



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

1200 New Jersey Avenue, SE
Washington, DC 20590

In Reply Refer to: HCR-20
DOT# 2022-0416

August 4, 2022

(b) (6)

Subject: Complaint DOT# 2022-0416

Dear (b) (6)

This letter is to inform you that the Federal Highway Administration (FHWA) Office of Civil Rights has made a determination pertaining to 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.

You allege that the Rhode Island Department of Transportation discriminated against your great-great-grandfather by not burying him properly nor correctly documenting his accomplishments. After careful consideration, FHWA has determined that it lacks jurisdiction over your complaint because the allegations fall outside the 180 calendar days of the alleged discrimination and the allegations do not fall under FHWA's jurisdiction but may be within the Advisory Council on Historic Preservation's jurisdiction. For these reasons, the complaint will be dismissed by FHWA and closed with no further action.

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

Sincerely,

Nichole McWhorter

Nichole McWhorter
Title VI Team Leader
Office of Civil Rights

cc: Carlos Machado, Division Administrator, FHWA Rhode Island Division Office
Randy Warden, Deputy Division Administrator, FHWA Rhode Island Division Office
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Jim Esselman, Senior Attorney-Advisor, FHWA Office of Chief Counsel
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