

Title VI and ADA Compliance

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Presentation Outline

- I. Overview of Title VI Compliance
- II. Overview of ADA Compliance
- III. General Discussion
 - a. Determining actual Title VI or ADA complaints
 - b. Websites- where is the required information?
 - c. Wheelchair accessibility and availability
 - d. Empathy Animals

Title VI - Nondiscrimination Requirements

Title VI of the Civil Rights Act of 1964

- No person shall, on the grounds of race, color, national origin, sex, or creed, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination.

49 CFR Part 21

- Effectuates the provisions of Title VI in Federally-Assisted Programs of the Department of Transportation, including Airports.

Title VI - Application to Airports

As a recipient of federal funding, Airports are required to take affirmative steps to ensure that no person shall, on the grounds of race, color, national origin, sex, or creed, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

This includes, but is not limited to, ensuring nondiscrimination in the provisions of benefits and services provided by Airport tenants, air carriers, concessionaires and fixed based operations.

Title VI Compliance - Affirmative Steps to Prevent Discrimination

- Select a Title VI Coordinator to oversee Title VI Program.
- Display nondiscrimination posters at various locations (i.e. high traffic areas) before and after security.
- Update all tenant contracts to include the mandatory Federal nondiscrimination contract provisions.
- Provide periodic info/training to Airport employees and tenants regarding Title VI.

Title VI Compliance - Complaint Procedures

- The Title VI Coordinator:
 - Receives complaints, conducts a preliminary review, attempts to resolve, and issues a written decision;
 - Forwards all Title VI complaints of discrimination, including resolution efforts to the FAA within 15 days of receipt; and
 - Maintains a record of the complaints received for at least 3 years.
- Airports may require complaints be submitted in writing.
- The Discrimination Complaint Procedure should be posted on the Airport's website.

Title VI Compliance - Investigation Procedures

- Prompt investigation resolution efforts.
- Cooperation with the FAA, which includes not interfering with FAA investigation and sharing information.
- Take actions to reduce chances of similar discrimination in the future.
- Intimidation and retaliation prohibited.
- Detail appeal basis, procedures and final administrative action.
- Copy the FAA.

Best Practices

- Consult with legal counsel.

Title VI - Limited English Proficiency and Environmental Justice Requirements

As a recipient of Federal financial assistance, in accordance with Title VI of the Civil Rights Act of 1964, the Airport is required to address Limited English Proficiency (LEP) and Environmental Justice issues in its planning and operation.

Title VI - LEP - What is it?

Recipients of federal funding are required to take reasonable steps to ensure “meaningful” access to the information and services they provide, as it relates to the needs of individuals with limited English language skills.

A Limited English Proficiency (LEP) Individual is a person who does not speak English as their primary language and has limited ability to read, write, or understand English.

Title VI - LEP - Four Factor Analysis

Required U.S. DOT Four-Factor Analysis:

1. Number of LEP persons at your Airport - Airport is required to know;
2. Frequency of contact with Services;
3. Importance of the Service provided by the Airport - if a delay or denial of access to a particular Service could have serious health or life threatening implication, it is probably “important”; and
4. Resources available to the Airport and cost.

Title VI - LEP - Services Provided

To service the needs of the LEP population, the Airport:

- May have volunteers and employees who can provide certain interpretation or translations services.
- May have contracts with company to provide LEP individuals with interpretation (verbal) and translation (written) services at any time, 24 hours a day, 7 days a week, in approximately 240 languages.

Moving forward, the Airport should evaluate its emergency plans to ensure LEP population needs are addressed.

Title VI - Environmental Justice (“EJ”) - What is it?

The purpose of Environmental Justice is to ensure that no low-income or minority population bears a disproportionate burden of the effects resulting from Federal actions. The scope of an Environmental Justice analysis considers the potential of Federal actions to cause disproportionate and adverse effects on low-income or minority populations.

An Environmental Justice analysis should be considered when there is a pending Federal action (i.e. federally funded project or that requires FAA approval) – most typically when there is a proposed airport construction project or other development with impacts that go beyond airport boundaries.

Title VI - EJ - Requirements and Compliance

The FAA must attempt to resolve significant EJ impacts on low-income or minority populations, which may involve substantial coordination between the Airport and the FAA, the affected population, and local jurisdictional agencies and municipalities.

To determine if a proposed action would cause a disproportionately high and adverse effect on minority or low-income populations, the Airport needs to know if any low-income communities or minority populations occur/live in the area the action would affect.

PART II Americans with Disabilities Act “ADA”

- Overview of ADA and Section 504
- Compliance Requirements
 1. Affirmative Steps to Prevent Discrimination
 2. Accommodation Request Procedures
 3. Complaint Procedures
 4. Self-Evaluations

ADA - Nondiscrimination Requirements

Under the American with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504):

No qualified individual with a disability shall, on the basis of disability, be excluded from participation in, or be denied the benefits of, the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity or recipient of federal financial assistance.

28 CFR §25.130(a); 49 CFR § 27.7(a).

ADA Compliance - Affirmative Steps to Prevent Discrimination

- Similar to Title VI Requirements:
 - Select an ADA Coordinator to ensure compliance with federal regulations.
 - Display nondiscrimination posters around Airport and on website.
 - Adopt complaint procedures and post on website.
 - Include the mandatory nondiscrimination contract provisions.
 - Establish an ADA Team to assist ADA Coordinator with periodic self-evaluations.

ADA Compliance - Accommodations

- Provide reasonable accommodations in Airport policies, practices, and procedures when such accommodations are necessary to avoid discrimination on the basis of disability.
- Requests for accommodations are submitted, reviewed, and responded to by the ADA Coordinator.
- The ADA Coordinator will work with the applicable department and respond directly to the person who submitted the request.

ADA Compliance - Complaint Procedures

- Any person may file a complaint alleging a failure to provide a reasonable accommodation and/or discrimination on the basis of disability by the Airport or its employees.
- Complaints must be submitted to the ADA Coordinator, in writing, who is responsible for promptly investigation and attempting to reach a resolution with the complainant.
- Take actions to reduce chances of similar discrimination in the future.
- Intimidation and retaliation prohibited.

ADA Compliance - Self-Evaluations

Airports must establish a system for periodically reviewing their:

- existing services, policies, facilities, and practices for compliance with Federal Regulations; and
- newly constructed, altered or renovated terminal facilities for compliance with the applicable ADA Standards for Accessible Design.

Airports must provide the opportunity for interested persons to participate, including persons with disabilities and organizations representing persons with disabilities, by accepting comments from the public regarding the self-evaluation process.

Evaluation records must be kept on file for at least three (3) years after the evaluation is completed and made available to the public/FAA upon request.

General Discussion

- a. Determining Actual Title VI or ADA complaints
- b. Websites- Where is the required information?
- c. Compliance reviews
- d. Empathy Animals





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