



In Reply Refer to: HCR-20
DOT# 2021-0089

February 12, 2021

(b) (6)



Subject: Acknowledgment of Complaint #2021-0089

Dear Sirs,

This letter acknowledges the Federal Highway Administration (FHWA) Office of Civil Rights received your complaint against the City of Bakersfield, CA, which alleges violations that may be related to 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 by this office on February 10, 2021.

This complaint has been assigned to Erik Lacayo, FHWA Title VI Analyst – Office of Civil Rights. Mr. Lacayo will keep you informed regarding the status of your complaint. You may contact him at 202-913-3926 or via e-mail at erik.lacayo@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. Lacayo.

Sincerely,

Nichole McWhorter

Nichole McWhorter

Title VI Team Leader
Office of Civil Rights

cc: Vincent Mammano, Division Administrator, FHWA California Division Office
Paul Schneider, Deputy Division Administrator, FHWA California Division Office
Scott Carson, Civil Rights Specialist, FHWA California Division Office
Jim Esselman, Senior Attorney-Advisor, FHWA Office of Chief Counsel
Yvette Rivera, Associate Director, Equal Employment Opportunity Programs Division,
Departmental Office of Civil Rights
Barbara Dougherty, Deputy Director, Departmental Office of Civil Rights

Bush, Alexander@DOT

From: (b) (6)
Sent: Thursday, 4 February, 2021 07:11
To: Omishakin, Toks@DOT
Cc: (b) (6)

Subject: Title VI Complaint

EXTERNAL EMAIL. Links/attachments may not be safe.

Dear Toks,

I was urged to contact you by our senator's office. My understanding is that they will also be contacting your office as well. Our businesses and families are reaching out to you requesting to file a Title VI complaint with your office. Our family cannot get street light service in our neighborhood because we live in a predominantly black and hispanic community. (b) (6)

(b) (6) It is a public street accessible by numerous industrial and residential properties.

(b) (6)

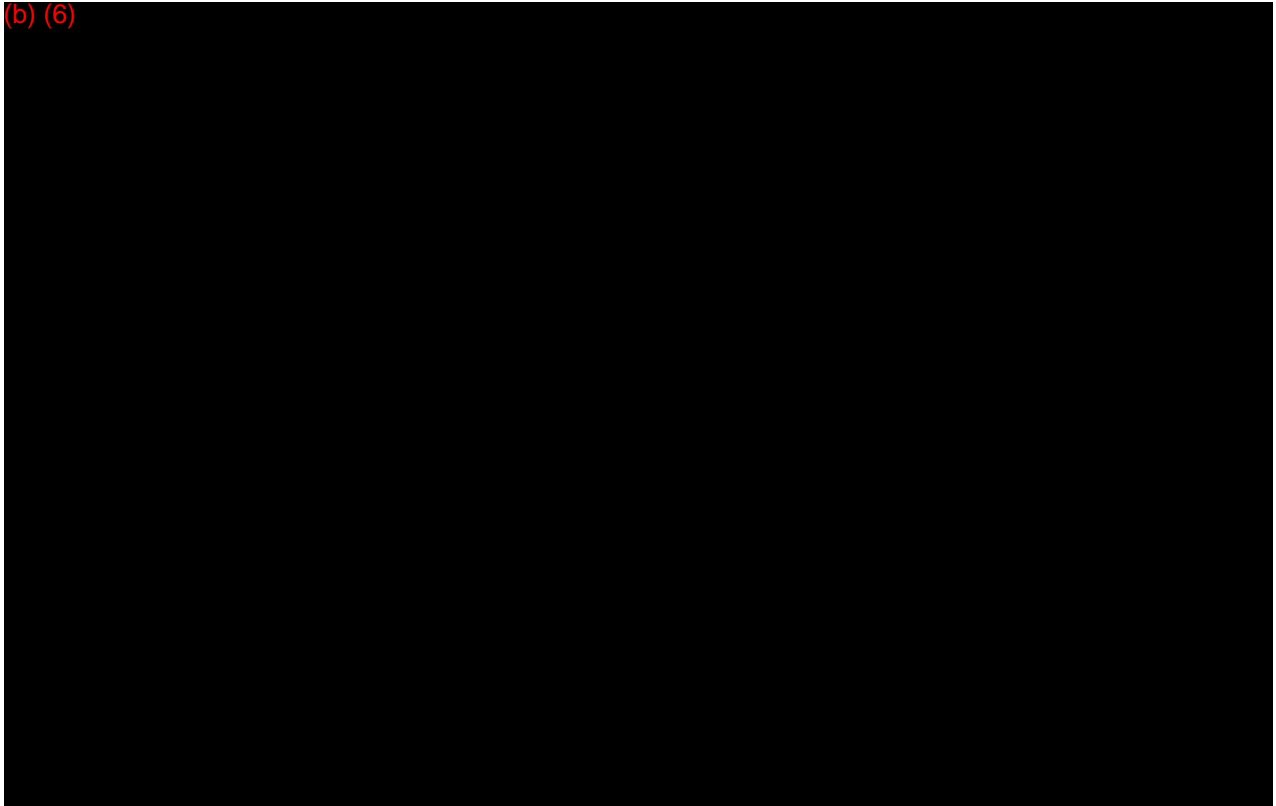
I watched the council meeting last night where our council member and city manager lied on TV claiming that our street lights are maintained by a HOA. There is no HOA that maintains the street lights for the industrial properties on S Street. We have met with the County of Kern who have confirmed that this is a public street. We have repeatedly filed complaints over this issue and have concerns that we are being redlined.

We would like to file a formal complaint with you and ask that funding be withheld to the City of Bakersfield for Title VI violations. We also want our concerns noted on the record with the administrative law judge and the race and equity office.

Thank you,

(b) (6)

From: (b) (6)
Sent: Friday, 5 February, 2021 09:09
To: Christian Clegg
Cc: (b) (6)



Subject: Public Comment - Title VI Complaint - City of Bakersfield

EXTERNAL EMAIL. Links/attachments may not be safe.

**I would like the following comments read on the record at the County of Kern Board of Supervisors and noted on the record with the Bakersfield City Council, Caltrans, and Strategic Growth Council.

Mr. Clegg,

There is no easy way to say this. We are concerned about the integrity of your staff and the impacts its having on the ability to lead our city. A few weeks ago staff told us the most vulnerable parts of downtown east of Mill Creek were being excluded from streetscape design guidelines and planned improvements because they were zoned residential. But we found this to be false when we view the zoning maps.

Then a member of your staff told us that they don't repair street lights south of California Avenue and East of Mill Creek because they "get shot at." This was your staff's words not ours. This is offensive and there is also no basis in fact to support this. Now I've been told from the owner of an industrial property near the intersection S St and California that they cannot get maintenance because they are "zoned residential and part of a homeowners association.:" This too is also false.

More recently the city released a TCC plan that was supposed to help disadvantaged communities and instead developed a downtown revitalization plan, again failing to identify any notable improvements south of California or East of Mill Creek.

All of the actions and false statements provided by your staff about these disadvantaged neighborhoods are offensive. They point to a pattern of redlining and systemic racism in our city. Now I understand that you didn't create this culture but it is your job to fix it. What are you doing to fix it?

(b) (6)

On Mon, Jan 11, 2021 at 2:46 PM Christian Clegg <cclegg@bakersfieldcity.us> wrote:

I apologize for the Reply All email to this entire group, but hope that my message can help to clarify what I see as a misunderstanding. The City does not intend to preclude any member of the public from making further public comment, inquiries or complaints, but for the simple benefit of clarity for our interested community members, please let me offer the following:

- Comments in response to the email sent by the City Clerk today appear to communicate that streetscape improvements are being funded/provided within the boundary of the current study area and not funded/excluded outside of the boundary of the current study. This is not the case.
- The current study is not a funding mechanism or authorization for downtown streetscape improvements; this is not a funding plan.
- The study will identify design elements and guidelines to be applied to future infrastructure projects.
- As funding is identified on a project by project basis, the City will ensure that these design guidelines are consistently applied to all projects.
- Staff has confirmed through the email response sent earlier today that these design guidelines will be applied to all infrastructure projects in the broader boundaries for downtown, including projects in East Downtown between Mill Creek and Union Ave.
- Funding for future infrastructure projects in the Downtown will be evaluated for all areas within the broader boundaries already established for downtown; this design study does not limit funding availability by any geography
- Again, this design study does not allocate funding or create a funding plan; and staff will apply the design guidelines to all commercial areas of downtown where they are appropriate, including to Union Avenue to the east as requested.

I hope this is helpful clarification. Thank you

From: (b) (6)

Sent: Monday, January 11, 2021 1:55 PM

To: (b) (6)

Cc: Michael.Martin858 <Michael.Martin858@protonmail.com>; City_Clerk <City_Clerk@bakersfieldcity.us>; Christian Clegg <cclegg@bakersfieldcity.us>; Karen Goh <kgoh@bakersfieldcity.us>; Title.VI@dot.ca.gov;

(b) (6)

(b) (6)

Nick Fidler

<nfidler@bakersfieldcity.us>; Stuart Patteson <spatteso@bakersfieldcity.us>; Brianna Carrier

<bcarrier@bakersfieldcity.us>; David Lyman <dlyman@visitbakersfield.com>; Darin Budak

<Dbudak@bakersfieldcity.us>; Jacqui Kitchen <jkitchen@bakersfieldcity.us>; Chris Huot <CHuot@bakersfieldcity.us>;

Cecelia Griego <CGriego@bakersfieldcity.us> (b) (6)

Navdip Grewal <ngrewal@bakersfieldcity.us>; (b) (6)

sgc.info@sgc.ca.gov

Subject: Re: Title VI Complaint - City of Bakersfield and KernCOG

Warning: This email originated from outside the City of Bakersfield. Think before you click!

We agree. (b) (6)

(b) (6) Why do they get the benefits of streetscape improvements and we do not? Glenda, how do we join the complaint?

On Mon, Jan 11, 2021 at 12:41 PM (b) (6) wrote:

I would also like to have concerns noted on the record with Caltrans and the Strategic Growth Council as part of this Title VI inquiry.

On Mon, Jan 11, 2021 at 12:02 PM (b) (6) wrote:

Glenda,

We were forwarded this response from our city and would like to file a Title VI complaint against the City of Bakersfield for redlining. This city is arbitrarily cutting off Black and Hispanic property owners from streetscape improvements on the East Side of Downtown Bakersfield. The areas they claim are residential are not residential. We would like our concerns noted on the record with Caltrans.

(b) (6)

The City is engaging in a "Downtown Streetscape/Beautification Study" that is intended to develop streetscape designs for the commercial core area of Downtown Bakersfield. Thank you for expressing your interest in this topic so that we could clarify the scope of this project.

The Downtown Streetscape Study does not change or limit the City's definition of Downtown that is used for overall infrastructure planning purposes (as established in the Municipal Code) and that are reflected in planning documents like the Making Downtown Vision Plan. The study area is

intended to provide a more focused review of the commercial core area based on the nature of streetscapes that are targeted for the design elements being considered.

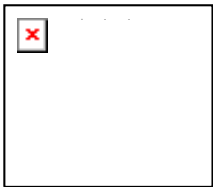
However, your comments have raised valuable consideration of the broader Downtown boundaries and have provided an opportunity to clarify that the design elements developed through the study can also be applied to commercial areas, arterial streets, etc. throughout the broader Downtown boundaries. Through separate projects, the City is also making corridor enhancements to both H Street and Chester Avenue from State Route 58 to Truxtun Avenue. These improvements are outside the core commercial study area, but have similar characteristics and the design elements will be applied to these projects.

It is worth noting that the design elements are not intended to be used for future projects in the more residential areas of Downtown that have a different look and feel. While there will be infrastructure projects in future years in those areas, there will be more residential design elements.

It is also worth noting that through Public Safety and Vital Services funding, there are a number of Capital Improvement Projects last year and this year that focus on improving elements in many areas of the broader downtown. This includes wayfinding signs, gateway enhancements, banners, landscape/hardscape planning, initial phases of landscape construction, street lighting and the improvements on H Street and Chester.

Again, thank you for your engagement and comments and this opportunity to clarify that the definition of downtown remains the same.

Regards,



Julie Drimakis, CPMC, CMC | City Clerk

City of Bakersfield

email: jdrimakis@bakersfieldcity.us

web: www.bakersfieldcity.us

phone: 661-326-3073



Bush, Alexander@DOT

From: (b) (6)
Sent: Friday, 5 February, 2021 14:03
To: Christian Clegg; city_clerk@bakersfieldcity.us
Cc: Bush, Alexander@DOT; michael@kerntaxpayers.org
Subject: Equity Complaints

EXTERNAL EMAIL. Links/attachments may not be safe.

Christian,

I have some questions regarding the equity complaints. I understand (b) (6) that Mr. Fidler claims the lighting at "S" Street and California was paid for by developers and is "exceeds city standards by having additional poles and fancy fixtures, and must be paid for by property owners. Based on what I heard, I would like to ask for clarification. Who pays for the "extra" and "fancy" lighting on Q Street? Is this paid for by property owners? If not, why not? Why are neighborhoods of color being treated differently?

I would like to ask for written records documenting how the capital lighting improvements on Q Street (Truxtun to 23rd) and "S" Street (California Avenue to 1450 "S" Street) were paid for. I would also like written records showing who pays for the electricity and maintenance for both of these streets.

Please respond to my questions and confirm receipt of my records request.

Sincerely,

(b) (6)

Bush, Alexander@DOT

From: (b) (6)
Sent: Thursday, 4 February, 2021 09:34
To: Omishakin, Toks@DOT
Cc: (b) (6)

Subject: Title VI Complaint

EXTERNAL EMAIL. Links/attachments may not be safe.

(b) (6),

Our business would also like to request a formal Title VI inquiry. (b) (6)
We are being marginalized and redlined by Bakersfield. Our concerns include:

- 1) Streetscape Plan which redlined Black and Hispanic census blocks from streetscape improvements. We were told by the city that this was because our land use was residential. However, this was false. When we looked at a land use map our entire neighborhood is commercial and light industrial, consistent with streetscape improvements proposed in 'whiter' census blocks.
- 2) TCC Planning Study redlines the the communities south of California Avenue. The proposed plan only proposes project recommendations downtown and fails do include any project recommendations in the most disadvantaged census blocks.
- 3) Maintenance on S St. (b) (6) a public road per the staff of (b) (6)
(b) (6) We have repeatedly complained to public works about the lack of lighting maintenance.

We believe we are being repeatedly marginalized because the color of our neighborhood. We support a full inquiry and a hold on state funding in Bakersfield until a full and fair inquiry has been conducted.

(b) (6)

(b) (6)

As an American Descendant of Slavery and (b) (6)
(b) (6), particularly in regards to the redlining of the Lakeview area and recommend that the Southern border extend to the 58 fwy and the Eastern border to encompass the Lakeview community.

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

From: (b) (6)
Date: Thu, Feb 4, 2021 at 7:11 AM

Subject: Title VI Complaint

To: (b) (6)

Cc: (b) (6)

[REDACTED]

(b) (6)

I was urged to contact you by our senator's office. My understanding is that they will also be contacting your office as well. Our businesses and families are reaching out to you requesting to file a Title VI complaint with your office. Our family cannot get street light service in our neighborhood because we live in a predominantly black and hispanic community. (b) (6)

[REDACTED] CA pay into a consolidated maintenance fund for the upkeep of our street lights. It is a public street accessible by numerous industrial and residential properties.

(b) (6)

[REDACTED]

I watched the council meeting last night where our council member and city manager lied on TV claiming that our street lights are maintained by a HOA. There is no HOA that maintains the street lights for the industrial properties on (b) (6). We have met with the (b) (6) who have confirmed that this is a public street. We have repeatedly filed complaints over this issue and have concerns that we are being redlined.

We would like to file a formal complaint with you and ask that funding be withheld to the City of Bakersfield for Title VI violations. We also want our concerns noted on the record with the administrative law judge and the race and equity office.

Thank you,

(b) (6)

From: [Carson, Scott \(FHWA\)](#)
To: [Lacayo, Erik \(FHWA\)](#)
Cc: [Kratovil, Aimee \(FHWA\)](#); [Ramos, Miquel \(FHWA\)](#)
Subject: FW: Title VI Complaint - (b) (6)
Date: Thursday, February 11, 2021 4:09:11 PM
Attachments: (b) (6)

Erik – see attached; forwarding to you for processing. CT has received a Title VI complaint alleging discrimination on the basis of race, color or national origin by the City of Bakersfield in repair and maintenance of street lighting. I have asked CT in acknowledging receipt of the complaint to let FHWA know if they anticipate any further correspondence or documentation regarding the complaint. Call me if you have questions. SAC

Scott Carson
Civil Rights Specialist
FHWA – California Division
scott.carson@dot.gov
office: 916-498-5029
cell: (b) (6)

From: Bush, Alexander@DOT [mailto:Alexander.Bush@dot.ca.gov]
Sent: Thursday, February 11, 2021 11:48 AM
To: Carson, Scott (FHWA) <Scott.Carson@dot.gov>
Cc: Singh, Sanjay@DOT <sanjay.singh@dot.ca.gov>; Collins, Glenda@DOT <Glenda.Collins@dot.ca.gov>; Title VI@DOT <Title.VI@dot.ca.gov>
Subject: Title VI Complaint - (b) (6)

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.

Good Morning Mr. Carson,

Please see the attached cover letter from my supervisor, Glenda Collins, and documents of a Title VI complaint filed by Mr. Andrew May. Please reply to this email to acknowledge receipt of the complaint.

If you have any questions, please do not hesitate to contact my supervisor, Glenda Collins, at 916-324-8379 (office) or 916-639-6392 (cell).

Have a great Thursday.

Thank you,

Alexander Bush (he/him/his)

Title VI/Compliance Specialist, Title VI Branch
Caltrans | Office of Civil Rights
Phone: (916) 324-0831
Email: alexander.bush@dot.ca.gov

[Title VI Intranet](#)
[Title VI Internet](#)

When invited to WebEx: <https://cadot.webex.com/meet/alexander.bush>

1. Call me: Enter your phone number, select call me, follow the prompts (which may say press 1) then press select.
2. Call-in: Dial the number provided, enter the access code and attendee ID.



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DEPARTMENT OF TRANSPORTATION

OFFICE OF CIVIL RIGHTS
1823 14TH STREET, MS-79
SACRAMENTO, CA 95811
PHONE (916) 324-1700
FAX (916) 324-1862
TTY 711
www.dot.ca.gov



Making Conservation
a California Way of Life.

February 11, 2021

Federal Highway Administration
California Division
Attn: Scott Carson, Civil Rights Program Specialist
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

SENT VIA ELECTRONIC MAIL TO SCOTT.CARSON@DOT.GOV

Dear Mr. Carson:

The Caltrans Office of Civil Rights (OCR), Title VI Branch received a complaint from (b) (6) and others alleging discrimination on the basis of race, color, or national origin by the City of Bakersfield with regard to maintenance and repair of street lighting.

Please see the documents provided by the complainant.

If you have any questions, please do not hesitate to contact me at the phone number listed below.

Sincerely,

Glenda Collins

Glenda M. Collins
Title VI Branch Manager
Office of Civil Rights
Office: 916-324-8379
Cell: (b) (6)
Fax: 916-324-1869