



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

1200 New Jersey Avenue, S.E.  
Washington, DC 20590

October 7, 2010

Mr. Gary C. Thomas  
President/Executive Director  
Dallas Area Rapid Transit  
P.O. Box 660163  
Dallas, TX 75266-0163

**RE: EEO Compliance Review Final Report**

Dear Mr. Thomas:

Thank you for your response to the Federal Transit Administration's (FTA) letter and preliminary report of findings of the Equal Employment Opportunity (EEO) Compliance Review of the Dallas Area Rapid Transit (DART) conducted from February 4-6, 2009. Enclosed is the final report that incorporates DART's official responses, submitted in June and September, 2009. As of the date of this letter, the final report became a public document and is subject to dissemination under the Freedom of Information Act of 1974.

We are pleased with the progress DART has made in responding to the findings of the review as presented in your June 25, 2009 response to the draft report. It appears that DART has taken positive steps to improve its EEO program by correcting the deficiencies in the areas of *Statement of Policy*, *Designation of Personnel Responsibility*, *Goals and Timetables*, and *Assessment of Employment Practices*. Deficiencies remain in two areas, *Dissemination and Monitoring and Reporting Systems*. The report and your response provide a detailed description of the corrective actions already taken by DART. We anticipate that DART will be able to close out these deficiencies by December 31, 2010.

If DART cannot meet this timeframe, we request that you please use the summary table in Section VII of the final report as the format to report progress to FTA on the outstanding corrective actions DART intends to implement as a result of our findings. Please identify each response by item number. The requested documentation, along with updates on the status of implementation of proposed corrective actions, should be provided in quarterly reports to FTA. Each report should include the planned and actual completion date of the corrective action; the current status and contact person information for each corrective action, and specific reporting requests cited in this letter and on the enclosed table. The first report will be due on January 31, 2011 and should include activity during the months October through December 2010 and any actions completed

prior to that date that have not already been addressed. Additional reports will be due on each calendar quarter thereafter until FTA releases DART from this reporting requirement. Once we have reviewed your progress reports, we will either request clarification or additional corrective action or will close out the finding if your response sufficiently addresses the FTA EEO Circular's requirement.

The following section summarizes the outstanding deficiencies in the EEO Compliance review and DART's response (a full description of the findings are contained in the report).

### **Remaining Compliance Deficiencies: DART EEO Review**

#### **Dissemination**

**Requirement:** Formal communication mechanisms should be established to publicize and disseminate the agency's EEO policy as well as appropriate elements of the program, to its employees, applicants and the general public.

**Finding:** During this Compliance Review of DART, deficiencies were found with FTA requirements for Dissemination. In its most recent EEO Program Update, entitled *DART Affirmative Action Plan, December, 2007 – December, 2010*, to FTA, DART described the internal and external dissemination of its EEO policy/program. During the site visit, DART provided documentation to show that it continued to disseminate its policy internally to the Board of Directors, management, and to current and new employees. The new posters on Equal Employment Opportunity Policy and Affirmative Action Program were posted throughout DART's employee areas, such as on bulletin boards in break rooms. With respect to external dissemination, DART did not provide documentation that, prior to the site visit, it had disseminated its new policy/program externally. As an example, the Review team toured public areas throughout the DART headquarters building, e.g., the DART Employment Office, the Board of Directors' meeting room, and the public lobby area. No Equal Employment Opportunity Policy and Affirmative Action Program posters were visible. Also, during interviews with community representatives, no one recalled ever receiving a copy of DART's EEO Policy or Affirmative Action Program. During the site visit, DART did place the posters in several public locations in DART facilities and on the DART website. In information given to potential applicants on the DART website regarding employment opportunities, there was the statement that "DART is proud to be an Equal Opportunity Employer, supporting diversity in the workplace. M/F/D/V". On the employment application found on the DART website, there was a statement that "DART" is an Equal Opportunity Employer". DART did not provide any other documentation of external dissemination of its EEO program.

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Corrective Action Proposed by DART:

*Following the issuance of the Draft Report, DART provided a copy of the March 2009 issue of Reconnect, its employee newsletter. This issue featured an article on the Office of Diversity & EEO. DART also submitted documentation that it was ready to internally and externally disseminate the revised EEO Statement of Policy as soon as the Policy was approved by FTA. DART would post the revised Policy on bulletin boards throughout the agency and on its website. DART also provided distribution lists for community organizations and various Chamber of Commerce groups representing women and ethnic minority groups.*

**FTA accepts DART's proposed corrective action to this finding. Please provide documentation of the dissemination activities that have occurred by December 31, 2010 or in your first quarterly progress report, due on January 31, 2011.**

Monitoring and Reporting System

**Requirement:** An important part of any successful EEO program is the establishment of an effective and workable internal monitoring and reporting system.

**Finding:** During this Compliance Review of DART, deficiencies were found with FTA requirements for a Monitoring and Reporting System. DART had one contractor, Herzog Contracting Corporation, that operates the region's commuter rail service, Trinity Railway Express (TRE). Herzog did employ 50 or more "transit-related" employees and the TRE received FTA funds for capital expenditures. A review of DART grant activity showed that at least two active FTA grants were for TRE facilities (TX-90-V549 and TX-90-X744). Prior to the site visit, DART provided a copy of Herzog's Equal Employment Opportunity Policy Statement dated January 14, 2008. DART did not have available a copy of an EEO Program for Herzog that conformed to FTA Circular 4704.1.

Corrective Action Proposed by DART: *DART noted, in its response to the Draft Report, that it had requested a current and complete EEO Program from its subcontractor, Herzog. This document was received by September 22, 2009 and forwarded to FTA. A review of this document showed that the Herzog EEO Program did not meet FTA requirements.*

**In your first quarterly progress report, please provide Please provide an EEO Policy and Program for Herzog that conforms to FTA Circular 4704.1 by December 31, 2010 or in your first quarterly progress report, due January 31, 2011.**

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We recognize the efforts DART will make to correct the deficiencies identified in the report, and we anticipate its continued endeavors to take further corrective actions as noted in this letter.

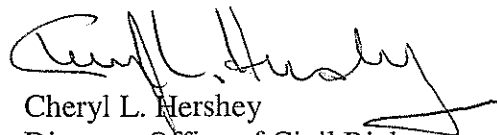
Please provide your corrective actions or progress report to the following:

William Jones  
Regional Civil Rights Officer  
Federal Transit Administration  
819 Taylor Street  
Room 8A36  
Fort Worth, TX 7610

Anita Heard  
Equal Opportunity Specialist  
FTA Office of Civil Rights  
1200 New Jersey Avenue, SE  
Washington, DC 20590

We appreciate the cooperation and assistance that you and your staff have provided us during this review. If you have any questions about this matter, please contact Ms. Anita Heard, Office of Civil Rights at (202) 493-0318 or at her email address, [Anita.Heard@dot.gov](mailto:Anita.Heard@dot.gov).

Sincerely,



Cheryl L. Hershey  
Director, Office of Civil Rights

Cc: Robert C. Patrick, FTA Region VI Administrator  
Anita Heard, FTA Office of Civil Rights  
William Jones, FTA Region VI Civil Rights Officer