



In Reply Refer To: HCR-20  
DOT# 2014-0054

DEC 08 2014

(b) (6)

Dear (b) (6)

The Federal Highway Administration (FHWA) has completed the investigation of your complaint of discrimination, dated December 19, 2013, against the Texas Department of Transportation (Respondent). Your complaint alleged a violation of Title VI of the Civil Rights Act of 1964. Specifically, you alleged that the Respondent (San Antonio District) was engaging in discrimination and inequitably distributing funding for highway transportation and maintenance projects in San Antonio, which has impacted you because of your race (Mexican) and National Origin (Hispanic/Latino). Additionally, you identified six locations in the San Antonio area that you alleged exhibit this pattern of discrimination.

The FHWA has concluded that the evidence obtained during the investigation does not support the six allegations raised in your complaint. The evidence reviewed during the investigation shows the following:

- You stated that *“flooding on the lower deck of Interstate 35 in the San Pedro area is ignored by TXDOT and discriminates against minority neighborhoods”*. Record evidence shows that there is a maintenance contract in place to increase the efficiency of the existing pumps.
- You stated that *“TXDOT has not addressed the flooding that results from rain storms at Couples Road and General Hudnell Drive (Spur 371)”*. Record evidence shows that TXDOT has two storm sewer pump stations that move the water to a drainage channel owned by the City of San Antonio. The channel is not sufficient to take the discharge of water from the two pump stations and the flooding is a direct result of the lack of capacity by the drainage channel. To date, the City of San Antonio has not improved the channel; however, the Respondent has formally entered into an on-going Memorandum of Understanding (MOU) with the City of San Antonio regarding this issue and the MOU identifies the City of San Antonio as being responsible for the effectiveness of the drainage channel.
- You stated that *“Illumination poles located at Interstate 10 west bound connector to Interstate 35 northbound are in danger of falling, endangering public safety. TXDOT is aware of the problem and has not taken any action to alleviate the danger to the public”*. Record evidence shows that TXDOT is aware that the poles are on an identified slope failure and that TXDOT has taken sufficient steps to prevent any danger to the public.

An existing metal beam guard fence is present as well as a run of existing concrete traffic barrier providing a buffer between the traveling public and the slope failure.

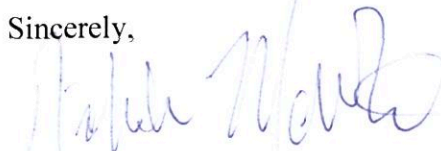
- You stated that “*there is guardrail damage on the connector ramp from Interstate 10-W to Interstate 35-S and is a hazard to traffic using the connector ramp*”. Record evidence shows that TXDOT has placed concrete barriers in that location to protect the traveling public. Additionally, existing thrie beam transition has been connected to the concrete traffic barrier. Also, edge-line markings with raised pavement markers have been placed to move traffic over.
- You stated that “*Interstate 35 concrete roadway has unrepaired pot holes*”. As a specific location was not identified, the most likely location appeared to be at Interstate 35 between Farm to Market Road 1102 and Farm to Market Road 306. Record evidence shows that the roadway has been milled out and the overlay has been replaced. Additionally, record evidence shows that the work was performed within acceptable AASHTO standards.
- You stated that “*the neighborhood located in close proximity to Old Highway 90 and State Highway 151 is discriminated against due to no entrance ramp onto State Highway 151*”. Record evidence shows that there is an entrance ramp approximately  $\frac{3}{4}$  of a mile from the intersection of Old Highway 90 and State Highway 151.

Finally, the investigation reviewed Respondent’s San Antonio District’s methodology for establishing maintenance and construction plans. Record evidence identified no discrepancies within the District’s established scoring methodology for the planning and execution of maintenance and construction plans.

Based on the above, the FHWA does not find that the Respondent violated Title VI of the Civil Rights Acts of 1964 as alleged in your complaint.

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

Sincerely,



Nichole McWhorter  
Division Manager  
Program Coordination & Compliance

cc: Al Alonzi, Division Administrator, FHWA Texas Division Office  
Mark Arrington, Civil Rights Program Manager, FHWA Texas Division Office  
James Esselman, Attorney-Advisor, Office of Chief Counsel  
Yvette Rivera, Associate Director, Departmental Office of Civil Rights