



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

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

In Reply Refer to: HCR-20
DOT# 2021-0106

October 8, 2021

(b) (6)

Subject: Dismissal of Complaint DOT# 2021-0106

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 Section 162(a) of the Federal-Aid Highway Act of 1973 (codified at section 324, title 23 U.S.C.) and Title VI program regulations administered by FHWA (23 C.F.R. Part 200). Section 162(a) prohibits discrimination on the basis of sex 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 the California Department of Transportation (Caltrans) discriminated against you on the basis of sex during the performance of a contract you had with Caltrans. You allege that Caltrans discriminated against you when you were not invited to participate in a Transportation Research Board meeting. You also allege that Caltrans retaliated against you by threatening to remove your company from the list of certified firms under its federally-regulated Disadvantaged Business Enterprise (DBE) program.

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 under Section 162(a). FHWA has unsuccessfully attempted to schedule an interview with you since April regarding your allegations of sex discrimination. The available information is insufficient to show contemporaneous statements from decision makers that express discriminatory intent based on sex. 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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Jim Esselman, Senior Attorney-Advisor, FHWA Office of Chief Counsel
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Barbara Dougherty, Deputy Director, Departmental Office of Civil Rights