



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

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

July 15, 2010

Mr. Charles B. Cohen  
Executive Director  
Palm Tran  
3201 Electronics Way  
West Palm Beach, FL 33407

Dear Mr. Cohen:

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 Palm Beach County Government and its public transit system, Palm Tran conducted from January 26-28, 2010. Enclosed is the final report that incorporates Palm Tran's official response, dated June 28, 2010. 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.

Please use the summary table in Section VII of the final report as the format to report progress to FTA on the corrective actions Palm Tran intends to implement as a result of our findings. 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 October 29, 2010 if the corrective actions are not submitted and accepted by FTA prior to that date. Additional reports, if needed, will be due on January 31, 2011; and each calendar quarter thereafter until FTA releases Palm Tran from this reporting requirement.

We are pleased with the progress you have made in responding to the findings of the review as presented in your submissions to the Review team prior to the issuance of the draft report. It appears that Palm Tran has taken positive steps to improve its EEO program by correcting the deficiencies in the areas of Dissemination, Designation of Personnel Responsibility, and Assessment of Employment Practices. Deficiencies remain in one area, Monitoring and Reporting. The report and your response provide a detailed description of the corrective actions already taken by Palm Tran.

Once we have reviewed your corrective actions and/or 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 Palm Tran's response (a full description of the findings are contained in the report and Palm Tran's unabridged response is included as attachment A).

### **Remaining Compliance Deficiency: Palm Tran EEO Review**

#### **Monitoring and Reporting System**

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

**Finding:** During this-Compliance Review of Palm Tran, deficiencies were found with FTA requirements for a Monitoring and Reporting System.

Palm Tran had two contractors, MV Transportation Inc. and Palm Beach Metro Transportation L.L.C., that met the threshold requirements in FTA C. 4704.1 for being required to have an EEO Policy/Program as described in the Circular. During the site visit, it was determined that the two contractors did not have EEO Policies/Programs as described in the Circular.

Subsequent to the site visit, Palm Tran provided an unsigned document entitled *Affirmative Action Program for MV Transportation, Inc. Florida Divisions*, dated April 1, 2009 to March 31, 2010. The document did not conform to all the required elements in FTA C. 4704.1. For example, the Statement of Policy was not signed by the CEO. It did not discuss the requirement that applicants and employees have the right to file complaints. It did not discuss the fact that the performance by managers and supervisors will be evaluated on the success of the EEO program. It did not discuss the element that successful achievement of EEO goals will provide benefits. In addition, the Program used the "80 percent Rule" to determine underutilization, which is not consistent with the FTA Circular.

**Palm Tran's Response to the Draft Report:** With its response dated June 28, 2010, Palm Tran provided an *Affirmative Action Plan for 2010-2012*, dated April 1, 2010, for Palm Beach Metro Transportation L.L.C., as the corrective action regarding the EEO Program for that contractor. Palm Tran also noted in its response that it would require MV Transportation to correct the deficiencies with its Statement of Policy by August 30, 2010.

**FTA Determination:** FTA request additional corrective measures be taken for the Affirmative Action Plan for 2010-2012, dated April 1, 2010, for Palm Beach Metro Transportation L.L.C. The document referenced FTA C. 4704.1, but did not conform to all the required elements in FTA C. 4704.1. For example, the Statement of Policy did not

contain all of the required elements. Additionally, the Plan did not include a utilization analysis, goals and timetables, or an assessment of employment practices.

Also, Palm Tran is advised that it must submit a new Affirmative Action Plan for MV Transportation. The deficiencies with the Statement of Policy were cited as *examples* of deficiencies with the entire *Affirmative Action Program for MV Transportation, Inc. Florida Divisions*, dated April 1, 2009 to March 31, 2010. Palm Tran is reminded to assure that both the MV Transportation and the Palm Beach Metro plans conform to all the requirements of FTA C. 4704.1.

We recognize the efforts Palm Tran 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 respond to the findings of this review in a progress report addressed to the following:

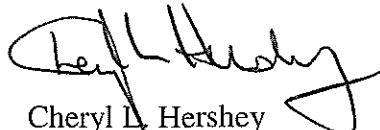
Anita Heard  
Equal Opportunity Specialist  
FTA Office of Civil Rights  
400 7<sup>th</sup> Street SW  
Washington, DC 20590

Please also send a copy of your correspondence to:

Mr. Frank Billue  
Civil Rights Officer  
FTA Region IV  
230 Peachtree Street, NW  
Suite 800  
Atlanta, GA 30303

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: Yvette Taylor, PhD, FTA Region IV Administrator  
Anita Heard, FTA Office of Civil Rights  
Frank Billue, FTA Region IV Civil Rights Officer