

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION



OFFICE OF THE DIRECTOR

July 1, 2010

Mr. L. Preston Bryant
Chairman
National Capital Planning Commission
401 9th Street, NW
North Lobby, Suite 500
Washington, DC 20004

Dear Mr. Bryant:

I am writing to voice my profound disappointment regarding your June 25, 2010 letter to the Federal Transit Administration (FTA) regarding the District's streetcar program. I am requesting that you retract your letter as soon as possible and reevaluate NCPC's role in District decision making as well as the nature of National Capital Planning Commission's (NCPC) engagement in this priority project that will connect residents east and west of the Anacostia River.

The District Department of Transportation (DDOT) has long appreciated the NCPC concern over the use of overhead wires to power the streetcar and their impact on the view sheds of federal buildings within the L'Enfant Plan. As you are aware, DDOT has proactively engaged your staff on this topic and was hopeful that a compromise could be reached where overhead wires would be used in corridors lacking federal buildings and monumental views, such as H Street/Benning Road, with a further commitment to use wireless propulsion technology throughout the District when it becomes a viable alternative to overhead wire propulsion. DDOT has never planned to use overhead wires along the National Mall. I further add that DDOT has maintained its commitment to be transparent in this process. NCPC has been made aware of our plans through communication and briefings with NCPC staff and Commissioners, and the plans for the streetcar network were included in the District's Comprehensive Plan which NCPC has approved. NCPC, through its participation on the WMATA Board of Directors, also did not object to initiating the procurement for overhead wire-propelled streetcars to be used on H/Benning Road. Considering the level of transparency and communication exhibited by DDOT I was disappointed that you did not extend the same courtesy on this issue.

The FTA's Urban Circulator grant program provides a rare and exciting opportunity for DDOT to receive needed federal funding to extend the H Street/Benning Road streetcar segment from Oklahoma Avenue NE to the Benning Road Metrorail station. This extension will serve a highly transit-dependent community, experiencing a 20 percent unemployment rate, by providing a

direct link to residents living east of the Anacostia River to Union Station, the District's intermodal hub. I was surprised to see that you have chosen to intervene on behalf of NCPC by writing a letter to the FTA in opposition of this application, especially considering that this segment of the streetcar line is not even affected by the 19th century bans on overhead wires in the District. Moreover, this segment is not located in a region of the District within NCPC's jurisdiction.

Your letter to FTA Administrator Rogoff explains that your rationale for opposing the District's grant application is due to a disagreement with the District government over DC Council legislation that will allow overhead wires on the H Street/Benning streetcar line which as you may recall NCPC initially supported as a compromise. You also cite an NCPC legal memo opining that the DC Council does not have the authority to repeal the 1888 and 1889 wire bans. I must point out that you have not shared this memo with the District government despite the now public legal briefs from the Office of the Attorney General and nationally renowned Attorney Andrea Ferster opining that the DC Council does not need Congressional approval to amend the 19th century overhead wire restrictions. Additionally, the DC Council legislation actually protects the professed interests of NCPC and does nothing to diminish your advisory role on the streetcar.

I find it impossible not to interpret your letter opposing the Urban Circulator grant application as an attempt to leverage influence on the overhead wire legislation now under consideration by the DC Council. This use of apparent blackmail is troublesome since NCPC appears to be attempting to sidetrack a rare funding opportunity for a key transportation project that lies beyond its authority and jurisdiction. It also appears that you are seeking to inappropriately expand your strictly advisory role related to projects in the District. Furthermore, I have been informed that the letter sent to the FTA was not approved by the members of the Commission and does not represent their views on the topic. Therefore, I respectfully request that you retract your letter immediately if you wish to have a productive dialogue with DDOT going forward.

Sincerely,



Gabe Klein

Cc: Mayor Adrian Fenty
All DC Councilmembers
NCPC Members
Congresswoman Eleanor Holmes Norton
The Honorable Peter Rogoff