



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

JUN 22 2018

1200 New Jersey Avenue, SE.
Washington, DC 20590

In Reply Refer To: HCR-20
DOT# 2018-0235

[REDACTED]

Subject: Dismissal of Complaint DOT# 2018-0235

Dear [REDACTED],

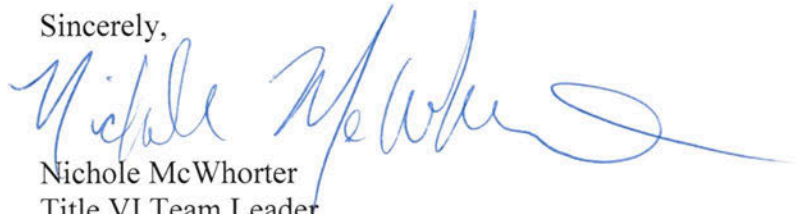
This letter is to inform you that the Federal Highway Administration's (FHWA) Office of Civil Rights has determined that it will dismiss the above complaint, which alleged violations that may be related to Title VI of the Civil Rights Act of 1964 (Title VI) and USDOT's implementation regulations at 49 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 City of Winfield, Kansas (City) discriminated against you because the City road construction on 12th Street in Winfield created dust and debris near your home. You further alleged the dust and debris resulted in harm to your personal property and potentially the health of you and your family. 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. 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: Richard E. Backlund, Division Administrator, FHWA Kansas Division Office
Norbert Muñoz, Assistant Division Administrator, FHWA Kansas Division Office
Eric G. Deitcher, Civil Rights / Right-of-Way Coordinator, FHWA Kansas Division Office
James Esselman, Senior Attorney-Advisor, FHWA Office of the Chief Counsel
Kevin Resler, National Title VI Program Manager, FHWA Office of Civil Rights
Yvette Rivera, Director, Equal Employment Opportunity Programs Division, Departmental
Office of Civil Rights