

Attachment 2

NATIONAL PARK SERVICE (NPS) COMMERCIAL SERVICES ACCESSIBILITY FACT SHEET

Accessibility Law

[The Americans with Disabilities Act \(ADA\)](#) is the Federal civil rights law established in 1990 that prohibits the exclusion of people with disabilities from everyday activities in public accommodations. This law extended requirements established under the Architectural Barriers Act of 1968 and Section 504 of the Rehabilitation Act of 1973. The ADA requires businesses such as concessioners to make “*reasonable modifications*” that are “*readily achievable*” to their usual ways of doing business to accommodate people with disabilities. Any modification that would result in a “fundamental alteration” to the essential nature of the business is not required. Concession businesses and facilities must comply with ADA accessibility regulations for operations and facilities.

Accessibility Regulations

Regulations implementing ADA are contained in [28 CFR, Part 36](#), *Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities*. They first went into effect on January 26, 1992, and cover both facilities and operational program requirements. In 2010, the Department of Justice issued revisions to the existing ADA regulations that clarified the definition of service animals, established new lodging reservation system requirements, event ticketing, and swimming pool accessibility requirements as well as updating technical design standards in the [2010 ADA Standards for Accessible Design](#).

Accessibility Policy and Contractual Requirements

In accordance with [NPS Management Policies 2006](#), *Section 10.2.6.2 Accessibility of Commercial Services*, concessioners share the NPS’ responsibility to provide employees and visitors with the greatest degree of access to programs, facilities, and services that is reasonable, within the terms of existing contracts and agreements. In addition to compliance with requirements in laws and regulations, concessioners may be subject to applicable NPS policy on accessibility. For example, [Directors Order #42](#), *Accessibility for Visitors with Disabilities in National Park Service Programs and Services* and associated guidance such as the NPS [Guide for Accessible Transportation Systems](#) establish accessibility requirements that exceed the legal requirements. Park-specific requirements may also be stipulated in the contract.

Accessibility Information Sources

The [NPS Accessibility Management Program](#) contains information and links on accessibility compliance. For additional compliance guidance on ADA business accommodations go to the U.S. Department of Justice (DOJ) [ADA Home Page](#). The DOJ also operates a toll-free ADA Information Line (800-514-0301 voice and 800-514-0383 TDD) to help businesses with their ADA compliance effort. In addition, 10 regional centers funded by the Department of Education are available to provide technical assistance on the ADA. One toll free number connects to the center in your region: 800-949-4232 (voice & TTY).

Accessibility Checklists

The purpose of the NPS Commercial Services ADA Accessibility Checklists is to provide a handy reference for Concession Specialists to help identify some key visitor accommodation requirements required under the ADA and the new updated ADA regulations. Checklists are developed for key concession services. The checklists may be an assistance tool for concession specialists evaluating concession facilities and operations during periodic inspections. The checklists identify key issues to look for but do not include all requirements. Concessioners are responsible for understanding and complying with the full scope of regulatory requirements including those under the ADA.