Americas, which is the closest port of entry to Downtown 10

b. Increasing road capacity will result in disinvestments in public transportation

Public transportation is one of the long-recognized alternatives to relieving congestion along urban corridors.²⁰ Simply put, public buses can get many private vehicles off our existing roads. On the contrary, increasing road capacity encourages people to use their private vehicles, which in turn results in disinvestments in public transportation.

For environmental justice communities, public transportation that is affordable, reliable and practical, is a life-line to accessing work, school, health services and other public amenities. Many people who live closest to existing highways face the cruel irony of not being able to use said highways because they have inconsistent or non-existent access to reliable private transportation.

As part of the EIS and in order to meet its stated purpose and need of reducing congestion, TXDOT must consider no-build alternatives that include:

- 1) Increasing the use of existing public transportation infrastructure along Downtown 10 and nearby roads

²⁰ See Mogridge, *supra* fn. 8.

2) Investing in new public transportation in lieu of increasing road capacity

2. Increasing road capacity increases greenhouse gas emissions

Studies have shown that “increases in greenhouse gas emissions attributable to capacity expansion are substantial.”²¹ The Rocky Mountain Institute has programmed a calculator that allows users to estimate “long-run (i.e., after 5 to 10 years) induced vehicle miles traveled and emissions impacts from capacity expansions of large roadways”.²² The shift calculator indicates that the long-term impact for every one lane mile added in El Paso is an increase of 3 to 4 million vehicle miles traveled each year and emissions increases equal to roughly 400 passenger cars and light trucks.²³

TXDOT must estimate the impacts from increased greenhouse gas emissions from the expansion of I-10 and should use the social cost of carbon tool to do so. As the transportation sector is the largest source of greenhouse gas emissions in the United States and one of the largest contributors to ozone pollution in El Paso, it is especially critical to focus on these issues in developing transportation policy.²⁴ As part of this EIS, TXDOT must consider no-build alternatives that do not increase greenhouse gas emissions.

3. Recent construction on Loop 375 and the I-10 Connect Project demonstrate that increasing road capacity does not reduce congestion

a. Loop 375 has not reduced congestion

The fact that increasing capacity does not ultimately lead to reduced congestion should be obvious to TXDOT which just completed a new highway segment intended for the very purpose of relieving East to West congestion on the Downtown 10 corridor.²⁵ That project, the Loop 375 Border Highway West Extension Project, was completed in 2019. TXDOT’s website indicates there has been a significant increase in traffic since that road’s completion in 2019.²⁶ TXDOT’s own record indicates that usage of the Downtown 10 corridor is *still* increasing – despite this newly added capacity.²⁷

²¹ *Id.*

²² RMI, Shift Calculator. (Available at <https://shift.rmi.org/>).

²³ *Id.*

²⁴ <https://www.epa.gov/greenvehicles/fast-facts-transportation-greenhouse-gas-emissions>

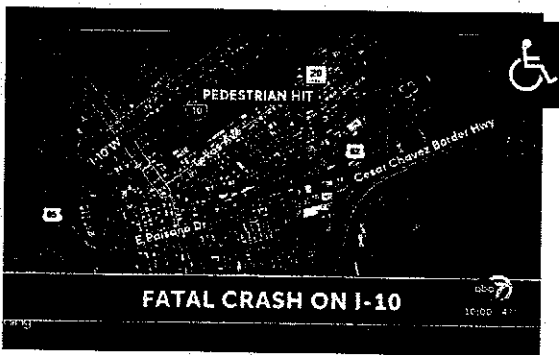
²⁵ TXDOT, Loop 375 Border Highway West Extension Project: Draft EIS 1-2 (Sept. 2012). Available at https://ftp.TXDOT.gov/pub/TXDOT-info/elp/projects/border_highway_west/eis/draft/chapter_01.pdf. The Final EIS found there was no change to the stated purpose and need of this project. TXDOT, Loop 375 Border Highway West Extension Project: Abbreviated State Final Environmental Impact Statement, 2 (April 2013).

²⁶ https://www.TXDOT.gov/apps/statewide_mapping/StatewidePlanningMap.html

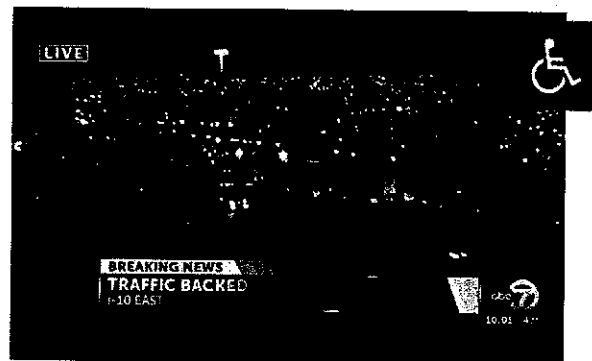
²⁷ Draft Purpose and Need at 2 (Stating “as COVID-19 restrictions have and continue to be lifted, there has been a general upward trend toward pre-pandemic AADT counts” on the downtown segment).

The proposal to now expand the downtown portion of I-10 to further relieve congestion, so close on the heels of the completion of the 375 extension, whose entire purpose was to alleviate congestion while avoiding the impacts of expanding I-10, indicates one of two things. Either TXDOT has not adequately taken into consideration the alleviation of congestion by the 375 extension or that continually constructing highways does not actually alleviate congestion. The cited studies indicate that the latter is what is occurring here. While models may predict future congestion on I-10, the solution to that cannot be to perpetually expand highway infrastructure. TXDOT must consider alternatives that will actually lead to a reduction in congestion, including investment in public transportation and diverting freight traffic from I-10, particularly in the proposed Downtown 10 segment.

Diverting freight traffic from Downtown 10 would also meet the purpose and need of “improving incident management.” On December 10, 2022, a pedestrian was struck and killed by three vehicles while trying to cross I-10 East at the Dallas St. Exit.²⁸ Drivers were instructed to exit the highway and take alternative routes through a phone alert, electronic signage, and Google Maps. Drivers who were able to exit had numerous existing alternative routes, including Paisano, the 375 extension, Transmountain, Montana and Mesa St. Drivers, primarily freight vehicles, who were not able to exit, idled for hours on the freeway. Having more lanes would actually make it more difficult for vehicles on the left-hand lanes to exit quickly in such circumstances, thereby increasing congestion.

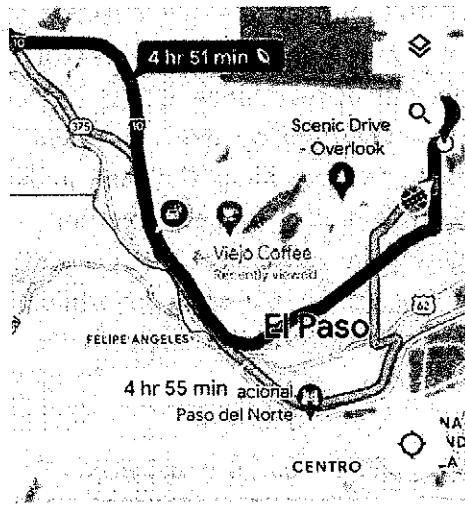


EL PASO, Texas -- One person is dead after a vehicle vs. pedestrian crash near downtown El Paso.



EL PASO, Texas -- One person is dead after a vehicle vs. pedestrian crash near downtown El Paso.

²⁸ <https://kvia.com/traffic/2022/12/10/one-person-killed-after-crash-on-i-10-east-near-downtown-el-paso/>



Google Maps screenshot taken Dec. 10, 2022, 9:31p MT.

b. I-10 Connect has increased rather than decreased congestion

According to TXDOT:

“The I-10 Connect project consists of progressive highway design elements and involves extensive coordination with the largest US/Mexico Port of Entry in El Paso, the Bridge of the Americas (BOTA).

The project expands US 54, I-10, I-110, and US 62 (Paisano), and includes eight bridge replacements, one railroad overpass, five bridge widenings, and two new direct connectors. The project widens I-110, provides separate truck lanes for Southbound traffic going to Mexico, and provides multi-modal improvements along US 62 which experiences more than 1 million pedestrian crossings per year. Once complete, the project will provide **unprecedented connection** to multiple high-volume arteries and alternate routes.” Antonio Santana PE *Transportation Engineering Supervisor, TXDOT - El Paso District.*²⁹ (emphasis added)

Unfortunately, rather than provide “unprecedented connection”, I-10 Connect has provided **unprecedented congestion** into Mexico through I-10 East, I-10 West and US-54. I-10 Connect was meant to connect traffic from I-10 to Loop 375 and reduce traffic congestion and air pollution in and around the Bridge of the Americas, one of the busiest international ports of entry in the country.

²⁹ <https://www.texasce.org/tce-news/i-10-connect-project-texas-department-of-transportation-el-paso-district/>

Since its completion in December of 2021, I-10 Connect has actually resulted in increased congestion on I-10 West (Starting at the Paisano Exit); I-10 East (Starting at the Piedras); and US54 South from traffic heading south into Mexico from both passenger vehicles and freight traffic. The traffic idles for hours through residential neighborhoods and immediately next to Zavala Elementary, which has a student population that is 99.1% Hispanic; 38.86% foreign born, which is 1.5 times the rate of the rest of El Paso; 86% English Language Learners; and most of whom are low income. The increase in idling traffic has resulted in an increase in air pollution, noise pollution, and a decrease in quality of life.

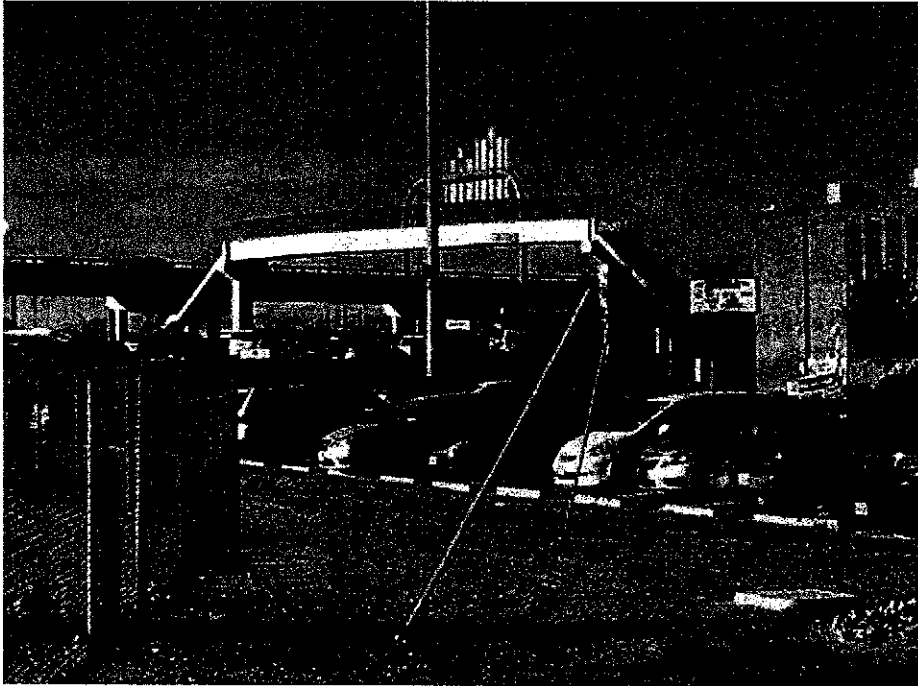
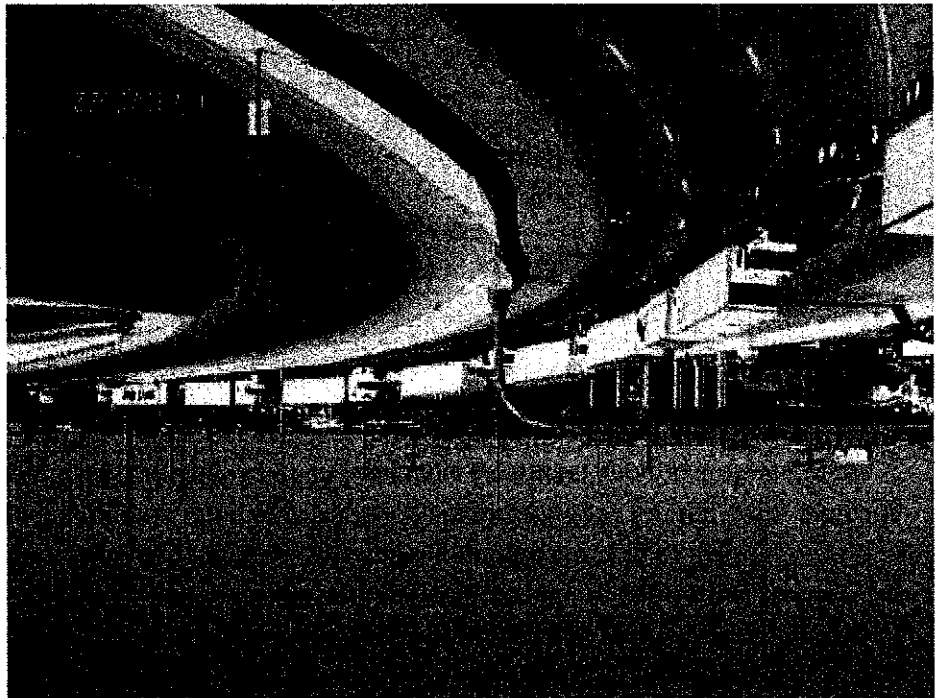


Photo of southbound traffic on I-110 next to Zavala Elementary, Sept. 28, 2022, 8:15a MT

Photo of southbound traffic on I-110 next to Zavala Elementary/San Xavier, November 29, 2022, 7p MT



Photo of southbound traffic on I-110 next to Zavala Elementary/San Xavier, November 29, 2022, 2p MT



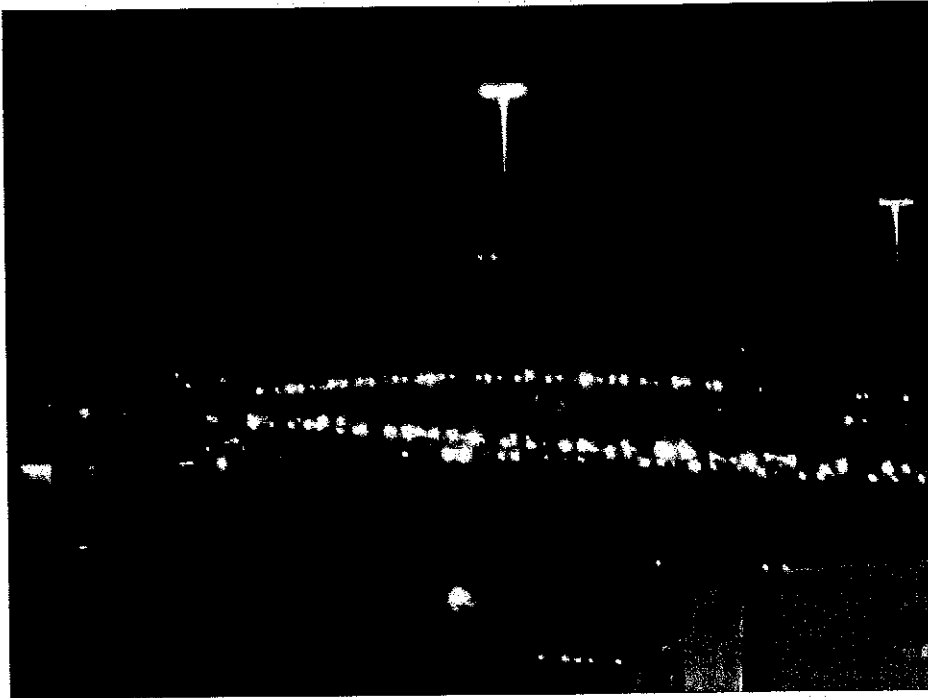


Photo of southbound traffic on I-110 next to Zavala Elementary/San Xavier, November 29, 2022, 7p MT

The areas most impacted by I-10 Connect are the San Xavier neighborhood, which is north of Paisano, east of Copia, south of I-10 and west of 375 and US 54, and the residential streets surrounding Zavala Elementary, including those on Copia, Rivera, and Hammett, and south of Alameda.³⁰

In addition to increasing traffic congestion, noise and air pollution throughout the day, TXDOT's I-10 Connect has directly impacted residents. The demolition and construction activities, and design flaws, caused structural damage to homes and the Saint Francis Xavier church (519 S. Latta), which has manifested in, among other things, cracks along ceilings, walls and flooring, damaged plumbing and drainage issues. TXDOT has also failed to address the removal of street lighting, the new traffic accident hot spots, and the new San Antonio Street entrance which is confusing to drivers and is full of debris and runoff regularly. The neighborhood also has drainage issues. The housing stock in this area is similar to the housing stock alongside Downtown 10 which will likely suffer similar structural damage from demolition and construction activities.

TXDOT must consider the congestion caused by I-10 Connect as proof that increasing road capacity does not result in a decrease in congestion. In addition, TXDOT must craft a solution to the failings of I-10 Connect.

³⁰ See Google Map of the Area, **Attachment 1**.

B. The Purpose and Need must include improving or at the very least, not further damaging the community's health, safety and environment

1. Health

El Pasoans, and particularly those living close to the Downtown 10 corridor, are already exposed to significant levels of air pollution, including diesel particulate matter. The passage of NAFTA in 1994 led to an increase in commercial and passenger traffic in the Paso del Norte air basin, which encompasses parts of Dona Ana County in New Mexico, Cd. Juarez, Chihuahua, Mexico and El Paso, Texas. This in turn, has led to the creation of the Joint Advisory Committee on Air Quality as part of the La Paz Agreement and many UTEP studies about the air quality in the region. One of the most recent studies looked at the impact of traffic from highways and the ports of entry on nearby residents' respiratory and cardiovascular health. The study began with the premise that:

“People with lower income are more likely to live in communities with higher pollution levels from traffic-related emissions. Traffic-related air emissions have been reported to have strong association with urban air pollution and cause adverse respiratory health effects in near-road communities. Transportation parameters such as traffic density, vehicle miles traveled, and road length, as well as land-use data such as population density, land-use classification, proximity to heavy-traffic roads, distances to major point and area sources, and household income, are important variables for explaining a spatial variation of air quality and health outcomes.”

The study examined the short-term associations (24-, 48-, 72-, and 96-hr averages) of traffic-related air pollutants (PM_{2.5}, PM₁₀, NO₂, and O₃) with biomarkers of respiratory and cardiovascular disease in a group of uninsured participants from low-income communities in El Paso, TX. Researchers found associations of short-term air pollutant concentrations with respiratory outcomes, which was expected. However, researchers also found associations with metabolic risk factors such as BMI, waist circumference, and fasting glucose. The study also found a correlation between PM_{2.5} and NO₂ and respiratory risk of COPD.³¹ Given the relationship between traffic-related air pollution and health outcomes, TXDOT should include bettering the health of El Pasoans in its purpose and need, or at least not worsen the health impacts.

For the 8-hour Ozone standard, El Paso is “Marginal Nonattainment,” effective December 30, 2021. This designation is the result of environmental petitioners, including Familias Unidas del Chamizal,

³¹ Association of Traffic and Related Air Pollutants on Cardiorespiratory Risk Factors from Low-Income Populations in El Paso, TX, authored by Soyoung Jeon, Juan Aguilera, Leah Whigham, and Wen-Whai Li, February 2021, available at <https://www.cartteeh.org/wp-content/uploads/2021/06/03-27-UTEP-Association-of-Traffic-and-Related-Air-Pollutants-on-Cardiorespiratory-Risk-Factors-from-Low-Income-Populations-in-El-Paso-TX-Jeon.pdf>

the City of Sunland Park, New Mexico challenging the EPA's attainment/unclassifiable designation for El Paso County.³² For PM10, El Paso has been in "Moderate Nonattainment," since 1991.³³

The El Paso area had 126 days of elevated air pollution in 2020, the second most in Texas, according to a new report from Environment Texas Research & Policy Center, Frontier Group and TexPIRG Education Fund. The report's findings mean that El Pasoans were breathing air with elevated levels of pollution on one out of every three days last year.³⁴ The report measured days with elevated levels of small particulate matter and elevated ozone. The El Paso area had 78 days with elevated small particulate matter and 68 days of elevated ozone. In total, the city had 126 days with either elevated ozone, particulate matter, or both.

According to TCEQ data, El Paso County air quality monitors recorded ozone levels unhealthy for sensitive groups, like children, the elderly and people who are pregnant on 18 days between May 1st to September 1st of 2022.

Exposure to ozone and particulate pollution is linked to premature death, damage to the respiratory and cardiovascular systems, increased risk to cancer and problems with fertility, conception, pregnancy and birth. Air pollution is also linked to increased risk of infection from infectious diseases, including COVID-19. Ozone irritates the lungs, making people more vulnerable to infections, and aggravates asthma and chronic bronchitis. The health impacts build up over time and can cause premature death, according to the American Lung Association.³⁵

In addition, El Paso, like the rest of the world, has seen a dramatic increase in average temperatures in recent decades.³⁶ Nine of the hottest 11 years in El Paso's history have occurred between 2011 and 2020. As shown by a recently created map of the heat island effect, the hottest streets in El Paso are along I-10.³⁷

³² <https://www.tceq.texas.gov/airquality/sip/elp/elp-status>

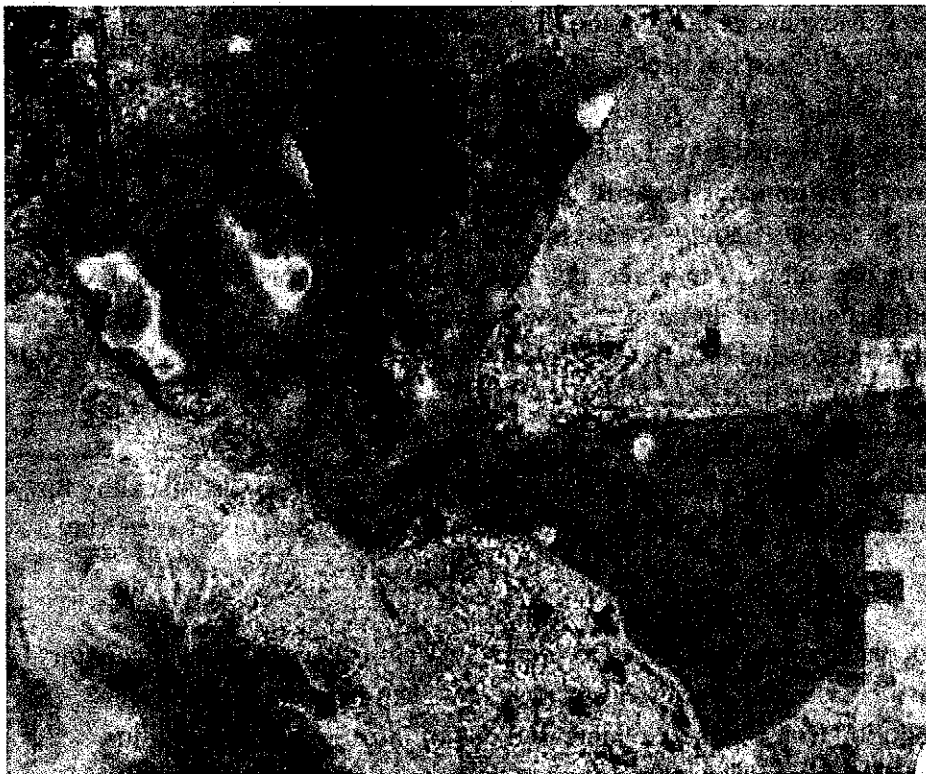
³³ *Id.*

³⁴ <https://environmentamerica.org/texas/resources/trouble-in-the-air/>

³⁵ El Paso had 126 elevated air pollution days in 2020. El Paso Times. Oct. 5, 2021, **Attachment 3**.

³⁶ <https://climatexas.tamu.edu/files/ClimateReport-1900to2036-2021Update>

³⁷ Available at: <https://www.utep.edu/liberalarts/sega/environmental-injustice-hurricane-harvey-in-greater-houston12.html>



Map of El Paso showing temperature/humidity measurements over three one-hour periods on July 10, 2020.

Hotter temperatures contribute to ozone pollution. In El Paso, July of 2022 had the most unhealthy ozone days, at 11. The average high temperature in July in 2022 was 99.4 degrees, 3.6 degrees hotter than the historical average of 95.8. Climate change is contributing to higher temperatures and ozone levels in El Paso and statewide. Texas had more unhealthy ozone days this summer than in recent years.³⁸

Air monitors in El Paso have recorded high levels of air pollution despite the inadequacies of the current air monitoring network in the area. The UTEP monitor was close to Interstate 10, an identified source of particulate matter pollution in El Paso. The UTEP monitor recorded the highest ozone levels of any El Paso monitor in 2021 and consistently recorded some of the highest levels of ozone pollution in El Paso. The UTEP monitor has been down since November 2021 and is still not up. Air monitoring data is crucial for understanding the existing impact of I-10 on human health

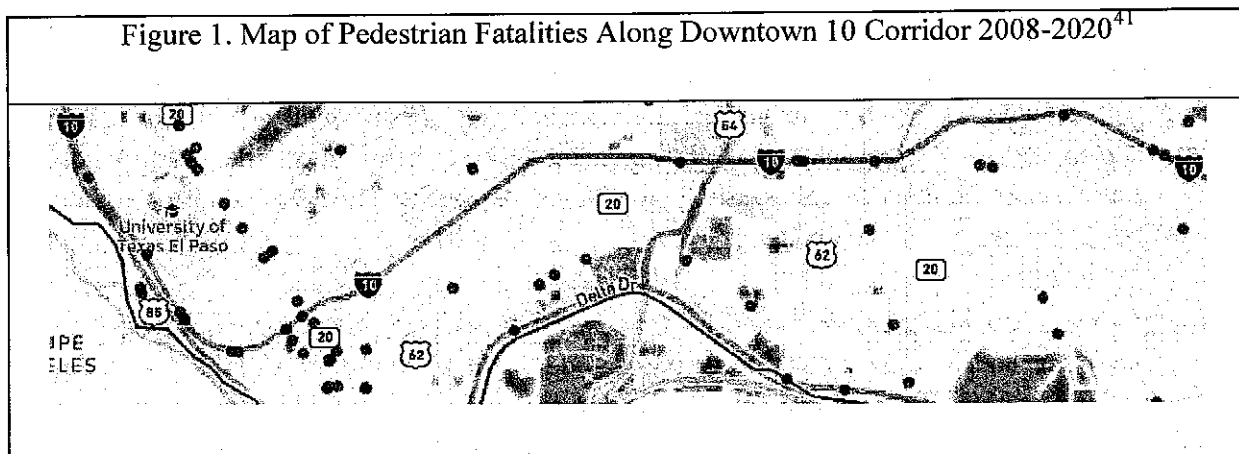
³⁸ Smog in El Paso increased in summer of 2022 while key air quality monitor was offline. El Paso Times. Sept. 8, 2022, Attachment 2.

and additional impacts that can be expected if I-10 is expanded. TXDOT must work with the TCEQ in reinstating the UTEP monitor immediately.³⁹

2. Safety

Between 2016 and 2020, 124 pedestrians were killed in El Paso. The city is ranked the 18th worst metro area for pedestrian fatalities in the country.⁴⁰ As shown in Figure 1, many pedestrian fatalities in El Paso between 2008 and 2020 have occurred along the downtown segment of the I-10 corridor. Highway infrastructure improvement in the City must take this into consideration and be designed to reduce pedestrian injuries and deaths.

Figure 1. Map of Pedestrian Fatalities Along Downtown 10 Corridor 2008-2020⁴¹



III. TXDOT should not segment Downtown 10 from Reimagine 10

TXDOT should be conducting an environmental impact statement for the entire Reimagine I-10 project. By limiting its review to only the Downtown portion of the Reimagine Project, it has improperly segmented the environmental review.

NEPA's scoping regulations define "Connected actions," as those closely related and therefore should be discussed in the same impact statement. Actions are connected if they:

³⁹ Id.

⁴⁰ Smart Growth America, *Dangerous By Design 2022* (Available at <https://smartgrowthamerica.org/dangerous-by-design/>).

⁴¹ Mapped with Smart Growth Interactive Map (Available at <https://smartgrowthamerica.org/dangerous-by-design/>).

- (i) Automatically trigger other actions which may require environmental impact statements.
- (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously.
- (iii) Are interdependent parts of a larger action and depend on the larger action for their justification.⁴²

Failing to include connected components of a project in an EIS's scope of review is unlawful piecemealing or segmentation, in violation of NEPA.⁴³

Federal Highway Administration ("FHWA") regulations require actions that are undergoing environmental reviews to connect to logical termini and be of sufficient length to address environmental matters on a broad scope; have independent utility or be of independent significance; and not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.⁴⁴

The current alternatives under consideration for Downtown 10 include constructing adaptive lanes, new frontage roads, and in at least one alternative, an additional general-purpose lane.⁴⁵ However, the adaptive lane portion of Downtown 10 is intended to extend well beyond this segment. The Reimagine I-10 Project documents propose to construct connected adaptive lanes into both the North and Airport segments of I-10 as well.⁴⁶ The interconnection of these adaptive lanes indicate that Downtown 10 does not have independent utility without the construction of the North and Airport adaptive lanes, and constructing adaptive lanes in Downtown 10 unnecessarily restricts the consideration of alternatives for the rest of the I-10 corridor.

⁴² 40 C.F.R. § 1508.25 (2019); accord id. § 1501.9(e) (2020) (stating same).

⁴³ See, e.g., *Save Barton Creek Ass'n v. Fed. Highway Admin. (FHWA)*, 950 F.2d 1129, 1140 (5th Cir. 1992) ("'Segmentation' or 'piecemealing' is an attempt by an agency to divide artificially a 'major Federal action' into smaller components to escape the application of NEPA to some of its segments."); *Fritiofson v. Alexander*, 772 F.2d 1225 (5th Cir. 1985), abrogated on other grounds by *Sabine River Auth. v. U.S. Dep't of Interior*, 951 F.2d 669 (5th Cir. 1992) (requiring the preparation of a comprehensive EIS for the whole West Galveston Island in order to adequately consider "cumulative impacts" under NEPA).

⁴⁴ 23 CFR 771.111(f).

⁴⁵ See TXDOT, *Downtown 10 Public Scoping Meeting Documents: Alternatives Analysis*. (Nov. 30, 2022)

⁴⁶ Reimagine Factsheet at 11.

What's more, the Reimagine I-10 Project is clearly intended as a single effort to modify the current landscape of I-10 in the El Paso area.⁴⁷ The alternatives proposed for Downtown 10 were generated as a part of the Reimagine I-10 Study, and those alternatives extend into the other segments of the I-10 corridor. It is TXDOT's intention to modify the entire I-10 corridor and the full breadth of the impacts of its intended project should be disclosed to the public before resources are committed to the project. That is the very purpose of NEPA's mandate.⁴⁸ To segment the Reimagine I-10 project into four separate segments obscures the totality of the project and the impacts that will follow from its construction and completion. At a minimum, TXDOT should complete a programmatic environmental impact statement for the entire Reimagine I-10 project or include impacts from the other 3 segments of the Reimagine project in the cumulative impacts analysis of the statement prepared for the Downtown 10 project.

Just as the communities most impacted by Downtown 10 are Environmental Justice communities, discussed more below, the communities most affected by the North and Airport segments are also Environmental Justice communities. These communities are almost entirely Latinx. They also have higher poverty levels, a higher percentage of households who speak limited English, and frequently a much higher percentage of elderly populations than the State of Texas or the United States.⁴⁹ The populations in these census block groups are also in the 80th and 90th percentile for populations in Texas and the United States for Traffic Proximity, Air Toxics Cancer Risk, and populations exposed to Ozone.⁵⁰ These populations, and their representatives, have a right to know what the full impacts of the Reimagine I-10 Project will be before TXDOT selects a project alternative that will commit to changes on the I-10 corridor in their neighborhoods.

IV. TXDOT must consider upcoming plans for the BOTA

TXDOT should not attempt to solve projected congestion in downtown El Paso in a vacuum or ignore the cumulative impact of other transportation projects in the region. As noted in TXDOT's draft purpose and need for the project, the largest percentage increase in traffic predicted for the El Paso area comes from anticipated increased truck traffic crossing at the Bridge of the Americas.⁵¹ The General Services Administration is also looking to address increased truck traffic at the

⁴⁷ See *id.* at 1 ("The I-10 study emphasizes the need to 'reimagine' how the I-10 corridor operates.")

⁴⁸ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989) ("[NEPA] ensures that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decision making process and the implementation of that decision.")

⁴⁹ See Demographic data for the census block groups adjacent to I-10 in the North and Airport Segments. **Attachments 4 and 5**. Data generated by EPA, EJScreen-Tool. Available at <https://ejscreen.epa.gov/mapper/>.

⁵⁰ *Id.*

⁵¹ Draft Purpose and Need at 2.

Bridge.⁵² The GSA's project intends to modernize BOTA and help "improve traffic flow and decrease wait times" heading north, into the U.S.⁵³ The GSA also intends to modernize BOTA while being "responsive to local community needs" and meeting "the Administration's overall commitment to support the livability and vitality of communities where federal facilities are located," with an investment of \$600 million.⁵⁴

Since both TXDOT and the GSA are concerned with north-bound flows of increased truck traffic, it is possible that alternatives to expanding I-10 through downtown exist that *will actually* alleviate congestion on the highway while also minimizing impacts on the communities bordered by I-10. For instance, at a recent public meeting, representatives of the GSA suggested one alternative may be eliminating freight/commercial traffic from BOTA all together, which again supports Familias Unidas' request for a no-build alternative. Community members are also requesting that the agencies involved consider the use of rail lines to transport cargo across the BOTA, which would eliminate Mexican freight trucks from traveling to El Paso to drop off cargo only to then bottleneck traffic southbound into Mexico. If GSA selects alternatives that remove commercial traffic from the BOTA, it could radically alter the need for a build alternative on the Downtown 10 segment. TXDOT must work with other agencies involved in traffic flows in El Paso to ensure that it is choosing the best alternative for El Pasoans, even if that alternative includes not pursuing the project.

TXDOT should consider the cumulative impact of Downtown 10 in concert with other proposed projects planned to address the same purpose/need as this one.

V. Downtown 10 will disproportionately affect Environmental Justice communities.

In its EIS, TXDOT must take a Hard Look at the Environmental Justice impacts of this proposed project. TXDOT, as a federal grantee, "shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."⁵⁵

⁵² GSA. Bridge of the Americas Land Port of Entry to be Modernized Under Bipartisan Infrastructure Law Signed by President Biden (Feb. 25, 2022).

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ TXDOT quoting the Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994 in its "An Overview of Transportation and Environmental Justice", available at: <https://ftp.dot.state.tx.us/pub/TXDOT-info/env/toolkit/710-01-bro.pdf>.

TXDOT itself claims to “successfully integrate Title VI and environmental justice into its programs and activities” by among other things:

- Developing and enhancing its technical capabilities to assess the benefits and adverse effects of transportation activities among different population groups and using those capabilities to develop appropriate procedures, goals and performance measures in all aspects of its mission.
- Working with Federal, state, local, and transit planning partners to create and enhance intermodal systems, and support projects that can improve the natural and human environments for low-income and minority communities.⁵⁶

Taking a hard look at environmental justice (EJ) impacts is a two-step process. First, the agency must identify any minority or low-income populations in the project affected area; second, the agency must analyze whether a project’s impacts are significant or exceed accepted norms, and whether those impacts will have disproportionately high and adverse effects on the applicable EJ populations.⁵⁷ To determine disproportionate impact, the agency should consider both the demographics of the affected areas and comparison populations and unique factors that may amplify a project’s effects in EJ populations.⁵⁸

A. TXDOT must first identify potentially affected environmental justice communities

The fact that the city of El Paso is a majority minority city does not relieve TXDOT of conducting a serious environmental justice inquiry. The census block groups immediately adjacent to I-10⁵⁹ generally have a higher rate of poverty, limited English proficiency, and lower formal education levels than the State of Texas and the City of El Paso. The census block groups also have a greater population of color than the State or the City. Figure 2 identifies the census block groups closest immediately adjacent to the highway. Table 1 compares the populations of those census block groups to that of the City of El Paso and the State of Texas. Those demographic characteristics which exceed the State or the City are highlighted. The higher concentration of Mexican and

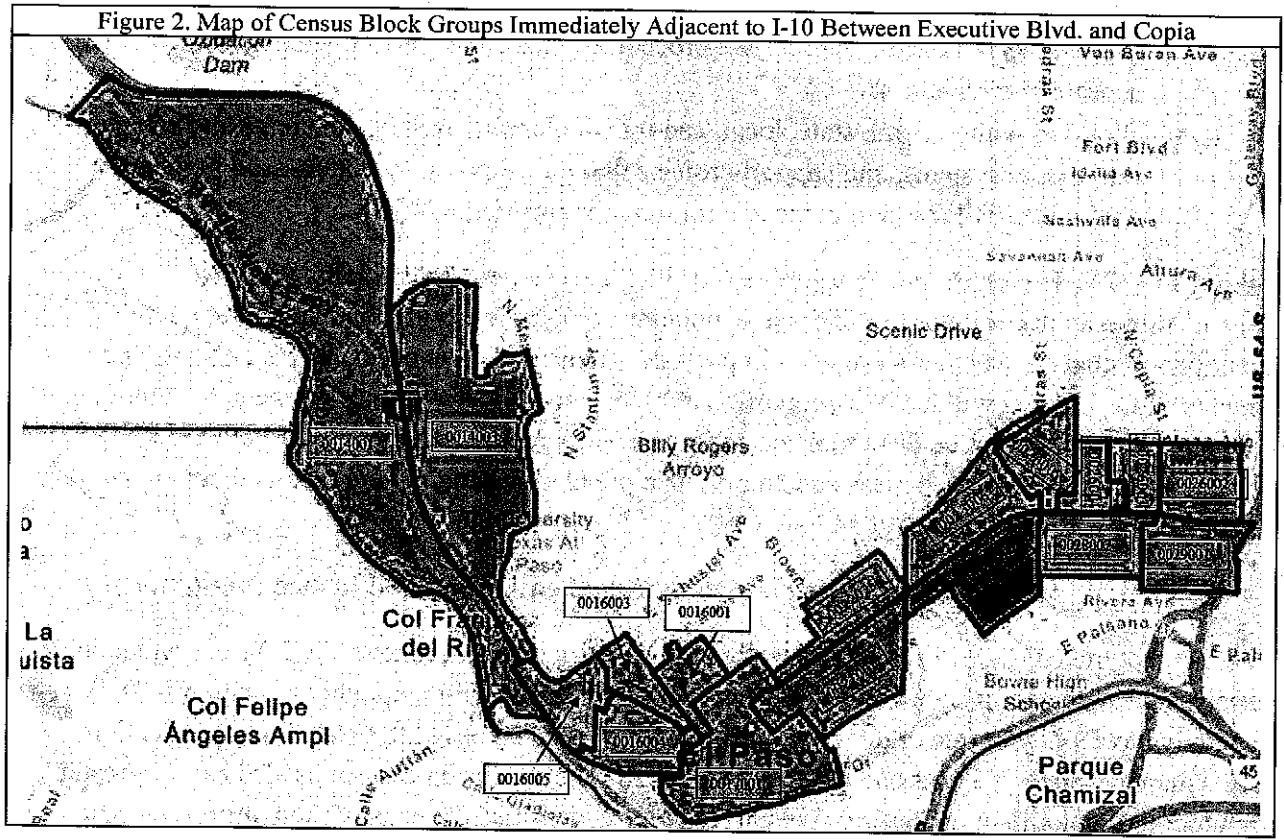
⁵⁶ TXDOT “An Overview of Transportation and Environmental Justice”, page 6, available at: <https://ftp.dot.state.tx.us/pub/TXDOT-info/env/toolkit/710-01-bro.pdf>

⁵⁷ Council on Environmental Quality, Environmental Justice: Guidance Under the National Environmental Policy Act at 1 (1997) at 9, 25-27 [“CEQ Guidance”]; see also Federal Inter-Agency Working Group on Environmental Justice & NEPA Committee, Promising Practices for EJ Methodologies in NEPA Reviews at 21-46 (2016).

⁵⁸ CEQ Guidance at 9.

⁵⁹ It is very likely that impacts from the highway expansion will extend beyond the census block groups immediately adjacent to the highway. TXDOT must identify the geographic extent of each impact and the populations that will bear the burden of that impact as a first step in conducting its EJ analysis. See *Vecinos para el Bienestar de la Comunidad Costera v. FERC*, 6 F.4th 1321, 1330 (D.C.C. 2021) (“When conducting an environmental justice analysis ... an agency’s delineation of the area potentially affected by the project must be reasonably and adequately explained.” (internal quotations omitted)).

Mexican American in the affected neighborhoods are statistically different than neighborhoods that will not be directly impacted by the widening of the highway.⁶⁰



⁶⁰ See *Familias Unidas por la Educacion v. EPISD*, 2022 WL 4923349 at 6 (Oct. 2022) (denying EPISD’s summary judgment motion and finding sufficient evidence for a reasonable fact finder to return a verdict for Familias Unidas on the material issue of disparate impact based on race as a reasonable fact finder could conclude that the schools closed in 2019 were more Mexican and Mexican American than 2016 Bond Schools).

<i>Location</i>	%POC	%Low-Income	%LEP	%Less than Highschool Education
Texas	59	33	7	16
El Paso	87	44	20	19
CB 0029001	100	90	40	54
CB 0026002	98	73	10	24
CB 0028002	95	89	63	56
CB 0026003	100	68	37	32
CB 0026004	97	79	30	25
CB 0026005	100	76	24	36
CB 0023006	96	81	9	50
CB 0028004	100	79	73	71
CB 0022025	96	79	44	39
CB 0021001	88	83	54	43
CB 0017001	91	78	45	54
CB 0016001	100	49	59	45
CB 0016004	93	67	4	26
CB 0016003	96	49	0	7
CB 0016005	96	36	33	16
CB 0014001	93	52	41	31
CB 0014003	95	80	7	18

TXDOT has a duty to address the disproportionate negative impact of widening I10 on the residential neighborhoods all along Cobia to Executive, particularly because these predominantly low-income communities of color that have been harmed since the interstate highway was created in the 1950s. Indeed, racism is physically built into I-10.

TXDOT cannot continue perpetuating the racist policies of Jim Crow America which used white supremacist ideology to decide which communities to invest in and which communities would bear the burden of transportation projects, which include air pollution, health impacts, the heat island effect, depreciated housing prices, noise pollution and damage from the construction of projects themselves. Redlining maps from the mid-1930s and 40s were created by the Home Owners' Loan Corporation and its parent bureau, the Federal Home Loan Bank Board. Before I-10 was built, the

⁶¹ Data generated by EPA, EJScreen Tool. Available at <https://ejscreen.epa.gov/mapper/>. Included as **Attachment 6**.

railroad segregated low income communities of color from their whiter counterparts north of the railroad. The Chamizal and San Xavier neighborhoods were part of the sections labeled as C and D are described as being occupied by “Mexicans”, “negroes”, “foreigners,” and “laborers”; containing substandard housing; and avoided by mortgage lenders.”⁶² Disinvestment in these communities further perpetuated their deterioration. I-10 then cemented racial inequities while creating new ones by cutting off neighborhoods and concentrating traffic and the noise and air pollution it brings, along with a negative impact on property values which has diminished wealth for generations. Table 2 demonstrates that the populations residing in the census block groups immediately adjacent to I-10 between Cobia and Executive Blvd. are already disproportionately harmed from the impacts of the highway. I-10 Connect is more of the same.

⁶² Mapping Inequality, <https://dsl.richmond.edu/panorama/redlining/#loc=12/31.792/-106.546&city=el-paso-tx>

Table 2. Environmental Justice Indicators for Texas, El Paso, and the Census Blocks Immediately Adjacent to I-10 between Executive Blvd. and Copia

Location	Ozone Exposure		Diesel Particulate Matter		Air Toxics Cancer Risk		Traffic Proximity	
	parts per billion	%ile of exposure in Texas	ug/m3	%ile of exposure in Texas	lifetime risk per million	%ile of risk exposure in Texas	Daily traffic count & distance to road	%ile of traffic proximity in Texas
Texas	40	-	0.211	-	31	-	570	-
El Paso	53.7	98th	0.188	44th	57	98th	740	80th
CB 0029001	53.8	98th	0.322	86th	40	95th	5300	98th
CB 0026002	54	98th	0.278	74th	40	95th	2600	95th
CB 0028002	54	98th	0.323	86th	40	95th	5900	99th
CB 0026003	54	98th	0.278	74th	40	95th	4100	98th
CB 0026004	54	98th	0.278	74th	40	95th	5700	99th
CB 0026005	54	98th	0.278	74th	40	95th	3300	96th
CB 0023006	54.3	98th	0.227	57th	30	83rd	4200	98th
CB 0028004	54	98th	0.323	86th	40	95th	1400	90th
CB 0022025	54.4	98th	0.307	83rd	40	95th	7600	99th
CB 0021001	54.2	98th	0.368	92nd	40	95th	1200	89th
CB 0017001	54.3	98th	0.324	86th	40	95th	3700	97th
CB 0016001	54.5	98th	0.26	67th	30	83rd	5200	98th
CB 0016004	54.5	98th	0.26	67th	30	83rd	6000	99th
CB 0016003	54.5	98th	0.26	67th	30	83rd	2700	95th
CB 0016005	54.5	98th	0.26	67th	30	83rd	5100	98th
CB 0014001	55.2	99th	0.225	56th	30	83rd	1800	92nd
CB 0014003	55.2	99th	0.225	56th	30	83rd	940	85th

B. TXDOT must next take a hard look at the direct, indirect, and cumulative environmental impacts of the project on environmental justice communities.

As discussed in the alternatives section of these comments, increasing the capacity of I-10 will only result in more vehicle miles travelled and greenhouse gas emissions along the downtown corridor. These harms will be disproportionately high and adverse on these environmental justice communities. They will also deepen the disproportionate burden that is already being carried by the populations adjacent to I-10.

What is more, the populations in these communities have also already been subject to impacts from the loop 375 extension project and I-10 Connect.⁶³ The Loop 375 extension project has resulted in increased vehicle miles traveled on these neighborhood's southern borders. The I-10 Connect project has left personal vehicles and semi-trucks idling on the northern border of these communities. TXDOT, in its reliance on increasing capacity to reduce congestion, has repeatedly chosen only solutions that place the burdens of increased air pollution and traffic proximity on communities in El Paso with the lowest incomes, the highest rates of people of color, and the highest rates of limited English proficiency. These cumulative environmental justice impacts of TXDOT's infrastructure projects must be evaluated in any draft environmental impact statement.

Given the disproportionality of harmful impacts from TXDOT's infrastructure projects, TXDOT must look for alternatives would reduce or avoid these effects entirely.⁶⁴ This includes alternatives that bring I-10 up to design standards while limiting ramping through the downtown neighborhood, de-incentivizing increased vehicle miles travelled on the Downtown 10 corridor, and prioritize pedestrian and non-vehicular traffic safety.

TXDOT should also develop plans to mitigate the harms to communities, including developing robust air monitoring, investing in public transit, and prohibiting through freight traffic on I-10 within El Paso city limits.

Additionally, TXDOT should conduct a searching analysis of these potential impacts and their harm to the environmental justice communities affected by this project, which must include meaningful outreach.

Respectfully Submitted,

TEXAS RIOGRANDE LEGAL AID, INC.

⁶³ Discussed *infra* in the Alternatives section.

⁶⁴ FHWA, *Memorandum: Guidance on Environmental Justice and NEPA*, (Dec. 16, 2011). (Available at: https://www.environment.fhwa.dot.gov/env_topics/ej/guidance_ejustice-nepa.aspx).

By: /s/ Verónica Carbajal
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**ATTORNEYS FOR
FAMILIAS UNIDAS DEL
CHAMIZAL**



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Modernización del Puerto de Entrada Terrestre del Puente de las Americas -
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Hilda Villegas
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	2102 Texas Ave, El Paso, TX 79901
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

The Bridge of the Americas renovation plans need to do something about the pollution that the residents are being subjected to. The commercial trucks idle and contaminate the neighborhood and Zavala Elementary School and public housing as well as the safety issues at Zavala. We want the health of residents to be the priority in this planning process, so that we can live safely and healthy and do not have to bare the burden of these commercial trucks as they overuse the port of entry. The GSA must include EPISD to address the pollution and traffic dangers surrounding Zavala Elementary School and nearby homes.



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NAME/ APELLIDO	Josefina Lerma
ORGANIZATION/ ORGANIZACIÓN	Familias Unidas del Chamizal
ADDRESS/DIRECCIÓN	3005 E. San Antonio Ave., El Paso, TX 79905
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Mi nombre es Josefina Lerma y vivo en el Paso, TX con mi familia de 11 personas los mas pequeños tienen 16 años, 12 años, 6 años, 4 años 7 7 meses. Soy de Familias Unidas del Chamizal y vivo en el Chamizal y mi preocupación es la salud de mia y mi familia porque todos nosotros padecemos de alergias por la tierra los aires y creo que se va más por el humo de los carros, trocas, la basura, y el costo impuesto por la contaminación. El precio para apoyar el comercio, lo pagan los niños/as del Chamizal con su salud.



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NAME/ APELLIDO	Maria Luisa Lara de Amaya
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	3009 Cypress. El Paso, TX 79905
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Yo soy Maria Luisa Lara de Amaya y soy miembro de la organización de La Mujer Obrera y a mi me preocupa mucho el tema de la contaminación tiene que hacer algo por nosotros aquí en nuestro barrio tenemos muchos problemas con la contaminación, el ozono y por ser frontera con en el puente libre en nuestra barrio, hay mucho tráfico y smog de los trocas y carros. Hay muchos problemas de salud como asma y vórices respiratorias ayudenos por favor.



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NAME/ APELLIDO	Maria Rodriguez
ORGANIZATION/ ORGANIZACIÓN	Familias Unidas del Chamizal
ADDRESS/DIRECCIÓN	3008 Findley Ave. El Paso, TX 79905
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Me gustaría que hubiera cambios en mi barrio el Chamizal, que no pasen trailers, ni camiones ya que me preocupa la salud de mis nietos de 14, 10, y 7 años. Nuestros hijos no tienen porqué pagar con su salud para apoyar a las maquilas multimillonarias usando nuestro puente libre. Yo también tengo alergias espera me tome en cuenta mi queja, y haga algo por nosotros que vivimos aquí y nadie se preocupe, necesitamos una comunidad sin estrés por la contaminación



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NAME/ APELLIDO	Isela Alvarez
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	2000 Texas Ave. El Paso, TX 79901
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Isela Alvarez and I'm a member of a local organization, La Mujer Obrera. I grew up in the Chamzial and have had health issues due to the contamination. I hope that something can be done to remove the commercial trucks from our neighborhood and schools and that this administration keep their promises of protecting our communities of these hazards.



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NAME/ APELLIDO	Brit Medellin
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	151 S. Resler, El Paso, TX
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

La contaminación en nuestro aire es la producción de la transportación para las maquilas, la refinería, los bus hubs en el barrio. nos afecta cada día y aunque la gente que no viven aquí hacen las decisiones.... los afectados somos nosotros y más importante a los niños, mujeres, ancianos, y familias. Las renovaciones necesitan reducir la polución smog/ozono porque afecta los pulmones y la salud de por vida. Por Favor poner protecciones para nuestra comunidad y quitar las trocas en el puente libre, porque es lo minimo que pueden y deben de esto. Las fuentes de contaminación están haciendo dinero y donando nuestro aire y salud.



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NAME/ APELLIDO	Martha Calleros
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	4112 Siete Leguas Rd. El Paso, TX 79922
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Mi nombre es Martha Calleros y la mayor parte de mi vida la paso en mi trabajo en una organizacion local, La Mujer Obrera o bicada en Chamizal, me preocupa que la salud tanto de la comunidad como a nivel personal, este siendo altamente afectada por la contaminación, incluso el aire sucio. Este puente libre pertenece a las familias de el paso y Juárez no al comercio. Los politicos están protegiendo a las maquilas y no a la comunidad. Agradezco la atención a la presente.



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NAME/ APELLIDO	Linda Rivas
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	3301 Piedmont Dr., El Paso, TX
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

El Paso and our neighborhoods deserve better. No human should be treated like 2nd class.

Clean air is a human right. Reduce the emissions by eliminating the commercial trucks from the bridge of the americas.



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NAME/ APELLIDO	Dr. Hilda Ontiveros
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	7651 Medano Dr., El Paso, TX 79912
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

I do not accept environmental injustice and racism! My community is not a dumping ground.
Get the commercial trucks off el puente libre.



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NAME/ APELLIDO	Mary Helen Michals
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	1235 E. Baltimore Dr., El Paso, TX
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Mary Helen Michals and I live in El Paso, TX. I attend weekly classes in the Chamizal barrio and I can tell a distinct difference in the air quality there as opposed to where i live higher upon the mountain. Although I am an avid walker, I would not take my outdoor exercise there. On many days, when I loom kout over the city, I see an ugly haze drifting over the Chamizal and I am certain that breathing it everyday must be damaging to all systems in the human body. I worry especially for our city's children who live and attend school in that environment.



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NAME/ APELLIDO	Susannah Aquilina
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	600 E. Robinson Ave, El Paso, TX
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	seaquilina@gmail.com

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COMMENTS/COMENTARIOS:

If it is the purpose of your organization to ensure the Bipartisan Infrastructure Bill funds reduce emissions and address climate change and if you're not looking out for the well being of those who live in the El Paso/Juarez area, then what is your job? Was is its purpose? Is it to prioritize money, profit, and the interests of a tiny few?



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NAME/ APELLIDO	Xavier Miranda
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	6625 Southwind Drive El Paso, TX 79912
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	xmiranda5@gmail.com

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COMMENTS/COMENTARIOS:

Environmental studies conducted throughout the years, that have been publicly presented have shown the toxic air quality that hover over schools and neighborhoods, in the Chamizal. Reducing the emissions and removing the commercial truck traffic should be priority in renovation planning.



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NAME/ APELLIDO	Yolanda Chavez Leyva
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	3105 MOUNTAIN AVE, El Paso, TX 79930
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	ycleyva@gmail.com

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COMMENTS/COMENTARIOS:

Every day I drive to work over Scenic Drive, a high point in the city, that gives me a few of the constant layer of pollution in our city. It horrifies me each time I see it because I know that my fellow El Pasoans and I are breathing in this dangerous pollution, and I know that it harms our health in a multitude of ways. From birth through the age of 3 1/2, my family lived near an oil refinery (late 1950s). I developed asthma and had to go to the doctor weekly to get an oxygen treatment. The pediatrician recommended that we move further away from the refinery so that I could breathe better. I am 66 years old now and have suffered from respiratory problems my entire life. Last year I was diagnosed with Parkinson's disease that has turned my life upside down. From an active person at work and in the community, I now have to pace myself because I can only do one big activity a day. I do not have the genetic predisposition for Parkinson's and as I've researched it, it has become clear that living in this polluted area is more than likely the cause of this life-altering disease.



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NAME/ APELLIDO	Corinne Chacon
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	1117 Del Norte Street, El Paso, TX
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	ycleyva@gmail.com

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COMMENTS/COMENTARIOS:

When the life span of an entire community is impacted by dangerous particulate matter and smog, the federal government is the ONLY recourse to whom we can turn for fair treatment. Everyone living in the Chamizal, downtown and east El Paso has a reduced quality of life due to the poor air quality. This is criminal environmental negligence made worse by federal inaction.



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NAME/ APELLIDO	Tonalli de Aztlan
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	1901 N. Brown St. H6 El Paso, Texas
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	tonallideaztlan@gmail.com

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COMMENTS/COMENTARIOS:

The smog from the Pollutants irritate chronic sinusitis & topical allergic reaction in my skin to swell my face, eyes & throat while outside to run. I suffer from chronic & spontaneous nose bleeds



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NAME/ APELLIDO	Adan Saenz
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	253 Harvard Avenue, El Paso, TX
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	adansaenz75@gmail.com

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COMMENTS/COMENTARIOS:

El Paso has historically always been an underserved community caught in the crosshairs of exploitative industries and legislation. When the state of Texas was founded, El Paso was included within its borders despite sharing more cultural and political affinity with New Mexico because Anglo Texan legislators wanted a share of the Santa Fe trade route that passed through our city. Fast forward to today and El Paso continues to suffer from the negligent state legislation of Texas that prioritizes filthy commercial transportation over clean air and a walkable city. Reinstate the original purpose of The Treaty of Chamizal, the reason el puente libre- the free bridge- The Bridge of the Americas (BOTA) exists, for the people. Take the trucks off BOTA.



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NAME/ APELLIDO	Jose Guerra
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	288 Sandy Hills, El Paso, TX
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	jguerrana77@sagrado.edu

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COMMENTS/COMENTARIOS:

El Paso, Texas has always been a astonishing city and we demand cleaner air to function better in our daily lives. There is a voluminous amount of pollution emitting from the Bridge of the Americas and it affects many civilians with asthma and severe breathing problems. It's a big issue that needs to be addressed and fixed. We do our part to stay green and we need you to enforce more laws and movements to stop air pollution in our city.



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NAME/ APELLIDO	Sylvia Searfoss
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	829 De Leon, El Paso, TX 79912
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	sylviasearfoss@gmail.com

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COMMENTS/COMENTARIOS:

My name is Sylvia Searfoss & I live in El Paso, TX. As a retired RN & a human being, I am very concerned about the the effects of air pollution on our health. When the air is polluted we have no choice, we have to breathe it into our lungs. Personally it affects when I can go outside to walk for exercise, to do necessary yard work, or to enjoy being outside.



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NAME/ APELLIDO	Sofia Avant-Mier
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	6227 Los Altos Dr., El Paso, TX 79912
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Sofia Avant-Mier and I live in El Paso, TX. Our community faces more ozone pollution than most major cities in the nation. We are counting on you to reduce emissions. Clean air is a human right.



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NAME/ APELLIDO	Alana de Hinojosa
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	4011 Santa Ana Dr. El Paso, TX 79902
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Alana de Hinojosa and I live in El Paso, TX. My community here in El Paso, and especially Familias Unidas del Chamizal is counting on you to remove the commercial trucks from the Bridge of the Americas, located in the Chamizal neighborhood. I have asthma myself and Lations are disproportionately impacted by environmental hazards. Please keep your promise to reduce emissions and listen to the community that is most affected by these decisions.



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NAME/ APELLIDO	Bernadette Segura
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	5147 Gary Owen, El Paso, TX 79903
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Air quality is important for all humans. We have no control over the emissions from the factories and truck traffic but the haze and health affects our daily lives. These renovations is the only opportunity to remove the dangerous and polluting commercial trucks from the bridge of the americas.



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NAME/ APELLIDO	Nicholas Vasquez
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	5933 Ybarra Ct., El Paso, TX 79905
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

The Chamizal area has the international trucks crossing and emitting pollutions due to the failed trade policies as well as mishandling of industrial waste behind Douglass elementary school.

Also, natures cycle such as the water cycle knows no borders or walls. I urge you to include the communities concerns in the renovation project.



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NAME/ APELLIDO	Cemelli de Aztlan
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	2102 Texas Ave., El Paso, TX 79901
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

We, families of barrio Chamizal, are calling on the BOTA renovation funds to be used to address the long-overdue environmental concerns. Familias Unidas del Chamizal demand that the renovations consider health impacts and not violate the civil rights of vulnerable communities. President Biden's Bipartisan Infrastructure Bill is intended to fund infrastructure projects to reduce emissions, as stated: "To repair and rebuild our roads and bridges with a focus on climate change mitigation, resilience, equity, and safety for all users" and "improve transportation options for millions of Americans and reduce greenhouse emissions through the largest investment in public transit in U.S. history." Yet, the BOTA renovations are instead being used for expansion, which will not reduce the emissions and will actually increase the pollution.

The children in our community, barrio Chamzial in El Paso, TX on the US/MEX border, are subjected to dangers daily because all of our schools in the Chamizal neighborhood are situated next to dangerous

(CONTINUED COMMENTS FROM CEMELLI DE AZTLAN:

...sources of pollution, including the high traffic highways, the international port-of-entry overloaded with semi-truck traffic and encroaching industrial zoning.

Douglass Elementary in the Chamizal neighborhood is a low-income, English-learner Hispanic-dominated school situated on the edge of the industrial zone and behind the school playground sits an industrial recycling waste facility handling electronics, metals, and batteries, some of the most hazardous materials to recycle, dumped here by the international trucks coming from the BOTA, from the factories in Ciudad Juarez, MX where there are no environmental regulations.

Zavala Elementary School, located between a highly trafficked interstate highway and international port-of-entry, has the highest levels of poor air quality of the entire school district. Bowie High School has levels of air pollutants greater than 80% of the region placing them at higher risks of cancer, yet the school district placed a massive 180+bus hub and maintenance center on the campus in 2020.

Exposure to higher levels of vehicle emissions for some children in EPISD has resulted in lower GPA's, yet community-driven requests for assessments, mitigation or intervention have been denied. Despite the environmental hazards apparent in the Chamizal neighborhood, when parents and residents have advocated for environmental protections, community claims are strategically disregarded.

The situation in barrio Chamizal is like none other in the city of El Paso. The city failed to zone this neighborhood justly, to include buffer zones between residential & industrial uses and it is increasingly the responsibility of residents to mitigate the issues. Also, as the maquiladora industry expands in Juarez, El Paso residents are concerned that the US federal infrastructure renovations for El puente libre are prioritizing the industry rather than the people and their health.

As one of the poorest neighborhoods in the nation and home to more than 8,000 residents, mostly immigrant families, those most affected by these decisions are low-income women and children in Barrio Chamizal. The burdens are heavy for those who can least afford it. The costs are deadly.



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NAME/ APELLIDO	Celia Aguilar
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	127 Marguita Lane, El Paso, TX 79915
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Celia Aguilar and I live in El Paso, TX. Over the years, I have seen my community become more and more polluted. I grew up with asthma and my nepher had to regularly use a nebulizer because of how severe his asthma was. The high levels of dangerous particulate matter have serious effects on my communities health. We are counting on you to renovate the bridge of the americas with our health in mind.



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NAME/ APELLIDO	Jena Camp
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	3012 Wheeling Ave.
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Soy miembro de La Mujer Obrera y mi nombre es Jena Camp. Trabajo en el barrio Chamizal con niños y familias y me preocupa mucho la deterioración de la calidad del aire aquí. Muchos de los chiquitos sufren de condiciones como asma y es necesario mejorar el aire que respiramos, que en este barrio que es uno de los más contaminados en todo el estado de Tejas. Las renovaciones deben considerar los impactos en la salud y no violar los derechos civiles de las comunidades vulnerables. El proyecto de ley de infraestructura bipartidista del presidente Biden tiene como objetivo financiar proyectos de infraestructura para reducir las emisiones, como se ha dicho: "Reparar y reconstruir nuestras carreteras y puentes con un enfoque en la mitigación del cambio climático, la resiliencia, la equidad y la seguridad para todos los usuarios de las carreteras" y "mejorar las opciones de transporte para millones de estadounidenses y reducir las emisiones".



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NAME/ APELLIDO	Alma Alvarez
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	2000 Texas Ave
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Buenas tardes, mi nombre es Alma Alvarez y resido en el área Chamizal. Yo en suficido de varia enfermedades que son de dercivadas del la ozona contaminada. Yo exijo que haiga más restricciones a las trocas, porque no es justo que estemos sufriendo por algo que no escogimos. Su deber es protegemos y no fregamos.



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NAME/ APELLIDO	Victor Carrillo
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	2000 Texas Ave.
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Victor Carrillo and I live in El Paso with my brother who is 12 years old. I am a member of the local organization La Mujer Obrera and live in the Chamizal neighborhood in El Paso. I am very worried about the health of me and my brother. I wish this administration would step in and do something about the health risks affecting the community. The recent GSA presentation about the renovations of the Bridge of the Americas, el puente libre, in our community does not consider the environmental and health effects of the bridge on our community.



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NAME/ APELLIDO	Bertha Ontiveros
ORGANIZATION/ ORGANIZACIÓN	Familias Unidas del Chamizal
ADDRESS/DIRECCIÓN	2000 Texas Ave.
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Bertha O, residente del Chamizal: me preocupa demasiado el medio ambiente en la comunidad de el Chamizal ya que hay demasiada contaminación y me interesa tener aire más limpio y saludable y a que me importa mucho estar saludable. Deseo que se pueda interesar en ente caso y hacer que esta frontera sea limpia y segura durante las renovaciones del puente gratuito en la planificación.



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NAME/ APELLIDO	Guillermo Glenn
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	2000 Texas Ave. El Paso, TX 79901
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

I am a volunteer in the Chamizal community in El Paso, Texas. We are very much affected by the contamination caused by the industrial trucks on the bridge of the americas. Our community has many elderly people that are subject to the contamination.



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Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Raymund Surya
ORGANIZATION/ ORGANIZACIÓN	n/a
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TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Hello. I want to ask the GSA to please prioritize the poor air quality in El Paso, especially in the Chamizal neighborhood, where the Bridge of the Americas is located. The Chamizal is a large residential neighborhood here and I work at the high school in South El Paso and it really hurts to see so many kids have an asthma just from breathing the air outside. TCEQ is not doing their job to keep our air clean and GSA should prioritize moving all the commercial truck traffic from the bridge of the americas, el puente libre, so we can breathe air that does not negatively affect our health. Kids who are breathing our air now will be affected with asthma for years to come. We need to do better for our communities. Thanks for reading this. Have a good day.



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NAME/ APELLIDO	Amanda Garcia
ORGANIZATION/ ORGANIZACIÓN	n/a
ADDRESS/DIRECCIÓN	1202 Huckleberry St., El Paso, TX 79903
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Amanda Garcia and I'm a born and raised El Pasoan and like many EL Paso children, I suffer from severe asthma. We deserve better. I've long heard the excuse that Juarez is such a large contributor to the pollution that El Paso's actions don't mean much, but this is a flawed approach in every way and means nothing to those of us who suffer this air. Just because we can't control what our neighbor does, doesn't mean we should do nothing. We have the chance now with the bridge renovation project to address the issue that is directly affecting women, children, elders, families and students now- get the commercial truck traffic off the bridge. The bridge is for the people not the industry!



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NAME/ APELLIDO	Tori Hernandez
ORGANIZATION/ ORGANIZACIÓN	n/a
ADDRESS/DIRECCIÓN	3110 Tularosa, El Paso, TX 79930
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

I demand that the air quality be taken seriously in El Paso. Hispanic communities are 165% more likely to have unsafe levels of particulate matter pollution and 51% more likely to live in areas with unsafe levels of ozone pollution. This is environmental racism as the above stated statistics are in comparison to white communities. Almost every person I know who grew up in El Paso has severe lung issues, and with most of us not being able to afford health care. We are left to create our own devices to survive these health affects. The industrial trucks on the international bridge are contributing to the non-attainment issue in El Paso.



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NAME/ APELLIDO	Coni Sal. Bustos
ORGANIZATION/ ORGANIZACIÓN	n/a
ADDRESS/DIRECCIÓN	3522 Taylor Ave. El Paso, TX 79930
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Hello, I'm a concerned community member, and for as long as I've lived here I've noticed how poor and toxic our air pollution is and even more aggravating the lack of care that governments officials have towards our health, especially to our Latino community and low income families. Our children, our elders have been diagnosed w/ asthma and other debilitating issues because of the contamination. We need help to stop it for our sake. Take accountability and keep your promises for the family health's sake.



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NAME/ APELLIDO	Natalia Garcia
ORGANIZATION/ ORGANIZACIÓN	n/a
ADDRESS/DIRECCIÓN	3229 Tularosa Ave. El Paso, TX 79903
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

I am a concerned community member that would like to express the urgency of the issue of pollution that is negatively affecting El Paso and the people that live here. This pollution has caused asthma and breathing problems for myself and others I love. My community cannot keep breathing in this contaminated air and we must think of the future generations of El Pasoans. Please take accountability and reduce emissions on the international port of entry to protect the people here from hazardous pollution and its negative effects.



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NAME/ APELLIDO	Mary N. Silva
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	4744 Loma de Plata Dr., El Paso, TX 79934
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

The air in El Paso has personally affected my family. My sister is unable to breathe in this city, yet is able to brathe in some of the other major cities around the world- and we were born and raised here! Clean air is a human right and no one shold have to fight for the right to be able to breathe. The GSA should prioritize the people and address the poor air quality in the renovation planning of the bridge of the americas.



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NAME/ APELLIDO	Bernadette V. Silva
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	4744 Loma de Plata Dr., El Paso, TX 79934
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Bernadette Silva and I have lived and worked in El Paso, Texas nearly my whole life. In the times that i have left the city, I have found my breathing issues clear up almost immediately. I believe it is no coincidence that El Pasoans suffer disproportionately from breathing and health issues. The Biden administration has promised to protect us and address the injustice happening in fenceline communities. Now is the time to implement that promise in the renovations at the bridge of the americas and reduce emissions.



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NAME/ APELLIDO	Juan Paul Flores
ORGANIZATION/ ORGANIZACIÓN	n/a
ADDRESS/DIRECCIÓN	151 S. Resler, El Paso, TX 79903
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Clean air is a human right but wehn those we rely on to keep our air clean fail us, hide the facts, and make decisions without the true concern of our health and safety, we suffer. We develop helath risks at a faster rate, our children get poisoned and that why we need to lower emissions in the Chamizal neighborhood, where the bridge of the americas is. Prioritize people not profits. The renovations should address the dirty air and the health of the people who live there.



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NAME/ APELLIDO	Cemelli de Aztlan, Ricardo Leon
ORGANIZATION/ ORGANIZACIÓN	Familias Unidas del Chamizal, San Xavier Neighborhood
ADDRESS/DIRECCIÓN	c/o Texas RioGrande Legal Aid, Veronica Carbajal 1331 Texas, El Paso, TX 79901
TELEPHONE/TELÉFONO	915-585-5107
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COMMENTS/COMENTARIOS:

Please see comments attached.

Our client organizations in the San Xavier neighborhood and Familias Unidas del Chamizal, as well as other residents in Washington/Delta neighborhoods are key stakeholders for the BOTA modernization project. These neighborhoods bear the persistent legacy of hundreds of years of institutional racism. This racism is embedded in mixed-used zoning that allows homes and residents to co-exist immediately next to commercial and light industrial facilities, such as recycling plants and warehouses, as well as large transportation projects. The San Xavier and Chamizal neighborhoods see commercial traffic due to their proximity to the Bridge of the Americas (BOTA), I-10 and 375. Commercial traffic that moved out of the Chamizal neighborhood when TXDOT's I-10 Connect Project closed off the entrance to the BOTA from Paisano, appears to have been replaced by commercial traffic traveling east and west on I-10. In addition, the north-south commercial traffic is now hyper concentrated around the San Xavier neighborhood even though TXDOT promised its I-10 Connect Project (completed in December of 2021) would reduce traffic.



Photo of southbound traffic on I-110 next to Zavala Elementary, Sept. 28, 2022, 8:15a MT



Photo of southbound traffic on I-110 next to Zavala Elementary/San Xavier, November 29, 2022, 7p MT

1. Neighboring environmental justice communities must be considered.

GSA has a duty to consider the impacts of the BOTA modernization plan on surrounding communities like San Xavier and Barrio Chamizal which have carried a disproportionate burden from the effects of the BOTA and El Paso's highway system. This disproportionate impact is precisely what President Joe Biden's promised to address with his Executive Order 14008, which builds on Executive Order 12898 on Environmental Justice.

"We've put environmental justice at the center of what we do, addressing the disproportionate health, environmental, and economic impacts that have been borne primarily by communities of color — places too often left behind"

PRESIDENT JOE BIDEN, EARTH DAY 2022³

The GSA should reject any alternative that deepens that disproportionality. For instance, passenger and consumer traffic idles for hours through residential neighborhoods and immediately next to Zavala Elementary, which has a student population that is 99.1% Hispanic; 38.86% foreign born, which is 1.5 times the rate of the rest of El Paso; 86% English Language Learners; and most of whom are low income. The increase in idling traffic has resulted in an increase in air pollution, noise

³<https://www.whitehouse.gov/environmentaljustice/#:~:text=During%20his%20first%20week%20in,undertaken%20by%20the%20Federal%20Government.>

3. BOTA cannot be modernized unless the commercial traffic is removed.

GSA recognizes that not having a toll on the BOTA is a magnet for different types of traffic. "The [BOTA] port processes toll-free inbound and outbound commercial, non-commercial, and pedestrian traffic. As a result, the volume of traffic is heavy with many travelers and commercial vehicles choosing to enter and exit through this facility in lieu of paying a toll."⁴ Rather than deconvincing or prohibit commercial traffic on the BOTA, GSA's 3 alternatives cater to commercial traffic, which will continue to attract more and more commercial traffic and the continued use of warehouses in the aforementioned environmental justice neighborhoods.

a. Commercial trucks must be removed from BOTA

El Paso is at the epicenter of freight/semi/truck traffic from every direction: east and west, north and south, including to and from Mexico. The freight traffic going into Mexico is particularly damaging because many of those vehicles meet the bare minimum health and safety requirements in order to travel on U.S. roads. Induced demand plays out not just from passenger occupied vehicles (POVs), but also from freight traffic driving from north and south and east and west.

It is undisputable that commercial vehicles and passenger vehicles are vastly different in size, air emissions, noise, the damage they cause to roads, handling and impact from car accidents. Even though there are less commercial vehicles than passenger vehicles at the BOTA, inspecting commercial vehicles at our ports of entry requires more time, labor and land than passenger vehicles. We also suspect that the most expensive components of the BOTA Modernization Project are for related to commercial truck traffic and inspection.

Familias Unidas del Chamizal and the San Xavier neighborhood request that commercial trucks be removed from the BOTA.

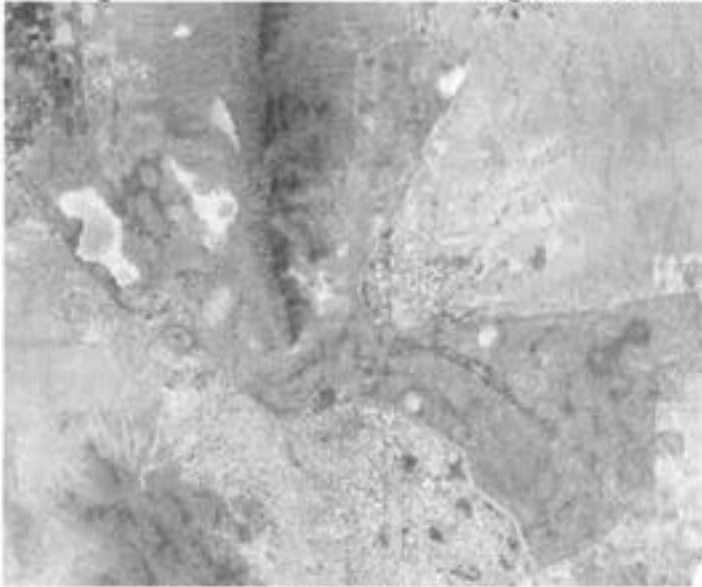
1. Accommodating the commercial trucks necessitates the taking of land. By removing the commercial trucks from the BOTA, GSA can minimize the physical footprint of the modernization project.
2. The Chamizal Treaty was signed into laws in 1963. The governments of Mexico and the United States did not foresee the volume of commercial traffic that would inundate the BOTA, especially after NAFTA passed in 1994. Commercial trucks or ventures are not mentioned in the Treaty which was intended to redistribute land, relocate residents and facilitate travel between the two nations. The Treaty required the BOTA, unlike the two bridges it replaced, to be toll-free "unless both Governments agree to the contrary."⁵
3. The 3 alternatives fail to consider the commercial traffic congestion in neighborhoods as trucks head north and south. The photographs above illustrate this congestion. This congestion became **worse** after TXDOT's I-10 Connect Project, which was meant to relieve congestion. Removing commercial traffic from BOTA would reduce traffic on I-10 Connect.

⁴ <https://www.gsa.gov/about-us/regions/welcome-to-the-greater-southwest-region-7/buildings-and-facilities/texas/bridge-of-the-americas-land-port-of-entry>

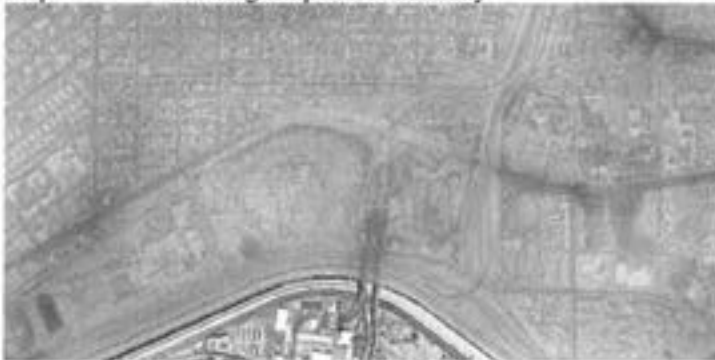
⁵ The Chamizal Convention, Article 10, available at: <https://www.nps.gov/chamizal/history.cfm#chamizal-convention-1963>

the United States and one of the largest contributors to ozone pollution in El Paso, it is especially critical to focus on these issues in developing transportation policy, including the modernization of the BOTA.

12. In addition, El Paso, like the rest of the world, has seen a dramatic increase in average temperatures in recent decades.⁸ Nine of the hottest 11 years in El Paso's history have occurred between 2011 and 2020. As shown by a recently created map of the heat island effect, the hottest streets in El Paso are along I-10 and the BOTA.⁹ Hotter temperatures contribute to ozone pollution. In El Paso, July of 2022 had the most unhealthy ozone days, at 11. The average high temperature in July in 2022 was 99.4 degrees, 3.6 degrees hotter than the historical average of 95.8. Climate change is contributing to higher temperatures and ozone levels in El Paso and statewide. Texas had more unhealthy ozone days this summer than in recent years.¹⁰ GSA must take affirmative action to address climate warming by reducing vehicle wait times and removing **commercial** traffic from the BOTA.



Map of El Paso showing temperature/humidity measurements over three one-hour periods on July 10, 2020.



Close up of the BOTA.

⁸ <https://climatexas.tamu.edu/files/ClimateReport-1900to2036-2021-update>

⁹ Available at: <https://www.utep.edu/liberalarts/sova/environmental-injustice-hurricane-harvey-in-greater-el-paso-12.html>

¹⁰ Smog in El Paso increased in summer of 2022 while key air quality monitor was offline. El Paso Times. Sept. 8, 2022.

Paso has been in "Moderate Nonattainment," since 1991.¹⁷ We request that the GSA use this incredible opportunity to address environmental injustice while fulfilling federal security goals.

Please contact us directly with any questions.

Respectfully Submitted,

By: **TEXAS RIOGRANDE LEGAL AID, INC.**
/s/ Verónica Carbajal

Verónica Carbajal
State Bar No. 24045617
1331 Texas Ave.
El Paso, TX 79901
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/s/ Jennifer Richards

Jennifer Richards
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**ATTORNEYS FOR FAMILIAS UNIDAS
DEL CHAMIZAL and SAN XAVIER
NEIGHBORHOOD**

/s/ David R. Baake

David R. Baake
2131 N Main St.
Las Cruces, NM 88001
Phone: (575) 343-2782
Email: david@baakelaw.com

**ATTORNEY FOR FAMILIAS UNIDAS
DEL CHAMIZAL**

¹⁷ *Id.*



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January 11, 2023

VIA: Hand-delivery and email: downtown10@txdot.gov

TXDOT El Paso District Office
Attn. Downtown 10 / Hugo Hernandez
13301 Gateway Boulevard West
El Paso, TX 79928-5410

Re: Scoping Comments on Downtown 10 Submitted by Familias Unidas del Chamizal

Dear TXDOT,

Based on the National Environmental Policy Act (NEPA) process, TXDOT has determined that the Downtown 10 Project will now be classified and prepared as an Environmental Impact Statement (EIS) that will evaluate a range of build alternatives and a no-build alternative.¹ The purpose of the public scoping process is to provide the public an opportunity to review and comment on the draft coordination plan and schedule, the project purpose and need, the alternatives, and methodologies and level of detail for analyzing alternatives and provide input on any expected environmental impacts, anticipated permits or other authorizations, and any significant issues that will be analyzed in depth in the EIS.

Texas RioGrande Legal Aid, Inc. represents Familias Unidas del Chamizal for the purpose of submitting scoping comments on TXDOT's Downtown 10 Project.

Familias Unidas del Chamizal (Familias Unidas) is a membership organization that works with families in the Barrio Chamizal to address neighborhood-wide injustices around education, housing and the environment.² The Chamizal Neighborhood is one of the oldest and poorest in the city of El Paso, Texas. Nearly 100% of its residents are people of color, primarily Mexican and Mexican American, and its schools have one of the largest concentrations of English Language Learners in the city.

Similar to other neighborhoods south of I-10 in El Paso, the Chamizal bears the persistent legacy of hundreds of years of institutional racism. This racism is embedded in mixed-used zoning that allows homes and residents to co-exist immediately next to commercial and light industrial facilities, such as recycling plants and warehouses, as well as transportation projects. In addition to the freight/semi traffic used by commercial and light industrial businesses in the neighborhood, the

¹ <https://www.TXDOT.gov/projects/hearings-meetings/el-paso/el-paso-downtown10-11-30-22.html>

² The Chamizal neighborhood is bound to the south by Paisano, to the east by I-110, the west by Cotton, and to the north by I-10.

- Reduce potential conflict points and improve incident management
- Bring facility up to current design standards

Each of the alternatives identified by TXDOT as “viable” to achieve its stated purpose and need includes increasing the number of lanes, and adding frontage roads, or flyovers, or new ramps to the downtown area.⁷ TXDOT is now tasked with preparing an Environmental Impact Statement of the project that will evaluate all reasonable alternatives and the no-build alternative. That statement must comply with all the Secretary of USDOT’s obligations under the National Environmental Policy Act (NEPA), including all statutes, regulations, policies, and guidance related to the implementation of NEPA for Federal highway projects.⁸

II. Purpose and Need Must Include Health, Safety and the Environment

The proposed Purpose and Need will not be met with the proposed alternatives. Further, any purpose and need for highway development in El Paso should include improving or at the very least, not further damaging the community’s health, safety and environment. Alternatives, including a no-build alternative, should be reflect these additional purposes and needs.

A. Proposed Alternatives do not meet the Purpose and Need

TXDOT’s Draft “Purpose and Need” states that the purpose of Downtown-10 is to “improve mobility and long-term congestion management, reduce potential conflict points, improve incident management, and bring the facility up to current design standards.”⁹ The only alternatives considered by TXDOT to meet this purpose and need are widening lanes, turning downtown local avenues into frontage roads, and adding more lanes to the highway itself.¹⁰

1. Increasing road capacity does not manage congestion

TXDOT’s alternatives run afoul decades of studies showing that increasing road capacity does not result in managing congestion. Studies indicate that increasing road capacity induces increased demand and results in greater congestion. TXDOT should therefore be considering increasing the use of *existing* alternatives and if necessary, new alternatives that de-incentivize I-10 usage in order to meet its purpose of managing congestion.

⁷ See TXDOT, Downtown 10 Public Scoping Meeting: Viable Alternatives (Nov. 30, 2022). (“Viable Alternatives”).

⁸ First renewed MOU between the FHA and the TXDOT concerning State of Texas’ participation in the project delivery program pursuant to 23 USC 327 at ¶3.1.1 (Available at <https://fta.txdot.gov/pub/TXDOT...fo/env/nepa-assignment/2019-nepa-assignment-mou.pdf>).

⁹ TXDOT, Downtown 10: Draft Purpose and Need, 8 (Nov. 2022).

¹⁰ See Viable Alternatives.

2011 and 2014, and afternoon commutes increasing by 23 minutes. The predictable result of building additional roadways in El Paso will be more traffic, more sprawl, more air pollution, and reduced quality of life—particularly for individuals (predominantly from environmental justice populations) that live directly adjacent to these roadways.

a. Increasing road capacity will not relieve freight traffic congestion

Without a doubt, El Paso is at the epicenter of freight/semi/truck traffic from every direction: east and west, north and south, including to and from Mexico. The freight traffic going into Mexico is particularly damaging because many of those vehicles meet the bare minimum health and safety requirements in order to travel on U.S. roads. Induced demand plays out not just from passenger occupied vehicles (POVs), but also from freight traffic driving from north and south and east and west. Widening I-10 along downtown will only attract even more freight traffic and the continued use of warehouses in the aforementioned environmental justice neighborhoods.

As part of the EIS and in order to meet its stated purpose and need of reducing congestion, TXDOT must consider no-build alternatives that include:

- 1) Removing freight traffic from Downtown 10
- 2) Removing freight traffic from the Bridge of the Americas, which is the closest port of entry to Downtown 10

b. Increasing road capacity will result in disinvestments in public transportation

Public transportation is one of the long-recognized alternatives to relieving congestion along urban corridors.²⁰ Simply put, public buses can get many private vehicles off our existing roads. On the contrary, increasing road capacity encourages people to use their private vehicles, which in turn results in disinvestments in public transportation.

For environmental justice communities, public transportation that is affordable, reliable and practical, is a life-line to accessing work, school, health services and other public amenities. Many people who live closest to existing highways face the cruel irony of not being able to use said highways because they have inconsistent or non-existent access to reliable private transportation.

As part of the EIS and in order to meet its stated purpose and need of reducing congestion, TXDOT must consider no-build alternatives that include:

- 1) Increasing the use of existing public transportation infrastructure along Downtown 10 and nearby roads

²⁰ See Mogrige, *supra* fn. 8.

The proposal to now expand the downtown portion of I-10 to further relieve congestion, so close on the heels of the completion of the 375 extension, whose entire purpose was to alleviate congestion while avoiding the impacts of expanding I-10, indicates one of two things. Either TXDOT has not adequately taken into consideration the alleviation of congestion by the 375 extension or that continually constructing highways does not actually alleviate congestion. The cited studies indicate that the latter is what is occurring here. While models may predict future congestion on I-10, the solution to that cannot be to perpetually expand highway infrastructure. TXDOT must consider alternatives that will actually lead to a reduction in congestion, including investment in public transportation and diverting freight traffic from I-10, particularly in the proposed Downtown 10 segment.

Diverting freight traffic from Downtown 10 would also meet the purpose and need of “improving incident management.” On December 10, 2022, a pedestrian was struck and killed by three vehicles while trying to cross I-10 East at the Dallas St. Exit.²⁸ Drivers were instructed to exit the highway and take alternative routes through a phone alert, electronic signage, and Google Maps. Drivers who were able to exit had numerous existing alternative routes, including Paisano, the 375 extension, Transmountain, Montana and Mesa St. Drivers, primarily freight vehicles, who were not able to exit, idled for hours on the freeway. Having more lanes would actually make it more difficult for vehicles on the left-hand lanes to exit quickly in such circumstances, thereby increasing congestion.



EL PASO, Texas -- One person is dead after a vehicle vs. pedestrian crash near downtown El Paso.



EL PASO, Texas -- One person is dead after a vehicle vs. pedestrian crash near downtown El Paso.

²⁸ <https://kvia.com/traffic/2022/12/10/one-person-killed-after-crash-on-i-10-east-near-downtown-el-paso/>

Since its completion in December of 2021, I-10 Connect has actually resulted in increased congestion on I-10 West (Starting at the Paisano Exit); I-10 East (Starting at the Piedras); and US54 South from traffic heading south into Mexico from both passenger vehicles and freight traffic. The traffic idles for hours through residential neighborhoods and immediately next to Zavala Elementary, which has a student population that is 99.1% Hispanic; 38.86% foreign born, which is 1.5 times the rate of the rest of El Paso; 86% English Language Learners; and most of whom are low income. The increase in idling traffic has resulted in an increase in air pollution, noise pollution, and a decrease in quality of life.



Photo of southbound traffic on I-110 next to Zavala Elementary, Sept. 28, 2022, 8:15a MT



Photo of southbound traffic on I-110 next to Zavala Elementary/San Xavier, November 29, 2022, 7p MT

The areas most impacted by I-10 Connect are the San Xavier neighborhood, which is north of Paisano, east of Copia, south of I-10 and west of 375 and US 54, and the residential streets surrounding Zavala Elementary, including those on Copia, Rivera, and Hammett, and south of Alameda.³⁰

In addition to increasing traffic congestion, noise and air pollution throughout the day, TXDOT's I-10 Connect has directly impacted residents. The demolition and construction activities, and design flaws, caused structural damage to homes and the Saint Francis Xavier church (519 S. Latta), which has manifested in, among other things, cracks along ceilings, walls and flooring, damaged plumbing and drainage issues. TXDOT has also failed to address the removal of street lighting, the new traffic accident hot spots, and the new San Antonio Street entrance which is confusing to drivers and is full of debris and runoff regularly. The neighborhood also has drainage issues. The housing stock in this area is similar to the housing stock alongside Downtown 10 which will likely suffer similar structural damage from demolition and construction activities.

TXDOT must consider the congestion caused by I-10 Connect as proof that increasing road capacity does not result in a decrease in congestion. In addition, TXDOT must craft a solution to the failings of I-10 Connect.

³⁰ See Google Map of the Area, **Attachment 1**.

the City of Sunland Park, New Mexico challenging the EPA's attainment/unclassifiable designation for El Paso County.³² For PM10, El Paso has been in "Moderate Nonattainment," since 1991.³³

The El Paso area had 126 days of elevated air pollution in 2020, the second most in Texas, according to a new report from Environment Texas Research & Policy Center, Frontier Group and TexPIRG Education Fund. The report's findings mean that El Pasoans were breathing air with elevated levels of pollution on one out of every three days last year.³⁴ The report measured days with elevated levels of small particulate matter and elevated ozone. The El Paso area had 78 days with elevated small particulate matter and 68 days of elevated ozone. In total, the city had 126 days with either elevated ozone, particulate matter, or both.

According to TCEQ data, El Paso County air quality monitors recorded ozone levels unhealthy for sensitive groups, like children, the elderly and people who are pregnant on 18 days between May 1st to September 1st of 2022.

Exposure to ozone and particulate pollution is linked to premature death, damage to the respiratory and cardiovascular systems, increased risk to cancer and problems with fertility, conception, pregnancy and birth. Air pollution is also linked to increased risk of infection from infectious diseases, including COVID-19. Ozone irritates the lungs, making people more vulnerable to infections, and aggravates asthma and chronic bronchitis. The health impacts build up over time and can cause premature death, according to the American Lung Association.³⁵

In addition, El Paso, like the rest of the world, has seen a dramatic increase in average temperatures in recent decades.³⁶ Nine of the hottest 11 years in El Paso's history have occurred between 2011 and 2020. As shown by a recently created map of the heat island effect, the hottest streets in El Paso are along I-10.³⁷

³² <https://www.tceq.texas.gov/airquality/sip/elp/elp-status>

³³ *Id.*

³⁴ <https://environmentamerica.org/texas/resources/trouble-in-the-air/>

³⁵ El Paso had 126 elevated air pollution days in 2020. El Paso Times. Oct. 5, 2021, **Attachment 3**.

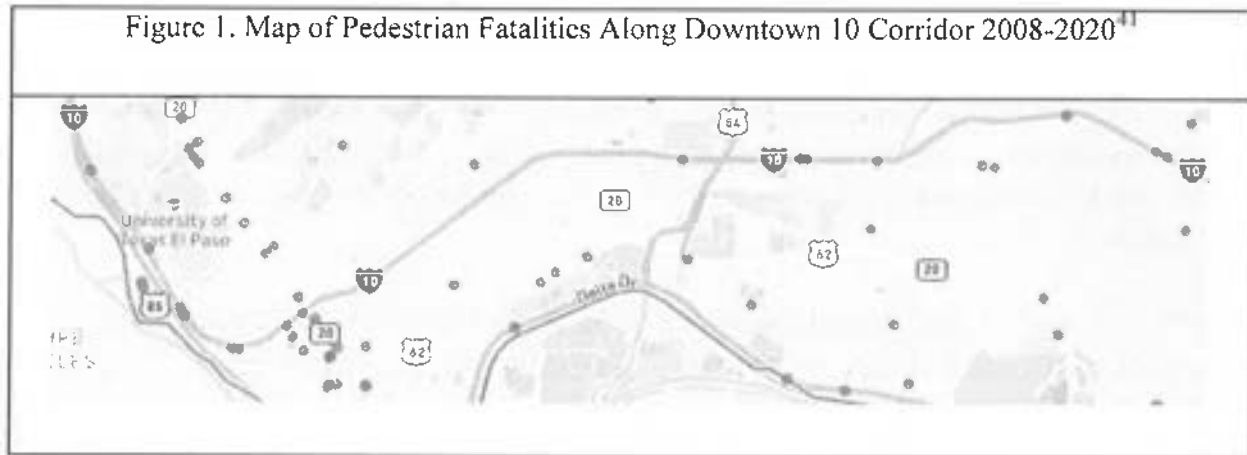
³⁶ <https://climatexas.tamu.edu/files/ClimateReport-1900to2036-2021Update>

³⁷ Available at: <https://www.utep.edu/liberalarts/sega/environmental-injustice-hurricane-harvey-in-greater-houston12.html>

and additional impacts that can be expected if I-10 is expanded. TXDOT must work with the TCEQ in reinstating the UTEP monitor immediately.³⁹

2. Safety

Between 2016 and 2020, 124 pedestrians were killed in El Paso. The city is ranked the 18th worst metro area for pedestrian fatalities in the country.⁴⁰ As shown in Figure 1, many pedestrian fatalities in El Paso between 2008 and 2020 have occurred along the downtown segment of the I-10 corridor. Highway infrastructure improvement in the City must take this into consideration and be designed to reduce pedestrian injuries and deaths.



III. TXDOT should not segment Downtown 10 from Reimagine 10

TXDOT should be conducting an environmental impact statement for the entire Reimagine I-10 project. By limiting its review to only the Downtown portion of the Reimagine Project, it has improperly segmented the environmental review.

NEPA's scoping regulations define "Connected actions," as those closely related and therefore should be discussed in the same impact statement. Actions are connected if they:

³⁹ Id.

⁴⁰ Smart Growth America, *Dangerous By Design 2022* (Available at <https://smartgrowthamerica.org/dangerous-by-design/>).

⁴¹ Mapped with Smart Growth Interactive Map (Available at <https://smartgrowthamerica.org/dangerous-by-design/>).

What's more, the Reimagine I-10 Project is clearly intended as a single effort to modify the current landscape of I-10 in the El Paso area.⁴⁷ The alternatives proposed for Downtown 10 were generated as a part of the Reimagine I-10 Study, and those alternatives extend into the other segments of the I-10 corridor. It is TXDOT's intention to modify the entire I-10 corridor and the full breadth of the impacts of its intended project should be disclosed to the public before resources are committed to the project. That is the very purpose of NEPA's mandate.⁴⁸ To segment the Reimagine I-10 project into four separate segments obscures the totality of the project and the impacts that will follow from its construction and completion. At a minimum, TXDOT should complete a programmatic environmental impact statement for the entire Reimagine I-10 project or include impacts from the other 3 segments of the Reimagine project in the cumulative impacts analysis of the statement prepared for the Downtown 10 project.

Just as the communities most impacted by Downtown 10 are Environmental Justice communities, discussed more below, the communities most affected by the North and Airport segments are also Environmental Justice communities. These communities are almost entirely Latinx. They also have higher poverty levels, a higher percentage of households who speak limited English, and frequently a much higher percentage of elderly populations than the State of Texas or the United States.⁴⁹ The populations in these census block groups are also in the 80th and 90th percentile for populations in Texas and the United States for Traffic Proximity, Air Toxics Cancer Risk, and populations exposed to Ozone.⁵⁰ These populations, and their representatives, have a right to know what the full impacts of the Reimagine I-10 Project will be before TXDOT selects a project alternative that will commit to changes on the I-10 corridor in their neighborhoods.

IV. TXDOT must consider upcoming plans for the BOTA

TXDOT should not attempt to solve projected congestion in downtown El Paso in a vacuum or ignore the cumulative impact of other transportation projects in the region. As noted in TXDOT's draft purpose and need for the project, the largest percentage increase in traffic predicted for the El Paso area comes from anticipated increased truck traffic crossing at the Bridge of the Americas.⁵¹ The General Services Administration is also looking to address increased truck traffic at the

⁴⁷ See *id.* at 1 ("The I-10 study emphasizes the need to 'reimagine' how the I-10 corridor operates.")

⁴⁸ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989) ("[NEPA] ensures that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decision making process and the implementation of that decision.")

⁴⁹ See Demographic data for the census block groups adjacent to I-10 in the North and Airport Segments. Attachments 4 and 5. Data generated by EPA, EJScreen Tool. Available at <https://ejscreen.epa.gov/mapper/>.

⁵⁰ *Id.*

⁵¹ Draft Purpose and Need at 2.

TXDOT itself claims to “successfully integrate Title VI and environmental justice into its programs and activities” by among other things:

- Developing and enhancing its technical capabilities to assess the benefits and adverse effects of transportation activities among different population groups and using those capabilities to develop appropriate procedures, goals and performance measures in all aspects of its mission.
- Working with Federal, state, local, and transit planning partners to create and enhance intermodal systems, and support projects that can improve the natural and human environments for low-income and minority communities.⁵⁶

Taking a hard look at environmental justice (EJ) impacts is a two-step process. First, the agency must identify any minority or low-income populations in the project affected area; second, the agency must analyze whether a project’s impacts are significant or exceed accepted norms, and whether those impacts will have disproportionately high and adverse effects on the applicable EJ populations.⁵⁷ To determine disproportionate impact, the agency should consider both the demographics of the affected areas and comparison populations and unique factors that may amplify a project’s effects in EJ populations.⁵⁸

A. TXDOT must first identify potentially affected environmental justice communities

The fact that the city of El Paso is a majority minority city does not relieve TXDOT of conducting a serious environmental justice inquiry. The census block groups immediately adjacent to I-10⁵⁹ generally have a higher rate of poverty, limited English proficiency, and lower formal education levels than the State of Texas and the City of El Paso. The census block groups also have a greater population of color than the State or the City. Figure 2 identifies the census block groups closest immediately adjacent to the highway. Table 1 compares the populations of those census block groups to that of the City of El Paso and the State of Texas. Those demographic characteristics which exceed the State or the City are highlighted. The higher concentration of Mexican and

⁵⁶ TXDOT “An Overview of Transportation and Environmental Justice”, page 6, available at: <https://ftp.dot.state.tx.us/pub/TXDOT-info/envy/toolkit/210-01-brw.pdf>

⁵⁷ Council on Environmental Quality, Environmental Justice: Guidance Under the National Environmental Policy Act at 1 (1997) at 9, 25-27 [“CEQ Guidance”]; see also Federal Inter-Agency Working Group on Environmental Justice & NEPA Committee, Promising Practices for EJ Methodologies in NEPA Reviews at 21-46 (2016).

⁵⁸ CEQ Guidance at 9.

⁵⁹ It is very likely that impacts from the highway expansion will extend beyond the census block groups immediately adjacent to the highway. TXDOT must identify the geographic extent of each impact and the populations that will bear the burden of that impact as a first step in conducting its EJ analysis. See *Vecinos para el Bienestar de la Comunidad Costera v. FERC*, 6 F.4th 1321, 1330 (D.C.C. 2021) (“When conducting an environmental justice analysis ... an agency’s delineation of the area potentially affected by the project must be reasonably and adequately explained.” (internal quotations omitted)).

Table 1. Demographics of Texas, El Paso, and Census Block Groups Immediately Adjacent to I-10 between Executive Blvd. and Copia⁶¹

<i>Location</i>	%POC	%Low-Income	%LEP	%Less than Highschool Education
Texas	59	33	7	16
El Paso	87	44	20	19
CB 0029001	100	90	40	54
CB 0026002	98	73	10	24
CB 0028002	95	89	63	56
CB 0026003	100	68	37	32
CB 0026004	97	79	30	25
CB 0026005	100	76	24	36
CB 0023006	96	81	9	50
CB 0028004	100	79	73	71
CB 0022025	96	79	44	39
CB 0021001	88	83	54	43
CB 0017001	91	78	45	54
CB 0016001	100	49	59	45
CB 0016004	93	67	4	26
CB 0016003	96	49	0	7
CB 0016005	96	36	33	16
CB 0014001	93	52	41	31
CB 0014003	95	80	7	18

TXDOT has a duty to address the disproportionate negative impact of widening I10 on the residential neighborhoods all along Copia to Executive, particularly because these predominantly low-income communities of color that have been harmed since the interstate highway was created in the 1950s. Indeed, racism is physically built into I-10.

TXDOT cannot continue perpetuating the racist policies of Jim Crow America which used white supremacist ideology to decide which communities to invest in and which communities would bear the burden of transportation projects, which include air pollution, health impacts, the heat island effect, depreciated housing prices, noise pollution and damage from the construction of projects themselves. Redlining maps from the mid-1930s and 40s were created by the Home Owners' Loan Corporation and its parent bureau, the Federal Home Loan Bank Board. Before I-10 was built, the

⁶¹ Data generated by EPA, EJScreen Tool. Available at <https://ejscreen.epa.gov/mapper/>. Included as Attachment 6.

Table 2. Environmental Justice Indicators for Texas, El Paso, and the Census Blocks Immediately Adjacent to I-10 between Executive Blvd. and Copia

Location	Ozone Exposure		Diesel Particulate Matter		Air Toxics Cancer Risk		Traffic Proximity	
	parts per billion	%ile of exposure in Texas	ug/m3	%ile of exposure in Texas	lifetime risk per million	%ile of risk exposure in Texas	Daily traffic count & distance to road	%ile of traffic proximity in Texas
Texas	40	-	0.211	-	31	-	570	-
El Paso	53.7	98th	0.188	44th	57	98th	740	80th
CB 0029001	53.8	98th	0.322	86th	40	95th	5300	98th
CB 0026002	54	98th	0.278	74th	40	95th	2600	95th
CB 0028002	54	98th	0.323	86th	40	95th	5900	99th
CB 0026003	54	98th	0.278	74th	40	95th	4100	98th
CB 0026004	54	98th	0.278	74th	40	95th	5700	99th
CB 0026005	54	98th	0.278	74th	40	95th	3300	96th
CB 0023006	54.3	98th	0.227	57th	30	83rd	4200	98th
CB 0028004	54	98th	0.323	86th	40	95th	1400	90th
CB 0022025	54.4	98th	0.307	83rd	40	95th	7600	99th
CB 0021001	54.2	98th	0.368	92nd	40	95th	1200	89th
CB 0017001	54.3	98th	0.324	86th	40	95th	3700	97th
CB 0016001	54.5	98th	0.26	67th	30	83rd	5200	98th
CB 0016004	54.5	98th	0.26	67th	30	83rd	6000	99th
CB 0016003	54.5	98th	0.26	67th	30	83rd	2700	95th
CB 0016005	54.5	98th	0.26	67th	30	83rd	5100	98th
CB 0014001	55.2	99th	0.225	56th	30	83rd	1800	92nd
CB 0014003	55.2	99th	0.225	56th	30	83rd	940	85th

By: /s/ Verónica Carbajal
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**ATTORNEYS FOR
FAMILIAS UNIDAS DEL
CHAMIZAL**

APPENDIX B

Scoping, Public Involvement, and Agency Coordination

APPENDIX B
Public Outreach Efforts



**EL AIRE LIMPIO
ES UN DERECHO**

**LA MUJER OBRERA
EL PASO, TEXAS**

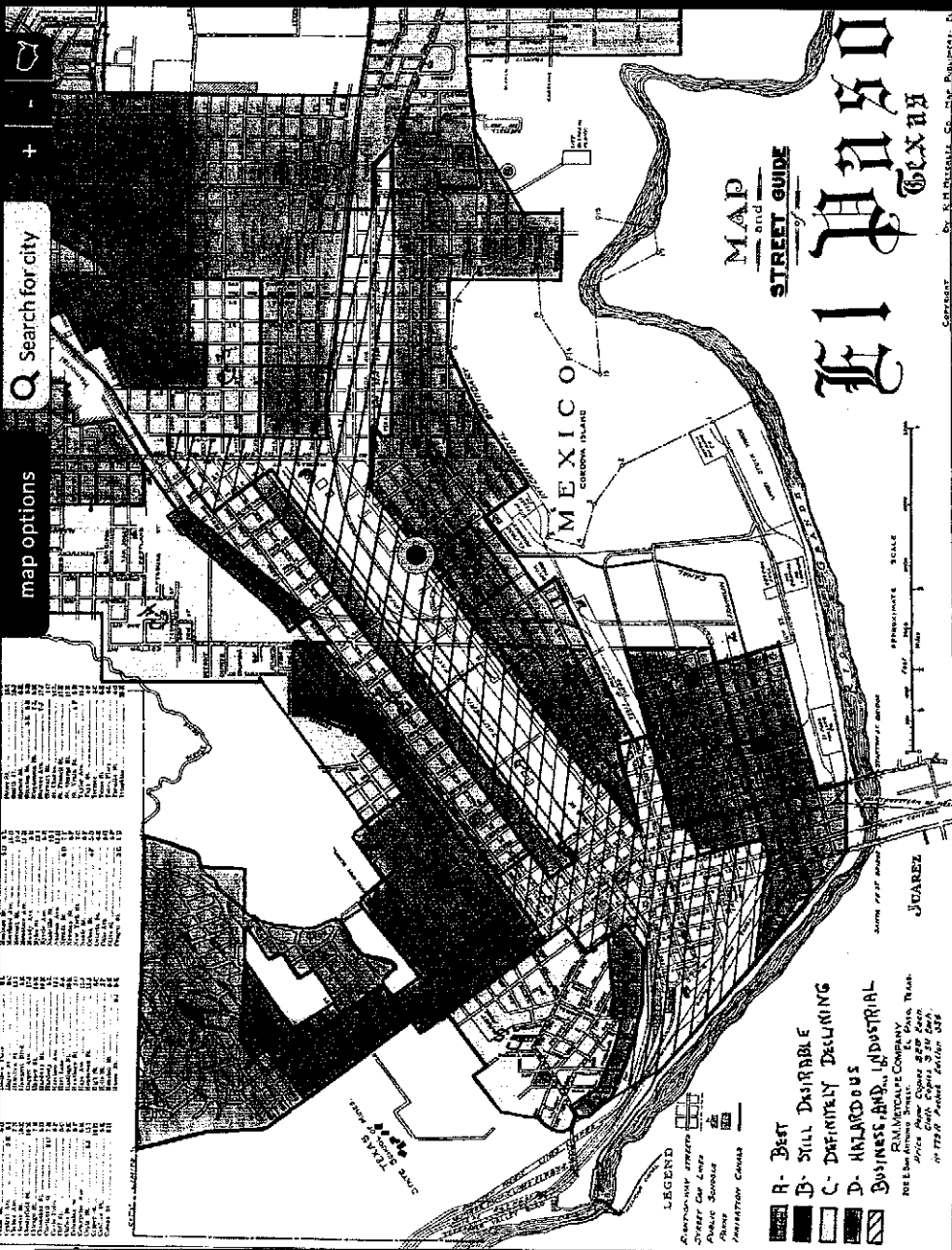


STOP

OUR NEIGHBOURHOOD IS BEING CONTAMINATED

Familia





El Paso, TX

Areas by Grade

- Area Grade
- 12% A "Best"
- 34% B "Still Desirable"
- 24% C "Definitely Declining"
- 28% D "Hazardous"

Demographics

- 96,810 Total Population (1940)
- 74.7% Native-born white
- 22.7% Foreign-born white
- 2.3% African American

El Paso, TX

D3

This large area is the concentration of Mexican prisms which constitute the largest class of Mexican laborers. All of the shades therein are very poor and there is positively no demand of any kind for property in this section. This area, as well as all other Mexican sections, is avoided by mortgage lenders.

El Paso, TX

D4

This small area is also a negro concentration point. It is also occupied by Mexicans. There is little to distinguish adjoining D-3 except the fact that negroes have centered therein.

El Paso, TX

D5

This is the Mexican tenement section. The district is occupied entirely by Mexicans and other foreigners. In this district are a large number of tenement houses, all cheap and in a bad state of repair.

LEGEND
 American Streetcar
 Street Car Lines
 Public Schools
 Police
 Fire Station
 Fire Station
 Fire Station

R - Best
 B - Still Desirable
 C - Definitely Declining
 D - Hazardous
 BUSINESS AND INDUSTRIAL
 RAILROAD COMPANY
 DELTA RAILROAD COMPANY
 Price Area Code 822 Area Code
 City Code 330 Area Code
 1972-73 Public Edition USA

MAP and STREET GUIDE

El Paso TEXAS

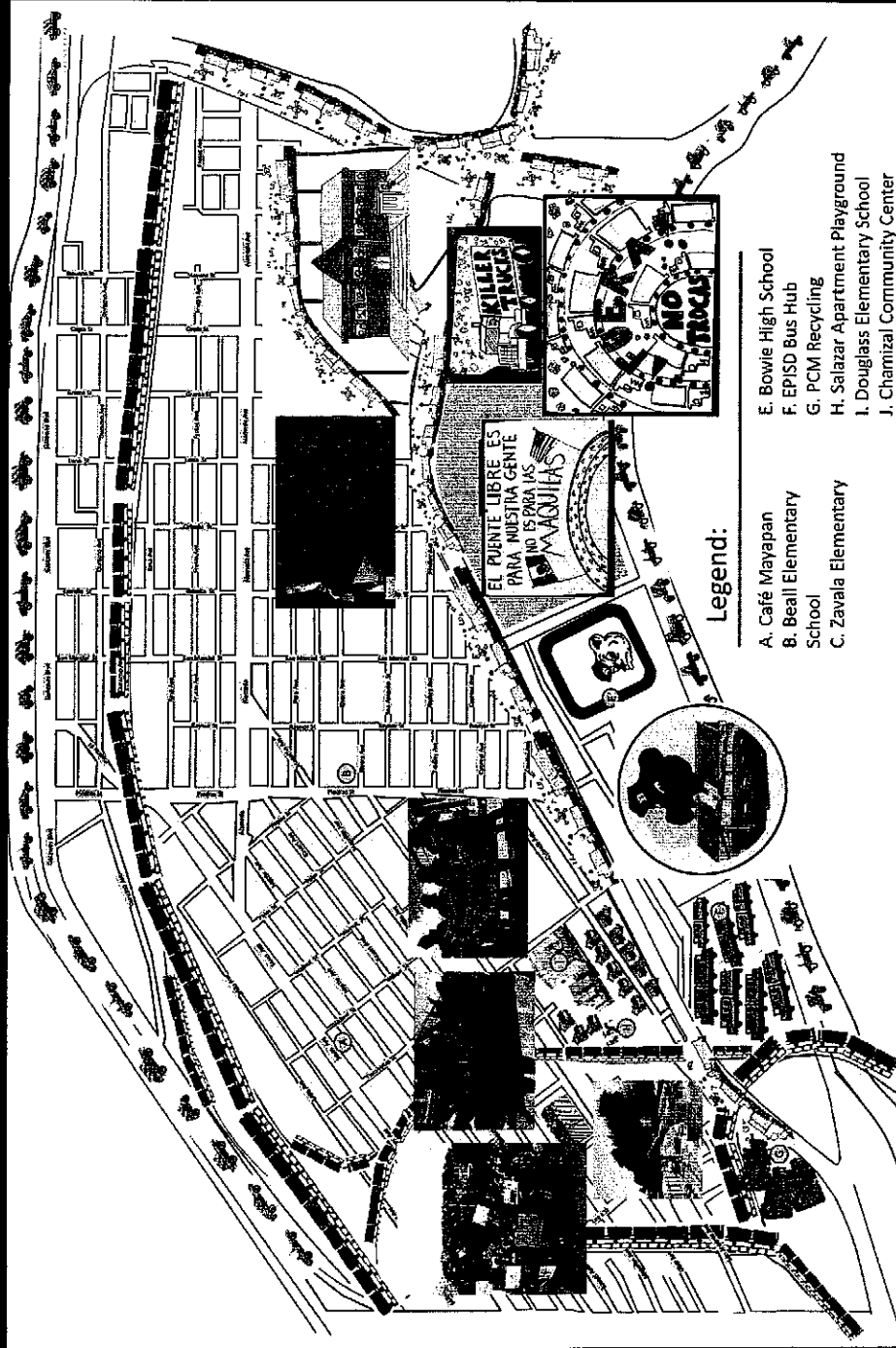
Copyright © 1972-73 by N. H. Russell, Co., Inc., Pasadena, CA

There is a great divide in the city of El Paso that excludes communities like Barrio Chamizal. The divide is not only geographical, but political. "The city failed to zone El Chamizal in a manner that would allow for buffer zones between residential and industrial uses. They allowed legally non-conforming uses instead of making a concerted effort to segregate residential uses from potentially harmful ones. Furthermore, the city's most recent comprehensive plan (2008) neglected to address the pressing issues of El Chamizal despite their adoption of a neighborhood plan. Since El Paso has failed to disallow harmful uses in this predominantly Hispanic, low-income neighborhood.



BARRIO CHAMIZAL

8,000+
residents live
in Barrio
Chamizal-
a dominantly
Spanish-
speaking,
immigrant
community.



BARRIO CHAMIZAL is the poorest neighborhood in the United States and is home to the highest concentration of immigrant families in El Paso, Texas. 96.9% of Chamizal residents Hispanic, 92.8% are primarily Spanish speaking, 81.6% are low income, 58.1% of residents live below the poverty line and 68.3% of households with children under 18 are headed by women.

BARRIO CHAMIZAL ENVIRONMENTAL INJUSTICE HEALTH STATS:

Residents of Barrio Chamizal are exposed to more diesel than Texas and more than El Paso .

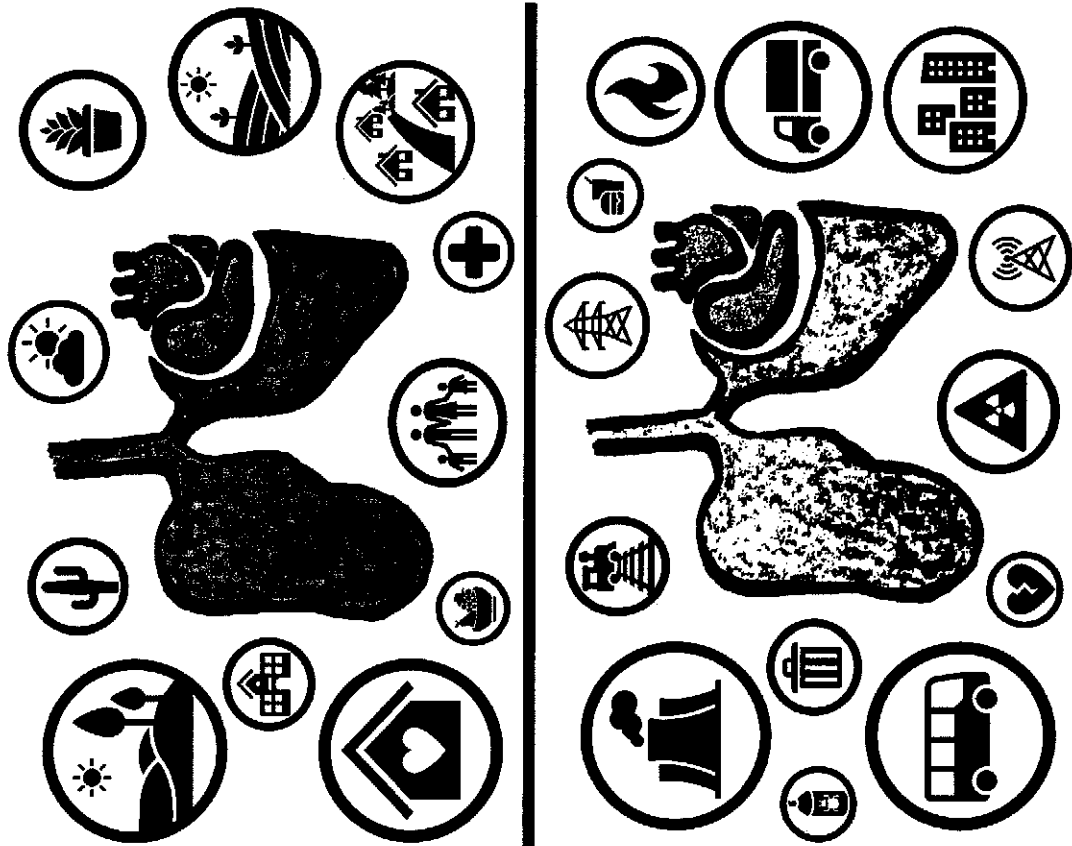
In Barrio Chamizal, of our population suffers from , while other areas in El Paso have lower percentages of these conditions.

The median household income of Barrio Chamizal is less than \$25,000/year in a highly populated immigrant community, thus access to healthcare is limited and many of the health disparities are not addressed or accounted for.

The current data collected by state agencies is limited and misleading, as verified by our recent court proceedings to address the EPA's previous misclassification of attainment in El Paso, TX.

The EPA acknowledged the original analysis was flawed and reclassified El Paso as "marginal" nonattainment. El Paso is in and about to be in

'It took us bringing a lawsuit to produce the facts. There is no one in the state of Texas looking out for our community when it comes to environmental hazards.'



Soil Testing for Various Heavy Metals in and around Some Schools of El Paso Independent School District (EPISD)

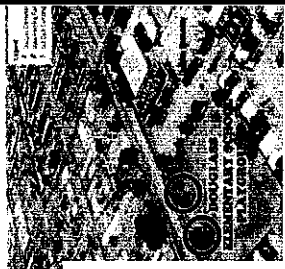
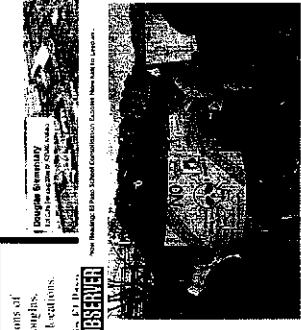
Heavy metal concentrations in soil, federal and state guidelines for metals in soil, and locations of samples are presented in the next several tables and figures. Results were collected from Douglas, Zavala, and Beali Elementary Schools, and Bowie High School, in addition to some nearby locations.

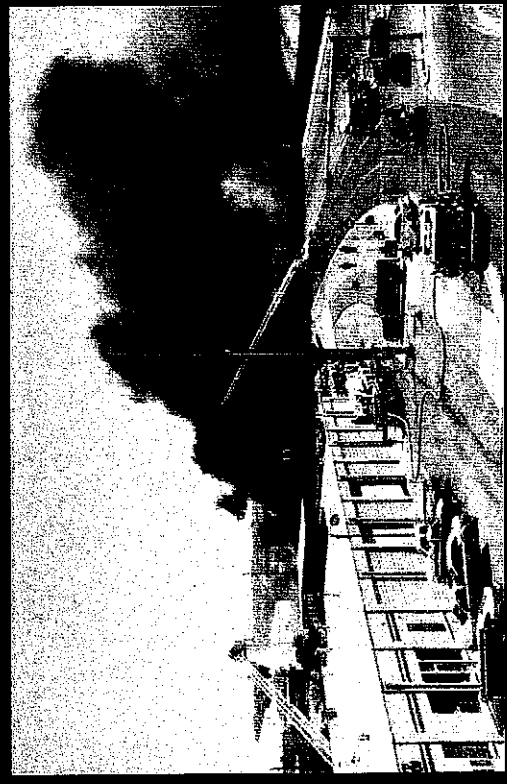
Table 1: Concentration of certain heavy metals at schools and various other locations in El Paso, measured by digestion and chemical analysis by ICP-MS.

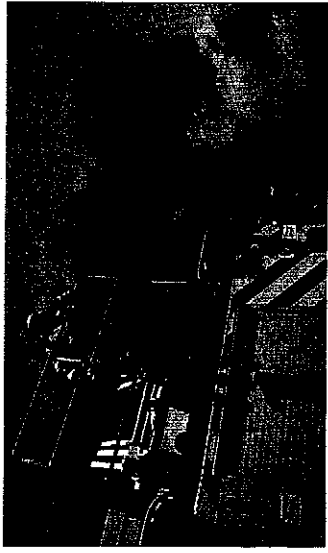
Location	Lead (Pb) ppm	Arsenic (As) ppm	Zinc (Zn) ppm
Douglas Elementary School	64	6	87
D1	155	8	107
D2	218	12	292
D3	97	8	107
D4	98	7	124

Douglas Elementary School

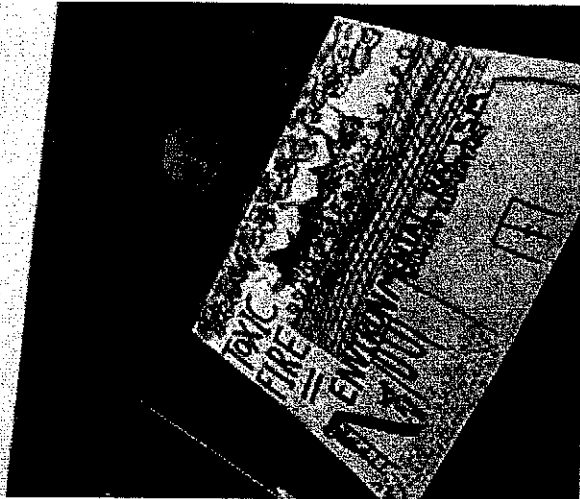
The following are the five location points from where soil core samples were retrieved at Douglas Elementary School





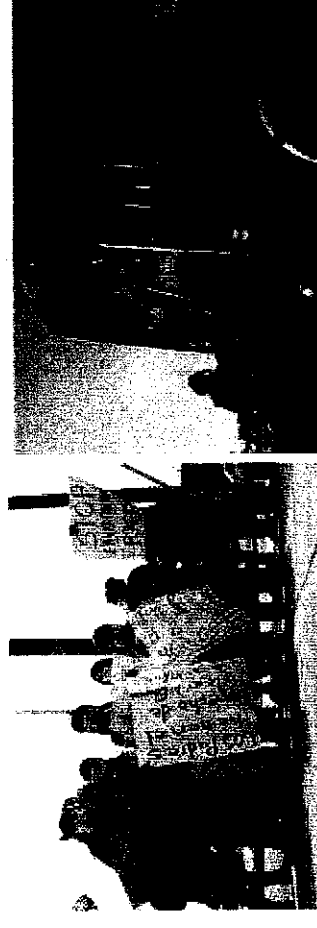
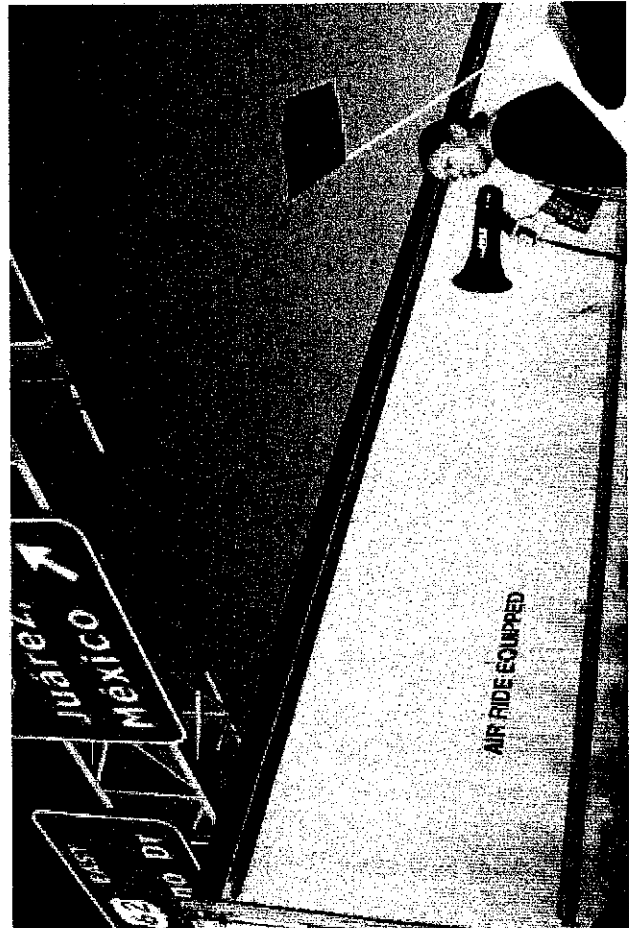
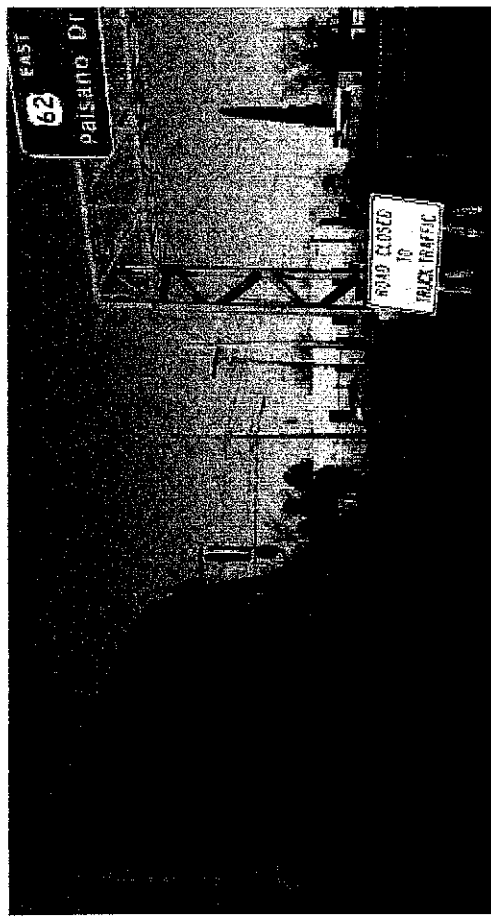
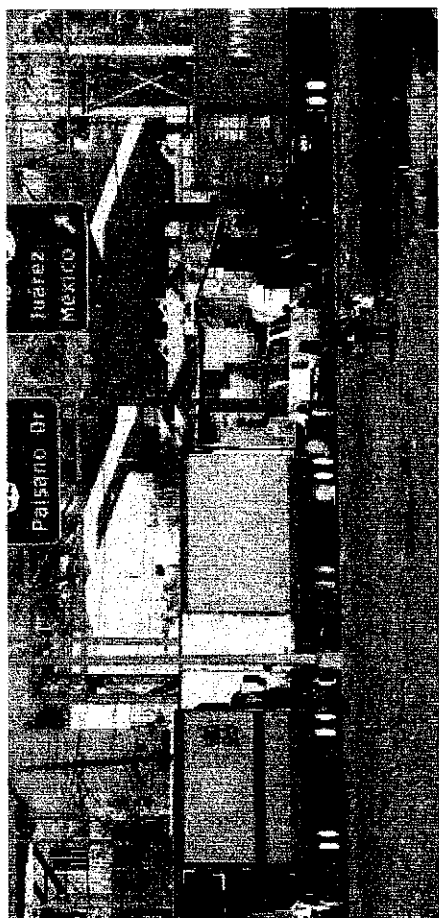


AND EDUCATION

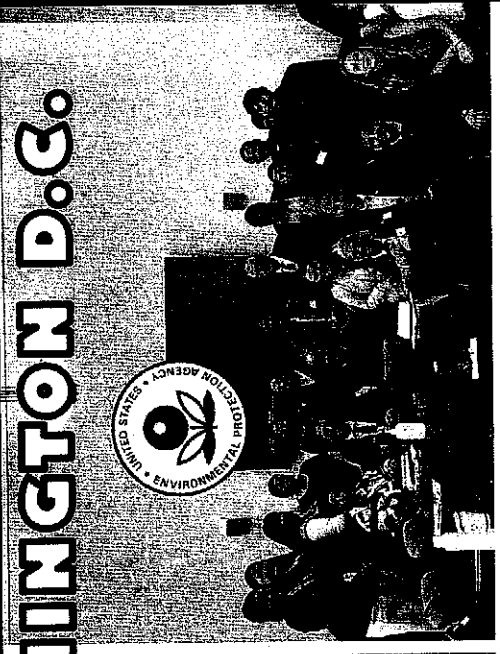
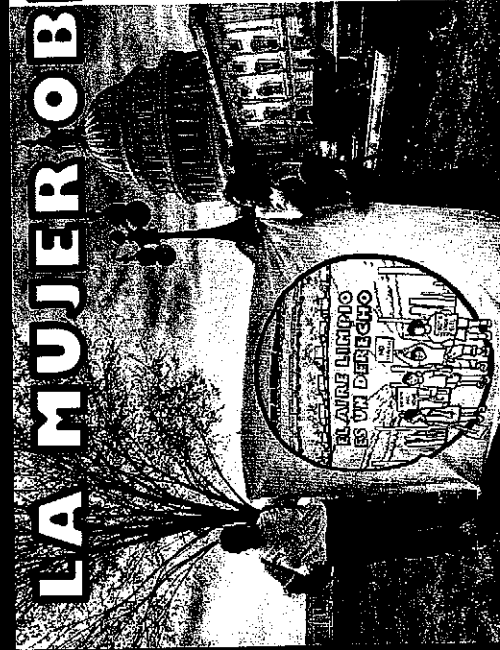


<https://www.facebook.com/aaron.montes.7121/videos/1026756297514879/>

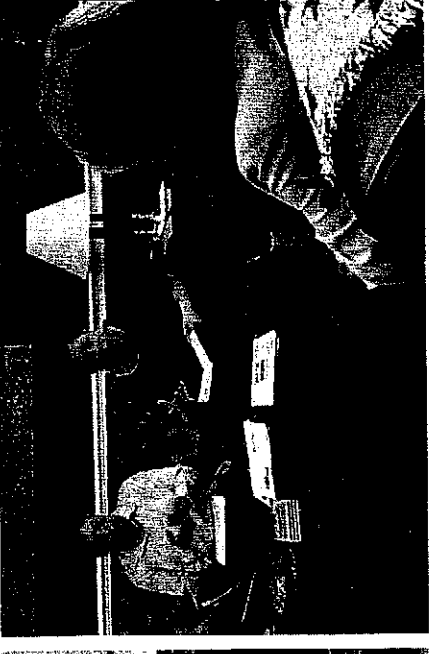




LA MUJER OBRERA IN WASHINGTON D.C.



La. Mujer Obrera at The U.S. Capitol



We hand delivered 500+ testimonies from communities of color to the EPA

We met with The White House Climate Policy Office, stood with the Climate Action Campaign at a Health press conference & we urged Congresswoman Escobar to sign-on to a letter demanding stricter standards on SOOT & SMOG



COMMENT FORM

Bridge of the Americas Land Port of Entry Modernization Stakeholder Information Meeting | April 4, 2023

Formulario de Comentarios

Modernización del Puerto de Entrada Terrestre del Puente de las Americas -
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Hilda Villegas
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ADDRESS/DIRECCIÓN	2102 Texas Ave, El Paso, TX 79901
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

Please respond with any feedback and continue on the back or on an additional sheet if necessary. This comment form may be turned in today or emailed to daniel.partida@gsa.gov, prior to April 11, 2023. While we are not able to respond formally to these comments, your input is welcome and valued to the team.

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COMMENTS/COMENTARIOS:

The Bridge of the Americas renovation plans need to do something about the pollution that the residents are being subjected to. The commercial trucks idle and contaminate the neighborhood and Zavala Elementary School and public housing as well as the safety issues at Zavala. We want the health of residents to be the priority in this planning process, so that we can live safely and healthy and do not have to bare the burden of these commercial trucks as they overuse the port of entry. The GSA must include EPISD to address the pollution and traffic dangers surrounding Zavala Elementary School and nearby homes.



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Modernización del Puerto de Entrada Terrestre del Puente de las Americas
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Josefina Lerma
ORGANIZATION/ ORGANIZACIÓN	Familias Unidas del Chamizal
ADDRESS/DIRECCIÓN	3005 E. San Antonio Ave., El Paso, TX 79905
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Mi nombre es Josefina Lerma y vivo en el Paso, TX con mi familia de 11 personas los mas pequeños tienen 16 años, 12 años, 6 años, 4 años 7 7 meses. Soy de Familias Unidas del Chamizal y vivo en el Chamizal y mi preocupación es la salud de mia y mi familia porque todos nosotros padecemos de alergias por la tierra los aires y creo que se va más por el humo de los carros, trocas, la basura, y el costo impuesto por la contaminación. El precio para apoyar el comercio, lo pagan los niños/as del Chamizal con su salud.



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NAME/ APELLIDO	Maria Luisa Lara de Amaya
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	3009 Cypress. El Paso, TX 79905
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Yo soy Maria Luisa Lara de Amaya y soy miembro de la organización de La Mujer Obrera y a mi me preocupa mucho el tema de la contaminación tiene que hacer algo por nosotros aquí en nuestro barrio tenemos muchos problemas con la contaminación, el ozono y por ser frontera con en el puente libre en nuestra barrio, hay mucho tráfico y smog de los trocas y carros. Hay muchos problemas de salud como asma y vórices respiratorias ayudenos por favor.



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NAME/ APELLIDO	Maria Rodriguez
ORGANIZATION/ ORGANIZACIÓN	Familias Unidas del Chamizal
ADDRESS/DIRECCIÓN	3008 Findley Ave. El Paso, TX 79905
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Me gustaría que hubiera cambios en mi barrio el Chamizal, que no pasen trailers, ni camiones ya que me preocupa la salud de mis nietos de 14, 10, y 7 años. Nuestros hijos no tienen porqué pagar con su salud para apoyar a las maquilas multimillonarias usando nuestro puente libre. Yo también tengo alergias espera me tome en cuenta mi queja, y haga algo por nosotros que vivimos aquí y nadie se preocupe, necesitamos una comunidad sin estrés por la contaminación



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NAME/ APELLIDO	Isela Alvarez
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	2000 Texas Ave. El Paso, TX 79901
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Isela Alvarez and I'm a member of a local organization, La Mujer Obrera. I grew up in the Chamzial and have had health issues due to the contamination. I hope that something can be done to remove the commercial trucks from our neighborhood and schools and that this administration keep their promises of protecting our communities of these hazards.



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NAME/ APELLIDO	Brit Medellin
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	151 S. Resler, El Paso, TX
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

La contaminación en nuestro aire es la producción de la transportación para las maquilas, la refinería, los bus hubs en el barrio. nos afecta cada día y aunque la gente que no viven aquí hacen las decisiones.... los afectados somos nosotros y más importante a los niños, mujeres, ancianos, y familias. Las renovaciones necesitan reducir la polución smog/ozono porque afecta los pulmones y la salud de por vida. Por Favor poner protecciones para nuestra comunidad y quitar las trocas en el puente libre, porque es lo minimo que pueden y deben de esto. Las fuentes de contaminación están haciendo dinero y donando nuestro aire y salud.



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NAME/ APELLIDO	Martha Calleros
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	4112 Siete Leguas Rd. El Paso, TX 79922
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Mi nombre es Martha Calleros y la mayor parte de mi vida la paso en mi trabajo en una organizacion local, La Mujer Obrera o bicada en Chamizal, me preocupa que la salud tanto de la comunidad como a nivel personal, este siendo altamente afectada por la contaminación, incluso el aire sucio. Este puente libre pertenece a las familias de el paso y Juárez no al comercio. Los politicos están protegiendo a las maquilas y no a la comunidad. Agradezco la atención a la presente.



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NAME/ APELLIDO	Linda Rivas
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	3301 Piedmont Dr., El Paso, TX
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

El Paso and our neighborhoods deserve better. No human should be treated like 2nd class.

Clean air is a human right. Reduce the emissions by eliminating the commercial trucks from the bridge of the americas.



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NAME/ APELLIDO	Dr. Hilda Ontiveros
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	7651 Medano Dr., El Paso, TX 79912
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

I do not accept environmental injustice and racism! My community is not a dumping ground.

Get the commercial trucks off el puente libre.



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NAME/ APELLIDO	Mary Helen Michals
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	1235 E. Baltimore Dr., El Paso, TX
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Mary Helen Michals and I live in El Paso, TX. I attend weekly classes in the Chamizal barrio and I can tell a distinct difference in the air quality there as opposed to where i live higher upon the mountain. Although I am an avid walker, I would not take my outdoor exercise there. On many days, when I loom kout over the city, I see an ugly haze drifting over the Chamizal and I am certain that breathing it everyday must be damaging to all systems in the human body. I worry especially for our city's children who live and attend school in that environment.



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NAME/ APELLIDO	Susannah Aquilina
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	600 E. Robinson Ave, El Paso, TX
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	seaquilina@gmail.com

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COMMENTS/COMENTARIOS:

If it is the purpose of your organization to ensure the Bipartisan Infrastructure Bill funds reduce emissions and address climate change and if you're not looking out for the well being of those who live in the El Paso/Juarez area, then what is your job? Was is its purpose? Is it to prioritize money, profit, and the interests of a tiny few?



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NAME/ APELLIDO	Xavier Miranda
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	6625 Southwind Drive El Paso, TX 79912
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	xmiranda5@gmail.com

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COMMENTS/COMENTARIOS:

Environmental studies conducted throughout the years, that have been publicly presented have shown the toxic air quality that hover over schools and neighborhoods, in the Chamizal. Reducing the emissions and removing the commercial truck traffic should be priority in renovation planning.



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NAME/ APELLIDO	Yolanda Chavez Leyva
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	3105 MOUNTAIN AVE, El Paso, TX 79930
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	ycleyva@gmail.com

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COMMENTS/COMENTARIOS:

Every day I drive to work over Scenic Drive, a high point in the city, that gives me a few of the constant layer of pollution in our city. It horrifies me each time I see it because I know that my fellow El Pasoans and I are breathing in this dangerous pollution, and I know that it harms our health in a multitude of ways. From birth through the age of 3 1/2, my family lived near an oil refinery (late 1950s). I developed asthma and had to go to the doctor weekly to get an oxygen treatment. The pediatrician recommended that we move further away from the refinery so that I could breathe better. I am 66 years old now and have suffered from respiratory problems my entire life. Last year I was diagnosed with Parkinson's disease that has turned my life upside down. From an active person at work and in the community, I now have to pace myself because I can only do one big activity a day. I do not have the genetic predisposition for Parkinson's and as I've researched it, it has become clear that living in this polluted area is more than likely the cause of this life-altering disease.



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NAME/ APELLIDO	Corinne Chacon
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	1117 Del Norte Street, El Paso, TX
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	ycleyva@gmail.com

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COMMENTS/COMENTARIOS:

When the life span of an entire community is impacted by dangerous particulate matter and smog, the federal government is the ONLY recourse to whom we can turn for fair treatment. Everyone living in the Chamizal, downtown and east El Paso has a reduced quality of life due to the poor air quality. This is criminal environmental negligence made worse by federal inaction.



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NAME/ APELLIDO	Tonalli de Aztlan
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	1901 N. Brown St. H6 El Paso, Texas
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	tonallideaztlan@gmail.com

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COMMENTS/COMENTARIOS:

The smog from the Pollutants irritate chronic sinusitis & topical allergic reaction in my skin to swell my face, eyes & throat while outside to run. I suffer from chronic & spontaneous nose bleeds



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NAME/ APELLIDO	Adan Saenz
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	253 Harvard Avenue, El Paso, TX
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	adansaenz75@gmail.com

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COMMENTS/COMENTARIOS:

El Paso has historically always been an underserved community caught in the crosshairs of exploitative industries and legislation. When the state of Texas was founded, El Paso was included within its borders despite sharing more cultural and political affinity with New Mexico because Anglo Texan legislators wanted a share of the Santa Fe trade route that passed through our city. Fast forward to today and El Paso continues to suffer from the negligent state legislation of Texas that prioritizes filthy commercial transportation over clean air and a walkable city. Reinstate the original purpose of The Treaty of Chamizal, the reason el puente libre- the free bridge- The Bridge of the Americas (BOTA) exists, for the people. Take the trucks off BOTA.



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NAME/ APELLIDO	Jose Guerra
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	288 Sandy Hills, El Paso, TX
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	jguerrana77@sagrado.edu

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COMMENTS/COMENTARIOS:

El Paso, Texas has always been a astonishing city and we demand cleaner air to function better in our daily lives. There is a voluminous amount of pollution emitting from the Bridge of the Americas and it affects many civilians with asthma and severe breathing problems. It's a big issue that needs to be addressed and fixed. We do our part to stay green and we need you to enforce more laws and movements to stop air pollution in our city.



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Modernización del Puerto de Entrada Terrestre del Puente de las Americas
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NAME/ APELLIDO	Sylvia Searfoss
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	829 De Leon, El Paso, TX 79912
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	sylviasearfoss@gmail.com

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COMMENTS/COMENTARIOS:

My name is Sylvia Searfoss & I live in El Paso, TX. As a retired RN & a human being, I am very concerned about the the effects of air pollution on our health. When the air is polluted we have no choice, we have to breathe it into our lungs. Personally it affects when I can go outside to walk for exercise, to do necessary yard work, or to enjoy being outside.



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NAME/ APELLIDO	Sofia Avant-Mier
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	6227 Los Altos Dr., El Paso, TX 79912
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Sofia Avant-Mier and I live in El Paso, TX. Our community faces more ozone pollution than most major cities in the nation. We are counting on you to reduce emissions. Clean air is a human right.



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NAME/ APELLIDO	Alana de Hinojosa
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	4011 Santa Ana Dr. El Paso, TX 79902
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Alana de Hinojosa and I live in El Paso, TX. My community here in El Paso, and especially Familias Unidas del Chamizal is counting on you to remove the commercial trucks from the Bridge of the Americas, located in the Chamizal neighborhood. I have asthma myself and Lations are disproportionately impacted by environmental hazards. Please keep your promise to reduce emissions and listen to the community that is most affected by these decisions.



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NAME/ APELLIDO	Bernadette Segura
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	5147 Gary Owen, El Paso, TX 79903
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Air quality is important for all humans. We have no control over the emissions from the factories and truck traffic but the haze and health affects our daily lives. These renovations is the only opportunity to remove the dangerous and polluting commercial trucks from the bridge of the americas.



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NAME/ APELLIDO	Nicholas Vasquez
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	5933 Ybarra Ct., El Paso, TX 79905
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

The Chamizal area has the international trucks crossing and emitting pollutions due to the failed trade policies as well as mishandling of industrial waste behind Douglass elementary school.

Also, natures cycle such as the water cycle knows no borders or walls. I urge you to include the communities concerns in the renovation project.



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NAME/ APELLIDO	Cemelli de Aztlan
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	2102 Texas Ave., El Paso, TX 79901
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

We, families of barrio Chamizal, are calling on the BOTA renovation funds to be used to address the long-overdue environmental concerns. Familias Unidas del Chamizal demand that the renovations consider health impacts and not violate the civil rights of vulnerable communities. President Biden's Bipartisan Infrastructure Bill is intended to fund infrastructure projects to reduce emissions, as stated: "To repair and rebuild our roads and bridges with a focus on climate change mitigation, resilience, equity, and safety for all users" and "improve transportation options for millions of Americans and reduce greenhouse emissions through the largest investment in public transit in U.S. history." Yet, the BOTA renovations are instead being used for expansion, which will not reduce the emissions and will actually increase the pollution.

The children in our community, barrio Chamzial in El Paso, TX on the US/MEX border, are subjected to dangers daily because all of our schools in the Chamizal neighborhood are situated next to dangerous

(CONTINUED COMMENTS FROM CEMELLI DE AZTLAN:

...sources of pollution, including the high traffic highways, the international port-of-entry overloaded with semi-truck traffic and encroaching industrial zoning.

Douglass Elementary in the Chamizal neighborhood is a low-income, English-learner Hispanic-dominated school situated on the edge of the industrial zone and behind the school playground sits an industrial recycling waste facility handling electronics, metals, and batteries, some of the most hazardous materials to recycle, dumped here by the international trucks coming from the BOTA, from the factories in Ciudad Juarez, MX where there are no environmental regulations.

Zavala Elementary School, located between a highly trafficked interstate highway and international port-of-entry, has the highest levels of poor air quality of the entire school district. Bowie High School has levels of air pollutants greater than 80% of the region placing them at higher risks of cancer, yet the school district placed a massive 180+bus hub and maintenance center on the campus in 2020.

Exposure to higher levels of vehicle emissions for some children in EPISD has resulted in lower GPA's, yet community-driven requests for assessments, mitigation or intervention have been denied. Despite the environmental hazards apparent in the Chamizal neighborhood, when parents and residents have advocated for environmental protections, community claims are strategically disregarded.

The situation in barrio Chamizal is like none other in the city of El Paso. The city failed to zone this neighborhood justly, to include buffer zones between residential & industrial uses and it is increasingly the responsibility of residents to mitigate the issues. Also, as the maquiladora industry expands in Juarez, El Paso residents are concerned that the US federal infrastructure renovations for El puente libre are prioritizing the industry rather than the people and their health.

As one of the poorest neighborhoods in the nation and home to more than 8,000 residents, mostly immigrant families, those most affected by these decisions are low-income women and children in Barrio Chamizal. The burdens are heavy for those who can least afford it. The costs are deadly.



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NAME/ APELLIDO	Celia Aguilar
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	127 Marguita Lane, El Paso, TX 79915
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Celia Aguilar and I live in El Paso, TX. Over the years, I have seen my community become more and more polluted. I grew up with asthma and my nepher had to regularly use a nebulizer because of how severe his asthma was. The high levels of dangerous particulate matter have serious effects on my communities health. We are counting on you to renovate the bridge of the americas with our health in mind.



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NAME/ APELLIDO	Jena Camp
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	3012 Wheeling Ave.
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Soy miembro de La Mujer Obrera y mi nombre es Jena Camp. Trabajo en el barrio Chamizal con niños y familias y me preocupa mucho la deterioración de la calidad del aire aquí. Muchos de los chiquitos sufren de condiciones como asma y es necesario mejorar el aire que respiramos, que en este barrio que es uno de los más contaminados en todo el estado de Tejas. Las renovaciones deben considerar los impactos en la salud y no violar los derechos civiles de las comunidades vulnerables. El proyecto de ley de infraestructura bipartidista del presidente Biden tiene como objetivo financiar proyectos de infraestructura para reducir las emisiones, como se ha dicho: "Reparar y reconstruir nuestras carreteras y puentes con un enfoque en la mitigación del cambio climático, la resiliencia, la equidad y la seguridad para todos los usuarios de las carreteras" y "mejorar las opciones de transporte para millones de estadounidenses y reducir las emisiones".



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NAME/ APELLIDO	Alma Alvarez
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	2000 Texas Ave
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Buenas tardes, mi nombre es Alma Alvarez y resido en el área Chamizal. Yo en suficido de varia enfermedades que son de dercivadas del la ozona contaminada. Yo exijo que haiga más restricciones a las trocas, porque no es justo que estemos sufriendo por algo que no escogimos. Su deber es protegemos y no fregamos.



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NAME/ APELLIDO	Victor Carrillo
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	2000 Texas Ave.
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Victor Carrillo and I live in El Paso with my brother who is 12 years old. I am a member of the local organization La Mujer Obrera and live in the Chamizal neighborhood in El Paso. I am very worried about the health of me and my brother. I wish this administration would step in and do something about the health risks affecting the community. The recent GSA presentation about the renovations of the Bridge of the Americas, el puente libre, in our community does not consider the environmental and health effects of the bridge on our community.



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NAME/ APELLIDO	Bertha Ontiveros
ORGANIZATION/ ORGANIZACIÓN	Familias Unidas del Chamizal
ADDRESS/DIRECCIÓN	2000 Texas Ave.
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Bertha O, residente del Chamizal: me preocupa demasiado el medio ambiente en la comunidad de el Chamizal ya que hay demasiada contaminación y me interesa tener aire más limpio y saludable y a que me importa mucho estar saludable. Deseo que se pueda interesar en ente caso y hacer que esta frontera sea limpia y segura durante las renovaciones del puente gratuito en la planificación.



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NAME/ APELLIDO	Guillermo Glenn
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	2000 Texas Ave. El Paso, TX 79901
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

I am a volunteer in the Chamizal community in El Paso, Texas. We are very much affected by the contamination caused by the industrial trucks on the bridge of the americas. Our community has many elderly people that are subject to the contamination.



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NAME/ APELLIDO	Raymund Surya
ORGANIZATION/ ORGANIZACIÓN	n/a
ADDRESS/DIRECCIÓN	3522 Taylor Ave. El Paso, TX 79930
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Hello. I want to ask the GSA to please prioritize the poor air quality in El Paso, especially in the Chamizal neighborhood, where the Bridge of the Americas is located. The Chamizal is a large residential neighborhood here and I work at the high school in South El Paso and it really hurts to see so many kids have an asthma just from breathing the air outside. TCEQ is not doing their job to keep our air clean and GSA should prioritize moving all the commercial truck traffic from the bridge of the americas, el puente libre, so we can breathe air that does not negatively affect our health. Kids who are breathing our air now will be affected with asthma for years to come. We need to do better for our communities. Thanks for reading this. Have a good day.



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NAME/ APELLIDO	Amanda Garcia
ORGANIZATION/ ORGANIZACIÓN	n/a
ADDRESS/DIRECCIÓN	1202 Huckleberry St., El Paso, TX 79903
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Amanda Garcia and I'm a born and raised El Pasoan and like many EL Paso children, I suffer from severe asthma. We deserve better. I've long heard the excuse that Juarez is such a large contributor to the pollution that El Paso's actions don't mean much, but this is a flawed approach in every way and means nothing to those of us who suffer this air. Just because we can't control what our neighbor does, doesn't mean we should do nothing. We have the chance now with the bridge renovation project to address the issue that is directly affecting women, children, elders, families and students now- get the commercial truck traffic off the bridge. The bridge is for the people not the industry!



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NAME/ APELLIDO	Tori Hernandez
ORGANIZATION/ ORGANIZACIÓN	n/a
ADDRESS/DIRECCIÓN	3110 Tularosa, El Paso, TX 79930
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

I demand that the air quality be taken seriously in El Paso. Hispanic communities are 165% more likely to have unsafe levels of particulate matter pollution and 51% more likely to live in areas with unsafe levels of ozone pollution. This is environmental racism as the above stated statistics are in comparison to white communities. Almost every person I know who grew up in El Paso has severe lung issues, and with most of us not being able to afford health care. We are left to create our own devices to survive these health affects. The industrial trucks on the international bridge are contributing to the non-attainment issue in El Paso.



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NAME/ APELLIDO	Coni Sal. Bustos
ORGANIZATION/ ORGANIZACIÓN	n/a
ADDRESS/DIRECCIÓN	3522 Taylor Ave. El Paso, TX 79930
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

Please respond with any feedback and continue on the back or on an additional sheet if necessary. This comment form may be turned in today or emailed to daniel.partida@gsa.gov, prior to April 11, 2023. While we are not able to respond formally to these comments, your input is welcome and valued to the team.

Por favor, responda con cualquier comentario y continúe en la parte posterior o en una hoja adicional si es necesario. Este formulario de comentarios puede ser entregado hoy or enviado por correo electrónico a daniel.partida@gsa.gov antes del 11 de abril de 2023. Si bien no podemos responder formalmente a estos comentarios, su aporte es bienvenido y valorado por el equipo.

COMMENTS/COMENTARIOS:

Hello, I'm a concerned community member, and for as long as I've lived here I've noticed how poor and toxic our air pollution is and even more aggravating the lack of care that governments officials have towards our health, especially to our Latino community and low income families. Our children, our elders have been diagnosed w/ asthma and other debilitating issues because of the contamination. We need help to stop it for our sake. Take accountability and keep your promises for the family health's sake.



COMMENT FORM

Bridge of the Americas Land Port of Entry Modernization Stakeholder Information Meeting | April 4, 2023

Formulario de Comentarios

Modernización del Puerto de Entrada Terrestre del Puente de las Americas
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Natalia Garcia
ORGANIZATION/ ORGANIZACIÓN	n/a
ADDRESS/DIRECCIÓN	3229 Tularosa Ave. El Paso, TX 79903
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

I am a concerned community member that would like to express the urgency of the issue of pollution that is negatively affecting El Paso and the people that live here. This pollution has caused asthma and breathing problems for myself and others I love. My community cannot keep breathing in this contaminated air and we must think of the future generations of El Pasoans. Please take accountability and reduce emissions on the international port of entry to protect the people here from hazardous pollution and its negative effects.



COMMENT FORM

Bridge of the Americas Land Port of Entry Modernization Stakeholder Information Meeting | April 4, 2023

Formulario de Comentarios

Modernización del Puerto de Entrada Terrestre del Puente de las Americas
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Mary N. Silva
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	4744 Loma de Plata Dr., El Paso, TX 79934
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

The air in El Paso has personally affected my family. My sister is unable to breathe in this city, yet is able to brathe in some of the other major cities around the world- and we were born and raised here! Clean air is a human right and no one shold have to fight for the right to be able to breathe. The GSA should prioritize the people and address the poor air quality in the renovation planning of the bridge of the americas.



COMMENT FORM

Bridge of the Americas Land Port of Entry Modernization Stakeholder Information Meeting | April 4, 2023

Formulario de Comentarios

Modernización del Puerto de Entrada Terrestre del Puente de las Americas
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Bernadette V. Silva
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	4744 Loma de Plata Dr., El Paso, TX 79934
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Bernadette Silva and I have lived and worked in El Paso, Texas nearly my whole life. In the times that i have left the city, I have found my breathing issues clear up almost immediately. I believe it is no coincidence that El Pasoans suffer disproportionately from breathing and health issues. The Biden administration has promised to protect us and address the injustice happening in fenceline communities. Now is the time to implement that promise in the renovations at the bridge of the americas and reduce emissions.



COMMENT FORM

Bridge of the Americas Land Port of Entry Modernization Stakeholder Information Meeting | April 4, 2023

Formulario de Comentarios

Modernización del Puerto de Entrada Terrestre del Puente de las Americas
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Juan Paul Flores
ORGANIZATION/ ORGANIZACIÓN	n/a
ADDRESS/DIRECCIÓN	151 S. Resler, El Paso, TX 79903
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Clean air is a human right but wehn those we rely on to keep our air clean fail us, hide the facts, and make decisions without the true concern of our health and safety, we suffer. We develop helath risks at a faster rate, our children get poisoned and that why we need to lower emissions in the Chamizal neighborhood, where the bridge of the americas is. Prioritize people not profits. The renovations should address the dirty air and the health of the people who live there.



COMMENT FORM

Bridge of the Americas Land Port of Entry Modernization

Stakeholder Information Meeting | April 4, 2023

Formulario de Comentarios

Modernización del Puerto de Entrada Terrestre del Puente de las Americas
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Cemelli de Aztlan, Ricardo Leon
ORGANIZATION/ ORGANIZACIÓN	Familias Unidas del Chamizal, San Xavier Neighborhood
ADDRESS/DIRECCIÓN	c/o Texas RioGrande Legal Aid, Veronica Carbajal 1331 Texas, El Paso, TX 79901
TELEPHONE/TELÉFONO	915-585-5107
EMAIL/ CORREO ELECTRÓNICO	vcarbajal@trla.org

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COMMENTS/COMENTARIOS:

Please see comments attached.

Our client organizations in the San Xavier neighborhood and Familias Unidas del Chamizal, as well as other residents in Washington/Delta neighborhoods are key stakeholders for the BOTA modernization project. These neighborhoods bear the persistent legacy of hundreds of years of institutional racism. This racism is embedded in mixed-used zoning that allows homes and residents to co-exist immediately next to commercial and light industrial facilities, such as recycling plants and warehouses, as well as large transportation projects. The San Xavier and Chamizal neighborhoods see commercial traffic due to their proximity to the Bridge of the Americas (BOTA), I-10 and 375. Commercial traffic that moved out of the Chamizal neighborhood when TXDOT's I-10 Connect Project closed off the entrance to the BOTA from Paisano, appears to have been replaced by commercial traffic traveling east and west on I-10. In addition, the north-south commercial traffic is now hyper concentrated around the San Xavier neighborhood even though TXDOT promised its I-10 Connect Project (completed in December of 2021) would reduce traffic.



Photo of southbound traffic on I-110 next to Zavala Elementary, Sept. 28, 2022, 8:15a MT



Photo of southbound traffic on I-110 next to Zavala Elementary/San Xavier, November 29, 2022, 7p MT

1. Neighboring environmental justice communities must be considered.

GSA has a duty to consider the impacts of the BOTA modernization plan on surrounding communities like San Xavier and Barrio Chamizal which have carried a disproportionate burden from the effects of the BOTA and El Paso's highway system. This disproportionate impact is precisely what President Joe Biden's promised to address with his Executive Order 14008, which builds on Executive Order 12898 on Environmental Justice.

"We've put environmental justice at the center of what we do, addressing the disproportionate health, environmental, and economic impacts that have been borne primarily by communities of color — places too often left behind"

PRESIDENT JOE BIDEN, EARTH DAY 2022³

The GSA should reject any alternative that deepens that disproportionality. For instance, passenger and consumer traffic idles for hours through residential neighborhoods and immediately next to Zavala Elementary, which has a student population that is 99.1% Hispanic; 38.86% foreign born, which is 1.5 times the rate of the rest of El Paso; 86% English Language Learners; and most of whom are low income. The increase in idling traffic has resulted in an increase in air pollution, noise

³<https://www.whitehouse.gov/environmentaljustice/#:~:text=During%20his%20first%20week%20in,undertaken%20by%20the%20Federal%20Government.>

3. BOTA cannot be modernized unless the commercial traffic is removed.

GSA recognizes that not having a toll on the BOTA is a magnet for different types of traffic. "The [BOTA] port processes toll-free inbound and outbound commercial, non-commercial, and pedestrian traffic. As a result, the volume of traffic is heavy with many travelers and commercial vehicles choosing to enter and exit through this facility in lieu of paying a toll."⁴ Rather than deconvincing or prohibit commercial traffic on the BOTA, GSA's 3 alternatives cater to commercial traffic, which will continue to attract more and more commercial traffic and the continued use of warehouses in the aforementioned environmental justice neighborhoods.

a. Commercial trucks must be removed from BOTA

El Paso is at the epicenter of freight/semi/truck traffic from every direction: east and west, north and south, including to and from Mexico. The freight traffic going into Mexico is particularly damaging because many of those vehicles meet the bare minimum health and safety requirements in order to travel on U.S. roads. Induced demand plays out not just from passenger occupied vehicles (POVs), but also from freight traffic driving from north and south and east and west.

It is undisputable that commercial vehicles and passenger vehicles are vastly different in size, air emissions, noise, the damage they cause to roads, handling and impact from car accidents. Even though there are less commercial vehicles than passenger vehicles at the BOTA, inspecting commercial vehicles at our ports of entry requires more time, labor and land than passenger vehicles. We also suspect that the most expensive components of the BOTA Modernization Project are for related to commercial truck traffic and inspection.

Familias Unidas del Chamizal and the San Xavier neighborhood request that commercial trucks be removed from the BOTA.

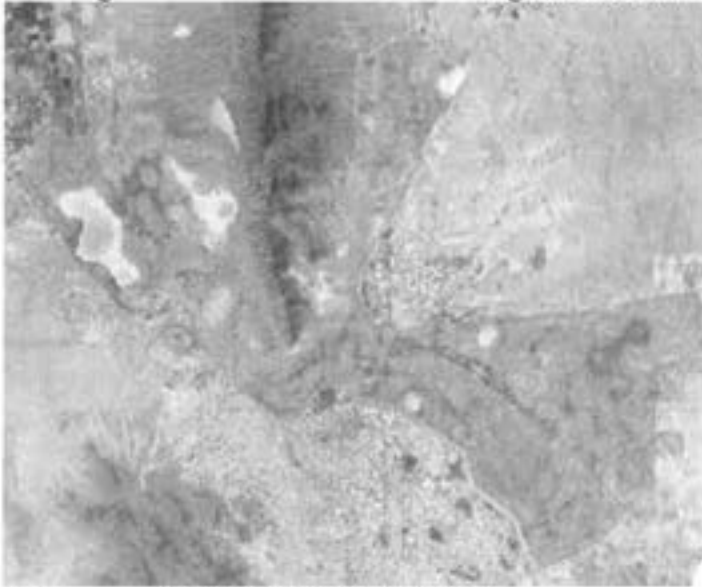
1. Accommodating the commercial trucks necessitates the taking of land. By removing the commercial trucks from the BOTA, GSA can minimize the physical footprint of the modernization project.
2. The Chamizal Treaty was signed into laws in 1963. The governments of Mexico and the United States did not foresee the volume of commercial traffic that would inundate the BOTA, especially after NAFTA passed in 1994. Commercial trucks or ventures are not mentioned in the Treaty which was intended to redistribute land, relocate residents and facilitate travel between the two nations. The Treaty required the BOTA, unlike the two bridges it replaced, to be toll-free "unless both Governments agree to the contrary."⁵
3. The 3 alternatives fail to consider the commercial traffic congestion in neighborhoods as trucks head north and south. The photographs above illustrate this congestion. This congestion became **worse** after TXDOT's I-10 Connect Project, which was meant to relieve congestion. Removing commercial traffic from BOTA would reduce traffic on I-10 Connect.

⁴ <https://www.gsa.gov/about-us/regions/welcome-to-the-greater-southwest-region-7/buildings-and-facilities/texas/bridge-of-the-americas-land-port-of-entry>

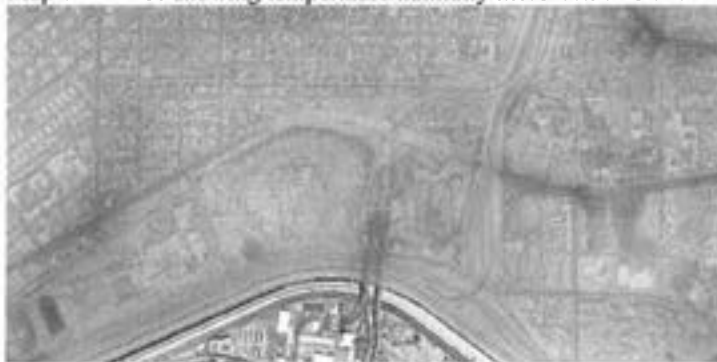
⁵ The Chamizal Convention, Article 10, available at: <https://www.nps.gov/chamizal/history.cfm#chamizal-convention-1963>

the United States and one of the largest contributors to ozone pollution in El Paso, it is especially critical to focus on these issues in developing transportation policy, including the modernization of the BOTA.

12. In addition, El Paso, like the rest of the world, has seen a dramatic increase in average temperatures in recent decades.⁸ Nine of the hottest 11 years in El Paso's history have occurred between 2011 and 2020. As shown by a recently created map of the heat island effect, the hottest streets in El Paso are along I-10 and the BOTA.⁹ Hotter temperatures contribute to ozone pollution. In El Paso, July of 2022 had the most unhealthy ozone days, at 11. The average high temperature in July in 2022 was 99.4 degrees, 3.6 degrees hotter than the historical average of 95.8. Climate change is contributing to higher temperatures and ozone levels in El Paso and statewide. Texas had more unhealthy ozone days this summer than in recent years.¹⁰ GSA must take affirmative action to address climate warming by reducing vehicle wait times and removing commercial traffic from the BOTA.



Map of El Paso showing temperature/humidity measurements over three one-hour periods on July 10, 2020.



Close up of the BOTA.

⁸ <https://climatexas.tamu.edu/files/ClimateReport-1900to2036-2021-update>

⁹ Available at: <https://www.utep.edu/liberalarts/sova/environmental-injustice-hurricane-harvey-in-greater-el-paso-12.html>

¹⁰ Smog in El Paso increased in summer of 2022 while key air quality monitor was offline. El Paso Times. Sept. 8, 2022.

Paso has been in "Moderate Nonattainment," since 1991.¹⁷ We request that the GSA use this incredible opportunity to address environmental injustice while fulfilling federal security goals.

Please contact us directly with any questions.

Respectfully Submitted,

By: **TEXAS RIOGRANDE LEGAL AID, INC.**
/s/ Verónica Carbajal

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**ATTORNEYS FOR FAMILIAS UNIDAS
DEL CHAMIZAL and SAN XAVIER
NEIGHBORHOOD**

/s/ David R. Baake

David R. Baake
2131 N Main St.
Las Cruces, NM 88001
Phone: (575) 343-2782
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**ATTORNEY FOR FAMILIAS UNIDAS
DEL CHAMIZAL**

¹⁷ *Id.*



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January 11, 2023

VIA: Hand-delivery and email: downtown10@txdot.gov

TXDOT El Paso District Office
Attn. Downtown 10 / Hugo Hernandez
13301 Gateway Boulevard West
El Paso, TX 79928-5410

Re: Scoping Comments on Downtown 10 Submitted by Familias Unidas del Chamizal

Dear TXDOT,

Based on the National Environmental Policy Act (NEPA) process, TXDOT has determined that the Downtown 10 Project will now be classified and prepared as an Environmental Impact Statement (EIS) that will evaluate a range of build alternatives and a no-build alternative.¹ The purpose of the public scoping process is to provide the public an opportunity to review and comment on the draft coordination plan and schedule, the project purpose and need, the alternatives, and methodologies and level of detail for analyzing alternatives and provide input on any expected environmental impacts, anticipated permits or other authorizations, and any significant issues that will be analyzed in depth in the EIS.

Texas RioGrande Legal Aid, Inc. represents Familias Unidas del Chamizal for the purpose of submitting scoping comments on TXDOT's Downtown 10 Project.

Familias Unidas del Chamizal (Familias Unidas) is a membership organization that works with families in the Barrio Chamizal to address neighborhood-wide injustices around education, housing and the environment.² The Chamizal Neighborhood is one of the oldest and poorest in the city of El Paso, Texas. Nearly 100% of its residents are people of color, primarily Mexican and Mexican American, and its schools have one of the largest concentrations of English Language Learners in the city.

Similar to other neighborhoods south of I-10 in El Paso, the Chamizal bears the persistent legacy of hundreds of years of institutional racism. This racism is embedded in mixed-used zoning that allows homes and residents to co-exist immediately next to commercial and light industrial facilities, such as recycling plants and warehouses, as well as transportation projects. In addition to the freight/semi traffic used by commercial and light industrial businesses in the neighborhood, the

¹ <https://www.TXDOT.gov/projects/hearings-meetings/el-paso/el-paso-downtown10-11-30-22.html>

² The Chamizal neighborhood is bound to the south by Paisano, to the east by I-110, the west by Cotton, and to the north by I-10.

- Reduce potential conflict points and improve incident management
- Bring facility up to current design standards

Each of the alternatives identified by TXDOT as “viable” to achieve its stated purpose and need includes increasing the number of lanes, and adding frontage roads, or flyovers, or new ramps to the downtown area.⁷ TXDOT is now tasked with preparing an Environmental Impact Statement of the project that will evaluate all reasonable alternatives and the no-build alternative. That statement must comply with all the Secretary of USDOT’s obligations under the National Environmental Policy Act (NEPA), including all statutes, regulations, policies, and guidance related to the implementation of NEPA for Federal highway projects.⁸

II. Purpose and Need Must Include Health, Safety and the Environment

The proposed Purpose and Need will not be met with the proposed alternatives. Further, any purpose and need for highway development in El Paso should include improving or at the very least, not further damaging the community’s health, safety and environment. Alternatives, including a no-build alternative, should be reflect these additional purposes and needs.

A. Proposed Alternatives do not meet the Purpose and Need

TXDOT’s Draft “Purpose and Need” states that the purpose of Downtown-10 is to “improve mobility and long-term congestion management, reduce potential conflict points, improve incident management, and bring the facility up to current design standards.”⁹ The only alternatives considered by TXDOT to meet this purpose and need are widening lanes, turning downtown local avenues into frontage roads, and adding more lanes to the highway itself.¹⁰

1. Increasing road capacity does not manage congestion

TXDOT’s alternatives run afoul decades of studies showing that increasing road capacity does not result in managing congestion. Studies indicate that increasing road capacity induces increased demand and results in greater congestion. TXDOT should therefore be considering increasing the use of *existing* alternatives and if necessary, new alternatives that de-incentivize I-10 usage in order to meet its purpose of managing congestion.

⁷ See TXDOT, Downtown 10 Public Scoping Meeting: Viable Alternatives (Nov. 30, 2022). (“Viable Alternatives”).

⁸ First renewed MOU between the FHA and the TXDOT concerning State of Texas’ participation in the project delivery program pursuant to 23 USC 327 at ¶3.1.1 (Available at <https://fta.txdot.gov/pub/TXDOT...fo/env/nepa-assignment/2019-nepa-assignment-mou.pdf>).

⁹ TXDOT, Downtown 10: Draft Purpose and Need, 8 (Nov. 2022).

¹⁰ See Viable Alternatives.

2011 and 2014, and afternoon commutes increasing by 23 minutes. The predictable result of building additional roadways in El Paso will be more traffic, more sprawl, more air pollution, and reduced quality of life—particularly for individuals (predominantly from environmental justice populations) that live directly adjacent to these roadways.

a. Increasing road capacity will not relieve freight traffic congestion

Without a doubt, El Paso is at the epicenter of freight/semi/truck traffic from every direction: east and west, north and south, including to and from Mexico. The freight traffic going into Mexico is particularly damaging because many of those vehicles meet the bare minimum health and safety requirements in order to travel on U.S. roads. Induced demand plays out not just from passenger occupied vehicles (POVs), but also from freight traffic driving from north and south and east and west. Widening I-10 along downtown will only attract even more freight traffic and the continued use of warehouses in the aforementioned environmental justice neighborhoods.

As part of the EIS and in order to meet its stated purpose and need of reducing congestion, TXDOT must consider no-build alternatives that include:

- 1) Removing freight traffic from Downtown 10
- 2) Removing freight traffic from the Bridge of the Americas, which is the closest port of entry to Downtown 10

b. Increasing road capacity will result in disinvestments in public transportation

Public transportation is one of the long-recognized alternatives to relieving congestion along urban corridors.²⁰ Simply put, public buses can get many private vehicles off our existing roads. On the contrary, increasing road capacity encourages people to use their private vehicles, which in turn results in disinvestments in public transportation.

For environmental justice communities, public transportation that is affordable, reliable and practical, is a life-line to accessing work, school, health services and other public amenities. Many people who live closest to existing highways face the cruel irony of not being able to use said highways because they have inconsistent or non-existent access to reliable private transportation.

As part of the EIS and in order to meet its stated purpose and need of reducing congestion, TXDOT must consider no-build alternatives that include:

- 1) Increasing the use of existing public transportation infrastructure along Downtown 10 and nearby roads

²⁰ See Mogrige, *supra* fn. 8.

The proposal to now expand the downtown portion of I-10 to further relieve congestion, so close on the heels of the completion of the 375 extension, whose entire purpose was to alleviate congestion while avoiding the impacts of expanding I-10, indicates one of two things. Either TXDOT has not adequately taken into consideration the alleviation of congestion by the 375 extension or that continually constructing highways does not actually alleviate congestion. The cited studies indicate that the latter is what is occurring here. While models may predict future congestion on I-10, the solution to that cannot be to perpetually expand highway infrastructure. TXDOT must consider alternatives that will actually lead to a reduction in congestion, including investment in public transportation and diverting freight traffic from I-10, particularly in the proposed Downtown 10 segment.

Diverting freight traffic from Downtown 10 would also meet the purpose and need of “improving incident management.” On December 10, 2022, a pedestrian was struck and killed by three vehicles while trying to cross I-10 East at the Dallas St. Exit.²⁸ Drivers were instructed to exit the highway and take alternative routes through a phone alert, electronic signage, and Google Maps. Drivers who were able to exit had numerous existing alternative routes, including Paisano, the 375 extension, Transmountain, Montana and Mesa St. Drivers, primarily freight vehicles, who were not able to exit, idled for hours on the freeway. Having more lanes would actually make it more difficult for vehicles on the left-hand lanes to exit quickly in such circumstances, thereby increasing congestion.



EL PASO, Texas -- One person is dead after a vehicle vs. pedestrian crash near downtown El Paso.



EL PASO, Texas -- One person is dead after a vehicle vs. pedestrian crash near downtown El Paso.

²⁸ <https://kvia.com/traffic/2022/12/10/one-person-killed-after-crash-on-i-10-east-near-downtown-el-paso/>

Since its completion in December of 2021, I-10 Connect has actually resulted in increased congestion on I-10 West (Starting at the Paisano Exit); I-10 East (Starting at the Piedras); and US54 South from traffic heading south into Mexico from both passenger vehicles and freight traffic. The traffic idles for hours through residential neighborhoods and immediately next to Zavala Elementary, which has a student population that is 99.1% Hispanic; 38.86% foreign born, which is 1.5 times the rate of the rest of El Paso; 86% English Language Learners; and most of whom are low income. The increase in idling traffic has resulted in an increase in air pollution, noise pollution, and a decrease in quality of life.



Photo of southbound traffic on I-110 next to Zavala Elementary, Sept. 28, 2022, 8:15a MT



Photo of southbound traffic on I-110 next to Zavala Elementary/San Xavier, November 29, 2022, 7p MT

The areas most impacted by I-10 Connect are the San Xavier neighborhood, which is north of Paisano, east of Copia, south of I-10 and west of 375 and US 54, and the residential streets surrounding Zavala Elementary, including those on Copia, Rivera, and Hammett, and south of Alameda.³⁰

In addition to increasing traffic congestion, noise and air pollution throughout the day, TXDOT's I-10 Connect has directly impacted residents. The demolition and construction activities, and design flaws, caused structural damage to homes and the Saint Francis Xavier church (519 S. Latta), which has manifested in, among other things, cracks along ceilings, walls and flooring, damaged plumbing and drainage issues. TXDOT has also failed to address the removal of street lighting, the new traffic accident hot spots, and the new San Antonio Street entrance which is confusing to drivers and is full of debris and runoff regularly. The neighborhood also has drainage issues. The housing stock in this area is similar to the housing stock alongside Downtown 10 which will likely suffer similar structural damage from demolition and construction activities.

TXDOT must consider the congestion caused by I-10 Connect as proof that increasing road capacity does not result in a decrease in congestion. In addition, TXDOT must craft a solution to the failings of I-10 Connect.

³⁰ See Google Map of the Area, **Attachment 1**.

the City of Sunland Park, New Mexico challenging the EPA's attainment/unclassifiable designation for El Paso County.³² For PM10, El Paso has been in "Moderate Nonattainment," since 1991.³³

The El Paso area had 126 days of elevated air pollution in 2020, the second most in Texas, according to a new report from Environment Texas Research & Policy Center, Frontier Group and TexPIRG Education Fund. The report's findings mean that El Pasoans were breathing air with elevated levels of pollution on one out of every three days last year.³⁴ The report measured days with elevated levels of small particulate matter and elevated ozone. The El Paso area had 78 days with elevated small particulate matter and 68 days of elevated ozone. In total, the city had 126 days with either elevated ozone, particulate matter, or both.

According to TCEQ data, El Paso County air quality monitors recorded ozone levels unhealthy for sensitive groups, like children, the elderly and people who are pregnant on 18 days between May 1st to September 1st of 2022.

Exposure to ozone and particulate pollution is linked to premature death, damage to the respiratory and cardiovascular systems, increased risk to cancer and problems with fertility, conception, pregnancy and birth. Air pollution is also linked to increased risk of infection from infectious diseases, including COVID-19. Ozone irritates the lungs, making people more vulnerable to infections, and aggravates asthma and chronic bronchitis. The health impacts build up over time and can cause premature death, according to the American Lung Association.³⁵

In addition, El Paso, like the rest of the world, has seen a dramatic increase in average temperatures in recent decades.³⁶ Nine of the hottest 11 years in El Paso's history have occurred between 2011 and 2020. As shown by a recently created map of the heat island effect, the hottest streets in El Paso are along I-10.³⁷

³² <https://www.tceq.texas.gov/airquality/sip/elp/elp-status>

³³ *Id.*

³⁴ <https://environmentamerica.org/texas/resources/trouble-in-the-air/>

³⁵ El Paso had 126 elevated air pollution days in 2020. El Paso Times. Oct. 5, 2021, **Attachment 3**.

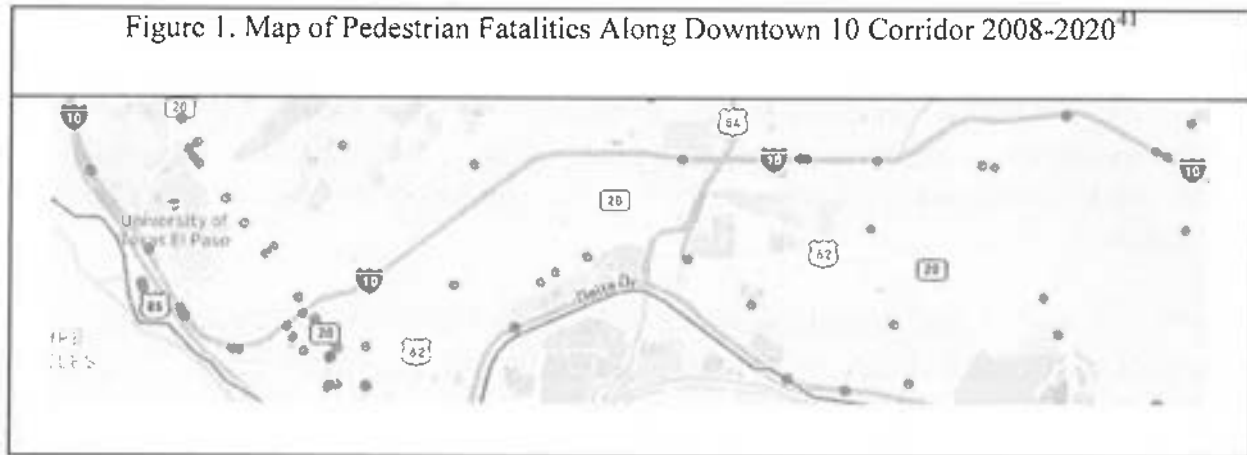
³⁶ <https://climatexas.tamu.edu/files/ClimateReport-1900to2036-2021Update>

³⁷ Available at: <https://www.utep.edu/liberalarts/sega/environmental-injustice-hurricane-harvey-in-greater-houston12.html>

and additional impacts that can be expected if I-10 is expanded. TXDOT must work with the TCEQ in reinstating the UTEP monitor immediately.³⁹

2. Safety

Between 2016 and 2020, 124 pedestrians were killed in El Paso. The city is ranked the 18th worst metro area for pedestrian fatalities in the country.⁴⁰ As shown in Figure 1, many pedestrian fatalities in El Paso between 2008 and 2020 have occurred along the downtown segment of the I-10 corridor. Highway infrastructure improvement in the City must take this into consideration and be designed to reduce pedestrian injuries and deaths.



III. TXDOT should not segment Downtown 10 from Reimagine 10

TXDOT should be conducting an environmental impact statement for the entire Reimagine I-10 project. By limiting its review to only the Downtown portion of the Reimagine Project, it has improperly segmented the environmental review.

NEPA's scoping regulations define "Connected actions," as those closely related and therefore should be discussed in the same impact statement. Actions are connected if they:

³⁹ Id.

⁴⁰ Smart Growth America, *Dangerous By Design 2022* (Available at <https://smartgrowthamerica.org/dangerous-by-design/>).

⁴¹ Mapped with Smart Growth Interactive Map (Available at <https://smartgrowthamerica.org/dangerous-by-design/>).

What's more, the Reimagine I-10 Project is clearly intended as a single effort to modify the current landscape of I-10 in the El Paso area.⁴⁷ The alternatives proposed for Downtown 10 were generated as a part of the Reimagine I-10 Study, and those alternatives extend into the other segments of the I-10 corridor. It is TXDOT's intention to modify the entire I-10 corridor and the full breadth of the impacts of its intended project should be disclosed to the public before resources are committed to the project. That is the very purpose of NEPA's mandate.⁴⁸ To segment the Reimagine I-10 project into four separate segments obscures the totality of the project and the impacts that will follow from its construction and completion. At a minimum, TXDOT should complete a programmatic environmental impact statement for the entire Reimagine I-10 project or include impacts from the other 3 segments of the Reimagine project in the cumulative impacts analysis of the statement prepared for the Downtown 10 project.

Just as the communities most impacted by Downtown 10 are Environmental Justice communities, discussed more below, the communities most affected by the North and Airport segments are also Environmental Justice communities. These communities are almost entirely Latinx. They also have higher poverty levels, a higher percentage of households who speak limited English, and frequently a much higher percentage of elderly populations than the State of Texas or the United States.⁴⁹ The populations in these census block groups are also in the 80th and 90th percentile for populations in Texas and the United States for Traffic Proximity, Air Toxics Cancer Risk, and populations exposed to Ozone.⁵⁰ These populations, and their representatives, have a right to know what the full impacts of the Reimagine I-10 Project will be before TXDOT selects a project alternative that will commit to changes on the I-10 corridor in their neighborhoods.

IV. TXDOT must consider upcoming plans for the BOTA

TXDOT should not attempt to solve projected congestion in downtown El Paso in a vacuum or ignore the cumulative impact of other transportation projects in the region. As noted in TXDOT's draft purpose and need for the project, the largest percentage increase in traffic predicted for the El Paso area comes from anticipated increased truck traffic crossing at the Bridge of the Americas.⁵¹ The General Services Administration is also looking to address increased truck traffic at the

⁴⁷ See *id.* at 1 ("The I-10 study emphasizes the need to 'reimagine' how the I-10 corridor operates.")

⁴⁸ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989) ("[NEPA] ensures that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decision making process and the implementation of that decision.")

⁴⁹ See Demographic data for the census block groups adjacent to I-10 in the North and Airport Segments. Attachments 4 and 5. Data generated by EPA, EJScreen Tool. Available at <https://ejscreen.epa.gov/mapper/>.

⁵⁰ *Id.*

⁵¹ Draft Purpose and Need at 2.

TXDOT itself claims to “successfully integrate Title VI and environmental justice into its programs and activities” by among other things:

- Developing and enhancing its technical capabilities to assess the benefits and adverse effects of transportation activities among different population groups and using those capabilities to develop appropriate procedures, goals and performance measures in all aspects of its mission.
- Working with Federal, state, local, and transit planning partners to create and enhance intermodal systems, and support projects that can improve the natural and human environments for low-income and minority communities.⁵⁶

Taking a hard look at environmental justice (EJ) impacts is a two-step process. First, the agency must identify any minority or low-income populations in the project affected area; second, the agency must analyze whether a project’s impacts are significant or exceed accepted norms, and whether those impacts will have disproportionately high and adverse effects on the applicable EJ populations.⁵⁷ To determine disproportionate impact, the agency should consider both the demographics of the affected areas and comparison populations and unique factors that may amplify a project’s effects in EJ populations.⁵⁸

A. TXDOT must first identify potentially affected environmental justice communities

The fact that the city of El Paso is a majority minority city does not relieve TXDOT of conducting a serious environmental justice inquiry. The census block groups immediately adjacent to I-10⁵⁹ generally have a higher rate of poverty, limited English proficiency, and lower formal education levels than the State of Texas and the City of El Paso. The census block groups also have a greater population of color than the State or the City. Figure 2 identifies the census block groups closest immediately adjacent to the highway. Table 1 compares the populations of those census block groups to that of the City of El Paso and the State of Texas. Those demographic characteristics which exceed the State or the City are highlighted. The higher concentration of Mexican and

⁵⁶ TXDOT “An Overview of Transportation and Environmental Justice”, page 6, available at: <https://ftp.dot.state.tx.us/pub/TXDOT-info/envy/toolkit/210-01-brv.pdf>

⁵⁷ Council on Environmental Quality, Environmental Justice: Guidance Under the National Environmental Policy Act at 1 (1997) at 9, 25-27 [“CEQ Guidance”]; see also Federal Inter-Agency Working Group on Environmental Justice & NEPA Committee, Promising Practices for EJ Methodologies in NEPA Reviews at 21-46 (2016).

⁵⁸ CEQ Guidance at 9.

⁵⁹ It is very likely that impacts from the highway expansion will extend beyond the census block groups immediately adjacent to the highway. TXDOT must identify the geographic extent of each impact and the populations that will bear the burden of that impact as a first step in conducting its EJ analysis. See *Vecinos para el Bienestar de la Comunidad Costera v. FERC*, 6 F.4th 1321, 1330 (D.C.C. 2021) (“When conducting an environmental justice analysis ... an agency’s delineation of the area potentially affected by the project must be reasonably and adequately explained.” (internal quotations omitted)).

Table 1. Demographics of Texas, El Paso, and Census Block Groups Immediately Adjacent to I-10 between Executive Blvd. and Cobia⁶¹

<i>Location</i>	%POC	%Low-Income	%LEP	%Less than Highschool Education
Texas	59	33	7	16
El Paso	87	44	20	19
CB 0029001	100	90	40	54
CB 0026002	98	73	10	24
CB 0028002	95	89	63	56
CB 0026003	100	68	37	32
CB 0026004	97	79	30	25
CB 0026005	100	76	24	36
CB 0023006	96	81	9	50
CB 0028004	100	79	73	71
CB 0022025	96	79	44	39
CB 0021001	88	83	54	43
CB 0017001	91	78	45	54
CB 0016001	100	49	59	45
CB 0016004	93	67	4	26
CB 0016003	96	49	0	7
CB 0016005	96	36	33	16
CB 0014001	93	52	41	31
CB 0014003	95	80	7	18

TXDOT has a duty to address the disproportionate negative impact of widening I10 on the residential neighborhoods all along Cobia to Executive, particularly because these predominantly low-income communities of color that have been harmed since the interstate highway was created in the 1950s. Indeed, racism is physically built into I-10.

TXDOT cannot continue perpetuating the racist policies of Jim Crow America which used white supremacist ideology to decide which communities to invest in and which communities would bear the burden of transportation projects, which include air pollution, health impacts, the heat island effect, depreciated housing prices, noise pollution and damage from the construction of projects themselves. Redlining maps from the mid-1930s and 40s were created by the Home Owners' Loan Corporation and its parent bureau, the Federal Home Loan Bank Board. Before I-10 was built, the

⁶¹ Data generated by EPA, EJScreen Tool. Available at <https://ejscreen.epa.gov/mapper/>. Included as Attachment 6.

Table 2. Environmental Justice Indicators for Texas, El Paso, and the Census Blocks Immediately Adjacent to I-10 between Executive Blvd. and Copia

Location	Ozone Exposure		Diesel Particulate Matter		Air Toxics Cancer Risk		Traffic Proximity	
	parts per billion	%ile of exposure in Texas	ug/m3	%ile of exposure in Texas	lifetime risk per million	%ile of risk exposure in Texas	Daily traffic count & distance to road	%ile of traffic proximity in Texas
Texas	40	-	0.211	-	31	-	570	-
El Paso	53.7	98th	0.188	44th	57	98th	740	80th
CB 0029001	53.8	98th	0.322	86th	40	95th	5300	98th
CB 0026002	54	98th	0.278	74th	40	95th	2600	95th
CB 0028002	54	98th	0.323	86th	40	95th	5900	99th
CB 0026003	54	98th	0.278	74th	40	95th	4100	98th
CB 0026004	54	98th	0.278	74th	40	95th	5700	99th
CB 0026005	54	98th	0.278	74th	40	95th	3300	96th
CB 0023006	54.3	98th	0.227	57th	30	83rd	4200	98th
CB 0028004	54	98th	0.323	86th	40	95th	1400	90th
CB 0022025	54.4	98th	0.307	83rd	40	95th	7600	99th
CB 0021001	54.2	98th	0.368	92nd	40	95th	1200	89th
CB 0017001	54.3	98th	0.324	86th	40	95th	3700	97th
CB 0016001	54.5	98th	0.26	67th	30	83rd	5200	98th
CB 0016004	54.5	98th	0.26	67th	30	83rd	6000	99th
CB 0016003	54.5	98th	0.26	67th	30	83rd	2700	95th
CB 0016005	54.5	98th	0.26	67th	30	83rd	5100	98th
CB 0014001	55.2	99th	0.225	56th	30	83rd	1800	92nd
CB 0014003	55.2	99th	0.225	56th	30	83rd	940	85th

By: /s/ Verónica Carbajal
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E-mail: jrichards@trla.org
**ATTORNEYS FOR
FAMILIAS UNIDAS DEL
CHAMIZAL**



BOTA NEPA Comments <bota.nepacomments@gsa.gov>

BOTA ENV CONCERNS: El Paso, TX

cemelli de aztlan <cdeaztlan@gmail.com>

Fri, Jun 9, 2023 at 12:12 PM

To: "karla.carmichael@gsa.gov" <karla.carmichael@gsa.gov>, bota.nepacomments@gsa.gov

Cc: "Veronica Carbajal(ELP)" <vcarbajal@trla.org>

Good Morning Karla-

We appreciate your time yesterday touring our neighborhood. As emphasised, the need for an Environmental and Health Impact Assessment is urgent in our community.

Please review (see attached) the 39 comments highlighting the many environmental concerns El Pasoans have regarding the Bridge of the Americas.

Also, I've included 3 videos highlighting our environmental issues, as they relate to our public schools, public housing, women, children and elders. I also included a few local news stories highlighting the community's environmental concerns at BOTA. Thank you for your time, attention and consideration.

Sincerely,

Cemelli de Aztlan

Education in Barrio Chamizal: A Violation of Civil Rights: <https://youtu.be/uzQRNG6A1M>

Environmental Injustice in Barrio Chamizal: <https://youtu.be/1um5JPHC37M>

El Puente Libre/BOTA Renovations: Get the Trucks Out!: <https://youtu.be/lvjHct8s4iA>

Local News:

EL DIARIO: [Rechazan madres del Chamizal expansión en el puente 'Libre'](#)

KVIA: [Local group demands BOTA federal funds be used to address environmental concerns](#)

KTSM: [Chamizal neighborhood families protest BOTA improvements](#)

EL PASO MATTERS: [El Paso, Las Cruces rank high in ozone pollution in 2023 report](#)

KFOX: [Federal gov't proposes land acquisition in Bridge of the Americas redesign](#)

KFOX: [El Paso County to send letter opposing BOTA expansion proposals to federal gov't](#)



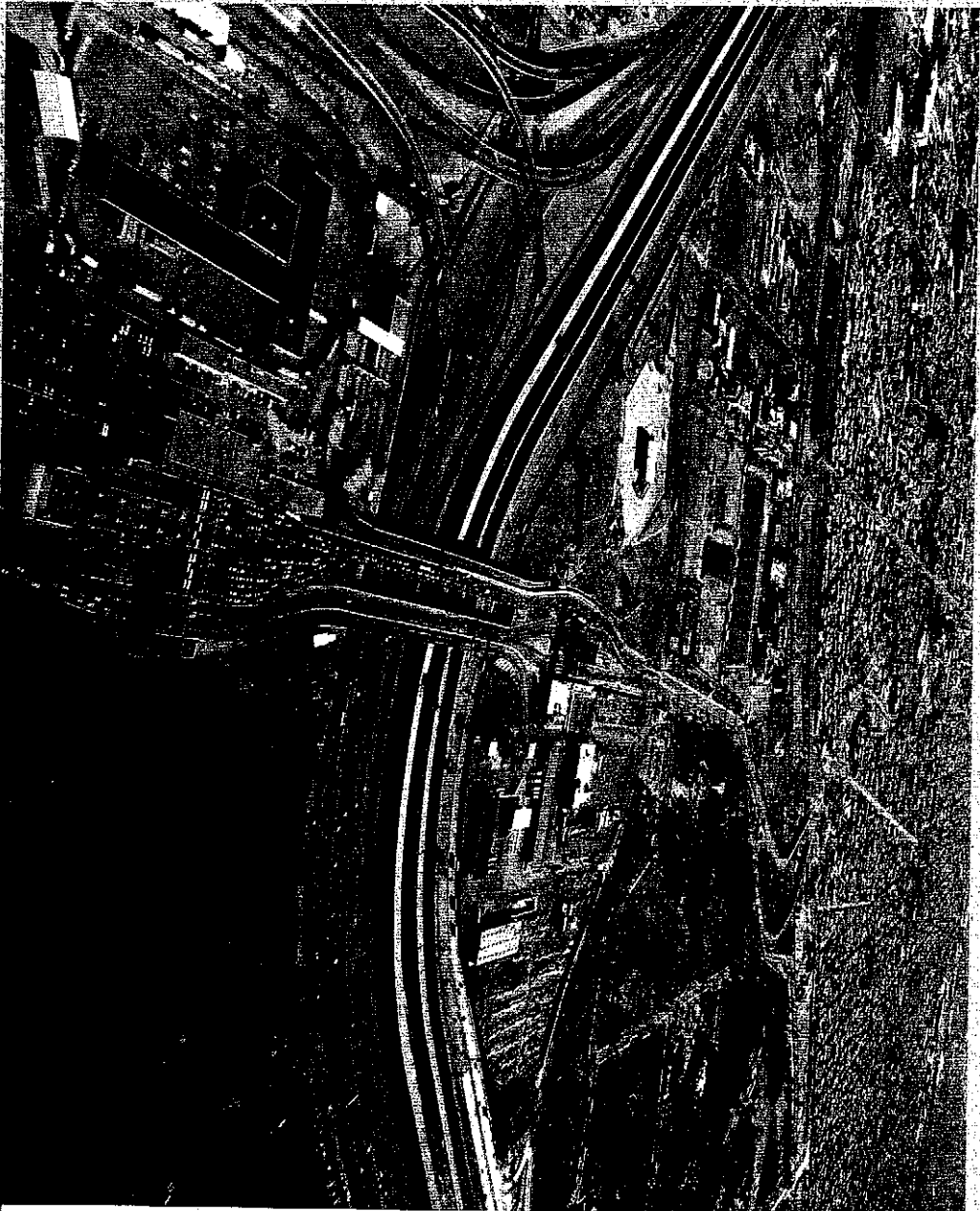
BOTA COMMENTS RE ENV EL PASO TX.pdf

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APPENDIX B

Scoping, Public Involvement, and Agency Coordination

APPENDIX B
Public Outreach Efforts



Stakeholders
March 10, 2023



Bridge of the Americas

(BOTA)

TAA-021 NADB22

AIR QUALITY ASSESSMENT

RESEARCH PROGRAM EXECUTIVE OVERVIEW

Dr. David Dubois, Dr. Gabriel Ibarra Mejia,

Dr. Howard Campbell, Dr. Cristina Morales,

Dr. Charles Boehmer, Dr. Kelvin Cheu, Dr. Rumita Ke,

Dr. Henry Van

Presented to:

Stakeholders Kickoff Mtng.

MARCH 10, 2023



BOTA
TAA-021 NADB22
AIR QUALITY ASSESSMENT
RESEARCH PROGRAM

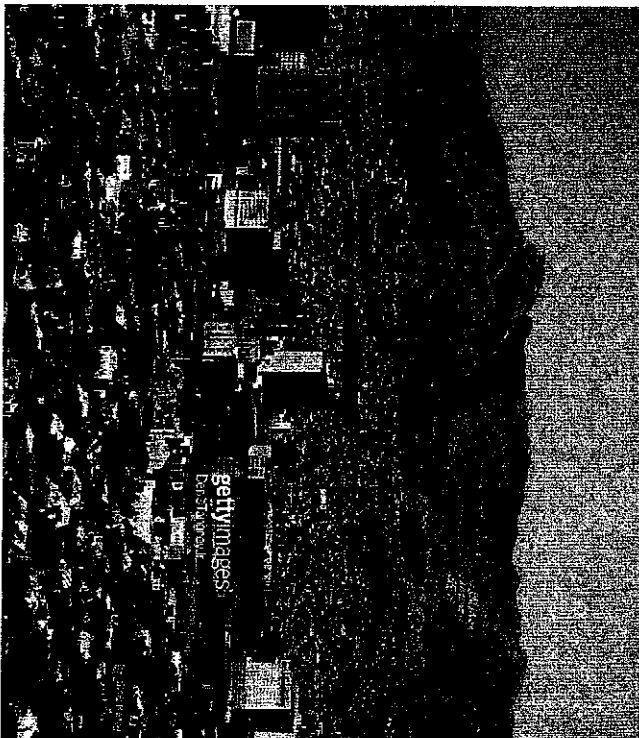


INTENT/ PURPOSE OF THE PROJECT

- To conduct interdisciplinary research to monitor and assess air quality conditions and their effects at BOTA workplace installations and outdoor air quality pollution sources.

NEED/ URGENCY OF THE PROJECT

- City of El Paso data indicate that there are tens of thousands of personal border crossings each day.
- Regular workplace for dozens of federal, state, and local government employees.
- Vehicle emissions have been historically high at international bridges crossing.





**BOTA
TAA-021 NADB22
AIR QUALITY ASSESSMENT
RESEARCH PROGRAM**



HEALTH RISK ASSESSMENT – UTEP

- **Preparation**
 - ✓ Planning and Scoping.
 - ✓ Dialogue with interested parties and/or stakeholders.
 - ✓ Identify the hazards.
 - ✓ Gather information to determine the numerical relationship between exposure and effects.
 - ✓ Examine what is known about the frequency, timing, and levels of contact particle matter.
 - ✓ Outline risk characterization that includes **1)** Risk estimation and **2)** Risk description
- **Employees Interviews**
 - ✓ Specific questionnaires.
 - ✓ Objective of interviews – To identify their experience and comments about working at BOTA.
 - ✓ Analyze data and identify conclusions.
- **Data Review and Data Analysis**
 - ✓ Dr. Gabriel Ibarra-Mejia's Team will review the data obtained and employee exposure to identify health risks.
- **Prepare Report**
 - ✓ Dr. Ibarra-Mejia will prepare the report.



**BOTA
TAA-021 NADB22
AIR QUALITY ASSESSMENT
RESEARCH PROGRAM**



OBJECTIVES OF THE PROJECT

- To evaluate:
 - a) The health risks at BOTA employees exposed to daily particulate matter 2.5 microns (PM 2.5),
 - b) Identify environmental justice concerns of the neighboring underserved communities affected by high PM 2.5 emission levels.
- The Project seeks *To Improve Air Quality* by implementing a program aimed at a) Assessing health effects and risks related to vehicular emissions, and b) Defining viable and cost-effective mitigation measures.
- The Project will be **piloted at BOTA** and its access streets, one of the largest international border-crossing sites along the U.S Mexican border and an important vehicular connector of the binational Paso del Norte airshed (El Paso-Juárez-Sunland Park).

PROJECT BENEFITS

- The findings result of the study project data will help local, federal and state government and interdisciplinary environmental experts identify viable and cost-effective options for reducing vehicle emissions.
- This, in turn, will support government and community efforts to improve air quality of the airshed and reduce the negative effects on the health of all bridge stakeholders.



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TAA-021 NADB22
AIR QUALITY ASSESSMENT
RESEARCH PROGRAM**



MEASURABLE RESULTS (OUTPUTS AND OUTCOMES)

Outputs

The main outputs of the project will be:

- **An air monitoring system** for evaluating air quality at BOTA.
- **Baseline data of current air quality conditions**
- **Baseline data of effect of air quality condition on bridge employee health** –currently nonexistent.

Additional outputs include:

- Reports on current effect of air quality on neighboring communities
- Reports on current effect of air quality on bridge crossers
- Reports on current Policy Framework and Recommendations
- Reports on current traffic patterns and Recommendations for optimization



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AIR QUALITY ASSESSMENT
RESEARCH PROGRAM**



MEASURABLE RESULTS (OUTPUTS AND OUTCOMES) CONT'D

Outcomes

The main outcome of the project are cost-effective and environmentally sustainable recommendations aimed at:

- Improving air quality at the bridge and
- Minimizing potential risks to the health of government bridge employees.

Other expected outcomes include:

- Development of cost-effective options to optimize and reduce international crossing related emissions using state-of-the-art transportation scenario modeling.
- Improvement of airshed quality.
- Reduction of health risks to neighboring communities due to vehicle emissions exposure.



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AIR QUALITY ASSESSMENT
RESEARCH PROGRAM**

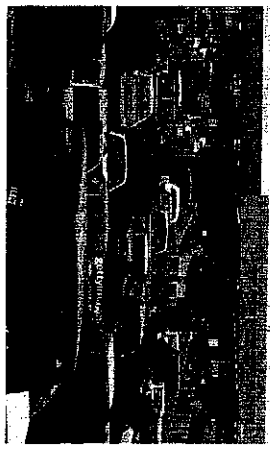


TASKS AND ACTIVITIES OF THE WORK PLAN

- **Project Coordination (3-4 Mo) – Henry Van (HV)**
 - ✓ Assist team members in setting up meeting and relationships needed to initiate field research.
 - ✓ Process required permits, as required.
 - ✓ Finalize **Institutional Review Board (IRB)** approvals to assure the protection of the rights and welfare of humans participating as subjects in the research.
- **Coordination (18 Mo) - HV**
 - ✓ Meetings with team, key immigration officers plan and schedule activities. Coordinate team activities with BOTA key officials to conduct team activities and inform relevant parties of project activities, who will be conducting these activities and the dates.
- **Financial Management & Oversight (18 Mo) – HV & Cory Brown**
- **Quality Control Assurance (18 Mo) - HV**
- **Monthly Reporting (For the duration of the project) - HV**
 - ✓ **Progress Reports** – Submit them to Key NADB/EPA official and BOTA and key regulatory agencies such as City of El Paso Air Quality Department, El Paso County management and the Texas Commission of Environmental Quality
 - ✓ **Coordinate and prepare Final report for the NADB/EPA.**



BOTA
TAA-021 NADB22
AIR QUALITY ASSESSMENT
RESEARCH PROGRAM



AIR QUALITY MONITORING - NMSU

- **Equipment Procurement**
- **Preparation of Quality Assurance Program Plan (QAPP)**
- **Sampling equipment locations** - Will be selected with the recommendation of BOTA staff and air quality expert technical support.
- **Conduct Monitoring**
 - ✓ Air quality monitoring will be comprised of measurements primarily focusing on exposure of the employees at BOTA to PM 2.5 particulate matter.
 - ✓ Due to cost CO monitoring will not be conducted in this project but will be based on recommendations from a former project By Dr. Howard Applegate et al in 1989 where he informed this contaminant was a serious threat to human health. Along with CO other chemical contaminants will be sampled and analyzed.
- **Sampling**
 - ✓ Sampling will be conducted using a Personal Environmental Monitor (PEM) on a 1 in a 6-day frequency.
- **Data Collection & Analysis** – Equipment will be brought to **BOTA** by **NMSU Dr. David Dubois** and assistant to collect and analyze the data.
- **Final Report Preparation** – Dr. Dubois will prepare the air monitoring report.



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AIR QUALITY ASSESSMENT
RESEARCH PROGRAM



SOCIOLOGICAL ASSESSMENT OF ENVIRONMENTAL IMPACT

- **Preparation**
 - ✓ Will notify and consult with the community in the Chamizal neighborhoods about the project.
 - ✓ IRB approval will be process.
- **Pilot Study**
 - ✓ Two phases: **1)** An ethnographic assessment including observations and interview at BOTA; and **2)** A survey in the neighborhood of El Chamizal, adjacent to BOTA.
 - ✓ General data gather intends to capture a) a profile of who uses BOTA and purpose, and b) the connection between the demographic characteristics (immigrant status, race/ethnicity, education, occupation, gender, age and subjection to pollution.
- **Date Collection & Analysis**
 - ✓ Will involve data from observations at BOTA and sampling of 15 individuals for interviews
- **Report Preparation**
 - ✓ The report will be prepared by Drs. Howard Campbell and Cristina Morales.



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RESEARCH PROGRAM**



CURRENT ENVIRONMENTAL REGULATORY POLICY FRAMEWORK - UTEP

- **Comparative Policy Review (federal and state)**
 - ✓ Conducted in the first four quarters of the research.
 - ✓ Involves examining the laws and policies of the EPA (federal) and search for policies in Texas related to transportation and air quality . The Border 2025 Program is a key focus.
- **Identify Law and Regulatory Flaws**
- **Prepare Report**
 - ✓ Report will be prepared by Dr. Charles Boehmer and team.



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AIR QUALITY ASSESSMENT
RESEARCH PROGRAM**



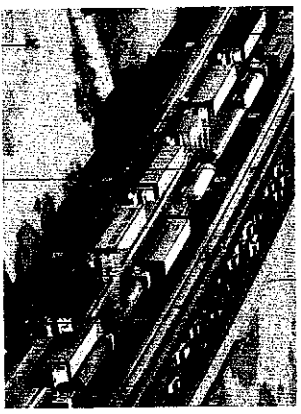
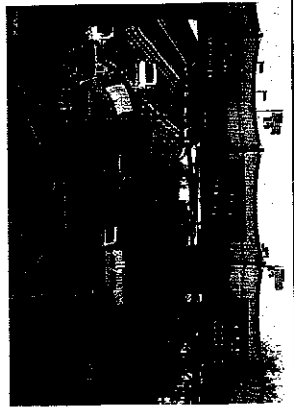
TRANSPORTATION ASSESSMENT – UTEP

- **Research** (vehicle traffic patterns, crossing process, and air quality)
- **Data Collection & Review** (traffic speed, volume, vehicle emissions and traffic congestion pattern)
- **Assessment of current immigration crossing** (checkpoint operations pattern and procedures).
- **Transportation Modeling Scenarios**
 - ✓ **Transportation Modeling to be included:** (1) traffic flow condition (speed and volume) modeling using probe vehicle data; (2) traffic emission estimation using emission models; (3) map matching with vehicle GPS coordinates to support the identification of the road of interest.
 - ✓ The **Output** is expected to be the documentation of the models and experimental analysis.
 - ✓ The **Outcome** is expected to be the conclusions and recommendations.

Prepare Report

- **Dr. Ruimin Ke** will prepare the report and will be reviewed by other experts in this field.

**BOTA
TAA-021 NADB22
AIR QUALITY ASSESSMENT
RESEARCH PROGRAM**

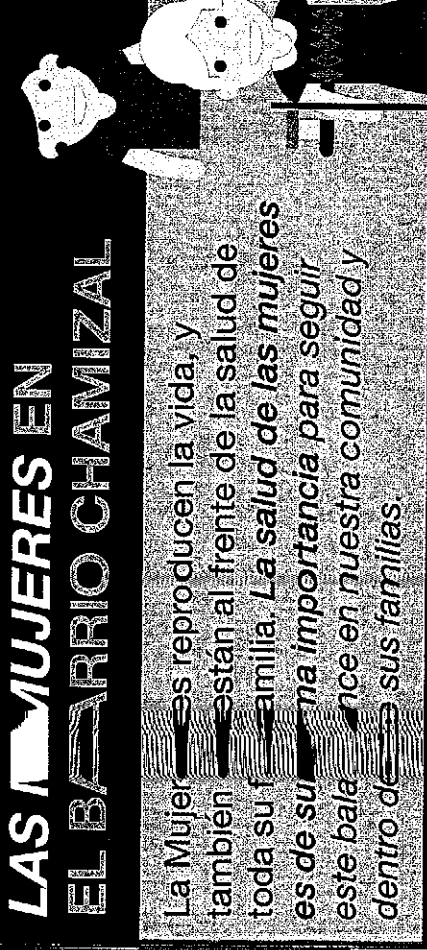


**QUESTIONS
Thank you!**

APPENDIX B

Scoping, Public Involvement, and Agency Coordination

APPENDIX B
Public Outreach Efforts



LAS MUJERES EN EL BARRIO CHAMIZAL

Las Mujeres reproducen la vida, y también están al frente de la salud de toda su familia. *La salud de las mujeres es de suma importancia para seguir este balance en nuestra comunidad y dentro de sus familias.*

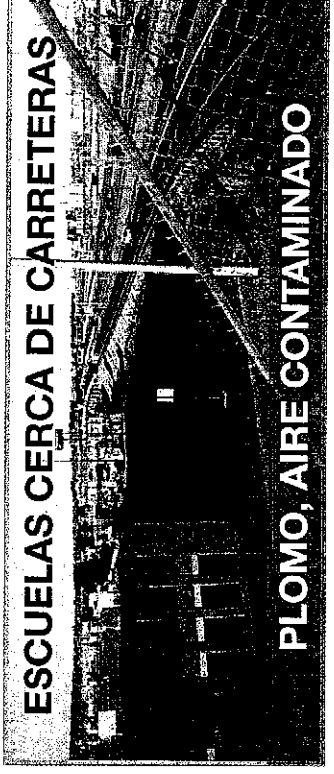
ENFERMEDADES EN LAS MUJERES

Altos niveles de contaminación como cobre, han sido identificados en el medio ambiente del Chamizal y probablemente han puesto en peligro la salud de sus residentes en particular las mujeres que residen en el barrio. **También han encontrado plomo en áreas de juego y doctores han dicho que no hay ningún nivel de plomo que sea considerado seguro para la salud.**

ALGUNOS PROBLEMAS EN LAS MUJERES POR CONTAMINACIÓN DEL MEDIO AMBIENTE SON:

- Demencia y depresión por altos niveles de cobre y plomo
 - Alta presión, problemas musculares, problemas en su sistema reproductivo
 - A las mujeres embarazadas les puede afectar a su bebe como con problemas del desarrollo del cerebro y sistema nervioso.
- Infórmate y examínate si piensas que has estado expuesto o si se presentan problemas de salud como el asma, problemas de desarrollo mental o de comportamiento.

ALGUNAS AREAS DE PELIGRO EN EL BARRIO CHAMIZAL



ESCUELAS CERCA DE CARRETERAS

PLOMO, AIRE CONTAMINADO



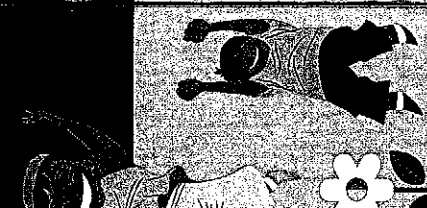
TRAFFICO A LO LARGO DE LA CALLE PAISANO

AIRE CONTAMINADO POR EL DIESEL



RECICLADORA DE METAL ENSEGUIDA DE LA VIVIENDA PUBLICA

PLOMO Y ALTO NIVEL DE COBRE



lávate las manos y comen más frutas.

lávate las manos en la

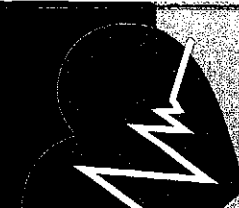
componer y en su cuerpo.

ambiental

que son

desarrollar

adultos que



CONTAMINACIÓN AMBIENTAL Y EL BARRIO CHAMIZAL

En toda la ciudad de El Paso, existen varias formas de contaminación del medio ambiente. Sin embargo, hay lugares más propensos a problemas serios de salud por estar expuestos a un alto número de estos contaminantes y por estar expuestos por un tiempo prolongado.

BARRIO CHAMIZAL

Nuestra comunidad es una de esos lugares por estar cerca de el Puente Internacional. Las emisiones de humo por autos, camiones de carga causan que el aire que respiramos no sea puro y al respirarlo entra a nuestro cuerpo con tóxicos que han sido ligados al cáncer y el asma. También entran a nuestro sistema vascular y puede causar otros problemas como presión alta y hiperactividad en niños.

PROBLEMA DE LA CALIDAD DE AIRE

Vemos que a diario cruzan no solo automóviles pero también cruzan los camiones de carga que son hasta más dañosos que los automóviles por usar diésel y por no tener un mantenimiento regular.

Estudios por profesores de UTEP indican que la contaminación producida en el Puente alcanza hasta la Preparatoria Bowie!

EL PRIMER PASO ES DE ESTAR INFORMADOS!

Participa en eventos que hablen sobre la contaminación o sobre cambios o proyectos de construcción que vayan a tener un impacto en el tráfico o en el medio ambiente del Barrio.

Familias Unidas del Chamizal está llevando a cabo varias actividades dentro de el Barrio Chamizal en donde la comunidad puede participar!

Comunícate por teléfono o a través de nuestra página de facebook Familias Unidas del Chamizal ([@comitedefamiliasunidas](https://www.facebook.com/comitedefamiliasunidas)). Los espacios de información que se hacen son gratis y para toda la familia.

Familias Unidas del Chamizal



Para más Información

915-222-1977

[@comitedefamiliasunidas](https://www.facebook.com/comitedefamiliasunidas)



“Stop contamination in our community”
Get the trucks out of the Bridge of the Americas

Petition to the offices of Federal Civil Rights of the following:

- * Department of Health and Human Services
- * Environmental Protection Agency
- * General Services Administration
- * Council on Environmental Quality

We the residents in the border area of El Paso, Texas and Juarez, Mexico, sign this petition to support taking the trucks out of the Bridge of the Americas (el puente libre). The proximity of the trucks to an elementary school, and a neighborhood is a public health issue, an environmental health issue, and a violation of civil rights of the neighboring communities.

Children are exposed daily to diesel exhaust from trucks crossing into Juarez daily. This diesel exhaust, which contains more than 40 cancerous chemicals, creates a risk in the health and mental development of children in the community. Exposure to harmful chemicals from nearby traffic and diesel trucks create contamination which causes asthma, diabetes, cardiac problems and premature deaths.

We demand action be taken to protect the public health and civil rights of the children and the residents of the impacted communities. The investment of federal funds to modernize the infrastructure of the Bridge of the Americas, should be used to protect children's health and improve air quality, and not for the factories in Mexico.

Please sign your support

Full Name	Address	Phone Number
<u>Cemelli de Aztlan</u>	<u>2102 TEXAS Ave EPTX</u>	<u>79901</u>

915
799
2890

BRITTANY MEDULLIN 344 FRENCH A. 915-633-5582

Guillermo Jenu 2100 TEXAS 915-497-5177



"Alto a la Contaminación en Nuestra Comunidad"
Fuera las Trocas del Puente de Las Américas

Petición a las oficinas Federales de los Derechos Civiles de:

- * El Departamento de Salud y Servicios Humanos
- * Agencia de Protección del Ambiente
- * Agencia General de Servicios de Gobierno
- * Concilio De Calidad Ambiental

Nosotros los residentes en la frontera de El Paso Texas, y Juárez, firmamos esta petición en apoyo de sacar a las trocas del puente libre (Bridge of the Americas). Los niños son expuestos diariamente al plomo del diesel y más de 40 químicos cancerosos por parte de las trocas de las maquilas que cruzan a diario a Juárez. Esto ha creado un peligro severo para la salud y el desarrollo mental de los niños de nuestra comunidad. La contaminación causa asma, diabetes, problemas cardíacos y muerte prematura.

La proximidad de las trocas a una escuela primaria, y de vivienda, es una cuestión de salud pública y ambiental, y una violación de los derechos civiles de las comunidades a su alrededor.

Demandamos que se tome acción para proteger la salud pública y derechos civiles de los residentes de las comunidades afectadas. La inversión de fondos federales para mejorar la infraestructura del Puente Libre, se debe usar para proteger a los niños, y mejorar la calidad del aire, y no para las maquilas. Los planes propuestos de renovación del Puente Libre no deben incluir a las trocas de las maquilas.

Por favor firme en apoyo.

Nombre	Dirección	Teléfono
<u>Rosmary Perez</u>	<u>409 Kyle St.</u>	<u>915-202-4925</u>
<u>David C. Stov</u>	<u>2808 Grand Ave.</u>	<u>El Paso, TX 79930</u> <u>(505) 440-3924</u>

**“Alto a la Contaminación en Nuestra Comunidad”
Fuera las Trocas del Puente de Las Américas**

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Por favor firme en apoyo.

Nombre	Dirección	Teléfono
<u>PURINO VILLA</u>	<u>405 K y 15^a</u>	<u>915-926-6709</u>
<u>Raymond Soria</u>	<u>3922 Taylor, 79930</u>	<u>616-834-0942</u>



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Por favor firme en apoyo.

Nombre

Dirección

Teléfono

Sandra Carrillo 2310 Magoffin Av Ap 1 915 494 9686

Adrian Ochoa 8815 Winchester 79907 915-408-8949

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Fuera las Trocas del Puente de Las Américas**

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Por favor firme en apoyo.

Nombre

Dirección

Teléfono

Josefina Lema 3005 E. San Antonio 915) 502-1496

**“Alto a la Contaminación en Nuestra Comunidad”
Fuera las Trocas del Puente de Las Américas**

Petición a las oficinas Federales de los Derechos Civiles de:

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Por favor firme en apoyo.

Nombre

Dirección

Teléfono

Margarita Tóda 3425 Rivera 19151 497-0950

"Alto a la Contaminación en Nuestra Comunidad" Fuera las Trocas del Puente de Las Américas

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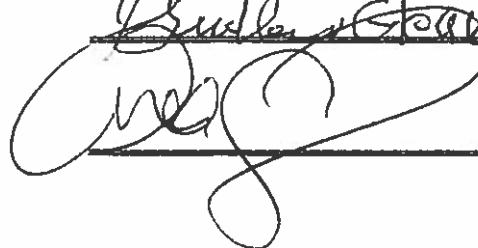
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Por favor firme en apoyo.

Nombre

Dirección

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Francisco Torre jr	3005	915 - 502-1496
Leiza Luna	3005	915 - 502-1496
Marcos Muñoz	243 Glenwood	(915) 383-4122
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Isela Alvarez	3700 OXFORD	8732875
Sireh Marquez	3700 OXFORD	" "
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Miguel Escoto	1601 Rio Grande Ave	915-500-9751
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Juan Aguilera		915-841-6096
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Henrietta Arellano		915 694-0431
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Edgar Laza		915 222 4885
Danyel Laza		" " "
REBECA Pimentel		(915) 200 9586
Zoila Rosales		(915) 920-9862
Samuel Montiel		(915) - 2-9112-77
Genesis Montiel		(915) 301-6636
Genoveva Olivas		(915) 282-0458
Elizabeth Fuentes		(915) 702-1472
Juana MORAN		915 979 4802
Maria Puentes		702 1472

Nombre	Dirección	Teléfono
Maria Dela Rosa		915 2632509
Claudia Solano		(915) 8755997
Maira Espino		915 3155271
Silvia Vargas		915 3155271
Mara Guadalupe Hdez		915-40707-09
David Rodriguez		915 2702140
Lucila Hernandez		915 533-0348
José Quintero		915-346-8323
Janet Chacarro		(915) 803-9495
Jonathan Benavides		(915) 803-9495
Vanessa Ramirez		(915) 282-5015
Edith Aguirre		(915) 990 97 48
Elena Martin		(915) 231 0474
Sophia Casas		(915) 231 0474
Lucero Sotelo		915 808 27 17

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Chaparral, NM 88081

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RICHARD POWELL 1600 N. STANTON 424 234 0721
79902

Monica Ramirez 11628 Flv Achillea 915) 275-3955

Joanna Quijas 11476 Jen Rd 915 493 0608

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Name

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Phone Number

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Emma Brown 4752 Caples Cir. 79963 724 421 3239

Brianna Sanchez 10949 Delahoid B 79925 (915) 539-152

Arturo Sanchez 11706 Pebble Hills 79936 (300) 282

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Lilith Reyes 323 Antiveros 79932 (915) 471-9495

Norma Boucraza 323 Antiveros 79932 (915) 525) 526'

DORCOTO ~~104~~ Freda 915 630 8293

Susie & Antonio 4005 E. Vandell (915) 626-4570

Laura Loy 2419 Red Rock (915) 203-3698

DOROTEO NARANJO 9817 WICKWAY 915 594-1085

SAN DRA Douglas 9817 WICKWAY 915-594-1085

JOE VIVES 12121 Rellicano Dr 915-407-1740

Sarah Gutierrez 10900 Brookstone APT 4 915-3458

Araacew Paredes 10810 Cordigan 79935 915-740-4006

Nombre

Dirección

Teléfono

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Iraiza Anguiano

915 790-6033

Jesús Zúñiga

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SAMUEL ARANDA

(915) 335-5687

Cesar Valencuela

915) 863-4710

Missy Morales

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Sat Bustos

915-328-1165

Juan Aguilar

915-593-9995

Deana Duran

(915) 593-9005

Bernardo Valdespino (915) 702-1605

Juan Olguin

(915) 407-8827

Carlos S. Garcia

915-352-1553

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915 251 9258

Miriam Venzo

915 843-6779

Soledad Martinez

915 240 0987

Nombre

Dirección

Teléfono

Paulina Gonzalez 6525 royal ridge dr (830) 757-4514

Fernando Juarez 11400 Ghost Dance C. 915-820-9092

Jessica Insurriaga 640 Pinar Del Rio 915 603 7509.

Rene Sanchez 640 Pinar Del Rio 915-730 0670

Yamile Cullar 549 adams st 575-997-6336

Marta Quijano 1509 Jerry Pate ⁹¹⁵ 591-5584

Gloux Mendez 1520 Randy Wolff Pl. (915) 595-2008

Martin Rivas 1509 Jerry Pate

LETICIA HERRERA 1413 Ralph Jones (915) 740-1311

Lorena Ramirez 3253 Townsley ^{unit} B (254) 466-3091

Jennifer Hernandez 3312 FURSTON PL

Gilberta Archanda 632 Westcrest (915) 540-7073

Melony Gonzales 10949 Delafield #B 915 497 1472

Luis R Luog. 312 Anita 88063

ANA CONTRERAS

Nombre

Dirección

Teléfono

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Hector D. Contreras

Jacús E. Valenzuela (915) 1725 E. GARDNER DR 79902

Diego Valverde 900 (0598) 2111

Christiana Baur 354 Ben Swan DR 79915

Monica Monte 7210 Owl Rock 79912 915 820 0912

Araceli Bailon 915-538-4228

Marisela Rodriguez 915-316-1472

Angel Esquivel 915-312-1012

Erika Escobar (915) 694-2199

Fene Rojas (915) 694-2176

Norma Chavez 6056 Troubridge 79905 915-549-5444

Wassan & Chad 824 Bolivia 79903

Roy Garcia 10601 Tubert Place 915 355-9006

Miguel Cifuentes

Nombre

Dirección

Teléfono

Javier Calandillo (915) 245-7215

Ruben Gonzalez (915) 274-1898

Sergio Contreras 915-283-3373

Jacqueline Sandoval 915-540-1585

Labilha Sierra 915-491-1181

806-577-9214

Alfredo Luna 915-240-1755

Mirna Ag 915 262 6737

Adrian Aragon 915 241 2675

RUBEN GARCIA 915 877 3085

J. Ch. M. 915 922-06-34

ASTA 915-540-1319

Sergio Molina 915 274-44646

Ricardo Gonzalez (915) 790-6773

Arturo R. Montes (915) 330-7219

Nombre

Dirección

Teléfono

Alicia Lepet 714 Spina Dr. (915) 926-6814

Vig & Po #1624 Casa Vie (915) 328-6414

Alfredo Sanchez Same

Javier Navarro 915-249-7074

Maribel Vázquez 903) 720 5054

Alfonsa Wozny (915) 691 9486

Abel Miveles 915 926-0833

Edmundo Rojas (915) 637-0805

NORMA " (915) 827-2756

Ray Rojas (915) 801 5915

Joe Kerah 915-250-4499

Abriella Kosales 575-259-1823

Olivera Perez

Jacob Ramirez 915-246-8356

Nombre

Dirección

Teléfono

Ruiz Lucero (2707 Porter Ave) 915-820-7993

C. Andres Lucero, Jr 2707 PORTER 565-5695

El Teloz " "

Dario 4501 R. HUENAFERR 915 800 9395

GABRIEL S. GAYTAN 2020 PUEBLO NUEVO -915-857-529

~~Edie Holguin~~ (915) 241-5118
Eddie Holguin 8736 Winchester 29907

Adzari Ordonez 8736 Winchester 915-242-9316

Larisa Veloz 415 S. Mesa Hills #1303 (805) 453-3649

Ingrid Lopez 1424 Rebecca Ann (915) 505 1194.

Cynthia Escobedo 9133 Kernel (915) 858-4485

Estefany Gutierrez 9133 Kernel (915) 858-4485

Arturo Ramirez 159 SILVAS WAY 915-803-1870

Name	Address	Phone Number
<u>ESCARA</u>	<u>1161 Santa Fe</u>	<u>915 232 9450</u>
<u>Jim Garcia</u>	<u>840 S. Compress Las Cruces N.M.</u>	<u>575-642-9833</u>
<u>Patsy Garcia</u>	<u>8405 Compress Rd LCNM</u>	<u>(75) 993 9066</u>
<u>Freddy Sanchez</u>	<u>145 Juna Pl.</u>	<u>915-244-4676</u>
<u>Faustino Sanchez</u>		
<u>Coala Beron</u>	<u>4721 Durango Ave</u>	<u>915-243-9600</u>
<u>Amey Alvarez</u>	<u>880 Vinton Ave</u>	<u>(915) 626-6831</u>
<u>Diana Lopez</u>	<u>3681 Horizon</u>	<u>915-271-5825</u>
<u>Jorge Nava</u>	<u>7812 Phoenix</u>	<u>915 525 8217</u>
<u>Wendy Rojas</u>	<u>1909 Septiembre (35)</u>	<u>915-801-5915</u>
<u>Orlene Leon</u>	<u>1141 Lina Dr</u>	<u>915 990 0380</u>
<u>Mehran Samei</u>	<u>3522 Taylor Ave</u>	<u>(919) 593-4677</u>
<u>GABRIEL MEDINA</u>	<u>8405 COMPRESS RD</u>	<u>(915) 303-4284</u>

**“Stop contamination in our community”
Get the trucks out of the Bridge of the Americas**

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Please sign your support

Full Name

Address

Phone Number

Mónica Chavarría 1483 Honoj Mesquite (808) 477-0373

Belinda Joe Clay 337 Alicia Dr (915) 329-4475

Name	Address	Phone Number
Vicenta L	424 OASIS Dr	(575) 215-4156

Lisa Garza	3553 ELY LANE	(575) 621-6945
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Ana L. Perez	9133 Cuernavaca Dr.	(915) 920-1010
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Alicia Oveda	3722 Mountain	915)3056892
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Candice Reyes	10805 Tony Jacklin	(915) 261-5256
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José Miguel Reyes	10600 Springwood Dr	(915) 719-7945
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Elia Marquez	8822 Mt. Delano	(915) 474-6687
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Sergio Avila	2837 Wonder Rock	(915) 702-9344
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Jose David	204 LITTLE flower	
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Angy Colina	1507 Wyoming	915 5666660
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Dolores Farfala	159 SILLAS	915-228-1162
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**“Alto a la Contaminación en Nuestra Comunidad”
Fuera las Trocas del Puente de Las Américas**

Petición a las oficinas Federales de los Derechos Civiles de:

- *El Departamento de Salud y Servicios Humanos
- * Agencia de Protección del Ambiente
- * Agencia General de Servicios de Gobierno
- *Concilio De Calidad Ambiental

Nosotros los residentes en la frontera de El Paso Texas, y Juárez, firmamos esta petición en apoyo de sacar a las trocas del puente libre (Bridge of the Americas). La proximidad de las trocas a una escuela primaria, y de vivienda, es una cuestión de salud pública y ambiental, y una violacion de los derechos civiles de las comunidades a su alrededor.

Los niños son expuestos diariamente al plomo del diesel y más de 40 químicos cancerosos por parte de las trocas de las maquilas que cruzan a diario a Juárez. Esto ha creado un peligro severo para la salud y el desarrollo mental de los niños de nuestra comunidad. La contaminación causa asma, diabetes, problemas cardíacos y muerte prematura.

Demandamos que se tome acción para proteger la salud pública y derechos civiles de los residentes de las comunidades afectadas. La inversión de fondos federales para mejorar la infraestructura del Puente Libre, se debe usar para proteger a los niños, y mejorar la calidad del aire, y no para las maquilas. Los planes propuestos de renovación del Puente Libre no deben incluir a las trocas de las maquilas.

Por favor firme en apoyo.

Nombre	Dirección	Teléfono
<u>Mónica Lazara</u>	<u>4401 DURAZO</u>	<u>915-803 8523</u>

<u>Maryse Lazara</u>	<u>4401 Durazo</u>	<u>915-494 6308</u>
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La proximidad de las trocas a una escuela primaria, y de vivienda, es una cuestión de salud pública y ambiental, y una violación de los derechos civiles de las comunidades a su alrededor.

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Por favor firme en apoyo.

Nombre	Dirección	Teléfono
<u>OSCAR</u>	<u>2921 E Santa Ana</u>	<u>915 373 1091</u>
<u>Margarita Guadalupe</u>		



COMMENT FORM

Bridge of the Americas Land Port of Entry Modernization
Stakeholder Information Meeting | April 4, 2023

Formulario de Comentarios

Modernización del Puerto de Entrada Terrestre del Puente de las Americas
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Cemelli de Aztlan, Ricardo Leon
ORGANIZATION/ ORGANIZACIÓN	Familias Unidas del Chamizal, San Xavier Neighborhood
ADDRESS/DIRECCIÓN	c/o Texas RioGrande Legal Aid, Veronica Carbajal 1331 Texas, El Paso, TX 79901
TELEPHONE/TELÉFONO	915-585-5107
EMAIL/ CORREO ELECTRÓNICO	vcarbajal@trla.org

Please respond with any feedback and continue on the back or on an additional sheet if necessary. This comment form may be turned in today or emailed to daniel.partida@gsa.gov, prior to April 11, 2023. While we are not able to respond formally to these comments, your input is welcome and valued to the team.

Por favor, responda con cualquier comentario y continúe en la parte posterior o en una hoja adicional si es necesario. Este formulario de comentarios puede ser entregado hoy or enviado por correo electrónico a daniel.partida@gsa.gov antes del 11 de abril de 2023. Si bien no podemos responder formalmente a estos comentarios, su aporte es bienvenido y valorado por el equipo.

COMMENTS/COMENTARIOS:

Please see comments attached.

Our client organizations in the San Xavier neighborhood and Familias Unidas del Chamizal, as well as other residents in Washington/Delta neighborhoods are key stakeholders for the BOTA modernization project. These neighborhoods bear the persistent legacy of hundreds of years of institutional racism. This racism is embedded in mixed-used zoning that allows homes and residents to co-exist immediately next to commercial and light industrial facilities, such as recycling plants and warehouses, as well as large transportation projects. The San Xavier and Chamizal neighborhoods see commercial traffic due to their proximity to the Bridge of the Americas (BOTA), I-10 and 375. Commercial traffic that moved out of the Chamizal neighborhood when TXDOT's I-10 Connect Project closed off the entrance to the BOTA from Paisano, appears to have been replaced by commercial traffic traveling east and west on I-10. In addition, the north-south commercial traffic is now hyper concentrated around the San Xavier neighborhood even though TXDOT promised its I-10 Connect Project (completed in December of 2021) would reduce traffic.

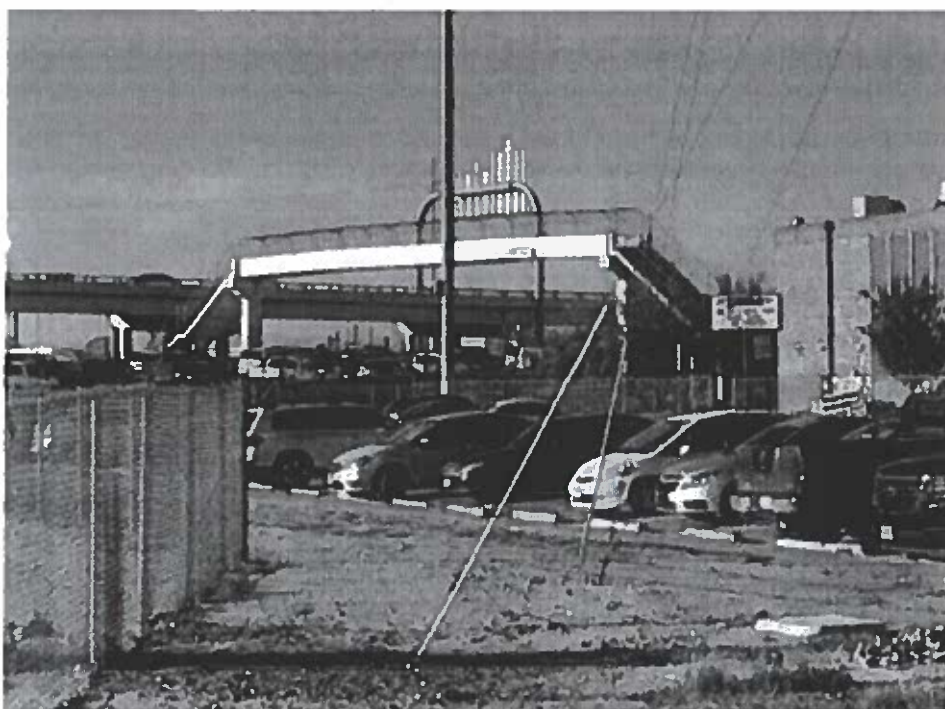


Photo of southbound traffic on I-110 next to Zavala Elementary, Sept. 28, 2022, 8:15a MT



Photo of southbound traffic on I-110 next to Zavala Elementary/San Xavier, November 29, 2022, 7p MT

1. Neighboring environmental justice communities must be considered.

GSA has a duty to consider the impacts of the BOTA modernization plan on surrounding communities like San Xavier and Barrio Chamizal which have carried a disproportionate burden from the effects of the BOTA and El Paso's highway system. This disproportionate impact is precisely what President Joe Biden's promised to address with his Executive Order 14008, which builds on Executive Order 12898 on Environmental Justice.

"We've put environmental justice at the center of what we do, addressing the disproportionate health, environmental, and economic impacts that have been borne primarily by communities of color — places too often left behind"

PRESIDENT JOE BIDEN, EARTH DAY 2022³

The GSA should reject any alternative that deepens that disproportionality. For instance, passenger and consumer traffic idles for hours through residential neighborhoods and immediately next to Zavala Elementary, which has a student population that is 99.1% Hispanic; 38.86% foreign born, which is 1.5 times the rate of the rest of El Paso; 86% English Language Learners; and most of whom are low income. The increase in idling traffic has resulted in an increase in air pollution, noise

³<https://www.whitehouse.gov/environmentaljustice/#:~:text=During%20his%20first%20week%20in,undertaken%20by%20the%20Federal%20Government.>

3. BOTA cannot be modernized unless the commercial traffic is removed.

GSA recognizes that not having a toll on the BOTA is a magnet for different types of traffic. “The [BOTA] port processes toll-free inbound and outbound commercial, non-commercial, and pedestrian traffic. As a result, the volume of traffic is heavy with many travelers and commercial vehicles choosing to enter and exit through this facility in lieu of paying a toll.”⁴ Rather than decenterize or prohibit commercial traffic on the BOTA, GSA’s 3 alternatives cater to commercial traffic, which will continue to attract more and more commercial traffic and the continued use of warehouses in the aforementioned environmental justice neighborhoods.

a. Commercial trucks must be removed from BOTA

El Paso is at the epicenter of freight/semi/truck traffic from every direction: east and west, north and south, including to and from Mexico. The freight traffic going into Mexico is particularly damaging because many of those vehicles meet the bare minimum health and safety requirements in order to travel on U.S. roads. Induced demand plays out not just from passenger occupied vehicles (POVs), but also from freight traffic driving from north and south and east and west.

It is undisputable that commercial vehicles and passenger vehicles are vastly different in size, air emissions, noise, the damage they cause to roads, handling and impact from car accidents. Even though there are less commercial vehicles than passenger vehicles at the BOTA, inspecting commercial vehicles at our ports of entry requires more time, labor and land than passenger vehicles. We also suspect that the most expensive components of the BOTA Modernization Project are for related to commercial truck traffic and inspection.

Familias Unidas del Chamizal and the San Xavier neighborhood request that commercial trucks be removed from the BOTA.

1. Accommodating the commercial trucks necessitates the taking of land. By removing the commercial trucks from the BOTA, GSA can minimize the physical footprint of the modernization project.
2. The Chamizal Treaty was signed into laws in 1963. The governments of Mexico and the United States did not foresee the volume of commercial traffic that would inundate the BOTA, especially after NAFTA passed in 1994. Commercial trucks or ventures are not mentioned in the Treaty which was intended to redistribute land, relocate residents and facilitate travel between the two nations. The Treaty required the BOTA, unlike the two bridges it replaced, to be toll-free “unless both Governments agree to the contrary.”⁵
3. The 3 alternatives fail to consider the commercial traffic congestion in neighborhoods as trucks head north and south. The photographs above illustrate this congestion. This congestion became worse after TXDOT’s I-10 Connect Project, which was meant to relieve congestion. Removing commercial traffic from BOTA would reduce traffic on I-10 Connect.

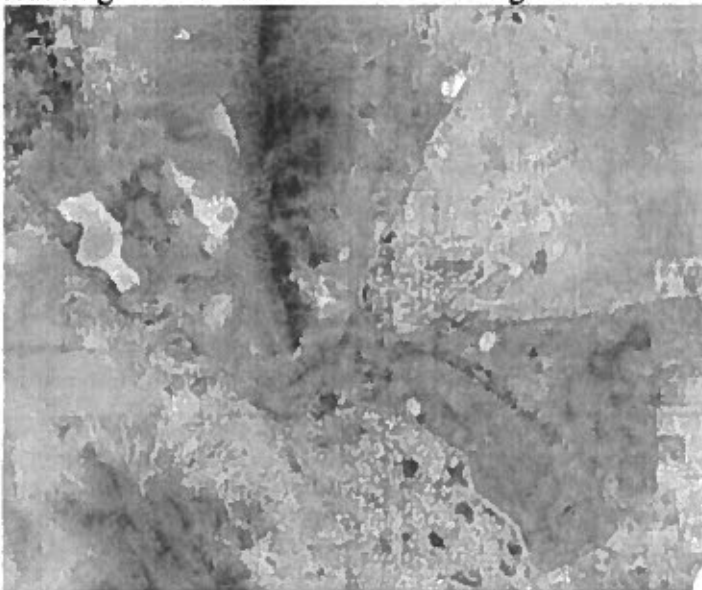
⁴ <https://www.gsa.gov/about-us/regions/welcome-to-the-greater-southwest-region-7/buildings-and-facilities/texas/bridge-of-the-americas-land-port-of-entry>

⁵ The Chamizal Convention, Article 10, available at:

<https://www.nps.gov/chamizal/learn/historyculture/chamizalconvention.htm>

the United States and one of the largest contributors to ozone pollution in El Paso, it is especially critical to focus on these issues in developing transportation policy, including the modernization of the BOTA.

12. In addition, El Paso, like the rest of the world, has seen a dramatic increase in average temperatures in recent decades.⁸ Nine of the hottest 11 years in El Paso's history have occurred between 2011 and 2020. As shown by a recently created map of the heat island effect, the hottest streets in El Paso are along I-10 and the BOTA.⁹ Hotter temperatures contribute to ozone pollution. In El Paso, July of 2022 had the most unhealthy ozone days, at 11. The average high temperature in July in 2022 was 99.4 degrees, 3.6 degrees hotter than the historical average of 95.8. Climate change is contributing to higher temperatures and ozone levels in El Paso and statewide. Texas had more unhealthy ozone days this summer than in recent years.¹⁰ GSA must take affirmative action to address climate warming by reducing vehicle wait times and removing commercial traffic from the BOTA.



Map of El Paso showing temperature/humidity measurements over three one-hour periods on July 10, 2020.



Close up of the BOTA.

⁸ <https://climatexas.tamu.edu/files/ClimateReport-1900to2036-2021Update>

⁹ Available at: <https://www.utep.edu/liberalarts/sega/environmental-injustice-hurricane-harvey-in-greater-houston12.html>

¹⁰ Smog in El Paso increased in summer of 2022 while key air quality monitor was offline. El Paso Times. Sept. 8, 2022.

Paso has been in “Moderate Nonattainment,” since 1991.¹⁷ We request that the GSA use this incredible opportunity to address environmental injustice while fulfilling federal security goals.

Please contact us directly with any questions.

Respectfully Submitted,

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DEL CHAMIZAL and SAN XAVIER
NEIGHBORHOOD**

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DEL CHAMIZAL**

¹⁷ *Id.*



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January 11, 2023

VIA: Hand-delivery and email: downtown10@txdot.gov

TXDOT El Paso District Office
Attn. Downtown 10 / Hugo Hernandez
13301 Gateway Boulevard West
El Paso, TX 79928-5410

Re: Scoping Comments on Downtown 10 Submitted by Familias Unidas del Chamizal

Dear TXDOT,

Based on the National Environmental Policy Act (NEPA) process, TXDOT has determined that the Downtown 10 Project will now be classified and prepared as an Environmental Impact Statement (EIS) that will evaluate a range of build alternatives and a no-build alternative.¹ The purpose of the public scoping process is to provide the public an opportunity to review and comment on the draft coordination plan and schedule, the project purpose and need, the alternatives, and methodologies and level of detail for analyzing alternatives and provide input on any expected environmental impacts, anticipated permits or other authorizations, and any significant issues that will be analyzed in depth in the EIS.

Texas RioGrande Legal Aid, Inc. represents Familias Unidas del Chamizal for the purpose of submitting scoping comments on TXDOT's Downtown 10 Project.

Familias Unidas del Chamizal (Familias Unidas) is a membership organization that works with families in the Barrio Chamizal to address neighborhood-wide injustices around education, housing and the environment.² The Chamizal Neighborhood is one of the oldest and poorest in the city of El Paso, Texas. Nearly 100% of its residents are people of color, primarily Mexican and Mexican American, and its schools have one of the largest concentrations of English Language Learners in the city.

Similar to other neighborhoods south of I-10 in El Paso, the Chamizal bears the persistent legacy of hundreds of years of institutional racism. This racism is embedded in mixed-used zoning that allows homes and residents to co-exist immediately next to commercial and light industrial facilities, such as recycling plants and warehouses, as well as transportation projects. In addition to the freight/semi traffic used by commercial and light industrial businesses in the neighborhood, the

¹ <https://www.TXDOT.gov/projects/hearings-meetings/el-paso/el-paso-downtown10-11-30-22.html>

² The Chamizal neighborhood is bound to the south by Paisano, to the east by I-110, the west by Cotton, and to the north by I-10.

- Reduce potential conflict points and improve incident management
- Bring facility up to current design standards

Each of the alternatives identified by TXDOT as “viable” to achieve its stated purpose and need includes increasing the number of lanes, and adding frontage roads, or flyovers, or new ramps to the downtown area.⁷ TXDOT is now tasked with preparing an Environmental Impact Statement of the project that will evaluate all reasonable alternatives and the no-build alternative. That statement must comply with all the Secretary of USDOT’s obligations under the National Environmental Policy Act (NEPA), including all statutes, regulations, policies, and guidance related to the implementation of NEPA for Federal highway projects.⁸

II. Purpose and Need Must Include Health, Safety and the Environment

The proposed Purpose and Need will not be met with the proposed alternatives. Further, any purpose and need for highway development in El Paso should include improving or at the very least, not further damaging the community’s health, safety and environment. Alternatives, including a no-build alternative, should be reflect these additional purposes and needs.

A. Proposed Alternatives do not meet the Purpose and Need

TXDOT’s Draft “Purpose and Need” states that the purpose of Downtown-10 is to “improve mobility and long-term congestion management, reduce potential conflict points, improve incident management, and bring the facility up to current design standards.”⁹ The only alternatives considered by TXDOT to meet this purpose and need are widening lanes, turning downtown local avenues into frontage roads, and adding more lanes to the highway itself.¹⁰

1. Increasing road capacity does not manage congestion

TXDOT’s alternatives run afoul decades of studies showing that increasing road capacity does not result in managing congestion. Studies indicate that increasing road capacity induces increased demand and results in greater congestion. TXDOT should therefore be considering increasing the use of *existing* alternatives and if necessary, new alternatives that de-incentivize I-10 usage in order to meet its purpose of managing congestion.

⁷ See TXDOT, Downtown 10 Public Scoping Meeting: Viable Alternatives (Nov. 30, 2022). (“Viable Alternatives”).

⁸ First renewed MOU between the FHA and the TXDOT concerning State of Texas’ participation in the project delivery program pursuant to 23 USC 327 at ¶3.1.1 (Available at <https://ftp.txdot.gov/pub/TXDOT-info/env/nepa-assignment/2019-nepa-assignment-mou.pdf>).

⁹ TXDOT, Downtown 10: Draft Purpose and Need, 8 (Nov. 2022).

¹⁰ See Viable Alternatives.

2011 and 2014, and afternoon commutes increasing by 23 minutes. The predictable result of building additional roadways in El Paso will be more traffic, more sprawl, more air pollution, and reduced quality of life—particularly for individuals (predominantly from environmental justice populations) that live directly adjacent to these roadways.

a. Increasing road capacity will not relieve freight traffic congestion

Without a doubt, El Paso is at the epicenter of freight/semi/truck traffic from every direction: east and west, north and south, including to and from Mexico. The freight traffic going into Mexico is particularly damaging because many of those vehicles meet the bare minimum health and safety requirements in order to travel on U.S. roads. Induced demand plays out not just from passenger occupied vehicles (POVs), but also from freight traffic driving from north and south and east and west. Widening I-10 along downtown will only attract even more freight traffic and the continued use of warehouses in the aforementioned environmental justice neighborhoods.

As part of the EIS and in order to meet its stated purpose and need of reducing congestion, TXDOT must consider no-build alternatives that include:

- 1) Removing freight traffic from Downtown 10
- 2) Removing freight traffic from the Bridge of the Americas, which is the closest port of entry to Downtown 10

b. Increasing road capacity will result in disinvestments in public transportation

Public transportation is one of the long-recognized alternatives to relieving congestion along urban corridors.²⁰ Simply put, public buses can get many private vehicles off our existing roads. On the contrary, increasing road capacity encourages people to use their private vehicles, which in turn results in disinvestments in public transportation.

For environmental justice communities, public transportation that is affordable, reliable and practical, is a life-line to accessing work, school, health services and other public amenities. Many people who live closest to existing highways face the cruel irony of not being able to use said highways because they have inconsistent or non-existent access to reliable private transportation.

As part of the EIS and in order to meet its stated purpose and need of reducing congestion, TXDOT must consider no-build alternatives that include:

- 1) Increasing the use of existing public transportation infrastructure along Downtown 10 and nearby roads

²⁰ See Mogridge, *supra* fn. 8.

The proposal to now expand the downtown portion of I-10 to further relieve congestion, so close on the heels of the completion of the 375 extension, whose entire purpose was to alleviate congestion while avoiding the impacts of expanding I-10, indicates one of two things. Either TXDOT has not adequately taken into consideration the alleviation of congestion by the 375 extension or that continually constructing highways does not actually alleviate congestion. The cited studies indicate that the latter is what is occurring here. While models may predict future congestion on I-10, the solution to that cannot be to perpetually expand highway infrastructure. TXDOT must consider alternatives that will actually lead to a reduction in congestion, including investment in public transportation and diverting freight traffic from I-10, particularly in the proposed Downtown 10 segment.

Diverting freight traffic from Downtown 10 would also meet the purpose and need of “improving incident management.” On December 10, 2022, a pedestrian was struck and killed by three vehicles while trying to cross I-10 East at the Dallas St. Exit.²⁸ Drivers were instructed to exit the highway and take alternative routes through a phone alert, electronic signage, and Google Maps. Drivers who were able to exit had numerous existing alternative routes, including Paisano, the 375 extension, Transmountain, Montana and Mesa St. Drivers, primarily freight vehicles, who were not able to exit, idled for hours on the freeway. Having more lanes would actually make it more difficult for vehicles on the left-hand lanes to exit quickly in such circumstances, thereby increasing congestion.



EL PASO, Texas -- One person is dead after a vehicle vs. pedestrian crash near downtown El Paso.



EL PASO, Texas -- One person is dead after a vehicle vs. pedestrian crash near downtown El Paso.

²⁸ <https://kvia.com/traffic/2022/12/10/one-person-killed-after-crash-on-i-10-east-near-downtown-el-paso/>

Since its completion in December of 2021, I-10 Connect has actually resulted in increased congestion on I-10 West (Starting at the Paisano Exit); I-10 East (Starting at the Piedras); and US54 South from traffic heading south into Mexico from both passenger vehicles and freight traffic. The traffic idles for hours through residential neighborhoods and immediately next to Zavala Elementary, which has a student population that is 99.1% Hispanic; 38.86% foreign born, which is 1.5 times the rate of the rest of El Paso; 86% English Language Learners; and most of whom are low income. The increase in idling traffic has resulted in an increase in air pollution, noise pollution, and a decrease in quality of life.

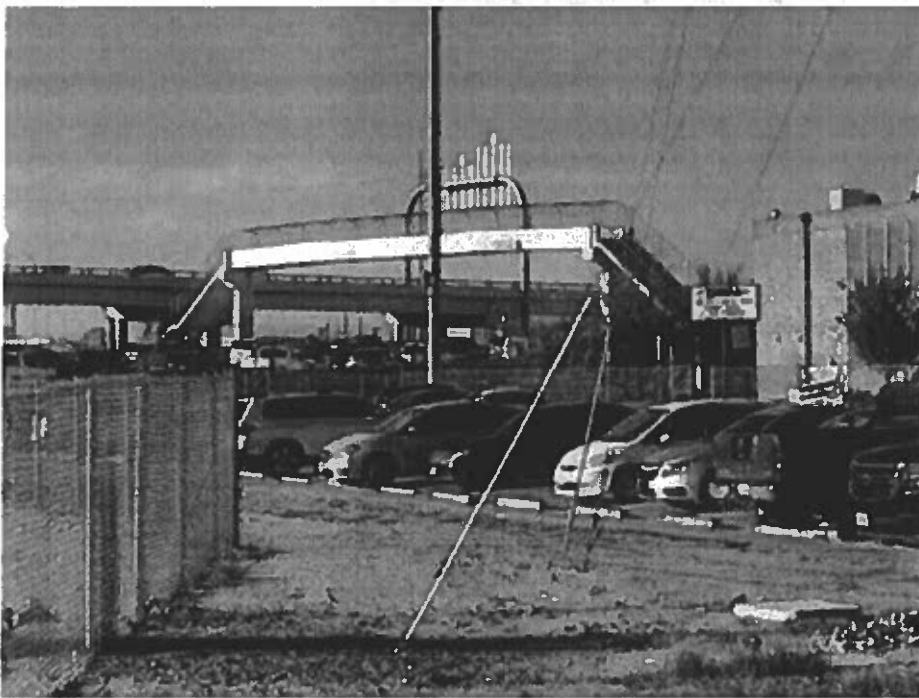


Photo of southbound traffic on I-110 next to Zavala Elementary, Sept. 28, 2022, 8:15a MT



Photo of southbound traffic on I-110 next to Zavala Elementary/San Xavier, November 29, 2022, 7p MT

The areas most impacted by I-10 Connect are the San Xavier neighborhood, which is north of Paisano, east of Copia, south of I-10 and west of 375 and US 54, and the residential streets surrounding Zavala Elementary, including those on Copia, Rivera, and Hammett, and south of Alameda.³⁰

In addition to increasing traffic congestion, noise and air pollution throughout the day, TXDOT's I-10 Connect has directly impacted residents. The demolition and construction activities, and design flaws, caused structural damage to homes and the Saint Francis Xavier church (519 S. Latta), which has manifested in, among other things, cracks along ceilings, walls and flooring, damaged plumbing and drainage issues. TXDOT has also failed to address the removal of street lighting, the new traffic accident hot spots, and the new San Antonio Street entrance which is confusing to drivers and is full of debris and runoff regularly. The neighborhood also has drainage issues. The housing stock in this area is similar to the housing stock alongside Downtown 10 which will likely suffer similar structural damage from demolition and construction activities.

TXDOT must consider the congestion caused by I-10 Connect as proof that increasing road capacity does not result in a decrease in congestion. In addition, TXDOT must craft a solution to the failings of I-10 Connect.

³⁰ See Google Map of the Area, Attachment 1.

the City of Sunland Park, New Mexico challenging the EPA's attainment/unclassifiable designation for El Paso County.³² For PM10, El Paso has been in "Moderate Nonattainment," since 1991.³³

The El Paso area had 126 days of elevated air pollution in 2020, the second most in Texas, according to a new report from Environment Texas Research & Policy Center, Frontier Group and TexPIRG Education Fund. The report's findings mean that El Pasoans were breathing air with elevated levels of pollution on one out of every three days last year.³⁴ The report measured days with elevated levels of small particulate matter and elevated ozone. The El Paso area had 78 days with elevated small particulate matter and 68 days of elevated ozone. In total, the city had 126 days with either elevated ozone, particulate matter, or both.

According to TCEQ data, El Paso County air quality monitors recorded ozone levels unhealthy for sensitive groups, like children, the elderly and people who are pregnant on 18 days between May 1st to September 1st of 2022.

Exposure to ozone and particulate pollution is linked to premature death, damage to the respiratory and cardiovascular systems, increased risk to cancer and problems with fertility, conception, pregnancy and birth. Air pollution is also linked to increased risk of infection from infectious diseases, including COVID-19. Ozone irritates the lungs, making people more vulnerable to infections, and aggravates asthma and chronic bronchitis. The health impacts build up over time and can cause premature death, according to the American Lung Association.³⁵

In addition, El Paso, like the rest of the world, has seen a dramatic increase in average temperatures in recent decades.³⁶ Nine of the hottest 11 years in El Paso's history have occurred between 2011 and 2020. As shown by a recently created map of the heat island effect, the hottest streets in El Paso are along I-10.³⁷

³² <https://www.tceq.texas.gov/airquality/sip/elp/elp-status>

³³ *Id.*

³⁴ <https://environmentamerica.org/texas/resources/trouble-in-the-air/>

³⁵ El Paso had 126 elevated air pollution days in 2020. El Paso Times. Oct. 5, 2021, Attachment 3.

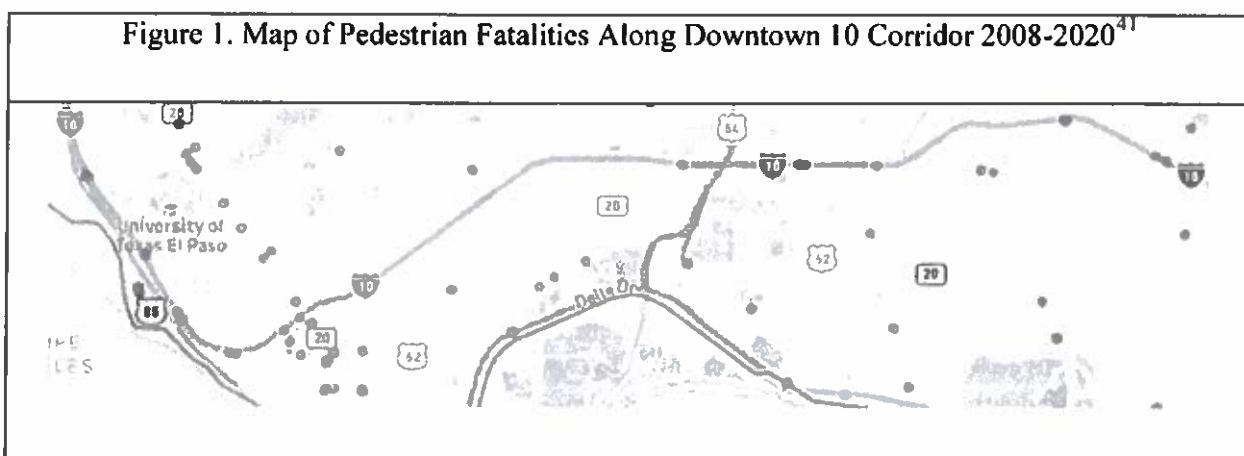
³⁶ <https://climatexas.tamu.edu/files/ClimateReport-1900to2036-2021Update>

³⁷ Available at: <https://www.utep.edu/liberalarts/sega/environmental-injustice-hurricane-harvey-in-greater-houston12.html>

and additional impacts that can be expected if I-10 is expanded. TXDOT must work with the TCEQ in reinstating the UTEP monitor immediately.³⁹

2. Safety

Between 2016 and 2020, 124 pedestrians were killed in El Paso. The city is ranked the 18th worst metro area for pedestrian fatalities in the country.⁴⁰ As shown in Figure 1, many pedestrian fatalities in El Paso between 2008 and 2020 have occurred along the downtown segment of the I-10 corridor. Highway infrastructure improvement in the City must take this into consideration and be designed to reduce pedestrian injuries and deaths.



III. TXDOT should not segment Downtown 10 from Reimagine 10

TXDOT should be conducting an environmental impact statement for the entire Reimagine I-10 project. By limiting its review to only the Downtown portion of the Reimagine Project, it has improperly segmented the environmental review.

NEPA's scoping regulations define "Connected actions," as those closely related and therefore should be discussed in the same impact statement. Actions are connected if they:

³⁹ *Id.*

⁴⁰ Smart Growth America, *Dangerous By Design 2022* (Available at <https://smartgrowthamerica.org/dangerous-by-design/>).

⁴¹ Mapped with Smart Growth Interactive Map (Available at <https://smartgrowthamerica.org/dangerous-by-design/>).

What's more, the Reimagine I-10 Project is clearly intended as a single effort to modify the current landscape of I-10 in the El Paso area.⁴⁷ The alternatives proposed for Downtown 10 were generated as a part of the Reimagine I-10 Study, and those alternatives extend into the other segments of the I-10 corridor. It is TXDOT's intention to modify the entire I-10 corridor and the full breadth of the impacts of its intended project should be disclosed to the public before resources are committed to the project. That is the very purpose of NEPA's mandate.⁴⁸ To segment the Reimagine I-10 project into four separate segments obscures the totality of the project and the impacts that will follow from its construction and completion. At a minimum, TXDOT should complete a programmatic environmental impact statement for the entire Reimagine I-10 project or include impacts from the other 3 segments of the Reimagine project in the cumulative impacts analysis of the statement prepared for the Downtown 10 project.

Just as the communities most impacted by Downtown 10 are Environmental Justice communities, discussed more below, the communities most affected by the North and Airport segments are also Environmental Justice communities. These communities are almost entirely Latinx. They also have higher poverty levels, a higher percentage of households who speak limited English, and frequently a much higher percentage of elderly populations than the State of Texas or the United States.⁴⁹ The populations in these census block groups are also in the 80th and 90th percentile for populations in Texas and the United States for Traffic Proximity, Air Toxics Cancer Risk, and populations exposed to Ozone.⁵⁰ These populations, and their representatives, have a right to know what the full impacts of the Reimagine I-10 Project will be before TXDOT selects a project alternative that will commit to changes on the I-10 corridor in their neighborhoods.

IV. TXDOT must consider upcoming plans for the BOTA

TXDOT should not attempt to solve projected congestion in downtown El Paso in a vacuum or ignore the cumulative impact of other transportation projects in the region. As noted in TXDOT's draft purpose and need for the project, the largest percentage increase in traffic predicted for the El Paso area comes from anticipated increased truck traffic crossing at the Bridge of the Americas.⁵¹ The General Services Administration is also looking to address increased truck traffic at the

⁴⁷ See *Id.* at 1 ("The I-10 study emphasizes the need to 'reimagine' how the I-10 corridor operates.")

⁴⁸ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989) ("[NEPA] ensures that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decision making process and the implementation of that decision.")

⁴⁹ See Demographic data for the census block groups adjacent to I-10 in the North and Airport Segments. **Attachments 4 and 5**. Data generated by EPA, EIScreen Tool. Available at <https://eiscreen.epa.gov/napper/>.

⁵⁰ *Id.*

⁵¹ Draft Purpose and Need at 2.

TXDOT itself claims to “successfully integrate Title VI and environmental justice into its programs and activities” by among other things:

- Developing and enhancing its technical capabilities to assess the benefits and adverse effects of transportation activities among different population groups and using those capabilities to develop appropriate procedures, goals and performance measures in all aspects of its mission.
- Working with Federal, state, local, and transit planning partners to create and enhance intermodal systems, and support projects that can improve the natural and human environments for low-income and minority communities.⁵⁶

Taking a hard look at environmental justice (EJ) impacts is a two-step process. First, the agency must identify any minority or low-income populations in the project affected area; second, the agency must analyze whether a project’s impacts are significant or exceed accepted norms, and whether those impacts will have disproportionately high and adverse effects on the applicable EJ populations.⁵⁷ To determine disproportionate impact, the agency should consider both the demographics of the affected areas and comparison populations and unique factors that may amplify a project’s effects in EJ populations.⁵⁸

A. TXDOT must first identify potentially affected environmental justice communities

The fact that the city of El Paso is a majority minority city does not relieve TXDOT of conducting a serious environmental justice inquiry. The census block groups immediately adjacent to I-10⁵⁹ generally have a higher rate of poverty, limited English proficiency, and lower formal education levels than the State of Texas and the City of El Paso. The census block groups also have a greater population of color than the State or the City. Figure 2 identifies the census block groups closest immediately adjacent to the highway. Table 1 compares the populations of those census block groups to that of the City of El Paso and the State of Texas. Those demographic characteristics which exceed the State or the City are highlighted. The higher concentration of Mexican and

⁵⁶ TXDOT “An Overview of Transportation and Environmental Justice”, page 6, available at: <https://ftp.dot.state.tx.us/pub/txdot-info/env/toolkit/710-01-bro.pdf>

⁵⁷ Council on Environmental Quality, Environmental Justice: Guidance Under the National Environmental Policy Act at 1 (1997) at 9, 25-27 [“CEQ Guidance”]; see also Federal Inter-Agency Working Group on Environmental Justice & NEPA Committee, Promising Practices for EJ Methodologies in NEPA Reviews at 21-46 (2016).

⁵⁸ CEQ Guidance at 9.

⁵⁹ It is very likely that impacts from the highway expansion will extend beyond the census block groups immediately adjacent to the highway. TXDOT must identify the geographic extent of each impact and the populations that will bear the burden of that impact as a first step in conducting its EJ analysis. See *Vecinos para el Bienestar de la Comunidad Costera v. FERC*, 6 F.4th 1321, 1330 (D.C.C. 2021) (“When conducting an environmental justice analysis ... an agency’s delineation of the area potentially affected by the project must be reasonably and adequately explained.” (internal quotations omitted)).

<i>Location</i>	%POC	%Low-Income	%LEP	%Less than Highschool Education
Texas	59	33	7	16
El Paso	87	44	20	19
CB 0029001	100	90	40	54
CB 0026002	98	73	10	24
CB 0028002	95	89	63	56
CB 0026003	100	68	37	32
CB 0026004	97	79	30	25
CB 0026005	100	76	24	36
CB 0023006	96	81	9	50
CB 0028004	100	79	73	71
CB 0022025	96	79	44	39
CB 0021001	88	83	54	43
CB 0017001	91	78	45	54
CB 0016001	100	49	59	45
CB 0016004	93	67	4	26
CB 0016003	96	49	0	7
CB 0016005	96	36	33	16
CB 0014001	93	52	41	31
CB 0014003	95	80	7	18

TXDOT has a duty to address the disproportionate negative impact of widening I10 on the residential neighborhoods all along Copia to Executive, particularly because these predominantly low-income communities of color that have been harmed since the interstate highway was created in the 1950s. Indeed, racism is physically built into I-10.

TXDOT cannot continue perpetuating the racist policies of Jim Crow America which used white supremacist ideology to decide which communities to invest in and which communities would bear the burden of transportation projects, which include air pollution, health impacts, the heat island effect, depreciated housing prices, noise pollution and damage from the construction of projects themselves. Redlining maps from the mid-1930s and 40s were created by the Home Owners' Loan Corporation and its parent bureau, the Federal Home Loan Bank Board. Before I-10 was built, the

⁶¹ Data generated by EPA, EJScreen Tool. Available at <https://ejscreen.epa.gov/mapper/>. Included as Attachment 6.

Table 2. Environmental Justice Indicators for Texas, El Paso, and the Census Blocks Immediately Adjacent to I-10 between Executive Blvd. and Copia

Location	Ozone Exposure		Diesel Particulate Matter		Air Toxics Cancer Risk		Traffic Proximity	
	parts per billion	%ile of exposure in Texas	ug/m3	%ile of exposure in Texas	lifetime risk per million	%ile of risk exposure in Texas	Daily traffic count & distance to road	%ile of traffic proximity in Texas
Texas	40	-	0.211	-	31	-	570	-
El Paso	53.7	98th	0.188	44th	57	98th	740	80th
CB 0029001	53.8	98th	0.322	86th	40	95th	5300	98th
CB 0026002	54	98th	0.278	74th	40	95th	2600	95th
CB 0028002	54	98th	0.323	86th	40	95th	5900	99th
CB 0026003	54	98th	0.278	74th	40	95th	4100	98th
CB 0026004	54	98th	0.278	74th	40	95th	5700	99th
CB 0026005	54	98th	0.278	74th	40	95th	3300	96th
CB 0023006	54.3	98th	0.227	57th	30	83rd	4200	98th
CB 0028004	54	98th	0.323	86th	40	95th	1400	90th
CB 0022025	54.4	98th	0.307	83rd	40	95th	7600	99th
CB 0021001	54.2	98th	0.368	92nd	40	95th	1200	89th
CB 0017001	54.3	98th	0.324	86th	40	95th	3700	97th
CB 0016001	54.5	98th	0.26	67th	30	83rd	5200	98th
CB 0016004	54.5	98th	0.26	67th	30	83rd	6000	99th
CB 0016003	54.5	98th	0.26	67th	30	83rd	2700	95th
CB 0016005	54.5	98th	0.26	67th	30	83rd	5100	98th
CB 0014001	55.2	99th	0.225	56th	30	83rd	1800	92nd
CB 0014003	55.2	99th	0.225	56th	30	83rd	940	85th

By: /s/ Verónica Carbajal
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**ATTORNEYS FOR
FAMILIAS UNIDAS DEL
CHAMIZAL**





COMMENT FORM

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Formulario de Comentarios

Modernización del Puerto de Entrada Terrestre del Puente de las Americas -
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Hilda Villegas
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	2102 Texas Ave, El Paso, TX 79901
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

The Bridge of the Americas renovation plans need to do something about the pollution that the residents are being subjected to. The commercial trucks idle and contaminate the neighborhood and Zavala Elementary School and public housing as well as the safety issues at Zavala. We want the health of residents to be the priority in this planning process, so that we can live safely and healthy and do not have to bare the burden of these commercial trucks as they overuse the port of entry. The GSA must include EPISD to address the pollution and traffic dangers surrounding Zavala Elementary School and nearby homes.



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Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Josefina Lerma
ORGANIZATION/ ORGANIZACIÓN	Familias Unidas del Chamizal
ADDRESS/DIRECCIÓN	3005 E. San Antonio Ave., El Paso, TX 79905
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Mi nombre es Josefina Lerma y vivo en el Paso, TX con mi familia de 11 personas los mas pequeños tienen 16 años, 12 años, 6 años, 4 años 7 7 meses. Soy de Familias Unidas del Chamizal y vivo en el Chamizal y mi preocupación es la salud de mia y mi familia porque todos nosotros padecemos de alergias por la tierra los aires y creo que se va más por el humo de los carros, trocas, la basura, y el costo impuesto por la contaminación. El precio para apoyar el comercio, lo pagan los niños/as del Chamizal con su salud.



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Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	María Luisa Lara de Amaya
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	3009 Cypress. El Paso, TX 79905
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Yo soy Maria Luisa Lara de Amaya y soy miembro de la organización de La Mujer Obrera y a mi me preocupa mucho el tema de la contaminación tiene que hacer algo por nosotros aquí en nuestro barrio tenemos muchos problemas con la contaminación, el ozono y por ser frontera con en el puente libre en nuestra barrio, hay mucho tráfico y smog de los trocas y carros. Hay muchos problemas de salud como asma y vórices respiratorias ayudenos por favor.



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NAME/ APELLIDO	Maria Rodriguez
ORGANIZATION/ ORGANIZACIÓN	Familias Unidas del Chamizal
ADDRESS/DIRECCIÓN	3008 Findley Ave. El Paso, TX 79905
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Me gustaría que hubiera cambios en mi barrio el Chamizal, que no pasen trailers, ni camiones ya que me preocupa la salud de mis nietos de 14, 10, y 7 años. Nuestros hijos no tienen porqué pagar con su salud para apoyar a las maquilas multimillonarias usando nuestro puente libre. Yo también tengo alergias espera me tome en cuenta mi queja, y haga algo por nosotros que vivimos aquí y nadie se preocupe. necesitamos una comunidad sin estrés por la contaminación



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Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Isela Alvarez
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	2000 Texas Ave. El Paso, TX 79901
TELEPHONE/TELÉFONO	n/a
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COMMENTS/COMENTARIOS:

My name is Isela Alvarez and I'm a member of a local organization, La Mujer Obrera. I grew up in the Chamzial and have had health issues due to the contamination. I hope that something can be done to remove the commercial trucks from our neighborhood and schools and that this administration keep their promises of protecting our communities of these hazards.



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NAME/ APELLIDO	Brit Medellin
ORGANIZATION/ ORGANIZACIÓN	
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COMMENTS/COMENTARIOS:

La contaminación en nuestro aire es la producción de la transportación para las maquilas, la refinería, los bus hubs en el barrio. nos afecta cada día y aunque la gente que no viven aquí hacen las decisiones... los afectados somos nosotros y más importante a los niños, mujeres, ancianos, y familias. Las renovaciones necesitan reducir la polución smog/ozono porque afecta los pulmones y la salud de por vida. Por Favor poner protecciones para nuestra comunidad y quitar las trocas en el puente libre, porque es lo minimo que pueden y deben de esto. Las fuentes de contaminación están haciendo dinero y donando nuestro aire y salud.



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NAME/ APELLIDO	Martha Calleros
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	4112 Siete Leguas Rd. El Paso, TX 79922
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COMMENTS/COMENTARIOS:

Mi nombre es Martha Calleros y la mayor parte de mi vida la paso en mi trabajo en una organizacion local, La Mujer Obrera o bicada en Chamizal, me preocupa que la salud tanto de la comunidad como a nivel personal, este siendo altamente afectada por la contaminación, incluso el aire sucio. Este puente libre pertenece a las familias de el paso y Juárez no al comercio. Los políticos están protegiendo a las maquilas y no a la comunidad. Agradezco la atención a la presente.



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NAME/ APELLIDO	Linda Rivas
ORGANIZATION/ ORGANIZACIÓN	
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COMMENTS/COMENTARIOS:

El Paso and our neighborhoods deserve better. No human should be treated like 2nd class.

Clean air is a human right. Reduce the emissions by eliminating the commercial trucks from the bridge of the americas.



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NAME/ APELLIDO	Dr. Hilda Ontiveros
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	7651 Medano Dr., El Paso, TX 79912
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

I do not accept environmental injustice and racism! My community is not a dumping ground.

Get the commercial trucks off el puente libre.



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Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Mary Helen Michals
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	1235 E. Baltimore Dr., El Paso, TX
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Mary Helen Michals and I live in El Paso, TX. I attend weekly classes in the Chamizal barrio and I can tell a distinct difference in the air quality there as opposed to where i live higher upon the mountain. Although I am an avid walker, I would not take my outdoor exercise there. On many days, when I loom kout over the city, I see an ugly haze drifting over the Chamizal and I am certain that breathing it everyday must be damaging to all systems in the human body. I worry especially for our city's children who live and attend school in that environment.



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NAME/ APELLIDO	Susannah Aquilina
ORGANIZATION/ ORGANIZACIÓN	
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COMMENTS/COMENTARIOS:

If it is the purpose of your organization to ensure the Bipartisan Infrastructure Bill funds reduce emissions and address climate change and if you're not looking out for the well being of those who live in the El Paso/Juarez area, then what is your job? Was is its purpose? Is it to prioritize money, profit, and the interests of a tiny few?



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NAME/ APELLIDO	Xavier Miranda
ORGANIZATION/ ORGANIZACIÓN	
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TELEPHONE/TELÉFONO	n/a
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COMMENTS/COMENTARIOS:

Environmental studies conducted throughout the years, that have been publicly presented have shown the toxic air quality that hover over schools and neighborhoods, in the Chamizal. Reducing the emissions and removing the commercial truck traffic should be priority in renovation planning.



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NAME/ APELLIDO	Yolanda Chavez Leyva
ORGANIZATION/ ORGANIZACIÓN	
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TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	ycleyva@gmail.com

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COMMENTS/COMENTARIOS:

Every day I drive to work over Scenic Drive, a high point in the city, that gives me a few of the constant layer of pollution in our city. It horrifies me each time I see it because I know that my fellow El Pasoans and I are breathing in this dangerous pollution, and I know that it harms our health in a multitude of ways. From birth through the age of 3 1/2, my family lived near an oil refinery (late 1950s). I developed asthma and had to go to the doctor weekly to get an oxygen treatment. The pediatrician recommended that we move further away from the refinery so that I could breathe better. I am 66 years old now and have suffered from respiratory problems my entire life. Last year I was diagnosed with Parkinson's disease that has turned my life upside down. From an active person at work and in the community, I now have to pace myself because I can only do one big activity a day. I do not have the genetic predisposition for Parkinson's and as I've researched it, it has become clear that living in this polluted area is more than likely the cause of this life-altering disease.



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Modernización del Puerto de Entrada Terrestre del Puente de las Americas
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Corinne Chacon
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	1117 Del Norte Street, El Paso, TX
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	ycleyva@gmail.com

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COMMENTS/COMENTARIOS:

When the life span of an entire community is impacted by dangerous particulate matter and smog, the federal government is the ONLY recourse to whom we can turn for fair treatment. Everyone living in the Chamizal, downtown and east El Paso has a reduced quality of life due to the poor air quality. This is criminal environmental negligence made worse by federal inaction.



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NAME/ APELLIDO	Tonalli de Aztlan
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	1901 N. Brown St. H6 El Paso, Texas
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	tonallideaztlan@gmail.com

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COMMENTS/COMENTARIOS:

The smog from the Pollutants irritate chronic sinusitis & topical allergic reaction in my skin to swell my face, eyes & throat while outside to run. I suffer from chronic & spontaneous nose bleeds



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NAME/ APELLIDO	Adan Saenz
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	253 Harvard Avenue, El Paso, TX
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	adansaenz75@gmail.com

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COMMENTS/COMENTARIOS:

El Paso has historically always been an underserved community caught in the crosshairs of exploitative industries and legislation. When the state of Texas was founded, El Paso was included within its borders despite sharing more cultural and political affinity with New Mexico because Anglo Texan legislators wanted a share of the Santa Fe trade route that passed through our city. Fast forward to today and El Paso continues to suffer from the negligent state legislation of Texas that prioritizes filthy commercial transportation over clean air and a walkable city. Reinstate the original purpose of The Treaty of Chamizal, the reason el puente libre- the free bridge- The Bridge of the Americas (BOTA) exists, for the people. Take the trucks off BOTA.



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NAME/ APELLIDO Jose Guerra

ORGANIZATION/
ORGANIZACIÓN

ADDRESS/DIRECCIÓN 288 Sandy Hills, El Paso, TX

TELEPHONE/TELÉFONO n/a

EMAIL/ CORREO
ELECTRÓNICO jguerrana77@sagrado.edu

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COMMENTS/COMENTARIOS:

El Paso, Texas has always been a astonishing city and we demand cleaner air to function better in our daily lives. There is a voluminous amount of pollution emitting from the Bridge of the Americas and it affects many civilians with asthma and severe breathing problems. It's a big issue that needs to be addressed and fixed. We do our part to stay green and we need you to enforce more laws and movements to stop air pollution in our city.



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NAME/ APELLIDO	Sylvia Searfoss
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	829 De Leon, El Paso, TX 79912
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	sylviasearfoss@gmail.com

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COMMENTS/COMENTARIOS:

My name is Sylvia Searfoss & I live in El Paso, TX. As a retired RN & a human being, I am very concerned about the the effects of air pollution on our health. When the air is polluted we have no choice, we have to breathe it into our lungs. Personally it affects when I can go outside to walk for exercise, to do necessary yard work, or to enjoy being outside.



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NAME/ APELLIDO Sofia Avant-Mier

ORGANIZATION/
ORGANIZACIÓN

ADDRESS/DIRECCIÓN 6227 Los Altos Dr., El Paso, TX 79912

TELEPHONE/TELÉFONO n/a

EMAIL/ CORREO
ELECTRÓNICO n/a

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COMMENTS/COMENTARIOS:

My name is Sofia Avant-Mier and I live in El Paso, TX. Our community faces more ozone

pollution than most major cities in the nation. We are counting on you to reduce emissions.

Clean air is a human right.



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NAME/ APELLIDO	Alana de Hinojosa
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	4011 Santa Ana Dr. El Paso, TX 79902
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Alana de Hinojosa and I live in El Paso, TX. My community here in El Paso, and especially Familias Unidas del Chamizal is counting on you to remove the commercial trucks from the Bridge of the Americas, located in the Chamizal neighborhood. I have asthma myself and Latians are disproportionately impacted by environmental hazards. Please keep your promise to reduce emissions and listen to the community that is most affected by these decisions.



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NAME/ APELLIDO	Bernadette Segura
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	5147 Gary Owen, El Paso, TX 79903
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Air quality is important for all humans. We have no control over the emissions from the factories and truck traffic but the haze and health affects our daily lives. These renovations is the only opportunity to remove the dangerous and polluting commercial trucks from the bridge of the americas.



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NAME/ APELLIDO	Nicholas Vasquez
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	5933 Ybarra Ct., El Paso, TX 79905
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

The Chamizal area has the international trucks crossing and emitting pollutions due to the failed trade policies as well as mishandling of industrial waste behind Douglass elementary school.

Also, natures cycle such as the water cycle knows no borders or walls. I urge you to include the communities concerns in the renovation project.



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NAME/ APELLIDO	Cemelli de Aztlan
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	2102 Texas Ave., El Paso, TX 79901
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

We, families of barrio Chamizal, are calling on the BOTA renovation funds to be used to address the long-overdue environmental concerns. Familias Unidas del Chamizal demand that the renovations consider health impacts and not violate the civil rights of vulnerable communities. President Biden's Bipartisan Infrastructure Bill is intended to fund infrastructure projects to reduce emissions, as stated: "To repair and rebuild our roads and bridges with a focus on climate change mitigation, resilience, equity, and safety for all users" and "improve transportation options for millions of Americans and reduce greenhouse emissions through the largest investment in public transit in U.S. history." Yet, the BOTA renovations are instead being used for expansion, which will not reduce the emissions and will actually increase the pollution.

The children in our community, barrio Chamzial in El Paso, TX on the US/MEX border, are subjected to dangers daily because all of our schools in the Chamizal neighborhood are situated next to dangerous

(CONTINUED COMMENTS FROM CEMELLI DE AZTLAN:

...sources of pollution, including the high traffic highways, the international port-of-entry overloaded with semi-truck traffic and encroaching industrial zoning.

Douglass Elementary in the Chamizal neighborhood is a low-income, English-learner Hispanic-dominated school situated on the edge of the industrial zone and behind the school playground sits an industrial recycling waste facility handling electronics, metals, and batteries, some of the most hazardous materials to recycle, dumped here by the international trucks coming from the BOTA, from the factories in Ciudad Juarez, MX where there are no environmental regulations.

Zavala Elementary School, located between a highly trafficked interstate highway and international port-of-entry, has the highest levels of poor air quality of the entire school district. Bowie High School has levels of air pollutants greater than 80% of the region placing them at higher risks of cancer, yet the school district placed a massive 180+bus hub and maintenance center on the campus in 2020.

Exposure to higher levels of vehicle emissions for some children in EPISD has resulted in lower GPA's, yet community-driven requests for assessments, mitigation or intervention have been denied. Despite the environmental hazards apparent in the Chamizal neighborhood, when parents and residents have advocated for environmental protections, community claims are strategically disregarded.

The situation in barrio Chamizal is like none other in the city of El Paso. The city failed to zone this neighborhood justly, to include buffer zones between residential & industrial uses and it is increasingly the responsibility of residents to mitigate the issues. Also, as the maquiladora industry expands in Juarez, El Paso residents are concerned that the US federal infrastructure renovations for El puente libre are prioritizing the industry rather than the people and their health.

As one of the poorest neighborhoods in the nation and home to more than 8,000 residents, mostly immigrant families, those most affected by these decisions are low-income women and children in Barrio Chamizal. The burdens are heavy for those who can least afford it. The costs are deadly.



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NAME/ APELLIDO	Celia Aguilar
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	127 Marguíta Lane, El Paso, TX 79915
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Celia Aguilar and I live in El Paso, TX. Over the years, I have seen my community become more and more polluted. I grew up with asthma and my nephew had to regularly use a nebulizer because of how severe his asthma was. The high levels of dangerous particulate matter have serious effects on my communities health. We are counting on you to renovate the bridge of the americas with our health in mind.



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NAME/ APELLIDO	Jena Camp
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	3012 Wheeling Ave.
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Soy miembro de La Mujer Obrera y mi nombre es Jena Camp. Trabajo en el barrio Chamizal con niños y familias y me preocupa mucho la deterioración de la calidad del aire aquí. Muchos de los chiquitos sufren de condiciones como asma y es necesario mejorar el aire que respiramos, que en este barrio que es uno de los más contaminados en todo el estado de Tejas. Las renovaciones deben considerar los impactos en la salud y no violar los derechos civiles de las comunidades vulnerables. El proyecto de ley de infraestructura bipartidista del presidente Biden tiene como objetivo financiar proyectos de infraestructura para reducir las emisiones, como se ha dicho: *“Reparar y reconstruir nuestras carreteras y puentes con un enfoque en la mitigación del cambio climático, la resiliencia, la equidad y la seguridad para todos los usuarios de las carreteras” y “mejorar las opciones de transporte para millones de estadounidenses y reducir las emisiones”.*



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NAME/ APELLIDO Alma Alvarez

ORGANIZATION/
ORGANIZACIÓN La Mujer Obrera

ADDRESS/DIRECCIÓN 2000 Texas Ave

TELEPHONE/TELÉFONO n/a

EMAIL/ CORREO
ELECTRÓNICO n/a

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COMMENTS/COMENTARIOS:

Buenas tardes, mi nombre es Alma Alvarez y resido en el área Chamizal. Yo en suficido de varia enfermedades que son de dercivadas del la ozona contaminada. Yo exijo que haiga más restricciones a las troças, porque no es justo que estemos sufriendo por algo que no escogimos. Su deber es protegernos y no fregarnos.



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NAME/ APELLIDO	Victor Carrillo
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	2000 Texas Ave.
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Victor Carrillo and I live in El Paso with my brother who is 12 years old. I am a member of the local organization La Mujer Obrera and live in the Chamizal neighborhood in El Paso. I am very worried about the health of me and my brother. I wish this administration would step in and do something about the health risks affecting the community. The recent GSA presentation about the renovations of the Bridge of the Americas, el puente libre, in our community does not consider the environmental and health effects of the bridge on our community.



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NAME/ APELLIDO	Bertha Ontiveros
ORGANIZATION/ ORGANIZACIÓN	Familias Unidas del Chamizal
ADDRESS/DIRECCIÓN	2000 Texas Ave.
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Bertha O, residente del Chamizal: me preocupa demasiado el medio ambiente en la comunidad de el Chamizal ya que hay demasiada contaminación y me interesa tener aire más limpio y saludable y a que me importa mucho estar saludable. Deseo que se pueda interesar en ente caso y hacer que esta frontera sea limpia y segura durante las renovaciones del puente gratuito en la planificación.



COMMENT FORM

Bridge of the Americas Land Port of Entry Modernization Stakeholder Information Meeting | April 4, 2023

Formulario de Comentarios

Modernización del Puerto de Entrada Terrestre del Puente de las Americas
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Guillermo Glenn
ORGANIZATION/ ORGANIZACIÓN	La Mujer Obrera
ADDRESS/DIRECCIÓN	2000 Texas Ave. El Paso, TX 79901
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

I am a volunteer in the Chamizal community in El Paso, Texas. We are very much affected by the contamination caused by the industrial trucks on the bridge of the americas. Our community has many elderly people that are subject to the contamination.



COMMENT FORM

Bridge of the Americas Land Port of Entry Modernization Stakeholder Information Meeting | April 4, 2023

Formulario de Comentarios

Modernización del Puerto de Entrada Terrestre del Puente de las Americas
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Raymund Surya
ORGANIZATION/ ORGANIZACIÓN	n/a
ADDRESS/DIRECCIÓN	3522 Taylor Ave. El Paso, TX 79930
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Hello. I want to ask the GSA to please prioritize the poor air quality in El Paso, especially in the Chamizal neighborhood, where the Bridge of the Americas is located. The Chamizal is a large residential neighborhood here and I work at the high school in South El Paso and it really hurts to see so many kids have an asthma just from breathing the air outside. TCEO is not doing their job to keep our air clean and GSA should prioritize moving all the commercial truck traffic from the bridge of the americas, el puente libre, so we can breathe air that does not negatively affect our health. Kids who are breathing our air now will be affected with asthma for years to come. We need to do better for our communities. Thanks for reading this. Have a good day.



COMMENT FORM

Bridge of the Americas Land Port of Entry Modernization Stakeholder Information Meeting | April 4, 2023

Formulario de Comentarios

Modernización del Puerto de Entrada Terrestre del Puente de las Americas
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Amanda Garcia
ORGANIZATION/ ORGANIZACIÓN	n/a
ADDRESS/DIRECCIÓN	1202 Huckleberry St., El Paso, TX 79903
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Amanda Garcia and I'm a born and raised El Pasoan and like many EL Paso children, I suffer from severe asthma. We deserve better. I've long heard the excuse that Juarez is such a large contributor to the pollution that El Paso's actions don't mean much. but this is a flawed approach in every way and means nothing to those of us who suffer this air. Just because we can't control what our neighbor does, doesn't mean we should do nothing. We have the chance now with the bridge renovation project to address the issue that is directly affecting women, children, elders, families and students now- get the commercial truck traffic off the bridge. The bridge is for the people not the industry!



COMMENT FORM

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Formulario de Comentarios

Modernización del Puerto de Entrada Terrestre del Puente de las Americas
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Tori Hernandez
ORGANIZATION/ ORGANIZACIÓN	n/a
ADDRESS/DIRECCIÓN	3110 Tularosa, El Paso, TX 79930
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

I demand that the air quality be taken seriously in El Paso. Hispanic communities are 165% more likely to have unsafe levels of particulate matter pollution and 51% more likely to live in areas with unsafe levels of ozone pollution. This is environmental racism as the above stated statistics are in comparison to white communities. Almost every person I know who grew up in El Paso has severe lung issues, and with most of us not being able to afford health care. We are left to create our own devices to survive these health affects. The industrial trucks on the international bridge are contributing to the non-attainment issue in El Paso.



COMMENT FORM

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Modernización del Puerto de Entrada Terrestre del Puente de las Americas
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Coni Sal. Bustos
ORGANIZATION/ ORGANIZACIÓN	n/a
ADDRESS/DIRECCIÓN	3522 Taylor Ave. El Paso, TX 79930
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Hello, I'm a concerned community member, and for as long as I've lived here I've noticed how poor and toxic our air pollution is and even more aggravating the lack of care that governments officials have towards our health, especially to our Latino community and low income families. Our children, our elders have been diagnosed w/ asthma and other debilitating issues because of the contamination. We need help to stop it for our sake. Take accountability and keep your promises for the family health's sake.



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Modernización del Puerto de Entrada Terrestre del Puente de las Americas
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Natalia Garcia
ORGANIZATION/ ORGANIZACIÓN	n/a
ADDRESS/DIRECCIÓN	3229 Tularosa Ave. El Paso, TX 79903
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

I am a concerned community member that would like to express the urgency of the issue of pollution that is negatively affecting El Paso and the people that live here. This pollution has caused asthma and breathing problems for myself and others I love. My community cannot keep breathing in this contaminated air and we must think of the future generations of El Pasoans. Please take accountability and reduce emissions on the international port of entry to protect the people here from hazardous pollution and its negative effects.



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Formulario de Comentarios

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Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Mary N. Silva
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	4744 Loma de Plata Dr., El Paso, TX 79934
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

The air in El Paso has personally affected my family. My sister is unable to breathe in this city, yet is able to brathe in some of the other major cities around the world- and we were born and raised here! Clean air is a human right and no one shold have to fight for the right to be able to breathe. The GSA should prioritize the people and address the poor air quality in the renovation planning of the bridge of the americas.



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Modernización del Puerto de Entrada Terrestre del Puente de las Americas
Reunión Informativa de las Partes Interesadas | Martes, el 4 de Abril de 2023

NAME/ APELLIDO	Bernadette V. Silva
ORGANIZATION/ ORGANIZACIÓN	
ADDRESS/DIRECCIÓN	4744 Loma de Plata Dr., El Paso, TX 79934
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

My name is Bernadette Silva and I have lived and worked in El Paso, Texas nearly my whole life. In the times that i have left the city, I have found my breathing issues clear up almost immediately. I believe it is no coincidence that El Pasoans suffer disproportionately from breathing and health issues. The Biden administration has promised to protect us and address the injustice happening in fenceline communities. Now is the time to implement that promise in the renovations at the bridge of the americas and reduce emissions.



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NAME/ APELLIDO	Juan Paul Flores
ORGANIZATION/ ORGANIZACIÓN	n/a
ADDRESS/DIRECCIÓN	151 S. Resler, El Paso, TX 79903
TELEPHONE/TELÉFONO	n/a
EMAIL/ CORREO ELECTRÓNICO	n/a

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COMMENTS/COMENTARIOS:

Clean air is a human right but wehn those we rely on to keep our air clean fail us, hide the facts, and make decisions without the true concern of our health and safety, we suffer. We develop helath risks at a faster rate, our children get poisoned and that why we need to lower emissions in the Chamizal neighborhood, where the bridge of the americas is. Prioritize people not profits. The renovations should address the dirty air and the health of the people who live there.

Bridge of the Americas Survey Request

In November 2021, I voted for the Bipartisan Infrastructure Law, which was signed into law by President Biden, and included over \$3.4 billion to update technology, reduce wait times, and decrease the carbon footprint of land ports of entry across the country. The General Services Administration (GSA) set aside \$650-\$700 million for the Bridge of the Americas (BOTA) to modernize its facilities for administration and improve facilities for pedestrian, passenger, commercial, and primary inspections.

The GSA project is quickly progressing, and while no plan has been finalized yet, we're continuing our push to receive feedback from El Pasoans.

As GSA continues working on this massive investment in our community, I encourage you to get involved in voicing your feedback on this project.

Our land ports of entry are vital to the economic prosperity of El Paso, Texas, and the nation, and El Pasoans like yourself should voice their thoughts and concerns about a project that will impact our community.

NAME:

Jose R. Rodriguez

EMAIL:

rodriguezjr48@gmail.com

ZIP CODE:

79902

Should commercial traffic be diverted from the Bridge of the Americas?

Yes

or

No

Are you affected by traffic and/or congestion at the Bridge of the Americas?

Yes

or

No

Any additional thoughts:

Trucks should be re-routed
to Fabens or Santa Teresa Bridges.

The economic benefits are outweighed by
the health effects on our population.

PLEASE RETURN TO:

OR EMAIL TO:

El Paso Office

Wells Fargo Plaza | 221 N. Kansas Street | Suite 1500
El Paso, TX 79901 | (915) 541-1400

veronica.escobar@mail.house.gov



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NAME:

Rolando Gutierrez

EMAIL:

roland@gutierrezfirm.com

ZIP CODE:

78214

Should commercial traffic be diverted from the Bridge of the Americas?

Yes

or

No

Are you affected by traffic and/or congestion at the Bridge of the Americas?

Yes

or

No

Any additional thoughts:

PLEASE RETURN TO:

El Paso Office

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El Paso, TX 79901 | (915) 541-1400

OR EMAIL TO:

veronica.escobar@mail.house.gov



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NAME: Sarah Gutierrez

EMAIL: Sarah@gutierrezfirm.com

ZIP CODE: 78214

Should commercial traffic be diverted from the Bridge of the Americas? Yes or No

Are you affected by traffic and/or congestion at the Bridge of the Americas? Yes or No

Any additional thoughts: _____

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El Paso, TX 79901 | (915) 541-1400

OR EMAIL TO:

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NAME: Emily Ward

EMAIL: emwardyany@gmail.com

ZIP CODE: 79901

Should commercial traffic be diverted from the Bridge of the Americas? Yes or No

Are you affected by traffic and/or congestion at the Bridge of the Americas? Yes or No

Any additional thoughts: _____

PLEASE RETURN TO:

El Paso Office
Wells Fargo Plaza | 221 N. Kansas Street | Suite 1500
El Paso, TX 79901 | (915) 541-1400

OR EMAIL TO:

veronica.escobar@mail.house.gov



Encuesta sobre el Puente de las Américas (Puente Libre)

En noviembre de 2021, voté a favor de la Ley de Infraestructura Bipartidista, que fue promulgada por el presidente Biden e incluyó más de 3.4 mil millones de dólares para actualizar la tecnología, reducir los tiempos de espera y disminuir la huella de carbono de los puertos de entrada terrestres en todo el país. La Administración de Servicios Generales reservó entre 650 y 700 millones de dólares para que el Puente de las Américas (Puente Libre) modernice sus instalaciones de administración y mejore las instalaciones para las inspecciones de peatones, pasajeros, comerciales y primarias.

El proyecto de la Administración de Servicios Generales está progresando rápidamente y, si bien aún no se ha finalizado ningún plan, continuamos esforzándonos por recibir comentarios de los habitantes de El Paso.

A medida que la GSA continúa trabajando en esta enorme inversión en nuestra comunidad, los animo a que participe y exprese sus comentarios sobre este proyecto.

Nuestros puertos de entrada terrestres son vitales para la prosperidad económica de El Paso, Texas, y la nación, y la gente de El Paso como ustedes deben expresar sus pensamientos e inquietudes sobre un proyecto que afectará a nuestra comunidad.

NOMBRE:

Isebel Alvarez

CORREO ELECTRÓNICO:

isebel18@uphonor.com

CÓDIGO POSTAL:

79905

¿Deberían de desviar el tráfico comercial del Puente de las Américas (Puente Libre)? SI NO

Eres impactado por tráfico o congestión del tráfico en El Puente de Las Américas? SI NO

Algun otro comentario:

Afecta la salud de nuestros
hijos y adultos mayores

POR FAVOR ENVIE A:

o POR CORREO ELECTRÓNICO A:

Oficina de El Paso

Wells Fargo Plaza | 221 N. Kansas Street | Suite 1500
El Paso, TX 79901 | (915) 541-1400

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NOMBRE: Hilda Villegas

CORREO ELECTRÓNICO: _____

CÓDIGO POSTAL: 79901

¿Deberían de desviar el tráfico comercial del Puente de las Américas (Puente Libre)? SI NO

Eres impactado por tráfico o congestión del tráfico en El Puente de Las Américas? SI NO

Algun otro comentario: Las trocas

Comerciales son un problema
de salud pública.

POR FAVOR ENVIE A:

o POR CORREO ELECTRÓNICO A:

Oficina de El Paso
Wells Fargo Plaza | 221 N. Kansas Street | Suite 1500
El Paso, TX 79901 | (915) 541-1400

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NOMBRE: Martha Dorado

CORREO ELECTRÓNICO: _____

CÓDIGO POSTAL: 79905

¿Deberían de desviar el tráfico comercial del Puente de las Américas (Puente Libre)? O NO

Eres impactado por tráfico o congestión del tráfico en El Puente de Las Américas? O NO

Algun otro comentario: _____

ES NECESARIO POR LA CONTAMINACION

POR FAVOR ENVIE A:

O POR CORREO ELECTRÓNICO A:

Oficina de El Paso

Wells Fargo Plaza | 221 N. Kansas Street | Suite 1500

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Nuestros puertos de entrada terrestres son vitales para la prosperidad económica de El Paso, Texas, y la nación, y la gente de El Paso como ustedes deben expresar sus pensamientos e inquietudes sobre un proyecto que afectará a nuestra comunidad.

NOMBRE: Cynthia Molnar

CORREO ELECTRÓNICO: cynthramolnar1981@gmail.com

CÓDIGO POSTAL: 79905

¿Deberían de desviar el tráfico comercial del Puente de las Américas (Puente Libre)? SI NO

Eres impactado por tráfico o congestión del tráfico en El Puente de Las Américas? SI NO

Algun otro comentario: _____

POR FAVOR ENVIE A:

o POR CORREO ELECTRÓNICO A:

Oficina de El Paso

Wells Fargo Plaza | 221 N. Kansas Street | Suite 1500

El Paso, TX 79901 | (915) 541-1400

veronica.escobar@mail.house.gov



Encuesta sobre el Puente de las Américas (Puente Libre)

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NOMBRE: Bertha Ortúzar

CORREO ELECTRÓNICO: N/A

CÓDIGO POSTAL: 79901

¿Deberían de desviar el tráfico comercial del Puente de las Américas (Puente Libre)? SI NO

Eres impactado por tráfico o congestión del tráfico en El Puente de Las Américas? SI NO

Algun otro comentario: Por la salud

de los habitantes del
chamizal y el paso TX
Gracias

POR FAVOR ENVIE A:

o POR CORREO ELECTRÓNICO A:

Oficina de El Paso

Wells Fargo Plaza | 221 N. Kansas Street | Suite 1500

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NOMBRE: Mary Rodriguez

CORREO ELECTRÓNICO: maryrodri2277@gmail.com

CÓDIGO POSTAL: 79905

¿Deberían de desviar el tráfico comercial del Puente de las Américas (Puente Libre)? SI NO

Eres impactado por tráfico o congestión del tráfico en El Puente de Las Américas? SI NO

Algun otro comentario: para tener mejor trafico.

POR FAVOR ENVIE A:

o POR CORREO ELECTRÓNICO A:

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El Paso, TX 79901 | (915) 541-1400

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NOMBRE: Jacqueline Maldonado Mtz

CORREO ELECTRÓNICO: maldonadojacqueline702@gmail.com

CÓDIGO POSTAL: _____

¿Deberían de desviar el tráfico comercial del Puente de las Américas (Puente Libre)? SI NO

Eres impactado por tráfico o congestión del tráfico en El Puente de Las Américas? SI NO

Algun otro comentario: _____

POR FAVOR ENVIE A:

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NOMBRE: Ana Karen

CORREO ELECTRÓNICO: anavakaren@gmail.com

CÓDIGO POSTAL: 79905

¿Deberían de desviar el tráfico comercial del Puente de las Américas (Puente Libre)? SÍ NO

Eres impactado por tráfico o congestión del tráfico en El Puente de Las Américas? SÍ NO

Algun otro comentario: Disminuir el tiempo de espera.
Para el cruce de Puente.

POR FAVOR ENVIE A:

o POR CORREO ELECTRÓNICO A:

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NOMBRE:

Jacaelino Castrejon

CORREO ELECTRÓNICO:

CÓDIGO POSTAL:

79905

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Eres impactado por tráfico o congestión del tráfico en El Puente de Las Américas? SI NO

Algun otro comentario:

POR FAVOR ENVIE A:

o POR CORREO ELECTRÓNICO A:

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NOMBRE: Jacqueline Castrejon

CORREO ELECTRÓNICO: _____

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Algun otro comentario: _____

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NOMBRE:

Yazaira Salinas

CORREO ELECTRÓNICO:

CÓDIGO POSTAL:

79905

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Eres impactado por tráfico o congestión del tráfico en El Puente de Las Américas? SI NO

Algún otro comentario:

POR FAVOR ENVIE A:

o POR CORREO ELECTRÓNICO A:

Oficina de El Paso

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El Paso, TX 79901 | (915) 541-1400

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NOMBRE: Sandra Corral

CORREO ELECTRÓNICO: _____

CÓDIGO POSTAL: 79901

¿Deberían de desviar el tráfico comercial del Puente de las Américas (Puente Libre)? SI NO

Eres impactado por tráfico o congestión del tráfico en El Puente de Las Américas? SI NO

Algun otro comentario: pues poder hacer algo

POR FAVOR ENVIE A:

o POR CORREO ELECTRÓNICO A:

Oficina de El Paso

Wells Fargo Plaza | 221 N. Kansas Street | Suite 1500
El Paso, TX 79901 | (915) 541-1400

veronica.escobar@mail.house.gov

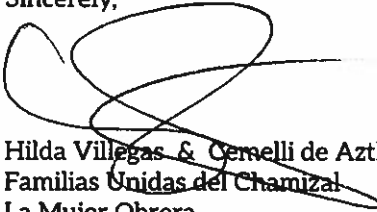


We are asking the federal government to conduct a civil rights investigation of violations against a protected class under Title VI of the Civil Rights Act. The 7,000+ residents in barrio Chamizal are well below the poverty line, non-English speakers, and immigrant women and children.

We urge the GSA's Environmental Strategy Office and the other federal agencies assigned by President Biden to protect children, to place a very high priority in communities like ours, where the cumulative impacts have deadly and debilitating consequences.

Thank you for your time & consideration.

Sincerely,



Hilda Villegas & Cernelli de Aztlan
Familias Unidas del Chamizal
La Mujer Obrera

ATTENTION/CC:

WHITE HOUSE CEQ, GSA, HHS, EPA, DOJ, DEPT OF STATE: CIVIL RIGHTS DIVISIONS

Please see the attached documents, to include a petition addressed to federal agencies civil rights departments, as well as the public comments we collected this year regarding the environmental injustice and health effects of those injustices.



LA MUJER OBRERA

LA MUJER OBRERA

2000 TEXAS AVENUE
EL PASO, TX 79901



FAMILIAS UNIDAS
DEL CHAMIZAL
NEIGHBORHOOD ASSOCIATION

U.S. GSA
1800 F Street NW
Washington DC, 20405

12/27/23

Dear GSA Environmental Justice Strategy Office,

We have serious health and environmental concerns in our community, Barrio Chamizal in El Paso, Texas. Our neighborhood is subjected to different sources of pollution that include the railroad and its fueling station, a school bus terminal of over 150 school buses, a recycling facility that takes in industrial waste from the maquilas in Juarez.

Yet the most detrimental to our children's health is the exposure to the diesel commercial truck traffic on the Bridge of the Americas International Port of Entry. Daily, many students and families that cross El Puente Libre are subjected to high levels of particulate matter and other cancerous pollutants from diesel truck exposure.

Numerous studies have shown that diesel truck exposure and near highway exposure pose a grave danger and have everlasting effects in the health of children. Yet little to no action has been taken by local governments to address this serious issue.

According to the EPA EJ SCREEN 2023: In Texas, our neighborhood is in the 95-100 percentile in all the following: **Diesel Particulate Matter, Air Toxics Cancer Risk (Lifetime cancer risk from inhalation of air toxics), Traffic Proximity, Lead Paint, RMP Facilities (potential chemical accident management plan), Hazardous Waste Proximity (hazardous waste management facilities (TSDFs and LQGs), Wastewater Dischargers Indicator (Stream Proximity and Toxic Concentration).**

At the moment, El Paso's Bridge of the Americas, which is situated right next to our community, is receiving \$700+ million of Bipartisan Infrastructure funding for renovation. Current plans proposed by the General Services Administration include adding more lanes for semi-truck commercial traffic, which we know by experience that it will lead to more environmental concerns.

The infrastructure money should not be used to further increase the already existing environmental injustices, but instead address long overdue civil rights violations. These historic resources should be used as intended- to reduce the carbon footprint and address the impact on children's environmental health.

The residents of Barrio Chamizal demand :**'Get the trucks out of the Puente Libre!'** The trucks are the highest contributors to particulate matter and ozone and should be rerouted out of our neighborhood. Our Puente Libre- The Bridge of the Americas is the only free international port of entry along the border because it was intended for the people, not the maquila industry in Juarez.

12/21/23

INTER OBRERA
D TEXAS AVE.
PASO, TX
79901

TO:

U.S. G.S.A. ATTN: ENV. JUSTICE
STRATEGY OFFICE
1800 F Street NW
Washington DC, 20405

2

Retail
UNITED STATES
POSTAL SERVICE



20405

U.S. POSTAGE PAID
USPS Ground Advtg
EL PASO, TX 79905
DEC 28, 2023

\$10.60

RDC 01 0 Lb 11.10 Oz R2304M115855-25

USPS SIGNATURE® TRACKING #



9502 1158 8517 3362 5895 03

APPENDIX B

Scoping, Public Involvement, and Agency Coordination

APPENDIX B
Public Outreach Efforts



1331 Texas Ave.
El Paso, TX 79901
Phone: 915-585-5100
Toll Free: 833-329-8752
Fax: 956-591-8752
www.trla.org

February 23, 2024

General Services Administration
Karla R. Carmichael
NEPA Program Manager
Environmental, Fire and Safety & Health Branch
GSA/PBS, Facilities Management and Services Programs Division
Greater Southwest Region 7
819 Taylor St, Fort Worth, TX

I. Introduction.

On behalf of Familias Unidas del Chamizal and residents of the San Xavier neighborhood, Texas RioGrande Legal Aid, Inc. submits these comments on the proposed Bridge of the Americas Modernization Project (“BOTA Project”), Docket No. 2023-0002, in response to the General Services Administration’s (“GSA”) Notice of Intent to Prepare an Environmental Impact Statement (“EIS”) under the National Environmental Policy Act (“NEPA”).¹ Familias Unidas del Chamizal and residents of the San Xavier neighborhood request that the GSA select Alternative 4.²

The BOTA is a “Free Bridge” as a result of the Chamizal Treaty of 1963. The BOTA’s lack of tolls and its central location have made it a magnet for traffic, particularly passenger vehicles and heavy-duty diesel commercial traffic (“semis” or “heavy-duty trucks”). Unlike most land ports of entry in the country, BOTA is within close proximity of residential neighborhoods. Most efforts to expedite traffic on the BOTA have focused on traffic heading north, despite the fact that congestion also forms heading south every single day. Even more alarming, due to the failings of TXDOT’s I-10 Connect Project, southbound traffic at the BOTA backs up into I-10 East, I-10 West and US-54. If GSA selects Alternative 4 and removes the semi traffic from the BOTA, it will reduce the traffic congestion on its north- and southbound arteries.

The BOTA Project is funded by the Infrastructure Investment and Jobs Act (“Bipartisan Infrastructure Act”) and by the Inflation Reduction Act (“IRA”), which enshrined climate mitigation, pollution abatement, energy efficiency, and community preservation and restoration into American infrastructural growth and job creation. By utilizing Bipartisan Infrastructure Act and IRA funds in its BOTA Project, GSA has committed itself to ensure that the BOTA Project

¹ General Services Administration, Notice-PBS-2023-04; Docket No. 2023-0002; Sequence No. 23, Notice of Intent to Prepare an Environmental Impact Statement and Notice of Public Scoping Meeting and Comment Period.

² Commenters hereby incorporate their April 12, 2023 comments, attached as Exhibit A, TRLA, Complaint under Title VI of the Civil Rights Act of 1964 on behalf of the San Xavier Community, December 7, 2023 [hereinafter TRLA Title VI Complaint].

translates into benefits for the communities and the environment, in addition to combating climate change, ameliorating environmental injustices, and improving community resiliency.

Commenters represent Southside residents currently living with the longstanding environmental harms of the BOTA and threatened by the Project's proposed expansion of the Port of Entry ("POE"). Southside residents have been continuously bombarded by the environmental harms that stem from commercial growth at the BOTA, with heavy commercial truck traffic stalling for hours on a daily basis directly next to residences and Zavala Elementary School.

GSA must select Alternative 4 and remove all heavy-duty commercial traffic from the BOTA. GSA faces two choices: *to help* ameliorate the harms of this history by removing and relocating semis from the BOTA, or to *encroach further* on already vulnerable communities with noxious pollution from heavy-duty commercial truck traffic. GSA should not repeat history and perpetuate unacceptable threats to public safety, the economy, and the civil and human rights of Southside El Paso communities. Alternative 4 is currently the only proposed alternative that can accomplish this goal and satisfy the goals of the Bipartisan Infrastructure Act and IRA, as well as achieve Title VI and NEPA compliance. GSA cannot shirk its duties under federal law by choosing an alternative that continues to permit the incessant idling of heavy-duty diesel commercial traffic at the cost of public health.

GSA must prepare an EIS that addresses the significant impacts of the BOTA Modernization Project and adequately mitigates those impacts. To do so, GSA must conduct a robust environmental justice analysis and fully inform itself of the immense benefits of removing commercial truck traffic from the BOTA in both directions and the harms of allowing it to continue, including a discussion of local climate change impacts. This analysis must include a detailed history of environmental racism in Southside El Paso and fully disclose the wide-reaching impacts of the BOTA on these communities, which are already overrun with air pollution sources.

GSA must also implement other environmental pollution reduction strategies, including public transportation on the BOTA for students and daily commuters, additional ready lanes and improved technology to expedite traffic heading north, incentives to boost electric vehicles, native landscaping, and the closure of Zavala Elementary. In the face of climate change, the Project must implement climate adaptation strategies to ensure the safety of commuters and customs officers. The BOTA crossing, which serves everyone across El Paso and Juarez, should be a part of improving public health by tackling air pollution and improving the quality of life of communities near the port and its feeder highways.

II. Summary of the Proposed Project.

The San Xavier and Chamizal are special and unique communities in El Paso: keystones of El Paso's Mexican American heritage and imbued with a strong support network between neighbors. These communities are intrinsically linked to the BOTA by their proximity and are particularly sensitive to the foreseeable adverse impacts of the BOTA Project.

On November 13, 2023, GSA published its Notice of Intent for the proposed BOTA Port Modernization Project. GSA's Notice of Intent states that purpose of the proposed action is for GSA to "bring[] the BOTA LPOE [Land Port of Entry] infrastructure in line with current CBP

land port design standards...and operational requirements while addressing existing deficiencies identified with the ongoing port operations.”³ The NOI further describes the project need as “improv[ing] the capacity and functionality of the LPOE to meet future public demand, while maintaining the capability to meet border security initiatives,” and “**ensur[ing] the safety and security for the employees and the travelling public.**”⁴

GSA received \$9.9 million in funds through the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law, a key measure of President Biden’s administration that aims to rebuild the Nation’s infrastructure, create jobs, support environmentally conscious manufacturing and innovation, bolster national security, support clean-energy, combat climate change, and increase community resiliency.⁵ In December 2023, GSA awarded the contract for pre-design services for the project.⁶ The funding for the BOTA is further supplemented by the Inflation Reduction Act, which allocated a total of \$2 billion to GSA to reduce the carbon emissions of its buildings across the nation, including the BOTA.⁷ GSA has correctly recognized that:

The [BOTA] project is part of President Biden’s Investing in America agenda in growing the American economy from the bottom up and middle-out – from rebuilding our Nation’s infrastructure, to creating a manufacturing and innovation boom powered by good-paying jobs, to building a clean-energy economy that will combat climate change and make our communities more resilient.⁸

On December 13, 2023, GSA held its Public Scoping Meeting to discuss the currently proposed alternatives and obtain public comment on the project. GSA noted that its EIS would discuss direct, indirect, and cumulative effects, and identified the following as issues for analysis of the project’s impacts:

- Hazardous Materials
- Waste, and/or Site Contamination

³ General Services Administration, Notice-PBS-2023-04; docket No. 2023-0002; Sequence No. 23, Notice of Intent to Prepare an Environmental Impact Statement and Notice of Public Scoping Meeting and Comment Period.

⁴ *Id.* (emphasis added).

⁵ General Services Administration, *GSA awards \$10 Million for Pre-Design Services for Modernizing Facilities at the Bridge of the Americas Land Port of Entry*, December 26, 2023, <https://www.gsa.gov/about-us/gsa-regions/region-7-greater-southwest/region-7-newsroom/greater-southwest-feature-stories-and-news-releases/gsa-awards-10-million-for-predesign-services-for-modernizing-facilities-at-the-bridge-of-the-americas-land-port-of-entry-12262023>.

⁶ *Id.*

⁷ General Services Administration, *Biden-Harris Administration Announces \$2 Billion for Cleaner Construction Projects to Tackle the Climate Crisis, Spur American Innovation, and Create Good-Paying Jobs as Part of Investing in America Agenda*, November 6, 2023, <https://www.gsa.gov/about-us/newsroom/news-releases/bidenharris-administration-announces-2-billion-for-cleaner-construction-projects-to-tackle-the-climate-crisis-spur-american-innovation-and-create-good-paying-jobs-as-part-of-investing-in-america-agenda-11062023#:~:text=TOPEKA%20%E2%80%93%20The%20U.S.%20General%20Services,Administration's%20Investing%20in%20America%20agenda>.

⁸ General Services Administration, *GSA awards \$10 Million for Pre-Design Services for Modernizing Facilities at the Bridge of the Americas Land Port of Entry*, December 26, 2023, <https://www.gsa.gov/about-us/gsa-regions/region-7-greater-southwest/region-7-newsroom/greater-southwest-feature-stories-and-news-releases/gsa-awards-10-million-for-predesign-services-for-modernizing-facilities-at-the-bridge-of-the-americas-land-port-of-entry-12262023>.

- Socioeconomics (including Environmental Justice)
- Public Services, Infrastructure, and Utilities
- Surface Waters, Drainage, and Floodplains
- Land Use and Zoning (including Visual and Aesthetics)
- Traffic (Vehicular and Pedestrian), Transportation, and Parking
- Air Quality (including Greenhouse Gas Emissions)
- Noise and Vibration
- Cultural and Historic Resources⁹

GSA presented the public with six alternatives, including the No Action Alternative. Alternative 4 was the only alternative presented that would immediately and permanently remove heavy-duty diesel commercial truck traffic, with minimal land acquisition and the preservation of the County Coliseum. In contrast, every other alternative, excluding the No Action Alternative, would expand the BOTA eastwards towards the County Coliseum and seize portions of County land that are currently used for the benefit of El Paso communities.

GSA further discussed the project timeline, with publication of the Draft EIS expected in the summer of 2024.¹⁰ In nearly every comment submitted to GSA at the December 13, 2023 Meeting, the public urged the removal of heavy-duty commercial traffic and spoke about the hardships of enduring constant diesel emissions from these trucks.

On January 22, 2024, Congresswoman Veronica Escobar and GSA hosted a Public Meeting for the Project, where the community voiced a unified message through shared experiences of living in the forefront of environmental pollution. Residents expressed the struggles of raising children afflicted with respiratory diseases or lung cancer, public schoolteachers spoke about the daily detrimental impact air pollution had on their students, and residents from the San Xavier and Chamizal community groups urged GSA to remedy their ongoing struggle of living under an incessant cloud of diesel emissions, noise, vibrations, and bearing witness to an increasing number of friends and neighbors passing away from cancer. Dr. Toni Ramirez, a public health doctor who serves Central El Paso residents, described how she witnessed the struggles discussed by residents in her daily practice, and voiced concern over the lack of resources to address the medical needs and resiliency of residents most impacted by air pollution.¹¹

III. Legal Framework

A. Title VI of the Civil Rights Act.

Title VI serves as a critical bulwark against further discrimination in projects such as this one. Title VI's prohibition on discrimination applies to all recipients of federal funds: "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 42 U.S.C. § 2000d. As a federal agency, GSA manages its day-to-day operations with federal funding, and relies on federal funding for its

⁹ General Services Administration, December 13, 2023, NEPA Public Meeting Summary at 23.

¹⁰ *Id.* at 24.

¹¹ Congresswoman Veronica Escobar's office informed participants that the public comments were being recorded.

projects. Because of this inextricable reliance on federal funding, GSA is obligated to comply with Title VI in all its programs or activities.¹²

Critically, GSA's Title VI implementing regulations provide that "[w]here previous discriminatory practice or usage tends, on the ground of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this subpart applies, *the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage*, and to accomplish the purposes of the Act.¹³ Thus, because of the legacy of discriminatory practices impacting San Javier and Chamizal residents, GSA has an affirmative responsibility to not only avoid discriminating against these communities today, but also to overcome the legacy of past discrimination.

A disproportionate share of the families who live near the BOTA and its arterial highways are Hispanic or Mexican-American. A pattern of governmental decisions has placed Southside communities like San Xavier and the Chamizal at the forefront of environmental contamination. In recognition of this, the Chamizal community—west of San Xavier—has advocated for clean air since the passage of the North American Free Trade Agreement (“NAFTA”) in 1994. The Chamizal community has voiced concerns to TXDOT, GSA, EPA, and local government authorities to take meaningful action to ameliorate air pollution, including by advocating for the removal of semi-trucks from Paisano Drive and the BOTA. In furtherance of this goal, residents of the Chamizal and San Xavier neighborhoods engaged in public participation throughout the TXDOT I-10 Connect Project, which removed the semis from Paisano Drive only to place them behind San Xavier. Both communities have been actively engaged in the BOTA Modernization Project, as have Southside community residents east of BOTA and community members from throughout the County.

If GSA allows for a continuation or increase in heavy-duty commercial truck traffic through its BOTA Project, it will authorize the continued pollution of the air that residents breathe, increasing fine particulate pollution associated with premature death and serious health problems. As explained in more detail below, the public health impacts of vehicular air pollution, particularly from heavy-duty diesel trucks, are widespread and severe.¹⁴ The project also risks aggravating soil and water pollution from construction and continued operations at the BOTA. These are unacceptable harms for communities that have suffered from pollution and health problems from the port of entry, highways, busy roads, Marathon refinery, the EPISD bus hub, the EPWU water treatment plant, the covered (yet unabated) toxic landfill at Modesto Park, and other pollution sources for many decades. Should GSA fail to prevent further environmental degradation on the San Xavier and Chamizal communities, it risks violating Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7, as well as its own Title VI implementing regulations.¹⁵

¹² 42 U.S.C. § 2000d-4a.

¹³ 41 C.F.R. § 101-6.204-2 (a)(1)(vi)(4).

¹⁴ See *infra* at Section IV.F.1. Air Pollution Impacts.

¹⁵ 41 C.F.R. Chapter 101 Subpart 101-6.2 et seq.

B. The National Environmental Policy Act.

The National Environmental Policy Act (“NEPA”), 42 U.S.C. § 4332 et seq., provides the congressionally mandated procedure for assessment of these impacts, and NEPA requires that these procedures be completed “at the earliest possible time,” i.e., “before decisions are made and before actions are taken.”¹⁶ Accordingly, GSA cannot select final project plans for the BOTA Modernization project and obtain necessary permits until the NEPA process is completed, including preparation of an EIS.

An EIS must describe:

- i. the environmental impacts of the proposed action;
- ii. any adverse environmental effects which cannot be avoided should the proposal be implemented;
- iii. alternatives to the proposed action;
- iv. the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity; and
- v. any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.¹⁷

An EIS must also describe the direct and indirect effects, and cumulative impacts of, a proposed action.¹⁸ These terms are distinct from one another. Direct effects are “caused by the action and occur at the same time and place.”¹⁹ Indirect effects are also “caused by the action” and “are later in time or farther removed in distance, but are still reasonably foreseeable.”²⁰ Indirect effects “may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effect on air and water and other natural systems, including ecosystems.”²¹

Cumulative impacts are not causally related to the action. Instead, they are:

The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from

¹⁶ 40 C.F.R. §§ 1501.2, 1500.1(b) (emphases added).

¹⁷ 42 U.S.C. § 4332(C).

¹⁸ 40 C.F.R. §§ 1502.16, 1508.7, 1508.8; *Northern Plains Resource Council v. Surface Transportation Board*, 668 F.3d 1067, 1072-73 (9th Cir. 2011).

¹⁹ 40 C.F.R. § 1508.1(g)(1).

²⁰ *Id.* § 1508.1(g)(2).

²¹ *Id.*

individually minor but collectively significant actions taking place over a period of time.²²

The EIS must give each of these categories of effect due consideration.

Finally, while an EIS is being prepared GSA may take no action which would tend to “limit the choice of reasonable alternatives,” or “tend[] to determine subsequent development.”²³

IV. NEPA Procedural Comments of Familias Unidas and San Xavier Residents.

A. GSA Must Select Alternative 4 and Remove Semis from the BOTA.

The alternatives analysis “is the heart of the environmental impact statement.”²⁴ Federal agencies must take care not to define the project’s purpose so narrowly as to prevent the consideration of a reasonable range of alternatives.²⁵ CEQ’s regulations implementing NEPA, 40 C.F.R. § 1502.14, explain that a reasonable range of alternatives should be presented and compared in the EIS to allow for a “clear basis for choice among options by the decision maker and the public.” In addition, CEQ’s “Forty Most Asked Questions Concerning National Environmental Policy Act Regulations” explain that agencies must “[r]igorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.”²⁶

Crucially, the alternatives must examine even those alternatives which may be outside the jurisdiction or capability of the agency or applicant.²⁷ Further, “[a] potential conflict with local or federal law does not necessarily render an alternative unreasonable, although such conflicts must be considered.”²⁸ GSA must also include “appropriate mitigation measures not already included in the proposed action or alternatives.”²⁹ Because alternatives are central to decisionmaking and mitigation, “the existence of a viable but unexamined alternative renders an environmental impact statement inadequate.”³⁰ Should the agency only give an alternative threadbare analysis or ignore critical information pertaining to that alternative, the deficient analysis also renders an environmental impact statement inadequate.³¹

As such, the GSA must fully consider Alternative 4 and its removal of all heavy-duty commercial truck traffic from the POE in both directions, particularly because Alternative 4 emerged from the public’s overwhelming demand—reiterated since the first BOTA public meeting in the fall of 2022—for an alternative that prioritizes public health. Including an alternative in the “alternatives analysis” is only the first step, however, and should GSA

²² § 1508.1 (g)(3).

²³ 40 C.F.R. § 1506.1.

²⁴ 40 C.F.R. § 1502.14.

²⁵ See, e.g., *Simmons v. U.S. Army Corps of Engineers*, 120 F.3d 664, 666 (7th Cir. 1997).

²⁶ CEQ, “Forty Most Asked Questions Concerning National Environmental Policy Act Regulations,” at 3, <https://www.energy.gov/nepa/articles/forty-most-asked-questions-concerning-ceqs-national-environmental-policy-act>.

²⁷ *Id.* at 4.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Utahns for Better Transp. v. U.S. Dep’t of Transp.*, 305 F.3d 1152, 1170 (10th Cir. 2002), *as modified on reh’g*, 319 F.3d 1207 (10th Cir. 2003).

encounter challenges in the implementation of Alternative 4, it must in good faith consider potential resolutions. Indeed, it would be a clear violation of NEPA should GSA decline to dismiss Alternative 4 prematurely with no further consideration. Such dismissal would brazenly depart from what is reasonably feasible, especially given the fact that *GSA has full authority to remove and redirect commercial truck traffic from the BOTA*. There is also ample evidence that demonstrates that Alternative 4 is practicable.

1. Removing Semi Traffic from the BOTA is Feasible.

The BOTA is not the only land port of entry in the El Paso region that is currently equipped—and certainly not the port that is best equipped—to inspect commercial trucks and their cargo. There are three ports of entry in the region with capacity to handle commercial traffic: Ysleta, Santa Teresa, and Tornillo, all within 10-, 27-, and 40- miles of the BOTA, respectively. Further, the BOTA only operates its northbound commercial crossings from 6a.m. to 2p.m. and as such, cannot be considered a key LPOE in the region for commercial traffic.

With increased border pollution and unprecedented stalling of commercial traffic near the BOTA, GSA must conduct its own analysis on the strategies available to redirect both north- and southbound commercial truck traffic. The other POEs have already demonstrated reliability in absorbing the BOTA's commercial traffic. Since 2022, the BOTA's commercial lanes have been closed numerous times due to the surge in immigrant crossings, and semis were rerouted to other ports. As part of its Alternatives Analysis, GSA must review how these closures at the BOTA impacted other LPOEs and consider strategies to effectuate greater mobility and reduce idling at the BOTA by permanently implementing a similar diversion of truck traffic.

It makes eminent sense to redirect traffic to other POEs, especially Tornillo, given that the transportation infrastructure around the BOTA on both sides of the border was not built to handle heavy-duty truck traffic, while Tornillo was built with semis in mind and is currently the largest POE in El Paso. GSA must seriously consider how to redirect traffic to Tornillo, Ysleta, and Santa Teresa, and analyze how traffic flow can be improved, and the significant air pollution reductions that would flow from such relocations.

2. Local Governments have Already Agreed to Explore Using Technology at Another POE to Reduce Semi Traffic.

The sister cities of El Paso and Ciudad Juarez have recognized that they need to address the semi traffic at the ports of entry. In January of 2023, the two cities entered into a Memorandum of Understanding to promote the use of conveyor belt technology at the Ysleta POE to facilitate commercial traffic. GSA should collaborate with the City of El Paso and Juarez in moving forward on installing this technology at the Tornillo POE, given the success of conveyor belt technology in increasing operational efficiency.³² Upon information and belief, truck drivers do not feel safe queuing on the Mexican side of the Tornillo POE as they wait to enter the U.S., due to cartel activity. However, conveyor belt technology would eliminate idling for northbound traffic and increase safety at the border. GSA must also explore any other actions it can take to improve safety at the Tornillo Bridge and facilitate crossings, including through collaborations with U.S. and Mexican authorities. Unlike the BOTA, the Tornillo Bridge was

³² CHIA, Benefits of Conveyor Belts in the Port Sector, September 19, 2023, <https://espirales.es/notice/benefits-of-conveyor-belts-in-the-port-sector>.

built with increased capacity to handle heavy-duty commercial traffic and was meant to help remove congestion from the BOTA.³³ As part of its analysis of alternatives, GSA should rigorously explore options to maintain the Tornillo POE running. GSA should also consider the implementation of conveyor belt at Ysleta and Santa Teresa.

3. The Area Surrounding the BOTA has a Denser Population of People than the Other POEs.

Over 9,300 residents live in the three census tracts immediately adjacent to the BOTA, according to the 2020 U.S. Census. The census tracts surrounding the port of entry in Tornillo and Santa Teresa have less than half of those residents, and the neighborhoods are further removed from the border crossings, which mitigates any adverse impacts of traffic and reduces the likelihood that residents will be replaced if there is a need to expand the POE. Even more, the port of entry at Santa Teresa has nearby warehouses and industrial infrastructure that could facilitate commercial truck traffic, and the Tornillo POE has increased capacity to facilitate mobility. We urge GSA to explore these options with careful attention to the impacts of rerouting the trucks. Care should be taken to avoid impacting other environmental justice communities with the relocation of semis. Again, the use of conveyor belt and other technology to improve efficiency would minimize the impact of semi traffic at all the POEs.

B. GSA Must Select Alternative 4 to Comply with the Environmental Goals of the Bipartisan Infrastructure Act and Inflation Reduction Act.

Given the fact that the source of the GSA's funding for the project is rooted in federal laws intended to advance environmental justice and reduce GHG emissions, GSA has a duty to integrate the principles of the Bipartisan Infrastructure Act and IRA into its selected alternative. GSA risks violating its duties imparted by the Bipartisan Infrastructure Act and IRA funds should it select an alternative that allows for a continuation and potential increase of vehicular air emissions, which is an outcome that would be set in stone should GSA reject Alternative 4. Even more, GSA would not accomplish its stated goals of "reducing greenhouse gas emissions," "mitigating human health and environment impact,"³⁴ and "**ensur[ing] the safety and security for the employees and the travelling public**"³⁵ through the BOTA Project if it allows heavy-duty commercial traffic to continue to cross on the BOTA. While GSA's commitment to use lower carbon materials in the Project is a notable step in the right direction, this alone will not satisfy the agency's responsibilities under federal law.

Both the Bipartisan Infrastructure Act and IRA aim to reduce U.S. GHG emissions and ameliorate the disproportionate impacts that the country's longstanding reliance on fossil fuels have had on communities of color and low-income communities. The Bipartisan Infrastructure Act was passed to boost American infrastructure with an environmentally forward approach. The Bipartisan Infrastructure Act is intended to "rebuild America's roads, bridges and rails, expand access to clean drinking water, ensure every American has access to high-speed internet, tackle

³³ Lorena Figueroa, *Tornillo-Guadalupe Bridge is Now Open*, EL PASO TIMES, February 4, 2016, <https://www.elpasotimes.com/story/news/2016/02/04/new-tornillo-guadalupe-bridge-inaugurates/79849438/>.

³⁴ GSA, *GSA Awards \$10 Million for Pre-Design Services for Modernizing Facilities at the Bridge of the Americas Land Port of Entry*, December 26, 2023, <https://www.gsa.gov/about-us/gsa-regions/region-7-greater-southwest/region-7-newsroom/greater-southwest-feature-stories-and-news-releases/gsa-awards-10-million-for-pre-design-services-for-modernizing-facilities-at-the-bridge-of-the-americas-land-port-of-entry-12262023>.

³⁵ *Id.* (emphasis added).

the climate crisis, advance environmental justice, and invest in communities that have too often been left behind.”³⁶

The IRA funding provided to modernize ports of entry is specifically conditioned on infrastructure efforts aimed at reducing air pollution.³⁷ The IRA pushes for the installation of zero emissions equipment and technology at the ports, the development of climate action plans, and the granting of funds to communities near ports that breathe disproportionately high levels of toxic pollutants.³⁸ The IRA provides additional funding for those ports that are located in areas of nonattainment for any air pollutant, a provision which GSA should take advantage of given El Paso’s nonattainment of ozone and PM_{2.5} pollution.³⁹ GSA cannot reject the environmental goals of the IRA to view the BOTA Modernization in a climate vacuum and not seize clear opportunities to reduce or eliminate sources of GHG emissions. Accordingly, GSA must select Alternative 4, as it is the only alternative that conforms with the goals of the Bipartisan Infrastructure Act and IRA.

C. GSA Must Evaluate the Economic Benefit and Harm of Each Alternative, Including Alternative 4.

NEPA requires that GSA “take a hard look at the environmental consequences” of a proposed action.⁴⁰ To satisfy this mandate, GSA must carefully discuss all the benefits of reducing air pollution—as well as the harms of not doing so—in its EIS. GSA cannot give greater weight to the economic benefits of commercial crossings—for example, by monetizing the trade benefits—without also giving fair weight to the harms, and similarly quantifying those harms. Crucially, GSA must evaluate the far-reaching health and economic benefits of removing heavy-duty commercial truck traffic from the BOTA and, conversely, examine the harms of allowing semis to continue to corrode air quality.

The data shows that mitigating air pollution produces astronomical economic benefits. According to a 2019 study, poor air quality may cost the U.S. about \$886 billion a year.⁴¹ Just recently, on February 7, 2024, the EPA took a major step to protect communities by strengthening the national ambient air quality standard for PM_{2.5}, which the agency estimated to produce \$46 billion in net health benefits by 2032.⁴² This is just one of many examples that highlights the immense benefits of reducing the emissions of a single air pollutant. When considering the wide array of pollutants in diesel emissions, the elimination of heavy-duty commercial traffic and its toxic emissions would produce vast economic benefits—including a reduction of asthma attacks, hospitalizations, emergency room visits, missed school- and work

³⁶ White House, Statements and Releases: Fact Sheet: The Bipartisan Infrastructure Deal, November 6, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/06/fact-sheet-the-bipartisan-infrastructure-deal/>.

³⁷ 42 U.S.C.A. § 7433, Sec. 133. Grants to Reduce Air Pollution at Ports.

³⁸ *See id.*

³⁹ *Id.*

⁴⁰ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350, 109 S.Ct. 1835, 104 L.Ed.2d 351 (1989) (quoting *Kleppe v. Sierra Club*, 427 U.S. 390, 410, 96 S.Ct. 2718, 49 L.Ed.2d 576 (1976)).

⁴¹ Andrew L. Goodkind et al., *Fine-Scale Damage Estimates of Particulate Matter Air Pollution Reveal Opportunities for Location-Specific Mitigation of Emissions*, 116 PNAS 18 (April 8, 2019), <https://www.pnas.org/doi/10.1073/pnas.1816102116>.

⁴² EPA, *EPA Finalizes Stronger Standards for Harmful Soot Pollution, Significantly Increasing Health and Clean Air Protections for Families, Workers, and Communities*, February 7, 2024, <https://www.epa.gov/newsreleases/epa-finalizes-stronger-standards-harmful-soot-pollution-significantly-increasing>.

days, and fewer deaths from cardiopulmonary diseases and cancer, among other diseases and ailments linked to vehicular air pollution.

If GSA implements a rerouting strategy, removing heavy-duty commercial truck traffic can also produce savings in reduced fuel consumption and wear and tear by the trucks themselves. The costs of any added mileage pale in comparison to the potential fuel and repair savings from reduced idling. Idling for more than ten seconds consumes more fuel than turning off and restarting an engine, reduces engine life by up to 20%.⁴³ Heavy-duty diesel trucks consume at least half a gallon of diesel per hour, with nearly an entire gallon consumed depending on the type of truck.⁴⁴ And an hour of idling is approximately equivalent to 30 miles of driving for the strain placed on the engine.⁴⁵ GSA must take these considerations into account and factor in the benefits of removing trucks from the BOTA—where they inevitably idle and bottleneck for hours on end—and towards the Santa Teresa, Ysleta, and Tornillo bridges, which have greater capacity, infrastructure, and operating hours to allow for an efficient flow of commercial traffic.

GSA must also fully consider the economic detriment of allowing a continuation of—and possible increase of—commercial traffic. All Alternatives except for Alternative 4 and the No Action Alternative allow for immediate continuation—and possibly even expansion—of heavy-duty commercial traffic. Some of GSA’s alternatives also propose purchasing county property and bringing the semi traffic closer to residences and community centers. GSA must also analyze the loss of revenue in the form of tolls from commercial traffic since 1994 and then project the future loss of tolls for at least another 30 years if the semis are not removed from BOTA.

All but one of GSA’s proposed alternatives continue to rely on outdated and unjust traffic management that adheres to a decades-long pattern of systemic discrimination and environmental degradation. On December 7, 2023, the residents of San Xavier filed a Title VI Civil Rights complaint against TXDOT due to the I-10 Connect Project, which leads into the BOTA and failed to deliver on its promise of accelerating traffic into Mexico. When GSA’s longstanding practice of allowing commercial traffic at ports of entry near residential neighborhoods is considered in tandem with TxDOT’s perpetuation of the pollution associated with this traffic,⁴⁶ the disservice to the public interest is not only evident but egregious. The harms are widespread: mobile source emissions are linked to severe environmental degradation and increased mortality and illness in nearby communities, with disproportionate burdens on communities of color and Texans below the poverty line.⁴⁷

⁴³ TranBC, *Leading the Way in Border Greenhouse Gas Reduction*, <https://www.tranbc.ca/2013/08/06/leading-the-way-in-border-greenhouse-gas-reduction/>.

⁴⁴ U.S. Department of Energy, *Vehicle Technologies Office, Fact #861 February 23, 2015 Idle Fuel Consumption for Selected Gasoline and Diesel Vehicles*, <https://www.energy.gov/eere/vehicles/fact-861-february-23-2015-idle-fuel-consumption-selected-gasoline-and-diesel-vehicles>.

⁴⁵ Steven Lang, *How Many Miles Is Too Many for a Used Diesel Pickup Truck?*, Capital One, March 7, 2023, <https://www.capitalone.com/cars/learn/finding-the-right-car/how-many-miles-is-too-many-for-a-used-diesel-pickup-truck/2145>.

⁴⁶ Exhibit A, TRLA, TRLA Title VI Complaint.

⁴⁷ See Section IV.F.1. Air Pollution Impacts.

D. GSA Must Evaluate the Feasibility of Enhancing Public Transportation and Green Mobility Strategies at the BOTA.

In addition to removing the commercial trucks with Alternative 4, GSA must amplify and enhance existing public transportation at the BOTA and create new modes of public transportation for local commuters (a light rail, trolley, and/or a public bus system). Public transportation can improve operational efficiency through environmentally friendly and community-oriented strategies. GSA must pursue potential collaborations with the City of El Paso, Cd. Juarez, and TxDOT to maximize the benefits of public transportation. Currently, much of the public transportation at the POE consists of passenger buses coming from different regions in Mexico to the United States. However, most of the crossings at the BOTA consist of daily and frequent commuters that live in the El Paso-Juarez region and fuel the El Paso-Juarez economy. Thus, it is vital to provide adequate public transportation for these commuters and encourage pedestrian traffic over vehicular traffic from Juarez to El Paso.

We encourage GSA to enhance the availability and accessibility of public transportation options for pedestrians who have crossed the border. Usually, when pedestrians cross at the BOTA, they must embark on a harrowing journey across highways with poorly marked or completely absent traffic safety signs and signals. Dozens of students living in Juarez and attending school in El Paso must make this dangerous journey every day. GSA can help minimize this unacceptable risk to pedestrians by creating infrastructure that allows City of El Paso buses to stop at or near the BOTA and park-and-rides on both sides of the BOTA. Currently, the closest bus stop to the BOTA appears to be nearly a mile away, leaving pedestrian traffic bereft of practicable options.⁴⁸

GSA should speak with the City of El Paso and Cd. Juarez to strategize efforts based on current data; these efforts must include surveys of daily commuters and the routes they take on both sides of the border so that an effective public transportation plan can be implemented. GSA should also collaborate with the City of El Paso to facilitate public transportation at the BOTA, especially in light of the City's current efforts in drafting a Climate Action Plan. Revenue generated from the public transportation system on the BOTA can be reinvested into the public transit system. Even more, public transportation can be provided during a trial period as a way to encourage drivers to learn to use the system.

GSA can also take common-sense solutions to reduce the emissions from public transportation at the border, regardless of whether the mode of transportation is a trolley, monorail, or bus. For example, GSA can require bus drivers to turn the motor off while passengers are going through customs, at least during seasons without extreme heat. In addition, the creation of a pedestrian lane exclusively for public transportation passengers would help increase operational efficiency and improve pedestrian traffic. Such a strategy has already been proposed at the San Ysidro border crossing.⁴⁹ GSA can also expedite the processing by implementing the use of transportable electronic scanners and canine officers to process

⁴⁸ Moovit, How to Get to Free Bridge – Cordova Americas in El Paso by Bus?, https://moovitapp.com/index/en/public_transit-Free_Bridge_Cordova_Americas-El_Paso_TX-site_36699807-2783.

⁴⁹ Alexandra Mendoza, *Mexico Considering a Dedicated Lane for Trolley Passengers at the San Ysidro Border Crossing*, The San Diego Union-Tribune, February 9, 2023, <https://www.sandiegouniontribune.com/news/border-baja-california/story/2023-02-09/baja-california-proposes-an-exclusive-crossing-lane-for-trolley-users-at-the-san-ysidro-border>.

pedestrian traffic using public transportation instead of concentrating inspections in one location at the customs booth, leading to longer pedestrian lanes.

In evaluating these public transportation strategies, GSA must fully consider the extent of the benefits offered in enhancing public transportation. Most notably, increased public transportation reduces traffic congestion and helps reduce air pollution, producing immense public health and economic benefits.⁵⁰ Public transportation also helps increase the mobility of disadvantaged communities and reduce unemployment in low-income urban areas.⁵¹ Expanded access to public transportation in the cross-border context also creates a positive economic impact through the increased mobility of cross-border shoppers.⁵²

GSA should also consider the role public transportation can play in ensuring that any induced development and induced demand—a natural risk and foreseeable impact from expanding vehicular capacity—occurs without inducing increased air pollution. Increased traffic and development often follow the heels of additional roadway capacity,⁵³ putting already vulnerable communities at further risk of environmental contamination and displacement. But with a strong public transportation system, the benefits that flow from development can be equitable, and historically rejected communities can benefit from growth instead of carrying the burdens of development alone.

E. Additional Strategies to Reduce Air Pollution.

GSA should consider implementing a dedicated commuter lane (“DCL”) or two at the BOTA and rolling out a “batching” strategy. DCLs have the potential to accelerate traffic heading north exponentially. Currently, the BOTA does not have a DCL and commuters to and from Juarez who would like to use the center of the cities must rely on the Stanton DCL located in Segundo Barrio.

GSA should also consider the feasibility of a “batching” strategy at the BOTA to reduce idling and air pollution. “Batching” is the process of moving traffic up to the customs booth in batches with the use of light signals, with those batches of vehicles furthest from the customs booth encouraged to turn off their vehicle engines.⁵⁴ The benefits of “batching” improve fuel efficiency, increase the life of vehicle engines by up to twenty per cent, and significantly reduce

⁵⁰ See *infra* Section IV.F.1. Air Pollution Impacts.

⁵¹ Kai A. Schafft and Robin Blakely, *Local Residential Mobility as a Dimension of Rural Disadvantage*, 2005 ANNUAL MEETING OF THE POPULATION ASSOCIATION OF AMERICA (2005), <https://paa2005.populationassociation.org/papers/50719>; Mark Alan Huges, *A Mobility Strategy for Improving Opportunity*, 6(1) HOUSING POLICY DEBATE 271 (1995), https://scholar.archive.org/work/mnagx4veovadxgekj6zuiqbfiu/access/wayback/https://www.drexel.edu/greatworks/Theme/Fall/~media/Files/greatworks/pdf_FL10/WK4_1_Hughes_1995.ashx; Paul M. Ong et al., REPORT: MOBILITY, ACCESSIBILITY AND DISADVANTAGED NEIGHBORHOODS: ASSESSING DIVERSITY IN TRANSPORTATION-RELATED NEEDS AND OPPORTUNITIES, PACIFIC SOUTHWEST REGION UNIVERSITY TRANSPORTATION CENTER (June 2021), <https://knowledge.luskin.ucla.edu/wp-content/uploads/2022/07/ca21-3431-finalreport-a11y.pdf>.

⁵² Adam Gregory Walke, M.A., *Transit in a Border Zone: The Demand for Public Transportation in Three Texas Border Cities*, University of Texas at El Paso (December 2011), https://scholarworks.utep.edu/cgi/viewcontent.cgi?article=3412&context=open_etd.

⁵³ Transportation for America, REPORT: THE CONGESTION CON: HOW MORE LANES AND MORE MONEY EQUALS MORE TRAFFIC (March 2020), available at <https://t4america.org/maps-tools/congestion-con/>.

⁵⁴ TranBC, *Leading the Way in Border Greenhouse Gas Reduction*, <https://www.tranbc.ca/2013/08/06/leading-the-way-in-border-greenhouse-gas-reduction/>.

vehicle wear. Batching was successfully implemented at the Canadian-American Peach Arch crossing, where vehicles 200 meters or further from the customs booth would get a red traffic light until nearly all vehicles in the batch ahead were cleared. The strategy resulted in an estimated 45% reduction of GHG emissions, fuel savings, and no impact on the amount of overall time to cross the border.⁵⁵

GSA must seriously consider implementing “batching” at the BOTA, at least during seasons where border crossers are not exposed to excessive heat. Should GSA reject consideration of “batching” as a strategy to aid in promoting public health and reducing noxious air contamination, it must explain why consideration of “batching” would not contribute to informed decisionmaking.⁵⁶ As with any response to public comments, GSA cannot simply assert that such analysis is “not required.”⁵⁷

F. GSA Must Consider the Full Extent of Environmental Justice Impacts from the Project.

Under NEPA, “environmental justice is not merely a box to be checked,” and agencies are required to thoroughly evaluate the environmental justice impacts of a proposed project, and to inform communities of all potential impacts.”⁵⁸ CEQ’s NEPA Guidelines specify:

Where a potential environmental justice issue has been identified by an agency, the agency should state clearly in the EIS or EA whether, in light of all the facts and circumstances, a disproportionately high and adverse human health or environmental impact on minority populations, low-income populations, or Indian tribe is likely to result from the proposed action and any alternatives. This statement should be supported by sufficient information for the public to understand the rationale for the conclusion.⁵⁹

Even more, a 1994 Executive Order requires federal agencies, “[t]o the greatest extent practicable and permitted by law,” to “make achieving environmental justice [(“EJ”)] part of [their] mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”⁶⁰ GSA has recognized this principle, and in 2011, the Administrator of the GSA signed a Memorandum of Understanding on Environmental Justice and Executive Order 12898, committing to identify and address:

[A]ny disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations, including, but not limited to, as appropriate for its mission, in the following areas: (1) implementation of the National Environmental Policy Act; (2) implementation of Title V

⁵⁵ *Id.*

⁵⁶ *WildEarth Guardians v. Bernhardt*, 502 F. Supp. 2d 237, 255-56 (D.D.C. 2020).

⁵⁷ *See id.*

⁵⁸ *Friends of Buckingham v. St. Air Pollution Control Bd.*, 947 F.3d 68, 91–92 (4th Cir. 2020).

⁵⁹ Council on Environmental Quality, *Environmental Justice: Guidance Under the National Environmental Policy Act*, at 15.

⁶⁰ Exec. Order 12,898 § 1-101, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 Fed. Reg. 7629 (Feb. 11, 1994).

of the Civil Rights Act of 1964, as amended; (3) impacts from climate change; and (4) *impacts from commercial transportation and supporting infrastructure*].⁶¹

When agencies seek to enlarge or extend highways, they must grapple with the context: infrastructure is where it is often for discriminatory reasons; expanding these systems may disparately burden the same communities, who continue to live along the same thoroughfares. While El Paso is a majority-minority city, communities like the Chamizal and San Xavier neighborhoods—which are nearly 100% people of color and have higher concentrations of foreign-born residents—are disproportionately burdened by air pollution stemming from the discriminatory siting of railroads, highways, industries, international ports of entry, and cross-border air pollution centuries in the making.⁶²

El Paso was not exempt from Jim Crowe discrimination, and the effects are felt to this day. Here as across the country, highways were constructed around and through Black and Hispanic communities to cement segregation. The discriminatory practices of redlining laid the groundwork for future highway sitings.⁶³ In 1963, when the Chamizal Convention led to the displacement of Hispanic people and the creation of the current BOTA, the environmental burden of heavy truck traffic at the border crossing fell on the same communities targeted by explicit redlining discrimination.

1. Air Pollution Impacts.

As already noted, because the BOTA Modernization is funded through the Bipartisan Infrastructure act and IRA, there is an inextricable duty for GSA to reduce and mitigate air pollution. The availability of additional IRA funds allocated for community air pollution monitoring creates an incredible opportunity for GSA to evaluate the local impacts of mobile air pollution on the communities most impacted by air pollution from the BOTA, including the San Xavier and Chamizal communities. These communities are exposed to disproportionately high mobile source air emissions due to the traffic flow heading to and from the BOTA, including from 18-wheelers. GSA must analyze existing information on the state of air quality and impacts from the BOTA on communities, but also conduct its own studies to ensure that it makes a fully informed decision with the BOTA Project.

El Paso is marked by excessive levels of pollution. According to a 2020 report, El Pasoans were breathing air with elevated levels of pollution on one out of every three days last year.⁶⁴ The report measured days with elevated levels of small particulate matter and elevated ozone. The El Paso area had 78 days with elevated small particulate matter and 68 days of elevated ozone.⁶⁵ The American Lung Association currently ranks El Paso as the 14th worst

⁶¹ GSA, *Memorandum of Understanding (MOU) on Environmental Justice and Executive Order 12898 (MOU on Environmental Justice*, August 4, 2011 (emphasis added), available at https://www.gsa.gov/system/files/MOU_Environmental_Justice.pdf.

⁶² See Isa Gutierrez et al., *'Like a Dumping Ground': Latina moms in Texas border city are fighting air pollution*, NBC NEWS (Feb. 22, 2022), available at <https://www.nbcnews.com/news/latino/-dumpingground-latina-moms-texas-border-city-are-fighting-air-polluti-rcna16789>.

⁶³ Exhibit A, TRLA Title VI Complaint at 7-10 (discussing the history of environmental racism in Southside El Paso communities like San Xavier).

⁶⁴ Environment Texas, Report: Trouble in the Air: Millions of Americans Breathed Polluted Air in 2020, October 5, 2021, available at <https://environmentamerica.org/texas/resources/trouble-in-the-air/>.

⁶⁵ *Id.*

metropolitan area for high ozone days, and the 35th worst for 24-hour particle pollution—as compared to over two hundred other metropolitan areas.⁶⁶ In order to comply with NEPA, GSA must analyze the impacts of air pollution on communities near the BOTA, including the San Xavier and Chamizal communities, two communities besieged by decades of environmental racism and disproportionately high levels of environmental contamination.

GSA must use the modernization of the BOTA as an opportunity to put decades of research into practice. GSA must look to studies on air quality conducted at ports of entry, including the BOTA and in the El Paso region. Over \$8 million has been spent studying air pollution in the region, based on the CV of only on one of the top researchers on the topic, Dr. WenWhai Li. This research also includes the work of Dr. Hector A. Olvera, who, among other studies, conducted a study on ultrafine particulate matter pollution at the BOTA. GSA must include an analysis of the impacts of vehicular air pollution in its EIS that fully examines available studies on air quality conducted at ports of entry, including the BOTA POE.⁶⁷ For GSA to fulfill its duty under NEPA to fully inform itself of the air quality impacts of the project, it cannot ignore local studies on air quality.

Crucially, GSA must analyze the significant dangers posed by diesel and ultrafine particulate matter pollution at and near the BOTA. EPA has classified diesel exhaust as a likely carcinogen, and the National Institute for Occupational Safety and Health has classified diesel exhaust as a potential carcinogen.⁶⁸ Motor vehicle emissions—and especially diesel emissions—often constitute the most significant source of ultrafine particles (diameter <0.1 μm) in an urban environment.⁶⁹ The highest concentrations are closest to highways, POEs, etc., and dissipate with distance.⁷⁰ Exposure to diesel-emitted particles has been linked to increased cancer risk and cardiopulmonary diseases. Because of their size (<100 nm), exposure to ultrafine particles (“UFPs”) emitted from heavy-duty diesel vehicles (“HDDV”) might result in greater health risks than those associated with larger particles.⁷¹ A 2013 study found that “[c]ommercial traffic, mostly composed of HDDV, heavily influenced UFP concentrations in the BOTA vicinity.”⁷² The study also found that on Sundays, when commercial traffic was absent, the UFP numbers were the lowest. Populations near the BOTA’s traffic zone and within 400 meters are exposed to UFP’s above the background level and include residents on both sides of the border, including a church

⁶⁶ American Lung Association, State of the Air: El Paso-Las Cruces, TX-NM, <https://www.lung.org/research/sota/city-rankings/msas/el-paso-las-cruces-tx-nm>.

⁶⁷ We specifically recommend that GSA consider the numerous studies performed by When Wai Li, Hector Olvera Alvarez, and Penelope J.E. Quintana. When Wai Li’s CV with a list of publications is included as Exhibit E: When Wai Li CV. A list of Hector Olvera Alvarez’s publications is available at <https://www.ohsu.edu/people/hector-olveraalvarez-phd-pe>. A list of Penelope J.E. Quintana’s publications is available at <https://scholar.google.com/citations?user=Qs4riTkAAAAJ&hl=en>.

⁶⁸ American Cancer Society, Diesel Exhaust and Cancer Risk, last revised July 27, 2015, <https://www.cancer.org/cancer/risk-prevention/chemicals/diesel-exhaust-and-cancer.html#:~:text=The%20EPA%20classifies%20diesel%20exhaust,a%20%20E2%80%9Cpotential%20occupational%20carcinogen.%E2%80%9D>.

⁶⁹ EPA, Study of Ultrafine Particles Near a Major Highway with Heavy-Duty Diesel Traffic, https://cfpub.epa.gov/si/si_public_record_Report.cfm?Lab=NCER&dirEntryId=83813.

⁷⁰ *Id.*

⁷¹ Hector A. Olvera, Mario Lopez, Veronica Guerrero, Humberto Garcia and Wen-Whai Li., *Ultrafine Particle Levels at an International Port of Entry Between the US and Mexico: Exposure Implications for Users, Workers, and Neighbors*, 23 *Journal of Exposure Science and Environmental Epidemiology* 289 (2013), attached as Exhibit B.

⁷² *Id.*

and several schools, law enforcement officers, street vendors, private commuters, and commercial vehicle drivers.”⁷³

Another recent study examined the short-term associations (24-, 48-, 72-, and 96-hr averages) of traffic-related air pollutants (PM_{2.5}, PM₁₀, NO₂, and O₃) with biomarkers of respiratory and cardiovascular disease in a group of uninsured participants from low-income communities in El Paso.⁷⁴ Researchers found associations of short-term air pollutant concentrations with respiratory outcomes, which was expected.⁷⁵ However, researchers also found associations with metabolic risk factors such as BMI, waist circumference, and fasting glucose.⁷⁶ The study also found a correlation between PM_{2.5} and NO₂ and respiratory risk of chronic obstructive pulmonary disease.⁷⁷

There is also research that highlights the increased air pollution present at US-Mexico ports of entry. A 2014 study investigated the effect of long northbound traffic delays at the San Ysidro POE and found consistently higher concentrations of toxic pollutants (ultrafine particulate matter (UFP), black carbon (BC), and particulate matter <2.5 µm in diameter (PM_{2.5})).⁷⁸ This study also emphasized that “[d]isparities in traffic exposures an environmental justice issue and this should be taken into account during planning and operation of POEs.”⁷⁹

Even more, traffic at the BOTA contributes to dangerous levels of ozone pollution. Jason Sarate, who oversees the city of El Paso’s Air Quality Program stated, “[o]ne of the largest contributing sources to ozone in El Paso is the vehicle emissions. I think the biggest challenge is the vehicles that are idling for multiple hours at our ports of entry. When you have vehicles and semi-trucks lined up on the freeways waiting to cross into Mexico or cross into El Paso, those are real issues.”⁸⁰

GSA must also account for the impacts of PM_{2.5} pollution at the BOTA. PM_{2.5} kills nearly 50,000 people in the United States every year, with disproportionate impacts on communities of color.⁸¹ On February 7, 2023, the EPA strengthened the National Ambient Air Quality Standards (“NAAQS”) for PM_{2.5} from 12 micrograms per cubic meter to 9 micrograms

⁷³ *Id.*

⁷⁴ Soyoung Jeon, Association of Traffic and Related Air Pollutants on Cardiorespiratory Risk Factors from Low-Income Populations in El Paso, TX (February 2021), available at <https://www.cartteeh.org/wp-content/uploads/2021/06/03-27-UTEPAssociation-of-Traffic-and-Related-Air-Pollutants-on-Cardiorespiratory-Risk-Factors-from-Low-Income-Populations-in-El-Paso-TX-Jeon.pdf>.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ Penelope J.E. Quintana et al., Traffic-Related Air Pollution in the Community of San Ysidro, CA, in relation to Northbound Vehicle Wait Times at the US-Mexico Border Port of Entry, 88 Atmospheric Environment 353 (May 2014)

⁷⁹ *Id.*

⁸⁰ El Paso, Las Cruces rank high in ozone pollution in 2023 report, El Paso Matters, April 2023, available at <https://elpasomatters.org/2023/04/25/el-paso-texas-american-lung-association-ozone-pollution-f-grade-2023/#:~:text=El%20Paso%20recorded%2040%20unhealthy,days%20than%20the%20previous%20year.>

⁸¹ <https://earthjustice.org/brief/2024/soot-pm2-5-pollution-standard-stronger-biden>

per cubic meter.⁸² This designation automatically placed El Paso in nonattainment for PM 2.5,⁸³ adding to El Paso's ongoing nonattainment for the 8-hour ozone standard⁸⁴ and PM 10.⁸⁵ We recommend that GSA look into studies by the Joint Advisory Committee, including the Committee's most recent 2024 Air Quality Report, as these specifically look into the state of air pollution in the Paseo del Norte air basin.⁸⁶

GSA must also examine the impacts of air pollution from highways on neighboring communities, as these highways are inextricably linked to the BOTA and its impacts. Numerous studies have shown that pollution from highways is very localized. For example, studies have shown that living in close proximity to highways causes a significantly elevated exposure to a complex mixture of pollutants including air toxics, diesel particulate matter, and other highway emissions including tire wear, brake wear, resuspended road dust, and various metals.⁸⁷ GSA must evaluate the community risk to adverse health impacts from highway traffic, including, but not limited to:

- Asthma and bronchitis: exposure to diesel exhaust can induce histamine releases that result in allergic conjunctivitis, rhinosinusitis, pharyngitis, laryngitis, and chronic cough. This exposure can also lead to degradation of lung tissue.⁸⁸ Children are especially vulnerable to chronic negative respiratory issues, as living in close proximity to highway traffic can inhibit lung development during childhood and lead to lifelong weakened lung function.⁸⁹
- Negative cardiovascular effects: long-term exposure to air pollution from high traffic has been shown to increase incidences of coronary artery calcification⁹⁰ as well as increased coronary heart disease and strokes in women.⁹¹
- Adverse birth outcomes and developmental effects: living in close proximity to heavy-traffic roadways can cause an increase in term low birth weight and preterm infants.⁹²

⁸² EPA, *EPA Finalizes Stronger Standards for Harmful Soot Pollution, Significantly Increasing Health and Clean Air Protections for Families, Workers, and Communities*, February 7, 2024, <https://www.epa.gov/newsreleases/epa-finalizes-stronger-standards-harmful-soot-pollution-significantly-increasing>.

⁸³ El Paso has an average PM2.5 level of 9.2 µg/m³, which places the County above EPA's newer standard. Earthjustice, *Mapping Soot and Smog Pollution in the United States*, February 7, 2024.

⁸⁴ El Paso continues to struggle with ozone attainment issues, and has violated the ozone NAAQS every year since 2016.

⁸⁵ Soyoung Jeon, *Association of Traffic and Related Air Pollutants on Cardiorespiratory Risk Factors from Low-Income Populations in El Paso, TX* (February 2021), available at <https://www.cartteeh.org/wp-content/uploads/2021/06/03-27-UTEPAssociation-of-Traffic-and-Related-Air-Pollutants-on-Cardiorespiratory-Risk-Factors-from-Low-Income-Populations-in-El-Paso-TX-Jeon.pdf>.

⁸⁶ See Exhibit C, JAC Paseo Del Norte Air Quality Report.

⁸⁷ U.S. Environmental Protection Agency, *Near-Road Air Quality Monitoring Research* (Nov. 3, 2009).

⁸⁸ Irina N. Krivoshto et al., *The Toxicity of Diesel Exhaust: Implications for Primary Care*, J. AM. BOARD FAM.MED. 55, 58 (2008).

⁸⁹ W. James Gauderman et al., *Effect of Exposure to Traffic on Lung Development From 10 to 18 Years of Age: A Cohort Study*, THE LANCET 571, 574 (Jan. 26, 2007).

⁹⁰ B. Hoffman et al., *Residential Exposure to Traffic is Associated with Coronary Atherosclerosis*, 116 CIRCULATION 489 (2007).

⁹¹ Kristin A. Miller et al., *Long-Term Exposure to Air Pollution and Incidence of Cardiovascular Events in Women*, 356 NEW ENG. J.MED. 447, 453-56 (2007).

⁹² Michelle Wilhelm & Beate Ritz, *Residential Proximity to Traffic and Adverse Birth Outcomes in Los Angeles County, California, 1994-1996*, 111 ENVTL. HEALTH PERSP. 207, 210-11 (2003).

- Premature mortality: epidemiological surveyors have discovered high acute and chronic respiratory disease morbidity rates from proximity exposure to diesel exhaust, as well as incidences of acute coronary syndrome (heart attacks) and ischemic effects (strokes).⁹³
- Increased incidences of cancer: many emissions released by heavy traffic flow, such as diesel exhaust fumes and particulate matter, have carcinogenic properties.⁹⁴

The San Xavier and Chamizal communities breathe dangerous levels of pollution in their daily lives, and the severity of this fact cannot be written off with a brief summation of environmental justice.⁹⁵ GSA must acknowledge and evaluate the various incommensurable harms posed by the proximity of these communities to the highways that feed the BOTA, and the immense public benefit of protecting communities from pollution.

GSA must also account for the impacts of air pollution at the BOTA on those crossing the bridge and the Customs and Border Protection (“CBP”) officials working on the bridge. CBP officials at the bridge must endure long workdays with constant exposure to the toxic air pollution. Due to an increased volume of traffic and prolonged wait times, individuals and families crossing the BOTA north and south are exposed to dangerously high concentrations of toxic air pollutants for hours on end. Studies have shown that air quality inside vehicles idling at border crossings contains higher concentrations of toxic pollutants,⁹⁶ and pedestrians standing in lines at the border face increased exposure to increased levels of air pollution.⁹⁷

GSA must also conduct local air quality monitoring to assess the current impact of vehicular emissions on the BOTA, and the San Xavier and Chamizal neighborhoods. It is critical that GSA examine the air quality data provided by TCEQ monitors and PurpleAir sensors,⁹⁸ but also conduct its own air quality monitoring that focuses on impacts in the project area, especially during peak idling hours. Crucially, GSA must analyze air pollution impacts in the context of TXDOT’s recent I-10 Connect project, as air monitoring data taken before the historic

⁹³ Irina N. Krivoshto et al., *The Toxicity of Diesel Exhaust: Implications for Primary Care*, J. AM. BOARD FAM.MED. 55, 56-59 (2008).

⁹⁴ Rachel A. Morello-Frosch, Tracey J. Woodruff, Daniel A. Axelrad, Jane C. Caldwell, *Air Toxics and Health Risks in California: The Public Health Implications of Outdoor Concentrations*, Risk Analysis, 20 (2) RISK ANALYSIS, February 2000 (predicting 8600 excess cancer cases).

⁹⁵ TXDOT has included only a brief discussion of environmental justice, displaying the quintessential “box to be checked” attitude that contravenes NEPA’s informed decision-making mandate. *See* Exhibit A, TRLA Title VI Complaint.

⁹⁶ Penelope J.E. Quintana, *Traffic Pollutants Measured Inside Vehicles Waiting in Line at Major US-Mexico Port of Entry*, 622-623 *Science of the Total Environment* 236 (May 2018), <https://doi.org/10.1016/j.jenvp.2022.101775>.

⁹⁷ Vanessa Eileen Galaviz et al., *Urinary Metabolites of 1-Nitropyrene in US-Mexico Border Residents who Frequently Cross the San Ysidro Port of Entry*, 27 *Journal of Exposure Science & Environmental Epidemiology* 84 (December 16, 2015) <https://doi.org/10.1038/jes.2015.78>; Vanessa Eileen Galaviz et al., *Traffic Pollutant Exposures Experienced by Pedestrians Waiting to Enter the U.S. at a Major U.S.-Mexico Border Crossing* 88 *Atmospheric Environment* 362 (May 2014), <https://doi.org/10.1016/j.atmosenv.2013.12.042>;

⁹⁸ Air monitoring data for PurpleAir sensors is available at <https://map.purpleair.com/1/mAQI/a10/p604800/cC0#11/31.7775/-106.4903>. As noted by a 2022 air quality study in El Paso conducted by several prominent air quality researchers: “Highways and roadways, such as I-10 and US-54, are major sources of vehicular traffic air emissions in El Paso resulting in substantial variations in neighborhood air pollutant concentrations, which cannot be captured by [central ambient monitoring] sites.” Adan Rangel et al., *Assessment of Traffic-Related Air Pollution (TRAP) at Two Near-Road Schools and Residence in El Paso, Texas, USA*, 13(2) *Atmospheric Pollution Research* (February 2022), <https://www.sciencedirect.com/science/article/abs/pii/S1309104221003664>.

congestion of semis resulting from TXDOT's Project may not reflect the most extreme conditions many residents near the BOTA are currently exposed to.

The current air quality monitoring data is alarming and demands further studies to determine precise impacts. Currently, the closest air monitor to the BOTA is the El Paso Chamizal (481410044) air monitor, located within the Chamizal National Memorial. Although the Chamizal Monitor records 24-day average measurements of PM 2.5 only intermittently, between January 2023 and September 2023, it frequently recorded PM 2.5 concentrations well above EPA's NAAQS standard, often reaching levels more than twice the standard.⁹⁹ Yet this data only captures a glimpse of the full extent of the dangerous contamination in the Chamizal neighborhood and surround communities. GSA has the ability to fill in these gaps, and it must work closely with community groups to perform local air monitoring and conduct on-site measurements of air quality to ensure that GSA makes an informed decision.¹⁰⁰

2. GSA Must Conduct a Health Risk Assessment.

One of NEPA's key goals is to "stimulate the health and welfare of man."¹⁰¹ Under NEPA, an EIS must "disclose the significant health, socioeconomic and cumulative consequences of the environmental impact of a proposed action."¹⁰² If the major federal action bears a "reasonably close causal relationship" to a change in the physical environment, such as deteriorated human health, then it must be fully analyzed in the EIS.¹⁰³ Where an agency action can be reasonably anticipated to increase air pollution and impact the health of individuals in surrounding communities, a health risk assessment must be undertaken.¹⁰⁴

Should GSA choose an alternative that allows for a continuation of heavy-duty commercial traffic, it must conduct a health risk assessment. This assessment would also aid in informing GSA of the environmental justice implications of its project and contribute towards an analysis of the costs of allowing heavy-duty commercial traffic to continue. But should GSA remove heavy-duty trucks through Alternative 4, the threat of increased contamination and dangerous air pollution might be avoided, and the necessity of a health risk assessment may no longer be present.

While we support the selection of Alternative 4 as the only viable alternative that accomplishes GSA's mandates under federal law, we urge GSA to ensure that any conclusion of air quality and public health benefits is supported by adequate studies. As of now, Alternative 4 is missing critical details, and GSA must ensure that it accomplishes the goals of operational efficiency at the BOTA so that toxic emissions from passenger vehicles. Increased development

⁹⁹ TCEQ, Clean Air Monitor: El Paso Chamizal, available at https://www17.tceq.texas.gov/tamis/index.cfm?fuseaction=report.view_site&siteAQS=481410044.

¹⁰⁰ A 2022 air quality study assessing vehicular air pollution near two schools in El Paso found recommended that air quality studies performed in a high-altitude arid region like El Paso employ on-site measurements for increased accuracy instead of relying solely on central ambient monitoring sites. Adan Rangel et al., *Assessment of Traffic-Related Air Pollution (TRAP) at Two Near-Road Schools and Residence in El Paso, Texas, USA*, 13(2) ATMOSPHERIC POLLUTION RESEARCH (February 2022), <https://www.sciencedirect.com/science/article/abs/pii/S1309104221003664>

¹⁰¹ 42 U.S.C.A. § 4321.

¹⁰² 40 CFR §§ 1508.7, 1508.8.

¹⁰³ *Id*; *Metro. Edison Co. v. People Against Nuclear Energy*, 460 U.S. 766, 771-72, 103 S.Ct. 1556, 75 L.Ed.2d 534 (1983).

¹⁰⁴ See *Trenton Threatened Skies, Inc v. Fed. Aviation Admin.*, 90 F.4th 122, 140 (3d Cir. 2024).

and traffic often follow on the heels of developments such as this one, but that need not be the case. If GSA cannot reasonably establish that air pollution will be reduced through the implementation of Alternative 4 and increased operational efficiency, it must conduct a health risk assessment.

3. GHG Emissions and Climate Impacts.

“The impact of [GHG] emissions on climate change is precisely the kind of [] impacts analysis that NEPA requires agencies to conduct.”¹⁰⁵ It is particularly poignant that the BOTA project is funded by the Bipartisan Infrastructure Act and Inflation Reduction Act, which are aimed at addressing the climate crisis through sustainable and environmentally responsible infrastructure funding. Even more, Executive Order 14,008, issued by President Biden in 2021, instructs agencies to address the “profound climate crisis[:.]”

We must listen to science—and act. We must strengthen our clean air and water protections... We must deliver environmental justice in communities all across America. The Federal Government must drive assessment, disclosure, and mitigation of climate pollution and climate-related risks in every sector of our economy, marshaling the creativity, courage, and capital necessary to make our Nation resilient in the face of this threat. Together, we must combat the climate crisis with bold, progressive action that combines the full capacity of the Federal Government with efforts from every corner of our Nation, every level of government, and every sector of our economy.¹⁰⁶

Yet the way things work now, agency decisions on highway and related infrastructure projects occur in a vacuum. These decisions do not factor in U.S. commitments to reduce greenhouse-gas emissions 50% below 2005 levels by 2030. They do not factor in the immensity of the climate disasters that have and continue to strike communities across the country, especially historically marginalized and vulnerable communities. And most unfortunately, these decisions fail to account for their irrefragable role in these impacts and harms. GSA must correct this woeful trend in its EIS for the BOTA Modernization and analyze the qualitative and quantitative impacts of the GHG emissions from its Project.

First, GSA must inform its decision by assessing the extent of climate impacts on its project and nearby communities. GSA has already recognized its responsibility to prepare for the inevitable harm climate change will unleash across its facilities and the communities it serves. GSA has also committed to heed the latest scientific documents on climate change, including the Fourth National Climate Report,¹⁰⁷ and we urge GSA to incorporate the latest National Climate Report¹⁰⁸ into its analysis of the Project’s impacts on surrounding communities. We also urge GSA to collaborate with local community groups, and state and federal agencies to address potential climate adaptation strategies at the BOTA.

As a desert community with no reliable water resources, El Paso faces unique risks from climate change. Communities in El Paso are already contending with back-to-back heat

¹⁰⁵ *Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1217 (9th Cir. 2008).

¹⁰⁶ Exec. Order 14,008, 86 Fed. Reg. 7619, 7619, 7,622 (Jan. 27, 2021).

¹⁰⁷ GSA, Environmental Justice Implementation Progress Report: Fiscal Years 2016-2018, https://www.gsa.gov/system/files/signed4302019Environmental_Justice_Report.pdf.

¹⁰⁸ USGCRP, 2023, FIFTH NATIONAL CLIMATE ASSESSMENT, U.S. GLOBAL CHANGE RESEARCH PROGRAM, WASHINGTON, CD, USA (2023), available at <https://nca2023.globalchange.gov/downloads/>.

records.¹⁰⁹ The summer of 2023 was the hottest summer on record for El Paso.¹¹⁰ The season saw sixty days of 100-plus temperatures, including a record-shattering 44 days in a row from mid-June through the end of July.¹¹¹ The average temperature in El Paso between June and August surpassed 88 degrees Fahrenheit for the first time in recorded history.¹¹² And with an already dangerous level of ozone pollution, the more frequent and severe heat waves El Paso will face pose additional unacceptable risks. Hotter temperatures increase ozone pollution, and the impacts are most acutely felt by environmental justice communities near highways. As shown by a recently created map of the heat island effect, the hottest streets in El Paso are along I-10.¹¹³

Second, GSA must collaborate with local governments to develop strategies to mitigate GHG emissions and adapt to climate impacts. The City of El Paso is currently drafting its Climate Action Plan, and GSA should collaborate with the City to incorporate climate solutions at the BOTA, including energy efficient infrastructure, public transportation, and incentivizing electric vehicles. Given the contribution of cross-border traffic on GHG emissions and the long-term exposure to extreme heat pedestrians, passengers and CBP officials on the BOTA face, GSA should also coordinate with the City of El Paso on climate adaptation efforts. We urge GSA to prepare a robust climate adaptation strategy to protect the thousands of people that cross the BOTA every day, as well as the CBP employees who must endure long workdays in record-breaking heat. This strategy should include robust public transportation, which can help reduce the impacts of GHG emissions from passenger vehicles and reduce the amount of time pedestrians are exposed to extreme heat, as well as green infrastructure solutions and native landscaping to reduce the carbon footprint of the project.

Third, GSA must include a qualitative and quantitative analysis of GHG emissions from the BOTA and its contribution to climate change. In addition to evaluating the impact of climate change on the project and its surrounding area, GSA has a responsibility to contextualize its project's emissions contribution towards climate change. GSA has the information readily available to calculate the approximate amount of GHG emissions generated at the BOTA—as well as its other POEs. With data on the amount of passenger and commercial vehicle crossings, measurements on wait times at its border crossings, and estimations available as to the quantity of emissions vehicles generate when stalled, GSA is reasonably able to calculate GHG emissions. The data from northbound traffic should be readily available and the data from southbound traffic should be gathered by CBP or Mexican authorities. Should GSA forecast future traffic, it must similarly estimate future GHG emissions. This is keeping in line with

¹⁰⁹ John Nielsen Gammon et al., *Assessment of Historic and Future Trends of Extreme Weather in Texas, 1900-2036*, TEXAS A&M UNIVERSITY, Office of the Texas State Climatologist (2021), <https://climatexas.tamu.edu/files/ClimateReport-1900to2036-2021>; Raymond Zhong and Elena Shao, *2024 Begins With More Record Heat Worldwide*, NEW YORK TIMES, February 7, 2024, <https://www.nytimes.com/2024/02/07/climate/2024-hottest-january-data.html>; National Weather Service, NOAA, El Paso's 100 Degrees Days FAQ, last updated 5/27/2023, available at https://www.weather.gov/epz/el Paso_100_degree_page; Robert Moore, *El Paso Continues to Shatter Heat Records*, EL PASO MATTERS, November 28, 2023, <https://elpasomatters.org/2023/11/28/el-paso-weather-hottest-fall-ever-climate-change/>.

¹¹⁰ Robert Moore, *Why El Paso's Summer was so Damn Hot*, EL PASO MATTERS, September 1, 2023, <https://elpasomatters.org/2023/09/01/el-paso-record-summer-heat/>.

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ University of Texas at El Paso, *Mapping Urban Heat Islands in El Paso, Texas (2020)*, available at <https://www.utep.edu/liberalarts/sega/environmental-injustice-hurricane-harvey-in-greater-houston12.html>.

NEPA’s mandate for informed decision making and working towards the goals of the Bipartisan Infrastructure Act and IRA. There are tools available to translate the social cost of GHG emissions into monetary impacts, and GSA should consider utilizing these tools, including the Social Cost of Carbon.¹¹⁴

Fourth, GSA must evaluate the direct, indirect and cumulative impacts of GHG emissions on environmental justice communities from each of its Ports of Entry. Should GSA choose an alternative that allows for commercial truck traffic or risks increasing traffic and emissions, it must consider those emissions in evaluating the overall climate impacts of alternatives.¹¹⁵ A potential risk of increased capacity—without a formidable public transportation component—is increased traffic, increased pollution, and increased demand for services. And while the GHG emissions from one POE alone may not amount to a significant contribution towards climate change, the cumulative impacts of all of GSA’s POEs GHG emissions can be significant. GSA must account for these impacts, and consider the foreseeable risks of potentially increased GHG emissions.

Environmental justice communities like San Xavier and Chamizal are disproportionately burdened by environmental pollution and face cumulative air pollution burdens from climate change-driven hazards.¹¹⁶ These same communities are slated to face worsened air pollution and climate risks in the coming decades.¹¹⁷ GSA has a clear opportunity to address these historically discriminatory impacts by placing the communities impacted by border crossing emissions first. Should it instead perpetuate these harms, GSA must analyze the full extent of the air and climate risks that are undeniably fueled in part by the BOTA and explain why it would chose a project alternative that imposes additional burdens on surrounding communities.

G. GSA Must Consider the Cumulative Impacts of the Project.

GSA is required to analyze the cumulative impacts of the BOTA Project in connection with past governmental actions amplifying commercial traffic at the BOTA, TxDOT’s past and anticipated I-10 projects, and in connection with any other actions that risk magnifying the BOTA Project’s impacts. CEQ regulations define cumulative impacts as:

[E]ffects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.¹¹⁸

In the cumulative impacts analysis, GSA must examine the “ecological [,]... economic, [and] social” impacts of emissions from these projects, including an assessment of their “significance.”¹¹⁹

¹¹⁴ *Vecinos para el Bienestar de la Comunidad Costera v. F.E.R.C.*, 6 F.4th 1321, 1329 (D.C. Cir. 2021).

¹¹⁵ *See, e.g., WildEarth Guardians v. U.S. Bureau of Land Mgmt.*, 870 F.3d 1222, 1234–37 (10th Cir. 2017).

¹¹⁶ Fifth National Climate Report: Chapter 14, available at <https://nca2023.globalchange.gov/chapter/14/>.

¹¹⁷ *Id.*

¹¹⁸ 40 CFR § 1508.1 (effective 05/20/2022).

¹¹⁹ 40 C.F.R. §§ 1508.8(b), 1502.16(a)-(b).

GSA must account for how NAFTA has rewired the flow of vehicular traffic across the border and increased cross-border air pollution. When the Bridge of the Americas was first built, GSA could not have foreseen the overwhelming air pollution that would result from unprecedented semi-truck traffic. When the Chamizal Treaty of 1963 led to toll-free crossings at the BOTA, some amount of increased traffic could be expected, but nothing beyond ordinary expectations. But the passage of NAFTA in 1994 heralded an implosion of commercial traffic heading north and south, and as a result, has inflicted one of the most dangerous health hazards on communities around the BOTA.

Now, numerous studies have been conducted as a result of the La Paz Agreement that detail the impact of traffic from highways and the ports of entry on nearby residents' respiratory and cardiovascular health.¹²⁰ GSA must not only consider the studies, but acknowledge the role the port of entry plays in allowing for a continuation of the flow of passenger and commercial traffic, and the pollution that inevitably flow from it. As part of its cumulative impacts analysis, GSA must review all information available on the potential for an increase in vehicular traffic at its POEs, and specifically the BOTA that stems from the continuation of NAFTA. Since the passage of NAFTA, commercial crossings at the border have dramatically increased,¹²¹ implicating increased pollution.

GSA must also consider how the current trend of increased trade with Mexico risks increased cumulative impacts of diesel emissions from commercial traffic at the BOTA. Trade between the U.S. and Mexico has been on the rise both north and southbound, and in 2023, Mexico surpassed China to become the biggest exporter of goods to the United States, with continued reliance on Mexican goods anticipated in the near future.¹²² GSA must do its due diligence in discussing the foreseeable increase in trade and commercial trucks. GSA should also consider reaching out to American and Mexican authorities to discuss these impacts, and evaluate strategies GSA can take to reduce the adverse impacts of increased commercial traffic.

The air pollution from vehicular crossings at the BOTA is inextricably linked with I-10 in El Paso, and GSA must consider the cumulative impacts of past, present, and future TxDOT plans to expand I-10. In determining "reasonably foreseeable actions" that must be evaluated under the cumulative impacts analysis, agencies are required to look ahead and address actions that are "contemplated" or "potential," and need not be formal NEPA proposals that may never trigger NEPA requirements.¹²³ Given that TxDOT has completed a Corridor Study for the entire

¹²⁰ The Paso del Norte air basin—which encompasses parts of Dona Ana County in New Mexico, Cd. Juarez, Chihuahua, Mexico and El Paso Texas—was detrimentally impacted by the passage of NAFTA, and the Joint Advisory Committee on Air Quality was created as a part of the La Paz Agreement. Millions of dollars continue to fund studies on air quality in the region, with a particular emphasis on vehicle emissions.

¹²¹ Barry L. Sullivan, Dennis L. Soden, and Janet S. Conary, *Nafta Transportaiton: The Impacts of Southern Border Trucking on the Texas Highway System*, IPED TECHNICAL REPORTS (2000), https://scholarworks.utep.edu/cgi/viewcontent.cgi?article=1006&context=iped_techrep; *See generally*, Office of the United States Trade Representative, Countries & Regions: Western Hemisphere, Mexico, <https://ustr.gov/countries-regions/americas/mexico#:~:text=U.S.%20goods%20imports%20from%20Mexico,up%2064%20percent%20from%202012.>

¹²² Maya Averbuch and Leda Alvim, *Mexico's Moment: The Biggest US Trading Partner Is No Longer China*, BLOOMBERG BUSINESS, September 11, 2023, <https://www.bloomberg.com/graphics/2023-mexico-china-us-trade-opportunity/>.

¹²³ *Fritiofson v. Alexander*, 772 F.2d 1225, 1243 (5th Cir. 1985), *abrogated by Sabine River Auth. v. U.S. Dep't of Interior*, 951 F.2d 669 (5th Cir. 1992); *accord, Kern v. U.S. Bureau of Land Management*, 284 F.3d 1062,

Reimagine I-10 Project and secured most of the funding for the Downtown Segment, TxDOT's Reimagine I-10 Project is reasonably foreseeable.¹²⁴ The Reimagine I-10 Project would significantly increase the capacity of I-10, risking additional traffic to and from the BOTA. Highway expansions induce widespread development with serious environmental consequences, including deterioration of air quality. By removing the trucks from the BOTA, GSA can reduce the cumulative impacts of air contamination at and around the BOTA, but it cannot evade its responsibility to account for the impacts that TxDOT's I-10 Connect and Reimagine I-10 Projects have had and will continue to have on communities surrounding the BOTA.

H. GSA Must Provide Sufficient Information throughout the Public Participation Process.

The San Xavier community has faced a history of environmental racism, including being denied the opportunity to meaningfully participate in projects that impart significant detrimental impacts on the community. Between DATES, TxDOT held several public meetings for its I-10 Connect Project where it touted significant traffic and pollution benefits, but the reality was far from the image cast.¹²⁵ The San Xavier community and public at large were repeatedly misinformed about the full extent of the I-10 Connect Project's impacts, including construction impacts on homes, streets and drainages, increased traffic, and increased noise and air pollution. TxDOT provided the public with numerous grandiose assurances about traffic reductions and public benefits, but never provided critical traffic studies and substantive justification for its conclusions throughout the public participation process. While GSA was not the agency responsible for the I-10 Connect Project, we urge GSA to reflect on the significant departure TxDOT took from NEPA's public participation mandate and avoid inflicting the same harm on a community already burdened by environmental pollution and a lack of transparency from those who impose additional pollution burdens. We urge GSA to readily make the materials it relies upon—including any expert studies, traffic data, and air quality data—readily available to the public both in-person and online.

GSA has recognized the importance of meaningful public participation in the NEPA process, especially for environmental justice communities. On August 4, 2011, the GSA signed the Memorandum of Understanding (“MOU”) on Environmental Justice and Executive Order 12898 (MOU on Environmental Justice), which affirmed the agency's commitment to pursue environmental justice as an agency objective, and identify and address disproportionately high and adverse human health or environmental effects of activities such as the one at hand on minority and low-income populations.¹²⁶ The MOU also reaffirmed GSA's responsibilities under Title VI of the Civil Rights Act of 1964. As part of the MOU, GSA committed itself to “[e]nsure

1077 (9th Cir. 2002) (“contemplated” actions); *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1214 (9th Cir. 1998) (“potential” actions).

¹²⁴ TxDOT, Reimagine I-10: Next Steps, <https://www.txdot.gov/reimaginei10/corridor-study/nextsteps.html>; TxDOT, 2024 UTP at 96, available at <https://www.txdot.gov/projects/planning/utp.html>.

¹²⁵ Exhibit A, TRLA, Complaint under Title VI of the Civil Rights Act of 1964 on behalf of the San Xavier Community, December 7, 2023 [hereinafter TRLA Title VI Complaint].

¹²⁶ GSA, *Memorandum of Understanding (MOU) on Environmental Justice and Executive Order 12898 (MOU on Environmental Justice)*, August 4, 2011 (emphasis added), available at https://www.gsa.gov/system/files/MOU_Environmental_Justice.pdf.

meaningful opportunities exist for the public to submit comments and recommendations relating to the strategy, implementation, and ongoing efforts associated with environmental justice.”¹²⁷

TRLA and its clients appreciate GSA’s efforts thus far to ensure public participation opportunities, including the extension of the time granted to submit these commits. We urge GSA to continue to provide periodic opportunities throughout the development of the EIS to ensure that the numerous concerns of the public are addressed throughout the process.

We also urge GSA to take a step further in ensuring that environmental justice communities are provided with the adequate means to access information beyond public meetings. At public meetings, the information provided to the public is often limited, and significant studies, data, expert reports, and draft NEPA documents like the draft EIS are often not provided at public meetings. Often, the draft EIS and other critical information is only available for review at agency offices, which are hard to reach for those communities with limited funds and resources. We respectfully request that GSA take steps to make critical information, including the draft EIS, available at public meetings and online. It should not be left for the public to obtain missing information through an informal request to GSA, or through the formal FOIA process, which can be lengthy and impede the public’s ability to meaningfully review the materials the agency relies on in its decisionmaking process.

Finally, we request that GSA clarify the proposed project timeline and funding details. In its December 13, 2023 meeting, GSA noted that it would put forth the final IS in September 2024, and issue “Completion of EIS” in late 2024. These statements leave confusion for the estimated date of the final EIS. We ask that GSA clarify the estimated timeframe for the final EIS, preferably within a month range. Further, while GSA indicated that it received funding from the IRA and plans to utilize low-carbon materials as a result of those funds, it remains unclear how much funding from the IRA will be used at the BOTA.

I. GSA Must Include Adequate Mitigation.

GSA must consider possible strategies to mitigate the impact of vehicle emissions on pedestrians at the BOTA. A YEAR study examined the serious environmental justice impacts of cross-border air pollution and noted potential mitigation strategies:

[I]ncreased staffing, improved technology, increased capacity, reductions in emissions per vehicle, anti-idling measures, reductions in personal exposures through such measures as separation of pedestrians from traffic, the use of vegetation barriers, rerouting traffic away from schools and planning and design to reduce exposure.¹²⁸

We urge GSA to evaluate this and other studies examining air pollution mitigation and exposure mitigation at POEs.

1. GSA Must Include Sustainability Measures.

¹²⁷ GSA, Environmental Justice Strategy: Fiscal Years 2016-18 (May 2016), https://www.gsa.gov/system/files/Final_Approved_EJ_Strategy_FY16_-_FY18%28Final%29.pdf.

¹²⁸ Penelope J.E. Quintana et al., *Risky Borders: Traffic Pollution and Health Effects at US–Mexican Ports of Entry*, JOURNAL OF BORDERLANDS STUDIES (2015), available at https://www.researchgate.net/publication/324719712_Risky_Borders_Traffic_Pollution_and_Health_Effects_at_US-Mexican_Ports_of_Entry.

We are pleased to see that GSA plans to utilize low-carbon infrastructure materials, notably LEC materials, to reduce the carbon footprint of the project. GSA should not stop at building materials, and should seriously consider incorporating landscape architecture into the design of the BOTA. Landscape architecture has already been demonstrated to reduce the carbon footprint of government infrastructure, boost the preservation of the surrounding environment, and help alleviate past harms of systemic environmental discrimination.¹²⁹

GSA can also expand on the benefits of landscape architecture through the creation of green spaces for people using the POE and CBP employees. This is not new to GSA, and the agency has already incorporated landscaping at POEs to provide shade and nature for employees in the middle of the desert.¹³⁰ Research shows that exposure to green natural environments produces physical and mental health benefits.¹³¹ In a 2022 study, researchers found that green and desert environment simulations promote the stress recovery of cortisol.¹³² Even more, native landscaping can be utilized to create barriers between vehicle and passenger traffic, minimizing exposure to the emissions of idling vehicles.

2. GSA Must Incentivize Electric Vehicles.

The Bipartisan Infrastructure Act created the Electric Vehicle Working Group, which includes GSA among its members.¹³³ The Bipartisan Infrastructure Act states that “[n]ot later than 1 year after the date of enactment of this Act, the Secretaries shall jointly establish an electric vehicle working group to make recommendations regarding the development, adoption, and integration of light-, medium-, and heavy-duty electric vehicles into the transportation and energy systems of the United States.”¹³⁴

As part of the NEPA process, agencies are required to gain input from stakeholders and the public, and to engage other potentially interested agencies. We encourage GSA to consult with the Electric Vehicle Working Group to discuss strategies that can be undertaken at the BOTA and through other anticipated and planned POE modernization projects to incentivize electric vehicles.

3. GSA Must Include Mandatory Measures to Ensure Best Practices and Minimal Disruption during Construction.

San Xavier residents are still dealing with the damage caused by TXDOT’s construction of I-10 Connect, and GSA must ensure that BOTA does not follow the same route of preventable

¹²⁹ See Richard Schiffman, Ecosystems as Infrastructure: A New Way of Looking at Climate Resilience, Yale Environment 360 (November 7, 2023), <https://e360.yale.edu/features/kate-orff-interview>.

¹³⁰ Reed Karaim, Mariposa Land Port of Entry, Designed by Jones Studio, Architect (October 27, 2014), https://www.architectmagazine.com/design/buildings/mariposa-land-port-of-entry-designed-by-jones-studio_o.

¹³¹ Gregory N. Bratman, Nature and Mental Health: An Ecosystem Service Perspective, 5(7) Science Advances 118,413 (July 24, 2019); Mathew P. White et al., Associations Between Green/Blue Spaces and Mental Health Across 18 Countries, 11 (8903) Scientific Reports (April 26, 2021).

¹³² Jie Yin et al., Stress Recovery from Virtual Exposure to a Brown (Desert) Environment Versus a Green Environment, 81 Journal of Environmental Psychology 101775 (February 22, 2022), <https://doi.org/10.1016/j.jenvp.2022.101775>.

¹³³ 23 USCA § 151, SEC. 25006. ELECTRIC VEHICLE WORKING GROUP. The federal stakeholders of the group are the Department of Energy, the EPA, CEQ, and GSA, and membership may be extended to a representative of any other Federal agency that the Secretaries of the membership agencies consider appropriate.

¹³⁴ *Id.*

construction damage. GSA must ensure that none of its construction negatively impacts the surrounding homes, buildings, and infrastructure; GSA must conduct proper soil tests and take photographs of surrounding homes and buildings and infrastructure prior to construction. GSA must also have clear direction and supervision of the contractors that prohibits the use of heavy machinery that is known in the industry to harm homes and buildings, particularly those homes and buildings in older neighborhoods. GSA must also ensure that construction is only done during limited—and reasonable—hours of the day so that the adverse effects of noise and additional air pollution are minimized. Residents should not bear the burden of construction activities 24 hours a day, 7 days a week as they did with the I-10 Connect Project. We further urge GSA to take all available measure to prevent damage to nearby infrastructure, drainage, and wildlife at the Chamizal, and to avoid creating traffic hazards (e.g. removing lighting).

V. Conclusion

GSA's BOTA Modernization Project risks imposing significant environmental and economic harm, which must be disclosed as part of its EIS. Moving forward, GSA should select Alternative 4 and remove north- and southbound heavy-duty commercial traffic from the BOTA, improve public transportation, adequately analyze environmental justice impacts, conduct local air quality monitoring and a health assessment, reduce its contribution towards climate change, and take all practicable measures to mitigate the impacts of the BOTA.

Sincerely,

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EXHIBIT A



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December 7, 2023

Federal Highway Administration
Office of Civil Rights
Attention: Title VI Program Coordinator
1200 New Jersey Avenue, SE
8th Floor E81-314
Washington, DC 20590
CivilRights.FHWA@dot.gov

Re: Complaint under Title VI of the Civil Rights Act of 1964

To the FHWA Title VI Program Coordinator:

On behalf of residents of the San Xavier neighborhood, in El Paso, Texas, we file this complaint under Title VI of the Civil Rights Act of 1964, 49 C.F.R. § 21.5, and the United States Department of Transportation (“USDOT”) and Federal Highway Administration (“FHWA”) Title VI Handbook (collectively “Title VI”).

For the reasons stated below, we request that FHWA undertake a Title VI compliance investigation into the Texas Department of Transportation’s (“TxDOT”) compliance with its obligations pursuant to Title VI of the Civil Rights Act in regard to its I-10 Connect Project¹ (“I-10 Connect” or “the Project”)² and its impact on the surrounding residential neighborhoods.

TxDOT falsely claimed its \$156-million I-10 Connect Project would alleviate traffic heading into the Bridge of the Americas Port of Entry (“BOTA” or “POE”). As every El Pasoan now knows, TxDOT failed to deliver on its promise. Instead, TxDOT has perpetuated the discriminatory policies that have impacted Mexican-American communities since the days of Jim Crow America, under which white supremacist ideology was applied to decide which communities to invest in and which communities would bear the burden of transportation projects. The San Xavier neighborhood continues to suffer from this racist legacy and its most recent continuance through the failed I-10

¹ For a general description of the project and information about the environmental review process, see TxDOT’s I-10 Connect Project website, <https://www.txdot.gov/projects/projects-studies/el-paso/i10-connect.html>.

² I-10 Connect is also referred to as I-110.

Connect Project, with air pollution, traffic, health impacts, the heat island effect, noise pollution and damage from the construction of the project itself.

TxDOT violated Title VI's prohibition on discrimination due to its repeated failures under NEPA to fully inform the community and evaluate all impacts from the project, its failure to anticipate that the Project could not alleviate traffic heading south, and its failure to make any effort to mitigate the harm inflicted on homes and the San Xavier neighborhood by the construction of the Project itself. Specifically, we ask that you review TxDOT's:

1. Failure to fully consider the environmental justice impacts of the Project in the context of historical environmental discrimination of Southside communities in El Paso;
2. Failure to analyze its inability to control or predict the impact of U.S. and Mexican Customs on traffic, indicating that TxDOT knew the Project would aggravate traffic by relocating semi-trucks from Paisano Drive to I-10 Connect;
3. Failure to provide the Complainants and the public with any expert reports, traffic studies, or underlying data supporting its conclusions that the Project would reduce traffic and congestion;
4. Failure to inform the Complainants of construction impacts, including damage to homes and the 24/7 nature of construction activities that went on for weeks, and traffic impacts, including the potential for increased pollution and noise from increased traffic, particularly from 18-wheelers (referred to here as "heavy-duty traffic" or "semi-trucks") that were being relocated from Paisano Drive to Complainants' neighborhood;
5. Failure to prevent and respond to dangerous and harmful conditions posed by negligent construction practices used for I-10 Connect, which led to the damage of homes and neighborhood infrastructure, including drainage issues, traffic hazards, and lack of proper lighting; and
6. Failure to consider and analyze how to reduce the volume of traffic on the BOTA and I-10 Connect, namely, by implementing public transportation programs and prohibiting 18-wheelers from using I-10 Connect.

TxDOT's decisions and procedures violate its duty to administer all programs and activities in a nondiscriminatory manner. These violations include both actions that have caused and will cause significant adverse and disparate impact on the basis of race, color, and ethnicity, as well as acts that constitute intentional discrimination based on these protected characteristics and are prohibited by Title VI.

We respectfully request that USDOT take all appropriate actions to ensure TxDOT's compliance with Title VI, including full and fair compensation to the Complainants for the damage to their homes; repairing the neighborhood's infrastructure (flooding, car accident hot spots, debris, noise); prohibiting semi-trucks from using I-10 Connect; adopting and enforcing requirements to ensure responsible construction practices, including pre-assessment of homes and soil composition, and the prohibition of

certain construction equipment; adopting and enforcing requirements to ensure the full dissemination of information to communities during and after the public participation process, and a comprehensive health study and monitoring of impacted residents. We also request that USDOT support the Complainant’s requests as part of the GSA’s upcoming BOTA Modernization³ (“BOTA Modernization”) Project’s NEPA process, namely, to remove 18-wheelers from BOTA heading both north and south, and to incorporate robust public transportation as part of the BOTA Modernization and nearby areas.

This complaint is vitally important because of the Project’s ongoing impact on the Complainants and because the upcoming \$700 Million BOTA Modernization provides an opportunity to remedy some of TxDOT’s failures. The General Services Administration (“GSA”) will hold the first public scoping meeting for its Bridge of the Americas Modernization Project on December 13, 2023.⁴

I. Complainants.

The area impacted by I-10 Connect is north of Paisano Dr., east of N. Copia St., south of I-10, west of Texas 375 Loop and US 54, and the residential streets surrounding Zavala Elementary, including those on N. Copia St., Rivera Ave., and N. Hammett St., and south of Alameda Ave.⁵ Complainants have taken on the name of the San Xavier neighborhood after the St. Francis Xavier Catholic Church and Parish located at 519 S. Latta St. A pattern of governmental decisions has placed Southside communities like San Xavier at the forefront of environmental contamination. In recognition of this, the Chamizal community—west of San Xavier—has advocated for clean air since the passage of the North American Free Trade Agreement (“NAFTA”) in 1994. The Chamizal community has voiced concerns to TxDOT and local government authorities to take meaningful action to ameliorate air pollution, including by advocating for the removal of semi-trucks from Paisano Drive and the BOTA. In furtherance of this goal, residents of the Chamizal and San Xavier neighborhoods engaged in public participation throughout the I-10 Connect Project.

II. Jurisdiction.

Title VI’s prohibition on discrimination applies to all recipients of federal funds. “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. § 2000d. Accepting federal funds from USDOT creates an obligation for the

³ U.S. General Services Administration, Region 7: Greater Southwest, *Bridge of the Americas Land Port of Entry*, <https://www.gsa.gov/about-us/gsa-regions/region-7-greater-southwest/buildings-and-facilities/texas/bridge-of-the-americas-land-port-of-entry>.

⁴ *Id.*

⁵ TxDOT, Final Environmental Assessment, I-10 Connect From Yandell Drive to Loop 375 (Cesar Chavez Border Highway) El Paso County, Texas (August 2018), available at <https://www.txdot.gov/projects/projects-studies/el-paso/i10-connect.html> (hereinafter TxDOT EA).

recipient to comply with Title VI and USDOT's implementing regulations.⁶ As explained below, TXDOT is a "program" receiving federal financial assistance and is therefore subject to Title VI and USDOT's implementing regulations. This Complaint satisfies all jurisdictional and prudential considerations established by Title VI, USDOT's implementing regulations, and other agency guidance.

A. TxDOT is a "Program" as Defined by Title VI.

Title VI defines a program or activity as "all of the operations of . . . a department, agency . . . or other instrumentality of a State or of a local government . . . any part of which is extended Federal financial assistance." 42 U.S.C. § 2000d-4a. Accordingly, if any part of a state agency receives federal funds, the entire agency is covered by Title VI. *See Ass'n of Mexican-Am. Educators v. California*, 195 F.3d 465, 474–75 (9th Cir. 1999), *rev'd in part on other grounds*, 231 F.3d 572 (9th Cir. 2000) (en banc); *see also* U.S. Dep't of Justice, *Title VI Legal Manual* § V(C) (Sep. 27, 2016), <https://www.justice.gov/crt/fcs/T6manual> ("DOJ Title VI Manual").

TxDOT is a "program or activity" that is subject to the requirements of Title VI. *See* 42 U.S.C. § 2000d-4a(1)(A)-(B); 49 C.F.R. § 21.23(e)(1). As the agency responsible for transportation solutions within the state, TxDOT plays a direct role in highway planning and construction.

B. TxDOT Receives Federal Financial Assistance.

TxDOT is a past and current recipient of federal funding, including grants coming directly from the U.S. Department of Transportation's Federal Highway Administration and Federal Transit Administration ("FTA"). TxDOT is a primary recipient of federal funds. *See* 49 C.F.R. § 21.23(d), (f); 28 C.F.R. § 42.102(f)-(g). TxDOT's I-10 Connect Project, a metro and urban area corridor, was funded by both the federal and state government.⁷

As a recipient of federal funding, TxDOT is required to provide assurances that it is in compliance with Title VI on each of its applications for federal funding. 49 C.F.R. § 21.7. TxDOT is further required to ensure that the City of El Paso's transportation planning process complies with Title VI. 23 C.F.R. § 450.218; 23 C.F.R. § 450.334. Conversely, TxDOT is also required to abide by the requirements of the City of El Paso's Metropolitan Transportation Planning Organization ("MPO") Plan, which reiterates the responsibilities of government actors under Title VI.⁸ TxDOT claims that the I-10 Connect Project complies with the City's MPO Plan.⁹

⁶ USDOT regulations require applicants for agency funds to give "assurance" that they will comply with the agency's Title VI implementing regulations. 49 C.F.R. § 21.7a(1).

⁷ *See* TxDOT EA at 4 ("The proposed project would be funded with state and federal funds for a total projected cost of \$108,263,792.).

⁸ City of El Paso Metropolitan Transportation Organization, *Horizon 2040: Metropolitan Transportation Plan* at 17 (hereinafter *El Paso MPO Plan*).

⁹ TxDOT EA at 4.

Accordingly, TxDOT's environmental assessment analysis, siting decision, public participation process, and mitigation for the I-10 Connect Project are all subject to the requirements of Title VI.

C. Timeliness.

This complaint alleges that TxDOT is in continuing violation of Title VI. At present, and as more fully discussed below, TxDOT discriminates against Mexican and Mexican-American persons in the San Xavier neighborhood by continuing to ignore the ongoing harms stemming from its I-10 Connect Project. In addition, TxDOT repeatedly violated Title VI throughout the NEPA process, as it failed to provide crucial traffic studies and other supporting evidence to the public, failed to fully consider the environmental justice impacts of increased traffic, noise and air pollution from the project, failed to inform the public of potential construction impacts, and failed to implement any mitigation measures for those impacts.

The Office of Civil Rights ("OCR") has ongoing authority to periodically review recipients' programs and activities to ensure Title VI compliance. 40 C.F.R. § 7.115. This complaint is timely because TxDOT continues to ignore the ongoing harms faced by San Xavier residents from I-10 Connect, and thus, its discriminatory acts remain ongoing. Should any of TxDOT's individual actions throughout the proposal and implementation of I-10 Connect no longer fall within the 180 calendar days of an alleged discriminatory act, we request that OCR waive these time limits in the interest of justice. 40 C.F.R. § 7.120(b)(2).

III. TxDOT Violated Title VI of the Civil Rights Act of 1964.

Title VI and USDOT's implementing regulations prohibit recipients of federal funding from excluding persons from participation in programs or denying persons the benefit of programs on the basis of race. *See* 42 U.S.C. § 2000d; 49 C.F.R. § 21.5(a); 28 C.F.R. § 42.104(a). Recipients of federal transportation funding are prohibited from making project site selections that discriminate on the basis of race, 49 C.F.R. § 21.5(b)(3).

Complainants can establish a Title VI violation in two ways: by establishing that the government has intentionally discriminated against a protected class, or by showing that the challenged decision has disparately impacted a protected class.¹⁰ As explained in detail below, TxDOT has violated Title VI on both grounds.

A. San Xavier is an Environmental Justice Community.

¹⁰ *Alexander v. Choate*, 469 U.S. 287, 293 (1985) (discussing *Guardians Ass'n v. Civil Serv. Comm'n of N.Y. City*, 463 U.S. 582 (1983)).

I-10 Connect is located in south-central El Paso and leads to the international border with Mexico. TxDOT described San Xavier and surrounding neighborhoods as:

[U]rban and includes residential, commercial, light industrial, and recreational properties. Lincoln Park, Chamizal National Memorial Park, Concordia Cemetery, Temple Mt. Sinai Cemetery, B’nai Zion Cemetery, Evergreen Cemetery, St. Francis Xavier Church, Zavala Elementary, the El Paso Zoo, and the Bridge of the Americas Port of Entry are located within or near the project area.¹¹

TxDOT identified the POE as “a major defining feature of the area.”¹² In fact, I-10 Connect is connected to the POE.

Table 1. Demographics of Census Tracts Immediately Adjacent to I-10 Connect.¹³

Location	% People of Color	% Low-Income	Per Capita Income	% LEP	% Less than High School Education	% People with Disabilities
Tract 48141002900 (San Xavier)	97	76	\$13,126	44	47	22
Tract 4814100280 (West of San Xavier)	99	89	\$10,164	51	57	18
Tract 4814100300 (East of San Xavier)	98	75	\$8,533	44	49	28

The widening of the highway as part of I-10 Connect brought the highway even closer to Zavala Elementary, which was built in 1925.¹⁴ For the 2021-2022 school year, Zavala had a student population of 306 students. Of these, 94.4% were Hispanic and 1% were Native American. 78.1 % of students were English Language Learners, compared to El Paso ISD at 40.8%; and Texas at 21.9%. 13.4% of the students were enrolled in Special Education, compared to 11.3% at EPISD, and 11.6% statewide. Even more, 92.2% of the students were “at risk”¹⁵ at Zavala, compared to 63.8% at EPISD, and

¹¹ TxDOT EA at 9-10.

¹² TxDOT EA at 86.

¹³ Data generated by EPA, EJScreen Tool. Available at <https://ejscreen.epa.gov/mapper/>.

¹⁴ EPISD, Zavala Elementary School, <https://www.episd.org/Page/2892>.

¹⁵ A student is identified as being at risk of dropping out of school based on state-defined criteria.

53.5% statewide. At Zavala, 94.8% of students were economically disadvantaged,¹⁶ compared to 73.5% at EPISD and 60.7% statewide.¹⁷

B. TxDOT Intentionally Discriminated against San Xavier Residents.

Intentional discrimination “need not be proved by direct evidence.” *Rogers v. Lodge*, 458 U.S. 613, 618 (1982); *see also Veasey v. Perry*, 830 F.3d 216, 235-36 (5th Cir. 2016) (officials rarely “announc[e] an intent to discriminate based upon race, whether in public speeches or in private correspondence.”). Instead, courts make “a sensitive inquiry into such circumstantial and direct evidence of intent as may be available.” *Vill. Of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266 (1977). The non-exhaustive factors in this inquiry are: (1) the discriminatory effect of the official action; (2) the historical background of the decision; (3) the specific sequence of events leading up to the decision; (4) departures from the normal procedural sequence; (5) departures from the normal substantive factors, and; (6) the legislative or administrative history of the decision. *See Arlington Heights*, 429 U.S. at 266–68; *Veasey*, 830 F.3d at 231.

Moreover, where prior discriminatory practice or usage has tended to subject individuals to discrimination under any program or activity to which Title VI applies, the applicant or recipient “must take affirmative action to remove or overcome the effects of the prior discriminatory practice or usage.” 49 C.F.R. § 21.5(b)(7). Thus, because of the legacy of discriminatory practices impacting San Xavier residents, TxDOT has an affirmative responsibility to not only avoid discriminating against its residents today, but also to overcome the legacy of its past discrimination.

An investigation into TxDOT’s actions in furtherance of the I-10 Connect project will demonstrate that TxDOT intentionally discriminated against the San Xavier residents and completely disregarded any measures to “remove or overcome the effects of the prior discriminatory practice or usage,” for several reasons.

C. The I-10 Connect Project has Disproportionately Impacted the San Xavier Community, Feeding into an Invidious History of Racial Discrimination.

The inquiry into whether an agency decision was fueled by racial animus starts with examining whether there has been a disproportionate impact on a protected class. The Supreme Court has recognized that disproportionate impact, on its own, “can satisfy the intent requirement where it tends to show that some invidious or discriminatory purpose underlies the policy.”¹⁸ If the challenged decision “manifest[s] a consistent

¹⁶ A student is defined as “economically disadvantaged” if he or she is eligible for free or reduced-price lunch or other public assistance.

¹⁷ Texas Tribune, Public Schools Explorer, Zavala Elementary School, <https://schools.texastribune.org/districts/el-paso-isd/zavala-elementary-school/>

¹⁸ *Arlington Heights*, 429 U.S. at 264-66; *Hazelwood Sch. Dist. v. United States*, 433 U.S. 299, 307-08 (1977).

pattern of actions” that disparately impacts a protected class, then the disparate impact is probative of discriminatory intent.¹⁹

Additionally, TxDOT’s mandate to take “affirmative action to remove or overcome the effects of the prior discriminatory practice or usage”²⁰ dovetails with the second factor to consider in the intentional discrimination inquiry: the historical background of the decision.²¹ As described below, the San Xavier residents and other Southside communities have borne the brunt of environmental impacts for the past few decades through a history of discrimination that TxDOT has both ignored²² and exacerbated with its failed I-10 Connect Project.

When agencies seek to enlarge or extend highways, they must grapple with the context: infrastructure is where it is often for discriminatory reasons; expanding these systems may disparately burden the same communities, who continue to live along the same thoroughfares. While El Paso is a majority-minority city, communities like the San Xavier neighborhood—which are nearly 100% People of Color and have higher concentrations of foreign-born residents—are disproportionately burdened by air pollution stemming from the discriminatory siting of railroads, highways, industries, international ports of entry, and cross-border air pollution centuries in the making.²³ The San Xavier neighborhood—one of several environmental justice neighborhoods in southside El Paso—bears the legacy of hundreds of years of racism, including zoning that allowed homes, residents, schools and public spaces to co-exist immediately next to commercial and light industrial facilities, such as sewage treatment plants and warehouses, large transportation projects, the railroad, and international ports of entry.

El Paso – despite being a majority-minority community – was not exempt from Jim Crowe discrimination. Here as across the country, highways were constructed around and through Black and Hispanic communities to cement segregation. The discriminatory practices of redlining laid the groundwork for future highway sitings. Before I-10 was built, the railroad segregated low-income communities of color, primarily Mexican-American and Black, from their whiter counterparts north of the railroad.²⁴ The map attached as **Exhibit A** demonstrates that the San Xavier and Chamizal neighborhoods—found within the sections labeled as C and D—were described as being occupied by “Mexicans”, “negroes”, “foreigners,” and “laborers”; containing substandard housing;

¹⁹ *Sylvia Dev. Corp. v. Calvert Cnty., Md.*, 48 F.3d 810, 819, 823 (4th Cir. 1995) (internal quotations omitted).

²⁰ 49 C.F.R. § 21.5(7).

²¹ The Fifth Circuit has recognized that discrimination can have enduring effects, and the “contemporary” nature of the more recent highway construction projects around the San Xavier neighborhood allocates significant probative value when analyzing TxDOT’s underlying intentions in the I-10 Connect project. *See Veasey*, 830 F.3d at 232, 239.

²² *See infra* section III.E.

²³ *See* Isa Gutierrez et al., ‘Like a Dumping Ground’: Latina moms in Texas border city are fighting air pollution, NBC NEWS (Feb. 22, 2022), available at <https://www.nbcnews.com/news/latino/-dumping-ground-latina-moms-texas-border-city-are-fighting-air-polluti-rcna16789>.

²⁴ Redlining maps from the mid-1930s and 40s were created by the Home Owners’ Loan Corporation and its parent bureau, the Federal Home Loan Bank Board.

and as being avoided by mortgage lenders. Disinvestment in these communities further perpetuated their deterioration, and TxDOT's actions to this day have allowed this deterioration to continue.

The pattern of government-sponsored discrimination based on national origin—specifically targeting Mexican-Americans—continued as San Xavier was enveloped by new highways. In 1957, TxDOT constructed Interstate-10 (east and west), which abuts the northern portion of the San Xavier neighborhood. The construction of I-10 significantly restricted travel between the now-divided portions of the neighborhood. US-54 (north and south)—built in 1926 and modified in 1970—sets the eastern boundary of the neighborhood. In the 1960s, construction began on Texas Loop 375, and the portion known as the Cesar Chavez Border Highway was placed immediately east of the neighborhood. The construction of I-110 in 1967 further divided the neighborhood and resulted in a community surrounded by highways at every corner.²⁵ Today, the legacy of the discriminatory siting of these highways continues to disparately impact the health and well-being of the neighborhood. The google map attached as **Exhibit B** shows the proximity of roads to San Xavier.

These transportation projects cemented racial inequities while creating new ones by cutting off neighborhoods and concentrating traffic and the noise and air pollution it brings, along with a negative impact on property values. I-10 Connect is more of the same. Table 1 demonstrates that the populations residing in the census tracts immediately adjacent to I-10 Connect are environmental justice communities facing above average levels of poverty, limited English language proficiency, limited access to education, immigrants, and people with disabilities. Thus, TxDOT's actions have disparately impacted a protected class.

The San Xavier neighborhood is not just surrounded by local and state roads and highways, but is also directly across from one of the largest Ports of Entry in the United States, known as the Bridge of the Americas, the Cordova Bridge, and the “Free Bridge” or “Puente Libre.” In 1963, the United States and Mexico entered into the Chamizal Convention (“Chamizal Treaty” or the “Treaty”), to address a long-standing boundary dispute.²⁶ The treaty resulted in the Rio Grande being relocated into a new channel and the United States’ transfer of over 823-acres of land to Mexico, which included land referred to as the Chamizal tract and Cordova Island.²⁷ Families that had lived on the land transferred to Mexico were relocated, and the San Xavier neighborhood was now even closer to the BOTA.

In addition to displacement, the Chamizal Treaty also gave rise to incessant pollution from heavy truck traffic. By removing the tolls from the BOTA and moving the

²⁵ See *supra* n. 21.

²⁶ NPS, Convention Between The United States Of America And The United Mexican States For The Solution Of The Problem Of The Chamizal, August 29, 1963, available at <https://www.nps.gov/cham/learn/historyculture/chamizalconvention.htm>.

²⁷ *Id.* at Art. 1, 2. The Cordova bridges had allowed commercial vehicles previously. *Id.* at Art. 10.

BOTA closer to Paisano Drive, the Treaty inevitably attracted commercial truck traffic. Commercial trucks were allowed to use the BOTA because the Treaty states “[t]he agreements now in force which relate to the [Cordova Bridges] shall apply to the new international bridges which replace them.” Complainants argue that this interpretation is no longer relevant due to the dramatic difference in the volume and characteristics of commercial traffic since the passage of the Treaty.

When the Chamizal Treaty was signed in 1963, no one anticipated the exponential growth of commercial and passenger traffic that would follow with the passage of NAFTA in 1994. Nor did anyone anticipate that most of the commercial trucks would be 18-wheelers, bringing in unprecedented deterioration of the air quality and health of communities in the Paso del Norte air basin, including the San Xavier neighborhood.

The Chamizal Treaty’s interpretation allowing semi-trucks on the BOTA and NAFTA created perfect conditions for unprecedented traffic and air pollution, which TxDOT enabled through its siting of highways. Semi-trucks *heading north* idled while they waited to be inspected by U.S. Customs, and when the semis *headed south* to be inspected by both U.S. and Mexican Customs, they idled in front of Bowie High School, the Salazar public housing apartments, the Chamizal Park, and in close proximity to Douglass Elementary and residences.

When TxDOT began designing I-10 Connect, it knew semi-truck traffic was a problem that imposed environmental costs on Southside neighborhoods. TxDOT *could have* advocated for the removal of 18-wheelers from the BOTA to prevent them from idling on their way *north and south*. TxDOT *could have prohibited* 18-wheelers from using I-10 Connect, thereby impeding their entry into the BOTA heading *south*. Instead, TxDOT removed the trucks from Paisano Drive and simply redirected them to I-10 Connect and next to homes, subsidized housing, Zavala Elementary and the El Paso Zoo. This relocation of the 18-wheelers is even more problematic for two reasons: (1) 18-wheelers now merge with passenger vehicles, causing safety hazards and increased bottlenecks, and (2) U.S. and Mexican Customs do not appear to be doing anything to accelerate inspections of 18-wheelers heading south.

TxDOT paid no heed to the risk of repeating history. Instead of attempting to mitigate the air pollution in southside neighborhoods like San Xavier through equitable transportation strategies, TxDOT only exacerbated the problem by repeatedly placing—and expanding—highways in historically neglected communities, and directing semi-truck traffic close to these communities, all while knowing it lacked the ability to speed up the commercial traffic heading south.

D. TxDOT’s Repeated Failures under NEPA to Provide the Community with Critical Information is Probative of Intentional Discrimination.

TxDOT repeatedly ignored NEPA’s procedural requirement to meaningfully inform the public throughout its project planning process. In other words, the

“extraordinary degree of [TxDOT’s] procedural irregularities” strongly indicates discriminatory intent²⁸ and cannot be attributed to mere negligence.

USDOT defines “discrimination” as:

[A]ny action or inaction, whether intentional or unintentional, in any program of a recipient of Federal financial assistance that results in disparate treatment (including retaliation under 49 C.F.R. §21.11(e)), disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin (including limited English proficiency).²⁹

By repeatedly failing to divulge mandatory information to a protected class—one that has been subjected to discrimination and exclusion from major governmental decisions—TxDOT has caused a disparate impact and has “perpetuat[ed] the effects of prior discrimination.” Even more, TxDOT has violated Title VI requirements under the applicable El Paso MTP, which requires “full and fair participation by all potentially affected communities in the transportation decision-making process.”³⁰

Pursuant to NEPA, TxDOT led the environmental assessment analysis and planning process for I-10 Connect. TxDOT went through a scoping process and released a Draft Environmental Assessment (“EA”) that was only accessible in-person at TxDOT’s El Paso office.³¹ TxDOT released its Final EA for the I-10 Connect Project in August 2018.³² TxDOT concluded that the project **would not result in any significant adverse impacts, and thus, did not warrant an Environmental Impact Statement (“EIS”).**³³ But this finding was made without the requisite community input, as it was made after keeping San Xavier residents in the dark about the full extent of the impacts to the neighborhood in three key ways.

First, TxDOT failed to inform residents of the likelihood and impacts of increased air and noise pollution from increased vehicular traffic. NEPA requires government agencies to “consider every significant aspect of the environmental impact of a proposed

²⁸ See *Veasey*, 830 F.3d at 237–38, 238-241 (finding discriminatory intent where the Texas legislature engaged in “numerous and radical procedural departures[.]”).

²⁹ USDOT, Order 1000.12C, The U.S. Department of Transportation Title VI Program at 4 (June 11, 2021), available at <https://www.transportation.gov/mission/us-department-transportation-title-vi-program>.

³⁰ El Paso MPO Plan at 17.

³¹ TxDOT, July 30, 2018 Public Hearing Summary, at 10, *NOTICE: Draft Environmental Assessment Available for Public Review and Public Hearing I-10 Connect*. TxDOT’s El Paso Office is located approximately 13 miles away from the I-10 Connect project area and has regular hours of 8am-5pm on Monday through Friday. The impacted communities are low-income and working class, and thus may not have viable transportation options or the flexibility to go to TxDOT’s office during regular weekday hours. Historically, TxDOT has not made significant investments in public transportation projects that could help low-income communities like those around the I-10 Connect Project area access in-person resources such as TxDOT’s regional offices.

³² TxDOT EA.

³³ *Id.* at 33.

action”³⁴ and to “inform the public of the potential environmental impacts of proposed actions and explain how their decisions address those impacts.”³⁵ TxDOT failed on both counts.

TxDOT repeatedly told the public that the project would alleviate traffic congestion issues and address the public’s concerns with POE commercial semi-truck and passenger vehicle (“POV”) traffic.³⁶ While TxDOT did inform the public of altered access and travel patterns for the impacted community, it did not inform the public of any potential risk for increased traffic, which would make altered access even more burdensome and increase air pollution.³⁷ Without any supporting evidence provided, TxDOT falsely assured the public that the project would reduce traffic and even reduce air pollution. This also indicates that TxDOT did not make an informed decision in withholding further analysis on air quality impacts. For example, TxDOT decided that no further air quality impact analysis was necessary since the project was expected to reduce emissions.³⁸

TxDOT told the public:

[I-10 Connect] expands US 54, I-10, I-110, and US 62 (Paisano), and includes eight bridge replacements, one railroad overpass, five bridge widenings, and two new direct connectors. The project widens I-110, provides separate truck lanes for Southbound traffic going to Mexico, and provides multi-modal improvements along US 62 which experiences more than 1 million pedestrian crossings per year. Once complete, the project will provide **unprecedented connection** to multiple high-volume arteries and alternate routes.³⁹

Rather than provide “unprecedented connection,” I-10 Connect has provided **unprecedented congestion** into Mexico through I-10 East, I-10 West and US-54. Since its completion in December 2021, I-10 Connect has resulted in increased congestion from traffic heading south into Mexico from both passenger vehicles and semi-truck traffic. Significant congestion and idling now occurs on I-10 West from the Paisano exit (Exit 22B), I-10 East from the Piedras exit, and US-54 South. The traffic idles for hours next to

³⁴ For a discussion on TxDOT’s failure to consider every significant impact under NEPA, i.e. its substantive departures from normal procedures, *see infra* Section III.E.

³⁵ *Baltimore Gas & Elec. Co. v. Natural Resources Defense Council*, 462 U.S. 87, 97, 103 S.Ct. 2246, 76 L.Ed.2d 437 (1983).

³⁶ *See infra* at n. 52. This was particularly important since I-10 Connect was removing trucks from Paisano (east, heading into the POE) and redirecting them to I-10 Connect.

³⁷ TxDOT EA at 12, 13.

³⁸ *Id.* at 22 (TxDOT claimed that the “project [would] not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that would cause a meaningful increase in MSAT impacts of the project from that of the No-Build Alternative.”).

³⁹ Antonio Santana PE *Transportation Engineering Supervisor, TXDOT - El Paso District*, <https://www.texasce.org/tce-news/i-10-connect-project-texas-department-of-transportation-el-paso-district/> (emphasis added).

residential neighborhoods and immediately next to Zavala Elementary,⁴⁰ and has resulted in an increase in air pollution, noise pollution, and a decrease in quality of life. San Xavier residents report truck drivers honking into late hours and using their community to urinate. To add insult to injury, residents of San Xavier who travel to Mexico must now go around their neighborhood and join the traffic idling on the way south. The traffic has also resulted in car accidents between passenger vehicles and 18-wheelers. **Exhibit C** shows photographs of the idling traffic and a recent accident involving an 18-wheeler.

Second, TxDOT repeatedly withheld the information necessary for the public to meaningfully evaluate TxDOT's bold traffic reduction claims. To satisfy public participation requirements under NEPA, TxDOT must provide the information necessary for the public to "check" TxDOT's work and submit informed comments.⁴¹ Specifically, TxDOT must provide the public with any "underlying environmental data" used to support expert opinions over a proposed project.⁴² NEPA's regulations require both EAs and EISs to "identify any methodologies used and [] make explicit reference to the scientific and other sources" relied upon for conclusions in the assessment.⁴³ Otherwise, "allowing [an agency] to rely on expert opinion without hard data either vitiates a plaintiff's ability to challenge an agency action or results in the courts second guessing an agency's scientific conclusions."⁴⁴

Throughout TxDOT's public meetings, voluminous claims were made about the Project's anticipated traffic benefits, but the studies and data to back these claims were never provided. For example, TxDOT provided the public with a summary of its Alternatives Analysis, but never provided any of the underlying studies or data. TxDOT explained that it started with evaluating 11 conceptual alternatives based on traffic mobility, engineering, and potential environmental impacts.⁴⁵ Four of these alternatives were then evaluated under an alternatives evaluation matrix that was available for public

⁴⁰ The traffic is the most severe during the morning hours and again after around 2pm through 10pm, but at times, well after midnight.

⁴¹ *Coal. for Healthy Ports v. United States Coast Guard*, No. 13-CV-5347 (RA), 2015 WL 7460018, at *16 (S.D.N.Y. Nov. 24, 2015).

⁴² *Idaho Sporting Cong. v. Thomas*, 137 F.3d 1146, 1150 (9th Cir. 1998), *as amended on denial of reh'g* (May 13, 1998), and *overruled on other grounds by The Lands Council v. McNair*, 537 F.3d 981 (9th Cir. 2008) (finding that Forest Service violated NEPA where it provided public with an expert report, but not the underlying data behind that report); *Klamath-Siskiyou Wildlands v. BLM*, 387 F.3d 989, 996 (9th Cir. 2004) ("NEPA documents are inadequate if they contain only narratives of expert opinions."); *Jones v. Nat'l Marine Fisheries Serv.*, 741 F.3d 989, 997 (9th Cir. 2013) (Corps did not violate NEPA's duty to inform the public where it cited the underlying environmental data in its EA and made the data available to the public); *Wildlaw v. U.S. Forest Serv.*, 471 F. Supp. 2d 1221, 1257 (M.D. Ala. 2007) (finding Forest Service did not violate NEPA where the underlying data used to determine the impacts of each individual project was provided to the public); *Coal. for Healthy Ports*, No. 13-CV-5347 at *16 (finding that Coast Guard satisfied NEPA's requirement to fully inform the public and support its conclusions by providing the induced growth analysis it relied on for its predictions of anticipated growth and additional truck trips per day at Port terminals).

⁴³ 40 C.F.R. § 1501.5 (referencing 40 C.F.R. § 1502.23).

⁴⁴ *Klamath-Siskiyou Wildlands Ctr.*, 387 F.3d at 996 (9th Cir. 2004) (quoting *Idaho Sporting Cong.*, 137 F.3d at 1150).

⁴⁵ TxDOT EA at 6.

review at the January 21, 2016 and July 7, 2017 public meetings.⁴⁶ The matrix ranked the alternatives by their effect on traffic and mobility through four criteria: access to major roadways, avoidance of queuing on I-10 DCs,⁴⁷ improvement of queuing at the Bridge of the Americas Port of Entry, and reduction of overall congestion.⁴⁸ Yet TxDOT never explained how it made the determinations for each criterion.

At every public meeting,⁴⁹ TxDOT repeatedly claimed that traffic would be reduced, all without providing any underlying studies or data, effectively denying the public the right to “check [its] work.”⁵⁰ For example, at each public meeting, TxDOT presented video simulations: one that demonstrated existing traffic conditions and projected future traffic conditions under a No-Build Alternative (January 2016 meeting), another projected reduced traffic under the preferred alternative (July 2016 and January 2017 meetings).⁵¹ However, no information was provided on the data used behind the simulations. TxDOT also made numerous claims about how the project was intended to—and would in fact—result in a reduction of traffic and congestion, notably the queuing of commercial trucks.⁵² But at every juncture, the public was kept in the dark about the underlying information used to support these claims.

When commentors raised concerns about increased traffic and pollution in the neighborhoods, TxDOT provided blanket assurances that traffic would be reduced in each instance, without an accompanying explanation, let alone any traffic studies. For example, at the initial January 21, 2016 public meeting, one commentor flagged “the extreme amount of pollution that already exists in the Chamizal neighborhoods” and suggested moving the trucks to the Zaragoza Port of Entry in order to “keep trucks out of heavily populated neighborhoods, such as Chamizal[.]”⁵³ Other commentors raised the issue of the noise made “till late hours” by the trucks⁵⁴ and TxDOT’s “glaring omission of air quality studies[.]”⁵⁵ Guillermo Glenn, a long-time advocate for Southside

⁴⁶ *Id.* at 30.

⁴⁷ TxDOT does not provide an explanation for what “DCs” is an abbreviation for.

⁴⁸ TxDOT EA at Appendix C: Alternatives Evaluation Matrix.

⁴⁹ TxDOT held public meetings on January 21, 2016, July 7, 2016, and January 31, 2017.

⁵⁰ *Coal. for Healthy Ports*, No. 13-CV-5347 at *16.

⁵¹ TxDOT, January 21, 2016 Public Meeting Presentation at 10-12; TxDOT, July 7, 2016 Public Meeting Summary at Attachment E, Video - Alternative 9 VISSIM Traffic.

⁵² TxDOT January 21, 2016 Public Meeting Summary at 1; *id.* at 5 (responding to comment); *id.* at 7 (responding to comment); *id.* at 14 (responding to comment); *id.* at 16 (responding to comment); TxDOT Public Notice for January 21, 2016 Public Meeting (“The improvements are needed to improve mobility and address congestion on the existing roadway network.”); TxDOT, July 7, 2016 Meeting Summary at Attachment A: Comment Response Matrix, at 8 (responding to comments); *id.* at 9 (responding to comments); *id.* at Attachment E: Figures, Port of Entry Queuing Projections (projecting reduced traffic in 2025 under preferred alternative); January 31, 2017 Meeting Summary at Attachment A: Comment Response Matrix, at 3 (responding to comment); *id.* at Attachment E: Figures, 01_Preferred_Alternative_Traffic_Simulation_Year2040 (video simulation of reduced flow of traffic for year 2040).

⁵³ January 21, 2016 Meeting Comment by Clavo Martinez, from TxDOT Summary of January 21, 2016 Public Meeting, Appendix E: January 21, 2016 Comment by Guillermo D. Glenn.

⁵⁴ January 21, 2016 Meeting Comment by Mando Espinoza.

⁵⁵ January 21, 2016 Meeting Comment by Alejandra Ponce.

neighborhoods commented that “there should be a solution to the maquila trucks entering the free bridge from Paisano. There should be other alternatives that do not take all the traffic through the Mexican American Barrios.”⁵⁶

At the July 7, 2016 public meeting, one commentor asked how TxDOT expected to reduce traffic by simply diverting traffic to the same amount of lanes.⁵⁷ Another commentor expressed similar concerns, noting that the pollution from the trucks “[is] still going to hit us” and noting several medical surveys about the impacts of emissions from 18-wheelers on children.⁵⁸ And at the January 31, 2017 public meeting, one commentor questioned the effectiveness of simply diverting traffic from Paisano to I-10/I-110 and noted that “you are still going to see heavy congestion in the area[.]”⁵⁹

In response to these concerns, TxDOT repeated its token claim—the same justification it would use to avoid further analysis of potential impacts and consideration of additional mitigation measures—that the project was “intended to improve mobility and reduce congestion,” which in turn would reduce air pollution.⁶⁰ TxDOT even assured the public that it evaluated ways to reduce the impacts of trucks to and from the Port of Entry,⁶¹ and that its strategy to re-rout[e] all traffic” would “provide[] for efficient operations at the Port of Entry.”⁶² Aside from succinct and lofty claims, TxDOT provided no supporting evidence or thorough analysis to the public.⁶³

By the July 20, 2018 public hearing—the last opportunity for the public to convene and comment on the project—the public was under the belief that the only adverse risk of the project had been addressed. Many of the commentors even responded favorably to the project under the assumption that it would reduce traffic.⁶⁴ Had the public received complete information from the beginning, they would have had the opportunity to meaningfully comment on the project—and not simply trust in TxDOT’s word—as NEPA requires.⁶⁵ However, TxDOT neglected its duty to provide information,

⁵⁶ January 21, 2016 Comment by Guillermo D. Glenn.

⁵⁷ July 7, 2016 Meeting Comment from Graciela Martell.

⁵⁸ July 7, 2016 Meeting Comment from Saul Sustaita.

⁵⁹ January 31, 2017 Public Meeting Comment from David Stout.

⁶⁰ January 21, 2016 Public Meeting Summary at 5-6, 7, 14, 16; July 7, 2016 Public Meeting Summary at 9; January 31 Public Meeting Summary at Attachment A: Comment Response Matrix, at 3.

⁶¹ TxDOT, January 21, 2016 Public Meeting Presentation at 4 (responding to comment).

⁶² TxDOT, July 7, 2016 Meeting Summary at Attachment A: Comment Response Matrix, at 8.

⁶³ At the July 27, 2018 Public Hearing, TxDOT made its only mention of its traffic models, and explained the increased congestion and traffic that would occur absent the project. The traffic models were not provided. TxDOT, July 27, 2018 Public Hearing, Final Public Hearing Script at 13.

⁶⁴ See *supra* at n. 52.

⁶⁵ The importance of meaningful public participation is clearly illustrated by the fate of the Lincoln Center under the I-10 Connect Project. While TxDOT conveniently kept the public in the dark about any risks of increased traffic, TxDOT could not hide the fact that the initially preferred alternative—which was first presented in detail to the public at the January 21, 2016 public meeting—meant tearing through the Lincoln Center. In response, the public submitted an overwhelming number of comments pleading for the preservation of the Lincoln Center and rapidly engaged in grassroots action to save the historic community center. KVIA ABC-7, *TxDOT Project to Spare Lincoln Center from Demolition* (July 28, 2018),

a practice that it seemed to find adequate for the community on multiple occasions,⁶⁶ demonstrating a brazen disregard for the public information and participation rights of the San Xavier community.

Third, TxDOT misled the San Xavier community about the significant impacts of construction. TxDOT falsely claimed that extended disruption of normal activities [was] not expected” because construction “normally occurs during daylight hours” and no one was “expected to be exposed to construction noise for a long duration[.]”⁶⁷ Contrary to TxDOT’s vague assurances,⁶⁸ construction went on at all hours of the day and night for months. Two residents living on opposite sides of I-10 Connect were dying from terminal cancer. Their relatives complained that the nonstop noise and vibrations from construction made it impossible to rest, but the contractor told each of them that they had to complete the project on time and could not stop making noise.

Even more alarming, TxDOT did not warn residents that construction would occur directly outside their homes and include the use of heavy machinery known to cause damage to nearby infrastructure. This failure is not surprising, as such a warning would have amounted to a bold admission that TxDOT was prepared to violate NEPA’s mitigation requirements.⁶⁹ TxDOT did not provide further information when requested to do so by commenters, maintaining its misleading assurances.⁷⁰ One commenter expressed “concern” about how the “alternatives will affect the residences around the construction area.”⁷¹ TxDOT merely reiterated its misleading assurances that residents would have access to their homes during construction, omitting the fact that construction with structure-damaging equipment would occur right outside their homes.

Even more, TxDOT excluded any meaningful consideration of the short-term air quality impacts from construction in its environmental justice analysis, further

<https://kvia.com/news/2018/07/28/txdot-project-to-spare-lincoln-center-from-demolition/>. TxDOT responded by reconsidering the impacts to the Lincoln Center and eventually modifying the preferred alternative to spare the Lincoln Center. TxDOT July 7, 2016 Public Meeting Summary at Attachment F: Description of Project Modifications Resulting from the Public Meeting; TxDOT, July 27, 2018 Public Hearing, Final Public Hearing Script at 16.

⁶⁶ See *infra* at p.30. In addition, on June 28, 2023, TRLA, on behalf of its clients in the San Xavier community, sent a Public Information Act Request to TxDOT seeking, among other things, “traffic studies/modeling related to the flow of traffic from East Paisano Drive to East San Antonio Street and back to East Paisano Drive” and “traffic expected to use I-10 Connect South, heading into Mexico once it was completed,” for which TxDOT provided no supporting studies in response. See Attachment D.

⁶⁷ TxDOT EA at 28.

⁶⁸ TxDOT claimed that: “Provisions will be included in the 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.” *Id.*

⁶⁹ TxDOT’s violation of NEPA in regards to its failure to mitigate for the significant harms caused by the construction of I-10 Connect is further discussed *infra* Section III.E.4.

⁷⁰ In its EA, TxDOT claimed that “[i]mpacts to the character or community cohesion in the project vicinity [were] not anticipated because the proposed improvements would be constructed along existing transportation corridors, and access to adjacent properties would be maintained throughout the project area.” TxDOT EA at 11.

⁷¹ January 21, 2016 Comment by Alejandra Ponce.

demonstrating a significant lack of concern for San Xavier residents. TxDOT played down the harm of construction air quality impacts and only included a brief mention of potential impacts. TxDOT acknowledged that construction activities could produce PM and MSAT emissions, primarily from fugitive dust and diesel particulate matter from diesel powered construction equipment and vehicles.⁷² Yet the only explanation TxDOT provided for its claim that construction activities from the project would have no significant impact on air quality was that construction is temporary and transient, construction contractors would be encouraged—but notably, not required—to use the Texas Emissions Reduction Plan during construction, and “compliance with applicable regulatory requirements.”⁷³ TxDOT did not elaborate further what “regulatory requirements” would be followed, nor explained how such compliance supported the claim that air quality impacts would not be significant. One commentor noted TxDOT’s “glaring omission of air quality studies” and how “the impact of construction on our neighborhoods is of major concern. Please have the Jacobs Engineering provide this study.”⁷⁴ TxDOT never provided any studies.

Title VI compliance demands a public involvement process that is proactive and provides complete information, timely public notice, full public access to key decisions, and an opportunity for early and continuing involvement. Continuing to ignore and withhold information from communities that have been historically disregarded and underserved only serves to cement a legacy of discriminatory decisions and deny the community an equal opportunity to participate in the planning process. TxDOT’s egregious violations of NEPA in regard to meaningful public participation are so repetitive that they are indicative of discriminatory intent.

E. TxDOT Departed from the Normal Substantive Factor by Failing to Fully Evaluate the Impacts on an Environmental Justice Community.

NEPA’s mandate to fully evaluate environmental justice impacts naturally supplements an agency’s responsibility under Title VI. Under NEPA, “environmental justice is not merely a box to be checked,” and agencies are required to thoroughly evaluate the environmental justice impacts of a proposed project, and to inform communities of all potential impacts.⁷⁵ CEQ’s NEPA Guidelines specify:

Where a potential environmental justice issue has been identified by an agency, the agency should state clearly in the EIS or EA whether, in light of all the facts and circumstances, a disproportionately high and adverse human health or environmental impact on minority populations, low-income populations, or Indian tribe is likely to result from the proposed action and any alternatives. This

⁷² TxDOT EA at 23.

⁷³ *Id.*

⁷⁴ January 21, 2016 Comment by Xavier Miranda.

⁷⁵ *Friends of Buckingham v. St. Air Pollution Control Bd.*, 947 F.3d 68, 91–92 (4th Cir. 2020).

statement should be supported by sufficient information for the public to understand the rationale for the conclusion.⁷⁶

TxDOT has recognized this principle:

EJ and Title VI are good examples of considerations that can be addressed concurrently when working through the planning and environmental phase of project development. This is because both principles seek to involve protected populations in the decision-making process, lessen adverse impacts, and more equitably distribute the benefits and burdens of transportation projects.⁷⁷

1. TxDOT Ignored its inability to control Southbound traffic due to U.S. and Mexico Customs.

TxDOT recognized that the BOTA bears a significant role in traffic in its Project, yet nothing in the Final EA indicates that TxDOT analyzed this impact. TxDOT even claimed that I-10 Connect would involve “extensive coordination” with the BOTA,⁷⁸ but TxDOT never explained whether it ever communicated with Mexico or U.S. Customs about I-10 Connect. Indeed, nothing in TxDOT’s EA indicates that it considered the POE in calculating traffic projections. Contrary to NEPA’s mandate to make a fully informed decision and fully analyze environmental justice impacts, TxDOT ignored a critical factor and merely considered I-10 Connect in a vacuum.

TxDOT’s promises that traffic would flow faster than it did before could not be met without the collaboration and commitment from U.S. and Mexican Customs authorities. As noted previously, TxDOT told the public that it evaluated ways to reduce the impacts of trucks to and from the Port of Entry,⁷⁹ including through its re-routing of traffic, which would allegedly “provide[] for efficient operations at the Port of Entry.”⁸⁰ Yet all the information presented to the public throughout public meetings and in TxDOT’s final EA omitted any actual analysis, and potentially misrepresented a crucial fact TxDOT knew: I-110 would have heavy-duty traffic it did not have before because I-10 Connect feeds traffic directly into Mexico and TxDOT has no authority to expedite inspections by U.S. or Mexican Customs.

⁷⁶ Council on Environmental Quality, *Environmental Justice: Guidance Under the National Environmental Policy Act*, at 15.

⁷⁷ TxDOT Environmental Affairs Division, *Environmental Handbook: Community Impacts, Environmental Justice, Limited English Proficiency, and Title VI Compliance*, 12-13 (December 2020) (hereinafter *TxDOT Environmental Justice Handbook*).

⁷⁸ Antonio Santana PE, I-10 Connect Project: Texas Department of Transportation, El Paso District, <https://www.texasce.org/tce-news/i-10-connect-project-texas-department-of-transportation-el-paso-district/> (TxDOT told the public: “The I-10 Connect project consists of progressive highway design elements and involves extensive coordination with the largest US/Mexico Port of Entry in El Paso, the Bridge of the Americas (BOTA).”).

⁷⁹ TxDOT, January 21, 2016 Public Meeting Presentation at 4 (responding to comment).

⁸⁰ See *supra* note 61.

Because of TxDOT's glaring omissions, San Xavier residents and the entire El Paso air quality basin must now contend with two "bridges" saturated with idling heavy duty and passenger traffic: the BOTA heading north, and I-10 Connect heading south. I-10 West, Exit 22B has become notorious with residents who use the exit to enter US-54 North and South or I-10 West, and any El Pasoan travelling through I-10 East or West can see a line of heavy-duty trucks and passenger traffic extending for miles, a phenomenon that has not existed in El Paso history until TxDOT's failed I-10 Connect Project.

2. TxDOT Improperly Segmented I-10 Connect and Failed to Consider the Cumulative Impacts of I-10 Connect in conjunction with the GSA's planned modernization of the Bridge of the Americas.

In full contravention of NEPA, TxDOT improperly segmented the I-10 Connect project from its larger "Reimagine I-10" Project to avoid discussing the full extent of the impacts in one environmental analysis. Even more, TxDOT wrongfully omitted a discussion of the cumulative impacts of its past, present, and reasonably foreseeable projects—that is, the segments under the Reimagine I-10 Project and the BOTA Modernization Project—in its EA for the I-10 Connect Project.

Segmentation of projects is improper where actions are connected. NEPA's scoping regulations define "connected actions" as those which are closely related and must therefore be discussed in the same impact statement. Actions are connected if they:

- (i) Automatically trigger other actions which may require environmental impact statements;
- (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously; or
- (iii) Are interdependent parts of a larger action and depend on the larger action for their justification.⁸¹

Failing to include connected components of a project in an EIS's scope of review is unlawful piecemealing or segmentation, in violation of NEPA.⁸²

Relatedly, under the applicable FHWA regulations, FHWA's compliance with NEPA's prohibition against improper segmentation requires that each action:

- (1) Connect to logical termini and be of sufficient length to address environmental matters on a broad scope;

⁸¹ 40 C.F.R. § 1508.25 (2019); *accord id.* § 1501.9(e) (2020) (stating same).

⁸² *See, e.g., Save Barton Creek Ass'n v. Fed. Highway Admin.*, 950 F.2d 1129, 1140 (5th Cir.1992) ("Segmentation' or 'piecemealing' is an attempt by an agency to divide artificially a 'major Federal action' into smaller components to escape the application of NEPA to some of its segments."); *Fritiofson v. Alexander*, 772 F.2d 1225 (5th Cir. 1985), abrogated on other grounds by *Sabine River Auth. v. U.S. Dep't of Interior*, 951 F.2d 669 (5th Cir. 1992) (requiring the preparation of a comprehensive EIS for the whole West Galveston Island in order to adequately consider "cumulative impacts" under NEPA).

- (2) Have independent utility or be of independent significance; i.e. be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and
- (3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.⁸³

When the segmentation determination is made “in the context of a highway within a single metropolitan area, as opposed to a highway connecting different cities, courts have focused primarily on whether the segment has “independent utility” and placed less emphasis on the other two factors.”⁸⁴

First, to evaluate whether a project connects logical termini, courts look to the purpose and need statement in the environmental analysis.⁸⁵ The purpose of I-10 Connect is “to reduce congestion along I-110, US 54, and US 62 (Paisano Drive) caused by queuing from the POE and thereby improve connections between I-10 and Loop 375 (Cesar Chavez Border Highway).”⁸⁶ TxDOT noted the need of the Project to address the lack of a direct connection between I-10 and Loop 375, substantial congestion due to the proximity of I-110 access points to the POE, and increased travel demand in the project area.⁸⁷ Further, in its need statement, TxDOT noted that “I-10 between N. Luna Street and Reynolds Street is a heavily traveled east-west corridor and a major connector that serves statewide and regional traffic as well as traffic within the City of El Paso.”⁸⁸ While I-10 Connect does contain termini that address the need to “improve connections,” it does not contain logical termini to address congestion. As noted, I-10 Connect has failed to deliver promised traffic reductions, a purpose of the project that might be better met in conjunction with the various expansions planned for TxDOT’s Reimagine I-10 Project.

Second, the independent utility test asks “whether each project would have taken place in the other’s absence.”⁸⁹ Despite TxDOT’s failure to mention Reimagine I-10 in its EA for I-10 Connect, TxDOT has clearly considered the latter as a necessary step for the implementation of its Reimagine I-10 Project. TxDOT began its corridor Study for Reimagine I-10 in 2017.⁹⁰ TxDOT has stated that the I-10 Connect Project “is intended to make it easier for motorists to use Loop 375 as an alternate route I-10 which will undergo significant reconstruction in Downtown El Paso, Central El Paso and East El Paso in the coming years.”⁹¹ Further, in its Alternatives Evaluation Matrix, TxDOT considered

⁸³ 23 C.F.R. 771.111(f).

⁸⁴ *N. Carolina All. for Transp. Reform, Inc. v. U.S. Dep't of Transp.*, 151 F. Supp. 2d 661, 680 (M.D.N.C. 2001) (citing *Coalition on Sensible Transp., Inc. v. Dole*, 826 F.2d 60, 69 (D.C.Cir.1987); *Piedmont Heights*, 637 F.2d at 440).

⁸⁵ *Defs. of Wildlife v. N. Carolina Dep't of Transp.*, 762 F.3d 374, 395 (4th Cir. 2014).

⁸⁶ TxDOT EA at 5.

⁸⁷ *Id.* at 4.

⁸⁸ *Id.*

⁸⁹ *Defs. of Wildlife*, 762 F.3d at 395 (citing *Webster v. U.S. Dep't of Agric.*, 685 F.3d 411, 426 (4th Cir. 2012))

⁹⁰ TxDOT, Downtown 10 Draft Range of Alternatives at 2, available at

<https://www.txdot.gov/content/dam/project-sites/downtown-10/docs/draft-range-alternatives.pdf>.

⁹¹ TxDOT, *I-10 Connect: About the I-10 Connect Project*, available at <https://www.i10connectelpaso.com/>.

”Improved Mobility during planned I-10 Reconstruction” as one of several evaluation criteria.⁹²

Even more, in its 2019 and 2020 Unified Transportation Plans (“UTP”), TxDOT explains that:

Just east of El Paso, the I-10 Connect Project will address congestion issues near the Bridge of the Americas Port of Entry by improving mobility and keeping commuters and commercial trucks off local roadways. This complex project affects ports of entry, impacts freight traffic, and requires multistate and multinational agency coordination. The I-10 Connect Project, planned years in advance to address future needs, *represents one in a sequence of projects to improve I-10.*(emphasis added)⁹³

The 2019 and 2020 UTPs further state:

One of the district’s most immediate needs is the I-10 corridor through El Paso, which is experiencing increased traffic and population growth. District staff are currently conducting an advanced planning study called “Reimagine I-10,” which will look for operational, corridor-wide, and technological solutions along the 55-mile length of the study area. I-10 carries nearly 200,000 vehicles a day along the study corridor, and because of the district’s geographical location, alternative routing options are limited. Category 2 helps district efforts in this area, which are both immediate and long-term.

In addition to the I-10 Connect project, several other significant projects will help achieve the district’s vision of I-10 working better for Texas residents and visitors. For instance, the proposed borderland Expressway project will address I-10 capacity issues by completing a loop around the northeast side of El Paso, providing travelers with an alternative route to I-10 and potentially diverting traffic around the city center.⁹⁴

The I-10 Connect Project is intrinsically related to project segments of Reimagine I-10 Connect, especially the downtown segment, which directly abuts the area of the I-10 Connect Project. The traffic from I-10 and I-110 cannot be viewed in isolation, and TxDOT itself, in the limited traffic information provided in its Final EA for I-10 Connect, evaluated the current and expected traffic across different stretches of I-10. While it is unclear if TxDOT accounted for its planned Reimagine I-10 project segments in any of these projections, it certainly understood that traffic on I-10 is a crucial factor for evaluating the efficacy of I-10 Connect.

⁹² TxDOT EA at 8.

⁹³ TxDOT 2020 UTP at 130 (emphasis added); 2019 UTP at 123, available at <https://www.txdot.gov/projects/planning/utp.html>.

⁹⁴ TxDOT 2020 UTP at 132; 2019 UTP at 124.

Finally, TxDOT's isolation of I-10 Connect has restricted consideration of alternatives for other reasonably foreseeable transportation improvements. Reimagine I-10 and the BOTA Land Port of Entry Modernization Project are reasonably foreseeable transportation projects. And TxDOT's redirection of semi-trucks from Paisano Drive to I-110 in the I-10 Connect Project, alongside its dismissal of any public transportation improvement additions or alternatives, has now limited the consideration of alternatives for both future projects. For example, the BOTA Modernization Project must now contend with the increased semi-truck and POV congestion from I-10 Connect, and will be limited in any consideration of public transportation strategies that would have been more effective had they been considered in cooperation with TxDOT and in consideration of the synergistic effects the projects can have on each other. Similarly, public transportation options along the stretches of Reimagine I-10 that are most impacted by the increased semi-truck and passenger traffic from I-10 Connect may now be limited in lieu of strategies to address the novel problem of congestion that TxDOT has created.

In its I-10 Connect Project, TxDOT was presented with a viable alternative to do exactly what it had the power to do—redirect traffic—but through an alternative route that would spare the community the brunt of traffic and pollution. However, it dismissed the alternative without further consideration. TxDOT's only explanation was that redirecting traffic outside of residential areas was “outside the scope of this project,” but provided no clarification as to how such an alternative could not achieve the project's purpose. TxDOT has failed in justifying its refusal to consider other alternatives and has set a dangerous precedent for the upcoming BOTA Modernization and Reimagine I-10 Projects.

Even if TxDOT properly considered I-10 Connect as a separate project—which it did not—TxDOT was still required to analyze the cumulative impacts of the entire Reimagine I-10 Project and the upcoming BOTA Modernization in connection with I-10 Connect. An EA informs whether an agency should perform an EIS, and must identify the direct, indirect, and cumulative impacts of the proposed action and consider alternative actions and their impacts.⁹⁵ TxDOT itself recognizes this within its EA.

When analyzing cumulative impacts, an agency must identify:

(1) the area in which effects of the proposed project will be felt; (2) the impacts that are expected in that area from the proposed project; (3) other actions—past, proposed, and reasonably foreseeable—that have had or are expected to have impacts in the same area; (4) the impacts or expected impacts from these other actions; and (5) the overall impact that can be expected if the individual impacts are allowed to accumulate.⁹⁶

Further, CEQ regulations define a cumulative impact as:

⁹⁵ 42 U.S.C. § 4332(2)(C); 40 C.F.R. §§ 1502.14, 1508.7, 1508.8.

⁹⁶ *Louisiana Crawfish Producers Ass'n-W. v. Rowan*, 463 F.3d 352, 357 (5th Cir. 2006) (citing *Fritiofson*, 772 F.2d at 1236).

[T]he impact on the environment resulting from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. Actions by federal, non-federal agencies, and private parties must be considered.⁹⁷

While the regulations do not define “reasonably foreseeable,” case law makes clear that agencies are required to look ahead and address actions that are “contemplated” or “potential,” and need not be formal NEPA proposals that may never trigger NEPA requirements.⁹⁸ The various segments of Reimagine I-10 and the BOTA Modernization Project are indisputably foreseeable projects that will impact “the area” that I-10 Connect would have—and already has—impacted. The BOTA Modernization Project is already in the NEPA scoping phase, and TxDOT has completed a Corridor Study for Reimagine I-10 and announced that “each segment will go into a preliminary engineering (schematic) and environmental process as TxDOT prioritizes projects across the El Paso region.”⁹⁹ Even more, the Downtown Segment for Reimagine I-10 has already obtained most of the estimated \$750,500,000 construction funding.¹⁰⁰

As I-10 Connect is impacted by traffic to and from the BOTA and I-10, any project involving the BOTA or I-10 must be considered under TxDOT’s cumulative impacts analysis for I-10 Connect. The San Xavier and other Southside communities are already concerned about additional environmental impacts on their communities from the BOTA Modernization and proposed expansions of I-10. The additional traffic and air pollution that inevitably follows the expansion of highways¹⁰¹ poses a significant concern affected communities, and with I-10 Connect creating a unique link between I-10 and I-110 and US-54, San Xavier residents may contend with exacerbated traffic impacts from expansions along I-10. TxDOT’s complete omission of these potential impacts does not merely violate NEPA, but adds on to its substantive departures that can only be summed up to a finding of discriminatory intent.

⁹⁷ 32 C.F.R. § 651.16(a).

⁹⁸ *Fritiofson*, 772 F.2d at 1243, 1245; accord, *Kern v. U.S. Bureau of Land Management*, 284 F.3d 1062, 1077 (9th Cir. 2002) (“contemplated” actions); *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1214 (9th Cir. 1988) (“potential” actions).

⁹⁹ TxDOT, Reimagine I-10: Next Steps, <https://www.txdot.gov/reimaginei10/corridor-study/next-steps.html>.

¹⁰⁰ TxDOT, 2024 UTP at 96, available at <https://www.txdot.gov/projects/planning/utp.html>.

¹⁰¹ See Martin J.H. Mogridge, *The Self-Defeating Nature of Urban Road Capacity Policy: A Review of Theories, Disputes, and Available Evidence*, TRANSPORT POLICY Vol. 4, No. 1, 5-23 (1997); Noland, Robert B., and Lem L. Lewison, *A Review of the Evidence for Induced Travel and Changes in Transportation and Environmental Policy in the U.S. and the U.K.*, TRANSPORTATION RESEARCH Part D 7, 8-10, 11-15 (2002); Susan Handy, *Increasing Highway Capacity Unlikely to Relieve Traffic Congestion*, U.C. DAVIS DEPT. OF ENV’T L SCIENCE AND POLICY: POLICY BRIEF (Oct. 2015), available at https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/final-reports/10-12-2015-ncst_brief_inducedtravel_cs6_v3.pdf; See Kent Hymel, *If You Build It, They Will Drive: Measuring Induced Demand for Vehicle Travel in Urban Areas*, TRANSPORT POLICY, Vol. 76, pp. 57-66 (April 2019).

3. TxDOT Failed to Analyze Air Quality Impacts.

FHWA and USDOT require state DOTs to take steps to mitigate adverse environmental effects of highway construction, including increased air and noise pollution and any adverse environmental justice effects.¹⁰²

i. The increase in idling traffic has exposed Complainants to an increase in mobile source emissions.

I-10 Connect has resulted in the San Xavier neighborhood receiving increased exposure to mobile source air toxics due to the increased traffic flow. Numerous studies have shown that pollution from highways is very localized. These studies have also shown that those living in close proximity to the highways face significantly elevated exposure to a complex mixture of pollutants including air toxics, diesel particulate matter, and other highway emissions including tire wear, brake wear, resuspended road dust, and various metals.¹⁰³

Living, working, or attending school near major roadways or highways has been associated with negative respiratory effects such as:

- Asthma and bronchitis: exposure to diesel exhaust can induce histamine releases that result in allergic conjunctivitis, rhinosinusitis, pharyngitis, laryngitis, and chronic cough. This exposure can also lead to degradation of lung tissue.¹⁰⁴ Children are especially vulnerable to chronic negative respiratory issues, as living in close proximity to highway traffic can inhibit lung development during childhood and lead to lifelong weakened lung function.¹⁰⁵
- Negative cardiovascular effects: long-term exposure to air pollution from high traffic has been shown to increase incidences of coronary artery calcification¹⁰⁶ as well as increased coronary heart disease and strokes in women.¹⁰⁷
- Adverse birth outcomes and developmental effects: living in close proximity to heavy-traffic roadways can cause an increase in term low birth weight and preterm infants.¹⁰⁸

¹⁰² See, e.g., <http://www.fhwa.dot.gov/environment/noise/>.

¹⁰³ U.S. Environmental Protection Agency, Near-Road Air Quality Monitoring Research (Nov. 3, 2009).

¹⁰⁴ Irina N. Krivoshto et al., *The Toxicity of Diesel Exhaust: Implications for Primary Care*, J. AM. BOARD FAM. MED. 55, 58 (2008).

¹⁰⁵ W. James Gauderman et al., *Effect of Exposure to Traffic on Lung Development From 10 to 18 Years of Age: A Cohort Study*, THE LANCET 571, 574 (Jan. 26, 2007).

¹⁰⁶ B. Hoffman et al., *Residential Exposure to Traffic is Associated with Coronary Atherosclerosis*, 116 CIRCULATION 489 (2007).

¹⁰⁷ Kristin A. Miller et al., *Long-Term Exposure to Air Pollution and Incidence of Cardiovascular Events in Women*, 356 NEW ENG. J. MED. 447, 453-56 (2007).

¹⁰⁸ Michelle Wilhelm & Beate Ritz, *Residential Proximity to Traffic and Adverse Birth Outcomes in Los Angeles County, California, 1994-1996*, 111 ENVTL HEALTH PERSP. 207, 210-11 (2003).

- Premature mortality: epidemiological surveyors have discovered high acute and chronic respiratory disease morbidity rates from proximity exposure to diesel exhaust, as well as incidences of acute coronary syndrome (heart attacks) and ischemic effects (strokes).¹⁰⁹
- Increased incidences of cancer: many emissions released by heavy traffic flow, such as diesel exhaust fumes and particulate matter, have carcinogenic properties.¹¹⁰

TxDOT discussed none of these potential impacts. Even though TxDOT failed to perform local modeling of air pollution impacts, it still contended in the Final EA that the project would actually have a minimal impact on air pollution.¹¹¹ TxDOT determined that the project did not require a PM10 and CO Hot-Spot Analysis “due to it reducing congestion and improving traffic flow, particularly at intersections.”¹¹² These conclusions do not logically follow the fact that traffic volumes were projected to increase regardless of the project, which the project sought to address by redirecting traffic through an already-strained area without adding any capacity.¹¹³ With I-10 Connect now completed, the holes in TxDOT’s strategy became increasingly evident. Unprecedented traffic now plagues the San Xavier community, and the extent of the air quality impacts is uncertain, as TxDOT refused to consider any risks.

Despite the widely known and well-documented negative health effects associated with long-term exposure to highway emissions, TxDOT’s EA does not discuss these negative health effects and how they could impact the San Xavier and other surrounding neighborhoods. This is unacceptable, given that the community has already been burdened by increased air pollution from highway construction for decades.

The history of these neighborhoods, their minority make-up, their past exposure to mobile sources of air toxins, the high diesel truck fleet mix that passes regularly through the highway, and the history of TxDOT’s false claims of traffic reduction¹¹⁴ demanded otherwise. TxDOT should have performed a Hot Spot Analysis, and a detailed modeling study of toxic and diesel particulate matter. Such studies would have allowed a comparison of the air pollutant impacts on local populations from the proposed alternatives.

¹⁰⁹ Irina N. Krivoshto et al., *The Toxicity of Diesel Exhaust: Implications for Primary Care*, J. AM. BOARD FAM. MED. 55, 56-59 (2008).

¹¹⁰ Rachel A. Morello-Frosch, Tracey J. Woodruff, Daniel A. Axelrad, Jane C. Caldwell, *Air Toxics and Health Risks in California: The Public Health Implications of Outdoor Concentrations*, Risk Analysis, Volume 20 Issue 2, February 2000 (predicting 8600 excess cancer cases).

¹¹¹ TxDOT EA at 27.

¹¹² *Id.* at 22.

¹¹³ *Id.*

¹¹⁴ TxDOT’s Loop 375 border Highway West Extension Project (Cesar Chavez Border Highway) was completed in 2019, and TxDOT’s website indicates that there has been a significant increase in traffic since that road’s completion in 2019. *See*

https://www.txdot.gov/apps/statewide_mapping/StatewidePlanningMap.html.

TXDOT ignored over 25 years of data demonstrating that the Southside neighborhoods around the Bridge of the Americas, the ports of entry in Segundo Barrio (to the west) and the Marathon refinery (to the east) have historically had some of the worst air quality in the region.

San Xavier residents were already exposed to significant levels of air pollution, including ultrafine particulates matter (those smaller than 0.1 μm in diameter), PM2.5, PM10, and ozone before I-10 Connect's completion in December of 2021. The passage of NAFTA in 1994 led to an increase in heavy-duty and passenger traffic in the Paso del Norte air basin, which encompasses parts of Dona Ana County in New Mexico, Cd. Juarez, Chihuahua, Mexico and El Paso, Texas. This led to the creation of the Joint Advisory Committee on Air Quality as part of the La Paz Agreement and millions of dollars being spent on studying air quality in the region, with a particular emphasis on vehicle emissions.

One of the most recent studies looked at the impact of traffic from highways and the ports of entry on nearby residents' respiratory and cardiovascular health. The study began with the premise that:

People with lower income are more likely to live in communities with higher pollution levels from traffic-related emissions. Traffic-related air emissions have been reported to have a strong association with urban air pollution and cause adverse respiratory health effects in near-road communities. Transportation parameters such as traffic density, vehicle miles traveled, and road length, as well as land-use data such as population density, land-use classification, proximity to heavy-traffic roads, distances to major point and area sources, and household income, are important variables for explaining a spatial variation of air quality and health outcomes.¹¹⁵

The study examined the short-term associations (24-, 48-, 72-, and 96-hr averages) of traffic-related air pollutants (PM2.5, PM10, NO2, and O3) with biomarkers of respiratory and cardiovascular disease in a group of uninsured participants from low-income communities in El Paso. Researchers found associations of short-term air pollutant concentrations with respiratory outcomes, which was expected. However, researchers also found associations with metabolic risk factors such as BMI, waist circumference, and fasting glucose. The study also found a correlation between PM2.5 and NO2 and respiratory risk of COPD.¹¹⁶ Given the relationship between traffic-related air pollution and health outcomes, TXDOT should include bettering the health of El Pasoans in its purpose and need, or at least not worsen the health impacts.

¹¹⁵ Association of Traffic and Related Air Pollutants on Cardiorespiratory Risk Factors from Low-Income Populations in El Paso, TX, authored by Soyoung Jeon, Juan Aguilera, Leah Whigham, and Wen-Whai Li, February 2021, available at <https://www.carteeh.org/wp-content/uploads/2021/06/03-27-UTEP-Association-of-Traffic-and-Related-Air-Pollutants-on-Cardiorespiratory-Risk-Factors-from-Low-Income-Populations-in-El-Paso-TX-Jeon.pdf>

¹¹⁶ *Id.*

ii. Complainants are exposed to air pollution.

For PM10, El Paso has been in “Moderate Nonattainment,” since 1991.¹¹⁷ For the 8-hour Ozone standard, El Paso is “Attainment/Non-classifiable” due to the TCEQ’s insistence that but for emissions from outside the city, El Paso is in attainment. Complainants disagree with this designation and insist that they are entitled to measures that will reduce their exposure to ozone pollution.¹¹⁸

The El Paso area had 126 days of elevated air pollution in 2020, the second worst in Texas, according to Environment Texas Research & Policy Center, Frontier Group and TexPIRG Education Fund. The report’s findings mean that El Pasoans were breathing air with elevated levels of pollution on one out of every three days last year.¹¹⁹ The report measured days with elevated levels of small particulate matter and elevated ozone. The El Paso area had 78 days with elevated small particulate matter and 68 days of elevated ozone.

According to TCEQ data, on 40 days in 2022, El Paso County air quality monitors recorded ozone levels unhealthy for sensitive groups, like children, the elderly and people who are pregnant.¹²⁰ The American Lung Association has given El Paso’s an “F” ranking for ozone.¹²¹ According to TCEQ data, on 40 days in 2022, El Paso County air quality monitors recorded ozone levels unhealthy for sensitive groups, like children, the elderly and people who are pregnant.¹²¹ Data charted by the organization shows smog in El Paso has been on the rise since 2016.¹²² Hotter temperatures contribute to ozone pollution. El Paso, like the rest of the world, has seen a dramatic increase in average temperatures in recent decades.¹²³ As shown by a recently created map of the heat island effect, the hottest streets in El Paso are along I-10.¹²⁴ The summer of 2023 was the hottest summer on record for El Paso.¹²⁵ The average temperature in El Paso between June and August surpassed 88 degrees Fahrenheit for the first time ever.¹²⁶ The season saw 60 days of 100-plus temperatures, including a record-shattering 44 days in a row from mid-June through the end of July.¹²⁷

Air monitors in El Paso have recorded high levels of air pollution despite the inadequacies of the current air monitoring network in the area. The UTEP monitor was

¹¹⁷ *Id.*

¹¹⁸ <https://www.tceq.texas.gov/airquality/sip/elp/elp-status>.

¹¹⁹ <https://environmentamerica.org/texas/resources/trouble-in-the-air/>.

¹²⁰ <https://www.lung.org/research/sota/city-rankings/states/texas/el-paso>.

¹²¹ El Paso, *Las Cruces rank high in ozone pollution in 2023 report*, El Paso Matters (April 2023), available at <https://elpasomatters.org/2023/04/25/el-paso-texas-american-lung-association-ozone-pollution-f-grade-2023/#:~:text=El%20Paso%20recorded%2040%20unhealthy,days%20than%20the%20previous%20year>

¹²² *Id.*

¹²³ <https://climatexas.tamu.edu/files/ClimateReport-1900to2036-2021Update>.

¹²⁴ Available at: <https://www.utep.edu/liberalarts/sega/environmental-injustice-hurricane-harvey-in-greater-houston12.html>.

¹²⁵ <https://elpasomatters.org/2023/09/01/el-paso-record-summer-heat/>.

¹²⁶ *Id.*

¹²⁷ *Id.*

close to Interstate 10, an identified source of particulate matter pollution in El Paso. The UTEP monitor recorded the highest ozone levels of any El Paso monitor in 2021 and consistently recorded some of the highest levels of ozone pollution in El Paso. The UTEP monitor has been down since November 2021 and is still not up.¹²⁸ Air monitoring data is crucial for understanding the existing impact of I-10 on human health and additional impacts that can be expected if I-10 is expanded. TXDOT must work with the TCEQ in reinstating the UTEP monitor immediately.

iii. Ultrafine Particulates from Heavy-Duty Vehicles are a Health hazard for San Xavier Residents and Students at Zavala Elementary.

Motor vehicle emissions usually constitute the most significant source of ultrafine particles (diameter <0.1 m) in an urban environment.¹²⁹ The highest concentrations are closest to highways, POEs, etc., and dissipate with distance.¹³⁰ Exposure to diesel-emitted particles has been linked to increased cancer risk and cardiopulmonary diseases. Because of their size (<100 nm), exposure to ultrafine particles (“UFPs”) emitted from heavy-duty diesel vehicles (“HDDV”) might result in greater health risks than those associated with larger particles.¹³¹ A 2013 study found that “[c]ommercial traffic, mostly composed of HDDV, heavily influenced UFP concentrations in the BOTA vicinity.”¹³² The study also found that on Sundays, when commercial traffic was absent, the UFP numbers were the lowest. Populations near the BOTA’s traffic zone and within 400 m are exposed to UFP’s above the background level and include residents on both sides of the border, including a church and several schools, law enforcement officers, street vendors, private commuters, and commercial vehicle drivers.”¹³³

Jason Sarate, who oversees the city of El Paso’s Air Quality Program stated, “[o]ne of the largest contributing sources to ozone in El Paso is the vehicle emissions. I think the biggest challenge is the vehicles that are idling for multiple hours at our ports of entry. When you have vehicles and semi-trucks lined up on the freeways waiting to cross into Mexico or cross into El Paso, those are real issues.”¹³⁴

¹²⁸ Smog in El Paso increased in summer 2022 while key air quality monitor was offline, El Paso Times, September 7, 2022, available at <https://www.elpasotimes.com/story/news/local/el-paso/2022/09/07/el-paso-smog-increased-in-summer-2022-key-air-quality-monitor-offline/65467942007/>.

¹²⁹ Study of Ultrafine Particles Near a Major Highway with Heavy-Duty Diesel Traffic, https://cfpub.epa.gov/si/si_public_record_Report.cfm?Lab=NCER&dirEntryId=83813.

¹³⁰ *Id.*

¹³¹ Ultrafine Particle Levels at an International Port of Entry Between the US and Mexico: Exposure Implications for Users, Workers, and Neighbors. Hector A. Olvera, Mario Lopez, Veronica Guerrero, Humberto Garcia and Wen-Whai Li., available at <https://pubmed.ncbi.nlm.nih.gov/23321858/>

¹³² *Id.*

¹³³ *Id.*

¹³⁴ El Paso, Las Cruces rank high in ozone pollution in 2023 report, El Paso Matters, April 2023, available at <https://elpasomatters.org/2023/04/25/el-paso-texas-american-lung-association-ozone-pollution-f-grade-2023/#:~:text=El%20Paso%20recorded%2040%20unhealthy,days%20than%20the%20previous%20year.>

4. TxDOT Failed to Mitigate Construction Impacts and Refused to Address Resident’s Concerns from Construction Damages.

In addition to increasing traffic, congestion, and noise and air pollution throughout the day, TXDOT’s I-10 Connect has directly impacted residents through construction activities. The demolition and construction activities, and the Project’s design flaws caused structural damage to homes.. These harms include, among other things: cracks along ceilings, roofs, walls, and flooring; leaning structures, damaged plumbing; windows and doors that do not close right; and neighborhood drainage issues.

NEPA requires agencies to consider all environmental impacts from a proposed project, including impacts during construction.¹³⁵ TxDOT’s Guidance for Preparing an Environmental Assessment provides that the EA “must identify and explain any impacts associated with construction activities.”¹³⁶ The Guidance further requires the EA to list the “expected duration of any construction impacts,” and “any [Best Management Practices] or other strategies that will be used to mitigate such impacts.”¹³⁷ The Guidance also provides standard language to reduce noise impacts during construction:

Noise associated with the construction of the project is difficult to predict. Heavy machinery, the major source of noise in construction, is constantly moving in unpredictable patterns. However, construction normally occurs during daylight hours when occasional loud noises are more tolerable. None of the receptors is expected to be exposed to construction noise for a long duration; therefore, any extended disruption of normal activities is not expected. Provisions will be included in the 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.¹³⁸

TxDOT’s proposed mitigation plan discarded NEPA’s clear mandate and its own Guidance by failing to include mitigation measures to reduce the disproportionate harms the residents could—and did--suffer during construction.

TxDOT failed to take straightforward mitigation measures to prevent damages to complainants’ homes. TxDOT failed to conduct or require a pre-assessment of the homes, soil, infrastructure, etc. in the neighborhood.¹³⁹ TxDOT allowed the contractor to use the streets in the neighborhood as a right of way for construction vehicles and heavy machinery. TxDOT also allowed the contractor to use equipment known in the industry to cause damage to homes when used in close proximity to residential structures, such as from repeated strong vibrations.

¹³⁵ See *Baltimore Gas & Elec. Co.*, 462 U.S. at 97.

¹³⁶ TxDOT, *Environmental Handbook: Preparing an Environmental Assessment* (November 2023) at 30.

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ Exhibit E: TxDOT’s letter to State Senator Cesar Blanco; TxDOT response to PIA request.

TxDOT also neglected to mitigate the increased noise impacts from construction and increased traffic that San Xavier residents faced and continue to endure. Populations that live in close proximity to noise can suffer various adverse health effects. Acute exposure to noise can cause increased blood pressure, heart rate, and release of stress hormones.¹⁴⁰ Furthermore, exposure to normal urban levels of noise during the night has been associated with sleep disturbances.¹⁴¹ Residential exposure to road traffic noise is also associated with a risk of stroke, with a 14% higher risk per 10 decibels higher exposure.¹⁴² Two residents were dying from cancer at the time of I-10's construction. Their relatives pleaded with TxDOT's contractor to please stop working at night so that they may have rest. The contractor refused.

To address increased noise from traffic, TxDOT only provided noise barriers for sixteen residences, leaving the vast majority of residences impacted by the increased traffic and noise from the project with no mitigation measures.¹⁴³ TxDOT further determined that the construction of a visual barrier—which could have mitigated some of the impacts San Xavier residents currently face—was not necessary since the project would be aesthetically compatible with “existing transportation features[.]”¹⁴⁴ Yet the increased traffic and endless queuing of vehicles that the project has caused comes with—in addition to the air pollution and noise disturbances—a visual toll for the San Xavier neighborhood.

Notably, TXDOT never warned residents that the construction would be ongoing 24 hours a day, 7 days a week. Throughout the public meetings, TxDOT failed to make a single mention of potential construction impacts. After construction began, and the dangers became clear to residents, residents asked TxDOT for a meeting. TxDOT proceeded to give them a PowerPoint about the wonders of the I-10 Connect. Only after TRLA requested information about filing a complaint did TxDOT inform residents about the process. After San Xavier residents filed formal complaints, TxDOT denied any responsibility and closed their complaints.

TXDOT has also failed to address its removal of street lighting, the new traffic accident hot spots, and the new San Antonio Street entrance, which is confusing to drivers and is full of debris and runoff. The neighborhood must now also contend with ongoing drainage issues. Since the haphazard construction of I-10 Connect, San Xavier residents have faced repeated flooding that was not present before. After rain events, water collects in puddles near homes that continues to damage the foundation of the homes because the rainwater collection site was built with the wrong pitch. TxDOT's

¹⁴⁰ H. Ising, B. Kruppa, *Health Effects Caused by Noise: Evidence in the Literature From the Past 25 Years*, NOISE HEALTH 5, 5-13 (2004).

¹⁴¹ H.M. Miedema, H. Vos, *Associations Between Self-Reported Sleep Disturbance and Environmental Noise Based on Reanalyses of Pooled Data From 24 Studies*, BEHAV. SLEEP MED. 1, 1-20 (2007).

¹⁴² Mette Sorensen et al., *Road Traffic Noise and Stroke: A Prospective Cohort Study*, EUROPEAN HEART JOURNAL 737, 740-41 (Jan. 2011).

¹⁴³ TxDOT EA at 24; TxDOT Traffic Noise Analysis Technical Report: I-10 Connect From Yandell Drive to Loop 375 (Cesar Chavez Border Highway, El Paso County, Texas (September 2017).

¹⁴⁴ TxDOT EA at 14.

failure to adequately plan for altered hydraulics in a FEMA 100-year floodplain is unacceptable. TxDOT claimed that the “project would not result in adverse direct or indirect effects on the floodplain[.]”¹⁴⁵

TxDOT cannot now claim ignorance to avoid the clear discrimination it has inflicted on San Xavier, for it was given ample opportunity to rectify and prevent many of the harms caused by I-10 Connect. While the chosen alternative was set in stone once construction commenced, the full extent of the damage to properties and stormwater drainage infrastructure could have been minimized. Residents became aware of the full extent of harm posed by ongoing construction in their neighborhood and raised the alarm to TxDOT, but TxDOT repeatedly turned a blind eye and denied any wrongdoing. This flagrant and repetitive pattern of dismissing San Xavier resident’s concerns and ongoing harms demonstrates a clear discriminatory intent.

5. Deficient Environmental Justice Analysis.

TxDOT’s EA is woefully deficient in its environmental justice analysis. As discussed above, the project has numerous impacts on the San Xavier neighborhood—an environmental justice community. In its EA, TxDOT merely recites the obvious fact that the project is predominantly located around environmental justice communities, without acknowledging the history of highway pollution, let alone the potential impacts of the project, such as increased air pollution.¹⁴⁶ Numerous commentors asked TxDOT to take the community into consideration, highlighting the many struggles of having to deal with a legacy of environmental pollution.¹⁴⁷ However, TxDOT’s only mention of community impacts occurred within a perfunctory overview of the displacement of one commercial property, and two sentences on the unsupported guarantees of the project:

In addition, one of the primary objectives of the project is to address regional traffic utilizing local roadways in the adjacent EJ neighborhoods. The proposed project is intended to improve mobility and reduce congestion, which can also reduce vehicle idling and thereby potentially reduce emissions.¹⁴⁸

TxDOT’s blatant omission is in clear contravention of NEPA’s environmental justice analysis requirements, and TxDOT’s duties under Title VI. Even TxDOT’s own Environmental Justice and Title VI Compliance Handbook acknowledges the history of

¹⁴⁵ *Id.* at 18.

¹⁴⁶ TxDOT EA at 13.

¹⁴⁷ Hilda Villegas, a longtime community organizer and advocate for the Chamizal community group Familias Unidas del Chamizal, noted: “Families, women, and our Barrios suffered after Nafta was signed, and are still feeling the effects. Our communities should not have to pay once more to accommodate these transnational. Completing any alternative that proposes to go through any Barrio would contribute to the destruction of our environment, history, culture, and existence. July 7, 2016 Public Meeting Comment by Hilda Villegas; Another commentor echoed this sentiment, noting that “there should be a solution to the maquila trucks entering the free bridge from Paisano. There should be other alternatives that do not take all the traffic through the Mexican American Barrios.” January 21, 2016 Comment by Guillermo D. Glenn.

¹⁴⁸ TxDOT EA at 13.

discrimination in waste and industrial sightings, and provides for the Community Impact Analysis to ensure “recurring burdens” are not unjustly imposed on underserved populations like San Xavier.¹⁴⁹ TxDOT’s Handbook further requires that all EJ mitigation commitments are clearly listed in the CIA technical report and the EA/EIS, as applicable.”¹⁵⁰ Yet TxDOT made no mitigation commitments beyond a few noise barriers, leaving the community to trust in the anticipated traffic benefits of the project, benefits which never came.

TxDOT also refused to analyze the full extent of traffic impacts, including through its severe failure to account for the impact of Mexican and U.S. Customs. TxDOT’s claims that it was “evaluating options to reduce the impacts of trucks to and from the Port of Entry” and dutifully considering ways to minimize impacts to the environmental justice communities ring hollow in the face of its numerous glaring omissions under NEPA. TxDOT’s perfunctory environmental justice analysis marks a fitting summation of its effort to evaluate the project’s impacts and provide the community with adequate information under NEPA. Even a conservative inference of the plethora of TxDOT’s failures and demonstration of apathy and neglect to the San Xavier community can only lead to a finding of intentional discrimination.

F. DISPARATE IMPACT

TxDOT’s I-10 Connect project has had a disproportionate impact on a protected group, further cementing the history of past discrimination. TxDOT could have avoided this by addressing the history of past projects and by admitting its own limitations, including its inability to control U.S. and Mexican Customs. Instead, TxDOT short-circuited the process by stating it did not have to evaluate the impact further because the project would reduce traffic, and no one was being displaced. By failing to fully evaluate the impacts of its proposed alternative and failing to justify its refusal to evaluate an alternative that would avoid sending POE traffic through environmental justice neighborhoods, TxDOT violated Title VI. Even if TxDOT establishes a “legitimate need” for the project, there were “less discriminatory alternatives” available, mentioned by commentors, and reiterated here—namely, to remove heavy truck traffic from the POE or redirect heavy truck traffic away from the neighborhoods and to implement a robust public transportation alternative along that stretch of the highway. DOJ Title VI Manual § VIII(B). As with its failure to fully consider the history of past discrimination, TxDOT failed to seriously consider any alternative to remedy past discrimination or at least prevent its continuation and exacerbation.

As extensively discussed above, the residents of the San Xavier neighborhood are disproportionately suffering from the harmful impacts of I-10 Connect. TxDOT failed to properly evaluate and mitigate the impacts that the I-10 Connect Project has had on communities, including increased air and noise pollution, increased traffic, damage to properties, and ongoing flooding and other infrastructure problems.

¹⁴⁹ TxDOT Environmental Justice Handbook at 12.

¹⁵⁰ *Id.* At 15.

IV. DOT and FHWA Should Take All Necessary Steps to Correct TxDOT's Violations of Title VI.

For the reasons set forth above, TxDOT is not in compliance with Title VI of the Civil Rights Act of 1964. Accordingly, FHWA should take all necessary steps to ensure that TxDOT comes into full compliance with the requirements of Title VI pursuant to the FHWA and DOT's powers under 23 C.F.R. § 200.11, 28 C.F.R. § 42.108, and 49 C.F.R. § 21.13. If necessary, such steps should include launching an investigation, discontinuing all present and future federal funding to TxDOT for road projects, including the I-10 Connect Project, requiring TxDOT to take any necessary steps to comply with Title VI into the future, and/or referring the matter to the U.S. Department of Justice for further investigation. *See* 49 C.F.R. § 21.23.

Complainants request that:

1. Homeowners whose homes were damaged by I-10 Connect be compensated financially;
2. The neighborhood's infrastructure be repaired (flooding, car accident hot spot, debris, noise, etc.);
3. 18-wheelers be prohibited from using I-10 Connect;
4. TxDOT adopt and enforce written construction rules that will prevent future harm, including a prohibition of the use of heavy machinery known to cause vibrations that can damage residential structures within a certain proximity; pre-assessments of nearby homes; and pre-assessments of the soil composition;
5. TxDOT adopt and enforce requirements to ensure the full dissemination of information to communities during and after the public participation process;
6. TxDOT support the Complainant's requests as part of the upcoming BOTA NEPA process to remove 18-wheelers from BOTA heading both north and south and incorporating a robust public transportation component to the GSA's modernization of the Port of Entry and nearby areas; and
7. A comprehensive health study and monitoring of residents close to I-10 Connect.

Thank you for your prompt attention to prevent further discrimination related to the I-10 Connect Project. Please let us know if we can provide any additional information to assist FHWA in addressing these serious concerns.

Respectfully Submitted,

TEXAS RIOGRANDE LEGAL AID, INC.

1331 Texas Ave.
El Paso, TX 79901

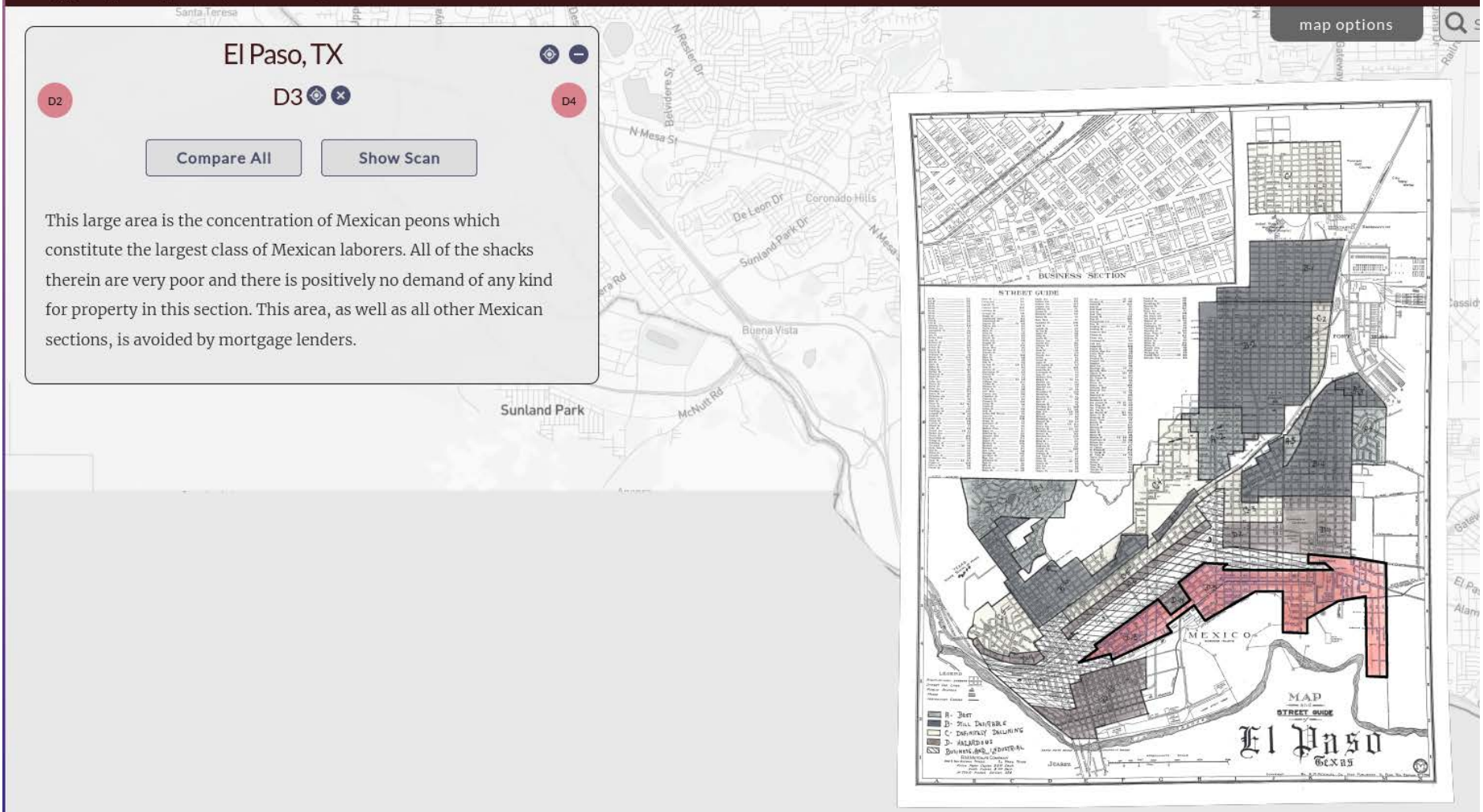
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EXHIBIT A



Mapping Inequality, Robert K. Nelson and Edward L. Ayers, accessed July 7, 2023, <https://dsl.richmond.edu/panorama/redlining/>

EXHIBIT B

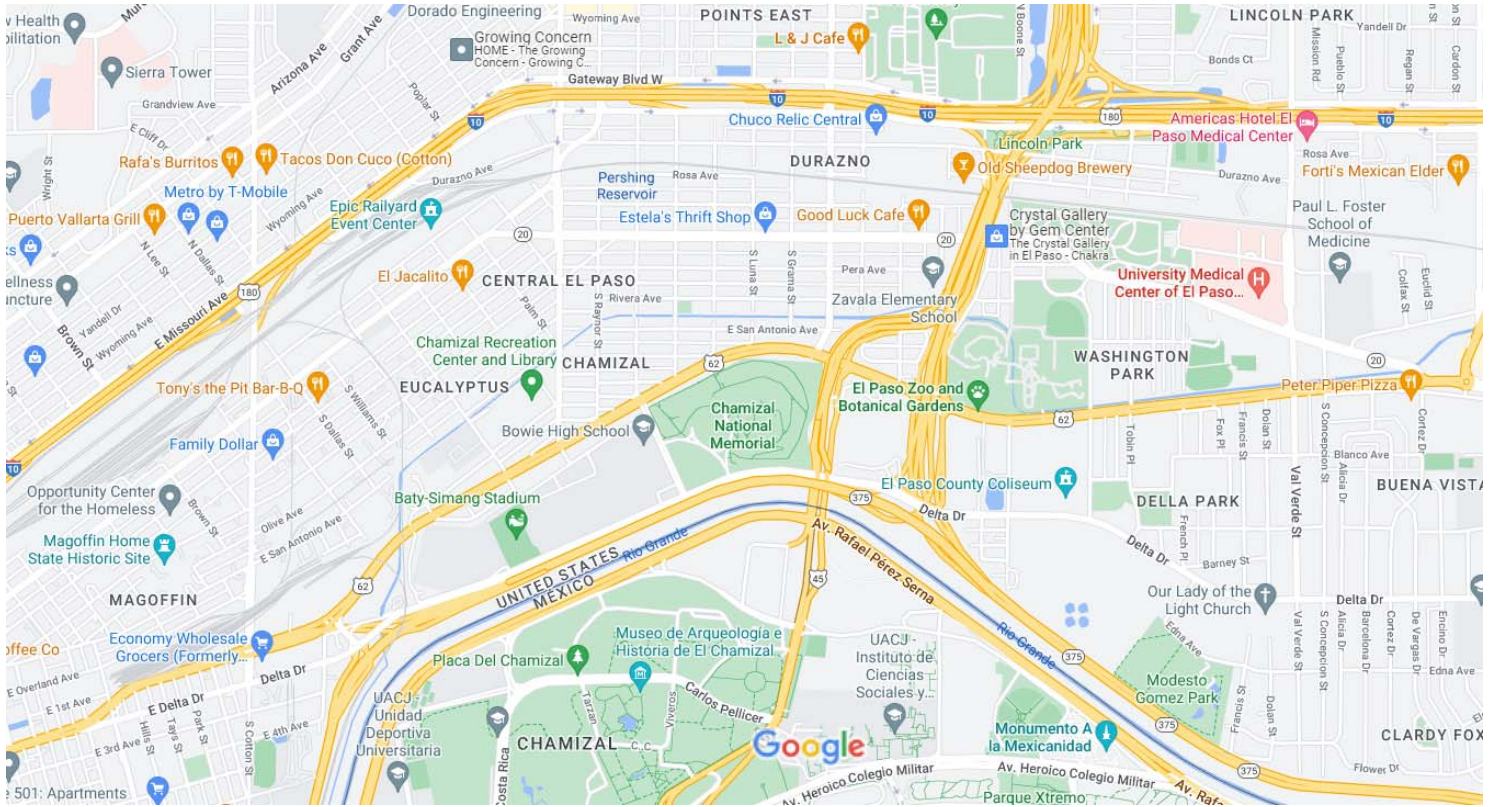


EXHIBIT C

EJScreen Community Report

This report provides environmental and socioeconomic information for user-defined areas, and combines that data into environmental justice and supplemental indexes.

El Paso, TX

Tract: 48141002900
 Population: 1,134
 Area in square miles: 0.50

A3 Landscape



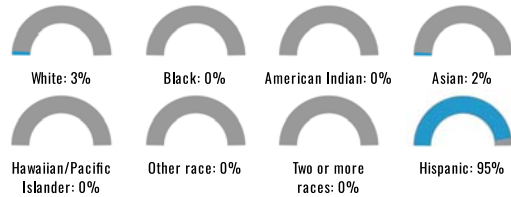
COMMUNITY INFORMATION



LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
English	5%
Spanish	92%
French, Haitian, or Cajun	1%
Chinese (including Mandarin, Cantonese)	1%
Total Non-English	95%

BREAKDOWN BY RACE



BREAKDOWN BY AGE



LIMITED ENGLISH SPEAKING BREAKDOWN



Notes: Numbers may not sum to totals due to rounding. Hispanic population can be of any race. Source: U.S. Census Bureau, American Community Survey (ACS) 2017-2021. Life expectancy data comes from the Centers for Disease Control.

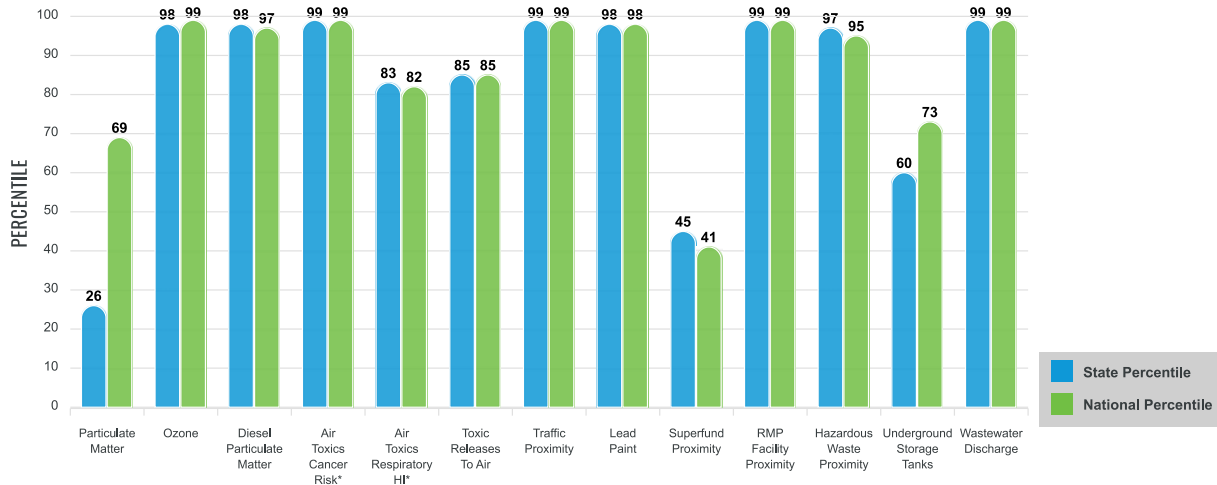
Environmental Justice & Supplemental Indexes

The environmental justice and supplemental indexes are a combination of environmental and socioeconomic information. There are thirteen EJ indexes and supplemental indexes in EJScreen reflecting the 13 environmental indicators. The indexes for a selected area are compared to those for all other locations in the state or nation. For more information and calculation details on the EJ and supplemental indexes, please visit the [EJScreen website](#).

EJ INDEXES

The EJ indexes help users screen for potential EJ concerns. To do this, the EJ index combines data on low income and people of color populations with a single environmental indicator.

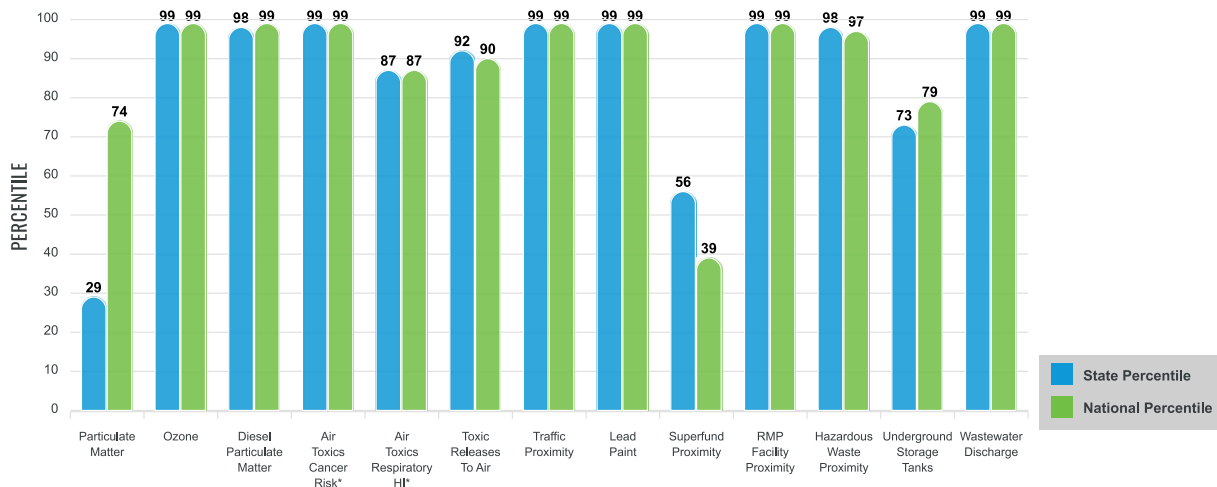
EJ INDEXES FOR THE SELECTED LOCATION



SUPPLEMENTAL INDEXES

The supplemental indexes offer a different perspective on community-level vulnerability. They combine data on percent low-income, percent linguistically isolated, percent less than high school education, percent unemployed, and low life expectancy with a single environmental indicator.

SUPPLEMENTAL INDEXES FOR THE SELECTED LOCATION



These percentiles provide perspective on how the selected block group or buffer area compares to the entire state or nation.

Report for Tract: 48141002900

EJScreen Environmental and Socioeconomic Indicators Data

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
POLLUTION AND SOURCES					
Particulate Matter ($\mu\text{g}/\text{m}^3$)	7.23	9.11	8	8.08	25
Ozone (ppb)	69.9	64.6	88	61.6	93
Diesel Particulate Matter ($\mu\text{g}/\text{m}^3$)	0.352	0.218	89	0.261	77
Air Toxics Cancer Risk* (lifetime risk per million)	40	28	89	25	94
Air Toxics Respiratory HI*	0.3	0.3	29	0.31	31
Toxic Releases to Air	370	12,000	53	4,600	41
Traffic Proximity (daily traffic count/distance to road)	1,200	150	99	210	96
Lead Paint (% Pre-1960 Housing)	0.58	0.17	91	0.3	78
Superfund Proximity (site count/km distance)	0.015	0.085	17	0.13	10
RMP Facility Proximity (facility count/km distance)	2	0.63	93	0.43	96
Hazardous Waste Proximity (facility count/km distance)	1.5	0.75	85	1.9	69
Underground Storage Tanks (count/km ²)	1.1	2.3	43	3.9	49
Wastewater Discharge (toxicity-weighted concentration/m distance)	1.5	0.91	97	22	92
SOCIOECONOMIC INDICATORS					
Demographic Index	87%	46%	96	35%	98
Supplemental Demographic Index	40%	17%	97	14%	98
People of Color	97%	58%	90	39%	94
Low Income	76%	34%	95	31%	96
Unemployment Rate	5%	5%	63	6%	61
Limited English Speaking Households	44%	8%	97	5%	98
Less Than High School Education	47%	16%	94	12%	98
Under Age 5	5%	6%	42	6%	49
Over Age 64	28%	14%	90	17%	86
Low Life Expectancy	24%	20%	89	20%	87

*Diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/haps/air-toxics-data-update>.

Sites reporting to EPA within defined area:

Superfund	0
Hazardous Waste, Treatment, Storage, and Disposal Facilities	0
Water Dischargers	1
Air Pollution	0
Brownfields	0
Toxic Release Inventory	1

Other community features within defined area:

Schools	1
Hospitals	0
Places of Worship	1

Other environmental data:

Air Non-attainment	Yes
Impaired Waters	Yes

Selected location contains American Indian Reservation Lands*	No
Selected location contains a "Justice40 (CEJST)" disadvantaged community	Yes
Selected location contains an EPA IRA disadvantaged community	Yes

Report for Tract: 48141002900

EJScreen Environmental and Socioeconomic Indicators Data

HEALTH INDICATORS

INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Low Life Expectancy	24%	20%	89	20%	87
Heart Disease	9.9	5.9	97	6.1	97
Asthma	10.8	9.2	93	10	75
Cancer	4.2	5.2	29	6.1	14
Persons with Disabilities	20.5%	12.3%	90	13.4%	87

CLIMATE INDICATORS

INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Flood Risk	10%	10%	73	12%	64
Wildfire Risk	0%	30%	0	14%	0

CRITICAL SERVICE GAPS

INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Broadband Internet	53%	15%	97	14%	98
Lack of Health Insurance	28%	18%	83	9%	97
Housing Burden	No	N/A	N/A	N/A	N/A
Transportation Access	Yes	N/A	N/A	N/A	N/A
Food Desert	No	N/A	N/A	N/A	N/A

Footnotes

Report for Tract: 48141002900

EJScreen Community Report

This report provides environmental and socioeconomic information for user-defined areas, and combines that data into environmental justice and supplemental indexes.

El Paso, TX

Tract: 48141002800
 Population: 3,892
 Area in square miles: 0.93

A3 Landscape



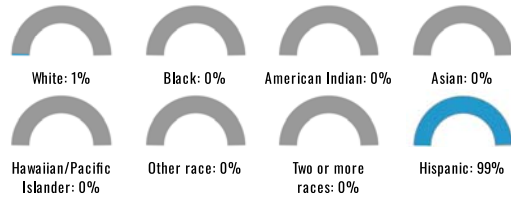
COMMUNITY INFORMATION



LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
English	8%
Spanish	92%
Total Non-English	92%

BREAKDOWN BY RACE



BREAKDOWN BY AGE



LIMITED ENGLISH SPEAKING BREAKDOWN



Notes: Numbers may not sum to totals due to rounding. Hispanic population can be of any race. Source: U.S. Census Bureau, American Community Survey (ACS) 2017-2021. Life expectancy data comes from the Centers for Disease Control.

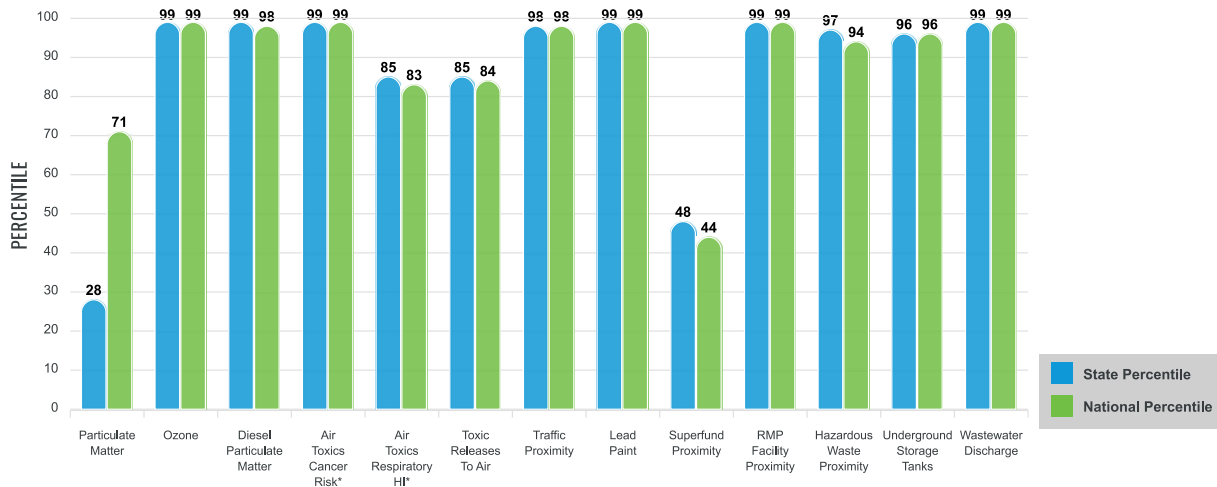
Environmental Justice & Supplemental Indexes

The environmental justice and supplemental indexes are a combination of environmental and socioeconomic information. There are thirteen EJ indexes and supplemental indexes in EJScreen reflecting the 13 environmental indicators. The indexes for a selected area are compared to those for all other locations in the state or nation. For more information and calculation details on the EJ and supplemental indexes, please visit the [EJScreen website](#).

EJ INDEXES

The EJ indexes help users screen for potential EJ concerns. To do this, the EJ index combines data on low income and people of color populations with a single environmental indicator.

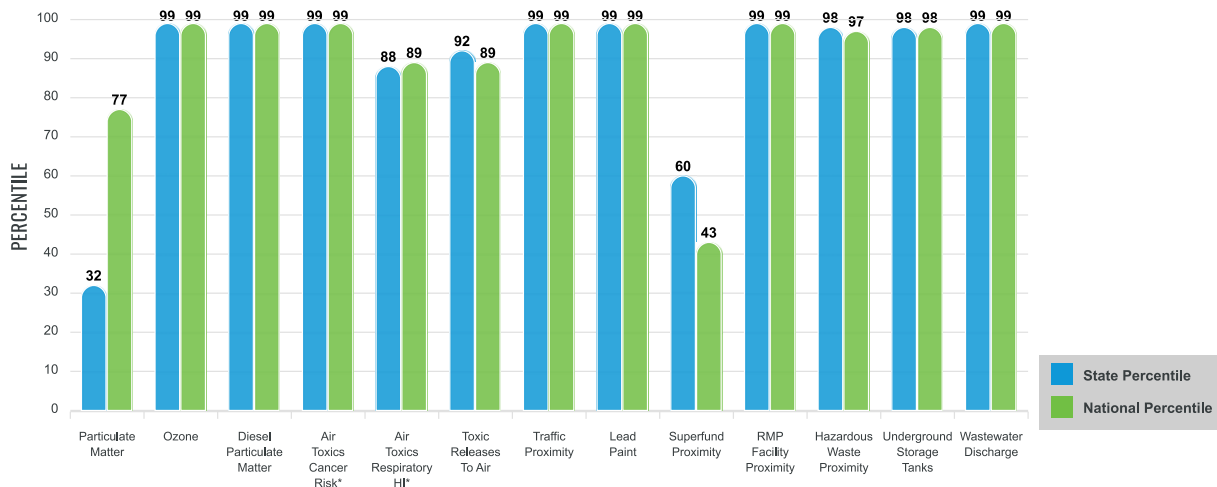
EJ INDEXES FOR THE SELECTED LOCATION



SUPPLEMENTAL INDEXES

The supplemental indexes offer a different perspective on community-level vulnerability. They combine data on percent low-income, percent linguistically isolated, percent less than high school education, percent unemployed, and low life expectancy with a single environmental indicator.

SUPPLEMENTAL INDEXES FOR THE SELECTED LOCATION



These percentiles provide perspective on how the selected block group or buffer area compares to the entire state or nation.

Report for Tract: 48141002800

EJScreen Environmental and Socioeconomic Indicators Data

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
POLLUTION AND SOURCES					
Particulate Matter ($\mu\text{g}/\text{m}^3$)	7.24	9.11	8	8.08	25
Ozone (ppb)	70.3	64.6	91	61.6	94
Diesel Particulate Matter ($\mu\text{g}/\text{m}^3$)	0.353	0.218	89	0.261	77
Air Toxics Cancer Risk* (lifetime risk per million)	40	28	89	25	94
Air Toxics Respiratory HI*	0.3	0.3	29	0.31	31
Toxic Releases to Air	270	12,000	48	4,600	36
Traffic Proximity (daily traffic count/distance to road)	380	150	91	210	87
Lead Paint (% Pre-1960 Housing)	0.7	0.17	95	0.3	86
Superfund Proximity (site count/km distance)	0.015	0.085	17	0.13	10
RMP Facility Proximity (facility count/km distance)	1.7	0.63	91	0.43	95
Hazardous Waste Proximity (facility count/km distance)	1.1	0.75	78	1.9	62
Underground Storage Tanks (count/km ²)	3.9	2.3	79	3.9	72
Wastewater Discharge (toxicity-weighted concentration/m distance)	1.5	0.91	97	22	92
SOCIOECONOMIC INDICATORS					
Demographic Index	94%	46%	99	35%	99
Supplemental Demographic Index	44%	17%	98	14%	99
People of Color	99%	58%	94	39%	96
Low Income	89%	34%	98	31%	99
Unemployment Rate	5%	5%	59	6%	57
Limited English Speaking Households	51%	8%	98	5%	98
Less Than High School Education	57%	16%	97	12%	99
Under Age 5	10%	6%	77	6%	84
Over Age 64	13%	14%	52	17%	38
Low Life Expectancy	23%	20%	80	20%	79

*Diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/haps/air-toxics-data-update>.

Sites reporting to EPA within defined area:

Superfund	0
Hazardous Waste, Treatment, Storage, and Disposal Facilities	0
Water Dischargers	6
Air Pollution	0
Brownfields	0
Toxic Release Inventory	0

Other community features within defined area:

Schools	1
Hospitals	0
Places of Worship	3

Other environmental data:

Air Non-attainment	Yes
Impaired Waters	No

Selected location contains American Indian Reservation Lands*	No
Selected location contains a "Justice40 (CEJST)" disadvantaged community	Yes
Selected location contains an EPA IRA disadvantaged community	Yes

Report for Tract: 48141002800

EJScreen Environmental and Socioeconomic Indicators Data

HEALTH INDICATORS

INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Low Life Expectancy	23%	20%	80	20%	79
Heart Disease	10.6	5.9	98	6.1	98
Asthma	11.4	9.2	96	10	85
Cancer	4.3	5.2	32	6.1	15
Persons with Disabilities	16.6%	12.3%	78	13.4%	73

CLIMATE INDICATORS

INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Flood Risk	5%	10%	52	12%	41
Wildfire Risk	0%	30%	0	14%	0

CRITICAL SERVICE GAPS

INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Broadband Internet	39%	15%	92	14%	94
Lack of Health Insurance	45%	18%	98	9%	99
Housing Burden	No	N/A	N/A	N/A	N/A
Transportation Access	Yes	N/A	N/A	N/A	N/A
Food Desert	No	N/A	N/A	N/A	N/A

Footnotes

Report for Tract: 48141002800

EJScreen Community Report

This report provides environmental and socioeconomic information for user-defined areas, and combines that data into environmental justice and supplemental indexes.

El Paso, TX

Tract: 48141003000
 Population: 4,196
 Area in square miles: 1.03

A3 Landscape



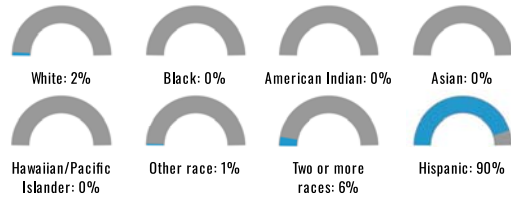
COMMUNITY INFORMATION



LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
English	12%
Spanish	87%
French, Haitian, or Cajun	1%
Total Non-English	88%

BREAKDOWN BY RACE



BREAKDOWN BY AGE



LIMITED ENGLISH SPEAKING BREAKDOWN



Notes: Numbers may not sum to totals due to rounding. Hispanic population can be of any race. Source: U.S. Census Bureau, American Community Survey (ACS) 2017-2021. Life expectancy data comes from the Centers for Disease Control.

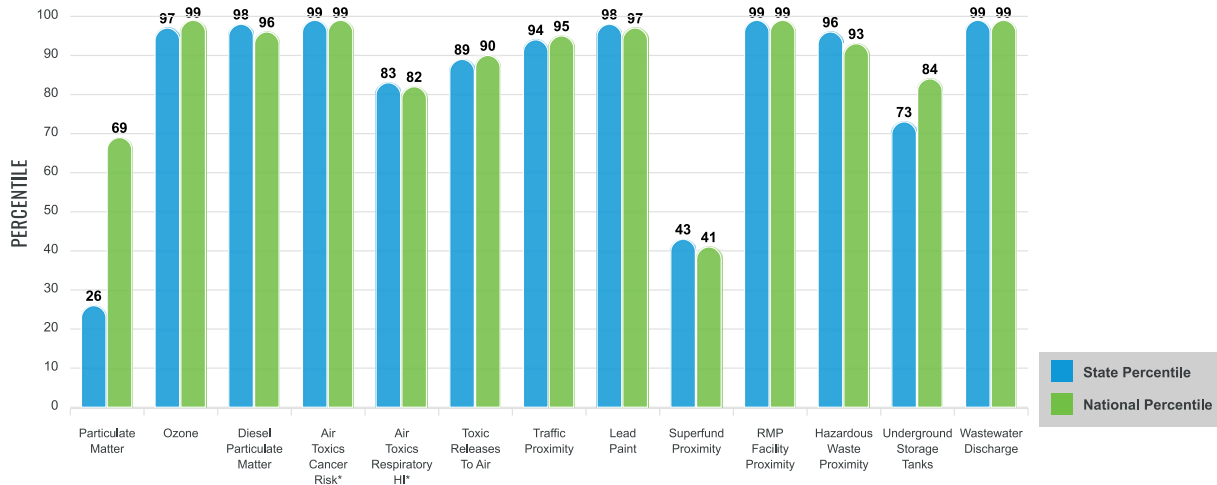
Environmental Justice & Supplemental Indexes

The environmental justice and supplemental indexes are a combination of environmental and socioeconomic information. There are thirteen EJ indexes and supplemental indexes in EJScreen reflecting the 13 environmental indicators. The indexes for a selected area are compared to those for all other locations in the state or nation. For more information and calculation details on the EJ and supplemental indexes, please visit the [EJScreen website](#).

EJ INDEXES

The EJ indexes help users screen for potential EJ concerns. To do this, the EJ index combines data on low income and people of color populations with a single environmental indicator.

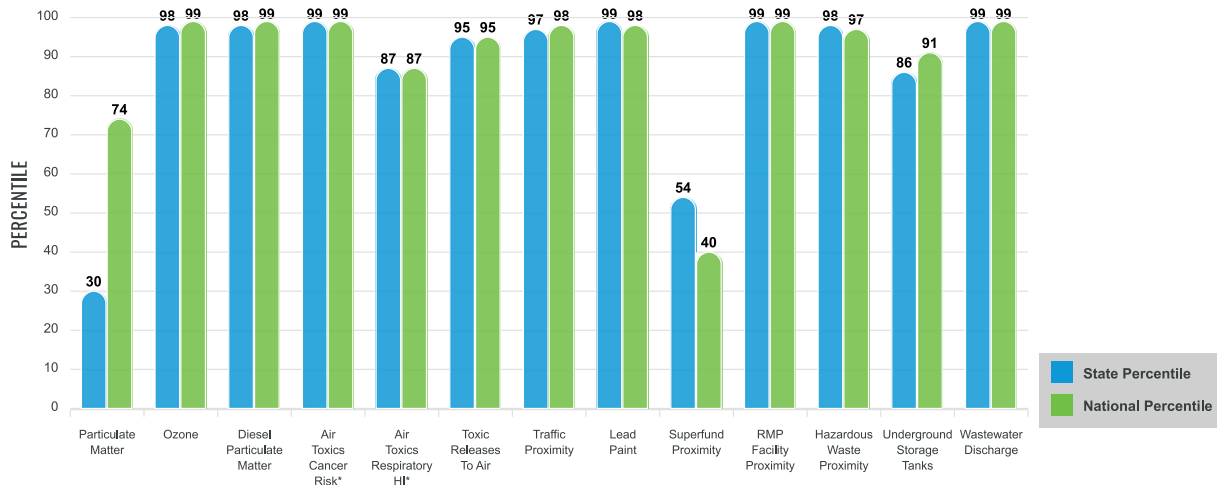
EJ INDEXES FOR THE SELECTED LOCATION



SUPPLEMENTAL INDEXES

The supplemental indexes offer a different perspective on community-level vulnerability. They combine data on percent low-income, percent linguistically isolated, percent less than high school education, percent unemployed, and low life expectancy with a single environmental indicator.

SUPPLEMENTAL INDEXES FOR THE SELECTED LOCATION



These percentiles provide perspective on how the selected block group or buffer area compares to the entire state or nation.

Report for Tract: 48141003000

EJScreen Environmental and Socioeconomic Indicators Data

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
POLLUTION AND SOURCES					
Particulate Matter ($\mu\text{g}/\text{m}^3$)	7.23	9.11	8	8.08	25
Ozone (ppb)	69.5	64.6	84	61.6	93
Diesel Particulate Matter ($\mu\text{g}/\text{m}^3$)	0.346	0.218	88	0.261	76
Air Toxics Cancer Risk* (lifetime risk per million)	40	28	89	25	94
Air Toxics Respiratory HI*	0.3	0.3	29	0.31	31
Toxic Releases to Air	680	12,000	61	4,600	52
Traffic Proximity (daily traffic count/distance to road)	250	150	84	210	79
Lead Paint (% Pre-1960 Housing)	0.56	0.17	90	0.3	77
Superfund Proximity (site count/km distance)	0.015	0.085	16	0.13	10
RMP Facility Proximity (facility count/km distance)	2.1	0.63	93	0.43	96
Hazardous Waste Proximity (facility count/km distance)	1.3	0.75	82	1.9	66
Underground Storage Tanks (count/km ²)	1.5	2.3	51	3.9	54
Wastewater Discharge (toxicity-weighted concentration/m distance)	1.8	0.91	98	22	93
SOCIOECONOMIC INDICATORS					
Demographic Index	86%	46%	96	35%	98
Supplemental Demographic Index	40%	17%	98	14%	98
People of Color	98%	58%	91	39%	95
Low Income	75%	34%	94	31%	96
Unemployment Rate	10%	5%	82	6%	81
Limited English Speaking Households	44%	8%	97	5%	98
Less Than High School Education	49%	16%	94	12%	98
Under Age 5	12%	6%	88	6%	92
Over Age 64	14%	14%	56	17%	42
Low Life Expectancy	18%	20%	30	20%	38

*Diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/haps/air-toxics-data-update>.

Sites reporting to EPA within defined area:

Superfund	0
Hazardous Waste, Treatment, Storage, and Disposal Facilities	0
Water Dischargers	9
Air Pollution	0
Brownfields	0
Toxic Release Inventory	0

Other community features within defined area:

Schools	2
Hospitals	2
Places of Worship	1

Other environmental data:

Air Non-attainment	Yes
Impaired Waters	Yes

Selected location contains American Indian Reservation Lands*	No
Selected location contains a "Justice40 (CEJST)" disadvantaged community	Yes
Selected location contains an EPA IRA disadvantaged community	Yes

Report for Tract: 48141003000

EJScreen Environmental and Socioeconomic Indicators Data

HEALTH INDICATORS

INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Low Life Expectancy	18%	20%	30	20%	38
Heart Disease	9.3	5.9	95	6.1	94
Asthma	9.9	9.2	78	10	52
Cancer	4.8	5.2	44	6.1	22
Persons with Disabilities	24.8%	12.3%	96	13.4%	94

CLIMATE INDICATORS

INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Flood Risk	2%	10%	30	12%	22
Wildfire Risk	0%	30%	0	14%	0

CRITICAL SERVICE GAPS

INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Broadband Internet	24%	15%	77	14%	81
Lack of Health Insurance	27%	18%	79	9%	97
Housing Burden	No	N/A	N/A	N/A	N/A
Transportation Access	Yes	N/A	N/A	N/A	N/A
Food Desert	No	N/A	N/A	N/A	N/A

Footnotes

Report for Tract: 48141003000

EXHIBIT D

Photographs of traffic on I-110



Photo of southbound traffic on I-110 next to Zavala Elementary, Sept. 28, 2022, 8:15a MT



Photo of southbound traffic on I-110 next to Zavala Elementary/San Xavier, November 29, 2022, 2p MT



Photo of southbound traffic on I-110 next to Zavala Elementary/San Xavier, November 29, 2022, 7p MT



Photo of southbound traffic on I-110 next to Zavala Elementary/San Xavier, November 29, 2022, 7p MT



Photo of southbound traffic on I-110 next to Zavala Elementary/San Xavier, November 1, 2023, 7:50p MT



therealfitfamelpaso
therealfitfamelpaso • Original a...

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14,964 likes

therealfitfamelpaso Just happened on I-10 West right before the US-54 interchange; everyone appea... more

Screenshot of social media post on Instagram by @therealfitfamelpaso on November 3, 2023.



Photo of TxDOT traffic warning sign on I-10 West, January 21, 2023 at 2:13p MT.

EXHIBIT E

From: [Tomas Trevino](#)
To: [Alejandra Villarreal](#)
Subject: Re: San Xavier Community
Date: Friday, February 3, 2023 8:54:24 AM

Good morning Alejandra,

Before accepting any project we perform a final walk through with the contractor. We do this to assure that the terms and conditions of the contract have been met. We do not perform a walk-through of the adjacent neighborhoods as they are not part of any contract and are outside our right of way. Please let me know if you need anything else.

Thanks

Tomas Trevino
El Paso District Engineer

From: Alejandra Villarreal
Sent: Friday, February 3, 2023 9:44 AM
To: Tomas Trevino
Subject: RE: San Xavier Community

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mr. Trevino,

Thank you for this information. Additionally, could you clarify with our office if it is within practice for TXDOT to visit and do a walkthrough of the area where construction will be taking place, including adjacent neighborhoods?

Best,

Alejandra Villarreal | Constituent Caseworker

Office of Texas State Senator César J. Blanco -SD29

9440 Viscount Blvd. #205 El Paso, Texas 79925

O: (915) 595-5955 | **F:** (915) 595-5944 | **M:** (915) 213-4760

Alejandra.Villarreal@senate.texas.gov

*District Office Staff at times works remotely and can be reached via their mobile number listed.

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communication in error, please notify us immediately at our telephone number set forth above and permanently delete this email and any attachments from your system.

From: Tomas Trevino
Sent: Tuesday, January 31, 2023 7:36 PM
To: Alejandra Villarreal
Subject: Re: San Xavier Community

Good evening Alejandra,

We have not received any new complaints from the residents at the San Javier neighborhood. In addition we completed many of the things we agreed to address from the residents that we had spoken too originally. Please let me know if I may be of any further assistance.

Thanks and Stay Safe

Tomas Trevino
El Paso District Engineer

From: Alejandra Villarreal
Sent: Tuesday, January 31, 2023 8:24:54 PM
To: Tomas Trevino
Subject: San Xavier Community

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mr. Treviño,

I hope your day went well. I am reaching out because we have received some questions from the San Xavier Community. I know the last time we spoke TXDOT informed our office that no complaints had been submitted through the formal process by any of the community members. We are hoping to receive an update if this information has changed since July of 2022. Any information or assistance you may provide on this matter is greatly appreciated.

Please let me know if you have any questions. I look forward to hearing from you.

Best,

Alejandra Villarreal| Constituent Caseworker
Office of Texas State Senator César J. Blanco -SD29
9440 Viscount Blvd. #205 El Paso, Texas 79925
O: (915) 595-5955 | **F:** (915) 595-5944 || **M:** (915) 213-4760
Alejandra.Villarreal@senate.texas.gov

*District Office Staff at times works remotely and can be reached via their mobile number listed.

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[EXTERNAL EMAIL] TxDOT Public Records Request :: R028058-062823

TxDOT Records Request Center <txdot@govqa.us>

Fri 8/4/2023 6:06 PM

To:Veronica Carbajal(ELP) <vcarbajal@trla.org>

--- Please respond above this line ---



RE: PUBLIC RECORDS REQUEST of June 28, 2023, Reference # R028058-062823.

RE: PUBLIC RECORDS REQUEST of June 28, 2023, Reference # R028058-062823.

Good afternoon Ms. Carbajal,

TxDOT received a public information request from you on June 28, 2023. Your request mentioned:

"We are requesting the following documents related only to TXDOT's I-10 Connect Project (I-10 Connect) in El Paso, Texas.

TRLA is a 501c3 that provides free legal services to low-income Texans, in this case, residents of the San Xavier community. On behalf of our clients, we request a waiver of all fees and charges and/or a discount pursuant to TPIA § 552.267 and 43 TAC § 3.13 (b).

- 1. Names of contractors and point of contact.**
- 2. Name of designer (s).**
- 3. Drainage analysis that demonstrates the flow of rainwater before and after I-10 Connect was completed.**
- 4. Geotechnical, site geology, and potholing evaluations.**
- 5. Pre-assessment of the residential structures within a .5 mile of any of the construction.**
- 6. Traffic studies/modeling related to the flow of traffic from East Paisano Drive to East San Antonio Street and back to East Paisano Drive.**
- 7. Traffic studies/modeling related to the traffic expected to use I-10 Connect South, heading into Mexico once it was completed.**
- 8. TXDOT's contracts for the I-10 Connect Project from 2016 to the present day.**
- 9. Construction drawings.**
- 10. Specification book.**
- 11. Scope of work.**
- 12. Field change orders.**
- 13. Plans for the project at 30%.**
- 14. Plans for the project at 90%.**
- 15. Progress reports.**
- 16. Notes from weekly meetings with the contractor.**
- 17. A list of the heavy equipment that was used, identified by make and model.**
- 18. Guidelines and/or limitations and/or precautions given by TXDOT to the contractor related to the use of heavy equipment within 30-50 feet of residential structures.**

19. Vibration readings and measurements taken during the construction.
20. Noise readings taken during the construction.
21. Photographs of the construction.
22. Analysis and/or complaints of the cut through rate and deposits of debris at East San Antonio Street.
23. Complaints by other government entities, including the City of El Paso, El Paso Water Utility, and Texas Gas, EPISD.
24. Reports of damage to City of El Paso owned infrastructure, including but not limited to streets, sidewalks, water lines, sewage lines, and gas lines.

Thank you,

Verónica Carbajal

Attorney

Group Coordinator: Community Preservation & Empowerment

Texas RioGrande Legal Aid, Inc.

1331 Texas Ave.

El Paso, TX 79901

Direct Tel.: (915) 585-5107"

We are in receipt of your final payment of \$531.00.

TxDOT has reviewed its files and has located responsive records to your request. Regarding items #5, 17, 18, 19, 20, 22 and 24, we do not have documents in response.

Please log in to TxDOT Records Request Center to retrieve the appropriate responsive documents.

Public Records Request - R028058-062823

If you have any questions, please contact me at (915) 790-4207.

If you need any additional information, please submit a new request.

Your request is now closed.

Thank you,

Susan Ryde

Open Records Coordinator

El Paso District

To monitor the progress or update this request please log into the [TxDOT Records Request Center](#)



EXHIBIT B

ORIGINAL ARTICLE

Ultrafine particle levels at an international port of entry between the US and Mexico: Exposure implications for users, workers, and neighbors

Hector A. Olvera¹, Mario Lopez², Veronica Guerrero³, Humberto Garcia⁴ and Wen-Whai Li⁵

Exposure to diesel-emitted particles has been linked to increased cancer risk and cardiopulmonary diseases. Because of their size (<100 nm), exposure to ultrafine particles (UFPs) emitted from heavy-duty diesel vehicles (HDDV) might result in greater health risks than those associated with larger particles. Seasonal UFP levels at the International Bridge of the Americas, which connects the US and Mexico and has high HDDV traffic demands, were characterized. Hourly average UFP concentrations ranged between $1.7 \times 10^3/\text{cc}$ and $2.9 \times 10^5/\text{cc}$ with a mean of $3.5 \times 10^4/\text{cc}$. Wind speeds $<2 \text{ m s}^{-1}$ and temperatures $<15^\circ\text{C}$ were associated with particle number concentrations above normal conditions. The presence of HDDV had the strongest impact on local UFP levels. Varying particle size distributions were associated with south- and northbound HDDV traffic. Peak exposure occurred on weekday afternoons. Although in winter, high exposure episodes were also observed in the morning. Particle number concentrations were estimated to reach background levels at 400 m away from traffic. The populations exposed to UFP above background levels include law enforcement officers, street vendors, private commuters, and commercial vehicle drivers as well as neighbors on both sides of the border, including a church and several schools.

Journal of Exposure Science and Environmental Epidemiology (2013) **23**, 289–298; doi:10.1038/jes.2012.119; published online 16 January 2013

Keywords: US–Mexico border crossing; nanoparticles; heavy duty; diesel; gasoline; principal component analysis

INTRODUCTION

Exposure to diesel-emitted particles has been linked to pulmonary inflammation, increased susceptibility to respiratory infections, chronic obstructive pulmonary diseases, exacerbation of asthma, and increased risk of cancer.^{1–11} In this regard, the US Environmental Protection Agency has diesel-emitted particles listed as a likely carcinogen, while the World Health Organization considers diesel-engine exhaust carcinogenic.^{12–14} Although, diesel-emitted particles denote particles of all sizes, there is reason to believe that exposure to ultrafine particles (UFPs) emitted from heavy-duty diesel vehicles (HDDV) might result in higher health risks than those associated with coarser particles.^{15–17} Because of their small size (<100 nm), UFP can evade human defense mechanisms, penetrate deep into the body, reach the bloodstream, and be distributed to potentially sensitive sites, such as bone marrow, lymph nodes, spleen, and heart.^{18–22} Particularly, UFP have been shown to impact the cardiovascular, pulmonary, and central nervous systems, even more so in compromised individuals.^{15,23–25}

Accurate characterizations of exposure conditions at both occupational and urban environments are necessary for the advancement of UFP health risk assessments. Particularly critical is the identification of settings of exposure of large populations to extreme UFP levels. Such scenarios are plausible in close proximity to dense traffic conditions. Especially near dense HDDV traffic as UFP emissions from these vehicles have been observed to be considerably greater than from light-duty gasoline vehicles.²⁶ The International Bridge of the Americas (BOTA), as one of the busiest

ports of entry between US and Mexico, has an elevated traffic demand and stringent security inspections, which result in long queues of idling vehicles on both sides of the border. A peculiarity of the BOTA, as compared with other ports of entry on the US/Mexico border, is that it has the largest combined traffic demand of privately owned (mostly light-duty gasoline) and commercially operated (mostly HDDV) vehicles.²⁷ The combined traffic conditions at the BOTA are expected to induce UFP exposure on large numbers of private commuters and law enforcement officers. Furthermore, exposure to combined gasoline and diesel-engine emissions might produce amplified impacts to the cardiovascular system as compared with gasoline or diesel only exposures.^{28–30}

In this study, UFP number concentrations at the BOTA were characterized. Specifically, the temporal variations of particle number concentrations (PNCs) and their associations with traffic and meteorological conditions were assessed, and exposure scenarios and populations at risk identified. Also, the specific size fractions associated with HDDV traffic were determined. The measurements for this study were performed as part of a comprehensive air quality characterization at the BOTA.³¹

MATERIALS AND METHODS

Study Site

The BOTA is located near the geographic center of the border separating the El Paso, Texas, USA and Ciudad Juarez, Chihuahua, Mexico urban

¹Hispanic Health Disparities Research Center, Center for Environmental Resource Management, University of Texas at El Paso, El Paso, TX, USA; ²Civil Engineering Department, University of Texas at El Paso, El Paso, TX, USA; ³University of Texas at El Paso, Civil Engineering Department, El Paso, TX, USA; ⁴Instituto Tecnológico de Estudios Superiores de Monterrey, Ciudad Juárez, Mexico and ⁵University of Texas at El Paso, Civil Engineering Department, El Paso, TX, USA. Correspondence: Dr Hector A. Olvera, Hispanic Health Disparities Research Center, Center for Environmental Resource Management, University of Texas at El Paso, 500 University Avenue, El Paso, TX 79968, USA. Tel: +1 915 747 6518; Fax: +1 915 747 5145.

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region (Figure 1a). Customs and immigration inspection areas as well as administrative offices are located at both the US and Mexican sides of the BOTA (Figure 1b). Five additional ports of entry operate within the urban region. The BOTA traffic demands of both commercial and private vehicles account for > 50% of the regional total.²⁷ It has been reported that 89% of the northbound commercial vehicle fleet at the bridge is composed of HDDV, whereas private traffic is mostly composed of light-duty gasoline-fueled vehicles.³² Considering that traffic is mostly composed of local commuters and drayage trucks, similar traffic fleet characteristics are expected for both north- and southbound traffic. The bridge is permanently open to private vehicle and pedestrian traffic. Northbound commercial traffic services are limited to 0600 hours to 1800 hours from Monday to Friday and from 0600 hours to 1400 hours on Saturdays. Southbound commercial lanes are open from 0800 hours to 2100 hours on weekdays and Saturdays. The bridge is closed for commercial traffic on Sundays.

Study Period

Four measurement campaigns were conducted between December 2008 and September 2009. Each campaign lasted 2 weeks. The seasonal 2-week monitoring scheme has been shown to produce good estimates of annual averages for urban air pollutants.^{33–35} The monitoring dates and corresponding meteorological variables are listed in Table 1.

Measurement Equipment

The monitoring site was located within a storm pumping station operated by the El Paso Water Utilities, at approximately 30 m from the traffic centerline and 80 m from the US customs inspection station (Figure 1b). Particle size distributions and number concentrations were measured with a Scanning Mobility Particle Sizer (SMPS) Model 3936-L75 (TSI, Shoreham, MN, USA) and an Aerodynamic Particle Sizer (APS) Model 3321 (TSI, Shoreham, MN, USA). The SMPS produced size distributions composed of 102 size bins for particle diameters between 6 nm and 225 nm. The APS produced size distributions composed of 52 size bins for particle diameters between 500 nm and 20 μm . The SMPS scan time was 120 s with a retrace of 30 s performed at 10-min intervals. The APS produced real-time measurements for 2 min at 10-min intervals. The instruments operated continuously during the measurement campaigns and were stopped periodically for quick maintenance (e.g., nozzle and impactor cleaning).

Meteorological information recorded at a monitoring station (CAMS 41) located approximately 400 m (~ 1/4 mile) from the BOTA was obtained from the Texas Commission on Environmental Quality website. Wind speed and direction were also measured on site with a portable AutoMet Model 466A (MetOne Instruments, Grants Pass, OR, USA). Yearly northbound traffic data were obtained from the University of Texas at El Paso Border Modeling Database. Daytime hourly crossing rates for both north- and southbound traffic were determined via manual counts from video recordings performed during 4 days per monitoring campaign. Nighttime crossing rates were not determined. Reduced video quality during the nighttime hours impeded identification of crossing vehicles. Furthermore, traffic queues were short during nighttime hours and were outside the recording angle. Video recordings did not include the area near inspection stations for security purposes.

Data Analysis

PNCs are reported in number of particles per cubic centimeter (No./cc). PNCs were processed as both 10-minute and 1-h averages. Some analyses were performed exclusively for downwind or upwind conditions relative to traffic. Traffic queues near the monitoring site are approximately parallel to the north-south orientation as shown in Figure 2b, allowing downwind conditions to be defined by an east wind direction ($90^\circ \pm 45^\circ$) and upwind conditions by a west wind direction ($270^\circ \pm 45^\circ$). The Pearson correlation coefficient was used to evaluate associations between variables. Time-dependent graphs were used to study pollutant peaks and diurnal trends. Principal component analysis was used to synthesize the 154-bin size-resolved particle data set into a reduced set of variables (principal components (PCs)) that capture independent variation between particle size ranges.³⁶ The PCs were subsequently used to study the associations between specific particle size distributions, traffic, and meteorological variables. The analysis was done on the *varimax* rotated matrix.

Quality Assurance

The SMPS and the APS were calibrated by the manufacturer previous to the start of the study. Sampling flows and equipment performance parameters (e.g., voltage and laser intensity) were checked on a daily basis. The SMPS inlet impactor and the APS inlet nozzles were cleaned on a daily basis. Data was corrected for diffusion losses inside the SMPS by the instrument software.³⁷

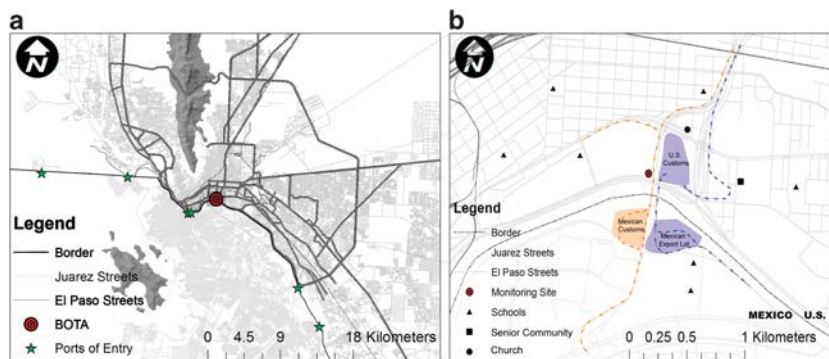


Figure 1. Study site; (a) El Paso regional map with shaded areas representing mountains, (b) study site at the International Bridge of the Americas, with arrows indicating commercial traffic routes and shaded areas indicating inspection areas.

Table 1. Monitoring periods and corresponding meteorological summary.

Campaign	Start date	End date	Wind speed ^a (m s^{-1})	Wind direction ^b				Temperature ^a ($^\circ\text{C}$)	Relative humidity ^a (%)
				North	East	South	West		
Winter	5-Dec-08	19-Dec-08	1.5 (1.4)	16.9	23.7	46.8	12.6	10.3 (5.0)	26.2 (6.5)
Spring	6-Mar-09	21-Mar-09	2.1 (1.1)	11.9	32.2	10.7	45.2	16.7 (6.1)	25.5 (10.6)
Summer	26-May-09	11-Jun-09	2.4 (1.1)	10.4	15.5	6.7	67.4	26.7 (4.3)	33.2 (9.5)
Fall	29-Aug-09	14-Sep-09	2.2 (1.1)	22.8	43.8	13.9	19.5	25.4 (4.5)	40.7 (16.7)

^aAverage for period (SD).

^bPercentage of seasonal measurements.

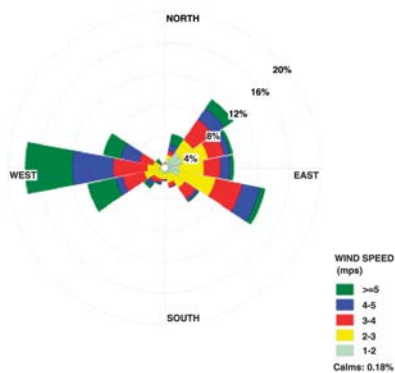


Figure 2. Wind distribution during the study; (left) wind rose, (right) wind rose over study site.

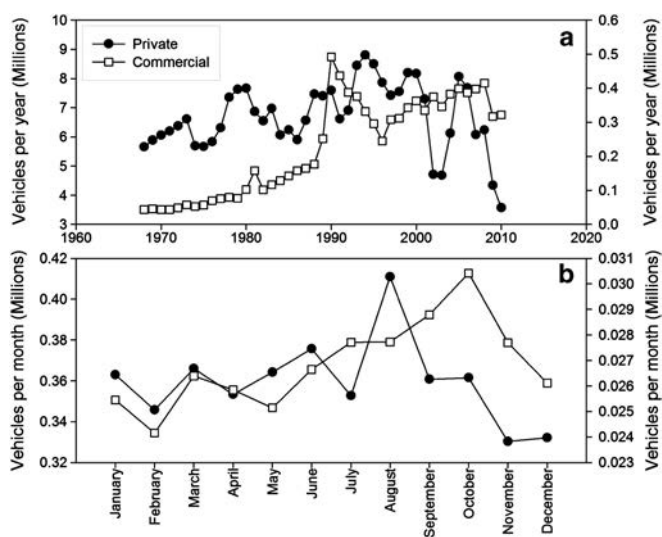


Figure 3. Northbound traffic; (a) yearly crossing rates, (b) monthly crossing rates. Private traffic is plotted on right axis and commercial traffic on left axis.

RESULTS AND DISCUSSION

Traffic Characteristics

In 2009, the total northbound crossings at the BOTA were 4.7 million vehicles, of which 7.3% were commercial vehicles (Figure 3a). Ten years before, in 1999, the total northbound crossings were 8.5 million vehicles, of which 4.2% were commercial vehicles. The decrease of private vehicle crossings during the 10-year period was 45%, compared with a 4% decrease of commercial vehicles. Private traffic crossing rates decreased after 2001, coinciding with the implementation of stringent security measures by US law enforcement agencies. Private crossings increased after 2003 but decreased considerably again after 2008. Commercial traffic increased gradually from the mid 1990s until a noticeable decrease also in 2008. The 2008 total traffic decrease coincides with the start of a national economic recession, which impacted the region's industry and commercial activity. Figure 3b shows the monthly northbound crossing rates for 2009. During that year, private traffic crossing rates were highest in August and lowest in November. Commercial traffic was lowest in February, increased gradually from June to October, and decreased afterwards. The percentage of total crossings represented by commercial vehicles was lowest in

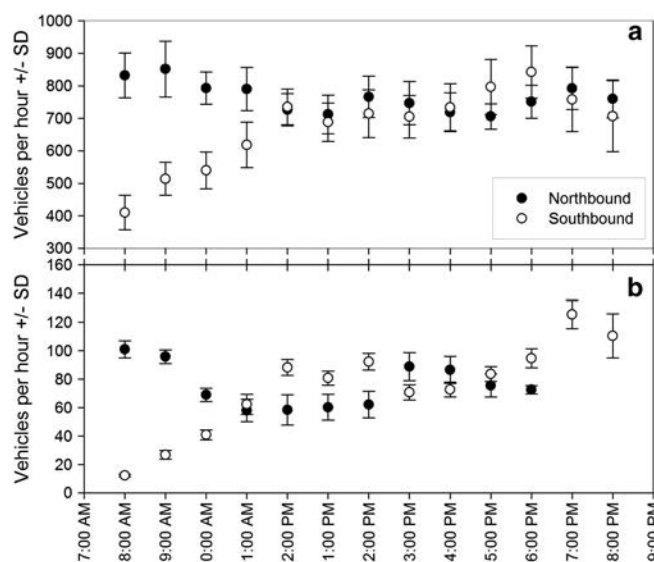


Figure 4. Hourly vehicle crossing rates; (a) private traffic, (b) commercial traffic.

August (6.6%) and highest in October (8.3%). Future traffic trends at the BOTA cannot be determined from these results. Still, based on the substantial industrial activity of the region, elevated commercial traffic demands can be reasonably expected at the BOTA in the upcoming years.

Daytime hourly crossing rates by vehicle type and traffic direction are presented in Figure 4. Northbound private traffic was highest in the morning at around 0900 hours and remained above 700 vehicles per hour during the day. Southbound private traffic crossing rates increased from 0800 hours to 1200 hours and varied minimally until peaking at 1800 hours. South- and northbound private vehicle crossing rates were comparable between 1200 hours and 1600 hours. However, due to stringent inspections by US customs, northbound private traffic queues were constantly present, whereas southbound traffic moved rapidly and queue formation was intermittently observed. During daytime hours, routine inspections of southbound traffic by US law enforcement officials were observed to induced traffic queues towards the north of the study site. Private traffic weekend patterns were similar to those observed during weekdays, with the exception that on weekends northbound private traffic peaked in the afternoon at later hours than on weekdays.

Commercial northbound traffic crossing rates peaked at 0800 hours and again at 1500 hours. Southbound commercial traffic crossing rates increased from 0800 hours to 1200 hours and peaked in the afternoon at 1900 hours. During weekdays, long southbound queues were common between 1700 hours and 1900 hours.

UFP Levels

Total PNC represents the measured size range between 6 nm and 20 μm. The UFP range (<100 nm) represented 93.9% (SD 5.4) of the total particle concentrations. The hourly average PNC at the BOTA ranged between 1.7×10^3 /cc and 2.9×10^5 /cc with a mean of 3.5×10^4 /cc (SD 3.5×10^4). Seasonal and daily PNC variations are presented in Figure 5. Seasonally, particle concentrations were highest in winter and lowest in summer independent of wind direction (Figure 5a). Stable atmospheric conditions, common in winter, have been shown to inhibit dilution and affect the particle concentration gradients away from traffic.³⁸ During the week, PNC peaked on Wednesdays, with comparable levels observed on Thursdays and Fridays. The lowest concentrations were observed on Sundays (Figure 5b). Bearing in mind that PNCs are strongly influenced by nearby sources,³⁹ and that commercial traffic was absent on Sundays when lowest concentrations were observed, PNC appears to be strongly associated with commercial traffic.

Hourly PNC variations by season are shown in Figure 6. Overall, during weekdays, the average PNC increased rapidly in the morning between 1700 hours and 1900 hours (Figure 6). During the day, the overall averaged PNC varied minimally and peaked above 5×10^4 /cc at 1800 hours. During winter, the hourly PNC variation had clear morning (0800 hours) and evening (1800 hours) peaks above 7×10^4 /cc. During spring, the morning and evening peaks were also observed but at lower concentrations. The hourly variations during the fall were comparable with the overall average. The summer PNC was consistently lower than the overall average.

The local background PNC was estimated as the average number concentration between 0200 hours and 0300 hours under upwind conditions. Local background estimates were considered a good approximation of actual values considering that: (a) between 0200 hours and 0300 hours traffic was minimal or absent, (b) the BOTA is mostly surrounded by parks, (c) the nearest major highway is more than a 1.3 km away, and (d) contributions from other sources are unlikely as UFP levels decay sharply away from sources.⁴⁰ During the study, the estimated local background levels averaged 1.0×10^4 /cc. Background levels varied minimally by season ranging between 1.3×10^4 /cc and 0.9×10^4 /cc, with the highest level observed in winter and lowest in fall (Figure 6). Figure 7 shows the hourly variations of PNC categorized by meteorological parameters. The impact of meteorology on PNC levels between 0200 hours and 0300 hours was minimal (Figure 7).

Wind direction had the smallest effect on nighttime PNC, confirming the absence of a meaningful source at that time (Figure 7b).

Wind Effects

During this study, downwind and upwind conditions represented 31.8% and 33.4% of the measurements, respectively (Figure 2). Calm conditions were observed during 0.18% of the measurements. High wind speeds were predominately associated with upwind conditions. Both wind speed and wind direction impacted PNC (Figure 7). As shown on Figure 2b, most particle measurements under downwind conditions ($90^\circ \pm 45^\circ$) would be associated with emissions from vehicles in the north end of the BOTA, rather than those in the queue towards the south. Considering the low frequency of winds from the south and the minimal percentage of calm conditions (0.18%), the impact of queue length on the measurements was considered minimal. Wind speeds <2 m/s were associated with PNC above the average (Figure 7a). Expectedly, PNC were lowest under upwind conditions (west) and highest under downwind conditions (east) as shown in Figure 7b. To isolate the effects of wind speed from the effects of traffic, PNC averages were calculated for categorized wind direction and time period as shown in Figure 8. The daytime period was selected based on the presence of traffic (0600 hours–0900 hours) while the nighttime period included the complementary hours. Independent of wind direction and the presence of traffic, PNC decreased as wind speed increased (Figure 8). Between 2005 and 2009, the wind speed measured near the BOTA at CAMS 41 was <2 m/s during 36% of the time.

Temperature Effects

Previous studies have shown that ambient temperature affects particle concentrations.^{41,42} During the study, ambient temperature varied between -1°C (30 F) and 35°C (95.5 F). Temperature impacted PNC considerably as shown in Figure 7c.

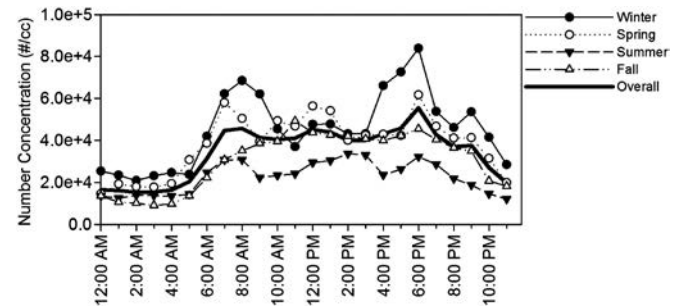


Figure 6. Hourly variation of particle number concentration by season.

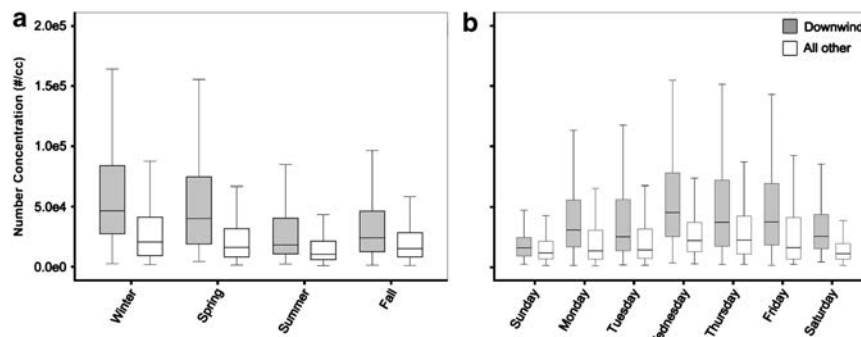


Figure 5. Temporal variation of particle number concentrations; (a) by season, (b) by day.

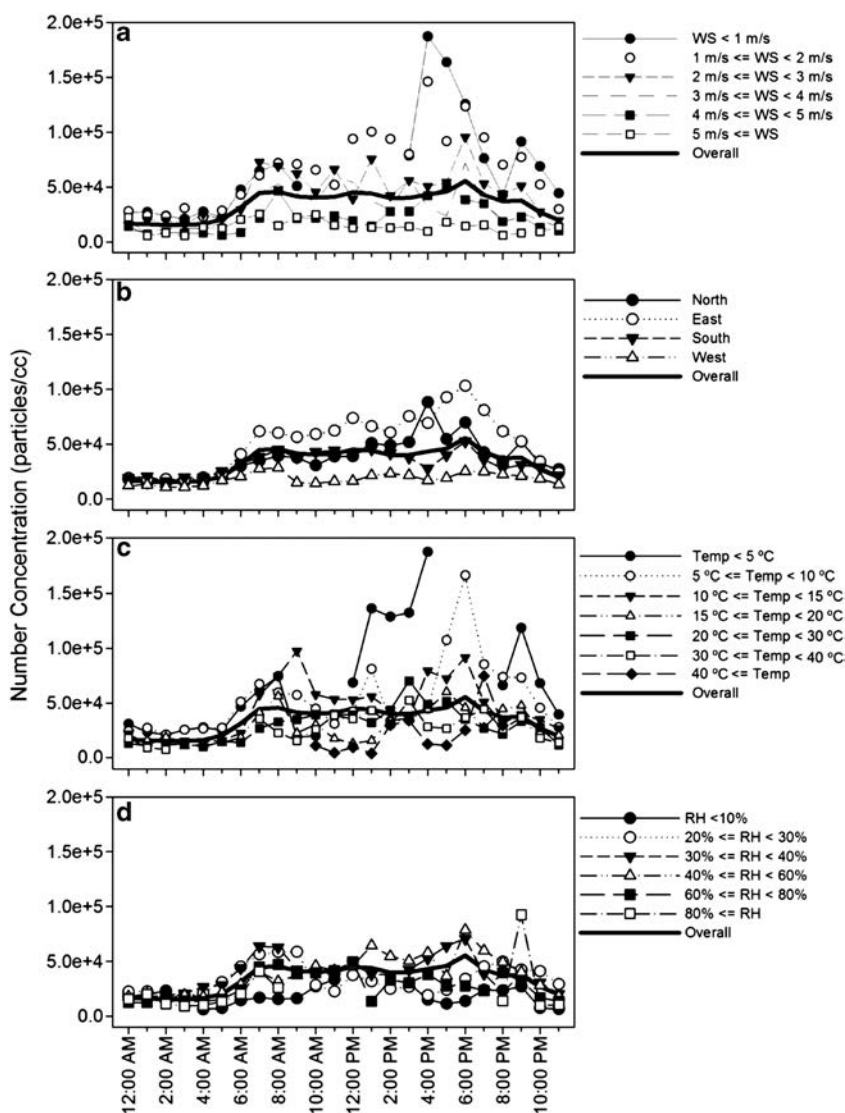


Figure 7. Impact of meteorological parameters on hourly particle number concentrations; (a) wind speed, (b) wind direction, (c) temperature, and (d) relative humidity.

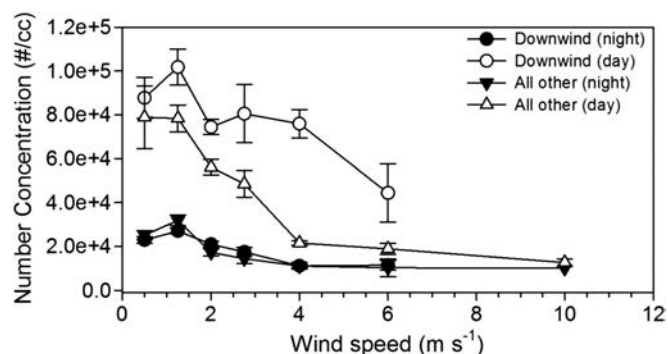


Figure 8. Wind effect on particle number concentrations.

Temperatures < 15 °C (~60 F) were usually associated with PNC above the average. The impact of temperature on PNC was comparable with that of wind speed, whereas relative humidity had a reduced impact on PNC (Figure 7d). Figure 9a shows the temperature variation by hour and season. The consistent diurnal

temperature pattern across seasons facilitated the standardization of PNC by time segment and the isolation of the temperature effect on PNC (Figure 9b). The standardization consisted of subtracting the averaged PNC, for a specific time segment, from each PNC value and dividing over the corresponding SD. Hourly standardized PNC averages were categorized by temperature range as shown in Figure 9b. Again, a PNC above the mean was associated with temperatures < 15 °C. Particle concentrations increase sharply as temperature decreases < 15 °C but vary slightly at higher temperatures. It has been suggested that lower exhaust temperatures favor new particle formation particularly in the nuclei mode (< 40 nm).⁴² Also low ambient temperatures have been observed to inhibit particle agglomeration and limit the decay of the particle plume.⁴² Furthermore, stable atmospheric conditions common during colder periods dampen dilution and extend the concentration gradients away from traffic. The temperature effect explains the higher averaged PNC observed in winter (Figure 5a). Between 2005 and 2009, the temperature at CAMS 41 was < 15 °C during 42% of the time, but mostly during nighttime hours. During daytime hours, the temperature was < 15 °C during 15% of the time.

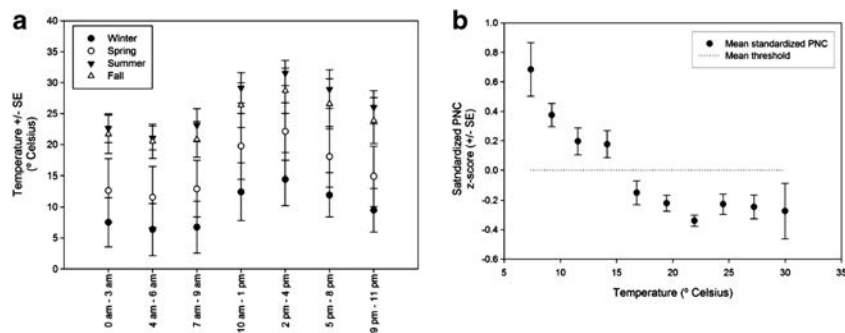


Figure 9. Temperature effect on particle number concentrations; (a) diurnal temperature profile, (b) standardized PNC summarized by temperature category.

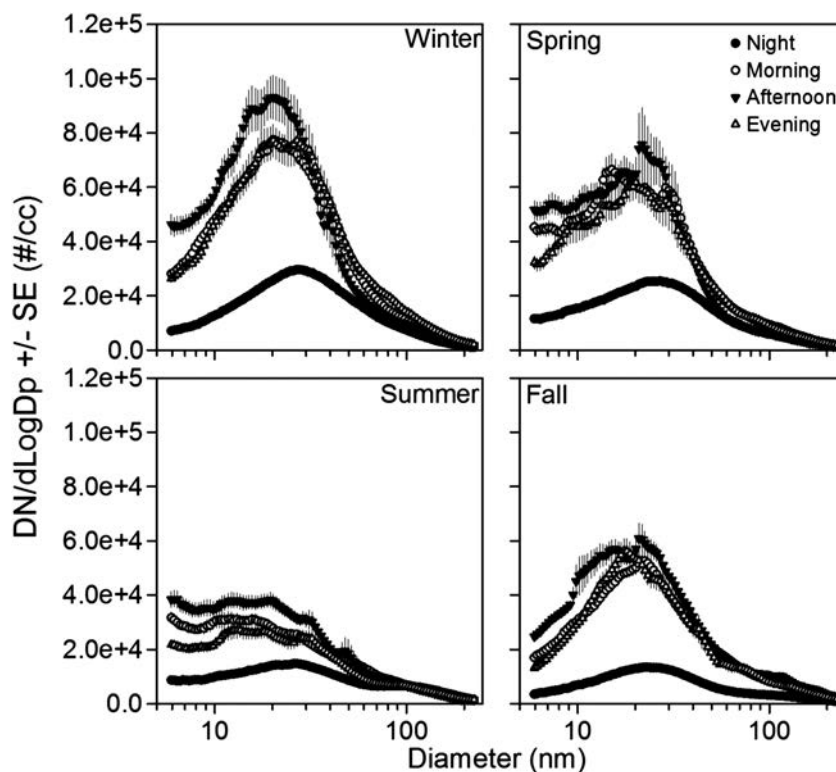


Figure 10. Average particle size distributions by season and diurnal time periods.

Particle Size Distributions

The average size distributions shown in Figure 10 were obtained by averaging PNCs by size bin for the respective time periods. The size distributions reflect the seasonal variation already observed in Figure 5a, with highest levels observed in winter and lowest in summer. Overall the size distributions had one distinct mode with geometric mean diameter ranging between 15 nm and 30 nm. Single-mode size distributions were consistent throughout the year. The size distribution during nighttime hours was comparable among seasons, suggesting a minimal impact of traffic at this time. Within each day, the size distribution change minimally throughout the day. Between seasons, the size distributions had some noticeable differences. The size distributions in the spring and summer show higher fractions of the smallest particles (<15 nm). Such increase was more pronounced in the summer. This could be attributed to vehicle fleet characteristics as the percentage of commercial vehicles varied by season as previously discussed (Figure 3b). Also a decreased rate of coagulation due to a smaller particle size difference could have influenced the higher

fraction of the smallest particles.^{43,44} Considering the average temperature and humidity values presented in Table 1, the seasonal size distribution variation shown in Figure 10 agrees with the impacts of humidity and temperature on size distributions assessed by Zhu *et al.*⁴⁵ in Los Angeles. However, because humidity is predominately lower in the semi-arid climate of El Paso, in this study temperature had a greater impact on particle size distributions, as compared with humidity in Los Angeles where the climate is sub-tropical.

Traffic Effects

The impact of diesel *versus* gasoline traffic was evaluated by studying the mean differences of PNCs between weekdays and Sundays. The comparisons were reasonable, because on Sundays commercial traffic was absent and private traffic patterns were similar to those observed on weekdays. The daily variation shown in Figure 5b illustrates the considerable drop of PNCs on Sundays as compared with weekdays. Averaged particle concentrations for

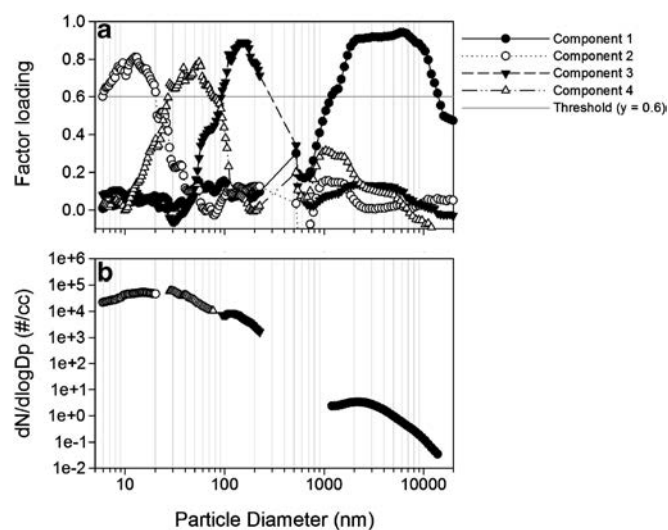
Table 2. Principal component analysis of the size-resolved particle number concentrations.

Component	Initial Eigenvalues			Rotation sums of squared loadings		
	Total	% of variance	Cumulative %	Total	% of variance	Cumulative %
1	65.9	72.8	42.8	34.6	22.4	22.4
2	32.9	21.3	64.2	33.0	21.4	43.9
3	15.3	10.0	74.1	27.7	18.0	61.9
4	8.3	5.4	79.5	27.1	17.6	79.5

weekdays and Sundays were 39,217/cc and 17,363/cc, respectively. For daytime hours (0600 hours–2100 hours), when commercial traffic is present during weekdays, averaged particle concentrations for weekdays and Sundays were 49,217/cc and 17,699/cc, respectively. The ratio of average PNC over local background levels for weekdays and Sundays were 4.8 and 1.7, respectively. Considering the independent increase of PNCs above local background levels (10,362/cc) induced by the presence of each type of traffic, the impact of commercial traffic is 4.3 times greater than that of private traffic. Exposure to UFP at the BOTA is considerably higher when commercial traffic is present.

By means of principal component analysis, the data set composed of 154 size bins was reduced to four PCs that explained 79.5% of the variability (Table 2). The factor loads and the reconstructed particle size distributions are shown in Figure 11. The factor loads represent the correlation between each variable (size bin) and the corresponding component. The size distributions associated with each PC were reconstructed by multiplying factor loads > 0.6 by the SD of the PNC of the corresponding size bin.⁴⁶ The PCs are ordered by percentage of explained variation according to statistical convention (see Table 2). Based on the reconstructed size distributions, the four components approximate nucleation (PC2; from 6 nm to 30 nm), ultrafine (PC4; from 15 nm to 100 nm), accumulation (PC3; from 50 nm to 450 nm), and fine (PC1; from 800 nm to 20 μm) particle size ranges (Figure 11b). The gaps between the four size distributions in Figure 11b represent the particle sizes that did not correlate strongly (load < 0.6) with any component or were due to a measurement gap between 225 nm and 500 nm associated with the instrument's detection limits. To determine the temporal variation of the components, factor scores were estimated using a linear regression approach.⁴⁷ PC2 and PC4 cover the size range of the size distributions shown in Figure 10. By definition PCs are independent of each other. The principal component analysis captured the independent temporal variation of the particle size ranges represented by each component. Therefore, the independence of PC2 and PC4 suggests that UFPs might have been affected by two or more distinctive sources and/or physical phenomena during the study. Identifying the source of this distinctive variation is relevant if exposure reduction is to be undertaken via emission reduction strategies.

To further investigate the associations of the PCs against traffic, each component was characterized by averaging all measured values of a specific variable (e.g., traffic, number concentration) for which the factor score was above its 90th percentile and then normalizing by the overall average of that variable (see Table 3).⁴⁶ Within each column, the variable with the highest value was considered to have the best association with the corresponding component.⁴⁶ Southbound private traffic showed a slight association with both PC2 and PC4 components. Note that the lack of association of northbound private traffic with the PCs indicates that vehicle-crossing rates were not a proper surrogate of private vehicle emissions rather than the lack of an actual physical association. Northbound private vehicle crossings had minimal variation during daytime hours when heavy traffic was constantly present at the BOTA. Total commercial traffic

**Figure 11.** Size distributions of principal components; (a) factor loads, (b) reconstructed size distributions.

associated with all for components but more strongly with PC2, which represents particles in the nuclei size range. The association of northbound commercial traffic with PC2 was also strong, whereas southbound commercial traffic associated strongly with PC4. Overall, the results indicate that PNCs at the BOTA are strongly associated with the presence of commercial traffic. However, it appears that emissions from northbound commercial traffic specifically have a strong and distinctive impact on number concentrations of the smallest particles. Distinctive UFP emission characteristics between commercial traffic might be associated with the vehicle load. Northbound commercial vehicles haul loaded trailers while southbound vehicles bring back a greater number of empty trailers.³²

Table 4 shows reported PNCs near dense traffic conditions in other US cities. Average particle concentrations at the BOTA were lower than those observed near two major highways in Los Angeles, CA.^{40,48} The distances between the monitoring sites and traffic were comparable between most studies (~ 30 m). Traffic flows at the BOTA were at least eight times less than the 12,000 vehicles per hour observed in Los Angeles.^{40,48} However, PNCs at the BOTA were 4–5 times less than those observed in Los Angeles. Note that the water-based particle counters without a sheath flow design, as those used in Los Angeles, have been shown to underestimate vehicle-emitted PNCs, particularly for particles < 20 nm.⁴⁹ In Los Angeles, higher relative humidity was associated with higher PNCs.⁴⁵ Also, traffic speeds were considerably distinct between studies. A drop in UFP concentrations with traffic slowdown conditions, indicating that fewer UFPs are emitted under such conditions, have been previously reported.⁴⁰ Specifically, higher particle number emission rates from diesel engines under cruise driving cycles as compared with idling conditions have been measured.⁵⁰ The driving cycles at the BOTA are mostly under idling and creep idling (< 5 mph) conditions.³²

Table 3. Associations of principal components with traffic and particle concentrations.

	Private traffic			Commercial traffic			TNC
	Total	Northbound	Southbound	Total	Northbound	Southbound	
PC1	0.92 ± 0.05	1.00 ± 0.064	0.81 ± 0.101	1.20 ± 0.207	1.08 ± 0.236	1.03 ± 0.127	1.19 ± 0.20
PC2	1.05 ± 0.04	0.99 ± 0.042	1.13 ± 0.081	1.46 ± 0.163	1.38 ± 0.183	1.13 ± 0.122	3.03 ± 0.23
PC3	1.04 ± 0.06	1.03 ± 0.078	1.06 ± 0.085	1.21 ± 0.153	0.95 ± 0.177	0.96 ± 0.135	1.89 ± 0.25
PC4	1.08 ± 0.05	1.03 ± 0.063	1.13 ± 0.092	1.34 ± 0.205	1.11 ± 0.238	1.32 ± 0.194	2.67 ± 0.20

Table 4. Reported ultrafine particle concentrations near traffic.

Location	Site description	TNC (#/cc)	Size range	Distance	Source
El Paso, TX	BOTA	3.50E + 04	6 nm–20 μm	30 m	This study
Los Angeles, CA	Interstate highway	1.5E + 05	6–220 nm	30 m	Zhu et al., 2002 ⁴⁰
El Paso, TX	BOTA	1.40E + 04	20–100 nm	1000 m	Noble et al., 2003 ⁵⁵
Cincinnati, OH	Interstate highway	3.20E + 04	20–1000 nm	80 m	Reponen et al., 2003 ⁵⁶
Los Angeles, CA	Interstate highway	1.6E + 05	6–220 nm	30 m	Zhu et al., 2002 ⁴⁸
Austin, TX	Interstate highway	1.20E + 05	6–300 nm	30 m	Zhu et al., 2007 ⁵¹
Beeville, TX	Inside moving vehicle	3.40E + 04	7.6–289 nm	On vehicle	Zhang et al., 2010 ⁵⁷

Furthermore, at the BOTA the commercial vehicle fleet is mostly composed of older models used exclusively for drayage transport between Juarez and El Paso.³² Differences between PNCs and traffic flows measured at the BOTA and the highways in Los Angeles might be associated with distinctive traffic flows, driving conditions, fleet characteristics, and ambient conditions between studies.

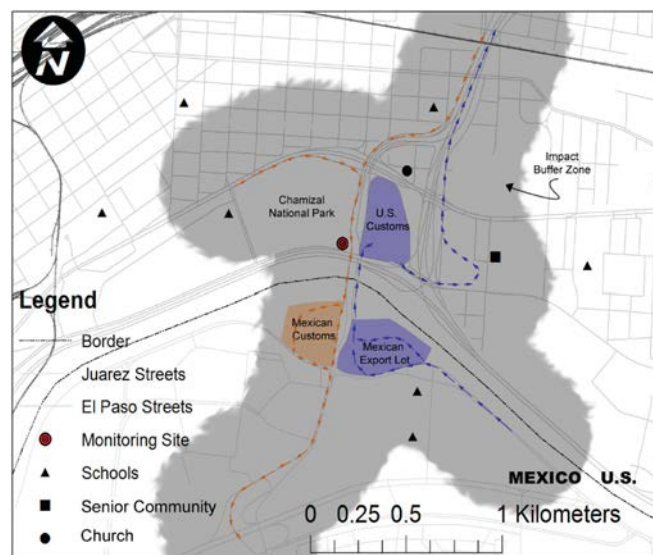
Local Impact

The customs and immigration workforce might be at highest risk as their occupational exposure extends through their work shifts, which have been reported to commonly exceed 12 h. The UFP concentrations observed at the monitoring site are a conservative estimate of the exposure levels expected at the inspection areas, which are closer to traffic. Higher exposure is expected at the commercial traffic inspection areas on both sides of the border. Private vehicle crossing times commonly extend beyond an hour. Commuters driving with open windows would be exposed to in-cabin levels at least as high as those observed at the monitoring site. Lower in-cabin exposures would be expected for those commuters driving with close windows. The filtering efficiency for UFPs of vehicle air conditioning fans has been observed to be approximately 50% and increased to 85% when operated in recirculation mode.⁵¹ Because north- and southbound sidewalks are closest (<10 m) to commercial traffic lanes and particle concentrations increase exponentially near traffic,⁴⁰ pedestrian commuters might be exposed to particle levels considerably greater than those observed during this study. In 2009, northbound pedestrian crossings were above 2500 per day. Furthermore, street vendors might be exposed to the highest levels as they usually move in between vehicles in close proximity to vehicle exhaust systems.

Peak 10-minute exposures at the BOTA were observed above 7.0×10^5 /cc, which are comparable to the peak exposures above 5.0×10^5 /cc reported in settings where soldering, welding, and plasma-spraying processes occurred.^{52–54} The health impact of severe acute exposure to UFP levels remains undetermined. Still peak UFP exposures near dense urban traffic at the BOTA are comparable with the severest occupational exposures.

Neighborhood Impact

Ambient UFP levels measured in 1999 at CAMS 41, which is located approximately 400 m away from the BOTA, were of

**Figure 12.** Areas of expected ultrafine particle exposure above background levels.

14,600/cc.⁵⁵ Supplemental, daytime measurements were performed from August 14 through August 16, 2012 at CAMS 41. The hourly PNC averages ranged between 0.7×10^4 /cc and 1.7×10^4 /cc, and averaged 1.2×10^4 /cc. The averaged PNC under upwind conditions, which constituted 67% of the measurements, was 1.1×10^4 /cc. The daytime UFP concentrations are in the same range as that of the estimated local background levels and are comparable with the values measured at this site in 1999. Considering that traffic was and still is the major source of UFP near the BOTA, that PNC subsides rapidly in short distances from dense traffic,⁴⁰ and that background concentrations are not expected to vary drastically over time, the concentrations observed at CAMS 41 in 1999 are considered to be close to the local background. In this regard, UFP exposures above background levels can be realistically expected within distances of 400 m from the traffic centerline. Figure 12 shows the region near the BOTA, where particle number concentrations above background levels are expected. On the US side, a public park (<50 m), an elementary school (<50 m), a church (<50 m), and a

high school (<300 m) are all within the 400 m buffer zone of the BOTA traffic queues. On the Mexican side, a public park (<50 m), a sports recreation facility (<50 m), a high school (<100 m), and a university campus (<300 m) are also within the buffer zone. The UFP exposure of the populations at the above-mentioned locations might be considerably above background levels.

CONCLUSION

The hourly average UFP number concentrations at the BOTA ranged between $1.7 \times 10^3/\text{cc}$ and $2.9 \times 10^5/\text{cc}$ with a mean of $3.5 \times 10^4/\text{cc}$. During the study, the estimated background levels were $1.0 \times 10^3/\text{cc}$. Meteorological conditions had a significant impact on particle concentrations. PNCs increased during colder weather periods and decreased as wind speed increased. More specifically, PNCs increased for temperatures $<15^\circ\text{C}$ and wind speeds $<2\text{ m/s}$. Between 2005 and 2009, daytime temperature near the BOTA was $<15^\circ\text{C}$ during 15% of the time, while wind speed was $<2\text{ m/s}$ during 36% of the time. Commercial traffic, which is mostly composed of HDDV, strongly influenced UFP concentrations in the vicinity of the BOTA. On Sundays when commercial traffic was absent, the UFP number concentrations were the lowest. Northbound commercial traffic had a strong and distinctive impact on number concentrations for particles in the nucleation size range. Southbound commercial traffic was also associated with UFP concentrations but with a size distribution dominated by larger particles. At the BOTA, traffic flows were at least eight times less than those observed near highways in Los Angeles. Yet, PNCs at the BOTA were only 4–5 times less than those observed in Los Angeles. Exposures to UFPs near dense idling traffic conditions, such as those at the BOTA, and in semi-arid conditions such as those in El Paso are different than those near highways in Los Angeles. Published UFP concentration gradients near highways and under dense traffic conditions are useful as part of exposure assessment protocols. However, exposure assessments to UFPs near dense traffic should take into consideration differences in: (a) total traffic flows, (b) fractions of heavy-duty diesel truck, (c) average vehicle speed, (d) fleet characteristics, and (e) ambient meteorological conditions.

The populations in close proximity of the BOTA-induced traffic buffer zone (including immigration, customs and law enforcement officers, street vendors, private commuters, and commercial vehicle drivers) are exposed to UFPs considerably above the background level. In addition, neighbors at a local church and several schools on both sides of the border are susceptible to UFP exposures well above the background level.

CONFLICT OF INTEREST

The authors declare no conflict of interest.

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EXHIBIT D



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Select Site EI Paso Chamizal (481410044) ▼

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EI Paso Chamizal

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PM2.5 (FRM) 0001 ▼

Enter A Date Range

Leave date range blank to retrieve most recent data

Format: [MM/DD/YYYY]

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End (exclusive):

01/01/2023 📅

10/01/2023 📅

Duration

Do not select a duration to default to the most common duration for the date range
24 HOURS ▼

Display

September 2023

Code	Name	Units	POC	Sep 03	Sep 06	Sep 09	Sep 12	Sep 15	Sep 18	Sep 21	Sep 24	Sep 27	Sep 30
88101	Pm2.5 - Local Conditions	ug/m3 (LC)	01	14.80000	<u>16.20000</u>	11.30000	5.90000	<u>4.20000</u>	9.60000	6.70000	4.80000	9.80000	9.70000

August 2023

Code	Name	Units	POC	Aug 01	Aug 04	Aug 07	Aug 10	Aug 13	Aug 16	Aug 19	Aug 22	Aug 25	Aug 28	Aug 29	Aug 31
88101	Pm2.5 - Local Conditions	ug/m3 (LC)	01	IV	11.30000	<u>20.10000</u>	4.70000	<u>3.80000</u>	12.30000	6.50000	15.50000	6.70000	IV	6.30000	10.80000

July 2023

Code	Name	Units	POC	Jul 02	Jul 05	Jul 08	Jul 11	Jul 14	Jul 17	Jul 20	Jul 23	Jul 26	Jul 29
88101	Pm2.5 - Local Conditions	ug/m3 (LC)	01	IV	11.50000	8.50000	8.80000	<u>6.90000</u>	<u>14.90000</u>	11.10000	IV	IV	IV

June 2023

Code	Name	Units	POC	Jun 02	Jun 05	Jun 08	Jun 11	Jun 14	Jun 17	Jun 20	Jun 23	Jun 26	Jun 29
88101	Pm2.5 - Local Conditions	ug/m3 (LC)	01	6.00000	6.80000	6.00000	<u>5.10000</u>	6.10000	9.90000	10.40000	14.60000	<u>21.60000</u>	9.90000

May 2023

Code	Name	Units	POC	May 03	May 06	May 09	May 12	May 15	May 18	May 21	May 24	May 27	May 30
88101	Pm2.5 - Local Conditions	ug/m3 (LC)	01	<u>8.90000</u>	4.80000	8.50000	IV	<u>4.00000</u>	IV	IV	IV	5.80000	6.60000

April 2023

Code	Name	Units	POC	Apr 03	Apr 06	Apr 09	Apr 12	Apr 15	Apr 18	Apr 21	Apr 24	Apr 27	Apr 30
88101	Pm2.5 - Local Conditions	ug/m3 (LC)	01	6.80000	7.60000	IV	<u>12.40000</u>	6.30000	4.50000	IV	IV	<u>4.00000</u>	10.00000

March 2023

Code	Name	Units	POC	Mar 01	Mar 04	Mar 07	Mar 10	Mar 13	Mar 14	Mar 16	Mar 19	Mar 22	Mar 25	Mar 28	Mar 31
88101	Pm2.5 - Local Conditions	ug/m3 (LC)	01	<u>15.10000</u>	<u>15.10000</u>	IV	IV	IV	IV	IV	IV	IV	IV	IV	IV

February 2023


Code	Name	Units	POC	Feb 02	Feb 05	Feb 08	Feb 11	Feb 14	Feb 17	Feb 20	Feb 23	Feb 26
88101	Pm2.5 - Local Conditions	ug/m3 (LC)	01	8.20000	<u>28.30000</u>	3.50000	8.00000	3.50000	IV	<u>3.20000</u>	9.30000	23.20000


		January 2023											
Code	Name	Units	POC	Jan 03	Jan 06	Jan 09	Jan 12	Jan 15	Jan 18	Jan 21	Jan 24	Jan 27	Jan 30
88101	Pm2.5 - Local Conditions	ug/m3 (LC)	01	2.50000	12.80000	17.60000	4.00000	6.20000	<u>1.90000</u>	3.90000	2.90000	<u>17.70000</u>	IV

Maximum values for each parameter are **bold underlined** within the table. Minimum values are ***bold italic***.
 Non-detects are displayed as 'ND'. Measurements not yet validated are displayed as 'NV'. Invalid measurements are displayed as 'IV'. Measurements not found for a time period are displayed as 'NF'.

Data File: [Data20240222144629404.txt](#)

NOTE: Throughout the TAMIS portion of the TCEQ website, users can access valid, validated, ambient (non-QC) data.

 indicates that this control alters the webpage in some way without refreshing. Selecting the lightning bolt will explain what changes will occur.

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EXHIBIT C

Paso del Norte Air Quality Report | February 20, 2024

Dr. Carlos Rincon, US EPA Region 6



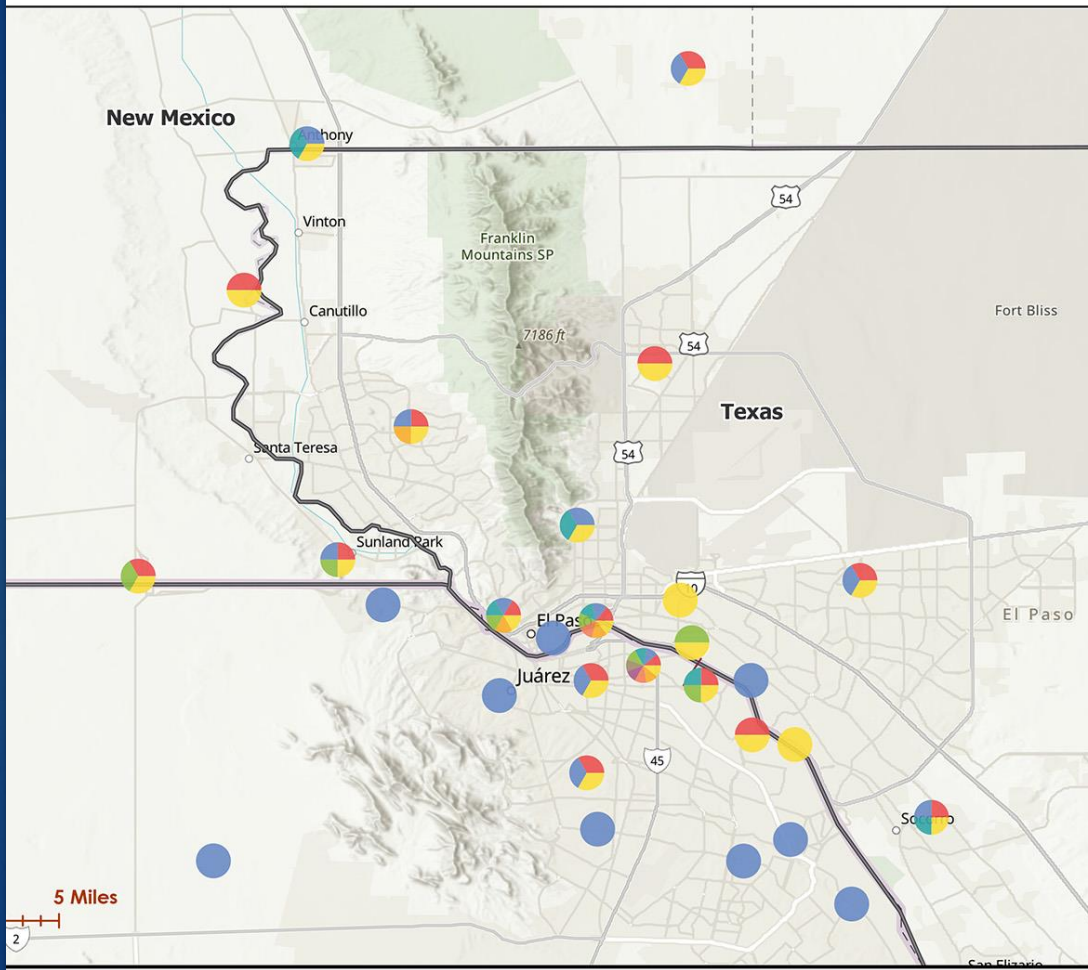
Overview

- Current air monitoring networks
- January – December 2023 data by pollutant with design values for each country
- Open discussion

El Paso del Norte Airshed Air Quality Monitors

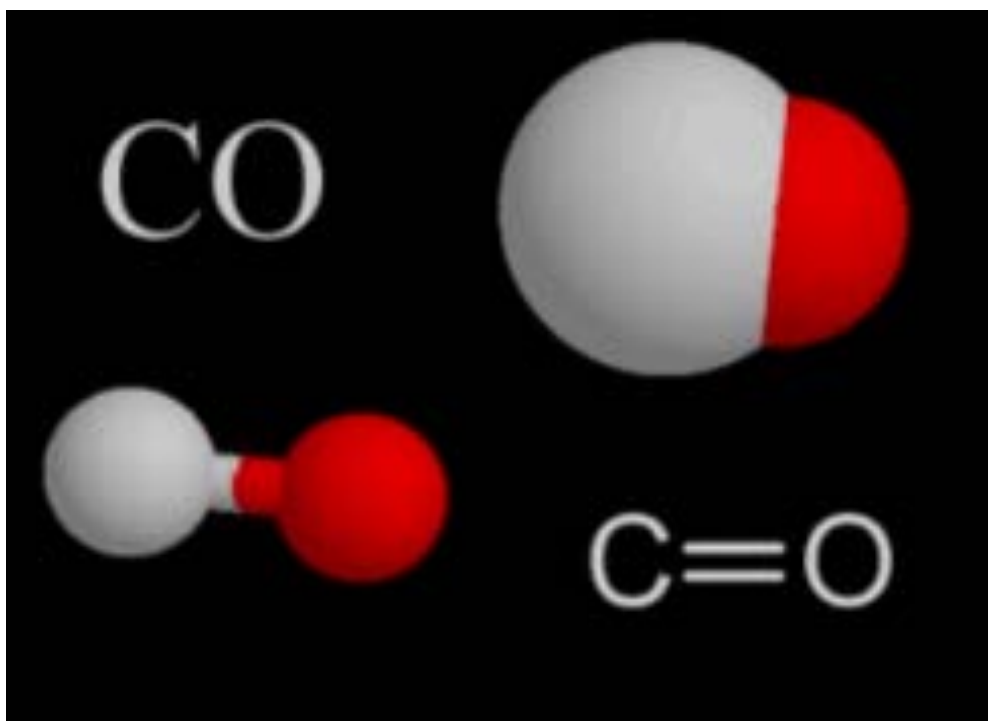
April 2021

Map Requested by TCEQ Office of Air



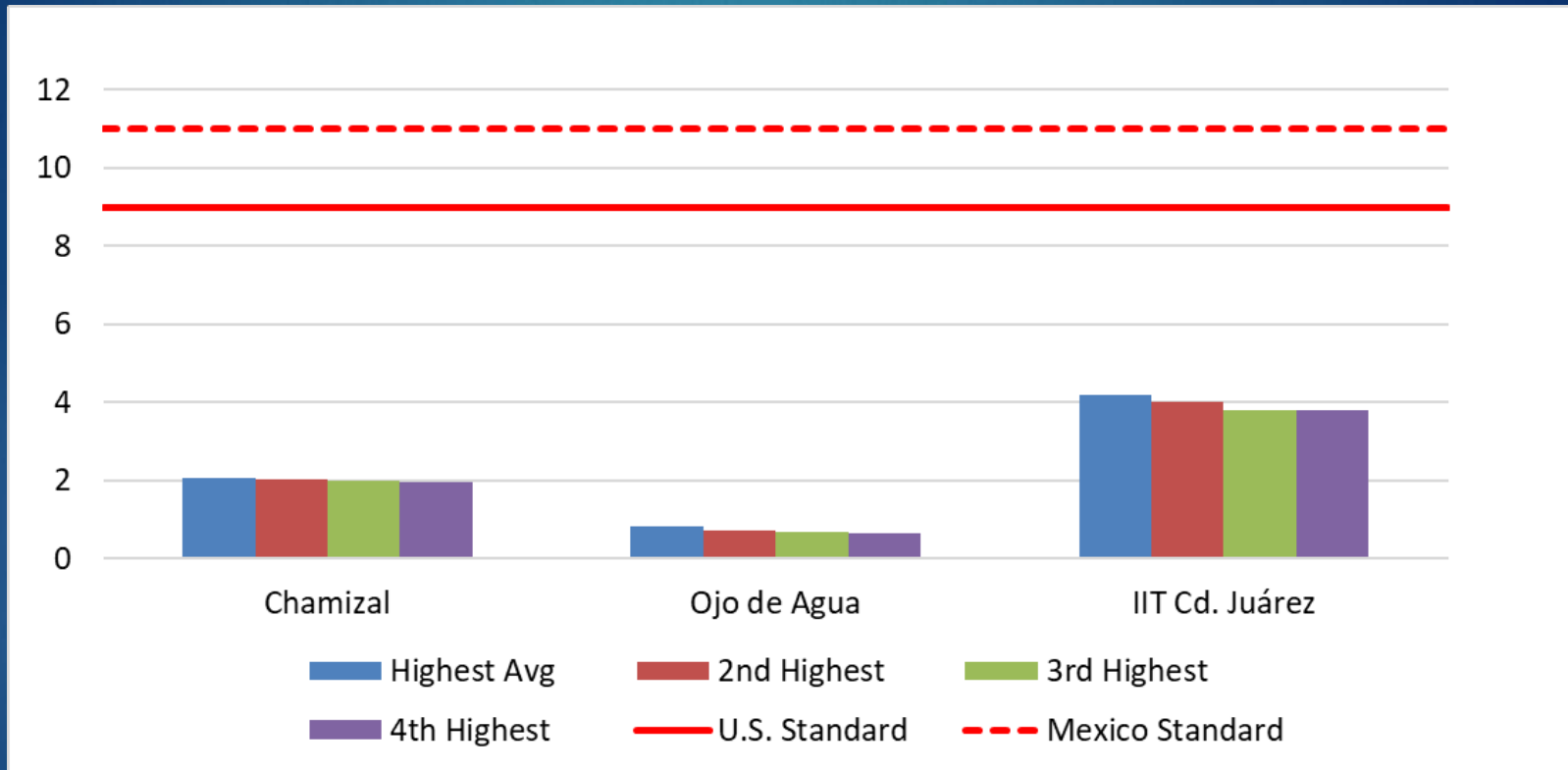
Paso del Norte Air Monitoring Stations





Carbon
monoxide
(CO)
Monóxido
de
carbono

CO 8 Hr. Averages Four Highest Values in (ppm) El Paso and Ciudad Juárez (January – December 2023)



The **U.S. federal standard, 9.0 ppm**, is violated when more than one reading at the same monitor in one calendar year is at or above that value.

The **Mexico federal standard** is a highest allowable limit of 11 ppm.

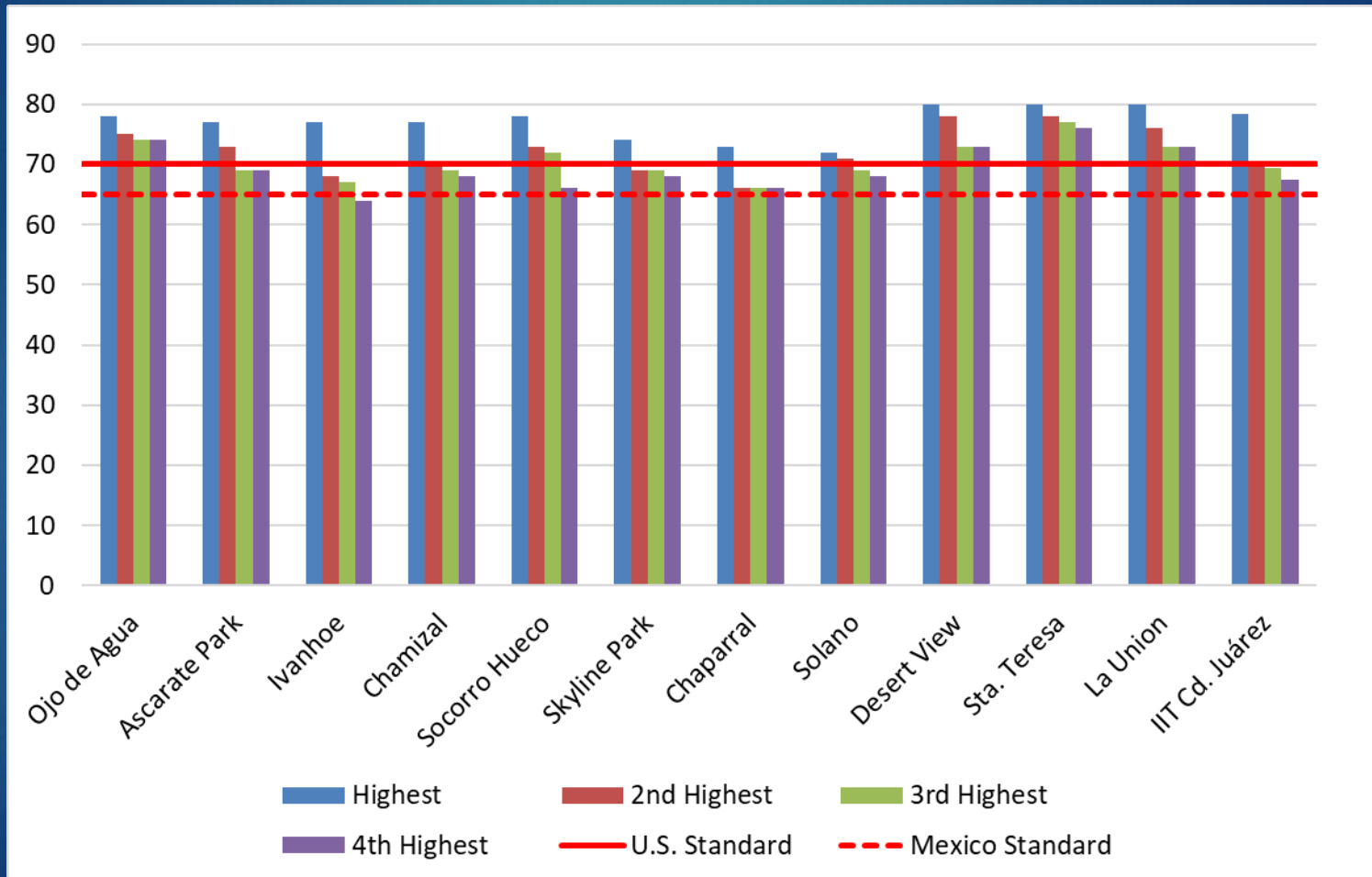


Ozone
(O_3)
Ozono

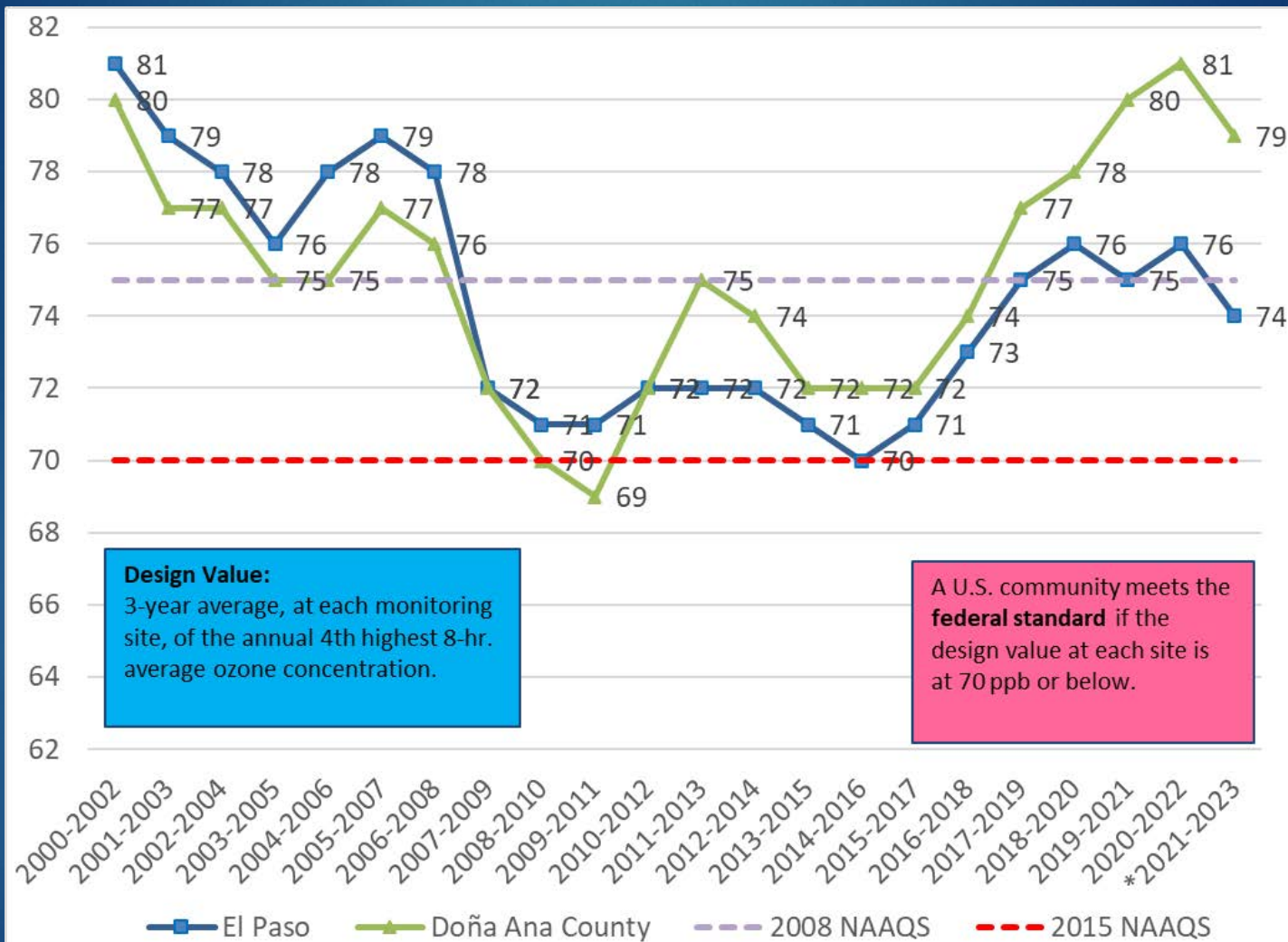
Ozone 8-Hour Averages Highest Values at Monitors in the Paso del Norte (January – December 2023)

U.S. federal standard:
70 ppb for the 3-year average of the 4th
highest value

The maximum permissible limit in Mexico:
65ppb on an 8-hour moving average



Ozone 8-Hr. Design Values | El Paso and Doña Ana County (highest value of all sites in each area, 2002 – 2023*)



Particulate Matter (PM) Material Particulado

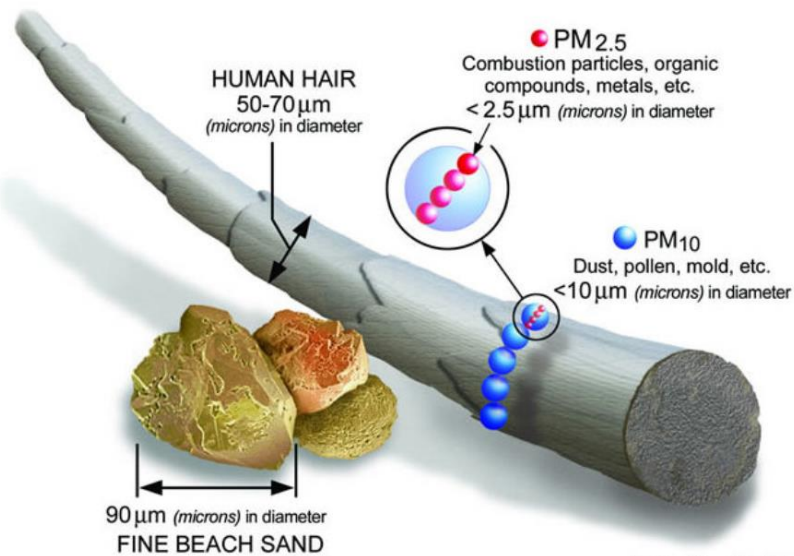
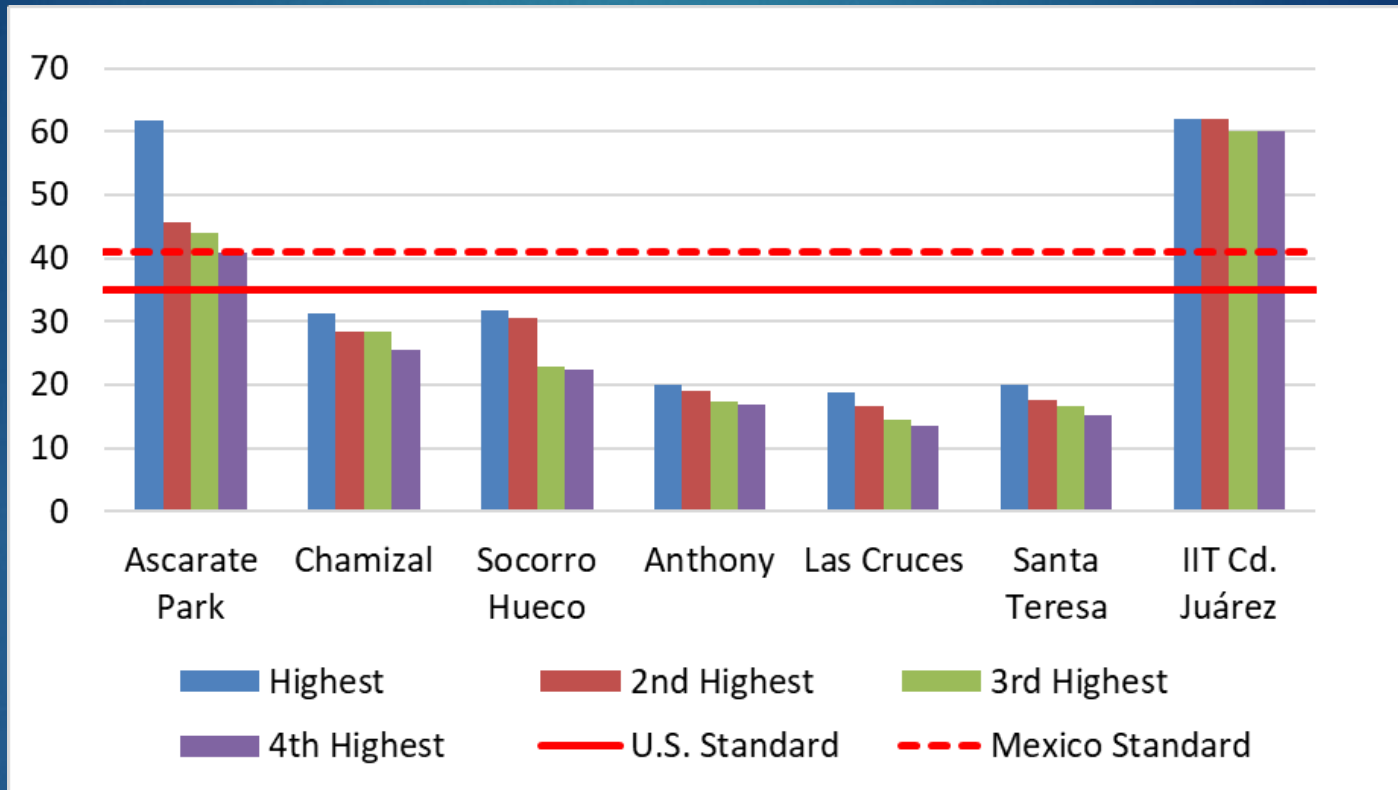


Image courtesy of the U.S. EPA

PM_{2.5} 24-Hour Averages (µg/m³) Four Highest El Paso, Doña Ana County, and Ciudad Juárez January – December 2023



U. S. federal standards:

The standard for 24-hr averages, 35 µg/m³, is violated if it is exceeded by the average over any three-year period, of the annual 98th percentile

The highest allowable limit in Mexico for PM_{2.5} is 41 µg/m³, in 24-hour averages.

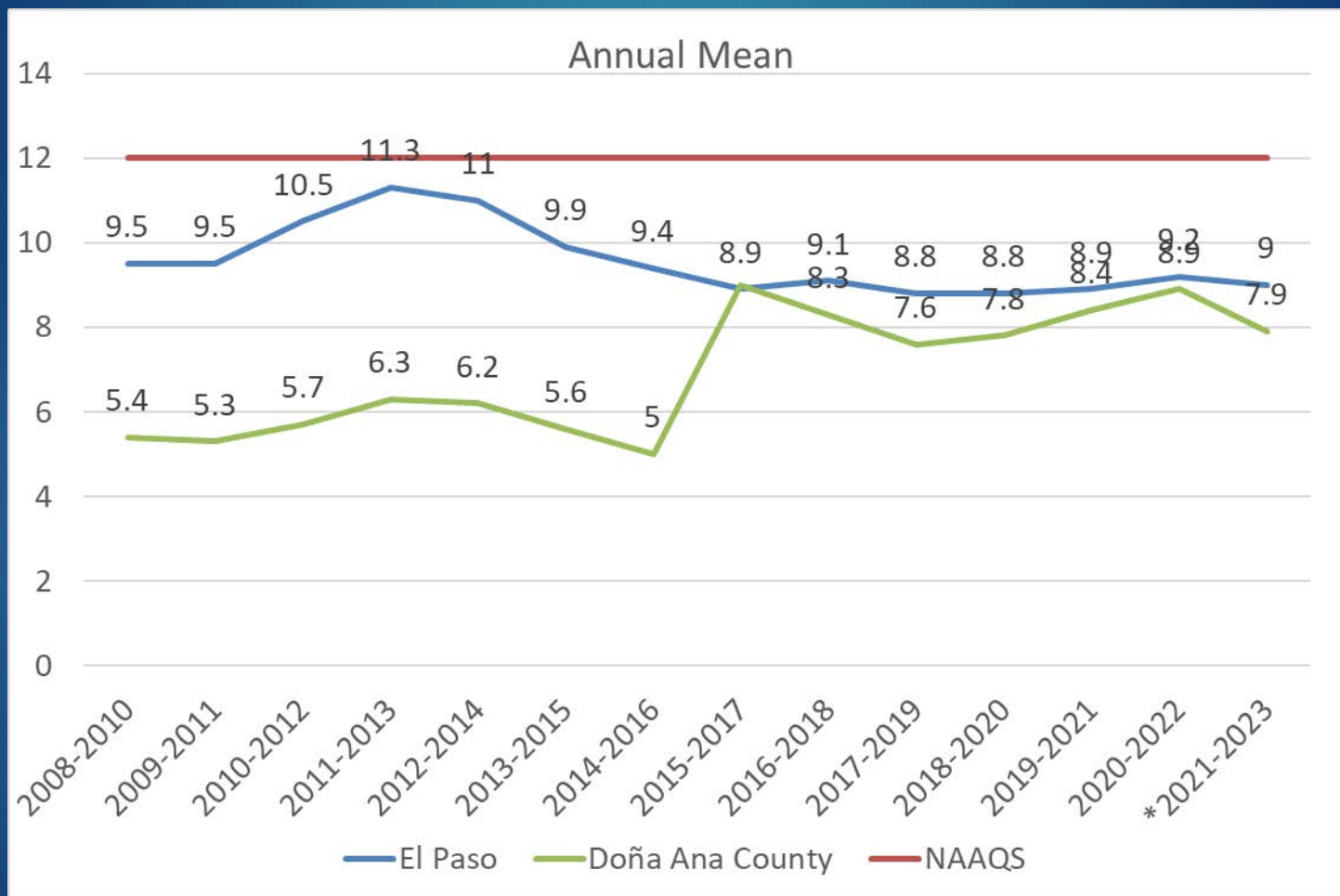
Special Purpose Monitors-Non-validated Data

Note: El Paso County (Ascarate Park and Socorro Huevo) data are Federal Reference Methods (FRM) monitors while DAC are Federal Equivalent Method (FEM).

PM_{2.5} Compliance with U.S. Federal Standard El Paso and Doña Ana Counties

Annual Design Value

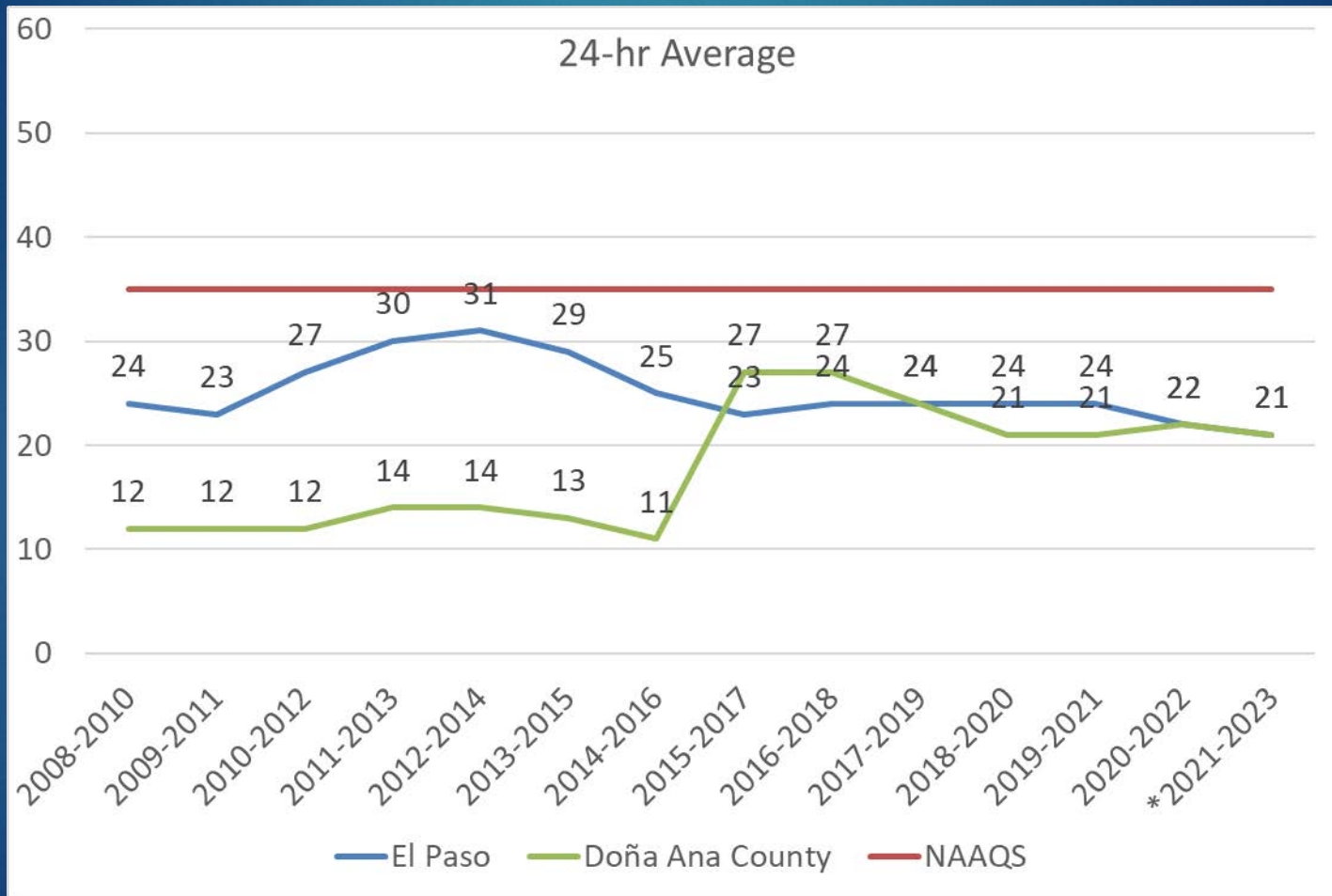
U.S. Standard: 12 µg/m³



PM_{2.5} Compliance with U.S. Federal Standard El Paso and Doña Ana Counties

24-Hour Design Value

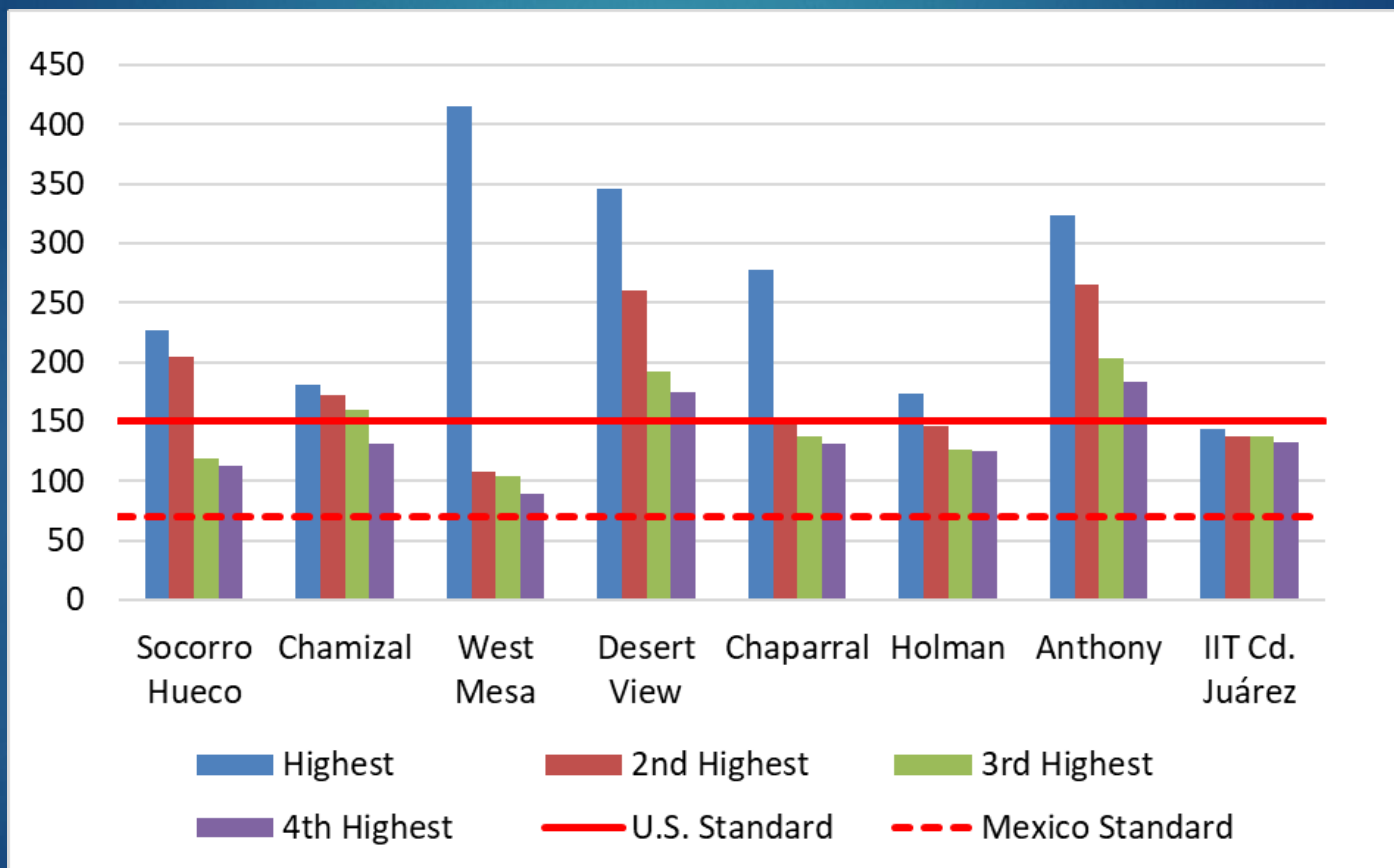
U.S. Standard 35 µg/m³



PM₁₀ 24-Hour Averages (µg/m³) Four Highest El Paso, Doña Ana County, and Ciudad Juárez January – December 2023

U.S. federal standard:
150 µg/m³ not to be exceeded more than once per
year on average over three years at any one monitor.

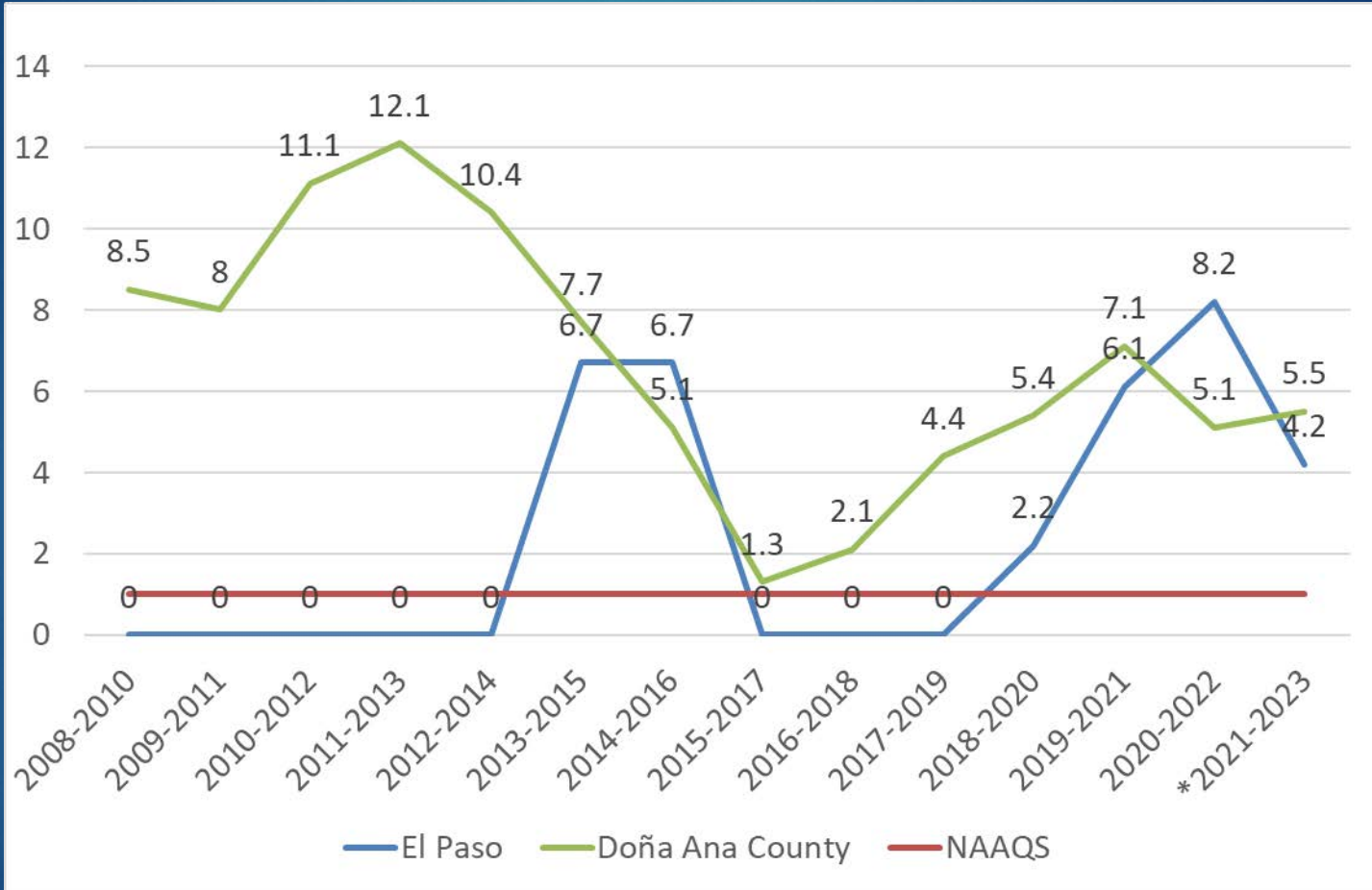
The maximum permissible limit in Mexico
for PM₁₀ is 70 µg/m³ on a 24-hour
average



Note: All NMED data has been flagged
as exceptional events for high wind.

PM₁₀ 24-Hour Design Values El Paso and Doña Ana County | 2008 – 2023

Estimated Number of Exceedances



*EPA exceptional events concurrences not reflected for Doña Ana County. -
EPA Currently has an EE packet on hand from NMED

Exceptional Events | Doña Ana County

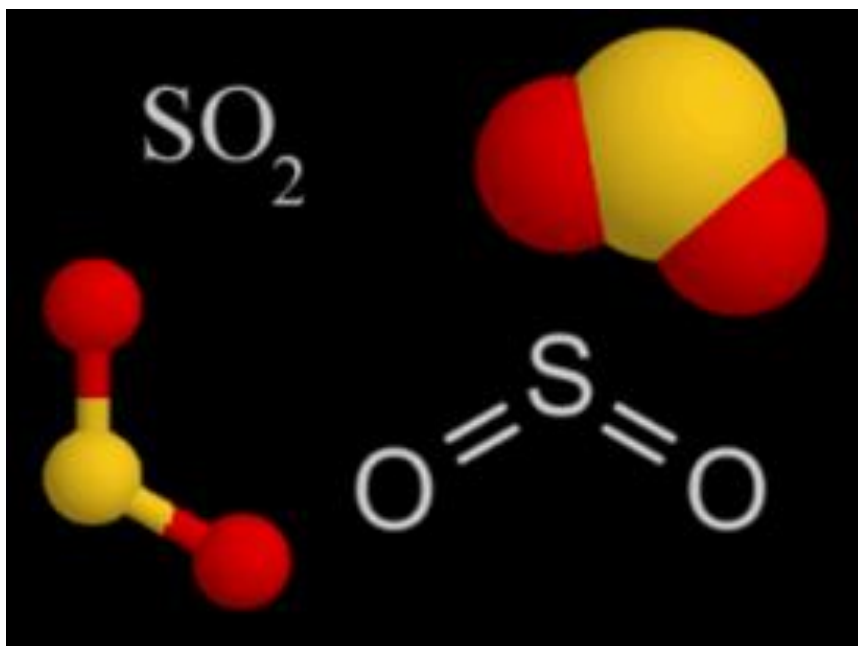
► High-Wind Blowing Dust
PM₁₀ Exceedances of
NAAQS

Year	Events	Observed Exceedances	Concentrations (µg/m ³)	EPA Review Process
2022	15	30	157 - 879	Internal QA/QC
2021	15	31	157 - 769	Submitted
2020	8	13	157- 504	Concurrence
2019	8	25	156-734	Concurrence
2018	7	18	158-326	Concurrence
2017	11	27	157-721	Concurrence
2016	11	28	162-689	Concurrence

Compliance with exposure limits: Annual arithmetic mean of PM 2023 in Ciudad Juarez

Parameter	Annual exposure limit	Annual mean
PM _{2.5}	10 µg/m ³	*22 µg/m ³
PM ₁₀	28 µg/m ³	*59 µg/m ³

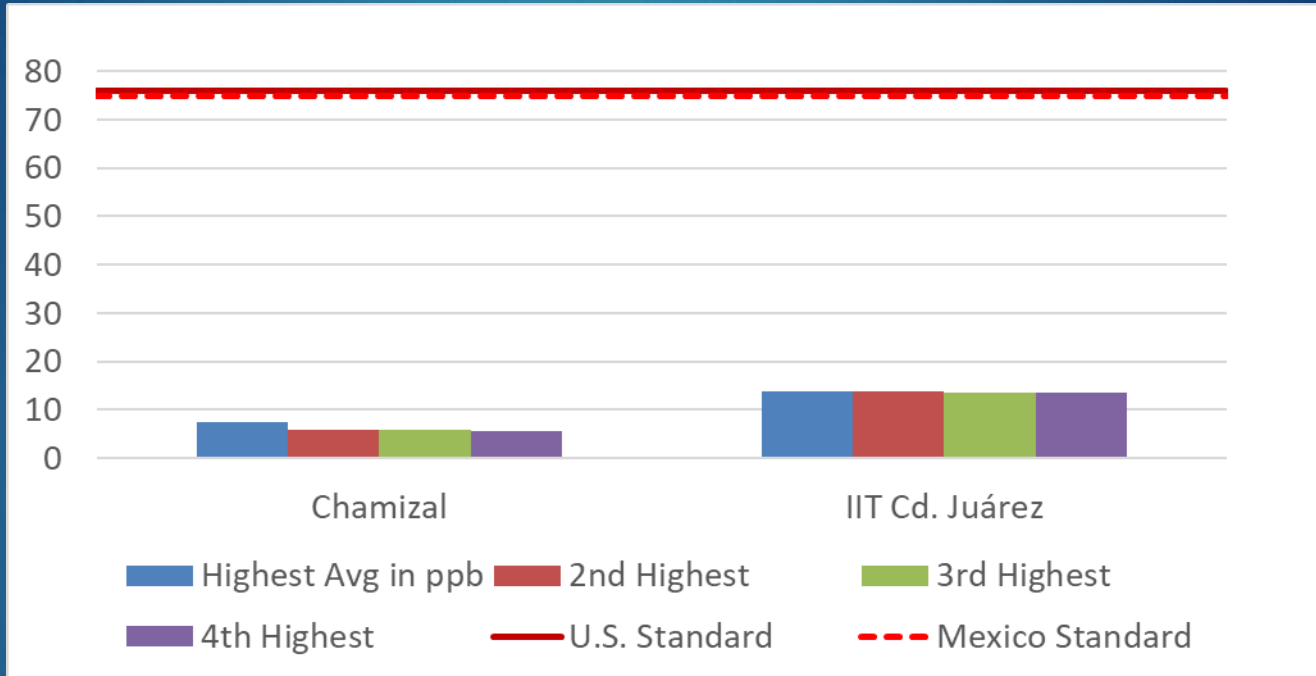
*Dust storm events are considered within this information.



Sulfur
Dioxide
SO₂
Dióxido de
azufre

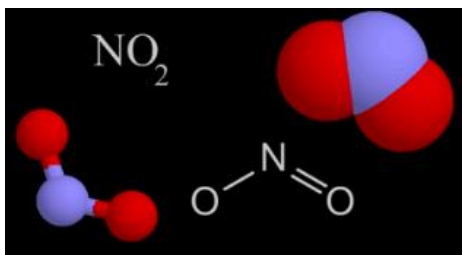
SO₂ 1-Hour Averages | Four Highest

El Paso and Ciudad Juárez | January – December 2023



U.S. federal standard:
76 ppb 99th percentile of 1-hour daily
maximum concentrations, averaged over 3
years

The highest allowable limit in Mexico for
SO₂ is 75 ppb in 1-hour average.



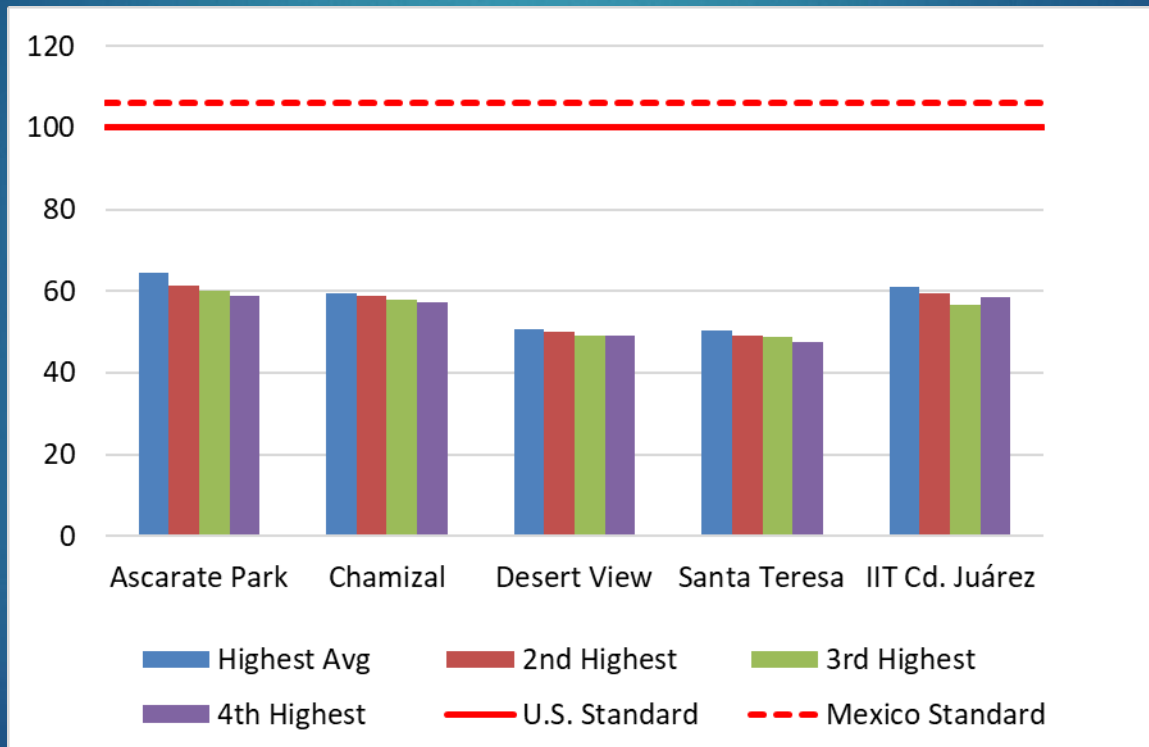
Nitrogen
Dioxide NO₂

Dióxido de
nitrogéno

NO₂ 1-Hour Averages (ppb) Four Highest El Paso del Norte January – December 2023

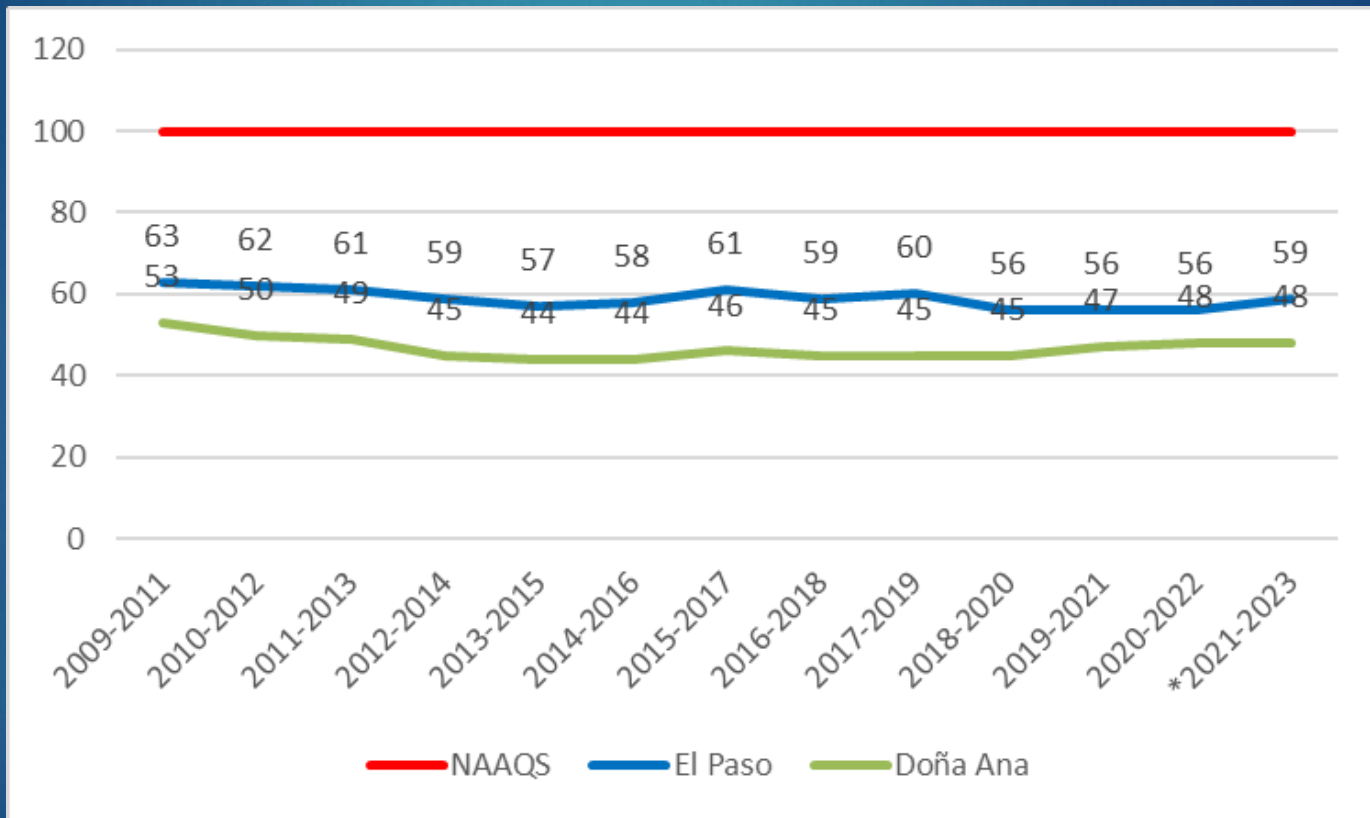
U.S. federal standard:
100 ppb 98th percentile of 1-hour daily maximum
concentrations, averaged over 3 years

The highest allowable limit in Mexico
for NO₂ is 106 ppb in
hourly averages.



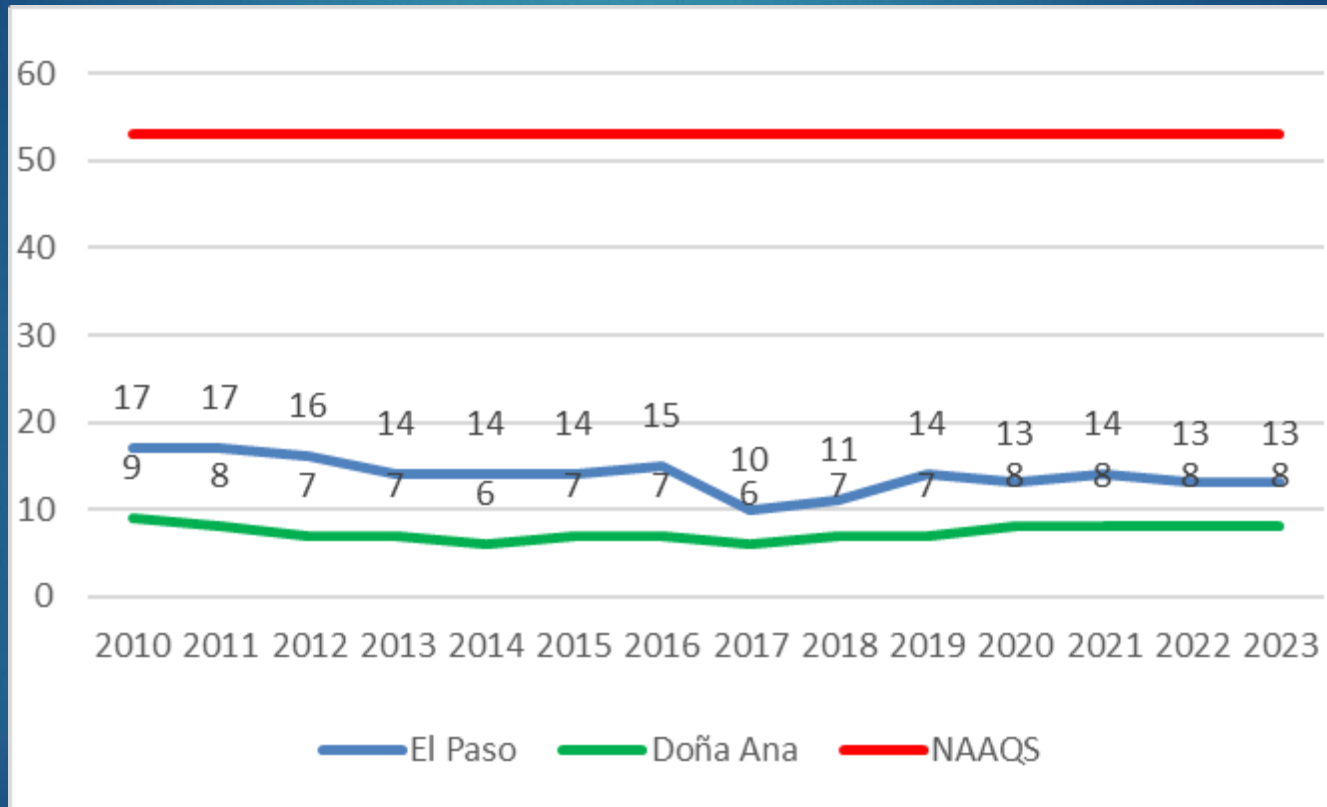
NO₂ Design Values 1-Hour Averages (ppb) El Paso & Doña Ana Counties

The 1-hour NO₂ NAAQS (**100 ppb**) is the 3-year average of the annual 98th percentile of the daily maximum 1-hour average concentrations.



NO₂
Design Values Annual Mean (ppb)
El Paso & Doña Ana Counties

The annual NO₂ NAAQS (53 ppb) is the annual average concentration, averaged over three years.

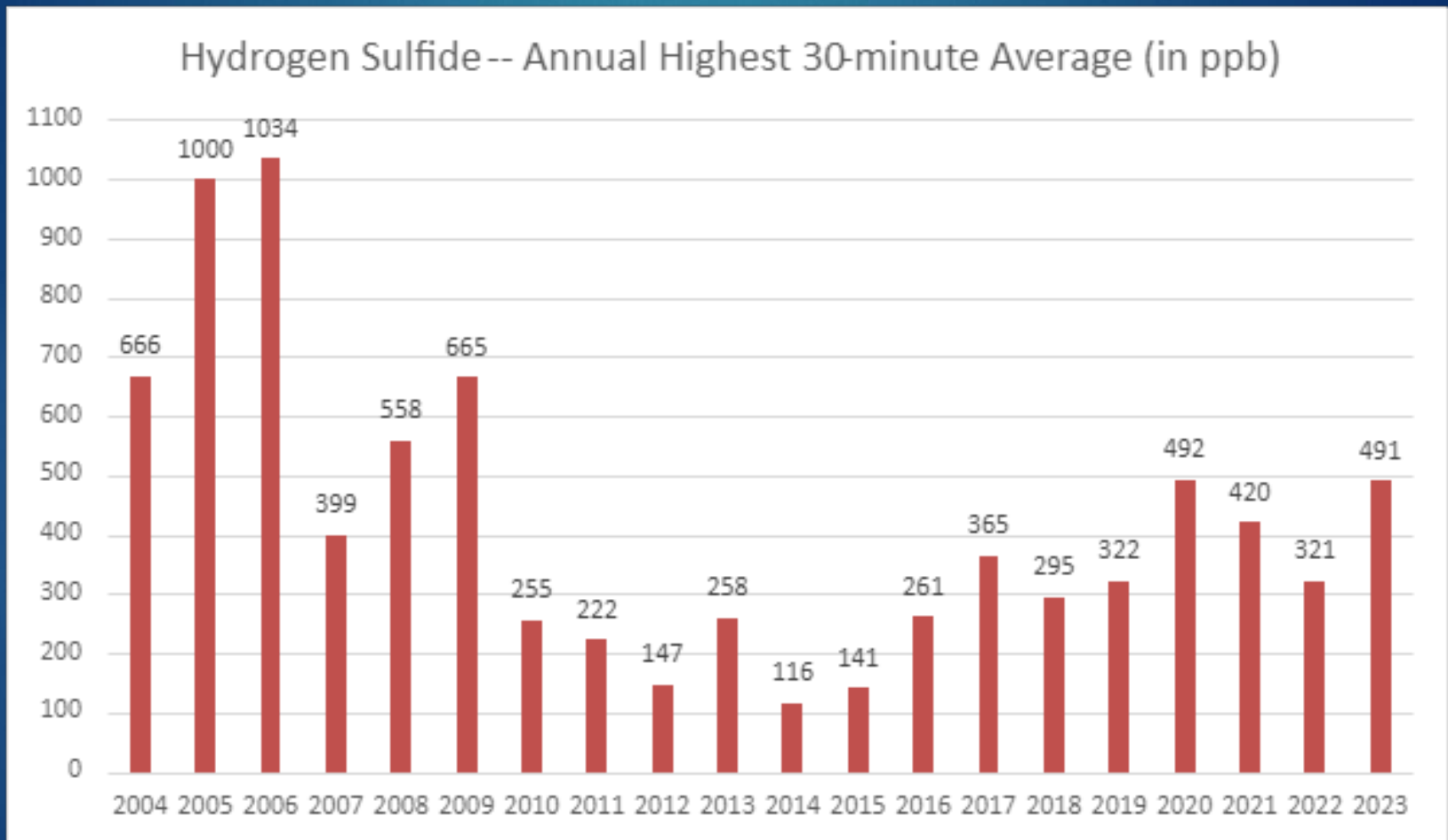




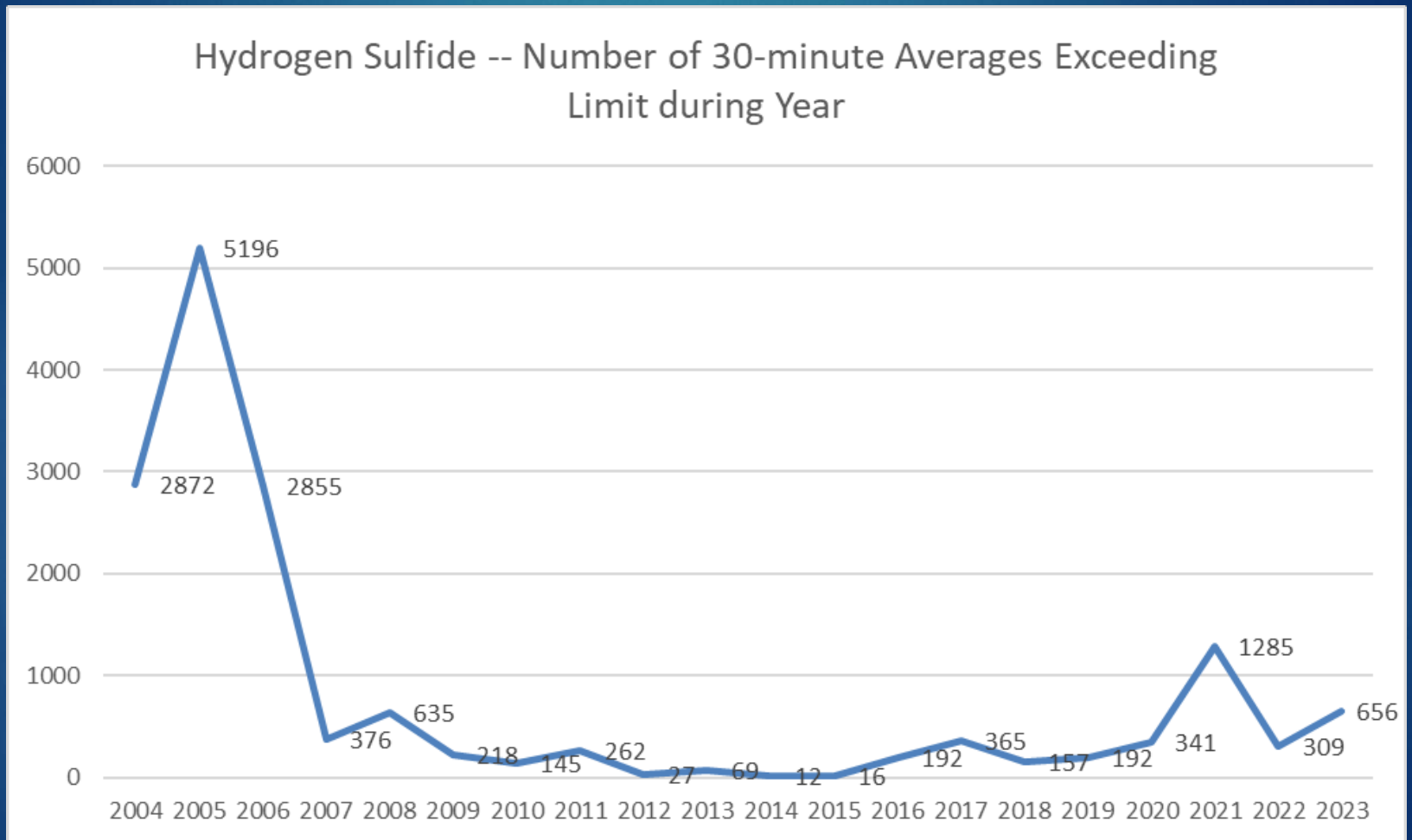
Hydrogen
Sulfide
(H_2S)
Sulfuro de
hidrógeno



Hydrogen Sulfide | 30-Minute Averages (ppb) Highest Value at “Lower Valley” Monitor 2004-2023

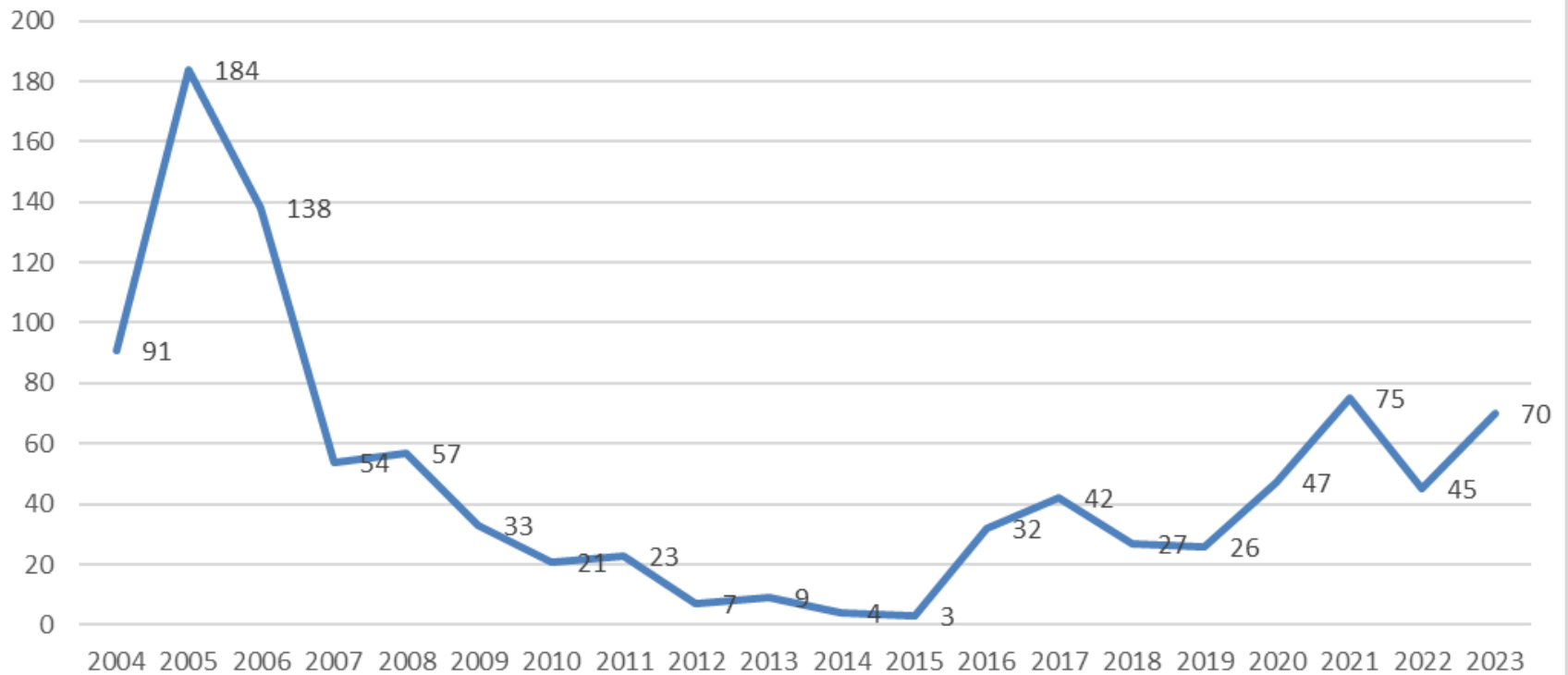


Hydrogen Sulfide | 30-Minute Averages (ppb)
Number of Exceedances at “Lower Valley” Monitor
2004-2023



Hydrogen Sulfide | 30-Minute Averages Number of Days with Exceedances at "Lower Valley" Monitor 2004-2023

Hydrogen Sulfide -- Number of Days during the Year with at least One 30-minute Average Exceedance



Questions? ¿Preguntas?

Links to publicly
available U.S. data:

- [EPA Air Trends](#)
- [Design Value Interactive Tool | US EPA](#)
- [Our Nation's Air 2023 \(epa.gov\)](#)
- [Daily Mean Values for Calendar Year 2023 \(texas.gov\)](#)

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SECRETARÍA
DE DESARROLLO URBANO
Y ECOLOGÍA



Thank you!
Gracias!

EXHIBIT E

WEN-WHAI LI, Ph.D., P.E., Q.E.P.

EDUCATION

Ph.D., Civil Engineering, Colorado State University
M.S., Civil Engineering, Colorado State University
B.S.E., Civil Engineering, National Taiwan University

CERTIFICATIONS

P.E. Licensed Professional Engineer (Illinois No. 062-050969)
Licensed Professional Engineer (Texas No. 85765)
Q.E.P. Qualified Environmental Professional (No. 04960063)
Certificate Hazardous Waste Site Investigation Personnel (40-Hrs OSHA Health and Safety Training Course)

POSITION HELD

2006 – present Professor
2004 - 2009 Chair
2000 – 2003 Graduate Advisor
1997 – 2006 Associate Professor
Department of Civil Engineering
The University of Texas at El Paso
2002 – present Adjunct Associate Professor
Environmental Sciences
The University of Texas Health Science Center at Houston
School of Public Health
1988 - 1996 Senior Associate and Senior Science Advisor
Environ International Corporation
Princeton, New Jersey
1984 – 1987 Research Associate
Fluid Mechanics and Diffusion Laboratory
Department of Civil Engineering
Colorado State University

EXPERIENCE

Dr. Li is Professor of Civil Engineering at the University of Texas at El Paso (UTEP). He has a broad engineering background with expertise in the following areas:

- Air Toxics Characterization, Exposure, and Health Effects
- Air Pollution Monitoring and Modeling
- Traffic-related air pollution impact and health effects

- Environmental Exposure and Risk Assessment
- Accident Analysis
- Emission Modeling
- Physical Modeling of Air Pollution and Atmospheric Environment
- Rooftop Emission-Intake Design

ACTIVE RESEARCH PROJECTS

1. Tier 1 University Transportation Center Focusing on The Statutory Research Priority Area of Preserving the Environment and the Primary USDOT Strategic Plan Goal of Equity, with the secondary goals of Climate and Sustainability as well as Transformation, Center for Advancing Research in Transportation Emissions, Energy and Health (CARTEEH), a seven university consortium led by Texas A&M University with partner universities of UTEP, Johns Hopkins University, Georgia Institute of Technology, University of California Riverside, Morehouse School of Medicine, and North Dakota State University), UTEP PI: WWL, **U.S. DOT, \$10,000,000, (UTEP fund \$1,125,000, UTEP matching fund: \$562,000 for a total of: \$1,687,000 for 5 years)**. March 1, 2023 – Feb. 28, 2028.
2. Quantifying the real impact of transportation activity on regional ozone and near-road PM (PI), a joint project with Texas A&M University and Texas Transportation Institute (TTI), **Texas DOT, \$537,000, (UTEP fund \$105,000)**. Sep. 1, 2021 – Aug. 31, 2024
3. Extended Low-cost PM_{2.5} study in the Paso del Norte, (PI), **TCEQ, \$38,000**, Sep. 1, 2021 – August 31, 2023.
4. Addressing the FAST act priority research area of Preserving the Environment: Center for Advancing Research in Transportation Emissions, Energy and Health (CARTEEH), a five university consortium led by Texas A&M University with partner universities of UTEP, Johns Hopkins University, Georgia Institute of Technology and University of California Riverside), UTEP PI: WWL (80%), **U.S. DOT, \$7,000,000, (UTEP fund \$1,050,000, UTEP matching fund: \$525,000 for a total of: \$1,577,000 for 5 years)**. January 1, 2017 – Dec. 31, 2021.
 - a. Quantification of traffic-related emissions and exposures at U.S.-Mexico Border Crossings using real-time mobile sensors (co-PI: 50%, PI: Mayra Chavez), **CARTEEH, \$120,000**, Jan. 1, 2021 – September 30, 2022.
 - b. Instant COVID-19 diagnostic devices on the go to improve transportation safety (co-PI: 20%, PI: James Li, Chemistry Department), **CARTEEH, \$112,500**, Jan. 1, 2021 – September 30, 2022.
5. Addressing the FAST act priority research area of Preserving the Environment: Center for Transportation, Environment, and Community Health (CTECH) (A five university consortium led by Cornell University with partner universities of UTEP, University of South Florida, and University of California Davis), PI: kelvin Cheu, co-PI: WWL (30%), **U.S. DOT, \$7,000,000, (UTEP fund \$1,400,000,**

UTEP matching fund: \$700,000 for a total of: \$2,100,000 for 5 years). January 1, 2017 – Dec. 31, 2021.

- a. Accessing the health and environmental benefits associated with changes in transportation activities in near road communities (PI), **CTECH, \$132,198**, October 1, 2020 – May 31, 2022.

COMPLETED RESEARCH PROJECTS

1. Low-cost air sensor study in the Paso del Norte, (PI), **UT LJB/TCEQ, \$34,300**, May 1, 2020 – August 31, 2021.
2. Using transit vehicles as probes to monitor community air quality and exposure (PI), **CTECH, \$132,000**, July 1, 2020 – June 30, 2021.
3. Association of traffic and related air pollutants on cardiorespiratory risk factors from low-income populations in El Paso, Texas, PI: Soyoung Jeon (NMSU), co-PI: **WWL (50%), \$82,500**. Texas A&M Transportation Institute, Nov. 1, 2019 – Sep. 30, 2021.
4. Assessing Children's spatiotemporal exposures to transportation pollutants in near-road communities, PI: WWL (100%), **US DOT, \$81,000 + UTEP matching fund of \$52,000**. May 1, 2018 – Dec. 31, 2019, ORSP #: 226351525A
5. Evaluation of Air Quality Models with Near-Road Monitoring Data (PI), a joint project with Texas A&M Transportation Institute (TTI), **Texas DOT, \$382,771, (UTEP fund \$110,000)**. Nov. 1, 2016 – June 30, 2019
6. Ozone Reduction at El Paso, Texas (PI), **El Paso Metropolitan Planning Organization (MPO), \$90,000**. Sep. 1, 2016 – Nov. 30, 2017.
7. Buen Ambiente-Buena Salud: Educational Strategies for Addressing Air Quality on the Border (Co-PI with W. Hargrove of CERM and E. Hampton of Teacher Education). **U.S. EPA, \$1,250,000, (UTEP matching fund: \$922,000, Total: \$2,172,000)**. July 1 2011 – Feb. 28, 2017.
8. Rider 8: Ozone Reduction Program at El Paso, Texas (PI). **El Paso MPO, \$404,000**. June 1, 2011 – January 31, 2013.
9. Analysis of Targeted Emissions Reduction Possibilities in the Paso del Norte (PI). **Texas Commission on Environmental Quality. \$94,938**. September 2012 – August 31, 2013.
10. Air Pollution, System Inflammation, and Sub-Clinical Atherosclerosis in High Altitude Children (Co-PI with Dr. R. Armijos), **National Institutes of Health, \$412,249**, Sep. 19, 2009 – July 31, 2011.
11. Air Pollution Reduction at the Bridge of the Americas (PI), **Border Environment Cooperation Commission, \$ 93,359**, Oct. 1 2009 – June 30, 2011.
12. Characterization of Traffic Air Pollution in Elementary Schools and Its Impact on Asthmatic Children in El Paso, Texas (PI). **Mickey Leland National Urban Air Toxics Research Center, \$246,417**. Jan. 16 – Dec. 31, 2010.
13. UTEP-UNM HSC ARCH Program on Border Asthma (Co-Investigator with Drs. N. Pingitore and M.

- Amaya), **National Institutes of Health, \$5,117,000**, Sep. 1, 2005 – Aug. 31, 2010.
14. Air Quality Characterization at the Mexican Customs Inspection Area at the International Bridge of the Americas (Co-Principal Investigator with H.A. Olvera), **U.S. EPA, \$75,846**, July 1, 2008 – Dec. 31, 2010.
 15. Air Quality Hazardous Air Pollutant Emission Study (PI), **U.S. EPA/ City of El Paso/Desert Research Institute, \$21,716**, Aug. 8, 2008 – Aug. 7, 2010.
 16. Effects of Road Pavement on PM Reduction and Potential Health Benefits for U.S.- Mexico Border Cities (PI), **Border Environment Cooperation Commission, \$22,287**, July 1 2008 – June 30, 2010.
 17. A Binational Pilot Study Examining the Impact of Traffic-Related Air Pollution on Asthmatic Children (Co-Principal Investigator with J. Sarnat (PI) and F. Fernando of Emory University), **Pan American Health Organization, \$136,000**, Oct. 1, 2006 – Aug. 31, 2009.
 18. Air Quality Modeling at the International Port of Entry in San Luis Rio Colorado, Sonora – San Luis, Arizona (PI), **Border Environment Cooperation Commission, \$4,000**, July 1 2008 – June 30, 2008.
 19. Monitoring of Ambient and In-cabin Air Pollutants at a Truck Stop in El Paso (PI), **Texas Transportation Institute, \$5,000**, July 1, 2007 – August 31, 2007.
 20. A Planning Study to Investigate the Impacts of Dust and Vehicles on Acute Cardiorespiratory Responses in the Arid Southwest (Co-Principal Investigator with J. Lighty of U. of Utah (PI), J. Sarnat of Emory University (Co-PI), and M. Witten of U. of Arizona (Co-PI)), **Health Effects Institute, \$109,000**, Sep. 1, 2006 – May 31, 2007.
 21. Addendum to An Air Impact Study of the Ultraviolet Systems on Reduction of H2S Emissions at the North Wastewater Treatment Plant of Ciudad Juarez, Chihuahua (PI), **Border Environment Cooperation Commission, \$9,000**, June 2005 – October 2005.
 22. An Air Impact Study of the Ultraviolet Systems on Reduction of H2S Emissions at the North Wastewater Treatment Plant of Ciudad Juarez, Chihuahua (PI), **Border Environment Cooperation Commission, \$14,979**, June 2004 – April, 2005.
 23. Investigation of the Nocturnal PM Peaks for Evidence of Association with Population Health Risks in Two Border Cities (PI), **U.S. EPA, \$74,995**, June 2005 – Dec. 2006.
 24. Indoor Air Pollutants and Inhalation Hazards by Cooking and Heating (PI), **U.S. EPA, \$73,573**, June 2004 – Dec. 2005.
 25. Search for Gas Phase Chlorinated Compounds Associated with Enhanced Ozone Production in the Paso del Norte Airshed (Co-PI with N. J. Parks), **U.S. EPA, \$75,000**, June 1, 2001 – Aug. 31, 2003.
 26. Investigations of the Low-Wind Particulate Matter Spikes at the NMED Sunland Park City Yard Monitoring Site (PI), **New Mexico State University/USEPA, \$40,710**, June 2002 – Aug. 2003.
 27. Evaluations between Digital Cameras and Other Methods of Air Quality Visualization, TCEQ/UTEP Visibility Camera Contract FY 2003 (Co-PI with N. J. Parks), **Texas Commission of Environmental**

Quality, \$79,500, October 31, 2002 – August 31, 2003.

28. Development of a Visualization Tool for Hazardous Releases (PI), **U.S. Army Research Laboratory, White Sands Missile Range, \$20,000**, June 2002 – October 2002.
29. Sustainable (Green) Engineering Program (Co-PI with C. Turner), **NSF MIE project, \$300,000** (student support, equipment, no salary), Sep. 2000 – Aug. 2002.
30. Phase II Study of Paso del Norte PM Characterization (PI), **U.S. EPA, \$190,000**, June 2000 – Aug. 2003.
31. Determining the Impacts of Evaporative Cooling Systems on Indoor Air Quality (PI), **Texas Higher Education Coordinating Board ARP/ATP Programs, \$115,489**, Jan. 2000 – Aug. 31, 2002.
32. Implementation Phase for Analysis and Web-Site Archiving of Haze and Visibility Images 2000 - 2001: Digital Still, Digital Video, and Digitally Converted, 35 mm Film-Archive Images of the Paso del Norte Airshed (Co-PI with N.J. Parks), **Texas Natural Resources Conservation Commission, \$20,000**, July 1, 2000 - June 30, 2001.
33. Method Development for Haze and Visibility Analysis of Web-site Digital Video, Digital Still, and Digitally Converted, 35 mm Film-Archive Images of the Paso del Norte Airshed (Co-PI with N. J. Parks), **Texas Natural Resources Conservation Commission, \$20,000**, June 2000 – May 2001.
34. Digital Acquisition and Internet Distribution of Haze Images in the Paso del Norte Airshed (Co-PI with J. Parks), **Texas Natural Resources Conservation Commission, \$18,000**, June 1999 – May 2000.
35. An Expert Systems Approach to Managing and Minimizing the Consequences of Accidental Chemical Spills in the U.S.-Mexico Border (PI), **U.S. EPA, \$50,000**, Sep. 1998 – Aug. 2000.
36. Characterization of Wind Field for the Paso del Norte Air Quality Basin Using High-Resolution Grids and Data from Multiple Meteorological Monitoring Stations (Co-PI with R. Fitzgerald), **Center for Environmental Resource Management, \$81,000**, March 1999 – Aug. 2000.
37. Characterization of Ambient Particulate Matter in the Paso del Norte Region (PI and Technical Director, a joint research program with 4 other universities), **U.S. EPA, \$750,000**, Sep. 1998 – Dec. 2000.
38. Compilation of Ozone and PM Air Quality Data for the El Paso – Juarez Area (PI), **UTEP, \$1,900**, Nov. 1997 – Nov 1998.

PROFESSIONAL MEMBERSHIPS AND AWARDS

Membership

1. Air and Waste Management Association, Meteorology Committee
2. American Society of Civil Engineers
3. American Geophysical Union

4. Member, the U.S. – Mexico Joint Advisory Committee for Border Air Quality
5. Member, American Public Health Association
6. Member, Transportation Research Board
7. Member, Paso del Norte Air Quality Task Force
8. UTEP and UT-HSPH El Paso Public Health Education and Research Collaboration
9. Peer reviewer, Air & Waste Management Association
10. Peer reviewer, Atmospheric Environment
11. Peer reviewer, Journal of Hazardous Materials

Awards and Honors

1. Scholastic Award, National Taiwan University, 1974
2. Outstanding Faculty Achievement Award, College of Engineering, UTEP, 2000.
3. Best Professor Award, Civil Engineering, UTEP, 2003.
4. Panel Reviewer, U.S. EPA PM Research Centers, 2005.

PUBLICATIONS AND PRESENTATIONS (*Names in grey italic indicating research assistants/mentees of W.W. Li*)

Journal Articles and Book Chapters (Peer Reviewed)

1. Raysoni A. and *Li W-W*. 2022. Pulmonary Assessment of a Cohort of Asthmatic School Children due to Air Pollution in a High-Altitude West Texas City of El Paso, J. of Environmental Health (in-review)
2. Eibedingil IG, Gill TE, Van Pelt RS, Tatarko J, Li J, *Li W-W*, 2022. Applying Wind Erosion and Air Dispersion Models to Characterize Dust Hazard to Highway Safety at Lordsburg Playa, New Mexico, USA, *Atmosphere* 2022, 13, 1646. <https://doi.org/10.3390/atmos13101646>
3. *Aguilera J, Jeon S, Raysoni AU, Rangel A, Whigham L, Li W-W*, 2022. Decreased moderate to vigorous physical activity levels are associated with increased traffic related air pollutants in children with asthma, submitted to the J. of Environmental Health (in-print).
4. *Rangel A, Raysoni AU, Chavez M, Jeon S, Aguilera J, Whigham L, Li W-W*, 2022, Assessment of Traffic-Related Air Pollution (TRAP) at Two Near-Road Schools and Residence in an Arid, High Altitude West Texan City, *Atmo. Pollution Research* 12(2): 101304, <https://doi.org/10.1016/j.apr.2021.101304>
5. Vallamsundar S, Uwak I, Jaikumar R. Ramani T, Johnson NM, *Aguilera JA, Li W-W*, 2021. Personal Exposure to Air Pollution near the US-Mexico Border Crossings: A Case Study of School Teachers in El Paso, TX, submitted to the *Journal of Transport & Health*

6. Aguilera J, Jeon S, Chavez M, Ibarra-Mejia G, Ferreira-Pinto J, Whigham L, **Li W-W**, 2021. Short-term effects of traffic related air pollution on cardiorespiratory outcomes among low income residents from a US-Mexico border community, submitted to the *Journal Air Quality, Atmosphere, and Health*.
7. Aguilera J, Jeon S, Chavez M, Ibarra-Mejia G, Ferreira-Pinto J, Whigham L, **Li W-W**, 2020. Land use regression modeling to assess effects of long-term transportation data on metabolic syndrome risk factors of low-income communities in El Paso, Texas. *Transp Research Record* 2675(11): 955-969, 2021. <https://doi.org/10.1177/03611981211021853>
8. Chavez MC and **Li, W-W**, 2020. Comparison of Modeled-to-Monitored PM2.5 Exposure Concentrations resulting from transportation emissions in a near-road community, *Transp Res Rec.* 2674(12):130–143. <https://doi.org/10.1177/0361198120951189>
9. **Li, W-W**, 2020. Chapter 2: Air pollution, air quality, vehicle emissions and environmental regulations, in *Traffic-Related Air Pollution: Emissions, Human Exposures, and Health*, edited by Khreis H. et al, Elsevier S&T Books.
10. Fumador EA, Amaya MA, Brunner B, Clague JW, **Li, W-W**, Olvera HA, Berwick M, Burchiel SW, Pingitore NE, 2019. Cerium levels in coarse and fine airborne particulate matter in El Paso, Texas, USA, *Journal of Atmospheric Pollution*, 7(1):1-13.
11. Hampton E, Ontiveros, C, Canales A, Chavez M, Pina M, Hargrove W, **Li W-W**, Brown S, Simmons B., Lujan J, 2018. Collaborative Creation of an Air Quality Curriculum That Promotes Community-Based Learning, Community Engagement, *High Impact Practice: Internships, Kinder Hunt Publishing Community Engagement and High Impact Practices in Higher Education*, ed. G.M. Nunez and A.L. Gonzalez, Kinder Hunt Publishing Company, Chapter 3, 33-42
12. **Li, W-W**, Pina M, Hargrove W, Hampton E, Lujan J, 2018. Buen Ambiente/Buena Salud: An Internship Program Aimed at Building Capacity to Address Environmental Issues on the U.S. Mexico Border, *High Impact Practice: Internships, Kinder Hunt Publishing Community Engagement and High Impact Practices in Higher Education*, ed. G.M. Nunez and A.L. Gonzalez, Kinder Hunt Publishing Company, Chapter 18, 191-204
13. Paz LM, Amaya MA, Clague JW, **Li W-W**, Olvera HA, Berwick M, Burchiel SW, Pingitore NE, 2017. Airborne lead in El Paso, Texas, USA, *Journal of Atmospheric Pollution*, 5(2):47-54.
14. Raysoni AU, Stock TH, Sarnat JA, Chavez MC, Sarnat SE, Montoya T, Holguin F, **Li W-W**, 2017, Evaluation of VOC concentrations in Indoor and Outdoor Microenvironments at Near-Road Schools, *Environmental Pollution*, 231:681-693
15. Raysoni AU, **Li W-W**, Weigel MM, Eschanique P, Racines M, Armijos RX, 2017, Element composition of PM_{2.5} at schools and residences in Quito, Ecuador, *Environmental Pollution, International Journal of Environmental Research and Public Health*, 14:674, doi:[10.3390/ijerph14070674](https://doi.org/10.3390/ijerph14070674)
16. Raysoni AU, Weigel MM, Montoya T, Racines M, **Li W-W**, 2016, Assessment of indoor and outdoor PM species at schools and residences in three low income neighborhoods of Quito, Ecuador *Environmental Pollution*, 214:668-679

17. Armijos RX, Weigel MM, Myers OB, **Li W-W**, Racines M, Berwick M, Residential exposure to urban traffic is associated with increased carotid intima-media thickness in children, *Journal of Environmental and Public Health*, Volume 2015, Article ID 713540, 11 pages, <http://dx.doi.org/10.1155/2015/713540>.
18. Charlevoix DJ, Pandya R, Bridger A, Gill TE, Hampton E, Herman R, Knox J, **Li, W-W**, Stanitski D, 2014. New directions for the AMS Symposium on education, *Bulletin of American Meteorological Society*, 95(9): 1465-1467.
19. Raysoni AU, Stock TH, Sarnat JA, Sosa TM, Sarnat SE, Holguin F, Greenwald R, Johnson B, **Li W-W**, 2013. Characterization of traffic-related air pollution metrics at four schools in El Paso, Texas, USA: Implications for exposure assessment and siting schools in urban areas, *Journal of the Atmospheric Environment*, 80: 140-151.
20. Greenwald R, Sarnat J, **Li W-W**, Raysoni AU, Sarnat SE, Johnson BA, Stock TH, Holguin F, Sosa T, 2013, Associations between Source-indicative Pollution Metrics and Increases in Pulmonary Inflammation and Reduced Lung Function in a Panel of Asthmatic Children Texas, *J. of Air Quality, Atmosphere and Health*. 6(2):487-499
21. Zora JE, Sarnat SE, Raysoni AU, Johnson BA, **Li W-W**, Greenwald R, Stock T, Sarnat JA, 2013. Associations between urban air pollution and pediatric asthma control in El Paso, Texas, *Journal of the Science of the Total Environment*, 448:56-65.
22. Olvera HA, Lopez M, Guerrero V, Garcia H, **Li W-W**, 2013. Ultrafine particle levels at an international port of entry between the US and Mexico: Exposure implications for users, workers, and neighbors, *Journal of Exposure Science and Environmental Epidemiology*, 23:289-298
23. Chen LW, Trop R, **Li W-W**, Zhu D, Chow JC, Zielinka B, 2012. Aerosol and air toxics exposure in El Paso, Texas: A pilot study, *Aerosol and Air Quality Research* 12:169-179 (2012)
24. Gonzales M, Myers O, Smith L, Olvera H, Mukerjee S, **Li W-W**, Pingitore N, Amaya M, Burchiel S, Berwick M, 2012. Evaluation of land use regression models for NO₂ in El Paso, Texas, USA, *Journal of the Science of the Total Environment* 432: 135-142.
25. Olvera HA, Garcia M, **Li W-W**, Gamez J, Baca DJ, Garcia N, Escajeda S, Lopez M, Perez D, H. Yang, Amaya MA, Meyers O, Burchiel SW, Berwick M, Pingitore NE Jr, 2012. Principal component analysis optimization of a PM_{2.5} land use regression model with small monitoring network, *J. of the Science of the Total Environment*, 425: 27-34.
26. Olvera HA, Perez P, Clague J, Cheng YS, **Li W-W**, Amaya MA, Burchiel SW, Berwick M, Pingitore NE Jr, 2012. The Effect of Ventilation, Age, and Asthmatic Condition on Ultrafine Particle Deposition in Children, *Pulmonary Medicine*, 2012: 736290, doi:10.1155/2012/736290.
27. Sarnat SE, Raysoni AU, **Li W-W**, Holguin F, Johnson B, Flores S, Garcia JH, Sarnat JA, 2012. Impact of traffic-related air pollution on exhaled nitric oxide in asthmatic children along the US-Mexico border, *Environmental Health Perspectives*, 120: 437-440 (2012).

28. Raysoni A, Sarnat JA, Sarnat SE, Garcia JH, Holguin F, Flores S, **Li W-W**, 2011. Binational school-based monitoring of traffic-related air pollutants in El Paso, Texas (USA) and Ciudad Juárez, Chihuahua (México), *Journal of the Environmental Pollution*, 159 (10): 2476-2486.
29. Lee DW, Zietsman J, Farzaneh M, **Li W-W**, Olvera HA, Storey JM, Kranendonk L, 2009, Investigation of In-Cab Air Quality of Truck at Electrified Truck Stop, *Journal of the Transportation Research Board*, 2123:17-25
30. Staniswalis JG, Yang H, **Li W-W**, Kelly KE, 2009. Using a Continuous Time Lag to Determine the Association Between Ambient PM_{2.5} Hourly Levels and Daily Mortality: Indication of the Importance of the Total Number of Particles, *J. of AWMA*, 59:1173-1185
31. Lauer FT, Mitchell LA, Bedrick E, McDonald JD, Lee WY, **Li W-W**, Olvera H, Amaya MA, Berwick M, Gonzales M, Currey R, Pingitore NE Jr, Burchiel SW, 2009. Temporal-Spatial Analysis of U.S.-Mexico Border Environmental Fine and Coarse PM Air Sample Extract Activity in Human Bronchial Epithelial Cells, *Toxicology and Applied Pharmacology*, 238(1): 1-10
32. **Olvera H** and **Li, W-W**. 2008. Effects of plume buoyancy and momentum on the near-wake flow structure and dispersion behind an idealized building, *J. of Industrial Aerodynamics and Wind Engineering* 96(2):209-228.
33. **García JH**, **Li W-W**, Walton J, 2006. Determination of PM_{2.5} sources using time-resolved integrated source and receptor models. *Chemosphere.*, 65 (11): 2018-2027.
34. **Raina DS**, Parks NJ, **Li W-W**, Gray RW, Dattner S, 2005. An Innovative Methodology for Analyzing Digital Visibility Images in an Urban Environment. *J. of A&WMA*, 55:1733-1742.
35. **Li W-W**, **Cardenas N**, Walton J, **Trujillo D**, **Morales H**, Arimoto R, 2005. PM source identification at Sunland Park, New Mexico using a simple heuristic meteorological and chemical analysis. *J. of A&WMA*, 55:352-364.
36. Rincon CA, Anderson JR, **Bang JJ**, Greenlee JC, Kelly KE, **Li W-W**. 2005. Chapter I: Background and Recent Research on Particulate Matter in the Paso del Norte Border Region, in *The U.S. – Mexican Border Environment: An Integrated Approach to Defining Particulate Matter Issues in the Paso del Norte Region*, ed. R.C. Curry, K. Kelly, H. Meuzelaar, A. Sarofim, San Diego State University Press, San Diego, CA. SCERP Monograph Series 12:1-26.
37. **Li W-W**, **Orquiz R**, Currey RM, **Valenzuela VH**, Meuzelaar HLC, Sheya SA, Sarofim A, Anderson J, Banerji S, Chow J, Watson JG, 2005. Chapter III: Experimental Design, Methods, and Results of Ambient Particulate Matter Characterization in the Paso del Norte Region. in *The U.S. – Mexican Border Environment: An Integrated Approach to Defining Particulate Matter Issues in the Paso del Norte Region* ed. R.C. Curry, K. Kelly, H. Meuzelaar, A. Sarofim, San Diego State University Press, San Diego, CA. SCERP Monograph Series 12:79-112.
38. **Li W-W**, **Bang JJ**, Chianelli RR, Yacamán MJ, **Orquiz R**, 2005. Chapter IV: Characterization of Airborne Particulate Matter in the Paso del Norte (PdN) Air Quality Basin in El Paso-Juarez region: Morphology and Chemistry, in *The U.S. – Mexican Border Environment: An Integrated Approach*

to Defining Particulate Matter Issues in the Paso del Norte Region ed. R.C. Curry, K. Kelly, H. Meuzelaar, A. Sarofim, San Diego State University Press, San Diego, CA. SCERP Monograph Series 12:113-130.

39. Pingitore NE Jr, *Espino T*, Gardea-Torresdey J, Reynoso J, **Li W-W**, Currey R, Moss R, Barnes BE, Machay WP, Zevallos JC, Herrera I, 2005. Chapter V: Toxic Metals in the Air and Soil of the Paso del Norte Region, in *The U.S. – Mexican Border Environment: An Integrated Approach to Defining Particulate Matter Issues in the Paso del Norte Region* ed. R.C. Curry, K. Kelly, H. Meuzelaar, A. Sarofim, San Diego State University Press, San Diego, CA. SCERP Monograph Series 12:131-172.
40. Meuzelaar HLC, Arnold NS, Nookala B, Mejia-Velazquez GM, Medina PO, Ramses-Sanchez J, **Li W-W**, Bang JJ, Fernando HJS, Lee SM, 2005. Chapter VII: Estimating Particulate Matter Exposure Risks and Evaluating Health Effects of Evening Particulate Matter Peaks Using GIS-Referenced Data Fusion Methods: A Pilot Study, in *The U.S. – Mexican Border Environment: An Integrated Approach to Defining Particulate Matter Issues in the Paso del Norte Region* ed. R.C. Curry, K. Kelly, H. Meuzelaar, A. Sarofim, San Diego State University Press, San Diego, CA. SCERP Monograph Series 12:235-304.
41. *Garcia JH*, **Li W-W**, Walton J, Arimoto R, Schloeeßlin C, Sage S, Okrasinski R, Greenlee J, 2004. Characterization and implication of potential fugitive dust sources in the Paso del Norte region, *Jl. Science of the Total Environment*, 325:95-112.
42. *Paschold H*, **Li W-W**, *Morale H*, Walton JW. 2003. Laboratory study of the impacts of evaporative cooler on PM concentrations, *Jl. of Atmospheric Environment*, 37:1075-1086
43. **Li W-W**, *Paschold H*, *Morale H*, Chianelli R, 2003. Correlations between short-term indoor and outdoor PM concentrations at residences with evaporative coolers. *Jl. of Atmospheric Environment*, 37:2691-2703
44. *Paschold H*, **Li W-W**, *Morale H*, Pingitore NE, Maciejewska B, 2003. Elemental analysis of airborne particulate matter and cooling water in West Texas Residences, *Jl. of Atmospheric Environment*, 37: 2681-2690
45. *Arrieta DE*, Ontiveros CC, **Li W-W**, *Garcia JH*, Jacob MS, McDonald D, Burchiel SW, Washburn, BS, 2003. Aryl hydrocarbon receptor-mediated activity of particulate organic matter from the Paso del Norte airshed along the U.S.-Mexico border, *Jl. of Environmental Health Perspectives*, 111(10):1299-1305.
46. Parks N J, **Li W-W**, Turner CD, Gray RW, Currey R, Dattner S, Saenz J, *Valenzuela V*, VanDerslice JA, 2002. Chapter 3: Air Quality in the Paso del Norte Airshed: Historical and Contemporary. *Air Quality on the U.S.-Mexico Border*.
47. **Li W-W**, *Orquiz R*, Pingitore NE Jr, *Garcia JH*, *Espino TT*, Gardea-Torresdey J, Chow J, Watson JW, 2001. Analysis of temporal and spatial dichotomous PM air samples in the El Paso-Cd. Juarez air quality basin. *J. of A&WMA* 51: 1511-1560.

48. McFarland AR, Ortiz CA, Cermak JE, Peterka JA, **Li W-W**, 1990. Wind tunnel evaluation of a rotating-element large-particle sampler, *Aerosol Science and Technology*, Vol. 12, No. 2, p 422-430.
49. **Li W-W** and Meroney RN, 1985. Re-examination of Eulerian-Lagrangian turbulence relationship. *Jl. of Atmospheric Environment* 19:853-855.
50. **Li W-W** and Meroney RN, 1984. Estimation of Lagrangian time scale from laboratory measurements of lateral dispersion. *Jl. of Atmospheric Environment* 18:1601-1611.
51. **Li W-W** and Meroney RN, 1983. Gas dispersion near a cubical model building, Part I: Mean concentration measurements. *Jl. of Wind Engineering and Industrial Aerodynamics* 12:15-33.
52. **Li W-W** and Meroney RN, 1983. Gas dispersion near a cubical model building, Part II: Concentration fluctuation measurements. *Jl. of Wind Engineering and Industrial Aerodynamics* 12:35-47.

Technical Reports (Peer Reviewed)

1. Chavez M, Vazquez L, Hernandez Y, Toguinto F, Williams E, Vazquez FA, **Li W-W**, 2021. Low-cost Air Sensor Study in the Paso del Norte, Texas Commission on Environmental Quality, 53 pp
2. Chavez M, Williams E, Cheu K, **Li W-W**, 2021. Using transit vehicles as probes to monitor community air quality and exposure, Center for Transportation, Environment, and Community Health (CTECH), U.S. DOT Tier 1 UTC, 98 pp.
3. Jeon S, Aguilera JA, Whigham L, Chavez MC, **Li W-W**. 2020. Association of traffic and related air pollutants on cardiorespiratory risk factors fro low-income populations in El Paso, TX, Center for Advancing Research in Transportation Emissions, Energy, and Health (CAR-TEEH), U.S. DOT Tier 1 UTC, 171pp, [Association of Traffic and Related Air Pollutants on Cardiorespiratory Risk Factors From Low-Income Populations in El Paso, TX \(bts.gov\)](#)
4. **Li W-W**, Raysoni AU, Jeon S, Whigham L, Aguilera JA, Rangel A, Chavez MC, Ramirez IM, 2020. Healthy Living, Children’s Respiratory Health, and Traffic-Related Air Pollution in an Underserved Community, Center for Advancing Research in Transportation Emissions, Energy, and Health (CAR-TEEH), U.S. DOT Tier 1 UTC, 245pp, [Healthy Living, Children’s Respiratory Health, and Traffic-Related Air Pollution in an Underserved Community \(bts.gov\)](#)
5. **Li W-W**, Chavez MC, Ramirez IM, Cheu KR, 2020. Assessing children’s spatiotemporal exposures to transportation pollutants in near-road communities, Center for Transportation Emissions, Environment, and Community Health (CTECH), U.S. DOT Tier 1 UTC, 195pp <https://hdl.handle.net/1813/69795>
6. Farzaneh R, Vallamsundar S, Jaikumar R, Venugopal M, Askariyeh M, Johnson J, **Li, W-W**, Chavez MC, Ramirez IR, 2019. Evaluation of air models with near-road monitoing data: Technical report 0-6943-R1, Texas Department of Transportation, 172 pp.
7. Hargrove WL, Hampton E, **Li WW**. Buen Ambiente-Buena Salud: Educational Strategies for Addressing Air Quality on the Border. 2017. A project final report submitted to the U.S. EPA

Office of Air and Radiation. January 2017.

8. **Li, W.-W.**, Rangel, A., Chavez, M., 2017. Evaluation of ozone control strategies for El Paso, A project report prepared for the El Paso Metropolitan Planning Organization, El Paso, TX. Nov. 30, 2017, 82 pages.
9. **Li WW**, Sarnat JA, Raysoni AU, Sarnat SE, Stock TH, Holguin F, Greenwald R, Olvera HA, Johnson BA, 2011. Characterization of traffic related air pollution in elementary schools and its impact on asthmatic children in El Paso, Texas. 2010. *Mickey Leland National Urban Air Toxic Research Center, NUATRC Report Number 20*, Houston, Texas. June 2011. 246 pages.
10. Sarnat JA, Holguin F, **Li W-W**, Sarnat SE, Flores S, 2010. A binational pilot study examining the impact of traffic-related air pollution on asthmatic children, prepared for the Pan American Health Organization, Washington, DC. August 2011, 349 pages.
11. U.S. Environmental Protection Agency (**Li W-W**, co-principal author). 1997. *Risk assessment for the Waste Technologies Industries (WTI) hazardous waste incineration facility (East Liverpool, Ohio). Volume VII: Accident analysis: selection and assessment of potential release scenarios*, EPA-905-R97-002g, May 1997.
12. U.S. Environmental Protection Agency (**Li W-W**, co-principal author). 1997. *Risk assessment for the Waste Technologies Industries (WTI) hazardous waste incineration facility (East Liverpool, Ohio). Volume VIII: Additional Analysis in Response to Peer Review Recommendations*, EPA-905-R97-002h, May 1997.
13. **Li W-W**, 1992. *Emissions from contaminated soil* (p. A-9 to A-12), in the *Air/Superfund National Technical Guidance Study Series – Assessing potential indoor air impacts for Superfund sites*. U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, EPA-451/R-92-002, September 1992.
14. **Li W-W** and Meroney RN, 1984. *The estimation of turbulent diffusion from real time anemometer statistics*. CED83-84WWL12, and Report NUREG/CR-4072, U.S. Nuclear Regulatory Commission, Washington, D.C.
15. **Li W-W**, Meroney RN, Peterka JA, 1981. *Wind-tunnel Study of Gas Dispersion near a Cubical Model Building*. NRC Report NUREG/CR-2395, U.S. Nuclear Regulatory Commission, NTIS, Washington, D.C.

Conference Papers (Peer Reviewed)

1. **Li W-W**, Chavez M, Williams E, Vazquez L, 2022. Quantification of Traffic-related Air Pollution at a U.S.-Mexico Border Crossing, accepted for a presentation at the 2023 annual Transportation Research Board (TRB) meeting in Washington, D.C, 2022.
2. Chavez M, Williams E, Vazquez L, **Li W-W**, 2022. Evaluation of Near-road Exposure 1 Using On-road Air Monitor, presented at the 2022 annual Transportation Research Board (TRB) meeting in Washington, D.C, 2022.

3. Raysoni A, **W.W. Li**, 2021. Elemental Analysis of PM2.5 at four schools in El Paso, TX, USA, presented at the AGU Fall Meeting 2021, New Orleans, LA.
4. Chavez M and **Li W-W**, 2020. Measurements of Traffic-Related Air Pollution at Two Near-road Locations, presented at the 2021 annual Transportation Research Board (TRB) meeting in Washington, D.C
5. Aguilera J, Jeon S, Chavez M, Ibarra-Mejia G, Whigham L, **Li W-W**, 2020. Land Use Regression of Long-Term Transportation Data on Metabolic Syndrome Risk Factors in Low-income Communities presented at the 2021 annual Transportation Research Board (TRB) meeting in Washington, D.C. (webinar)
6. **Li W-W** and Chavez M, 2020. Implications from upwind-downwind monitoring of traffic-related air pollutants at a busy highway in El Paso, Texas, accepted as a platform presentation at A&WMA's 113th Annual Conference and Exhibition, June 29-July 2, 2020, San Francisco, CA
7. **Li W-W**, Jeon S, Chavez M, Ramirez I, Rangel A, Urbina A, Vallamsundar S, Farzaneh, R, 2019. Determination of background PM2.5 concentrations for a potential transportation project site. Presented and published at 2019 TRB annual meeting, Washington DC, Jan 13-17, 2019. TRB Paper No. 19-02174R
8. **Li W-W**, Chavez M, Jeon S, Ramirez I, Rangel A, Urbina A, Vallamsundar S, Farzaneh, R, 2019. Contribution of traffic emissions to near-road PM2.5 air concentrations as implied by urban-scale background monitoring. Presented and published at 2019 TRB annual meeting, Washington DC, Jan 13-17, 2019. TRB Paper No. 19-01459R1
9. Aquilera J., Jeon S, Raysoni A, Rangel A, Whigham L, **Li W-W**, 2019. Moderate to vigorous physical activity levels negatively correlate with traffic related air pollutants in children with asthma attending a school near a highway. Presented and published at 2019 TRB annual meeting, Washington DC, Jan 13-17, 2019. TRB Paper No. 19-01943
10. Uwak I, Aguilera J, Ramirez I, Johnson N, Whigham L, **Li W-W**, Ramani T, Vallamsundar S, 2019. Exposure assessment of Traffic-Related Air Pollution in El Paso, Texas using personal and ambient monitoring, presented and published in the 2019 TRB Annual Meeting, Washington, D.C.
11. Vallamsundar S, Askariyeh M, Farzaneh R, Venugopal M, **Li, W-W**, 2019. Near-road monitoring data assessment: Impact of traffic, meteorology and background concentration, Presented and published at 2019 TRB annual meeting, Washington DC, Jan 13-17, 2019.
12. **Li W-W** and Raysoni A, 2014, Measurements of Traffic-related Indoor-Outdoor Air Pollution at Elementary Schools in a Cross-border Urbanized Metroplex, presented in Indoor Air 2014: the 13th International Conference on Indoor Air Quality and Climate, Hong Kong, July 7-12, 2014.
13. Yang HY, **Li W-W**, Valenzuela V., 2014. Development of a Principal Component Regression Model for Predicting Ozone Exceedance, presented at *the 107th Air and Waste Management Association Conference and Exhibition*, Long Beach, CA, June 24-28, 2014.

14. **Li W-W**, Hampton E, Hargrove W, Pina M, Gill T, 2014, Implementation of Border-land Air Quality Education and Training Strategies, , accepted for a presentation at *the 107th Air and Waste Management Association Conference and Exhibition*, Loang Beach, CA, June 24-28, 2014.
15. Sosa T, Yang H, Cheu RL, Pinal G, Valenzuela V, Romo A, **Li W-W**, 2013. A Methodology for Generating Emission Factors at an International Port of Entry, Paper #12792, *Proceedings of the 106th Air and Waste Management Association Conference and Exhibition*, Chicago, IL, June 25-28, 2013.
16. Sosa TM and **Li W-W**, 2012. A GIS-based modeling approach for estimating pollutant concentrations in an urban environment, Paper #561. *Proceedings of the 105th Air and Waste Management Association Conference and Exhibition*, San Antonio, TX, June 19-22, 2012
17. **Li W-W**, Hampton E, Hargrove W, 2012. Educational strategies for addressing air quality on the border, Paper #544. *Proceedings of the 105th Air and Waste Management Association Conference and Exhibition*, San Antonio, TX, June 19-22, 2012.
18. Sosa TM, Cheu RL, Ramirez A, **Li W-W**, 2012. Air pollution reduction at the Bridge of the Americas, Paper #560. *Proceedings of the 105th Air and Waste Management Association Conference and Exhibition*, San Antonio, TX, June 19-22, 2012
19. Valenzuela V, Yang HL, Pinal GH, Fitzgerald R, Yang HY, Olvera H, **Li W-W**, 2012. Conceptual model of ozone pollution for an air quality basin in Texas, Paper #538. *Proceedings of the 105th Air and Waste Management Association Conference and Exhibition*, San Antonio, TX, June 19-22, 2012.
20. Tropp RJ, Chen L, Zhu D, Chow JC, Watson JG, Zielinska B, **Li W-W**, 2010. Air Toxics in El Paso, Texas. *Proceedings of the A&WMA's 103rd Annual Conference and Exhibition*, June 22-25, 2010, Calgary, Alberta, Canada
21. Raysoni A, **Li W-W**, Sarnat SE, Sarnat JA, Holguin F, Garcia J, Flores S, 2009. Intra-urban spatial variation of PM_{2.5} mass measurements, filter absorbance measurements and NO₂ at El Paso, Texas, USA & Cd. Juarez, Chihuahua, MX, *Proceedings of the A&WMA's 102nd Annual Conference and Exhibition*, June 16-19, Detroit, MI
22. **Li W-W**, Molina E, Holguin F, Flores S, 2009. Interdependence of traffic-related air pollution on meteorology and geography in a bi-national air quality basin, *Proceedings of the A&WMA's 102nd Annual Conference and Exhibition*, June 16-19, Detroit, MI
23. Gamez J, Mares J, **Li W-W**, 2009. Assessment of Impacts on Emissions and Air Pollution Reduction at the New Port or Entry in San Luis Rio Colorado, Sonora, *Proceedings of the A&WMA's 102nd Annual Conference and Exhibition*, June 16-19, Detroit, MI.
24. Astorga F and **Li W-W**, 2009. Correlation of Bio-monitoring Passive and Active Monitoring of Total Suspended Particles (TSP) in Chihuahua, Mexico, *Proceedings of the A&WMA's 102nd Annual Conference and Exhibition*, June 16-19, Detroit, MI.

25. Olvera HA and Li W-W, 2009, Characterization Of Ultrafine Particles And Benzene Concentrations At The International Bridge Of The Americas, *Proceedings of the A&WMA's 102nd Annual Conference and Exhibition*, June 16-19, Detroit, MI.
26. Chen L-W, Tropp R, Zhu D, Li W-W, 2009. Air Toxics and Aerosol Concentration at El Paso, Texas: Implementation for Cross-Border Transport, AAAR 2009 Annual Conference, Minneapolis, MN, Oct. 26-30, 2009
27. Lee DW, Zietsman J, Farzaneh M, Li W-W, Olvera HA, Storey JM, Kranendonk L, 2008. *Investigations of in-cab air quality of a truck resting in an electrified truck stop. TRB 2009 Annual Conference*, Washington, D.C.
28. Raina DS, Parks NJ, Li W-W, Gray RW, Dattner S, 2004. Innovative monitoring of visibility using digital imaging technology in an arid urban environment. *Proceedings of the Regional and Global Perspectives on Haze: Causes, Consequences and Controversies*, Oct. 26-29, 2004, Asheville, North Carolina. 19 pages.
29. Turner C D, Li W-W, Flores B, 2002. Using a green engineering building design contest to promote sustainable engineering. *Proceedings of the 2002 ASEE Annual Conference*.
30. Parks NJ, Li W-W, Borlepwa V, Gray RW, Dattner S, Valenzuela V, 2001. Variation of visual air quality in the Paso del Norte airshed. *Proceedings of the 94th AW&MA Annual Meeting and Exhibition*, Orlando, Florida. 15 pages.
31. Turner CD and Li W-W, 2001. Developing sustainable engineering across a college of engineering. *Proceedings of the 2001 ASEE Annual Conference*, Albuquerque, New Mexico. 8 pages.
32. West KA, Kirschner SW, Li W-W, 2001. Novel approach to the use of geologic and soil-gas sampling data in risk assessment - A case study using an advective-diffusive emission model. Presented in *the Geological Society of America Annual Meeting & Exposition - 2001*, November 5 - 8, 2001, Boston, Massachusetts
33. Orquiz R, Li W-W, Pingitore NE, 2000. Temporal measurements of PM fine and coarse concentrations in El Paso. *Proceedings of the 93rd AW&MA Annual Meeting and Exhibition*, Salt Lake City, Utah, June 18-22. Paper #. 00-745, 20 pages.
34. Sheya SAN, Meuzelaar HLC, Li W-W, 2000. Novel analytical dimensions in exploratory field studies of air particulate matter. *Proceedings of the 93rd AW&MA Annual Meeting and Exhibition*, Salt Lake City, Utah, June 18-22. Paper #. 00-669, 11 pages.
35. Li W-W, Orquiz R, Pingitore NE, Espino TT, Gardea-Torresdey J, Chow JC, Watson JG, 2000. Analysis of temporal dichotomous PM air samples in the PdN region. Paper presented at *the Tropospheric Aerosols: Science and Decisions in an International Community*, A NARTRO Technical Symposium on Aerosol Science, Queretaro, Mexico, Oct. 23-27. 2000. 27 pages.
36. Li W-W, 1999. Characterization of ambient PM concentrations in the Paso del Norte region. *Proceedings of the 92nd AW&MA Annual Meeting and Exhibition*, St. Louis, MO, June 20-24. Paper #. 99-192, 18 pages.

37. **Li W-W**, 1999. A refined consequence analysis of spill events at a chemical distribution facility. *Proceedings of the 92nd AW&MA Annual Meeting and Exhibition*, St. Louis, MO, June 20-24. Paper #. 99-102, 13 pages.
38. **Li W-W**, Greenhalgh ME, Washburn ST, 1994. Implementation of a risk-based air monitoring program using integrated and continuous air monitors. *Proceedings of the 1994 EPA/A&WMA International Symposium on Measurement of Toxic and Related Air Pollutants*, p. 741-751.
39. **Li W-W** and Long M, 1993. Evaluating the impact of subsurface contaminants on indoor air quality using field measurements and estimates from a convective-diffusive transport model. *Proceeding of the 1993 EPA/A&WMA International Symposium on Measurement of Toxic and Related Air Pollutants*. p. 41-51.
40. **Li W-W**, Firth MJ, Harris RH, 1992, Health risk reduction based on Monte Carlo simulation and air dispersion modeling at a chemical processing facility. In *Proceedings of the 85th Annual Meeting & Exhibition of the Air and Waste Management Association*, Kansas City, Missouri, June 21-24. Paper #. 92-149.03, 18 pages.
41. Washburn ST and **Li W-W**, 1992. Risk assessment under 1990 New Clean Air Act Amendments. In *Proceedings of the First National Symposium on Permitting Under the Clean Air Act Amendments: Technologies at Work*, Washington, D.C., April. 21 pages
42. **Li W-W**, Kleiman CF, Firth MJ, Baviello MA, Highland JH, 1991. An expert systems approach to screening environmental data at contaminated sites. *Proceedings of the 84th Annual Meeting of the Air & Waste Management Association*, Vancouver, British Columbia, June 16-21. Paper #. 91-119.11, 20 pages.
43. **Li W-W**, Scott MP, Bradstreet JW, 1990. Modeling of On-site Air Concentrations at Superfund Sites. *Superfund 90*, p. 117-122.
44. **Li W-W**, 1990. Estimation of air emissions utilizing indirect on-site emission measurements. *Proceedings of the 83rd Annual Meeting of the Air & Water Management Association*, Pittsburg, PA, June 24-29. Paper #. 90-82.3, 18 pages.
45. **Li W-W** and Meroney RN, 1985. Measurements of the two-point Eulerian velocity statistics in a turbulent boundary layer. In *Proceedings of the Seventh Symposium on Turbulence and Diffusion*, American Meteorology Society, Boulder, Colo., November.

Selected Conference/Meeting Papers and Presentations

1. **Li W-W**, Williams E, Vazquez L, Chavez M , 2022. Monitoring of three criteria air pollutants at an international port of entry, submitted for a presentation at the 2022 National Ambient Air Monitoring Conference, Pittsburgh, PA, August 22-25, 2022

2. Chavez M, Vazquez L, Hernandez Y, Toquinto F, Williams E, Vazquez A, **Li W-W**, 2022. Low-cost PM2.5 measurements in a binational metropolitan area along the U.S.-Mexico border, presented at the Air Sensors International Conference, May 11-13, 2022.
3. Williams E, Vazquez L, Chavez M, **Li W-W**, 2022. Rapid Assessment of Community Air Quality Using Real-time Mobile Air Monitors, presented at the Air Sensors International Conference, May 11-13, 2022.
4. Chavez M and **Li W-W**, 2021. Project overview, sensor calibration, and quality assurance, Technical Exchange on Air Sensor Networks Along the Mexico-U.S. Border, sponsored by the U.S. EPA, Office of Air Quality Planning and Standards June 9, 2021. (webinar)
5. Chavez M, **Li W-W**, 2021. Modeling spatiotemporal exposures to traffic-related air pollutants in a near-highway microenvironment, Transportation, Air Quality, and Health (TAQH2021) symposium, May 18, 2021. (virtual symposium)
6. Chavez M, Li W-W, 2021. Low-cost sensor study in the Paso del Norte, discussion on PM2.5 air sensors and correction factors, U.S. EPA, Office of Air Quality Planning and Standards, March 22, 2021 (virtual meeting)
7. Chavez M, Li W-W, 2021. Low-cost sensor study in the Paso del Norte, presented in the 79th meeting of Joint Advisory Committee (JAC) for the Improvement of Air Quality in the Ciudad Juárez, Chihuahua / El Paso, Texas / Doña Ana County, New México Air Basin, Feb. 11, 2021 (virtual meeting)
8. **Li W-W**, 2020. Exposures to COVID-19 in a small transportation environment, COVID-19 impacts on Transportation, Air Quality, and Health, Center for Advancing Research in Transportation Emissions, Energy, and Health, A USDOT University Transportation Center, Dec. 3, 2020, (Webinar, invited speaker)
9. Aguilera J, Jeon S, Chavez M, Ibarra G, Ferreira-Pinto J, **Li W-W**, Whigham L, 2020. Associations of Traffic and Air Pollution with Obesity and Fasting Glucose in Low-Income Populations, Obesity Week: The Obesity Society, Atlanta, Georgia, Nov. 3-6, 2020. (virtual symposium)
10. Vallamsundar S, Asityskariyeh M, Farzaneh R, Venugopal M, **Li, W-W**, 2020, Assessment of Personal Exposure to Air Pollution in the Vicinity of US-Mexico Border Crossings: A Case Study in El Paso, TX, presented at the 2nd Transportation, Air Quality, and Health Symposium, Riverside, CA, May 16-18, 2020. (virtual symposium)
11. Aguilera J, Jeon, S, Chavez M, Ibarra G, Ferreira-Pinto J, Whigham L, **Li W-W**, 2020. Short-term associations of traffic-related air pollutants on cardiorespiratory risk factors from low-income populations in El Paso, Texas, presented at the 2nd Transportation, Air Quality, and Health Symposium, Riverside, CA, May 16-18, 2020. (virtual symposium)
12. Raysoni, A, Sarnat J, Chavez M, Parsons J, **Li W-W**, 2020. Elemental Analysis of PM2.5 at four schools in El Paso, TX, USA and Ciudad Juarez, Chihuahua, MX., presented at the 2nd Transportation, Air Quality, and Health Symposium, Riverside, CA, May 16-18, 2020. (virtual symposium)

13. Chavez M and Li W-W, 2020. Modeling spatiotemporal exposures to traffic-related air pollutants in a near-highway microenvironment, presented at the 2nd Transportation, Air Quality, and Health Symposium, Riverside, CA, May 16-18, 2020. (virtual symposium)
14. Uwak I, Aguilera J, Ramirez I, Johnson N, Whigham L, Li W-W, Ramani T, Vallamsundar S, 2019. Exposure assessment of Traffic-Related Air Pollution in El Paso, Texas using personal and ambient monitoring, presented in the TRB Annual Meeting, Washington, D.C.
15. Li W-W, Jeon S, Raysoni A, Aguilera J, Whigham L, 2019. Near-highway criteria pollutant concentrations are weakly associated with adverse respiratory symptoms for asthmatic children attending road-side schools, presented in the Transportation, Air Quality, and Health Symposium, Austin, Texas, Feb. 18-20, 2019.
16. Li W-W, Chavez M, Jeon S, Ramirez I, 2019. the contribution of traffic emissions to near-road PM_{2.5} pollution using concentrations observed at near-road and urban-scale background air monitors, presented in the Transportation, Air Quality, and Health Symposium, Austin, Texas, Feb. 18-20, 2019.
17. Raysoni, AU, Jeon S, Aguilera J, Li W-W, 2019. Assessment of Asthma Control Questionnaire (ACQ) as a metric for children's traffic air pollution exposures at two roadside El Paso elementary schools, presented in the Transportation, Air Quality, and Health Symposium, Austin, Texas, Feb. 18-20, 2019
18. Vallamsundar S, Askariyeh M, Farzaneh R, Venugopal M, Li, W-W, 2019. Near-road monitoring data assessment: Impact of traffic, meteorology, and background concentration, presented in the Transportation, Air Quality, and Health Symposium, Austin, Texas, Feb. 18-20, 2019
19. Jeon S, Staniswalis, JG, Raysoni A, Li, W-W, 2019. Determination of the optimal sample size for a limited longitudinal cohort study of children's respiratory health and air quality, presented in the Transportation, Air Quality, and Health Symposium, Austin, Texas, Feb. 18-20, 2019
20. Aguilera J, Perez D, Redelfs A, Jeon S, Raysoni A, Li, W-W, Whigham L, 2019. Relationship between physical activities, fruits and vegetables, and air quality in children with asthma, presented in the Transportation, Air Quality, and Health Symposium, Austin, Texas, Feb. 18-20, 2019
21. Chavez, M and Li, W-W, 2018. Assessing spatiotemporal exposures to transportation pollutants in near-road communities using AERMOD. Center for Transportation, Environment and Community Health Annual Meeting, Davis, CA, Nov. 9, 2018.
22. Li W-W, Jeon S, Raysoni A, Aguilera J, Whigham L, Rangel A, Chavez M, Ramirez I, 2018. Association of respiratory responses with traffic air pollution for asthmatic children attending road schools, presented in the Air Sensor International Conference, Oakland, CA. Sep 12-14, 2018.
23. Aguilera J, Jeon S, Chavez M, Whigham L, Li, W-W, 2018. Moderate to vigorous physical activity levels negatively correlate with traffic related air pollutants in children with asthma attending a school near a freeway. presented in the 73rd meeting of the Joint Advisory Committee for the Improvement of Air Quality in the Cd. Juarez, Chihuahua, El Paso, Texas, and Dona Anna County, New Mexico Air Basin, Las Cruces, NM, Sep 20, 2018.
24. Amit U. Raysoni, Juan A. Aguilera, Leah D. Whigham, Stephanie Garcia, Moises Garcia, Adan Rangel, Mayra C. Chavez, Ivan M. Ramirez, Wen-Whai Li, 2018. Airway inflammation and lung function measurements in asthmatic children at two road-side elementary schools in El Paso, TX. Presented

- at the American Public Health Association 2018 Annual Meeting and Expo, Nov. 10-14, 2018, San Diego, CA.
25. **Li W-W**, 2017. U.S. DOT Center for Advancing Research in Transportation Emission, Energy, and Health (CAR_TEEH): Research Activities in El Paso, presented in the 69th meeting of Joint Advisory Committee (JAC) for the Improvement of Air Quality in the Ciudad Juárez, Chihuahua / El Paso, Texas / Doña Ana County, New México Air Basin, El Paso, Texas, May 25, 2017
 26. Hargrove WL, Hampton E, **Li W-W**, 2016. Buen Ambiente-Buena Salud: An Education-Based Program for Addressing Air Quality on the USA-Mexico Border, presented to U.S. EPA Office of Air and Radiation, Jan 6-10, 2013. Austin, Texas.
 27. Hampton E, **Li W-W**, Gill T, Hargrove W, 2013. Buen Ambiente-Buena Salud: An Education-Based Program for Addressing Air Quality in a USA-Mexico Border Metroplex, presented at the 93rd American Meteorological Society Annual Meeting, Oct. 11, 2013. Washington, D.C.
 28. Armijos R, Weigel M, Pingitore NE, **Li W-W**, Myers O, Berwick M, Racines-Orbe M, 2012. Urban air pollution, systemic inflammation, and sub-clinical atherosclerosis in Ecuadorian children, presented in the American Public Health Association 140th Annual Meeting & Expo, Oct. 27-31, 2012. San Francisco, CA.
 29. Yang H, González-Ayala S, Tarin G, **Li W-W**, Valenzuela V, Pinal G, 2012, Development of MOVES-Mexico Stage I: Ciudad Juarez Chihuahua and the Quantification of Uncertainties, presented in the 20th International Emission Inventory Conference - "Emission Inventories - Meeting the Challenges Posed by Emerging Global, National, and Regional and Local Air Quality Issues", Tampa, Florida, August 13 - 16, 2012
 30. **Li W-W**, Sosa TM, Cheu RL, Ramirez A, 2012. Evaluation of Transportation Mitigation Measures on Air Quality and Traffic Congestion at the Bridge of the Americas Port of Entry, presented in the Health Impacts of Border Crossings Conference 2012, May 2-4, 2012, San Ysidro, CA.
 31. **Li W-W**, Yang HY, Pinal G, Valenzuela V, Olvera H, Cheu RL, Fitzgerald R, Yang HL, 2012. Development of Emission Inventory Improvements and Control Strategies for Ozone Reduction in El Paso, Texas. Presented in the 53rd Meeting of the Joint Advisory Committee for the Improvement of Air Quality in the Ciudad Juárez, Chihuahua / El Paso, Texas / Doña Ana County, New México Air Basin, Jan. 26, 2012. El Paso, Texas.
 32. **Li W-W**, Pinal G, Valenzuela V, Yang HY, Olvera H, Cheu RL, Fitzgerald R, Yang HL, 2011. Conceptual Model for Ozone Reduction in El Paso, Texas. Presented in the 52nd Meeting of the Joint Advisory Committee for the Improvement of Air Quality in the Ciudad Juárez, Chihuahua / El Paso, Texas / Doña Ana County, New México Air Basin, Oct. 27, 2011. Sunland Park, NM.
 33. Stock TH, **Li W-W**, Sarnat JA, Raysoni AU, Olvera HA, Sarnat SE, Holguin F, 2011. The Impact of Traffic-Related Air Pollutants on Indoor Air Quality at Four Elementary Schools in El Paso, Texas with Different Air Conditioning Systems, presented in the 12th International Conference on Indoor Air Quality and Climate, June 5-10, Austin, Texas.

34. Sosa T and Li **W-W**, 2011. Development of a Land Use Regression Model to Predict Nitrogen Dioxide Concentrations., presented in the Emerging Researchers National Conference in STEM, Feb. 23-26, 2011, Washington, D.C.
35. Kaden D, Hendler EE, Bruhl R, Li **W-W**, Sarnat S, Olaguer E, Guven B, Zielinska B, Fujita E, Beskid C, 2011. Science to Address Texans' Health, presented at The Society of Toxicology 50th Annual Meeting, March 6-10, 2011, Washington, D.C.
36. Olvera HA, Perez D, Clague JW, Li **W-W**, Cheng YS, Pingitore N, 2010. Size-Resolved Measurements of Polydispersed Hygroscopic Ultrafine Particle Deposition in the Respiratory Tract of Children, presented at *the AAAR 29th Annual Conference*, March 22-26, Portland, OR
37. Li **W-W**, Raysoni AU, Sarnat JA, Stock TH, Sarnat SE, Holguin F, Greenwald R, Olvera HA, Johnson BA, 2010. Indoor-outdoor measurements of Traffic Related Air Pollutants in four elementary schools in El Paso, Texas, invited to present in the Coordinated Research Council Mobile Source Air Toxics Workshop, Nov. 30 – Dec. 2, 2010, Sacramento, CA
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utilizing real time anemometer statistics. Colorado State University, Fort Collins, CO, July 1982, CET82-83WWL-RNM1.

39. Li W-W, 1981. *Wind tunnel study of gas dispersion near a cubical model building*, M.S. Thesis, Colorado State University, Fort Collins, CO, Summer, 1981. CET80-81WWL30.

Ph.D. and M.S. Graduates (served as Dissertation/Thesis Advisor)

Ph.D

1. Aguilera, J., 2020. Association of traffic related air pollution with physical activity and cardiorespiratory health outcomes in at-risk populations from El Paso, Texas, **Ph.D. Dissertation** (Co-advisor with Leah Whigham), **Best Ph.D. Dissertation, College of Health Science, UTEP, 2020**
2. Chavez, M., 2019. Assessing children's spatiotemporal exposures to transportation pollutants in near-road communities, **Ph.D. Dissertation, Best Ph.D. Dissertation, College of Engineering, UTEP, 2020**
3. Montoya, T., 2013. Characterization of particulate matter concentrations (PM₁₀, PM_{10-2.5}, PM_{2.5}) at high-altitude school and residential microenvironments in Quito, Ecuador, **Ph.D. Dissertation.**
4. Valenzuela, V., 2013 Evaluation of emission control strategies to reduce ozone pollution in the Paso del Norte region using a photochemical air quality modeling system, **Ph.D. Dissertation.**
5. Raysoni, A., 2011. Assessment of intra-urban traffic related air pollution on asthmatic children's exposure at schools in the Paso de Norte Region, **Ph.D. Dissertation.**
6. Mares, J., 2010. A GIS-based emission and air quality impact assessment tool for evaluating transportation mitigation measures, **Ph.D. Dissertation.**
7. Olvera, H., 2006. Numerical simulations of a hydrogen release in the vicinity of a cubical building, **Ph. D. Dissertation**
8. Garcia, J., 2004. Determination of PM compositions and sources in the El Paso del Norte region using time-resolved integrated source and receptor models. **Ph.D. Dissertation.**
9. Paschold, H., 2002. The effects of evaporative cooling on indoor/outdoor air quality in an arid region, **Ph.D. Dissertation**

M.S.

10. Leonardo D. Vazquez-Raygoza, 2022. Identifying particulate matter spatial variation in the El Paso del Norte region using land-use regression modeling and data obtained from a network of low-cost sensors. M.S. Thesis.
11. Marcos A. Banta-Morales, 2022. Influence evaluation on near-road concentrations of PM_{2.5} during Covid-19 pandemic. M.S. Thesis
12. Ivan M. Ramirez, 2021. Sensitivity analysis of transportation emissions on near-road air dispersion using the EPA-approved Gaussian air dispersion model AERMOD. M.S. Thesis

13. Adan Rangel, 2018. A comparative study characterizing traffic related air pollutant concentrations at near-road communities in El Paso, Texas, M.S. Thesis
14. Chavez, M., 2016. Estimating air concentrations using MOVES generated site-specific traffic emissions, M.S. Thesis.
15. Sisneros, M., 2014. Evaluation of ozone trends in southern Dona Ana County, New Mexico thru wind rose analysis and use of HYSPLIT model, M.S. Thesis.
16. Sandoval, A., 2012. Evaluation of ozone trends and distribution in the Paso del Norte region using TCEQ's CAMS data and ozone data collected at two supplemental sites, M.S. Thesis.
17. Arizpe, G.E., 2012. Analysis of air quality impacts in Sunland Park, New Mexico by Puerto Anapra, Mexico using the CALPUFF modeling system, **M.S. Thesis.**
18. Pinon, J., 2011. Analysis of indoor and outdoor particulate matter at various residences in the El Paso region, **M.S. Thesis.**
19. Sosa, T., 2010. Development of a land-use regression model to predict nitrogen dioxide concentrations, **M.S. Thesis.**
20. Guerrero, V., 2010. Variation of number and mass concentration of particular matter at the international Bridge of the Americas in El Paso, Texas, **M.S. Thesis**
21. Garcia, M., 2010. Assessing annual and seasonal spatial variability of ambient PM10 using linear regression analysis in a US-Mexico urban sprawl, **M.S. Thesis**
22. Garcia, N., 2008. Analysis of number and mass concentration of coarse and fine particulate matter measurements within a heavy-duty diesel truck stop, **M.S. Thesis.**
23. Gamez, J., 2007. Diurnal variations in ambient fine and ultrafine particle concentrations near a major highway in El Paso, Texas, **M.S. Thesis.**
24. Singavarapu, S.L., 2007. Prediction of H₂S Emissions from a Wastewater Treatment Plant and Determining Its Impact Using an Air Dispersion Model-AERMOD, **M.S. Thesis.**
25. Mora, J., 2006. Characterization of indoor PM_{2.5} cooking pollutants in Paso del Norte households, **M.S. Thesis**
26. Franco, C., 2006. Impact assessment of H₂S emitted from a wastewater treatment plant using AERMOD air dispersion model and field data, **M.S. Thesis**
27. Gaddala Vijay, Deepti D., 2006. Polycyclic aromatic hydrocarbon in the city of El Paso, **M.S. Thesis**
28. Molina, E., 2005. Implications of Airborne PM_{2.5} and Nitrogen Dioxide at Cd. Juarez, Mexico, **M.S. Thesis**
29. Velarde, R., 2004. The Impacts of Arsenic Emissions on the Community Due to the Historical Operation of a Metal Processing Plant, **M.S. Thesis**
30. Raina, D., 2004. Innovative Monitoring of Visibility Using Digital Imaging Technology in an Arid Urban Environment, **M.S. Thesis**

31. Cardenas, N., 2003. Meteorological and chemical analyses of airborne PM at Sunland Park, NM, ***M.S. Thesis.***
32. Nagaraj, A., 2002. Sensitivity analysis of CAMx ozone modeling at the Paso del Norte air quality basin, ***M.S. Thesis***
33. Olvera, H., 2002. GIS-based emission inventory for the El Paso Ciudad Juarez Region, ***M.S. Thesis***
34. Sawant, R. 2002. Haze and visibility in wilderness and urban areas. ***M.S. Thesis***
35. Orquiz, R., 2001. Gravimetric and Elemental Concentrations of Particulate Matter in the El Paso-Cd. Juarez air Basin. ***M.S. Thesis***
36. Chianelli, J. R. 2001. Rapid Assessment of Chemical Spills for International Communities. ***M.S. Thesis***
37. Borelepwar, V., 2001. The Haze and Visibility in the Paso del Norte Airshed. ***M.S. Thesis***
38. Gonzalez, L., 2001. Characterization and Measurement of Indoor VOC Concentrations in the Paso del Norte Region. ***M.S. Thesis***
39. Cervantes, R. 2001. Modeling the VOC emission episodes at a petroleum processing facility. ***M.S. Thesis***

Adviser/Supervisor to Current Ph.D. and M.S. Students:

Post-Doctoral Fellow

1. Dr. Mayra Chavez

Ph.D. Students:

1. Perla Torres, ESE
2. Karen del Rio, Education

M.S. Students:

1. Leonard Vazquez
2. Marcos Banta
3. Evan Williams

Undergraduate Students:

1. Berenice Flores
2. Leonardo Vasquez
Vazquez L., 2021. **The application of low-cost sensors for assessing PM air pollution in the El Paso del Norte Region**, COURI Spring 2021 Virtual Symposium, April 26-30, 2021 (Mentor: Li W.-W)
3. Evan Williams
Williams E., 2021. **Assessing Ambient Air Quality Using Real-time Air Monitors Mounted on a Transit Vehicle**, COURI Spring 2021 Virtual Symposium, April 26-30, 2021 (Mentor: Li W.-W)

EXHIBIT F

INTRO:

El Paso's Puente Libre- The Bridge of the Americas in barrio Chamizal is receiving \$700+million of federal Bipartisan Infrastructure funding for necessary renovations. This long-overdue investment should be used as intended- to reduce the emissions and address the impact on overburdened, vulnerable communities, specifically, our children's health.

"This is a public health issue. Lives are being affected. To dismiss the health of residents and prioritize the maquiladora industry is not acceptable." We have not had clean air for 30 years! Protect our health. We - as residents of the Chamizal are asking representatives and public entities such as the Joint Advisory Council to Tell NEPA to "Get the Trucks Out!"

"After a year and a half of advocacy, the federal government has -as of December 13, 2023- provided a potential alternative design that removes the heavy polluting diesel semi-trucks from el puente libre, BOTA. We want to send a clear message that this alternative #4 is the only option that would address this dangerous public health issue. The time to relocate the idling trucks is now,"

According to the National Institute of Health: diesel semi truck pollution (PM2 ultrafine particles) are the worst of the worst! These dangerously small cancer causing particles infect our lungs 🫁 restricting our ability to breath, seep poison into our bloodstream 🩸, settle in our bones 🦴, as the toxicity damages our brains 🧠 deteriorating our cognitive abilities for a lifetime. Our children are most vulnerable, especially Zavala Elementary students, who during their most important developmental years, they're inundated in diesel truck pollution because the 500+ diesel trucks that surround them daily using the free bridge- El Puente Libre .

The World Health Organization declared that Diesel fumes cause lung cancer. Experts state diesel fumes ["are more carcinogenic than secondhand cigarette smoke."](#) We Must Protect Children's Health and place a very high priority on communities like ours where environmental injustice has deadly and debilitating consequences. [The effects are forever.](#) "We need this once-in-a-lifetime investment to protect children from this silent killer. To prioritize the profits of an industry over the health of our children is wrong. The working poor families of El Paso should not have to bear these burdens," states Hilda Villegas, president of Familias Unidas del Chamizal neighborhood association.

Diesel exhaust is the worst of the worst. The EPA states, it contains more than 40 toxic 'cancer-causing' air contaminants. A recent study reveals large diesel trucks to be the greatest contributors to harmful emissions on the road, indicating that vehicle types matter more than traffic volume for near-road air pollution. ["Whether it be cancer, respiratory problems, cardiac problems or neurodegenerative problems, there are numerous adverse health effects associated with the chemicals in these emissions. If we were able to reduce emission of pollutants, we would see an immediate climate benefit."](#)

In fact, we are part of a national coalition to address this killer particulate matter- we spent the years during covid organizing on the PM issue, and we convinced the EPA to strengthen standards on pm2.5. We are represented by TRLA

Will NEPA'S Environmental Impact Statement include a Cumulative Impact or Health Analysis?

PLEASE SUBMIT YOUR COMMENTS TO NEPA BY/BEFORE FRIDAY, FEB. 23, 2024, 3PM (MST) to:
BOTA.NEPACOMMENTS@GSA.GOV

Tell the to: GET THE TRUCKS OUT, NOW!

SAMPLE TEXT: Dear NEPA: (Introduce yourself) My name is xxxxxxxx and I am very concerned about the health of my community. (Highlight concern) Barrio Chamizal has heavy semi truck traffic is a public health issue causing dangerous levels of pollution. (Personal is Powerful!) My child has difficulty breathing and suffers from asthma. (Demand) Get the Trucks Out, Now! Protect our Health! We urge NEPA to select Option #4: REMOVAL OF COMMERCIAL TRUCKS. (*Extra: Ask Questions) Will NEPA'S Environmental Impact Statement include a Cumulative Impact or Health Analysis? Thank you.
Sincerely, xxxxxxx

We will be collecting comment cards to hand-deliver, too. Please come by Cafe Mayapan, 2000 Texas Ave. to fill out your card.

APPENDIX B

Scoping, Public Involvement, and Agency Coordination

APPENDIX B
Public Outreach Efforts

----- Forwarded message -----

From: **Sito** <sito.negron@gmail.com>

Date: Fri, Feb 23, 2024 at 1:40 PM

Subject: BOTA NEPA comment

To: <bota.nepacomments@gsa.gov>, <karla.carmichael@gsa.gov>, <daniel.partida@gsa.gov>

Dear GSA:

I write on behalf of the Sunset Heights Neighborhood Improvement Association to ask that you choose Action Alternative 4, which renovated the port facility to accommodate personal vehicles and pedestrians.

El Paso is an oasis in the desert, but one would be hard-pressed to see that given the development of the river valley, which created the Pass for transportation and fertile ground for agriculture. Where BOTA stands now was farmland and suburbs only a generation ago.

We cannot restore what was, but as we learn more about the impacts of our built environment and community health, and build in equity analysis as we maintain existing facilities and develop new ones, we can do better than we have.

Removing commercial activity from this port, creating a welcoming, efficient, and secure facility, would go a long way toward upholding the promises made by the White House and by the Transportation Secretary to do just that - better.

I'm sure your research, and the many comments received, point you to similar conclusions. The neighborhoods adjacent to BOTA and other significant facilities, such as I-10, have elevated levels of asthma and other pollution related illness and disease. While the causes may be many, including the presence of polluting industry, there is no question that these transportation facilities are significant contributors. In fact, BOTA feeds I-10, and removing commercial traffic from BOTA may have a salubrious effect on I-10. In addition to supporting other neighborhoods, this of course is of great importance for Sunset Heights and the many other neighborhoods adjacent to I-10.

Given the federal investment, and the community history and sentiments, the BOTA port renovation has an opportunity to be a landmark project that goes a long way towards the promise of environmental justice.

Thank you for your work, and please do not hesitate to reach out should you have any questions or comments.

Sito Negron
President, Sunset Heights Neighborhood Improvement Association

Sent from my iPhone



City Representative Josh Acevedo, Ed.D. District 2

February 23, 2024

To the U.S. General Services Administration:

As you consider several plans for the proposed modernization of the Bridge of the Americas (BOTA), I write in support of “Action Alternative Four – No Commercial Traffic” to be submitted into the official record for the BOTA Environmental Impact Statement process. I understand that the bridge is long overdue for modernization, so I want to capitalize on this moment to remove the daily, idling truck traffic going into Mexico.

My district starts at the U.S.-Mexico border, includes the Bridge of the Americas, the Medical Center of the Americas (MCA), and is adjacent to Barrio Chamizal. I have spoken to my constituents and it is clear that the removal of trucks from the BOTA would be a breath of fresh air for the families that live, work, and go to school in this area. The residents that I represent in this area have been advocating tirelessly on behalf of their neighbors through their neighborhood associations – San Juan, Corbin/Sambrano, Val Verde, and Washington-Delta. Today, I unite my voice to these associations and constituents asking for the same thing – clean air.

This is a culmination of years and generations of people who seek justice to the callousness cast upon these immediate neighborhoods. The U.S. and Mexico agreed to end a 100-year land dispute with the signing of the Chamizal Treaty in 1963. The treaty displaced hundreds of Mexican American people and the border was physically moved. The signing of this treaty was a significant time for my mother and grandparents, as they lived in a house on Piedras Street, in the Chamizal neighborhood, from 1961 to 1967.

Over the next years, challenges for this community south of Interstate 10 continued to emerge. Organizations around basic human rights and education, La Mujer Obrera and Familias Unidas del Chamizal, have fought for clean air and safe spaces for children to learn in this area. In the 1980s, La Mujer Obrera began advocating for a public library in the Chamizal that only came to fruition in 2021.

Bowie High School, a beloved institution in the Chamizal neighborhood, was at the center of a 2010 cheating scheme that was the start of a public corruption scandal that plagued the El Paso Independent School District for several years. In 2018, EPISD moved a bus hub next to Bowie High School – ignoring concerns by families around their children breathing polluted air at school.

In 2019, I was elected to a seat on the EPISD Board of Trustees where I served until 2024. I ran because EPISD closed schools near the Bridge of the Americas without any consideration for the impact that school closures would have on families and their children. Familias Unidas del Chamizal raised environmental and safety concerns around leaving Zavala Elementary open over Beall Elementary because of the toxic exhaust that these idling trucks leave behind for children to breathe, but were once again ignored by the agencies responsible for protecting students and families.

Trade is absolutely important to our border region, but so is clean air. Many of my constituents near the BOTA have suffered through a history of displacement, polluted air, educational challenges, and health issues because of the air they are breathing where they live. The people here have had enough. They are asking us to move commercial traffic. The air in their neighborhood is bad. The decision to keep commercial traffic at BOTA is worse.

The community's ask to move commercial traffic is not without solutions. There is infrastructure in Tornillo that can accommodate commercial traffic. This is an issue we need to approach from both sides of the border. I am setting up a meeting with Ciudad Juarez Mayor Cruz Pérez Cuéllar in the coming weeks to see how we could approach the removal of trucks from both sides of the border to make sure maquiladoras and international trade can be rerouted to other neighboring ports of entry in a seamless way.

Community-oriented leadership and decision making is at the forefront of everything that I do. As the City Representative for District 2, I am asking the U.S. General Services Administration to move commercial traffic away from the Bridge of the Americas. I firmly believe that a person's zip code should not dictate the access they have to clean air, education, and other critical resources for an adequate quality of life. We have an opportunity to correct the mistakes of the past, while reimagining border trade in our binational community. Let's do it, together, through "Action Alternative Four."

Sincerely,



Josh Acevedo, Ed.D.

CHAIRWOMAN OF THE BOARD

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Texas Gas Service

PRESIDENT & CEO

Andrea Hutchins
El Paso Chamber

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River Oaks Properties

Brad Taylor
Mountain Star Sports

Marcus Taylor
FriendLee Modern Insurance

Kelly Tomblin
El Paso Electric



303 N Oregon Street | Suite 610
El Paso, TX 79901

Subject: Public Comment Re: Bridge of the Americas Modernization and Expansion Project

After receiving recommendations from the El Paso Mobility Coalition's Executive Committee, the Chamber's Board of Directors has taken action to support the following:

- The GSA's approach to community engagement should be comprehensive and equitable. Before a final decision is made regarding the future of commercial traffic at BOTA, we must have a strategic plan in place and the data needed to determine where commercial traffic can be rerouted. We need a plan that aligns with the unique needs of our land ports as a regional system.
- If it is determined to keep commercial traffic at BOTA, then GSA should consider an alternative route for commercial traffic by utilizing the infrastructure of Loop 375 Border Highway to help relieve commercial traffic and congestion in the existing neighborhood.
- GSA must further collaborate with the Texas Department of Transportation so that existing state infrastructure and future plans are coordinated for maximum benefit to the region.
- Coordination of transportation planning efforts between El Paso, Southern New Mexico and Ciudad Juarez must be a priority. Ciudad Juarez is currently experiencing about double the new industrial investment as compared with El Paso and their city is also experiencing transportation strains.

We have a once-in-a-generation opportunity to create a state-of-the-art land port that El Paso deserves. We remain committed to working with all port of entry stakeholders to ensure our land ports operate efficiently.

Respectfully,

Andrea Hutchins
El Paso Chamber CEO

APPENDIX B

Scoping, Public Involvement, and Agency Coordination

APPENDIX B
Public Outreach Efforts

AFFIDAVIT OF PUBLICATION


Ronald Vance Moore
3809 Camino Drive
Plano TX 75074

STATE OF WISCONSIN, COUNTY OF BROWN


The El Paso Times, a newspaper published in the city of El Paso, El Paso County, State of Texas, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

06/23/2024

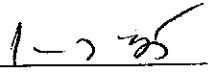
and that the fees charged are legal.
Sworn to and subscribed before on 06/23/2024



Legal Clerk



Notary, State of WI, County of Brown



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THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KATHLEEN ALLEN
Notary Public
State of Wisconsin

Notice of Public Meeting
Proposed Improvements at
the Bridge of the Americas
Land Port of Entry El Paso,
Texas

In accordance with the National Environmental Policy Act and General Services Administration (GSA) implementation regulations, the public is hereby notified that the GSA will be holding a meeting to inform the public and seek input regarding proposed improvements at the Bridge of the Americas Land Port of Entry. Interested parties are invited to attend the meeting, learn about the proposed improvements, the NEPA process, ask questions, and provide input and comments on the proposal. The meeting will be a casual come and go event. There will be a brief update of the EIS status and the alternatives under consideration. Translators will be available and a limited number of headsets on a first come basis. Comments on the proposed improvements will be accepted for 30 calendar days following the meeting date of Wednesday, June 26, 2024. The meeting will be from 5:30pm-7:30pm MTN and will be located at the Hilos De Plata Senior Center, 4451 Delta Drive. Questions/comments can be directed to Karla Carmichael, GSA Regional Environmental Quality Advisor, BOTA.nepacomments@gsa.gov. For information on attending the meeting virtually, or if other assistance is required, please contact Ms. Carmichael at the same email address.

June 23 2024
LACO0114516



**PROPOSED MODERNIZATION
BRIDGE OF THE AMERICAS (BOTA) LAND PORT OF ENTRY (LPOE)
EL PASO, TEXAS**



**PUBLIC SCOPING
MEETING**

**WEDNESDAY
June 26, 2024
5:30 -7:30 PM (MTN)**

**Presented by:
Karla R. Carmichael**

**U.S. General Services
Administration**

**Public Building Service
Region 7**



**PROPOSED MODERNIZATION
BRIDGE OF THE AMERICAS (BOTA) LAND PORT OF ENTRY (LPOE)
EL PASO, TEXAS**



MEETING FORMAT

- ▶ Introductions of Cooperating Agencies
- ▶ Overview of the project including current alternatives developed to implement the project.
- ▶ Overall anticipated project timing (start of construction, finish, etc.)
- ▶ Overview of the Environmental Impact Statement (EIS) process.
- ▶ Come-and-go breakout stations staffed for additional questions.

COOPERATING AGENCIES



▶ CBP-CUSTOMS AND BORDER PROTECTION

- ▶ Rob Villarreal, Project Manager robert.f.villarreal@cbp.dhs.gov
- ▶ Lynn Doiron, Environmental PM lynn.doiron@cbp.dhs.gov



▶ USIBWC-INTERNATIONAL BOUNDARY AND WATER COMMISSION

- ▶ Tamara Cortez – Engineering Services Division
- ▶ Gilbert Anaya – Environmental Management Division
- ▶ Mark Howe – Environmental Management Division



▶ CONSTRUCTION MANAGER ADVISOR (CMa)

- ▶ Turner & Townsend Heery
 - ▶ Allison Baker
 - ▶ Bill Slaybaugh





PROPOSED MODERNIZATION
BRIDGE OF THE AMERICAS (BOTA) LAND PORT OF ENTRY (LPOE)
EL PASO, TEXAS

PUBLIC COMMENTS AND INPUT

- ▶ Comment sheets provided. Leave them here tonight or mail them.
- ▶ Comments and input can also be submitted via email:

Email: *BOTA.NEPAcomments@gsa.gov*

Mail: Karla R. Carmichael
NEPA Program Manager
Environmental, Fire and Safety & Health Branch
GSA/PBS, Facilities Management and Services Programs Division
Greater Southwest Region 7
819 Taylor St, Room 12-B, FW, TX 76102

For assistance with translating, reading, writing or any questions please reach out to one of the GSA staff.

PROJECT OVERVIEW

The purpose and need for the proposed action is multi-dimensional; to provide new/updated Port infrastructure and facilities to correct deficiencies and bring facilities up to standards and current codes - specifically GSA P100 (*Facilities Standards for the Public Buildings Service*) and the CBP Land Port of Entry Design Standard.

In order to bring the BOTA LPOE in line with CBP's design standards and operational requirements, action is necessary to satisfy the following overriding needs:

- Improve the capacity and functionality of the LPOE to meet future public demand, while maintaining the capability to meet border security initiatives.
- Ensure the safety and security for the employees and the traveling public.



I10

SAN XAVIER
COMMUNITY

WASHINGTON
PARK

CHAMIZAL
NATIONAL
MEMORIAL
PARK

EL PASO
ZOO

E. PAISANO DR.

BRIDGE OF
THE AMERICAS
LAND PORT
OF ENTRY

US 54

PAISANO
GREEN
COMMUNITY

EL PASO COUNTY
COLISEUM AND
EVENTS CENTER

375

DELTA
DR

BRIDGE OF
THE
AMERICAS

EL PASO
RHINOS

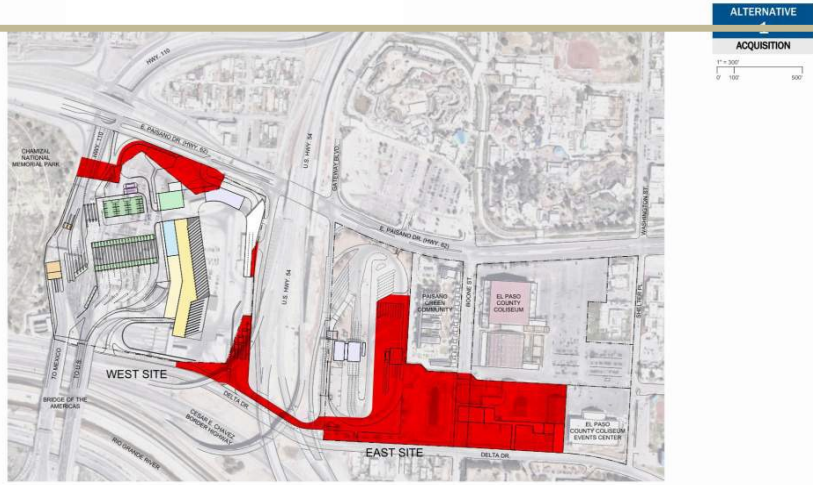
ACTION ALTERNATIVES DEVELOPED TO IMPLEMENT THE PROJECT

As part of project planning, the GSA has developed five (5) viable action alternatives as potential means of implementing the project.

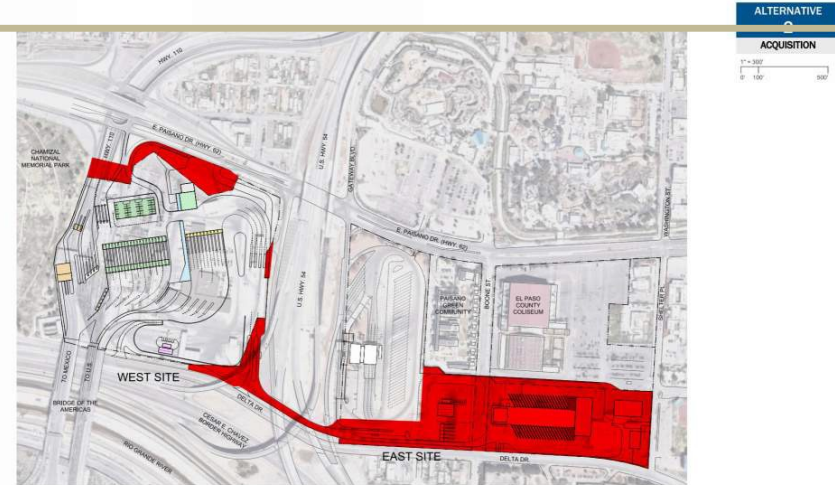
All five viable alternatives include the phased removal of all existing buildings/structures and infrastructure within the existing LPOE boundaries and construction of new buildings/structures and supporting infrastructure.

All five also include minimal land acquisition in areas immediately adjacent to the port, with some requiring varying degrees of additional land acquisition to the east.

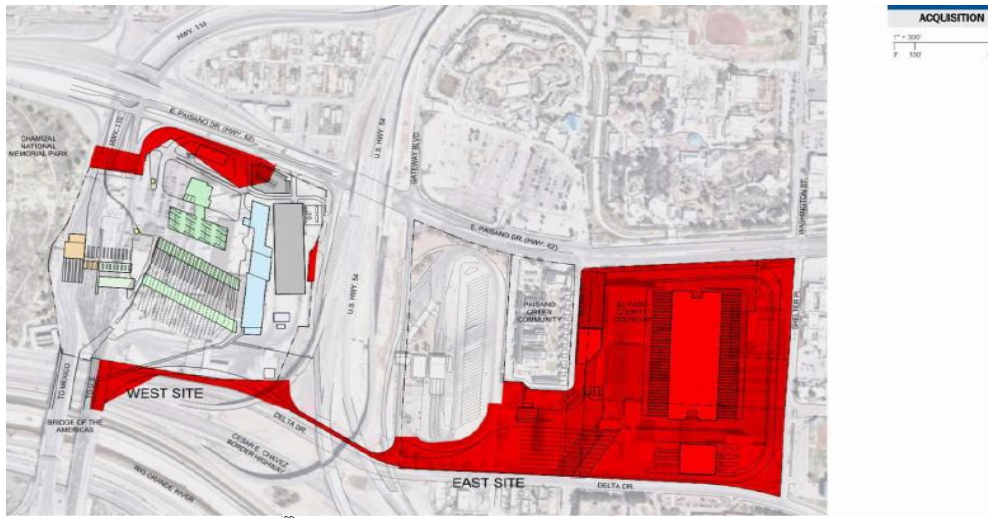
VIABLE ACTION ALTERNATIVES GSA STARTED WITH:



Viable Action Alternative #1



Viable Action Alternative #2

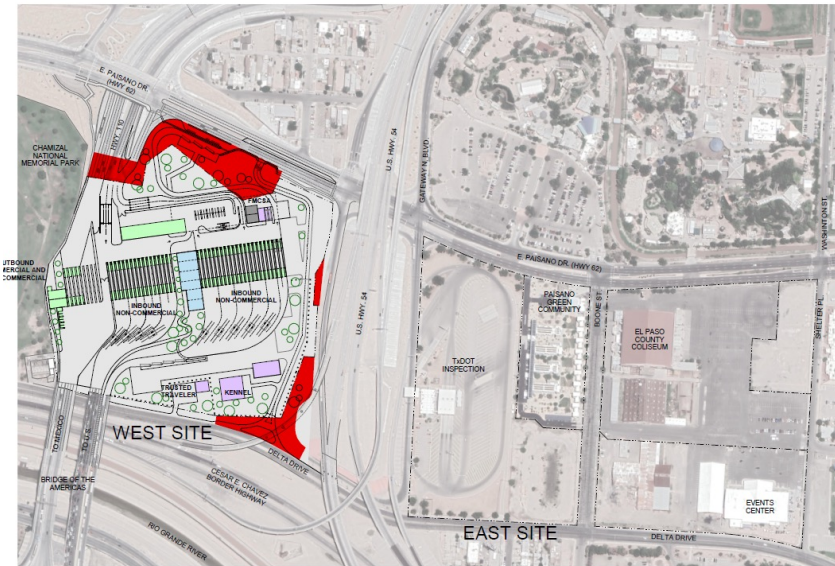


Viable Action Alternative #3



Viable Action Alternative #1A

CONTINUATION OF VIABLE ACTION ALTERNATIVES GSA STARTED WITH:



VIABLE
ALTERNATIVE 4
LAND ACQUISITION

PROPOSED LAND
ACQUISITION

Viable Action Alternative #4

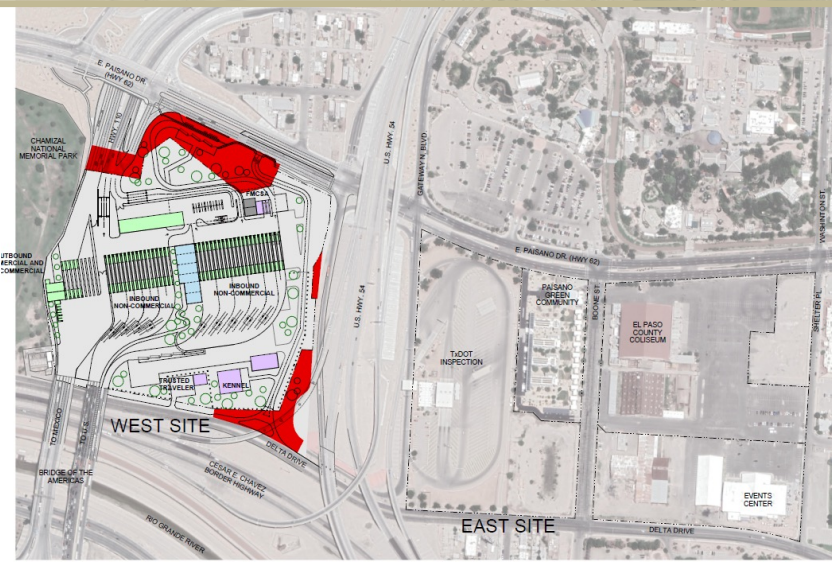
ALTERNATIVES CARRIED FORWARD FOR DETAILED ANALYSIS

VIABLE
ALTERNATIVE 4

LAND ACQUISITION



Action Alternative #1A



Action Alternative #4

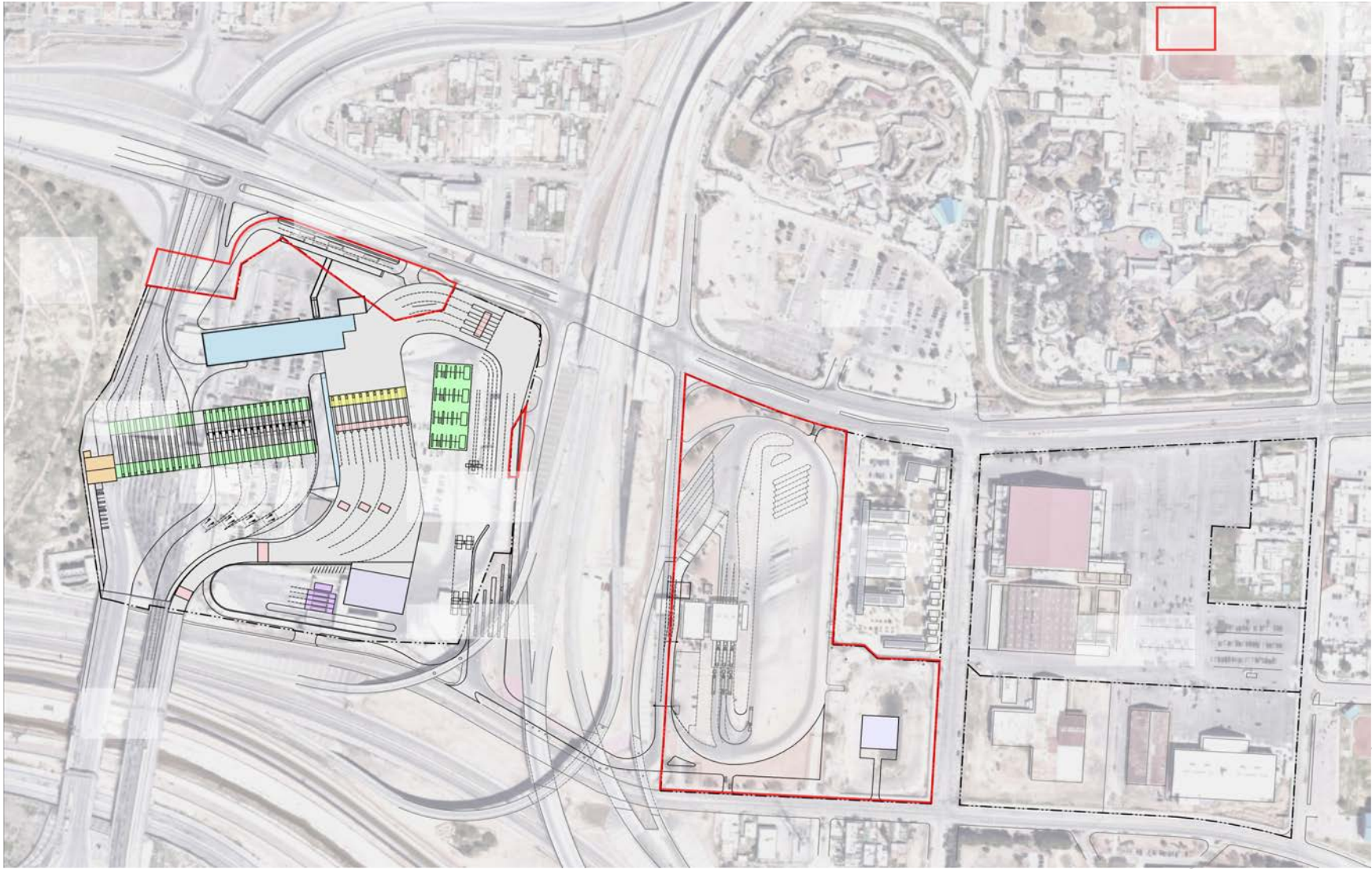


No Action Alternative

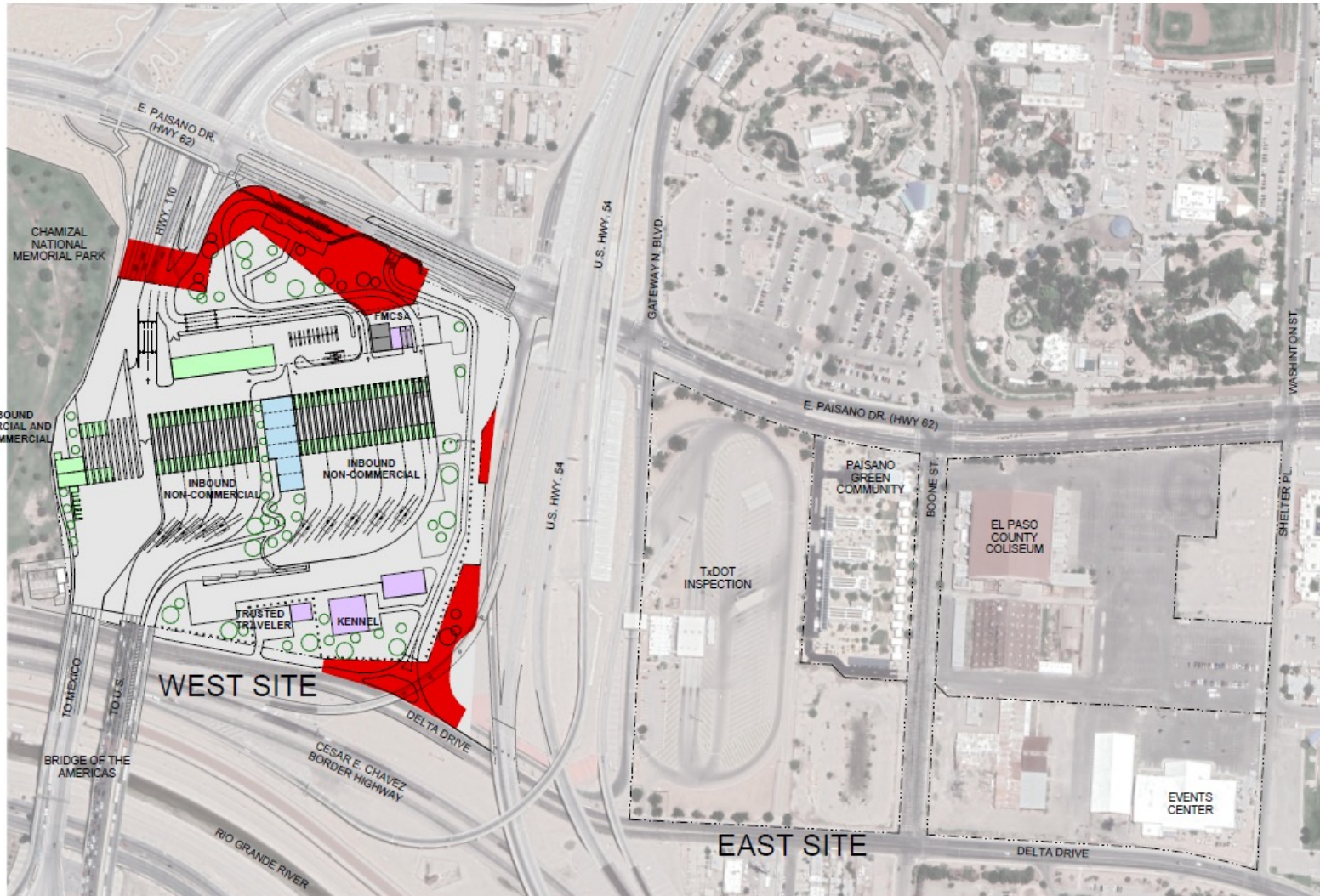
ACTION ALTERNATIVE 1A: FLEXIBLE WITH HIGH – LOW BOOTHS



ACTION ALTERNATIVE 1A: FUTURE NO COMMERCIAL



ACTION ALTERNATIVE 4 – NO COMMERCIAL TRAFFIC

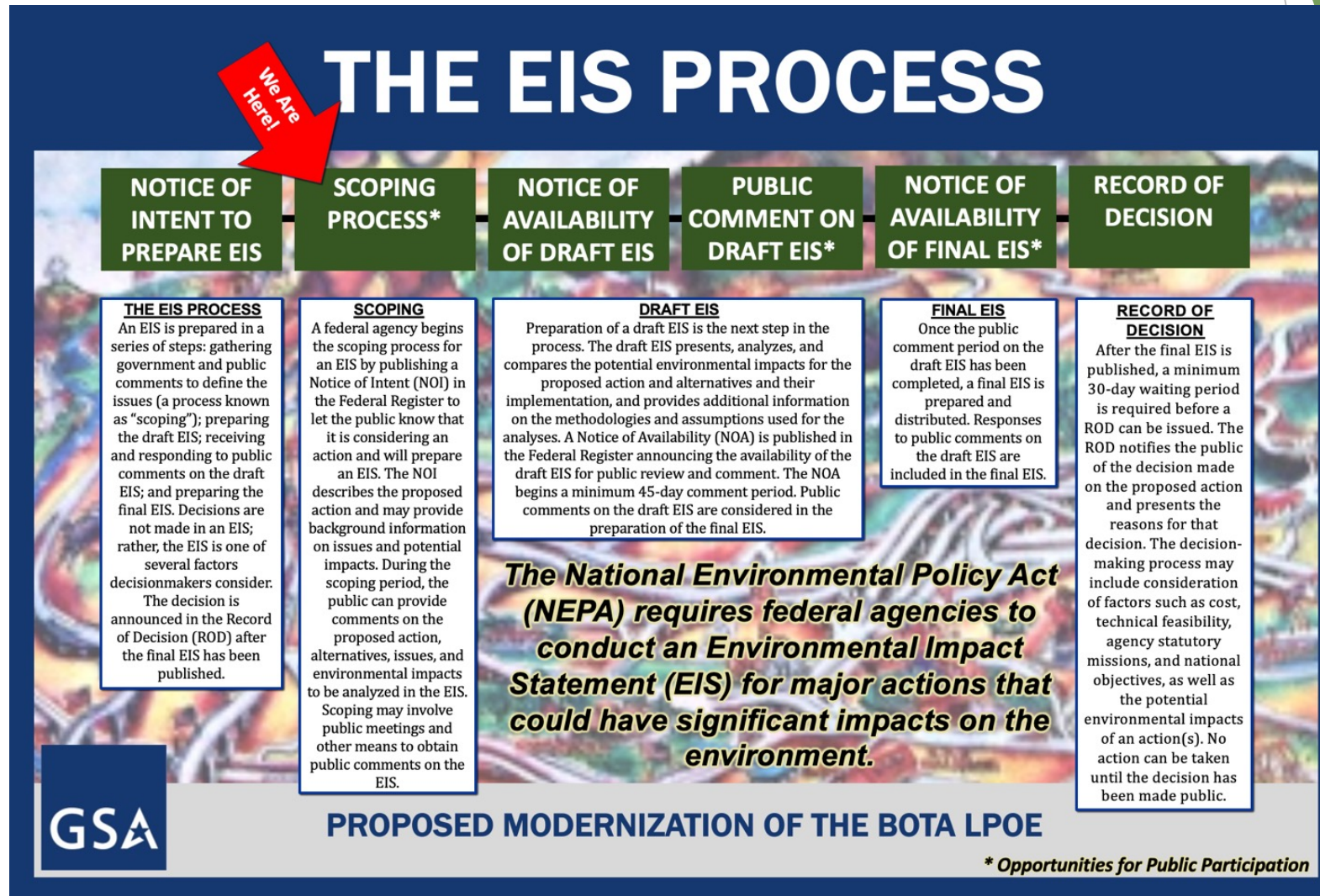


**VIABLE
ALTERNATIVE 4**
LAND ACQUISITION

**PROPOSED LAND
ACQUISITION**



THE ENVIRONMENTAL IMPACT STATEMENT PROCESS



The EIS is prepared, and the process conducted in accordance with prevailing GSA National Environmental Policy Act (NEPA) guidance and implementation regulations.

WHAT IS INCLUDED IN THE EIS?

The EIS will identify, describe, and analyze the potential effects of the action alternatives developed to implement the proposed action and the no action alternative. This will include direct, indirect, and cumulative effects. At present, GSA has identified the following resources/issues for analysis of both beneficial and adverse potential impacts:

- Hazardous Materials, Waste, and/or Site Contamination
- Socioeconomics (including Environmental Justice)
- Public Services, Infrastructure, and Utilities
- Surface Waters, Drainage, and Floodplains
- Land Use and Zoning (including Visual and Aesthetics)
- **Traffic (Vehicular and Pedestrian), Transportation, and Parking**
- **Air Quality (including Greenhouse Gas Emissions)**
- Noise and Vibration
- Cultural and Historic Resources

The EIS will document measures that could potentially avoid, minimize, or mitigate any identified adverse impacts. GSA welcomes public input on these potential impacts and other resources that could be considered.

PROJECTED PROJECT TIMING

Key anticipated milestones which are subjected to change:

- Second Public Scoping Meeting June 26, 2024 Comment period to follow
- NOI Publication of the Draft EIS to EPA End of August 2024
- NOA of Draft EIS Published in the Federal Register Mid September 2024
- Public Comment Period 45 days (depends on actual publication date) End Oct 24/ Early Nov 24
- Notice of Availability of Final EIS published in the Federal Register End of November 24
- Record of Decision signed by December 31, 2024 30 days after the NOA is published

- Site Acquisition – late-2024
- Design Build Two Stage Procurement
 - Stage 1- mid to late 2024
 - Stage 2 early to mid 2025
- Design Completion – early to mid 2028

COME-AND-GO BREAKOUT STATIONS

Media contact: Jorge Pineda, Public Affairs Officer, jorge.pineda@gsa.gov

Your participation and input is vital in ensuring the development of a modernized Port that serves the needs of the Government, the Traveling Public, and the Community.

Again, comment sheets have been provided.

Comments and input can also be submitted via mail or email:

Email: BOTA.NEPAcomments@gsa.gov

Mail: Karla R. Carmichael

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