



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

1200 New Jersey Avenue, SE.
Washington, DC 20590

AUG 28 2018

In Reply Refer To: HCR-20
DOT# 2017-0387

(b) (6)

Subject: Dismissal of Complaint DOT# 2017-0387

Dear (b) (6)

This letter is to inform you that the Federal Highway Administration's (FHWA) Office of Civil Rights has determined that it will dismiss the above 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. 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 nondiscrimination regulations. Finally, it must be filed within 180 calendar days of the alleged discriminatory act.

After careful consideration, the FHWA has concluded that it must dismiss this complaint. Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.

You alleged that the California Department of Transportation (CALTRANS) discriminated against you and other residents in Sonoma County when it removed access via a frontage road, which caused you to suffer increased commute times. Due to these actions, you alleged CALTRANS created a disparate impact, potentially in violation of Title VI. However, the allegations and facts in your complaint do not meet the minimum criteria from which FHWA could establish a case of 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,

A handwritten signature in cursive script, appearing to read "Nichole McWhorter". The signature is fluid and extends to the right with a long, sweeping tail.

Nichole McWhorter
Title VI Team Leader
Office of Civil Rights

Cc: Vincent Mammano, Division Administrator, FHWA California Division Office
Paul Schneider, Chief Operating Officer, FHWA California Division Office
Will McClure, Equal Opportunity Specialist, FHWA California Division Office
James Esselman, Senior Attorney-Advisor, FHWA Office of the Chief Counsel
Kevin Resler, National Title VI Program Manager, FHWA Office of Civil Rights
Yvette Rivera, Director, Equal Employment Opportunity Programs Division, Departmental
Office of Civil Rights



U.S. Department of Justice

Civil Rights Division

Federal Coordination and Compliance Section-NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

DEPT. OF TRANSPORTATION
OFFICE OF CIVIL RIGHTS
2017 SEP 11 PM 1:03

Doc #609241

Ms. Leslie Proll
Director
Departmental Office of Civil Rights
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Room W78-338, Mail Stop S-30
Washington, D.C. 20590

AUG 23 2017

Dear Ms. Proll:

Enclosed for your review is a letter received by the Federal Coordination and Compliance Section of the Civil Rights Division of the U.S. Department of Justice. The matter does not appear to be within the jurisdiction of our office.

However, the issues raised may fall within the jurisdiction of your agency and, therefore, we are referring it to you for appropriate disposition. The writer has been notified of the referral.

Thank you for your assistance in this matter.

Sincerely,

Christine Stoneman
Principal Deputy Chief
Federal Coordination and Compliance Section
Civil Rights Division

Enclosure



U.S. Department of Justice

Civil Rights Division

*Federal Coordination and Compliance Section-NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530*

Doc #609241

(b) (6)

AUG 23 2017

Dear (b) (6):

Your letter was received by the Federal Coordination and Compliance Section of the Civil Rights Division of the U.S. Department of Justice. We have considered carefully the information you have provided, but the matter does not appear to be within the jurisdiction of our office.

However, by the enclosed letter, we have referred the matter to the agency that is most likely to assist you. If you have any questions, please contact the U.S. Department of Transportation at (202) 366-4648.

Sincerely,

Christine Stoneman
Principal Deputy Chief
Federal Coordination and Compliance Section
Civil Rights Division

Enclosure

Handwritten initials: FCS

FEDERAL COORDINATION
AND
COMPLIANCE SECTION
2017 AUG -2 PM 3: 21

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To whom it my concern,

I would like to make a complaint against the California Department of Transportation, Specifically Caltrans for what I believe is Criminal violation of the Civil Rights of the small group of residents along the north side of Highway 101 in an area known as the Narrows. The people I am writing for are a group that lives at (b) (6). Which is located in Sonoma County just outside of the city of Petaluma. There are eight people currently residing there. I have not spoken with the people on the other properties so I'm not sure how many people reside on them.

In I think 2010 or maybe earlier Caltrans submitted plans to the Federal Highway Administration to obtain funding for the widening and realignment of Highway 101 from a few miles from the border of Sonoma County to where the highway is already three lanes wide in the Marin County. There plan showed three phases, the first didn't concern us except for the traffic problems it created, second phase was supposed to be frontage roads for the residents on both sides of the highway. The ones on the southbound side were completed; the northbound side went as far as the Caltrans storage area and no further. The third phase was supposed to be the removal of cross traffic and actual widening the highway.

14 months ago Caltrans skipped the completion second section (Namely the frontage road on the northbound side of the highway) and went straight to the third section. They sealed the highway from cross traffic and removed our only turn around in Sonoma County (Which we were promised by Caltrans wouldn't happen until we had a frontage road) Well in doing that they created a situation where the only way onto or off of the northbound properties is by car, truck, or motorcycle thus requiring us to own a vehicle that is insured and currently registered and a current drivers license. This is clearly a violation of our Civil Rights. I'm sure that we are supposed to have free access to voting or a health clinic, well we have free access to nothing not even our homes. I personally am the only person who drives in a home with three working adults. So at times they the other two are trapped out here. As is my wife has me drop her at the bus stop on my way to work so she is two hours early everyday and I am a half an hour late everyday, my foster child works where I do so she rides in with me and waits four hours to start working then I wait two hours for her to get off before going home. Because of this I have been unable to stay home all day for 425 days. Healthy or sick doesn't matter I have to take someone somewhere since it is illegal to walk to town. As if to prove that I was walking into town a couple months ago and a Highway Patrol Officer said next time he sees me doing that he will give me a citation so now I'm being held on my property by threat. Or you could look at it as a case of discrimination against the northbound residents, since the roads have been done for the south bond residents

(b) (6)

for over a year now. I would also think this fits under Color of the Law. Since Caltrans is so large people just assume that there not doing anything wrong and Caltrans uses that to their advantage in situations like this.

This changing of the road has not only ignored are rights in coming and going it has made getting home a ordeal in itself. I personally drive two miles to work and 12 miles to get home and once home if I get the urge to check my mail that's a 11.5 mile trip. These extra miles use up 15 to 75 minutes extra driving every trip depending on traffic. Mind you if something bad happens like a fire or medical emergency on the property emergency vehicles have to make the same trip, so we are as good as dead. A car went into the ditch next door to us it took emergency responders 45 minutes to get there. About two months after Caltrans sealed the road I filed a claim with Caltrans about the mileage and safety concerns, I sent it priority mail never heard anything back. Same goes with anything I send them, recently I emailed alejandro_lopez@dot.ca.gov about the fact they are violating my Civil rights and again nothing.

I'm pretty sure this whole thing was a conspiracy inside Caltrans to defraud the federal government so they could get their funding. If they showed the true order they would do it in I'm sure funding would not have been granted. It is easy to see that they had no intention of following the plans since part of the frontage road uses what is now the northbound lanes of the highway so it couldn't be done until the highway was moved. This might also explain why they don't answer my calls emails or letters; they are just hoping I give up. This is there web site <http://www.dot.ca.gov/d4/msn/> what is wrong here is it says workers are building the frontage roads it should have stated southbound only.

The last 14 months have been almost unbearable creating a undue amount of stress on myself and the others on the property. Caltrans has shown that they have little or no concern for our healthand safety let alone our Civil rights. To truly understand our situation you need to come to our property since nothing I say could accurately describe the situation.

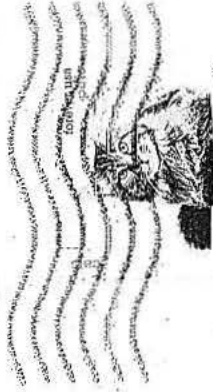
It is my hope that you will jail the person's that did this to us and that we have a frontage road before they go any farther with the project.

I look forward to your reply on this matter.

(b) (6)

PS: For that matter someone should look into the fact that there is no oversight of Caltrans and they are the only group that handles its own claims, other people I have spoken to tell me Caltrans normally sends a response to a claim that says they are denying it and they suggest you get an attorney if you want to pursue your claim.

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SAN FRANCISCO CA 941

19 JUN 2017 PM 34

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave NW
Office of the Assistant Attorney General - Man
Washington DC 20530

DOJ M

JUN 30 2017

X-RAYED

(b) (6)

2017 JUL -3 AM 9:55

RECEIVED
CIVIL RIGHTS DIVISION

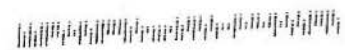
U.S. Department of Justice

Washington, D.C. 20530
Official Business
Penalty for Private Use, \$300

DEPT. OF TRANSPORTATION
OFFICE OF CIVIL RIGHTS
2017 SEP 11 PM 1:03



Leslie Proll
Office of the Secretary
Departmental Office of Civil Rights
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Room W78-338, Mail Stop S-30
Washington, D.C. 20590





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

1200 New Jersey Avenue, SE.

Washington, DC 20590

NOV 30 2017

In Reply Refer To: HCR-20
DOT# 2017-0387

(b) (6)

Subject: Acknowledgment of Complaint DOT# 2017-0387

Dear (b) (6)

This letter acknowledges the Federal Highway Administration's (FHWA) Office of Civil Rights received your complaint against the California Department of Transportation (CALTRANS), alleging that CALTRANS violated Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulations, including Title VI regulations administered by the United States Department of Transportation (49 C.F.R. Part 21) and the Federal Highway Administration (23 C.F.R. Part 200). Your complaint was received in this office on August 23, 2017.

The complaint has been assigned to Kevin Resler, FHWA National Title VI Coordinator, Office of Civil Rights. Mr. Resler will keep you informed regarding the status of your complaint. You may contact him at 202-366-2925 or via e-mail at kevin.resler@dot.gov.

Please be advised that no one may intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone because he or she has either taken action or participated in an action to secure rights protected by the civil rights requirements that we enforce. Any individual alleging such harassment or intimidation may file a complaint with the FHWA. Any questions or concerns that you have regarding the complaint process and your rights can be discussed with Mr. Resler.

Sincerely,



Irene Rico
Associate Administrator for Civil Rights

cc: Vincent Mammano, Division Administrator, FHWA CA Division Office
Paul Schneider, Assistant Division Administrator, FHWA CA Division Office
Will McClure, Civil Rights Specialist, FHWA CA Division Office
Jim Esselman, Senior Attorney-Advisor, FHWA's Office of Chief Counsel
Yvette Rivera, Associate Director, Equal Employment Opportunity Programs Division,
Departmental Office of Civil Rights
Kevin Resler, National Title VI Program Coordinator, FHWA Office of Civil Rights