

Commission Members

June 25, 2010

Presidential Appointees

L. Preston Bryant, Jr., Chairman
Herbert F. Ames
John M. Hart

The Honorable Peter M. Rogoff
U.S. Department of Transportation
Federal Transit Administration
East Building, 4th Floor
1200 New Jersey Avenue, SE
Washington, DC 20590

Mayoral Appointees

Arrington Dixon
Stacie S. Turner

Dear Administrator Rogoff:

Ex Officio Members

Secretary of Defense
The Honorable Robert M. Gates

I am writing to alert you to an ongoing disagreement between the National Capital Planning Commission (“Commission”), a federal agency, and the District of Columbia (“District”). The disagreement centers around the use of overhead electric wires to propel portions of the District’s streetcar system.

Secretary of the Interior
The Honorable Ken Salazar

This disagreement impacts the District’s pending and potential future application(s) to the Federal Transit Administration (“FTA”) for federal grant funds for the District’s proposed streetcar system. Pending resolution of the disagreement, I believe it would be prudent for the FTA to withhold federal funds from the District for the streetcar system.

Administrator
General Services Administration
The Honorable Martha Johnson

As you may know, the District of Columbia Council (“Council”) introduced legislation in early June to repeal a law enacted by Congress prohibiting the use of overhead wires and overhead streetcar wires. At a public hearing held June 22, 2010, Council appeared poised to adopt this legislation.

Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
The Honorable Joseph I. Lieberman

NCPC maintains Council’s legislative action is contrary to a legal opinion issued by NCPC’s General Counsel. A copy of the legal opinion and a summary of the opinion is enclosed. Please be advised that these documents have not been shared outside the federal government.

Chairman
Committee on Oversight
and Government Reform
U.S. House of Representatives
The Honorable Edolphus Towns

The opinion indicates only Congress possesses the requisite authority to repeal the existing ban on overhead wires. This legal conclusion stems from the fact that an integrated citywide streetcar system using overhead wires concerns the property of the United States. Thus, any action by Council to repeal the congressional ban is beyond the authority conferred upon it by the District of Columbia Home Rule Act.

Mayor
District of Columbia
The Honorable Adrian M. Fenty

Chairman
Council of the District of Columbia
The Honorable Vincent C. Gray

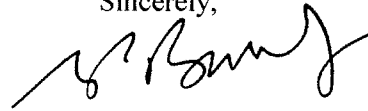
Executive Director

Marcel C. Acosta

While NCPC and District parties are working to resolve our differences, as of this writing, no resolution has been reached. Therefore, I believe it would be advisable for FTA to withhold federal funds from the District for its streetcar system until I am able to communicate with you regarding a successful resolution of the issues.

If you have any questions concerning this matter, please contact Marcel Acosta, executive director of the National Capital Planning Commission, at 202-482-7221. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Preston Bryant, Jr.", written in a cursive style.

L. Preston Bryant, Jr.
Chairman
National Capital Planning Commission

Enclosures

cc w/o attachments:

The Honorable Adrian M. Fenty, Mayor, District of Columbia
The Honorable Vincent C. Gray, Chairman, Council of the District of Columbia
Marcel Acosta, Executive Director, NCPC
Brian Glen, Director, Washington, DC Metropolitan Office, FTA
Gabe Klein, Director, District Department of Transportation