

MAR 14 2013

In Reply Refer To: HCR-40
DOT# 2012-0149

(b) (6)

Subject: Letter of Inquiry Regarding DOT #2012-0149

Dear (b) (6):

Thank you for your letter dated March 12, 2012, on behalf of residents of the San Jose Neighborhood Association in the South Valley area of Albuquerque, New Mexico ("the Neighborhood Association"). Your letter challenges the adequacy of the Environmental Assessment ("EA") prepared by Bernalillo County ("the County") for the Sunport Boulevard Extension project. In particular, you allege that the new road project raises significant environmental justice issues affecting your community that have not been adequately or properly addressed in the EA.

The Federal Highway Administration ("FHWA") and the Office of Civil Rights appreciate your interest in the County's project. The environmental justice issues raised in your letter will be evaluated through the National Environmental Policy Act ("NEPA") process, which will include additional public outreach and consideration of public comments. FHWA is obligated under NEPA to undertake an independent analysis of the EA to determine whether the County has identified and addressed any disproportionately high and adverse human health or environmental effects of the project on minority and low-income populations.

FHWA has taken no final agency action with respect to the project that may affect minority and/or low-income populations in Bernalillo County; therefore, the Office of Civil Rights is unable to process your allegations as a complaint under Title VI of the Civil Rights Act of 1964 at this time. We have made FHWA's New Mexico Division Office aware of your correspondence. That office, in turn, is in communication with the New Mexico Department of Transportation regarding this matter.

If you have any questions, please contact me at civilrights.fhwa@dot.gov or by phone on (202) 366-0693.

Sincerely,



Warren S. Whitlock

Associate Administrator for Civil Rights

cc: Gloria Hardiman-Tobin, FHWA Office of Chief Counsel
Jim Esselman, FHWA Office of Chief Counsel
Amber Ontiveros, Office of Civil Rights
J. Don Martinez, FHWA New Mexico Division Administrator
Camille Hazeur, Departmental Office of Civil Rights