



In Reply Refer to: HCR-20
DOT #2020-0032

June 26, 2020



Subject: Dismissal of Complaint DOT #2020-0032

Dear :

This letter is to inform you that the Federal Highway Administration (FHWA) Office of Civil Rights has determined that it will dismiss and transfer 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 Virginia Department of Transportation (VDOT)'s Richmond Highway (Route 1) Corridor Improvements project and Fairfax County's Richmond Highway Bus Rapid Transit Project will cause adverse, disparate impacts to the African-American and Hispanic populations of Gum Springs and its surrounding areas.

Regarding the VDOT project, you allege the project will have various negative impacts on the community including an increase in crime and trash associated with two planned pedestrian underpass bridges. You also allege that the project's encroachment of properties will cause negative impacts on African-American and Hispanic populations. Regarding the Fairfax County project, you allege the project will harm the community by eliminating bus stops and create more traffic on nearby roads.

After careful consideration, FHWA has determined the allegations and facts in your complaint regarding the VDOT highway project 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 that populations in the Project vicinity, distinguishable by race, color, or national origin, will be disparately and adversely impacted. For these reasons, the allegations in your complaint regarding VDOT will be dismissed by FHWA and closed with no further action.

In regard the Fairfax County transit project, the FHWA has determined that it lacks jurisdiction because the allegations and facts you have presented are outside the subject matter areas of statutes FHWA is responsible for enforcing. The issues you raised may be within the jurisdiction of a different agency within the U.S. Department of Transportation. Therefore, we have forwarded your complaint to the U.S. Department of Transportation's Office of Civil Rights for appropriate 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

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