



U.S. Department
of Transportation
Federal Highway
Administration

1200 New Jersey Avenue, SE.
Washington, DC 20590

JUL 08 2016

In Reply Refer To: HCR-20
DOT# 2016-0217

(b) (6)

Subject: Dismissal of Complaint DOT# 2016-0217

(b) (6)

This letter acknowledges that the Federal Highway Administration's (FHWA) Office of Civil Rights is in receipt of your complaint, originally sent by email on October 15, 2015, alleging that the Hillsborough County Metropolitan Planning Organization (MPO) and the Florida Department of Transportation (FDOT) violated Title VI of the Civil Rights Act of 1964 (Title VI) and USDOT's implementation regulations at 49 C.F.R. Part 21 and 23 C.F.R. Part 200. 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 violate FHWA's nondiscrimination regulations (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. Finally, complaints must be filed against a recipient of financial assistance from the FHWA. In your complaint, you allege the MPO and FDOT violated Title VI when the MPO voted to include the Tampa Bay Express (TBX) projects into the MPO's Transportation Improvement Program (TIP) and did not adequately consult with the potentially affected community. In addition, you allege that minorities would disproportionately and adversely bear the effects of the TBX projects.

After careful consideration, the FHWA has concluded it will dismiss this complaint because (1) the alleged discriminatory effects related to Title VI do not bear a close enough causal connection to FDOT's and the MPO's actions to date and (2) the TBX projects are still in the early stages of the project development process. FHWA will continue to monitor and engage with the Florida Department of Transportation and the MPO closely to ensure compliance with Title VI and other federal laws. FHWA notes that nothing in this letter precludes you or another complainant from filing a Title VI complaint related to the TBX projects at a later date or for FHWA to initiate an investigation in the future based on new information it obtains.

Please note that you may file a private suit at any time pursuant to section 601 of Title VI. If you have any questions about this complaint with FHWA, please contact Kevin Resler at 202-985-8963 or kevin.resler@dot.gov.



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Sincerely,

A handwritten signature in blue ink, appearing to read "Nichole McWhorter".

Nichole McWhorter
Division Manager
Coordination and Compliance Division

Cc: Derrell E. Turner, Director of Field Services South, FHWA
James Christian, Division Administrator, FHWA FL Division Office
David Hawk, Chief Operating Officer, FHWA FL Division Office
Carey Shepherd, Civil Rights Program Coordinator, FHWA FL Division Office