

BIRMINGHAM AIRPORT AUTHORITY

**5900 Messer Airport Highway
Birmingham, Alabama 35212
205-599-0522**

TITLE VI PROGRAM

March 2016

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I. POLICY STATEMENT

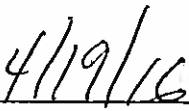
The Birmingham Airport Authority assures that no person shall on the grounds of race, color, national origin, sex or creed as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (PL 100.259), and the Section 520 of the Airport and Airway Improvement Act of 1982 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Birmingham Airport Authority further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs are federally funded or not. When communities may be impacted by programs or activities every effort will be made to inform and involve their leaders and the general public in providing their comments and feedback regarding the decision making process. Awards of contracting, concessionaires, and leases are made without regard for race, color, national origin, sex or creed.

The Birmingham Airport Authority requires Title VI assurances from each tenant, contractor, and concessionaire providing an activity, service or facility at the airport under lease, contract or franchise from the airport. The Birmingham Airport Authority also requires that such tenants, contractors, and concessionaires require Title VI assurances of their subcontractors.

Diane Gillam, Properties and DBE Manager, is responsible for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by 49 CFR 21.



Birmingham Airport Authority President and CEO



Date

II. ADMINISTRATION

The Title VI Program Manager is responsible for initiating and monitoring Title VI activities, preparing required reports and other required responsibilities.

Title VI Program Manager Responsibilities

The Title VI Program Manager:

- Receives records and forwards a copy of Title VI complaints to the Federal Aviation Administration (FAA) within 15 days of receipt.
- Provides the FAA with an explanation of resolution attempts regarding the complaint. 49 CFR Part 21 Appendix C (b) (3).
- Annually reviews the airport's Title VI plan and disseminates Title VI information, education, etc. to program liaisons.
- Responds to requests by FAA for data and records to determine Title VI compliance.
- Coordinates with program liaisons to ensure that racial and ethnic data showing the extent to which minority groups are beneficiaries of or impacted by airport programs is available. 49 CFR 21.9 (b) & (c).
- Maintains a copy of 49 CFR Part 21 for inspection by any person asking for it during normal working hours. This regulation is available at www.flybirmingham.com.

III. RESPONSIBILITIES AND OBJECTIVES

The principle of environment justice in transportation planning ensures that transportation projects do not have disproportionately negative impact on minority and low-income populations. The goal is to achieve environmental justice protection for all communities.

For transportation, Title VI means assessing the nature, extent, and incidence of probable impacts, both negative and positive, from any transportation-related activity on minority, low-income and other disadvantaged populations. Transportation activities include the broad pattern of transportation investment and impacts considered in the City planning process through implementation of individual transportation projects.

IV. LEGISLATION AND GUIDANCE

Title VI of the Civil Rights Act of 1964 created a foundation for future environmental justice regulations. Since the establishment of Title VI, environmental justice has been considered in local, state, and federal transportation projects. Section 42.104 of Title VI and related statutes require Federal agencies to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, national origin, age, sex, disability, or religion.

The National Environmental Policy Act of 1969 (NEPA) addresses both social and economic impacts of environmental justice. NEPA stresses the importance of providing for "all Americans safe, healthful, productive, and aesthetically pleasing surroundings", and provides a requirement for taking a "systematic, interdisciplinary approach" to aid in considering environmental and community factors in decision making.

The Civil Rights Restoration Act of 1987 further expanded Title VI to include all programs and activities of Federal aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not.

On February 11, 1994, President Clinton signed Executive Order 12898: Federal Actions to Address Environmental Justice in minority Populations and Low-Income Populations. This piece of

legislation directed every Federal agency to make Environmental Justice part of its mission by identifying and addressing all programs, policies, and activities that affect human health or the environment so as to identify and avoid disproportionately high and adverse effects on minority populations and low-income populations.

Rather than being reactive, Federal, State, local and tribal agencies must be proactive when it comes to determining better methods to serve the public who rely on transportation systems and services to increase their quality of life.

In April 1997, as a reinforcement to Executive Order 12898, the United States Department of Transportation (DOT) issued an Order on Environmental Justice (DOT Order 5610.2), which summarized and expanded upon the requirements of Executive Order 12898 to include all policies, programs, and other activities that are undertaken, funded, or approved by the Federal Highway Administration, the Federal Transit Administration (FTA), the Federal Aviation Administration, (FAA), or other U.S. DOT components.

Section 520 of the Airport and Airway Improvement Act of 1982, (49 USC, 47123) added sex and creed to the list of prohibited bases of discrimination with regard to nondiscrimination in the FAA's grant program.

Advisory Circular 150/5100-15A provides information and guidance on nondiscrimination in benefits and services to the public; employment in federally-assisted construction contracts; airport employment opportunities; and benefits, services, employment and accessibility for people with disabilities.

V. GRANT ASSURANCES – 49 CFR 21.7 (a) (1); 49 CFR Part 21 Appendix C(b)

The Birmingham Airport Authority, upon application for its first grant to purchase land or an airport or noise implementation project involving construction, executed the complete standard DOT Title VI assurances.

In subsequent grants the Birmingham Airport Authority, includes the Civil Rights Grant Assurance as provided in the grant application package for all FAA-assisted contracts. These assurances can also be found on the Internet at <http://www.nw.faa.gov/airports/inetform.htm#APPS>

Clauses/Covenants:

- a. All contracts, leases, deeds, licenses, permits or other similar instruments, not only those resulting from the first grant, but in all instruments from that point on, contain the contractual requirements and clauses outlined in the DOT Title VI Assurance.
- b. The general Civil Rights Provision is inserted into all contractor, tenant, concessionaire, and lessee agreements. Further the Birmingham Airport Authority requires this provision to be included in all subcontracts, subleases and other agreements at any tier.

VI. MINORITY BUSINESS NOTIFICATION – 49 CFR 21 Appendix C (a) (1) (x)

BAA shall assure that the minority business community in the area is advised of the opportunities offered by airport concessions, and that bids are solicited from such qualified minority firms, and awards made without regard to race, color, or national origin.

NOTE: This regulation is in addition to the Disadvantaged Business Enterprise Program in 49 CFR Part 26. All FAA funding recipients, regardless of funding levels, must meet the notification and award requirements of 49 CFR Part 21 Appendix C(a)(1)(x).

Bids for airport contractors and concessions are solicited from area minority businesses through the following avenues: Local minority and general newspapers, trade journals, and a professional services directory, etc. Some of the bid notification sources include:

- The Birmingham News
- The Birmingham Times
- The ALUCP Directory
- www.flybirmingham.com

The contractors and concession award process is not based on race, color, national origin, sex or creed. Information on the award process and documentation for specific bid decisions is kept with the Birmingham Airport Authority, Properties and DBE Manager, 5900 Messer Airport Highway, Birmingham, Alabama 35212.

VII. TRANSPORTATION – 49 CFR 21 Appendix C (a) (1) (ix)

The Birmingham Airport Authority has coordinated with the City of Birmingham, to assure public transportation is available and convenient to the disadvantaged areas of nearby communities to enhance employment opportunities for the disadvantaged and minority population.

The Birmingham Airport Authority's Director of Operations requested the fixed route service, which includes a bus to the Birmingham Airport Authority. The bus to the Birmingham-Shuttlesworth International Airport provides service throughout the day.

VIII. MONITORING

The Title VI Program Manager will provide oversight of the entire Title VI Program. This includes ensuring training is conducted, language translation services are available, and appropriate Title VI signage is posted. This also includes updating community statistics, and corresponding with the FAA as necessary.

IX. COMPLAINTS – 49 CFR 21 Appendix C (b) (3); 28 CFR 42.406(d)

Written Title VI complaints received by airport personnel are forwarded to the Title VI Program Manager. The Program Manager maintains a record of the complaint, conducts a preliminary review and attempt at resolution, and forwards a copy of the complaint and a description of the resolution efforts to the FAA within 15 days of receipt. The following are the complaint procedures.

“THE BIRMINGHAM AIRPORT AUTHORITY DISCRIMINATION COMPLAINT PROCEDURES”

These procedures are for complaints of discrimination, other than employment discrimination by the Birmingham Airport Authority. They apply to discrimination by airport employees, contractors, concessionaires, lessees, or tenants of the Airport, or at Airport facilities based upon race, creed, color, national origin, or gender, including but not necessarily limited to complaints under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. They cover any program or activity administered by the Birmingham Airport Authority.

Any person who feels that he or she has been subjected to discrimination on the basis of race, creed, color, national origin, or gender has the right to file a complaint with the Birmingham Airport Authority. These procedures do not deny or limit the right of a complainant to file a formal complaint with an outside agency, such as the U.S. Department of Transportation or federal Aviation Administration (FAA), or to seek private legal counsel regarding discrimination.

Procedure

Complaints must be filed within 90 days after the discriminatory event, must be in writing, and must be delivered to:

Diane Gillam
Title VI Program Manager
Birmingham Airport Authority
5900 Messer Airport Highway
Birmingham, Alabama 35212
dgillam@flybirmingham.com

If a complaint is initially made by phone, it must be supplemented with a written complaint within 90 days after the discriminatory event. Accommodation will be provided upon request to individuals unable to file a written complaint due to a disability.

A copy of complaints alleging what amounts to a Title VI violation by airport employees, contractors, concessionaires, lessees, or tenants, relative to the airports aviation activities, will be forwarded to the FAA. For information on filing a complaint with DOT/FAA contact the individual named above. The Title VI Program Manager may meet with the complainant to clarify the issues, obtain additional information, and determine if informal resolution might be possible. The Title VI Program Manager will issue a written decision.

Procedures

Initial Receipt of Written Complaint

Title VI Program Manager will log in the complaint and promptly send copies of the complaint to the Director of Administrative Services.

Assignment of Investigator

The Title VI Program Manager will immediately begin the investigation and/or designate an investigator, typically the Human Resources Administrator.

Contact with Complainant

The Title VI Program Manager should meet with the complainant to clarify the issues and obtain additional information, if needed.

Investigation Report.

After completing the investigation, the Title VI Program Manager will prepare a written report.

Forwarding Report and Response to Complainant

At the completion of the investigation, the complainant and respondent will receive a letter of findings and determination of the investigation and any applicable resolution. Additionally, the letter will describe the complainant's appeal rights.

FAA Notification

Within 15 days of receipt, the Title VI Program Manager will forward a copy of the complaint and a statement describing all actions taken to resolve the matter and the results thereof to the FAA, Regional Civil Rights Staff.

Appeal and Final Administrative Action

If the complainant disagrees with the written response or conclusion, the complainant may appeal in writing to the Birmingham Airport Authority President and CEO. The written appeal must be received within ten (10) business days after receipt of the written decision. The written appeal must contain all arguments, evidence, and documents supporting the basis for the appeal. The Birmingham Airport Authority President and CEO will issue a final written decision in response to the appeal.

** The BAA will reference the Justice Department's Investigation Procedures Manual for guidance and procedures for Title VI discrimination complaints.

Training

The Birmingham Airport Authority's new employee orientation incorporates non-discrimination, sexual harassment, and respect of cultural differences training. It includes forwarding complaints to Title VI Program Manager and accessing translation services. It also contains cultural and sensitivity training. Refresher information will be provided annually. Additionally, the Program Manager will present information annually during the Station Manager's Meeting.

X. NOTICES – 49 CFR Part 21 Appendix C (b) (2) (ii)

The Birmingham Airport Authority conspicuously display the FAA provided non-discrimination posters in various areas of the airport. The Title VI Program Manager ensures these posters are visible and maintained.

The Birmingham Airport Authority ensures that required notices of public hearings and opportunities to comment on proposed airport actions reach all segments of the impacted community. Such notices are announced over general and minority newspapers and electronic media, where appropriate. The Birmingham Airport Authority contacts leaders in affected communities directly and invites their participation.

To ensure that the community is effectively informed of and able to participate in public hearings, the Birmingham Airport Authority advertises public notices in appropriate languages when a significant number or proportion of the affected community has limited English proficiency. Such notices will include direction for obtaining an interpreter free of charge for the public hearing.

XI. REPORTS AND FORMS – 28 CFR 42.406(d); 49 CFR Part 21 Appendix C (b) (3)

The Birmingham Airport Authority completes the "Title VI Pre-Award Sponsor Checklist" as part of the grant application package for projects that meet one or more of the following criteria:

1. Environmental assessment or impact statement;
2. Major runway extension;
3. Relocation of airport, runway, person or structure; or
4. Impact access or preservation of burial, ceremonial or other sacred or historic structure or lands of any indigenous or ethnic population.

The checklist is available by calling your FAA Regional Civil Rights Staff.

XIII. LIMITED ENGLISH PROFICIENCY (LEP) EXECUTIVE ORDER 13166

The US Census Bureau have identified the following languages in which LEP may exist:

Jefferson County, Alabama	
Total Population	613,744
Speak Only English	578,017
Spanish or Spanish Creole	22,363
Chinese	12,473
French	1,490
Hindi	1,184
Arabic	1,174
German	1,031
Other Asian Languages	215
African Languages	828
Other Indic Languages	638
Vietnamese	537
Korean	299
Other Pacific Island Languages	282
Russian	276
Hebrew	272
Other languages	Additional amounts less than 272

As stated in DOT Notice 2001-8696 transportation is considered an essential service to participation in modern society. Therefore, we have made the following plans to provide translation services free of charge to ensure that individuals with LEP have access to the benefits of the airport:

- 1) All written notices contain a statement in the identified languages, when appropriate, of how to receive translated written materials and/or to arrange for a translator at a public meeting.
- 2) The Birmingham Airport Authority will hire a translator for necessary meetings.
- 3) In addition, the Birmingham Airport Authority contracts with RTT Mobile Interpretation to provide on demand telephone interpretation services to beneficiaries.
 - A) When a request for an interpreter is received it is relayed to the Operations center.
 - B) The Operations center staff has a device called ELSA that you push a button and they have access to 180 languages.
 - C) The Operations center employee will give the interpreter specific questions to relay.

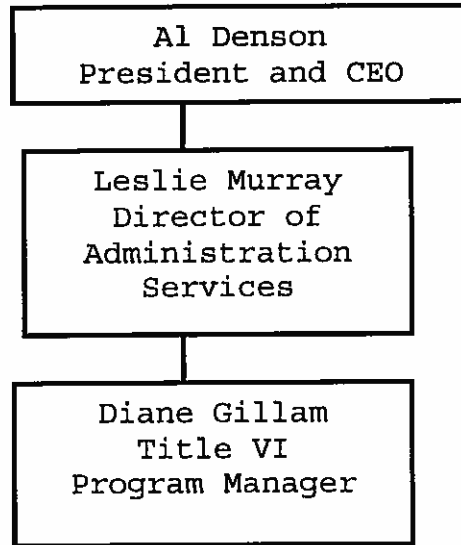
Attachment 1

Regulations: 49 CFR Part 21

http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl

Attachment 2

Organizational Chart



Attachment 3

Minority Business Public Participation

**DBE WORKSHOP
AUGUST 27, 2015
BIRMINGHAM-SHUTTLESWORTH INTERNATIONAL AIRPORT
MEETING ROOM A**

9:00am – 10:30am

1:30pm – 3:00pm

You're invited to attend a 90-minute workshop to become DBE Certified!

The Birmingham Airport Authority is providing a workshop to inform potential applicants about the Disadvantaged Business Enterprise (DBE) Program. The program promotes and encourages the use of eligible Disadvantage Business Owners for federally-assisted contracts and procurement activities conducted by recipients of federal funds.

WHO SHOULD ATTEND:

- **WOMEN AND MINORITY** Individuals who OWN and CONTROL a SMALL BUSINESS
- Prime Contractors seeking to partner with a DBE Firm

Please RSVP by calling Diane Gillam at 205-599-0522 or email dgillam@flybirmingham.com.

Attachment 4

Example Contract Language

Non-discrimination

“That no person on the grounds of race, creed, color, sex, age, disability, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of the leased premises.”

“That in the construction of any improvements on, over, or under the Leased Premises and the furnishing of services thereon, no person on the grounds of race, creed, color, sex, or national origin shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination.”

“In compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Part 21, nondiscrimination in federally assisted programs of the Department of transportation Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulation may be amended. ” shall also comply with the applicable provisions of Section 504 of the Rehabilitation Act of 1973 and 49 CFR Part 27.

“That, in the event of breach of any of the above nondiscrimination covenants, City shall have the right to terminate this Agreement and re-enter and repossess the Leased Premises and the improvements thereon, and hold the same as if said Agreement had never been made or issued.”

Attachment 5Birmingham Airport Authority Policy**EXECUTIVE OFFICE**

Title VI of the Civil Rights Act of 1964 states that

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 subjected to discrimination under any program or activity receiving Federal financial assistance.

Inability to access, or participate in, federally funded Authority programs and services because of language barriers is a form of prohibited discrimination. Birmingham's changing demographics have resulted in significant growth in the Authority's limited English proficiency (LEP) population. Thus, in compliance with Title VI and in order to provide quality services to all members of the public, the Birmingham Airport Authority shall take the following steps to ensure accessibility of its programs to its limited English speaking customers:

1. When needed, the Authority will provide trained interpreters at no cost to any individual who requires such services in order to participate in an Authority program. If a bi-lingual employee is available to provide such services, they will be used if they have been trained to provide interpreter services.

2. All employees in positions which have contact with the public, whether federally funded or not, will be trained in the procedures to follow when a limited English speaking customer attempts to access an Authority service and there is difficulty in communicating with that customer. Training will be provided in the following areas:

- a. Determination of the language needed;
- b. Availability of trained translators and when to call them; and
- c. Availability and use of the ELSA Language Line Services

3. The Authority's policy of ensuring accessibility of the Authority's programs and services to all of its citizens, regardless of English proficiency, will be reviewed with appropriate management staff. Each Department will be responsible for identifying its needs for its limited English-proficiency customers, including training needs for Departmental employees and need for translated program materials, and shall work to implement this Authority's policy on an ongoing Departmental basis.

Diane Gillam
Title VI Program Manager