

**ITEM 8 - Action**  
September 16, 2009

Approval of An Amendment to the FY 2010-2015 Transportation Improvement Program (TIP) that is Exempt from the Air Quality Conformity Requirement to Include the 17<sup>th</sup> Street Levee Project, as Requested by the District of Columbia Department of Transportation (DDOT)

**Staff**

**Recommendation:** Adopt Resolution R7-2010 to amend the FY 2010-2015 TIP to include the 17<sup>th</sup> Street Potomac Levee Project as requested by DDOT and described in the attached materials.

**Issues:** None

**Background:** The Board will be briefed on an amendment to the FY 2010-2015 TIP to include additional ARRA and local funding for a new Potomac Levee Closure Structure on 17<sup>th</sup> Street as requested by DDOT and described in the attached materials.

TPB R7-2010  
September 16, 2009

**NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD**  
777 North Capitol Street, N.E.  
Washington, D.C. 20002

**RESOLUTION APPROVING AN AMENDMENT TO  
THE FY 2010-2015 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) THAT IS  
EXEMPT FROM THE AIR QUALITY CONFORMITY REQUIREMENT TO INCLUDE A  
NEW PROJECT, AS REQUESTED BY THE DISTRICT DEPARTMENT OF  
TRANSPORTATION (DDOT)**

**WHEREAS**, the National Capital Region Transportation Planning Board (TPB), which is the metropolitan planning organization (MPO) for the Washington Region, has the responsibility under the provisions of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) of 2005 for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

**WHEREAS**, the TIP is required by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) as a basis and condition for all federal funding assistance to state, local and regional agencies for transportation improvements within the Washington planning area; and

**WHEREAS**, on July 15, 2008 the TPB adopted the 2009 CLRP and the FY 2010-2015 TIP; and

**WHEREAS**, on February 17, 2009, the American Recovery and Reinvestment Act of 2009 (ARRA), which includes substantial new funding for the nation's transportation system, was enacted; and

**WHEREAS**, in the attached letter of **September 9 2009**, DDOT has requested an amendment to the FY 2010-2015 TIP to include \$9.313 million in ARRA and local funding for a new Potomac Levee Closure Structure on 17<sup>th</sup> Street, as described in the attached materials; and

**WHEREAS**, this project is exempt from the air quality conformity requirement, as defined in Environmental Protection Agency (EPA) regulations "40 CFR Parts 51 and 93 Transportation Conformity Rule Amendments: Flexibility and Streamlining; Final Rule," issued in the May 6, 2005, *Federal Register*;

**NOW, THEREFORE, BE IT RESOLVED THAT** the NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD amends the FY 2010-2015 TIP to include \$9.313 million in ARRA and local funding for a new Potomac Levee Closure Structure on 17<sup>th</sup> Street, as described in the attached materials.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DISTRICT DEPARTMENT OF TRANSPORTATION



Transportation Policy and Planning Administration

September 9, 2009

The Honorable Charles A. Jenkins  
Chair  
National Capital Region Transportation Planning Board  
Metropolitan Washington Council of Governments  
777 North Capitol Street, NE – Suite 300  
Washington, DC 20002-4201

Dear Chairman Jenkins and members of the TPB,

The District Department of Transportation (DDOT) requests that the FY 2009 CLRP and the FY 2010-2015 Transportation Improvement Program (TIP) be amended to include funding for a project to complete the Potomac River Levee between Constitution Gardens and the Washington Monument grounds.

By way of background, the Potomac River used to be much wider, with banks near what is now 17<sup>th</sup> Street (between Constitution Avenue and Independence Avenue). Constitution Avenue, itself, was Tiber Creek that was later converted into a canal that ran from the base of Capitol Hill to the Potomac. The National Mall, between the Washington Monument and the Lincoln Memorial, was created out of fill material. Along the north side of the Reflecting Pool, is an artificial hill that serves as a levee. This levee is designed to prevent waters from a 100-year flood from inundating parts of the downtown.

17<sup>th</sup> Street, however, is a low point between the end of this levee and the hill that provides the base for the Washington Monument. It was initially planned that sandbags and dirt would be moved into 17<sup>th</sup> Street to close the gap in the levee in the event of a 100-year flood. However, after Katrina, the Federal Emergency Management Agency (FEMA) no longer considers this to be an effective approach.

For some years, the U.S. Army Corps of Engineers (USACE) has had a project to close the gap in the levee by building walls up to the 17<sup>th</sup> Street Right of Way. These walls would be extended underneath the 17<sup>th</sup> Street ROW with slots for posts and gates that would be inserted into the wall foundation in the event of a 100-year flood. However, USACE has never funded this project.

Recently, FEMA has indicated that it will re-draw the 100-year floodplain map if the levee project is not completed by the end of this calendar year. This action will cause insurance rates to skyrocket for residential and commercial property owners within the effected area. It may also become difficult or impossible for these property owners to obtain building permits for the effected properties.

In light of the potentially severe consequences to private property owners, the District's Mayor has asked the District Department of Transportation (DDOT) to undertake this project. DDOT has identified funding for this work that is identified in the accompanying TIP project form. The levee project will not add capacity and is exempt from air quality conformity testing. All essential NEPA work has been completed.

Among the funding sources are \$3.265 million in funds from the American Recovery and Reinvestment Act (ARRA). Previously, DDOT allocated \$40 million in ARRA for the reconstruction of the New York Avenue Bridge over the railroad tracks. Bids for this project were very favorable, and DDOT requests that the allocation of ARRA funds for the New York Avenue Bridge project be reduced by this same amount.

The levee project meets all ARRA funding requirements. It is shovel-ready. It will create construction jobs. It will protect and preserve federal-aid transportation assets in the event of a 100-year flood. It will keep property insurance premiums at reasonable levels, thereby allowing existing businesses to utilize working capital for typical business purposes. This avoids business disruptions and job losses that would occur if these premiums are allowed to spike. The levee project will help avoid the loss or disruption of economic activity in the event of a 100-year flood, thereby enhancing the sustainability of economic activity in our region.

However, this project remains a USACE responsibility. DDOT is waiting for a reimbursement agreement from USACE. Once DDOT has been reimbursed, ARRA funds allocated to this project will be applied to another ARRA-eligible transportation project(s).

DDOT appreciates your cooperation with our request in this matter. Should you have any questions regarding this amendment, please contact me by e-mail at [rick.rybeck@dc.gov](mailto:rick.rybeck@dc.gov) or by phone at (202) 671-2325.

Sincerely,



Rick Rybeck  
Deputy Associate Director

cc Gabe Klein  
Leah Treat  
Karina Ricks  
Ron Kirby  
Sandra Jackson

# TRANSPORTATION IMPROVEMENT PROGRAM FOR FY 2010-2015 PROJECT DESCRIPTION FORM



## **BASIC PROJECT INFORMATION**

1. Submitting Agency: DDOT Agency Project ID: **SR318C**  
 2. Project Name (from CLRP Project): 17<sup>th</sup> Street Potomac Levee Closure Structure  
 3. Phase Name: Construction

|                  | Prefix | Route | Name  | Modifier |
|------------------|--------|-------|---|----------|
| 4. Facility:     |        |       | 17 <sup>th</sup> Street Potomac Levee Closure Structure |          |
| 5. From ( _ at): |        |       | Independence Avenue SW                                  |          |
| 6. To:           |        |       | Constitution Avenue NW                                  |          |

7. Agency Phase ID: 04  
 8. Description: Design and Construct 17<sup>th</sup> Street Potomac Levee Closure Structure between Independence Ave and Constitution Ave per FEMA requirements.

| 9. Conformity Information: | Improvement | Facility Type |    | Number of Lanes |    | Environmental Review | Status         |
|----------------------------|-------------|---------------|----|-----------------|----|----------------------|----------------|
|                            |             | From          | To | From            | To |                      |                |
|                            |             |               |    | 4               | 4  | EA                   | FONSI Complete |

10. Bicycle or Pedestrian  
 Accommodations:  Not Included;  Included;  Primarily a Bike/Ped Project;  N/A

11. Total Miles: 0.1  
 12. Project Manager: Jeffrey Seltzer 13. E-Mail: Jeffrey.seltzer@dc.gov

14. Project Information URL:  
 15. Projected Completion Year: 2010  
 16. Actual Completion Year: .

17. Project Status:  
 New Project  
 In previous TIP, proceeding as scheduled  
 In previous TIP, delayed or reprogrammed  
 Project is ongoing, year refers to implementation  
 Project is being withdrawn from TIP

18. Environmental Review  
 Type:  PCE;  CE;  DEA;  EA;  FONSI;  DEIS;  FEIS;  F4;  N/A  
 Status:  Proposed for preparation;  Under preparation;  Prepared for review;  Under review;  Approved

19. Capital Costs

| FISCAL YEAR | AMOUNT         | PHASE | SOURCE                 | FED | STA | LOC |
|-------------|----------------|-------|------------------------|-----|-----|-----|
| 2009        | \$1,768,512.59 | 01    | Local (DDOT and DMPED) |     |     | X   |
| 2009        | \$4,279,920.64 | 04    | Local (DDOT)           |     |     | X   |
| 2010        | \$3,265,000    | 04    | ARRA Funding           | X   |     |     |
|             |                |       |                        |     |     |     |

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