



In Reply Refer to: HCR-20
DOT# 2022-0453

September 6, 2022

(b) (6)

Subject: Dismissal of Complaint DOT# 2022-0453

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 the North Carolina Department of Transportation (NCDOT) paved the road that connects directly to the unpaved dirt/gravel driveway to your residence—leaving an eight inch high “lip.” Because of the steep lip between the driveway and the road, you allege it is difficult to get on or off of your property. You also stated that NCDOT told you it could provide additional loose gravel but could not provide an asphalt apron because doing so would create an unstable connection with your unpaved driveway. In an interview with FHWA, you stated that you believed NCDOT's actions constituted “economic discrimination” because you could not afford an asphalt or concrete driveway. You did not allege that NCDOT's actions were discriminatory based on race, color, or 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 allegations and facts in your complaint are not sufficient to establish a case of disparate impact or intentional discrimination under Title VI. 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: John Sullivan, III P.E., Division Administrator, FHWA North Carolina Division Office
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