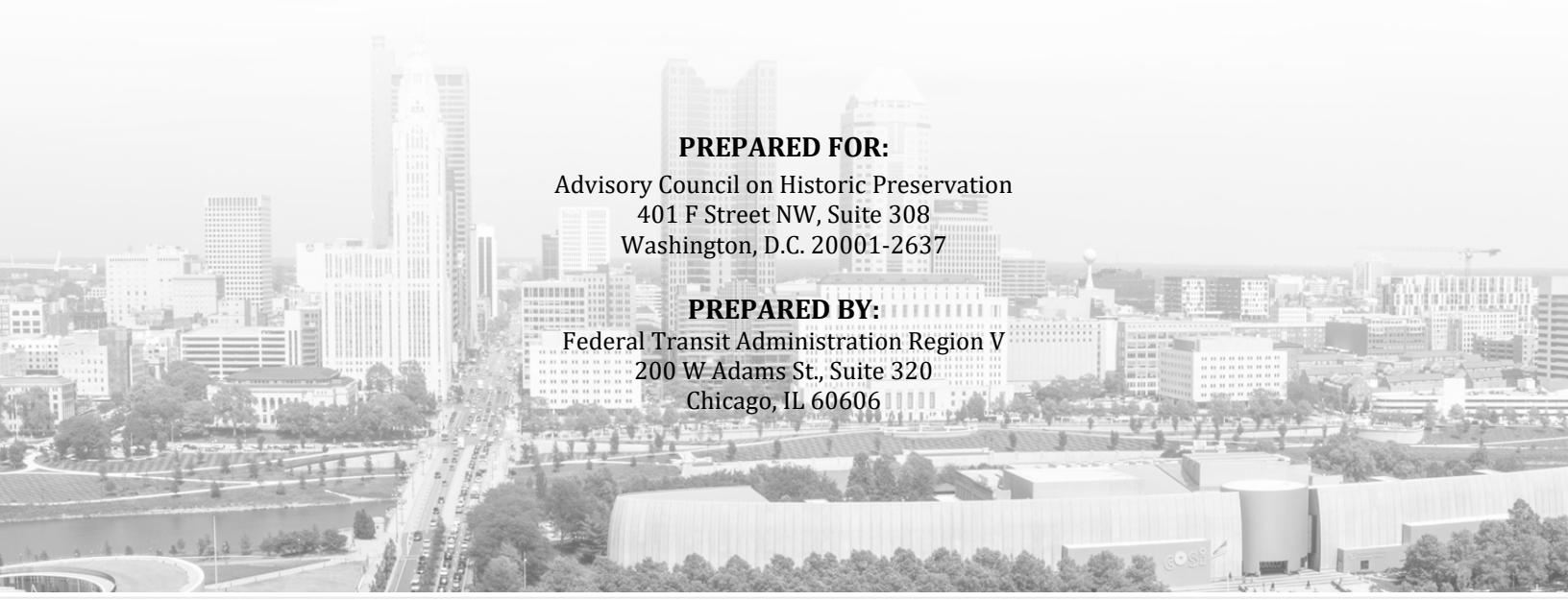




WEST BROAD STREET BUS RAPID TRANSIT ACHP LETTER SUPPORTING ATTACHMENTS SECTION 1

CENTRAL OHIO TRANSIT AUTHORITY
April 24, 2025



PREPARED FOR:
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, D.C. 20001-2637

PREPARED BY:
Federal Transit Administration Region V
200 W Adams St., Suite 320
Chicago, IL 60606



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

April 23, 2025

Mr. Reid Nelson
Executive Director
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, D.C. 20001-2637

RE: Request for Review from the Advisory Council on Historic Preservation Pursuant to 36 CFR § 800.5(c)(2) of the Federal Transit Administration's Finding of No Adverse Effect on Historic Properties from the Implementation of the COTA's LinkUS West Broad BRT Transit Project

Dear Mr. Nelson:

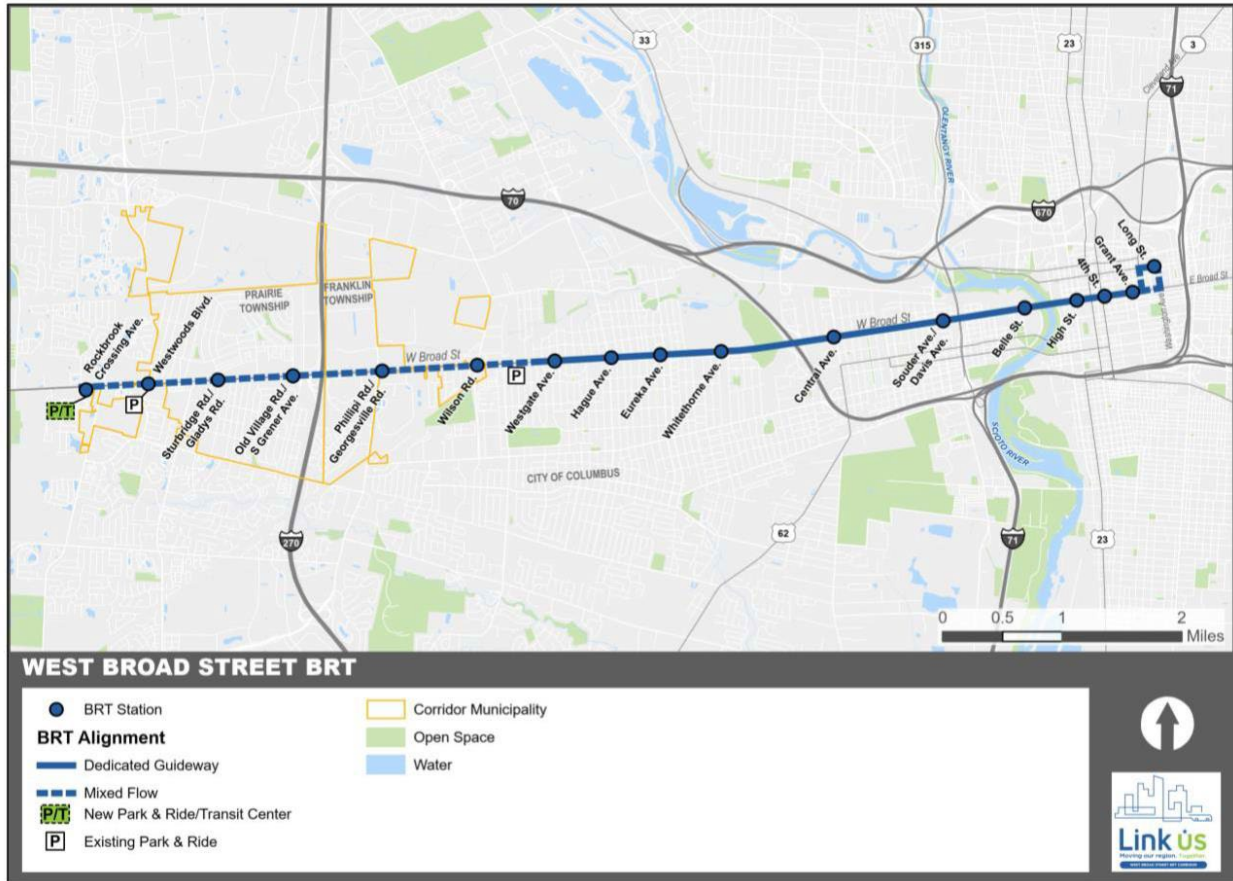
The Federal Transit Administration (FTA), in coordination with the Central Ohio Transit Authority (COTA) is evaluating the potential effects of the proposed construction of new LinkUS Bus Rapid Transit (BRT) service project (Project) along West Broad Street (the undertaking) in Columbus, Franklin County, Ohio. As part of that evaluation, FTA consulted with the Ohio State Historic Preservation Officer (SHPO) and other consulting parties, including Columbus Landmarks, the City of Columbus, the Franklinton Historical Society, the Columbus Historical Society, the Hilltop Historical Society, the Ohio National Road Association, the Delaware Nation of Oklahoma, the Eastern Shawnee Tribe of Oklahoma, the Miami Tribe of Oklahoma, the Seneca-Cayuga Nation, the Shawnee Tribe, the Franklinton Area Neighbors Civic Association and Highland West Civic Association, Highland West Civic Association, the Franklinton Area Neighbors Civic Association, and CommunityImprovement614, as well as the public and other corridor stakeholders. It is FTA's finding that the undertaking will result in no adverse effect to historic properties within the Area of Potential Effects (APE). SHPO concurred with FTA's determination in letter correspondence dated April 15, 2025 (attached).

Despite consulting with SHPO and other consulting parties for the past year on this undertaking, CommunityImprovement614 continues to object to FTA's finding of effect. The FTA submits this

request in accordance with 36 CFR §800.5(c)(2)(i) in response to CommunityImprovement614's objection to the finding. The FTA is concurrently notifying all consulting parties and will make the request documentation available to the public at: <https://linkuscolumbus.com/westbroad/> Enclosed is the correspondence sent to, and received from, CommunityImprovement614 and SHPO throughout the consultation process (see Attachments 1-21). The attachments demonstrate that FTA has met the requirements of 36 CFR §800.11(e).

Description of the Undertaking

COTA is proposing approximately 9.3 miles BRT corridor with seventeen (17) stations along West Broad Street from Rockbrook Crossing Avenue in Prairie Township to Long Street and Washington Avenue in Downtown Columbus. The Project will operate in 5.2 miles of dedicated guideway and 4.1 miles of mixed traffic. Center-lane travel will occur between approximately Orel Avenue in the west and Cleveland Avenue in the east and along East Long Street between North Washington Street and Cleveland Avenue. The Project will be designed to include the following mobility assets: seventeen (17) near-level boarding stations with Americans with Disabilities Act (ADA) accessibility and off-board fare collection, end of line layover facilities, on-route BRT vehicle charging at Rockbrook Crossing Park and Ride/Transit Facility, one mobility hub, mixed traffic and dedicated center running bus lanes, Transit Signal Priority, intersection improvements, improved bicycle lanes (where applicable), and improved sidewalks. The Project will also include facility upgrades to support the maintenance and operation of transit vehicles. BRT services are planned to operate every 10-to-20-minutes between 5:00 AM to 12:00 AM, seven (7) days a week.



Source: LinkUS West Broad Street BRT, Reflective of 30% Design (July 2023).

CommunityImprovement614’s Objections and the FTA’s Responses

Over the course of the last year, the consulting party, COTA, and FTA have exchanged numerous letters, emails, phone calls, and held four coordination meetings to discuss the scope of the undertaking, identification of historic properties, and assessment of effects for the Project. Pertinent correspondence and materials are included as attachments (*See Attachments 1-21*).

Based on FTA’s correspondence with CommunityImprovement614, it is FTA’s understanding that the concerns presented by the consulting party are varied, ranging from concerns with public participation, identification of historic properties, and anticipatory demolition. In response to these concerns, FTA provided additional time for both the public and consulting parties to review determinations and findings, participated in additional consultation meetings with CommunityImprovement614, and requested additional information on potential historic properties and historic districts multiple times. The information on potential historic properties that was eventually submitted by CommunityImprovement614 was reviewed by FTA Secretary of the Interior qualified staff and determined the material provided was insufficient to evaluate the properties for National Register of Historic Places (NRHP) eligibility. The documentation supplied

by CommunityImprovement614 also asserted adverse effects along the corridor related to the Project scope.

FTA acknowledges that the project represents a visual change to the corridor; however, that change does not significantly diminish the integrity of setting and/or feeling of either the corridor or any individual historic properties along the corridor, as CommunityImprovement614 maintains. The history of corridor as a living transportation and commercial corridor has evolved over the past 100 plus years. The corridor is lined with properties dating from the late 19th century through the present. The introduction of center-running BRT stations will not alter, directly or indirectly, the character-defining features of any NRHP-listed, eligible, or treated as eligible, properties along the corridor. CommunityImprovement614 has not justified their position that the introduction of center-running BRT stations substantially diminishes the setting and feeling of this already altered corridor or that the significance of the historic properties along the corridor are diminished through the addition of center-running BRT stations.

Consultation on Modification to the Undertaking

SHPO previously reviewed this project and found, in a letter dated February 21, 2025, that the project would have an adverse effect on historic properties. Throughout the process, correspondence was provided on April 30, 2024, with additional information on November 1 and 12, 2024, February 5, 20, and 25, 2025, March 6, 2025, and April 2, 2025, regarding the project. An addendum was requested for this site and included the following changes:

- The station was moved 30-foot east
- The station's width was reduced to 8 feet; the art wall was reduced to 6 feet wide
- The station is no longer centered on the primary façade of the Benjamin Smith House

Based on this new information, SHPO determined that the undertaking no longer rose to the level of an adverse effect. It is the opinion of the SHPO that the planned work, if completed as proposed, will have No Adverse Effect on historic properties. That opinion was communicated in letter dated April 15, 2025.

Summary

Despite CommunityImprovement614's assertion to the contrary, FTA has taken SHPO and consulting party comments into consideration. FTA has responded to all concerns raised by CommunityImprovement614. Additionally, FTA responded to SHPO's concerns and coordinated to minimize viewshed impacts to the historic property at 181 E. Broad St., Columbus, Ohio (The Benjamin Smith House). As a result, the agency maintains that the project results in no adverse effect, that good faith efforts have been satisfied, and that the public, over various touchpoints between COTA and FTA, has been involved thoroughly.

We appreciate your consideration of the information presented above and in the attachments. We respectfully request that ACHP review FTA's finding of **No Adverse Effect** on historic properties.

If you have any questions or need additional information, please contact Dan DiGiuseppe at Daniell.digiuseppe@dot.gov or 312-705-1286 or Anthony Greep at Anthony.greep@dot.gov or 312-353-1646.

Sincerely,

Anthony W. Greep
Director, Office of Planning and Program Development
FTA Region V

Attachments

- Attachment 1:** 06_02_2024 Community Improvement614 Request to Become a CP
- Attachment 2:** 06_29_24 SHPO Concurrence on APE 052920214
- Attachment 3:** 06_11_2024 Franklinton Historical Soc CP Invitation Acceptance
- Attachment 4:** 06_14_2024 Community Improvement 614 CP Invitation
- Attachment 5:** 06_14_2024 Community Improvement614 CP Invitation Acceptance
- Attachment 6:** 09_03_2024 Community Improvement614 Request for COTA's Contact Info
- Attachment 7:** 10_28_2024 Community Improvement614 Anticipatory Demolition Request to COTA
- Attachment 8:** 10_29_2024 COTA's Response to Community Improvement614 Anticipatory Demolition Request
- Attachment 9:** 11_12_2024 Community Improvement614 Request_ACHP_Enter_Advise_SHPO # 2024-FRA-61152
- Attachment 10:** 12_9_24 CommunityImprovement614 Request_FTA_Remediate_Objections_SHPO # 2024-FRA-61152
- Attachment 11:** 12_17_2024 COTA shares Roll Plots with Community Improvement614
- Attachment 12:** 12_17_2024 ODOT's Confirmation on No Plans to Expand US 40
- Attachment 13:** 01_08_2025 FTA response to 12-09-24 letter
- Attachment 14:** 01_22_25 CommunityImprovement614 Request for Virtual Consulting Meeting
- Attachment 15:** 01_25_25 CommunityImprovement614 Response to FTA 01_08_25 letter
- Attachment 16:** 02_09_25 Community Improvement 614 letter to FTA
- Attachment 17:** 02_14_25 CommunityImprovement614 additional material supplied to FTA
- Attachment 18:** 02_21-25 FTA Response to CommunityImprovement614 02-09-25 letter
- Attachment 19:** SHPO AE__Review Letter to FTA
- Attachment 20:** 03_26_25 FTA response to CommunityImprovement614 February 2025 Comments
- Attachment 21:** SHPO Concurrence NAE_04_15_25

ecc:

Anthony Greep, FTA
Daniell Digiuseppe, FTA
Anshu Singh, FTA
Elizabeth Breiseth, FTA
Zachary Sunderland, COTA
Bill Marzella, ACHP
Jaime Loichinger, ACHP
Rachael Mangum, ACHP
Diana Welling, SHPO
Kristen Koehlinger, SHPO
Abigail Rosenow, SHPO
Diamond Crowder, SHPO
Rebecca Hunley, FAN Civic Association
Geoffrey Phillips, Highland West
Thomas P. Barrett, ODOT
Densil R. Porteous, Stonewall
Zach Sunderland, COTA
Jim Young, ONRA
James Goodman, City of Columbus
Jennie Kepler, Greater Area Hilltop Commission
Mark Gideon, Franklinton Historical Society
Hilltop Rise CDC
Susan Keeney, Columbus Landmarks
Maryellen O' Shaughnessey, Trolley Rescue & Restoration Committee
Andrew Ginther, Mayor, City of Columbus
Zach Klein, Attorney, City of Columbus
Scott Messer, City of Columbus
Anthony Celebrezze, City of Columbus
Shannon Hardin, Columbus City Council
Melissa Green, Westside City Council Representative
Jordan Laird, The Columbus Dispatch
Jesse Bethea, Columbus Underground
Marion Lupo, CommunityImprovement614

blank page

From: [REDACTED]
To: [Singh, Anshu \(FTA\)](#)
Subject: Request for NEPA Review, 106 Consulting Status, W. Broad St. BRT/Zone In, Columbus, Ohio
Date: Sunday, June 2, 2024 11:40:11 AM
Attachments: [Request.NEPA.Review.106.Consulting.Status.W.Broad.St.BRT.Zone.In.pdf](#)

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Anshu Singh,

Please find attached our written request for section 106 consulting status for the NEPA review of the W. Broad St. BRT/Zone In project in Columbus, Ohio.

Thank You,

Marian Lupo
[REDACTED]

From: [REDACTED]
To: [Singh, Anshu \(FTA\)](#)
Cc: [Kane, Mark \(FTA\)](#); ["Sunderland, Zachary"](#)
Subject: RE: COTA LinkUS West Broad Street BRT Project, Columbus, Franklin County, OH - Invitation to participate as Consulting Party
Date: Tuesday, June 11, 2024 4:53:53 PM

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Anshu Singh,

I accept your invitation to participate in the Section 106 consultation process for the LinkUS West Broad Street Bus Rapid Transit (BRT) Project (the Project) in Columbus, Franklin County, Ohio as a consulting party. Thank you!

Best Regards,

Mark

Mark R Gideon
President
Franklinton Historical Society

From: Singh, Anshu (FTA) [mailto:anshu.singh1@dot.gov]
Sent: Tuesday, April 30, 2024 6:52 AM
To: [REDACTED]
Cc: Kane, Mark (FTA); Sunderland, Zachary
Subject: COTA LinkUS West Broad Street BRT Project, Columbus, Franklin County, OH - Invitation to participate as Consulting Party

Hello,

As part of its responsibilities under 36 CFR Part 800 – Protection of Historic Properties and the National Historic Preservation Act (NHPA), the Federal Transit Administration (FTA) is initiating a Section 106 Consultation Process for the LinkUS West Broad Street Bus Rapid Transit (BRT) Project (the Project) in Columbus, Franklin County, Ohio. FTA has determined that the proposed project will be a Federal undertaking as defined in 36 CFR § 800.16(y) and that it is a type of activity that has the potential to cause effects on historic properties. The attached letter serves as an invitation to participate in the Section 106 consultation process as a consulting party.

If you would like to participate as a consulting party for this project, we ask that you respond within 30 days of receiving this correspondence, accepting your role as a consulting party in the Section 106 process. Should you have any questions, please don't hesitate to contact me.

Sincerely,
Anshu

Anshu Singh, Ph.D. (She/Her)
Environmental Protection Specialist
Federal Transit Administration, Region V
200 West Adams, Suite 320, Chicago, IL 60606
Phone: 312-353-4344
Email: anshu.singh1@dot.gov



U.S. Department of Transportation
Federal Transit Administration

From: [Singh, Anshu \(FTA\)](#)
To: [REDACTED]
Cc: [Kane, Mark \(FTA\)](#); [Sunderland, Zachary](#); [Allison, Patricia \(FTA\)](#); [Armand, Nathalie CTR \(FTA\)](#)
Subject: COTA LinkUS West Broad Street BRT Project, Columbus, Franklin County, OH - Invitation to participate as Consulting Party
Date: Friday, June 14, 2024 9:27:00 AM
Attachments: [COTA LinkUS West Broad BRT - Section 106 Franklinton Area Neighbors & Highland West Civic Assoc. FTA Signed.pdf](#)
[Attachment A - COTA LinkUS West Broad BRT Project Section 106 Project Summary Form.pdf](#)
[Attachment B - COTA LinkUS West Broad BRT Project Section 106 APE.pdf](#)

Hello,

As part of its responsibilities under 36 CFR Part 800 – Protection of Historic Properties and the National Historic Preservation Act (NHPA), the Federal Transit Administration (FTA) is initiating a Section 106 Consultation Process for the LinkUS West Broad Street Bus Rapid Transit (BRT) Project (the Project) in Columbus, Franklin County, Ohio. FTA has determined that the proposed project will be a Federal undertaking as defined in 36 CFR § 800.16(y) and that it is a type of activity that has the potential to cause effects on historic properties. The attached letter serves as an invitation to participate in the Section 106 consultation process as a consulting party.

If you would like to participate as a consulting party for this project, we ask that you respond within 30 days of receiving this correspondence, accepting your role as a consulting party in the Section 106 process. Should you have any questions, please don't hesitate to contact me.

Sincerely,
Anshu

Anshu Singh, Ph.D. (She/Her)
Environmental Protection Specialist
Federal Transit Administration, Region V
200 West Adams, Suite 320, Chicago, IL 60606
Phone: 312-353-4344
Email: anshu.singh1@dot.gov



U.S. Department of Transportation
Federal Transit Administration

From: [REDACTED]
To: [Singh, Anshu \(FTA\)](#)
Cc: [Kane, Mark \(FTA\)](#); [Sunderland, Zachary](#); [Allison, Patricia \(FTA\)](#); [Armand, Nathalie CTR \(FTA\)](#)
Subject: Thank you! E-mail acceptance, Can send one with signature, and Rebecca Hunley's e-mail Re: COTA LinkUS West Broad Street BRT Project, Columbus, Franklin County, OH - Invitation to participate as Consulting Party
Date: Friday, June 14, 2024 11:47:04 AM

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Anshu,

Thank you very much for this invitation and the accompanying information!

If possible, please accept this e-mail as my formal acceptance of my role as consulting party in the Section 106 process for the COTA LinkUS West Broad Street BRT Project, Columbus, Franklin County, OH.

If a written acceptance with my signature is preferable, please let me know and I will send as a pdf.

Rebecca Hunley's e-mail is [REDACTED]. It will automatically respond as the FAN Civic Association, but she will receive the e-mail.

Best Wishes & Thank You Again,

Marian Lupo
FAN Civic Association and Highland West Civic Association

[REDACTED]
[REDACTED]
[REDACTED]

From: Singh, Anshu (FTA) <anshu.singh1@dot.gov>
Sent: Friday, June 14, 2024 1:27 PM
To: Marian Lupo [REDACTED]
Cc: Kane, Mark (FTA) <Mark.Kane@dot.gov>; Sunderland, Zachary <sunderlandzj@cota.com>; Allison, Patricia (FTA) <patricia.allison@dot.gov>; Armand, Nathalie CTR (FTA) <nathalie.armand.ctr@dot.gov>
Subject: COTA LinkUS West Broad Street BRT Project, Columbus, Franklin County, OH - Invitation to participate as Consulting Party

Hello,

As part of its responsibilities under 36 CFR Part 800 – Protection of Historic Properties and the National Historic Preservation Act (NHPA), the Federal Transit Administration (FTA) is initiating a Section 106 Consultation Process for the LinkUS West Broad Street Bus Rapid Transit (BRT) Project (the Project) in Columbus, Franklin County, Ohio. FTA has determined that the proposed project will be a Federal undertaking as defined in 36 CFR § 800.16(y) and that it is a type of activity that has the potential to cause effects on historic properties. The attached letter serves as an invitation to participate in the Section 106 consultation process as a consulting party.

If you would like to participate as a consulting party for this project, we ask that you respond within 30 days of receiving this correspondence, accepting your role as a consulting party in the Section 106 process. Should you have any questions, please don't hesitate to contact me.

Sincerely,
Anshu

Anshu Singh, Ph.D. (She/Her)
Environmental Protection Specialist
Federal Transit Administration, Region V
200 West Adams, Suite 320, Chicago, IL 60606
Phone: 312-353-4344
Email: anshu.singh1@dot.gov



U.S. Department of Transportation
Federal Transit Administration



In reply, please refer to:
2024-FRA-61152

May 29, 2024

Anthony W. Greep
Director
Office of Planning and Program Development
Region 5 Office
Federal Transit Administration
200 West Adams Street, Suite 320
Chicago, IL 60606

RE: Central Ohio Transit Authority's LinkUS West Broad Street Bus Rapid Transit Project, Columbus, Franklin County, OH - Section 106 Consultation Process and Area of Potential Effects (APE) Determination

Dear Mr. Greep,

This is in response to the correspondence received on April 30, 2024, regarding the above referenced project. The comments of the Ohio State Historic Preservation Office (SHPO) are made in accordance with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108 [36 CFR 800]).

This project proposes an approximately 9.3 miles Bus Rapid Transit (BRT) corridor with 17 stations along West Broad Street from Rockbrook Crossing Avenue in Prairie Township to Long Street and Washington Avenue in Downtown Columbus. The Project will operate in 5.2 miles of dedicated guideway and 4.1 miles of mixed traffic. Center-lane travel will occur between approximately Orel Avenue in the west and Cleveland Avenue in the east and along East Long Street between North Washington Street and Cleveland Avenue. The Project will be designed to include the following mobility assets: 17 near-level boarding stations with Americans with Disabilities Act accessibility and off-board fare collection, end of line layover facilities, on-route BRT vehicle charging at Rockbrook Crossing Park and Ride/Transit Facility, one mobility hub, mixed traffic and dedicated center running bus lanes, Transit Signal Priority, intersection improvements, improved bicycle lanes (where applicable), and improved sidewalks. The Project will also include facility upgrades to support the maintenance and operation of transit vehicles.

The submission proposed two APEs: 1) an architectural APE limited to the right of way along the Project corridor and expanded to a radius of 150 feet from the station footprint to account for visual effects within the viewshed of the proposed Project location, and 2) an archaeological APE which is limited to station construction footprint to account for direct effects at the proposed Project location. The SHPO agrees that these APEs are suitable to evaluate the project's effects.

Per the submission, the archaeological APE for direct effects will be restricted to the locations of ground disturbing activities. The extent of the APE for direct effects has not yet been defined for this project; however, it will likely be limited to approximately seventeen (17) locations for bus platform/installation, approximately 1.5 acres for stormwater detention/retention features, and locations of minor improvements at the proposed termini. Much of the ground disturbing activity will occur within existing right-of-way (ROW) within an urban and developed setting. Due to the size and complexity of the APE, our office recommends an assessment of all



areas in which ground disturbing activities will occur in order to document potential disturbance within those areas. This assessment should also include a discussion of potential historic-era resources that may be buried below the pavement or ground surface (foundations, etc.). If areas are found during the disturbance assessment to have not been fully disturbed, Phase I survey methodology should be utilized. The disturbance assessment report should follow the guidelines for archaeological reporting, as detailed in Archaeology Guidelines (SHPO 2022).

The SHPO also recommends a historic architectural reconnaissance survey within the architectural APE to evaluate the overall effects of the LinkUS West Broad Street Bus Rapid Transit Project and inform appropriate mitigation measures, if necessary.

Our office looks forward to additional coordination regarding the proposed LinkUS West Broad Street Bus Rapid Transit Project. If you have any questions, please contact me at arosenow@ohiohistory.org or Catherine Gullett at CGullett@ohiohistory.org. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Abigail Rosenow".

Abigail Rosenow
Project Reviews Manager – Architecture
Resource Protection and Review
State Historic Preservation Office

"Please be advised that this is a Section 106 decision. This review decision may not extend to other SHPO programs."

RPR Serial No: 1102946

From: [Singh, Anshu \(FTA\)](#)
To: [REDACTED]
Cc: [Kane, Mark \(FTA\)](#); [Sunderland, Zachary](#); [REDACTED]
Subject: RE: Please send contact information for individual conducting historic review for COTA LinkUS West Broad Street BRT Project, Columbus, Franklin County, OH
Date: Tuesday, September 3, 2024 8:16:00 AM

Hello Marian,

COTA is conducting the historic review to comply with the National Historic Preservation Act. All questions and concerns should be directed to COTA/FTA. Zach Sunderland, cc'd on the email, is the POC for COTA.

Thanks,
Anshu

From: Marian Lupo [REDACTED]
Sent: Monday, September 2, 2024 6:21 PM
To: Singh, Anshu (FTA) <anshu.singh1@dot.gov>
Cc: Kane, Mark (FTA) <Mark.Kane@dot.gov>; Sunderland, Zachary <sunderlandzj@cota.com>; Allison, Patricia (FTA) <patricia.allison@dot.gov>; Armand, Nathalie CTR (FTA) <nathalie.armand.ctr@dot.gov>; R Hunley [REDACTED]; [REDACTED]
Subject: Please send contact information for individual conducting historic review for COTA LinkUS West Broad Street BRT Project, Columbus, Franklin County, OH

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Anshu,

I hope you are well and enjoying the holiday!

Please send us the name and contact information for the Columbus-based individual(s) responsible for conducting the historic review on behalf of the FTA/COTA.

Best Wishes & Thank You,

Marian Lupo
FAN Civic Association and Highland West Civic Association

[REDACTED]
[REDACTED]
[REDACTED]

From: Singh, Anshu (FTA) <anshu.singh1@dot.gov>

Sent: Monday, June 17, 2024 12:17 PM

To: Marian Lupo <[REDACTED]>

Cc: Kane, Mark (FTA) <Mark.Kane@dot.gov>; Sunderland, Zachary <sunderlandzj@cota.com>; Allison, Patricia (FTA) <patricia.allison@dot.gov>; Armand, Nathalie CTR (FTA) <nathalie.armand.ctr@dot.gov>

Subject: RE: Thank you! E-mail acceptance, Can send one with signature, and Rebecca Hunley's e-mail Re: COTA LinkUS West Broad Street BRT Project, Columbus, Franklin County, OH - Invitation to participate as Consulting Party

Hello Marian,

We accept your email as your formal acceptance of your role as a consulting party for the above referenced project.

Thanks,

Anshu

From: Marian Lupo <[REDACTED]>

Sent: Friday, June 14, 2024 11:47 AM

To: Singh, Anshu (FTA) <anshu.singh1@dot.gov>

Cc: Kane, Mark (FTA) <Mark.Kane@dot.gov>; Sunderland, Zachary <sunderlandzj@cota.com>; Allison, Patricia (FTA) <patricia.allison@dot.gov>; Armand, Nathalie CTR (FTA) <nathalie.armand.ctr@dot.gov>

Subject: Thank you! E-mail acceptance, Can send one with signature, and Rebecca Hunley's e-mail Re: COTA LinkUS West Broad Street BRT Project, Columbus, Franklin County, OH - Invitation to participate as Consulting Party

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Dear Anshu,

Thank you very much for this invitation and the accompanying information!

If possible, please accept this e-mail as my formal acceptance of my role as consulting party in the Section 106 process for the COTA LinkUS West Broad Street BRT Project, Columbus, Franklin County, OH.

If a written acceptance with my signature is preferable, please let me know and I will send as a pdf.

Rebecca Hunley's e-mail is [REDACTED]. It will automatically respond as the FAN Civic Association, but she will receive the e-mail.

Best Wishes & Thank You Again,

Marian Lupo

FAN Civic Association and Highland West Civic Association

[REDACTED]

[REDACTED]

[REDACTED]

From: Singh, Anshu (FTA) <anshu.singh1@dot.gov>
Sent: Friday, June 14, 2024 1:27 PM
To: Marian Lupo <[REDACTED]>
Cc: Kane, Mark (FTA) <Mark.Kane@dot.gov>; Sunderland, Zachary <sunderlandzj@cota.com>; Allison, Patricia (FTA) <patricia.allison@dot.gov>; Armand, Nathalie CTR (FTA) <nathalie.armand.ctr@dot.gov>
Subject: COTA LinkUS West Broad Street BRT Project, Columbus, Franklin County, OH - Invitation to participate as Consulting Party

Hello,

As part of its responsibilities under 36 CFR Part 800 – Protection of Historic Properties and the National Historic Preservation Act (NHPA), the Federal Transit Administration (FTA) is initiating a Section 106 Consultation Process for the LinkUS West Broad Street Bus Rapid Transit (BRT) Project (the Project) in Columbus, Franklin County, Ohio. FTA has determined that the proposed project will be a Federal undertaking as defined in 36 CFR § 800.16(y) and that it is a type of activity that has the potential to cause effects on historic properties. The attached letter serves as an invitation to participate in the Section 106 consultation process as a consulting party.

If you would like to participate as a consulting party for this project, we ask that you respond within 30 days of receiving this correspondence, accepting your role as a consulting party in the Section 106 process. Should you have any questions, please don't hesitate to contact me.

Sincerely,

Anshu

Anshu Singh, Ph.D. (She/Her)

Environmental Protection Specialist

Federal Transit Administration, Region V

200 West Adams, Suite 320, Chicago, IL 60606

Phone: 312-353-4344

Email: anshu.singh1@dot.gov



U.S. Department of Transportation
Federal Transit Administration

From: [REDACTED]
To: [Sunderland, Zachary](#)
Cc: [Singh, Anshu \(FTA\)](#); [Johnson, Jocelyn \(FTA\)](#); [Kane, Mark \(FTA\)](#); [REDACTED]
Subject: Please Send Notice to Halt Anticipatory Demolition in APE
Date: Monday, October 28, 2024 8:00:24 AM

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To: Zach Sunderland, Program Manager, COTA W. Broad BRT 106 Historical Review

From: Community Improvement 614, Consultants Invited by the FTA

Re: Request for Notice of Prohibition on Anticipatory Demolition

Date: October 28, 2024

Dear Zach,

Please send notice of the federal prohibition on anticipatory demolition to the City of Columbus, owners, developers, and other relevant parties.

550 W. Broad, within the Area of Potential Affect (APE) on our historic U.S. 40, has been torn down. The Downtown Commission approved the old Spaghetti Warehouse, 397 W. Broad St., for demolition on October 22, 2024.

The entire Bank Block, 2374-2348 W. Broad St., again within the APE, was purchased by "Columbus Holding Group, LLC" on September 12, 2024. A former city development director now oversees it, leading to concerns about its imminent demolition.

Demolition of historic properties in the APE undermines the goals of the federally mandated 106 historic review and appears to clearly violate 54 U.S.C. § 306113.

With one tear down completed, at least one demolition imminent, and the entire Bank Block transferred, please send the notice by October 30, 2024, or sooner, if possible.

We request that this letter requesting notice be placed in the administrative file.

Sincerely,

Marian Lupo
[REDACTED]

From: [Sunderland, Zachary](#)
To: [REDACTED]
Cc: [Singh, Anshu \(FTA\)](#); [Johnson, Jocelyn \(FTA\)](#); [REDACTED]
Subject: RE: Please Send Notice to Halt Anticipatory Demolition in APE
Date: Tuesday, October 29, 2024 4:36:16 PM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Marian & the Community Improvement 614 group,

I want to clarify that any Construction or Demolition work being done right now along the West Broad BRT Corridor is work that is not related the West Broad BRT project. The project is between 60-90% design phase and still within the NEPA process and thus has not begun any construction work. The first two properties mentioned below are privately-owned. It sounds like you have some more information regarding an owner transfer for the Bank Block, I believe this block is associated with the work that Hilltop Rise is doing in the area. We suggest that you reach out to the property owners if there are any concerns with work they are currently doing.

As it relates to the West Broad BRT APE, adjacent existing Right-of-Way is included in the project's APE but all the mentioned properties/parcels are not. There is no intent or plans to demolish any buildings as a part of this project. A majority of the work for the BRT project will be included in the existing Right-of-Way with some slivers of parcels that will need to be acquired to expand the Right-of-Way to maintain sidewalks and vehicular access. There are some parcels identified in the APE that are included for construction staging and potential stormwater work and they were identified on primarily vacant land or parking lot space to minimize and impacts to existing buildings or structures.

Thanks,
Zach



ZACH SUNDERLAND, AICP
LinkUS Program Manager

Central Ohio Transit Authority
P: 614-308-4236
COTA.com | [LinkedIn](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

From: Community Improvement [REDACTED]
Sent: Monday, October 28, 2024 8:00 AM
To: Sunderland, Zachary <sunderlandzj@cota.com>

Cc: anshu.singh1@dot.gov; jocelyn.johnson@dot.gov; mark.kane@dot.gov; Rebecca Hunley

> [REDACTED]
Subject: Please Send Notice to Halt Anticipatory Demolition in APE

To: Zach Sunderland, Program Manager, COTA W. Broad BRT 106 Historical Review

From: Community Improvement 614, Consultants Invited by the FTA

Re: Request for Notice of Prohibition on Anticipatory Demolition

Date: October 28, 2024

Dear Zach,

Please send notice of the federal prohibition on anticipatory demolition to the City of Columbus, owners, developers, and other relevant parties.

550 W. Broad, within the Area of Potential Affect (APE) on our historic U.S. 40, has been torn down. The Downtown Commission approved the old Spaghetti Warehouse, 397 W. Broad St., for demolition on October 22, 2024.

The entire Bank Block, 2374-2348 W. Broad St., again within the APE, was purchased by "Columbus Holding Group, LLC" on September 12, 2024. A former city development director now oversees it, leading to concerns about its imminent demolition.

Demolition of historic properties in the APE undermines the goals of the federally mandated 106 historic review and appears to clearly violate 54 U.S.C. § 306113.

With one tear down completed, at least one demolition imminent, and the entire Bank Block transferred, please send the notice by October 30, 2024, or sooner, if possible.

We request that this letter requesting notice be placed in the administrative file.

Sincerely,

Marian Lupo
[REDACTED]

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To: Reid Nelson
Executive Director
Advisory Council on Historic Preservation

By e-mail: rnelson@achp.gov

From: Marian Lupo, Consulting Party, [REDACTED]

Date: November 12, 2024

Re: Request that Advisory Council on Historic Preservation enter or assist pursuant to 36 C.F.R. § 800.2(b)(1) & (2)

Attachment: SHPO # 2024-FRA-61152, Section 106 Eligibility and Effects Determinations for Central Ohio Transit Authority's LinkUS West Broad Street Bus Rapid Transit Project, Columbus, Franklin County, Ohio dated November 1, 2024 (Determination of No Adverse Effect)

Dear Reid Nelson:

I am writing to request that the Advisory Council on Historic Preservation enter into the above process so that the Federal Transit Administration (FTA) and the Central Ohio Transit Authority (COTA) follow the rules regarding its National Historic Preservation Act section 106 historical review of the COTA LinkUS West Broad Street Rapid Transit Project, Columbus, Ohio, Franklin County (COTA LinkUS BRT).

The section 106 historical review began in April 2024. I became a consulting party in June 2024. On November 1, 2024, the agency made a determination of "No Adverse Effect" (attached).

This 106 review encompasses over nine miles of U.S. 40, the historic National Road, and it traverses some of the most historic areas of Franklin County. It is an ambitious project that appears to involve a widening of U.S. 40 and a possible impact on over eighty historic resources. The FTA grant for this project is in the range of 41.9 million dollars.

It appears that the agency failed to comply with the federal regulations regarding the public and consulting parties, 36 C.F.R. § 800.2(d), 36 C.F.R. § 800.4(a)(3) and 36 C.F.R. § 800.5(a). As a consequence of the above, the required documentation pursuant to 36 C.F.R. § 800.11(e)(6) from the public and consulting parties is missing from the material submitted to the SHPO with the agency's final determination.

Appendix A to Part 800 suggests that this scenario is appropriate for ACHP entry. I am also writing pursuant to 36 C.F.R. § 800.2(b)(2) so participants may obtain the Council's advice on the statutory process.

1. 36 C.F.R. § 800.2(d)

The agency has not provided for public participation in this historical review. In its document submitted on April 1, 2024 to the Ohio Historic Preservation Office: Resource Protection and Review, entitled "Section 106 Review Project Summary Form," it acknowledges as much, listing multiple public events but not a single effort that provides the notice and information required by 36 C.F.R. § 800.2(d)(2). It has not provided the "public with information about an undertaking and its effects on historic properties" to "seek public comment and input." 36 C.F.R. § 800.2(d)(2).

Since the 106 historical review began, the public engagement efforts by the agency may be characterized as public relation efforts to garner support for the BRT project, in general, and specifically, to garner support for COTA's ballot initiative on November 5, 2024, which successfully sought a tax increase.

Input specific to the undertaking's effect on historic properties has not been sought, apparently contrary to the spirit and the letter of 36 C.F.R. § 800.2(d). When I speak to members of the public invested with an interest and expertise in the historic and cultural fabric under 106 review, they are shocked to learn such a review has been underway.

2. 36 C.F.R. § 800.4(a)(3) and 36 C.F.R. § 800.5(a)

I am a member of a group of historians and preservationists active in our neighborhood civic associations (The Highland West Civic Association and the Franklinton Area Neighbors Association) operating under the umbrella "Community Improvement 614." We sought and received official consulting party status in June 2024. Together, we cover roughly 3.5 miles of the over 9 mile project.

We have not been engaged at any stage of this process prior to the determination of "No Adverse Effect." This is in spite of our active outreach to the agency so that we may meaningfully engage in conversation early in the process.

The failure to engage us prior to the determination of "No Adverse Effect" appears contrary to the spirit and letter of 36 C.F.R. § 800.4(a)(3), which provides that the agency is to "[s]eek information, as appropriate, from consulting parties, and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area, and identify issues relating to the undertaking's potential effects on historic properties."

Similarly, the agency has made its determination of "No Adverse Effect" without considering "any views concerning such effects which have been provided by consulting parties and the public." 36 C.F.R. § 800.5(a).

The only information received from the agency was upon its receipt of our acceptance of its invitation to consult. In June 2024, we were also promised a "forthcoming consulting

parties meeting" to "walk everyone through the scope of the Section 106 process," but no such meeting occurred. Mark Kane, the FTA official who offered the meeting, has apparently been dropped from FTA e-mail list.

In August 2024, we invited representatives from COTA and its LinkUS partners to a meeting to discuss the 106 historical review. No one attended the meeting.

In September 2024, we reached out to the FTA to determine who was the local point-of-contact for the 106 historical review. We were directed to Zachary Sunderland of COTA.

In October 2024, we invited Zachary Sunderland to our November 19, 2024 meeting to discuss the 106 historical review. At no point prior to our pointed outreach did Zachary Sunderland reach out to us.

In response to our invitation, Zachary Sunderland instead scheduled a consulting parties meeting on Zoom for November 12, 2024 at 3 p.m. Zachary Sunderland, when he initially scheduled the Zoom meeting for November 12, 2024, did not disclose that the agency would have reached its determination of "No Adverse Effect" by then.

We informed Zachary Sunderland that our work schedules did not permit us to attend this 3 p.m. consulting parties Zoom meeting, which now appears to be likely the final and only consulting parties meeting.

Even at this late stage of the review process, the addition of an extra lane on U.S. 40 for this project (and through the area we represent) has not been clarified in any meeting or document for the public or consultants. It is alluded to briefly on page 62 in the "Aboveground Cultural Resources Identification and Assessment of Effects Report" the agency submitted to the SHPO in conjunction with its determination of "No Adverse Effect."

It is profoundly disheartening that a review meant to be informed and honest instead apparently actively excludes the public and consulting parties rendering public participation impossible and consulting party status meaningless. The 106 process as it has unfolded relegates consulting parties to the role of "objectors."

3. 36 C.F.R. § 800.11(e)(6)

Given the apparent scope of the project and the lack of input from the public and consulting parties, it is unfair to the SHPO to provide comment within the short 30-day period required by 36 C.F.R. § 800.5(c). The required documentation pursuant to 36 C.F.R. § 800.11(e)(6) ("copies or summaries of any views provided by consulting parties and the public") is missing. This 30-day period spans two federal holidays, Veterans Day and Thanksgiving.

Conclusion

As the initiation of the 36 C.F.R. § 800.5(c) objection/disagreement period appears, at a minimum, premature, and may possibly violate federal statutory processes, I respectfully request the ACHP enter the process to stop the clock, advise the agency to comply with the procedural requirements of Title 36, and/or take other action it deems advisable to guide the parties.

Please confirm receipt of this letter.

Thank you for your consideration. I look forward to your response.

Respectfully Submitted,

Marian Lupo

Marian Lupo, J.D., Ph.D.
Attorney Emeritus (ret.), NYS Bar
FTA Consulting Party for COTA LinkUS BRT, Columbus, Franklin County, Ohio,
[REDACTED]

cc: Jaime Loichinger, Director, Office of Federal Agency Programs,
jloichinger@achp.gov

Diana Welling, Division Director and State Historic Preservation Officer, Ohio Historic Preservation Office, section106@ohiohistory.org

Kristen Koehlinger, PE, Department Head & Deputy State Historic Preservation Officer for Resource Protection and Review, State Historic Preservation Office,
kkoehlinger@ohiohistory.org

Abigail Rosenow, State Historic Preservation Office, Project Reviews Manager – Architecture, arosenow@ohiohistory.org

Anthony W. Greep, Director, Office of Planning and Program Development, Federal Transit Administration, anthony.greep@dot.gov

Jocelyn Hoffman, FTA, jocelyn.johnson@dot.gov

Anshu Singh, FTA, anshu.singh1@dot.gov

Rebecca Hunley, Consulting Party, [REDACTED]

Geoffrey Phillips, Consulting Party, [REDACTED]

Zachary Sunderland, Project Manager, COTA LinkUS BRT, sunderlandzj@cota.com

Jim Young, President, Ohio National Roads Association,
[REDACTED]

Thomas P. Barrett, Historic Bridges Manager and State Byways Coordinator, Ohio Department of Transportation, Tom.Barrett@dot.ohio.gov

James Goodman, Historic Preservation Officer, City of Columbus, jagoodman@columbus.gov

Jennie Kepler, Commissioner, Greater Area Hilltop Commission,
[REDACTED]

Franklinton Historical Society, [REDACTED]

Hilltop Rise CDC, [REDACTED]

Susan Keeney, Preservation Director, Columbus Landmarks,
[REDACTED]

Shannon Hardin, President, Columbus City Council, Senior Policy Advisor,
John Tannous, jdtannous@columbus.gov

Melissa Green, Westside City Council Representative, Columbus City Council, Haley Gerken, Legislative Aide, hegerken@columbus.gov

Jordan Laird, Government Accountability Reporter, *The Columbus Dispatch*, jlaird@dispatch.com

To: Anthony W. Greep, Director, Office of Planning and Program Development,
Federal Transit Administration

By e-mail: anthony.greep@dot.gov

From: Marian Lupo, Consulting Party, [REDACTED]

Date: December 9, 2024

Re: Request for Remediation of Procedural and Substantive Objections to SHPO # 2024-FRA-61152 Section 106 Eligibility and Effects Determinations for Central Ohio Transit Authority's LinkUS West Broad Street Bus Rapid Transit Project, Columbus, Franklin County, Ohio dated November 1, 2024 (Determination of No Adverse Effect) & COTA's LinkUS West Broad BRT Project - Cultural Resource Survey Reports

Dear Anthony W. Greep:

I am writing on my own behalf and on behalf of Community Improvement 614 to object to the process and the substance of the above and to request that the Federal Transit Administration remediate.

On November 12, 2024, I wrote to the Advisory Council on Historic Preservation and requested it enter into the above process so that the Federal Transit Administration (FTA) and the Central Ohio Transit Authority (COTA) follow the rules regarding its National Historic Preservation Act section 106 historical review of the COTA LinkUS West Broad Street Rapid Transit Project, Columbus, Ohio, Franklin County (COTA LinkUS BRT).

To remediate, the agency extended the deadline for comment by fifteen (15) days (December 16, 2024) and asserted it would place the 106 documents on the LinkUS website for public access. The link for the 106 documents (as of the date of this letter, December 9, 2024) does not work. Further, the deadline for public comments does not appear on the website nor any context for public comments. No public announcement was made.

It appears that the failure of the agency to comply with the regulatory procedural requirements of Title 36, especially in light of its representations to the State Historic Preservation Officer (SHPO) on April 1, 2024, do not demonstrate reasonableness and good faith.

Procedural Objections:

The section 106 historical review began in April 2024. I became a consulting party in June 2024. On November 1, 2024, the agency made a determination of "No Adverse Effect."

This 106 review encompasses over nine miles of U.S. 40, the historic National Road, and it traverses some of the most historic areas of Franklin County. It is an ambitious undertaking that appears to involve a widening of U.S. 40 and a possible impact on over eighty historic resources. The FTA grant for this undertaking is in the range of 41.9 million dollars. My understanding is that the total sum of federal grant dollars earmarked for this project is 339.5 million dollars.

It appears that the agency failed to comply with the federal regulations regarding the public and consulting parties, 36 C.F.R. § 800.2(d), 36 C.F.R. § 800.4(a)(3) and 36 C.F.R. § 800.5(a). As a consequence of the above, the required documentation pursuant to 36 C.F.R. § 800.11(e)(6) from the public and consulting parties is missing from the material submitted to the SHPO with the agency's final determination.

1. 36 C.F.R. § 800.2(d)

The agency has not provided for public participation in this historical review. In its document submitted on April 1, 2024 to the Ohio Historic Preservation Office: Resource Protection and Review, entitled "Section 106 Review Project Summary Form," it acknowledges as much, listing multiple public events but not a single effort that provides the notice and information required by 36 C.F.R. § 800.2(d)(2). It has not provided the "public with information about an undertaking and its effects on historic properties" to "seek public comment and input." 36 C.F.R. § 800.2(d)(2).

Since the 106 historical review began, the public engagement efforts by the agency may be characterized as public relation efforts to garner support for the BRT project, in general, and specifically, to garner support for COTA's ballot initiative on November 5, 2024, which successfully sought a tax increase.

It does not appear to be reasonable or in good faith for the agency to list these PR efforts in a document to the SHPO as efforts to seek public comment and review on the undertaking and its effects on historic properties.

Input specific to the undertaking's effect on historic properties has not been sought, apparently contrary to the spirit and the letter of 36 C.F.R. § 800.2(d). When I speak to members of the public invested with an interest and expertise in the historic and cultural fabric under 106 review, they are shocked to learn such a review has been underway.

2. 36 C.F.R. § 800.4(a)(3) and 36 C.F.R. § 800.5(a)

I am a member of a group of historians and preservationists active in our neighborhood civic associations (The Highland West Civic Association and the Franklinton Area Neighbors Association) operating under the umbrella "Community Improvement 614."

We sought and received official consulting party status in June 2024. Together, we cover roughly 3.5 miles of the over 9 mile undertaking.

We have not been engaged at any stage of this process prior to the determination of "No Adverse Effect." This is in spite of our active outreach to the agency so that we may meaningfully engage in conversation early in the process.

The failure to engage us prior to the determination of "No Adverse Effect" appears contrary to the spirit and letter of 36 C.F.R. § 800.4(a)(3), which provides that the agency is to "[s]eek information, as appropriate, from consulting parties, and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area, and identify issues relating to the undertaking's potential effects on historic properties."

Similarly, the agency has made its determination of "No Adverse Effect" without considering "any views concerning such effects which have been provided by consulting parties and the public." 36 C.F.R. § 800.5(a).

The only information received from the agency was upon its receipt of our acceptance of its invitation to consult. In June 2024, we were also promised a "forthcoming consulting parties meeting" to "walk everyone through the scope of the Section 106 process," but no such meeting occurred. Mark Kane, the FTA official who offered the meeting, has apparently been dropped from FTA e-mail list.

In August 2024, we invited representatives from COTA and its LinkUS partners to a meeting to discuss the 106 historical review. No one attended the meeting.

In September 2024, we reached out to the FTA to determine who was the local point-of-contact for the 106 historical review. We were directed to Zachary Sunderland of COTA.

In October 2024, we invited Zachary Sunderland to our November 19, 2024 meeting to discuss the 106 historical review. At no point prior to our pointed outreach did Zachary Sunderland reach out to us.

In response to our invitation, Zachary Sunderland instead scheduled a consulting parties meeting on Zoom for November 12, 2024 at 3 p.m. Zachary Sunderland, when he initially scheduled the Zoom meeting for November 12, 2024, did not disclose that the agency would have reached its determination of "No Adverse Effect" by then.

We informed Zachary Sunderland that our work schedules did not permit us to attend this 3 p.m. consulting parties Zoom meeting, which now appears to be likely the final and only consulting parties meeting.

In response to my letter to the ACHP seeking its intervention dated November 12, 2024, on November 19, 2024, in a meeting attended by Anshu Singh, Federal Transit Authority, Bill Marzella, Program Analyst, FTA, Advisory Council on Historic Preservation, and Zachary Sunderland of COTA, it was represented that the deadline for comments would be extended by fifteen (15) days in an attempt to remediate the procedural errors and that the 106 materials would be placed on the LinkUS website.

As detailed above, public participation is still impossible. As of the date of this letter, December 9, 2024, the link on the web page <https://linkuscolumbus.com/westbroad/> entitled "Section 106 documents" does not take one to the 106 documents. No public announcement was made. No deadline appears on the website. No context is provided for comments. Even had the above been done, fifteen days is an unreasonably short-time in which to involve the public, especially given that the public is now expected to respond between two major holiday seasons.

Further, even at this late stage of the review process, and even after our meeting on November 19, 2024, the addition of an extra lane on U.S. 40 for this undertaking (and through the area we represent) has not been clarified in any meeting or document for the public or consultants. It is alluded to briefly on page 62 in the "Aboveground Cultural Resources Identification and Assessment of Effects Report" the agency submitted to the SHPO in conjunction with its determination of "No Adverse Effect."

It is profoundly disheartening that a review meant to be informed and honest instead apparently actively excludes the public and consulting parties rendering public participation impossible and consulting party status meaningless. The 106 process as it has unfolded relegates consulting parties to the role of "objectors."

3. 36 C.F.R. § 800.11(e)(6)

Given the apparent scope of the undertaking and the lack of input from the public and consulting parties, it is unfair to the SHPO to provide comment within the short 30-day period required by 36 C.F.R. § 800.5(c). The required documentation pursuant to 36 C.F.R. § 800.11(e)(6) ("copies or summaries of any views provided by consulting parties and the public") is missing. This 30-day period spans two federal holidays, Veterans Day and Thanksgiving. The 15-day extension, for the reasons noted above, does not remediate this issue.

Substantive Objections to Aboveground Cultural Resources Identification and Assessment of Effects Report, Central Ohio Transit Authority, Revision #4, October 3, 2024 Based Upon Failure to Follow Regulatory Process

The APE for this undertaking as proposed is both large and complicated. The failure to follow the regulatory process has naturally led to the multiple substantive issues, of which we have identified only a few:

1. The report contains substantial historical gaps.

a. For example, no building under section 4.1.11, "Eureka Ave. Station" was deemed of historical significance. The agency failed to conduct even the most cursory review of the historical associations of the buildings under review and the person or people important in history associated with the building.

b. The failure to recognize a single church reviewed in this report demonstrates the gravity of the historical gaps.

2. The report contains LGBTQ+ and racial bias.

This bias can be seen, for example, in the evaluation of 2456 W. Broad St., which has documented national historical significance to the LGBTQ+ community. Despite this overwhelming and documented history, the agency has determined the building to be of no historical significance.

The historical associations of buildings under review with Black Americans have been entirely omitted and Black Americans important in history and associated with the buildings have been omitted. This is in spite of the documented history of Jessie Owens living in a section of the area under review when he raced in the 1936 Berlin Olympics.

3. The report omits the designation of U.S. 40 in Ohio as an "All-American Road" in 2002 and the attendant historical consequences.

"To be designated as an All-American Road, a byway must meet criteria for at least two intrinsic qualities that are nationally significant and have one-of-a-kind features that do not exist elsewhere. The road or highway must also be considered a 'destination unto itself.' That is, the road must provide an exceptional traveling experience so recognized by travelers that they would make a drive along the highway a primary reason for their trip." <https://www.fhwa.dot.gov/pressroom/fhwa0227.cfm>.

a. The report does not reference the corridor management plan for U.S. 40.

b.. Multiple buildings (motel, gas stations) in the report are structures unique to U.S. 40 as the national roadway before the interstate system was built. The report fails to give due weight to this historical association, finding instead that the structures were unique to the local community (despite the presence of these structures in proximity to mile markers).

c. Just as significant, the report fails to give due weight to the physical timeline evidenced by the buildings along U.S. 40. It does this by failing to draw the historical and structural connections between the buildings evaluated in the report.

4. There is a discrepancy between the stated APE and the structures evaluated. In the alternative, the APE does not reflect the scope of the undertaking and must be revised.

The scope of the undertaking includes taking the right-of-way, defined as three feet from the current roadway, along U.S. 40. This impinges upon the facade of several blocks of buildings on U.S. 40. These are buildings well over fifty years old with only three feet of sidewalk. These buildings have not been evaluated in the report.

In the alternative, the APE must be revised. Much of the APE is currently reflected as a straight line down U.S. 40 along the right-of-way that does not account for the differing width of U.S. 40. That is, the APE does not reflect the true width of U.S. 40 and thus, that the undertaking may adversely affect several blocks of contiguous brick and stone buildings dating from approximately 1891 to the 1920s. The revision must account for the narrowing of U.S. 40 to represent the actual built environment and its historical structures.

Conclusion

As the initiation of the 36 C.F.R. § 800.5(c) objection/disagreement period appears, at a minimum, premature, and may possibly violate federal statutory processes, I respectfully request the FTA stop the clock and meaningfully comply with the regulatory requirements of Title 36.

I request that the FTA engage in public participation for the 106 process in the same or similar manner as the public relations events it represented to the SHPO in its April 1, 2024 "Section 106 Review Project Summary Form."

I further request that the substantive objections be addressed through remediating the regulatory consulting and public procedures.

Please confirm receipt of this letter.

Thank you for your consideration. I look forward to your response.

Respectfully Submitted,

Marian Lupo

Marian Lupo, J.D., Ph.D.
Attorney Emeritus (ret.), NYS Bar
FTA Consulting Party for COTA LinkUS BRT, Columbus, Franklin County, Ohio,

[REDACTED]

cc: Anshu Singh, FTA, anshu.singh1@dot.gov

Jocelyn Johnson, FTA, jocelyn.johnson@dot.gov

Reid Nelson, Executive Director, Advisory Council on Historic Preservation
rnelson@achp.gov

Jaime Loichinger, Director, Office of Federal Agency Programs, jloichinger@achp.gov

Bill Marzella, Program Analyst, FTA, Advisory Council on Historic Preservation,
bmarzella@achp.gov

Diana Welling, Division Director and State Historic Preservation Officer, Ohio Historic
Preservation Office, section106@ohiohistory.org

Kristen Koehlinger, PE, Department Head & Deputy State Historic Preservation Officer
for Resource Protection and Review, State Historic Preservation Office,
kkoehlinger@ohiohistory.org

Abigail Rosenow, State Historic Preservation Office, Project Reviews Manager –
Architecture, arosenow@ohiohistory.org

Diamond Crowder, Underrepresented Communities Survey & National Register
Manager, Ohio State Historic Preservation Office, dcrowder@ohiohistory.org

Rebecca Hunley, Consulting Party, [REDACTED]

Geoffrey Phillips, Consulting Party, [REDACTED]

Thomas P. Barrett, Historic Bridges Manager and State Byways Coordinator, Ohio
Department of Transportation, Tom.Barrett@dot.ohio.gov

Erica Schneider, Asst. Environmental Administrator, Ohio Department of Transportation,
erica.schneider@dot.ohio.gov

Susan Gasbarro, History & Architecture Team Lead, Ohio Department of Transportation,
susan.gasbarro@dot.ohio.gov

Stanley Baker, Archaeology Team Lead, Ohio Department of Transportation,
stanley.baker@dot.ohio.gov

Leigh Oldershaw, Cultural Resources, Ohio Department of Transportation,
leigh.oldershaw@dot.ohio.gov

Zachary Sunderland, Project Manager, COTA LinkUS BRT, sunderlandzj@cota.com

Densil R. Porteous, MBA, Executive Director/CEO, Stonewall Columbus,
[REDACTED]

Jim Young, President, Ohio National Roads Association,
[REDACTED]

James Goodman, Historic Preservation Officer, City of Columbus,
jagoodman@columbus.gov

Jennie Kepler, Commissioner, Greater Area Hilltop Commission,
[REDACTED]

Franklinton Historical Society, [REDACTED]

Hilltop Rise CDC, [REDACTED]

Susan Keeney, Preservation Director, Columbus Landmarks,
[REDACTED]

Shannon Hardin, President, Columbus City Council, Senior Policy Advisor,
John Tannous, jdtannous@columbus.gov

Melissa Green, Westside City Council Representative, Columbus City Council, Haley
Gerken, Legislative Aide, hegerken@columbus.gov

Jordan Laird, Government Accountability Reporter, *The Columbus Dispatch*,
jlaird@dispatch.com

From: Paul.Maricocchi@dot.ohio.gov
To: Erica.Schneider@dot.ohio.gov; [Singh, Anshu \(FTA\)](#)
Cc: [Diana Welling](#); Chantil.Milam@dot.ohio.gov
Subject: RE: SHPO # 2024-FRA-61152 - COTA's LinkUS West Broad BRT Project: ODOT Comments
Date: Tuesday, December 17, 2024 1:58:54 PM
Attachments: [image002.png](#)
[image003.png](#)

You don't often get email from paul.maricocchi@dot.ohio.gov. [Learn why this is important](#)

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Nothing on my end, other than to confirm that District 6 has no plans to widen US 40. Our project currently being constructed at the Wilson Rd intersection will add a few feet for bike lanes, but not vehicular lanes.

Thanks,

Paul Maricocchi, E.I.
(he/him/his)
LPA Project Manager
ODOT District 06
400 E. William Street
Delaware, Ohio 43015
D: 740.833.8083
Paul.maricocchi@dot.ohio.gov



**Department of
Transportation**

From: Schneider, Erica <Erica.Schneider@dot.ohio.gov>
Sent: Tuesday, December 17, 2024 1:22 PM
To: Singh, Anshu (FTA) <anshu.singh1@dot.gov>
Cc: Diana Welling <dwelling@ohiohistory.org>; Maricocchi, Paul <Paul.Maricocchi@dot.ohio.gov>; Milam, Chantil <Chantil.Milam@dot.ohio.gov>
Subject: RE: SHPO # 2024-FRA-61152 - COTA's LinkUS West Broad BRT Project: ODOT Comments

Anshu,

As far as I can tell, ODOT does not have any widening projects planned for West Broad Street. While I am not sure about the City of Columbus or another locals, I also don't see any listed on the Mid-Ohio Regional Planning Commission's (our local MPO) website. I think Ms. Lupo was specifically referring to the LinkUS project in her letter.

I am also copying Paul Maricocchi, one of our ODOT District 6 local programs coordinators, who has also been acting as the ODOT District 6 liaison with COTA and Chantil Milam, who is our ODOT District 6 District Environmental Coordinator in case they have anything to add.

Please let me know if you have any additional questions. Thank you!

~Erica

Erica L. Schneider, MA, RPA
Assistant Environmental Administrator
Office of Environmental Services
1980 West Broad Street
Columbus, Ohio 43223
D: 614.387.0134
erica.schneider@dot.ohio.gov



**Department of
Transportation**

From: Singh, Anshu (FTA) <anshu.singh1@dot.gov>
Sent: Friday, December 13, 2024 8:22 AM
To: Schneider, Erica <Erica.Schneider@dot.ohio.gov>
Cc: Diana Welling <dwelling@ohiohistory.org>
Subject: RE: SHPO # 2024-FRA-61152 - COTA's LinkUS West Broad BRT Project: ODOT Comments

Hello Erica,

I wasn't sure who to contact, so decided to start with you. As you are aware, we have received comments from one of the consulting parties referring to the "Widening of U.S. 40". Is there a plan to widen U.S. 40?

Thanks,
Anshu

From: Erica.Schneider@dot.ohio.gov <Erica.Schneider@dot.ohio.gov>
Sent: Wednesday, December 4, 2024 12:13 PM
To: Singh, Anshu (FTA) <anshu.singh1@dot.gov>
Cc: Diana Welling <dwelling@ohiohistory.org>
Subject: SHPO # 2024-FRA-61152 - COTA's LinkUS West Broad BRT Project: ODOT Comments

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Anshu,

ODOT appreciates the opportunity to comment on the subject project. I have attached our official response. If you have any questions, please let me know. Thank you!

~Erica

Erica L. Schneider, MA, RPA
Assistant Environmental Administrator
Office of Environmental Services
1980 West Broad Street
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**Department of
Transportation**

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U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
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Michigan, Minnesota,
Ohio, Wisconsin

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312-353-2789
312-886-0351 (fax)

1/8/2025

Marian Lupo, J.D., Ph.D.
Attorney Emeritus (ret.), NYS Bar
Community Improvement 614

RE: Request for Remediation of Procedural and Substantive Objections to SHPO # 2024-FRA-61152 Section 106 Eligibility and Effects Determinations for Central Ohio Transit Authority's LinkUS West Broad Street Bus Rapid Transit Project, Columbus, Franklin County, Ohio dated November 1, 2024 (Determination of No Adverse Effect) & COTA's LinkUS West Broad BRT Project - Cultural Resource Survey Reports

Dear Ms. Lupo:

Thank you for your interest in COTA's LinkUS West Broad BRT Project (the "Project") and for submitting comments on behalf of Community Improvement 614. The Federal Transit Administration (FTA) is writing to address the concerns raised in your letter regarding compliance with the National Historic Preservation Act (16 U.S.C. 470) and its implementing regulations at 36 C.F.R. Part 800.

As part of its responsibilities under 36 C.F.R. Part 800, the FTA initiated a Section 106 Consultation Process for the Project in April 2024. On April 29, 2024, FTA provided Project details and its determination of the Area of Potential Effect (APE) to the Ohio State Historic Preservation Office (SHPO) and consulting party invitations to Indian Tribes (Tribes) and other potential consulting parties. The consulting party invitations included Project details and the APE determination.

The APE was defined to include the Right of Way (ROW) along W. Broad Street, encompassing any areas of sidewalk or ROW acquisition and areas of potential ground disturbance. The ROW acquisition will be limited to slivers of land, typically consisting of existing grass and landscaping elements adjacent to the current sidewalk and roadway. The Project involves widening select intersections to accommodate the Project, as detailed in the Engineering Roll -Plots shared in an email from AECOM, COTA's consultant, to Community Improvement 614 dated December 13, 2024. The Project **does not** include widening U.S. 40. The widening of U.S. 40 is an ongoing project by the Ohio Department of Transportation (ODOT). FTA contacted the ODOT, District 6

office to confirm the scope their ongoing project. FTA understands the ongoing project includes the widening of U.S. 40 between Wilson and Phillipi Roads to accommodate a bike lane. To account for visual effects, the APE was expanded to a radius of at least 150 feet from the footprint of new infrastructure, inclusive of stations, a park and ride location, and potential stormwater detention areas. On May 29, 2024, SHPO agreed the APE was appropriate.

Following SHPO's agreement that the APE was appropriate, Secretary of Interior Qualified Architectural Historians and Archaeologists (Qualified Professionals) conducted the identification of historic properties as defined at 36 C.F.R. § 800.16(l)(1) on behalf of FTA. Qualified Professionals first identified all resources within the APE that are already listed in the National Register of Historic Places (NRHP) and then conducted field surveys of all resources within the APE that were 50 years old or older. These resources were evaluated for NRHP eligibility following National Park Service (NPS) Bulletin 15 *How to Apply the National Register Criteria for Evaluation*. FTA reviewed and adopted the Qualified Professional's recommendations and determined there are 13 historic properties within the APE.

In accordance with 36 C.F.R. § 800.5(a)(1), FTA applied the criteria of adverse effect to assess the impacts of the Project on the historic properties. FTA determined that the Project's effects did not meet the criteria under 36 C.F.R. § 800.5(a)(1). In accordance with 36 C.F.R. § 800.5(c), on November 1, 2024, FTA notified all consulting parties, including SHPO, of its no adverse effect finding and provided the documentation specified in 36 C.F.R. § 800.11(e), which began the 30-day review period required under 36 C.F.R. § 800.5(c). At the time of FTA's determination of no adverse effect, no comments had been received from consulting parties or the public. FTA directed COTA to publish the Section 106 consultation materials to the Project website on November 13, 2024, to allow the public an opportunity to comment and extended the comment period by two weeks, from December 2, 2024, to December 16, 2024, to accommodate the federal holidays.

A summary of COTA's public outreach efforts since 2022 includes:

- Project website, including a Project email, inquiry form, and Section 106 documentation;
- Detailed business outreach/coordination beginning with a business walk (door-to-door), followed by a business survey, and then a series of business one-on-one or small group meetings;
- Rider engagement;
- Board and commission engagement to include regular briefings and opportunities to leverage their established communication channels;
- Neighborhood engagement through established meetings and tabling at corridor neighborhood events;
- Pop-up engagement at community events, as well as work with community and advocacy groups to leverage communications channels;
- Coordination with institutional stakeholders regarding end of line and mobility hubs; and

- Coordination with emergency services and K-12 schools on special access needs.

Your letter also contends that the report contains substantial historical gaps, an LGBTQ+ and racial bias, omits the designation of U.S. 40 as an “All-American Road,” and that there is a discrepancy between the stated APE and the structures evaluated and does not reflect the scope of the undertaking.

FTA determined the APE as defined in §800.16(d) in consultation with SHPO. The approach that has been applied for delineation of the APE is consistent with Section 106 compliance among transportation infrastructure projects of similar scale and complexity across the United States. Under this approach, the APE boundary has been delineated to include the limits of construction as well as a buffer to consider potential effects to the setting of historic properties adjacent to the Project.

All resources within the APE that are 50 years old or older were assessed for their NRHP eligibility by Qualified Professionals as described above. This evaluation is documented in the *Linkus West Broad Street Bus Rapid Transit Aboveground Cultural Resources Identification and Assessment of Effects Report*. The Qualified Professionals conducted field surveys and archival research as part of the evaluation of each resource. Your letter notes specific resources, locations, and potential significant associations of concern. If you have additional documentation to provide regarding specific resources in the APE that was not uncovered by Qualified Staff, please provide that for FTA consideration within 15 days of receipt of this letter. FTA is also providing times in the email transmittal of this letter to schedule a follow up meeting with your organization later this month.

If you have further questions, please contact Anshu Singh at 312-353-4344 or Anshu.singh1@dot.gov.

Sincerely,

Anthony Greep
Director, Office of Planning and Program Development

cc: Jocelyn Hoffman, FTA
Anshu Singh, FTA
Reid Nelson, ACHP
Jaime Loichinger, ACHP
Bill Marzella, ACHP

Diana Welling, SHPO
Kristen Koehlinger, SHPO
Abigail Rosenow, SHPO
Diamond Crowder, SHPO
Rebecca Hunley, FAN Civic Association
Geoffrey Phillips, Highland West
Thomas P. Barrett, ODOT
Erica Schneider, ODOT
Susan Gasbarro, ODOT
Stanley Baker, ODOT
Leigh Oldershaw, ODOT
Densil R. Porteous, Stonewall
Zach Sunderland, COTA
Jim Young, ONRA
James Goodman, City of Columbus
Jennie Kepler, Greater Area Hilltop Commission
Franklinton Historical Society
Hilltop Rise CDC
Susan Keeney, Columbus Landmarks
Shannon Hardin, Columbus City Council
Melissa Green, Westside City Council Representative
Jordan Laird, The Columbus Dispatch

To: Anthony W. Greep, Director, Office of Planning and Program Development, Federal Transit Administration

By e-mail: anthony.greep@dot.gov

Date: Jan. 22, 2025

Request for Virtual Consulting Meeting, 106 Review, COTA LinkUS W. Broad St. BRT, SHPO # 2024-FRA-61152 on Feb. 20, 2025

Dear Mr. Greep:

Thank you for the invitation by your office through Anshu Singh to consult virtually the last week of January 2025.

We propose Thursday, February 20, 2025, from 6:15 to 7:30 p.m. at our regularly scheduled Community Improvement 614 meeting. We request this date and time due to our work and family commitments. We believe this meeting will be more productive as our consultants and subject matter experts will know what to expect and are prepared for it. We are awaiting additional information from the State of Ohio Historic Preservation office.

Please confirm in writing your receipt of this letter and advise if such date and time is acceptable to you and your offices in lieu of the times proposed the week of January 27, 2025.

Sincerely,

Marian Lupo
Community Improvement 614
Consulting Party



Rebecca Hunley
Community Improvement 614
Consulting Party

Geoffrey Phillips
Community Improvement 614
Consulting Party

Mark Gideon, President
Franklinton Historical Society
Consulting Party



cc: Anshu Singh, FTA, anshu.singh1@dot.gov

Jocelyn Hoffman, FTA, jocelyn.johnson@dot.gov

Jaime Loichinger, Director, Office of Federal Agency Programs, jloichinger@achp.gov

Rachael Mangum, Assistant Director, Federal Permitting, Licensing, and Assistance Section, rmangum@achp.gov

Bill Marzella, Program Analyst, FTA, Advisory Council on Historic Preservation, bmarzella@achp.gov

Diana Welling, Division Director and State Historic Preservation Officer, Ohio Historic Preservation Office, section106@ohiohistory.org

Kristen Koehlinger, PE, Department Head & Deputy State Historic Preservation Officer for Resource Protection and Review, State Historic Preservation Office, kkoehlinger@ohiohistory.org

Abigail Rosenow, State Historic Preservation Office, Project Reviews Manager – Architecture, arosenow@ohiohistory.org

Rebecca Hunley, Consulting Party, [REDACTED]

Geoffrey Phillips, Consulting Party, [REDACTED]

Densil R. Porteous, MBA, Executive Director/CEO, Stonewall Columbus, [REDACTED]

Jim Young, President, Ohio National Roads Association, Consulting Party, [REDACTED]

Thomas P. Barrett, Historic Bridges Manager and State Byways Coordinator, Ohio Department of Transportation, Tom.Barrett@dot.ohio.gov

James Goodman, Historic Preservation Officer, City of Columbus, jagoodman@columbus.gov

Jennie Kepler, Commissioner, Greater Area Hilltop Commission, [REDACTED]

Franklinton Historical Society, Consulting Party, [REDACTED]

Hilltop Rise CDC, [REDACTED]

Susan Keeney, Preservation Director, Columbus Landmarks,
[REDACTED]

Shannon Hardin, President, Columbus City Council, Senior Policy Advisor,
John Tannous, jdtannous@columbus.gov

Melissa Green, Westside City Council Representative, Columbus City Council, Haley
Gerken, Legislative Aide, hegerken@columbus.gov

Jordan Laird, Government Accountability Reporter, *The Columbus Dispatch*,
jlaird@dispatch.com

Jesse Bethea, *Columbus Underground*, [REDACTED]

To: Anthony W. Greep, Director, Office of Planning and Program Development,
Federal Transit Administration

By e-mail: anthony.greep@dot.gov

From: Marian Lupo, Consulting Party, [REDACTED]

Date: January 25, 2025

Re: Response to FTA E-mail dated January 10, 2025 to Request for Remediation of Procedural and Substantive Objections to SHPO # 2024-FRA-61152 Section 106 Eligibility and Effects Determinations for Central Ohio Transit Authority's LinkUS West Broad Street Bus Rapid Transit Project, Columbus, Franklin County, Ohio dated November 1, 2024 (Determination of No Adverse Effect) & COTA's LinkUS West Broad BRT Project - Cultural Resource Survey Reports

Dear Anthony W. Greep:

Thank you for your letter dated January 8, 2025 in response to the above request for remediation dated December 9, 2024. I am sending this written response on behalf of myself, Community Improvement 614, and the Franklinton Historical Society.

We are sending this letter by e-mail on January 25, 2025 in response to your request we respond in writing within fifteen (15) days of receipt of your e-mail dated January 10, 2025 to which the letter was attached.

For ease of reference, we respond by paragraph number to the Federal Transit Authority's letter dated January 8, 2025:

Paras. 7 & 9:

Our subject matter experts state the following blocks comprise a historic district and will experience adverse effects from the undertaking. They should be added to the APE:

N. Wheatland Ave. Ave. (including historic firehouse east of N. Wheatland) to N. Hague Ave., W. Broad St., Columbus, Ohio

Lechner Ave. (including historic assets east of Lechner) to S. Hague Ave., W. Broad St., Columbus, Ohio

As the APE is currently defined, the following buildings were omitted from the report of the Qualified Professionals:

Eureka Ave. Station

2421 W. Broad St.

This building is contiguous with 2425-2429 W. Broad St. and across from the crosswalk for the station.

Westgate Station

3103-3105 W. Broad St.

This building is contiguous to 3095-3099 W. Broad St. and across from the crosswalk for the station

Whitethorne Station

11-19 Whitethorne Ave.

This building is across from 18-26 Whitethorne Ave. and appears to be within the APE as drawn.

These are just a few examples of a thin slice of the nine-mile APE of historic assets that will experience adverse effects from the undertaking. The FTA should account for all our valuable historic assets that will experience such effects.

Due to lack of public notice, there are no representatives for the entire nine-mile project, hence our request, renewed below, that the FTA remediate the 106 process.

Ample documentation on the above historic assets, including oral histories, is openly available at the Ohio History Connection and the Columbus Metropolitan Public Library, which can also be used to easily correct the bias we identified in our letter dated December 9, 2024, page 3, heading 2 under "Substantive Objections."

We have also requested data from the State of Ohio preservation office to supplement the report of the Qualified Professionals.

The Ohio Department of Transportation (ODOT) is responsible for the corridor management plan for historic U.S. 40 referenced on page 3, heading 5, under "Substantive Objections" in our letter dated December 9, 2024. This information is within its possession.

Paras. 3, 4, & 8:

36 C.F.R. § 800.16(d) defines the Area of Potential Effects (APE) as follows: "The geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects *is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.*" (emphasis added). This definition provides that the APE would reflect the particularity of the undertaking and there is no one size fits all.

Further, 36 C.F.R. § 800.4, entitled, "Identification of Historic Properties," which explicitly includes the scope of the undertaking (36 C.F.R. § 800.4(a)) provides that the agency is to "Seek information, as appropriate, from consulting parties, and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area, and identify issues relating to the undertaking's potential effects on historic properties." 36 C.F.R. § 800.4(a)(3). The word "seek" suggests some outreach action on the part of the FTA.

The procedures outlined for the 106 review require a change in the APE if so warranted by the undertaking and if, as provided, parties identify issues related to the undertaking's potential effect on historic properties. As explained above (under paras.7 & 9) and in our letter dated December 9, 2024, "Substantive Objections," pp. 4-5, heading 4, such a change is warranted.

We appreciated the opportunity to review the engineering roll-plots shared by COTA's consultant on December 19, 2024, which we understand to reflect the 60% design phase. We are confused by the seemingly contradictory information regarding the widening of U.S. 40 as presented in the FTA's letter, which does not accord with previous representations or our review on December 19, 2024. Please clarify with factual and complete information so we have a meaningful understanding of the scope of the nine-mile undertaking.

Para. 5:

We do not believe the report meets the documentation standards of 36 C.F.R. § 800.11 for the reasons outlined in our letter dated December 9, 2024. We take especial exception to the statement: "At the time of FTA's determination of no adverse effect, no comments had been received from the consulting parties or the public."

Without repeating the lengthy information in our letter dated December 9, 2024, under the heading "Procedural Objections," pp. 1-4, headings 1 through 3, there would, of course, be no comments received from the public or consultants when the FTA fails to comply with the notice and consulting process required by Title 36.

We take exception also to the statement that "FTA directed COTA to publish the Section 106 consultation materials to the Project website on November 13, 2024 to allow the public an opportunity to comment and extended the comment period by two weeks, from December 2, 2024 to December 16, 2024, to accommodate the federal holidays."

In our letter dated December 9, 2024, we informed the FTA that "public participation is still impossible. The link does not work. No public announcement was made. No deadline appears on the website. No context is provided for comments." Page 1 and "Procedural Objections," pp. 1, 3-4, heading 2, Letter to FTA dated December 9, 2024.

In response to our letter of December 9, 2024, the material was reposted to a link that did work with Lauren Lynch of AECOM listed as the contact e-mail. Once again, no public

announcement was made, no deadline appeared on the website, and no context was provided for comments. It is our understanding, further, that comments, to be considered part of the administrative record, must be made directly to the FTA, not to AECOM.

It is thus not reasonable for the FTA to list the Section 106 documentation on the Project website as a "public outreach effort" (Para. 6, FTA Letter dated Jan. 8, 2025). It is further not reasonable to assert there is anything about the Project website that would have alerted an inquiring member of the public about the 106 review

The public notice and participation process is not onerous and our request for remediation is not unreasonable. The Ohio Department of Transportation is committed to compliance. Please see their website on the Section 106 public involvement and their toolkit: <https://www.transportation.ohio.gov/programs/public-involvement/toolbox/sect-106>.

Para. 6:

The list the FTA provides of COTA's "public outreach efforts" duplicates the statements addressed in our letter dated December 9, 2024, that is, the representations made by the FTA in its document submitted on April 1, 2024 to the Ohio Historic Preservation Office: Resource Protection and Review, entitled "Section 106 Review Project Summary Form." Our letter discusses in depth the failure of these "public outreach efforts" to comply with 36 C.F.R. § 800.2(d)(2). Letter Dated December 9, 2024, "Procedural Objections," p. 2, heading 1.

As detailed above, it is not reasonable for the FTA to list the Section 106 documentation (the report of the Qualified Professionals) on the Project website as a "public outreach effort." It is further not reasonable to assert there is anything about the Project website that would have alerted an inquiring member of the public of the existence of the 106 review during the period the review was in process and before the finding of "No Adverse Effect" was made.

Even the most highly motivated members of the public, such as the consultants below, could find no information about the ongoing 106 review on the Project website or in any other FTA or COTA public notice, and it took us no less than two weeks of research, including multiple phone calls and e-mails, to locate the appropriate agency contact and to request consulting status.

Finally, we can find no authority that permits the FTA to assign its NEPA (National Environmental Protection Act) responsibilities, including the 106 historic review, to COTA (Central Ohio Transit Authority).¹ Thus, reliance upon COTA's representations, which we believe, at a minimum, to be misleading, in the context of the 106 historic review may suggest the entire NEPA process is unlawful.

¹ Please see https://www.environment.fhwa.dot.gov/nepa/program_assignment.aspx.
CI614.FHS.1.25.25 Response to FTA E-mail 1.10.25 to
12.9.24 Request for Remediation of Procedural and Substantive Objections
to SHPO # 2024-FRA-61152/FTA Determination of No Adverse Effect, 11.1.24

As silence is considered consent, and as silence in the face of no meaningful notice and opportunity to comment violates the spirit and letter of Title 36 and also violates notions of fundamental fairness, we respectfully urge the FTA to remediate the process.

Conclusion

In addition to the substantive areas we identified and the necessary changes in the APE, we again respectfully request the FTA stop the clock and meaningfully comply with the procedural requirements of Title 36.

We respectfully request that the FTA engage in public participation for the 106 process in the same or similar manner as the public relations events it represented to the SHPO in its April 1, 2024 "Section 106 Review Project Summary Form." Once again, ODOT provides useful guidance on Section 106 public involvement:
<https://www.transportation.ohio.gov/programs/public-involvement/toolbox/sect-106>.

Please acknowledge receipt of this letter.

Respectfully Submitted,

Marian Lupo

Marian Lupo, J.D., Ph.D.
Attorney Emeritus (ret.), NYS Bar
FTA Consulting Party for COTA LinkUS BRT, Columbus, Franklin County, Ohio,
Community Improvement 614
[REDACTED]

Rebecca Hunley
FTA Consulting Party
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Geoffrey Phillips
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Mark Gideon, President
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cc: Anshu Singh, FTA, anshu.singh1@dot.gov

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Abigail Rosenow, State Historic Preservation Office, Project Reviews Manager – Architecture, arosenow@ohiohistory.org

Rebecca Hunley, Consulting Party, [REDACTED]

Geoffrey Phillips, Consulting Party, [REDACTED]

Densil R. Porteous, MBA, Executive Director/CEO, Stonewall Columbus, [REDACTED]

Jim Young, President, Ohio National Roads Association, Consulting Party, [REDACTED]

Thomas P. Barrett, Historic Bridges Manager and State Byways Coordinator, Ohio Department of Transportation, Tom.Barrett@dot.ohio.gov

James Goodman, Historic Preservation Officer, City of Columbus, jagoodman@columbus.gov

Jennie Kepler, Commissioner, Greater Area Hilltop Commission, [REDACTED]

Franklinton Historical Society, Consulting Party, [REDACTED]

Hilltop Rise CDC, [REDACTED]

Susan Keeney, Preservation Director, Columbus Landmarks, [REDACTED]

Shannon Hardin, President, Columbus City Council, Senior Policy Advisor,
John Tannous, jdtannous@columbus.gov

Melissa Green, Westside City Council Representative, Columbus City Council, Haley
Gerken, Legislative Aide, hegerken@columbus.gov

Jordan Laird, Government Accountability Reporter, *The Columbus Dispatch*,
jlaird@dispatch.com

Jesse Bethea, *Columbus Underground*, [REDACTED]

Community Improvement 614, [REDACTED]

To: Anthony W. Greep, Director, Office of Planning and Program Development,
Federal Transit Administration

By e-mail: anthony.greep@dot.gov

From: Marian Lupo, Consulting Party, [REDACTED]

Date: February 9, 2025

Re: Notice of Anticipatory Demolition of Historic Property Within APE, 397 W. Broad St., "old Spaghetti Warehouse"/SHPO # 2024-FRA-61152 Section 106 Eligibility and Effects Determinations for Central Ohio Transit Authority's LinkUS West Broad Street Bus Rapid Transit Project, Columbus, Franklin County, Ohio dated November 1, 2024 (Determination of No Adverse Effect) & COTA's LinkUS West Broad BRT Project - Cultural Resource Survey Reports

Dear Anthony W. Greep:

We, the below-signed FTA Consultants, are writing this letter on our own behalf and on behalf of Community Improvement 614 and the Franklinton Historical Society. On October 28, 2024, we noticed in writing Zachary Sunderland, project manager for the COTA LinkUS West Broad BRT Project, of the prohibition against anticipatory demolition of historic properties within the Area of Potential Effect ("APE") and requested that he notice the proper parties of the above-listed historic property, 397 W. Broad St. (also known as "old Spaghetti Warehouse"). In his written response, Zach Sunderland stated the above property is not within the APE. We have learned that the demolition of this property is imminent.

The demolition of this property undermines the goals of the federally mandated 106 historic review and appears to violate the following federal law, 54 U.S.C. § 306113, entitled "Anticipatory demolition," which provides in full:

Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant that, with intent to avoid the requirements of section 306108 of this title, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed the significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting the assistance despite the adverse effect created or permitted by the applicant.

As the consulting parties have asserted the property is within the APE of the Franklinton Historic District, as the demolition is occurring through the legal power of at least one of the grant recipients, the City of Columbus, as the demolition is proceeding in reliance upon the BRT being built and the zoning enacted by Columbus City Council pursuant to the BRT, and as the demolition may be proceeding in reliance upon federal transit-oriented funds dependent upon successful completion of the present 106 historic review, we respectfully request that the demolition of one of the most interesting and most loved historic structures in the Franklinton Historic District, one that has captured the imagination of countless visitors, be considered in violation of 54 U.S.C. § 306113 with all the attendant consequences.

Please acknowledge receipt.

Sincerely,

Marian Lupo

Marian Lupo, J.D., Ph.D.
Attorney Emeritus (ret.), NYS Bar
FTA Consulting Party for COTA LinkUS BRT, Columbus, Franklin County, Ohio,
Community Improvement 614
[REDACTED]

Rebecca Hunley
FTA Consulting Party
Community Improvement 614
[REDACTED]

Mark Gideon, President
Franklinton Historical Society
FTA Consulting Party
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cc: Anshu Singh, FTA, anshu.singh1@dot.gov

Jocelyn Hoffman, FTA, jocelyn.johnson@dot.gov

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Abigail Rosenow, State Historic Preservation Office, Project Reviews Manager –
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Rebecca Hunley, Consulting Party, [REDACTED]

Geoffrey Phillips, Consulting Party, [REDACTED]

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Jennie Kepler, Commissioner, Greater Area Hilltop Commission,
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Hilltop Rise CDC, [REDACTED]

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Jordan Laird, Government Accountability Reporter, *The Columbus Dispatch*,
jlaird@dispatch.com

Jesse Bethea, *Columbus Underground*, 

To: Anthony W. Greep, Director, Office of Planning and Program Development,
Federal Transit Administration

By e-mail: anthony.greep@dot.gov

From: Marian Lupo, Consulting Party, [REDACTED]

Date: February 14, 2025

Re: Submission of Additional Material to Substantiate Broadened APE and Adverse Impacts within APE (as designated and broadened) SHPO # 2024-FRA-61152 Section 106 Eligibility and Effects Determinations for Central Ohio Transit Authority's LinkUS West Broad Street Bus Rapid Transit Project, Columbus, Effect) & COTA's LinkUS West Broad BRT Project - Cultural Resource Survey Reports

Dear Anthony W. Greep:

Please find attached our materials for submission as designated above and in accordance with the seven (7) day extension granted by the FTA.

We feel the potential Franklinton Historic District and Highland West Historic District are eligible for listing to the National Register of Historic Places under Criteria A and C as described herein. We request that the Area of Potential Effect (APE) be modified so that the potential adverse effects upon properties in these districts be considered. We are also submitting potential adverse impacts for the APE as designated. Suggestions for mitigation are included.

Please find attached the following materials:

1. Overview of Franklinton Historic District (expanded APE)
2. Overview of Highland West Historic District (expanded APE)
3. A folder with original source material research on buildings within the APE as designated at the Eureka Avenue Station that were not deemed National Register eligible in the Culture Resource Survey Report.
4. A description of potential adverse impacts upon the APE as designated and APE as we request broadened and suggestions for mitigation.
5. A statement suggesting that BRT funds may be used to level at least one block of buildings (the Bank Block), which at one time apparently had a preservation easement.

In addition, we request that the materials already developed for U.S. 40, such as the Ohio Historic National Road Design Handbook, <https://www.ohiohistory.org/preserving->

ohio/history-preservation-where-you-live/special-planning-initiatives/ and the 2020 Historic National Road Corridor Management Plan (CMP), <https://dam.assets.ohio.gov/image/upload/transportation.ohio.gov/Programs/ScenicByways/CMPs/2020-CMPs/HNR%20CMP%202020%20Update.pdf>, be incorporated in the undertaking.

Please acknowledge receipt.

Sincerely,

Marian Lupo
FTA Consulting Party for COTA LinkUS BRT, Columbus, Franklin County, Ohio,
Community Improvement 614
[REDACTED]

Rebecca Hunley
FTA Consulting Party
Community Improvement 614
[REDACTED]

Geoffrey Phillips
FTA Consulting Party
Community Improvement 614
[REDACTED]

Mark Gideon, President
Franklinton Historical Society
FTA Consulting Party
[REDACTED]

cc: Anshu Singh, FTA, anshu.singh1@dot.gov

Jocelyn Hoffman, FTA, jocelyn.johnson@dot.gov

Jaime Loichinger, Director, Office of Federal Agency Programs, Advisory Council on Historic Preservation, jloichinger@achp.gov

Rachael Mangum, Assistant Director, Federal Permitting, Licensing, and Assistance Section, Advisory Council on Historic Preservation, rmangum@achp.gov

Bill Marzella, Program Analyst, FTA, Advisory Council on Historic Preservation, bmarzella@achp.gov

Diana Welling, Division Director and State Historic Preservation Officer, Ohio Historic Preservation Office, section106@ohiohistory.org

Kristen Koehlinger, PE, Department Head & Deputy State Historic Preservation Officer for Resource Protection and Review, State Historic Preservation Office, kkoehlinger@ohiohistory.org

Abigail Rosenow, State Historic Preservation Office, Project Reviews Manager – Architecture, arosenow@ohiohistory.org

Rebecca Hunley, Consulting Party, [REDACTED]

Geoffrey Phillips, Consulting Party, [REDACTED]

Densil R. Porteous, MBA, Executive Director/CEO, Stonewall Columbus, [REDACTED]

Jim Young, President, Ohio National Roads Association, Consulting Party, [REDACTED]

Thomas P. Barrett, Historic Bridges Manager and State Byways Coordinator, Ohio Department of Transportation, Tom.Barrett@dot.ohio.gov

James Goodman, Historic Preservation Officer, City of Columbus, jagoodman@columbus.gov

Jennie Kepler, Commissioner, Greater Area Hilltop Commission, [REDACTED]

Franklinton Historical Society, Consulting Party, [REDACTED]

Susan Keeney, Preservation Director, Columbus Landmarks, [REDACTED]

Maryellen O'Shaughnessey, Chairwoman, Trolley Rescue & Restoration Committee, [REDACTED]

Andrew Ginther, Mayor, City of Columbus, officeofthemayor@columbus.gov

Zach Klein, Columbus City Attorney, cityattorney@columbus.gov

Scott Messer, Director, City of Columbus Department of Building and Zoning Services, SSMesser@columbus.gov


Anthony J. Celebrezze, Deputy Director, City of Columbus Department of Building and Zoning Services, AJCelebrezze@columbus.gov

Zachary Sunderland, Project Manager, COTA LinkUS BRT, sunderlandzj@cota.com

Shannon Hardin, President, Columbus City Council, Senior Policy Advisor,
John Tannous, jdtannous@columbus.gov

Melissa Green, Westside City Council Representative, Columbus City Council, Haley
Gerken, Legislative Aide, hegerken@columbus.gov

Jordan Laird, Government Accountability Reporter, *The Columbus Dispatch*,
jlaird@dispatch.com

Jesse Bethea, *Columbus Underground*, 



U.S. Department
of Transportation
**Federal Transit
Administration**

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312-353-2789
312-886-0351 (fax)

February 21, 2025

Marian Lupo, J.D., Ph.D.
Attorney Emeritus (ret.), NYS Bar
Community Improvement 614

RE: Notice of Anticipatory Demolition of Historic Property Within APE, 397 W. Broad St., "old Spaghetti Warehouse"/SHPO # 2024-FRA-61152 Section 106 Eligibility and Effects Determinations for Central Ohio Transit Authority's LinkUS West Broad Street Bus Rapid Transit Project, Columbus, Franklin County, Ohio dated November 1, 2024 (Determination of No Adverse Effect) & COTA's LinkUS West Broad BRT Project - Cultural Resource Survey Reports

Dear Ms. Lupo:

In response to the letter sent on February 9, 2025, the Federal Transit Administration (FTA), as the lead Federal agency for the above-referenced Project, has determined that Section 110(k) of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306113 et seq.) is not applicable to the LinkUS West Broad Bus Rapid Transit (BRT) undertaking (the "Project").

The Anticipatory Demolition Standard

Section 110(k) of the NHPA, which is known as the "anticipatory demolition" provision, provides as follows: *Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant who, with intent to avoid the requirements of section 106 has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, allowed the significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting the assistance despite the adverse effect created or permitted by the applicant.*

Your letter stated "the property on 397 W. Broad St. (also known as "old Spaghetti Warehouse") is within the area of potential effect (APE) of the Franklinton Historic District, and that the demolition is occurring under the legal authority of at least one grant recipient, the City of Columbus." The letter further states that the demolition is proceeding in reliance upon the BRT being built and the zoning enacted by the Columbus City Council pursuant to BRT, as well as potential reliance on federal transit-oriented funds.

As stated in our January 8, 2025, FTA determined the APE, as defined in 36 CFR § 800.16(d), in consultation with the Ohio State Historic Preservation Office (SHPO). The APE boundary includes the limits of construction as well as buffer to account for potential effects to the setting of the historic properties, as defined in 36 CFR § 800.16(l), adjacent to the Project. The property on 397 W. Broad is outside the APE of the

Project. Additionally, the Franklinton Historic District referenced in your letter has not been evaluated for National Register of Historic Places eligibility. Furthermore, no buildings, including the one at 397 W. Broad, are anticipated to be demolished by the grant recipient in support of the Project.

The zoning enacted by the Columbus City Council and the proposed demolition of the building on 397 W. Broad are not connected actions to the Project. It is FTA's understanding that a private developer is undertaking the demolition and redevelopment of the property. The Central Ohio Transit Authority (COTA)'s grant is for the BRT Project only, which, as noted above, does not include the demolition of any buildings. FTA is not providing any transit-oriented development grant funds to COTA. FTA has no role in changes to local zoning ordinances, and COTA did not petition for the zoning change.

Thus, FTA has determined that the Project is in compliance with Section 106 of the NHPA and that no prohibitions of Section 110(k) of the NHPA have been triggered. Should you have any questions, please do not hesitate to contact Anshu Singh at 312-353-4344 or anshu.singh1@dot.gov

Sincerely,

Anthony W. Greep
Director, Office of Planning & Program Development

ecc: Jocelyn Hoffman, FTA
Anshu Singh, FTA
Elizabeth Breiseth, FTA FPO
Jaime Loichinger, ACHP
Bill Marzella, ACHP
Rachael Mangum
Diana Welling, SHPO
Kristen Koehlinger, SHPO
Abigail Rosenow, SHPO
Rebecca Hunley, FAN Civic Association
Geoffrey Phillips, Highland West
Thomas P. Barrett, ODOT
Andrew Ginther, City of Columbus
Zach Klein, City of Columbus
Scott Messer, City of Columbus
Anthony Celebrezze, City of Columbus
Densil R. Porteous, Stonewall
Zach Sunderland, COTA
Jim Young, ONRA
James Goodman, City of Columbus
Jennie Kepler, Greater Area Hilltop Commission
Mark Gideon, Franklinton Historical Society

COTA's LinkUS West Broad BRT Project, Columbus, Ohio
Section 110(k) Determination

Hilltop Rise CDC
Susan Keeney, Columbus Landmarks
Shannon Hardin, Columbus City Council
Melissa Green, Westside City Council Representative
Jordan Laird, The Columbus Dispatch
Jesse Bethea, Columbus Underground



U.S. Department
of Transportation
**Federal Transit
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March 26, 2025

Marion Lupo, Consulting Party
[REDACTED]

RE: Submission of Additional Materials, SHPO # 2024-FRA-61152, W. Broad St. BRT, Overview of Materials submitted pertaining to the Franklinton Historic District; Overview of Highland West Historic District

Greetings, Marion Lupo and Community Improvement 614.

The Federal Transit Administration (FTA) thanks for the supplied responses, information, and continued coordination. We would like to address your concern:

“We feel the potential Franklinton Historic District and Highland West Historic District are eligible for listing to the National Register of Historic Places under Criteria A and C as described herein. We request that the Area of Potential Effect (APE) be modified so that the potential adverse effects upon properties in these districts be considered. We are also submitting potential adverse impacts for the APE as designated. Suggestions for mitigation are included”.

Per The National Register Bulletin: How to Apply the National Register Criteria for Evaluation¹, *“For a property to qualify for the National Register it must meet one of the National Register Criteria for Evaluation by:*

- *Being associated with an important historic context and [emphasis in original]*
- *Retaining historic integrity of those features necessary to convey its significance.”*

Neither of Community Improvement 614’s recommendations for potential National Register of Historic Places (NRHP) historic districts for Franklinton or Highland West address or assess the issue of integrity. The Bulletin also states, regarding historic districts, *“the majority of the components that add to the district’s historic character, even if they are individually undistinguished, must possess integrity, as must the district as a whole.”*² Historical or architectural significance is but only one aspect. Integrity must be addressed for a resource to be properly evaluated for NRHP eligibility. This would involve questions such as:

- How many buildings contribute to the historic district versus how many do not?

¹ National Park Service. National Register of Historic Places. National Register Bulletin, How to Apply the National Register Criteria for Evaluation. Accessed digitally via: https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf

² *Ibid.*

- Do the majority of the contributing buildings individually retain integrity?
- Does the proposed historic district(s) retain sufficient integrity to incorporate all of the area within Community Improvement 614's suggested boundaries?

It is not clear from Community Improvement 614's comments that the issue of integrity has been considered, surveyed, or assessed.

Many resources in Franklinton have been recorded in the State Historic Preservation Office's (SHPO) Ohio Historic Inventory (OHI). However, despite numerous buildings recorded, Franklinton has not previously been identified as a historic district, presumably due to integrity issues related to material losses from floods and disinvestment. It is not clear on what basis the Highland West Historic District writeup makes the claim that it "*is one of the longest and still primarily intact examples of such commercial corridors in the U.S.*". To what other such corridors is it being compared to? What other cities? How intact is West Broad Street in Highland West? The state office complex and Twin Valley Behavioral Healthcare are significant intrusions if the historic district boundary is to extend to Glenwood Park. There are vacant lots and parking lots along West Broad Street between Hague Avenue and Highland Avenue that disrupt the continuity of the historic streetscape. Has Community Improvement 614 compared the existing collection of buildings in 2025 to what was present in the early 1950s on Sanborn Insurance Maps or other sources? How much intact building stock is still present versus how much is now absent?

At the present time, the information presented by the group does not add substantively to what was previously known, and significant issues remain unaddressed in relation to NRHP guidelines, in particular the issue of integrity of the proposed districts. Therefore, FTA does not consider either district as potentially NRHP-eligible for purposes of this Section 106 consultation. The Area of Potential Effect (APE) remains unchanged, and FTA has determined the project will not result in adverse effects to historic properties. As a result, no mitigation measures will be developed.

FTA is copying the Advisory Council on Historic Preservation (ACHP) on this email for visibility and awareness. If you have questions or comments related to the proposed project, please contact Daniell Digiuseppe of the FTA Regional Office at the address above, by telephone at 312-705-1286 or by email at daniell.digiuseppe@dot.gov.

Sincerely,

Anthony W Greep
Director, Office of Planning and Program Development

ecc: Jocelyn Johnson, FTA
Daniell Digiuseppe, FTA
Anshu Singh, FTA
Elizabeth Breiseth, FTA
Zachary Sunderland, COTA

Bill Marzella, ACHP
Jaime Loichinger, ACHP
Rachael Mangum, ACHP
Diana Welling, SHPO
Kristen Koehlinger, SHPO
Abigail Rosenow, SHPO
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Geoffrey Phillips, Highland West
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Andrew Ginther, Mayor, City of Columbus
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Scott Messer, City of Columbus
Anthony Celebrezze, City of Columbus
Shannon Hardin, Columbus City Council
Melissa Green, Westside City Council Representative
Jordan Laird, The Columbus Dispatch
Jesse Bethea, Columbus Underground



In reply, please refer to:
2024-FRA-61152

February 21, 2025

Anthony W. Greep
Director
Office of Planning and Program Development
Region 5 Office
Federal Transit Administration
200 West Adams Street, Suite 320
Chicago, IL 60606

RE: COTA West Broad Street Bus Rapid Transit; Section 106 Initiation, Eligibility and Effects Determinations, and Request for Concurrence

Dear Mr. Greep,

This is in response to the correspondence received on April 30, 2024, with additional information received on November 1 and 12, 2024, and February 5 and 20, 2025, regarding the above referenced project. The comments of the Ohio State Historic Preservation Office (SHPO) are made in accordance with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108 [36 CFR 800]).

This project proposes an approximately 9.3 miles Bus Rapid Transit (BRT) corridor with 17 stations along West Broad Street from Rockbrook Crossing Avenue in Prairie Township to Long Street and Washington Avenue in Downtown Columbus. The Project will operate in 5.2 miles of dedicated guideway and 4.1 miles of mixed traffic. Center-lane travel will occur between Orel Avenue in the west and Cleveland Avenue in the east and along East Long Street between North Washington Street and Cleveland Avenue. The Project will be designed to include the following mobility assets: 17 near-level boarding stations with Americans with Disabilities Act accessibility and off-board fare collection, end of line layover facilities, on-route BRT vehicle charging at Rockbrook Crossing Park and Ride/Transit Facility, one mobility hub, mixed traffic and dedicated center running bus lanes, Transit Signal Priority, intersection improvements, improved bicycle lanes (where applicable), and improved sidewalks. The Project will also include facility upgrades to support the maintenance and operation of transit vehicles.

The literature review by identified one (1) National Historic Landmark, and eight (8) properties listed in the National Register of Historic Places (NRHP) within the APE. The above-ground cultural resources survey identified eighty-two (82) resources within the APE that are 50 years of age or older and determined that four of the identified resources were eligible for listing in the NRHP. The survey report recommended that the proposed undertaking will result in no adverse effect to these resources. The SHPO agrees with these findings, except for 181 E Broad St (NRHP Ref. 73001438).

The Benjamin Smith House, located at 181 E Broad St, is listed in the National Register of Historic Places (NRHP) under Criterion C. The scale and placement of the large bus shelter in a position that will partially block views of the main façade will result in an adverse effect to the Benjamin Smith House.

The following comments pertain to the *Phase I Archaeological Survey for the Central Ohio Transit Authority (COTA) LinkUS West Broad Street Bus Rapid Transit (BRT) Project, City of Columbus, Franklin County, Ohio* by ASC Group, Inc. (2024) and the *Phase I Archaeological Survey Addendum for the Central Ohio Transit Authority (COTA) LinkUS West Broad Street Bus Rapid Transit (BRT) Project, City of Columbus, Franklin County, Ohio* by ASC Group, Inc. (2024). Much of the corridor is located within existing right-of-way (ROW) along West Broad Street, Cleveland Avenue, East Long Street, and North Washington Street, although twelve (12) off-ROW areas are under consideration for additional project features, including laydown yards, a park-and-ride facility, and stormwater management. Per the submission, the Area of Potential effects for Direct Effects (APEDE) refers to the extent of direct construction impacts that may affect archaeological sites.

A desktop review, visual inspection, and photographic documentation of the nineteen (19) BRT ROW areas (Areas 1-19) were completed as part of these investigations. Subsurface testing was not possible at Areas 1-19, due to existing pavement, prepared surfaces, and underground utilities. Limited portions of the APEDE had been previously professionally investigated for the presence of archeological sites. One (1) previously documented Ohio Archaeological Inventory (OAI) site (33FR2919; Serial No. 1055693) is mapped adjacent to the APEDE. OAI site 22FR2919 has been previously determined eligible for the National Register of Historic Places (NRHP); however, it is located within the Scioto River and outside the boundaries of any proposed construction. Our office agrees that there will be no effect to OAI site 33FR2919 and no additional archaeological investigations are recommended for Areas 1-19.

A desktop review was conducted for the twelve (12) off-ROW locations (Areas 20-31). The report recommended archaeological investigations, including deep testing and disturbance assessments, within the construction limits of all or portions of Areas 20-28 and 30-31. Additionally, geophysical investigations are recommended prior to any excavations exceeding eight (8) to twelve (12) inches within Area 25, which is located within the boundaries of Camp Chase, a Civil War-era training and prison camp. These recommendations apply if the areas are included in future/final design plans.

It is possible that intact archaeological deposits, including those associated with the National Road and Camp Chase, persist and may require additional documentation and coordination. This is a particular concern in the portion of the corridor between Areas 25 and 27, and includes Areas 6, 7, and 26, due to their proximity to the former Camp Chase and the former location of the mid-nineteenth century “Four Mile House” tavern. The report recommended that ground disturbing activities halt near any intact archaeological deposits encountered within the APEDE and that COTA, SHPO, and a qualified archaeologist be contacted.

Areas 21-23, 25-27 and 30-31 are currently excluded from the project plans; however, Areas 20, 24, 28, and 29 are the proposed locations of laydown yards and stormwater features. The addendum investigations documented extensive disturbance within all four (4) areas; however, two new archaeological sites (33FR3610 and 33FR3611) were identified. Neither site was recommended as eligible for the NRHP, and our office agrees with these recommendations. No additional work is recommended for Areas 20, 21, and 24; however, archaeological monitoring for any ground disturbing activities is recommended for Area 29,

due to the potential for intact features associated with the now-demolished Convent of the Sisters of Good Shepherd. Our office agrees with these recommendations and requests that a monitoring plan be developed and submitted to our office for review before construction activities begin. We also request that upon completion of all monitoring efforts the results are submitted to our office for review and comment.

Therefore, based on the information provided, it is the opinion of the SHPO that the planned work, if completed as proposed, will have an **Adverse Effect** on the historic property of the Benjamin Smith House. If no alternative to the shelter size, design, or location can be found, the applicant, FTA, and the SHPO need to agree on appropriate mitigation for the construction. The process used to reach this decision, and the mitigation will be memorialized in a Memorandum of Agreement (MOA). We recommend that you identify, and contact interested consulting parties (i.e. Columbus Landmarks, Heritage Ohio, Preservation Ohio, the public, etc.) so that they may provide comments on options to avoid, minimize, or mitigate the adverse effect. Finally, FTA should notify the Advisory Council on Historic Preservation (ACHP) that consultation to resolve the adverse effect has been initiated with our office. After the ACHP has been notified, we will move forward in trying to resolve the adverse effect through mitigation and the execution of an MOA that is acceptable to all parties.

If you have any questions, please contact Abigail Rosenow at arosenow@ohiohistory.org or Catherine Gullett at cgullett@ohiohistory.org. Thank you for your cooperation.

Sincerely,

Kristen Koehlinger, Department Head and Deputy State Historic Preservation Officer
Resource Protection & Review

"Please be advised that this is a Section 106 decision. This review decision may not extend to other SHPO programs."

RPR Serial No: 1107303



In reply, please refer to:
2024-FRA-61152

April 15, 2025

Anthony W. Greep
Director
Office of Planning and Program Development
Region 5 Office
Federal Transit Administration
200 West Adams Street, Suite 320
Chicago, IL 60606

RE: COTA West Broad Street Bus Rapid Transit; Section 106 Initiation, Eligibility and Effects Determinations, and Request for Concurrence

Dear Mr. Greep,

This is in response to the correspondence received on April 30, 2024, with additional information received on November 1 and 12, 2024, February 5, 20, and 25, 2025, March 6, 2025, and April 2, 2025, regarding the above referenced project. The comments of the Ohio State Historic Preservation Office (SHPO) are made in accordance with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108 [36 CFR 800]).

Our office previously reviewed this project and found, in a letter dated February 21, 2025, that the project would have an effect on historic properties. An addendum has been requested for this site and includes the following changes:

- The station was moved 30-foot east
- The station's width was reduced to 8 feet, the art wall was reduced to 6 feet wide
- The station is no longer centered on the primary façade of the Benjamin Smith House

Based on this new information, the undertaking no longer rises to the level of an adverse effect. Therefore, it is the opinion of the SHPO that the planned work, if completed as proposed, will have No Adverse Effect on historic properties. No further coordination with this office is necessary, unless the project changes or an unanticipated discovery of archaeological remains occurs during project construction. In such a situation, this office should be contacted as per 36 CFR 800.13.

If you have any questions, please contact me at amrosenow@ohiohistory.org or Catherine Gullett at cgullett@ohiohistory.org. Thank you for your cooperation.

COTA West Broad Street Bus Rapid Transit
April 15, 2025
Page 2

Sincerely,

A handwritten signature in cursive script that reads "Abigail Rosenow".

Abigail Rosenow
Project Reviews Manager – Architecture
Resource Protection and Review
State Historic Preservation Office

“Please be advised that this is a Section 106 decision. This review decision may not extend to other SHPO programs.”

RPR Serial No: 1108293

OHIO HISTORY CONNECTION

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