



In Reply Refer to: HCR-20
DOT# 2020-0136

September 2, 2020



Subject: Dismissal of Complaint DOT# 2020-0136

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 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 City of Suffolk discriminates against the African American residents of the Pughsville neighborhood for not allowing local property owners to build on "paper streets." The City's process for accepting a street into the city maintenance system is contained in its Public Facilities Manual. The City's Department for Planning and Community Development processes requests to build single-family homes.

You also allege that the City of Suffolk discriminates against residents by not providing adequate drainage in the area. The development of capital improvement projects are a City Council and Planning Commission process. The City's Capital Improvements Program & Plan for 2021-2030 contains Pughsville drainage improvements.

After careful consideration, FHWA has determined that it lacks jurisdiction over your complaint because the allegations and facts you have presented are outside of the subject matter areas of statutes FHWA is responsible for enforcing. 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: Thomas L Nelson, Jr., Division Administrator, FHWA Virginia Division Office
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