

# DISABILITY ACCESS IN THE NATIONAL PARK SYSTEM

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## OVERSIGHT HEARING

BEFORE THE  
SUBCOMMITTEE ON NATIONAL PARKS  
OF THE  
COMMITTEE ON RESOURCES  
U.S. HOUSE OF REPRESENTATIVES  
ONE HUNDRED NINTH CONGRESS

SECOND SESSION

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Thursday, May 11, 2006

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## **OVERSIGHT HEARING ON DISABILITY ACCESS IN THE NATIONAL PARK SYSTEM**

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**Thursday, May 11, 2006  
U.S. House of Representatives  
Subcommittee on National Parks  
Committee on Resources  
Washington, D.C.**

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The Subcommittee met, pursuant to call, at 10:00 a.m. in Room 1324, Longworth House Office Building. Hon. Steve Pearce [Chairman of the Subcommittee] presiding.

Present: Representatives Pearce, Christensen and Brown.

### **STATEMENT OF THE HONORABLE STEVAN PEARCE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO**

Mr. PEARCE. Good morning. Today the Subcommittee on National Parks will receive testimony from an esteemed panel of witnesses on the status of disability access in the National Park System.

The Subcommittee is most interested in how the National Park Service has worked to create a welcoming environment for the disabled community, to participate in recreational opportunities within the system. The Subcommittee is most interested in learning what alterations have worked for the Service and the disabled community, and what has not, and where the Service expects to be 20 years from now in terms of disability access.

I will say to my colleagues at this point that I agree with one of the points Ms. Masica included in her statements. Accommodating the disabled community is very important, but the Service cannot be expected to address every shortcoming in the system. There are limits, and I agree.

I believe that the Service should operate from a workable position of what is practical and feasible. Since becoming Chairman of the National Parks Subcommittee, I have held a series of oversight hearings ranging from the NPS Organic Act, to the NPS management policies and Directors Orders 21, to NPS business plans, and most recently, on visitation trends in the National Park System. I, along with Chairman Pombo, believe it is important for members of this Subcommittee to have serious and in-depth discussions with the National Park Service, the stakeholders, and users of the park system on the purpose of the National Park System, how the National Park Service intends to manage the park system, how the

Service is improving access to the system, and what priority is given to enhancing the visitor experience.

I strongly believe that the NPS must continue to be creative in attracting new visitors to the parks, in particular, the approximately 54 million disabled Americans who might believe that the National Park System may not be for them.

During a recent trip to California, I had the chance and the opportunity to see firsthand what the Service has done and continues to do to accommodate disabled visitors at Alcatraz Island at the Golden Gate National Recreation Area, and the Yosemite National Park, the Yosemite Falls. Clearly, the Service has the tools to improve access and the visitor experience.

We thank all of the witnesses that will appear before the Subcommittee today, and look forward to the testimony.

I will hold for Ms. Christensen until she arrives, and we will let her make her statement then.

Mr. Brown, do you have an opening statement?

OK, let me introduce our first panel while we are seating Ms. Christensen, and we will allow her statement at that time, but we have Ms. Sue Masica. She is the Associate Director of Park Planning, Facilities, and Lands, National Park Service, Washington, D.C. We have Mr. Gary M. Robb. He is from the National Center on Accessibility, Indiana University, Bloomington, Indiana; and Mr. JR Harding who is the Vice Chairman of the U.S. Architectural and Transportation Barriers Compliance Board in Washington, D.C.

I would now recognize Ms. Christensen for her opening statement.

[The prepared statement of Mr. Pearce follows:]

**Statement of The Honorable Stevan Pearce, Chairman,  
Subcommittee on National Parks**

Good morning. Today, the Subcommittee on National Parks will receive testimony from our esteemed panel of witnesses on the status of disability access in the National Park System. The Subcommittee is most interested in how the National Park Service has worked to create a welcoming environment for the disabled community to participate in recreational opportunities within the System. The Subcommittee is most interested in learning what alterations have worked for the Service and the disabled community and what has not, and where the Service expects to be twenty years from now in terms of disability access.

I will say to my colleagues at this point that I agree with one of the points Ms. Masica included in her statement. Accommodating the disabled community is very important, but the Service cannot be expected to address every shortcoming in the System—there are limits. I believe that the Service should operate from the workable position of what is practical and feasible.

Since becoming Chairman of the National Parks Subcommittee, I have held a series of oversight hearings ranging from the NPS Organic Act, the NPS Management Policies and Director's Order 21, NPS business plans and most recently on visitation trends in the National Park System because I, along with Chairman Pombo, believe it is important for Members of this subcommittee to have serious and in-depth discussions with the National Park Service, with stakeholders, and users of the Park System on the purpose of the National Park System, how the National Park Service intends manage the park system, how the Service is improving access to the System, and what priority is given to enhancing the visitor experience.

I strongly believe that the NPS must continue to be creative in attracting new visitors to the parks, in particular the approximately 54 million disabled Americans who might believe that the National Park System may not be for them.

During a recent trip to California, I had the opportunity to see firsthand what the Service has done and continues to do to accommodate disabled visitors at Alcatraz Island at the Golden Gate National Recreation Area and Yosemite National

Park at Yosemite Falls. Clearly, the Service has the tools to improve access and the visitor experience.

We thank all of the witnesses that will appear before the subcommittee today, and look forward to your testimony. I now recognize Mrs. Christensen for her opening statement.

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**STATEMENT OF THE HONORABLE DONNA M. CHRISTENSEN, A  
DELEGATE IN CONGRESS FROM THE VIRGIN ISLANDS**

Ms. CHRISTENSEN. Thank you, Mr. Chairman, and welcome to the panelists.

Disability access in the National Park System is an important topic, and I am glad the Subcommittee is reviewing this matter. It is estimated that nearly one in five Americans have a disability, and these disabilities can be life-long, or sometimes they are short term. But regardless of their duration, as a report to Congress in 2000 noted, accessibility is an issue that does or has the potential to affect everyone.

Although this hearing will focus on the National Park Service's disability access, disability access goes far beyond the National Park System, and so it is indeed a responsibility for all Federal agencies. So while we are looking at the programs and services of the National Park, we are by no means singling the agency out.

The various Federal statutes on disability access have been summarized by two words—equal treatment. In a 1991 report on wilderness accessibility for people with disabilities prepared at the direction of Congress found that most people with disabilities use and enjoy wilderness areas for the same reasons and in the same ways as persons without disabilities. I suspect this will also hold true for those who use our national park.

That 1991 report also pointed out that individuals with disabilities did not want special access, rather they wanted equal access. The 2000 report to Congress on improving access to outdoor recreation reiterated the point that it is not special access that is being sought, but equal access.

That report also included a number of recommendations to the Federal agencies on how to improve access to outdoor recreation on Federal lands, and I hope we will have the opportunity to discuss those recommendations with the witnesses this morning.

In St. John, in the national park back about a year and a half ago, there was a very good meeting that was held between the Park Service, some of the private concessionaires, and the disability community, and out of that came some very substantive recommendations and ways that we could make it more accessible, so I am glad to say that one of the parks in my district is already addressing that issue.

I want to thank you again, Mr. Chairman, for holding this oversight hearing, and I appreciate the appearance of our witnesses today.

Mr. PEARCE. Thank you very much. Ms. Masica.

**STATEMENT OF SUE MASICA, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, WASHINGTON, D.C.**

Ms. MASICA. For people with disabilities in the National Park System, the Park Service, as you have noted, is strongly committed to the principle of accessibility in our park units. We believe that the essence of this goal is to ensure, to the highest degree that is practical and feasible, that the nation's citizens with disabilities have the same opportunities to visit and experience the wonders of the National Park System that are afforded to all other citizens.

In some instances, the very nature of the environment we manage poses some inherent restrictions to full accessibility. The Park Service operates under the requirements of both the enabling legislation passed in 1916 that established the mission of the Park Service to conserve resources unimpaired and provide for public enjoyment, along with the requirements of the Architectural Barriers Act and Title IV of the Rehabilitation Act.

It is our desire that all citizens, including those with disabilities, have the opportunity to work in, visit, and enjoy this nation's natural and cultural treasures that are managed by the Park Service.

The primary approach that we have used is to charge each park superintendent who is on-the-ground manager with the responsibility for ensuring the compliance with the requirements of the Architectural Barriers Act and the Rehabilitation Act. This involves evaluating facilities and programs to determine the level of access and implementing actions to make required modifications. Improvements are using a variety of fund sources that are appropriated to the Park Service, fee-revenue available to the parks, and other monies available to the parks, such as concession fees.

We have also established an extensive program to provide technical assistance and continuing education to our managers to assist them and the park staff in better understanding the legal requirements and the methods and techniques for ensuring that alterations are made appropriately.

Under this approach, every park in the system has made progress in identifying and correcting deficiencies. The fee program, in particular, has had a significant positive effect on improving accessibility in our facilities. In four years between 2001 and 2005, over 800 projects were funded with fee revenues that included accessibility as a component of the project. That represents 25 percent of the funded projects and resulted in over \$140 million. This project has funded improvements in campgrounds, picnic areas, overlooks trails, visitors centers, interpretative media, interpretative programming, and transportation systems.

Our goal is to ensure that visitors with disabilities can visit the parks and to the greatest extent practical have access to the same experiences and services provided to all visitors. We have made substantial progress toward this goal but more still remains to be done. We have identified several challenges that confront us as we try to reach full compliance and we are working to address them so that we can continue to improve the level of access in our parks.

First is the size and the age of our infrastructure. Many of our buildings built prior to the 1960s where no consideration was given to accessibility. So we have the challenge of having to alter access



barriers in a high percentage of older facilities which in many cases do not lend themselves to easy modifications.

We estimate that about 30 percent of our buildings are historic. This doesn't exempt them from accessibility requirements, but does add an additional layer of review and deliberation in order to determine the appropriate way to provide access while at the same time preserving and protecting the historically significant features of the buildings and also the landscapes.

Third, many of our units consist of natural and undeveloped lands which include campgrounds and trails that pose some additional difficulties in providing access while also preserving and protecting the environment. Official access standards for many of these types of facilities do not currently exist. The Park Service has been working with our fellow land managing agencies and the Access Board in the development of official guidelines for these facilities.

While the guidelines are being developed, we are still attempting to make these facilities as accessible as is practical. You saw some excellent examples in your recent trip to California. Also, we have an example at White Sands, in your home State of New Mexico, where volunteers worked with the Park Service to construct a new 900-foot wheelchair accessible inter-dune boardwalk. The boardwalk guides visitors through a vegetated area between sand dunes to an overlook that affords a panoramic view of the world's largest gypsum sand dune field. The Park Service staff and volunteers also then provide one-on-one interpretation to visitors along the boardwalk.

Accessibility also involves not only ensuring that citizens with disabilities can access the parks, but that once there they can also enjoy the same benefits that are provided to other visitors. This means that educational and interpretative services, such as films, publications, lectures, wayside exhibits can be used effectively by visitors who are blind or visually limited, and by those who are deaf or have hearing loss.

The Park Service is producing a variety of interpretative tools to make programs and media more accessibility to visitors with disabilities such as closed-captioning for all the AV products shown in park visitor centers.

In the past, superintendents were encouraged to work on making each park accessible. However, there were no comprehensive system-wide standards. To correct this, we are incorporating access into our asset management program to assure that accessibility is addressed day to day and not as a special separate initiative, and we are doing a comprehensive assessment service-wide on that.

We are also studying and evaluating the impact of emerging technologies. Over the past several months a number of parks have received requests from individuals with disabilities regarding Segways. The Park Service has been studying this situation, have been reviewing policies and practices of other Federal agencies. At this time we have not written a specific service-wide position when Segways are used by individuals with disabilities as mobility aids, but we are encouraging managers to look at the situation and to temporarily allow and encourage them to establish park-specific interim policies and practices regarding the use of Segways. Then

after further study and evaluation, we will be looking at whether we should do a service-wide policy.

Mr. Chairman, that summarizes my statement. Thank you.  
[The prepared statement of Ms. Masica follows:]

**Statement of Sue Masica, Associate Director, Park Planning, Facilities, and Lands, National Park Service, U.S. Department of the Interior**

Mr. Chairman and members of the committee, thank you for the opportunity to provide an update on the status of accessibility for people with disabilities in the National Park System. We are pleased to discuss the status of the National Park Service (NPS) Accessibility Management Program, the goals and objectives of our program, our accomplishments over the past several years, and the initiatives underway for future and continuing improvements.

The NPS is strongly committed to the principle of accessibility in our National Park units. We believe that the essence of this goal is to ensure, to the highest degree that is practical and feasible, that the nation's 54 million citizens with disabilities have the same opportunities to visit and experience the wonders of the National Park System that are afforded to all other citizens. The inclusion of the terms "practical and feasible" is important, because in some instances, the very nature of the environment that we manage poses some inherent restrictions to full accessibility.

In 1916, Congress created the NPS to "promote and regulate the use of the Federal areas known as national parks, monuments, and reservations," and to "conserve" the resources and values in these areas "unimpaired" for the enjoyment of future generations. At the same time, the NPS is required by the Architectural Barriers Act of 1968 and Title V of the Rehabilitation Act of 1973, to ensure that our facilities and programs are accessible to and usable by citizens with disabilities. To address these sometimes competing legislative mandates, the NPS has approached the issue of accessibility in parks in a comprehensive and organized way, rather than on a project-by-project basis, through the creation of the Accessibility Management Program. The primary goal of the program is to develop and coordinate a systemwide, comprehensive approach to achieving the highest level of accessibility that is practical, while ensuring consistency with the other legal mandates of conservation and protection of the resources we manage.

In 1980, the NPS began and has continued to work with accessibility coordinators in the parks and at each regional and program office, to assess the level of accessibility at each park; to identify the barriers to accessibility; to develop policies and guidelines regarding appropriate methods and techniques for improving access; to provide technical assistance and in-service training on effective approaches and program implementation; and to take action on an on-going basis at the individual park level to eliminate identified barriers.

We have made these efforts, not only because it is required by law, but also because it is our desire that all citizens, including those with disabilities, have the opportunity to work in, visit and enjoy the wonders of this nation's natural and cultural treasures. Providing optimal levels of accessibility and opportunities in the programs and facilities of the National Park System have been reinforced over the past few years by the issuance of departmental regulations, additions to the NPS Management Policies, and the development of Director's Orders.

The primary approach that we have used over the past several years is to charge each superintendent with the responsibility of ensuring that each park is in compliance with the appropriate legal requirements and with NPS policy regarding accessibility. This has involved evaluating their facilities and programs to determine the level of access and to implement actions on an annual basis by utilizing appropriated funds, fee revenues and other funds available to the parks to make required modifications. This strategy involves ensuring that as new facilities and programs are developed, they are in compliance; and as existing facilities and programs are altered or renovated, that they are made accessible according to the appropriate standards or guidelines. We have also established an extensive program to provide technical assistance and continuing education in order to assist the park staff in better understanding the legal requirements, and the methods and techniques for ensuring that alterations are made appropriately. Under this approach, every park in the National Park System has made progress in identifying and correcting deficiencies.

One program that had a positive effect on improving accessibility in our facilities is the recreation fee program, which was instituted as the Recreational Fee Demonstration Program in 1997 and replaced by the Federal Lands Recreation

Enhancement Act in 2004. The recreation fee program authorizes 100 percent of the revenue generated by charging fees to be returned to the NPS, with 80 percent remaining at the site where it is collected and 20 percent to be used servicewide at the Director's discretion. In FY 2001, the NPS Director allocated \$5 million of the 20 percent fee revenues to address accessibility needs in the low revenue and non-collecting parks. The \$5 million in fee revenues funded over 120 projects in all regions and in over 100 different parks in FY 2002. We are proposing that a similar program be set up for FY 2007.

In addition to the \$5 million of the 20 percent fee revenues, the NPS has worked to ensure that accessibility improvements are included in any project that involves the alteration to an existing facility or building. From FY 2001 through FY 2005, over 800 projects were funded through the recreation fee program (both 80 percent and 20 percent) that included accessibility as a part of the project. This constitutes approximately 25 percent of the funded projects each year and totals over \$140 million. These projects have funded improvements in campgrounds, picnic areas, overlooks, trails, visitor centers, interpretive media, interpretive programs, and transportation systems.

Some examples of park projects funded with recreation fees include Cowpens National Battlefield in South Carolina, where the visitor center was modified to meet access standards for employees and visitors, including replacing the 21-year-old information desk, reconfiguring parking spaces, installing an elevator and producing Braille and audio tapes to enable visually impaired visitors to experience the exhibits. At Joshua Tree National Park in California, the Hidden Valley day-use area was rehabilitated by paving 900 linear feet of access road, developing four new accessible picnic sites, and constructing 1,420 linear feet of hard surfaced accessible walkways.

Our goal is to ensure that visitors with disabilities can visit the parks, and to the greatest extent practical, have access to the same experiences and services provided to all visitors. We have made substantial progress towards this goal, but more still remains to be done. We have identified several barriers to reaching full compliance and we are working to address them so that we can continue to improve the level of access in our parks.

First, a large percentage of the infrastructure of the NPS, including the administrative buildings and visitor contact stations, was constructed in the early 1960's. Our asset database reveals that we have 18,700 buildings currently in active use in the National Park System, of which many were constructed before 1968 when the Architectural Barriers Act (which requires access in Federal construction) was enacted. This means that a high percentage of these buildings were constructed without consideration for accessibility. Consequently, we have the challenge of having to alter access barriers in a high percentage of older facilities, which in many cases do not lend themselves to easy modifications. We are currently involved in a major program to conduct Comprehensive Condition Assessments of the NPS infrastructure and to determine the corrective actions needed to bring these structures into compliance with the current requirements.

Second, 30 percent of the buildings and structures of the NPS are on the National Register of Historic Places. This does not exempt them from accessibility requirements, but does add an additional layer of review and deliberation in order to determine ways to provide access, while at the same time, preserving and protecting the historically significant features and landscapes. The process for finding this balance is set forth in several Federal regulations dating back to 1984. We are making some progress, such as the installation of an interior elevator to access the great meeting hall at Boston National Historical Park's Faneuil Hall or the elimination of steps and the installation of accessible walkways to historic buildings at Fort Vancouver National Historical Park in Washington State.

Third, many of the units of the National Park System consist of natural and undeveloped lands, including campgrounds and trails that pose some additional difficulties in providing access while also preserving and protecting the environment. It is important to note that official access standards for many of these types of facilities do not currently exist. The NPS has been working closely with other land-managing agencies and the U.S. Access Board in the development of official guidelines for these facilities. While these guidelines are being developed, we are still attempting to make these facilities as accessible as is practical. For example, at White Sands National Monument in New Mexico, Americorps volunteers worked with the NPS to construct a new 900-foot wheelchair-accessible interdune boardwalk. This boardwalk guides visitors through a vegetated area between sand dunes to an overlook that affords a panoramic view of the world's largest gypsum sand dune field. NPS staff and volunteers provide one-on-one interpretation to visitors on the boardwalk.

Fourth, accessibility involves not only ensuring that citizens with disabilities can access our parks, but also that once there, they can enjoy the same benefits that are provided to other visitors. This means that the educational and interpretive services provided, such as films, publications, lectures and wayside exhibits, can be used effectively by visitors who are blind or visually limited, and by those who are deaf or have hearing loss. This involves providing Braille and large print publications, audio-descriptions of our audio-visual programs, and tactile exhibits for those with visual limitations and providing sign language interpretation and assistive listening systems for those with hearing limitations. Exact guidelines and standards on how to effectively meet the needs of the populations who experience a wide-range of visual and hearing loss are still in the process of being developed. Through the Harpers Ferry Center, the NPS is producing a variety of interpretive tools to make programs and media more accessible to visitors with disabilities such as closed captioning for audio-visual products shown in park visitor centers.

One recent project, the new exhibit at Kings Mountain National Military Park in South Carolina, was designed with the intent of providing access features for all populations in the most integrated way possible. Special attention was given to incorporate features for mobility, hearing impaired or visually impaired visitors in a seamless and unobtrusive manner. Audio elements are included at each exhibit to provide information for visitors who cannot read the text. These audio elements also offer audio-descriptions of the visual exhibits. In addition, all video components have unique flat screen monitors that provide captions for those who cannot hear the information. Tactile elements including touchable reproductions of the Revolutionary War Era "Ferguson Rifles" were produced to reveal the inner workings of the firing mechanism and to allow a hands-on experience for all visitors including those with limited vision. The integrated services do not require visitors to use or request special services or equipment. This project was a first of its kind endeavor, and we are planning to conduct evaluations of its effectiveness in delivering information to a broad and diverse population.

The NPS is working hard to identify and solve any additional barriers we face as we work towards the highest level of accessibility possible for all visitors to our parks. In the past, all superintendents were encouraged to work on making each park more accessible; however, there were no comprehensive, systemwide standards that had to be met. To correct this, we are incorporating access requirements into the comprehensive NPS Asset Management Program to ensure accessibility is addressed on a day-to-day basis, and not as a special or separate initiative.

By taking significant steps to incorporate the evaluation of accessibility needs into this comprehensive program, the NPS has a much more accurate picture of the current situation, including the costs of the repair and rehabilitation needs of the NPS, and will also serve to elevate access needs into the larger picture of asset management. In order to establish a baseline on the level of access in our parks, the NPS will be completing accessibility evaluations at a range of parks across different regions over the next 12 months. The results of this project combined with the evaluations already completed will give us information to better assess the degree of accessibility deficiencies that exist and better project the cost associated with correcting those deficiencies.

In order to create knowledge and awareness of the legal requirements for accessibility, including the regulations, guidelines and standards that must be followed, the NPS is implementing a program of technical assistance and continuing education. To this end, the NPS, through a cooperative partnership with Indiana University, has established the National Center on Accessibility (NCA). Through the NCA, we have been able to provide continuing education opportunities related to accessibility to over 1,850 NPS personnel from 240 different parks. In addition, the NCA has offered extensive technical assistance programs and services to the parks, and have sponsored research and demonstration programs to find more effective ways of achieving access in outdoor recreation environments. The NCA also maintains an active website that receives over 400,000 hits per month. In addition to serving the NPS, these services are also made available to other park and recreation agencies at the local, State and Federal levels. We have recently extended this cooperative agreement for an additional 5 years through FY 2010, and through this cooperative partnership we will continue to provide training and technical assistance to the parks.

We are also studying and evaluating the impact of emerging technologies on the expansion of opportunities for people with disabilities in the NPS. For instance, over the past several months, a number of parks have received requests from individuals with disabilities to use the Segway Human Transporter, a two-wheeled, gyroscopically stabilized, battery powered personal transportation system, in the parks as their primary means of mobility. The NPS has been studying this situation and has

been reviewing policies and practices of other Federal agencies regarding this issue. At the present time, we have not written a specific servicewide position on allowing Segways when used by individuals with disabilities as their mobility aide. Consistent with the Rehabilitation Act of 1973, there are places where the use of Segways would be appropriate. Because of safety and resource management issues, it might not be appropriate in all parks and we are evaluating this. In order to better evaluate the long-term effect of this issue and to better assess the impacts on the diverse settings represented throughout the National Park System, the NPS has decided to temporarily allow and encourage each superintendent to establish park-specific interim policies and practices regarding the use of Segways by people with disabilities. After further study and evaluation of this issue at a number of parks, the NPS will make a decision with regard to the development of a servicewide policy.

Finally, the NPS has taken steps to better ensure that projects are in compliance with the appropriate standards when they are designed and constructed. Through the Denver Service Center (DSC), trained professionals work with parks and regional staff to review projects during the planning, design and construction stages to provide guidance and oversight on accessibility requirements. During FY 2004, the DSC worked on 153 projects that covered a total of over \$410 million in design and construction costs.

In conclusion, the NPS leadership is dedicated to providing the highest level of access that is practical, in conformance with the appropriate legal mandates and servicewide policies. We are continuing to encourage all of our park superintendents to identify barriers that limit full accessibility to our visitors, and to take actions to eliminate those barriers. Over the past several years, with the help of our staff, consultants, and partners, we have made a great deal of progress toward enhancing the quality of our accessibility program.

This concludes my testimony. I would be happy to answer any questions you or other committee members might have.

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Mr. PEARCE. Thank you very much.  
Mr. Robb.

**STATEMENT OF GARY M. ROBB, NATIONAL CENTER FOR ACCESSIBILITY, INDIANA UNIVERSITY, BLOOMINGTON, INDIANA**

Mr. ROBB. Mr. Chairman, Members of the Subcommittee, thank you for the opportunity to discuss accessibility for people with disabilities in the National Park Service.

The National Center on Accessibility is a center of Indiana University's Department of Recreation and Park Administration in the School of Health, Physical Education, and Recreation in Bloomington. The center was created in 1992 under a cooperative agreement with the Accessibility Management Program of the National Park Service.

National Center on Accessibility is committed to the full participation of people with disabilities in parks, recreation, and tourism. Through our research, technical assistance, and education we focus in universal design and practicable accessibility solutions that create inclusive recreation opportunities for people of all abilities.

Since 1992, we have offered 121 training programs, often near national parks in all parts of the country. We trained over 1,500 National Park Service employees and concession operators, and we have offered distance learning to National Park Service staff via satellite, the internet, and through development of CDs.

We provide technical assistance to the Park Service through telephone conversations, technical reports, state-of-the-art and up-to-date website, e-mails, newsletters, videos, and onsite assessments and consultation. Our technical assistance focuses on assisting the National Park Service personnel meet the requirements of the

Architectural Barriers Act and Section 504 of the 1973 Rehabilitation Act.

Our center conducts and facilitates research on issues that are often generated from staff at the National Park Service units. Our research has helped shape the development of national policy and accessibility standards. Examples of topics that we have studied include swimming pool accessibility, beach devices and surfaces; accessible trails surfaces, campground and picnic area accessibility and policies, visitor preferences and expectations when they visit national parks, National Park Service perceptions of accessibility in their park units, and I will leave a copy of many of these reports for the Committee to review.

In addition to our training and technical assistance and research activities, we have also provided more in-depth onsite accessibility assistance to over 45 National Park Service units. Example of the parks that we have assisted on various accessibility issues include the FDR Home, the Trail of Tears Museum, Gulf Islands National Seashore; Yosemite National Park, Bandelier National Monument, Petroglyph National Monument, Chaco Culture National Historic Park, Cape Hatteras National Seashore, Natchez National Historic Park, and the Harpers Ferry Center.

We constantly look for the feedback on the value and impact of our services and as just one example, in our latest 2005 survey over 80 percent of our trails training program participants said that they had actually been able to use course information in their park within six months of the training program.

We have made significant strides or significant strides have been made in recent years, particularly in the area of physical accessibility. However, there is still much more to be done to ensure park visitors with disabilities have the same benefit of the services available to visitors without disabilities. With appropriate resources, we believe that we could assist the Park Service in the future to accelerate accessibility improvements in the following ways:

The development of policies and guidelines for new or renovated exhibits, and other media such as captioning, audio description, descriptive listening systems, maps and models. These should all be developed to ensure that any new or renovated exhibit is accessible.

This should be a priority and NCA could assist the National Park Service by providing training for exhibit designers, consultation with Harpers Ferry staff, and training for construction personnel to increase the assurance that accessibility is not only designed in the projects, but it is also not overlooked in the construction process.

It is clear to us that many of the National Park Service managers have an understanding of the standards under the Architectural Barriers Act, but lack the same understanding of the requirements for program access as required by Section 504 of the Rehabilitation Act.

In most instances the National Park Service depends on exhibit design contractors to ensure exhibit accessibility, and they also lack the knowledge and understanding of Section 504.

As the National Park Service continues to conduct comprehensive condition assessments on its assets, it is imperative that

accessibility deficiencies be identified. NCA could assist the National Park Service by mobilizing assessment teams as well as to continue to provide training for National Park Service managers so that they are equipped to complete the assessments.

In closing, it should be noted that the status of accessibility in the National Park Service is not unlike other Federal, state, or local recreation and land management agencies. Across the board at all levels park and recreation professionals are challenged with creating access and retrofitting facilities and unique recreation environments with limited resources, budgets, and staff expertise.

Thousands of visitors with disabilities to national parks have directly benefited from over the past 15 years from the cooperative agreement between the National Park Service and Indiana University. There is still more to do. Through continued support and partnerships such as this, the National Park Service has one of the largest stewards of public lands in the world can accelerate its accessibility initiatives, and continue to serve as an accessibility management model to other recreational land managing agencies.

Thank you.

[The prepared statement of Mr. Robb follows:]

**Statement of Gary M. Robb, Executive Director,  
Indiana University's National Center on Accessibility**

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss accessibility for people with disabilities in the National Park Service.

**The National Center on Accessibility-National Park Service Partnership**

The National Center on Accessibility (NCA) is a Center of Indiana University's Department of Recreation and Park Administration in the School of Health, Physical Education and Recreation. The Center was created in 1992 under a Cooperative Agreement with the Accessibility Management Program of the National Park Service (NPS). The funding provided by NPS under the Cooperative Agreement, currently \$272,000 per year, provides just under 50% of the operating budget for NCA.

The NCA is committed to the full participation of people with disabilities in parks, recreation, and tourism. Through its comprehensive services of research, technical assistance, and education, we focus on universal design and practical accessibility solutions that create inclusive recreation opportunities for people of all abilities.

**TRAINING**

Since 1992, NCA has:

- Offered 121 training courses, often in or near national parks, in all parts of the country
- Been attended by over 1500 NPS employees and concession operators.
- Offered distance learning via satellite, the internet and CD's.

The training programs for NPS personnel have focused on topics such as retrofitting of park facilities, designing media for accessibility/exhibits, comprehensive accessibility planning and universal design. We also provide both classroom and hands-on-training on subjects such as trails, campgrounds, and picnic and visitor services.

**TECHNICAL ASSISTANCE**

On-going technical assistance is provided to the NPS through telephone conversations, technical reports, a state of the art and up to date website, emails, newsletters, videos, and onsite assessments and consultation. Our technical assistance focuses on assisting NPS personnel in order to meet the requirements of the Architectural Barriers Act and Section 504 of the 1973 Rehabilitation Act. NCA also provides outreach technical assistance and training programs to state and municipal recreation land management agencies on compliance with the Americans with Disabilities Act.

## RESEARCH

NCA conducts and facilitates research on issues critical to accessibility in the NPS. In conjunction with NCA research partners at other Universities (such as Minnesota, Tennessee and Georgia); our research has helped shape the development of national policy and accessibility standards. Included are:

- A swimming pool accessibility study for the U.S. Access Board resulting in the development of accessibility standards (ABAAS)
- Performance of assistive mobility devices and temporary surfaces for beach access;
- Effectiveness of surface treatments to create accessible trails.
- Functional aspects of accessible picnic elements;
- Activity of people with disabilities in the National Survey of Recreation and the Environment;
- Assessment of visitor expectations and perceptions in outdoor developed areas; and
- Campground accessibility policies and practices.

Our research is based on questions that are received directly from the parks and where study is required to assist the parks in making affordable and practical decisions on creating better access. As an example, our study on Visitor Expectations and Perceptions of Program and Physical Accessibility in the National Park Service was conducted on site at Great Smoky Mountains National Park, Blue Ridge Parkway, Shenandoah National Park, Mammoth Cave National Park, and Hot Springs National Park. Similarly, our current national research on accessible trail surface alternatives is a result of the high volume of questions that we received from National Park staff on this issue.

## Impact

The National Center on Accessibility constantly seeks feedback on the value and impact of its services. In 1995, our first impact study revealed that 100% of the survey respondents were either satisfied or very satisfied with our services. More importantly, 97% reported that the services that they received from NCA had had at least a moderate impact on their ability to serve people with disabilities. This level of impact was consistent in responses to questions about NCA research, training, and technical assistance. In 2002, the Indiana University Center for Survey Research conducted a telephone survey of NCA training program participants for the preceding five year period. Once again the survey results were encouraging with over 85% of the respondents indicating that the training program that they had attended had improved their attitudes towards accessibility and towards people with disabilities; and over 75% indicated that as a result, they had been able to initiate more physical access to their facilities. However, just over 50% indicated that they had made any improvements or progress in program accessibility. The latter is significant, in that an earlier study conducted by NCA in 1999 had indicated a general lack of understanding of program accessibility among NPS respondents. In 2005, Quality Values, Inc. conducted a six month online survey to determine how many training participants in a trails accessibility course had been able to actually implement information learned in the course. Over 80% of the survey respondents had been able to use course information at their park within six months of the training.

## ONSITE VISITATIONS AND ASSISTANCE

In addition to our training, technical assistance, and research activities, NCA has provided more in-depth onsite accessibility assistance to over 45 National Park Service units. Examples of this assistance include:

- Home of FDR—NCA participated as the accessibility expert in a Value Analysis to determine the best method of making the second floor of the Home of FDR accessible to visitors with disabilities.
- Trail of Tears Museum, Cherokee Cultural Heritage Center, Tahlequah, OK
- We provided advice on Universal Design and accessibility throughout the planning, design, fabrication and completion of the exhibition. This project received a national media award by the National Association of Interpretation in 2001.
- Gulf Islands National Seashore was requested to advise the Gulf Islands NS Wayside Project team on the outdoor exhibits and waysides as a part of the hurricane recovery process.
- Yosemite NP—We participated as the accessibility consultant on the Yosemite Valley Visitors Center Exhibit Hall planning process, and provided accessibility advice to the exhibit contractor. Yosemite is currently in the process of contracting for the rehabilitation of the Exhibit Hall that will include accessibility features.



- Bandelier NM—NCA provided accessibility advice on the Park's museum rehabilitation project. Bandelier has since rehabilitated the museum and has included accessibility in both physical and programmatic areas.
- Petroglyph National Monument—We provided accessibility advice to the park staff on the long range planning for both physical and programmatic aspects of the park's future plans. The park has since made exhibit modifications that include accessibility and are currently developing an audio described video.
- Chaco Culture NHP—Site Evaluation providing recommendations & guidance for accessibility in a historic and culturally sensitive site.
- Cape Hatteras National Seashore has, as a result of a complaint, and consultation by NCA, developed more disability friendly policies for visitors to the light house. NCA training of Seashore staff has resulted in new policies that have translated into improved visitor experiences according to management.
- Natchez National Historic Park has made major accessibility improvements to the grounds, mansion, and exhibits and as a result has received two accessibility awards for the changes made.
- Harpers Ferry Center—NCA has been instrumental in the development of the large print format brochure for the C & O Canal NHP.

#### **What are the major current needs on accessibility in the NPS?**

Significant strides have been made in recent years, particularly in the area of physical accessibility. However, there is still much more to be done to ensure park visitors with disabilities have the same benefit of the services available to visitors without disabilities. With the appropriate resources, we believe that we could assist the Park Service in the future to accelerate accessibility improvements in the following ways:

- As we identified in both our 1999 and 2002 studies cited earlier, a major need is for NPS Managers to insure that accessibility is built into all new construction plans as well as in all retrofitting and rehabilitation projects. All designs and projects require oversight and supervision by someone with knowledge of accessibility design and alteration standards. We believe that training for design and construction personnel may greatly increase the assurance that accessibility will be included in all such projects.
- The development of policies and guidelines for new or renovated exhibits and other media such as captioning, audio description, assistive listening systems, maps and models should be developed to insure that any new or renovated exhibit is accessible. This should be a priority, and NCA can assist the NPS by providing training for exhibit designers and consultation with NPS Harpers Ferry staff. It is clear that NPS managers have an understanding of the standards under the Architectural Barriers Act but lack the same understanding of the requirements for program access of the 1973 Rehabilitation Act, Section 504. In most instances, the NPS depends on exhibit design contractors to insure exhibit accessibility and they also lack the knowledge and understanding of Section 504.
- As the NPS continues to conduct comprehensive condition assessments on its assets, it is imperative that accessibility deficiencies be identified in those assessments. NCA could assist in this regard by mobilizing assessment teams, as well as continue to provide training for NPS managers so that they are equipped to complete the assessments.

While physical accessibility remains a major need throughout the National Park system, programmatic accessibility should be treated with equal concern. It appears that many NPS units do not fully understand programmatic accessibility. Program accessibility is not as tangible as physical accessibility but is just as important. NPS staff has major difficulties in understanding and incorporating programmatic accessibility into their planning process. We are encouraged that more and more parks are contacting us for assistance in this area, but the lack of understanding and overall concern for making exhibits, interpretive programs and audio visual presentations remains.

On a personal note, I had the opportunity to spend several days during the summer of 2005 in three western states National Parks. I had the opportunity to speak with park staff in each park and to review accessibility features while there. In general, I found that there was an absence of accessible exhibits and audio visual programs in each park. Accessible wayside features were rare. In talking with NPS staff, they did not seem to have extensive knowledge of program accessibility, did not know if their visitor centers videos were captioned or audio described and couldn't find or didn't know how to use them when they did. There was a lack of knowledge and concern among NPS staff that I spoke with in each park, regarding the priority for accessibility. I was also aware that at one park, little progress had

been made in addressing a 1999 accessibility audit report from the NPS Accessibility Management Program staff, which was conducted as a result of a formal complaint.

**Conclusion**

In closing, it should be noted that the status of accessibility in the National Park Service is not unlike other federal, state or local recreation land management agencies. Across the board, at all levels, park and recreation professionals are challenged with creating access and retrofitting facilities and unique recreation environments with limited resources, budgets, and staff expertise. Thousands of visitors with disabilities to national, state and even neighborhood parks have directly benefited over the last 14 years from the cooperative agreement between the NPS and Indiana University. But there is still more to do. Through continued support and partnerships such as this, the NPS, as one the largest stewards of public lands in the world, can persevere and accelerate its accessibility initiatives and continue to serve as an accessibility management model to other recreation land management entities.

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Mr. PEARCE. Mr. Harding.

**STATEMENT OF JR HARDING, VICE CHAIRMAN, U.S. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD, WASHINGTON, D.C.**

Mr. HARDING. Thank you. Chairman Pearce, Members of the Subcommittee, thank you.

I am pleased to present testimony today on behalf of the Access Board, and ask that my statement be included in the written record.

I am Dr. JR Harding from Tallahassee, Florida, public member, and the current Vice Chairman of the U.S. Access Board. With me today is Jim Raggio, our Board's General Counsel and Peggy Greenwell, the principal staff member working on our outdoor developed area.

From our earlier efforts to enforce the Architectural Barrier Act of 1968, to our ongoing efforts to enforce and write accessibility guidelines under the Americans With Disabilities Act, the Access Board's objective has always been the same: to improve access for persons with disabilities throughout the nation.

The Access Board and the Park Service have a long history of working together to improve access. The Department of Interior is a member of the Access Board and has provided invaluable input in our efforts to make outdoor developed areas more accessible to persons with disabilities.

Staff from the Access Board and the Park Service are continuously collaborating on ways to make the parks more accessible to persons with disabilities. Access Board members have visited several of the national parks to gain firsthand knowledge about the distinctive issues in our National Park System. Of course, this collaborative behavior will continue.

Let me now address the Access Board's current rulemaking for the outdoor developed areas. When we use the term "outdoor developed areas," we are referring to facilities such as trails, camping, and picnic areas. The Access Board acknowledges that these areas are often very unique and ultimately the accessibility guidelines must strike a balance between access to persons with disabilities while recognizing that some outdoor areas possess unique challenges to accessibility.

As the Board has worked its way through the many issues surrounding access to the outdoor developed areas, we have sought to promote thoughtful deliberations among all affected parties. In July of 1993, the Board convened a recreational access advisory committee. The following year the report became the basis of the advanced notice of proposed rulemaking. The comments we received from the advanced notice revealed that there was a lack of consensus on several issues including how to make a trail accessible.

Consequently, the Board formed a regulatory negotiation committee to resolve these issues. The regulatory negotiation committee met for two years and arrived at a consensus of accessibility requirements for the outdoor areas, including trails, camping, and picnic areas.

The Board's commitment was that it would publish the report as proposed if the committee reached a consensus, and we intend to honor that commitment.

The Access Board's original rulemaking plan called for issuing a proposed rule under both the Americans With Disabilities Act, and the Architectural Barrier Act. The issues for this rulemaking are complex and no current comprehensive accessibility requirements currently exist for these areas.

Therefore, the Board has decided to proceed methodically and to develop proposed rule based solely on a rulemaking authority under the Architectural Barrier Act. The proposed rule will address outdoor developed areas that are designed, built, altered with Federal funds or leased by Federal agencies.

The Board made this decision to limit its rulemaking facility to areas covered by the Architectural Barrier Act in order to gain a better understanding of the rule's impact on parks and recreation facilities prior to making these provisions applicable to the developed areas covered by the Americans With Disabilities Act.

Park Service and other Federal land management agencies are already following technical provisions from earlier reports. To give you two quick examples of how these guidelines impact the outdoor developed areas:

First, when a new trail is being constructed, it would have to comply with certain technical specifications such as width and slope. Although technical provisions for accessibility trails apply, there could be conditions where it is not possible or it would not be feasible during terrain issues or common construction practices.

Second, as found in other guidelines, there will only be a percentage of outdoor elements, like picnic tables and cooking surfaces, that will be required to be accessible.

We believe that the rulemaking on outdoor developed areas will better assist in opening up recreational opportunities for persons with disabilities. The Access Board plans to submit a proposed rule along with the regulatory assessment to the Office of Management and Budget this June.

Thank you for the opportunity to testify, and I look forward to any questions, sir.

[The prepared statement of Mr. Harding follows:]

**Statement of JR Harding, Vice Chairman, U.S. Access Board**

Thank you Mr. Chairman. Good morning. I am pleased to present testimony today on behalf of the Access Board and ask that my written statement be made a part of the record. I am JR Harding a public member from Tallahassee, FL and the Vice Chair of the Access Board. Accompanying me today is Jim Raggio, the Board's General Counsel and Peggy Greenwell, the principal staff person working on our outdoor developed areas rulemaking.

From our early efforts to enforce the Architectural Barriers Act of 1968 to our ongoing efforts to write accessibility guidelines under the Americans with Disabilities Act, the Access Board's objective has always been the same: to improve access for persons with disabilities throughout our nation.

The Access Board and the Park Service have a long history of working together to improve access. The Department of Interior is a member of the Board and has provided invaluable input to our efforts to make outdoor developed areas more accessible to persons with disabilities. Staff from the Board and the Park Service are continually collaborating on ways to make parks more accessible to persons with disabilities. Board members have visited several national parks to gain first hand knowledge about the unique issues in national parks and this practice will undoubtedly continue.

Now let me turn to the Board's rulemaking for outdoor developed areas. When we use the term "outdoor developed areas" we are referring to facilities such as trails and camping and picnic areas. The Board acknowledges that these areas are often very unique and that ultimately our accessibility guidelines must strike a balance between the need to provide access to persons with disabilities while recognizing that some outdoor areas pose unique challenges to accessibility.

Over the course of time as the Board has worked its way through the many issues surrounding access to outdoor developed areas we have sought to promote thoughtful deliberation among all affected parties. The Board convened a Recreation Access Advisory Committee in July 1993 and the following year their report became the basis of an Advance Notice of Proposed Rulemaking. The comments we received from the Advance Notice revealed that there was a lack of consensus on several issues including how to make trails accessible.

This led the Board to form a regulatory negotiation committee to resolve the issues. The regulatory negotiation committee met for two years and arrived at a consensus on accessibility requirements for a variety of outdoor developed areas including trails and camping and picnic areas. The Board's commitment was that it would publish the report as a proposed rule if the committee reached a consensus and we intend to honor that commitment.

The Board's original rulemaking plan called for issuing a proposed rule under both the Americans with Disabilities Act and the Architectural Barriers Act. The issues for this rulemaking are complex and no comprehensive accessibility requirements for these areas exist, so we have decided to proceed cautiously. We are developing a proposed rule based solely on our rulemaking authority under the Architectural Barriers Act. The proposed rule will address outdoor developed areas that are designed, built, or altered with Federal funds or leased by Federal agencies.

The Board made its decision to limit this rulemaking to facilities covered by the Architectural Barriers Act in order to gain a better understanding of the rule's impact on parks and recreation facilities prior to making these provisions applicable to outdoor developed areas covered by the Americans with Disabilities Act. The Park Service and other Federal land management agencies are already following some of the technical provisions in the report.

Let me give you just two examples of how these new guidelines may impact outdoor developed areas. First, when a new trail is being constructed, it would have to comply with certain technical specifications such as its width and slope. Although the technical provisions for accessible trails apply, there may be conditions where applying these provisions may not be possible such as when compliance would not be feasible due to terrain or the prevailing construction practices. Likewise, only a certain percentage of elements—like picnic tables or cooking surfaces—are required to be accessible.

We believe that the rulemaking on outdoor developed areas will assist in opening up recreational opportunities for people with disabilities. The Board plans to submit the proposed rule along with a regulatory assessment to the Office of Management and Budget in June. Thank you for the opportunity to testify and I would be happy to answer any questions you may have.

NOTE: Attachments to Mr. Harding's statement have been retained in the Committee's official files.

Mr. PEARCE. Thank you, sir. We will go first to Ms. Christensen for questions.

Ms. CHRISTENSEN. Thank you. Thank you, Mr. Chairman.

My first question would be to Ms. Masica. Ms. Masica, according to your testimony, in Fiscal Year 2001, \$5 million in recreational fee demonstration funds were made available to address accessibility needs in low revenue and non-collecting parks, and your testimony goes on to state that the National Park Service proposes that a similar program be set up for 2007.

Were the rec. fee demo. funds allocated for this purpose in Fiscal Year 2002 through 2006, and if they weren't, why not?

Ms. MASICA. Ms. Christensen, there were projects, accessibility projects that were done within sort of each park's allocation out of the fee money. There wasn't an off-the-top set aside, and that is what we are talking about doing in 2007, but the fact that they were done by the parks, there was still a significant amount of work that was done in those intervening years.

Ms. CHRISTENSEN. OK, thank you.

The 2000 report of Congress on increasing outdoor recreation opportunities, the persons with disabilities noted that the National Park Service has a small, understaffed office on an accessibility that primarily deals with complaints, and provides consultation services to assist units of the park on matters of accessibility.

While this office does know both the law and the right thing to do, but it has a very low profile, and the staff is generally at a very low level within the agencies, and many agency personnel don't even know that it exists. So what has the National Park Service done to increase the visibility and effectiveness of this office, and do all park units and regional office have in place accessibility coordinators?

Ms. MASICA. I would have to go back and check as far as every park. I believe every park does. Whether they are full time or they are collateral duty might be the issue, and each region also has a coordinator who handles these responsibilities in a similar fashion.

I think one of the things that we have tried to do to make our outreach as broad as we can is to not rely just on the capacities of our own internal staff, but the cooperative agreement that we have with the National Center on Accessibility has been a significant tool to help us broaden our outreach through the technical assistance and also the training that is provided in the work that we support mutually.

Ms. CHRISTENSEN. I am concerned in asking that question that people know that it exists, and that it does more than just provide technical assistance to the parks, but really provides some actual help, whether through the partnership or otherwise, but we want to make sure that the services are available to assist persons with disabilities.

Mr. Harding, it is my understanding that the U.S. Access Board's outdoor developed area final report was completed in 1999. When would you expect to have the guidelines finalized, and is there a reason why it took from then to whenever to get those guidelines in place?

Mr. HARDING. Thank you for the question.

As I mentioned in my testimony, we are presenting to the OMB the guidelines here in June of 2006. That is next month. In terms of when will they be finalized, ma'am, I could only yield to my general counsel, and the process that is available to our whole system to realize a final document, and if we need additional comment on expectation, I would need to ask counsel.

Ms. CHRISTENSEN. OK, but they will go to OMB next month?

Mr. HARDING. Yes, ma'am.

Ms. CHRISTENSEN. Next month, OK. Thanks.

Mr. Robb, your testimony notes that significant strides have been made in recent years, particularly in the area of physical accessibility, but that much more needs to be done, and that with appropriate resources you could assist the National Park Service in the future to accelerate the accessibility improvements.

Could you give us an idea of what the National Center and even the Park Service, if you have that information, would need in the way of appropriate resources, what would be the appropriate resources that you would think would be needed in order to make those improvements?

Mr. ROBB. I am not sure that I could give you a figure. We have a very small staff. We think that through our technical assistance and training we reach a lot of people at that level. It is very difficult for us to get out to and provide in-depth consultation and assistance to parks, although we do that as often as we can.

We have actually in the past year requested through the division which the accessibility management program is in increase funding through the Park Service to assist us and providing more of the type of support that we are providing. You know, we are hopefully going to be working with the Park Service on their condition assessments, and I think that once that is done relative to accessibility we will have a much better sense of what the needs are.

Mr. PEARCE. Thank you. We have been called to vote. We have about 10 minutes left. I am going to go ahead and ask my round of five minutes of questions. We will ask you all to stay in place if you would. It will be probably 15 or 20 minutes, two votes, and then we will be back and go for a second round of questions.

Mr. Robb, you are in a really good position to measure the change. Since 1992, you have been instructing people in the Park Service. How has the internal culture evolved during that time? Have you seen a change and what is the status of the internal culture regarding access?

Mr. ROBB. I think in two ways, two areas that I would say we have really seen change. In 1992, many of the people that were involved in our training programs were there because they had to be. They were told to be. We don't find that to be the case anymore. We find people coming to our training programs because they want to the right thing. They just don't always understand how to get there. I think that has been very significant.

We have also noted in our training programs that people in general are much more aware of the requirements of accessibility, and the need to provide accessibility, and are excited to get the information to assist them in being able to make efforts and make strides in increasing the accessibility in their parks.

As I said in my testimony, I think we probably still have only scratched the surface in terms of the numbers of people that we have been able to reach. The biggest disparity that we see now is not so much in the area of understanding what the requirements for physical accessibility are, but the understanding of the requirements for programmatic accessibility.

Mr. PEARCE. Ms. Masica, you had mentioned that you are limited by the age and the size of some of your infrastructure. If you were to take a look at new construction since the early nineties, would you guess that the Park Service has been 100 percent in their performance making accessibility or making access a key issue in new construction?

Ms. MASICA. I think we have certainly tried to. One thing that is interesting, Mr. Chairman, is that in a number of our construction projects each year are actually not building new buildings, but are rehabilitating many of those existing buildings. But when we are doing that, we are certainly trying to look at accessibility has been a part of it.

Mr. PEARCE. But if you were to take a guess at the percent, have you reached 100 percent in new construction?

Ms. MASICA. I would like to think we are close to 100 percent, but I am quite sure that somebody could trip me up somewhere so I wouldn't want to go to a number.

Mr. PEARCE. Mr. Harding, do you have an opinion about that? Do you all look at this sort of a thing, compliance? Mr. Robb, I would ask you the same question.

Mr. HARDING. I have a personal opinion, Mr. Chairman, that we can always do a better job in providing accessibility to persons with disabilities. But I think, you know, she is correct with her alterations and compliant with the Americans With Disabilities Act, sir.

Mr. PEARCE. Mr. Robb?

Mr. ROBB. I couldn't go back to 1992. I would say that in our experience in talking with people in the National Park Service and through our training and technical assistance programs there is certainly a much greater percentage of compliance with the minimum standards.

Mr. PEARCE. In new construction?

Mr. ROBB. In new construction.

Mr. PEARCE. And the reason I ask the question is, frankly, I bump into some new construction and bump into people who say, "we forgot," and so one of the purposes of the hearing is to elevate the whole concept just a little bit. I think you all have made very good points.

Ms. Masica, how do you handle complaints? You get complaints under the system all the time, I am sure. We get complaints all the time about access. Exactly what is the system that the park uses to implement changes when it is possible?

Ms. MASICA. In its simplest form, Mr. Chairman, we are aware of the complaints at the national level, then we work with the park in the region to address them. The response has to come back through us at the national level to respond back to the Access Board, but generally the response has identified how the complaint has been dealt with.

Mr. PEARCE. Do you ever hear of anything that the Park Service down at the lower level just didn't deal with because we are going to get into some of these in a bit?

Ms. MASICA. Yes. I think that there are and I think that is where we try to work with the regions to make sure that the regions are also aware and working with the parks. Then there are other instances where the nature of the problem just takes a longer time to get to a solution.

Mr. PEARCE. Sure, and also that culture thing that we were talking about before that has evolved some since 1992.

I think we are going to recess at this moment, and we will reconvene as soon as we can get back over after the second vote.

I thank you for your testimony and the questions and answer.

[Recess.]

Mr. PEARCE. Well, if we can, we will resume and we might have other such votes, so we will work our way through that today.

Mr. ROBB, do you all just work in infrastructure or do you also work in the programmatic area or visual displays.

Mr. ROBB. Both.

Mr. PEARCE. Both?

Mr. ROBB. Yes.

Mr. PEARCE. What do you mean? One reason that we are having this hearing is last year a group of kids, junior high and high school, the school for the visually handicapped, from my district in New Mexico, was here, and they have brought the question to us, "Well, why is there nothing in the Capitol for us?" So I thought that was a significant question. We began to ask it, and then we began to get input from the Access Board. So it kind of evolved into this hearing.

What do you see for the visually handicapped?

Mr. ROBB. Well, I think that, as I indicated in my testimony, that the physical accessibility is much more cut and dried. It is much more easy to determine, you know, if you have a ramp at the right slope or the grab bars in the restroom and that sort of thing.

The programmatic access, whether it is true an audio-described video program or through captioning or through tactile exhibits, just a little bit—there just hasn't been as much attention on that area. It is sort of a hierarchy of needs, I think, as you go through. So that area is much less developed in most park and recreation agencies, and I would suggest probably including the National Park Service.

Our technical assistance requests from the National Park Service and other Federal agencies has really swung fairly substantially from how do you make a restroom accessible to what do I do about making our exhibits or our wayside exhibits or our video program accessible to people that have visual impairments, or who have hearing impairments.

Mr. PEARCE. Mr. Harding, would you like to comment on that? Do you all get into this area at all?

Mr. HARDING. Well, sir, we have had about 18 complaints in the last five years. Most of those—

Mr. PEARCE. Is that a lot or is that not many? In the overall scheme, is 18 a lot in five years?



Mr. HARDING. Not very many really, sir. It is about 75 over the past 30 years.

Mr. PEARCE. OK.

Mr. HARDING. Primarily with the build-in environmental issues, and I would have to yield to my staff on some of the programmatic components—

Mr. PEARCE. OK.

Mr. HARDING.—on that, but I would concur on a personal level and an individual with a disability, and friends with a disability that we are evolving and really beginning to capture, articulate, and therefore share the outdoor and alternative mechanisms to communicate.

Mr. PEARCE. Ms. Masica, do you want to address that?

Ms. MASICA. I think, Mr. Chairman, that, as Gary said, that that is probably the area where we have more progress to be made than the physical side. That would be my general observation also, and I think we have seen a number of outstanding examples at some parks using again the fee revenues that have been available to them as they have been updating their exhibits to make them more available to everybody, and I think that that is probably where, as we continue to make progress, where we will need to focus.

Mr. PEARCE. Ms. Masica, concerning Segways, there was a visitor in my office a couple of months ago, it is very difficult for me to understand why you would need rules to interpret in certain instances. I mean, what is the status of that? We had a double amputee that was on one and was refused permission over at the Jefferson Memorial. I mean, what would cause the system to say no, Segway is not a vehicle for handicapped use?

What in your system would cause someone to do that? Do you have such a tight set of rules that does not allow visual interpretation? Tell me a little bit about your system that would allow or encourage that kind of a response.

Ms. MASICA. I think what is important that we as a Park Service are realizing the distinction between Segways in terms of their use for recreational purposes and then their use for persons with disabilities. And the issue, I think, from the rule side where we have stumbled has been that they are not—they do not meet the definition that is used for motorized wheelchairs, and so getting people accustomed to that just because it doesn't meet the definition doesn't mean we are precluded from evaluating it and using it—allowing it in parks for persons using it for—

Mr. PEARCE. Your system is so inflexible that a guy can't—a superintendent or a ranger can't just look and say, oh, that is pretty obvious?

Ms. MASICA. I think that just as has been discussed at other points this morning as to heightening peoples' awareness and making them—

Mr. PEARCE. That is not even awareness.

Ms. MASICA. That is common sense.

Mr. PEARCE. It is even beyond common sense. Just a visual connection that, yes, I know what my rule says. It says typical Segways are not listed as handicap vehicles, but here before me I see—Jerry, is Jerry in the room today? Yes, so I mean the guy is right over here. And so it really astounds me that the system is so

inflexible that people are afraid to make judgments about such things. I don't know. I don't know if there is a solution for that.

Mr. HARDING, do you have an opinion in this kind of a discussion?

Mr. HARDING. Well, independence and mobility is paramount in the world of disability. So I would encourage us to—

Mr. PEARCE. Surely, the Access Board nationwide has found other examples of systems that are just so inflexible people are afraid to move. Do you have a comment on that particular aspect?

Mr. HARDING. I would agree with you that there are issues like that out there. Yes, sir.

Mr. PEARCE. I am not trying to just make a big deal out of this. I just really want a discussion nationwide to occur in the system. I mean, we are only charged with oversight in the park system. I think that Ms. Christensen's opening comments very well pointed out that there are systems that are working far worse than the park system, but we are not charged with that oversight, and if we can have a conversation that causes some internal contemplation among people in the system, get the culture to kind of evolve just a little bit, we talked about that already.

Mr. HARDING, Mr. Robb said that significant strides have been made. That is a pretty important observation. Is that one you would agree with?

Mr. HARDING. Yes, sir.

Mr. PEARCE. And finally the last question I think I have, Mr. Harding mentions unique challenges, thoughtful deliberation. I mean, that is stating it as carefully and as mildly as you can. There are unique challenges. I don't know, Ms. Masica, if you have any crystal ball on how you can solve these unique challenges. And believe me, you have a lot of tough problems, and I would not change positions with you on this deal. It is tough.

My brother is in a wheelchair, has been since the '70s, and so I have wrestled with these things off and on as we watched him from no—I mean, almost no access to seeing a world that is changing. I watched my mom go from being able to get around to where she can't now. She has got a walker—and that is difficult at best—and a motorized wheelchair. We are all going to have to deal with the situation. Every family, I think, is probably seeing it one on one. I don't know, it is pretty difficult stuff, talking about the trail width.

I was out at Yosemite watching those climbers. Mr. Robb says the same benefit of services should be available, so that is something about those climbers going up that wall. We have the visually handicapped. I don't know, I don't know the answer, but what do you all in the Park Service do on these things? What kind of discussions do you have?

Ms. MASICA. Well, I think, Mr. Chairman, every time somebody points out something to us, that is an opportunity for a learning event for all of our managers.

One of the things that we did was establish an accessibility committee that meets twice a year. They meet with my staff to both sort of work on the policy issues, but also the practical issues, and sort of learning and best practices and trying to share those examples.

When you asked me the question about 100 percent, that is why I was trying to be very careful, because I think we are not at 100 percent, and we are trying to do much better. I think we have done much better, but I am not going to sit here and suggest we have solved every problem, and I think every time somebody becomes aware of something and points it out to us the burden is then on us to respond to it and then to try to make sure we manage so that it doesn't happen again, get repeated.

Mr. PEARCE. And I appreciate that, and if we have that recognition, I think that is probably the significant outcome of the day, that we should be able to say, no, we haven't done as well as we should. Significant progress is worth a pat on the back, and then we get into the part that my staff dearly hates. Yes, significant progress has been made yesterday. Let us pick it back up and move one more step today.

So I would only give you one promise, and as far as the Segway access for people with obvious handicaps, I promise, Ms. Masica, that I am going to take off my congressional coat and tie and congressional pin, and I get almost invisible when I put a hat on because that is the way people in my district recognize me with the shine from the distance. And so we are going to walk around with somebody with obvious handicaps on a Segway one of these days through the mall, and my only promise is that I will take names. I don't want to be the sheriff in town, but if no one else is, I will. So I would just ask your system to be very, very conscious of that if you would, please, and pass the word that common sense can and should prevail in some instances, and even when the rules are rock solid.

And by the way, you can also tell the other side that I will back up common sense when the rules say one thing, and common sense says the other. I take the side of common sense strongly on the other side, so I give you that promise too.

I thank you all for your testimony and appreciate you hanging around through the vote and the break. You are welcome to stay. In fact, I would encourage you to stay. Sometimes the observations in the second panel feed back to the first panel, and so if you are here, we will connect with you if questions would drive us to that.

I would invite our second panel up now, and while they are moving to the table I will introduce them. We have Mr. Jerry Kerr. He is the President and Founder of the Disability Rights Advocates for Technology out of St. Louis, Missouri. Ms. Janice Schacter is Chair of the Hearing Access Program, Hearing Loss Association of America, Bethesda, Maryland; Mr. James McCarthy is the Director of Governmental Affairs, the National Federation of the Blind, Baltimore, Maryland; and Ms. Nancy Starnes, Vice President and Chief of Staff of the National Organization on Disability here in Washington.

We will give our panel members a moment to be seated and recognize them.

Mr. Kerr, the world is on you.

Mr. KERR. Thank you very much.

Mr. PEARCE. Do well with your time.

**STATEMENT OF JERRY KERR, PRESIDENT / FOUNDER,  
DISABILITY RIGHTS ADVOCATES FOR TECHNOLOGY,  
ST. LOUIS, MISSOURI**

Mr. KERR. Mr. Chairman, as advocates for the rights of people with disabilities, we thank you for the opportunity to appear before your Subcommittee at this oversight hearing on disability access in the National Park System.

Today, more than 10,000 American citizens turned age 60, a trend that will continue each and every day through the year 2020. Many are looking forward to a time soon when they will have more resources and opportunities to enjoy our national parks, monuments, and memorials. Unfortunately, they are quickly approaching the age group where more than 40 percent of them may have difficulty walking.

Prior to the introduction of the Segway, the only practical mobility devices available required us to be seated in order to operate them. Now a solution is available to some, allowing mobility while remaining standing.

As the Segway has gained popularity with people who have difficulty walking, many National Park Service superintendents have exercised good judgment and common sense allowing its use. But others in the Park Service have rejected its use in even the most urban settings.

Superintendent Peggy O'Dell denied 78-year-old Bill Williams suffering from COPD access using his Segway to the Independence Day celebration at the Gateway Arch in downtown St. Louis, even though the area was trampled by hundreds of thousands of people, trucks, golf carts, and other motorized equipment.

Superintendent Jock Whitworth denied 59-year-old Judy Hanson of Rockville, Utah, who suffers from a spinal cord injury access on her Segway to Zion National Park, threatened with fines and confiscation.

On September 23, 2005, Leonard Timm, a bilateral above-the-knee amputee, and a founder of DRAFT, was threatened with arrest while visiting the Jefferson Memorial.

For almost two years, our organization has attempted unsuccessfully to persuade those within the National Park Service to issue guidance clarifying the permitted use of the Segway for people with disabilities. The Segway is fully protected as an assisted device as defined by the U.S. Congress.

Common sense and good judgment would dictate that the use of the Segway would be preferable to that of any other mobility device in meeting the Park Service's objectives. It is usable in all indoor areas. Its tires generate virtually no sheer force, and having less soil compression force than a human footprint that is less likely to leave evidence of its presence than a pedestrian, all while allowing its user to participate in the enjoyment of our National Park System in the same manner as everyone else—standing.

Last fall our organization began our Segs for Vets Program, donating three Segways to members of the United States military, who through service to our country have incurred disability and difficulty walking. Staff Sergeant Hilbert Caesar, who is here with us today, Corporal Keith Davis and Specialist Kevin Pannell.

This month United States Marine Corps Corporal Ryan Groves will join their ranks using his Segway to finish his education at Georgetown University.

In October, I was contacted by U.S. Army Captain Daniel Gade, who was back in Walter Reed Hospital being treated for an infection as a result of embedded shrapnel from wounds suffered while serving in Iraq, wounds which necessitated the amputation of his leg. He inquired about his legal right to visit the national mall memorials and other areas in Washington, D.C. which were under the control of the National Park Service while using his Segway.

While we believed he had every legal right to use his Segway, we could not guarantee in light of recent behavior that the National Park Service would not threaten him with arrest or confiscation of his Segway.

While it seems perplexing that the Park Service isn't encouraging the use of Segways for all who visit the areas under their control, it would appear from our conversations with them that there are many, not only in the Park Service, but also the Forest Service who feel allowing the use of Segways by people who have difficulty walking, even though more environmentally friendly, will permit too many people to visit our national parks and public lands.

The Segway represents the beginning of the arrival of new technology devices created utilizing the principles of universal design which will improve the quality of lives for people with disabilities and senior citizens beyond which we ever thought possible.

Attitudinal and policy barriers to accessibility must never be tolerated. This injustice could be corrected immediately through the stroke of a pen at no cost to our taxpayers.

Thank you.

[The prepared statement of Mr. Kerr follows:]

**Statement of Jerry Kerr, President,  
Disability Rights Advocates For Technology**

Mr. Chairman, thank you for the opportunity to appear before your subcommittee at this oversight hearing on disability access in the National Park System.

Disability Rights Advocates For Technology is an advocate for the rights of people with disabilities and a champion of universally designed technology solutions which allow us the opportunity to more fully participate in our society and enhance the quality of our lives.

Today more than 10,000 American citizens turned age 60 a trend that will continue each and every day through the year 2020.

Many are looking forward to a time soon when they will have more resources and opportunities to enjoy our National Parks, Monuments, and Memorials. Unfortunately they are quickly approaching the age group where more than 40% of them may have difficulty walking.

Accessibility for the more than 60 million people in the United States with disabilities and our seniors who have difficulty walking is an issue which all stewards of our federal lands must aggressively pursue.

In 2003 a new assistive mobility device utilizing the principles of universal design was introduced. The Segway is classified by our Federal government as a consumer product, not a motor vehicle. Prior to its introduction the only practical mobility devices available to people with disabilities and those who have difficulty walking required them to be seated in order to operate them.

Now some who have difficulty walking but can stand have a mobility solution available to them which allows them to remain standing. The ability to remain standing for as long as possible has both physical and psychological benefits that are well documented in medical literature. Many disabled individuals have received prescriptions from their doctors for the Segway.

Of the mobility devices on the market today, the Segway is the most versatile and the safest.

Those with disabilities using the Segway include:

Dr. Michael Mayor, a world renowned orthopedic surgeon and an above the knee amputee, uses the Segway while making his rounds visiting hospital rooms at the Dartmouth Hitchcock Medical Center.

Senior Federal Judge James Jarvis, in Knoxville, Tennessee, who has COPD onset by lung cancer, uses his Segway to travel from his courtroom to his office and back allowing him to maintain a more active, mobile and normal schedule.

Brooke Gill a young lady from Dexter Missouri who spent two years in coma after a car accident sustaining a severe spinal cord injury. She completed her education graduating from Southeast Missouri University this past December. The Segway allowed her to thrive at the University even with its very steep hilly terrain.

The Segway is being used by farmers to again walk fence lines and visit their barns and check on livestock when illness or disability had previously foreclosed that possibility.

It is being used by many in their 80s who had given up traveling because of their difficulty walking but now, with assistance of the Segway, have resumed their travels and turned back the clocks of time.

For many people with conditions such as COPD, amputations, spina bifida, multiple sclerosis, Parkinson's disease, spinal cord injuries and many other neurological conditions, the Segway has returned mobility we thought gone forever.

In the three years since its introduction to the general public there are no reports of any substantive injuries being caused to bystanders from those using the Segway. As a matter-of-fact the design of the Segway precludes it from continuing forward once it comes in contact with something and the tires are designed in such a fashion that running over someone's foot or hand causes no injury. The same could not be said about the power wheelchair or scooter.

The Segway weighs a fraction of other mobility devices and its stopping distance in comparison to other mobility devices, in a test by the Federal Highway Administration, was second only to that of a manual wheelchair.

A study done by the Victoria Transport Policy Institute, which compared the safety of the Segway to that of other mobility devices, was presented at the Transportation Research Board's Annual Meeting in January of 2004 in Washington, DC. In assessing the relative safety of the Segway and its risk to others the report suggests the Segway represents a medium risk to others consistent with children playing even when operated at top speeds. Comparatively the report indicates that motor or powered wheelchairs represent a medium to high risk to others, consistent with equestrians (people on horseback).

As the Segway has gained popularity with people who have difficulty walking, many National Park Service Superintendents have exercised good judgment and common sense allowing its use by those who have difficulty walking, but others in the National Park Service have rejected its use by them in even the most urban settings.

A 78-year-old gentleman suffering from COPD was denied access using his Segway HT to the Independence Day celebration at the Jefferson National Expansion Memorial (The St. Louis Gateway Arch) in downtown St. Louis even though the area was trampled by hundreds of thousands of people, trucks, golf carts and other motorized equipment. Superintendent Peggy O'Dell, even after repeated attempts by our organizations to reason with her, and pointing out the provisions in Directors Order #42, denied access to Mr. Bill Williams because the Segway did not meet the definition of a motorized wheelchair. Superintendent O'Dell permitted Fair organizers the use of golf carts in all areas.

59-year-old Judy Hanson of Rockville Utah, who suffers from a spinal cord injury, in an attempt to use her Segway in Zion National Park was told by Superintendent Jock Whitworth that she could not use her Segway anywhere in Zion National Park, not on the roads, not on the sidewalks, not on the wheelchair accessible trails, not anywhere because it was motorized. Superintendent Whitworth advised Ms. Hanson that her use of the Segway in Zion National Park could result in her being fined and her Segway being confiscated.

On September 23, 2005, Mr. Leonard Timm, a bilateral above the knee amputee, and a founder of DRAFT, was threatened with arrest by the National Park Service while in Washington, DC, using his Segway visiting the Jefferson Memorial.

For almost two years our organization has attempted unsuccessfully on a monthly basis to persuade those within the National Park Services Upper Management to issue guidance clarifying the permitted use of the Segway for those who have difficulty walking.

Common sense and good judgment would dictate that the use of the Segway would be preferable to that of any other mobility device in meeting the National Park Service's objectives.

It is usable in all indoor areas. The tires on the Segway HT generate virtually no shear force, and have less soil compression force than a human footprint. The Segway poses less likelihood of impairing the landscape and environment through soil compaction and rutting than manual wheelchairs or motorized wheelchairs.

Indeed the Segway is less likely to leave evidence of its presence than a pedestrian. It requires no more accommodation than that of a wheelchair, and in most cases less, it is more maneuverable than wheelchairs or scooters and allows its user to participate in the enjoyment of our National Park System in the same manner as everyone else: standing.

The Segway is not a wheelchair. It is an assistive device. The ADA guidance issued by the United States Department of Transportation on September 1, 2005 correctly identified the Segway when used by a person with a disability as a mobility device which is part of a broad class of mobility aids occupying a legal position analogous to canes, walkers, etc. ...

Many within the National Park Service have been quick to point out that they have no legal mandate under the ADA; however all Federal Agencies must comply with the Section 504 of the 1973 Rehabilitation Act.

The Segway is fully protected as an assistive device as defined by the United States Congress which defined an assistive technology device in "The Rehabilitation Act Amendments of 1973, As Amended" as "any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities."

In the Draft 2006 NPS Management Policies it states:

"A primary principle of accessibility is that, to the highest degree practicable, 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".

The issue of a disabled person who has the ability to stand but has difficulty walking and requires a mobility aid, being forced to sit in either a wheelchair or a scooter is unreasonable and unlawful.

Last fall our organization began our Segs4Vets program donating Segways to members of the United States Military who through service to our country have incurred disability and difficulty walking.

Staff Sergeant Hilbert Caesar of South Ozone Park New York, who lost his right leg as a result of wounds suffered on April 18, 2004 on a road near Baghdad, Corporal Keith Davis of Lumberton Texas, who lost his leg as a result of wounds suffered on August 3, 2005, in Iraq and National Guard Army Specialist Kevin Pannell of Dierks Arkansas who lost both of his legs as result of wounds suffered on June 13, 2004 while patrolling little Fallujah, a rundown insurgency ridden neighborhood in central Baghdad were our first three recipients.

They will be joined this month by United States Marine Corps Corporal Ryan Groves of Charlestown Ohio who lost his left leg in a rocket attack in Fallujah and after 38 surgeries will be discharged from the Amputee Patient Care Center at Walter Reed Hospital to complete his undergraduate studies at Georgetown University, and ultimately attend Law School here in Washington.

We have also donated two Segways to the Amputee Patient Care Center at Walter Reed Hospital that are being used by our soldiers to travel between their quarters in Mologne House and their therapy each day. This month we will donate a Segway to the Physical Therapy Department at the National Naval Medical Center in Bethesda.

Last fall I was contacted by U.S. Army Captain Daniel Gade who was back in Walter Reed Hospital being treated for an infection as result of embedded shrapnel from wounds suffered in battle while serving in Iraq. Wounds which necessitated the amputation of his leg. Until the infection was cleared up Captain Gade was unable to wear his prosthetic leg, but he does use a Segway.

Captain Gade inquired about his legal right to visit the National Mall Memorials and other areas in Washington, DC which were under the control of the National Park Service while using his Segway.

We advised Captain Gade that while we believed he had every legal right to use his Segway as his mobility device we could not guarantee, in light of recent behavior, that the National Park Service would not threaten him with arrest or confiscation of his Segway.

There's no rational explanation for anyone within the National Park Service to deny the use of the Segway by a person with a disability simply because it has a motor. The Segway attains the goal of protection to the environment at the highest level currently available. It is quiet and there is no other means of mobility available today including the wheelchair, scooter, horse, or even the human footprint which will cause less damage to the environment and leave less evidence of its presence than the Segway.

While it seems perplexing that the National Park Service isn't encouraging the use of Segways for all who visit our National Parks and Monuments, it would appear from our conversations with those in the National Park Service that there are many, not only within the National Park Service but also the United States Forest Service, who feel that by allowing the use of Segways by people who have difficulty walking, even though more environmentally friendly, it will permit too many people to visit our National Parks, and other areas under their control.

Attitudinal and policy barriers to accessibility must never be tolerated. This injustice could be corrected immediately through the stroke of a pen, by either the Secretary of the Interior or the Director of the National Park Service, at no cost to our taxpayers.

The Segway represents the beginning of the arrival of new technology devices created utilizing the principles of universal design which will improve the quality of lives for people with disabilities and senior citizens beyond which we ever thought possible.

Through the use of the Segway our Public Lands will be accessible in a more environmentally friendly mode for the enrichment of more people than ever before.

NOTE: Attachments to Mr. Kerr's statement have been retained in the Committee's official files.

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Mr. PEARCE. Thank you.

We have another one vote. I think I am going to break at this point, and run over. I should be back in seven-eight minutes, and at this point, Ms. Masica, if you can really hang around. I mean, I think we want to delve into this quite a lot, especially the comment about the fear of the system that the Segways would permit too many people to visit, and that is probably going to get us right down to the focus of this hearing if there is a systemic prohibition in order to hold down visitation at the expense of one class. That should be the topic of the discussion, so I think Mr. Kerr has brought us to a good conversation point.

We will stand in recess for just a few moment. We will be back as soon as we can. Ms. Schacter, we will recognize you at that time.

[Recess.]

Mr. PEARCE. Thank you.

**STATEMENT OF JANICE SCHACTER, CHAIR, HEARING ACCESS PROGRAM, HEARING LOSS ASSOCIATION OF AMERICA, BETHESDA, MARYLAND**

Ms. SCHACTER. Thank you for inviting me today to discuss access for the hard of hearing and deaf at our national parks.

My name is Janice Schacter. I am the Chair of the Hearing Access Program and the mother of an 11-year-old daughter who is hard of hearing, and sometimes I am the sheriff for the hard of hearing.

I am here today representing the Hearing Loss Association of America. Thirty-one-and-a-half million people have some form of hearing loss. This represents approximately 10 percent of the population and rises to 30 percent for people over the age of 65.

The national parks are mandated via Section 504 of the Rehabilitation Act of 1973, as amended, the more stringent DAC. to be accessible to everyone. Unfortunately, they are not.



In the last year and a half, our family has visited several national parks. On each of these occasions, we encountered problems. The amount and type of access varied, and there was no ability to anticipate the access since the national park website did not always reflect what was available. Two examples: Ellis Island and Gettysburg.

Our family decided not to visit Ellis Island last year because of inappropriate access for our daughter. The boat had no assistive listening devices, also known as ALDs, no captioning. The films had no assistive listening devices, and only some were captioned. And there were no assistive listening devices for docent tours even though there were poor acoustics in the Great Hall. It did, however, have neck loops for the audio guides.

To date, the issues are still not resolved. What do I say to my daughter who continually asks to visit Ellis Island and does not understand why the park is still not accessible?

In March, our family went to Gettysburg. We found no captioning or assistive listening devices for the introductory film. In fact, we were told the system broke last year and it went unfixed. Also, the accessibility section on the website is a blank page.

Every vacation to a national park becomes disappointing because the inconsistent and inappropriate access proves frustrating to our daughter.

I have a stack of letters from people who reiterate similar issues. These treasure sites belong to everyone and it is a shame that my daughter and others with a hearing loss cannot fully appreciate them.

After our family's disappointing visit to another national park, I decided to rectify the situation. Through various phone calls, meetings and training sessions, it has become clear to me that the system is designed for failure. There are three issues that seem to be the greatest hurdles.

One, there are no incentives to encourage compliance. The parks appear to be stretched financially and have endured personnel cut-backs. Requiring them to finance access out of their regular operating budget is difficult. Essentially the ADA is a mandate that is not paired with funding, and my understanding is that there was previously a budgeted amount specifically for access issues, but this was eliminated. I now hear it is thinking about being reinstated. However, lack of finances is not an excuse for inappropriate access.

In addition, we need to ensure that there is an appropriate allocation from these funds. Accessibility does not mean mobility issues. It means other things, and it is also needs more than headsets and signed qualified interpretation.

There is also no accountability. It is my understanding that some of the parks were allowed to retain a percentage of revenue so that it can go back to the local community. While this is a laudable goal, the result is that no one is monitoring the availability of these locally produced exhibitions. Even if management of a park wants to go through Harpers Ferry, some of the work is now being outsourced. The result is there is less control over ADA compliance.

It is also my understanding that each of the national park superintendents failed—many of the national park superintendents

failed to complete a survey on access for the web. The web reveals this. Many of the pages are blank.

In addition, ADA compliance was supposed to be part of a local superintendent's review, but this was eliminated. The superintendents felt that without appropriate funding it was impossible for them to comply. The bottom line, there was no monitoring, no accountability, and the only people who are suffering are those with hearing loss.

The staff also has a mixed level of training. There is a lack of understanding across the country that hearing loss is invisible. There is a range of hearing loss, and the needs and accommodations vary. For example, children generally below fourth grade cannot read captioning. Appropriate training and annual reviews of park personnel must be a job requirements.

Also, many of the parks do not have a 504 coordinator. Therefore, they have other responsibilities, and access gets pushed to the bottom of the list. The only way is to force the priorities to follow 504 complaint. Our family has done this on many occasions, but it seems a ridiculous way to ensure ADA compliance.

The mandate of the National Park is to be accessible to everyone. With these proposals and adequate training, and I listed details in my written work, the National Parks can offer consistent access for visitors who are hard of hearing and deaf, and allow them to visit the national parks and experience their America, a right entitled by law.

Thank you for the opportunity for allowing me to testify.  
[The prepared statement of Ms. Schacter follows:]

**Statement of Janice Schacter. Chair, Hearing Access Program,  
Hearing Loss Association of America**

I welcome this opportunity to share important information about the accessibility needs of people with hearing loss with you. My name is Janice Schacter. I am the Chair of the Hearing Access Program and the mother of an 11-year old daughter who is hard of hearing.

**BACKGROUND:**

I am here today representing the Hearing Loss Association of America ("HLAA") formerly known as Self Help for the Hard of Hearing People, Inc. HLAA is the nation's largest consumer organization representing people with hearing loss. HLAA's national support network includes an office in the Washington D.C. area, 13 state organizations, and 250 local chapters. HLAA's mission is to open the world of communication to people with hearing loss through information, education, advocacy and support.

HLAA's constituents are people with hearing loss who use hearing aids, cochlear implants and other technology to function in their daily lives. They use spoken language and not American Sign Language ("ASL"). Currently, 31.5 million people have some form of hearing loss. This number is expected to increase to 40 million people within one generation. This number represents 10% of the population. It rises to 30% in the population of people over 65. The needs of the people within the population that is hard of hearing and deaf vary depending on the degree of hearing loss, what type of hearing device a person utilizes, when the hearing loss was diagnosed, the level of auditory training has received and the person's age. Appropriate access requires a variety of different types of equipment matched to the needs of different segments of this population. [Please see Chart 1.]

**BASIC REQUIREMENTS:**

"Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination on the basis of disability in federally conducted programs of the Department of Interior". The Department of The Interior administrative policy requires that the Americans with Disabilities Act Accessibility Guidelines be used where it is equal

to or greater than the Uniformed Federal Accessibility Standards.” (Taken from Section 504 Accessibility Site-Review Dated December 20, 2005.)

**ISSUES:**

In the last year and a half, our family has visited several National Parks. On each of these occasions, the type of access available was inconsistent. Some parks might have had some of the items of access for people who are hard of hearing but some items are not appropriate for some levels of hearing loss. Also, some parks have appropriate access and others do not. There is not, however, a way to anticipate if appropriate access is in place. The NPS website does not accurately reflect what is available at each local park.

On a visit to Castillo de San Felipe del Morro in San Juan, Puerto Rico, my daughter could not hear or follow the introductory film since neither Assistive Listening Devices (ALDs) nor captioning were available. There is no access information on the website for people who are hard of hearing or deaf.

We decided not to visit Ellis Island last year because my daughter would not have heard the announcements on the boat, only some of the films were captioned, there were no ALDs for the films, there were no ALDs for docent tours and the acoustics in the Great Hall were poor. They did, however, have neck loops for the audio guides and the website did have some information for people who are hard of hearing or deaf. In the end, our family chose not to visit the site since she could not hear and it would not have been worthwhile for my daughter.

On a recent vacation to Gettysburg, we again found no captioning or ALDs for the introductory film. In fact, we were told that the system broke last year and it went unfixed. Also, the accessibility section on the website is a blank page.

At Mammoth Caves in Kentucky, there was captioning but it was so small that it was impossible to read and there were no ALDs. The accessibility section on the website states that “The requested URL was not found on the server.”

Every vacation to a National Park becomes disappointing because the inconsistent and inappropriate access always proves frustrating to our daughter. I have a stack of letters from members of the HLAA who reiterate similar issues. These treasured sites belong to everyone and it is a shame that my daughter and others with hearing loss can't appreciate them the way she could have.

After our family's disappointing visit to the San Juan National Park, I decided to contact the National Park Service (“NPS”) to rectify this chronic situation. Through my various phone calls, I have had several meetings this year with NPS staff and have even done a training session for senior NPS staff on appropriate access for the hard of hearing and deaf at the National Parks. From these conversations, it has become clear to me that the design of the system preordains failure. The following issues appear to be the greatest hurdles to achieve appropriate access at The Parks:

*1. No Incentives to Encourage Compliance*

The Parks appear to be stretched thin financially and have endured personnel cutbacks. Requiring them to finance access out of their regular operating budget is difficult. Essentially, the ADA is a mandate that is not paired with funding. Appropriate access is not accomplished since there is no money to fund it. My understanding is that there was previously a budgeted amount specifically for access issues. Somehow, this was eliminated. Funds for access need to be reinstated. Lack of finances, however, is no excuse for inappropriate access.

In addition, we need to ensure that accessibility for people who are hard of hearing and deaf receive an appropriate allocation from these funds. Too often, appropriate access for the hard of hearing is misunderstood. Access for people who are hard of hearing or deaf is more than sign language and headsets. Although they are key components to access, it is not the whole picture. Access for people who are hard of hearing or deaf require assistive listening devices, captioning and sign language interpretation. What is appropriate depends on the venue and its programming services. I will address the specifics below.

*2. No Accountability*

It is my understanding that some of the parks are allowed to retain a percentage of their revenue. In addition, exhibition work, e.g. films, can be produced locally rather than at Harper's Ferry. The goal is to allow revenue to remain in the local community. While this is a laudable goal, the result of this local disintermediation is that no one is monitoring the accessibility of these local exhibitions. The result is that films are produced without captioning and assistive listening systems are not in place.

Even if local management at a park wants to go through Harper's Ferry, the work that previously was done in-house at Harper's Ferry is now out-sourced. The result is that there is less control over ADA compliance.

It is also my understanding that the national office of NPS has consistently requested each Superintendent to complete a survey on his or her park's accessibility. It is my understanding that the responses were inconsistent. The absence of appropriate access information on the NPS website is indicative of this mixed response. How can anyone plan a trip to a Park if they cannot find appropriate access information on the park's web site?

In addition, ADA compliance was supposed to be part of each local Superintendent's annual performance review, but was eliminated because of complaints by the superintendents. The superintendents felt their performance was being judged unfairly since it was impossible to comply with the ADA without appropriate funds. The bottom line: there is no monitoring of ADA compliance, there is no accountability and appropriate access for the hard of hearing and deaf is not consistently available at the parks.

### 3. *Inconsistent Training*

The staff at the parks has a mixed level of training and understanding of the needs of people with disabilities. Unlike mobility issues, hearing loss is invisible. Staff cannot immediately identify who needs what type of accommodation. The staff sometimes assumes that no accommodation is needed because they cannot see the effects of hearing loss. There is a lack of general understanding across the country that there is a range of hearing loss and the needs and accommodations vary based on the degree of hearing loss, what type of hearing device a person utilizes, when the hearing loss was diagnosed, the level of auditory training the person has received and the person's age. For example, generally children below 4th grade cannot read captioning. Therefore, appropriate training of all park personnel must be in place and there need to be annual updates. This training must be a job requirement and part of the annual review.

In addition, there needs to be a full-time person at each park devoted to appropriate access otherwise known as a 504 Coordinator. At many parks, the access coordinator has many additional duties and access gets pushed to the bottom of the list. It becomes a low priority for the park. This was evident at each of the parks that our family visited. The end result is that the only way to force the priority is to file a 504 complaint. Our family has filed a 504 complaint on all of these occasions but this seems a ridiculous way to ensure ADA compliance. There needs to be a 504 coordinator and appropriate training to ensure appropriate access at each park.

### **APPROPRIATE ACCESS AT THE PARKS**

In order for NPS to have full access, NPS must always offer the following three types of access to meet the needs of the entire range of people who are hard of hearing and deaf and to have consistent access at each park:

- Assistive Listening Devices (Headsets and Neck Loops)
- Captioning
- Qualified Interpreters

All three items must be in place whenever there is audio output. In addition, there must be appropriate staff training and signage.

These three services can be implemented at the National Parks as follows:

#### A. *Theater*

The ADA Guidelines require ALDS (Headsets.) Currently, neck loops are awaiting the Department of Justice's approval. Neck loops should be available since headsets do not work for someone with more than a mild hearing loss. The volume control is not strong enough. Neck loops allow the person's own hearing aid to regulate the volume. These Guidelines apply to all theaters that are places of public accommodation with 50 or more fixed seats. (The elimination of the fixed seat requirement is awaiting the Justice Department's approval.) The ALDs receive the sound via a sound system. There are currently three types of systems that are available:

- FM—This system works via a radio frequency.
- Infrared—This system works via a beam of light.
- Induction Loop—This system utilizes an electro-magnetic coil around the room to create a magnetic field. Hearing aid wearers with T-coils receive the sound directly via their hearing aids or cochlear implants.

There are several factors that would determine which system would be appropriate for each site. The Kennedy Center's Guide to Assistive Listening Systems for Theaters is a useful tool to aid in assessing which system is appropriate for each venue.

### 1. Assistive Listening Devices

ALDs (headsets or neck loops) enable visitors to receive sound directly in their ears. There are different styles of receivers. Some ALDs fit directly into the ear and some require headphones or neck loops to be plugged into the output jack of the receiver that is the size of a deck of playing cards. The type of ALS selected is based on the person's degree of hearing loss, whether they use a hearing aid or cochlear implant, the age the person lost their hearing, the level of auditory training they received and their current age. A signal is sent from the system to the receiver. If an Induction Loop System were utilized then only someone without a T-coil would need to wear a receiver. Anyone with a T-coil would just activate the T-coil on his or her hearing aid to hear the sound. ALDs allow someone to increase the volume and receive the sound directly in their ear without disturbing anyone else. A Population Chart detailing the degrees of hearing loss and what type of accommodation needed is attached. [See Chart 1] Also, a FAQ Sheet on neck loops and T-coils is attached. [See Chart 2] The League for the Hard of Hearing prepared the FAQ sheet.

When installing the system, it is important to ensure the appropriate number of receivers is available at any given place of assembly. The requirements are detailed in the ADA Accessibility Guidelines (ADAAG). ADAAG can be found at [www.access-board.gov](http://www.access-board.gov). For your reference, I have attached some Technical Support for Assistive Listening Systems. [See Chart 3]

### 2. Captioning

Unfortunately, not all people can utilize the ALDs due to the severity of their hearing loss. [See Chart 1] In addition to the assistive listening system, NPS should offer captioning for all films. There are two methods of captioning, open and closed. Open is when the captioning is always on and either appears on the film screen or a data strip below the screen. Closed captioning is when it is either turned on and off or selectively seen by only those who need it.

We recommend offering open captioning. Open captioning is easiest since there is nothing to maintain and nothing to turn on and off. It is always visible. Many people are embarrassed by their hearing loss and will not ask for the assistance they require. Open captioning allows people to participate without feeling any stigma they may perceive is attached to hearing loss. Therefore, if the event is a film, then a captioned version of the film should be ordered. We suggest inserting a clause in NPS' contracts that all films must be captioned.

For closed captioning, it can be either seen on the screen only when someone turns on the captions or when a special data panel is affixed to the seat. Please be aware that these data panels need to be cleaned and maintained.

If, however, the event is a lecture then Computer Assisted Real Time Captioning ("CART") should be offered for specifically scheduled lectures or presentations. CART provides access for people whose hearing loss is more profound and cannot use the assistive listening system. It is the exact translation, which is similar to a court reporter transcribing a statement of a witness.

### 3. Qualified Interpreters

Qualified interpretation (ASL, Oral, Transliteration or Cued Speech) needs to be offered in the appropriate format that is tailored to the individual to achieve effective communication. Also, ASL is not English. ASL is a visual language with its own syntax and grammar that is quite different from the English language. For example, instead of saying, "There goes the blue car," ASL would sign, "car, blue." For some people who communicate primarily using ASL, a qualified interpreter will be necessary to ensure effective communication. For some people who are hard of hearing or deaf and do not use ASL, captioning may be necessary to ensure effective communication.

Most people with hearing loss, including many with profound loss, do not use ASL. ASL should still be included as a component of access but it is not a solution for access for the majority of people with hearing loss. Qualified sign interpretation should be offered for scheduled and/or announced events and/or upon request with reasonable advance notice.

For CART and signing, it is imperative that the quality and accuracy are checked prior to hiring them. There is a wide range in skill level among those who caption and sign. Poor quality captioning or sign language does not provide appropriate access.

#### Note:

Appropriate seating should be available for those who rely on lip reading. This is very important, because the levels of hearing loss are not clearly defined even

though it appears that way on The Population Chart. [See Chart 1] There is overlap between the groups. Some people (like my daughter) who rely on an ALD still miss some of the critical dialogue. Lip reading helps to fill in the gaps. Seat placement is critical for lip reading. The theater attendee must be near the stage and not view the speaker from an odd angle. For this reason, an appropriate number of seats should be made available. This is no different than those patrons who need special seating for wheelchair accommodations or for visual access.

#### *B. Audio Guide Tours*

##### *1. Assistive Listening Devices*

When audio guides are available, it is imperative that neck loops or t-coil compatible audio guides are available and that appropriate signage is posted.

##### *2. Captioning: Transcripts*

Transcripts in regular and large print should be available.

##### *3. Qualified Interpreters*

This should be offered for scheduled and/or announced tours and/or upon request with reasonable advance notice.

#### *C. Docent Tours*

FM systems are ideal for docent tours that are mobile to overcome poor acoustics that even challenge people who do not have a hearing loss.

##### *1. Assistive Listening Devices*

As mentioned earlier, the ADA requires a certain number of ALDs for theaters. The ADA, however, is not clear on the number of ALDs required for FM-led docent tours. Therefore, to determine the appropriate number of neck loops, we recommend using the same 4% number from the ADA and applying it to the number of FM receivers instead of the number of seats.

##### *2. Captioning: Transcripts*

Transcripts of the docent tour should be available in regular and large print for those visitors who cannot use ALDs.

##### *3. Qualified Interpreters*

Qualified interpretation should be offered for scheduled and/or announced tours and/or upon request with reasonable advance notice.

#### *D. Videos*

It is important when installing multiple videos that the acoustics are considered. Many new museums are offering multi-media presentations without understanding how competing sound affects a person's ability to hear and thus learn. Hiring an acoustical engineer is recommended. Some items that other museums have utilized to deal with the acoustical issues are the installation of theater curtains and utilizing headsets and neck loops for individual monitors. But again, an acoustical engineer should be consulted.

##### *1. Assistive Listening Devices: Induction Loop System*

If a video or film does not have sound then a sign should be posted stating, "No Sound." This would inform the visitor who is hard of hearing or deaf not to expect sound or an ALD. If there is just ambient music playing then musical symbols should be posted on the monitor or if there is one type of background sound then it should be clearly identified on a nearby sign.

Both seeing and hearing a film or video provide certain benefits. If an individual who is hard of hearing can receive the same benefits of sound (loud, soft, angry, happy, sad, singing etc.) with a reasonable modification of an ALD, then an ALD is required to be provided for an equal opportunity to effectively participate. Captioning does not generally work for children below approximately 4th grade who are unable to read quickly enough. As mentioned earlier, the needs of hearing loss vary by age just as they vary based on the degree of loss. One way to meet the needs of young children, who can't read or read quickly enough as well as those who rely heavily on their hearing aids, is to provide an induction loop system around any audio exhibit. In layman's terms, sound is transmitted through a thin wire surrounding the exhibit area via magnetic energy. For your reference, to loop an area could cost as low as \$750. In order to learn more about looping, please visit [www.hearingloop.org](http://www.hearingloop.org). An alternative to an induction loop system is to install headsets and neck loops adjacent to the monitor.

## 2. *Captioning*

To provide appropriate access for people who are hard of hearing and deaf, all videos need to be captioned. Captioning assists foreign visitors as well. By captioning the videos, not only will they now be accessible to people who are hard of hearing and deaf but also the sound of the video can be lowered which will help with the acoustics

For your reference, to caption a 15-minute video costs approximately \$600-750. It is, however, important to select a captioning company based on accuracy of captioning and not based on price alone. Contracts should require that all captioning must be spelled 100% correctly and 100% accurately reflect what is stated. It might seem obvious but sadly, it isn't.

Many National Parks show History Channel videos. These videos already contain captioning. The company is happy to replace for FREE any videos that do not contain captioning.

## 3. *Qualified Interpreters*

Qualified interpretation should be offered upon request with reasonable advance notice.

### *E. Classrooms, Information and Ticket Desk*

#### 1. *Assistive Listening Devices*

The classrooms, information, audio guide and ticket desk should have an induction loop system installed. This allows someone with a hearing loss to hear in a class, ask questions, pick-up an audio guide and/or purchase tickets.

#### 2. *Captioning: Paper*

CART should be available with advance notice if a student requires it. A piece of paper and pen should be available at the information, audio guide and ticket desk for people to write their questions down and/or receive answers to their questions.

#### 3. *Qualified Interpreters*

Qualified interpretation should be offered at all parks. All park personnel who know sign interpretation should have the ASL symbol on their nametag. This identifies appropriate staff that can assist a visitor when needed.

### *F. Special Exhibits*

Exhibits with sound alone e.g. no films are difficult for someone with hearing loss. There are no facial cues available for them to augment their hearing if they have residual hearing. If a person does not have residual hearing, there is no possibility to understand what is happening within the exhibit.

#### 1. *Assistive Listening Devices*

An induction loop should be utilized.

#### 2. *Captioning*

An LED screen or a printed transcript in both regular and large print should be available.

#### 3. *Qualified Interpreters*

Qualified interpretation should be offered upon reasonable request with advance notice.

### *G. Sound Enhancement Devices*

#### 1. *Assistive Listening Devices*

All audio devices should be T-coil compatible and volume control. We recommend requesting documentation from the company to ensure the device is compatible. Any accessible device should post the ear symbol with the "T." This symbol can be found on [www.hearingloop.org](http://www.hearingloop.org).

#### 2. *Captioning*

An LED screen or a printed transcript in both regular and large print should be available.

#### 3. *Qualified Interpreters*

Qualified interpretation should be offered upon request with reasonable advance notice.

### *H. Boats*

The announcements and emergency drills on boat tours are difficult to hear for everyone. Shouting into a bullhorn is not appropriate access for people with a hearing loss.

#### *1. Assistive Listening Devices*

To disseminate clearly the information and emergency drills, the boat should have an induction loop system.

#### *2. Captioning*

LED displays at various places on the boat or transcripts of the announcements and emergency information should be available.

#### *3. Qualified Interpreters*

Qualified interpretation should be offered upon request with reasonable advance notice.

### *I. Audio Phones*

#### *1. Assistive Listening Devices*

Anytime there are phone receivers with audio transmitting through them, the receivers need to be T-coil compatible. There also needs to be prominent signage (Please see [www.hearingloop.org](http://www.hearingloop.org)) indicating that the receivers are usable by individuals with hearing aids and cochlear implants equipped with T-coils. If the phones are out of order, there needs to be a sign stating they are out of order so the visitor knows they are broken and not to expect sound.

#### *2. Captioning*

Transcripts in both regular and large type should be available

#### *3. Qualified Interpreters*

Qualified interpretation should be offered upon request with reasonable advance notice.

### *J. Phone*

There needs to be a TTY phone and a T-coil compatible phone available. In addition, all phones should have volume control.

### *K. Service Animals*

Park staff should understand that service animals are not just for the blind but are used by people with other disabilities as well. Service animals, however, must be clearly identified in accordance with National Park Service regulations.

### *L. Emergencies*

A system must be in place for emergencies. Both sound amplification with low frequencies and visual or tactile alarms must be used. These need to be in the buildings as well as on trails and at organized campsites. Park personnel should also realize that someone who is hard of hearing will not be wearing their aids at night and will not hear emergency warnings. Park personnel should request hearing aid users to identify themselves voluntarily so they can receive appropriate emergency warnings and visual strobes or tactile warnings.

### *M. Signage, Websites, Brochures and Mailings*

All of the steps I have outlined mean little if visitors are not aware of them. Therefore, the appropriate symbols (e.g. assistive listening devices, captioning, American Sign Language interpretation) and information must be posted at the ticket and audio desks, outside the theater and beside any appropriate exhibits. Also, the symbols need to be listed in the brochures, mailings, advertisements and on the website. Some excellent examples of web sites are:

<http://www.daheshmuseum.org/visit/index.html>  
[http://www.tenement.org/vizinfo\\_ada.html](http://www.tenement.org/vizinfo_ada.html)  
<http://www.asiasociety.org/visit/newyork.html>  
<http://www.frick.org/information/access.htm>  
<http://www.hillwoodmuseum.org/planningyourvisit.htm#accessibility>  
<http://www.lincolncenter.org/visitor/accessibility.asp?session=CF1FB16F-41AD-4905-9558-654CABEE7BC0&version=&wv=&bc=2>  
[http://www.amnh.org/museum/welcome/accessibility/?src=pv\\_vi](http://www.amnh.org/museum/welcome/accessibility/?src=pv_vi)

The methodology recommended and is utilized on all of these web sites. The access information is located by going to "Visit Us" and then to the section on "Access" or "Accessibility." All of the information is then sorted by disability. The sym-



bols should appear on the left and the appropriate information on the right. All the parks need to have a consistent approach to access and all of the parks must be required to provide access information to Washington so that the website can be updated. We would be happy to review the information prior to posting it on the web.

For your reference, the following website has all the access symbols formatted for easy downloading.

<http://www.gag.org/resources/das.php>

The phrase, "headset or neck loop are available" or "T-coil compatible" should be included under the symbol so that patrons will know specifically what type of equipment is available. An alternative T-coil compatible symbol is available at [www.hearingloop.org](http://www.hearingloop.org).

*N. School Trips*

The Education Department should remind schools to bring the FM system if available for a child who is hard of hearing. In a pinch, the Education Department should be aware that the docent FM system is available. Please realize that if the FM system is forgotten, the child suffers and is left behind. Also, the Education Department should inquire whether a qualified interpreter is needed.

*O. Training Program*

An ongoing training program for all museum personnel is needed so that everyone is aware of what options are available at NPS. All the money spent on access and all the appropriate access is worthless unless the staff is appropriately trained and knowledgeable about what accommodations are available.

There also needs to be a 504 Coordinator who is a point person for access information and complaints. Access training participation should be a mandatory part of an employee's annual review.

An Access Guide should be available at the information desk. There should be a separate page for each type of disability and the type of accommodations available at NPS. The 504 Coordinator's contact information should be listed on the inside cover.

**SUMMARY:**

The mandate of the National Park System is to be accessible to everyone. With these proposals and adequate training, the National Parks can offer consistent access for visitors who are hard of hearing and deaf and allow them to visit the National Parks and experience their America.

Chart 1

**POPULATION CHART**

**Hearing Loss Population = 31.5 Million<sup>1</sup>**

Nature of Loss	Potential Accommodation
<ul style="list-style-type: none"> <li>• Mild to Moderate</li> </ul>	<ul style="list-style-type: none"> <li>• Assistive Listening Device (Headset)</li> <li>• Captioning</li> </ul>
<ul style="list-style-type: none"> <li>• Moderate to Severe</li> </ul>	<ul style="list-style-type: none"> <li>• Assistive Listening Device (Neck Loop or Induction Loop System)</li> <li>• Captioning</li> </ul>
<ul style="list-style-type: none"> <li>• Profound to Deaf</li> </ul>	<ul style="list-style-type: none"> <li>• Captioning</li> <li>• Sign Interpretive Services</li> </ul>

1. The Hearing Review 2006

**Chart 2****Induction Receivers/Neck Loops—Frequently Asked Questions.**

*What is an induction receiver/neck loop?*

While you may already be familiar with the headset or stethoscope type of infrared receiver used at this theater, there is another type of receiver that is known as an induction or neck loop receiver. It will receive the infrared signal that is transmitted in this theater but, unlike the headset type of receiver, cannot be used alone but must be used with hearing aids. In addition, the hearing aids **MUST** be equipped with TELEPHONE SWITCHES.

*How is this receiver used?*

The receiver is hung around your neck using the attached cord and the neck loop is placed over your head. Make sure the plastic lens faces outward. Turn your TELEPHONE switches to the “T” position; turn the induction receiver on using the rotary knob that also serves as the volume control. You can also adjust the volume by using the volume controls, if present, on your hearing aids.

*How do I know if I need an induction receiver?*

While most people with a mild to moderate hearing loss can use the standard headset receivers, those individuals with a more extensive hearing loss, that is, severe to profound, may find it advantageous to use an induction receiver. The induction receiver can provide a number of advantages over the standard headset receiver that are:

- 1) You do not have to remove your hearing aids but merely switch them to the “T” position in order to use the induction type receiver.
- 2) You can most likely get higher volume, if needed than with the headset.
- 3) If you are using the headset receiver and find it necessary to turn up the volume to the maximum or near maximum level, you may be inadvertently disturbing audience members sitting next to or close to you because some of the sound from your headset can leak out causing an unpleasant echo.

Again, in order to use an induction or neck loop receiver, your hearing aids **MUST HAVE TELEPHONE SWITCHES**

*What exactly is a telephone switch “T” (also known as a telephone coil)?*

A telephone switch enables a hearing aid user to pick up the signal coming from the earpiece of a telephone handset by means of a small coil of wire which is sensitive to the magnetic field being emitted from the telephone earpiece. This will make it easier for many (but not necessarily all) hearing aid users to use the telephone. It turns out that this technology, although originally developed for telephone use, has other applications and can be used to enable a hearing aid to directly pick up other signals such as those emitted by an infrared induction receiver.

*How do I know if I have a telephone switch?*

On some hearing aids, there may be a switch labeled O-T-M or M-T. On other hearing aids, there may be a switch with other labeling or no labeling at all. On some newer hearing aids, there may be no visual indication that the telephone switch is present—it may be activated by pressing in on the aid in a certain spot or remote control or by just holding a telephone over the hearing aid. In general, the smallest types of hearing aids such as the CIC (completely in the canal) do not have telephone switches. If you are not sure whether or not your hearing aids have a telephone switch, you can check with your audiologist or hearing aid specialist.

*League for the Hard of Hearing, 5/13/2003*

**Chart 3****Technical Support for Assistive Listening Systems**

The assistive listening device (“ALD”) distributors need to be trained to test the equipment before it is given to the patron. According to Josh Gendel, Director of Technology at The League for the Hard of Hearing, two inexpensive pieces of equipment from Radio Shack are needed. They are the Radio Shack Mini-Audio Amplifier #277-1008 for approximately \$11.99 and the Telephone Bug #44-533 for approximately \$3.99. Placing the Bug next to the neck loop can quickly test the neck loop. Any sound the neck loop receives will be heard through the Mini-Audio Amplifier.

Not only is it important to ensure that the equipment is working but it is also important to confirm that the equipment is working in the attendee’s seat prior to

the start of the show. On many occasions, my daughter heard only static through her neck loop. This meant the signal wasn't strong enough and either there were not enough infrared emitters or the emitter was moved during a performance. None of which could easily be remedied. The only solution was to change seats. Unfortunately, on these occasions, it was too late to change seats since we did not realize this problem until after the event began. This problem could have been avoided if the theater had a pre-show sound test.

The pre-show sound test is accomplished by having a CD/tape playing prior to the start of the show but run only through the assistive listening system. The audience cannot hear the sound unless they are wearing the ALD. By having the sound on while patrons are arriving, anyone whose seat is not receiving the signal or whose neck loop/headset is not working would be able to make appropriate arrangements prior to the start of the event. This alleviates disturbances during the event. In the end, the customer is satisfied rather than disappointed.

A sound loop explaining the ALD should be developed. This can be done on either a CD or on MP3 player that would cost approximately \$300. This system is currently implemented at Disney World, most Broadway theaters and at Avery Fischer Hall.

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Mr. PEARCE. Thank you very much.  
Mr. McCarthy.

**STATEMENT OF JAMES McCARTHY, DIRECTOR OF GOVERNMENTAL AFFAIRS, NATIONAL FEDERATION OF THE BLIND, BALTIMORE, MARYLAND**

Mr. McCARTHY. Mr. Chairman, thank you for inviting me to share the views of the National Federation of the Blind on access to the parks of the United States.

The National Federation of the Blind is this nation's largest organization composed of blind people. I will summarize my remarks, and I want it understood that when I speak in terms of access, I am only speaking about access from the point of view of individuals who are blind.

Blind people do not want special changes to the built or natural environment designed for our personal benefit. We don't tend to want these changes because generally they are done in such a manner by individuals who do not actually know the capacities of blind people, and they don't ultimately therefore meet our needs.

Another kind of follow-up or corollary to this is that park officials should not, but in very rare circumstances, deny admission to parks or to places, areas within parks based on their perception of safety. In addition, they should not condition admission of blind people based on the same concerns. The ADA was very concerned about this because most people where safety is at issue the perception of most of the general public again is that people with disabilities, blind people specifically here need special concerns where safety is concerned.

When considering access as a blind person, blind people generally think of access, what people today have referred to as programmatic access, but basically access to information is of critical importance to us. Most information is presented in a visual format, in print, et cetera, and that probably is the greatest barrier that blind people face in our daily lives.

Therefore, if we can access information in national parks, our experience will thus be pleasant and generally positive.

One way this can be accomplished, many blind people now access information via the internet, and those numbers will continue to

increase over time. Many elderly citizens probably don't lack that access now, but that is one way where people can gather information about parks before visiting.

The 508 standards are a very good starting place to make this information accessible, and the National Park Service should require that private vendors which it contracts with that make information available to the public comply with the 508 standards. I understand that 508 doesn't apply to private entities, but it certainly could be written in the contracts if the Park Service wished to do so, and by doing that access would be improved for blind people.

Signage is an interesting access issue for people who are blind. In our great parks out West and other outdoor environments, it is probably not practical, unfortunately, to provide Braille signage, and therefore shouldn't be a requirement. The reason is there really aren't any conventions as to where one would locate signage so that the people intended to benefit probably would not because they wouldn't be able to find the signs easily when doing work on trails.

Now, internal signage, signage in buildings is certainly a different matter, and access, I think, would require signage in Braille whenever that is possible. And for outdoor signage, information technology probably in the not distant future, there are several technologies that should make signage accessible to blind park visitors.

Many blind people miss out, people who are blind miss out on a lot of—have experience deficits because of not being able to see objects, and obviously the reason you visit parks is because of the treasures, or one critical reason is the treasures they maintain. Therefore, when it is possible there should be a presumption that artifacts contained in parks are available to touch. Obviously, I understand that that isn't always going to be the case, and in such places there should be efforts to offer models, replicas of those objects so that we can derive the benefit that other people do, and enhance our knowledge of the great country that live in, which is, as I say, one of the reasons we visit.

I think the final point that I would make about access, access is important largely, I think, because it offers integration to people with disability, and there is a law known as the Randolph Sheppard Act that permits blind people to operate and sell commodities on Federal property. Opportunities under this law have been declining steadily over recent years, and the Park Service has not tended to be open to these opportunities for blind operators.

Greater openness to this program would certainly be a great benefit. People who are blind find this program the most positive program for employment of blind people, and it would also create an opportunity where park employees would become accustomed to seeing blind people doing work on a daily basis, and that is one of the values we find in the program.

I appreciate the opportunity to comment, and thank you very much.

[The prepared statement of Mr. McCarthy follows:]

**Statement of James D. McCarthy, Director of Government Affairs,  
The National Federation of the Blind**

Chairman Pearce and members of the subcommittee:

My name is Jim McCarthy and I am pleased to have the opportunity to comment on behalf of the National Federation of the Blind (NFB). I am the director of Governmental Affairs for the NFB. My address is 1800 Johnson Street, Baltimore Maryland 21230. My phone is (410) 659-9314 extension 2240 and my email is jmccarthy@nfb.org.

The National Federation of the blind is this nation's largest organization of blind people. The vast majority of our members are blind as are all of our leaders. We often point out that, of, the smallest word in our name is the most important because it indicates that decisions made by our organization are decisions made by blind people. Therefore, we are "the voice of the nation's blind."

I want it clearly understood that my comments are only meant to be the views of blind people, not of the broader disability community. I live every day with blindness, but do not have a perspective that permits me to speak to the access needs of all individuals with disabilities. Other witnesses on this panel will be comfortable speaking for the broader community, but they should not be understood to speak for the blind.

Accessibility as applied to the National Park system should be a concept that is applicable to the vast array of differing installations within its domain. Unfortunately, this may be easier said than actually accomplished. I will suggest broad principles to make installations within the system accessible to blind people with some more specific recommendations that apply to particular kinds of sites.

Blind people do not generally require significant physical modification to either the built or natural environment. Many of the sites within the system have been included because of their natural importance like the great parks out west. We do not believe that special changes to their environments should be contemplated because these are thought to offer us access.

People who venture in to these natural parks should expect certain challenges, which is probably why most of them visit. Trails should remain in their natural state or in the state that park officials determine is safe for their use. The perceived needs of blind people should never be a part of such determinations. This is so because in the experience of the NFB, when our needs are considered, most individuals not familiar with what the blind can or cannot do, vastly under estimate our abilities.

To expand a bit on this idea, park officials must avoid (but in the rarest of circumstances) denying blind people admission to parks because of their concerns for our safety. I understand that "direct threat" is a defense to a claim of discrimination under the Americans with Disabilities Act, but it should be construed most narrowly. Conditions should not be placed on admission of blind people to parks for the same reasons. The assumption must always be that if a blind person wants to visit a particular park, the person fully understands the risk being taken and wants to visit anyway.

When blind people think of access, we generally are referring to information much more than to physical ability to enter or travel within a place. Though blindness would not stop me from scaling the wall of this room, I doubt that I am able to climb to its ceiling unaided. On the other hand there may be text on its walls and printed material distributed here and blindness assures that I have no access to either.

Blind people miss information that the rest of society receives which may be our greatest barrier. Braille is the method of reading and writing that is most efficient for blind people and even the room numbers of this building and its elevators now have Braille. However, I think Braille signage on trails in the natural parks is probably not a practical solution.

To those familiar with the views of the NFB and the esteem we have for Braille as a medium for the blind to use for reading and writing, stating that Braille signs are not practical would seem to contradict all that we hold dear. However, though the information that could be placed on Braille signs would be extremely useful, most of the signs would go unnoticed by the precise people they were intended to help. This is so because I cannot think of any standard for their placement where blind people could regularly find them when desired.

Technology may soon offer a suitable solution. Today there are devices known as talking signs that use infrared technology, a receiver held by a blind person and transmitters that provide information spoken through the receivers if they are pointed at the transmitters. It also seems likely that RFID tags will offer promise as a means of conveying information contained on signs to blind trail visitors.

For buildings in National Parks, Braille signage is critical to enhance access for blind visitors. As has become common, room numbers, rest rooms elevators and the like should have Braille signage because there are well-established standards for their placement. Braille signage should also be affixed to displays when print signage is offered.

The inability to see objects can create experience deficits for blind people, but this can be readily addressed. Parks should permit blind visitors to touch their holdings whenever possible. At our conventions, the NFB regularly has what we call a sensory safari where taxidermy animals found in the wild are made available to touch and this is always very well received. I realize that contact with live animals in natural settings or with delicate artifacts cannot always be offered, but in such cases, to scale replicas would certainly suffice.

Finally, for blind and disabled people, access is significant because it makes integration possible. Therefore, I would propose that the National Parks Service work with blind people to develop opportunities under the Randolph-Sheppard Act to offer products to park visitors. The Randolph-Sheppard program is the most successful program for the employment of blind people, but the numbers of opportunities are on a steady decline and the national parks have largely been unwilling to permit blind business people to operate under this program within the parks of this nation.

In conclusion, if success can be claimed for the Americans with Disabilities Act, it is most evident in society's greater expectation that Americans with disabilities will participate in the full range of activities available. Its emphasis on access for individuals with disabilities makes integration possible. However, though access may be important for all individuals with disabilities, a one-size fits all access solution will not work, and should be assiduously avoided.

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Mr. PEARCE. Thank you, Mr. McCarthy.  
Ms. Starnes.

**STATEMENT OF NANCY STARNES, VICE PRESIDENT AND  
CHIEF OF STAFF, NATIONAL ORGANIZATION ON DISABILITY,  
WASHINGTON, D.C.**

Ms. STARNES. Chairman Pearce and Members of the Subcommittee, we appreciate the opportunity to come and share with you. I echo the sentiments of my co-presenters here.

My name is Nancy Starnes. I am the Vice President and Chief of Staff of the National Organization on Disability. As a person who is used to wheelchair for more than 33 years, I have both a personal and a professional interest in the topic of today's hearing.

N.O.D. is a nonpartisan, nonprofit disability organization founded in 1982 as a outgrowth of the UN's International Year of Disabled Persons. We are a national organization whose mission is to promote the participation of all people with disabilities, men, women and children at all aspects of community life.

Over the course of the past 18 years, NOD has commissioned a number of Harris interactive surveys to measure the quality of life of people with disabilities in a wide range of critical dimensions, to document the participation gaps between people with disabilities and those without disabilities, and to develop trend lines to measure the progress in eliminating those participation gaps.

The significant indicators include employment income, education, health care, access to transportation, socializing, going to restaurants, attendance at religious services, political participation, and life satisfaction

The data from the survey suggests that some progress is being made but we all know that there is a lot more that remains to be done, and people with disabilities still remain at a disadvantage in most of these areas.

Two of the statistics from the 2004 NOD Harris survey of Americans with disabilities bear some relevance to today's hearing. One is socializing. The statistical gap between those with and without disabilities is 10 percentage points. The gap has increased slightly since 1994, and we know that the national parks provide opportunities for people with disabilities to interact with a wide range of individuals in a natural setting that offers both physical challenges and rewards individual's perseverance. Vacation memories of a national park experience can be the source of inspiration for a lifetime.

And transportation, 30 percent of people with disabilities are much more likely to experience inadequate transportation than are their non-disabled counterparts. Even as many of the physical barriers to national parks and other places have become less burdensome or disappeared all together, transportation remains the key to being able to take full advantage of the opportunities and advances afforded to people with disabilities.

On January 25, 1999, the National Organization on Disability entered into a partnership agreement with the U.S. Department of Interior, National Park Service, to conduct a fund raising campaign for art work at the Franklin Delano Roosevelt Memorial that would provide recognition of President Roosevelt's leadership while in a wheelchair.

N.O.D.'s five-year "Rendezvous With Destiny Campaign" inspired both large- and small-scale donors from across the country to raise \$1.65 million in private funds to add to the statue of FDR in his wheelchair that now adorns the prologue to the FDR Memorial here in Washington, D.C.

The first donation was \$378.50 personally raised by children of Lindberg Elementary School in Palisades Park, New Jersey, and delivered to NOD's founder and then President Allen A. Rike. The Rendezvous With Destiny Campaign culminated in a dedication ceremony for the statue at which President Clinton said, "This is a monument to freedom—the power of every man and woman to transcend circumstance, to laugh in the face of fate, to make the most of what God has given."

The FDR Memorial is just one of the many stars in our National Park Service System that calls visitors, including those with disabilities, to remember and celebrate the life, dignity, and freedom that our American way of life represents.

We at NOD hear from time to time that people with disabilities are not able to access that park system. From the first designation of the park system at Yellowstone to the most recent designation of Great Sand Dunes, the incorporation of accessibility features into parks, monuments, trails, and historic sites has encouraged visits by more and more people. With each generation since Yellowstone was designated as a national park, people with disabilities have grown in their expectation that these wonderful national treasures would be accessible to them.

Today, these sites offer recreation and education opportunities for people of all ages and all abilities. Through a free and universal design concepts applied to facilities, trails and historic parks in our National Park System ensure the broadest use by people with disabilities, whether they are visiting unaccompanied or whether they

draw additional people to the park settings through visitors who are family members, friends, or professional caregivers.

“People with wheelchairs are somewhat an indicator of the species. If you provide for them, you will accommodate a lot of other park users” said landscape architect Mike Brown at a 1992 State-wide Trails Conference. He continued, “All of us have been or will be at some time dependent on others, needing help to get around. So barrier-free design helps all of us.”

The National Park System has been recognized 10 times for its accessible features but we know that a lot more can be done to address the barriers as you have heard here today. As an example, one individual reported to NOD that he could not access some national parks because of a rule barring motorized vehicles from passing beyond the parking area. He happened to be a wheelchair user, and he needed his car to be able to drive into the interior sites.

The increasing use of Segways, as you have heard, by individuals with mobility impairments raises additional issues regarding restrictions of wheel vehicles in national park sites.

Other areas for improvement include providing printed information in alternate formats, whether that be large print, Braille or audio cassette. Braille was actually used at the FDR Memorial as a visual component of the site, but we believe it wasn't accurately produced there, and may send an unintended message to those who are blind.

In addition, we have heard of issues reported in research—that are consistent with research conducted in 2001 by the University of Tennessee for the National Center of Accessibility regarding national parks. Some of the issues that continue to be raised are: insufficient accessible parking; lack of accessible restroom facilities; lack of access to utilities and drinking water; lack of access to storage, trash and recycling areas; lack of accessible trails, overlooks and viewing areas; lack of accessible camping facilities; lack of access to the visitors center; and lack of access of curb cuts.

N.O.D.'s Accessible American Competition encourages local government of any size to enter their best practices ideas that promote the participation of people with disabilities in their city, town, or county. Many of the 150 entrants who have vied for the designation as American's most “disability-friendly community” had proudly lifted up the important role that their parks and recreation programs play in integrating people with disabilities into community life. We at the National Organization on Disability believe that our National Park System should do no less.

Thank you, on behalf of the National Organization on Disability, for the invitation to appear before you today. We applaud the dedicated individuals who are elected, appointed, or employed to bring the national park experience to everyone and we are ready to work with them to address instances where people with disabilities continue to face barriers to the park system.

I welcome the opportunity to answer any questions you might have.

[The prepared statement of Ms. Starnes follows:]



**Statement of Nancy Starnes, Vice President & Chief of Staff,  
National Organization on Disability**

Chairman Pearce, Ranking Member Christensen and distinguished Members of the Subcommittee on National Parks, thank you for conducting an oversight hearing on disability access in the National Park System and providing the National Organization on Disability (N.O.D.) with an opportunity to comment on this important topic. My name is Nancy Starnes and I am Vice President and Chief of Staff for the National Organization on Disability. As a person who has used a wheelchair for 33 years, I have both a personal and professional interest in the subject of today's hearings.

N.O.D. is a non-partisan, non-profit disability organization founded in 1982 as an outgrowth of the United Nations International Year of Disabled Persons. N.O.D. is a national organization whose mission is to promote the participation of America's 54 million men, women and children with disabilities in all aspects of community life.

Over the course of the past 18 years, N.O.D. has commissioned a number of Harris Interactive Surveys to measure the quality of life of people with disabilities on a wide range of critical dimensions, to document the participation gaps between people with and without disabilities and to develop trend lines over time to measure progress in eliminating those gaps. The significant indicators include: employment, income, education, health care, access to transportation, socializing, going to restaurants, attendance at religious services, political participation and life satisfaction. The data from the surveys suggest that some progress is being made, but that people with disabilities still remain at a disadvantage in most of these areas.

Two of the statistics from the 2004 N.O.D./Harris Survey of Americans with Disabilities bear particular relevance to today's hearing:

- **Socializing:** The statistical gap between those with and those without disabilities is 10 percentage points. This gap has increased slightly since 1994. National Parks provide opportunities for people with disabilities to interact with a wide range of individuals in a natural setting that offers physical challenges and rewards perseverance. Vacation memories from a National Park Service experience can be the source inspiration for a lifetime.
- **Transportation:** Thirty percent of people with disabilities are much more likely to experience inadequate transportation than are their non-disabled counterparts. Even as many of the physical barriers to National Parks and other public places have become less burdensome or disappeared altogether, transportation remains the key to being able to take full advantage of the opportunities the advances afford people with disabilities.

On January 25, 1999, the National Organization on Disability entered into a partnership agreement with the U.S. Department of the Interior, National Park Service to conduct a fund raising campaign for artwork at the Franklin Delano Roosevelt Memorial that would provide recognition of President Roosevelt's leadership while in a wheelchair. N.O.D.'s five year "Rendezvous with Destiny Campaign" inspired large- and small-scale donors from across the country to raise \$1.65 million in private funds to add the statue of FDR in his wheelchair that now adorns the prologue to the FDR Memorial in Washington, DC. The first donation of \$378.50 was personally raised by children of Lindbergh Elementary School in Palisades Park, New Jersey and delivered to N.O.D.'s Founder and then president, Alan A. Reich. The "Rendezvous with Destiny Campaign" culminated in a dedication ceremony for the statue at which President Clinton said, "This is a monument to freedom—the power of every man and woman to transcend circumstance, to laugh in the face of fate, to make the most of what God has given." The FDR Memorial is just one of the many stars in our National Park System that calls visitors, including those with disabilities, to remember and celebrate the life, dignity and freedom that of our American way of life represents.

We at N.O.D. hear from time to time that people with disabilities are facing barriers to access in the National Park System. From the first designation by the National Park System of Yellowstone in 1782 to the most recent designation, Great Sand Dunes in 2000, the incorporation of accessibility features into parks, monuments, trails and historic sites has encouraged visits by more and more people. With each generation since Yellowstone was designated as a National Park, people with disabilities have grown in their expectation that these wonderful national treasures would be accessible to them. Today, these sites offer recreation and education opportunities for people of all ages and all abilities.

"Barrier-free" and "universal design" concepts applied to facilities, trails and historic sites in our National Park System ensure the broadest use by people with

disabilities whether they are visiting unaccompanied or with additional visitors who provide support as family, friends or professional caregivers.

“People with wheelchairs are somewhat an indicator of the species—if you provide for them, you accommodate a lot of other park users,” said landscape architect Mike Brown at a 1992 Statewide Trails Conference. He continued, “All of us have been or will be at some time dependent on others, needing help to get around. So barrier-free design helps all of us.”

The National Park System has been recognized 10 times for its accessible features but more can be done to address the barriers some people with disabilities face. As an example, one individual reported to N.O.D. that he could not access some National Parks because of a rule barring motorized vehicles from passing beyond the parking area. He was not able to use his wheelchair to reach the interior site some distance from the parking area and had to rely on his van to get to his destination. The increasing use of Segways by individuals with mobility impairments raises additional issues regarding restrictions of wheeled vehicles in National Park sites. Other areas for improvement include providing printed information in alternate formats, i.e. large print, Braille and audio cassette. Braille was used at the FDR Memorial as a visual component of the site but was not accurately produced, and may send an unintended message to those who are blind.

In addition, research conducted in 2001 by the University of Tennessee for the National Center on Accessibility regarding National Parks revealed the following areas of concern for visitors with disabilities:

- Lack of sufficient accessible parking
- Lack of accessible restroom facilities
- Lack of access to utilities and drinking water
- Lack of access to storage, trash and recycling areas
- Lack of accessible to trails, overlooks and viewing areas
- Lack of accessible camping facilities
- Lack of access to the Visitors Center
- Lack of curb cuts

N.O.D.’s Accessible America Competition encourages local government of any size to enter their best practices ideas that promote the participation of people with disabilities in their city, town or county. Many of the 150 entrants who have vied for the designation as America’s most “disability-friendly community” have proudly pointed to the important role that their parks and recreation programs play in integrating people with disabilities into community life. We at the National Organization on Disability believe that our National Park System should do the same thing.

Thank you, on behalf of the National Organization on Disability, for the invitation to appear before you today. We applaud the dedicated individuals who are elected, appointed or employed to bring the National Park experience to everyone and are ready to work with them to address instances where people with disabilities face barriers to the Park System. I welcome the opportunity to answer any questions you might have.

**Exhibit 1**  
**Key "Indicators" for People with Disabilities – Trends 1986-2004**

Base:	<u>2004</u>	<u>2000</u>	<u>1998</u>	<u>1994</u>	<u>1986</u>
	1,267	997	989	1003	981
	%	%	%	%	%
<b>Employment</b>					
Works either full or part-time (18-64)	35	32	29	31	34
<b>Income*†</b>					
Annual household income \$15,000 or less	26	29	34	40	51
<b>Education*</b>					
Has not graduated from high school	21	22	20	24	39
<b>Health Care*</b>					
Did not get needed care on at least one occasion in past year	18	19	21	18	n/a
<b>Transportation*</b>					
Inadequate transportation considered a problem	30	30	30	n/a	n/a
<b>Socializing</b>					
Socializes with close friends, relatives, or neighbors at least twice a month	79	81	82	81	n/a
<b>Going to Restaurants</b>					
Goes to a restaurant at least twice a month	56	56	51	50	48
<b>Attendance at Religious Services</b>					
Goes to church, synagogue, or any other place of worship at least once a month	49	47	54	48	55
<b>Political Participation**</b>					
Voter turnout in the Presidential election	52	41	33 (1996)	45 (1992)	n/a
<b>Satisfaction with Life</b>					
Very satisfied with life in general	34	33	33	35	39

\* These variables are "negative" in that a higher score indicates more of a disadvantage.

† Data have not been adjusted for inflation.

\*\* Source: Harris Poll, selected Presidential election years.

Mr. PEARCE. Well, thank you. I hear at west Texas speed, which is about 20 miles per hour slower than you speak, so part of your testimony will still be playing its way through my cassette tape player. In about 20 minutes, I will finally hear the end of your statement.

Ms. STARNES. I am a Dallas girl.

Mr. PEARCE. I appreciate that. We are in good shape.

Ms. Masica, why don't you go ahead and bring your chair up to the table, and let us start kind of a discussion. If you have other people there who will help answer, deflect or whatever, you are welcome to bring them up.

Let me tell you something before we start, Ms. Masica, and all of you, and including Mr. Robb and Mr. Harding. Is Mr. Harding still here? Yes, OK.

I am going to submit a letter to the Director and Ms. Masica, and I am going to ask each of you to, as we are going along, contribute the two things that you think are most essential, so we are going to let you throw out your two bullet points for the letter here at the end of the hearing. We will ask Ms. Mainella to personally answer in written form what the Park Service hopes to do in the next year and then the next 10 years with regard to the 12 points that we will bring up. So I think that would be a suitable outcome for the day.

I have already raised one question to you, Ms. Masica, if you remember what that discussion might be, then why don't you start there, and then we will proceed from that point.

We are going to have to pass microphones back and forth out here, so if everybody will kind of spread them out, and be a little more accessible.

Ms. MASICA. Mr. Chairman, we were talking about the Segways before you had to leave to go vote, and I think that—

Mr. PEARCE. And the Segway in the broader sense if they are being used by agencies to hold down the visitation. We can agree or disagree with the idea that visitation should be up or down. That is a separate deal.

But if that were the policy, you see how it would affect one community more than all the other combined, and so it is cutting us down to a very, very key point right here.

Ms. MASICA. Yes.

Mr. PEARCE. Why don't you address that.

Ms. MASICA. Sure, to the best of my ability, I will try to do that.

I don't believe there is anybody in the Park Service who intentionally would view having a discussing about the appropriate use of Segways as being driven by a desire to dampen visitation or to reduce visitation. I think that it is a new technology that the Park Service has not fully grappled with yet, and certainly the issue of Segways being available for mobility assistance is one that we are definitely trying to encourage superintendents to look at, to make a decision on a case-by-case basis where it is practical, and wherever it is feasible to do so, to allow them to be used for mobility assistance for persons with disabilities to get into a national park.

I think there are a lot of places around the Park Service where that ought to be feasible and doable, and if we find people who are

not doing that, I think that become a challenge for myself as part of the management team that we need to get on to deal with those.

But I think we are trying to make sure that each park superintendent is more aware of this issue. You mentioned earlier about this hearing providing a forum for which we heighten awareness, and I think it very much will contribute to that.

Mr. PEARCE. How about the broader aspect of it that was brought up by Ms. Starnes there that someone was not able to get their van in closer than the parking lot, again the rule being interpreted so strictly?

Ms. MASICA. Yes. I don't know the specifics of that so I would need to look into that.

Mr. PEARCE. I understand it is just conceptual——

Ms. MASICA. Yes, I mean——

Mr. PEARCE.—same problem.

Ms. MASICA. I think conceptually that the issue of providing as much access as we can, and where it is needed for disability access, if it doesn't have a negative impact on park resources, we ought to be allowing that and encouraging that.

Mr. PEARCE. In a group with all 390-something superintendents, would you have superintendents in the room who would bristle at the suggestion that maybe they should consider letting Segways in, or vans get in closer?

Ms. MASICA. Probably. I would like to think that it would be far fewer in the room than it might have been 10 years ago, but I am not going to sit here and suggest that everybody is as far as long as we need them to be.

Mr. PEARCE. As long as the system is recognized. I mean, that is a very key thing. Sometimes it is very difficult to go all the way to be honest, but we should all be straightforward. I agree with the comment earlier that there are people in the system, even in the park system, but I think more in the Forest Service who really do think access should be limited, and they don't really care exactly how they limit it. They can do it through just the stroke of a pen and limit access to Segways and keep out a whole group, and numbers, and I am thinking numbers. I don't think they should drive to limit people with disabilities. So it is the number overall, and this would be a good, nice big class to take members out.

I think there are people that I have visited with in the system—again more in the Forest Service system I think. So those are conversations that the Park Service, I think, should be engaged in.

Well, I really appreciate Mr. McCarthy's testimony, and Ms. Schacter there. They are kind of pushing the technology envelope. So if we are having trouble with the system recognizing Segways, what kind of trouble is the system going to have to convert over to infrared RFID systems, radio frequency ID, just a little tag that emits a signal? What kind of problems are we going to have getting the system to reach out and embrace those different concepts?

Ms. MASICA. You know, I think that one of the services that we can help superintendents with, and from things like the Harpers Ferry Center where they do a lot of our interpretative programming is understanding the technology so that superintendents don't have to do that on their own, and that there is sort of a well-

founded basis for having evaluated the technology, and looked at for its applicability and where things can be deployed.

But I think that somebody else also pointed out that money is not an excuse, and I absolutely agree with that. I think it is providing accessibility is a part of how we do business, and we have, I think, ingrained that a fair amount, and need to continue to work.

We were talking during the break internally about some upcoming training of superintendents for example, and how to make sure that this topic is part of that conversation, and I think it is that continual learning is what we are going to have to do to help educate people, and open and expand their horizons.

Mr. PEARCE. At a previous hearing, we pulled the Park Service together with specialists in the tourism industry, and I mean, it was just a stunning thing. What are the chances that the park system would actually use these five, six people as kind of a go-to board for the next year to help it think? Mr. McCarthy points out adequately. Ms. Schacter pointed out adequately that you have people making decisions about stuff they really don't know much about. Frankly, I wouldn't know much about it.

But I felt like the presentations here today have been pretty factual, pretty straightforward. They haven't been overly antagonistic, and it just seems like there could be good connections here.

I am going to let you ponder that with them, and answer it on the next time through, or you don't even have to really, but I would like you to consider it.

I will turn to Ms. Christensen for questions now.

Ms. CHRISTENSEN. Thank you. I apologize for not getting back sooner, but we are also dealing with Medicare Part D and the deadline that is coming up, and I had to do something on that.

If the question has been answered about the new facilities that are coming on line not being built to accommodate persons with disabilities, was that question already answered, because I understand that as facilities are being built today, they are not ADA compliant? Is that already answered?

Ms. MASICA. Well, we talked about it, Ms. Christensen. I think that there are—our construction dollars are used for a combination of both new construction and rehabilitation of existing facilities so we are looking at maximizing our accessibility and meeting the requirements for both types of construction, not just the new but also the rehabilitation.

Ms. CHRISTENSEN. OK, but going forward from here as we construct new facilities, they will be accessible?

Ms. MASICA. That is certainly the expectation that we put out, and certainly put into our contracts. Some concerns have been raised about the oversight of those contracts, and how we are managing those, and I think that those are the kind of things that we need to continue to be attentive to.

Ms. CHRISTENSEN. Ms. Schacter.

Ms. SCHACTER. My concern is that, again, it is more the mobility issues, and we need to look at hearing access. I can only speak as to my family. We visited in Dayton, Ohio, the Orville Wright and Wilbur Wright Museum, and it is a completely new facility. The people were lovely, but there were films that were not captioned.

There were videos without assistive listening devices, and it has to be in the contracts, that there is basically a three-prong approach for any time there is audio there needs to be assistive listening devices, have sets on neck loops, captioning, and qualified interpretation every single time there is an audio output.

Unfortunately, it was not there, and that was a new facility. And so what concerns me, you know, we only have so many weeks vacation, I don't know what is going on in the rest of the country, and I can tell you out of six parks that we recently were there was nothing—there was nothing there for my daughter, and that is ridiculous, and I am not looking to point fingers. I am trying to figure out how can we find this.

Ms. CHRISTENSEN. Right, and I think we have to deal with more than just mobility issues, and I am glad to keep our vision, that you are helping to keep our vision broader and where it needs to be.

Where there are opportunities for outdoor recreation within our park system, can anyone tell me how would you rate the communication of those opportunities by the Park Service? Anyone can answer. Yes.

Ms. SCHACTER. Well, as I mentioned, it started when we came back from a trip to Puerto Rico, and the film was in Spanish and English, but there was no caption version in either language, and from that I have to say I started contacting the Park Service, and I was able to get all the way through, and they have had some very senior meetings, but it has to—there is this disconnect. What seems to be happening that—you know, I can't go around, you know, when Chairman Pearce talked about being the sheriff, I feel like I am the sheriff. I go to a park and literally as we leave the park I e-mail a 504 complaint on my Blackberry saying problem, complaint, and they watch me as I travel through the—you know, through Ohio, down to Kentucky, down to Tennessee, each of the complaints. I mean, it is ridiculous.

And this is the only way I am able to force the issue of accessibility, and that seems ridiculous, but I was told from various people that they can't raise the priority of it. So while the people are lovely, occasionally we have gotten some issues. I will say at Gettysburg we had a very disturbing instance where the superintendent of the park knew the system was broken, and could care less, and frankly, just was not interested.

At Ellis Island when I e-mailed them to find out what type of access they had, I got a very flip e-mail back saying we have some—I don't know what she said, but she is like it is five o'clock, got to go, and I could never find information out, and it took me calling and calling.

So there is not a communication, and if you look at the website, I mean, literally some of the pages are blank when you look in the access section, and in some pages only have mobility access. They don't use the ADA symbols, which is required, and I can't figure out why not just put all the ADA symbols on the left, corresponding paragraph on the right, and force the superintendents to answer those surveys of what they have. Sometimes they actually have the stuff, but they just don't want to tell anyone.

So I mean, the lack of communication and the disconnects is really problematic.

Mr. PEARCE. Mr. McCarthy, you wanted to answer?

Mr. MCCARTHY. Yes, to follow up a little bit.

I think one of the towns I think—I have to confess I don't get many complaints. I am actually sort of changing the subject, but I think it comes back to where you are going. I don't get many complaints for workers, blind workers at the parks, but the biggest reason I think that I don't is because there aren't very much workers with disabilities at the parks, so most of the park people don't really have any sense of disability focus, and it truly is anecdotal.

But the complaints I get are some of the most serious accommodations complaints that I get from anybody in the Federal government of real kind of aggressive anti-accommodation. So I think that culturally there is an unfortunate culture in the National Park and National Forest System that kind of says, you know, people with disabilities, whatever they are, may not be the expected customers or employees, et cetera, of these facilities, and that is part of the problem.

I think there is a corollary which Ms. Schacter sort of suggested, but a corollary to Chairman Pearce's concern about a class of people being left out, and that corollary is that I think that people with disabilities and the needs of people with disabilities are not the most significant or even among the significant priorities of the Park Service in its day-to-day activities; that they are probably fairly low.

So I do think progress is being made and appreciate the opportunities to discuss this, but I think that is still one of—you know, if a piece of equipment is broken, there is not a real strong desire to fix it kind of thing.

Mr. PEARCE. Yes, Ms. Schacter.

Ms. SCHACTER. I think one of the other things I just want to point out, and why I have a sense of urgency and while I do things are progressing, one of the areas that I represent is children, and what is critical is when a child goes on a school trip and they go with a class, and there is not appropriate access, and then the child can't hear what is being said or can't visit the site appropriately, they now come back to the class. They are tested on that information. The child falls behind, and if we are very committed to no child left behind, then we have to really ensure that the child has a successful school trip.

Also, in a child's life, every year is critical. You know, if you want to go visit the parks, but if you don't go this year, you go next year, OK, maybe it is not as terrible. But in a child's life, you can't opt out of a school trip, and I am not minimizing it for an adult, but I think it makes it much more critical when you are dealing with education.

Mr. PEARCE. Thank you. Ms. Masica, are you holding up OK? I mean, this is rigorous stuff, and you should not be by yourself here. We have many years' worth of problems that people are talking about, and we appreciate you being the messenger, and we recognize that you are the messenger. These are difficult subjects to message back, which is the reason I am going to put that into the written letter.



I have been critical of the National Park System polls. I don't want to take away from the good things the parks do, but I have made comments constantly that their polls don't talk to the people who are not being invited in or who are not able to get in. You hear that point coming up, and so that might be one of my two points that I put in the letter. Please be aware there is a great amount of sentiment that is kind of bubbling to the surface, and I appreciate the restraint of everybody here. We could start piling on very hard, and we have a person here who is trying to work through the problems with us, so I appreciate your restraint, every single one of you, but these are difficult circumstances. Ms. Schacter, the reason we are having the hearing is that I recognize that too often we have left our citizens unspoken for, and they are individual sheriffs.

It is our job. We have failed in our job of oversight, I will tell you that 100 percent. If we had asked more insistent questions earlier in the process, we wouldn't be dangling along at this stage of the game. And I agree with you on the timing, that just these kids are learning so fast so much.

Mr. McCarthy, tell me, have you ever visited a park and related to me the things that you felt you picked up from the park. I am going to ask you to just describe to me what the benefits are to you being a silent parent, benefits of visiting a park, outdoors or whatever. Give a stab at it and see.

Mr. MCCARTHY. Sure, and I think I will use it to actually tell a positive story that I think you will appreciate, Mr. Chairman, kind of about, you know, park officials having really strong rules but interpreting them in a good, positive, right way.

I visited several parks, and I am totally blind. I can't see anything. I don't even think I can see lights. But I think there is a sense of being where America's treasures are, being where the world's treasures are that you can still feel.

I have been to Istanbul, Turkey, and for those who haven't, you know, it is the crater of history, and you know that whether you can see it or not, and our parks have the same—you know, Congress has chosen and designated them because of their significance to us as Americans, and you do feel that way whether you can see them or not.

I guess several years ago I visited Crater Lake in Oregon, and I had a dog as a mobility tool, and was doing camping with—I was the only blind person in the group, there were five or six of us, and all the signs at Crater Lake are very clear. No animals, no animals, no animals. Nothing can drink from this water. Nothing can touch this water. This is pure and 5,000 years old and on and on and on and on.

So I walked in with my dog, and nobody said anything, and the whole time I am like, oh, my basic attitude was, you know, I have a right to have him, and I am going to bring him in until there has to be a confrontation. Then I am just going to keep going. And never was, never was, never was. Got down—hiked down the trail down to the water. It was about 90 degrees. The dog was thirsty as he could be, and I was like I have to give him water, but you are not supposed to put anything foreign into this lake, but my God, my dog is going to die if I don't give him water.

So I dipped in his bowl and I gave him water. Well, first I saw a ranger, and I said, you know, I have to do this, and the ranger sort of misunderstood me, and he say, well, you know, dogs drink out of the toilet all the time. This water is really pure. Don't worry about it.

I said, no, I am not worried about the dog. I was worried about you guys having trouble with it. And he said, well, come on, gosh, you know, he has come down this trail and he is thirsty. And so that is a—you know, that was a really positive experience. I was totally afraid to get the opposite.

So you know, it goes both ways, and I guess—and most of my experiences in the parks are neither positive nor negative. I think a lot of disabled people go with people who can make the information accessible to them, whether it is or isn't in the park.

I guess I would close by saying, you know, when I was a kid, because I was born blind, parents didn't think like Ms. Schacter thinks. They thought, well, this is how it is, and we do the best we can with our kids and we try to make them have a positive experience.

It is probably parents like Ms. Masica now, which were not mine and most of my contemporaries, that have an awful lot to do with changing culture, including the culture of people with disabilities to say we really do have a right to the enjoyment of these activities that are there for all Americans.

Mr. PEARCE. Thank you so much.

Mr. Howarth, if you would be sure this piece of the transcript gets into the hands—in with this letter we send to Ms. Mainella.

I would really encourage her to send that one segment where the positive impact is—I think people should feel and see the emotion. Most people, both who are on the positive side of recognition of access and those who would be kind of dragging their feet, it is significant.

By the way, I am going to give each one of you a chance to kind of wrap up here at some point in a couple of minutes, so you can be organizing your thoughts, but a couple of minutes each, not that we are going to wrap up in a couple of minutes. We will probably drag this thing out for another half-day with you.

Ms. Christensen.

Ms. CHRISTENSEN. Thank you, and thank you, Mr. McCarthy, for bringing up the issue about the employees with disabilities, because I think that is also a very important part of this issue. I just have one other question.

Ms. Masica, I understand that the NPS website is being updated, being done, and you all are taking steps to make sure that this website is more user friendly and informative to persons with disabilities?

Ms. MASICA. Ms. Christensen, I am not aware of the specifics of what the updates are going to be to the website, but I certainly will be going back and take back the message.

Ms. CHRISTENSEN. Take back the message of this hearing?

Ms. MASICA. Yes, ma'am.

Ms. CHRISTENSEN. Thanks. Thank you, Mr. Chairman.

Mr. PEARCE. Ms. Schacter has mentioned the lack of the system monitoring itself. I mean, it is our function to an extent, but Ms.

Masica, we are seeing the system break down. I am not going to ask it because it gets a little charged up, but if I ask her the same questions I asked you, "How does the system work?" and "What is the process for accepting complaints?", I would suspect that it would be somewhat different. You gave me a manager's explanation of the process, and what I was getting at was I suspect that the system is not overly responsive.

I mean, at some point managers have to move past the rules, past the structure that is written in a book, and get down and start grinding out the difficult answers that are out there. Again, I think that would be a very positive outcome for you to go back and say, look, yes, we have a nice sterile process that says we do this, we do this, we do this for the complaints, but we don't really get down and cure the complaints one by one as she goes to the park or as Mr. McCarthy or whatever. There are positive things.

The reason I want to go back is that I am trying to set up my schedule to go back to the west coast. I tell you I want my brother—he was on the Access Board—to go out and go to that big tree in the middle of Sequoia. I forget the—General Johnson or Sherman or somebody, General something or other—General Chaos when we get there with my brother.

[Laughter.]

Mr. PEARCE. It touches you spiritually to see that stuff, and to go out to those falls. You all have done a really good job of making those two pieces accessible, and I will tell you, I think I am no different than the rest of the people in the world.

When my brother got in a wheelchair, it was a learning curve for all of us. When he was in college, it was just the first day back in a chair, and he was OK, and I am running him across a busy intersection in our hometown. I did not see the little things that stick out for your feet to be on, or at a 90 degree angle to the pavement that I was about to hit and so we hit that, and I dumped him out right in the middle of the street, and people were driving by cursing, throwing the finger and stuff, but you could just see me.

Another time I put him up on the wing of the airplane. I have a low-wing airplane. I knew that he probably was never going to get the experience of being upside down in an airplane, and everybody should have that experience. So, we figured out how to put him up on this low-wing airplane and get some tug-of-war going, pull him through the cockpit and into one of the seats, and that was the most ridiculous thing that ever happened, but we did get him upside down in an aircraft.

The fact that he could go out to the parks and see General Sherman and see these falls, it is stunning to me, and I think each one of the people here would recognize that. So it looks like we have Mr. Harding easing back to the table. Would you like to make a comment, sir?

Mr. HARDING. Yes, sir. Thank you. I am sorry. I have to catch a flight back to Tallahassee.

Mr. PEARCE. All right. Give us your two points.

Mr. HARDING. Fort Lauderdale.

I would first like to encourage you to assist us with our rule-making process, and consequently also with the Department of Justice as they move on to their component, and then, finally, research

funding for trail accessibility because as I am sure you are well aware that access in the outdoor environment comes in many shapes, sizes, colors, and forms, and to find the best prologues for the diversity in our outdoors would greatly assist the access needs for all persons.

Thank you, sir.

Mr. PEARCE. Fair enough. I appreciate that, I appreciate you coming in today. This has been a very worthwhile hearing for us.

I think what I would like to do is go straight on down the line and let us have everyone give their comments, and Mr. Robb, if you haven't escaped, you can get on the end down by Ms. Starnes. Again, if each one of you takes two minutes, we are looking at another 15 or 20 minutes, and then I will probably have a lot more hot air to express, so we will just tighten it up just a bit. Just give bullet point-type thoughts, the thing that you would like to put in the letter, and we have already got a couple there.

Mr. Kerr, lead away.

Mr. KERR. Mr. Chairman, I will tell you that I do not believe the problems with accessibility rest in the members of the National Park Service present with us here today. Accessibility, the notion of accessibility must permeate the entire Park Service. They need to adopt the attitude of what can we do to promote accessibility. What harm would it do? They don't do that.

What they do is, and I am not talking about those here today, I am talking about those that are out in the field, they say "Why should I?". They say, "You can't do that." They don't say, "How can we do this, or what shouldn't we do this?" They say, "You can't do that."

It is a very rigid mindset that exists out there today.

Last month we were in a law school where they promoted assistive technology in a courtroom. Every single possible piece of technology that exists today was used in that courtroom, including the Segway, which was used by a Federal judge to deliver closing arguments, a Federal judge with multiple sclerosis. There were many Federal agencies in attendance down there to witness the assistive technology for sight, for hearing impairment, for mobility. For virtually every kind of disability there was a solution there.

But there was no one there from the National Park Service. You must want to be accessible. It must permeate the organization. With all due respect, she said that they were looking at reasons—places where the Segway might be able to be used. There is no place where it shouldn't be able to be used. There is no possible explanation, no reasonable expectation for someone to say, "It is not appropriate here. It is not appropriate here."

If they can't get over that hurdle, if they can't get over that hurdle, what help is there for other hurdles that face that are much more difficult, require much more coordination and a comprehensive solution, and so I am concerned that we will be back here a year from now or two years from now telling stories that another park superintendent said no. Another park superintendent said, "I don't care."

My concern is that it is not those that are here with us today, but there is a permeation there that needs to be addressed. Thank you.

Mr. PEARCE. Thank you very much.

Ms. Schacter.

Ms. SCHACTER. The two questions that I would like included in the letter is: How do we ensure that all three components for access for the hard of hearing and deaf, assistive listening devices, that means head sets and neck loops, captioning, and qualified interpretation are in place in each park? All three things, not one or the other, must be at every park every time there is an audio output.

The second question: How do we have accountability in monitoring with appropriate training at each park? It cannot be that a superintendent doesn't want to do something and that there is just no recourse. That is just not acceptable.

Then just as my conclusion, I would like to know when Ellis Island is finally going to be up to speed. It is the gateway to America, and it is ridiculous, it is already over a year, and there is still no captioning. I can turn captioning around for a film in 24 hours. I can get an assistive listening device system into a theater in 24 hours. Why is it taking over a year?

Mr. PEARCE. Thank you.

I would just note, Mr. Kerr, if we follow through on the accessibility, then that is the first step in making sure that we are not here a year from now doing a kind of "warm up the old hash" deal. OK. Fair enough.

I appreciate your purpose, Ms. Schacter. It answers a question as well as gives one. Thanks.

Mr. McCarthy.

Mr. MCCARTHY. I think that the Park Service would go a long way if it gave prominence internally to individuals with disabilities and had them perhaps involved in disability-related complaints, and in education of park officials.

Is it great that Mr. Robb with the Research Center at Indiana University, I am a proud Indiana resident originally, so I appreciate that. But it is great to have an outside entity, and Ms. Susan mentioned, you know, that they appreciated that relationship, but there needs to be internal relationships.

It is often said in the disability world nothing about us without us, so ask us. You know, as the researchers, but ask the people that are going into the parks. Get people involved. I think you are right, Mr. Chairman, you know, use people here. We can recommend other people. We certainly can dial. I think that is really, really critical.

I guess my second thing would be you don't—people in the parks and all over the government don't know really what peoples' disabilities—well, I guess that is the first, you know, but I think that is the real key. Include the disabled community in discussion of what access really means. I think that to the extent the parks do that, access for all of us will improve over the period.

I would close by congratulating you, Mr. Chairman, on getting your brother upside down in that plane. As somebody, you know, and I think experience whatever it is, blind people all want to drive cars but we can't do it.

Mr. PEARCE. Yes.

Mr. MCCARTHY. So there is no experience potentially too dangerous. I comment you for strapping him in and getting him over there.

Mr. PEARCE. You have fun with me, since I might be too dangerous to fly with but—

[Laughter.]

Mr. PEARCE. Thank you, sir.

Now, Ms. Starnes.

Ms. STARNES. Thank you, Mr. Pearce.

I think it is wonderful that Ms. Masica said that they already have an advisory system in place, an advisory committee that meets twice a year. It may mean that once you provide your letter that there will be more opportunities for them to dialogue and work on the issues that we have raised.

Certainly having notice of when those meetings are being held, I am sure that there are a lot of us here and our constituents who would be willing to sit back as observers and offer as we are invited to do so information that is going to help the process that that advisory committee undergoes when they do meet.

Possibly, Ms. Masica, you want to issue advisory letters in the way that DOT does to the airlines, making sure that they are up to speed, saying this is not a rule yet but it certainly is a precursor maybe to a rule, and help them build their relationship with people with disabilities so that it is more a relationship between a customer and somebody who wants to provide a service or an opportunity rather than one of confrontation, and possibly the formation of local advisory committee with the supervisor in charge of that would help begin to develop more sensitivity to who their local customers are, and I suspect that those are going to be the ones who are more likely to visit the parks are the ones who are going to be right there in your area.

So having local advisory committees either in conjunction with the Center for Independent Living or other individuals with disabilities that the community may be able to advise on would help develop that kind of sensitivity, again in a way that says you are my neighbor, you are in my town, you are in my city, you are in my area, and I want to help you make this experience better not only for me, but for people who come from out of town to visit as well.

Mr. PEARCE. Fascinating. I would ask that the idea of the advisory letter be one step short of the director's order or something like that. We are not going to come out and back anybody up, but if we keep getting those complaints in the system, if we can't let folks know about the ALDs, assistive listening devices, when they come through the door, we are going to come down, we are going to do something. Just an advisory letter to the system that we are listening and if we don't start curing, something is going to happen.

That is the reason I love having these people come in from around the country, because we get great ideas.

On your advisory panel or committee that you have, how many blind people are on that committee? I mean, we could work our way down through each disability, but I am getting back to Mr. McCarthy's point—why don't you include the people when you are talking about the rules?

I know Mr. Kerr is a little scratchy and hard to deal with, but why don't you put him in the room when we are talking about stuff? That is my point.

Ms. MASICA. Understand, Mr. Chairman, and we will certainly do that.

The group that is formed is an internal, it is Park Service employees, and it is accessibility coordinators from the various regions and the centers that work, that handle the interpretative and the physical access side of the equation for the projects in the Park Service, and I don't believe there is anybody who is visually impaired that—

Mr. PEARCE. You see Mr. McCarthy has a point for every class of disability.

Ms. MASICA. Absolutely. I am being corrected—there is somebody on there who is visually impaired.

Mr. PEARCE. OK.

Ms. MASICA. People who really know.

Mr. PEARCE. But the point is well made that—

Ms. MASICA. Absolutely.

Mr. PEARCE.—if you are not listening to these people that are scratchy and hard to get along with because they are trying to be the sheriff all the time, that is probably the reason we are having difficulties.

Mr. Robb.

Mr. ROBB. Yes, Mr. Chairman.

Mr. PEARCE. I didn't mean to forget you. I got a little bit distracted there.

Mr. ROBB. That is all right.

I think that to effect change the priority for accessibility has to be raised at the park level. I really believe it has to come from the unit level, and I believe that there has to be accountability. There has to be some type of accountability that will push the button of the superintendents like life safety issues do, or what life sustainability does, or resource preservation does, and I don't have the answer to that, but I believe that that is the first thing.

The second thing, I really believe that what we have found in turning over 1,500 National Park Service people is that we do create zealots. These people go out of there and they are affected greatly by the opportunity to interact with our presenters, people with disabilities, including your brother. Larry Blummer on our staff has a visual impairment. He is the individual on the advisory committee for the Park Service, so we do involve very profusely people with disabilities in our training, and those training programs, I think, probably—opportunities make a big impact.

Unfortunately, training dollars are very difficult, very hard to come by in the Park Service, and I am sure in all Federal government.

Mr. PEARCE. That sounds fair enough.

There are a couple of pictures up here of access. Andrew has done a pretty good job. Where is the first one going, Andrew?

That is out to the Yosemite, to the falls. Actually, on both of these, occasionally the grade goes a little bit above what the ADA requirements are, but they are aware of that. My feeling is if we don't get it perfect the first time, we have plenty of things that we

can do rather than tear something out and change the grade by a degree. I think most people with difficulty getting around in wheelchairs or on Segways or whatever would say, you know, just get it close and then we will get it perfect some day.

If you all will sign up and give us an e-mail address, I would like to have the letter e-mailed so that we get your points pretty close to the way that you have suggested them.

Then I am going to also request, Ms. Masica, that after we get the written response to these things, let me try to get the same two panels back together on a telephone conference. And when we begin to discuss things that you all are doing to address these issues, let us not let this drag out and slip back into the status that Ms. Schacter has got to be the one sheriff for all the hearing impaired people in the country, and Mr. Kerr, for all the Segway people, and Mr. McCarthy.

I mean, let us make some headway, and let us maybe consider a communication that we would have available that goes to the park system itself. I really do want some of this testimony to go to the people around the country who would be just a little bit strong in interpreting, that we don't need more people, especially people in wheeled vehicles, especially people that we have to worry about stepping off the trail. I would like to see if we can get that into the hands of all 300 superintendents, and we will just begin that little cultural shift if we can.

Is that fair enough?

Ms. MASICA. Absolutely, Mr. Chairman. I think that is imminently reasonable, and something that we can do. I can tell you that I chair an internal group that reviews Park Service construction investments on a regular basis, and the kinds of questions I ask will definitely be broadened by what I have heard today.

Mr. PEARCE. And I think you need to pass along the pent-up emotion, and the reason I asked Mr. McCarthy is because I suspect that if we talked about something good, that there is going to be that tap into this wellspring of positive emotion when we just try. And if the system can begin to try, then I think you are going to find that you have more partners to accomplish what we all would like accomplished rather than detractors in the system.

But I will continue, as the Chairman, an opportunity to work with you on these issues—whether positively or negatively, whichever we need to. I hope you trust that.

I think that we have had a stunning day and I appreciate the participation. Be sure that I get your phone numbers because I really will follow through, and we will do this conference call a month, two months down the road, and we will talk about the ways that we are trying to make sure this is not just some more goulash that we warm up a year from now. Fair enough.

Thanks to every single one of you. I appreciate it.

If there are no additional comments, this hearing will be adjourned.

Whereupon, at 12:25 p.m., the Subcommittee was adjourned.]

