



U.S. Department  
of Transportation  
Federal Highway  
Administration

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

December 16, 2011

In Reply Refer To: HCR-40  
DOT #2012-0065

(b) (6)

Dear (b) (6):

This is in reference to your complaint of discrimination, dated October 1, 2011, against (b) (6) (b) (6) (Respondent) that you filed with the Michigan Department of Transportation (MDOT). In your complaint, you alleged that the Respondent's employee directed a racial slur toward a minor member of the general public while working on a Federal-aid project, based on race (African American).

Since the Respondent is a sub-recipient of Federal-aid funds through the MDOT, your complaint was investigated by the MDOT in accordance with the Federal Highway Administration's (FHWA) complaint processing procedures. State recipients can conduct investigations of complaints alleging violations of Title VI of the Civil Rights Act of 1964 (Title VI) of its sub-recipients or contractors and make a recommended finding to the Federal decisionmaking authority. However, the U.S. Department of Justice has determined that a Title VI finding of violation or no violation is a Federal decision that cannot be delegated. All FHWA recipients must submit their proposed dispositions to the FHWA for a final agency decision.

The MDOT has completed its investigation and forwarded its investigative report to this office for review and issuance in accordance with the FHWA's procedures. The evidence submitted by the MDOT shows the following:

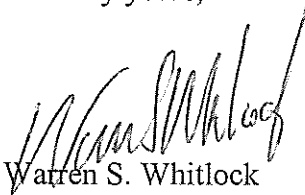
- You specifically stated that on September 15, 2011, your minor son, along with two other minors, were on their way home from school. One of the Respondent's construction workers uttered a racial slur, i.e., "nigger," to the minors as they purportedly stepped into the contractor's wet concrete.
- The Respondent's Inspector's Daily Reports did not include any information that an altercation occurred during the week of September 15, 2011.
- The investigation disclosed that the minors involved were unable or unwilling to substantiate the allegation.
- There was no evidence to support the allegation raised in the complaint.

The evidence presented in the MDOT's investigative report does not support a finding of race discrimination, as alleged in your complaint. The FHWA agrees with the MDOT's finding.

Although a finding of no violation has been made regarding the allegation, since this is a future project, the MDOT has recommended that the Respondent conduct Title VI training for their employees as a proactive preventive measure.

This concludes processing of this matter and no further action will be taken.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Warren S. Whitlock". The signature is written in a cursive style with a large initial "W".

Warren S. Whitlock  
Associate Administrator for Civil Rights



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of Transportation  
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(b) (6)

Dear (b) (6):

The Federal Highway Administration (FHWA) Office of Civil Rights has reviewed the Michigan Department of Transportation's (MDOT) Investigative Report regarding the complaint, dated October 1, 2011, by (b) (6) (Respondent) alleging a violation of Title VI of the Civil Rights Act of 1964 (Title VI). (b) (6) alleged that the Respondent's employee directed a racial slur toward a minor member of the general public while working on a Federal-aid project, based on race (African American).

The FHWA has concluded that the evidence obtained during the MDOT's investigation does not support a finding of race discrimination, as alleged in the complaint. The evidence reviewed during the investigation shows the following:

- (b) (6) specifically states that on September 15, 2011, her minor son, along with two other minors, were on their way home from school. One of the Respondent's construction workers uttered a racial slur, i.e., "nigger," to the minors as they purportedly stepped into the contractor's wet concrete.
- The Respondent's Inspector's Daily Reports did not include any information that an altercation occurred during the week of September 15, 2011.
- The investigation disclosed that the minors involved were unable or unwilling to substantiate the allegation.
- There was no evidence to support the allegation raised in the complaint.

The evidence presented in the MDOT's investigative report does not support a finding of race discrimination, as alleged in the complaint. The FHWA agrees with the MDOT's finding.

Although a finding of no violation has been made regarding the allegation, the MDOT has recommended that the Respondent conduct Title VI training for its employees as a proactive preventive measure.

This concludes processing of this matter and no further action will be taken.

Sincerely yours,



Warren S. Whitlock  
Associate Administrator for Civil Rights

cc:

Ms. Cheryl Hudson, Title VI Program Manager, MDOT, State Transportation Building,  
P.O. Box 30050, Lansing, MI 48913

Mr. Russell L. Jorgenson, Division Administrator, FHWA, HDA-MI

Ms. Mary Finch, Civil Rights Specialist, FHWA, HDA-MI