

FEB 24 2014

In Reply Refer To: HCR-20
DOT#2014-0063-IN

(b) (6)

Subject: Case DOT# 2014-0063-IN

Dear **(b) (6)**

This response is in reference to the document you submitted to the Civil Rights Division of the United States Department Of Justice (USDOJ) on December 18, 2013 expressing support for a Civil Rights Act of 1964 Title VI investigation of the New York Gateway Connections Improvement US Peace Bridge Plaza project Public Outreach Plan to identify if discrimination has occurred. The document was forwarded to the Federal Highway Administration (FHWA) Office of Civil Rights on January 14, 2014. The allegations detailed in your document relate to a Draft Environmental Impact Statement (DEIS) for the proposed project. Your document alleges that persons were denied meaningful participation in the development of the project DEIS based upon color, national origin, income-level, and Limited English Proficiency.

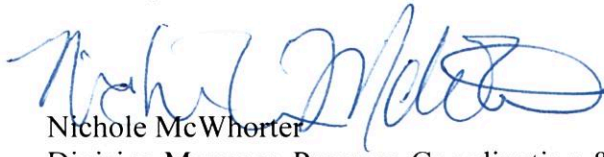
FHWA is responsible for investigating individual complaints of discrimination involving violations of Title VI. After a thorough review of your allegations, we have determined that your case will not be investigated as a Title VI complaint for the following reason:

- The allegations are not timely, as the EIS is still being developed and no final agency action has been taken (i.e., FHWA New York Division Office signing a Record Of Decision for the New York Gateway Connections Improvement US Peace Bridge Plaza project EIS).

This concludes the processing of your case by the FHWA Office of Civil Rights. By copying the FHWA New York Division Office on this letter, the FHWA Office of Civil Rights is requesting that New York State Department of Transportation be instructed to ensure that the record for the EIS addresses the allegations detailed in the Letter Of Inquiry prior to any Federal action.

If you have any questions, please contact Lester Finkle at 202-366-5991.

Sincerely,



Nichole McWhorter
Division Manager, Program Coordination & Compliance

CC:

Jonathan D. McDade, Division Administrator, New York Division Office

Christine Thorkildsen, Civil Rights Program Manager, New York Division Office