



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

**MAY 03 2011**

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

In Reply Refer To: HCR-40  
DOT #2010-0178

**(b) (6)**

Dear **(b) (6)**:

This is in reference to your complaint of discrimination, dated January 11, 2010, against the City of Monroe (City) and Ouachita Parish (Parish) in Louisiana alleging a violation of Title VI of the Civil Rights Act of 1964 (Title VI). In your complaint, you alleged that the City and Parish Officials discriminated against an African American community located in a southern portion of the City by not covering open ditches and providing adequate sidewalks and lighting along a corridor approximately 3.5 miles long.

The information provided by the Louisiana Department of Transportation and Development (LADOTD) shows that in 2008, you presented the City and Parish with a proposal for a "Sidewalk/Lighting Project" which would address the matter raised in your complaint. The City and Parish acknowledged the need for the proposed project and have been considering various funding options. However, no final decisions regarding the project have been made.

Several actions are required before a proposed project is accepted. Specifically, the City's Metropolitan Transportation Plan (MTP) Update, dated January 24, 2005, indicates that a project's conceptual feasibility, probable funding sources, determination of a lead agency, and scheduled timeliness need to be considered jointly by the Ouachita Council of Governments (OCOG) staff and the Technical Advisory Committee. Once a project meets all the criteria for acceptance in the MTP, a formal vote by the members of the Transportation Policy Committee and the OCOG is taken and the project is officially amended into the MTP. These actions have not occurred with respect to the proposal you presented to the City and Parish.

Title VI provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Title VI and regulations promulgated there under bar: (1) intentional/disparate treatment discrimination, and (2) policies and practices that have a discriminatory impact.



The issue raised in your complaint involves the intentional/disparate treatment theory of discrimination. Under intentional/disparate treatment discrimination, the recipient, in violation of the statute, engages in intentional discrimination based on race, color, or national origin. An intent claim alleges that similarly situated persons are treated differently because of their race, color, or national origin. To prove intentional discrimination, one must show that a challenged action was motivated by an intent to discriminate. This requires a showing that the decisionmaker was not only aware of the complainant's race, color, or national origin, but that the recipient acted, at least in part, because of the complainant's race, color, or national origin.

The investigating agency must first determine if the complainant can raise an inference of discrimination by establishing a prima facie case. The elements of a prima facie case often include the following:

1. That the complainant is a member of a protected class;
2. That the complainant applied for, and was eligible for, a federally-assisted program that was accepting applicants;
3. That despite the complainant's eligibility, the complainant was rejected; and,
4. That the recipient selected applicants with the complainant's qualifications, but of a different race, color, or national origin.

While the record shows that you are a member of a protected class by nature of your race, African American, and you are qualified for the project, the evidence does not show that you have been rejected by the City and Parish. Further, the evidence fails to show that the City and Parish have selected other applicants of a different race for the project.

The record shows that the City and Parish are considering funding options for the project and have not yet made any final decisions.

Based on these facts, there is no evidence to support your allegation that the City and Parish have violated Title VI. This concludes the FHWA's processing of this matter and no further action will be taken.

Sincerely yours,



Brenda F. Armstead  
Director, Investigations and Adjudications



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

In Reply Refer To: HCR-40  
DOT #2010-0178

The Honorable James E. Mayo  
Mayor  
City of Monroe  
P.O. Box 123  
Monroe, Louisiana 71210-0123

Dear Mr. Mayo:

The Federal Highway Administration (FHWA) has reviewed the Louisiana Department of Transportation and Development's (LADOTD) investigative file regarding the complaint, dated January 11, 2010, by (b) (6) alleging a violation of Title VI of the Civil Rights Act of 1964 (Title VI). (b) (6) alleged that the City of Monroe (City) and Ouachita Parish (Parish) Officials discriminated against an African American community located in a southern portion of the City by not covering open ditches and providing adequate sidewalks and lighting along a corridor approximately 3.5 miles long.

The information provided by the LADOTD shows that in 2008, (b) (6) presented the City and Parish with a proposal for a "Sidewalk/Lighting Project" which would address the matter raised in the complaint. The City and Parish acknowledged the need for the proposed project and have been considering various funding options. However, no final decisions regarding the project have been made.

Several actions are required before a proposed project is accepted. Specifically, the City's Metropolitan Transportation Plan (MTP) Update, dated January 24, 2005, indicates that a project's conceptual feasibility, probable funding sources, determination of a lead agency, and scheduled timeliness need to be considered jointly by the Ouachita Council of Governments (OCOG) staff and the Technical Advisory Committee. Once a project meets all the criteria for acceptance in the MTP, a formal vote by the members of the Transportation Policy Committee and the OCOG is taken and the project is officially amended into the MTP. These actions have not occurred with respect to the proposal (b) (6) presented to the City and Parish.

Title VI provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Title VI and regulations promulgated there under bar: (1) intentional/disparate treatment discrimination, and (2) policies and practices that have a discriminatory impact.



The issue raised in the complaint involves the intentional/disparate treatment theory of discrimination. Under intentional/disparate treatment discrimination, the recipient, in violation of the statute, engages in intentional discrimination based on race, color, or national origin. An intent claim alleges that similarly situated persons are treated differently because of their race, color, or national origin. To prove intentional discrimination, one must show that a challenged action was motivated by an intent to discriminate. This requires a showing that the decisionmaker was not only aware of the complainant's race, color, or national origin, but that the recipient acted, at least in part, because of the complainant's race, color, or national origin.

The investigating agency must first determine if the complainant can raise an inference of discrimination by establishing a prima facie case. The elements of a prima facie case often include the following:

1. That the complainant is a member of a protected class;
2. That the complainant applied for, and was eligible for, a federally-assisted program that was accepting applicants;
3. That despite the complainant's eligibility, the complainant was rejected; and,
4. That the recipient selected applicants with the complainant's qualifications, but of a different race, color, or national origin.

While the record shows that (b) (6) is a member of a protected class by nature of his race, African American, and he is qualified for the project, the evidence does not show that he has been rejected by the City and Parish. Further, the evidence fails to show that the City and Parish have selected other applicants of a different race for the project.

The record shows that the City and Parish are considering funding options for the project and have not yet made any final decisions.

Based on these facts, there is no evidence to support the allegation that the City and Parish have violated Title VI. This concludes the FHWA's processing of this matter and no further action will be taken.

Sincerely yours,



Brenda F. Armstead  
Director, Investigations and Adjudications

cc:

Ms. Tanya St. Angelo, Title VI/ADA Program Manager, LADOTD, P.O. Box 94245, Baton Rouge, LA 70804-9245

Mr. Charles W. Bolinger, Division Administrator, FHWA, HDA-LA

Mr. Charles Harkless, Civil Rights Specialist, FHWA, HDA-LA



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DOT #2010-0178

Mr. Jay B. Mitchell  
Assistant District Attorney  
Ouachita Parish Police Jury  
P.O. Box 3007  
Monroe, Louisiana 71210-1339

Dear Mr. Mitchell:

The Federal Highway Administration (FHWA) has reviewed the Louisiana Department of Transportation and Development's (LADOTD) Investigative Report regarding the complaint, dated January 11, 2010, by (b) (6) alleging a violation of Title VI of the Civil Rights Act of 1964 (Title VI). Mr. Rowan alleged that the City of Monroe (City) and Ouachita Parish (Parish) Officials discriminated against an African American community located in a southern portion of the City by not covering open ditches and providing adequate sidewalks and lighting along a corridor approximately 3.5 miles long.

The information provided by the LADOTD shows that in 2008, (b) (6) presented the City and Parish with a proposal for a "Sidewalk/Lighting Project" which would address the matter raised in the complaint. The City and Parish acknowledged the need for the proposed project and have been considering various funding options. However, no final decisions regarding the project have been made.

Several actions are required before a proposed project is accepted. Specifically, the City's Metropolitan Transportation Plan (MTP) Update, dated January 24, 2005, indicates that a project's conceptual feasibility, probable funding sources, determination of a lead agency, and scheduled timeliness need to be considered jointly by the Ouachita Council of Governments (OCOG) staff and the Technical Advisory Committee. Once a project meets all the criteria for acceptance in the MTP, a formal vote by the members of the Transportation Policy Committee and the OCOG is taken and the project is officially amended into the MTP. These actions have not occurred with respect to the proposal Mr. Rowan presented to the City and Parish.

Title VI provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Title VI and regulations promulgated there under bar: (1) intentional/disparate treatment discrimination, and (2) policies and practices that have a discriminatory impact.



The issue raised in the complaint involves the intentional/disparate treatment theory of discrimination. Under intentional/disparate treatment discrimination, the recipient, in violation of the statute, engages in intentional discrimination based on race, color, or national origin. An intent claim alleges that similarly situated persons are treated differently because of their race, color, or national origin. To prove intentional discrimination, one must show that a challenged action was motivated by an intent to discriminate. This requires a showing that the decisionmaker was not only aware of the complainant's race, color, or national origin, but that the recipient acted, at least in part, because of the complainant's race, color, or national origin.

The investigating agency must first determine if the complainant can raise an inference of discrimination by establishing a prima facie case. The elements of a prima facie case often include the following:

1. That the complainant is a member of a protected class;
2. That the complainant applied for, and was eligible for, a federally-assisted program that was accepting applicants;
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4. That the recipient selected applicants with the complainant's qualifications, but of a different race, color, or national origin.

While the record shows that (b) (6) is a member of a protected class by nature of his race, African American, and he is qualified for the project, the evidence does not show that he has been rejected by the City and Parish. Further, the evidence fails to show that the City and Parish have selected other applicants of a different race for the project.

The record shows that the City and Parish are considering funding options for the project and have not yet made any final decisions.

Based on these facts, there is no evidence to support the allegation that the City and Parish have violated Title VI. This concludes the FHWA's processing of this matter and no further action will be taken.

Sincerely yours,



Brenda F. Armstead  
Director, Investigations and Adjudications

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Mr. Charles W. Bolinger, Division Administrator, FHWA, HDA-LA

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