

the Civil Rights Act of 1964. The provisions of this section shall be considered to be in addition to and not in lieu of the provisions of Title VI of the Civil Rights Act of 1964.

(b) Each grantee, covered organization, or covered suborganization under this part shall negotiate reformation of any contract, subcontract, lease, sublease, or other agreement to include any appropriate provision necessary to effect compliance with this subpart by July 17, 1980.

§ 152.403 Definitions.

As used in this subpart—

ADA means the Airport and Airway Development Act of 1970, as amended (49 U.S.C. 1701 *et seq.*).

Affirmative action plan means a set of specific and result-oriented procedures to which a sponsor, planning agency, state, or the aviation related activity on an airport commits itself to achieve equal employment opportunity.

Airport development means—(1) Any work involved in constructing, improving, or repairing a public airport or portion thereof, including the removal, lowering, relocation, and marking and lighting of airport hazards, and including navigation aids used by aircraft landing at, or taking off from, a public airport, and including safety equipment required by rule or regulation for certification of the airport under section 612 of the Federal Aviation Act of 1958, and security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport, and including snow removal equipment, and including the purchase of noise suppressing equipment, the construction of physical barriers, and landscaping for the purpose of diminishing the effect of aircraft noise on any area adjacent to a public airport;

(2) Any acquisition of land or of any interest therein, or of any easement through or other interest in airspace, including land for future airport development, which is necessary to permit any such work or to remove or mitigate or prevent or limit the establishment of, airport hazards; and

(3) Any acquisition of land or of any interest therein necessary to insure that such land is used only for purposes

which are compatible with the noise levels of the operation of a public airport.

Aviation related activity means a commercial enterprise—(1) Which is operated on the airport pursuant to an agreement with the grantee or airport operator or to a derivative subagreement;

(2) Which employs persons on the airport; and

(3) Which—(i) Is related primarily to the aeronautical activities on the airport;

(ii) Provides goods or services to the public which is attracted to the airport by aeronautical activities;

(iii) Provides services or supplies to other aeronautical related or public service airport businesses or to the airport; or

(iv) Performs construction work on the airport.

Aviation workforce includes, with respect to grantees, each person employed by the grantee on an airport or, for an aviation purpose, off the airport.

Covered organization means a grantee, a subgrantee, or an aviation related activity.

Covered suborganization is a subgrantee or sub-aviation related activity, of a covered organization.

Department means the United States Department of Transportation;

Grant means Federal financial assistance in the form of funds provided to a sponsor, planning agency, or state under this part;

Grantee means the recipient of a grant.

Minority means a person who is—(1) Black and not of Hispanic origin: A person having origins in any of the black racial groups of Africa;

(2) Hispanic: A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race;

(3) Asian or Pacific Islander: A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including, but not limited to China, Japan, Korea, the Philippine Islands, and Samoa; or

(4) American Indian or Alaskan Native: A person having origins in any of the original peoples of North America

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who maintains cultural identification through tribal affiliation or community recognition.

Planning agency means any planning agency designated by the Secretary which is authorized by the laws of the State or States (including the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Guam) or political subdivisions concerned to engage in areawide planning for the area in which assistance under this part is to be used;

Secretary means the Secretary of Transportation or an authorized representative of the Secretary within the Department of Transportation;

SMSA means Standard Metropolitan Statistical Area.

Sponsor means any public agency that, either individually or jointly with one or more other public agencies, submits to the Administrator, in accordance with this part, an application for financial assistance, or that conducts a project for airport development or airport master planning, funded under this part;

Underutilization means having fewer minorities or women in a particular job group than would reasonable be expected from their availability in—

- (1) The SMSA; or
- (2) In the absence of a defined SMSA, in the counties contiguous to the employer's location, or the location where the work is to be performed, and in the areas from which persons may reasonably be expected to commute.

§ 152.405 Assurances.

The following assurances shall be included in each application for financial assistance under this part:

(a) *Assurance.* The grantee assures that it will undertake an affirmative action program, as required by 14 CFR part 152, subpart E, to ensure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from participating in any employment, contracting, or leasing activities covered in 14 CFR part 152, subpart E. The grantee assures that no person shall be excluded, on these grounds, from participating in or receiving the services or benefits of any program or activity covered by this

subpart. The grantee assures that it will require that its covered organizations provide assurances to the grantee that they similarly will undertake affirmative action programs and that they will require assurances from their suborganizations, as required by 14 CFR part 152, subpart E, to the same effect.

(b) *Assurance.* The grantee agrees to comply with any affirmative action plan or steps for equal employment opportunity required by 14 CFR part 152, subpart E, as part of the affirmative action program, and by any Federal, State, or local agency or court, including those resulting from a conciliation agreement, a consent decree, court order, or similar mechanism. The grantee agrees that State or local affirmative action plans will be used in lieu of any affirmative action plan or steps required by 14 CFR part 152, subpart E, only when they fully meet the standards set forth in 14 CFR 152.409. The grantee agrees to obtain a similar assurance from its covered organizations, and to cause them to require a similar assurance of their covered suborganizations, as required by 14 CFR part 152, subpart E.

§ 152.407 Affirmative action plan: General.

(a) Except as provided in paragraph (b) of this section, each of the following shall have an affirmative action plan that meets the requirements of § 152.409 and is kept on file for review by the FAA Office of Civil Rights:

(1) Each sponsor who employs 50 or more employees in its aviation workforce.

(2) Each planning Agency which employs 50 or more employees in its agency for aviation purposes.

(3) Each state political division, administering a grant under the AADA to develop standards for airport development at general aviation airports, which employs 50 or more employees in its aviation workforce.

(b) A grantee is in compliance with paragraph (a) of this section, if it is subject to, and keeps on file for review by the FAA Office of Civil Rights, one of the following:

(1) An affirmative action plan acceptable to another Federal agency.