



In Reply Refer to: HCR-20
DOT# 2020-0156

May 7, 2020



Subject: Dismissal of Complaint DOT# 2020-0156

Dear ,

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 Memphis Light, Gas, and Water (MLGW) discriminated against the residents of Hollywood/Hyde Park with its planned expansion of its North Service Center. You allege that MLGW's acquisition of 200 properties disparately impacts the residents of Hollywood/Hyde Park. You further allege that the expansion project will bring heavy truck traffic to the residential community.

After careful consideration, FHWA has determined that it lacks jurisdiction over your complaint because the allegations and facts you have presented are outside of the subject matter areas of statutes FHWA is responsible for enforcing. 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: Pamela Kordenbrock, Division Administrator, FHWA Tennessee Division Office
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