



In Reply Refer to: HCR-20
DOT# 2021-0313

October 6, 2022

(b) (6)

Subject: Complaint DOT# 2021-0313

Dear (b) (6),

This letter is to inform you that the Federal Highway Administration (FHWA) Office of Civil Rights has made a determination on 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.

In the above complaint, filed with FHWA in August of 2021, you allege that a Utah Department of Transportation engineering tech made discriminatory comments about you and your company. FHWA needs more information to better understand the allegations but has been unable to receive a response. FHWA emailed you on August 25, 2022 requesting an interview and August 26, 2022 with a brief summary of your complaint and whether you wanted to continue with the complaint process. Because of a failure to respond, this complaint will be dismissed by FHWA and closed with no further action.

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

Sincerely,

Nichole McWhorter

Nichole McWhorter
Title VI Team Leader
Office of Civil Rights

cc: Ivan Marrero, Division Administrator, FHWA Utah Division Office
Brigitte Mandel, Deputy Division Administrator, FHWA Utah Division Office
Russell Robertson, Project Delivery Team Leader, Civil Rights, FHWA Utah Division Office
Irene Rico, Associate Administrator, FHWA Office of Civil Rights
Jim Esselman, Senior Attorney-Advisor, FHWA Office of Chief Counsel
Irene Marion, Director, Departmental Office of Civil Rights
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Barbara Dougherty, Deputy Director, Departmental Office of Civil Rights