



In Reply Refer to: HCR-20
DOT# 2022-0452

September 6, 2022

(b) (6)

Subject: Dismissal of Complaint DOT# 2022-0452

Dear (b) (6)

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.

You allege that in 2015 the city of Port Jervis (City) repaired a clay pipe near your mother's property, but since that time, your mother's property has suffered sinking and shifting due to erosion and instability. You allege that the excavator you hired determined that the clay pipe had broken and leakage from the pipe was the source of the soil erosion. You further allege that the City stated it will not provide assistance to fix the issues. In your messages to FHWA and in an interview, you stated that your Mother was born (b) (6) and you believe the City is discriminating against her based on her national origin.

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. 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.

After careful consideration, FHWA has determined not to accept the complaint for further investigation because the City is not a recipient of federal assistance from the FHWA. Therefore, FHWA does not have jurisdiction over the allegations in this complaint. For this reason, 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: Richard J Marquis, Division Administrator, FHWA New York Division Office
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