



In Reply Refer to: HCR-20
DOT# 2021-0124

August 27, 2021

(b) (6)

Subject: Dismissal of Complaint DOT# 2021-0124

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 (b) (6) is lobbying the State of Alabama to build an interchange at I-85 and Wares Ferry Road in Montgomery County. You allege that the white landowners would benefit from a new interchange while you, as an African American, would lose your property.

After careful consideration, FHWA has determined it will dismiss your complaint because the EMLG is not a recipient of federal financial assistance. While the Alabama Department of Transportation (ALDOT) is a recipient of federal financial assistance, the available information indicates that the I-85 and Wares Ferry interchange is not a current ALDOT project. The project may be in the early planning stages with the Montgomery Metropolitan Planning Organization. Nothing in this letter precludes you from filing a Title VI complaint at a later date if ALDOT moves forward with this potential project. 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: Mark Bartlett, Division Administrator, FHWA Alabama Division Office
Jeff Shelley, Assistant Division Administrator, FHWA Alabama Division Office
Stephanie James, Civil Rights Program Manager, FHWA Alabama Division Office
Jim Esselman, Senior Attorney-Advisor, FHWA Office of Chief Counsel
Irene Rico, Associate Administrator, FHWA Civil Rights Office
Irene Marion, Director, Departmental Office of Civil Rights
Yvette Rivera, Associate Director, Equity and Access Division, Departmental Office of Civil Rights
Barbara Dougherty, Deputy Director, Departmental Office of Civil Rights