



Corpus Christi, Tex. (photo: Sarah L. Voisin/WP)

In the Shadows of Refinery Row, a Parable of Redevelopment and Race

By Michael Laris, The Washington Post, 22 October 17

The cranes are in place to build a mammoth new bridge over the shipping channel here. The span will be anchored by two Washington Monument-size spires that will be taller than the nearby flame-tipped refinery towers.

The \$500 million bridge, with a higher clearance and a deeper channel, will let supersize oil tankers push into the inner harbor, spurring industrial growth and uncorking the port's potential as a petrochemical trading hub.

Add in new pipelines nearby, and crude-oil exports are projected to triple by 2024, an increase worth at least \$36 billion a year for a port that already provides more than 13,000 jobs.

In the shadow of all that economic progress, however, is the poor and polluted neighborhood of Hillcrest. It is squeezed between the port and the interstate, hemmed in by oil tanks on one side and miles of refineries on another.

The bridge, as designed, would complete the isolation of the neighborhood, which is predominantly Hispanic and African American. And that, two residents argued in a complaint filed with the federal Transportation Department, would be a violation of the 1964 Civil Rights Act.

Massive infrastructure projects inevitably present challenges to adjoining communities that historically have taken years, and even decades, to sort out. In Hillcrest, however, homeowners are being offered two or three times the depressed value of their homes to move out, a remarkably generous deal — and a surprisingly quick resolution.

Can that agreement serve as a model for a new president who has vowed to slash through the red tape of big projects to prod economic development? Or will it stand as an uncommon example of progress on civil rights, housing and the environment?

Just beside the port, Rosie Ann Porter stood on the back deck of a house that will soon be gone from a neighborhood that is dying. Her sturdy home, with its 17 windows and airy rooms, is one of fewer than 500 residences left in impoverished Hillcrest.

The blocks of once-neat houses, with the good candy on Halloween and the grapefruit trees in the yards, gave a couple of generations of oil workers a place to live close to work — and exposure to carcinogens for decades.

“Murder,” Porter said, referring to the refineries at the end of her street. “They’ve gotten away with murder. That’s what I think.”

From a boat in the shipping channel, in the warm sunset glow, there’s a certain imposing beauty to Refinery Row. It looks like a chemistry set left out by giants.

The Koch brothers’ Flint Hills Resources operation supplies most of the jet fuel used by Dallas/Fort Worth International Airport. Citgo gasoline goes to its network of thousands of service stations.

But decades of emissions, leaks and explosions have left Hillcrest’s residents distrustful and complaining of serious health problems.

“You can’t let your windows up and enjoy a fresh breeze coming through the house,” said Porter, a retired helicopter parts supplier. “When they’re

up and the refinery’s spilling out those fumes, it’s nothing nice.” She stopped eating her grapefruit years ago.

Her daughter grew up with severe asthma, which Porter blames on refinery emissions. As a girl, Therri Alexandria Usher assumed that her frequent nosebleeds and near-yearly bouts of bronchitis were routine parts of growing up, just like the towering stacks a few blocks away.

“I thought that was where God made clouds, because I would see the smoke coming out of the big poles,” said Usher, 28, a statistician for the federal government who lives in Columbia, Md. “When you’re growing up there, you think of it as normal, really.”

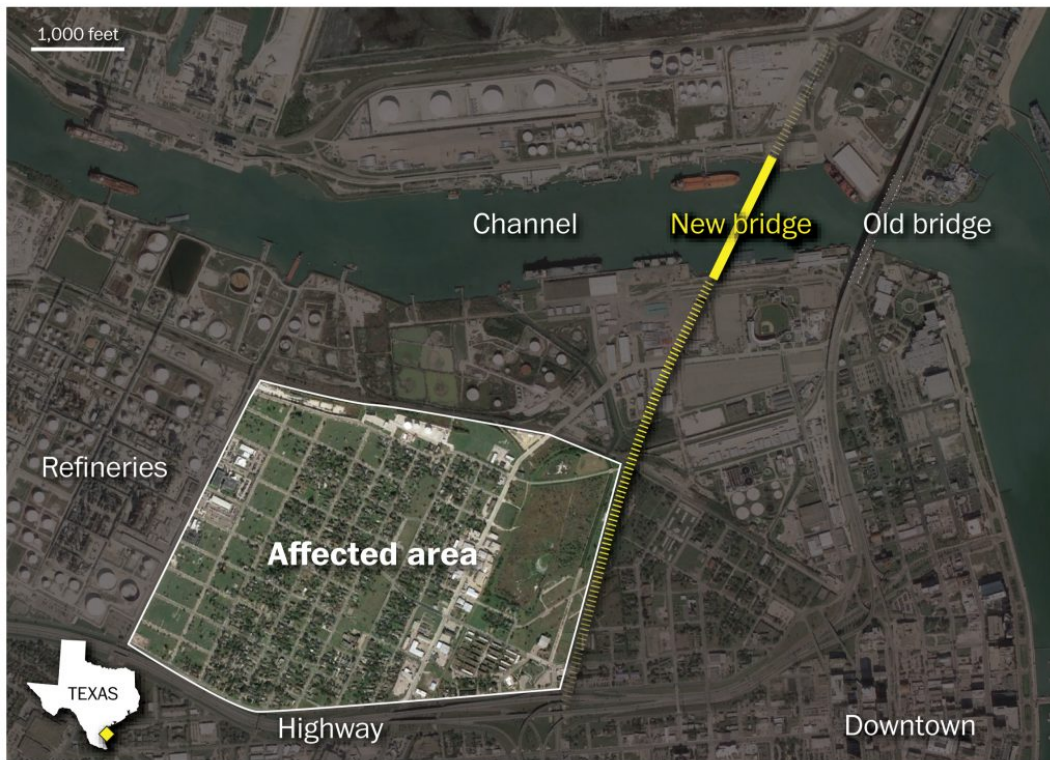
A federal jury found Citgo guilty of [criminal violations](#) of the Clean Air Act in 2007 and fined the company \$2 million, but an appeals court overturned the verdict in 2015, citing a botched jury instruction.

That left the people of Hillcrest with no compensation — and still “breathing a mixture of chemicals found in Refinery Row outdoor air” that over many years “increases the risk of a cancer,” as the federal Agency for Toxic Substances and Disease Registry put it in a 456-page [public health assessment](#) last year.

Then came what residents thought was the final blow: the big bridge project. Its design included a new section of highway that would box in Hillcrest on all four sides.

Boxed in by progress in Corpus Christi

The Harbor Bridge project will squeeze Hillcrest residents between refineries, the port and two highways, completing decades of isolation and spurring a fight over civil rights.



Note: Affected area includes part of the Washington-Coles neighborhood.

Source: Texas Department of Transportation, Google Earth

THE WASHINGTON POST

Residents were used to losing against powerful oil interests. But a civil rights lawyer urged Porter and an elderly neighbor, Jean Salone, now deceased, to file a complaint with the Federal Highway Administration that argued that the bridge plan violated the Civil Rights Act.

Lawyers Erin Gaines of Texas RioGrande Legal Aid and Kelly Haragan at the University of Texas School of Law wrote in the 2015 filing that the state “continues to perpetuate past discrimination against African Americans in the [historically segregated Hillcrest](#) neighborhood,” a community that “has already borne disproportionate environmental and health

impacts” from building Interstate 37 in the 1960s and decades of encroaching industry.

They wagered that their legal argument would help persuade President Barack Obama’s transportation secretary, Anthony Foxx. The Charlotte native often recalled how the new interstates had destroyed “the connective tissue” of his grandparents’ neighborhood, just as infrastructure projects had marginalized poor and minority neighborhoods in Baltimore, Miami and Los Angeles.

Texas’s effort to tap \$686 million in federal funding for the \$1 billion project came as Foxx and other officials were trying to make amends

for that history using civil rights law. The future of the bridge and port was put on hold until the complaint was resolved.

“That was the big leverage,” Gaines said, given that the port touts itself as the fourth-largest in the United States by tonnage and the top exporter of crude oil.

The complaint was filed in March, and by Christmas 2015 a deal had been struck in near-record time: Texas transportation officials agreed to offer Porter and her neighbors voluntary buyouts to vacate the polluted industrial zone they call home. And they would subsidize rent for a few years for tenants, who make up more than half of Hillcrest’s population, who chose to move out.

The terms were far more favorable to residents than in a typical project, where the government might seize land and homes through eminent domain. In Hillcrest, officials offered to relocate much of the neighborhood. Hundreds of families were eligible.

Owners essentially would be able to trade in their homes for comparably sized ones in nicer neighborhoods, even if the homes cost several times more.

Washington signed off on the bridge. The relocation program would cost \$45 million if 70 percent of those eligible were to take part, Texas transportation officials said. Funding would come from the state, a regional planning organization and the port authority, a Texas entity supported by industry.

The milestone agreement was to begin within months.

Instead, a sticking point emerged that stalled progress for another year: Should Hillcrest’s undocumented immigrants receive the same generous terms as legal residents?

As the 2016 presidential campaign rolled on, with its passionate and polarizing debate over immigration, federal and state officials sparred over the rights of the undocumented people living in Hillcrest.

Those residents were included in the deal, argued federal officials who cited Title VI of the Civil Rights Act, which prohibits discrimination on the basis of race, color or national origin in any program receiving federal funding.

No, argued state officials, they were barred from the deal by the federal Uniform Act, which specifically excludes “[an alien not lawfully present](#)” from receiving relocation assistance.

On Jan. 18, two days before the end of the Obama presidency, the Federal Highway Administration declared that Texas was not in compliance — and threatened to withhold the \$686 million from the project.

“For the Obama Administration to go back on their approval agreement and try to force TxDOT to break the law by paying benefits to illegal aliens is unconscionable,” Rep. Blake Farenthold (R-Tex.), who represents Corpus Christi, said in [a statement](#).

Farenthold had been scrambling behind the scenes. In an interview, he said his office sought help from President Trump’s team.

“We just made a couple of calls,” he said. The gist was: “Hey, this is hung up. What do we need to do to get it moving again?”

“It worked,” he said.

The Obama-era legal interpretation was jettisoned. Undocumented immigrants would not receive the relocation buyout or other benefits. A top federal highway official signed Texas’s write-up of the [renegotiated agreement](#) Feb. 3.

How was a new solution negotiated less than two weeks after Trump’s inauguration?

A Farenthold aide pointed to conversations between the congressman's office and transition officials, including those with the Justice Department, which provides guidance on civil rights issues to other agencies. The White House referred questions to a Justice spokeswoman, who did not provide answers.

In response to questions, the Transportation Department said in a statement, "We believe this case demonstrates the [Federal Highway Administration's] commitment to ensuring that civil rights protections are enforced." The statement continued: "Secretary [Elaine] Chao did not play a role in this matter."

No undocumented immigrants have been publicly vocal about being excluded. One homeowner who is here illegally declined to discuss the policy when a reporter visited Hillcrest.

Port officials said their research indicated that only a handful of undocumented immigrants would be affected by the carve-out. Community organizers and Texas lawyers, including those who filed the civil rights complaint, said they had not received requests for help.

That may indicate that people have gone underground. The Trump administration's tougher immigration enforcement and the state's new law permitting local police to inquire about immigration status have had a chilling effect across the board, said Justin Tullius, a lawyer for the Texas immigrant rights group Raices. The message being received, he said, is: "Come forward at your own risk."

Farenthold praised the new approach. "Trump has a huge commitment to infrastructure," the congressman said in the interview, "and doesn't hate Texas."

Transportation projects are about more than transportation. They're about jobs, communities

and people, and how they all get stitched together — or pulled apart.

The president has proposed overhauling how the nation weighs competing interests in building its infrastructure and argues that permitting requirements are shackling ingenuity and growth. The plodding and expensive process is "a massive self-inflicted wound on our country," he said in August at Trump Tower in New York.

Trump has proposed cutting the Environmental Protection Agency's budget by 31 percent, targeting environmental justice, enforcement and other areas, and he says studies on the impact of projects can be reduced to "a few simple pages."

But without those protections, advocates argue, the poor and disenfranchised may lose rights in the name of progress.