

June 22, 2020

Ms. Mary Pope Hutson
Chairwoman, National Park System Advisory Board

RE: Recommendation for Updating and Improving Director's Order #42, Accessibility for Park Visitors

Dear Chairwoman Hutson:

The Visitor Experience Committee of the National Park System Advisory Board wishes to provide you with recommendations for updating and improving the National Park Service's Director's Order #42 based on the 2015-2020 National Park System Accessibility Strategic Plan. The goal of these recommendations is to improve usability and compliance of National Park Service (NPS) facilities, programs, services, and activities through establishing priorities, evaluating facilities, resources and programs, and educating staff, volunteers, partners, and concessioners.

All NPS facilities, programs, services and activities must comply with and endeavor to achieve accessibility according to standards and guidelines, including:

- a. Architectural Barriers Act (1968) or ABA – requires that buildings or facilities that are designed, built or altered with federal funds, or leased by federal agencies, after August 12, 1968 be accessible. ABA Standards are minimum requirements that apply to federal facilities which includes national parks. These Standards contain requirements both for the built environment such as recreation facilities, fishing piers and boating facilities, and for outdoor developed areas such as trails, picnic and camping areas, viewing areas, beach access routes, and other elements.
- b. Universal Design – a set of principles for accessibility to which the NPS strives to achieve that go beyond the minimum requirements set out in the ABA Standards. The intent is to design buildings, products and environments, so that they are accessible to all people regardless of age, disability, or other factors. While there is no legal requirement to meet Universal Design principles rather than the ABA Standards, the concept of making facilities, programs, services, and activities more user-friendly to all people no matter their abilities or disabilities is a worthwhile endeavor. Examples of Universal Design for NPS facilities may be to have more elements in a campground built to ABA Standards than the minimum number required by the Standards, or whenever possible to construct trails or pathways with less slope than the maximum allowed by the Standards.

- c. Section 504 of the Rehabilitation Act (1973) or Section 504 – requires federal agencies to ensure that individuals with disabilities have equal opportunity to benefit from all programs, services, and activities.
- d. Section 508 of the Rehabilitation Act (1973) or Section 508 – requires federal agencies to develop, procure, maintain, and use information and communications technology (ICT) that is accessible to persons with disabilities. Section 508 covers areas such as websites, displays, and educational and information delivery.
- e. The Great American Outdoors Act (GAOA) currently under consideration in Congress stipulates that all projects funded by GAOA must consider accessibility. Updating Director's Order #42 and implementing the recommendations below will prepare the NPS for compliance with the requirements contained in GAOA.

1. **Training** – Accessibility is a civil right. Failure to comply with the standards, guidelines, and requirements listed above endangers the life, safety, and health of visitors with disabilities, exposing the NPS to financial and reputational damage. There is no expectation that all of the thousands of NPS staff, volunteers, partners, and concessioners who serve the millions of visitors with disabilities annually will fully understand all requirements for accessibility. However, all NPS staff, volunteers, partners, and concessioners should receive training to have at least a basic level of understand about accessibility requirements. The amount of training and level of competency expected from the training may vary depending on the extent to which NPS staff, volunteers, partners, and concessioners will use the information. The US Access Board staff may be a resource to consider for accessibility training.

- a. For the majority of NPS staff, volunteers, partners, and concessioners, a basic level of training through virtual learning platforms such as webinars and online classes may be sufficient to impart an awareness of the ABA, Section 504, and Section 508 requirements and the higher-level Universal Design principles.
- b. More intensive training should be required of Park Accessibility Coordinators, so that they can serve as subject matter experts. There should be a deadline requirement for coordinators to receive initial training once designated, followed by annual professional development.
- c. Regional Accessibility Coordinators who are looked toward for an upper level of expertise in accessible design should be required to receive the most extensive training available. This training will provide them with the ability to critically evaluate programs, projects, and constructed facilities. They should be able to not only ensure that minimum requirements have been met, but also make recommendations for how the higher level of accessibility of Universal Design principles may be achieved. There should be a deadline requirement for Regional Accessibility Coordinators to receive initial training once designated, followed by required annual professional development. The US Access Board staff may be a resource to consider for this more intensive level of accessibility training.

- d. NPS staff at service centers who are designated as “project managers” for facility or interpretation projects should be required to receive a more extensive level of training in accessibility. This training will equip them with an understanding of how to evaluate compliance with minimum standards of ABA and where to locate resources based on the universal design of facilities and interpretive projects being altered or newly constructed.
 - e. A list of NPS staff with accessibility expertise and their area of expertise should be maintained. This will provide the most qualified NPS staff for review of projects.
2. **Plan Reviews** – Prior to the initiation of construction or rehabilitation of NPS facilities or interpretation features, all project plans should be reviewed by accessibility experts. The level of plan reviews may differ based on the project’s estimated cost. Plan reviews will help ensure that NPS facilities are designed to comply with at least the minimum requirements of the ABA Standards and Section 504. This will also provide the opportunity for recommendations for Universal Design while projects are still in the design stage. Plan reviews will save NPS resources. The most cost-effective time to correct deficiencies in accessible design is prior to construction. The costs of correcting deficiencies post-construction or installation are dramatically higher. Plan reviews provide park visitors with a more fulfilling experience. A more uniform and consistent application of ABA Standards and Universal Design creates an environment that is more user-friendly for all visitors, regardless of ability. It is important to continue to build on already established relationships with community and partner groups and foster new relationships for the enhancement of accessibility at NPS facilities and interpretation features. These community and partner groups should be utilized for providing insight and assistance in project design and selection of products and/or elements that make facilities and interpretation features more accessible. An example may be determining appropriate surface materials for trails or pathways to better accommodate persons using mobility devices.
- a. Development Advisory Board (DAB) and Investment Review Board (IRB), should consider accessibility a compliance area rather than a “special emphasis area.” All projects reviewed by the DAB and plans reviewed by the IRB should require a written explanation of how the project will address accessibility, and those that do not adequately address accessibility should not be approved.
 - b. Strategic Facility Investment Plans should include a mandatory section on accessibility in which the park describes how its facility investment strategy will improve accessibility.
 - c. Project Scoping Assessments (PSA) should include a mandatory section on accessibility which explains how the project will improve accessibility and shows how the cost estimate for the project reflects compliance. Contractors paid to conduct PSAs should be required to show in their proposals that they have in-house expertise on accessibility compliance or that they will subcontract for that expertise.

- d. Park and regional chiefs of interpretation and facilities (as applicable) should certify that each project submitted to the service-wide comprehensive call (e.g., line item construction, repair/rehabilitation, recreation fee) has been reviewed for accessibility by a subject matter expert.
 - e. All Project Management Information System (PMIS) submissions should cite the specific standards or guidelines that apply to the project and the accessibility portions of rehabilitation projects should count as deferred maintenance rather than capital improvement.
 - f. All contracts for planning and design should cite the specific standards or guidelines that apply to the project that must be met by the contracted firm as part of its deliverables. Applicants should be required to show in their proposals that they have in-house expertise on accessibility compliance, or that they will subcontract for that expertise to ensure their designs and work will be compliant.
3. **Post Construction Inspection** – After construction or rehabilitation has been substantially completed, but prior to opening newly constructed or renovated facilities or interpretive features to the public, they should be inspected by NPS staff with the highest level of expertise experts in accessible design. Post construction or fabrication/installation inspections provide an opportunity for deficiencies created during construction to be corrected prior to use by the public. Often during construction or fabrication/installation, strict adherence to design plans is not achieved, either intentionally or inadvertently. When this plan deviation involves elements required to be accessible in accordance with ABA Standards or Section 504, a facility or interpretive element may be determined to be non-compliant. Post construction inspections are a way to ensure that newly constructed or renovated facilities or interpretive elements are in full compliance, and, when applicable, exceed the minimum requirements of the Standards.
- a. All contracts for construction or exhibit fabrication/installation should cite the specific standards or guidelines that apply to the project that must be met by the contracting firm as part of its deliverables. Applicants should be required to show in their proposals that they have in-house expertise on accessibility compliance or that they will subcontract for that expertise to ensure their work will be compliant.
 - b. Before accepting and signing off on a deliverable, the park should have it reviewed by in-house accessibility experts or staff from local Centers for Independent Living, ADA National Network Regional Centers, State Assistive Technology Act programs, or other state and local disability-related organizations.
 - c. The formal acceptance of deliverables for a facility or interpretive feature, to be signed by the Superintendent or his/her designee, should include a specific statement certifying that the finished product meets applicable accessibility requirements.
 - d. National fund sources (such as recreation fee, line item construction, or repair/rehabilitation) should exclude projects to correct deficiencies that should have

been identified and corrected before the facility or interpretive feature was accepted by the park. Regional Directors should set deadlines for correcting deficiencies once discovered and parks should bear the cost of corrections if they accept deliverables without confirming that they comply. In these instances, an “after action” report should be required to report on lessons learned and prevent the same mistakes from happening in the future.

4. **Educational and Interpretive Delivery** – Reviews of ICT (which includes all forms of digital and social media covered under Section 508, such as websites, electronic documents, visitor center kiosks and touchscreen interactives, mobile apps) should be conducted by NPS staff with the highest level of expertise in accessible design to ensure that they comply with or exceed Section 508 requirements and are the most effective means of delivery. Adding electronic delivery to or rather than traditional physical delivery may improve visitor experience at national parks. Most people carry or have access to a device on which they may be able to receive electronic delivery of educational and interpretive information. There are a number of options available for electronic delivery including downloading an app containing educational and interpretive information prior to arrival at a park or facility, distribution of a thumb drive or other storage media at the visitor center through which information may be received, etc. Using electronic delivery may allow users to select the format and language that best accommodates them. Electronic delivery may better serve a targeted audience than what is the minimum required in the Standards. For example, ABA Standards require physical signs to include braille characters to accommodate persons who are blind or have low vision. Only about 10% of this target audience reads and writes braille; therefore, the majority of people who are blind or have low vision are not served by including braille. Educational and interpretive information may be more easily and more cost effectively updated in electronic format than traditional physical display format. Electronic delivery greatly reduces problems of visitors crowding around a physical display in order to receive educational and interpretive information. Vandalism and display deterioration due to aging are practically eliminated with electronic delivery. Outside consulting may be needed to determine if accessible delivery methods through current and emerging technology are more effective than traditional delivery methods.

NPS staff directly involved in any activities related to development and sharing of digital content should receive a more extensive level of training. This training will equip them with an understanding of how to evaluate compliance with Section 508.

- a. The NPS should identify a single office or program that has both the responsibility for, and authority to, ensure that all electronic and digital content complies with Section 508. This office or program should be vested with the authority to compel staff, partners, concessioners, and volunteer organizations to either (a) update content

- to make it accessible or (b) remove inaccessible content. If this is not done in a timely manner, that office or program should have the authority to remove the content.
- b. The NPS should consider pursuing national contracts with outside entities that perform services to make digital content accessible – such as providing captioning, audio description, and document remediation – so that parks have simple and fast solutions for creating or remediating ICT.
 - c. All contracts for procurement and development of ICT should cite the specific standards that apply to the project that must be met by the contracting firm as part of its deliverables. Applicants should be required to show in their proposals that they have in-house expertise on accessibility compliance or that they will subcontract for that expertise to ensure their work will be compliant.
 - d. The NPS should develop a cadre of “trusted testers” who can test the accessibility of ICT deliverables from contractors before they are accepted by the NPS.

The Visitor Experience Committee of the National Park System Advisory Board respectfully submits the aforementioned recommendations for your consideration

Sincerely,

Philip G. Pearce
Chairman, Visitor Experience Committee