



U.S. Department
of Transportation
Federal Highway
Administration

1200 New Jersey Avenue, SE.
Washington, DC 20590

JUL 08 2016

In Reply Refer To: HCR-20
DOT# 2016-0373

(b) (6)

Subject: Dismissal of Complaint DOT# 2016-0373

(b) (6)

This letter acknowledges that the Federal Highway Administration's (FHWA) Office of Civil Rights is in receipt of your complaint, alleging that the Florida Department of Transportation (FDOT) violated Title VI of the Civil Rights Act of 1964 (Title VI) and USDOT's implementation regulations at 49 C.F.R. Part 21 and 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 violate FHWA's nondiscrimination regulations (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. Finally, complaints must be filed against a recipient of financial assistance from the FHWA. In your complaint, you allege FDOT violated Title VI when it acquired certain property from **(b) (6)** in 1988 that **(b) (6)** wrongfully acquired from your mother, **(b) (6)** **(b) (6)**, an African-American woman.

After careful consideration, the FHWA has concluded that it must dismiss this complaint because the legal issues and facts were investigated by the Federal Rail Administration (FRA) in 2010, with a finding of no violation. Because an Operating Administration (OA) of the U.S. Department of Transportation, FRA, has made a finding, FHWA lacks jurisdiction to investigate the matter.

Please note that you may file a private suit at any time pursuant to section 601 of Title VI. If you have any questions, please contact Calvin Gibson at FRA at Calvin.Gibson@dot.gov.



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Sincerely,

A handwritten signature in blue ink, appearing to read 'Nichole McWhorter', written over a horizontal line.

Nichole McWhorter
Division Manager
Coordination and Compliance Division

Cc: James Christian, Division Administrator, FHWA FL Division Office
David Hawk, Chief Operating Officer, FHWA FL Division Office
Carey Shepherd, Civil Rights Program Coordinator, FHWA FL Division Office