

Title VI Complaint Procedure

A complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the FHWA or FTA. You may contact the FHWA Headquarters Office of Civil Rights (HCR) office with questions by calling 202-366-0693. You may contact the SMTC with questions at 315-422-5716 or director@smtcmpo.org.

Who can file a complaint

Any person who believes they have been discriminated against on the basis of race, color, national origin, or disability status in the programs or activities of the Syracuse Metropolitan Transportation Council (SMTC) may file a Title VI complaint.

Where to file a complaint

Complaints related to the Federal-aid highway program may be filed with the NYSDOT, FHWA Division Office, the HCR, the USDOT Departmental Office of Civil Rights, the USDOJ, or the SMTC itself.

Complaints may be sent to SMTC at:

- Postal Mail or In Person: Director, Syracuse Metropolitan Transportation Council, 126 North Salina Street, Suite 100, Syracuse, New York 130202
- E-mail: director@smtcmpo.org

Complaints may also be sent to FHWA Headquarters Office of Civil Rights (HCR) at:

- Postal Mail: Federal Highway Administration U.S. Department of Transportation Office of Civil Rights 1200 New Jersey Avenue, SE 8th Floor E81-105 Washington, DC 20590
- E-mail: CivilRights.FHWA@dot.gov
- Fax: 202-366-1599

How complaints are processed

The SMTC must log all complaints it receives, but it does not investigate any complaints. All complaints received by the SMTC are routed through the Federal-aid highway hierarchy to the HCR for processing. FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency. When HCR makes that decision, it will notify the person who submitted the complaint, the FHWA Division Office, NYSDOT, and the SMTC.

Potential outcomes when processing complaints

There are four potential outcomes for processing complaints:

1. **Accept:** if a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, then HCR will send to the person who submitted the complaint, SMTC, and the FHWA Division Office a written notice that it has accepted the complaint for investigation.
2. **Preliminary review:** if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the person who submitted the complaint and/or the SMTC before deciding whether to accept, dismiss, or refer the complaint.

3. Procedural dismissal: if a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the person who submitted the complaint, SMTC, and FHWA Division Office a written notice that it is dismissing the complaint.
4. Referral/dismissal: if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the SMTC entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the person who submitted the complaint, the SMTC, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

Investigating complaints

For FHWA, there is no regulatory timeframe for completing investigations. However, FHWA strives to complete all tasks within 180 days from the date of acceptance. When NYSDOT is delegated an investigation from FHWA, it must complete its investigations within 60 days from the date it receives the delegated complaint from FHWA.

Who conducts the investigation

For complaints filed against the SMTC, HCR may either conduct the investigation itself or it may delegate the investigation to NYSDOT. If HCR chooses to delegate an investigation of a complaint against the SMTC, HCR will communicate its acceptance of the complaint to the person who submitted the complaint and to the SMTC, but NYSDOT will conduct all data requests, interviews, and analysis. NYSDOT would then create a Report of Investigation (ROI), which it would send to HCR. Finally, HCR would review the ROI and compose a Letter of Finding based on the ROI.

The SMTC is required to keep detailed records on how it complies with Title VI and provides USDOT with access to documents and persons with relevant information. Typically, the SMTC will receive at least one Request for Information and Position Statement (RFI) to gather documents, and additional requests if necessary. Concurrently, the HCR or NYSDOT investigator will schedule interviews with relevant parties and conduct site visits as necessary.

Potential outcomes when investigating complaints

First, at any time during the investigation, either FHWA or SMTC may initiate informal negotiations to resolve the issues. The FHWA always strives to resolve Title VI complaints informally, if possible. In the absence of such negotiations, HCR (or an investigator at NYSDOT) will draft a Report of Investigation, which should contain all relevant data and findings, with legal conclusions and potentially include recommendations for action. FHWA is responsible for the final disposition of all complaints, including initiation and conduct of informal negotiations and the issuance of Letters of Finding (LOFs).

There are five potential outcomes for concluding an investigation:

1. The FHWA makes a finding of no violation and the case will be closed with no further action. The FHWA will issue an LOF stating in sufficient detail the reasons for the determination of no violation.
2. If, by a preponderance of the evidence, FHWA determines the SMTC has failed to comply with its Title VI requirements or threatens to fail to comply by action or inaction, then FHWA will inform the SMTC and the matter will be resolved by informal means whenever possible.

- If FHWA informally resolves the matter with the SMTC by agreement, then FHWA will hold the complaint in abeyance until the SMTC completes its corrective actions. If the corrective actions are completed to the FHWA's satisfaction, then the complaint will be dismissed with no further action.

- If FHWA cannot informally resolve the matter or the SMTC does not complete agreed upon corrective actions, then FHWA may issue a LOF stating that the SMTC is in noncompliance with its Title VI obligations.

3. If FHWA issues a LOF of noncompliance to the SMTC, the LOF will request that the SMTC provide to FHWA, within 90 days, an action plan that implements the recommendations in the LOF.

4. If FHWA approves the action plan, then the SMTC will be given a reasonable amount of time to implement the plan. At the end of the implementation period, FHWA will assess whether the SMTC has sufficiently corrected the deficiencies.

5. If FHWA does not approve the action plan, or the SMTC is nonresponsive/uncooperative, then FHWA may seek administrative sanctions, including, but not limited to, suspension or termination of Federal funds or any other means authorized by law such as referral to USDOJ for enforcement.

- If USDOT seeks to suspend or terminate funds, it must provide the SMTC with an opportunity for a hearing on the record. If the Secretary of Transportation determines that the SMTC has not complied with Title VI and voluntary compliance cannot be secured, USDOT must notify Congress before that finding goes into effect.

All LOFs issued by FHWA are administratively final.

Complaint form

Syracuse Metropolitan Transportation Council Title VI Complaint Form

Complaints to the Syracuse Metropolitan Transportation Council should be submitted using this form and additional sheets as needed. The form must be filled out completely and signed. Complaints may be filed by mail, in person, or e-mail.

Section I: Complainant Information

First and Last Name:

Postal Address:

Telephone (Home):

Telephone (Mobile):

E-mail:

Describe any accessible format requirements:

Section II: Filer Information

Are you filing this complaint on your own behalf? ☐ YES ☐ NO

If you answered Yes to this question, skip to Section III.

Name and relationship of the person for whom you are filing:

Explain why you are filing for a third party:

By checking this box, you affirm that you have obtained the permission of the complainant to submit this complaint of his/her/their behalf. ☐ Affirm

Section III: Complaint Details

The basis of the complaint is (check all that apply)

☐ Race ☐ Color ☐ National Origin

Provide the date(s) of the alleged discrimination (Month, day, year):

On separate sheet(s) of paper, explain as clearly as possible what happened and why the Complainant - or a specific class of persons - believes they were discriminated against. Provide the names of all persons and agencies/organizations who were involved. Provide sufficient information to understand the facts that led to the Complainant to believe that discrimination occurred. Also indicate whether the discrimination is on-going.

Section IV: Signature

Signature of Complainant:

Date: