



U.S. Department  
of Transportation  
Federal Highway  
Administration

1200 New Jersey Avenue, SE.  
Washington, DC 20590

JAN 29 2009

In Reply Refer To: HCR-40  
DOT #2009-0128

Mr. Michael G. Watts  
Director, Office of Adjudication and Compliance  
U.S. Department of Agriculture  
1400 Independence Avenue, SW.  
Washington, DC 20250-9410

Dear Mr. Watts:

The Federal Highway Administration's (FHWA) Office of Civil Rights is in receipt of an investigative file regarding a complaint filed by (b) (6) alleging violations of Title VI of the Civil Rights Act of 1964. The complaint was received and investigated by the Michigan Department of Transportation and forwarded to this office for review and issuance of a finding. The issue raised in the complaint involves pest control services and is not within the FHWA's jurisdiction. Therefore, we are forwarding the investigative file to your office for appropriate action. The complainant has been advised of this referral (copy enclosed). If you have any questions about this submission, you may contact Ms. Thalia Williams, Equal Opportunity Specialist, 202-366-1595.

Sincerely yours,

Brenda F. Armstead  
Director, Investigations and Adjudications

2 Enclosures

cc: Ms. Verna Miller, Title VI Specialist, Michigan DOT (w/o investigative file)  
Ms. Mary Finch, Civil Rights Specialist, FHWA (HDA-MI) (w/o investigative file)

**AMERICAN  
ECONOMY**

FHWA:HCR-40:TWilliams:61595:1/28/09  
 cc: HCR-40 Reader File  
 HCR-40 Williams  
 Case File



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(b) (6)

Dear (b) (6):

This is in reference to your complaint of discrimination filed against the Board of County Road Commissioners of Macomb County (RCMC). In your complaint, you alleged that the RCMC violated Title VI of the Civil Rights Act of 1964 (Title VI).

Since the RCMC is a sub-recipient of Federal-aid funds through the Michigan Department of Transportation, your complaint was investigated in accordance with the Federal Highway Administration's (FHWA) complaint processing procedures. State recipients can conduct investigations of complaints alleging violations of Title VI of its sub-recipients or contractors and make a recommended finding to the Federal decisionmaking authority. However, the U.S. Department of Justice has determined that a Title VI finding of violation or no violation is a Federal decision that cannot be delegated. All FHWA recipients must submit their proposed dispositions to the FHWA for a final agency decision.

The FHWA is in receipt of the MDOT's investigative file. After reviewing the investigative file, we have determined that we do not have jurisdiction regarding the issues raised in your complaint. The U.S. Department of Agriculture (DOA) is the appropriate Federal agency to process your complaint. The DOA has jurisdiction for complaints involving pest control services. Therefore, we are forwarding the MDOT's investigative file to the DOA for further processing at the address listed below:

U.S. Department of Agriculture  
Director, Office of Adjudication and Compliance  
1400 Independence Avenue, SW.  
Washington, DC 20250-9410

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

Sincerely yours,

Brenda F. Armstead

Director, Investigations and Adjudications

**AMERICAN  
ECONOMY**