



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

1200 New Jersey Ave., SE
Washington, D.C. 20590

In Reply Refer to: HCR-20
DOT# 2021-0199

June 15, 2021

(b) (6)

Subject: Acknowledgment of Complaint #2021-0199

Dear (b) (6) :

This letter acknowledges the Federal Highway Administration (FHWA) Office of Civil Rights received your complaint of sex discrimination against the Pima County Association of Governments. These alleged violations may be related to Section 162(a) of the Federal-Aid Highway Act of 1973 (codified at section 324, title 23 U.S.C) and Title VI program regulations administered by FHWA (23. C.F.R. Part 200). Your complaint was received by this office on June 15, 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: Karla Petty, Division Administrator, FHWA Arizona Division Office
Anthony Sarhan, Assistant Division Administrator, FHWA Arizona Division Office
Tremaine Wilson, Civil Rights Specialist, FHWA Arizona Division Office

Jim Esselman, Senior Attorney-Advisor, FHWA Office of Chief Counsel
Irene Rico, Associate Administrator, FHWA Civil Rights Office
Irene Marion, Director, Departmental Office of Civil Rights
Yvette Rivera, Associate Director, Equity and Access Division, Departmental Office of Civil Rights
Barbara Dougherty, Deputy Director, Departmental Office of Civil Rights

From: (b) (6)
To: [Lacayo, Erik \(FHWA\)](#)
Subject: Re: sex discrimination complaint
Date: Monday, June 14, 2021 7:19:17 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.

Hi Mr. Lacayo:

Thank you for your response. My Arizona-based complaint is concerning the Pima County Association of Governments, Regional Transportation Authority's Citizens Advisory Committee. The Regional Transportation Authority receives Surface Transportation Block Grant funding and is thus subject to all federal anti-discrimination provisions.

When the Regional Transportation Authority (RTA) called for applicants for the RTA Next Citizens Advisory Committee (CAC) in 2018, I applied. The committee's stated aim is to use input from the public to prioritize spending on transportation and mobility projects for the next two decades.

I was disappointed to learn I wasn't selected. Instead, I was invited to an RTA-hosted Citizens Academy that aimed to teach us about regional transportation planning and funding, and to shadow the CAC process to fill any seats that might be vacated by CAC members lost through attrition. The Citizens Academy met for a while, but it lacked purpose and structure. No participants were ever called on to fill vacant seats on the CAC. Currently, there are as many as 15 openings.

Later, I learned that most people chosen to serve on the CAC were able-bodied men. At least 8 of the 35 members had served on the original RTA CAC, almost 20 years ago. Technical expertise or professional experience in the transportation field were prioritized in the application process, even though a separate Technical Management Committee also worked parallel to the CAC. By prioritizing professional experience in the transportation field, membership in the CAC is unfairly weighted in favor of white, able-bodied men, as those are the people who have traditionally been professionals in those fields. Indeed, "professional experience in the transportation field" is being used as a proxy for race and sex discrimination. Without active efforts to increase participation from women, people of color, and the disabled, this selection criterion has a disparate impact on marginalized groups.

Furthermore, the elected officials who serve on the RTA Board never even got to see the full list of applicants for the CAC. The RTA executive leadership, behind closed doors, chose the CAC members and included the roster as part of a consent agenda, which was approved with little discussion or debate.

At the April 2021 RTA Board retreat, Tucson Mayor Regina Romero asked how the RTA CAC can reflect the diversity of our region. RTA leadership replied it would violate Title VI to ask specific questions about race, ethnicity, or sex. Clearly, RTA leaders are content with their fig leaf of compliance with Title VI, even though their requirement of "professional experience in the transportation field" has a disparate impact on marginalized communities.

On Mon, Jun 14, 2021 at 1:00 PM Lacayo, Erik (FHWA) <erik.lacayo@dot.gov> wrote:

Hello (b) (6)

Thank you for your question. Our office might be able to look into sex discrimination complaints depending on the facts and issues involved. [FHWA does have regulations that prohibit sex discrimination](#). If you file a complaint with us we will evaluate it to determine whether we have jurisdiction. You can try to use the online form and leave the boxes blank (I am not sure if they are a required field or not). Alternatively, you can just email me your complaint. Let me know if you have any other questions.

Thanks,

Erik Lacayo

Title VI Program Analyst

Federal Highway Administration

Office of Civil Rights

(202) 913-3926

erik.lacayo@dot.gov

From: (b) (6)

Sent: Monday, June 14, 2021 1:45 PM

To: Lacayo, Erik (FHWA) <erik.lacayo@dot.gov>

Subject: sex discrimination complaint

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 Mr. Lacayo-- I was given your contact info by Tremaine Wilson, the Arizona Civil Rights/Realty Specialist for FHWA. Mr. Wilson helpfully explained how to submit a Title VI complaint, but Title VI does not cover sex discrimination or discrimination under the Americans with Disabilities Act. The link on the website for filing a Title VI complaint does not provide a checkbox for either sex discrimination or disability discrimination. Please advise on how to file a complaint under these other civil rights protections.

Thank you,

(b) (6)