



In Reply Refer to: HCR-20
DOT# 2020-0218

October 8, 2020

(b) (6)
(b) (6)
(b) (6)

Subject: Dismissal of Complaint DOT# 2020-0218

Dear (b) (6),

This letter is to inform you that the Federal Highway Administration (FHWA) Office of Civil Rights has determined that it will dismiss the above complaint, which alleges violations that may be related to Title VI of the Civil Rights Act of 1964, the U.S. Department of Transportation (USDOT) Title VI implementation regulations at 49 C.F.R. Part 21 and/or FHWA's Title VI regulations at 23 C.F.R. Part 200 (hereinafter Title VI). Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.

To be accepted for investigation, a complaint must meet the jurisdictional requirements provided by 49 C.F.R. § 21.11. First, complaints must be filed within 180 calendar days of the alleged discriminatory act, unless the time for filing is extended by FHWA. Second, the matters must concern recipients of federal financial assistance for a program or programs authorized under a law administered by FHWA. Finally, the complaint must describe an alleged discriminatory act or acts that, if true, would fall under FHWA's jurisdiction and potentially violate FHWA's Title VI regulations.

You allege that Caltrans unfairly issued liquated damages to (b) (6) on various contracts because of your national origin. You further allege that Caltrans retaliated against (b) (6) when (b) (6) disputed liquated damages issued by Caltrans.

After careful consideration, FHWA has determined the allegations and facts in your complaint do not meet the minimum jurisdictional criteria under which FHWA could establish a case of disparate treatment or disparate impact under Title VI. The available information is insufficient to show contemporaneous statements from decision makers that express discriminatory intent based on race, color, or national origin. The available information is also insufficient to show how contract disputes with Caltrans constitute a disparate impact based on race, color, or national origin. For these reasons, the 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

Nichole McWhorter
Title VI Team Leader
Office of Civil Rights

cc: Vincent Mammano, Division Administrator, FHWA California Division Office
Paul Schneider, Deputy Division Administrator, FHWA California Division Office
Scott Carson, Civil Rights Specialist, FHWA California Division Office
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