



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

1200 New Jersey Avenue, SE.
Washington, DC 20590

AUG 28 2018

In Reply Refer To: HCR-20
DOT# 2017-0387

(b) (6)

Subject: Dismissal of Complaint DOT# 2017-0387

Dear **(b) (6)**

This letter is to inform you that the Federal Highway Administration's (FHWA) Office of Civil Rights has determined that it will dismiss the above 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 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.

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.

You alleged that the California Department of Transportation (CALTRANS) discriminated against you and other residents in Sonoma County when it removed access via a frontage road, which caused you to suffer increased commute times. Due to these actions, you alleged CALTRANS created a disparate impact, potentially in violation of Title VI. However, the allegations and facts in your complaint do not meet the minimum criteria from which FHWA could establish a case of disparate impact under Title VI. For these reasons, this 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,

A handwritten signature in cursive script, appearing to read "Nichole McWhorter". The signature is fluid and extends to the right with a long, sweeping tail.

Nichole McWhorter
Title VI Team Leader
Office of Civil Rights

Cc: Vincent Mammano, Division Administrator, FHWA California Division Office
Paul Schneider, Chief Operating Officer, FHWA California Division Office
Will McClure, Equal Opportunity Specialist, FHWA California 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