



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

REPLY REFER TO:

FEB 15 2012

(2410)

Memorandum

To: Regional Concession Chiefs

From: Chief, Commercial Services Program

Subject: New Accessibility Requirements for Concessioners with Lodging and Tools to Evaluate Accessibility Compliance

This memorandum provides information on new accessibility regulations that are applicable to some National Park Service (NPS) concessioners. The memorandum also identifies Commercial Services program tools to assist concession specialists in overseeing concessioner performance in this area.

New Regulations

New accessibility regulations (28 C.F.R. § 36, *Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities*) will go into effect March 15, 2012. They address requirements to make reservation systems more accessible and requirements for service animals in lodging facilities. A summary of the new regulatory requirements (Attachment 1) is provided as an attachment to this memorandum. Concession specialists should contact their concessioners to make them aware of these new regulations.

Compliance Oversight and Tools

Accessibility requirements are extensive and complex. It can be challenging for concession specialists to know what key things to look for concerning accessibility when conducting periodic evaluations of concession facilities. Several tools are available to aid concession specialists.

A one-page NPS Commercial Services Accessibility Fact Sheet (Attachment 2) is provided as an attachment to this memorandum. This fact sheet outlines the laws, regulations and policies related to accessibility in NPS commercial services facilities.

Also attached are Commercial Services Accessibility Checklists for lodging, food and beverage and retail services (Attachment 3). Additional checklists are being developed for other services. The checklists highlight key operational and facility compliance items **that** may be reviewed during periodic inspections. These checklists augment the service-specific standards and evaluation forms which may also identify some key accessibility requirements to check. The fact sheet and checklists will be available on the NPS Commercial Services SharePoint Site in the [Contract Management Concession Specialist Toolbox](#).

In addition to these fact sheets, concession specialists should refer to their concession's Comprehensive Condition Assessment. This document identifies accessibility design and construction requirements and deficiencies specific to each of their concessioner assigned facilities.

Finally, if concession specialists have questions, they can contact their regional accessibility coordinator for further assistance. A list of these coordinators is available on the [Inside NPS Accessibility Management site](#).

Distribution and Questions

Please distribute this memorandum to parks in your region. For further information, contact [Kurt Rausch](#), Contract Management Branch Chief, at 202/513-7202 or [Kay Ellis](#), Accessibility Program Manager, at 202/513-7047.

SUMMARY OF NEW ACCESSIBILITY REQUIREMENTS
in
[28 C.F.R. Part 36](#)

Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities

Highlights of the new requirements which have applicability to NPS concessioners are provided below.

- Concessioners that operate a place of lodging must ensure that individuals with disabilities can make reservations for accessible guest rooms during the same hours and in the same manner as individuals who do not need accessible rooms, whether through telephone, in-person, on-line, or third party systems. This means if a concessioner has an online reservation system for individuals without disabilities, this service must also be accessible to individuals who are disabled.
- The concessioner's reservation systems must identify and describe the accessible features in the lodging and the guest rooms offered through its reservation service in enough detail to reasonably permit individuals with disabilities to assess independently where the hotel or guest room meets their accessibility needs.
- The reservation system must ensure that accessible guest rooms are held for use by individuals with disabilities until all other guest rooms of that type have been rented and the accessible rooms are the only remaining room of that type in inventory. This means the practice of releasing accessible rooms from the inventory to individuals without accessibility needs in advance is not permissible.
- The reservation system must be able to reserve accessible guest rooms and ensure the guest rooms requested are blocked and removed from all reservation systems. The reservation system must also guarantee that the specific accessible guest room reserved is held for the reserving customer.
- In addition to the lodging reservations requirement, the new regulations also includes a clarification that service animals refer to dogs and requirements that ticket sales for events must meet accessibility requirements.

Although the reservation system requirements apply specifically to lodging operations, they may also be appropriate for other concession service reservation systems as part of their program to provide reasonable accommodation under the Americans with Disabilities Act.

The bullets above provide summary information only. Concessioners are responsible for meeting all applicable laws including those related to accessibility. Concessioners should be encouraged to review the complete regulation and develop their own programs to meet these requirements.

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.

GENERAL PROVISIONS - ALL PUBLIC ACCOMMODATIONS

REQUIREMENTS	NOTES
1. Service Animals used by disabled customers are allowed access to all public business facilities and service areas. Service animals are defined as dogs specially trained to do work or perform a task for an individual with a disability.	
2. Wheel chairs and Mobility Devices (include manually-operated or power wheelchairs and scooters) used by people with disabilities are allowed access to all areas where customers are permitted.	
3. Communications with Visitors include ways to effectively communicate to customers with vision, hearing, and speech disabilities.	
4. Accessible Parking Spaces are provided for cars and vans in numbers required by the ADA according to the size of the parking area (see attached Chart #1). Under the 2010 Standards, one of every six accessible spaces must be van accessible. An accessible parking space must have an access aisle, which allows a person using a wheelchair or other mobility device to get in and out of the car or van.	
5. Accessible Entrances are available to disabled customers. If the main entrance cannot be made accessible, an alternate accessible entrance can be used. A sign should be posted at the inaccessible entrance directing individuals to accessible entrances. Accessible entrances are open whenever the other public entrances are open.	
6. Accessible Routes are available to persons with disability. This is the route a disabled person takes to enter and move through a business. The route must be at least three feet wide and not be blocked by items such as vending or ice machines, display racks, furniture, or potted plants. Similarly, accessible toilet stalls, dressing rooms, or counters at a cash register must not be cluttered with merchandise or supplies.	
7. Accessible Restrooms are provided in each public and/or employee facility with at least one accessible stall/toilet, one accessible lavatory, and urinal, if provided.	
8. Accessible Interior Directional and Location Signs are provided and wall mounted at accessible levels for people who are blind or have low vision.	
9. Accessible Public and House Telephone are available (applies to telephones inside and/or outside the business facility.)	
10. Accessible Elevators are provided if the building has more than two stories, including a basement. A full-size passenger elevator should serve each level of the facility including the basement. Elevators should have floor designation signs placed on both jambs of elevator hoistway entrances with floor designation in raised letter and Braille characters. Elevators should be equipped with audible tones/bells or verbal enunciators that designate floor passage/arrival. Elevators must also have an accessible emergency communication system that does not require only voice communication (i.e. either TTY system or a system of emergency lights with signs).	
11. Reasonable Modifications to facilities and operations that are readily achievable have made to accommodate people with disabilities in accordance with the ADA.	
12. NPS Accessibility Policy requirements applicable to the Service are met.	
13. Concession Contract Terms that specify other accessibility requirements are met.	

Note: This checklist identifies key accessibility requirements for use by NPS Concession Specialists in understanding and evaluating concession facilities and operations. It is not a comprehensive listing of all accessibility requirements. Concessioners are responsible for understanding and complying with all Applicable Laws and Concession Contract terms.

Attachment 3

**Chart #1 Accessible Parking Requirements
(2010 ADA standards)**

Total Spaces in Lot	Accessible Spaces Required
1 - 25	1 van
26 - 50	1 std. + 1 van
51 - 75	2 std. + 1 van
76 - 100	3 std. + 1 van
101 - 150	4 std. + 1 van
151 - 200	5 std. + 1 van
201 - 300	6 std. + 1 van
301 - 400	7 std. + 1 van
401 - 500	7 std. + 2 van
501 - 1000	2% of total spaces*
Standard Accessible (std.) parking space is 8 foot minimum + 5 foot access aisle	*One in every 8 accessible parking spaces must be van accessible space with an 8 foot wide access aisle.

Note: This checklist identifies key accessibility requirements for use by NPS Concession Specialists in understanding and evaluating concession facilities and operations. It is not a comprehensive listing of all accessibility requirements. Concessioners are responsible for understanding and complying with all Applicable Laws and Concession Contract terms.

Attachment 3

LODGING

REQUIREMENTS	NOTES
1. Lodging facilities reservation systems and procedures permit disabled individuals to research, make, and honor reservations for accessible rooms during the same hours and manner (in-person, telephone, on-line) as individuals who do not need accessible rooms. (Overnight accommodations only)	
2. Lodging facilities reservation systems accommodate the above requirements in all manner of reservation systems available and used by lodging customers who do not need accessible rooms— on-line, telephone, and in-person. (Overnight accommodations only).	
3. Lodging facilities reservation systems provide information descriptions on accessible features for disabled customers to allow them to identify and assess the suitability of the room for their needs. (Overnight accommodations only)	
4. Accessible Public and House Telephone are provided in facilities. Public telephones should have at least one accessible pay phone per facility or phone bank per floor as appropriate. At least one accessible house phone or one house phone in a bank per floor.	
5. Accessible Hotel Rooms are provided in the ADA required number and variety of accessible guestrooms (see Chart #2). If the facility has more than 50 guestrooms, there is a requirement for accessible guestrooms with roll-in showers (see Chart #2). Hotels are also required to have a number and variety of guestrooms for persons who are deaf or hard of hearing (see Chart #3).	
6. Accessible Hotel Rooms are readied for disabled visitors with appropriate procedures to ensure the guests are familiarized with the location and operation of accommodation equipment that is available in the room. Particular devices and services may include such items as heating/air conditioning/fan controls, curtain opening devices, restroom facilities and amenities, and, if included in the room amenities, telephone, television/television captioning, door and telephone alert (for people who are deaf), and alarm clock/radio. Disabled guests should be briefed on message and emergency notification systems as appropriate. Area information, amenities, services, and safety materials should be available in an accessible format (e.g., large print, Braille, audio).	
7. Accessible Hotel Rooms housekeeping services include staff training on procedures that will assist disabled guests as needed with such services as adjusting shower head heights to accommodate wheelchair users; ensuring additional accommodation equipment like shower bench and toilet extension are provided or available on request, use of portable communication systems, etc.	
8. Accessible Fire Alarm Systems in accessible guest rooms have visual alarm strobe lights as well as audible alarms.	
9. General Provisions are met.	
10. NPS Service Standards that address accessibility in addition to the above requirements are met.	
11. NPS Accessibility Policy requirements applicable to the Service are met.	
12. Concession Contract Terms that specify other accessibility requirements are met.	

Note: This checklist identifies key accessibility requirements for use by NPS Concession Specialists in understanding and evaluating concession facilities and operations. It is not a comprehensive listing of all accessibility requirements. Concessioners are responsible for understanding and complying with all Applicable Laws and Concession Contract terms.

**Chart #2 Accessible Guestrooms
(ADA Standards)**

Total Rooms in Facility	Column "A" Accessible Rooms	Column "B" Rooms with Roll-in Showers
1 - 25	1	0
26 - 50	2	0
51 - 75	3	1
76 - 100	4	1
101 - 150	5	2
151 - 200	6	2
201 - 300	7	3
301 - 400	8	4
401 - 500	9	See below*
501 - 1000	2% of total rooms	See below*
1001+	20 + (1 per 100 over 1000)	See below*

Note: The number of accessible guest rooms for a given number of rooms in a hotel (left column) is derived by adding together column "A" and column "B".

*The number of roll-in shower rooms in hotels with more than 400 guestrooms total equals 4+ (1 per 100 rooms over 400).

**Chart #3 Accessible Guestrooms for Deaf or Hard of
Hearing (ADA Standards)**

Total Rooms in Facility	Accessible Rooms
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1000	2% of total rooms
1001+	20 + (1 per 100 over 1000)

Note: This checklist identifies key accessibility requirements for use by NPS Concession Specialists in understanding and evaluating concession facilities and operations. It is not a comprehensive listing of all accessibility requirements. Concessioners are responsible for understanding and complying with all Applicable Laws and Concession Contract terms.

FOOD AND BEVERAGE

REQUIREMENTS	NOTES
1. Accessible Food and Restaurant Service is provided for people with disabilities at dining area tables, food service lines, and condiment and beverage bars, and restrooms in restaurants, bars, or other establishments where food or drinks are sold. Some accessible tables must be provided and dispersed throughout the dining area rather than clustered in a single location. In restaurants or bars with only standing tables, some accessible dining tables must be provided. If it is not readily achievable to construct an accessible route to raised or sunken dining areas or outdoor dining areas, and distinct services are available in these areas, the restaurant must make these services available at the same price in the dining areas that are on an accessible route. Accommodations for guests requiring assistance in reading and understanding the menus must be provided.	
2. Accessible Food Service Seating is provided at each accessible table to accommodate people using wheelchairs. Movable chairs can be used for these tables and the movable chairs can be removed when customers using wheelchairs use the table(s). If tables are provided, such as in restaurants and snack bars, and the tables are attached to the wall or floor (fixed), then 5% of the tables or at least one (if less than 20 are provided) must be accessible. The accessible seating should not be segregated, but integrated within the dining area where possible. The same requirements apply to fixed tables in outdoor areas such as picnic areas, playgrounds, or patios.	
3. General Provisions are met.	
4. NPS Service Standards that address accessibility in addition to the above requirements are met.	
5. NPS Accessibility Policy requirements applicable to the Service are met.	
6. Concession Contract Terms that specify other accessibility requirements are met.	

Note: This checklist identifies key accessibility requirements for use by NPS Concession Specialists in understanding and evaluating concession facilities and operations. It is not a comprehensive listing of all accessibility requirements. Concessioners are responsible for understanding and complying with all Applicable Laws and Concession Contract terms.

Attachment 3

RETAIL SERVICES

REQUIREMENTS	NOTES
1. Accessible Retail Shelves, Sales and Service Counters, and Check-out Aisles are provided on accessible routes with enough space to allow customers using mobility devices to access merchandise. At least one check-out aisle must be usable by people with mobility disabilities, though more are required in larger stores.	
3. General Provisions are met.	
4. NPS Service Standards that address accessibility in addition to the above requirements are met.	
5. NPS Accessibility Policy requirements applicable to the Service are met.	
6. Concession Contract Terms that specify other accessibility requirements are met.	

Note: This checklist identifies key accessibility requirements for use by NPS Concession Specialists in understanding and evaluating concession facilities and operations. It is not a comprehensive listing of all accessibility requirements. Concessioners are responsible for understanding and complying with all Applicable Laws and Concession Contract terms.