



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

1200 New Jersey Avenue, SE.
Washington, DC 20590

OCT 02 2018

In Reply Refer to: HCR-20
DOT# 2017-0340

(b) (6)

Subject: Dismissal of Complaint DOT# 2017-0340

Dear **(b) (6)**

This letter is to inform you that the Federal Highway Administration's (FHWA) Office of Civil Rights has determined that it will dismiss the above complaint, which alleged violations that may be related to 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 described in FHWA's Investigations Manual, which conforms to the U.S. Department of Justice's procedures and standards for investigating complaints of discrimination. First, the complaint must be in writing. Second, it must describe an alleged discriminatory act that, if true, would fall under FHWA's jurisdiction and potentially violate FHWA's nondiscrimination regulations. Finally, it must be filed within 180 calendar days of the alleged discriminatory act.

After careful consideration, the FHWA has concluded that it must dismiss this complaint. Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.

You alleged that the Georgia Department of Transportation (GDOT) discriminated against you and the nearby African-American community during the construction of GDOT's I-285 at Flat Shoals/SR 155 Road project (Project; state #713290). Specifically, you alleged that the prime contractor on the project delayed construction for nine months due to utility work and coordination, which created an adverse, disparate impact for African-Americans in the area. In addition, you alleged that similar projects in predominantly white communities are not delayed in this manner. However, the allegations and facts in your complaint do not meet the minimum criteria from which FHWA could establish a case of disparate treatment or impact under Title VI. A preliminary review showed that there was insufficient evidence to establish the Project's utility work created a disparate, adverse impact based on race, color, or national origin in the Project area. Additionally, any delays associated with the utility work appear to have been reasonable and necessary. For these reasons, this complaint will be dismissed by FHWA and closed with no further action.

If you have any questions, please contact Nichole McWhorter at (202) 366-1396.

Sincerely,



Nichole McWhorter
Title VI Team Leader
Office of Civil Rights

Cc: Moises Marrero, Division Administrator, FHWA Georgia Division Office
William Farr, Assistant Division Administrator, FHWA Georgia Division Office
Vanessa Ross, Civil Rights Specialist, FHWA Georgia Division Office
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Kevin Resler, National Title VI Program Manager, FHWA Office of Civil Rights
Yvette Rivera, Director, Equal Employment Opportunity Programs Division, Departmental
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