



In Reply Refer to: HCR-20  
DOT# 2022-0360

August 29, 2022

(b) (6)

Subject: Complaint DOT# 2022-0360

Dear (b) (6)

The Federal Highway Administration (FHWA) Office of Civil Rights has come to a determination in the above complaint, which alleges violations that may be related to Title VI of the Civil Rights Act of 1964, the U.S. Department of Transportation (USDOT) Title VI implementation regulations at 49 C.F.R. Part 21, and/or FHWA's Title VI regulations at 23 C.F.R. Part 200 (hereinafter Title VI). Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

To be accepted for investigation, a complaint must meet the jurisdictional requirements provided by 49 C.F.R. § 21.11. First, complaints must be filed within 180 calendar days of the alleged discriminatory act, unless the time for filing is extended by FHWA. Second, the matters must concern recipients of federal financial assistance for a program or programs authorized under a law administered by FHWA. Finally, the complaint must describe an alleged discriminatory act or acts that, if true, would fall under FHWA's jurisdiction and potentially violate FHWA's Title VI regulations.

The allegations in this complaint state that the California Department of Transportation (CalTrans) discriminated against (b) (6) by manipulating the Qualifications Based Selection (Government Code 4525-4529) in order to select the contractor based on criteria other than being the most qualified.

After careful consideration, FHWA has determined that the allegations do not fall under FHWA's Title VI regulations, therefore FHWA does not have jurisdiction over the allegations in this complaint. For this reason, FHWA will dismiss and close this complaint with no further action.

FHWA Office of Civil Rights strives to provide applicable information relating to Title VI complaints. If you have any questions, please contact me at (202) 366-1396.

Sincerely,

*Nichole McWhorter*

Title VI Team Leader  
Office of Civil Rights

cc: Vincent Mammano, Division Administrator, FHWA California Division Office  
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