



THE LAW OFFICE OF
Michele
Rosenfeld LLC

June 18, 2014

Mr. Tom Downs, Chairman of the Board
Washington Metropolitan Area Transit Authority
600 Fifth Street, NW
Washington DC 20001

RE: June 18, 2014 WMATA Hearing
Compact Public Hearing: Takoma Park Metro Station

Dear Mr. Downs:

On behalf of my client, Historic Takoma, Inc., (“Historic Takoma”) I request that the WMATA Board defer any further action on this matter until WMATA has submitted the proposed development plans to the Federal Transit Administration (“FTA”) for Section 106 review.¹ The land proposed for development adjacent to the Metro Station, acquired with federal funds, is located within the National Register-listed Takoma Park Historic District in the District of Columbia and abuts the National Register-listed Takoma Park Historic District in Maryland. Because of its funding source, WMATA cannot dispose of the land unless and until the FTA approves the transfer, which it reviews pursuant to certain specific criteria. The FTA’s approval authority constitutes an “undertaking” requiring compliance with Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470f, and also requires compliance with Section 4(f) of the Department of Transportation Act, 49 U.S.C. § 303(c).

In our view the FTA must submit the proposed changes for Section 106 review to the District of Columbia Historic Preservation Office to take into account the effects of the undertaking on the Takoma Park Historic District within the District of Columbia. As the abutting Takoma Park Historic District in Maryland is within the Area of Potential Effects for the undertaking and may also suffer impacts from the proposed changes, the Maryland Historical Trust should be consulted in the Section 106 review process as well. We also request that the FTA consider Historic Takoma a Consulting Party in the review process. We understand that the Maryland Historical Trust believes that the FTA/WMATA should ensure that their planning activities have fully taken into consideration any effects on historic properties.

¹ See 16 U.S.C. 470f (Section 106 of the National Historic Preservation Act of 1966); 30 CFR 800 *et seq.*

In addition, the Metro Site itself is located ***entirely within*** the boundaries of the National Register-listed Takoma Park Historic District. Accordingly, it is our view that changes to that site are required to go through a Section 106 review process because of the high probability that significant changes could have an adverse effect on the Historic Districts that surround it.

I also incorporate by reference herein the arguments provided by Ms. Marion Werkheiser, Esq., of Cultural Heritage Partners, PLLC, which are being provided to you in a separate letter on behalf of Historic Takoma, Inc.

Sincerely,



Michele Rosenfeld

Cc: WMATA Boardmembers
 Brigid Hynes-Cherin, Regional Administrator for FTA Region 3
 Elizabeth Patel, Federal Preservation Officer, FTA
 Charlene Vaughn, Advisory Council on Historic Preservation
 Reid Nelson, Advisory Council on Historic Preservation
 Javier Marques, Advisory Council on Historic Preservation
 David Maloney, State Historic Preservation Officer, District of Columbia and
 Office of Planning, Associate Director for Historic Preservation
 Andy Lewis, DC State Historic Preservation Office
 Steve Calcott, DC State Historic Preservation Office
 Rodney Little, Director, Maryland Historical Trust
 Tim Tamburrino, Maryland Historical Trust
 Elizabeth S. Merritt, Deputy General Counsel, National Trust for Historic
 Preservation
 Marion F. Werkheiser, Esq., Cultural Heritage Partners, PLLC
 Bruce Williams, Mayor, City of Takoma Park, Maryland
 Seth Grimes, Ward 1 Councilmember, City of Takoma Park, Maryland