



U.S. Department
of Transportation
Federal Highway
Administration

JUN 21 2011

1200 New Jersey Avenue, SE
Washington, D.C. 20590

In Reply Refer To: HCR-40
DOT #2008-0017

(b) (6)

Dear (b) (6):

This is in reference to your complaint of discrimination, dated June 29, 2007, against Orange County and the Towns of Carrboro and Chapel Hill alleging violations of Title VI of the Civil Rights Act of 1964 (Title VI) based on race (African American). In your complaint, you raised issues regarding unpaved roads and streets; unsafe traffic flow; and lack of curbs, gutters, and sidewalks within the Rogers Road/Eubanks Road communities, which consists of residents who are predominately African American.

The North Carolina Department of Transportation (NCDOT) has completed its investigation and forwarded its investigative report to the Federal Highway Administration (FHWA) for review and issuance of a final agency decision. The evidence submitted by the NCDOT shows the following:

Issue #1: Whether the members of the Rogers Road/Eubanks Road communities suffer a disproportionate and adverse impact due to a lack of paved roads and streets.

- During the course of the investigation, you disclosed that this issue was resolved by the new (b) (6).

Issue #2: Whether the members of the Rogers Road/Eubanks Road communities endure disproportionate and adverse impacts from unsafe traffic flow.

- You raised concerns regarding unsafe traffic flow where speed limits are posted too high on Rogers Road, Eubanks Road, and Purefoy Drive.
- The NCDOT has the authority to reduce speed limits at the request of a citizen or municipality.
- The speed limit on Purefoy Drive was reduced from 30 mph to 25 mph per your request.
- The speed limit on Eubanks Road was investigated and found to be appropriate at 45 mph.

- On June 10, 2011, the FHWA received information from the NCDOT that the speed limit on Rogers Road was reduced from 40 mph to 35 mph per your request.

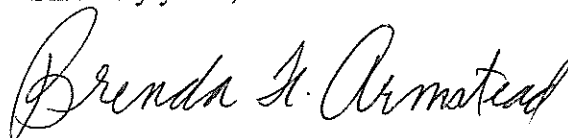
Issue #3: Whether members of the Rogers Road/Eubanks Road communities suffer a disproportionate and adverse impact due to a lack of curbs, gutters, and sidewalks.

- You raised concerns regarding the lack of curbs, gutters, and sidewalks on both sides of Rogers Road and Eubanks Road.
- The Rogers Road Study Area, which includes Orange County property lines, does not lie wholly within the jurisdiction of one municipality. The Town of Carrboro's jurisdiction lies on the west side of Rogers Road and the Town of Chapel Hill's extraterritorial planning jurisdiction covers the east side of Rogers Road.
- The installation of sidewalks, curbs, gutters, and associated enclosed drainage systems are normally constructed by a developer or the municipality by an encroachment agreement. The exception would be if the NCDOT had a Transportation Improvement Program project to widen the road with curbs and gutters.
- The members of the communities along Rogers Road/Eubanks Road and Homestead Road/Weaver Dairy Road include a majority of non-minority members as well as Asians and African Americans. Since the evidence shows that the communities are a mixture of minorities and non-minorities, there is no evidence to support the allegation that the lack of curbs, gutters, and sidewalks have a negative impact on African Americans.
- The NCDOT has suggested that your request regarding the Rogers Road sidewalk project should be sent to the Town of Chapel Hill instead of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization.

Based on the foregoing evidence, the FHWA does not find that there was a violation of Title VI as alleged in the complaint.

This concludes processing of this matter and no further action will be taken by the FHWA.

Sincerely yours,



Brenda F. Armstead
Director, Investigations and Adjudications



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

JUN 21 2011

1200 New Jersey Avenue, SE
Washington, D.C. 20590

In Reply Refer To: HCR-40
DOT #2008-0017

Mr. Philip Bickham
Director
Office of Civil Rights
North Carolina Department of Transportation
1511 Mail Service Center
Raleigh, North Carolina 27699-1511

Dear Mr. Bickham:

This is in reference to the complaint of discrimination, dated June 29, 2007, by (b) (6) (b) (6) (complainant) against Orange County and the Towns of Carrboro and Chapel Hill alleging violations of Title VI of the Civil Rights Act of 1964 (Title VI) based on race (African American). The complainant raised issues regarding unpaved roads and streets; unsafe traffic flow; and lack of curbs, gutters, and sidewalks within the Rogers Road/Eubanks Road communities, which consists of residents who are predominately African American.

The Federal Highway Administration is in receipt of the North Carolina Department of Transportation's (NCDOT) investigative report. The evidence submitted by the NCDOT shows the following:

Issue #1: Whether the members of the Rogers Road/Eubanks Road communities suffer a disproportionate and adverse impact due to a lack of paved roads and streets.

- During the course of the investigation, the complainant disclosed that this issue was resolved by the new (b) (6)

Issue #2: Whether the members of the Rogers Road/Eubanks Road communities endure disproportionate and adverse impacts from unsafe traffic flow.

- The complainant raised concerns regarding unsafe traffic flow where speed limits are posted too high on Rogers Road, Eubanks Road, and Purefoy Drive.
- The NCDOT has the authority to reduce speed limits at the request of a citizen or municipality.
- The speed limit on Purefoy Drive was reduced from 30 mph to 25 mph per the complainant's request.
- The speed limit on Eubanks Road was investigated and found to be appropriate at 45 mph.

- On June 10, 2011, the FHWA received information from the NCDOT that the speed limit on Rogers Road was reduced from 40 mph to 35 mph per the complainant's request.

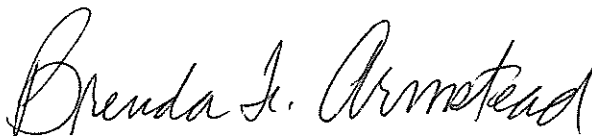
Issue #3: Whether members of the Rogers Road/Eubanks Road communities suffer a disproportionate and adverse impact due to a lack of curbs, gutters, and sidewalks.

- The complainant raised concerns regarding the lack of curbs, gutters, and sidewalks on both sides of Rogers Road and Eubanks Road.
- The Rogers Road Study Area, which includes Orange County property lines, does not lie wholly within the jurisdiction of one municipality. The Town of Carrboro's jurisdiction lies on the west side of Rogers Road and the Town of Chapel Hill's extraterritorial planning jurisdiction covers the east side of Rogers Road.
- The installation of sidewalks, curbs, gutters, and associated enclosed drainage systems are normally constructed by a developer or the municipality by an encroachment agreement. The exception would be if the NCDOT had a Transportation Improvement Program project to widen the road with curbs and gutters.
- The members of the communities along Rogers Road/Eubanks Road and Homestead Road/Weaver Dairy Road include a majority of non-minority members as well as Asians and African Americans. Since the evidence shows that the communities are a mixture of minorities and non-minorities, there is no evidence to support the allegation that the lack of curbs, gutters, and sidewalks have a negative impact on African Americans.
- The NCDOT has suggested that the complainant's request regarding the Rogers Road sidewalk project should be sent to the Town of Chapel Hill instead of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization.

Based on the foregoing evidence, the FHWA does not find that there was a violation of Title VI as alleged in the complaint. The FHWA requests that the NCDOT provide the representatives of Orange County and the Towns of Carrboro and Chapel Hill a copy of this decision letter.

This concludes processing of this matter and no further action will be taken by the FHWA.

Sincerely yours,



Brenda F. Armstead
Director, Investigations and Adjudications

cc: Ms. Sharon Lipscomb, Title VI Manager, NCDOT
Mr. John Sullivan, Division Administrator, FHWA (HDA-NC)
Ms. Lynise DeVance, Civil Rights Program Manager, FHWA (HDA-NC)