

# Letter from the Office of Senator Arlen Specter to the National Park Service regarding The Constitutional Walking Tour, June 20, 2007

07/11/2007 15:53 FAX

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June 20, 2007

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Ms. Chrysandra Walter  
Action Regional Director  
Region III  
National Park Service  
U.S. Custom House  
200 Chestnut Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19106

Dear Ms. Walter:

I am writing regarding a matter that I regret I need to bring to your attention. However, my staff advises me that unfortunately, the discussions and attempts at negotiations among the with Independence National Historical Park (INHP), the Independence Visitor Center (IVC), and The Constitutional Walking Tour of Philadelphia (The Constitutional) over tour staging and operational problems, have recently escalated, and it appears that there is no amicable resolution within reach.

On December 7, 2006, I wrote to Superintendent Reidenbach and proposed a solution in terms of providing walking tour operators with prominent tour staging locations, inside of the IVC (along the Southern end of the Main Concourse), comparable to the prominent tour staging points for motorized tour operators outside of the IVC. Enclosed is a copy of that letter.

In further attempting to help facilitate a resolution for the benefit of INHP's visitors, I attended a meeting on April 2, 2007 along with Superintendent Reidenbach and other representatives of INHP, representatives of the IVC and its counsel, along with representatives of one of my constituent companies, The Constitutional, and its counsel.

It is my understanding that for the last 18 months, The Constitutional has been unsuccessful in reaching any real and meaningful accommodation with INHP and the IVC regarding tour staging and operational problems. I have also included a copy of the May 10, 2007 correspondence from The Constitutional, that a Washington staff member sent to Superintendent Reidenbach and discussed with him, which details proposed solutions offered by The Constitutional. Furthermore, the letter also includes a summary of the good faith efforts of Jonathan Bari and Leslie Bari on behalf of their company, The Constitutional, to find some common ground as well as comparable treatment by INHP and the IVC to other vendors and tour operators, both not-for-profit and for-profit third parties. At the April 2, 2007 meeting, Superintendent Reidenbach agreed to revisit the

request in my December 7, 2006 letter to provide three designated staging locations for walking tours. Also, at that meeting, Superintendent Reidenbach stated his support for The Constitutional Walking Tour and his commitment to working equally with all commercial tour operators.

However, in spite of The Constitutional's repeated requests to be issued a permit or agreement (i.e., Commercial Use Authorization, Cooperative Agreement, Special Use Permit, etc.) from INHP in order to conduct business inside the IVC and/or immediately adjacent to and outside of the IVC, similar to other third party businesses (Ride the Ducks, Big Bus, Pennsylvania General Store, Once Upon a Nation, IVC photo concession), INHP and the IVC have countered with a continually changing set of reasons, the most recent of which is about setting precedent.

However, it seems as if INHP has continued to set precedent with other commercial interests. For example, as detailed in Footnote 1 on Page 2 of the May 10, 2007 correspondence from The Constitutional, it describes the four separate "Commercial Use Authorizations" which have been issued by INHP to Ride the Ducks and its three separate name entities, which do in fact appear to help circumvent the intention of the Philadelphia Code.

It appears that there have been a number of reasonable proposals set forth by The Constitutional and its counsel at Blank Rome where on the surface it would appear that an accommodation could be easily reached among all of the parties, and it certainly appears that a certain element of creativity has been utilized by INHP and the IVC to reach other such accommodations with other for profit and non-profit tour operators and vendors. Thus, I accordingly urge you to engage in this matter and work with the Philadelphia regional office to reach at long last an amicable and equitable resolution between all interested parties so that The Constitutional can have a visible place to stage its tours like other tour operators have inside and/or outside of the IVC.

Thank you for your attention to this matter and please contact me directly should you have any questions regarding this and any other matters.

Sincerely,



Anne Pizzoli

Office of Senator Specter

AS:ap  
Enclosure  
C.c Dennis R. Reidenbach