

# Airport Nondiscrimination Compliance

## Demographic Data Collection Requirements under Title VI and Related Authorities



**Federal Aviation  
Administration**

*Office Of Civil Rights*

**ACHIEVING SAFETY  
THROUGH DIVERSITY**

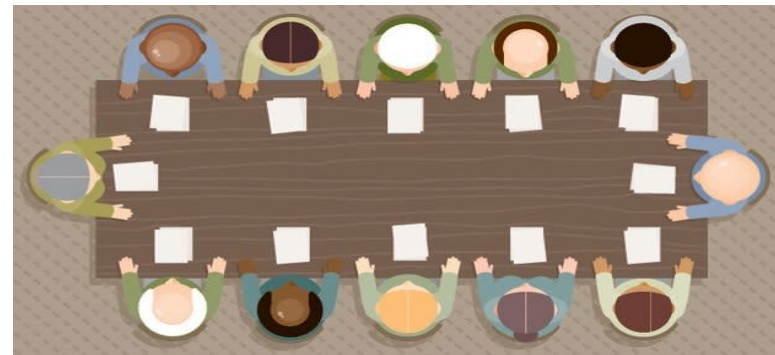
Presented to: 12<sup>th</sup> Annual NCRTC Attendees

Date: August 23, 2021



# Agenda

- Title VI of the Civil Rights Act and related authorities
- Data collection required under Title VI regulation
- Data collection required for Limited English Proficiency applications
- Data collection required for Environmental Justice applications
- Other Environmental Data Collection



# Title VI of the Civil Rights Act of 1964

“No persons in the United States shall, on the ground of race, color, or national origin\*, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial assistance.”

\*Additional authorities augment Title VI to add sex and creed as protected bases for FAA recipients.

# DOT and DOJ Title VI Regulations

## DOT data collection requirements

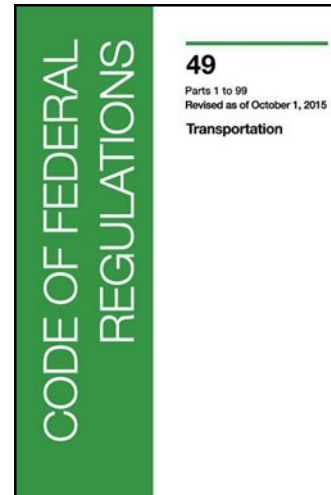
- 49 CFR § 21.9(b) - Compliance reports;
- Appendix C (b)(3) - Airport operator reports

## DOJ data collection requirements

- 28 CFR § 42.406 - Data and information collection

## Regulations prohibit both

- Disparate treatment, and
- Disparate impact



# Required Data Collection Under Part 21

## Discrimination (“Title VI”) complaints - Appendix C (b)(3)

### Airport beneficiaries - 21.9 (b)

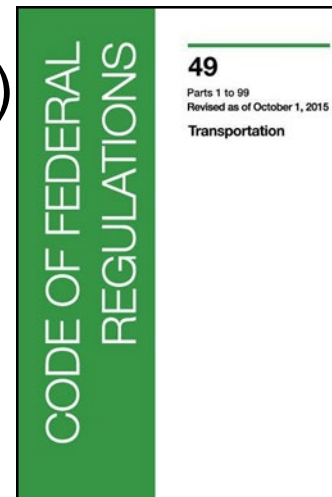
- Passengers and airport employees
- Surveys

### Opportunities

- Employment - 21.5 (c)
- Minority business outreach - Appendix C (a)(1)

### Other required data collection

- DOT Order 1000.12C
- FAA Order 1400.11



# Limited English Proficiency (LEP)

## Executive Order 13166

- Improving Access to Services for Persons with Limited English Proficiency (Aug. 11, 2000)

## DOT LEP Guidance

- For DOT recipients, 70 FR 74087 (Dec. 14, 2005)





# LEP - continued

## Four Factor Analysis:

1. Number/proportion of LEP persons in an airport sponsor's area
  - Publicly available data
2. Frequency of contact between LEP persons and the airport sponsor's services
  - Survey
3. Importance of the service
4. Resources available



# LEP Data Sources

## Data from government organizations

- U.S. Census / American Community Survey
- LEP.gov
- School data reported to U.S. Dept. of Education
- Local government services and data collection efforts



Source:  
Crow Terninals  
by Anke Ortlepp



# LEP Data Sources - continued

## Data from non-government organizations

- Community organizations / agencies
- Religious organizations
- Non-profit organizations



Source:  
Crow Terninals  
by Anke Ortlepp

# LEP Data Sources - continued

## Data from airport sponsor resources

- Airport universal language line usage data
- Airport and tenant website data
  - For example, webpage traffic data for translated resources.
- Airport Title VI complaints



Source:  
Crow Terninals  
by Anke Ortlepp

# Environmental Justice (EJ)

## Executive Order 12898

- Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

## DOT Order 5610.2(c)

- DOT Actions to Address Environmental Justice for Minority Populations and Low Income Populations

## The National Environmental Policy Act (NEPA)



# EJ Data Sources

## Geographic Information System (GIS)

- EJSCREEN (Environmental Protection Agency)
- Airport or airport project data resources

## NEPA data and reports

- Information collected for specific project impacts
- Data from community participation activities

## State, county, regional, and local planning agencies



# Resources - Authorities

Description	Website Link
Title VI Regulations	<a href="http://www.ecfr.gov">www.ecfr.gov</a> for 28 CFR 42 and 49 CFR 21
Executive Order 13166	<a href="https://www.justice.gov/crt/executive-order-13166">https://www.justice.gov/crt/executive-order-13166</a>
Executive Order 12898	<a href="https://www.epa.gov/laws-regulations/summary-executive-order-12898-federal-actions-address-environmental-justice">https://www.epa.gov/laws-regulations/summary-executive-order-12898-federal-actions-address-environmental-justice</a>
DOT Orders	<a href="https://www.transportation.gov/mission/dot-orders">https://www.transportation.gov/mission/dot-orders</a> for 1000.12C and 5610.2C
FAA Order 1400.11	<a href="https://www.faa.gov/documentLibrary/media/Order/FAA_1400_11.pdf">https://www.faa.gov/documentLibrary/media/Order/FAA_1400_11.pdf</a>
DOT LEP Guidance	<a href="https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance">https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance</a>



# Resources - Data

Description	Website Link
U.S. Census	<a href="https://www.census.gov/programs-surveys/acs.html">https://www.census.gov/programs-surveys/acs.html</a>
EJSCREEN	<a href="https://www.epa.gov/ejscreen">https://www.epa.gov/ejscreen</a>
LEP	<a href="https://www.lep.gov/">https://www.lep.gov/</a>
U.S. Department of Education	<a href="https://www2.ed.gov/rschstat/landing.jhtml?src=pn">https://www2.ed.gov/rschstat/landing.jhtml?src=pn</a>



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