



U.S. Department  
of Transportation  
Federal Highway  
Administration

FEB 19 2019

1200 New Jersey Avenue, SE.  
Washington, DC 20590

In Reply Refer To: HCR-20  
DOT# 2019-0013

**Subject:** Dismissal of Complaint DOT# 2019-0013

Dear [REDACTED]

This letter is to inform you that the Federal Highway Administration (FHWA) Office of Civil Rights has determined that it will dismiss the above complaint, which allege violations that may be related to Title VI of the Civil Rights Act of 1964, the U.S. Department of Transportation (USDOT) Title VI implementation regulations at 49 C.F.R. Part 21 and/or FHWA's Title VI regulations at 23 C.F.R. Part 200 (hereinafter Title VI). Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. To be accepted for investigation, a complaint must meet the jurisdictional requirements described in FHWA's Investigations Manual, which conforms to the U.S. Department of Justice's procedures and standards for investigating complaints of discrimination. First, the complaint must be in writing. Second, it must describe an alleged discriminatory act that, if true, would fall under FHWA's jurisdiction and potentially violate FHWA's Title VI regulations. Finally, it must be filed within 180 calendar days of the alleged discriminatory act.

You allege that in September, 2017, your firm [REDACTED], a certified Disadvantaged Business Enterprise (DBE) in the District of Columbia, executed a subcontract with prime contractor HNTB Inc. to perform services on a D.C. Dept. of Transportation (DDOT) project, the South Capitol Street Bridge Project. In May, 2018, you allege HNTB determined that your firm was unable to perform certain tasks subcontracted to it, and that HNTB informed you of its intention to modify the contract and remove some items from your firm's scope of work. You state that you disagreed with this decision and that HNTB refused to reconsider or to review documentation to refute HNTB's determination. You further allege that HNTB staff verbally degraded you and your firm and that DDOT ignored your concerns.

However, after careful consideration, FHWA has determined the allegations and facts in your complaint do not meet the minimum criteria from which FHWA could establish a case of disparate treatment or disparate impact under Title VI. For these reasons, this complaint will be dismissed by FHWA and closed with no further action.

If you have any questions, please contact Nichole McWhorter at (202) 366-1396.

Sincerely,



Nichole McWhorter  
Title VI Team Leader  
Office of Civil Rights

Cc: Chris Lawson, Division Administrator, FHWA D.C. Division Office  
Tanya Emam, Assistant Division Administrator, FHWA D.C. Division Office  
Janine Ashe, Civil Rights Manager, FHWA D.C. Division Office  
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Kevin Resler, National Title VI Program Coordinator, FHWA Office of Civil Rights  
Yvette Rivera, Director, Equal Employment Opportunity Programs Division, Departmental  
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