



1200 New Jersey Ave., SE
Washington, D.C. 20590

In Reply Refer to: HCR-20
DOT# 2021-0120

August 29, 2022

(b) (6)

Subject: Complaint DOT# 2021-0120

Dear (b) (6),

The Federal Highway Administration (FHWA) Office of Civil Rights has come to a determination in 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 various decisions by the City and County of San Francisco regarding the award of city contracts and certifications within its small business programs have resulted in discrimination against you and your company. After careful consideration, FHWA has determined that the allegations do not fall under FHWA's Title VI regulations. Also, since receiving your complaint, this office has learned that the U.S. Department of Transportation Office of Inspector General has opened an investigation into your allegations. For these reasons, the complaint will be dismissed by FHWA and closed with no further action.

FHWA Office of Civil Rights strives to provide applicable information relating to Title VI complaints. If you have any questions, please contact me at (202) 366-1396.

Sincerely,

Nichole McWhorter

Title VI Team Leader
Office of Civil Rights

cc: Vincent Mammano, Division Administrator, FHWA California Division Office
Monica Gourdine, Associate Division Administrator, FHWA California Division Office
Michael Caliendo, Civil Rights Program Manager, FHWA California Division Office
Scott Carson, Civil Rights Specialist, FHWA California Division Office
Jim Esselman, Senior Attorney-Advisor, FHWA Office of Chief Counsel
Irene Rico, Associate Administrator, FHWA Office of Civil Rights
Irene Marion, Director, Departmental Office of Civil Rights
Barbara Dougherty, Deputy Director, Departmental Office of Civil Rights
Yvette Rivera, Associate Director, Equity and Access Division, Departmental Office of Civil Rights