



In Reply Refer to: HCR-20
DOT# 2021-0045

July 14, 2022

(b) (6)

Subject: Dismissal of Complaint DOT# 2021-0045

Dear (b) (6)

This letter is to inform you that the Federal Highway Administration (FHWA) Office of Civil Rights has determined that it will dismiss 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.

You allege that increased traffic along the Interstate 26 corridor in North Charleston has created harmful, disparate noise impacts to yourself and others living in the area. You allege that the South Carolina Department of Transportation (SCDOT) and Charleston County have violated Title VI by failing to provide noise reduction measures in your North Charleston community along I-26, between U.S. 78 and Ashley Phosphate Road.

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. 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. After careful consideration, FHWA has determined not to accept the complaint for further investigation because the allegations and facts in your complaint are not sufficient to establish a case of disparate impact under Title VI.

Notwithstanding this determination, FHWA has learned that SCDOT is considering an update to its statewide noise policy for future projects. The Office of Civil Rights encourages you to engage with the FHWA South Carolina Division Office and SCDOT regarding current noise abatement measures in your area and as SCDOT considers future improvements to its policy. The FHWA South Carolina Division Office will continue to conduct Title VI stewardship and oversight over SCDOT and its subrecipients of FHWA financial assistance. These oversight activities include reviewing SCDOT's annual Title VI Goals and Accomplishments reports that

summarize SCDOT's efforts to comply with Title VI as well as working with SCDOT on current and future noise mitigation policy.

If you have any questions, please contact Nichole McWhorter at (202) 366-1396.

Sincerely,

Nichole McWhorter

Nichole McWhorter
Title VI Team Leader
Office of Civil Rights

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