



In Reply Refer to: HCR-20
DOT# 2021-0089

November 29, 2021

(b) (6)

[Redacted]

[Redacted]

[Redacted]

Subject: Dismissal of Complaint DOT# 2021-0089

Dear Sirs,

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 City of Bakersfield, California discriminated against you and other individuals in your neighborhood on the basis of race and color by refusing to maintain the streetlights on the 1300 to 1500 block of S Street. It was also alleged that the East side of downtown Bakersfield does not receive the same "streetscape improvements" as other neighborhoods.

After careful consideration, FHWA has determined the allegations and facts in your complaint do not meet the minimum jurisdictional criteria under which FHWA could establish a case of

disparate treatment or intentional discrimination under Title VI and associated regulations. The available information is insufficient to show contemporaneous statements from decision makers that express discriminatory intent based on race, color, or national origin. FHWA needs more information to better understand the allegations. After contacting complainants several times seeking additional information, FHWA has been unable to obtain a response from any of the complainants. For these reasons, the 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](#)

Nichole McWhorter
Title VI Team Leader
Office of Civil Rights

cc: Vincent Mammano, Division Administrator, FHWA California Division Office
Paul Schneider Deputy Division Administrator, FHWA California Division Office
Scott Carson, Civil Rights Specialist, FHWA California Division Office
Irene Rico, Associate Administrator, FHWA Office of Civil Rights
Jim Esselman, Senior Attorney-Advisor, FHWA Office of Chief Counsel
Irene Marion, Director, Departmental Office of Civil Rights
Yvette Rivera, Associate Director, Equal Employment Opportunity Programs Division,
Departmental Office of Civil Rights
Barbara Dougherty, Deputy Director, Departmental Office of Civil Rights