



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

OCT 31 2018

1200 New Jersey Avenue, SE.
Washington, DC 20590

In Reply Refer to: HCR-20
DOT# 2017-0336

South Brooksville Community
Economic Development Commission
P. O. Box 113
Brooksville, Florida

(b) (6)

(b) (6)

(b) (6)

Subject: Dismissal of Complaint DOT# 2017-0336

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

This letter is to inform you that after careful consideration, the Federal Highway Administration (FHWA) Office of Civil Rights has determined that it will dismiss the above complaint, which alleged violations that may be related to Title VI of the Civil Rights Act of 1964, the U.S. Department of Transportation (USDOT) Title VI implementation regulations at 49 C.F.R. Part 21 and/or FHWA's Title VI regulations at 23 C.F.R. Part 200 (hereinafter Title VI). Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. 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 fall under FHWA's jurisdiction and potentially violate FHWA's nondiscrimination regulations. Finally, it must be filed within 180 calendar days of the alleged discriminatory act.

You alleged that in 2013, you learned that the Florida Department of Transportation (FDOT, then known as the "State Road Department of Florida") acquired property from (b) (6), (b) (6), (b) (6) and other African-American residents in 1963, toward construction of Interstate 75. You further alleged that FDOT acquired the property in exchange

for nominal compensation, and that these actions constituted disparate treatment based on race, potentially in violation of Title VI.

However, the filing of this complaint exceeded 180 calendar days from the last date of the alleged discrimination, which appeared to occur in 1963. While FHWA may grant a waiver of the filing requirement in some circumstances, such decisions typically entail situations in which the complainant could not reasonably be expected to have known the alleged act was discriminatory or was unable to file due to reasons outside the complainant's control. In this case, you became aware of these matters in 2012 and filed this complaint in 2017. For these reasons, 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,



Nichole McWhorter
Title VI Team Leader
Office of Civil Rights

Cc: James Christian, Division Administrator, FHWA FL Division Office
David Hawk, Chief Operating Officer, FHWA FL Division Office
Carey Shepherd, Civil Rights Specialist, FHWA FL Division Office
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