



In Reply Refer to: HCR-20
DOT# 2021-0181

October 4, 2022

(b) (6)

Subject: Complaint DOT# 2021-0181

Dear (b) (6),

This letter is to inform you that the Federal Highway Administration (FHWA) Office of Civil Rights has made 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 the Florida Department of Transportation (FDOT)'s Orange Blossom Trail (U.S. 17-92/U.S. 441) Resurfacing and Pedestrian Improvements Project in Orlando will create safety impacts and further segregate white and black populations living in the area. You also allege that FDOT discriminated against residents by having inadequate public involvement for the project.

The project includes the creation of three mid-block crossings with Pedestrian Hybrid Beacons (PHBs) and improvements to three existing PHBs. All six PHBs will have raised crosswalks, in-road lighting, and enhanced pavement markings. Other features include a speed limit reduction to 30 mph, speed feedback signage, and median fencing.

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 impact under Title VI. The available information is insufficient to show how the project will impact safety in a negative way or further segregate existing populations on each side of the Orange Blossom Trail. Rather, PHBs are traffic control devices intended to help pedestrians safely cross

higher-speed roadways at midblock crossings and uncontrolled intersections. PHBs are considered by FHWA as a “proven safety countermeasure” in reducing roadway fatalities and serious injuries.¹ For these reasons, the complaint will be dismissed by FHWA and closed with no further action.

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

Sincerely,

Nichole McWhorter

Nichole McWhorter
Title VI Team Leader
Office of Civil Rights

cc: Jamie Christian, Division Administrator, FHWA Florida Division Office
David Hawk, Deputy Division Administrator, FHWA Florida Division Office
Carey Shepherd, Civil Rights Officer, FHWA Florida 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

¹ https://safety.fhwa.dot.gov/provencountermeasures/ped_hybrid_beacon.cfm