

U.S. ACCESS BOARD
TESTIMONY TO THE
COMMITTEE ON RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS
U.S. HOUSE OF REPRESENTATIVES

MAY 11, 2006

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

From our early efforts to enforce the Architectural Barriers Act of 1968 to our 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 and the Park Service have a long history of working together to improve access. The Department of Interior is a member of the Board and has provided invaluable input to our efforts to make outdoor developed areas more accessible to persons with disabilities. Staff from the Board and the Park Service are continually collaborating on ways to make parks more accessible to persons with disabilities. Board members have visited several national parks to gain first hand knowledge about the unique issues in national parks and this practice will undoubtedly continue.

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

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

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

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

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

Let me give you just two examples of how these new guidelines may impact outdoor developed areas. First, when a new trail is being constructed, it would have to comply with certain technical specifications such as its width and slope. Although the technical provisions for accessible trails apply, there may be conditions where applying these provisions may not be

possible such as when compliance would not be feasible due to terrain or the prevailing construction practices. Likewise, only a certain percentage of elements -- like picnic tables or cooking surfaces -- are required to be accessible.

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