



U.S. Department
of Transportation
Federal Highway
Administration

1200 New Jersey Avenue, SE.
Washington, DC 20590

SEP 27 2017

In Reply Refer To: HCR-20
DOT# 2017-0202

(b) (6)

Subject: Dismissal of Complaint DOT#2017-0202

Dear (b) (6) and (b) (6)

This letter acknowledges that the Federal Highway Administration's (FHWA) Office of Civil Rights is in receipt of your complaint, which alleged violations of Title VI of the Civil Rights Act of 1964 (Title VI) and USDOT's implementation regulations at 49 C.F.R. Part 21 and/or 23 C.F.R. Part 200. To be accepted for investigation, a complaint must meet the jurisdictional requirements described in FHWA's Investigations Manual, which conforms to the U.S. Department of Justice's procedures and standards for investigating complaints of discrimination. First, the complaint must be in writing. Second, it must describe an alleged discriminatory act that, if true, would violate FHWA's nondiscrimination regulations (i.e., an alleged discriminatory act based on race, color, national origin). Third, it must be filed within 180 calendar days of the alleged discriminatory act. Finally, complaints must be filed against a recipient of financial assistance from the FHWA.

After careful consideration, the FHWA has concluded that it must dismiss this complaint. Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that:

[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.¹

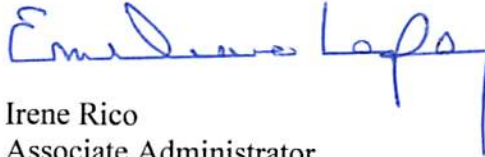
Your complaint alleges that the construction of the North Carolina Department of Transportation (NCDOT) Business 40 Project (Project) failed to contact you about the Project and has resulted in your landlord's choice to not renew your business' lease agreement. However, because the property your business occupies is not being acquired by the NCDOT, the NCDOT Project does not directly or indirectly affect your leased property.

¹ 42 U.S.C. § 2000d.

Therefore, the FHWA lacks jurisdiction over the subject matter of your complaint. Your complaint will be dismissed by FHWA and closed with no further action.

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

Sincerely,



FAR Irene Rico
Associate Administrator
Office of Civil Rights

Cc: John F. Sullivan, Division Administrator, FHWA North Carolina Division Office
Edward T. Parker, Acting Chief Operating Officer, FHWA North Carolina Division Office
Lynise DeVance, Civil Rights Program Manager, FHWA North Carolina Division Office
James Esselman, Senior Attorney-Advisor, FHWA Office of the Chief Counsel
Kevin Resler, National Title VI Program Manager, FHWA Office of Civil Rights
Yvette Rivera, Director, Equal Employment Opportunity Programs Division, Departmental Office of Civil Rights