



**Federal Aviation  
Administration**

# **Title VI, LEP & EJ Regulations/Requirements**

*Office Of Civil Rights*

**ACHIEVING SAFETY  
THROUGH DIVERSITY**

6<sup>th</sup> Annual FAA National Airports Civil Rights Training  
Conference

Washington, DC

By: Marcus H England

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**Title VI of the Civil Rights Act of 1964**  
**Title VI, 42 U.S.C. § 2000d**

Prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

**President John F. Kennedy said in 1963:**

*“Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination”.*

# Key Regulations and Statutes

## 49 CFR Part 21:

- ❑ Nondiscrimination in federally-assisted programs of the Department of Transportation
- ❑ Effectuate the provisions of Title VI of the Civil Rights Act of 1964

*“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation”*

# Key Regulations and Statutes

- ❑ The Airport and Airway Improvement Act of 1982 (49 U.S.C. § 47123 added “sex” and “creed” as protected status in all Federal Aviation Administration activities.

## Civil Rights Restoration Act of 1987:

Amended the definition of program or activity to clarify that if any part of the institution, agency, or corporation receives federal financial assistance, then the following listed non-discrimination laws apply to the entire institution, agency, or corporation:

Title IX, Title VII, The Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964

# Key 49 CFR Part 21 Requirements

- Periodic **compliance reviews** from time to time review the practices of recipients to determine whether they are complying with this part
- Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by this part may by himself or by a representative **file** with the Secretary a **written complaint**
- Conduct a **prompt investigation** whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part

# 49 CFR Part 21 Assurances

All grant agreements between the FAA and an airport sponsor must include, by reference, the general civil rights assurances found in the Sponsor Grant Assurances. In addition, sponsors are obligated under the *DOT STANDARD TITLE VI ASSURANCES AND NON-DISCRIMINATION PROVISIONS* when obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance

# 49 CFR Part 21 Notification of Beneficiaries

## Appendix C(b)(2)(i)(ii)

The airport operator shall:

- Make a copy of this part available at his office for inspection during normal working hours by any person asking for it
  
- Conspicuously display a sign, or signs, furnished by the FAA, in the main public area or areas of the airport, stating that discrimination based on race, color, or national origin is prohibited on the airport

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## Unlawful Discrimination

It is unlawful for airport operators and their lessees, tenants, concessionaires and contractors to discriminate against any person because of race, color, national origin, sex, creed, or disability in public services and employment opportunities. Allegations of discrimination should be promptly reported to the Airport Manager or:

Federal Aviation Administration  
Office of Civil Rights, ACR-1  
800 Independence Avenue, S.W.  
Washington, D.C. 20591

Federal regulations on unlawful discrimination are available for review in the Airport Manager's Office.

Coordinator:  
Phone:  
Address:

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## Discriminación Ilegal

Se prohíbe a los operadores de aeropuertos y a sus arrendatarios, inquilinos, concesionarios y contratistas discriminar contra cualquier persona por motivo de raza, color, nacionalidad de origen, sexo, creencias religiosas, impedimento físico o discapacidad en lo que respecta a servicios públicos y oportunidades de empleo. Las alegaciones de discriminación deberán ser dirigidas inmediatamente al Administrador del Aeropuerto o a:

Federal Aviation Administration  
Office of Civil Rights, ACR-1  
800 Independence Avenue, S.W.  
Washington, D.C. 20591

Los reglamentos sobre discriminación ilegal están a la disposición de los interesados para su examen en la oficina del Administrador del Aeropuerto.

Coordinador:  
Teléfono:  
Dirección:



U.S. Department of Transportation  
Federal Aviation Administration

HO/10/088

# Limited English Proficiency (LEP)

## Executive Order 13166

- ❑ “Improving Access to Services for Persons with Limited English Proficiency” dated August 11, 2000
- ❑ Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them

# USDOT (LEP) Guidance

- ❑ Executive Order 13166 directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation
- ❑ U.S. Department of Transportation issued LEP guidance *“Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons”* for recipients in December 2005 (Federal Register, Volume 70, No. 239)

# LEP Notice

Add to the publications or signs for programs, services, or activities, in order to notify LEP individuals of the availability of materials and services in other languages

## **Sample Notice of Availability of Materials and Services**

### **FOR FURTHER INFORMATION CONTACT:**

For hearing-impaired individuals or non-English-speaking attendees wishing to arrange for a sign language or foreign language interpreter, please call or fax [name] of [organization] at Phone: xxx-yyy-zzzz, TTY: xxx-yyy-zzzz, or Fax: xxx-yyy-zzzz.”

# Strategies for Providing Language Assistance Services

## Identify LEP Populations through:

- Community and stakeholder outreach
- Translation “I Speak” cards with LEP flying public

## Provide Notice to LEP Populations by:

- Posting language assistance services
- Advertising/Marketing

# Strategies for Providing Language Assistance Services cont'd

## Provide Interpretation by:

- Using bilingual staff or community volunteers
- Providing interpretation services

## Provide Translation by:

- Using universal symbols and pictograms where appropriate
- Translated documents

# Environmental Justice (EJ)

## Executive Order 12898

- ❑ “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” dated February 11, 1994
- ❑ Requires Federal agencies to provide public involvement for low-income or minority populations. This includes demographic analysis identifying and addressing potential action impacts on low-income or minority populations that may experience a disproportionately high and adverse effect

# Environmental Justice (EJ)

## USDOT Order 5610.2(a)

- ❑ Updates and clarifies certain aspects of the original Order, issued in April 1997, while maintaining its general framework and procedures and DOT's commitment to promoting the principles of environmental justice in all DOT programs, policies, and activities

# Environmental Justice (EJ)

## Memorandum of Understanding (MOU)

The FAA Office of Airports examines environmental justice impacts associated with major airport development as it completes its responsibilities under the National Environmental Policy Act (NEPA)

- ❖ The FAA Office of Civil Rights and the FAA Airports Organization recognize that the environmental justice analyses in Environmental Impact Statements are suitable sources of information on the minority populations Title VI covers

# QUESTIONS?

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# Presenter Contact Information

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