



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpbg.net

#7

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, NOVEMBER 17, 2020 AT THREE O'CLOCK P.M.

On motion of Mr. Lewis, seconded by Mrs. Alcon, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #2082-11-20

A RESOLUTION AUTHORIZING ST. BERNARD PARISH GOVERNMENT TO ADOPT THE ST. BERNARD TRANSIT CIVIL RIGHTS TITLE VI PROGRAM UPDATE.

WHEREAS, St. Bernard Parish Government must periodically update the St. Bernard Transit Department's Title VI Program, which is attached along with supporting documents.

NOW THEREFORE, BE IT RESOLVED, that the St. Bernard Parish Council, the governing authority of St. Bernard Parish, does hereby adopt the St. Bernard Transit Civil Rights Title VI Program Update.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Moran, Luna, Alcon, Everhardt, Lewis

NAYS: None

ABSENT: McCloskey

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 17th day of November, 2020.



St. Bernard Parish Council

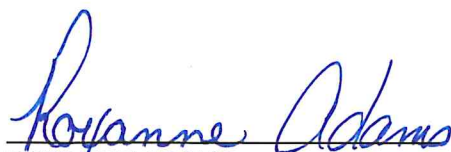
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Extract #7, continued
November 17, 2020

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, November 17, 2020.

Witness my hand and the seal
of the Parish of St. Bernard on
this 17th day of November, 2020.



ROXANNE ADAMS
CLERK OF COUNCIL

St. Bernard Transit

Title VI Program

(Updated November 2020)

Ref: FTA Circular 4702.1B Title VI and Title VI Dependent Guidelines for Federal Transit Administration (FTA) Recipients

Purpose: The purpose of this policy is to establish guidelines to effectively monitor and ensure that St. Bernard Transit is in compliance with Title VI of the Civil Rights Act of 1964 and applicable federal transit laws and policies established in FTA Circular 4701.1B.

Policy: St. Bernard Transit will ensure that our programs, policies, and activities are in compliance with the FTA Title VI regulations. St. Bernard Transit is committed to creating and maintaining a public transit service that is non-discriminatory and will undertake any preventive and corrective measures and pursue appropriate disciplinary actions regarding conduct that violates this policy and/or the rights it is designed to protect.

Requirement to Provide an Annual Title VI Certification and Assurance

To ensure compliance with 49 CFR Section 21.7, every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with Title VI of the Civil Rights Act of 1964. This requirement shall be fulfilled when the applicant submits its annual certifications and assurances to FTA. The text of FTA's annual certifications and assurances is available on FTA's website. St. Bernard Transit complies with the instruction annually in order to receive FTA funding. St. Bernard Transit's annual certification and assurance are signed and pinned in TRAMS every year within the allotted timeframe required.

Required to notify beneficiaries of protection under Title VI

To comply with 49 CFR Section 21.9(d), recipients shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Recipients that provide transit service shall disseminate this information to the public through measures that can include but shall not be limited to a posting on St. Bernard Transit's website (www.sbpbg.net/transit). St. Bernard Transit has this information posted on their website, public transit vehicles, and at the transit facility.

St. Bernard Transit's notification reads as follows:

Title VI of the Civil Rights Act of 1964 states

"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." St. Bernard Transit is committed to complying with the requirements of title VI in all of its federally funded programs and activities.

Making a Title VI, ADA, or General Complaint

To file a complaint, please submit it in writing to St. Bernard Transit within 180 days of the alleged incident.

The complaint form can be downloaded at www.sbsp.net/transit or you can call the Transit office at 504-277-1907 (TTY 504-279-1993) to have a form mailed to you. All written complaints will be investigated and answered by the department within 10 business days.

Hablamos en español.

Required to Develop Title VI Complaint Procedures

To comply with 49 CFR Section 21.9(b), recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request. St. Bernard Transit provides for staff to take complaints and then forward them to the Title VI Complaint Coordinator (Human Resources director) who categorizes, tracks, develops responses, and forwards them to the St. Bernard Transit Manager for approval.

Title VI Complaint Procedures

There are a number of methods by which members of the public may register a complaint related to the denial of an accommodation request or access to public transportation through any of the following processes:

1. Submit a customer complaint form that is on the transit website.
2. Phone the transit office at 504-277-1907.
3. E-mail the department manager at mbayham@sbsp.net
4. Make an in-person complaint at the St. Bernard Parish Government Complex, which is located at 8201 West Judge Perez Drive in Chalmette.

5. Mail a written complaint to St. Bernard Transit 8201 West Judge Perez Drive Chalmette, LA 70043

The written complaint procedure is as follows:

1) Those wishing to file a complaint are encouraged to fill out the complaint form posted on the St. Bernard Transit webpage. The complaint should be made within sixty (60) days of the alleged incident. The individual making the allegation may also designate a representative to complete and file the complaint as well. The form can be downloaded off the website and submitted via email, fax, USPS, or personally picked up by St. Bernard Transit staff. In the event the individual making the complaint refuses to complete the complaint form, the transit manager will interview the individual making the complaint and with the verbal consent of the individual making the complaint, complete the form on his/her behalf.

2) In the event a written complaint is received, it will be logged on to the transit complaint spreadsheet and retained in the complaint file for a period of five (5) years from the date the complaint was received by the transit department.

3) The complaint will be reviewed by the Transit Manager, Parish Attorney and Parish Government administration and promptly investigated.

4) St. Bernard Transit will respond to the complaint within ten (10) business days of receipt, including in the reply the parish's position regarding the complaint, affirming the validity of the complaint, challenging the validity of the complaint, or if additional time is required to further investigate the complaint.

5) In the event the transit department, legal counsel, and parish administration believe the complaint is valid, St. Bernard Transit will state its plan of action to resolve the situation. If it involves personnel who have engaged in any action that violated the civil rights of the passenger, that the complaint will be forwarded to the parish government personnel department for appropriate disciplinary action.

6) In the event the transit department, legal counsel, and parish administration challenges the validity of the complaint, St. Bernard Transit will state in writing its position on the matter, cite evidence supporting the parish's findings, and if applicable whatever action that may be taken by St. Bernard Transit related to the complaint.

7) In the event the transit department requires additional time to further investigate the complaint, St. Bernard Transit will contact the individual making the complaint and communicating the projected timeframe for the investigation's conclusion.

Members of the public may also file a Civil rights complaint with the FTA. The address to file a complaint is: Director, FTA Office of Civil Rights East Building, 5th Floor – TCR 1200 New Jersey, SE Washington, DC 20590

Disposition of Complaints

Substantiated Complaints- If the complaint is substantiated, this policy and procedure prohibiting discrimination will be reviewed with the offender. Appropriate disciplinary action and/or training will be undertaken pursuant to the agency disciplinary procedures.

Unsubstantiated Complaints- If there is insufficient evidence to either prove or disprove the allegation(s), both parties to the complaint will be informed of the reason(s) for this disposition.

Unfounded Complaints- If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, a finding that the complaint was unfounded shall be made.

Exonerated Complaints- If it is determined that an allegation reported to this policy/procedure did in fact occur, but was lawful and proper within the guidelines established herein, then a finding exonerating the individual who was the subject of the allegation shall be made.

Required to Record Title VI Investigations, Complaints, and Lawsuits

To comply with 49 CFR Section 21.9(b), recipients shall prepare and maintain a list of any active investigations conducted by entities other than the FTA, litigation, or complaints naming the recipient that allege discrimination on the basis of race, color, or national origin. This list shall include the date of the of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response to the investigation, lawsuit, or complaint. The St. Bernard Transit Title VI Complaint Coordinator (Human Resources Director) will maintain these files.

As of July 1, 2020 St. Bernard Transit has had no Title VI investigations, complaints, or lawsuits.

Required to Provide the Racial Breakdown of Non-Elected Advisory Bodies:

St. Bernard Transit does not have non-elected advisory bodies that are transit-related.

Required to Provide Meaningful Access to Limited English Proficient (LEP) Persons

Title VI and its implementing regulations require that FTA recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient.

St. Bernard Transit's LEP Plan is attached.

Required to Provide Assistance to Subrecipients and Monitor Compliance to Title VI

St. Bernard Transit does not have subrecipients.

Required to Submit a Public Participation Plan

St. Bernard Transit's Public Participation Plan is attached.

Required to Assess the Location of New Facility Construction Using Equity Analyses

Beyond building several new bus shelters on an annual basis, St. Bernard Transit is not seeking to engage in major construction projects. The locations of the bus shelters being determined by both ridership, the practicality of the location due to right of ways and available space, and connectivity to existing walkways.

Required to Provide Additional Information Upon Request

At the discretion of the FTA, information other than that required by the referenced circular may be requested, in writing, from a recipient in order to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI requirements. The St. Bernard Transit Title VI Complaint Coordinator is available to provide additional information as needed and to respond to any inquiry.

Required to Prepare and Submit a Title VI Program

FTA requires recipients to report certain general information to determine their compliance with Title VI. The collection and reporting of this program constitute the recipients' Title VI Program. To ensure compliance with 49 CFR 21.9(b), FTA requires that all recipients document their compliance with this chapter by submitting a Title VI Program to FTA's regional civil rights office once every three years.

Discrimination

Any act or omission of an act that would prevent the use of or exclude a person from access to public transportation based on (but not limited to) race, sex, disability, or religion.

Responsibilities

All employees of St. Bernard Transit shall follow the intent of these guidelines in a matter that reflects St. Bernard Parish Government policies.

Supervisors and managers receiving information regarding violations of this order shall determine if there is any basis for the allegation and shall proceed with a resolution to it.

Supervisor Responsibility

Each supervisor and manager shall:

- 1) Ensure that there are no barriers to service or accommodation that would prevent public transit usage or access.
- 2) Train subordinates as to what constitutes discrimination and barriers to access.
- 3) Take prompt and appropriate action to avoid and minimize the incidence of any form of discrimination.
- 4) Notify the transit manager in writing of the circumstances surrounding any reported allegations of discrimination no later than the next business day.