

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS OF THE HOUSE COMMITTEE ON NATURAL RESOURCES, CONCERNING MANAGEMENT OF THE STATUE OF LIBERTY NATIONAL MONUMENT.

SEPTEMBER 18, 2007

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to provide an update on management issues at the Statue of Liberty National Monument and Ellis Island. In particular, my testimony will focus on two critical and timely issues facing the park—public access to the Statue of Liberty’s crown and the award of the ferry concession contract.

Accompanying me today is the superintendent of the Statue of Liberty National Monument and Ellis Island, Cynthia Garrett, and the chief of the National Park Service Concessions Program, Jo Pendry.

A gift from the people of France commemorating friendship, the abolition of slavery, and democratic government, the statue “Liberty Enlightening the World” is one of the world’s most recognized icons. She endures as a powerful symbol, inspiring contemplation, debate, and protest, of such ideas as liberty, freedom, human rights, democracy, and opportunity.

The Statue of Liberty is a symbol, a work of art set on a pedestal, that was designed to be viewed from the harbor where it served as the visible symbol of a new world and new opportunities for people arriving in America. Her design was a great technological achievement of its time and continues to represent a bridge between art and engineering.

The Statue of Liberty’s architect, Fredric Bartholdi, never intended or designed the Statue of Liberty as something to enter or climb. Only later did the War Department caretakers begin to take some curiosity seekers inside the sculpture. By the time the National Park Service (NPS) began administering the site in 1933—when there were less than two hundred thousand visitors— the NPS had inherited a public expectation of access to the Statue’s crown. They managed access in keeping with the level of awareness of dangers and understanding of public safety at the time. Even so, the limited capacity of the Statue meant that a relatively small percentage of visitors to Liberty Island could be accommodated inside the Statue and that many were disappointed in not being able to visit inside.

Visitation to the Statue has grown tremendously over the past half century. In 1950, there were only about half a million visitors to the Statue of Liberty annually. In 2006, however, more than 2.5 million people visited Liberty Island. With this increase in visitation came additional challenges for public health and safety.

Visitors used to be able to climb to the Statue of Liberty's torch. In 1916, the torch was closed for safety reasons. Visitors used to be able to climb to the Statue's crown. It too, is closed now because of visitor health and safety issues.

Horrendous tragedies like the Triangle Shirtwaist Factory fire in New York, the Coconut Grove fire in Boston, and the recent Station nightclub fire in Rhode Island have focused attention on the continual need to strengthen and enforce fire and building safety codes in order to protect the public in cases of fires and other emergencies. Over time, state and local fire and building safety codes that have the potential to save countless lives have been developed and improved.

The Federal Government must be held to the highest standards for public safety. As stewards of 391 park units across the Nation with an overall annual visitation of 273 million, National Park Service policies require us to enforce, as minimum standards, the most current version of the National Fire Protection Association's Fire Prevention and Life Safety Codes.

Our primary concerns about public access to the Statue of Liberty's crown are safety and health concerns, not terrorism. While we can never completely eliminate all security risks, we are satisfied that the measures and operations put into place at this international icon address the security concerns raised by the events of September 11, 2001.

Today, visitors have full access to Liberty Island, to the star-shaped historic Fort Wood, and the interior of the pedestal all the way up to and including the observation deck that affords visitors with wonderful, 360 degree panoramic views of New York Harbor.

The interior of the Statue structure is accessible only by a very narrow, double-helix spiral staircase with a low guardrail. This staircase was originally installed for periodic use by maintenance workers, not for sightseeing or for heavy, daily use by the general public. This staircase does not meet national, state or local fire and building codes for headroom clearance, riser height, tread width, or the requirements for guardrails. Therefore, the public is no longer allowed access to the interior of the statue including her crown.

Climbing the steep, spiral staircase that rises 12 stories up through the Statue's interior is a difficult feat even for people in excellent health and under ideal conditions. The narrow spiral staircase barely fits within the superstructure that supports the Statue and is at best, one person wide. A key danger is that once a visitor begins the climb, turning back

before reaching the crown is nearly impossible. Each person is blocked by hundreds of people in front and behind. There is only one way out.

In 2000, the NPS was criticized in the media for disregarding fire and safety code violations at the Statue of Liberty. *The Bergen Record* wrote:

Despite warnings that even a small fire in the Statue of Liberty could be deadly, the U.S. government has failed to take some safety precautions that would protect the throngs who make the long pilgrimage to the statue's crown each day.
(October 29, 2000)

We knew that the public had grown to expect to be able to visit the Statue's crown, and we also realized the validity and the seriousness of the warnings. To guide the efforts to improve health, safety, and emergency management at the Statue of Liberty, the NPS began working with several well-respected architectural and engineering firms specializing in life safety. Over the past 7 years we have had them perform numerous fire protection and emergency management assessments. In addition, numerous site reviews were conducted by the New York City Fire Department.

These evaluations all agreed on several key points and identified significant concerns. They determined that the interior of the Statue of Liberty did not meet minimum health and safety standards required by applicable building codes. The most serious issues related to: (a) egress, (b) visitor circulation and movement inside, and (c) lack of fire separations.

Before allowing visitors back inside the pedestal in August 2004, the NPS reduced life and safety risks by aggressively addressing the majority of fire, safety, and evacuation deficiencies that had been identified for the lower levels of the monument (e.g., pedestal). For example, exterior staircases were added to Fort Wood to increase the number of egress routes and decrease egress time from the interior of the pedestal.

In June 2006, the NPS asked John B. Waite Associates, Architects to review the Statue's 2004 renovations. This review concluded that the NPS has made reasonable modifications to allow visitor access to the lower portions of the national monument up to and including the observation deck. In his letter to NPS accompanying the report, Mr. Waite stated: "These modifications allow a meaningful and rewarding experience for visitors, while greatly improving life safety and security." However, the letter goes on to say that "...the interior spaces within the statue above the observation deck continue to be unsafe for visitors when evaluated against minimum safety standards established by prescriptive building codes including the International Building Code (IBC), the Building Code of the City of New York (BCCNY), and the National Fire Protection Association (NFPA) Code 101".

According to all three of these codes, the interior of the Statue of Liberty above the pedestal is unsafe for public use because of three main reasons. First, the stair width, height, and depth are well out of compliance with established standards. Safe evacuation of people during an emergency would be difficult, and carrying an incapacitated person down the stairway would be an arduous task. Second, the stairs are not enclosed and do not provide safe passage to an exit. Although the 2004 renovations improved fire detection and suppression systems throughout the monument to reduce the risk of fire, the potential for a fire still exists. Should a fire occur, there is no way for people trying to leave the Statue to safely escape smoke or heat. Finally, according to code, people should be able to reach safe conditions in about 2 ½ minutes. At the Statue of Liberty, under the most ideal conditions, climbing down the narrow, winding stairway inside the Statue and then down the pedestal to safe conditions outside on Fort Wood would take about 5 to 8 minutes – up to 3 times the minimum standard. In emergency conditions, it could take even longer.

Back in 2004 and continuing to today, the structural fire and safety experts have been unable to identify any feasible options that would allow the area between the Statue's observation deck and her crown to meet code requirements or even the intent of those requirements. There is no room for construction of an alternative staircase. An alternative such as constructing a 22-story tower for a new staircase next to the Statue, and cutting through the Statue of Liberty's copper skin to build a bridge connecting the Statue of Liberty and the tower in order to allow safe egress is an unacceptable option.

In addition to the concerns about fire, we must also consider and provide access so emergency personnel can respond to medical emergencies. Health threats and incidents significantly increased during warm weather—coinciding with our busiest seasons—when temperatures inside the Statue register about 20 or more degrees higher than outside air temperatures. These incidents happened regularly and included heat exhaustion, claustrophobia, fear of heights, vertigo, and panic attacks. Whether a medical incident was minor or serious, the logistics presented serious challenges. To reach an injured or ill person on the staircase, everyone on the staircase must turn around, and come down the stairs to allow emergency responders to re-climb the stairs with appropriate medical gear. This results in a delay to reach people with potential, life-threatening medical problems.

We have also realized that while our visitors knew of the Statue of Liberty, they didn't know about her. We have shifted our focus to improve the overall visitor experience and to increase programming to tell the stories of the Statue of Liberty and share her meaning. Prior to 2001, less than 3 percent of visitors participated in park programs. Today, about 22 percent of our visitors take advantage of these programs.

There are now more options for visitors. They can go on a variety of ranger-led programs, tour a museum, see views of all of New York Harbor from the observation deck, and see inside the Statue through a new glass-ceiling viewing area at the top of the

Statue's pedestal. We have enhanced the lighting that highlights her architectural and engineering elements and we show video images of the Statue's interior so that visitors have an enhanced opportunity to appreciate her as both a work of art and as an engineering marvel.

We are working on other ways to ensure visitors have an outstanding experience and to offer those experiences to more people. Our goal is to increase by 50% or more the number of visitors who can go inside the monument and we aim to double the number of visitors who take part in interpretation programs on Liberty Island outside the Statue. We are also developing a new "Discovery Liberty!" project for visitors who for whatever reason cannot go inside the monument. This program creates opportunities for visitors to uncover and experience the stories and symbolism of Liberty Island and the Statue of Liberty.

The Statue of Liberty is being experienced as intended, from the waters of the harbor and from viewpoints on Liberty Island. Even without access to the crown, thousands of visitors every day enter the base and travel up the pedestal to observe the inside of the statue from a safe vantage point, then walk outside to the top of the pedestal to enjoy a spectacular view of New York City and its boroughs, New Jersey, and the harbor.

We recognize that closing access to the crown, even for very good reasons, is a deeply emotional issue and one that conflicts with the expectations that many people hold. We are working hard to improve the quality of the entire visit to the Statue of Liberty – from the moment someone begins planning their visit, on the ferry ride over and their entire time on Liberty Island. I invite you to visit the Statue of Liberty to experience these opportunities, and to come away inspired by everything that Lady Liberty represents and offers.

I will now turn to the issue of the new ferry services concession contract for the Statue of Liberty and Ellis Island.

Before visitors ever set foot on Liberty Island, their park experience begins with our ferry concessioner as they plan their trip and purchase ferry tickets for the exciting ride from either the Battery in Lower Manhattan or Liberty State Park in New Jersey. A trip to the Statue of Liberty and Ellis Island is more than a boat ride. It is a journey along the path taken by millions of Americans as they began a new life of freedom and opportunity. And it is a way to enjoy the scenic beauty of New York Harbor with its magnificent skyline and towering buildings.

Concessioners at this historic park provide critical commercial visitor services. They provide visitors with food, beverage and merchandise services, as well as transportation to and from Liberty and Ellis Islands. The NPS recently announced the selection of a new concessioner, Hornblower Yachts, Inc., to provide ferry services using the business name of Statue Cruises, LLC, under a 10-year contract. The previous contract generated

\$36 million revenue in 2006. Statue Cruises will serve as the first point of contact for many visitors to the park. This new concessioner is very capable and excited to provide our visitors not only safe transport, but also a high-quality, informative visit to the park.

The NPS released a prospectus for the operation of interpretative ferry services on December 28, 2006. This prospectus provided information for potential offerors to develop a proposal for providing ferry services. It also emphasized and sought answers to important improvements needed in the visitor services at the Statue of Liberty and Ellis Island. For example, we asked offerors to tell us how they would improve visitor experiences from trip planning all the way through the completion of the visit to the park. We asked them to describe the reservation and ticketing system they would use to better manage the high volume of visitors to this park. We also asked them how they would more effectively use both embarkation locations and alleviate long wait times.

The NPS worked diligently on the prospectus development and proposal evaluation under an accelerated timeline. We welcomed and cooperated with the Department of the Interior Inspector General's Office who monitored the entire process. Our commitment to these processes ensured that the solicitation for the ferry service concession contract was top-notch and incorporated lessons learned from other prospectuses and newly awarded contracts.

Proposals were due to the NPS by April 27, 2007. We received six comprehensive competitive offers from highly experienced and credible ferry operators. All proposals were responsive and contained innovative and creative approaches to addressing our objectives for the new concession contract. The NPS convened a panel of qualified NPS employees that evaluated all proposals and recommended that Statue Cruises be awarded the contract. Based on this recommendation, the Regional Director selected Statue Cruises for the award of the new contract. The contract was sent to Congress on July 25, 2007 for the required 60-day notice period. The new contract will be awarded following the congressional review and is scheduled to take effect on January 1, 2008.

To allow for a seamless transition for our visitors to the new concessioner's operations, the current concessioner agreed to a short continuation of services. The current concessioner has also agreed to work with the park and Statue Cruises to ensure a smooth changeover and no negative impacts to the public.

Our experience with the prospectus development, proposal evaluation, and selection process is an exceptional example of how visitor services in national parks are being improved under the provisions of the Concession Management Improvement Act of 1998. The NPS embraces the Act's goal of increasing competition while protecting park resources and providing necessary and appropriate visitor services at reasonable rates.

The new contract will make trip planning and the ferry ride to and from these international icons convenient, educational, customer-service oriented, and environmentally conscious.

Some of the highlights of the new concession contract with Statue Cruises include:

- A focus on visitor convenience, experience and customer service, to include improved visitor embarkation facilities; greeting and offering assistance to visitors at ticketing, embarkation and disembarkation sites; new educational and orientation signage; an opportunity for visitors to record their impressions; a narrated multimedia presentation on the island cruises; and online chat capability with customer service representatives.
- A new multi-lingual reservation and ticketing system for dated and timed ferry tickets, sales of the park audio tour, and distribution of monument passes. System features include ticket sales via the phone or Internet; ability to print tickets from personal computers; a multi-lingual call center, remote kiosks, and walk-up sales; a “concierge hot line” for hotels; and no-cost exchange of ferry tickets for island cruise tickets to reduce waiting times.
- An improvement to the visitor experience by incorporating park stories into the ferry services through approved media, to include new signs, exhibits and educational panels; on-board audio tours in combination with ferry tickets; podcasts and video-on-demand casts available from the web site; and new exhibits and educational programs at embarkation and docking facilities. By utilizing newer technology such as podcasts, we hope to attract younger visitors who are more interested in interactive media at park units.
- An extensive upgrade to the existing fleet of seven vessels, to include an environmentally progressive plan to retrofit the ferries to meet stricter emissions standards. Additionally, the new island cruises will be provided using a new reduced-emission battery-powered solar and plug-in “Trybrid” vessel to be available at the end of the second year of the contract.
- New island cruises where passengers remain on the vessel and view the Statue of Liberty and Ellis Island from the water within park boundaries while listening to or watching on-board interpretative media. The tour will be a welcome alternative for visitors wanting to avoid long lines during peak season, who have limited time for their visit, or have limited mobility that prevents them from walking around the two islands.

We believe the new contract at the Statue of Liberty National Monument and Ellis Island will provide the American public and all visitors to this historic site a better experience, and that this contract will demonstrate the great strides the NPS has made in concession

contracting to meet the improvements sought by Congress when the 1998 law was passed. It enhances visitor services, improves environmental responsibility, protects the park resources, ensures assets are properly maintained, and affords the concessioner a fair opportunity for a profit while providing a franchise fee to the park for use on high priority visitor services. We will now transition from the old concession operation to the new operation, implement the contract with Statue Cruises as written, and enforce its provisions in a manner consistent with the law and regulations.

We will work with our new concessioner as we do with all our concessioners – in a mutually beneficial relationship to ensure all parties are successful and achieve the goal of outstanding visitor services.

In conclusion, the NPS is dedicated to providing the highest level of visitor services to the public who visit the Statue of Liberty and Ellis Island. We also are committed to protecting visitors from documented health and safety risks. The current management policy of limiting public access to the Statue's crown is, in our opinion, the best way to provide an enjoyable and enriching experience while not exposing visitors to unnecessary risks. The award of the new ferry concessions contract shows that we have made a great deal of progress toward improving our concession program, and toward helping ensure these contracts protect park resources, provide quality service to visitors, and offer fair business opportunities.

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