

APPENDIX  
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SAMPLE SECTION 4(F) NET BENEFIT LETTER





**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF TRANSPORTATION**



XYZ  
State Historic Preservation Officer  
District of Columbia State Historic Preservation Office  
Washington, DC 20024

Re: XYZ Street Project –Section 4(f) Net-Benefit

Dear SHPO:

The purpose of this letter is to clearly document the achievement of a “Net Benefit,” pursuant to the requirements of Section 4(f) of the U.S. Department of Transportation Act of 1966, to the “ABC” historic property as a result of incorporating the provisions discussed below for the XYZ Street Project (“Project”). As you are aware through continued coordination with your office, the identified preferred alternative for the Project is a variation of Environmental Assessment Build Alternative 2. This is consistent with your office’s expressed preference for an alternative that minimizes the impact to the Plan of the City of Washington and other historic properties in the area.

From the outset of the overall National Environmental Policy Act (“NEPA”) process, including the Section 106 and Section 4(f) activities, the District Department of Transportation (“DDOT”) and Federal Highway Administration (“FHWA”) have worked with the District of Columbia State Historic Preservation Office (DC SHPO) to create the ultimate “win-win” solution following the FHWA Section 4(f) Programmatic Evaluation, entitled “*Section 4(f) Evaluation and Approval for Transportation Projects That Have a Net Benefit to a Section 4(f) Property.*” As defined by FHWA, a net benefit is achieved when the transportation use, the measures to minimize harm, and the mitigation incorporated into a project results in an overall enhancement of the Section 4(f) property when compared to both the “no-build” or avoidance alternatives and the present condition of the Section 4(f) property.

Extensive coordination with DC SHPO and other consulting parties have resulted in the following proposed measures to minimize harm, and mitigation measures to be incorporated into the Project to preserve the function and values of the Section 4(f) properties, which will result in a Net Benefit to the Section 4(f) properties:

**I.A XYZ Street**

To the maximum extent possible consistent with applicable safety and operational standards and requirements, and contingent upon all required approvals from FHWA and DDOT shall design the vertical elements associated with the street in a context-sensitive manner that avoids or minimizes visual obstruction of the view corridors and vistas associated with the street. All planning and design submissions by DDOT shall address the design of vertical elements from the standpoint of historic preservation. As part of its review of each submission, DDOT will seek comments on those elements from SHPO. SHPO will be provided documentation (including but not limited to plans, elevations, photo renderings, and visualizations) to allow for a meaningful evaluation of the proposed vertical elements with respect to historic preservation and will be given no fewer than 30 days to provide comments. All comments from SHPO shall be provided to DDOT in writing. If no comments from SHPO have been

submitted to DDOT 30 days after the receipt of the submission, DDOT may implement the plans as submitted. If comments are received, DDOT will address the comments.

**I.B Reservation 57274**

Though not a part of the reconstruction project, as a mitigation measure DDOT shall design and landscape Reservation No. 57274 in a context-sensitive manner and consistent as much as possible with the reservations’ historic appearance and function. As part of its review of the design and landscape of this reservation, DDOT will seek comments from SHPO. SHPO will be provided documentation to allow for a meaningful evaluation of the proposed design and landscape elements with respect to historic preservation and will be given no fewer than 30 days to provide comments. All comments from SHPO shall be provided to DDOT in writing. If no comments from SHPO have been submitted to DDOT 30 days after the receipt of the documentation, DDOT may implement the plans as submitted. If comments are received, DDOT will address the comments.

In fulfilling the duties and obligations discussed in this letter, the DC SHPO and DDOT shall comply with all applicable laws, regulations, and rules. Moreover, they acknowledge and agree that their respective obligations to fulfill financial obligations of any kind pursuant to any and all provisions discussed in this letter, or any agreement entered into by DDOT and DC SHPO subsequently or pursuant to this letter, are and shall remain subject to the provisions of (i) the federal Anti-Deficiency Act, 31 U.S.C. §§ 1341, 1342, 1349, 1351, (ii) the District of Columbia Anti-deficiency Act, D.C. Official Code §§ 47-355.01-355.08 (2001), (iii) D.C. Official Code § 47-105 (2001), and (iv) D.C. Official Code § 1-204.26 (2006 Supp.), as the foregoing statutes may be amended from time to time, regardless of whether a particular obligation has been expressly so conditioned.

The signatures below document that DDOT and DC SHPO agree in the determination of a Net Benefit to the Section 4(f) properties for the Project.

**SIGNATORIES:**

By: \_\_\_\_\_ Date \_\_\_\_\_  
ABC, Director  
District Department of Transportation

By: \_\_\_\_\_ Date \_\_\_\_\_  
XYZ  
District of Columbia State Historic Preservation Officer

**CONCURRENCE:**

By: \_\_\_\_\_ Date \_\_\_\_\_  
XYZ, DC Division Administrator  
Federal Highway Administration