

**DECISION**



1821  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-198032

**DATE:** June 3, 1981

**MATTER OF:** Emergency Transportation of Injured  
Visitor at National Park

**DIGEST:** Secretary of Interior has used his authority to aid injured or ill visitors in National Parks to promulgate Management Policy stating that Park Service management shall insure availability of emergency transportation. Contract with local fire department to pay for emergency transportation, if injured visitor refused charges, was reasonable application of existing Policy and invoice presented may be paid. NPS should attempt to recover cost by billing the visitor for the services rendered under the user charge statute. See statutes and Comp. Gen. decisions cited.

This is an advance decision to R. Neil Thorne, Authorized Certifying Officer, National Park Service (NPS), Midwest Region, on the propriety of certifying an invoice in the amount of \$46.00 to the Glen Arbor, Michigan Volunteer Fire Department for emergency ambulance transportation of an injured minor visitor at the Sleeping Bear Dunes National Lakeshore (hereafter, "the Park"). The invoice was presented for payment pursuant to an agreement between the Park Managers and the local Volunteer Fire Department, under which the department would respond to calls on the Park premises, bill the visitor, and NPS would reimburse any charges refused by the injured person. The voucher may be paid for the reasons stated below.

The Secretary of the Interior has authority "to aid and assist visitors within national parks or national monuments in emergencies\*\*\*." 16 U.S.C. §12 (1976). The Secretary has exercised this authority by promulgating the Management Policies of the NPS.

Chapter VII of the Policies addresses the provision of emergency transportation to local medical facilities for injured or ill Park visitors. It states:

"It is the responsibility of the Service to insure that adequate emergency transportation services are available for visitors who become injured or ill. This responsibility may be fulfilled by emergency transportation services available in nearby communities, provided that advance arrangements are made to insure the availability

*Payment of invoice for ambulance transportation of injured visitor*  
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of the service on call. At locations where such services are not available, the Service will provide emergency medical services (equipment and personnel) to meet the standards prescribed in the 'Highway Safety Program Manual, Volume II, Emergency Medical Services.' In this instance all costs related to emergency transportation of an injured or ill visitor from the point of injury or illness to the nearest medical facility where professional medical care is available will be borne by the Service.\*\*\*" At 25.

The above-quoted passage seems completely consistent with the Secretary's authority to "aid and assist" visitors to the national parks in emergency situations. As we interpret the NPS Policies, the Service is responsible for making sure that emergency transportation services to the nearest medical facility are available to "aid and assist" visitors who become ill or are injured in a national park. This responsibility may be exercised by entering into agreements with public or private facilities or services operating in nearby communities. Such arrangements could reasonably include a promise to reimburse the facilities or services for any charges which the transported visitor refused to pay, if the facility or service refuses to guarantee its availability without such a promise. The only qualification on this authority is that the private purveyor of emergency transportation, whom the NPS may reimburse for his services, may not be one who is under a legal obligation to provide that service to park patrons without charge (such as the local jurisdiction's police department rescue squad). 51 Comp. Gen. 444 (1972).

Under the Policy cited above, if local services are not available, the NPS could provide emergency aid, including transportation in a service-operated ambulance purchased and maintained for the care of its own employees. However, where there are adequate local services, NPS' only legal duty is to assure that they are made available to aid and assist injured visitors. If, by the terms of its agreement with the local provider, it must pay for such services when the visitor has refused to pay the private facility directly, we think that, pursuant to the user charge statute, NPS should attempt to collect the amounts it has been forced to expend on the visitor's behalf.

The user charge statute, 31 U.S.C. § 6483a, is a way of recouping the cost of Federal activities which provide a special benefit to an individual. It allows the head of an agency to charge the beneficiary for the value of the service rendered, and helps agency activities to be self sustaining. Although often applied to recurring kinds of activities such as patents and Federal licenses, it can also be used to recover unique expenditures such as the ambulance services involved here. The application of the user charge statute is called for in this

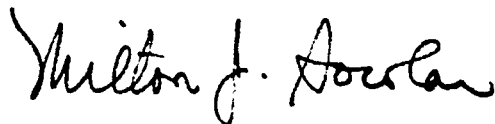
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case because NPS has no legal duty to provide ambulance service free of charge to park visitors, but by the terms of its agreement has been forced to bear the expense because of the visitor's refusal to pay.

We understand that it is the current practice of NPS to bill beneficiaries of emergency aid and assistance under the user charge statute. We have further been informally advised that NPS also bills visitors who receive service-provided aid in addition to those who receive commercially contracted aid. This is a correct application of the user charge statute, and, to the extent that additional costs are incurred in connection with service-operated equipment, they should be collected under section 483a. We note, however, that this practice is not in accord with the earlier-cited Management Policy, and appropriate conforming revisions should therefore be made.

As to Mr. Thorne's concern about the possibility of fraudulent double billings by providers of emergency services in a reimbursement arrangement like the one at this Park, the contract with the ambulance service might include provisions, such as one allowing NPS access to the contractor's records, which will help assure honesty on the contractor's part.

A subsidiary question in the submission dealt with the provision of emergency assistance to persons injured on public highways bisecting Park property. It appears to us that highway travelers are not Park visitors and that the statute, Policy and analysis in this decision would not require that emergency assistance be provided to highway accident victims.



Acting Comptroller General  
of the United States