

LEGAL ALERT

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TITLE VI SERVES AS POSSIBLE ROADBLOCK TO HIGHWAY PROJECT

AARON S. EVENCHIK AND CAROLINE HAMILTON

HAHN LOESER & PARKS LLP

The Biden Administration's Department of Transportation (DOT) recently paused a highway widening project in Houston, Texas. The project, known as the North Houston Highway Improvement Project, would widen Interstate 45. The DOT decided to halt the project so that it could evaluate whether it violates Title VI of the Civil Rights Act of 1964. This move comes after an outpouring of complaints from local activists that African American and Hispanic communities would be disproportionately harmed by this project.

Title VI of the Civil Rights Act prohibits discrimination based on race, color, or national origin in programs that are receiving federal financial assistance. Some wonder whether the DOT is using this project as a test-run to see whether it can successfully use Title VI to block federally funded projects that disproportionately affect minority communities, especially since the DOT announced that racial equity is a major priority for the department.

Organizations in other cities are trying to capitalize on the DOT's focus on racial equity, especially after its Houston decision. A grassroots organization in Portland recently sent a letter to DOT Secretary Pete Buttigieg asking the DOT to take immediate action to address environmental and social justice issues relating to a plan by the Oregon Department of Transportation to widen a portion of Interstate-5. Similarly, in Milwaukee critics of a Wisconsin Department of Transportation project have called on Secretary Buttigieg to step in due to racial justice concerns.

WHAT TO WATCH:

For critics of highway expansion projects, this decision is a big win. But it may not be a permanent win, as the DOT's decision only halted the project pending an investigation. Over the coming months, the DOT will investigate whether the project is discriminatory and disparately impacts African American and Hispanic communities. At this point, it is too soon to tell what the results of its investigation will be. Regardless of the outcome, this is likely the beginning of a new era in the DOT. Expect the DOT to take a more critical look at highway projects. Not only will the DOT consider the financial costs and benefits, but how a project may impact minority communities.

AUTHORS



AARON S. EVENCHIK,
PARTNER

aevenchik@hahnlaw.com
216.274.2450



CAROLINE HAMILTON,
ASSOCIATE

chamilton@hahnlaw.com
216.274.2360

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