



In Reply Refer to: HCR-20
DOT# 2021-0072

July 14, 2021

(b) (6)

Subject: Dismissal of Complaint DOT# 2021-0072

Dear (b) (6),

This letter is to inform you that the Federal Highway Administration (FHWA) Office of Civil Rights has determined that it will dismiss the above complaint, which alleges 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 provided by 49 C.F.R. § 21.11. First, complaints must be filed within 180 calendar days of the alleged discriminatory act, unless the time for filing is extended by FHWA. Second, the matters must concern recipients of federal financial assistance for a program or programs authorized under a law administered by FHWA. Finally, the complaint must describe an alleged discriminatory act or acts that, if true, would fall under FHWA's jurisdiction and potentially violate FHWA's Title VI regulations.

You allege that the Town of Pittsford, Vermont, fixed a portion of Old Hubbardton Road and opened it to thru traffic for the purpose of harming you because of your national origin. You allege that increased traffic and city maintenance activities have damaged your property on Old Hubbardton Road. You further allege that increased traffic represents an ongoing safety hazard to you and your family.

After careful consideration, FHWA has determined the allegations and facts in your complaint do not meet the minimum criteria under which FHWA could establish a case of disparate treatment under Title VI. The available information is insufficient to show contemporaneous statements or conduct from decision makers that express discriminatory intent based on race, color, or national origin. Furthermore, the available information is insufficient to show that town officials retaliated against you for complaining about discrimination. Based on information you provided, your complaints of discrimination occurred after the town's decision to keep Old Hubbardton Road open in August 2017. The first time you raised discrimination concerns was in January 2019 when you wrote to various Vermont state officials. For these reasons, the complaint will be dismissed by FHWA and closed with no further action.

Thank you for bringing this matter to our attention. The FHWA Vermont Division will continue to conduct Title VI stewardship and oversight over the Vermont Agency of Transportation and its subrecipients of FHWA financial assistance such as the Town of Pittsford.

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

Sincerely,

Nichole McWhorter

Nichole McWhorter
Title VI Team Leader
Office of Civil Rights

cc: Matthew Hake, Division Administrator, FHWA Vermont Division Office
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