



U.S. Department
of Transportation
**Federal Highway
Administration**

MAR 25 2011

1200 New Jersey Avenue, SE
Washington, D.C. 20590

In Reply Refer To: HCR-40
DOT #2011-0062

(b) (6)

Dear Ms. Emeagwali:

This is in reference to the complaint of discrimination by your client, (b) (6), dated February 15, 2010, against the North Carolina Department of Transportation (NCDOT) alleging violations of Title VI of the Civil Rights Act of 1964 (Title VI). (b) (6) originally sent the complaint to the U.S. Department of Justice (DOJ). The DOJ forwarded the complaint to several Federal agencies, including the U.S. Department of Transportation (DOT). The DOT Departmental Office of Civil Rights forwarded the complaint to the Federal Highway Administration (FHWA) Office of Civil Rights on December 8, 2010.

On February 9, 2011, the FHWA Office of Civil Rights sent (b) (6) a letter advising him that the allegations raised in the complaint were being reviewed by this office and the FHWA North Carolina Division Office. The purpose of the review was to determine whether the allegations raised in the complaint had been addressed or whether an additional investigation was needed.

The allegations raised in the complaint for which the FHWA has jurisdiction are related to the NC 119 Relocation Project. The FHWA has an obligation to ensure that Title VI requirements are met for all approved projects. The allegations raised in the complaint, which are outlined below, have been addressed in the Final Environmental Impact Statement (FEIS).

Allegation #1: The transportation corridor additions and expansions were secretly planned and designed for over 16 years without public notice or input.

A review of the FEIS revealed that a Public Involvement Plan for the NC 119 Relocation Project was developed to involve the general public, local elected officials, and the agencies responsible for overseeing the resources in the project area. Efforts were made to notify these groups about the study and to communicate with them throughout the study process.



Throughout the development of the FEIS, public involvement was encouraged. Local government officials, civic organizations, neighborhood groups, and interested citizens were informed of the progress of the project through three workshops, six newsletters, four Steering Committee meetings, and several small group meetings. Other outreach methods included one-on-one meetings, surveys, a project website, and a project hotline.

The FEIS shows that NCDOT held several meetings regarding the NC 119 Relocation Project with the West End Community and the West End Revitalization Association.

Allegation #2: No relocation assistance or replacement was offered for century old African American churches, homes, local businesses, or a cemetery that dates back to slavery.

The FEIS shows that as a result of the project, there will be 46 residential relocations; 5 business relocations; and 1 church displaced. The FEIS states that NCDOT has determined that there is comparable replacement housing within the study area for displaced homeowners and tenants. It is the policy of NCDOT to ensure that comparable replacement housing is available for relocatees prior to construction of State and/or federally-assisted projects. The NCDOT has 3 programs to minimize the inconvenience of relocation: relocation assistance, relocation moving payments, and relocation replacement housing payments or rent supplements.

The FEIS states that the NC 119 Relocation Project will require the displacement of St. Luke's Christian Church in the West End Community. There appears to be vacant suitable land near the church; therefore, it is anticipated that the church will be able to relocate within the West End Community. According to the City of Mebane Planning Department and the Alamance County Geographic Information System Department, no cemeteries are located within the project study area.

The relocation program for the NC 119 Relocation Project would be conducted in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the North Carolina Relocation Assistance Act. This program is designed to provide assistance to displaced persons in relocation to a replacement site in which to live or do business. At least one relocation officer is assigned to each highway project for this purpose.

The FEIS states that with the Relocation Assistance Program, experienced NCDOT staff would be available to assist displacees with information such as: availability and prices of homes, apartments, or businesses for sale or rent, and financing or other housing programs. The Relocation Moving Payment Program, in general, provides for payment of actual moving expenses encountered in relocation.

Conclusion

The record shows that public involvement took place throughout the environmental process. There is no evidence to support the allegation that the project was planned in secret without public notice or input.

There is no evidence to support the allegation that relocation assistance will not be offered to the church, the residents and the businesses that will be affected by the project.

There was also no evidence to support the allegation that a cemetery will be affected by the project.

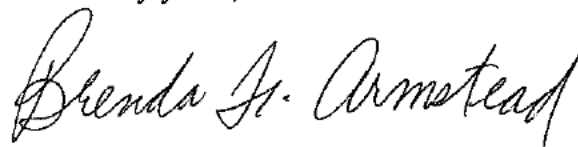
Decision

The FHWA does not find that the NCDOT violated Title VI with reference to the allegations raised in the complaint.

If you wish to review the FEIS, you can access the document at:
<http://www.ncdot.org/projects/nc119relocation/>

This concludes processing of this complaint by the FHWA and no further action will be taken.

Sincerely yours,



Brenda F. Armstead
Director, Investigations and Adjudications

cc:

(b) (6)



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of Transportation
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MAR 25 2011

1200 New Jersey Avenue, SE
Washington, D.C. 20590

In Reply Refer To: HCR-40
DOT #2011-0062

Mr. Philip Bickham
Director
Office of Civil Rights
North Carolina Department of Transportation
1511 Mail Service Center
Raleigh, North Carolina 27699-1511

Dear Mr. Bickham:

This is in reference to the complaint of discrimination filed by (b) (6) against the North Carolina Department of Transportation (NCDOT) and other local entities alleging violations of Title VI of the Civil Rights Act of 1964 (Title VI). By letter dated February 9, 2011, the Federal Highway Administration (FHWA) Office of Civil Rights advised Mr. Wilson that the allegations raised in the complaint were being reviewed by this office and the FHWA North Carolina Division Office. The purpose of the review was to determine whether the allegations raised in the complaint had been addressed or whether an additional investigation was needed.

The allegations raised in the complaint for which the FHWA has jurisdiction are related to the NC 119 Relocation Project. The FHWA has an obligation to ensure that Title VI requirements are met for all approved projects. The allegations raised in the complaint, which are outlined below, have been addressed in the Final Environmental Impact Statement (FEIS).

Allegation #1: The transportation corridor additions and expansions were secretly planned and designed for over 16 years without public notice or input.

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Throughout the development of the FEIS, public involvement was encouraged. Local government officials, civic organizations, neighborhood groups, and interested citizens were informed of the progress of the project through three workshops, six newsletters, four Steering Committee meetings, and several small group meetings. Other outreach methods included one-on-one meetings, surveys, a project website, and a project hotline.



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There was also no evidence to support the allegation that a cemetery will be affected by the project.

Decision

The FHWA does not find that the NCDOT violated Title VI with reference to the allegations raised in the complaint.

(b) (6) was informed that if he wished to review the FEIS, he could access the document at: <http://www.ncdot.org/projects/nc119relocation/>

This concludes processing of this complaint by the FHWA and no further action will be taken.

Sincerely yours,



Brenda F. Armstead
Director, Investigations and Adjudications

cc:

Ms. Sharon Lipscomb, Title VI Manager, NCDOT
Mr. John Sullivan, Division Administrator, FHWA, HDA-NC
Mr. Clarence Coleman, Area Engineer, FHWA, HDA-NC
Mr. Felix Davila, Area Engineer, FHWA, HDA-NC
Ms. Lynise DeVance, Civil Rights Program Manager, FHWA, HDA-NC