



The Status of Disability Access in the NPS: From Rhetoric to Reality

Participant Guide



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Welcome

Welcome to the Accessibility for Park Managers Course. We hope you gain valuable information today regarding how to make your facilities accessible.



Course Overview

Accessibility for Park Managers

This course will provide an update for NPS Managers on the status of access for persons with disabilities in all facilities, programs and services of the NPS. It will emphasize areas in which the NPS, through a significant increase in official complaints has been found to be falling short in compliance with legal requirements, and actions that need to be taken in order to correct the situation.

Target Audience

The intended audience is specifically NPS managers, including Associate Directors, Regional Directors and Division Chiefs, Superintendents, and Park Division Chiefs.

Program Timing

Broadcast will be from 1:00 – 3:00 PM

Learning Objectives

After completing this program, you will be able to:

- Inform NPS managers of the current requirements for access for persons with disabilities in NPS facilities programs and services.
- Make managers aware of the areas in which the NPS is falling short of compliance with these mandates.
- Make managers aware of sanctions and costs associated with non-compliance.
- Inform managers of ways in which regional offices and park superintendents can more effectively identify deficiencies and plan for corrective actions.

Be aware of where they can go for technical assistance and guidance in order to implement access improvements

Interacting with the Instructor

If you were physically in the classroom with the instructor, you would raise your hand to let her/him know you had a question or comment. Then you would wait for the instructor to recognize you and ask for your question. We are all familiar with that "protocol" for asking questions or making comments.

With TELNPS courses there is also a "protocol" to follow to ensure that you can easily ask questions and others can participate as well. It may seem a little strange at first asking a question of a TV monitor. Remember, it is the instructor you are interacting with and not the monitor. As you ask more questions and participate in more TELNPS courses, you will soon be focusing only on the content of your question and not the equipment you are using to ask it.

As part of the TEL station equipment at your location, there are several push-to-talk microphones. Depending on the number of students at your location, you may have one directly in front of you or you may be sharing one with other students at your table.

- When you have a question, press and hold down the push-to-talk button, maintaining a distance of 12-18 inches, wait a second and then ask you question or make your comment. It would sound something like this:

- Excuse me [instructor's first name], this is [your first name] at [your location]. I have a question (or I have a comment).”
- Then release the push-to-talk button. This is important because until you release the button, you will not be able to hear the instructor.



Course Content

Introduction and Overview: Background, Reasons for the Course and Overview of Key Issues - Dan Wenk

Overview

- What is required?
- What are we currently doing?
- Where are we falling short?
- What do we need to do to do better?

Federal Law Requires Accessibility

- In Buildings and Structures

Architectural Barriers Act of 1968

- In Programs and Services

Rehabilitation Act of 1973

1973 Rehabilitation Act (Sec. 504 and 508)

- Prohibits “discrimination” on the basis of disability.
- Requires that people with disabilities can get into our services and can get “equal benefits”.
- Requires accommodations for visitors with hearing and vision loss in all programs and services in addition to those with mobility limitations.

Current Status

- We have Departmental regulations
- We have Management Policies
- We have Director’s Orders (16 a – Employment and 42 Visitors)
- All Parks are working to improve access, and
- We have many very good examples of accessible facilities and programs
..... But,

In spite of accomplishments, we still have significant deficiencies. No single park in the system is as ‘universally accessible’ as is reasonable, and as required by law and by NPS policy!

Capture your notes here

New Construction

All new design and construction projects:

- must comply with appropriate standards and guidelines; required since 1968
- many new projects still fall short
- standards misapplied/misinterpreted
- contract supervision a problem
- is very cost effective in design phase
- is very costly to correct later

Repair and Rehabilitation

- Compliance is required in alterations (1968);
- Most cost effective solution is integration of access when structures are altered or repaired;
- Not being done to the extent that it should;
- No project should proceed without assuring compliance in both design and construction whenever possible;

Interpretation and Program Access

Interpretive media and services required to provide “effective communication”(1973); includes those with hearing and visual loss specific issues are:

For People who are Blind: alternative formats of publications, tactile exhibits, way finding, audio description;

For People who are Deaf: captioned films, assistive listening systems, sign language interpreters

Continuing Education

- Awareness and understanding of requirements, and solutions is key;
- Architectural Standards are evolving, changing and sometimes difficult to interpret;
- Program Access guidelines are very new and evolving,
- Training and education opportunities are available, but funding is limited; (National Center on Accessibility)

Other Actions

- Accessibility Component of FMSS
- Conduct evaluations at selected parks for baseline assessment (FY07)
- Service wide TELNET for Managers (December 2006)

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Accessibility in New Construction and Renovation: Accountability, Oversight and Project Management – Joanne Cody



 **The Status of Disability Access in the NPS**

Current Accessibility Guidelines

Architectural Barriers Act

Accessibility Standard (ABAAS)

<http://www.access-board.gov/ada-aba/final.htm>

ADA and ABA Accessibility Guidelines for Buildings and Facilities

ADA-ABA Guidelines Homepage | Guidelines and Standards

Published in the Federal Register July 23, 2004 and amended August 5, 2005. [PDF version](#) [Download Figures](#) (zip file)

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[CHAPTER 4: ACCESSIBLE ROUTES](#)
[CHAPTER 5: GENERAL SITE AND BUILDING ELEMENTS](#)

**NPS = ABA
(Parts II and III)**

10/24/06 Directors Memorandum

Critical areas covered:

- The NPS must ensure that all newly constructed assets are designed and constructed in compliance with the appropriate standards or guidelines.
- The NPS must ensure that all rehabilitation and renovation projects incorporate accessibility corrections to the highest degree practicable.

Project Components and Accessibility

- Project Scoping – PMIS
- Predesign
- Schematic Design
- Design Development
- Construction Documents
- Construction Management

PMIS Formulation

- Verify accessible elements are included in the PMIS statement
- Verify accessible route and parking are included in rehabilitation and renovation projects
- The accessible route is the pedestrian route from the accessible parking and passenger unloading areas to all accessible facilities and features.

Common Project Scoping Omissions

- Building rehab projects:** Building interior is made accessible; parking lot and accessible route are not in project scope, and are not accessible
- Requirement:** Assure parking and accessible route are included in the PMIS scope
- FLHP 3R and 4R Road Projects:** Parking lots and adjacent walks are made accessible, restrooms and other elements next to the parking are not in the road project scope, and are not accessible. (funding for improvements to restrooms, etc. are not eligible for FLHP funding) Plan ahead to have other funding sources available.
- Requirement:** Assure restrooms, overlooks, and interpretive elements next to FLHP projects are accessible

F202 Existing Buildings and Facilities

- F202.1 General. Additions and alterations to existing buildings or facilities, including leased buildings or facilities, shall comply with F202
- F202.2.1 Accessible Route. At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to an accessible entrance serving the addition. If the only accessible entrances serving the addition are provided in the existing building or facility, the accessible route shall connect at least one existing entrance to all accessible spaces and elements within the addition. In addition, elements and spaces specified in F202.2.2 through F202.2.5 shall be on an accessible route.

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Pre-design

- Verify accessible elements included in the PMIS statement are included in the project program
- Program addresses interpretive elements of project and programmatic accessibility requirements
- Analysis includes accessible route from parking and drop off to accessible elements

Schematic Design

- Verify developed alternatives and approved preferred alternative provide physical and program access and match program and PMIS statements.
- Verify interpretive elements and programmatic accessibility elements are included in the project. Verify the key interpretive story at the project site is accessible to all visitors.

Design Development

- Verify documents include all program elements Documents meet the requirements of the Architectural Barriers Act Accessibility Standards (ABAAS)
- Documents meet requirements of DSC Accessibility Design Standards.

Construction Documents

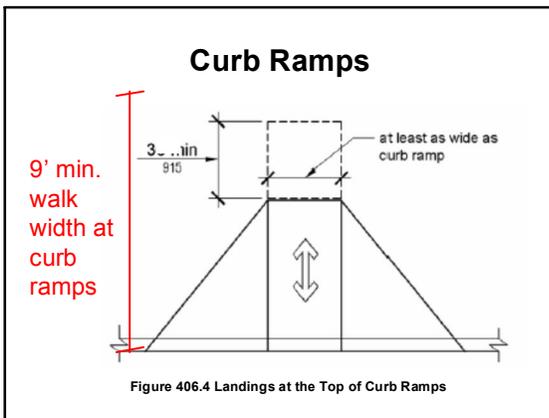
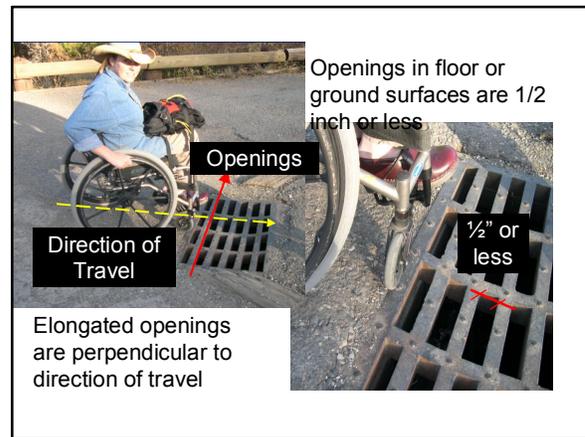
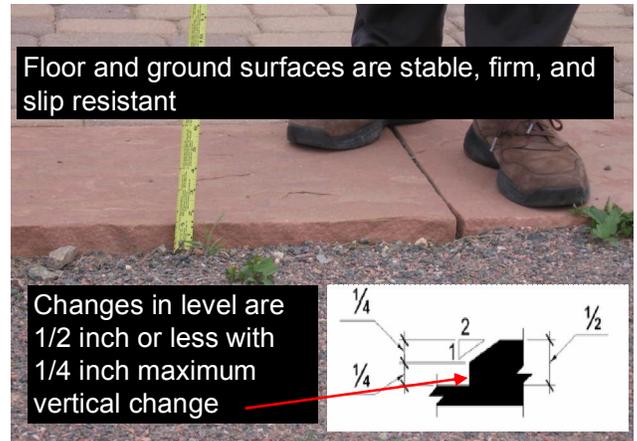
- Verify all details and plans meet the requirements of the ABAAS and DSC Design Standards
- Verify Division One specifications include the Accessibility Inspection Report in Section 01430 Contractor Quality Control Specification

Construction Management

- Verify accessibility inspections are conducted and Accessibility Inspection report is completed
- Non-compliant elements are corrected.

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Contacts/Guidance – DSC A/E Website

http://workflow.den.nps.gov/staging/6_Design/design_bid_build.htm

Contacts/Guidance – DSC Design Standards

http://workflow.den.nps.gov/staging/c_Design/Designstandards/DesignStds_access_section.htm

Regional Coordinators

<http://devinside.nps.gov/waso/contacts.cfm?lv=3&prg=151>

Interpretation and Program Accessibility: Issues, Status and Direction - Ray Bloomer

Section 504 as Amended 1978

“No otherwise qualified individual with a disability in the United States shall solely by reason of his disability, be excluded from the participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, or under any program or activity conducted by any Executive Agency”

Section 508 of the Rehabilitation Act

What is it?

Federal departments and agencies that develop, procure, maintain, or use electronic and information technology to ensure that Federal employees and members of the public with disabilities have access to and use of information and data, comparable to that of the employees and members of the public without disabilities—unless it is an undue burden to do so.

What are examples of information technology?

- Software applications/Operating systems
- Web-based information applications
- Video and multimedia products
- Self-contained, closed products
- Desktop and portable computers

Auxiliary Aids

- Qualified interpreters
- Assistive Listening Headsets
- Television Captioning & Decoders
- Telecommunication Devices for the Deaf
- Videotext Displays
- Readers
- Taped Text
- Brailled Materials
- Large Print Materials

“Public entities may not charge an individual with a disability for the use of an auxiliary aid.”

Capture your notes here



The Status of Disability Access in the NPS

Assistive Listening Headsets

Types of Headsets:

Binaural Headphones

Binaural Headphones

Binaural earbud fits in the ear

Monaural earbud fits in the ear

Monaural earbud fits over the ear

Induction Neckloop: use in conjunction with individuals own hearing aid that has a T-switch.

Strategy for Implementation: Regional Office Case Study – Jon Jarvis

Strategy for Implementation: Park Case Study – Mike Tolefson

Yosemite National Park - Accessibility Management Program – Larry Harris

Recent History

First complaint received in 2001 with 13 separate complaint items. From 2001 to 2006 nine additional complaints received. Ten complaints with 53 individual accessibility items – 38 now completed. An additional 69 issues from site visits – 53 now completed.

Developing a Successful Accessibility Program

- Management support and commitment
- Develop a team
- Compliance
- Accountability
- Funding

Document Your Accomplishments

- Document Accessibility Program Information
- Statement of Accessibility Goals and Objectives
- Document Completed and Upcoming Project Information
- Providing Status of Complaints and Issues

Capture your notes here



Accessibility Program – Booker T. Washington National Monument – Rebecca Harriett

Planning, planning, planning

Utilized two planning processes to identify accessibility needs:

- General Management Plan
- Comprehensive Interpretive Plan

General Management Plan

Management Goals:

The park meets the requirement of the Americans with Disabilities Act (ADA)

Design new and upgraded facilities and visitor opportunities to provide accessibility consistent with the ADA

Interpretive Resources

- Closed-captioning of orientation film (HFC)
- Virtual tours on touch screen program (Fee)
- Offer a variety of interpretive programs for all age groups like Elderhostel, Junior Ranger (ONPS)

Funding

- Identify potential funding sources in PMIS
- Fee demonstration has been a good funding source for small non-LIC projects
- Consider potential funding partners when developing accessibility projects
- Ask “What groups would benefit by having this project completed?”
- Seek their assistance in planning and funding

Final Thoughts

- Like safety, make accessibility part of the planning process
- Have a plan, then chip away at it one piece at a time!
- Don’t wait until you have all the funding you need to implement; that time will never come!
- Do what you can with what you have!

Capture your notes here



Appendix A: Audio-Visual Initiative



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO

D24(2420)

ELECTRONIC TRANSMISSION – NO HARD COPY TO FOLLOW

October 20, 2006

Memorandum

To: Directorate and Field Directorate
Park Superintendents

From: *(for)* Director /s/ *Steve Martin*

Subject: Audio-Visual Accessibility Initiative for Visitors with Disabilities

In the followup letter from me to the Chair of the House Subcommittee on National Parks following the Congressional Hearing on Disability Access in the National Parks held in May 2006, the National Park Service (NPS) indicated that it would continue to enhance efforts to provide accessible audio-visual programs for visitors with visual and hearing loss in our parks through a special emphasis initiative using fee revenue dollars in FY 2007. This memorandum has been developed in order to carry through with that commitment.

Recently, a series of official disability rights complaints and testimony received at a Congressional oversight hearing on disability access revealed that the NPS has many audio-visual programs that are not captioned or audio-described; assembly areas that are not equipped with assistive listening systems; and in some cases, captioning systems that are broken and have not been repaired. While the NPS has come a long way in providing structural and non-structural access for our visitors with disabilities over the past several years, there is still much to be done. One of the shortfalls of our past actions is that in many parks Servicewide, the NPS still does not provide accessible audio-visual programs for individuals with visual and hearing loss.

As Director, I believe we can create the opportunity for the NPS to complete one aspect of making the parks accessible. The goal is to complete projects over the next year so that all of the films and audio-visual programs presented in our parks provide three basic services:

- open captions,
- audio-description, and
- assistive listening devices available for those with hearing loss.

With funding from the Recreation Fee Program, this is an attainable goal. Recreation fees have funded more than \$11 million in films and audio-visual media at 83 parks over the past several years. Considering on-going and new starts on film projects, recreation fees have the potential to make 68 accessible films over the next year.

In order to reach this goal, all superintendents should evaluate their parks' existing audio-visual programs and venues to determine if the required services are provided and in working order. In all of their existing programs, in any film project in production, and in any planned in the future, the superintendent should ensure that these three elements are included. Deficiencies in these three basic services should be used to create a Project Management Information System (PMIS) project that requests funding in FY 2007. Parks should use their recreation fee or other revenues where possible. Low revenue and non-collecting parks should identify 20 percent Recreation Fee funds.

The regions should take steps to ensure that each park has conducted these evaluations so that the region can prepare an implementation schedule by December 1, 2006. The regions should assist the parks in identifying needs in PMIS during this Servicewide Comprehensive Call and adjusting ongoing projects to meet this goal. It is the goal of the NPS to have all park units show films that are captioned and audio-described, and all of their assembly areas equipped with assistive listening devices by January 2008.

If you need technical assistance or have contracting questions regarding captioning, audio- description or assistive listening devices, please contact the Harpers Ferry Center at 304/535-5050. Questions on the project development process and funding should be addressed to your Regional Recreation Fee Projects Manager. Questions on accessibility protocols should be addressed to Dave Park, Accessibility Management Program Coordinator, at 202/513-7027.

cc: Associate Regional Directors, Park Operations
Regional Accessibility Coordinators

Appendix B: Disability Access in the NPS



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO

D24(2420)

ELECTRONIC TRANSMISSION – NO HARD COPY TO FOLLOW

October 24, 2006

Memorandum

To: Directorate and Field Directorate
Director, Denver Service Center
Director, Harpers Ferry Center
Park Superintendents

From: *(for)* Director /s/ *Steve Martin*

Subject: Disability Access in the National Park Service

The purpose of this memorandum is to provide ongoing guidance regarding the improvement of the level of accessibility within the National Park System. The National Park Service (NPS) is required by law to ensure that its constructed assets, programs and services are accessible to and usable by individuals with disabilities. These legal mandates, which have been in existence for over 30 years, require that the NPS modify and adapt these assets and programs to ensure that these individuals have access to the same opportunities and benefits available to all other visitors. However, over the past several months, the NPS has received a significant increase in the number of official and valid complaints alleging non-compliance with the legal mandates. Also, Congressman Stevan Pearce, Chairman of the House Subcommittee on National Parks, convened an oversight hearing in May 2006, to review the efforts of the NPS to ensure equal opportunity for the Nation's 54 million disabled citizens. Many of the participants attending the hearing were from organizations representing citizens with disabilities who related their experiences and observations regarding NPS efforts. The testimony presented and the official complaints that have been filed both emphasize the fact that in spite of the efforts that have been made and the successes achieved, the NPS is falling significantly short of meeting

the minimum level of access that is mandated by Federal law. There needs to be more accountability for actually achieving the goal of increased accessibility.

A review of the complaints filed and of the testimony received indicates that there are four critical areas where the NPS must show improved success. These areas are:

- **The NPS must ensure that all newly constructed assets are designed and constructed in compliance with the appropriate standards or guidelines.** There are findings that a number of newly constructed projects are falling short of compliance. In some cases, the design is appropriate, but the finished project is in noncompliance. Official guidelines and standards do exist and they are being amended and added to on an ongoing basis. Compliance with these standards is required and is not a choice. The NPS must ensure that all new designs conform to the appropriate standards. The NPS must also practice due diligence to ensure that the finished project is completed in conformance with the design. It has been proven over the years that incorporating accessibility standards into the design and construction of new facilities is the single most cost effective way to meet this requirement. Having to go back and make corrections after the project is completed is extremely costly.
- **The NPS must ensure that all rehabilitation and renovation projects incorporate accessibility corrections to the highest degree practicable. There are many Project Management Information System (PMIS) projects which indicate that accessibility compliance is being addressed, but the accomplishment reports do not reflect that action. There are also some projects in PMIS that could and should address access, but apparently do not.** As projects are formulated and selected for funding, no project should proceed without first assuring that current accessibility guidelines are being met. With the significant funds available through line-item construction, repair and rehabilitation, recreation fees, Operation of the National Park System, concession franchise fees equipment replacement, Federal Lands Highway and other programs, the NPS should be positioned to be a leader in providing access for all of our visitors.
- **The NPS must ensure that all interpretive programs, services and opportunities are provided in such a way as to ensure that they are accessible to all individuals with disabilities.** The NPS' legal obligations extend to individuals with visual impairments, hearing impairments, and cognitive impairments, as well as those with mobility impairments. This means that all interpretive and educational programs, exhibits, audio-visual programs, publications, and all other interpretive media must comply with Departmental Regulations 43 Part CFR 17, Subpart E. This must include ensuring that all audio-visual programs are captioned and that all assembly areas are equipped with assistive listening devices. In addition, the use of sign-language interpreters must be evaluated for all interpretive programs as a method to provide effective communication. It also means that the NPS must provide audio-descriptive services for the audio-visual programs, Braille, and large-print versions of printed materials for those with visual or cognitive disabilities. In order to accomplish this, parks should use their recreation fee or other revenues where possible. Low revenue and non-collecting parks should identify 20 percent Recreation Fee funds.
- **The NPS must ensure that appropriate staff receives the necessary continuing education and technical assistance to enable them to better understand the legal requirements for accessibility, as well as the methods and techniques to more effectively meet the needs of**

citizens with disabilities. The NPS has an ongoing partnership with Indiana University's Department of Park and Recreation Administration, which resulted in the establishment of the National Center on Accessibility (NCA). This cooperative agreement has been extended for an additional 5 years, through FY 2010. At the present time, NCA is working to provide a series of training courses focused on the role and function of the regional and individual park accessibility coordinators. The primary objectives of the training are to assist the coordinators in completing comprehensive evaluations of the degree to which the parks are currently accessible, and to develop and oversee a comprehensive action plan on how to correct access limitations that currently exist. It is requested that all units of the NPS provide the necessary financial assistance to ensure that the coordinators are able to attend and benefit from these continuing education opportunities.

As a means of addressing accessibility, each region should make a determination of the visitor use assets that are rated with an Asset Priority Index of 90 or higher, if they are accessible, and if not, what is required to make the asset accessible. Also, each region should address a strategy to begin to remedy the issues. We will be discussing your findings at upcoming National Leadership Council meetings.

In addition, the NPS has taken and will be taking other steps to raise the level of visibility and priority of accessibility and to assist all units in making continued progress. These actions include the following:

- The NPS has taken steps over the past several months to develop a comprehensive accessibility evaluation component to the Facility Management Software System. This component has been tested at five parks during an initial pilot test, and has been utilized in conducting access evaluations at six additional parks during FY 2006.
- The NPS is currently initiating accessibility evaluations utilizing fee revenue funds and outside accessibility contractors at a number of selected parks from each region during FY 2007.
- The NPS is planning a Servicewide TELNET broadcast on this subject during the first quarter of FY 2007. This broadcast will be targeting regional staff, superintendents and division chiefs, and will be entitled "**Accessibility for People with Disabilities in the NPS: From Rhetoric to Reality.**"
- A presentation on this topic will be made at the next National Leadership Council meeting.

Your full cooperation in this matter is appreciated. Please contact your Regional Accessibility Coordinator, or David Park, Accessibility Management Program Coordinator, at 202/513-7027, for guidance and assistance in meeting this request. Thank you again for your past and continued support.

cc: Associate Regional Directors, Park Operations
Regional Accessibility Coordinators
Regional Equal Employment Opportunity Managers

Appendix C: TEL Announcement Memo



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO

D24(2420)

ELECTRONIC TRANSMISSION – NO HARD COPY TO FOLLOW
November 17, 2006

Memorandum

To: Directorate and Field Directorate
Director, Denver Service Center
Director, Harpers Ferry Center
Park Superintendents

From: **(for)** Director /s/ *Steve Martin*

Subject: National Park Service TEL Presentation on “*Disability Access in the National Park Service for Managers*”

The purpose of this memorandum is to announce the provision of a distance learning presentation on “*Disability Access in the National Park Service for Managers*” scheduled for Tuesday, December 5, 2006. All Park Superintendents and Division Chiefs are strongly urged to participate. In addition, we encourage the Regional and Park Accessibility Coordinators to participate with you.

Recently, two directives were issued regarding the status of disability access in the National Park Service (NPS). In those memoranda, it was indicated that over the past several months, the NPS has received a significant increase in the number of official and valid complaints alleging non-compliance with the legal mandates. Also, Congressman Stevan Pearce, Chairman of the House Subcommittee on National Parks, convened an oversight hearing in May 2006, to review the efforts of the NPS to ensure equal opportunity for the Nation’s 54 million disabled citizens. The testimony presented and the official complaints that have been filed both emphasize that in spite of the efforts that have been made and the successes achieved, the NPS is falling significantly short of meeting the minimum level of access that is mandated by Federal law. As a result, the National Leadership Council and I believe there needs to be more accountability for actually achieving the goal of increased accessibility.

To support this goal, the NPS will be presenting a 2-hour TEL Broadcast beginning at 1 p.m. EST. Presenters at this event will include Acting Associate Director Dan Wenk, Pacific West Regional Director Jon Jarvis, Superintendent Mike Tollefson, Yosemite National Park and Superintendent Rebecca Harriett, Booker T. Washington National Monument. Information on the broadcast is as follows:

Title: The Status of Disability Access in the NPS: From Rhetoric to Reality

Date: December 5, 2006

Duration: 2 Hours

Target Audience:

The intended audience is specifically NPS managers, including Associate Directors, Regional Directors and Division Chiefs, Park Superintendents, Park Division and Regional and Park Accessibility Coordinators.

Chiefs

Description: This course will provide an update for NPS Managers on the status of access for persons with disabilities in all facilities, programs and services of the NPS. It will emphasize areas in which the NPS, through a significant increase in official complaints has been found to be falling short in compliance with legal requirements, and actions that need to be taken in order to correct the situation.

Objectives:

- a) Inform NPS managers of the current requirements for access for persons with disabilities in NPS facilities programs and services;
- b) Make managers aware of the areas in which the NPS is falling short of compliance with these mandates;
- c) Make managers aware of sanctions and costs associated with non-compliance;
- d) Inform managers of ways in which Regional Offices and Park Superintendents can more effectively identify deficiencies and plan or corrective actions; and
- e) Be aware of where they can go for technical assistance and guidance in order to implement access improvements.

I want to thank all of you in advance for participating in this TEL broadcast and for your support in achieving our goal of making significant progress over the next few months in significantly improving the level of accessibility for visitors with disabilities in the building, facilities and programs provided.

If you have any questions or need additional information, please contact David Park, Accessibility Program Manager, at 202/513-7027.

cc: Associate Regional Directors, Park Operations
Regional Accessibility Coordinators

Appendix D: Civil Rights Directive



United States Department of the Interior

OFFICE OF THE SECRETARY

January 5, 2005

CIVIL RIGHTS DIRECTIVE 2006-02

To: Heads of Bureaus and Offices

From: Sharon D. Eller - Director, Office of Civil Rights /signed/

Subject: Adoption of the Architectural Barriers Act Accessibility Standards (ABAAS)

The Architectural Barriers Act (ABA) of 1968 requires that any building or facility designed, constructed, altered, or leased with federal funds be accessible to and usable by any individuals with disabilities. On November 8, 2005, the General Services Administration (GSA) adopted new accessibility standards which must be followed by all of the Bureaus in the Department of the Interior (DOI) in compliance with this law. (Copy attached.)

Since 1984, the accessibility standards that the Bureaus have followed have been the Uniform Federal Accessibility Standards (UFAS) and, by policy, the Americans with Disabilities Act Accessibility guidelines (ADAAG). Over the past several years, the U.S. Access Board has led the effort to combine these two documents resulting in the Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines (ADAABAAG), which were published last year. As the standard setting agency for the DOI, the GSA adopted ABA Chapters 1-2 and 3-10 of the ADAABAAG as the Architectural Barriers Act Accessibility Standard (ABAAS) in its November 8th announcement.

In the announcement, GSA stated that “Facilities subject to the Architectural Barriers Act (ABA) must meet the ABAAS if the construction or alteration commences, or the lease is entered into, after May 8, 2006. If the construction or alteration commences, or the lease is entered into before May 8, 2006, the facility must meet the UFAS. The construction or alteration of a facility for which plans and specifications were completed or substantially completed on or before May 8, 2006, is permitted to meet the UFAS if the construction or alteration is commenced by May 8, 2008.”

For reference, the ABAAS and the UFAS are available at www.access-board.gov. For further technical assistance, we recommend you review the Access Board’s “ADA/ABA Accessibility Guidelines Summary of Revisions” found at <http://www.access-board.gov/ada-aba/summary.htm>. Please ensure that the responsible officials within your Bureau are advised of these new standards. Any inquiries regarding this matter may be directed to Sharon Eller, Director, Office of Civil Rights on 202-208-6120.

Appendix E: Director's Orders



National Park Service

DIRECTOR'S ORDER #42: ACCESSIBILITY FOR VISITORS WITH DISABILITIES IN NATIONAL PARK SERVICE PROGRAMS AND SERVICES

Approved: /s/ Robert Stanton (original on file)
Director, National Park Service

Effective Date: November 3, 2000

Sunset Date: November 3, 2004

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- X. Sources of Further Information

I. BACKGROUND

In 1979, the National Park Service (NPS) decided to approach the issue of accessibility in a comprehensive, organized way, rather than on a project-by-project basis. The primary goal of the program was to develop and coordinate a System-wide, comprehensive approach to achieving the highest level of accessibility that is reasonable, while ensuring consistency with the other legal mandates of conservation and protection of the resources we manage. Since 1980, the NPS has been working with accessibility coordinators in each regional office, and in parks and program offices, to: (1) assess the level of accessibility of various parks; (2) identify the barriers to accessibility; (3) develop policies and guidelines regarding appropriate methods and techniques for improving access; and (4) provide technical assistance and in-service training on effective approaches and program implementation.

Through this coordinated effort, the NPS has been recognized as a leader in opening opportunities to people with disabilities. While accessibility policies apply to both employees and visitors, this Director's Order focuses on visitors, and Director's Order 16A focuses on employees.

There are two primary reasons why the NPS has initiated its present accessibility efforts: (1) there are various legal mandates that require all government agencies to make facilities and programs accessible; and (2) it simply makes good sense to employ principles of "universal design" in providing facilities for everyone, rather than for only a portion of the population. While there are sanctions that can be brought for non-compliance with the legal requirements, it is the second reason that, in the long term, is the most significant for accessibility in the parks. It is estimated there are over 54 million persons in our country today who meet the legal definition of a person with a disability. This includes those who have significant degrees of mobility, sensory, or cognitive limitations. Further, when we consider the growing percentage of our population that is age 65 or older; those with invisible disabilities, such as cardiac and respiratory problems; those who have temporary disabilities, such as broken arms or legs; parents with strollers and wheeled devices, and the families and friends who will be traveling with these individuals, a majority of our nation's population can benefit from accessible facilities and programs.

When facilities and programs are "universally designed" to serve all people, accessibility is generally enhanced for everyone. This is certainly not the case in non-accessible design. In addition, research has shown that, if accessibility is provided at the design stage, the extra cost is negligible. Studies show that the additional cost of making a building accessible is on average 0.5 percent more, and rarely more than 1.0 percent of the total cost. This incremental cost is modest, relative to the large percentage of the population that benefits.

II. GOALS AND OBJECTIVES

It is the goal of the NPS to ensure that all people, including the estimated 54 million citizens with disabilities, have the highest level of accessibility that is reasonable to our programs, facilities and services in conformance with applicable regulations and standards. Accordingly, the NPS will seek to provide that level in the planning, construction, and renovation of buildings and facilities and in the provision of programs and services to the public and to our employees. In most instances, the applicable rules, regulations and standards do not require access if it would change the fundamental nature of the activity. In conforming to the appropriate standards, the level of accessibility will be largely determined by the nature of the area and program, and will be consistent with the obligation to conserve park resources and preserve the quality of the park experience. The procedures in this Director's Order give detailed guidance based on the minimum requirements set forth in laws, rules, and regulations. However, one fundamental principle of this Director's Order is that the NPS will seek to provide the highest level of accessibility that is reasonable, and not simply provide the minimum level that is required by law. Consequently, managers are encouraged to exceed the requirements for visitor accessibility through innovative techniques and partnerships whenever possible and reasonable.

The five objectives of this Director's Order are to:

1. Incorporate the long range goal of providing the highest level of accessibility that is reasonable for people of all abilities in all facilities, programs, and services, instead of providing "separate" or "special" programs.

2. Implement this goal within the daily operation of the NPS, its policies, organizational relationships, and implementation strategies;
3. Provide further guidance and direction regarding the NPS interpretation of laws and policies;
4. Establish a framework for the effective implementation of actions necessary to achieve the highest level of accessibility that is reasonable; and,
5. Ensure the implementation of "universal design" principles within the national park system.

III. DEFINITIONS

This Director's Order makes reference to legal terms and other concepts that are critical to understanding NPS responsibilities. Most of the following definitions are taken from the Department of the Interior regulation entitled "Enforcement of Nondiscrimination on the Basis of Handicap in Department of the Interior Programs" (43 CFR Part 17.501-17.570).

- **Applicable Rules, Regulations and Standards** in the context of this Director's Order means the laws, rules, regulations and standards that have been promulgated in connection with disability rights legislation in this country. That includes the authorities, implementation regulations, and official standards developed by the Department of the Interior, the Department of Justice, and the U.S. Access Board, as outlined in Section 4.
- **Architectural Accessibility** means the design, construction and/or alteration of a building or facility that is in compliance with officially sanctioned design standards, and that can be entered, and used by individuals with a disability. Because of the creation of the official design standards for accessibility, this term carries a legal definition. Buildings or facilities that are not in compliance with official standards are not considered to be "accessible." This term is used in concert with the concept of "program accessibility." (UFAS, Section 3.5)
- **Auxiliary Aids** means services or devices that enable persons with impaired sensory, manual or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the agency. (43 CFR Part 17.503)

Some examples of auxiliary aids include:

- Readers for visually impaired individuals
- Brailled materials
- Audio recordings
- Assistive listening devices
- Telephone handset amplifiers
- Telephones compatible with telecommunication devices for deaf persons
- Interpreters
- Note takers
- Written materials
- And other similar devices
- **An Individual with a Disability** is one who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. (43 CFR Part 17.503)
- **Major Life Activities** are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. (43CFR Part 17.503)

- **Physical or Mental Impairment** is any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (43 CFR Part 17.503)
- **Program Accessibility** means that the programs, activities and opportunities provided to visitors and/or employees will be provided in conformance with Section 504 of the Rehabilitation Act of 1973, as amended. This means they will be provided in such a way that individuals with disabilities are not excluded from, nor denied the benefits of, that program or activity. This term is used in concert with the concept of "architectural accessibility." (43 CFR Part 17.549)
- **Qualified Interpreter** means a sign language interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. (28 CFR Part 35)
- **Reasonable** means not only capable of being accomplished, but also within the bounds of common sense and sound judgment when considering other factors such as costs, benefits, the nature of the environment, and NPS responsibilities toward protecting park resources and values.
- **Self-evaluation** is the evaluation required in 43 CFR Part 17. That section states that the agency shall evaluate, with the assistance of interested persons, including persons with disabilities, its current policies and practices, and the effects thereof, that do not or may not meet the requirements of nondiscrimination on the basis of disability; and to the extent modifications of any policy or practice is required, the agency shall proceed to make the necessary modifications. (43 CFR Part 17.510).
- **Transition Plan** is the action plan that is developed to identify the actions to be taken to correct deficiencies that are identified in the self evaluations. The transition plans must include: (1) the obstacles that limit the accessibility of programs or activities; (2) the detailed methods that will be used to make the facilities accessible; (3) the schedule for taking the steps necessary to achieve compliance; (4) an indication of the official responsible for the implementation of the plan; and (5) identification of the persons or groups who assisted with the plan's preparation. (43 CFR Part 17.550)
- **Universal Design** is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. The universal design concept simplifies life for everyone by making products, communications, and the built environment more usable by more people at little or no extra cost. The universal design concept targets all people of all ages, sizes and abilities. (The Center for Universal Design, North Carolina State University)

IV. AUTHORITY FOR THIS DIRECTOR'S ORDER

Authority to issue this directive is found in 16 USC 1 through 4 (the NPS Organic Act), and the delegations of authority contained in Part 245 of the Department of the Interior Manual.

V. APPLICABLE LAWS, REGULATIONS, AND STANDARDS

There are several Federal laws that require us to make programs, facilities, and services accessible; Department of the Interior regulations that outline how those laws should be implemented; and Federal standards that define how facilities must be designed and constructed in order to comply with those laws and regulations.

A. Laws

1. The Architectural Barriers Act of 1968 (P.L. 90-480) requires all buildings and facilities built or renovated in whole or in part with Federal funds to be accessible to, and usable by, physically disabled persons. Since 1968, official standards for making buildings accessible have been developed and the U.S. Architectural and Transportation Barriers Compliance Board has been created to monitor and enforce compliance with the law.

2. Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112), as amended, is more encompassing than the Architectural Barriers Act. While the Architectural Barriers Act requires physical access to buildings and facilities, Section 504 requires program accessibility in all services provided with Federal dollars. The act itself is very brief. It states:

No otherwise qualified individual with a disability in the United States shall, solely by reason of disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any program or activity conducted by Federal Financial Assistance or by any Executive Agency.

This means the NPS not only has to be concerned with enabling people with disabilities to have access to parks and facilities but, once there, the NPS also needs to do everything feasible to enable them to receive as close to the same benefits as those received by other visitors. This also means our obligation extends to individuals with visual impairments, hearing impairments, and cognitive impairments, as well as those with mobility impairments.

3. Section 501 of the Rehabilitation Act of 1973, as amended, prohibits discrimination against people with disabilities in all employment practices within the Federal Government. Director's Order 16A deals with reasonable accommodation for NPS employees.

4. Section 508 of the Rehabilitation Act of 1973, as amended, requires that all Federal agencies ensure that when they develop, procure, maintain, or use electronic and information technology; that, it is accessible to employees with disabilities. It also requires that individuals with disabilities who are seeking information or services from Federal agencies have access to and use of all information provided. Electronic and information technology is expansively defined. It includes computers (such as hardware, software, and accessible data such as web pages), facsimile machines, copiers, telephones, and other equipment used for transmitting, receiving, using, or storing information.

5. Americans with Disabilities Act of 1990 technically does not apply to the Federal Government. This Act essentially extends the coverage of the Architectural Barriers Act and Sections 501 and 504 of the Rehabilitation Act to all state and local governments and to most of the private sector. Indirectly, the ADA has had, and will continue to have, an enormous impact on all public agencies. The high visibility of the law has generated a wide range of public interest in the issue of access for individuals with disabilities, and has increased the pressure on Federal agencies to bring their facilities and programs into compliance. The law has also resulted in the development of a set of more comprehensive design standards for buildings and facilities, which by policy have been adopted by the Department of the Interior. Finally, Section 507 relates specifically to the use of wheelchairs in the Federal Wilderness Preservation System.

B. Regulations

1. Enforcement of Nondiscrimination on the Basis of Handicap in Department of the Interior Programs (43 CFR 17.501-17.570). This regulation requires that the Department of the Interior operate all its programs and activities to ensure nondiscrimination against qualified persons with a disability. It sets forth standards for what constitutes discrimination on the basis of disability, and establishes a detailed complaint process for resolving allegations of discrimination. This regulation is issued under the authority of section 504 of the Rehabilitation Act of 1973, as amended.

C. Standards

1. Uniform Federal Accessibility Standards (UFAS). This document presents uniform standards for the design, construction, and alteration of buildings so that individuals with disabilities will have ready access to and use of them in accord with the Architectural Barriers Act of 1968. UFAS was published in the Federal Register on August 7, 1984, and became the design requirement of the Department of the Interior when it was adopted by the General Services Administration in 41 CFR 101-19.6 on that same date. All new and altered buildings and facilities must be designed and constructed in conformance with these standards unless otherwise exempt.

2. Americans with Disabilities Act Accessibility Guidelines (ADAAG). This document sets guidelines for accessibility to places of public accommodation and commercial facilities by individuals with disabilities. These guidelines are to be applied during the design, construction, and alteration of such buildings and facilities to the extent required by regulations issued by Federal agencies. ADAAG is more comprehensive than the Uniform Federal Accessibility Standard, and therefore a process is underway to amend UFAS to bring it into conformance. A 1992 Department of the Interior directive instructed all Bureaus to begin to utilize ADAAG in current construction and alteration projects, except in the few instances where UFAS provides a higher degree of accessibility.

VI. IMPLEMENTATION STRATEGIES

To achieve the goals and objectives of this Director's Order, the NPS will implement the following strategies: (1) NPS will increase employee awareness and technical understanding of accessibility requirements; (2) All new and renovated buildings and facilities, and all new services and programs--including those offered by concessioners and by interpreters, will be "universally designed" and implemented in conformance with applicable regulations and standards; (3) Existing programs, facilities and services will be evaluated by programs and park units to determine the degree to which they are currently accessible to and usable by people with disabilities; (4) Barriers that limit access will be identified and incorporated into the NPS Assets Management Program; (5) Each unit will develop action plans identifying how, where feasible, those barriers will be removed; and, (6) Actions will be taken, on a day-to-day basis to eliminate the identified barriers, utilizing existing operational funds or other funding sources or partnerships. Projects requiring large expenditures of funds will be identified and entered into the Project Management Information System (PMIS) so special attention can be given to them in setting regional and national funding priorities.

VII. NATIONAL PARK SERVICE POLICIES

Effective policies are key to National Park Service compliance with the applicable laws, regulations, and standards, and to a successful implementation strategy. Visitor accessibility policies were first addressed in Special Directive 83-3, issued in 1983. Those policies were subsequently updated in the NPS Management Policies. The relevant sections from various chapters of Management Policies are compiled below, for the convenience of NPS managers.

A. Cultural Resource Management (Management Policies, Chapter 5)

The National Park Service will provide persons with disabilities the highest feasible level of physical access to historic properties that is reasonable, consistent with the preservation of each property's significant historical features. Access modifications for persons with disabilities will be designed and installed to least affect the features of a property that contribute to its significance. Modifications to some features may be acceptable in providing access, once a review of options for the highest level of access has been completed. However, if it is determined that modification of particular features would impair a property's integrity and character in terms of the Advisory Council's regulations at 36 CFR 800.9, such modifications will not be made. To the extent possible, modifications for access will benefit the greatest number of visitors, staff, and the public, and be integrated with, or in proximity to, the primary path of travel for entrances and from parking areas. In situations where access modifications cannot be made, alternative methods of achieving program access will be adopted.

B. Interpretation and Education (Management Policies, Chapter 7)

The NPS will ensure, to the greatest extent reasonable, that persons with disabilities receive the same interpretive opportunities as non-disabled persons. Interpretive and educational programs, exhibits, audiovisual programs, publications, and all other interpretive media will comply with Departmental regulations 43 Part CFR 17, Subpart E, and with standards required by the 1968 Architectural Barriers Act. Accordingly, the Park Service will ensure that persons with disabilities have the opportunity to participate in, and benefit from, all programs and activities in the most integrated setting appropriate. Additionally, the Service will take all feasible steps to ensure effective communication with individuals with hearing and visual impairments by providing appropriate auxiliary aids, where necessary, in order to afford them the opportunity to participate in, and enjoy the benefits of, NPS programs and activities. These steps should include but not be limited to providing sign-language interpreters for visitors with hearing impairments, and providing audio, Braille, and large- print versions of printed materials for those with visual or cognitive disabilities.

C. Use of Parks (Management Policies, Chapter 8)

All reasonable efforts will be made to make NPS facilities, programs, and services accessible to and usable by all people, including those with disabilities. This policy reflects the commitment to provide access to the widest cross section of the public, and to ensure compliance with the intent of the Architectural Barriers Act and the Rehabilitation Act. The Service will also comply with section 507 of the ADA (42 USC 12207), which relates specifically to the operation and management of federal wilderness areas. Specific guidance for implementing these laws is found in the Secretary of the Interior's regulations regarding enforcement of non-discrimination on the basis of disability in Department of the Interior Programs. (43 CFR Part 17, Subpart E).

One primary tenet of disability rights requirements is that, to the highest degree reasonable, people with disabilities should be able to participate in the same programs and activities available to everyone else. In choosing among methods for providing accessibility, higher priority will be given to those methods that offer programs and activities in the most integrated setting appropriate. Special, separate, or alternative facilities, programs, or services will be provided only when existing ones can not reasonably be made accessible. The determination of what is reasonable will be made only after careful consultation with persons with disabilities, or their representatives. Any decision that would result in "less than equal opportunity" is subject to the filing of an official disability rights complaint under the Departmental regulations cited above.

D. Park Facilities (Management Policies, Chapter 9)

The NPS will design, construct, and operate all buildings and facilities so they are accessible to, and usable by, persons with disabilities to the greatest extent reasonable, in compliance with all applicable laws, regulations and standards. This means that all new and altered buildings and facilities will be in conformance with the appropriate design standards. It also means that a sufficient number of existing buildings and facilities will be modified to ensure that programs can be provided in an accessible location.

Accessibility will be provided consistent with preserving park resources, visitor safety, and providing a high-quality visitor experience. In most instances, the degree of accessibility provided will be proportionately related to the degree of human-made modifications in the area surrounding the facility, and the importance of the facility to people visiting or working in the park. Accordingly, most administrative offices, some overnight visitor accommodations, some employee housing, and most interpretive and visitor service facilities will be accessible. Undeveloped areas, such as those outside the immediate influence of buildings and roads, will not normally be modified, nor will special facilities be provided for the sole purpose of providing access to all segments of the population. Accessibility to facilities in threshold areas will be determined on the basis of the nature of the topography, the significance of the attraction, the amount of physical modifications being made to the environment and the modifications necessary to ensure programmatic accessibility.

Transportation systems in parks, including water transportation will have a sufficient percentage of fully accessible vehicles or watercraft to provide effective services to persons with disabilities. In the case of existing systems, the necessary vehicles will be provided on a replacement or retrofit basis. Until the transportation system has been made fully accessible, a separate accessible vehicle will be provided, or disabled persons will be allowed to drive their personal vehicles on otherwise restricted roadways.

In meeting the goal of accessibility, emphasis will be placed on ensuring persons with disabilities are afforded experiences and opportunities along with other visitors, to the greatest extent reasonable. Separate facilities for people with disabilities are not a substitute for full accessibility to other park facilities, but they may be allowed where the need for specialized services is clearly demonstrated.

E. Commercial Visitor Services (Management Policies, Chapter 10)

Concessioners share the National Park Service's responsibility to provide employees and visitors with the greatest degree of access to programs, facilities, and services that is reasonable, within the terms of existing contracts and agreements. New contracts will reflect (1) regulations issued under the authority of Section 504 of the Rehabilitation Act of 1973, as amended (43 CFR, Part 17), which prohibits discrimination on the basis of disability in programs or activities conducted by federal executive agencies; and (2) the Architectural Barriers Act of 1968, which requires physical access to buildings and facilities. Where there is no specific language regarding accessibility in an existing concession contract, the NPS will address the issue of compliance in the annual concession operating plan.

F. Wilderness Management (Management Policies, Chapter 6)

The National Park Service has legal obligations to make available equal opportunities for people with disabilities in all programs and activities. This requirement includes the opportunity to participate in wilderness experiences. Management decisions responding to requests for special consideration to provide wilderness use by persons with disabilities must be in accord with the Architectural Barriers Act of 1968, the Rehabilitation Act of 1973 (as amended in 1978) and section 507 (c) of the Americans with Disabilities Act of 1990 (ADA) (42 USC 12207(c)). Such decisions should balance the intent of the access and wilderness laws, and find a way of providing the highest level of protection to the wilderness resource.

Section 17.550 of the Secretary of the Interior's regulations regarding the enforcement of non-discrimination on the basis of disability in Department of the Interior programs (43 CFR Part 17, Subpart E) states that agencies are not required to take any actions or provide access that would result in a fundamental alteration in the nature of a program or activity. However, the agency has the burden of proving that compliance would result in a fundamental alteration. This concept is also found in section 507 of ADA.

VIII. ROLES AND RESPONSIBILITIES

The Director of the NPS has the responsibility of ensuring that the goals and objectives of this Director's Order are achieved. Implementation responsibilities are delegated to the Associate Directors, the Regional Directors, and to the individual Superintendents. However, since access encompasses virtually every program and activity provided to the visiting public as well as to our employees, it is every employee's responsibility to be aware of the requirements for equal accessibility and when and where possible to take steps to ensure the needs of persons with disabilities are accommodated. Ensuring access to programs, facilities and services provided by the NPS is a broad based and shared responsibility. Specific roles and responsibilities for the organization, management, coordination, and implementation of action is outlined as follows:

A. Park Superintendents

Park superintendents are responsible for all activities related to the day-to-day operation of their park, including those provided through concessioners, cooperating associations, and volunteers. Superintendents ensure all of their programs, facilities, and services are accessible, in conformance with applicable laws, regulations, standards and policies. Each superintendent ensures all new programs, facilities and services are designed, constructed and delivered in compliance with accessibility requirements. They are also responsible for conducting a comprehensive evaluation of existing programs,

facilities and services to determine the degree to which they are equally accessible to all people with disabilities and for the development of transition plans to correct deficiencies as outlined in 43CFR 17.510. They are also responsible for taking all possible actions, on an on-going basis, to ensure the corrective actions are taken in an appropriate way and within an appropriate time period.

Each superintendent will be responsible for appointing a site accessibility coordinator and for providing the support and direction needed to develop and implement a park or site strategy to accomplish Service-wide goals and objectives regarding accessibility. A site accessibility coordinator may service more than one park or unit. The coordinator may be the same accessibility coordinator as appointed in Director's Order #16A: Reasonable Accommodation for Employees. Personnel issues may require that an individual from the Human Resources program be appointed to assist in the implementation of reasonable accommodation, in addition to the site access coordinator.

Park or Site Accessibility Coordinator - The park or site accessibility coordinator will be responsible for the coordination, planning, and monitoring of park-wide activities concerned with architectural and programmatic accessibility for people with disabilities, including technical assistance and training. Programs and activities should be closely coordinated with the regional accessibility coordinator to ensure actions taken conform to applicable laws, regulations, standards and policies. These programs and activities should also be closely coordinated with the Chiefs of Maintenance, Interpretation, Concessions Management and other program heads to ensure appropriate implementation. It is the responsibility of the park or site accessibility coordinator to advise park staff, with the approval of their supervisor and the superintendent, on actions necessary to achieve the goal of providing the highest level of accessibility that is reasonable within the park.

It is the responsibility of the park or site coordinator to work with their supervisor and the superintendent, in determining how best to achieve these duties for the benefit of the entire park.

B. Regional Directors

Regional directors have responsibility for the oversight, monitoring and coordination of all activities relating to the operation of the parks within their region. They ensure all areas are in compliance with applicable laws, regulations, standards and policies, including those related to accessibility. They ensure that all new buildings or facilities, built or altered under its direction are designed and constructed in compliance with applicable rules, regulations and standards. Each regional director will be responsible for appointing a regional accessibility coordinator and providing the support and direction needed to develop and implement a regional strategy to accomplish Service-wide goals and objectives regarding accessibility.

Regional Accessibility Coordinator - The regional accessibility coordinator is responsible for the coordination, planning, and monitoring of all regional activities concerned with architectural and programmatic accessibility for people with disabilities, including technical assistance and training. Programs and activities should be closely coordinated with the Washington Office AMP to ensure actions taken conform to applicable laws, regulations, standards and policies. The regional accessibility coordinator will represent the region on the Service-wide Accessibility Coordinating Committee.

It is the responsibility of the regional accessibility coordinator to work with regional staff, with the approval of their supervisor and the regional director, on actions to achieve the goal of providing the highest level of accessibility that is reasonable within the entire region.

C. Washington Office

1. Associate Director, Park Operations and Education

The Associate Director for Park Operations and Education, has primary responsibility to provide guidance and direction to ensure that accessibility is incorporated as an integral component of each service-wide operational function. This includes developing strategies that will assist the NPS to ensure that (1) all new programs, facilities, and services are designed and implemented in conformance with applicable laws and regulations; (2) existing programs, facilities and services are evaluated to determine what barriers to access currently exist; and (3) actions are planned and implemented that will bring the programs, facilities and services into compliance with applicable policies and regulations. Certain divisions and programs reporting to the associate director have specific responsibilities.

(a) Park Facility Management Division - This division is responsible for the overall management and coordination of the NPS Service-wide Maintenance Program. This division provides guidance and direction to ensure that, as existing facilities are repaired and renovated, modifications are made to bring the facilities into conformance with all applicable laws and regulations. It does this through the activities of the Accessibility Management Program as described below.

Accessibility Management Program (AMP) - The AMP is a program area within the Park Facility Management Division. The primary goal of the AMP is to develop and oversee a Service-wide strategy to assist the NPS to ensure the nation's 54 million citizens with disabilities have access to the full range of opportunities and experiences provided by the NPS to other individuals, while at the same time, ensuring adherence to other legal mandates of preservation and protection of the resources we manage. The AMP works with the Service-wide Accessibility Coordinating Committee, which is comprised of representatives from each of the regional offices and other NPS units to: (1) assess the current level of accessibility of our various parks; (2) identify the barriers to accessibility; (3) develop policies and guidelines regarding appropriate methods and techniques for improving access; and (4) provide technical assistance and in-service training on cost-effective approaches and program implementation.

The National Center on Accessibility - The Park Facility Management Division also serves as the NPS liaison with the National Center on Accessibility (NCA) which was created through a formal cooperative agreement between the NPS and Indiana University's Department of Recreation and Park Administration. One primary purpose of NCA is to work with the NPS AMP in accomplishing its goal of ensuring that the NPS, in its entirety, is as accessible as is reasonable to people with disabilities in conformance with applicable laws, rules and regulations. The NCA works with the AMP to provide nationwide training to park and recreation professionals on how to: (1) provide accessible programs, facilities, and services; (2) stimulate, coordinate and conduct research that will identify more effective ways of providing equal opportunity for citizens with disabilities to enjoy outdoor recreation opportunities; and (3) develop technical assistance programs to assist park and recreation professionals in better meeting the needs of people with disabilities.

The Service-wide Accessibility Coordinating Committee - In 1997, the Associate Director for Park Operations and Education, established the Service-wide Accessibility Coordinating Committee comprised of representatives from each of the regional offices, the Denver Service Center (DSC), and the Harpers Ferry Center (HFC). This committee is an advisory committee and a working group established to assist the NPS in implementing its responsibilities regarding accessibility throughout the National Park System. In addition to advising the Associate Director, the committee also provides advice to the NPS Park Facility Management Division.

(b) Interpretation and Education Division - This division is responsible for the overall management and direction of the NPS Interpretation and Education Program and works to ensure accessibility is incorporated to the highest level that is reasonable into all aspects of the Service-wide interpretation program. This includes ensuring that new interpretive programs and services provide effective communication to all persons with a disability. It also means all existing interpretive programs and services, including those provided by cooperating associations, are evaluated to determine the degree to which they are accessible to all visitors; and that actions are taken to bring those programs and services into compliance with the applicable laws and regulations.

(c) Concession Management Division- This division is responsible for the overall management and direction of the NPS Concession Management Program. This division takes all possible steps to ensure that the highest level of accessibility that is reasonable is incorporated into all aspects of the Service-wide concessions program. This includes ensuring all new concession programs and services are accessible to and usable by all persons with a disability. It also means all existing concession programs and services are evaluated to determine the degree to which they are accessible to all visitors, and modifications are made to ensure those programs and services conform to applicable laws and regulations.

(d) Harpers Ferry Center - The HFC is responsible for the overall management and direction of interpretive media and technology throughout the NPS. The HFC works to ensure that the highest level of accessibility that is reasonable is incorporated into all aspects of interpretive media, planning, design and construction. This includes ensuring that all new interpretive media are provided in such a way as to be accessible to and usable by all persons with a disability. It also means all existing practices and procedures are evaluated to determine the degree to which they are currently accessible to all visitors, and modifications are made to assure conformance with applicable laws and regulations.

2. Associate Director, Professional Services

The Associate Directorate for Professional Services, has responsibility for the overall direction and coordination of the NPS planning, design and construction program, and ensures that the highest level of accessibility that is reasonable is appropriately incorporated into all aspects of these programs. Primary responsibilities within Professional Services for accessibility reside in the following units.

(a) Park Planning and Special Studies - This division has the overall responsibility for the NPS's comprehensive planning process. This division ensures the General

Management Plans and Statements for Management broadly support the legal requirements for accessibility and NPS policy regarding providing the highest level of accessibility that is reasonable. The Development Concept Plans, the Comprehensive Design Plans and the Interpretive Prospectus then shall identify the specific ways in which the facilities and programs will be made accessible in conformance with appropriate rules, regulations and policy.

(b) Denver Service Center (DSC) - The DSC is responsible for the overall planning, design and construction of most major new construction projects throughout the NPS. The DSC ensures all new buildings or facilities, built or altered under its direction are designed and constructed in compliance with applicable rules, regulations and standards. The DSC is also responsible for ensuring that all designs done under its supervision conform to appropriate design standards.

3. Associate Director, Administration The Associate Directorate for Administration, has responsibility for the overall direction and coordination of all administrative activities within the NPS and ensures accessibility is appropriately incorporated into all aspects of these programs. Primary responsibilities within Administration for accessibility reside in the following units.

(a) Office of Human Resources - The Office of Human Resources has the responsibility for the operation of all personnel related functions within the NPS. This office ensures that people with disabilities are appropriately served in all functions including recruitment, hiring, retention, employee development and advancement, in conformance with appropriate rules and regulations. This office also has primary responsibilities for the provision of "reasonable accommodation" for employees with disabilities, in compliance with EEOC directives and regulations and with NPS Director's Order #16A.

(b) Training and Development Division - The Training and Development Division has the responsibility for the Service-wide employee in-service training program, and ensures accessibility is incorporated in all aspects of that program. This division ensures that the Service-wide Employee Development Program includes the necessary components to assist all employees in fulfilling their responsibilities regarding accessibility. They also ensure that employees with disabilities have equal access to the training and development activities provided, and appropriate auxiliary aids are provided as part of that training.

4. Equal Opportunity Program

The NPS Equal Opportunity Program (EOP) has the Service-wide responsibility for the oversight, advocacy, and enforcement of all programs related to civil rights, including legal requirements for accessibility for visitors and employees. The EOP helps all NPS managers understand the relevant laws, and the methods and techniques for complying with them. The EOP plays an integral role in working with the AMP in establishing strategies to ensure all parks and programs are in compliance with applicable laws, regulations and standards. This includes managing the official disability rights complaint process, as set forth in Departmental Regulations 43CFR 17.570, and providing Service-wide interpretive guidance on equal opportunity access issues.

D. Department of the Interior - Equal Opportunity Program

The Department of the Interior, Equal Opportunity Program, has the responsibility to monitor compliance with Section 501 and 504 within the Department of the Interior. Departmental regulations for implementing Section 504 in programs receiving Federal Financial Assistance were published in 1982, and those for Federally Conducted Programs were published in 1987. These regulations place very strict timelines for compliance; give guidance for providing programmatic access; require all agencies to conduct self-evaluations of the degree to which their programs are currently accessible; develop transition plans for correcting identified barriers; and set forth a formal complaint review process.

IX. ACCOUNTABILITY

Federal statutes and regulations require that all programs, facilities, and services are accessible to persons with disabilities. Guidance on how to accomplish this is provided through official design standards and regulations, and by NPS policy. These documents are outlined in Section V of this Director's Order. Everyone must understand that adhering to these statutes is a requirement and not an option! This Director's Order outlines the roles and responsibilities of a wide spectrum of NPS managers. Each manager will be held accountable for meeting those responsibilities and for ensuring the individuals they supervise are held accountable for performing their roles and responsibilities.

As stated in section I of this Director's Order, the primary reason for making the NPS accessible is because it is the right thing to do. It simply makes good sense to employ the principles of "universal design" in providing facilities and programs that are accessible to and usable by every one. Failure to do so denies the opportunity for over 54 million citizens with disabilities to have an equal opportunity to enjoy their national parks. The penalties for non-compliance can be significant in terms of the cost associated with having to remove features that have been constructed inappropriately and replacing them. The costs in terms of denying persons with disabilities the opportunity to enjoy the grandeur and educational values of a national park experience is also significant, even though they are not measurable. The laws and regulations contain compliance enforcement procedures. The U.S. Architectural and Transportation Barriers Compliance Board has enforcement responsibility for compliance with the Architectural Barriers Act, and the Department of Justice has responsibility for the enforcement of the Rehabilitation Act of 1973. Both of these entities can determine that the NPS is in noncompliance with the statutes and can order corrective actions to be taken. They have taken such action in the past with regard to complaints filed against the NPS. One purpose of this Directors Order is to establish a strategy to enable the NPS to make the changes and modifications needed in a positive and proactive way, rather than being ordered to do so as a result of the complaint process.

In the final analysis, the ultimate measure of accountability will be the degree to which persons with disabilities can visit the national parks, receive the same services, and access the same opportunities as other visitors.

X. SOURCES OF FURTHER INFORMATION

National Center on Accessibility (NCA)
www.indiana.edu/~nca/nca.html

Provides information on: access for individuals with disabilities to park and recreation areas and programs; training programs and opportunities; technical assistance for park and recreation professionals; and research and demonstration projects.

U.S. Architectural and Transportation Barriers Compliance Board (U.S. Access Board)
www.access-board.gov

Provides information on: current status of accessibility standards and proposed accessibility guidelines; future meetings of the Access Board and minutes to previous meetings; Access Board newsletter and other publications; Information on activities of ongoing projects.

U. S. Department of Justice- ADA Home Page
www.usdoj.gov/crt/ada/adahoml.htm

Provides comprehensive information on the requirements of the Americans with Disabilities act, updates on new developments, and technical assistance information.

U.S. Census Bureau
www.census.gov/hhes/www/disable.html

Provides information on the Office on Statistics and on disability population statistics.

National Institute on Disability and Rehabilitation Research (NIDRR)
www.ed.gov/offices/OSERS/NIDRR/index.html

Provides information on NIDRR projects, publications, and other disability and rehabilitation resources.

Disability and Business Technical Assistance Centers
www.ncddr.org/urllist/adatech.html

Provides information on technical assistance for entities covered by Title II and III of the ADA; listings of Regional Centers; and the most frequently asked questions on the provision of access for people with disabilities.

International Disability Access Symbols
www.gag.org/das/

Provides information on international symbols organized by the Graphic Artists Guild Foundation; and, symbols for downloading, including audio description, volume control, sign language interpretation, closed captioning and others.

Abledata
www.abledata.com

Provides information on: national on-line database of assistive technology and lists for products, manufacturers, and organizations.

Center for Universal Design
www.design.ncsu.edu:8120/cud/

Provides information on: principles of Universal Design and the concept of designing products and environments to be usable by all people.

Trace Research and Development Center

www.trace.wisc.edu/index.html

Provides information on interdisciplinary research, development and resource materials on technology and disability and recommendations for designing accessible web pages.

National Center on Accessible Media (WGBH-Boston)

www.wgbh.org/wgbh/index.html

Provides information on research and development for accessible media; Rear-Window movie captioning system; and recommendations for accessible web pages.

Project ACTION

www.projectaction.org/

Provides information on technical assistance programs promoting accessible transportation systems within communities throughout the US.

Beneficial Designs

www.beneficialdesigns.com/

Provides information on rehabilitation engineering and design and the innovative Universal Trail Assessment Process for mapping levels of difficulty for trails.

Wilderness Inquiry

www.wildernessinquiry.org

Provides information on outdoor adventures for people of all ages and abilities.

TransCen, Inc.

www.transcen.org

Provides information on accessibility standards, training programs and opportunities, and additional accessibility resources.

-----End of Director's Order-----

Appendix F: NPS Management Policies

NPS Management Policies 2006 (Excerpts Relating to Accessibility)

1.9.3 Accessibility for Persons with Disabilities

All practicable efforts will be made to make NPS facilities, programs, services, employment, and meaningful work opportunities accessible and usable by all people, including those with disabilities. This policy reflects the commitment to provide access to the widest cross section of the public and ensure compliance with the Architectural Barriers Act of 1968, the Rehabilitation Act of 1973, the Equal Employment Opportunity Act of 1972, and the Americans with Disabilities Act of 1990. Specific guidance for implementing these laws is found in the Secretary of the Interior's regulations regarding enforcement of nondiscrimination on the basis of disability in Department of the Interior programs (43 CFR Part 17, Subpart E), and the General Services Administration's regulations adopting accessibility standards for the Architectural Barriers Act (41 CFR Part 102-76, Subpart C).

A primary principle of accessibility is that, to the highest degree practicable, people with disabilities should be able to participate in the same programs, activities, and employment opportunities available to everyone else. In choosing among methods of providing accessibility, higher priority will be given to methods that offer programs and activities in the most integrated setting appropriate. Special, separate, or alternative facilities, programs, or services will be provided only when existing ones cannot reasonably be made accessible. The determination of what is practicable will be made only after careful consultation with persons with disabilities or their representatives. Any decision that would result in less than equal opportunity is subject to the filing of an official disability rights complaint under the departmental regulations cited above.

(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 8.2.4; Accessibility of Commercial Services 10.2.6.2. Also see Americans with Disabilities Act and Architectural Barriers Act Accessibility Standards)

5.3.2 Physical Access for Persons with Disabilities

The National Park Service will provide persons with disabilities the highest feasible level of physical access to historic properties that is reasonable, consistent with the preservation of each property's significant historical features. Access modifications for persons with disabilities will be designed and installed to least affect the features of a property that contribute to its significance. Modifications to some features may be acceptable in providing access once a review of options for the highest level of access has been completed. However, if it is determined that modification of particular features would impair a property's integrity and character in terms of the Advisory Council's regulations at 36 CFR 800.9, such modifications will not be made. To the extent possible, modifications for access will benefit the greatest number of visitors, staff, and the public, and be integrated with or close to the primary path of travel for entrances and from parking areas. In situations where access modifications cannot be made, alternative methods of achieving program access will be adopted.

(See Access to Interpretive and Educational Opportunities 7.5.2; Accessibility for Persons with Disabilities 8.2.4; Accessibility for Persons with Disabilities 9.1.2; Accessibility of Commercial Services 10.2.6.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities in National Park Service Programs and Services)

6.4.10 Accessibility for Persons with Disabilities

The National Park Service has legal obligations to make available equal opportunities for people with disabilities in all programs and activities. This requirement includes the opportunity to participate in wilderness experiences. Management decisions responding to requests for special consideration to provide wilderness use by persons with disabilities must be in accord with the Architectural Barriers Act of 1968, the Rehabilitation Act of 1973 (as amended in 1978), and section 507(c) of the Americans with Disabilities Act of 1990 (42 USC 12207(c)). Such decisions should balance the intent of access and wilderness laws and find a way of providing the highest level of protection to the wilderness resource. Section 17.550 of the Secretary of the Interior's regulations regarding the enforcement of nondiscrimination on the basis of disability in Department of Interior programs (43 CFR Part 17, subpart E) states that agencies are not required to take any actions or provide access that would result in a fundamental alteration in the nature of a program or activity. However, the agency has the burden of proving that compliance would result in a fundamental alteration. This concept is also found in section 507 of the Americans with Disabilities Act.

(See Accessibility for Persons with Disabilities 1.9.3, 8.2.4, and 9.1.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities in National Park Service Programs and Services)

7.5.2 Access to Interpretive and Educational Opportunities

National parks belong to all of the nation's people and should have opportunities to enjoy them. Efforts will be made to ensure that interpretive and educational programs are available to all people and consider the special needs of children, senior citizens, non-English speaking visitors, and the economically disadvantaged. Foreign-language translations of park publications will be provided as needed in those parks visited by substantial numbers of non-English-speaking visitors. The National Park Service will also ensure that persons with disabilities receive the same interpretive opportunities as those without disabilities. Interpretive and educational programs, exhibits, publications, and all other interpretive media will comply with Department of the Interior regulations at 43 CFR Part 17, subpart E, and with standards required by the Architectural Barriers Act. Accordingly, the Park Service will ensure that persons with disabilities have the opportunity to participate in all programs and activities in the most integrated setting appropriate. Additionally, the Service will take all feasible steps to ensure effective communication with individuals with hearing, visual, and cognitive disabilities. These steps should include but not be limited to providing sign language interpreters, audio/visual presentations, Braille, and large-print versions of printed materials.

(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 8.2.4; Accessibility for Persons with Disabilities 9.1.2; Accessibility of Commercial Services 10.2.6.2. Also see Director's Order #42; Reference Manual 41; 43 CFR 17.550)

8.2.4 Accessibility for Persons with Disabilities

All reasonable efforts will be undertaken to make NPS facilities, programs, and services accessible to and usable by all people, including those with disabilities. This policy reflects the commitment to

provide access to the widest cross section of the public, and to ensure compliance with the intent of the Architectural Barriers Act of 1968 and the Rehabilitation Act of 1973. The Service will also comply with section 507 of the Americans with Disabilities Act (42 USC 12207), which relates specifically to the operation and management of federal wilderness areas. Specific guidance for implementing these laws is found in the Secretary of the Interior's regulations regarding enforcement of nondiscrimination on the basis of disability in Department of the Interior programs (43 CFR Part 17, Subpart E), and General Service Administration regulations adopting accessibility standards for the Architectural Barriers Act (41 CFR Part 102- 76, Subpart C).

One primary tenet of accessibility is that, to the highest degree reasonable, people with disabilities should be able to participate in the same programs and activities available to everyone else. In choosing among methods for providing accessibility, higher priority will be given to those methods that offer programs and activities in the most integrated setting appropriate. Special, separate, or alternative facilities, programs, or services will be provided only when existing ones cannot reasonably be made accessible. The determination of what is reasonable will be made only after careful consultation with persons with disabilities or their representatives. Any decision that would result in less than equal opportunity is subject to the filing of an official disability rights complaint under the departmental regulations cited above.

(See Accessibility for Persons with Disabilities 1.9.4; Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 6.4.10; Accessibility for Persons with Disabilities 9.1.2. Also see Director's Order #16A: Reasonable Accommodation for Applicants and Employees with Disabilities; Director's Order #42: Accessibility for Visitors with Disabilities in National Park Service Programs and Services; Americans with Disabilities Act and Architectural Barriers Act Accessibility Standards)

Undeveloped areas, such as those outside the immediate influence of buildings and roads, will not normally be modified, nor will special facilities be provided for the sole purpose of providing access to all segments of the population. Accessibility to facilities in threshold areas will be determined on the basis of topography, the significance of the attraction, the number of physical modifications being made to the environment, and the modifications necessary to ensure programmatic accessibility. Transportation systems in parks, including water transportation, will have a sufficient percentage of fully accessible vehicles or watercraft to provide effective services to persons with disabilities. In the case of existing systems, the necessary vehicles will be provided on a replacement or retrofit basis. Until the transportation system has been made fully accessible, a separate accessible vehicle will be provided, or disabled persons will be allowed to drive their personal vehicles on otherwise-restricted roadways. In meeting the goal of accessibility, emphasis will be placed on ensuring that persons with disabilities are afforded experiences and opportunities along with other visitors to the greatest extent reasonable. Separate facilities for people with disabilities are not a substitute for full accessibility to other park facilities, but they may be allowed where the need for specialized services is clearly demonstrated.

(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 8.2.4; Accessibility of Commercial Services 10.2.6.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities in National Park Service Programs and Services)

9.1.2 Accessibility for Persons with Disabilities

The Service will design, construct, and operate all buildings and facilities so they are accessible to and usable by persons with disabilities to the greatest extent reasonable, in accord with all applicable laws, regulations, and standards. This means that all new and altered buildings and facilities will comply with the General Services Administration's regulations adopting accessibility standards for the Architectural Barriers Act of 1968 (41 CFR Part 102-76, Subpart C), and 43 CFR, Part 17, Subpart E, Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of the Interior. It also means that some buildings and facilities will be modified to ensure that programs can be provided in an accessible location.

Accessibility will be provided consistent with preserving park resources and providing visitor safety and high-quality visitor experiences. In most instances, the degree of accessibility provided will be proportionately related to the degree of human-made modifications in the area surrounding the facility and the importance of the facility to people visiting or working in the park. Accordingly, most administrative offices, some overnight visitor accommodations, some employee housing and most interpretive and visitor service facilities will be accessible.

Undeveloped areas, such as those outside the immediate influence of buildings and roads, will not normally be modified, nor will special facilities be provided for the sole purpose of providing access to all segments of the population. Accessibility to facilities in threshold areas will be determined on the basis of topography, the significance of the attraction, the number of physical modifications being made to the environment, and the modifications necessary to ensure programmatic accessibility.

Transportation systems in parks, including water transportation, will have a sufficient percentage of fully accessible vehicles or watercraft to provide effective services to persons with disabilities. In the case of existing systems, the necessary vehicles will be provided on a replacement or retrofit basis. Until the transportation system has been made fully accessible, a separate accessible vehicle will be provided, or disabled persons will be allowed to drive their personal vehicles on otherwise-restricted roadways. In meeting the goal of accessibility, emphasis will be placed on ensuring that persons with disabilities are afforded experiences and opportunities along with other visitors to the greatest extent reasonable. Separate facilities for people with disabilities are not a substitute for full accessibility to other park facilities, but they may be allowed where the need for specialized services is clearly demonstrated.

(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 8.2.4; Accessibility of Commercial Services 10.2.6.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities in National Park Service Programs and Services)

10.2.6.2 Accessibility of Commercial Services

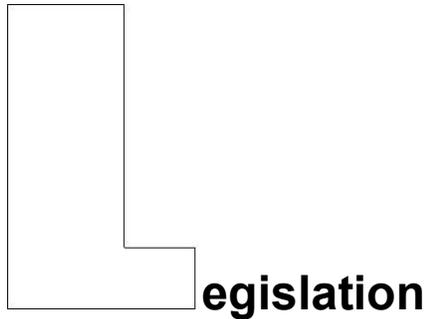
Concessioners share the National Park Service's responsibility to provide employees and visitors with the greatest degree of access to programs, facilities, and services that is reasonable, within the terms of existing contracts and agreements. Applicable laws include, but are not limited to:

(1) regulations issued under the authority of section 504 of the Rehabilitation Act of 1973, as amended (43 CFR Part 17), which prohibits discrimination on the basis of disability in programs or activities conducted by federal executive agencies; and

(2) the Architectural Barriers Act of 1968, which requires physical access to buildings and facilities. Where there is no specific language identifying applicable accessibility laws in an existing concession contract, the Park Service will address the issue of compliance in the annual concession operating plan.

(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 1.9.3, 8.2.4 and 9.1.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities in National Park Service Programs and Services)

Appendix G: Legislation LED



The law is not an end in itself, nor does it provide ends. It is preeminently a means to serve what we think is right. -Justice William J. Brennan, Jr.

The legislation enacted to protect people with disabilities from discrimination plays a critical role in the implementation of programs and services for Americans. A keen understanding of that legislation is necessary in order for any agency, organization, or business to successfully include people with disabilities in their facilities and programs.

Architectural Barriers Act of 1968

In the mid-1960's the National Commission on Architectural Barriers to Rehabilitation of the Handicapped was established through an act of Congress. The Commission's responsibility was to determine how architectural barriers impede access for people with disabilities; determine what is being done to eliminate barriers in existing buildings; and propose action to ensure access for people with disabilities. In its findings, the Commission reported that architects, manufacturers, suppliers, and the general public were ignorant of accessibility issues. As the Commission found that voluntary compliance was not enough to ensure access, it recommended enactment of federal legislation requiring all new buildings be accessible to people with disabilities.

In response to the Commission's report, Congress passed the **Architectural Barriers Act** (ABA; Public Law 90-480) in 1968. The ABA required "any building or facility, built or renovated, or leased with Federal funds, will be built to be accessible to and usable by physically disabled persons." The ABA then designated four federal agencies as responsible for accessibility standards: the General Services Administration (GSA), the Department of Defense (DOD), the Department of Housing and Urban Development (HUD), and the US Postal Service (USPS). As a result, each agency published its own set of technical provisions causing considerable confusion regarding federal accessibility standards.

ABA Key Points

"any building or facility, built, renovated, or leased with Federal funds, will be built to be accessible to and usable by physically disabled persons."

Addresses physical access for individuals with disabilities.

Designates four federal agencies responsible for accessibility standards.

Rehabilitation Act of 1973

In 1973, the **Rehabilitation Act** (Public Law 93-112) was passed. This legislation was a comprehensive revision of the 1965 Vocational Rehabilitation Act, removing emphasis from “vocational” rehabilitation and focusing on total rehabilitation of all people with disabilities. Sections 501 and 503 addressed employment of people with disabilities, requiring affirmative action plans for their hiring in the federal government and with federal contractors receiving contracts over \$2,500.

Section 502 of Rehabilitation Act

As the four federal agencies responsible for accessibility standards were each “doing their own thing” and as the overlapping of authority caused much confusion, **Section 502 of the Rehabilitation Act** established the **Architectural and Transportation Barriers Compliance Board (ATBCB)**. The ATBCB was established as an independent regulatory agency with authority to enforce the ABA. The ATBCB (today known as the Access Board) consists of representatives from 11 federal agencies and 12 members of the general public that are appointed by the President of the United States.

In 1982, the ATBCB published Minimum Guidelines and Requirements for Accessible Design (MGRAD). This document was based on publications of the Americans Standards Institute that had published ANSI A117.1 in 1971 which detailed minimum requirements for access to public buildings for people with disabilities. In 1984, the ATBCB updated MGRAD and published the **Uniform Federal Accessibility Standards (UFAS)**. The four agencies responsible for accessibility standards adopted UFAS as the standard for all buildings or renovations funded in whole or in part by the federal government.

Section 504 of Rehabilitation Act

As much of the legislation to this point concentrated on architectural access, **Section 504 of the Rehabilitation Act** address access to programs stating:

“No otherwise qualified individual with a disability in the United States shall solely by reason of his disability, be excluded from the participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, or under any program or activity conducted by any Executive Agency”

Section 504 requires programming to be accessible to people with disabilities. Options for accessible programming can include making the program available in alternative locations when the site itself cannot be made physically accessible. In addition, Section 504 addresses the program access needs of people with visual impairments, hearing

impairments, and learning impairments. Section 504 also required all federal agencies to develop their own regulations for programs under their direction that were either federally assisted or federally conducted.

Section 504 states that an agency shall not:

Deny a person with a disability the opportunity to participate in, or benefit from, a service solely on the basis of their disability.

Offer a person with a disability an opportunity to participate that is not equal to that afforded to others.

Provide a service for a person with a disability that is not as effective as that provided to others.

Provide separate aids or services, unless it is necessary in order to provide an equal opportunity.

Provide significant aid or assistance to any agency that discriminates on the basis of disability.

Deny a person with a disability the opportunity to participate as a member of a planning or advisory board.

Additionally, Section 504 of the Rehabilitation Act requires specific actions from agencies including conducting a self evaluation of its policies, facilities, programs and services to determine the extent to which they meet the intent of the regulations. The agency is required to maintain the self evaluation on file for public inspection. In choosing among available methods for compliance, the agency is directed to give priority to those methods offering programs and opportunities in the most integrated setting possible. In the event that structural changes are necessary in order to provide program access, the agency is directed to develop a transition plan identifying barriers, describing the methods to eliminate the barriers, specifying the schedule for completion, indicating the official responsible, and identifying the persons or groups consulted. Emphasis is placed on including people with disabilities in the evaluation and transition planning processes.

Section 508 of Rehabilitation Act

Federal agencies are required to make all electronic and information technology accessible to people with disabilities under **Section 508 of the Rehabilitation Act**. Electronic and information technology is defined as any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion or duplication of data or information. The information must be accessible to employees with disabilities and members of the public with disabilities seeking information or services from a Federal agency. Each agency must ensure that the electronic and information technology products comply with applicable provisions unless an undue burden would be imposed on the agency. Products include, but are not limited to:

- Computers
- Software
- Networks
- Peripherals

Other electronic office equipment (such as fax machines, photo copiers, Etc.)

General exceptions apply to electronic or information technology operated by agencies for the purpose of intelligence activities or other aspects of national security as well as information acquired by a contractor incidental to a contract. In addition, Specific accessibility-related software or the attachment of assistive technology is not required at a workstation of a Federal employee who is not a person with a disability. Fundamentally altering the nature of a product or its components is not required. Also, products located in spaces frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment are not required to comply.

Section 508 addresses the following technical standards:

- Software Applications and Operating Systems
- Web-based internet and intranet information and applications
- Telecommunications Products
- Video and multimedia products
- Self-contained, closed products

Desk-top and portable computers The specific requirements for each of the above can be found on the section 508 website at <http://www.section508.gov/>, or from the Access Board at <http://www.accessboard.gov/508.htm>.

Rehab Act Key Points

Section 502 establishes Access Board (ATBCB) as an independent regulatory agency with authority to enforce the ABA.

UFAS published and adopted as standard for accessibility specifications.

Section 504 expands accessibility legislation to include program areas.

Section 508 expands accessibility legislation to include electronic multimedia.

	Purpose	Scope	Enforcement Agency
Architectural Barriers Act	To ensure that buildings or other facilities financed with Federal funds are accessible.	Applies to buildings and facilities designed, built, or altered with Federal funds or leased for occupancy by a Federal agency.	Access Board
Section 504 Rehabilitation Act	To prohibit discrimination based on disability in federally funded programs and activities.	Applies to programs and services receiving Federal funds.	Federal agency providing funds.

U.S. Access Board

Equal Employment Opportunity Commission
Federal Communications Commission
Job Accommodation Network
President's Committee on Employment of People with Disabilities
U.S. Department of Justice
U.S. Department of Transportation

Federal Transit Administration (for ADA documents and information)

Office of the General Counsel (for legal questions)
(800) 872-2253 (voice/tty) www.access-board.gov
(800) 669-3362 (voice)
(800) 800-3302 (tty)

(202) 632-7260 (voice)
(202) 632-6999 (tty)

(800) 526-7234 (voice)
(800) 526-7234 (tty) <http://janweb.icdi.wvu.edu>
(800) 232-9675 (voice/tty) www.pcepd.gov

(202) 514-0301 (voice)
(202) 514-0383 (tty) www.usdoj.gov/crt/ada/adahom1.htm
(202) 366-1656 (voice)
(202) 366-2979 (tty)
(202) 366-9306 (voice)
(202) 755-7687 (tty)

Appendix H: Accessibility and Audiovisual Media FAQ

CAPTIONING

What are captions?

Captions display spoken dialogue as printed words on screens, such as film screens, computer monitors, and caption boards. Captions are specifically designed for hard-of-hearing and deaf viewers to enable their full participation when viewing video or multimedia productions. They often include information regarding on- and off-screen sound effects, such as music or laughter. Captions also hold secondary benefits for people who are learning a foreign language, learning how to read, or watching TV in a noisy area, as well as those who understand best by processing visual information.

What is the difference between open and closed captions?

Open captions are displayed automatically as part of the video, without having to be selected by the user.

Closed captions normally do not appear as part of the video portion of audiovisual presentations unless the viewer has selected them to appear. The person viewing the presentation must be using technology that includes a closed caption decoder. The decoder will allow the otherwise-hidden data within the television signal to be displayed on the user's TV screen or computer monitor. Many newer television models allow viewers to toggle captions on or off with ease.

What is the difference between captions and subtitles?

Subtitles are primarily intended for hearing audiences and translating dialogue into a different language. Captions are primarily intended for people with hearing loss. Subtitles rarely identify all of the audio, whereas captions identify speakers and sound effects, using text such as a "phone ringing" and "footsteps," and use symbols to indicate other sounds, such as music.

On-screen, captions are typically displayed as white letters within a black box. Subtitles are generally not displayed within a black box and do not have standardized font requirements.

What is a caption board?

A caption board is an LED screen that displays the captions. It is a separate piece of equipment placed underneath, above, or beside the film screen. Caption boards come in a variety of sizes. Choosing the correct size is based on the size of the room, viewing distances and the size of the screen. Caption boards require a caption decoder.

What is the difference between showing captions on screen or on a caption board?

If you do not use a caption board, captions must be displayed over the picture on the monitor or screen. The smallest caption board costs at least \$3,000 and therefore adds to the overall equipment and installation budget.

HFC recommends the use of caption boards because it allows for the continual display of captions off screen. The correct size and placement of the caption board is essential for proper readability.

Do I have to display captions at all times?

Yes. Captions help us reach an even wider audience—from visitors with very moderate hearing loss to visitors who cannot hear at all. Always displayed, captions also automatically assist visitors who would otherwise not ask for this accessibility feature. Harpers Ferry Center recommends displaying captions at all times either through a caption board or on-screen so that visitors requiring this assistance do not have to ask, nor will staff or volunteers have to be trained on turning captions on and off upon request.

AUDIO DESCRIPTION

What is audio description?

Audio description describes the visual content of video or multimedia programs. It provides individuals who are visually impaired with information that further describes the visual content not provided in the primary audio track. Audio description is a separate audio track synchronized with the program's primary audio track. An audio description narrator describes actions, gestures, scene changes, and other visual information. The narrator also describes titles, speaker names, and other text that may appear on the screen. Audio description should be carefully scripted and is best produced by trained professionals.

Does everyone have to hear the audio description if it is selected?

No. The audio description is recorded on a separate audio track and is not heard over the speakers. Visitors requesting audio description will typically receive a headset and receiver. The audio description is then heard by the visitor using the headset via a radio frequency or infrared transmission.

ASSISTIVE LISTENING

What is assistive listening?

Assistive listening utilizes various devices that amplify volume for individuals who have mild to profound hearing loss and may or may not use a hearing aide. Assistive listening devices (ALDs) include headsets, earbuds and induction loops. The amplified sound is transmitted via radio frequency, infrared, or induction loops to the user's headsets/earbuds or hearing aide.

IMPLEMENTATION

If I have captions, why do I need assistive listening devices?

Many people simply need additional assistance in order to hear. Some individuals may not be able to read, or may not be able to read at the level necessary to fully comprehend captions, such as young children. Both the Architectural Barriers Act and Section 508 of the Rehabilitation Act require the use and compliance with assistive listening technology and devices.

How much will it cost to add captions, audio description, and assistive listening to my existing programs?

Unfortunately, there is no cookie-cutter price for production, equipment, and installation of these accessibility requirements, particularly for existing programs. Factors to consider include the length of the program, the presentation format, and existing equipment. For this initiative, Harpers Ferry Center has cost-estimating tools for the development of Class C estimates. It is recommended that you contact Harpers Ferry Center as soon as possible.

What kind of equipment maintenance is necessary and will I have to budget for yearly purchases, such as new batteries?

Like your existing equipment, this equipment will also be subject to basic maintenance. Specific maintenance for accessibility equipment includes the replacement of foam headset or earbud covers after each use and cleaning of plastic headset or earbud devices. Batteries for receivers used for audio description and assistive listening will also have to either be recharged or replaced.

If I currently have a show in production, should I assume that it will be captioned and audio described?

No! Whether or not your show is being produced by the Harpers Ferry Center or an independent contractor, please verify that your program will be captioned and audio described and that assistive listening devices are available to visitors.

What is a program number and where can I find this information to fill out the Accessibility Upgrade Information form?

Harpers Ferry Center assigns a discreet program number to each audiovisual product produced by HFC. Programs produced independently of Harpers Ferry Center may not have an assigned HFC program number. Look on your program master, such as the DVD, for an identifying number that looks like "TV-####."

Does this memo only apply to theater films? What about my exhibit videos, audio stations, computer interactive, etc.?

The 10/20/06 Director's memo applies to all audiovisual programs. If you are unsure whether your program falls under this initiative, please ask. If the Harpers Ferry Center cannot answer your question, they will refer you to the correct people. Your park and regional accessibility coordinators are also good resources to go to with questions. Even if some of your programs fall outside of this initiative, PMIS statements can still be written to ensure that you are meeting all accessibility regulations within your park.

My show is old and outdated. Can I simply request the production of a new program?

Possibly, but your request should be discussed with your region to ensure that you will be meeting the needs of this initiative.

What is the first step I need to take to seek assistance with accessibility requirements?

Harpers Ferry Center can work with you in evaluating your initial accessibility needs. For this initiative, we require that you complete a form that includes detailed information about your current program(s) and equipment. This will enable HFC to provide you with a Class C estimate for your PMIS statement. Forms must be submitted to HFC by 9:00am EST on Monday, November 27, 2006.

Who can I contact for further assistance?

For further assistance from Harpers Ferry Center, please call 304-535-5050

How do I let visitors know that these accessibility features are available?

Providing clearly visible signage publicizing accessibility at your park is critical. The universal signs for closed captions, assistive listening, etc. may be found at <http://www.gag.org/resources/das.php> and should be placed in clearly visible areas at your visitor center and elsewhere within the park. The accessibility of your park can also be publicized on your website and in other park publications, such as newsletters, and site bulletins.

Well-trained staff is the other crucial component of accessibility. All staff should be familiar with accessibility and the equipment available for these purposes. They should be able to assist visitors requesting accessibility and maintain the equipment.