



U.S. Department
of Transportation
Federal Highway
Administration

1200 New Jersey Avenue, SE.
Washington, DC 20590

SEP 25 2017

In Reply Refer To: HCR-20
DOT# 2015-0208

(b) (6)

Subject: Dismissal of Complaint DOT#2015-0208

Dear (b) (6)

This letter acknowledges that the Federal Highway Administration's (FHWA) Office of Civil Rights is in receipt of your complaint, which alleged violations of Title VI of the Civil Rights Act of 1964 (Title VI) and USDOT's implementation regulations at 49 C.F.R. Part 21 and/or 23 C.F.R. Part 200. To be accepted for investigation, a complaint must meet the jurisdictional requirements which conform to the U.S. Department of Justice's procedures and standards for investigating complaints of discrimination. First, complaints 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). Second, complaints must be filed against a recipient of financial assistance from the FHWA.

In your complaint, it is alleged that the residents of Washington Terrace are adversely impacted by noise, fumes and safety concerns due to an Ohio Department of Transportation (ODOT) highway construction project that is occurring right at the Washington Terrace apartment building's property line.

After careful consideration, the FHWA has concluded that it must dismiss this complaint since a court with superior jurisdiction has already ruled on the corresponding eminent domain lawsuit involving the owner of the subject property, and the property is now vacant.

If you have any questions, please contact Kevin Resler at (202) 366-2925.

Sincerely,

FOR Irene Rico
Associate Administrator
Office of Civil Rights

cc: Laura Leffler, Division Administrator, FHWA Ohio Division Office
Robert Griffith, Assistant Division Administrator, FHWA Ohio Division Office
Rachyl Smith, Civil Rights Program Manager, FHWA Ohio Division Office
James Esselman, Senior Attorney-Advisor, FHWA Office of the Chief Counsel
Kevin Resler, National Title VI Program Manager, FHWA Office of Civil Rights
Yvette Rivera, Director, Equal Employment Opportunity Programs Division, Departmental Office of Civil Rights