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EXPANDING ACCESS TO FEDERAL LANDS FOR PEOPLE WITH DISABILITIES

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

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OVERSIGHT HEARING ON "EXPANDING ACCESS TO FEDERAL LANDS FOR PEOPLE WITH DISABILITIES"

Thursday, July 24, 2008
U.S. House of Representatives
Subcommittee on National Parks, Forests and Public Lands
Committee on Natural Resources
Washington, D.C.

The Subcommittee met, pursuant to call, at 10:02 a.m. in Room 1324, Longworth House Office Building, Hon. Raúl M. Grijalva [Chairman of the Subcommittee] presiding.

Present: Representatives Grijalva, Christensen, Holt, Duncan, Pearce, and Sali.

STATEMENT OF THE HONORABLE RAÚL GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GRIJALVA. Thank you. Let me call the Committee to order for this oversight hearing, "Expanding Access to Federal Lands for People with Disabilities."

As the Subcommittee comes to order, let me indicate that our colleague, Mr. Pearce, will be joining us shortly, and, at that time, if he has an opening comment, then that courtesy will be extended to him.

I want to welcome our witnesses today, particularly those of you who have traveled on very short notice to be with us at this hearing.

Today, we are examining the development and implementation of the Access Board's guidelines for improving access to outdoor developed areas managed by our Federal agencies. These agencies have a duty to provide a diversity of recreation opportunities for the widest cross-section of America, not only for persons with disabilities but also the elderly and underserved minorities. We want to make our public land visitors look like the rest of America.

As we will hear from some of our witnesses, the development of these guidelines has been a long and not always straight trail, but we appear to be in the home stretch, and advances in universal design, new technologies, and new thinking are offering enormous possibilities for providing access to places and experiences once thought out of reach for persons with disabilities.

We are looking forward to hearing from these witnesses today about expanding opportunities and the continuing challenges that

we face, and, as I indicated, we will wait for the Ranking Member's remarks when he gets here, but let me welcome you and, at the outset, tell you that you have five minutes for your presentation. Your full statement will be made part of the record and any extraneous material that you wish to include in that as well.

[The prepared statement of Mr. Grijalva follows:]

Statement of The Honorable Raúl M. Grijalva, Chairman, Subcommittee on National Parks, Forests and Public Lands

I want to welcome our witnesses today, particularly those of you who have traveled on very short notice to participate in this hearing.

Today we will be examining the development and implementation of the Access Board's guidelines for improving access to outdoor developed areas managed by federal agencies.

Those agencies have a duty to provide a diversity of recreation opportunities for the widest cross-section of America—not only the disabled, but also the elderly and underserved minorities. We want to make public lands visitors look like America.

As we will hear from some of our witnesses, the development of these guidelines has been a long, and not always straight, trail.

But we appear to be in the home stretch, and advances in universal design, new technologies and new thinking are offering enormous possibilities for providing access to places and experiences once thought out of reach for those with disabilities.

We are looking forward to hearing about these expanding opportunities and the continuing challenges. With that, let me turn to our Ranking Minority Member for his remarks.

Mr. GRIJALVA. Let me welcome our first panel and begin with Mr. James Bedwell, Director, Recreation, Heritage, and Volunteer Resources, Forest Service. Welcome, sir, and I look forward to your testimony.

STATEMENT OF JAMES S. BEDWELL, DIRECTOR, RECREATION, HERITAGE, AND VOLUNTEER RESOURCES, FOREST SERVICE

Mr. BEDWELL. Thank you, Mr. Chairman and Members of the Subcommittee, for the opportunity to testify about our efforts to expand access to recreation opportunities on the National Forest System for all Americans, and, in particular, those with disabilities.

While I am currently the director of recreation, long after graduating from the University of Arizona in 1979, I was the chief landscape architect of the Forest Service, with responsibility for the accessibility program from 1996 to 2000. I have with me the current Forest Service Accessibility Program Manager, Janet Zeller, as well as the agency's first Accessibility Program Manager, Joe Meade, now the forest supervisor of the Chugach National Forest in Alaska. With the Chairman's permission, I may direct questions, at the end of the panel, to either of them.

With 193 million acres and more than 334 million recreation visits each year, the Forest Service provides the largest diversity of outdoor recreation opportunities in the country. The Forest Service strives to maximize accessibility without fundamentally altering outdoor recreational experiences of the natural environment. This approach is critical because while people of all abilities recreating on National Forests and grasslands may look for a large range of opportunities, from highly developed areas with paving and hot showers to remote areas where there are few or no visitor amenities, they all have one thing in common: They are there to experience the natural environment.

The Forest Service has a long history of commitment to accessibility beyond that required by all of the applicable laws and regulations. For instance, we have had a policy of universal design, which is what we called it then, since 1993. This has meant that if the Forest Service builds it, accessibility will be integrated. One hundred percent of all facilities that are newly constructed or altered must be accessible and appropriate to the natural setting, a benefit for visitors of all abilities.

Ten years ago, the Forest Service worked with the Access Board, along with other agencies and organizations, to develop the Access Board's draft guidelines for outdoor developed areas. I personally participated in that process with many others in the room on the Regulatory Negotiation Committee, and we all have a lot of memories of that.

Ultimately, those draft guidelines would be published in 2007 as the Access Board's Proposed Rule. However, in 2002, it became apparent that the Access Board's rulemaking process would be delayed, and the Forest Service, because of those hundreds of millions of visitors and lots of work going on, needed accessibility guidance for our agency that had been through a public comment process.

We had the great advantage, in 2002, that we had the Access Board's draft guidelines to base ours on.

In May of 2006, we finished our work and published in the Federal Register our final, revised Forest Service Policy Manuals, which direct the use of our accessibility guidelines for outdoor recreation areas and trails.

In 2005, we developed a regulatory impact analysis that evaluated the previous 12 years of Forest Service facility construction. That analysis demonstrated that accessible facilities are cost effective while providing those benefits for all people.

In our 15 years of focus on accessibility, the number of accessible facilities has increased every year as facilities are constructed or altered, and we apply all of our resources available toward improving accessibility. Each National Forest and grassland has outstanding examples of facilities and trails that are accessible and harmonize with the natural setting.

We continue to work with the Access Board in a collaborative and complementary manner, sharing the details of what we have learned as we implement our Forest Service guidelines, and, based on our successful field implementation of our guidelines, it is clear that the Access Board's proposed guidelines for outdoor developed areas will also be effective. We are confident of that.

In summary, the Forest Service is committed, through our policies and actions, to the continuous improvement of accessibility for all Americans. We are submitting our Forest Service Accessibility Guidebook on Outdoor Recreation and Trails for the record. We are really proud of this publication and its clear representation of the Forest Service accessibility guidelines, as well as its overview of our entire accessibility program. We would be glad to provide any member of the Subcommittee with a copy.

Mr. Chairman, this concludes my testimony. I will be happy to answer any questions you or any other Committee Members may have. Thank you.

[The prepared statement of Mr. Bedwell follows:]

Statement of James S. Bedwell, Director, Recreation, Heritage, and Volunteer Resources, Forest Service, U.S. Department of Agriculture

Mr. Chairman and members of the Committee, thank you for the opportunity to testify before you today on the Forest Service's ongoing efforts to expand access to recreational opportunities within the National Forest System for all Americans, and in particular those with disabilities.

I am Jim Bedwell, Forest Service Director of Recreation, Heritage, and Volunteer Resources. From 1996 through 2000, while serving as the Chief Landscape Architect for the agency, I also managed the accessibility program. I have with me the current Forest Service Accessibility Program Manager, Janet Zeller, as well as the agency's first Accessibility Program Manager, Joe Meade, who is currently the Forest Supervisor of the Chugach National Forest in Alaska. With the Chairman's permission, I may direct questions to either of these individuals, if needed.

Background

The Forest Service as steward of the nation's forests and grasslands values the contribution of all Americans, including those with disabilities. One of the first and early scientists and explorers to survey and chronicle the forests west of the 100th meridian was a single-armed Civil War veteran, John Wesley Powell. The journals of Major Powell, which Wallace Stegner, a Powell biographer, called "the finest narrative exploration in all American literature," make clear that Major Powell never considered himself to be limited by his disability. Major Powell was wounded in the Civil War battle of Shiloh and later became the second director of the United States Geological Survey (USGS), which at the time had the responsibility for assessing and characterizing the forest resources of the Western United States, leading to the establishment of the Bureau of Forestry.

Accessibility Programs

Today, there are an estimated 54 million U.S. residents with disabilities. Many of these folks maintain a life-long connection and affinity for the forests and rangelands that comprise the National Forest System. They enjoy the outdoor recreational opportunities these lands provide. To support that relationship with the land, accessibility must be integrated into planning and construction of trails and outdoor developed recreational facilities on National Forest System lands.

We ensure that Forest Service programs and facilities are accessible, in compliance with the Architectural Barriers Act; Section 504 of the Rehabilitation Act; and 7 CFR 15b and 15e, USDA's implementing regulations for Section 504 of the Rehabilitation Act. However, the Forest Service's commitment to accessibility goes beyond compliance with applicable law.

The Forest Service has a long-term commitment to accessibility, as shown by the agency's strategic plan for recreation, which was implemented in 2003 and renewed through 2012. One of the goals of the strategic plan is improving the quality and availability of outdoor recreational experiences for all people, with and without disabilities. A key performance measure of that goal is the percentage of capacity at developed recreation sites that meets accessibility standards. Accessibility has also been incorporated into the Forest Service directive system.

With 193 million acres of National Forest System lands receiving more than 334 million recreation visits each year, the Forest Service remains the largest provider of outdoor recreational opportunities in the country. We are the nation's backyard where the American people recreate. The Forest Service strives to maximize accessibility without fundamentally altering outdoor recreational experiences and the natural environment. This approach is critical because people recreating on national forest and national grasslands and on lands managed by other federal agencies are looking for a range of opportunities, from highly developed areas with paving and hot showers to remote areas where there are few or no visitor amenities.

Outdoor recreation is about individual choice as to the type of opportunity, including the type of access, being sought by the recreationist. Land management agencies can help individuals locate areas that are easy to access, including those where motor vehicles can be used, to reach a wide range of recreational settings. Land management agencies also are able to direct visitors to more remote, non-motorized areas that are more difficult to access but offer greater solitude. There are locations that blend both of those experiences, easy access and a sense of remoteness, including locations where even a motor home can be driven. The Forest Service is deeply committed to preserving this range of options from which all visitors can choose the type of recreational experience they are seeking.

To provide accessibility and to maintain the wide range of recreational opportunities from which all people can choose, the Forest Service since 1993 has incorporated universal design into the agency's recreation program. Universal design

involves integrating accessibility into the design of recreational facilities to the extent appropriate to the natural setting, rather than constructing separate facilities for people with disabilities. All Forest Service recreational facilities that are newly constructed or altered must be appropriate to the setting and accessible. However, to implement this policy effectively, the Forest Service needed guidelines for its employees and cooperators.

Ten years ago, the Forest Service worked with the Architectural and Transportation Barriers Compliance Board (Access Board), along with other agencies and organizations, to develop the Access Board's Draft Guidelines for Outdoor Developed Areas. I personally participated in that process with many others in this room, as a member of the Access Board's regulatory negotiation committee. Ultimately those draft guidelines were published in 2007 as the Access Board's proposed rule on accessibility at outdoor developed areas on federal lands.

However, by 2002 it was clear that the Access Board's rule-making process would be delayed. We have hundreds of millions of visitors, some of whom have disabilities, and thousands of facilities that could benefit from improvement. In response to those needs, in 2002 the Forest Service began development of our own accessibility guidelines for outdoor developed areas and trails in the National Forest System, based on the Access Board's proposed guidelines and in coordination with the Access Board. In May 2006, the Forest Service issued the Forest Service Outdoor Recreation Accessibility Guidelines (FSORAG) and Forest Service Trail Accessibility Guidelines (FSTAG). We continue to collaborate with the Access Board on providing for accessibility at outdoor developed areas on federal lands, including sharing information regarding implementation of the Forest Service's accessibility guidelines.

All new, altered or reconstructed facilities, including campgrounds, picnic areas, scenic overlooks, and the routes between them, must comply with the FSORAG. In addition to requiring that every building be accessible, the FSORAG requires all new picnic tables, fire rings, and camping units to be accessible. Toilet facilities must be accessible, regardless of whether they are a primitive facility on a trail or a facility serving visitors at a large campground, so that visitors choosing that type of recreational experience can use the facility provided, regardless of whether they have a disability.

To assist Forest Service employees and cooperators with implementation of the Forest Service's accessibility guidelines, the agency has developed and distributed the Accessibility Guidebook on Outdoor Recreation and Trails to Forest Service administrative units and cooperators. In addition, we have integrated accessibility requirements into training courses for employees and cooperators.

The FSORAG and FSTAG have enhanced accessibility at outdoor developed areas on National Forest System lands. Our visitors who use these outdoor recreational facilities have affirmed that. Results from the Forest Service National Visitor Use Monitoring Survey show that 79 percent of National Forest System visitors state that they find Forest Service facilities to be accessible. Currently, 41 percent of Forest Service recreational buildings and 26.5 percent of Forest Service recreational sites are in full compliance with the Architectural Barriers Act Accessibility Guidelines and the FSORAG. As new facilities are constructed, altered, or reconstructed, those numbers will increase. In addition, all new or altered trails that meet the criteria for providing accessibility must comply with the FSTAG.

Throughout the country and in every national forest and national grassland there are many examples of accessible developed recreation areas—including campgrounds, picnic areas, trailheads, and trails—that demonstrate the Forest Service's commitment to universal design and ensuring access for all visitors. One outstanding example is the interpretive trail at the Ouachita National Historic Battlefield Visitor Center jointly managed by the Forest Service and National Park Service on the Black Kettle National Grasslands in Oklahoma. When construction is completed later this year, this interpretive trail will provide an opportunity for the Roger Mills County Historical Society and the local community to share their culture and history of the grasslands with visitors to battlefield. This trail will be fully accessible, so that all visitors will be able to enjoy the educational opportunity.

The Recreation Site Improvement Program, which addresses deferred maintenance for developed recreation sites, incorporates accessibility into the work performed under the program. Facilities at developed recreation sites are being modified or replaced to ensure accommodation for all users. Currently, 344 toilets, 82 drinking water systems, 1,584 picnic tables, 894 fire rings, and 441 other buildings are approved, funded, or scheduled to be modified for accessibility in accordance with the FSORAG.

The FSORAG and FSTAG and the Access Board's guidelines for outdoor developed areas are unique in that they are designed to maximize accessibility while maintaining the natural setting, thereby avoiding overdevelopment and otherwise under-

mining the experience of the natural environment all of our visitors expect from the national forests and national grasslands. Under this approach, a wide range of recreational opportunities is preserved for all people.

In the 15 years since the Forest Service implemented its policy of universal design, requiring every constructed or altered facility to be accessible, we have found the difference in cost to be negligible. Some of our visitors prefer the design and ease of use of accessible facilities and elements, even if they do not have a disability.

Over the last several years, the Santa Fe National Forest in northern New Mexico has worked hard to make its recreational areas more accessible. Like all national forests and national grasslands, the Santa Fe National Forest has a number of campgrounds and picnic grounds that were built decades ago and that are dearly loved by recreationists, but that do not comply with the FSORAG. In the last ten years, the Santa Fe National Forest, through the Capital Investment Program funded by Congress, has invested over $5 million in reconstructing and upgrading its developed recreation sites. This investment has resulted in accessible fishing, picnicking, and camping opportunities at Lower Jemez Recreation Complex and Las Conchas Fishing Access; accessible family and group picnicking at Battleship Rock Picnic Ground near the Valles Caldera National Preserve; accessible family and group camping at the Paliza Campgrounds; and accessible camping at Black Canyon Campground, located only seven miles northeast of New Mexico's capital, Santa Fe.

People often ask me, "Well, universal design sounds good, but doesn't it cost a lot more?" The reality is, and the economic analyses we did for the Access Board regarding the costs of implementing the Board's proposed rule supports this conclusion, when accessibility is incorporated into the design of a facility from the beginning, the costs associated strictly with accessibility are a negligible percentage of the overall costs of the project. Providing for accessibility only gets prohibitively expensive when it is not considered and incorporated into the early design and construction phases and the project has to be retrofitted. All visitors to federal lands, regardless of their ability, can enjoy facilities that are accessible. As I tell our employees and cooperators, making new, altered, or reconstructed Forest Service facilities accessible is not just the law, it makes good sense programmatically.

The Forest Service's accessibility guidelines, which are based on the Access Board's draft guidelines, work well. They are cost-effective and protect the natural environment, thereby allowing all people, with and without disabilities, to recreate together in the setting they choose.

The Forest Service has demonstrated its commitment through its policies and actions at all levels of the agency to the continuous improvement of accessibility for all Americans. We are submitting the Forest Service Accessibility Guidebook on Outdoor Recreation and Trails for the record, as it graphically depicts the Forest Service's accessibility guidelines, as well as provides an overview of the Forest Service's accessibility program. We would also be glad to provide any member of the Subcommittee with a copy.

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

Mr. GRIJALVA. Thank you very much. Let me acknowledge my fondness for the University of Arizona that you graduated from.

Mr. BEDWELL. Yes.

Mr. GRIJALVA. Being alumni, we are a rare breed.

If I may, now let me turn to Mr. Philip Pearce, Access Board Member and a Public Member. Sir, your comments?

STATEMENT OF PHILIP PEARCE, CHAIRMAN, AD HOC COMMITTEE ON OUTDOOR DEVELOPED AREAS, U.S. ACCESS BOARD

Mr. PEARCE. Thank you, Mr. Chairman. Good morning. I am pleased to present testimony on behalf of the Architectural and Transportation Barriers Compliance Board, better known as the "U.S. Access Board." I am Philip Pearce, a public member from College Station, Texas, and Chairman of the Board's Ad Hoc Committee on Outdoor Developed Areas. Accompanying me today are Bill Botten, an accessibility specialist and a staff member with the Access Board assigned specifically to the outdoor developed areas

guidelines, and also several other members of the Access Board and staff that are here in the audience.

We are pleased to come before the Subcommittee to update you on the progress of the board's guidelines for outdoor developed areas. 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, the National Park Service, U.S. Forest Service, and other Federal land-management agencies have a long history of working together to improve access. These agencies have provided invaluable input to our efforts to make outdoor developed areas more accessible to persons with disabilities. The Department of the Interior is a member of the U.S. Access Board.

Staff from the Access Board and our Federal partners are continually collaborating on ways to make public lands more accessible. Access Board members and staff have visited several National Parks, forests, and beaches to gain firsthand knowledge of the unique challenges of providing access in this dynamic environment.

Now, let me address our current rulemaking for outdoor developed areas. When we use the term "outdoor developed areas," we are talking about trails, beach access routes, camping, and picnic areas. The Access Board acknowledges that these areas are often very unique and that, ultimately, our accessibility guidelines must strike a fine balance between the need to provide access for persons with disabilities, protect the natural environment, preserve historic structures, and take into account feasibility.

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.

In July of 1993, the board convened a Recreation Access Advisory Committee. In 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.

Consequently, the board formed a regulatory negotiation committee to resolve the issues. The regulatory negotiation committee met for two years and produced a consensus report that is the basis for the accessibility requirements for outdoor developed areas. This report formed the basis for the board's Notice of Proposed Rulemaking, which was published in the Federal Register in June of 2007 for public comment.

The Access Board's original rulemaking plan called for issuing a proposed rule, under both the Americans with Disabilities Act for public accommodations and for state and local entities and the Architectural Barriers Act for Federal agencies. However, the board decided to proceed more methodically.

The 2007 proposed rule was issued, based solely on our rulemaking authority under the Architectural Barriers Act. The proposed rule addressed outdoor developed areas that are designed, built, or altered by Federal agencies.

The board decided to limit this rulemaking initially to facilities covered by the Architectural Barriers Act in order to gain a better understanding of the rule's impact on Federal parks, forests, and seashores prior to making the provisions applicable to outdoor developed areas in the private sector and for state and local governments covered by the Americans with Disabilities Act.

Let me give you two examples of key provisions that were included in the proposed rule. The trail guidelines are based on an exception approach. For example, when designing a trail, a designer should assume it to be fully accessible. When unique conditions, such as extreme terrain or environmental issues are present, departures from the technical provisions are permitted. After the condition is no longer present, the technical provisions are again applied.

Another key provision in the trails section is the requirement for signage is provided. Information such as running slope, cross-slopes, trail width, and the type of surface a user can expect is helpful to the users. Providing standard information to enable all users, and especially persons with disabilities, the opportunity to choose appropriate hikes for their skill and ability level is important.

I am going to skip some of my text and go right to the end of it and wrap up since I am about out of time.

As we traveled the country, the board has been pleased to learn that many state and local governments and some private sector entities have already begun to use portions of the proposed rule to increase access for persons with disabilities.

We believe that rulemaking on outdoor developed areas will better assist in creating and enhancing outdoor recreation experiences for persons with disabilities.

Thank you for the opportunity to testify before you, and I would be happy to answer any questions you may have.

[The prepared statement of Mr. Philip Pearce follows:]

Statement of Philip Pearce, Public Member, U.S. Access Board

Thank you Mr. Chairman. Good morning. I am pleased to present testimony on behalf of the Architectural and Transportation Barriers Compliance Board—better known as the Access Board. I am Philip Pearce, a public member from College Station, TX and the chairman of the Board's ad hoc committee on Outdoor Developed Areas. Accompanying me today are Bill Botten, an Accessibility Specialist and James Raggio, the Board's General Counsel.

We are pleased to come before the subcommittee to update you on the progress of the Board's guidelines for Outdoor Developed Areas. From our early efforts to enforce the Architectural Barriers Act of 1968 to our on-going 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, the National Park Service, U.S. Forest Service, and the other federal land management agencies have a long history of working together to improve access. These agencies have provided invaluable input to our efforts to make outdoor developed areas more accessible to persons with disabilities. The Department of the Interior is a member of the Access Board. Staff from the Access Board and our federal partners are continually collaborating on ways to make public lands more accessible. Access Board members and staff have visited several national parks, forests, and beaches to gain first hand knowledge of the unique challenges of providing access in this dynamic environment.

Now, let me address our current rulemaking for outdoor developed areas. When we use the term "outdoor developed areas" we are referring to facilities such as trails, beach access routes, and camping and picnic areas. The Access Board ac-

knowledges that these areas are often very unique and that ultimately our accessibility guidelines must strike a fine balance between the need to provide access to persons with disabilities, protect the natural environment, preserve historic structures, and take into account feasibility.

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. In July 1993, the Board convened a Recreation Access Advisory Committee, 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.

Consequently, the Access Board formed a regulatory negotiation committee to resolve the issues. The regulatory negotiation committee met for two years and produced a consensus based report on recommendations for accessibility requirements for a variety of outdoor developed areas. This report formed the basis of the Board's Notice of Proposed Rulemaking which was published in the Federal Register in June 2007 for public comment.

The Access Board's original rulemaking plan called for issuing a proposed rule under both the Americans with Disabilities Act (for public accommodations and state and local governmental entities) and the Architectural Barriers Act (for federal agencies). However, the Board decided to proceed more methodically. The 2007 proposed rule was issued based solely on our rulemaking authority under the Architectural Barriers Act. The proposed rule addressed outdoor developed areas that are designed, built, or altered by federal agencies. The Board decided to limit this rulemaking initially to facilities covered by the Architectural Barriers Act in order to gain a better understanding of the rule's impact on federal parks, forests, and seashores prior to making the provisions applicable to outdoor developed areas in the private sector and for state and local governments covered by the Americans with Disabilities Act.

Let me give you two examples of key provisions that were included in the proposed rule. The trail guidelines are based on an "exception approach". For example, when designing a trail, a designer should assume it can be fully accessible. When unique conditions such as extreme terrain or environmental issues are present, departures from the technical provisions are permitted. After the condition is no longer present, the technical provisions are again applied.

Another key provision in the trails section is the requirement when signage is provided. Information such as running slope, cross slope, trail width and the type of surface a user can expect is helpful for users. Providing standardized information will enable all users and especially persons with disabilities the opportunity to choose appropriate hikes for their ability and skill level. Providing just the "wheelchair symbol" (the International Symbol of Accessibility) may not convey enough information in this situation. This topic generated significant comment in the proposed rule.

The Board held three public hearings on the proposed guidelines in Denver, Washington, DC, and Indianapolis and heard from 40 witnesses. In addition, written comments were received from more than 80 organizations, agencies, and individuals. We are pleased with the wide variety of comments and general support for the proposed rule that has been received. While we are still in the process of considering the comments and drafting the final rule, I can share the following observations.

Commenters have pointed to the strong need for the guidelines, encouraged the Board to promptly complete this rulemaking, and to follow-up with similar guidelines for non-federal entities. Commenters also urged the Board to develop supplementary technical assistance and training materials to assist individuals in using the final guidelines.

Board staff and I have met several times with our federal partners since the comment period closed to discuss many of the issues identified through public comment. Staff has begun drafting provisions for a final rule. The final rule is being written applying "plain language" concepts so that it is easy to read and understood. Once the final rule is completed, we intend to develop similar proposals for the private sector and state and local governmental agencies covered by the Americans with Disabilities Act.

As we have traveled the country, the Board has been pleased to learn that many state and local governments and some private sector entities have already begun to use portions of the proposed rule to increase access for persons with disabilities. We believe that the rulemaking on outdoor developed areas will better assist in creating and enhancing outdoor recreational opportunities for persons with disabilities. The Access Board plans to submit a final rule along with a regulatory assessment to the Office of Management and Budget in the spring of 2009. Thank you for the oppor-

tunity to testify before you today, and I would be happy to answer any questions you may have.

Mr. GRIJALVA. Thank you, sir.

Let me ask our Ranking Member, Mr. Pearce, if he has any comments as we proceed with this panel.

Mr. PEARCE OF NEW MEXICO. Thank you, Mr. Chairman. I guess these would be in the nature of halftime questions, just recognizing my brother, Philip. We both went to Hobbs High in New Mexico. He actually graduated, so I hope to look at his testimony, and thanks again for having this hearing, Mr. Chairman.

Mr. GRIJALVA. Thank you, sir.

Ms. Carole Fraser, Universal Access Coordinator, New York State Department of Environmental Conservation, Division of Lands and Forests, welcome. I look forward to your testimony.

STATEMENT OF CAROLE FRASER, UNIVERSAL ACCESS COORDINATOR, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF LANDS AND FORESTS

Ms. FRASER. Good morning, Mr. Chairman and Members of the Subcommittee. Thank you for the opportunity to testify before you today to share New York's experience with implementing the accessibility guidelines for outdoor developed areas.

My name is Carole Fraser. I am the Universal Access Coordinator for the New York State Department of Environmental Conservation. The Department of Environmental Conservation administers jurisdiction over 4.5 million acres of state land. Our Universal Access program was born in 2001 in response to a lawsuit brought under the Americans with Disabilities Act by individuals seeking motorized access in our forest preserve.

A settlement was reached when the DEC offered a list of 185 diverse projects that, when constructed, would offer accessibility to programs such as camping, fishing, canoeing, hunting, boating, picnicking, horseback riding, and bird-watching. These projects and dozens of others across our state were constructed using the guidelines put forth by the Access Board's 1999 Regulatory Negotiation Committee for Outdoor Developed Areas.

In general, our experience in New York with the use of the Access Board's minimum guidelines has been a positive one. As an agency whose statutorily defined mission is to protect and preserve the natural areas of the state, we found the guidelines provided adequate protection while maximizing accessibility. The response from the public has been overwhelmingly positive.

The success of our program stems from a commitment to training our staff, working with an advisory committee that consists of recreationists with disabilities, and the outreach to educate the public that continues to be our priority.

Based on our experience, there are a few areas where we routinely designed beyond what the guidelines were suggesting. The first is beach access, where we provide at least a 60-inch width of firm and stable surface. We have found that once a mat or pathway is established across a beach, many people choose to use the pathway, and a 36-inch width is too narrow. However, there should be an exemption to allow a more narrow width if dunes or other nat-

ural resources would be impacted by the 60-inch width. Also, the three-inch edge protection on tent platforms could create a difficulty for wheelchair users to transfer.

We suggest that an area be kept free of edge protection for the option of transfer. In addition, we recommend that the conditions for departure for trails also apply to outdoor recreation routes in backcountry areas especially.

In conclusion, we applaud the work of the Access Board for helping to develop these important guidelines which serve to create accessibility and protect the natural resource, thereby preserving the fundamental experience for all. Our goal continues to be to provide a balanced approach to accessibility and provide people with as many choices as possible while protecting the natural character that people seek in exploring the great outdoors. Thank you.

[The prepared statement of Ms. Fraser follows:]

Statement of Carole Fraser, Universal Access Coordinator, New York State Department of Environmental Conservation, Division of Lands and Forests, Albany, New York

Good morning Chairman Grijalva, Ranking Member Bishop and members of the Subcommittee on National Parks, Forest and Public Lands. Thank you for the opportunity to testify before your Subcommittee today.

My name is Carole Fraser. I am the Universal Access Coordinator for the New York State Department of Environmental Conservation. This testimony addresses the Department's experience in creating a large number of accessibility projects in the outdoor environment over the past several years and the factors that maintain our successful program.

The Department of Environmental Conservation (DEC) administers jurisdiction over 4.5 million acres of state land. A majority of the state land in the Adirondack and Catskill mountain regions is designated as Forest Preserve and as such and is afforded the highest level of protection under Article IV of our State Constitution. Forest Preserve lands are protected as "forever wild" and public use is clearly delineated according to land classifications from Wilderness and Wild Forest to Intensive Use areas.

In 1997, a lawsuit was brought under the Americans With Disabilities Act by individuals seeking motorized access to areas in our Adirondack Forest Preserve (Galusha v. NYS DEC et al., Civil Action No. 98-CV-1117). In 2001, a settlement was reached when the DEC offered a list of 185 diverse projects, at a cost of 4.8 million dollars, that when constructed would offer accessibility to programs such as camping, fishing, canoeing, hunting, boating, picnicking, horseback riding and birdwatching. These projects, and dozens of others across our state, were constructed using the guidelines put forth by the Access Board's 1999 Regulatory Negotiation Committee for Outdoor Developed Areas hereinafter referred to as the "Guidelines".

The settlement contained several other mandates: the designation of a full-time Statewide Coordinator for Access Issues; one staff person to act as Access Coordinator in each of our nine regions, who would deal with access issues in addition to their daily responsibilities; a commitment to training staff and vendors of services in the Forest Preserve; the creation of an advisory committee; and education and outreach to the public.

In general, our experience in New York with the use of the Access Board's minimum guidelines has been a positive one. As an agency whose statutorily defined and paramount mission is to protect and preserve the natural areas of the state, we found that the Guidelines provided adequate protection while maximizing accessibility. The defined "conditions for departure" which are included for trails worked well in establishing parameters to preserve important features and the natural setting. Nearly all of the projects named in our settlement were designed and constructed using the Guidelines and the response from the public has been overwhelmingly positive.

We did face some challenges in creating access in some areas of our Forest Preserve, where our construction materials were limited to the use of natural materials such as wood and stone. Also, there were areas where we found a need to go beyond what the Guidelines were suggesting to provide meaningful access. One of those areas is beach access where we provide at least a 60 inch width of firm and stable

surface. We have found that once a mat or pathway is established across a beach many people choose to use the pathway and a 36 inch width is too narrow. Also, the wider path allows people to walk or roll abreast and provides passage for two people using wheelchairs for mobility. That being said, if dunes or any other natural resources, would be impacted by the 60 inch width, there should be an exemption to go down to a more narrow width.

Another area where we found a user conflict was in the 3 inch edge protection that the Guidelines state should encompass the tent platforms. People have found that the edge protection made transfer from a wheelchair difficult. Our suggestion is that an area be kept free of edge protection for the option of transfer.

In addition, we found it difficult in some backcountry areas to follow the recommendations for Outdoor Recreation Access Routes when providing access to a waterway or body of water as the slope can be steep to the shoreline. Even with switchbacks, in some cases the best we could do to minimize the slope more closely resembled the Guidelines that are designed for trails. Therefore, we recommend that the conditions for departure for trails also apply to Outdoor Recreation Access Routes in back country areas.

The DEC developed our own accessible designs for a number of outdoor recreation elements that were not included in the Guidelines such as equestrian mounting platforms, informational kiosks, trail registers and hunting blinds.

Some areas that continue to challenge us are finding the proper recipe for creating a firm and stable surface using natural materials. While we appreciate that the Guidelines remain neutral on the type of materials that may be used to create a firm and stable surface, guidance would be beneficial. For example, a crushed limestone and stone dust mixture works well on trails but may not be the proper surface for a campsite if it prevents a tent stake from penetrating the surface.

It has been important for us to keep our visitors informed of what they will or may encounter when visiting our back county areas. Sites that have been assessed for accessibility may contain a section of steeper slope for example than what may be expected. Our approach is to measure the slope and distance that it occurs for inclusion on our website and written information on the site. The Universal Trail Assessment Process, a standardized process for measuring trail conditions, has been a useful tool in providing information to people so that they can make their own choices based on their abilities.

The success of our program stems from several factors. First and foremost is a commitment to training. Many Department staff have received and continue to receive training in Disability Awareness. This provides an understanding of the need for universal access to our programs and services. Field staff take pride in the accessibility projects and continue to think about inclusion instead of looking at access as an unfunded mandate. Training on the Guidelines for outdoor developed areas was provided by the Access Board, the National Center on Accessibility, and the Northeast Disability and Business Technology—ADA Center. This specific training was essential to staff understanding and properly implementing the Guidelines. Training opportunities on the above mentioned topics as well as various others including Universal Design, the Americans with Disabilities Act and the Universal Trail Assessment Process were opened to staff from other state agencies, Independent Living Centers, local governments, colleges and not-for-profits to enable networking that keeps us all learning from each other and motivated to make outdoor areas accessible to everyone.

Second, we work closely and regularly with an informed group of individuals with various types of disabilities to guide our decisions relating to access to public programs. We value opportunities to provide direct outreach through presentations and exhibits at conferences, workshops and meetings with organizations that serve people with disabilities to promote our accessible areas and invite their feedback. Similarly, we reach out to trail groups, recreational therapists and other recreation businesses and organizations to share what we have learned about creating access in the outdoor environment and promote inclusive outdoor recreation in general.

Finally, we run several programs each year that introduce people with and without disabilities to our recreation opportunities, through ribbon-cutting celebrations and "open houses" at specific sites, events with adaptive equipment for use and by community-building disability awareness days featuring scavenger hunts, wildlife demonstrations, and inclusive exhibits of many kinds.

In conclusion, what we have learned through implementing the guidelines for outdoor areas is that it is possible to create accessibility and protect the resource at the same time thereby preserving the fundamental experience for all. The Guidelines parallel our goals to strive for the "minimal tool approach" that blends these projects into the natural environment and protects the landscapes. We applaud the work of the Access Board in developing these important guidelines. Our goal con-

tinues to be to provide a balanced approach to accessibility, both geographic and programmatic, to provide people with as many choices as possible while protecting the natural character that people seek in exploring the great outdoors.

Mr. GRIJALVA. Thank you very much.

I now ask Mr. Stephen Whitesell, National Park Service, for your comments and your testimony and welcome.

STATEMENT OF STEPHEN E. WHITESELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE

Mr. WHITESELL. Mr. Chairman and Members of the Committee, thank you for the opportunity to provide an update on the status of expanding access to Federal lands managed by the Department of the Interior for people with disabilities.

We also welcome the opportunity to provide general comments on the U.S. Access Board proposed rule for accessibility guidelines for outdoor developed areas.

Accompanying me today are representatives from the U.S. Fish and Wildlife Service, the Bureau of Land Management, and the Bureau of Reclamation, who can answer specific questions about accessibility programs and initiatives in those bureaus.

On May 11, 2006, we were pleased to be able to participate in a hearing before this Subcommittee where we highlighted Director's Order No. 42 that directed the National Park Service managers to provide the highest level of access practical while ensuring consistency with our other legal mandates for conservation and protection of the resources that we manage.

Today, our goal remains the same. I would like to highlight a few examples of initiatives and projects within the Department of the Interior that have improved access to Federal lands by people with disabilities.

At the Chesapeake & Ohio Canal National Historical Park, the National Park Service completed the development of a new, universally accessible canal boat, which provides easy access to the entry level, an inclined lift to provide access for wheelchair users to the upper deck, and accessible restroom facilities.

It also addressed the need of individuals with hearing limitations through the installation of a state-of-the-art sound system that distributes high-quality sound equally to all areas of the boat. It is estimated that the new design with the accessibility features will enable an additional 2,000 individuals with mobility limitations per year to participate in this experience.

The National Park Service has also launched a new website that provides information to aid visitors with disabilities and special needs to be able to find accessible trails, programs, and activities and other features at National Park units nationwide.

The U.S. Fish and Wildlife Service's Visitor Facility Enhancement construction program funds small-scale, outdoor projects, such as accessible boardwalks, fishing piers, hunting blinds, and kiosks that allow visitors to get closer to our natural world. Since the program's inception in 2003, hundreds of projects have been completed using these funds, and, each year, the Fish and Wildlife

Service considers accessibility as a major factor in selecting new projects to fund.

Toward the goal of ensuring everyone has an equal opportunity to participate and benefit from its programs and facilities, the Bureau of Land Management conducted comprehensive accessibility evaluations of its recreation facilities and spent over $3 million to implement over 100 projects to correct deficiencies.

In Utah, the BLM completed a project to make Takeout Beach on the Colorado River more accessible to disabled boaters. The newly installed, accessible walkway system, shelter, toilets, and loading area greatly facilitate exiting the river by persons of all abilities. A local group of boaters with disabilities volunteered many hours of assistance in making that project come to pass.

Since 1998, the Bureau of Reclamation has worked, both internally and with its partners, to make priority recreation sites accessible to visitors with disabilities.

For example, in 2006, at Grand Coulee Dam in Washington State, the Bureau of Reclamation opened a newly renovated building to house the visitor center that attempted to remove all barriers within the building, structure, exhibits, and programs.

The final topic I would like to touch upon is the Department's response to the U.S. Access Board Notice of Proposed Rulemaking for Accessibility Guidelines for Outdoor Developed Areas. The Department requested its bureaus to review the proposed rule and provide comments. In general, all of the Interior agencies were very supportive of the recommendations made in the proposed rule.

The Department has been very actively involved in the regulatory negotiating committee that developed the majority of the proposed rule, and each bureau has utilized the recommendations from the report as guidance for the design and construction of accessible trails, campgrounds, and picnic areas for the past several years.

Because of its value to our bureaus, the Department encourages the Access Board to expedite the completion of the final rule.

In closing, the Department is dedicated to providing the highest level of access that is practical and is in conformance with the appropriate legal mandates and department-wide and bureau-wide policies. We have made a great deal of progress toward enhancing the quality of each bureau's accessibility programs, and we will continue to build upon our recent achievements in the months and years to come.

Thank you for the opportunity to testify on this important topic. This concludes my prepared remarks, but I would be glad to answer any questions that the Members may have.

[The prepared statement of Mr. Whitesell follows:]

Statement of Steve Whitesell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, U.S. Department of the Interior

Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide an update on the status of expanding access to federal lands 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, the accomplishments that we have made over the past several years, and the initiatives that we have underway to ensure continued success going forward. My statement will also highlight some ongoing efforts to ex-

pand access for people with disabilities by our sister agencies within the Department of the Interior.

Introduction and Background

On May 11, 2006, we were pleased to be able to participate in a hearing before this subcommittee to discuss the status of our efforts to address accessibility for individuals with disabilities in the National Park System. At that hearing, we highlighted Director's Order #42, entitled Accessibility for Visitors with Disabilities in National Park Service Programs and Services. The order directs the NPS to provide the highest level of access practicable, "while ensuring consistency with our other legal mandates for conservation and protection of the resources we manage." We believe that the essence of this goal is to ensure 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 is afforded to all other citizens.

Over the past several years, the NPS has charged each superintendent with evaluating their facilities and programs to determine the level of access and to take actions on an annual basis, utilizing appropriated funds, fee revenues and other funds available to the parks to make required modifications. 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 corrections are made appropriately. Under this approach, every park in the National Park System has made progress in identifying and correcting deficiencies. Despite significant progress, the NPS recognizes that a number of opportunities exist to build upon these recent achievements.

Accomplishments over the Past Two Years

Since the previous hearing in May 2006, we have continued our efforts to improve access and have made significant advances. We are pleased to provide a brief summary of our major accomplishments since that time.

First, in an effort to increase awareness of the importance of accessibility throughout the NPS, the Director issued a memorandum to all parks and park staff on October 24, 2006 concerning disability access in the NPS. That memorandum informed the staff of the outcome of the congressional hearing, reminded the staff of our legal obligations and policy directions, and outlined specific directions for continued progress. Those directions included: ensuring that all newly constructed assets are designed and constructed in compliance with the appropriate standards or guidelines; ensuring that all rehabilitation and renovation projects incorporate accessibility corrections to the highest degree practicable; ensuring that all interpretive programs, services and opportunities are provided in such a way as to make them accessible to all individuals with disabilities; and ensuring that appropriate staff receives the necessary continuing education and technical assistance to enable them to better meet the needs of citizens with disabilities.

Second, in an effort to increase awareness among park managers, the NPS planned and delivered a satellite broadcast training program directed at superintendents, division chiefs and other park managers. The program was entitled "The Status of Disability Access in the NPS: From Rhetoric to Reality". Led by the Deputy Director of the NPS, the program focused on the legal requirements for access, the standards that must be followed, and areas for improvement. Over 200 people from over 150 parks participated in the program.

Third, following the hearing in 2006, the NPS conducted a survey of the major audiovisual programs that were already in existence in the parks to determine how many were not currently captioned for visitors who are deaf; how many were not audio-described for visitors with visual limitations; and how many theaters did not have assistive-listening devices for visitors with hearing loss. Based on the results of the survey, the NPS initiated the Audio-Visual Initiative for Visitors with Disabilities, allocating fee revenue funds for the correction of these deficiencies. As a result, the NPS recently released approximately $3 million of fee revenue funds to add the listed components to over 100 currently used programs in over 85 different park units. Additional projects have been identified and will be funded in FY 2009 and beyond.

Fourth, the NPS has been working to develop a strategy for evaluating all assets with regard to conformance with established accessibility guidelines and standards and identifying corrective actions that should be taken to bring the assets into compliance. This strategy includes the development of a comprehensive accessibility survey instrument, an accessibility cost estimating program, directions for completing the evaluations, and the use of fee revenue funds to initiate selected evaluations in order to establish a baseline for better understanding the accessibility program

needs for the NPS. Those evaluations are underway and will continue over the next few years.

Fifth, the NPS continues to work closely with the National Center on Accessibility (NCA) at Indiana University, under a long-term cooperative agreement, in order to provide technical assistance and continuing education services in making the parks and their programs as accessible as is practicable. This training is necessary in order to create knowledge and awareness of the legal requirements for accessibility, including the regulations, guidelines and standards that must be followed, as well as introducing best practices in improving access. Over the past two years, the NCA has conducted eight separate training courses that have reached over 300 members of the NPS staff. These courses have been targeted for park managers, facility managers, architects and designers, interpreters, and contractors to the NPS. In addition to the training courses, the NCA staff is actively involved in assisting the parks in conducting accessibility evaluations, identifying deficiencies, and outlining recommended actions for correcting the deficiencies.

Sixth, the NPS has a centralized group of professionals located at the Denver Service Center (DSC) in Colorado who oversee the design and construction of most major new projects as well as major renovations to existing facilities. This team supports the line-item construction and Fee Demonstration Programs by providing architectural/engineering management, design, technical review, technical support and quality assurance services for a wide variety of new, existing and historic structures. The DSC has quality assurance staff that is responsible for reviewing all projects that are managed by DSC to ensure that compliance with accessibility standards are included at the four stages of design. They also have developed Contractor Quality Control Specifications to be utilized in construction supervision. As part of these specifications, the group has developed an Accessibility Inspection Report that must be utilized by construction supervisors in all projects under the control of the Center.

Seventh, the NPS also operates the Harpers Ferry Center (HFC) in West Virginia which oversees a wide range of activities to assist NPS field interpreters. These tools include audiovisual programs, historic furnishings, museum exhibits, publications, and wayside exhibits. HFC has also worked with other units throughout the NPS to make interpretive programs and media more accessible to visitors with disabilities. The NPS published "Programmatic Accessibility Guidelines for National Park Service Interpretive Media." The guidelines help parks ensure accessibility in programs and in writing media contracts. The Harpers Ferry Center for Media Services, as a NPS agency, has created a public webpage to help parks, contractors, and other agencies create accessible media. This site includes downloadable guidelines, podcasts, FAQs, and links to legal information and training opportunities. The NPS also created specifications and templates for large-print brochures.

Finally, the NPS recently launched a new website, "National Parks: Accessible to Everyone" that provides information to aid visitors with disabilities and special needs to find accessible trails, programs, activities, and other features at national park units nationwide. We will continue to update this site as more and more park facilities and programs are improved to meet the needs of people with disabilities.

Examples of Projects to Improve Access

The best measure of our accomplishments however, is the degree to which each park is implementing the directions on a consistent and ongoing basis. Several years ago, NPS established a National Accessibility Achievement Award Program. The program was created by the NPS to stimulate and reward creative thinking and original program/project activity among NPS personnel that results in greater opportunity for persons with disabilities throughout the National Park System, and results in enabling the NPS to better conform to servicewide goals and policies. The following examples are just a few of the innovative and creative accomplishments that have been recognized through this program.

Denali National Park and Preserve, historically referred to by staff and visitors alike as the "trail-less wilderness" park, has evolved over the past 10 years to become the "accessible wilderness" park. The park and its partners, including the park concessionaire, and the Alaska Railroad invested over $34 million in constructing a new visitor center campus at park headquarters. The entire campus is fully accessible and all of the principle visitor facilities are clustered in close proximity to each other so that visitors can travel between them with ease. The Alaska Railroad Depot where almost 65 percent of visitors arrive and depart the park was rehabilitated, and linked to the new visitor center campus by paved walkways. The new award winning Denali Visitor Center, the Morino Grill and the Denali Bookstore sit next to each other at the center of the campus linked by short accessible paved pathways. The new Murie Science and Learning Center, and the employee dining hall are just

across the parking lot, and they too are fully accessible. The interpretive exhibits in the visitor center are scattered along the campus walkways to help visitors learn about what they are seeing, and to guide them to their desired locations and are all designed and installed to appropriate standards. The new high-definition park interpretive film, showing twice per hour in the visitor center is captioned, and incorporates assisted listening and audio description.

In 2006, the Friends of Historic Great Falls Tavern in Maryland, a Chesapeake & Ohio Canal National Historical Park partner, raised $535,000 for the design and purchase of a new replica canal boat to be used in the park interpretive story. The design effort required the Friends to collaborate with park staff and boat builders to design a replica canal boat that was historically accurate, but also made accommodations for those with mobility and hearing limitations. Related to this effort, was the new universally accessible design canal boat that addressed the needs of visitors with mobility limitations by including easy access to the entry level, an incline lift to provide access for wheelchair users to the upper deck, and accessible restroom facilities. It also addressed the needs of individuals with hearing limitations by the installation of a state-of-the-art sound system that distributes high-quality sound equally to all areas of the boat. A current project includes the installation of assistive listening devices. It is estimated that the new design with the accessibility features will enable an additional 2,000 individuals with mobility limitations per year to participate in this experience. This includes those who use wheelchairs and other mobility devices, but also senior citizens, parents with babies in strollers, and those with more invisible mobility limitations such as cardiac and respiratory problems.

In 2003, the staff of Kings Mountain National Military Park in South Carolina began working with a Harpers Ferry Design Team in the planning and design of new exhibits for the 2,250-square-foot exhibit area. One simple goal of the exhibit was to make the experience accessible to and usable to everyone. The park staff insisted that special attention be given to incorporating features for individuals with mobility, visual and hearing limitations in the most seamless and unobtrusive way possible rather than providing separate or special experiences. Some of the specific elements of the exhibit are:

- Audio elements are included at each exhibit to provide information. They offer audio description for visitors who are visually limited. In addition, all video components are open-captioned, and all audio-only components have flat screen monitors that provide open captions.
- Tactile elements, including touchable reproduction "Ferguson rifles" are provided to allow a "hands on" experience for all visitors.
- Large-scale tactile models of trees recreate the look of a long-lost virgin forest that was an important aspect of the battle. Lighting was carefully designed to create the dappled light of a forest, yet to provide sufficient illumination on text and displays.

Over the past several years, Booker T. Washington National Monument in Virginia has made accessibility a keystone of the park's ongoing mission to visitors and staff. In the last ten years, many park-wide accessibility improvements have been made to visitor and employee facilities and services. Updated accessible visitor and employee facilities include a new parking lot which was completely redesigned to provide a circular flow of traffic allowing for curb-free drop off and curb-free route from all parking spaces to the visitor center. The visitor center entrance/exit doors have been retrofitted with automatic openers. A new universally accessible restroom building has been built replacing very small, minimally accessible restrooms. Most visitor center functions for visitors and employees have been made accessible. New tactile exhibits have been added and the visitor desk was redesigned. The orientation film has been captioned for visitors with hearing loss and a new interactive touch screen program meets the latest standards for accessibility. It has both audio and video for persons with hearing or visual limitations.

DOI Response to the U.S. Access Board Proposed Rule on Outdoor Developed Areas

In response to the U.S. Access Board Notice of Proposed Rulemaking (NPRM) for accessibility guidelines for outdoor developed areas, the Department of the Interior (DOI) requested its bureaus to review the NPRM and provide comments. Comments were received from the NPS, the U.S. Fish and Wildlife Service, the Bureau of Land Management, and the Bureau of Reclamation.

In general, all of the DOI agencies were very supportive of the recommendations made in the proposed rule. DOI had been very actively involved in the Regulatory Negotiating Committee that developed the majority of the proposed rule, and each bureau has been utilizing the recommendations from the report as guidance for the

design and construction of accessible trials, campgrounds, and picnic areas for the past several years. We believe that the guidelines provide excellent information regarding the design and construction of these facilities while at the same time providing guidance for balancing access with the preservation and protection of the resources that we manage.

We recommended that the final rule should be reviewed for consistency with the original Regulatory Negotiating Committee report, and should be reviewed for greater clarity and ease of understanding on the part of the eventual user. We also strongly encourage the Access Board to expedite the completion of the final rule. We believe that adoption of the final guidelines and their incorporation into officially enforceable standards will assist all of our bureaus and our contractors in being more consistent in the design and construction of accessible outdoor developed facilities.

Other activities within DOI

In addition to the NPS, other bureaus within DOI have accessibility programs in place and have undertaken initiatives to improve access by people with disabilities to federal lands.

U.S. Fish and Wildlife Service

U.S. Fish and Wildlife Service (FWS) policy requires that the design and construction of new facilities comply with applicable accessibility requirements and guidelines, including those related to the Americans with Disabilities Act and the Architectural Barriers Act. Under Service policy, proposed projects that have accessibility, public safety, and other critical issues require review and approval by a FWS Regional Engineer before procurement of construction materials and services can occur. These policies apply both to large and small construction projects, such as visitor centers and boardwalks. The following are a few examples that illustrate FWS' commitment to improving accessibility to FWS managed facilities and trails:

- The Federal Lands Recreation Enhancement Act authorizes FWS to collect fees at national wildlife refuges to enhance visitor programs. Many projects funded through the recreation fee program are designed to provide accessible parking areas, sidewalks, boardwalks, interpretive displays and signs. Often, this funding is supplemented by contributions from National Wildlife Refuge Friends organizations, Youth Conservation Corps crews, volunteers, and local communities to meet visitor needs.
- Another important contributor to building accessible facilities is FWS' Visitor Facility Enhancement construction program, which funds small scale outdoor projects such as accessible boardwalks, fishing piers, hunting blinds, and kiosks that allow visitors to get closer to our natural world. Since the program's inception in 2003, hundreds of accessible visitor facility enhancement projects have been completed. Each year, we consider accessibility as a major factor in selecting new projects to fund.
- Several Federal Highway Administration funding programs also offer opportunities to design and build new accessible FWS facilities. One example is the Refuge Roads program which provides funding each year to enhance our trail system—improving accessibility is one of several priority factors used to rank projects for funding. Through employee training programs and facility reviews, the Service strongly encourages the use of the Universal Trails Assessment Process (UTAP) for its visitor services staff dealing with trails. The UTAP was used to inventory and assess the condition of 1400 miles of trails during the past several years.
- FWS is also in the process of updating its Visitor Services Handbook which will offer field stations guidance on how to review and improve their visitor programs and facilities. The new Handbook will include accessibility guidance, a checklist, and references for managers and staff to use when conducting field station assessments, completing comprehensive conservation plans, and planning new facilities.
- FWS has also been involved with the Federal Land Management Agency Working Group assembled by the U.S. Access Board to offer advice and technical assistance on developing rulemaking that applies to outdoor developed areas.
- The National Fish Hatchery System has at least three facilities in PA, NV and WA that are currently being renovated to improve accessibility in a fish culture building and in visitor centers and visitor center restrooms. FWS is providing approximately $137,000 to complete the projects. Two of these projects are being implemented using Visitor Facility Enhancement funding that the National Fish Hatchery System received for the first time in 2008.

The Bureau of Land Management

Toward the goal of ensuring everyone has an equal opportunity to participate in and benefit from its programs and facilities, the Bureau of Land Management (BLM) has conducted comprehensive accessibility evaluations of its recreation facilities for the past several years. More than $3 million have been spent over those years to implement more than 100 Accessibility Corrective Action Projects at the BLM's developed recreation sites, contact stations, and all 18 visitor centers. In addition, all new construction or renovation projects follow the principles of universal design to ensure accessibility for all users.

Projects to reach all audiences have included closed captioning of interpretive videos, remote-viewing stations, raised letter interpretive signs, tactile displays, and wheelchair accessible toilets, picnic sites, counters, ramps, trails, and boat takeout areas. Specific examples of these efforts by BLM include:

- Through an innovative public-private partnership, the award winning Cascade Streamwatch project at the Wildwood Recreation Area just outside Portland, Oregon features a fully accessible viewing chamber actually built within the stream. The chamber presents a rare opportunity for everyone to view fish and waterfowl up close and personal. The project also includes accessible picnic areas and an extensive system of accessible interpretive trails and boardwalks with tactile models of fish.
- The Anasazi Heritage Center in Colorado is fully accessible with a ramped entry, access into the lowered museum pithouse exhibit via wheelchair lift, lowered information counter, and accessible walkways and restrooms. The museum films are captioned, Discovery Drawers are available with touchable artifacts, and exhibits include a large, topographic relief map of southwest Colorado. Innovative interactive computer exhibits offer alternative forms of access to Pueblos located at nearby Canyons of the Ancients National Monument. Accessible trails with interpretive signs also provide access to two 12th century villages.
- The BLM Moab, Utah Field Office completed a project to make Takeout Beach on the Colorado River more accessible to disabled boaters. The newly installed accessible walkway system, shelter, toilets, and loading area greatly facilitate exiting the river by persons of all abilities. A local group of boaters with disabilities, "S'PLORE," volunteered many hours of assistance on this project.
- Pompey's Pillar National Monument Interpretive Center in Montana accommodates visitors with mobility impairments by using a camera which zooms to Captain William Clark's (Lewis and Clark Expedition) original signature on the 150-foot sandstone face of the Pillar, as well as a tactile replica of the signature. The exhibits were all designed with universal accessibility in mind, including sound sticks for visually impaired visitors. The center and exhibits are also physically accessible, including low retail and information counters.

The Bureau of Reclamation

The Bureau of Reclamation has been working both internally and with our recreation managing partners to make priority recreation sites accessible since 1988. Accomplishments by Reclamation vary according to the sites available, extent of public uses, and the financial resources available to the agency and our Managing Partners. At the programmatic level, Reclamation currently is updating our Recreation Facilities Manual and accessibility requirements are being incorporated into the new edition. Recreation site designs continue to incorporate accessibility requirements.

The following is a summary of a few highlight activities from throughout Reclamation's five regions:

- Great Plains Region activities include completing site evaluations and constructing new or retrofitting existing facilities, including comfort stations, campsites, day use sites, and fishing and courtesy docks, to ensure compliance with accessibility guidelines. By 2010, the Great Plains Region will have expended $19,664,000 with Managing Partner contributions of $7,225,000 on all accessibility actions. In 2008, the Great Plains Region and our Managing Partner completed construction of an accessible Nature Center at our Norman Project in Oklahoma.
- In the Lower Colorado Region overlook and Pedestrian Plaza, part of a major project near Hoover Dam on the Arizona-Nevada border. The Nevada Overlook is adjacent to the abutment for the new bridge that is being constructed over the Colorado River. The bridge is approximately 500' downstream from the Dam, and several hundred feet above the Dam and existing crossing. Many accessible features are incorporated into this construction, including the walkway that you can see zigzagging to the bridge, restrooms, and the pedestrian plaza itself. The walkway has been cut into the rock at the 5% grade.

- For the general public, we are looking at ADA accessible trails and ADA interpretive signage at several sites in the Mid-Pacific Region for a variety of disabilities such a wheelchair, visual, hearing, etc. Each disability requires a different approach to resolve the challenges. ADA projects involve: visitor centers, entrance kiosks, restrooms and showers, camping sites, picnic areas, trails, interpretive and educational signage, RV dump stations, water and electrical hookups, floating restrooms, fishing docks, boat launch ramps and docks, marina and boat storage facilities.
- In the Pacific Northwest Region Grand Coulee Visitor Center, Grand Coulee Dam, Washington: In 2006, Grand Coulee opened a newly renovated building, for their visitor center, to remove all barriers within the structure and program. The displays were designed to provide many colors, large print, and hands on activities to provide accessibility for all. Also, listening devices are available that describe each display and guides you throughout the facility so the folks that are visually impaired or blind can enjoy each exhibit. Amplification devices are available for the hearing impaired. At the front desk are brochures that have been transcribed into Braille and large print. The laser light show is an incredible show and very popular attraction so it has also been audio described and is offered on the IPod.
- Through partnerships with BOR and non-Federal public entities in Colorado, New Mexico, and Utah, in the Upper Colorado Region accessibility improvements throughout the area are being accomplished. In Colorado River Wildlife Area for example, BOR is replacing and relocating benches to provide for better access and companion wheelchair seating/transfer. A physical and visual barrier has been placed at a safety hazard on the east end of the North Shore accessible route (excessive slope and water hazard). Additional efforts include concrete shaving to eliminate barriers and tripping hazards along accessible route, installation of a secondary fee tube for accessibility purposes and installation of appropriate signage at accessible parking spaces.

Conclusion

The Department is dedicated to providing the highest level of access that is practical, and is in conformance with the appropriate legal mandates and servicewide policy. It is the responsibility of all of our park superintendents to identify barriers that limit full accessibility, and to take actions to eliminate those barriers. Over the past several years, with the help of our staff, superintendents, consultants, and partners, we have made a great deal of progress toward enhancing the quality of our accessibility program. In spite of the issues that make access improvements difficult, and despite the fact that some inconsistency still exists, the individual parks are continuing to make progress on a park-by-park basis.

Thank you for the opportunity to testify on this important topic. This concludes my prepared remarks and I would be glad to answer any questions that you or the members of the subcommittee may have.

Mr. GRIJALVA. Thank you, sir.

Let me begin with a question for Mr. Pearce. In your experience and opinion, how have the Departments of the Interior and Agriculture responded in implementing the past rules and recommendations made by the Access Board, just as a point of reference for the future?

Mr. PEARCE. I would characterize it as being very receptive, and, in a lot of cases, they were involved in the development of the rules. So the transition between actually development of the rules and implementation of the rules was not that large a stretch. So they have been very supportive and also very responsive to our requests to make their facilities and the outdoor environment more accessible to persons with disabilities.

There have been some areas where it seemed like there may be some problems and where we may have to deal with some issues that would make it a little bit difficult, but I think, by and large, as implementation came along, what we found was that the issues, the concerns, that they had were really resolved by the way that the rule has been developed.

Mr. GRIJALVA. If there were problems in the implementation, how would you gauge those problems to be? Would they be more resource based, in terms of not having the resources necessary in order to fully implement or expedite the implementation?

Mr. PEARCE. Well, I guess my best response to that is, this is the Federal government, and so——

Mr. GRIJALVA. We are not necessarily here to help——

Mr. PEARCE. Anytime we ask questions about if the resources are available, the answer is probably, most of the time, no, that they are not really available. But I do know that, after the last hearing that we had a couple of years ago, that there was an effort to make some additional resources available, and I think that that created a fairly positive response, in terms of having accessibility projects, that they felt like they could utilize whatever resources were available.

Mr. GRIJALVA. So resources are in impetus to expediting implementation.

Mr. PEARCE. Yes, sir. I would say that is correct.

Mr. GRIJALVA. Thank you. Ms. Fraser, in your testimony, I was very interested in the training program, the disability awareness training program that your employees go through. You talked about attitude shift, I think, as part of your comments. In particular, how does that training accomplish that attitude shift from viewing compliance as a burden that the agency has to deal with versus taking pride in the accessibility for all persons in our public lands or in, your instance, the parks?

Ms. FRASER. I think that the disability awareness training really opens people's eyes to the needs that people with disabilities have, people with various types of disabilities also. So much today is focused on mobility issues, but there are many other things that we take for granted in just our ways of communicating with each other that, for people with other types of disabilities, we need to take that into consideration.

I think the training really brought our design staff to a better understanding of the needs that people with disabilities have, and our field staff were better able to identify access opportunities in the natural environment after having this training.

Most of us, unless we know someone with a disability, we really do not know what people's needs would be, and that is what the training does. It helps people understand what the specific needs are and issues that people with disabilities would have.

Mr. GRIJALVA. I had the same experience back when I had another real job as a county supervisor in Pima County in Southern Arizona, and we implemented, and finally got approval from everyone for, the first universally accessible county park. In the design, the selection process for architects, designers, and construction, the Center for Disability Rights played a huge role in putting that together.

What I saw, as you have seen, from the guy having to take care of the grounds to the architects on staff, was a shift, and this park is only 40 acres, but it is the most popular park in all of the county, and that had tremendous impact, not just that little park but the consequence and the results to the staff and to the public in general. Thank you for that comment.

Let me turn to my colleague, Mr. Pearce, for any questions he might have, and then I will come back with questions for the agency folks later.

Mr. PEARCE OF NEW MEXICO. Ms. Fraser, on page 2, you are talking about the difficulty of access in some areas, steepness of the incline or whatever. How do you all judge when it is too much? I am going to follow up with Mr. Pearce to answer the same question. So when is it too hard? Do you actually bump into that, or do you say, "It is never too hard"?

Ms. FRASER. Well, the guidelines provide certain parameters, and when we follow those parameters, we are able to see what an acceptable slope is. For example, the slope of a ramp going into your neighborhood post office is 1-in-12, and that is allowable for a certain distance, and, after that, it would be difficult for someone in a manual wheelchair, and various other things, like cross-slope, which can be very difficult over a certain distance.

But on trails where we have something that goes up a mountain, and we do not want to bring in heavy equipment and have so many switchbacks that we have changed the character of the area, we utilize that universal trail assessment process, in that we just measure what exists on the trail, as far as slope, cross-slope, surface, with any obstructions, and give that information to the public, and they are able to make their own decision, based on their own abilities, as to whether they can do the trail.

So there is a range of opportunities, from wheelchair-accessible trails that follow the guidelines strictly to those where we have not really made any changes, but we measure what is there, and we give that information to the public.

Mr. PEARCE OF NEW MEXICO. And then the same question to you, Philip. Are there circumstances where accessibility is just not practical?

Mr. PEARCE. Yes. There definitely are. In the guidelines, there are what we call "conditions for departure," which means that there are conditions, when those conditions are present, that you can actually be excluded from having to try to make a trail where it does not make any sense to put a trail, where it does not make any sense to completely change the nature of the environment, because the outdoor environment is not like the built environment where you can control the different slopes and cross-slopes and changes in level and those sorts of things.

So we recognize that, and so we have tried to build in opportunities for people to say, "Well, this really does not make any sense here," while, at the same time, not trying to give people too many excuses as to why they cannot make something accessible to persons with disabilities, and I think we have struck a pretty decent balance.

It is one of those things that it has taken about 10 years to get us to the point where we are now, and I am fond of saying, "The bad news is it took us 10 years to get here. The good news is, it has taken us 10 years to get here" because what has happened is we have had a lot of experience, and people have learned how to be able to interpret the rules and to actually make it as accessible as possible without going overboard.

Mr. PEARCE OF NEW MEXICO. Thanks. Mr. Whitesell, a couple of years ago, we had an accessibility hearing for the Park Service, and the comments were made by the Park Service, some representatives at that point, that new buildings had been built, for some time, that were not ADA compliant. Has the Park Service gone back and looked at any of those buildings routinely? Have you had a systematic study, and have you done anything about, I think, the buildings that were built out of compliance?

Mr. WHITESELL. I am joined today by David Park, who is the accessibility program coordinator for the National Park Service and was here in 2006. So, with the Chairman's approval, I would ask David to join me at the table.

Mr. GRIJALVA. Yes, Mr. Park. If you would just state your name and title for the record, I would very much appreciate it.

Mr. PARK. Yes. My name is David Park, and I am the accessibility program manager for the National Park Service.

I think, Mr. Congressman, absolutely, we have gone back and looked at those. I think there has been a number of steps that have been taken over the past couple of years to try to go back and look at our entire process of the way we design and construct buildings.

A lot of our major projects across the country are done by a design center out of Denver called our "Denver Service Center," and they have taken substantial steps, over the last couple of years, to introduce review processes on all of those major projects so that we can avoid having those kinds of problems that were mentioned that came about in the hearing a couple of years ago.

Mr. PEARCE OF NEW MEXICO. Have you actually done any redesign of some of the buildings that were built not in compliance?

Mr. PARK. Yes, there has been.

Mr. PEARCE OF NEW MEXICO. Would you get me a list of the buildings that have been reengineered and the work that has been done on those?

Mr. PARK. We can certainly work with our Denver Service Center to get that information.

Mr. PEARCE OF NEW MEXICO. All right. Thanks. I appreciate it.

Mr. Bedwell, as I contemplate access into the forests, I wonder about the forest, the roadless rules. I will tell you what. I will wait until the next round, but if you would be contemplating what you all are doing in the Forest Service with respect to both access to wilderness areas and then access into the areas where the Forest Service is establishing the roadless rules. Thank you.

Mr. GRIJALVA. Thank you. Dr. Christensen, any questions?

Ms. CHRISTENSEN. Thank you, Mr. Chairman. I really appreciate your having this hearing. I think we have done one in the past quite some time ago. It is important that we address these issues so that all Americans and all visitors have access to our parks, our forests, and the other lands that the Federal government owns.

Before I ask my question, I just wanted to say to Director Bedwell that, as I look at your testimony where it says that the costs associated strictly with accessibility are a negligible percentage of the overall cost of the project once they are taken into consideration from the beginning, I am glad to see that because sometimes cost is the issue raised to object to the kinds of changes that we need to see in our parks and in our public lands to make them

accessible. So I am glad that your testimony says that, once it is considered from the beginning, it is negligible. That is very helpful to us.

I wanted to ask Mr. Whitesell, the associate director, if he could tell us how accessibility needs fit into the agency efforts to comprehensively assess the entire National Park Service asset portfolio.

Mr. WHITESELL. I would be happy to, and Mr. Park may want to add a couple of additional comments.

The National Park Service has looked, as you know, extensively at the entire list of assets that we have, of which there are some 60,000 nationwide that we are dealing with, and, in going through those assets, we are in significantly better shape today than we were two years ago, and certainly than we were five or six years ago, in terms of our ability to be able to identify accessibility needs, to highlight those accessibility needs, in particular, and what I think is most important, as we are going forward with improvements on a particular facility, to make sure that accessibility needs are included within those repairs or rehabilitations or the cyclic maintenance programs that we are responsible for.

The exciting thing about that, I believe, is the fact that, as we do those repairs, it is not just a matter of coming in, say, for instance, that a door has gone bad, and we replace an inaccessible door with an inaccessible door, but, rather, we go through and say, for a few dollars more, as Mr. Bedwell discusses, we can improve access completely by the removal of that facility and the full replacement at one time rather than coming back and doing that again two or three years later.

Ms. CHRISTENSEN. A lot of what has been discussed has been access, in terms of mobility, but we also have other disabilities: sight, hearing. I would ask both Director Bedwell and you, Associate Director Whitesell, about any adjustments that are being made for some other disabilities.

Mr. WHITESELL. Right. As I noted earlier in my testimony, we have gone forward now with a website that provides information for our visitors. I think it has also helped with awareness with our managers to go back and make sure that they have identified particular needs in their parks.

After the last hearing, we went forward, sent a memo from the director of the Park Service asking them to analyze their programs and to come forward and look at the full range of disabilities to say, What are you doing, and what can you do, to make sure that your programs, as well as your facilities, are accessible to all?

Ms. CHRISTENSEN. Mr. Bedwell?

Mr. BEDWELL. Thank you. Yes. There are guidelines, and our policy covers the full range of disabilities, and, since the nineties, we have been assessing all of our facilities and areas for accessibility to all people and integrating them as well.

The mobility thrust of the guidelines deals with a large number of Americans, but we have not forgotten about the others with sight impairments and the like and incorporate that into our interpretive programs. We use tactile interpretative displays, as well as recorded and guided experiences, on the National Forests.

Just if our witnesses would speak directly into the mike—they are having trouble hearing and keeping the recording.

Mr. Sali, any questions?

Mr. SALI. Thank you, Mr. Chairman. First of all, I did an awful lot of work with the folks with disabilities when I was in the Iowa Legislature, and, in my experience, it is always best to hear from those folks, and so I see, as I look through the two panels that we have today, it does not appear to me that we have a person who will actually speak to us who has a disability, a physical disability, who has tried to get out and use some of the public lands.

Now, I know we have a lot of people who represent folks, or are on boards and whatnot that are working with the folks, but, in my experience, it is always best to hear directly from those people and hear what kind of challenges that they are facing. With due respect to everybody here, in my experience as well, often we hear a fairly different view from those folks.

Along those lines, and, Mr. Bedwell, I think, probably I want to put my questions to you. My mother is 84 years old. She walks with a walker, but she still enjoys the outdoors, with the number of outdoor activities that she can engage in. I have a great picture of her, just a couple of years ago, riding on a four wheeler.

When the Forest Service is working on travel-management plans for the forests across the country, and, specifically, in my district, as those travel plans are put together, what kind of consideration in the planning has been done to ensure that those Americans that have disabilities are given access to public lands?

I will let you know that I have not studied the travel plans in detail, foot by foot, mile by mile, but I have not seen that kind of impact taken into account when those travel plans are put together. Can you give us an idea of how that actually works on the ground?

Mr. BEDWELL. Yes, Mr. Congressman. I am glad to hear that your mother is out enjoying the natural environment, as well she should. There is a great number of benefits from being in the great outdoors.

We have over 27,000 miles of trails and over 200,000 miles of roads across our 193 million acres that are open to motorized vehicles. Every one of those either has gone through or is the subject of the travel-management rule and is being looked at in terms of the full range of opportunities. We do look at environmental impacts.

We look at user safety and user conflicts but work through, on a local basis, and look at the full spectrum of opportunities and use public participation to hear all of the inputs on that. I think there are quite a few opportunities for your mother and folks of all abilities to get out and enjoy the National Forests. The travel-management rule will continue to allow us to focus on that.

Mr. SALI. One of the things that I noticed, Mr. Bedwell, is that this national change from the spaces in Federally administered lands, particularly within the Forest Service, being open unless there are noticed that they are closed; from now, everything is closed unless it is noticed that it is open.

In some instances where my mother, for example, could take a less-troublesome route in the past, on an OHV, now all of those op-

portunities are closed, and they are limited to whatever options that the Forest Service dictates they will have to go on. How do you explain that foreclosure of opportunities by that national rule and that change?

Mr. BEDWELL. Well, our previous chief, Dale Bosworth, said that it is important that we get a handle on unmanaged recreation, and if there are damages to the environment, that is an important thing to look at, and that is why the rule was developed.

However, it is not just about restriction. It is about opportunity, and it is about establishing a system of roads, trails, and areas where people will know with certainty that that is a system that they are going to have over time. As I said, 27,000 miles of trails, 200,000 miles of roads, currently, and we are looking at those, one by one, and, although it is a national framework, it allows for local decision-making with public participation to help us set up that system of opportunities well into the future while protecting the land.

Mr. SALI. I will represent to you that I have had some discussions with folks in Idaho that did take a little different view, and I would like to discuss that further with you.

Mr. Chairman, if I may take just one more second, I understand, my staff just advised me, Mr. Pearce, that you are one of those folks that I had thought we should be hearing from, so I do apologize for not having the correct information.

Mr. PEARCE. That is OK. I would easily be able to say that most people who are wheelchair users appreciate it when you do not recognize that they are wheelchair users.

Mr. SALI. There you go.

Mr. PEARCE. I think that is good.

Mr. SALI. Mr. Chairman, may I pursue this with one more question to Mr. Pearce?

Mr. Pearce, I have brought up in hearings before this Committee in the past that I am always concerned when we designate additional wilderness because it just seems to me like, as we designate areas as wilderness, we really essentially are foreclosing anyone with a physical disability from enjoying those areas in the future.

Can you tell me what kinds of plans we are making, or accommodations that we can make, for people with disabilities to enjoy wilderness areas?

Mr. PEARCE. I guess the best response I can give to you is that, in speaking for the Access Board, we do not have any jurisdiction over that; therefore, we do not make any kinds of plans. What we have done is developed a set of guidelines that say, If you are going to build a trail, then here is what you have to do, and here is the accessibilities that you have to include. But it does not require the Federal agencies to open their lands up to specific trails and that sort of thing. That is a Federal agency decision that they have to make.

Mr. SALI. Thank you, Mr. Chairman, for your indulgence.

Mr. GRIJALVA. You are welcome. Let me just follow up with Mr. Bedwell. Could you or Ms. Zeller talk about what it takes to make an area accessible under the Forest Service's current outdoor recreation and trail accessibility guidelines?

Mr. BEDWELL. With your permission, Mr. Chairman, I would like to have Janet Zeller, our current program accessibility manager——

Mr. GRIJALVA. Ms. Zeller, if you would just give your name and title for the record. Thank you.

Ms. ZELLER. Thank you, Mr. Chairman. Janet Zeller, Accessibility Program Manager for the U.S. Forest Service.

Making accessibility a reality on the ground really takes both agency commitment and clear guidelines for direction.

In the 1990s, as Director Bedwell mentioned, we surveyed all of our facilities and determined which were accessible, which were not, and what needed to be done to make those that were not accessible. Since then, whenever we alter or reconstruct an existing building, and when we build new facilities in outdoor developed areas, whether it is an individual camping unit or a scenic overlook or a larger campground, even if it is a primitive toilet on a trail, it is to be accessible in compliance with the Forest Service Accessibility Outdoor Recreation Guidelines.

Another aspect that really helps us to improve accessibility on the ground is that our Forest Service requirement is for 100 percent of all new, altered, or reconstructed facilities in outdoor developed areas to be accessible, and that means, under this 100-percent requirement, it simplifies both the design and the purchase because there is no question as to whether or not a particular recreation site or facility is to be accessible. They all are to be.

In addition, any new or altered trails that meet the criteria are to comply with the trail accessibility guidelines.

So the result of our commitment to accessibility is making a difference on the ground, in that it benefits all people, and all people can recreate in those facilities that are designed by the Forest Service. Whether or not they have a disability, folks can recreate together.

I just have to share that I am an avid wilderness recreator, Mr. Sali, so I really appreciate your recognition that folks with disabilities are interested in recreating in wilderness, and I personally love the difficulty of getting there because I choose that, and I get the great sense of having done it. It requires preplanning and going with some friends, but we can pick the spots we wish to go to, and I know that we also have many places, certainly within the National Forests and, I am sure, within the National Parks, where you would think you were in wilderness, but you could actually drive a motor home there, and it would still be completely within the guidelines.

So I think it is really important that folks have that wide range of opportunities. You can pick if you want that challenge, or if you do not want the challenge, and decide what experience you are looking for. Thank you.

Mr. GRIJALVA. Thank you, Ms. Zeller.

Mr. Bedwell, I understand you also brought a supervisor from one of the National Forests, who has both personal experience in the management and the implementation of accessibility programs in the agency. If you would not mind, introduce the gentleman for the record, and if he has any comments regarding what is being done in his forest.

Mr. BEDWELL. Yes. In the rugged country of Alaska, Joe Meade was our agency's first accessibility coordinator—I was the second, and Janet is the third—and he is now the supervisor on the Chugach, but we will bring Joe up.

Mr. MEADE. Thank you very much, Mr. Chairman. It is an honor to be here and to speak on behalf of the Forest Service about public lands, on the whole, and our passion for ensuring that all Americans have access to our great outdoors.

A couple of areas that I would underscore, in response to your question, the Chugach National Forest, up in South Central Alaska, stunningly beautiful, from a blind man's perspective, the Chugach is vastly unroaded. It is the second-largest National Forest in the system, vastly unroaded. We have 90 miles of forest road.

One would anticipate that we could, and would, be the least-accessible of our National Forests in the system, but because of attitude and leadership, we actually are amongst the agencies' most accessible. You may get there through alternative ways, such as float planes, boats, ferry systems, but when you arrive, we have ensured that, in our constructed features, as Janet so well noted, we incorporate accessibility into all of those facilities through our Capital Investment program.

So it is just a matter of how we approach integrating universal designs for accessibility in our outdoor recreation environments across the board.

Another unique opportunity we have had, thanks to our Congress, has been the ability to take the alternative to transportation for parks and public lands authorities, and, through grants with that and a partnership with the Alaska Railroad, we have actually built whistle-stops up in the heart of the Chugach backcountry.

So folks of all ability can fly into our international airport, arrive by cruise ship to one of our ports, or come up along the "all-American highway," the Seward Highway, in your vehicle, if you can afford $4 a gallon, and, as you arrive, you can go ahead and board the Alaska Railroad and offload in a number of our remote and isolated backcountry areas and enjoy a universally designed set of trails to take you to Spencer Glacier or a whole host of unique, truly backcountry settings, with brown bear and moose and the like, and have a stunning, outdoor recreation experience and, in the near future, actually stay at an accessible, public-use cabin.

I would like to summarize or close by highlighting that all of this is really about attitude and leadership. The folks that are in this room, for the past 50 years, many have been working on the importance of the empowering legislation we have to help ensure that people of all abilities have access to all aspects of our American dream.

The most important ingredient that I can add that we need to still do today is we need more outdoor recreationists with a range of abilities out recreating. We need more individuals with disabilities working for our Federal agencies that help ensure those opportunities are out there, and, through that, we break stereotypes and will be able to frame attitudes that ensure we provide the leadership needed for the accessibility principles that are being spoken of so well by the Committee today. Thank you.

Mr. GRIJALVA. Thank you, sir. Mr. Bedwell, if you would not mind, for the record, if you would place Mr. Meade's entire name and title into the record. I forget to ask the gentleman before.

Mr. BEDWELL. Joe Meade, Forest Supervisor, Chugach National Forest.

Mr. GRIJALVA. Thank you very much. Ms. Zeller and Mr. Meade, your testimony was very compelling and very good. Thank you. Mr. Pearce?

Mr. PEARCE OF NEW MEXICO. Thank you, Mr. Chairman. I will ask Mr. Pearce, you have heard Ms. Zeller's testimony that the Forest Service requires 100-percent accessibility of the campgrounds or whatever. In practical terms, what percent of those, and how do you all deal? In other words, I have been backpacking, and you find facilities a long way away from anywhere, and they would not be practically accessible. How do you all deal with the whole idea of motorized transport?

You heard Mr. Sali's comments that maybe we have accessibility to remote campgrounds, but we do not have the capability to get to the remote campgrounds by the aging, and so what do you all do, as far as motorized access? What is your recommendation from the Access Board?

Mr. PEARCE. The real answer to that question is we do not have any recommendation about how you get there by motorized means. We leave that up to the individual to determine what sorts of transport that they would have to have to get to the kinds of campgrounds and that sort of thing that are available.

In some cases, you are going to have circumstances where someone who uses a walker or uses a cane or something like that, there may be some accessible elements in an outdoor developed area that they simply cannot get to because there is no means of transporting themselves there other than some sort of motorized mobility device. But we do not have anything in our rules about requiring or allowing, either way, mobility devices of any nature.

Mr. PEARCE OF NEW MEXICO. Mr. Bedwell, you had mentioned that there are 27,000 miles of trails and 200,000 miles of roads in the forests. What percentage of the roads would come under the roadless rules that are currently being promulgated by the Service? What is your guess on that?

Mr. BEDWELL. Mr. Congressman, I will have to get back to you with better numbers on that, but my guess would be that it is a very, very low percentage that are actually in roadless areas.

Mr. PEARCE OF NEW MEXICO. You are saying "roadless" or "wilderness"?

Mr. BEDWELL. Well, there are practically none in wilderness, but, in roadless, there are very few of those 200,000 miles of roads. There are some roads in roadless areas, but it is a small amount. There are some trails that experience motorized use at this point that would, based on the public process surrounding the state-by-state roadless process, could still be open for motorized use.

Mr. PEARCE OF NEW MEXICO. Has the Forest Service done any legal inquiries into the lawfulness of shutting down the roads that are in the wilderness areas? In other words, the Second District of New Mexico has the Gila Wilderness, about, I think, three million acres in that one forest system, and the intent is to close the road

that runs right through the middle of it, which would shut off access to anyone who is not able to walk seeing any part of the Gila Wilderness.

So my question is, have you all done legal inquiries into the legality of excluding access into these areas, be it either through roadless rules in the forests or the closing of established roads in the wilderness areas themselves?

Mr. BEDWELL. I am not familiar with that case, Mr. Congressman.

Mr. PEARCE OF NEW MEXICO. Mr. Chairman, I am going to ask that question legally. I think I am going to submit a request that GAO or IG or somebody take a look at that because I am pretty concerned about it. I know, in New Mexico, it is one of the highlights of our entire state, and to say that people who cannot back pack cannot see it is a pretty extreme position, really, and one that I think the Forest Service should ask the legal question. I will make that recommendation today, if this is adequate. If I need to put that in writing, I will put that in writing.

We continue to hear about the limitations of access. Mr. Whitesell, if you were to guess about the Appalachian Trail, about what percent is actually handicapped accessible among the 2,700 miles or so?

Mr. WHITESELL. Sir, I do not know.

Mr. PEARCE OF NEW MEXICO. Just a guess. Is it in the five or six or 10 miles? You mentioned in your testimony some areas that have a mile loop here and a mile loop there.

Mr. WHITESELL. The best way that I think I can answer that question, Mr. Congressman, is that, in the next panel, a member of the Appalachian Trail Conference is going to speak specifically to the sections of the trail.

Mr. PEARCE OF NEW MEXICO. OK. We will ask the same question then. But just in case, if you would answer that in writing, I would appreciate it.

Mr. WHITESELL. Yes.

Mr. PEARCE OF NEW MEXICO. All right. Thanks. Thank you, Mr. Chairman.

Mr. GRIJALVA. Mr. Sali, any follow-up questions?

[No response.]

Mr. GRIJALVA. Thank you.

Before I end with this panel, Mr. Whitesell, there was one question that I would like to follow up on.

How many of the Department of the Interior agencies have a dedicated funding category for completing accessibility projects, and, if so, how do these accessibility projects compete with other categories for project funding? Is there a dedicated source within some of the agencies? That is fundamentally the question.

Mr. WHITESELL. There are. I can speak for the National Park Service that we do not, in the Park Service, have a set-aside program, specifically. We have, on occasion, dedicated a portion of an account to work on accessibility issues, but we do not have a dedicated program.

I am joined by colleagues from the BLM, Bureau of Reclamation, and the Fish and Wildlife Service, and, if you would like, we could certainly have them address that.

Mr. GRIJALVA. Yes. Rather than belabor that point, if your colleagues and yourself could submit to the Committee a response to that particular question about dedicated funding, I would very much appreciate it because part of the assessment I hope to do after this is look at the resource question very, very closely, and your information would be very helpful.

Mr. WHITESELL. Shall do. Thank you.

Mr. GRIJALVA. Mr. Pearce, Mr. Sali, any additional questions?

Mr. SALI. Mr. Chairman, one question for the whole panel. Have any of you ever been to Idaho? What parts were you able to see?

Mr. BEDWELL. The southern part around Boise, Boise National Forest, the middle fork of the Salmon; I have been there.

Mr. SALI. OK. Were you up by the wilderness area up there, Frank Church and that area?

Mr. BEDWELL. Yes.

Mr. SALI. OK. Good. That will help for our discussions going forward.

Mr. BEDWELL. OK.

Mr. SALI. Thank you, Mr. Chairman.

Mr. BEDWELL. I look forward to it.

Mr. GRIJALVA. With that, let me thank you very much for your time and your testimony, and, with that, I will invite the next panel up for their testimony. Thank you very much.

[Pause.]

Mr. GRIJALVA. Thank you very much. Let me welcome the witnesses, and thank you for your time. Let me begin our second panel with Tipton Ray, Wilderness Inquiry. Your comments and testimony sir, and thank you for being here.

STATEMENT OF M. TIPTON RAY, WILDERNESS INQUIRY

Mr. RAY. Good morning, and thank you very much, Mr. Chairman and Members of the Committee, for allowing me to come in here today and talk with you.

I am representing Wilderness Inquiry. My name is Tipton Ray. I am a consultant in private practice. I live in Baltimore but, for about 24 years, lived out in Minnesota, where Wilderness Inquiry is located, and worked for them as one of their trip leaders and on some other projects.

Wilderness Inquiry, based in Minneapolis, is a nonprofit organization which conducts outdoor recreation programs for people of all abilities, utilizing Federal lands as a backdrop for many of its adventures, places like Yellowstone National Park; the Chugach National Forest, which we have heard about today; and also the St. Croix National Scenic River, to name a few.

We offer over 250 events each year, serving more than 9,000 people.

Wilderness Inquiry's stated mission is, and I quote, "to provide outdoor adventure experiences that inspire personal growth, community integration, and enhance awareness of the environment. Wilderness Inquiry adventures encourage people to open themselves to new possibilities and opportunities."

We are committed to integrating people with varying levels of ability on our trips. In fact, Wilderness Inquiry was started in 1978 to demonstrate that people with disabilities can enjoy wilderness,

just like everyone else, on its own terms. Our philosophy is to treat each person as an individual rather than as a disability. We focus on people's abilities and what they can do, not on what they cannot do. We treat every participant equally, recognizing that each has a vital role to play in the success of a trip.

We are recognized as a national and international leader in outdoor adventure programming that includes people with and without disabilities.

In addition to our trips, we partner with many organizations to provide training, outdoor skills workshops at community events, and conduct research or develop curriculum. We have signed memoranda of understanding with each of the Federal land-management agencies. We have also taken the lead on several congressionally mandated studies on how the Federal government can improve access to outdoor recreation.

When talking with prospective participants about our trips, we are up front about the extent and severity of the obstacles they are likely to face. We offer no illusions about accessibility. We do not look for the easiest, most accessible trip or route. We look, instead, for the potential experience offered by an area. We have learned not to depend on accessible outdoor developed areas.

For many individuals with disabilities, having to give up their independence is of paramount importance. They come to the trip aware that they must, at times, rely on the assistance of staff and co-participants to lend a hand with mobility around the campsite and their daily routine, if necessary, like eating, dressing, or those of a more personal nature, such as toileting.

The person with the disability who is more independent at home can sometimes feel helpless and burdensome to staff and the group. Accessible facilities and elements, when provided, afford our participants the opportunity to retain their independence as much as possible, maintain feelings of self-worth, as well as feel included as a valued member of the group.

When participants without disabilities observe those who have disabilities functioning independently, ably, and, in their minds, normally, stereotypes are eliminated, and they start to focus on their co-participants in new ways, as peers, not people who need help.

The Access Board has raised various questions with respect to the number or percentages of elements within outdoor developed areas that should be required to be accessible. Facilities are placed in backcountry areas primarily for resource protection, and visitors are often instructed to concentrate their use at these sites. This is especially true for the Boundary Waters Canoe Area Wilderness, a part of the Superior National Forest and a frequent and convenient destination for us.

We wholeheartedly agree with this management approach. However, that means our groups have no choice but to camp in these established overnight sites. Since we cannot predict where we may stop at the end of the travel day, or which campsites might be available, it is essential that all facilities and elements, when provided, meet accessibility standards.

It can be said that participation on our outdoor adventure trips is "challenge by choice." One can choose to travel into remote and

rugged backcountry, even if that means they will need direct assistance to do so and if that is the type of experience they want. But using a toilet facility, for example, is not a choice. Therefore, it should not be a challenge.

We recognize the difficulties inherent in providing facility and programmatic accessibility to individuals with disabilities in outdoor recreation settings. However, we believe that if Federal land managers choose to modify outdoor environments to protect resources and provide conveniences to visitors, then those facilities and elements should be accessible, to the extent feasible.

If you would like to learn more about our organization, we do have a website. It is www.wildernessinquiry.org. We have a few people in the audience here that we have heard from already who have actually been on some of our trips. If you would like a more personal perspective, we can talk to them.

I would be happy to address any questions that you have, and if I cannot respond to those, I would be happy to take those back to our executive director, Greg Lace, and get back to you. Thank you.

[The prepared statement of Mr. Ray follows:]

Statement of M. Tipton Ray, Consultant, Wilderness Inquiry, Inc.

Mr. Chairman and members of the Committee. Good morning and thank you for giving me the opportunity to speak with you today about a very important subject. My name is Tipton Ray. As a consultant in private practice my professional focus is on recreation programs that are inclusive of children and adults with disabilities. I was also an alternate TASH representative to the Regulatory Negotiations Committee when the proposed guidelines you're addressing were developed. In recent years, I have worked with various organizations to address issues surrounding accessibility of trails and facilities. In 2006, I came under contract with the Appalachian Trail Conservancy, to conduct a comprehensive baseline accessibility assessment of overnight site facilities along the Appalachian National Scenic Trail.

I'm here today representing Wilderness Inquiry (WI), a Minneapolis, MN based nonprofit corporation dedicated to sharing the outdoors with others. They are also a former employer of mine. I would like to share with you the perspective of a service provider, which utilizes federal lands throughout the United States as a backdrop for many of its adventures—places like Yellowstone National Park, Chugach National Forest, St. Croix National Scenic River, and Everglades National Park, to name a few.

Wilderness Inquiry provides all kinds of outdoor adventures for a wide variety of people, including canoe, sea-kayak, hiking, horsepack, dogsled and raft trips throughout North America and the world. Our passion is making high-quality outdoor experiences accessible for everyone, including those who do not typically get out and enjoy the wilderness, especially people with disabilities. Each year we conduct over 250 events serving more than 9,000 people. Our trips are designed for everyone from novices to seasoned outdoor veterans of all ages and abilities. Trip participants come from all 50 states and from around the world.

Founded in 1978, WI is run with 10 full-time staff, 60 part-time staff, and a volunteer board of directors of 21 people. We are not a subsidiary, nor are we officially affiliated with any group or organization. We do partner with many organizations and over the years have signed Memoranda of Understanding with each of the federal land management agencies.

WI's stated mission is "to provide outdoor adventure experiences that inspire personal growth, community integration, and enhanced awareness of the environment. Wilderness Inquiry adventures encourage people to open themselves to new possibilities and opportunities."

We are very committed to integrating people with varying levels of ability on our trips. In fact, Wilderness Inquiry was started to demonstrate that people with disabilities can enjoy wilderness just like everyone else—on its own terms. Over the years, we've come to realize that the notion of "disability" is a very relative concept, mostly related to one's attitude. Integrated wilderness travel tends to destroy stereotypes people have about "disability" and helps us all recognize our common

humanity. Our philosophy is to treat each person as an individual rather than as a disability. We focus on what people can do—their abilities—not on what they cannot do. Our goal is to integrate persons with disabilities seamlessly into our trips without making a big deal about it, and we've been doing it successfully since 1978.

In addition to trips, we have a variety of programs and activities that help fulfill our mission. We do training for other organizations and provide outdoor skills workshops at community events. We also raise money to provide scholarships to make our programs financially accessible to everyone. We have been fortunate to partner with our neighbor, the University of Minnesota, to assist with our training, attract student interns, as well as conduct some very compelling research that demonstrates the positive and sustainable outcomes of integrated outdoor adventures for participants with and without disabilities.

In 1992, we contracted with the National Council on Disability to conduct a study and report, pursuant to Section 507 of the Americans with Disabilities Act of 1990, on the effect that wilderness designations and wilderness land management practices have on the ability of individuals with disabilities to use and enjoy the National Wilderness Reservation System (established under the Wilderness Act—16 U.S.C. 1131 et seq.). We also developed and co-authored (Greg Lais, WI, Joe Meade and Liz Close, USDA-Forest Service) a companion piece to the above study titled, Wilderness Access Decision Tool, under an agreement with the USDA - Forest Service and the USDI—Bureau of Land Management. This tool was developed to help federal wilderness managers make consistent decisions on the use of the National Wilderness Preservation System by persons with disabilities.

In 1999, we came under contract to conduct a Congressional study required by Public Law 105-359 on ways to improve access for persons with disabilities to outdoor recreation opportunities made available to the public on federal lands. The final report was published June 27, 2000 and is titled Improving Access to Outdoor Recreational Activities on Federal Lands. We want to alert you to several recommendations within that report we feel are still relevant today.

The outdoor adventure trips, however, are our "bread and butter" and the reason WI has become a national and international leader in outdoor adventure programming that include people with and without disabilities.

WI will not take a trip into unknown environments. We will scout these potential trip locations with a discerning and careful eye to any and all possible concerns, knowing well the skills and abilities of persons who typically sign-up for WI trips, as well as our own capacity to provide a safe and successful trip. Our risk management procedures require us to have a detailed understanding of what we can expect within a given outdoor recreation setting.

But, I need to emphasize: we do not look for the easiest, most accessible trip or route. We look instead for the potential experience offered by an area. We have learned not to depend on accessible outdoor developed areas, such as trails, beaches, campgrounds, and picnic areas. That said we do appreciate staging areas, trailheads, and campsites, which afford the greatest level of universal accessibility, benefiting all members of the group, including those who may have disabilities.

When WI staff speaks with prospective participants, we share with them what we know about the environment in which we expect to travel. We are upfront about the extent and severity of the obstacles they are likely to face. We can describe to the participant with a disability, with near certainty, that where we are going is not likely to be accessible, even those more developed areas provided by land management agencies. We offer no illusions about what they will be required to do in the backcountry. There are no flush toilets, sinks and showers, or running water, unless it's the river upon which we paddle each day. However, we also provide assurance that as an organization and as a traveling group we will provide the assistance and support each person needs to have a safe and enjoyable experience. From this conversation we identify what accommodations, if any, are necessary for this individual.

For many individuals with disabilities, having to give up their independence is of paramount importance. They come to the trip aware that they must, at times, rely on staff and co-participants, likely strangers all, to lend a hand with mobility around the campsite and, if necessary, assistance with their daily routine, like eating, dressing, or those of a more personal nature, such as toileting, perhaps the biggest concern of ALL participants new to wilderness travel. The person with a disability, who is more independent at home, can sometimes feel helpless and burdensome to staff and the group. Staff is aware of this and is trained to assure that these matters are handled sensitively and the individual is treated with respect and dignity.

Accessible facilities and elements, when provided, afford our participants the opportunity to retain their independence to the greatest extent possible, maintain feel-

ings of self-worth, as well as feel included as a valued member of the group. When participants without disabilities observe those who have disabilities functioning independently, ably, and, in their minds, "normally," stereotypes are eliminated and they start to focus on their co-participants in new ways—as peers, not people who need "help."

Many land management agencies provide essential facilities in backcountry settings, such as toilet risers, picnic tables, fire rings, and tent pads or platforms. Any other creature comforts are those we take along. The Access Board has raised various questions with respect to the number or percentages of elements within outdoor developed areas that should be required to be accessible. Facilities are placed in backcountry areas primarily for resource protection and visitors are often instructed to concentrate their use at these sites. This is especially true for the Boundary Waters Canoe Area Wilderness (BWCAW), a part of the Superior National Forest and a frequent destination for us.

We wholeheartedly agree with this management approach. However, that means our groups have no choice but to camp in these established overnight sites. Since we cannot predict where we may stop at the end of the travel day or which campsites might be available, it's essential that all facilities and elements, when provided, meet accessibility standards. If not, then there needs to be some level of direct accountability that clearly justifies why accessibility is not possible.

It can be said that participation on our outdoor adventure trips is "challenge by choice." One can choose to travel into remote and rugged backcountry, even if that means they will need direct assistance to do so and if that is the type of experience they want. But, using a toilet facility, for example, isn't a choice. Therefore, it shouldn't be a challenge. We would like to particularly commend the Forest Service for their efforts since 1999 to install accessible toilet risers at campsites throughout the BWCAW. The simple, understated design, which blends well with the natural environment, plus the careful placement of these toilet risers, affords our participants the level of independence and privacy they desire.

Research and anecdotal evidence suggests that people with disabilities have the same preferences for outdoor environments, as do people without disabilities. McAvoy (McAvoy, Parks and Recreation, August, 2001), informed by his extensive research on this topic while at the University of Minnesota and often in collaboration with WI, wrote that:

"The very elements that make outdoor areas and programs attractive are their undeveloped nature, their ruggedness, the presence of natural forces at work, and the challenge to interact with nature more on nature's terms rather than our technological human terms."

He found that people with disabilities participate in outdoor adventure programs not for therapeutic reasons, but for the same reasons as people without disabilities: "enjoyment, feelings of self-accomplishment, a connection with the natural world, opportunities to improve leisure skills, to overcome natural obstacles, and to test their own limits." (Therapeutic Recreation Journal, 3, 1989, p.63)

One myth McAvoy (2001) explodes is that "people with disabilities do not prefer the same kind of outdoor environments as do people without disabilities. This myth would hold that people with disabilities do not value outdoor environments, and they would like all outdoor environments made more accessible through development (i.e. leveling, paving, motorized access, etc.)." People with disabilities, generally speaking, DO NOT want to see the wilderness significantly modified in the name of accessibility as this may impact their experiences and the benefits they hope to accrue.

We recognize the challenges inherent in providing facility and programmatic accessibility to individuals with disabilities in outdoor recreation settings. However, we believe that if federal land managers choose to modify outdoor environments to protect resources and provide conveniences to visitors, then those facilities and elements should be accessible, to the extent feasible.

Mr. GRIJALVA. Thank you very much.

Let me now ask Mr. Lew Deal, Director, Outdoor Programs and Support Services, Robison International. Sir?

STATEMENT OF LEW DEAL, DIRECTOR, OUTDOOR PROGRAMS AND SUPPORT SERVICES, ROBISON INTERNATIONAL, INC.

Mr. DEAL. Thank you for allowing me to be here today, Mr. Chairman.

I am probably a fish out of water here, with all of these other folks. I am a retired Marine Cobra pilot, and I began working with disabled veterans when I was still on active duty in 1993 at Quantico, Virginia. My goal was to establish a permanent, full-blown, hunting program for some of my buddies who came back and were shot up pretty bad.

From there, I learned a great deal about what was going on on military lands and went on to help pass the Disabled Sportsmen's Access Act, and, from that, working with organizations like the Paralyzed Veterans of America and now also with the Armed Forces Foundation, we are trying to provide opportunities for wounded warriors and disabled veterans to access the out-of-doors.

I have been involved with programs and projects from Alaska to Florida, and while there were a lot of things talked about here today about access and programs, I would like to talk about one narrow aspect that I think is a very critical aspect.

When you provide access to an area, I can take wounded from Walter Reed or Bethesda, put them in a wheelchair-accessible van, drive them down a road, and get them out on a trail, but if they want to hunt, there is another piece to that puzzle that you need to think about, or I would ask you to consider, and that is adaptive equipment.

There is a variety of things off the shelf that you can put out there that will allow an individual to enjoy the out-of-doors on a hunting program safely and, once it is over with, take that away. I heard someone talk about building ground hunting blinds. That is OK. We did that at Quantico, but it takes away from the natural environment. It is also a maintenance problem, and things change, and animals pattern differently.

So I would ask that the agencies look at some of the off-the-shelf products that are out there. There is a device called a "Huntmaster." We have put about 40 of these—"we" being the Paralyzed Veterans of America and other organizations—across the country.

It is a stand. It is on a trailer. It goes up 21 feet. It is fully enclosed, and another safety aspect: If I am working with a young man out of Walter Reed that lost both of his legs, and he is out there trying to hunt, and it is cold, I have a real safety issue. You can control that environment for that individual. Put a heater in there, and everything is fine. If it starts to rain, you do not have to worry; he can stay in there.

The other thing with these mobile, pop-up blinds and the Huntmaster: When you are done, you take them away, and you can store them for the wintertime and bring them back out whenever you need them. They are also a great platform for wildlife viewing. I have had older veterans who said, "I do not want to hunt anymore, but my granddaughter likes to take photos." They go out, they sit in the Huntmaster, and they take photos of deer, turkeys, et cetera.

In the programs, I do not know if these agencies are reaching out to the veterans' hospitals. We view outdoor activities as recreation, but, for these folks, it is therapy. I have been there now for a long time, watching the impact it has to get somebody out and let them enjoy the out-of-doors and feel whole again and the socialization.

I do one in Alcalde, New Mexico, every year. This past year, I had seven wounded Marines, varying from amputees, gunshot wounds, shrapnel, and even burn victims. All seven bagged an elk. One of them came up to me afterwards, and he said, "Sir, that is the most fun I have had since my honeymoon." I said, "Don't go home and say that, please."

But that is what I am trying to say today. Please look at adaptive equipment off the shelf. Get it out there and provide a safe and sporting hunt for these individuals.

Also, the fishing piers; we have one at Quantico. It is superb. Fishing is the number-one activity. We have also provided wheelchair-accessible, pontoon boats to military bases and other places, free of charge.

That is all I have got. Any questions, and thank you for letting me be here today.

[The prepared statement of Mr. Deal follows:]

Statement of Lt. Col. Lew Deal, USMC (Ret.), Director, Outdoor Programs and Support Services, Robison International, Inc.

Dear Mr. Chairman and Members of the Subcommittee,

Thank you for allowing me to testify before this Subcommittee today. I will be short and to the point.

I have been involved with providing outdoor recreational opportunities for disabled individuals for a number of years. In 1993 at Marine Corps Base Quantico, VA, I initiated a fully integrated hunt program for disabled veterans. This program allowed mobility impaired veterans to hunt the entire season from specially constructed ground blinds in specifically designated areas. Later, we were able to improve the program with a mobile elevating stand. From this experience I then went on to help with drafting and the passage of the Disabled Sportsmen's Access Act of 1998 (Public Law 105-270). I am currently working with the Paralyzed Veterans of America, the Armed Forces Foundation, and the North Carolina Handicapped Sportsmen's Association to continue providing disabled individuals with outdoor recreation experiences.

There are many topics that could be addressed in these hearings. I would like to focus on just one key element in providing recreational access for disabled individuals. The use of adaptive equipment can be the critical component in a successful and safe outdoor program. The main emphasis of our programs over the years has been on hunting, fishing, and wildlife viewing. I view adaptive equipment as the critical bridge between accessibility and participation in traditional outdoor sports for the physically challenged.

For fishing: A wheelchair accessible pontoon boat has proven to be the best choice. Not only does it provide a stable platform, it also allows the wheelchair individual the opportunity to pilot the boat. Providing independence and mobility on the water! There are also numerous wheelchair accessible fishing pier designs available. MCB Quantico has an excellent wheelchair accessible facility.

For hunting: There are a variety of blinds and stands that can be utilized. However practical experience gained from hunts across the nation, a mobile and elevating stand provides the best option. Since the passage of the Disabled Sportsmen's Access Act, the Paralyzed Veterans of America have been donating a device called the Huntmaster to military bases, state wildlife agencies, the Army Corps of Engineers, and the National Wildlife Refuge System. The fully enclosed compartment goes from ground level to twenty-one feet. It is mounted on a trailer and can be easily towed. This inherent mobility allows for relocation as conditions change and leaves no permanent ground signature. There is room for two individuals in the weather proof compartment: a very desirable capability with young hunters. As an added bonus, this type of equipment can also be used for wildlife viewing.

I have seen first hand the importance of participation in outdoor activities has on disabled individuals, especially our wounded service members. It is more than just recreation—it is rehabilitation. A major goal in accessible outdoor recreation is to foster independence in our disabled Americans. The introduction of adaptive equipment can allow for a safe and rewarding experience for all.

Thank you for allowing me to be here today. I would be happy to answer any questions you may have.

Mr. GRIJALVA. Thank you, sir.

Let me now ask William Little, Chief Executive Officer, BarZ Adventures, Inc. Your comments, sir?

STATEMENT OF WILLIAM LEE LITTLE, CHIEF EXECUTIVE OFFICER, BarZ ADVENTURES INC.

Mr. LITTLE. Hi. Hello. I am Lee Little, and I am the CEO and founder of BarZ Adventures. My company has developed the GPS Ranger. It is an automated tour guide system. This product was designed with the visitors to the public lands in mind.

When we speak of "visitors," we mean equal access for all. The GPS Ranger is a rugged, hand-held computer with built-in GPS receiver, and how it works is when a person comes within range of a point of interest, the GPS Ranger will automatically present or trigger preloaded, multimedia content. This content can be audio, video, text, animation, historical photos, music, or any combination thereof.

The GPS Ranger can be used for creating walking, driving, boating tours for any location in the world. Tours can be developed for any demographic, any language, and address any disability. GPS Rangers are currently deployed at eight different locations within the National Park System. They are also in zoos and city walking tours in North America.

In developing the GPS Ranger product offering, the importance of ADA compliance became abundantly clear. After being asked by Harper's Ferry Media Center staff about the Ranger's capability to meet ADA, we incorporated ADA compliance into our hardware- and software-development strategy.

The GPS Ranger supports accessibility for the deaf and hard-of-hearing through the use of captions and sign language. In response to the NPS Media Center's request, and at our expense, we developed the first captioning tour at Martin Luther King, Jr., National Historical Site.

Recently, we went one step further with the creation of a full-captioning and American Sign Language tour as part of our installation at the Independence Visitors Center, part of the Independence National Historical Park. At this venue, you can get a GPS Ranger in five languages, all with captioning, as well as in sign language.

In Philadelphia, we added ASL, at our expense, to prove that we can support ADA statutes and set the bar for equal access for interpretive information.

The GPS Ranger has been approved by the National Center on Accessibility, an organization, I believe, that is supported by the National Parks.

For those with visual impairments, the GPS Ranger can be programmed to offer a full-audio-description tour that is triggered automatically based on the location of the user.

The GPS Ranger helps those with physical disabilities by highlighting the availability and the locations of accessible amenities in the outdoor developed areas. As public lands make available accessible picnic tables, fire rings, trails, and ramps, communications at those amenities is easy and accurate on the system's GPS-activated maps.

The GPS Ranger is a completely noninvasive system. The system does not require any additional signage, nor does it require any special antennas or other technology infrastructure.

Utilizing the GPS Ranger system to deliver on-site information relieves the significant expense of physical signage purchase, physical signage installation and maintenance, and it helps maintain the beauty of outdoor areas.

The GPS Ranger can be programmed to meet your goals of full access for all visitors. Throughout the public land system, there are a variety of tour solutions which are not ADA compliant. Those include audio tours found at Ellis Island and the Statue of Liberty, Alcatraz, and the USS ARIZONA; cell-phone tours, which are available at Valley Forge and right here on the National Mall; and MP3 audio tours, which are found at numerous venues.

The GPS Ranger is a cost-effective, communication platform for expanding accessibility and also to support the interpretive mission of the parks by providing meaningful, interpretive content for all visitors.

As I mentioned, our system can be programmed to support multiple "tours," both for the accessible market, as well as for the general domestic and international visitor.

Traditionally, supporting accessibility is difficult and expensive in the public lands. A few weeks ago, my company was at the Grand Canyon in a meeting with the chief of interpretation. While there, a request for a sign interpreter was made so that a deaf visitor could visit the park. The NPS staff told us that meeting this request is time consuming, complicated, and costly to find personal sign interpreters for their deaf visitors.

The GPS Ranger, with sign language, captioning, and audio description, offers multiple benefits. It saves the park from the ongoing expense of providing sign interpreters. It allows the deaf and the visually impaired visitor the freedom to show up and tour the park on their own schedule and at their own pace.

In nearly all of the cases, the GPS Ranger will pay for itself in a matter of months.

In closing, I hope that this Committee will take a leadership role to address access on public lands. The position you will take will have a trickle-down effect outside of the Federal land system and affect decisions in state parks, theme parks, zoos, public gardens, and museums. With your leadership, you can raise the bar for all venues, which will pave the way for equal access for all. Thank you.

[The prepared statement of Mr. Little follows:]

Statement of Wm. Lee Little, Founder, CEO & President, BarZ Adventures Inc., Austin, Texas

Introduction

My name is Wm. Lee Little and I am the founder and CEO of BarZ Adventures, and the inventor of the GPS Ranger™ video tour guide solution that delivers multimedia content based on location using GPS (Global Positioning System) technology. The GPS Ranger system is a proven technology that can assist the National Parks, Forests and Public Lands in expanding access for people with disabilities.

Executive Summary

The GPS Ranger multimedia tour guide system offers a quality and cost effective platform solution for the National Parks, Forests and Public Lands to meet ADA

guidelines and expand access to Federal Lands for people with disabilities. An electronic platform that delivers geo-referenced content based on location, the system allows the park service to meet several accessibility challenges with one solution. Due to the flexible nature of the system, the GPS Ranger has the ability to deliver a variety of information in a variety of different methods, in any language and captioning and quick content updates can be made so data is timely and accurate.

Contextual Background

According to the 2000 U.S. Census, there are 56 million people with disabilities in the United States. Of the 69.6 million families in the U.S., 20.3 million families have at least one member with a disability.

According to Harris Interactive, 71% of adults with disabilities (or more than 22 million people) have traveled at least once in the past 2 years. This includes 21 million pleasure/leisure travelers. There is also a subgroup of more frequent travelers in the disability community—20% of all adults with disabilities travel at least 6 times every 2 years.

Disabled Americans are visiting the country's National Parks and Public Lands in greater numbers, and these visitors deserve equal access to outdoor developed areas. With such substantial numbers of disabled travelers in the United States, the decisions, statutes and regulations placed regarding equal access to Public Land resources will have wide-spread and far reaching consequences to the American public.

Background

The GPS Ranger™ automated tour guide system was designed with the National Parks and Public Lands visitor in mind.

The idea for the GPS Ranger came in 2001 while visiting Yellowstone National Park. The maps and navigational aids that were available to visitors were simplistic, interactions with park rangers were nearly non-existent and accessibility to many park highlights was extremely limited and only for the English speaking, able-bodied visitor.

After leaving Yellowstone, I continued to ponder this situation. I wondered why people continue to visit and support the parks if the resources are not in place to learn and experience the greatness of the venue.

Doing some research, I learned about the three tenants of the NPS: protect, preserve & educate. Those three tenants are valuable for all Public Lands. My experience in Yellowstone started the gears in motion for the development of the GPS Ranger automated tour guide system with the goal to meet all three tenants. The GPS Ranger meets all three and also meets accessibility needs.

The GPS Ranger™ System

The GPS Ranger is a hardware and software communications platform that is designed to "trigger" location based or geo-referenced multimedia for electronic story telling.

Here is how it works: Every point on earth has a latitude longitude coordinate beamed down from the 24 GPS satellites orbiting the planet. The GPS Ranger is a rugged handheld computer with a built-in GPS receiver. When a user comes within range of a point of interest, the GPS Ranger will automatically present or "trigger" a multimedia file that has been stored in the unit to correspond with that location. This file can be audio, video, text, animation, historical photos, music, or any combination thereof.

BarZ Adventures offers everything needed to create a complete educational, entertaining and accessible interpretive tour solution, including custom hardware, software and multimedia content creation. We work with clients in varying degrees to utilize their existing interpretive content and media holdings to create or assist them to create their GPS Ranger tours. For someone comfortable in developing multimedia content, they will find that developing a GPS Ranger tour is neither difficult nor expensive since we use industry standard multimedia content creation tools.

BarZ Adventures can create walking, driving, or boating tours for any location in the world, for any demographic and in any language. This also means we can create tours to address any disability.

GPS Rangers are currently deployed (through cooperating associations and concessionaires within the resource, unless otherwise noted) at:

- Martin Luther King Jr. National Historic Site
- Vicksburg National Military Park
- Death Valley National Park
- Cedar Breaks National Monument
- Shenandoah National Park

- Independence National Historical Park (through the Independence Visitor Center Corporation)
- Zion National Park (through an independent tour operator)
- Bryce Canyon National Parks (through an independent tour operator)

Please See Image 1 in Exhibits Attachment

In addition to National Parks, GPS Rangers are currently available at zoos and city walking tours, both domestically and internationally.

The GPS Ranger Provides Support for ADA

During the product development stage, BarZ Adventures met and presented the GPS Ranger technology to the leaders at Harpers Ferry Center, the interpretive media center of the NPS. During the presentation, I was asked about ADA compliance. At their strong encouragement and at an expense completely bore in-house, BarZ embarked on developing the technology to support ADA guidelines.

The GPS Ranger system now allows consistent interpretive and guiding information to be delivered to all, regardless of ability or disability, which can be utilized to support ADA compliance efforts in a number of capacities.

The GPS Ranger Offers Digital Signage

The GPS Ranger is proficient in helping those with physical disabilities by highlighting availability and locations of accessible tools and amenities in outdoor developed areas. As new construction and alterations are made to Public Lands such as the addition of wheel chair accessible parking, picnic tables, fire rings, camping spaces, ramps, restrooms, etc., communication of such amenities is easily and accurately communicated to visitors on the system's GPS activated maps. Electronic presentation of facilities information allows users to drill down into menus easily for greater detail.

Please See Image 2 in Exhibits Attachment for example

In line with proposed guidelines (T321.2), trail signage describing the running slope, cross slope, clear tread width, surface type, trail length, trail elevation (at trailhead); and maximum elevation attained can all be entered into the GPS Ranger platform database, communicated to visitors both on location or on demand, and can be updated as needed instantly and cost-effectively as facilities development evolves.

The back-end system of the GPS Ranger allows approved administration to log into the protected Central Editing Facility and update content quickly with the click of a mouse. Information is updated nightly to all of the GPS Ranger units (as they are stored and charging on the venue rack) or a manual sync of new information can be instituted during the day if important updates need to be reflected on the devices for visitors to see immediately. The low-cost and ease of updates allows information to be communicated to visitors without the long lead time of ordering physical signage or brochures and without the substantial expense.

The digital platform of the GPS Ranger system allows powerful information, such is available from the "National Parks: Accessible to Everyone" online resource, to be delivered dynamically when and where it is most needed, as disabled visitors are out experiencing America's Public Lands. Information is power and readily available accessibility information will further empower all Americans to take advantage of this country's vast outdoor developed and recreational areas.

The GPS Ranger Supports Other ADA Efforts

The GPS Ranger supports accessibility for the deaf and the hard of hearing through the use of captioning and sign language. Interpretive information, facilities advisories and any other audio content can be delivered through captioning and/or ASL to deliver functional equivalency and equal access to such content. The time consuming and often costly task of securing sign interpreters is by-passed by offering an electronic interpretive tool that can communicate with everyone, regardless of ability or disability.

BarZ Adventures is committed to expanding accessibility through its products and has partnered with CSD (Communication Service for the Deaf) to bring deaf and hard of hearing friendly tours to venues across the nation.

According to Rick Norris of CSD (from an Associated Press article related to the Independence National Historical Park GPS Ranger tour in ASL), "There are 28 million people who could conceivably benefit from this. (They) are looking at this to be something that could catapult or launch a nationwide trend, where a lot of our national parks or zoos, anything with a guided tour, would have this sort of technology,"

Please See Image 3 in Exhibits Attachment

The GPS Ranger also delivers consistent messaging to the visually impaired with full audio description that is triggered automatically based on location of the user. The GPS Ranger has been approved by the National Center on Accessibility and the National Association of the Deaf for its ability to meet the needs of visitors with disabilities.

The GPS Ranger Does Not Undermine Preservation Goals

The GPS Ranger system is a completely non-invasive interpretive solution. The system does not require any additional signage or waypoints, nor does it require any special antennas or other technology infrastructure for system deployment and repetitive usage by visitors.

Signage is subjected to the elements and can be costly to maintain and update with new information, not to mention the degenerative effects which excessive signage can have on the scenic beauty of Public Lands.

Please See Image 4 in Exhibits Attachment

The GPS Ranger platform simply utilizes the existing GPS signals that are fully operational in all of our Public Lands. GPS Ranger systems utilized to deliver onsite information as digital signage relieves the significant expense of physical signage purchase, installation and maintenance and helps to maintain the unfettered beauty of outdoor areas.

The GPS Ranger is the Better Way to Offer Equal Access to Public Lands

The GPS Ranger can be programmed to meet federal goals for full access to Public Lands for all visitors.

In response to the NPS's media centers request and at our own expense, BarZ Adventures developed the first GPS Ranger captioning tour at Martin Luther King Jr. National Historic Site in 2007. Understanding the importance of the need, we initiated the creation of full captioning and American Sign Language tour versions as part of our installation of the Independence National Historical Park tour. At our expense, we decided to add the ASL tour version to prove that the GPS Ranger can support ADA statutes and to set the bar for accessibility for interpretive information.

Please See Image 5 in Exhibits Attachment

Throughout the Public Land system there are a variety of tour solutions on offer which are not ADA compliant. At Ellis Island and Statute of Liberty, Alcatraz and at the USS Arizona, to name a few, there is an audio-only solution in place that doesn't address ADA statutes. Furthermore cell phone tours are becoming more popular and common. The Boston Freedom Trail, Valley Forge, and the National Mall are just some of the few parks which use cell phone tours to deliver interpretive content which is not equally accessible to all visitors and which are not ADA compliant. Earlier this month, we received an open RFP for an audio-only museum tour for the Smithsonian American Art Museum which is also not in line with ADA guidelines for providing equal access to all visitors. These examples illustrate that venues and resources in both the public and private sector need guidance in expanding access for people with disabilities.

The GPS Ranger is a cost effective communications platform not only for accessibility reasons but also designed to support the interpretive mission of the Parks by providing rich and meaningful content at the point of interest of the visitor. As mentioned earlier, the GPS Ranger system can be programmed to support multiple "tours" both for the accessible market as well as for the general domestic and international visitor to meet the interpretive goals of the resource. "Universal design" allows the Ranger unit to be used to enrich the experiences of all visitors to Public Lands—the young or old with age-appropriate content, the disabled with accessibility specific information or the non-English speaker with content delivered in any kind of foreign language or ASL.

Traditionally, supporting accessibility is difficult and expensive in the Public Lands. A few weeks ago, a BarZ Adventures representative was at the Grand Canyon in a meeting with the Chief of Interpretation. While there, a request for a sign interpreter was made so that a deaf guest could visit the park and experience the interpretive messages like other visitors to the park. In this circumstance, the NPS staff reported that finding personal sign interpreters for their deaf visitors is complicated due to timelines and the logistics of their remote location, as well as costly to secure and not 100% reliable.

Closing Thoughts and Way Forward

The GPS Ranger with sign language, captioning or audio description offers multiple benefits. It saves the park or resource the on-going expense of providing sign interpreters; it allows the deaf and visually impaired visitor to arrive without extended pre-planning and tour the park on their own schedule and at their own pace. A consistent and quality message is always delivered and there is never of the problem of "no-shows" of hired interpreters. Furthermore it minimizes the amount of special way-finding signs that are needed to be constructed and maintained to accommodate these audiences, while also delivering more detailed and up-to-date data about accessibility features in the field where it is most needed and valued.

In nearly all cases, the content creation, set-up and installation costs of the GPS Ranger system can be recouped or off-set within a matter of months.

The GPS Ranger platform can be purchased by the Park Service or resource administration and rented to park visitors for a fee or donation, or borrowed free of charge. The systems can be underwritten by donors such as the National Park Foundation or corporate sponsors. Additionally, GPS Ranger systems can be leased by cooperating associations or concessionaires and then rented to park visitors for a low daily fee. Today the GPS Ranger tour is available to National Park visitors for about the same cost as a movie ticket.

The GPS Ranger is proven technology that is enjoyed and valued by visitors, and that is ready to be deployed now to address accessibility issues and expand access to federal lands for people with disabilities.

In closing, I hope that this committee will take a leadership role to address access in Public Lands. The position you take will have a trickle-down effect outside of the federal land system and effect decisions at venues such as the Smithsonian which is currently considering an audio-only tour. State parks, theme parks and attractions, zoos, arboretums and gardens, city walking and college campus tours will all be affected by the decisions and guidance that is handed down from this committee in regards to accessibility to outdoor spaces and venues across the United States.

I welcome your comments or questions.

Mr. GRIJALVA. Thank you very much.

Now, Mr. David Startzell, Executive Director, Appalachian Trail Conservancy. Thank you for being here. I look forward to your testimony.

STATEMENT OF DAVID N. STARTZELL, EXECUTIVE DIRECTOR, APPALACHIAN TRAIL CONSERVANCY

Mr. STARTZELL. Good morning, Mr. Chairman and Members of the Committee. I am kind of a simple footpath guide, but, actually, I would like to make use of a little technology this morning and rely on PowerPoint because it will allow me to best illustrate some examples of accessible design that we have incorporated along the Appalachian National Scenic Trail.

Just some quick facts. A question came up earlier about the length of the trail. It is actually just shy of 2,200 miles, extending from Maine to Georgia, generally following the crests of the Appalachian Mountain chain. It was developed initially in the 1920s and 1930s, and it is almost entirely designed, constructed, and maintained by volunteers.

Some characteristics about the Appalachian Trail are somewhat relevant to the discussion today because some of those characteristics do conspire to add to the challenges of incorporating accessible design. Many of these characteristics are also representative of a lot of other backcountry trails in the United States, such things as primitive character, limited motor vehicle access, significant topographic variation, many natural barriers, and so forth.

Notwithstanding those challenges, we have gained some experience, in the last eight years or so, in developing some accessible

segments of the trail, as well as some accessible backcountry campsites. The first of those was in Falls Village in Western Connecticut. This was developed in the year 2000. It is about a one-mile loop trail, about half of which serves as the right-of-way for the Appalachian Trail, generally following the banks of the Housatonic River there. A recent count indicated a visitation of about 23,000 visitors along that segment in the year 2005.

Our largest project to date is in Western New Jersey, in Vernon Township, involving the Pochuck Creek wetland area. It is a very substantial wetland area. There, we developed a boardwalk across the wetland, 6,000 feet in length, as well as a unique suspension bridge. We adapted a new system for us, using Chance helical piers. The advantage of those is that they are lightweight, and they can be sunk to varying depths. In the case of the Pochuck, some of those were sunk to a depth of 40 feet. This project was installed almost entirely by volunteers.

Another example of a boardwalk design, again, using the helical pier system, as well as a land-based portion, is in Killington, Vermont, an area called Thundering Falls. Those two sections eventually lead to what the Access Board would call the "primary feature," in this case, Thundering Falls, appropriately enough. This was just opened last year.

Unlike the other examples, this is a more highlands area, the Osborne Tract in an area called Shady Valley, Tennessee. This would be in Mr. Duncan's back yard. There, we developed a .7-mile graded and graveled pathway. This is not a loop. It involves a turnaround at the end. Technically, that bench does not meet standard because there is no back support, but I think we have since added that.

The next example, actually, is not built yet, and I did not include this solely for Mr. Hinchey's benefit, but this in Bear Mountain State Park. I included it, rather, because this ultimately will probably enjoy some of the highest visitation we will see anywhere along the Appalachian Trail. It is a very popular section, only 40 miles from New York City. The summit, which is where we are developing the accessible segment, currently gets visitation of about a half a million people per year.

Just some general conclusions. In terms of our experience to date, these kinds of accessible trail segments seem to work best where we have proximate road access, where the topography is fairly forgiving, and so forth.

Conversely, it is much more challenging. These are not absolutes, but it is more challenging where we do not have good road access, where there are a lot of barriers where there is significant topographic variation and where we have conflicting-use problems.

I have not spoken much this morning about overnight campsites, but we have, again, had some experience with those. At this point, we have developed perhaps six or eight, primarily in our southern region, in the National Forest System. It has been our experience that we can pretty easily modify our shelters or lean-to's to accommodate transfer from wheelchairs. We can also provide toilet enclosures or privies that can accommodate wheelchair access, although it does require a little larger footprint, a little larger enclosure.

But in none of those instances that I am aware of do the trails leading to those campsites or the trails connecting those elements currently meet standards.

And, last, I am sure this is a familiar mantra to this Committee, but if we seriously want to advance opportunities for access on our public lands, there is a need for more training, more resources for trail construction and maintenance, and more administrative support. Thank you.

[The prepared statement of Mr. Startzell follows:]

Statement of David N. Startzell, Executive Director, Appalachian Trail Conservancy

Dear Mr. Chairman and Members of the Subcommittee:

My name is David N. Startzell and I am the executive director of the Appalachian Trail Conservancy (ATC). I have been asked to serve as a witness today to discuss the issue of access for persons with disabilities to outdoor environments, especially those administered by the various Federal land-management agencies, and to share some examples from my organization's experience in designing and constructing accessible trail segments and overnight camping areas along the Appalachian National Scenic Trail (ANST), even in some rather challenging and remote environments.

By way of background, the Appalachian Trail Conservancy (formerly known as the Appalachian Trail Conference) is a private, nonprofit, educational organization founded in 1925 to coordinate private-citizen as well as public-agency efforts to design, construct, and maintain the Appalachian Trail and to conserve and manage adjacent lands and resources. ATC has a membership base of approximately 37,000 individuals and also is a federation of 30 affiliated hiking and outing clubs throughout the eastern United States, each of which maintains an assigned segment of the trail.

The Appalachian Trail is a 2,176-mile footpath extending from Maine to Georgia through 14 states generally following the ridgelines and major valleys of the Appalachian Mountains range. The A.T., as it is known, was initially constructed between 1923 and 1937 and has existed as a continuous long-distance footpath since that time. In 1968, the trail received Federal recognition through the National Trails System Act as the nation's first national scenic trail and today is administered as a unit of the National Park System. Notwithstanding its Federal status, from its earliest beginnings, the Appalachian Trail and its associated facilities (e.g., bridges, shelters, privies, signs, etc.) has been constructed and maintained largely by a corps of dedicated volunteers that today numbers more than 6,000 individuals who, each year, devote approximately 200,000 hours of labor on a wide range of trail-, resource-, and visitor-management programs and services.

With respect to the issue before the Subcommittee today, it should be noted that the Appalachian Trail Conservancy has considerable experience, both with the accessibility guidelines that have been under development by the U.S. Architectural and Transportation Barriers Compliance Board (aka-Access Board) and with the "real world" implementation of those guidelines in the field at various points along the Appalachian Trail. Two representatives of the Conservancy—myself and also Peter Jensen, a former member of our board—served as an alternate and as a member, respectively, on the Regulatory Negotiation Committee that was established by the Access Board in 1997 to explore the development of appropriate guidelines for outdoor developed areas. More recently, representatives of ATC also actively participated in the formulation of the USDA Forest Service's guidelines, including the Forest Service Trail Accessibility Guidelines (FSTAG) and the Forest Service Outdoor Recreation Accessibility Guidelines (FSORAG), which were adopted by that agency in 2006.

Since the late 1990s, ATC and its affiliated clubs have strived to apply the emerging guidelines in a number of areas along the Appalachian Trail, including a number of significant trail-reconstruction projects where accessible segments and/or facilities have been successfully incorporated into the design. ATC also has provided training to members of its staff and to volunteers within our affiliated-club network about the Forest Service and Access Board guidelines and related issues and has developed a design guide: Increasing Opportunities for Access on the Appalachian Trail, drawing on a number of case studies.

With reference to the proposed guidelines, our participation in the Access Board's regulatory-negotiation process proved to be illuminating. As an outgrowth of that

participation, we fully appreciate the challenges faced by the Access Board and by the Federal land-managing agencies in attempting to develop an overarching framework for the application of accessibility guidelines in outdoor environments. We also gained a heightened appreciation for the challenges faced by persons with disabilities in attempting to access outdoor environments. Initially, during the early stages of the regulatory-negotiation process we, along with a number of the Federal agency representatives, tended to favor the application of different standards based on physical characteristics or setting (e.g., front country/back country, Recreation Opportunity Spectrum or ROS classifications). Ultimately however, we joined the majority of our colleagues on the committee in embracing the so-called "exceptions-based" approach reflected in the committee report and in the current draft guidelines. Our reasons were two-fold: (1) The exceptions-based approach appeared to offer the greatest opportunity to infuse accessible design into the trail-design and construction decision-making process; and, (2) an exceptions-based approach seemed less arbitrary than some other approaches (e.g., mandated percentages) and also permitted reasonable flexibility to the designer or land manager to adapt to the prevailing conditions of the setting. The experiences we have gained in the intervening years since the regulatory-negotiation process in applying an exceptions-based approach have supported this conclusion.

During the regulatory-negotiation process we did, however, strongly advocate for several of the four conditions for exception incorporated in the current draft guidelines and we continue to support those conditions as both reasonable and essential in order to adapt to the widely varying conditions encountered in outdoor versus built environments. Consider, for example, Condition 4, which permits exceptions from the technical provisions of the guidelines where compliance is not feasible and/or practicable due to physical characteristics of the terrain or due to prevailing construction practices. Such flexibility is essential in many "backcountry" areas and along many trails where trail segments often are located in remote areas and where physiographic characteristics of the recreational setting can impose significant constraints. Also, while many trails are situated on Federal lands, many of them are constructed and maintained not by Federal-agency personnel but rather by volunteers who rely on hand tools far more than mechanized or motorized equipment and who, for the most part, make use of native soil and other materials (e.g. stone, logs) rather than imported materials.

ATC also supported the limitations on the applicability or "scope" of the guidelines solely to trails or trail segments connecting to designated trailheads or to other accessible trail segments.

Since the regulatory-negotiation process, ATC has applied the emerging guidelines to a number of trail-reconstruction projects in each region of the Appalachian National Scenic Trail and those projects have resulted in meaningful recreational opportunities in a variety of settings for persons with disabilities—particularly those with mobility impairments. Some examples of a number of those projects may help illustrate some of the challenges as well as opportunities that exist along long-distance and/or backcountry trails in general.

Falls Village, Connecticut: This was the first trail-reconstruction project undertaken by ATC and the Connecticut Chapter of the Appalachian Mountain Club in 2000. The project involved the construction of an approximately 1.1-mile loop trail, a portion of which serves as the Appalachian Trail, along the banks of the Housatonic River. Unlike most sections of the Appalachian Trail, road access was readily available to the site, which permitted the use of earth-moving equipment (e.g. Bobcat) for the grading work required as well as to transport the gravel surfacing material. Drainage culverts were installed using more traditional construction practices (e.g. volunteers, hand-tools). The extent of grading also was minimized because portions of the trail were situated along the route of a former woods road. The project required approximately two years from design to completion and was accomplished at a cost of approximately $60,000. A traffic counter installed at the site in 2005 recorded 23,000 visitors along this section in that year.

Pochuck Creek, Vernon Township, New Jersey: Our largest accessible trail-reconstruction project to date, this project involved the construction of more than one mile (6,000 feet) of elevated boardwalk over the largest wetland area along the entire length of the Appalachian Trail as well as the construction of a unique 144-foot suspension bridge over the main channel of Pochuck Creek. Due to the unusually deep and unstable peat soils encountered in this wetland, the boardwalk portion required the use of a support system previously unheard of along the Appalachian Trail: Chance helical piers. The advantage of this anchoring and support system is that the length of the piers can be adapted to a wide range of soil depths. In this instance, some piers were driven to depths of as much as 40 feet. Following many years of planning, the project required more than five years to complete and was

carried out almost entirely by volunteers from the New York-New Jersey Trail Conference, other local partners, and several ATC seasonal trail crews. Total costs for the project were approximately $500,000. This section was opened for public use in 2002.

Thundering Falls, Killington, Vermont: Another wetland-area project, this trail-reconstruction project affected a total of about two miles of the Appalachian Trail, not all of which could comply with accessibility guidelines due to the steep and rocky terrain that rises quickly above the Ottaqueechee River and adjacent wetland. The project did, however, incorporate an accessible segment including 700 feet of elevated board walk, again using the helical-pier system, as well as approximately 500 feet of gravel-surfaced tread leading to the base of the "primary feature"—Thundering Falls, a 100-foot waterfall, the sixth largest in the State of Vermont, situated within the proclamation boundaries of the Green Mountain National Forest. Because motor vehicle access to the site was limited to the far side of the wetland area, most construction materials were transported to the site by hand or push cart while gravel-surfacing material for the land-based portion of the project was transported via drywall buckets using an elaborate system of cables and winches spanning hundreds of feet down a steep hillside. The project required three years to complete and was constructed primarily by volunteers and seasonal employees of the Vermont Youth Conservation Corps and the Green Mountain Club at a cost of approximately $200,000. This trail segment was opened for public use in 2007.

Osborne Farm, Shady Valley, Tennessee: Unlike the preceding examples, this project is situated at higher elevations (approximately 3,500 feet) in an open meadow. Total length of the project is .7 mile. The trail tread was excavated to a depth of six inches, lined with permeable geo-textile material, and then surfaced and crowned with a mixture of crushed-rock and rock dust. The trail begins at a parking area/trailhead where a special stile design was constructed in order to permit wheelchair access while discouraging all-terrain vehicle access. The trail gradually rises to the height of land, terminating in a seating area and turn-around, affording sweeping 360-degree views of the surrounding mountain lands including distant views of Mount Rogers in the neighboring Virginia highlands. The stile, bench, and wooden-post trail markers were installed by volunteers while the excavation and surfacing of the trail tread was completed by a contracted trail-construction firm using mechanized equipment. Total cost, excluding about 120 hours of volunteer and staff labor, was approximately $20,000. The trail was opened for public use in 2006.

Bear Mountain State Park, New York: This project is still a work-in-progress but ultimately will represent one the largest and most challenging trail-reconstruction projects along the Appalachian Trail in the past two decades, affecting a total of approximately four miles. Initial planning for the project began in 2004 while construction of the first of three phases began in 2006. Situated about 40 miles from New York City, this trail segment is among the most heavily visited sections of the Appalachian Trail, with an estimated 200,000 annual trail visitors and as many as one-half million visitors to the summit of Bear Mountain. Highly technical and labor-intensive tread-construction work is required—much of it involving cutting and placing more than 700 rock steps and drainage improvements (e.g. waterbars, culverts)—often in steep terrain, with limited or no motor-vehicle access. Construction will be carried out through a combination of volunteer and contracted labor. Notwithstanding the challenging terrain, from the initial stages of planning, the designers have sought to incorporate an accessible portion, particularly at the popular summit, which will be the third and final stage of construction. The accessible trail segment will be approximately one-half mile (2,465 feet) in length, extending from an existing parking area accessible by a park road through relatively level terrain with shallow soils and numerous rock outcroppings. Total elevation gain is anticipated to be 1080 feet. Construction costs for the overall project are anticipated to exceed $1 million, while the accessible portion on the summit is projected to cost approximately $120,000 (excluding volunteer labor).

Campsites and Associated Facilities: In addition to the above-referenced trail-construction or "reconstruction projects, ATC and a number of its affiliated clubs have constructed or reconstructed perhaps a dozen shelters and privies in the past five to six years designed to meet U.S. Forest Service accessibility guidelines. Campsites associated with the Appalachian Trail generally are sited some distance away (e.g. several hundred feet to as much as one-half mile)—from the main footpath and are connected by a side trail. Campsite facilities typically include a rustic shelter (e.g.-three-sided lean-to) constructed of rock, logs, or dimensional lumber; a toilet enclosure (e.g.-privy); and a water source (usually a natural spring). Such sites also may include a limited number of cleared tent sites and/or tent platforms; a rustic, dry-stone fire ring, and, occasionally, a picnic table. The majority of these des-

ignated campsites are not accessible by road and, for this reason, most campsite elements are constructed on-site with native materials or from prefabricated components that can be transported by volunteers or, occasionally, by pack animals or even helicopters. To the best of my knowledge, none of the side trails leading to these sites, or the trails connecting the various campsite elements within these sites, meet current accessible-trail guidelines, nor do they meet the specifications for an "outdoor recreation access route" (ORAR). Many campsites are situated several miles from the nearest trailhead and thus are likely to be beyond the reach of most wheelchair-dependent users.

While there are a wide range of designs among the more than 260 Appalachian Trail shelters, most of them, regardless of construction material, can be adapted to provide improved access for persons with mobility impairments, primarily by providing the correct height and depth to permit transfer from a wheelchair to the sleeping platform. Toilet enclosures or privies require a greater degree of modification in order to provide additional turning space within the enclosure. A ramp also may be required in order to facilitate wheelchair entry and egress. This is particularly true with bin-composting privies, which often require the privy enclosure to be elevated several feet above the prevailing ground surface. For these reasons, the physical "footprint" associated with accessible privies typically is larger than our more common privy designs and special attention must be paid in order to retain a rustic character for these larger structures.

Conclusions: Many characteristics associated with the Appalachian Trail may be fairly representative of many other primitive or backcountry trails. Those characteristics include:

- Limited to non-existent motor-vehicle access;
- Many sections that make use of existing surfaces (e.g. bedrock, talus slopes) or simply are created by foot traffic rather than a constructed trail tread;
- A primitive character with minimal ground disturbance or surface improvements;
- Challenging topographic conditions with frequent and significant elevation gains and losses;
- Limited soil depths and frequent natural barriers;
- Widely variable weather and seasonal conditions;
- Infrequent maintenance intervals;
- Substantial reliance on volunteers for construction and maintenance;
- Limited access to motorized or mechanized equipment;
- Reliance on simple hand tools;
- Limited financial resources;
- Highly variable skill levels and familiarity with accessible design and construction techniques.

Many of these characteristics are likely to severely limit the feasibility or practicability of developing trail segments that meet the letter of all of the technical requirements of the emerging accessibility guidelines. Indeed, many, perhaps most, trail segments are likely to be excluded under the proposed guidelines—either because they do not fall within the scoping provisions of the guidelines or because they qualify under one of the exception provisions related to the technical requirements.

It also should be understood that in many instances a trail constructed to meet accessibility guidelines will be highly inconsistent with the primitive character of most backcountry trails. The reality is that a constructed footpath, four feet in width, with imported surfacing materials, resting intervals, frequent switchbacks to accommodate changes in elevation, and various other modifications required to meet accessibility guidelines will represent a stark contrast to the construction practices commonly employed along backcountry trails and with the primitive, minimalist design philosophy that has guided trails development for many years. For this reason, it is likely that most accessible-trail segments will be developed in less remote areas, proximate to road crossings with developed trailheads, with greater levels of visitation, where the more intensive design standards required for accessible-trail segments are less likely to detract from the primitive character of the trail in more remote settings or with the recreational expectations of trail visitors.

Nevertheless, our experience along the Appalachian National Scenic Trail suggests that it is feasible to provide meaningful opportunities for outdoor recreation for persons with disabilities at selected locations. Over time, as more accessible sections are developed, hopefully it will prove feasible to provide a range of recreational experiences for people with disabilities that are at least representative of the range of experiences available to non-disabled trail visitors. In addition, even where it is not feasible or practicable to meet the letter of the technical provisions, there often are opportunities to incorporate universal design elements that improve access for people with mobility limitations.

Recommendations: While the conditions encountered along Appalachian National Scenic Trail may be representative of other primitive or backcountry trails, the knowledge and experience gained by the Appalachian Trail Conservancy and its partners during the past ten years in accessible design and construction is not representative. As an outgrowth of our participation in the Access Board's regulatory-negotiation process, as well as the development and implementation of the U.S. Forest Service's accessibility guidelines, ATC and a number of its affiliated clubs have cultivated a familiarity with the complexities of this issue that is atypical of many private, non-profit, volunteer-based trails organizations. Indeed, our experience suggests that many employees in the Federal land-managing agencies also lack even a basic understanding of the principles of universal-access design, let alone familiarity with the specific provisions of the emerging Access Board guidelines.

If the Access Board, the land-managing agencies, and the Congress truly seek to expand access for people with disabilities to federally-administered outdoor recreation areas, there must be a stronger commitment, including the allocation of sufficient financial resources, to provide adequate training to appropriate Federal personnel and to their NGO partners.

Similarly, a significant financial commitment may be required in order to compensate for the increased costs associated with many accessible-trail projects. Our experience suggests that the cost implications of designing and building to accessible standards can be considerably greater as compared to our traditional construction costs, primarily due to the frequent necessity to import surfacing materials, to utilize mechanized or motorized equipment, and/or to contract for specialized, professional design and construction services. Moreover, based on our limited experience to date, there are strong indications that accessible-trail segments often require more frequent maintenance intervals in order to maintain a "firm and stable" tread, to maintain appropriate cross slopes and tread widths, and to eliminate protruding objects such as tree limbs or temporary barriers such as fallen trees. At a time when a significant trail-maintenance and trail-construction backlog exists across all Federal agencies, these financial challenges should not be underestimated.

Finally, it should be understood that there may be indirect administrative impacts associated with accessible-trail projects. In addition to the need for training noted above, there also are likely to be increased law-enforcement requirements. The reality is, once a trail is designed to provide improved accessibility to people with mobility impairments—especially wheelchair-dependent visitors—the trail also can become more accessible to other users and uses, including prohibited uses such as all-terrain vehicles, snowmobiles, motorcycles, four-wheel-drive vehicles, and mountain bikes. While there are a number of design techniques that can be employed to discourage such incursions, it nevertheless is likely that an additional monitoring and law-enforcement presence may be required in certain areas in order to discourage adverse impacts to sensitive natural and cultural resources or to the recreational experiences of the users for whom the trail was designed to serve.

Mr. GRIJALVA. Thank you very much.

Before we start moving into questions for the panel, let me remind Members that are here and persons in the audience that Mr. Lee has brought some of his GPS Ranger devices with him, and he will afford us the opportunity to have a hands-on demonstration at the end of the questioning period. Thank you for that, sir.

Mr. Startzell, you mentioned the suspension bridge, the Pochuck——

Mr. STARTZELL. The Pochuck, yes, sir.

Mr. GRIJALVA. Are you seeing new technologies, as they emerge, or are emerging, being helpful in dealing with the accessibility issues that are sometimes difficult in primitive areas, wilderness areas?

Mr. STARTZELL. Yes, we are, in two respects. First, as I noted in the slides, our tendency has been to place primary reliance on hand tools and on volunteers, but we do have some relatively new equipment in our arsenal. For example, the helical pier system that I described is a fairly new innovation, at least, for us, and that also requires a special, motor-driven driver to sink those piers.

We also currently make use of what is called a "Cobra rock drill" for cutting rock surfaces and things like steppingstones and so forth.

Of course, we are also seeing some technology advances with mobility devices themselves: wheelchairs, for example, that are more capable of varied-terrain travel and that sort of thing.

Mr. GRIJALVA. One other question before I move on to the other panelists: I think, in your testimony, you mentioned the high cost for the measures that you have been involved with, retrofitting, specifically, accessibility projects.

Other witnesses indicated that if these are done at the initial point of planning on a particular project that the cost is nominal, at best. I assume that because most of the work you are doing is retrofitting an existing trail that that cost would be higher.

But you also made a good point, I think, at the end about the potential increased maintenance and enforcement costs. Could you maybe expand on that last frame that you had up there?

Mr. STARTZELL. Certainly, and I should note that I do not necessarily agree with the observation that the cost may be only incrementally higher. In a case like the Pochuck boardwalk, for example, we had to construct the boardwalk, in any event, and so it just became a question of perhaps a little wider surfacing and some edge protection. So, in that instance, the increase in cost was relatively minor.

Where we see the biggest increase in cost is in an area where we would normally build only with hand tools and not import surfacing materials. If, instead, you elect to do that, then the costs are going to go pretty high, but if you looked at the total cost numbers, and I am meaning no disrespect to my public agency colleagues, our construction costs are pretty low relative to most Federal agencies, again, because we place such great reliance on volunteers.

There are maintenance issues because, particularly in some of the gravel surface sections that I illustrated, we have to go back more frequently in order to maintain the width, as well as to assure that the drainage culverts and so forth are working properly because, otherwise, we can fairly quickly deviate from some of the guidelines with respect to slope, cross-slope drainage and, particularly, firm and stable surfacing. So there is a maintenance impact, at least in terms of frequency of maintenance.

Mr. GRIJALVA. Thank you. I do not have any questions, Mr. Deal, but just to acknowledge what I thought was a very good point you made, in terms of accessibility to the public lands and the outreach and programming that should be done, or is not being done, with the degree that you would like or others would like regarding the outreach and programming for veterans with disabilities. I thought that was a very important point, and I appreciate that very much.

Mr. Ray, in your written testimony, you allude to, or speak to, a National Council on Disability Report on The Effect of Wilderness Designations and the Ability of Individuals with Disabilities To Use and Enjoy the Lands. Can you briefly share with us what some of those findings were in the report?

Mr. RAY. Unfortunately, I do not have that report with me. I was not involved with that study myself during my work with Wilderness Inquiry, but I could try to get a copy of that report to you,

either through the National Council on Disability or through a PDF file, I believe, on our website. We might be able to get that for you.

Mr. GRIJALVA. Thank you.

Mr. RAY. Sorry.

Mr. GRIJALVA. That is OK. Mr. Pearce, any questions?

Mr. PEARCE OF NEW MEXICO. Thank you, Mr. Chairman, and, Mr. Ray, I would take a copy of the same report. The Chairman asked my question also.

Mr. Ray, you deal with people who call at random about accessibility at National Parks. How often do you have to hang up and say, "Well, we will try the next park"? In other words, all of the 391 parks, can you call them at random and say, "I have a group of people with accessibility problems," and they say, "Oh, good. We are all set up," or does that not occur so often?

Mr. RAY. It does not occur so often. We have a good relationship with the land management groups. I believe, when we schedule our programs, a lot of those reservations are made well in advance if we need space.

Mr. PEARCE OF NEW MEXICO. Do you feel like you could call any of the 391, and they would say, "Yes, we are accessible," in great amounts?

Mr. RAY. No, no, I do not believe so. I think we can call and get a positive response that will provide you space, but, as I said in my testimony, we are not wholly dependent on accessible facilities to do what needs to get done. In fact, just as an example, I mentioned toileting as an issue. If we happen to know, because of our research, or perhaps we have been to these areas to scout them as potential trip environments, if the toileting is not accessible, we will take adaptive equipment, folded toilet seats, and create a shelter with tarps, a cat hole, you know, in the woods someplace to accommodate our individuals who may need that accommodation.

Mr. PEARCE OF NEW MEXICO. I guess I am trying to get an understanding of the culture inside the Park Service because, again, based on our hearing a couple of years ago, I felt that there was almost a dismissal of the needs of the handicapped. Have you seen an improvement over the years, or is it basically——

Mr. RAY. Yes, I think so. I think so. We have had a great partnership, as far as I know, with the Park Service.

Mr. PEARCE OF NEW MEXICO. Mr. Deal, I am probably going to have the same question for you on access. How many of the parks are accessible, those that offer shooting, whatever, but I am going to get to that in just a second.

Mr. Ray, do you all take motorized wheelchairs?

Mr. RAY. No. It is impractical for us to take motorized wheelchairs, not only because of the weight, but, from a practical standpoint, we do not have anyplace to plug them in to recharge the batteries. So what we do provide, however, if an individual does not have a standard wheelchair, a nonmotorized wheelchair, to bring along, we do have that equipment that we can bring along and loan. Obviously, it is not the best alternative because the individual using that motorized chair may not be able to operate that nonmotorized chair independently.

Mr. PEARCE OF NEW MEXICO. Mr. Startzell, do you all let motorized wheelchairs on the Appalachian Trail?

Mr. STARTZELL. We do not preclude them, and could not, under current law, if they are a mobility-assistance device, as defined by ADA and ABA. The question, of course, would be where it is actually feasible to use them, but, no, they are not prohibited.

Mr. PEARCE OF NEW MEXICO. The reason I am asking is because they are prohibited in National Parks. They were thrown off, people on Segways. A double-amputee was thrown off of one of the monuments here in Washington because they said, as a motorized wheelchair, that the DOT had declared those to be motorized vehicles. So we had, again, the people at the hearing who were—off the memorial. I think it was the Lincoln Memorial.

So that is the reason I asked, because I think that, still, significant problems in definition exist. We have one of our colleagues, Mr. Langevin from Rhode Island, on a Segway, and if he is not going to be allowed access because it is motorized, then I have a severe problem with that.

Mr. Deal, if you want to deal with the question, too, that would be fine, just the accessibility, the percent of facilities that are available, those that have shooting in the National Parks; are you comfortable that you can call any at random, and they are going to say, "Yes, we are handicapped accessible," or do you have to really design the trip in advance?

Mr. DEAL. My experiences have been mostly with material bases. National Parks; I do not think they are shooting. The National Forests, of course.

What I talked about earlier is you can provide access. You can get somebody there. The adaptive equipment that I think is needed is the bridge, with the pop-up blinds and the Huntmaster, et cetera. We just finished a project in North Carolina where every district in North Carolina now has a Huntmaster so that it is fully accessible from the mountains to the seashore. That is my area of work. The U.S. Forest Service, I do not know, sir, or BLM.

Mr. PEARCE OF NEW MEXICO. OK. Thank you, Mr. Chairman.

Mr. GRIJALVA. Mr. Holt?

Mr. HOLT. Thank you, Mr. Chairman, and thanks for putting together this hearing. I am just delighted to hear the emphasis on what can be done, with an emphasis on "can."

Clearly, we want to extend the access, enjoyment, and use of America's treasures to all, and I spend a fair amount of time in my job talking with school boards about IDEA or businesses about ADA that are not focusing on what can be done but, rather, the cost, and the school boards will say, "Well, we are putting in accessible features for two students. Do you know how much we are paying for those students?" or a businessman who will say, "For ADA, it costs me so much for each customer with limited accessibilities."

And I say, "No, you are not spending the money for those students or for those customers. You are spending the money to advance the American ideal. We do not have categories of citizenship in this country. Each American deserves access to the full range of rights and opportunities."

So I am just delighted, Mr. Chair, that you are holding this hearing, and I am even more pleased by the can-do attitude that is coming out in the testimony.

So that is a statement, not a question, but thank you very much, Mr. Chairman.

Mr. GRIJALVA. Thank you. My one follow-up may be a kind of bottom-line question for all of the panelists. States and, I mentioned, local communities, in my own experience, local government, municipalities, the private sector; they all seem to be on the cutting edge, in terms of the use of new technologies, taking that can-do attitude that Mr. Holt talked about.

My question is, the Federal agencies that we are talking about at this hearing, the progress that they have made; is that effort a leading effort, or is it a hindering effort?

Mr. RAY. That is a tough question because we see so much response from our participants who come back again and again to our programs, our volunteer base who provide resources, and I am not talking just about helping with our endowment or whatever. They come in with ideas about how can we assist in making adaptive materials that would be practical and useful for participants on your trips?

That said, we have had such a long history in working with Department of the Interior folks and the U.S. Forest Service that they continue to come to us, even, to ask—involvement and perhaps leadership on some of these studies that I mentioned in my testimony.

We have, I think, become a valuable resource to Federal agencies and, hopefully, have been able to inform them through our example.

So I guess I would respond that it has been pretty symbiotic. I have a lot of pride in what these agencies have done to advance accessibility in outdoor areas.

Mr. GRIJALVA. Thank you. Anybody that wants to respond to it. Mr. Little?

Mr. LITTLE. Once again, my experience has been very narrow, basically, with military bases, and every piece of equipment that we have put out there has been done with private donations. All of the pontoon boats, the pop-up blinds, and we have even put some trailer blinds that are wheelchair accessible in Idaho, has been done with private donations. It has not cost the Federal government a penny.

That might be something to think about, down the road, with a little funding because it is a lot cheaper to do that than to build ground blinds that are going to be destroyed by the knuckleheads that go around and think that is fun.

I also think that some of the agencies are just overwhelmed. The spirit is there, but, my goodness, the things that are on their plate to get done and to get it done now or yesterday is pretty amazing, but there are some grassroots organizations out there that are superb. The Appalachian Trail folks, the volunteers, they are out there. It is just a matter of leadership from above to make it happen.

Mr. GRIJALVA. Thank you. Mr. Little, any comments?

Mr. LITTLE. In my job, I end up talking to theme parks, zoos, museums, as well as Federal lands. You asked a very interesting question.

The for-profit, and usually the larger for-profit, theme parks are very sensitive to ADA issues and have ADA-related departments to address those issues.

The State of California has taken a very proactive role in making sure that they help the hard-of-hearing and the deaf community by adding captioning on everything that they come out with.

I think that what I have seen on the Federal side is a general interest, meetings like today, for it. I think what the one thing is, is the lack of understanding that technology exists today to make this accessible for all. One of the tenets of the National Parks is to provide interpretation so, today, there are tools like my product that are available to add it in for those who are hard-of-hearing, deaf, and visually impaired. This is applicable in multiple markets, and there are other vendors who do something similar like this.

So I think, in answer to your question, everyone is moving in the same path. What I hear from, and I can cite one guy in specific, the Dallas Zoo; what they are looking for is someone to come up and say, "This is a blueprint on how to do it," and they want somebody to say, "Tell me what I can do to help meet those ADA guidelines, and that is what is missing out there is, if you do this, this, this, this."

I will tell you, when we came up with this product, we struggled, from a technical perspective, as to how big of a font does the captioning need to be? Do we put sign language and audio at the same time? There were no standards out there for us to follow, so we took a guess and came up with what we thought was best. So I hope that helps to answer your question.

Mr. GRIJALVA. Sir?

Mr. STARTZELL. Yes, Mr. Chairman. I guess, in terms of innovation, I am sure that that is occurring on both the private and public sector sides. Perhaps the greater issue is how effectively we are sharing that information.

Perhaps one issue that might be worth exploring among the Federal land managing agencies and the Access Board is, how can we do a better job telling our stories about adaptations that have worked and some of the technologies associated with those?

The other way I think I would respond to that question is, as Mr. Holt noted a moment ago, I am also encouraged to see more of a can-do attitude, particularly in the last six or eight years.

Where I think many of us, and I include my own organization in this, are perhaps falling down a little bit is in not doing a more effective job of actually telling visitors where opportunities exist.

We have devoted a fair amount of energy to developing some accessible segments, and yet there is nowhere on our website, for example, where a person who is interested in finding that opportunity can learn about it. They might learn about it if they happen to call some of our visitor services staff, but, otherwise, you know, and I suspect that is true among the agencies as well.

We could all do a better job of letting people know where opportunities exist and what conditions they are likely to encounter so they can make informed judgments about whether they can use a particular segment of a trail or a facility or what have you.

Mr. GRIJALVA. Thank you. Mr. Pearce, any questions to follow?

Mr. PEARCE OF NEW MEXICO. Well, Mr. Chairman, with your permission, we have a lot of people in the audience today that might have a comment, and, believe me, we both need to be out of here in just about four or five minutes, but, with your permission, Mr. Chairman, if there are one or two people here with accessibility problems that would like to make a comment from the audience, can we accept that? Is there anyone here?

I do not have any more questions for the panel.

Mr. GRIJALVA. Let me suggest, Mr. Pearce, in order to wrap this panel up, we will leave the record open so that if anyone that is in the audience would like to submit anything in writing, we would be more than glad to accept it.

Mr. PEARCE OF NEW MEXICO. Sounds good. All right, Mr. Chairman. Thank you. It has been a great hearing.

Mr. GRIJALVA. Thank you very much, and let me thank this panel and the previous panel.

I really like the way that Congressman Holt spoke to this issue in his statement, talking about that we do not have categories of citizenship in this country. That applies to the accessibility to our great and precious public lands.

I look forward to working with the agencies and with the outside agencies as well to look at issues of resources, look at issues of personnel training, look at issues of outreach, and look at issues of information sharing.

I think those, to me, were points all along this conversation we had today, and no one is opposed to the implementation of the rule. I think the issue today was, how do you expedite, how do you assure the resources, and, in the process of retrofitting, how do you assure the resources?

So I want to thank you for that today, and the meeting is adjourned.

[Whereupon, at 11:52 a.m., the Subcommittee was adjourned.]

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