UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 26 2012

OFFICE OF
CIVIL RIGHTS

**Return Receipt Requested**
Certified Mail# 7004-2510-0004-2241-7289

**In Reply Refer To:**
EPA File No.: 14R-12-R9

[redacted]

**Re: REJECTION/REFERRAL OF ADMINISTRATIVE COMPLAINT**

Dear Mr. [redacted]

On January 24, 2012, the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR) received your administrative complaint referred to our office by the U.S. Department of Justice (DOJ), and OCR also received clarifying information from you on July 31, 2012. Your complaint alleges that members of the Las Vegas, Nevada F Street African-American community have been discriminated against by the City of Las Vegas, the Regional Transportation Commission, the State of Nevada, North Corridor Constructors LLC, the Las Vegas Paving Corporation, and Atkins North America (formerly PBS&J), as a result of exclusion from public involvement processes and damage to the area due to the closure of F Street stemming from work on Interstate 15, in violation of Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. § 2000d *et seq.*, and EPA's regulations implementing Title VI, found at 40 C.F.R. Part 7.

Pursuant to EPA's nondiscrimination regulations, to be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulations. First, it must be in writing. Second, it must describe alleged discriminatory acts that violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, disability, or gender). Third, it must be filed within 180 calendar days of the alleged discriminatory act.[1] Finally, it must be filed against a recipient of EPA assistance that committed the alleged discriminatory act.[2]

While this complaint was in writing, and alleges a violation of Title VI, EPA does not provide assistance to the State of Nevada Department of Transportation, no longer

[1] 40 C.F.R. § 7.120(b)(2).
[2] 40 C.F.R. § 7.15.

provides assistance to the City of Las Vegas[3], and does not provide assistance to any other entity named in the complaint; therefore, EPA lacks jurisdiction to investigate this complaint. Thus, under our regulations, as this complaint does not meet all required elements to accept it for further investigation, we are required to reject or refer it.

Since the U.S. Department of Transportation (USDOT) may have subject matter expertise over the allegations in your complaint, EPA is referring this complaint to the USDOT for their review and action. A copy of the letter to USDOT is enclosed with this correspondence. The contact at USDOT for the referral of this allegation is Ms. Camille M. Hazeur, Director, Departmental Office of Civil Rights, U. S. Department of Transportation, 1200 New Jersey Avenue, S.E. (S-30), Washington, D.C., 20590. The USDOT Office of Civil Rights phone number is (202) 366-4648.

If you have any questions about this letter, please contact Ms. Helena Wooden-Aguilar, Assistant Director of the OCR, External Compliance Program by telephone at (202) 564-0792, via electronic mail at Wooden-Aguilar.Helena@epa.gov, by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, DC, 20460.

Sincerely,

Rafael DeLeón
Director

Enclosure

cc: Ms. Camille M. Hazeur
Director, Departmental Office of Civil Rights
U. S. Department of Transportation
1200 New Jersey Avenue, S.E.
Mail Stop S-30
Washington, DC 20590-0001

Ms. Jo Ann Asami, Title VI Contact, EPA Region 9
75 Hawthorne Street
***Mail Code***: ORC-1
San Francisco, CA 94105-3920

[3] EPA last provided assistance to the City of Las Vegas in 2005. The last grants of record were for a Brownfields Economic Redevelopment Initiative, grant number BP-98909101-4, with project end date of 12/31/2005, and for water infrastructure, for a city sewer rehabilitation project, grant number XP-97966701-1, with project end date of 8/1/2005.

Ms. Debra Schwartz
Area Director
Office of Civil Rights, Las Vegas

Mr. Stephen G. Pressman, Associate General Counsel
Civil Rights Law Office (MC 2399 A)