

Title VI Pre-Award Checklist for Airport Sponsors Seeking Airport Improvement Program (AIP) Funding for Projects with Environmental Impact Statements (EISs) for Major Airport Development Projects

Title VI of the Civil Rights Act of 1964 ensures that everyone in the United States has the right to take part in and receive benefits a federally-funded action provides. Title VI and 49 U. S. C. 47123 prohibits withholding that right based on race, color, or national origin, sex or creed.

Title 49 Code of Federal Regulations (CFR) part 21 effectuates the provisions of Title VI and 49 U.S.C. § 47123 to ensure non-discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation. Specifically, 49 CFR § 21.9(b), requires recipients of federal grants (e.g., airport sponsors) to provide racial and ethnic data showing the extent to which members of these groups are beneficiaries of federally-funded programs. To do so, that section requires potential federal grant recipients (airport sponsors) to keep records and submit certain information to confirm the recipient’s compliance with 49 CFR part 21 (see Items 1 through 3 below). If an airport sponsor, as a potential recipient of an AIP grant, chooses not to use this Checklist to submit that information, the sponsor must use another format to provide the information clearly and accurately.⁸

Department of Transportation Order 5610.2, “Environmental Justice in Minority Populations and Low-Income Populations,” requires DOT agencies to address project-induced potential disproportionately high and adverse effects on low-income and minority populations. The FAA Office of Airports (ARP) provides that information in EISs it prepares for major airport development projects.

The FAA Office of Civil Rights (ACR) believes that information provided in this Checklist is pertinent in determining the airport sponsor’s compliance with Title VI and 49 U.S.C. § 47123.

Note: Major airport development projects are often supported by multiple grants, including reimbursable grants over many years. Airport Sponsors should provide information for Items 1 through 3 when completing the Checklist for a major development project’s initial grant. Airport Sponsors should then complete Items 2 and 3 for a grant FAA may provide subsequent to that initial grant.

Airport sponsor-provided information to address 49 CFR § 21.9(b) requirements:

Name of Airport Sponsor _____
Name of Airport _____
Location of Airport (include city and state) _____
Project Description(s): _____

⁸ Use of the sample checklist is optional. FAA encourages airport sponsors to utilize the sample checklist to ensure that they comply with FAA reporting requirements and to assist in their submittal of information necessary for the FAA to ascertain compliance with 49 CFR Part 21.

1. Please provide any of the following information, if the condition(s) apply to the proposed major airport development:

a. Title VI issues, including issues related to race and ethnicity (e.g., minority populations), raised at EIS scoping meeting or through other public involvement process(es);

b. The airport sponsor's and FAA responses to those issues;

c. Data from the final EIS or another source providing information on the race, color, or national origin of the affected community; and

d. Mitigation measures in the final EIS or Record of Decision that will be implemented to mitigate impacts on affected people on the basis of race, color, or national origin; and

e. Any other information demonstrating the airport sponsor's efforts to inform protected populations of the protections against discrimination afforded them by Title VI, 49 U.S.C. § 47123 and 49 CFR Part 21.

None

2. A list of any airport-related Title VI lawsuits, complaints or investigations filed against the airport sponsor in the year preceding the date FAA plans to issue the AIP grant for this project. Please attach a summary of the findings resulting from the lawsuit(s), complaint(s) and/or investigations.

None (If None, continue with question 3).

3. A list of any airport-related Title VI compliance review(s) the airport sponsor received in the two years preceding the date FAA plans to issue the AIP grant for the project. Include the name and agency of the person(s) who conducted the review and any findings made regarding Title VI non-compliance.

None

Voluntary Optional Information (not required by 49 CFR Part 21)

1. Information on Environmental Justice issues raised at a public meeting(s) or other public involvement process.

08/27/13

1400.11
Appendix 3

I certify the responses to the forgoing items are accurate as marked and further certify to the best of my information and belief that any optional Environmental Justice information and all required Title VI submissions are correct and complete.⁹

Signature of Airport Sponsor's Authorized Representative

Date

Review completed: _____

Director, Civil Rights Eastern/New England Region and
Airport Non-Discrimination Compliance, AEA-9

Date: _____

⁹ Title 49 U.S.C. § 47105(d), authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under AIP.