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

JUL 23 2013

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
Certified Mail#: 7009-2820-0002-1759-0769

In Reply Refer to:
EPA File No.: 20R-12-R2

Daniel C. Knauth
Associate Counsel
Metro-North Railroad Legal Department
347 Madison Avenue, 19th Floor
New York, New York 10017-3739

Re: Rejection of Administrative Complaint

Dear Mr. Knauth:

This is in regards to the complaint received by the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), on October 24, 2012, alleging that the New York Metropolitan Transit Authority (MTA) and the New York Waterway (NY Waterway) discriminated against an individual. Because OCR has responsibility for processing complaints alleging a 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 nondiscrimination regulations found at 40 C.F.R. Part 7, we have assumed for purposes of processing the complaint that this is why the complaint was filed with this office. On February 15, 2013, OCR received an email from you which stated that the relevant MTA agency for this matter is Metro-North.

Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulations. First, the complaint must be in writing. Second, the complaint must describe an alleged discriminatory act that violates EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, or disability). Third, the complaint must be filed within 180 calendar days of the alleged discriminatory act. Finally, the complaint must be filed against an applicant for, or recipient of, EPA assistance that allegedly committed the discriminatory act. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience.)

After careful review, OCR is rejecting this complaint because the allegations did not meet EPA's jurisdictional requirements. As written, the complaint does not allege

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claims on the basis of race, color, national origin, sex, age, or disability or retaliation based on filing a Title VI complaint. In addition, the Metro-North and the NY Waterway are not recipients of EPA financial assistance and therefore, are not within EPA OCR's jurisdiction to investigate. Therefore, the complaint is not within EPA OCR jurisdiction to investigate and the OCR is rejecting the complaint.

If you have any questions about this letter, please contact Brittany Martinez at (202) 564-0727, via e-mail at martinez.brittany@epa.gov, or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,

Vicki Simons
Acting Director

Enclosure

cc: Stephen G. Pressman, Associate General Counsel
Civil Rights & Finance Law Office (MC 2399A)

Mavis Johnson, EEO Officer
USEPA Region 2