



JUN 15 2017

In Reply Refer To: HCR-20 DOT# 2017-0220



Subject: Dismissal of Complaint DOT#2017-0220



This letter acknowledges that the Federal Highway Administration's (FHWA) Office of Civil Rights is in receipt of your complaint, which alleged violations of Title VI of the Civil Rights Act of 1964 (Title VI) and USDOT's implementation regulations at 49 C.F.R. Part 21 and/or 23 C.F.R. Part 200, as well as the Americans with Disabilities Act of 1990 (ADA) and/or Section 504 of the Rehabilitation Act of 1973 (Section 504). 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. The complaint must: 1) describe an alleged discriminatory act that, if true, would violate FHWA's nondiscrimination regulations (i.e., an alleged discriminatory act based on race, color, national origin), and 2) be filed against a recipient of financial assistance from the FHWA. Your complaint alleges the Arizona Department of Transportation (ADOT) discriminated against you on the baisis of disability, because they did not purchase your residential property for the South Mountain Freeway Project.

After careful consideration, the FHWA has concluded it will administratively dismiss this complaint since it fails the Title VI, the ADA, and/or Section 504 acceptance criteria noted above. This complaint will be closed with no further action taken by FHWA.

If you have any questions about this complaint, please contact Kevin Resler at 202-366-2925 or kevin.resler@dot.gov.

Sincerely,

Irene Rico

Associate Administrator for Civil Rights

cc: Karla Petty, Division Administrator, FHWA Arizona Division Office Jennifer Brown, Acting Assistant Division Administrator, FHWA Arizona Division Office Lisa Neie, Civil Rights Specialist, FHWA Arizona Division Office Lisa MacPhee, Senior Attorney-Advisor, FHWA Office of Chief Counsel Yvette Rivera, Associate Director, Office of the Secretary of Transportation, Equal Employment Opportunity Programs Division From: (b)

To: Neie, Lisa (FHWA); Jensen, Megan (FHWA)

Cc: (b) (6)

Subject: ADOT Construction waking the Deaf media
Date: Friday, March 24, 2017 2:14:47 PM

Hi Ms. Neie and Ms. Jensen,

Please click this link (b) (6)

Regards



Sent from my iPhone

 From:
 Neie, Lisa (FHWA)

 To:
 Jensen, Megan (FHWA)

Subject: FW: (b) (6)

Date: Wednesday, April 05, 2017 3:44:50 PM

Attachments:

Megan,

I advised Lucy that you are involved in this complaint. Do you want me to call the complainant or are you all dealing with him?

lisa

From: Lucy Schrader [mailto:LSchrader@azdot.gov]

Sent: Wednesday, April 05, 2017 9:45 AM

To: Neie, Lisa (FHWA)
Subject: (b) (6)

Hi Lisa,

(b) (6) who filed the complaint against ADOT on the South Mountain Freeway project on what he alleged was on the basis of his ADA 504 and Title VI that I forwarded to you last month contacted me this morning, he stated that he has not heard from you.

I have concerns because (b) (6) has denied access to the Connect 202 contractor from whom he had requested a re-evaluation of his property for damages (see attached email). I'd hate to see him lose out on any possible benefits. Let me know if there's anything I can do to help on this.

Thanks,

Lucy

Lucy Schrader
ADA/Title VI Nondiscrimination Program Coordinator
206 S 17th Avenue
Phoenix, AZ 85007
602.712.7378



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From: (b)
To: Ryan Clickner

Cc: <u>Jensen, Megan (FHWA)</u>; (b) (6); <u>Lucy Schrader</u>

Subject: Re: Site condition survey

Date: Thursday, March 23, 2017 7:31:23 PM

Hi Ryan,

I received an email from you. I believe you did not read Lucy email as of March 14,2017. We are not accepting

Sent from my iPhone

On Mar 23, 2017, at 4:01 PM, Ryan Clickner < Ryan.Clickner@C202P.com > wrote:

Good afternoon,

I am happy to offer the site condition surveys we spoke of in our meeting on March 10th. The surveyor can have a 2-person team to perform your survey on one of the following days/time:

Please let me know as soon as possible which date works for you so we can claim the time slot while it's still available.

Once again, your patience while I coordinate these surveys for you is greatly appreciated.

Ryan Clickner

Pecos Segment Construction Outreach Lead

<image001.jpg>

m: (b) (6) / o: 623.362.1597 ext. 114

Ryan.Clickner@C202P.com

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From: Neie, Lisa (FHWA)

To: <u>Jensen, Megan (FHWA)</u>; <u>Resler, Kevin (FHWA)</u>; <u>Groudine, Candace (FHWA)</u>

Subject: FW: (b) (6)

Date: Wednesday, April 05, 2017 4:03:18 PM

This is the most recent communication that I have received.

lisa

From: Lucy Schrader [mailto:LSchrader@azdot.gov]

Sent: Wednesday, April 05, 2017 11:23 AM

To: Neie, Lisa (FHWA)
Subject: (b) (6)

Lisa,

I wanted to keep you updated regarding (b) (6)

I spoke to him (through an interpreter) about 30 minutes ago. He is very frustrated, he said he has called Megan and that she does not return his calls. I tried to explain to him that he should continue to work with Connect 202 so that he doesn't forfeit any benefits that he may be entitled to receive. He was under the impression that by filing his complaint FHWA would be buying his home... also mentioned that he will be contacting DOJ, he will be "blowing the whistle on the EPA" and he just knows that "Trump would be willing to help if he becomes aware of his situation." I told him that it is his right to reach out to any federal agency he feels can assist. I reiterated that he should continue to work with Megan and with Connect 202. I provided a link to FHWA's Civil Rights contact page to (b) (6).

After my conversation with (b) (6) I called Brian Rockwell to inquire if there was absolutely anything else that we could do for (b) (6) , Brian said that legally there was nothing else that could be done, they had already looked into the situation. I guess there's really nothing that can be done, I thought I'd ask.

Let me know if you or Megan need anything from me.

Lucy Schrader
ADA/Title VI Nondiscrimination Program Coordinator
206 S 17th Avenue
Phoenix, AZ 85007
602.712.7378



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From: Neie, Lisa (FHWA) [mailto:Lisa.Neie@dot.gov]

Sent: Wednesday, April 05, 2017 8:49 AM

To: Lucy Schrader Subject: RE: (b) (6)

(b) (6) is working with FHWA's Civil Rights Office. Megan is working with him.

From: Lucy Schrader [mailto:LSchrader@azdot.gov]

Sent: Wednesday, April 05, 2017 9:45 AM

To: Neie, Lisa (FHWA)
Subject: (b) (6)

Hi Lisa,

(b) (6) who filed the complaint against ADOT on the South Mountain Freeway project on what he alleged was on the basis of his ADA 504 and Title VI that I forwarded to you last month contacted me this morning, he stated that he has not heard from you.

I have concerns because (b) (6) has denied access to the Connect 202 contractor from whom he had requested a re-evaluation of his property for damages (see attached email). I'd hate to see him lose out on any possible benefits. Let me know if there's anything I can do to help on this.

Thanks,

Lucy

Lucy Schrader
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From: Neie, Lisa (FHWA)

To: Jensen, Megan (FHWA)

Subject: FW: Section 504 of the Rehabilitation Act of 1973/ADA/Title VI of the Civil Rights

Date: Tuesday, March 28, 2017 1:14:15 PM

From: Patton, Layne (FHWA)

Sent: Tuesday, March 14, 2017 3:52 PM

To: Neie, Lisa (FHWA)

Subject: RE: Section 504 of the Rehabilitation Act of 1973/ADA/Title VI of the Civil Rights

You're very welcome, it appears to me (b) (6) is grabbing at straws and trying whatever he can to get out. This sounds more like a ROW issue to me.

Layne A. Patton, Right of Way Officer

Federal Highway Administration, Arizona Division

4000 N. Central Ave, Suite 1500

Phoenix, Arizona 85012 Office: (602) 382-8974 Fax: (602) 382-8998 Cell: (6)

From: Neie, Lisa (FHWA)

Sent: Tuesday, March 14, 2017 2:50 PM

To: Patton, Layne (FHWA); Yedlin, Rebecca (FHWA)

Cc: Petty, Karla (FHWA); Hansen, Alan (FHWA); Lirange, Aryan (FHWA)

Subject: RE: Section 504 of the Rehabilitation Act of 1973/ADA/Title VI of the Civil Rights

Layne,

Thank you so much for this. I'll let you know what happens next.

lisa

From: Patton, Layne (FHWA)

Sent: Tuesday, March 14, 2017 3:48 PM

To: Yedlin, Rebecca (FHWA); Neie, Lisa (FHWA)

Cc: Petty, Karla (FHWA); Hansen, Alan (FHWA); Lirange, Aryan (FHWA)

Subject: RE: Section 504 of the Rehabilitation Act of 1973/ADA/Title VI of the Civil Rights

All,

I talked to Brian Rockwell and he filled me in on basic information with the issues regarding (b) (6).

Around 2010 (b) (6) submitted a request several times for ADOT to buy his property under hardship acquisition. He and his wife are deaf; however, that situation in itself is not a viable reason to approve a hardship acquisition.

Brian and connect 202 met with (b) (6) recently. (b) (6) noted he and his wife are very sensitive to vibrations and was very adamant ADOT was to buy them out. Their property is not needed for the project and ADOT cannot justify acquiring their property.

(b) (6) email noted minor damage to his backyard in the form of cracks in his pool. Connect 202 is addressing this issue with his and other properties along the freeway alignment. Brian stated (b) (6) indicated he is being discriminated against and is combining everything into a civil rights issue because of his and his wife's' disability. Analyzing the available information indicates the proper actions have been conducted by ADOT and Connect 202.

If requested I can look into this situation in more detail.

Layne

Layne A. Patton, Right of Way Officer Federal Highway Administration, Arizona Division 4000 N. Central Ave, Suite 1500 Phoenix, Arizona 85012

Office: (602) 382-8974 Fax: (602) 382-8998 Cell: (b) (6)

From: Yedlin, Rebecca (FHWA)

Sent: Tuesday, March 14, 2017 12:37 PM **To:** Neie, Lisa (FHWA); Patton, Layne (FHWA)

Cc: Petty, Karla (FHWA); Hansen, Alan (FHWA); Lirange, Aryan (FHWA)

Subject: RE: Section 504 of the Rehabilitation Act of 1973/ADA/Title VI of the Civil Rights

No, I have not.

Layne has ADOT ROW brought this to your attention? - Rebecca

From: Hansen, Alan (FHWA)

Sent: Tuesday, March 14, 2017 12:28 PM

To: Neie, Lisa (FHWA); Petty, Karla (FHWA); Lirange, Aryan (FHWA); Yedlin, Rebecca (FHWA) **Subject:** RE: Section 504 of the Rehabilitation Act of 1973/ADA/Title VI of the Civil Rights

No, I don't recall hearing about this complainant or this particular issue.

Alan R. Hansen, P.E. Team Leader Planning, Environment, Realty and Civil Rights FHWA Arizona Division (602) 382-8964 From: Neie, Lisa (FHWA)

Sent: Tuesday, March 14, 2017 11:39 AM

To: Petty, Karla (FHWA); Hansen, Alan (FHWA); Lirange, Aryan (FHWA); Yedlin, Rebecca (FHWA) **Subject:** FW: Section 504 of the Rehabilitation Act of 1973/ADA/Title VI of the Civil Rights

Have any of you heard about the complainant?

From: Lucy Schrader [mailto:LSchrader@azdot.gov]

Sent: Tuesday, March 14, 2017 12:34 PM

To: (b) (6) ; Brock Barnhart

Cc: Brian Rockwell; ryan.clickner@c202p.com; Howard A. Rosenblum; (b) (6) ; Neie, Lisa (FHWA);

(b) (6)

Subject: RE: Section 504 of the Rehabilitation Act of 1973/ADA/Title VI of the Civil Rights

(b) (6)

The Arizona Department of Transportation (ADOT) Civil Rights Office is in receipt of your complaint alleging discrimination based on disability under the Americans with Disabilities Act and Title VI of the Civil Rights Act of 1964. As a direct recipient of federal financial assistance from the Federal Highway Administration (FHWA); it is ADOT's policy to refer all complaints alleging discrimination filed against the agency on federal aid projects to Lisa Neie, the FHWA Civil Rights Specialist at the Arizona Division Office for processing.

Please note, future correspondence regarding your complaint will come from Ms. Neie, or designated FHWA representative.

Best regards,

Lucy Schrader
ADA/Title VI Nondiscrimination Program Coordinator
ADOT - Civil Rights Office
Phone (602) 712-8946
Fax (602) 239-6257
LSchrader@azdot.gov

From: (b) (6)

Sent: Saturday, March 11, 2017 9:21 AM

To: Brock Barnhart; Lucy Schrader

Cc: Brian Rockwell; ryan.clickner@c202p.com; Howard A. Rosenblum; (b) (6) ; (b) (6)

Subject: Section 504 of the Rehabilitation Act of 1973/ADA/Title VI of the Civil Rights

Hi Brock/Ryan/Brian,

Yesterday, we discussed with ADOT, State and Connect 202 about compensation for minor damages on my backyard. I showed you the Bill of Rights book about the 5th Amendments to the Constitution of the US "nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of Life, Liberty, or property, without due process of law; nor shall private property be take for public use without just compensation."

We were not satisfied with ADOT compensation for minor damages on my backyard. There were too many incompetence. We were no peace of mind at my property home, Life and

Liberty. We would like to request you to buy me out of my property home. Since 2009 to 2014, ADOT denied me for acquisition my right of way home fourth times. Please respect me for Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and Title VI of the Civil Rights Act of 1964.

Please review your Section 504, the ADA and Title VI for my property home.

Please contact us at (b) (6)



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From: (b) (6)

To: <u>Jensen, Megan (FHWA); Resler, Kevin (FHWA); Neie, Lisa (FHWA);</u> (b) (6)

Subject: my right of way home

Date: Friday, April 07, 2017 12:46:09 AM

Hi Megan,

My neighbor mentioned me that (b) (6) said I refused to have the survey. We have to right to deny (b) (6) for offer the survey under the contact with ADOT. We did not agree the compensation with ADOT. We received a Relocation Assistance program booklet in 2007. see photo attached. The government should takes right of way damaging of private property as well as taking it and should pay the compensation required by the 5th Amendment of Constitution. We can't sell my property home because ADOT robs my home value and hurt my property home value as the next right 2nd neighbor purchased it in 2015. Please see our damaged property home photo attached. We will discuss with you regarding our complaint tomorrow morning.

Thanks

(b) (6)

From: Resler, Kevin (FHWA)

To: Neie, Lisa (FHWA); Jensen, Megan (FHWA); Groudine, Candace (FHWA)

Subject: RE: (b) (6)

Date: Thursday, April 06, 2017 7:47:23 AM

Thanks Lisa.

From: Neie, Lisa (FHWA)

Sent: Wednesday, April 05, 2017 4:03 PM

To: Jensen, Megan (FHWA); Resler, Kevin (FHWA); Groudine, Candace (FHWA)

Subject: FW: (b) (6)

This is the most recent communication that I have received.

lisa

From: Lucy Schrader [mailto:LSchrader@azdot.gov]

Sent: Wednesday, April 05, 2017 11:23 AM

To: Neie, Lisa (FHWA)
Subject: RE: (b) (6)

Lisa,

I wanted to keep you updated regarding (b) (6)

I spoke to him (through an interpreter) about 30 minutes ago. He is very frustrated, he said he has called Megan and that she does not return his calls. I tried to explain to him that he should continue to work with Connect 202 so that he doesn't forfeit any benefits that he may be entitled to receive. He was under the impression that by filing his complaint FHWA would be buying his home... also mentioned that he will be contacting DOJ, he will be "blowing the whistle on the EPA" and he just knows that "Trump would be willing to help if he becomes aware of his situation." I told him that it is his right to reach out to any federal agency he feels can assist. I reiterated that he should continue to work with Megan and with Connect 202. I provided a link to FHWA's Civil Rights contact page to (b) (6).

After my conversation with (b) (6) I called Brian Rockwell to inquire if there was absolutely anything else that we could do for (b) (6) , Brian said that legally there was nothing else that could be done, they had already looked into the situation. I guess there's really nothing that can be done, I thought I'd ask.

Let me know if you or Megan need anything from me.

Lucy Schrader
ADA/Title VI Nondiscrimination Program Coordinator
206 S 17th Avenue
Phoenix, AZ 85007
602,712,7378



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(6) is working with FHWA's Civil Rights Office. Megan is working with him.

From: Neie, Lisa (FHWA) [mailto:Lisa.Neie@dot.gov]

Sent: Wednesday, April 05, 2017 8:49 AM

To: Lucy Schrader Subject: RE: (b) (6)

From: Lucy Schrader [mailto:LSchrader@azdot.gov]

Sent: Wednesday, April 05, 2017 9:45 AM

To: Neie, Lisa (FHWA)
Subject: (b) (6)

Hi Lisa,

(b) (6) who filed the complaint against ADOT on the South Mountain Freeway project on what he alleged was on the basis of his ADA 504 and Title VI that I forwarded to you last month contacted me this morning, he stated that he has not heard from you.

I have concerns because (b) (6) has denied access to the Connect 202 contractor from whom he had requested a re-evaluation of his property for damages (see attached email). I'd hate to see him lose out on any possible benefits. Let me know if there's anything I can do to help on this.

Thanks,

Lucy

Lucy Schrader ADA/Title VI Nondiscrimination Program Coordinator 206 S 17th Avenue Phoenix, AZ 85007 602.712.7378



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From: Jensen, Megan (FHWA) To: Resler, Kevin (FHWA); Neie, Lisa (FHWA); Lucy Schrader; (b) (6 Cc: Subject: Re: Right of way home Date: Thursday, April 06, 2017 3:53:31 PM Hi Megan, Please call us at 8am tomorrow. Thanks (b) (6) Sent from my iPhone > On Apr 6, 2017, at 12:26 PM, Jensen, Megan (FHWA) < megan.jensen@dot.gov> wrote: > Hi (b) (6) > My apologies on the delay. I wanted to bring Kevin Resler, our National Title VI Program Manager into the discussion of your complaint. > Are you available tomorrow to discuss your complaint? Kevin and I are available 7:30am - 12pm MST. > Is there a time that would work best for us to give you a call to discuss the complaint process with you? > > Thank you, > Megan Jensen > Program Analyst, Coordination and Compliance Team > Federal Highway Administration Office of Civil Rights > 1200 New Jersey Avenue, SE > E81-109 > Washington, DC 20590 > 202-366-3664 > -----Original Message-----> From: (b) (6) > Sent: Thursday, March 30, 2017 3:27 PM > To: Jensen, Megan (FHWA) > Cc: (b) (6) > Subject: Right of way home > Hi Megan,

> Just wanted to follow up with you regarding my concerns. We haven't heard from Ms. Neie. What is the status?

> Sent from my iPhone

> Regards > (b) (6) From: (b) (6)
To: Lucy Schrader
Cc: Jensen, Megan (FHWA)
Subject: Re: Site condition survey

Date: Thursday, March 23, 2017 8:26:31 PM

----- Forwarded message -----

From: Lucy Schrader < LSchrader@azdot.gov >

Date: Tue, Mar 14, 2017 at 11:33 AM

Subject: RE: Section 504 of the Rehabilitation Act of 1973/ADA/Title VI of the Civil Rights To: (b) (6) >, Brock Barnhart @azdot.gov>

Cc: Brian Rockwell < BRockwell@azdot.gov >, "ryan.clickner@c202p.com"

<rustractickner@c202p.com>, "Howard A. Rosenblum" < howard.rosenblum@nad.org>, Dawn
(b) (6)
>, "Lisa.Neie@dot.gov" < Lisa.Neie@dot.gov>, Eddie Edison

<<u>FEdison@azdot.gov</u>>, Wendy Brazier <<u>WBrazier@azdot.gov</u>>, Felicia Beltran <<u>FBeltran@azdot.gov</u>>, Timothy Tait <<u>TTait@azdot.gov</u>>, Kimberly Noetzel <<u>KNoetzel@azdot.gov</u>>

(b) (6)

The Arizona Department of Transportation (ADOT) Civil Rights Office is in receipt of your complaint alleging discrimination based on disability under the Americans with Disabilities Act and Title VI of the Civil Rights Act of 1964. As a direct recipient of federal financial assistance from the Federal Highway Administration (FHWA); it is ADOT's policy to refer all complaints alleging discrimination filed against the agency on federal aid projects to Lisa Neie, the FHWA Civil Rights Specialist at the Arizona Division Office for processing.

Please note, future correspondence regarding your complaint will come from Ms. Neie, or designated FHWA representative.

Best regards,

Lucy Schrader

ADA/Title VI Nondiscrimination Program Coordinator

ADOT - Civil Rights Office

Phone (602) 712-8946

Fax (602) 239-6257

LSchrader@azdot.gov

From: (b) (6)

Sent: Saturday, March 11, 2017 9:21 AM

To: Brock Barnhart; Lucy Schrader

Cc: Brian Rockwell; ryan.clickner@c202p.com; Howard A. Rosenblum; (b) (6)

Subject: Section 504 of the Rehabilitation Act of 1973/ADA/Title VI of the Civil Rights

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We were not satisfied with ADOT compensation for minor damages on my backyard. There were too many incompetence. We were no peace of mind at my property home, Life and Liberty. We would like to request you to buy me out of my property home. Since 2009 to 2014, ADOT denied me for acquisition my right of way home fourth times. Please respect me for Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and Title VI of the Civil Rights Act of 1964.

Please review your Section 504, the ADA and Title VI for my property home.

Please contact us at (b) (6).

Thanks

(b) (b)

On Thu, Mar 23, 2017 at 5:13 PM, Lucy Schrader < LSchrader@azdot.gov > wrote:

(b) (6)

I'm a little confused by your email. Can you please forward me the referenced email?

Thanks,

Lucy Schrader ADOT Civil Rights

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: (b) (6)

Sent: Thursday, March 23, 2017 4:38 PM

To: Ryan Clickner

Cc: Lucy Schrader; Megan Jensen; (b) (6)

Subject: Re: Site condition survey

Ryan,

Please read Lucy Schrader's email as of March 14, 2017. We are not accepting this offer my site condition surveys from ADOT.

Thanks



Sent from my iPhone

On Mar 23, 2017, at 4:01 PM, Ryan Clickner < Ryan.Clickner@C202P.com > wrote:

Good afternoon,

I am happy to offer the site condition surveys we spoke of in our meeting on March 10th. The surveyor can have a 2-person team to perform your survey on one of the following days/time:

- Monday (March 27): Available timeslot 12:30pm 5:30pm
- Tuesday (March 28): Available timeslot 12:30pm 5:30pm

Please let me know as soon as possible which date works for you so we can claim the time slot while it's still available.

Once again, your patience while I coordinate these surveys for you is greatly appreciated.

Ryan Clickner

Pecos Segment Construction Outreach Lead

<image001.jpg>

m:(b) (6) / o: 623.362.1597 ext. 114 Ryan.Clickner@C202P.com The information transmitted is intended only for the person or entity to which it is addressed and may contain proprietary, business-confidential and/or privileged material. If you are not the intended recipient of this message you are hereby notified that any use, review, retransmission, dissemination, distribution, reproduction or any action taken in reliance upon this message is prohibited. If you received this in error, please contact the sender and delete the material from any computer. Any views expressed in this message are those of the individual sender and may not necessarily reflect the views of the company.

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