



Departmental Standard Operating Procedure (DSOP)

DSOP No. 12-01

Last Amended: January 27, 2012

Effective: 12/24/18

SUBJECT: Compliance with 49 CFR Part 21 - Title VI of the Civil Rights Act of 1964.

PURPOSE and SCOPE:

It is the intent of this DSOP to provide ongoing guidance for the review and update of the Department's procedures implementing and complying with 49 CFR Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Title VI of the Civil Rights Act of 1964.

I. AUTHORITY:

- A. Miami Dade County Code - Chapter 25 – Aviation Department Rules and Regulations
- B. Operational Directive No. 00-01 – Departmental Standard Operation Procedures
- C. Operational Directive No. 99-03 – Aviation Written Directive System
- D. 49 CFR Part 21 Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Title VI of the Civil Rights Act of 1964
- E. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency
- F. Department of Justice – Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination against Persons with Limited English Proficiency; Policy Guidance; Federal Register/Volume 65, No. 159, issued August 16, 2000.
- G. Department of Transportation – Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons; Federal Register/Volume 70, No. 239, issued December 14, 2005.

II. DEFINITIONS:

- A. MDAD – Miami-Dade Aviation Department
- B. CFR – Code of Federal Regulations

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C. Title VI – Refers to 49 CFR Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Title VI of the Civil Rights Act of 1964

D. LEP – Limited English Proficient, as in LEP persons

III. POLICY:

Title VI of the Civil Rights Act of 1964 prohibits the discrimination on the basis of race, color, creed, sex or national origin in programs and activities receiving federal financial assistance. Specifically, Title VI provides that ‘no person in the United States shall, on the grounds of race, creed, color, sex, 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.’ The Aviation Department is committed to providing aeronautical services to the public regardless of race, creed, color, sex, or national origin. In addition, the Department is dedicated to maintaining compliance with language access requirements to ensure effective communication with limited English proficient (LEP) individuals as required by Executive Order 13166. This policy has been developed to provide for the periodic review of the Department’s practices to comply with Title VI requirements and to establish procedures that will provide guidance in assessing our compliance as well as updating our practices as necessary.

IV. PROCEDURES:

A. Designating a Title VI Coordinator and Liaisons

- a. The Title VI Coordinator shall be familiar with the various functions of the Airport where customer interaction occurs and the ongoing efforts to assure compliance to Title VI within those functions. Other responsibilities include:
 1. Providing assurance of the proper investigation, resolution and reporting of all Title VI complaints. Complaints are to be reported to the FAA within 15 days of receipt of the complaint. (49 CFR Part 21 – Appendix C (b)(3)).
 2. Assuring the Department’s Title VI Plan is annually reviewed for updates and Title VI information/education is disseminated to all program liaisons as needed.
 3. Obtaining data on the race, color and national origin representation of non-elected planning and advisory bodies for the Department, and identifying any disparity between representation on these entities and the airport beneficiaries to the selecting official/committee when vacancies occur.
 4. Coordinating with program liaisons to ensure racial and ethnic data showing the extent to which minority groups are beneficiaries of or affected by Department programs is available. (49 CFR Part 21.9 (b) & (c)).

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5. Maintaining a copy of 49 CFR Part 21 for inspection by any person asking to review it during normal working hours. The regulation is available at the following: <http://usdoj.gov/crt/cor/byagency/dotvi.htm>. The Title VI regulation may also be available for viewing on the Department website.
 6. Keeping current with all Title VI legislation and issues as well as providing guidance to liaisons.
- b. Title VI Liaisons shall be designated from selected Aviation Divisions for the purpose of reporting and coordinating data relating to Title VI and forwarding this information to the Title VI Coordinator.
1. The Department Divisions that require Title VI Liaisons are: Terminal Operations, Marketing, Real Estate, Planning, Procurement, Contracts, Landside Operations, Professional Compliance and the General Aviation Airports.
 2. Each liaison is responsible for assuring ongoing compliance with Title VI through its division's practices and procedures.
 3. Where reporting ethnic data is required, liaisons will do so and forward that information to the Title VI Coordinator at required reporting intervals.

B. Racial and Ethnic Data Analysis

Title VI requires federal grant recipients to know its community demographics. This Directive establishes which Divisions gather demographic data for analysis into meaningful statistics.

- a. The Department is required to have available racial and ethnic data showing the extent to which members of minority groups are beneficiaries of the Department's programs. The Minority Affairs (for Business Opportunities), Contracts (for Awarded contracts), Terminal Operations (Title VI Complaints), and the Landside (Taxi Lot complaints) Divisions will record data for the indicated areas. Data will be logged as gathered and submitted to the Title VI Coordinator upon request.
- b. The Title VI Coordinator will identify trends in the data that reflect areas for additional review of discriminatory practices, areas where more information should be provided to minority groups and areas where additional training may be required.
- c. The Professional Compliance Division shall support the Title VI Coordinator and review data trend analyses as requested, for concurrence of analyses conclusion. All final review results will be forwarded to the Title VI Coordinator for acknowledgement and filing.

C. LEP Plan

The objective of this Plan is to continually provide language assistance to our Limited English Proficient airport users and visitors to assure ongoing effective communication and access. An individual with limited English proficiency (LEP) is someone with limited ability to read, write, speak, or comprehend English. The Aviation Department will take reasonable steps to ensure that all persons have meaningful access to its programs, services, and information, at no additional cost. The Aviation Department has developed this Plan to help identify reasonable steps for providing language assistance to LEP persons who wish to access services provided by the Department.

a. **Four-Factor Analysis:** In order to prepare this Plan, the Aviation Department referenced the U.S. Department of Transportation's (DOT) four-factor LEP analysis. Following is each factor with the Department's results:

1. The number and proportion of LEP persons served or encountered in the eligible service population.
 - a) The Aviation Department reviewed, and continuously seeks guidance from U.S Census Bureau data for the percentage of population in Miami-Dade County that indicated that they spoke English "*less than very well*." Further, the data was analyzed to determine which language(s) were the primary languages spoken by those who spoke English "*less than very well*." Spanish is the predominant primary language in the Miami-Dade County service area representing 31.4% of the population (5 years and older) reflecting those who indicated that they spoke English "*less than very well*". Languages of the remaining LEP populations represent less than 1% of the service area. Every effort is made to serve all members of the LEP community, as addressed in Section IV. C. d., below.
 - b) The Aviation Department also continuously reassesses the language needs in the region with data provided by the Department's Marketing Division, Terminal Operations Division and the Minority Affairs Division (see Section IV. C. c., below).
2. The frequency with which LEP persons come in contact with the Aviation Department programs, activities, or services.
 - a) The Miami-Dade Aviation Department serves individuals in the Miami-Dade Community, including the traveling public (with their family and friends), and employees (both directly and indirectly), and provides a number of public benefits and services, and is very likely to provide services to LEP populations frequently.

3. The nature and importance of services provided by the Aviation Department to the LEP community.
 - a) The Aviation Department provides a number of services to the LEP community as noted in Section IV. C. d., below.
4. The resources available to the Aviation Department and overall cost to provide LEP assistance.
 - a) The Aviation Department is committed and has allocated necessary resources to properly provide the necessary assistance to its LEP population.
- b. **Understanding How LEP Individuals Interact with MDAD:** Any interaction with the public has the potential to interact with LEP individuals. The majority of interactions occur within the Terminal areas. Additional interactions occur through MDAD's website (<http://www.miami-airport.com>), informational telephone calls, and vendors doing business with MDAD.
- c. **Identification and Assessment of LEP Communities:** The Airport is required to identify our user and visitor language needs to assure they can access our benefits, programs and services:
 1. The Marketing Division Liaison evaluates all airline flight and passenger data identifying predominant users and beneficiaries of the Airport. Use of this data provides ongoing assurance those language needs are being met throughout the Airport. Information gathered will be submitted to the Title VI Coordinator on a quarterly basis.
 2. The Terminal Operations Liaison documents all Title VI complaints from Terminal users relating to use of airport services, patronage at terminal concessions and interactions with our employees and business partners. The information gathered can identify language barriers not yet identified and preventing effective use of airport programs and services. Information gathered will be submitted to the Title VI Coordinator on a monthly basis.
 3. The Minority Affairs Division Liaison documents all Title VI complaints relating to airport business opportunities. Information gathered identifies those ethnic areas where language assistance needs to be enhanced and advertised business information needs translation enhancements. Information gathered will be submitted to the Title VI Coordinator on a monthly basis. The Liaison meets with minority businesses interested in doing business with MDAD and conveys any LEP needs encountered to the Title VI Coordinator, as needed, so additional services can be addressed.

4. The Title VI Coordinator gathers and reviews the above documentation for areas of improvement. All information will be filed for historical purposes.
 5. The Professional Compliance Division Liaison addresses compliance and improvement through periodic training.
- d. **Providing Language Assistance Services:** The Department has multiple language assistance services in place to serve the community. They include:
1. Oral language assistance is provided in the form of “in-language” communication at the main Information Counter at Concourse E by multilingual staff members communicating directly in an LEP person’s language. Each staff member is fluent in a minimum of two languages besides English. Additional spoken language interpretation services have been contracted by the Department and are available through on-demand telephone access to over 170 language interpreters. The Information Counter staff facilitates the selection of LEP passengers’ native language through the use of language cards. The Information Counters are managed by the Department’s Terminal Operations Division and Customer Service, which also manages the Ambassador Information Program, whose mission is to provide information and assistance to the traveling public. These volunteers provide assistance at several information counters, circulate throughout the terminal and direct LEP passengers to the nearest Information Counter for language services. Additionally, there are over 100 white courtesy phones located throughout the terminal building that provide multilingual customer support.
 2. Written language assistance is provided through the use of multilingual signage with related pictorials throughout the terminal, which assists LEP passengers identify areas of importance. Written language assistance is also provided via the Department’s website (<http://www.miami-airport.com>) which provides information on all its programs and activities and is translatable into 105 languages to facilitate comprehension by LEP individuals seeking information.
 3. In the event of an emergency, evacuation procedures have been developed to efficiently evacuate LEP individuals. These procedures include bi-lingual announcements (in Spanish), hand gestures to indicate the direction to evacuate to, and multi-lingual employees providing instructions.
- e. **Staff Training:** Staff working with LEP individuals shall receive initial and periodic training on how to access all the language assistance services available to the traveling public. Initial hiring is based on multilingual skills. Terminal volunteers in the Volunteer Ambassador Program are provided training in how to direct LEP passengers to the nearest Information Counter for further language assistance. The Division Director of Terminal Operations manages the training programs under the guidance of the Title VI Coordinator.

- f. **Providing Notice of Language Assistance Services:** The Department's website (<http://www.miami-airport.com>) states that language assistance is available at the Information Counters and the white courtesy phones.
- g. **Monitoring of the LEP Plan:** To assure ongoing effectiveness of our Plan the following areas have been identified as access points for Airport users and visitors. These areas will be continually monitored by the Title VI Coordinator for effectively providing LEP information through the processes established for providing information and by reviewing any gathered data from the identified liaisons as indicated in Section C:
 - 1. **The Terminal Operations Division:** Provides spoken language assistance services at the main information counter at concourse E which includes multi-lingual on-site staff, translator services through a contracted provider and website information translated in several languages through Google Translation services. The Division monitors changes in countries served by airlines to assure LEP needs are met and is required to address all Title VI complaints arising from terminal users.
 - 2. **Minority Affairs:** Provides outreach meetings and events to advise minority and small business communities of future concession and contracting opportunities at the airport. Provides continual dialogue to minority groups requesting solicitation information. Assures advertisements of business opportunities are in publications targeting minority populations, currently Diario de Las Americas, Haiti Marche, the Miami Times and the Daily Business Review. This division is also responsible for responding to Title VI complaints arising from contractors and concessionaires.
 - 3. **Contracts:** Maintains a transparent and competitive solicitation and award process to assure all interested members of the community have an opportunity to participate. Posts all business opportunities on our airport website, in newspapers of general circulation and publications targeting minority populations. Video records public meetings held to open and evaluate responses from bidders and ranks bidding firms based on qualitative and quantitative measures. Maintains appropriate Title VI nondiscrimination clauses in the boilerplate languages of all construction, concession, lease, professional service and airline use agreements as well as permits. Maintains records supporting all bids solicited and awarded for inspection by the FAA.
 - 4. **Environmental:** Ensures compliance with Executive Order 12898 by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. Compliance is continually reviewed within Environmental Impact Statements and Environmental Assessments.

5. **Planning:** Site selections are not made to exclude individuals from participating in, to deny them the benefits of, or to subject them to discrimination under a program or activity to which this rule applies, on the grounds of race, color or national origin.
6. **General Aviation Airports:** The Airport Managers are responsible for responding to Title VI complaints arising from contractors and concessionaires and users.

D. Title VI Complaint Liaison and Procedures

- a. Complaint Procedures have been established for the following Divisions: Terminal Operations, Customer Service, Minority Affairs, the General Aviation Airports and the Airside Division-Noise Abatement Program.
- b. The Title VI Complaint Liaisons have formalized procedures for addressing how complaints will be recorded, resolved and reported. (See the Aviation Department Written Directives: SOPs 11-01, 11-02 and 11-03.)
- c. All Title VI complaints, investigations and resolutions are forwarded to the FAA within 15 days of receipt, along with a statement describing all actions taken to resolve the matter and the results thereof.
- d. All copies of all Title VI complaints, investigations and resolutions are forwarded to the Department's Title VI Coordinator for acknowledgement and filing.

V. AMENDMENTS:

The Department reserves the right to amend this operating policy at any time based on current law, Miami-Dade County policies and operating needs.

IV. REVOCATION:

Revocations and removal of established Department policies requires written justification by requesting division management for review and concurrence by the Department's Professional Compliance Division. Upon written concurrence, the revocation request will be submitted, by Professional Compliance, for approval by the Aviation Director. Should the written directive be an Operational Directive, the authorized revocation justification will be sent to the Clerk of the Board for filing with the original Operational Directive under revocation. All approved revocation justification memoranda shall be posted to the Department's Written Directives Log to identify why the directive has been revoked to maintain ongoing operational accountability.

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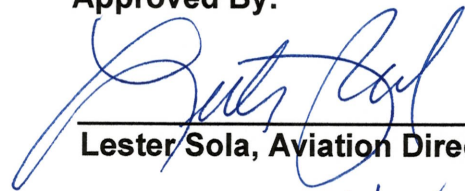
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VI. SEVERABILITY:

If any court of competent jurisdiction determines that any provision in this policy is illegal or void, that provision shall be nullified and the remainder of this policy shall continue in full force and effect. If such court rules that any charge, fee, or security deposit requirement is illegal or void, the Aviation Director is authorized and directed to impose a charge, fee, or security deposit requirement that complies with the court order or applicable provisions of law, which shall become effective on the date of imposition and shall continue until modified by the Miami-Dade County Board of County Commissioners.

V. CROSS REFERENCES: None

Approved By:



Lester Sola, Aviation Director

Date: 12/24/18