

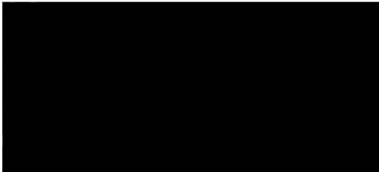


U.S. Department
of Transportation
**Federal Highway
Administration**

1200 New Jersey Avenue, SE.
Washington, DC 20590

JAN 22 2019

In Reply Refer to: HCR-20
DOT# 2019-0015



Subject: Dismissal of Complaint DOT# 2019-0015

Dear 

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 alleged violations that may be related to the Age Discrimination Act of 1975, as well as the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 (ADA/Section 504). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in FHWA's Investigations Manual, which conforms to the U.S. Department of Justice's procedures and standards for investigating complaints of discrimination. First, the complaint must be in writing. Second, it must describe an alleged discriminatory act that, if true, would fall under FHWA's jurisdiction and potentially violate FHWA's nondiscrimination regulations. Finally, it must be filed within 180 calendar days of the alleged discriminatory act.

You alleged that the Florida Department of Transportation (FDOT) "Widen Tpk-palm Beach C/I to Glades Rd" Project (project #4182141), particularly Alternative #10, would adversely, disparately impact your community—the West Lakes of Boca Raton, Inc., a cooperative senior (55+) housing corporation. Specifically, you alleged the Project would reroute emergency vehicle traffic, isolate your community, diminish property values, and harm air quality in your vicinity. You alleged these impacts would disparately affect your community on the bases of age, disability, and income status.

However, after careful consideration, FHWA has determined it will dismiss your complaint. First, FHWA does not have jurisdiction over complaints related to the Age Discrimination Act of 1975. Second, FHWA does not have jurisdiction over complaints related to income status, as no federal law administered by FHWA provides such a basis for filing nondiscrimination complaint. Finally, although FHWA does have jurisdiction over disability complaints related to the ADA/Section 504, the facts as alleged do not constitute a potential violation of the ADA or Section 504. FHWA will continue to monitor and engage with FDOT to ensure compliance with nondiscrimination laws and regulations. For these reasons, this 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
Title VI Team Leader
Office of Civil Rights



Sharon Field
ADA Team Leader
Office of Civil Rights

Cc: James Christian, Division Administrator, FHWA FL Division Office
David Hawk, Chief Operating Officer, FHWA FL Division Office
Carey Shepherd, Civil Rights Specialist, FHWA FL Division Office
Jim Esselman, Senior Attorney-Advisor, FHWA Office of Chief Counsel
Yvette Rivera, Associate Director, Equal Employment Opportunity Programs Division,
Departmental Office of Civil Rights
Sharon J. Field, ADA Team Leader, FHWA Office of Civil Rights
Kevin Resler, National Title VI Program Coordinator, FHWA Office of Civil Rights