



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# 2016-0418

(b) (6)

Subject: Dismissal of Complaint DOT# 2016-0418

(b) (6)

This letter acknowledges that the Federal Highway Administration's (FHWA) Office of Civil Rights is in receipt of your complaint, sent by email on May 17, 2016, alleging that the City of Nashville Metropolitan Planning Organization (MPO) 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 violated Title VI because it sought to amend its by-laws in response to a 2015 state law¹ that prohibited the MPO from employing "weighted" voting.

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 the MPO's actions to date and (2) FHWA does not have jurisdiction over legislative matters concerning voting rights. FHWA will continue to monitor and engage with the Tennessee Department of Transportation and the MPO closely to ensure compliance with Title VI and other federal laws.

Please note that you may file a private suit at any time pursuant to section 601 of Title VI. In addition, you may wish to file your complaint with the Voting Section of the U.S. Department of Justice, which can be contacted at (800) 253-3931 (voting.section@usdoj.gov). If you have any questions about this complaint with FHWA, please contact Kevin Resler at 202-985-8963 or kevin.resler@dot.gov.

¹ Tenn. Code Ann. § 64-8-301.



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Sincerely,

Nichole McWhorter
Division Manager
Coordination and Compliance Division

Cc: Derrell E. Turner, Director of Field Services South, FHWA
Pamela Kordenbrock, Division Administrator, FHWA TN Division Office
Sabrina David, Assistant Division Administrator, FHWA TN Division Office
Joi L. Hamilton-Jones, Civil Rights Program Specialist, FHWA TN Division Office