



U.S. Department
of Transportation
Federal Highway
Administration

1200 New Jersey Avenue, SE.
Washington, DC 20590

APR 30 2019

In Reply Refer To: HCR-20
DOT# 2018-0308

[REDACTED]

Subject: Dismissal of Complaint DOT# 2018-0308

Dear [REDACTED]

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, as well as the legal standards discussed in the U.S. Department of Justice Title VI Legal Manual. First, complaints must be filed within 180 calendar days from the date 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 your complaint and in interviews with FHWA, you stated that your vehicle broke down on I-95 Southbound near Milford, CT, and you stayed overnight for approximately 16 hours at the Allentown Service Center while you arranged to repair your vehicle. You alleged that O, R, & L Facilities Services (Contractor), a private entity under contract with Connecticut Department of Transportation (Respondent) prime contractor Project Service, LLC, discriminated against you on the basis of race when the Contractor requested that you leave the premises and referred to you as a "vagrant." Evidence showed the Contractor's subcontractor, a Subway restaurant, contacted the Connecticut State Police to remove you from the premises of the service center.

Upon review, the Respondent did not have policies and procedures regarding rest area patron conduct and discipline. The FHWA Connecticut Division and the FHWA Office of Civil Rights requested that the Respondent create new policies and procedures for its rest areas to ensure compliance with Title VI and equitable treatment of patrons, generally. The Respondent drafted policies and procedures to:

1. Define the roles and responsibilities of rest area vendors,

2. Define acceptable and unacceptable behavior for patrons,
3. Describe the process for affecting remedies by the vendors, and
4. The requirements for vendors to provide notice to patrons and document any actions.

If implemented, the Respondent's draft policies and procedures appear sufficient to ensure fair and equitable treatment at the Respondent's rest areas. The FHWA Connecticut Division Office will continue to provide stewardship and oversight regarding these policies, as well as the Respondent's overall Title VI program.

After careful consideration, the FHWA will dismiss this complaint 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: Amy D. Jackson-Grove, Division Administrator, FHWA Connecticut Division Office
Michelle Hilary, Assistant Division Administrator, FHWA Connecticut Division Office
Michael Chong, Civil Rights Specialist, FHWA Connecticut 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