

The Sidewalk Less Travelled

State's Decision Highlights Conflict When State and Federal Accessibility Requirements Differ

by Katherine McGuinness

The ADA Standard for Accessible Design (ADA Standards) are a part of federal regulations affecting design and construction. Designers must now conform with the ADA Standards as well as applicable state and local accessible design standards. A recent interpretation of the *Rules and Regulations* of the Massachusetts Architectural Access Board (MAAB) exemplifies how important it is to understand the subtle – but often distinct – differences between federal and local standards.

MAAB is a regulatory agency whose legislative mandate is to develop and enforce regulations designed to make buildings “accessible to, functional for, and safe for use by persons with disabilities.” Its regulations apply to buildings open to and useable by the public and are intended “to provide full and free use so that persons with disabilities may have the education, employment, living, and recreational opportunities necessary to be as self-sufficient as possible and to assume full responsibilities as citizens.” Since 1973 these

regulations have been part of the Massachusetts Building Code, and are enforced by building inspectors and the board itself. Failure to conform with MAAB can cause significant delays in the permitting process or

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ADA Notification Act Stirs Debate

In an effort to address the issues of “drive by ADA lawsuits,” Rep. Mark Foley (R-Fla.), has introduced a measure that would require that places of public accommodation or a commercial facility be given 90 days to correct alleged violations before a lawsuit can be filed.

An amendment to the Americans with Disabilities Act of 1990 (ADA), the ADA Notification Act has received a lot of attention this year, especially since actor Clint Eastwood, who is involved in a lawsuit that claims his Mission Ranch Hotel violates ADA, is an outspoken supporter of the bill.

Foley introduced H.R. 3590 after a rash of lawsuits alleging ADA violations were filed against small businesses in his congressional district.

The Subcommittee on the Constitution, where the bill was referred in February, heard testimony in May. Foley testified that the bill’s 90-day notice period protects small businesses that are being victimized by “rogue attorneys” using clients with disabilities for personal enrichment. At the hearing, Foley described the “drive-by lawsuits” in his

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Hadley Park in Montgomery County, Md. is one of a growing number of accessible playgrounds, see story on page 14.



Rulemaking without Representation?

On July 27, 2000, the US Architectural & Transportation Barriers Compliance Board (Access Board) sponsored a public forum in Washington, D.C. entitled "The Access Board And The ADA: The Next 10 Years." I was privileged to

be among the approximately 200 people who attended and took the opportunity to make a suggestion to the Access Board. In particular, I suggested that the membership of the Access Board be re-evaluated, which was met by immediate resistance from some members of the Access Board.

When the Access Board was established in the early 70s, its membership was to be representative of the constituency that its rules affected – people with disabilities and federally funded programs and agencies that were required to comply with the Architectural Barriers Act of 1968 and Section 504 of the Rehabilitation Act of 1973. However, when the Americans with Disabilities Act of 1990 expanded the responsibilities of the Access Board to include the development of guidelines that affect privately owned buildings, no representative change to the voting membership of the Access Board occurred.

The Access Board has done an admirable job of going beyond public hearings to include the viewpoints and concerns of private industry in its advisory and regulatory negotiation committees. However, observers from private industry are becoming increasingly concerned that business input

goes no higher than these advisory committees. When the real decisions about the final rules are made, the full range of interests are not being adequately represented at the table.

There is a significant danger involved in establishing one-sided guidelines that do not have the benefit of buy-in from those who are directly affected. Our history has shown us that an open and balanced decision making process is needed if guidelines are expected to be even-handed and accepted.

I believe that over the long term, success of the ADA guidelines affecting private businesses will result only from rules that work for both businesses and people with disabilities. While short term advantage may be gained from political maneuvering, re-

sistance and backlash are the inevitable result of rules that are not consensus-based and not perceived as being fair by the majority of the affected parties.

One way to help create an accessible world is to make those who most influence its design to be part of the rulemaking process. To exclude such representation greatly diminishes the opportunity for education and the opportunity to reduce the time required to create an accessible environment.

We are now seeing first hand that if resistance is not resolved in the rulemaking process, it will ultimately occur through a time consuming court process. And as we all know, a court process typically results in pitting one side against the other, rather than creating a team approach to resolving a problem. If those who make the rules don't realize that rulemaking without representation is no different than taxation without representation, it may take a revolution to bring it to their attention.

I continue to urge the Access Board to seriously consider the make-up of its voting membership as it moves into the next phase of its efforts

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Universal Design Institute: New Name, New Horizons

Universal Design Institute (UDI) located in Winnipeg Manitoba, Canada is undergoing a number of changes. In May it changed its name from the previous Canadian Institute for Barrier-Free Design and is currently in the process of becoming an official research institute of the University of Manitoba.

Background

The Canadian Paraplegic Association and the Manitoba Association of Architects founded the Canadian Institute for Barrier-Free Design (CIBFD) as a non-profit organization in 1990 under a three-year grant of \$300,000 from the Rick Hansen Man-in-Motion Legacy Fund. It has been housed at the Faculty of Architecture since that

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Court Says Foreign Ship Could be Subject to the ADA

A federal court of appeals has ruled that the Americans with Disabilities Act could apply to foreign-flag cruise ships in U.S. waters, thus permitting a law suit against Premier Cruises Inc. to go forward.

The suit was brought in federal district court by Tammy Stevens, who uses a wheelchair. She filed the complaint following a cruise vacation during which she claimed that her cabin and many of the public areas of the ship were inaccessible to her.

The court noted that a public accommodation aboard a cruise ship is no less a public accommodation just because it is located on a ship instead of dry land. "A restaurant aboard a ship is still a restaurant" -- thus Title III of the ADA applies, according to the ruling.

The court rejected the argument that the case involves the "internal management and affairs" of a foreign-flag ship. "...this case is about whether Title III requires a foreign-flag cruise ship reasonably to accommodate a disabled, fare-paying, American passengers while the ship is sailing in American waters," according to the court's ruling.

Ruling Calls for 32 Inches Between Retail Racks

In June, a federal district court judge ordered a Macy's department store in California to include in its ADA compliance plan a specific "target" for the amount of space between merchandise racks.

The order was the result of a joint status conference in a suit brought in 1996 by Disabilities Rights Advocates in Oakland, Calif. In October 1999, Judge Marilyn Hall Patel ruled that the store had violated the Americans with Disabilities Act by failing to provide adequate access for people who use wheelchairs and scooters.

Attorneys for Macy's San Francisco Union Square department store argued against setting a minimum level of access and offered to "strive reasonably to maximize access" with aisles between 28 and 36 inches wide. The judge, selected the mid point of the range and suggested 32 inches. She gave both sides 30 days to agree on how to phrase the spacing clause and submit it for her approval.

It is the first case in the nation to address the responsibility retail stores have to provide access to and between moveable display racks.

Update on Access Board Rulemaking

Play Areas: In July based on its review of the comments received, the US Architectural & Transportation Barriers Compliance Board (Access Board) completed work on the final guidelines for play areas. The Access Board has submitted the guidelines to the Office of Management and Budget for review and clearance. OMB has 90 days to complete its review. The board will publish final guidelines in the Federal Register once cleared by OMB.

Updated ADA/ABA Accessibility Guidelines: The Access Board is reviewing more than 2,500 comments received on the proposed update of the ADA Accessibility Guidelines and the guidelines for federally funded facilities covered by the Architectural Barriers Act (ABA). It will use the rest of the calendar year to analyze and deliberate on revisions to the rule. Board approval of the text is expected by next spring.

Outdoor Developed Areas: The board will prepare a proposed set of guidelines based on a report submitted by the Regulatory Negotiation Committee on Outdoor Developed Areas. Once published in the Federal Register, the proposal will be available for public comment. The committee report, which is currently available from the board, offers a detailed preview of the proposed guidelines.

For more information, contact the Access Board at www.access-board.gov or call 800.872.2253 (voice), 800.993.2822 (tty).

DOJ Notes 10th Anniversary of the ADA

This summer, the Department of Justice published a status report on the enforcement of the Americans with Disabilities Act, documenting 10 years of its activities. The 47-page report highlights cases where DOJ involvement led to more accessible facilities and the impact its work has made on particular individuals' lives.

To obtain a copy of the report, contact DOJ at www.usdoj.gov/crt/ada/pubs or 800.514.0301 (voice) or 800.514.0383 (tty). 

"...this case is about whether Title III requires a foreign-flag cruise ship reasonably to accommodate a disabled, fare-paying, American passenger while the ship is sailing in American waters"

U.S. Court of Appeals, 11th Circuit



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Designing for the 21st Century II

International Conference on Universal Design a Resounding Success

From June 14-18, a diverse array of designers, people with disabilities, academics, students, entrepreneurs, rehabilitation professionals and advocates from 28 nations met in Providence, R.I. A total of nearly 700 people participated in a range of activities including 15 Pre-Conference sessions, the Core Conference with 148 presenters in six blocks of concurrent sessions and the one-day Global Universal Design Education Project Forum. Interest in the conference continues to grow, as attendance increased 35 percent over the 1998 conference.

"In my 36 years in professional practice, I've never met so much brain and spirit power in one place," said John Coe, FASLA, principal of CLRdesign in Philadelphia.

The conference sponsor was Adaptive Environments with HalfthePlanet.com as Co-Sponsor, in cooperation with the Center for Universal Design at the North Carolina State University at Raleigh and the RERC on Universal Design at Buffalo, and Host Partner Rhode Island School of Design. Forty-two groups from around the world engaged as collaborating organizations.

All attendees gathered at the Rhode Island Convention Center to listen to the keynote speakers in seven plenary sessions. They were: Roger Coleman, DesignAge/Royal College of Art (UK); Natascha

Drabbe, Cultural Connections (Netherlands); William Hudnut, III, Urban Land Institute (USA); Yoshihiko Kawauchi, Access Project (Japan); William Kennard, Federal Communications Commission (USA); Satoshi Kose, Ministry of Construction (Japan); Patricia Moore (USA); Bruce Nussbaum, Business Week (USA); Adolf Ratzka, Institute on Independent Living (Sweden); John Salmen, Universal Designers & Consultants Inc. (USA); Jim Sandhu, European Institute on Design and Disability (UK); Gregg Vanderheiden, Trace Research and Development Center (USA); and Leslie Kanes Weisman, New Jersey Institute of Technology (USA).

Transcripts of the keynote presentations are on the

conference website: www.adaptenv.org/21century
International Awards

The conference provided an important forum for tribute to and celebration of seven organizations and nine individuals who had been selected for international awards through nominations submitted by the sponsoring and collaborating organizations. The first Ron Mace Designing for the 21st Century Awards

honored leadership that had succeeded in converting vision to reality. The organizational award recipients were the



Attendees enjoy a break from the action.

American Association of Retired People (AARP), the Center for Applied Special Technology (CAST), the European Institute for Design and Disability (EIDD), Media Access Group/WGBH Educational Foundation, Microsoft Corporation, Moore Iacofano Goltsman (MIG) and *Universal Design Newsletter*. Individual award recipients were: Maria Benkzon of the Ergonomi Design Gruppen, Sweden; Roger Coleman of the Helen Hamlyn Research Centre, Royal College of Art, London; Sam and Betsey Farber of OXO Good Grips, USA; Yoshihiko Kawauchi of Access Project, Japan; William Kennard of the U.S. Federal Communications Commission; Satoshi Kose of the Ministry of Construction, Japan; Patricia Moore of Patricia Moore Designs USA; Jim Sandhu of the University of Northumbria, UK; and Gregg Vanderheiden of Trace Research and Development Center, USA.

Student Design Competition

The Student Design Exhibit and Competition entitled "Creating Legible Environments," was directed by Michael Everett, dean of architecture and design at the Rhode Island School of Design. The challenge to students was to present a wayfinding solution that would work for all users and that was responsive to the increasingly complex situations common to contemporary life.

The competition required that the submissions be the result of cross-disciplinary design studios. An international jury reviewed the projects. Eight team

"In my 36 years in professional practice, I've never met so much brain and spirit power in one place."

John Coe, FASLA
Principal of CLRdesign,
Philadelphia



Award winners from the Designing for the 21st Century Conference.

CANADA: Universally Designed Co-Housing

Two Canadian universal design consultants are working with a group of people to plan a universally designed co-housing project in Winnipeg. Co-housing is a growing world-wide movement in which each project is cooperatively planned by the future residents.

In a recent interview, Gail Finkel and Yhetta Gold described the intensive participatory process that is

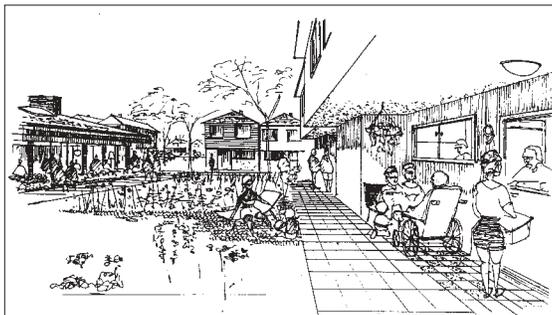


Illustration: Claude de Forest

Co-housing common area that everyone can use, surrounded by individual living units.

leading to one of the first co-housing projects designed to accommodate not only physical and sensory disability but also a range of other factors, including economic diversity. "It's a slow process", they emphasized. "The decision making takes time, so that it is really owned by the group...the process helps create community long before they move in." Finkel and Gold note that although the principles of co-housing were not developed to include people with disabilities, they compare favorably with the goal of inclusion and independent living. The architectural design reinforces interactions through common spaces defined by the group to support shared activities.

The working group grew out of a research project that examined the feasibility of disability integrated co-housing. The group hired Finkel and Gold as consultants to the process when it realized the complexity of the planning and decision making involved in creating a co-housing project. The consultants facilitated the action plan that includes financing

"World Update" is written by Elaine Ostroff, founding director of Adaptive Environments Center. If you have information about international universal design efforts that you would like to see published in *Universal Design Newsletter*, send it to: 6 Grant Ave., Takoma Park, MD 20912; or via e-mail at: UDandC@erols.com.

options to accommodate people of differing incomes, and general site selection criteria. The group is now looking at sites and preparing for the final stages of design and marketing.

For further information, read Finkel and Gold's paper in the Designing for the 21st Century Conference Proceedings at www.adaptenv.org/21century/proceedings2.asp#4F1 or contact Gail Finkel at: gfinkel@escape.ca or Yhetta Gold, ymgold@pcs.mb.ca.

UNITED NATIONS: Developing Economies And Universal Design

Representatives from nine countries - Brazil, Kenya, Mexico, Nepal, South Africa, Tanzania, Trinidad and Uganda - participated in the Developing Economies Workshop organized in conjunction with Designing for the 21st Century II conference held in Providence, R.I., June 12-19, 2000. The workshop purpose was to address environmental access and inclusive design as part of the United Nations resolution, "Implementation of the World Programme of Action Concerning Disabled Persons: towards a society for all in the twenty-first century." Coordinated by the South African Federal Council on Disability (SAFOD) and the Adaptive Environments Center, the workshop was co-financed by a grant from the United Nations Voluntary Fund on Disability.

Phillip Thompson of SAFOD, facilitator of the week-long session reported, "The delegates were unanimous in their desire to move beyond specialized access requirements to a mainstream, universal designing approach. Now, they each are following up the workshop with efforts to incorporate universal design in their regional work to assure equal opportunities for persons with disabilities." He noted that the African participants would link their work to the African Decade of the Disabled.

The Developing Economies Workshop included presentations from each country, on the status of environmental accessibility. Kalfan H. Kalfan of Tanzania, president of the Pan African Federation of the Disabled, and Thomas Ong'olo of

"The delegates were unanimous in their desire to move beyond specialized access requirements to a mainstream, universal designing approach."

Phillip Thompson, SAFOD



Participants from nine countries in the Developing Economies Workshop.

Photo: Leo Valdes

ADA Notification Act, *from page 1*

district: "...two lawyers formed an organization called Citizens Concerned about Disability Access, whose membership includes the two lawyers, a neighbor and the neighbor's disabled child. They then filed a blizzard of lawsuits against dozens of businesses, each complaining that the disabled child was unable to gain access to the business – which, incidentally, included stores she apparently never attempted to enter nor likely would have, such as a liquor store and a pawn shop."

According to Foley, these businesses readily agreed to fix the violations once made aware of them, however, the businesses were then hit with bills for the attorneys' fees in what Foley called "legal extortion." The money would be better spent, proponents argue, on correcting the violations rather than on attorney fees.

"We support the bill and have asked our members to write to their representatives to support the bill," said Kevin Maher, director of governmental affairs for the American Hotel & Motel Association in Washington, D.C. "It's a common sense approach that keeps the goals of the ADA in tact."

"This bill is incorrectly named," said Marc Fiedler, partner in the Washington, D.C. firm of Koonz, McKenney, Johnson, DePaolis & Lightfoot.

"It's called 'the ADA Notification Act' but it should be called the 'ADA Violators Special Protection Act,'" he said.

Fiedler, who is chairman of the board of the Disabilities Rights Council of Greater Washington, D.C., said the bill is "unnecessary, unfair and unwise." He explained that it is unnecessary because the law has been on the books for 10 years already and businesses have had "more than enough time" to familiarize themselves with it and comply. "Ignorance of the law is not a legitimate excuse," he said. Fiedler described the bill as unfair because it shifts the burden of educating businesses about the law to persons with disabilities who become "unpaid ADA consultants." Fiedler called the bill unwise because it would eliminate the "stick" part of the "carrot and stick approach" to enforcement by sending a message that businesses don't have to comply until they receive a warning letter.

Other opponents of the bill argue that attorneys involved in lawsuits similar to those in Florida are not doing it as a "get rich" scheme since under the ADA no monetary damages may be awarded and they are entitled only to reasonable attorney fees. Others argue that the 90-day notice period unfairly penalizes people with disabilities since other groups such as minorities and women don't have to wait 90 days to file a lawsuit alleging a civil rights violation. In addition, they cite the potentially harmful impact of circumstances denying access to critical services during the notice period.

Critics point out that while Foley's bill purportedly aims to protect small businesses, the ADA already has several provisions designed to protect small businesses from unreasonable requirements. In addition, the bill makes no distinction between big and small businesses so that major corporations are entitled to the same protection as the "mom and pop" shops.

Opponents of the measure assert that the bill penalizes those who have taken the initiative to voluntarily comply with ADA. Furthermore, some feel that passage of the legislation would ultimately result in a decline in voluntary compliance with ADA since businesses would have a 90-day grace period to take corrective action before being sued.

"The issue has attracted a lot of attention," said Liz Nicolson, legislative director for Foley. Nicolson said that the legislation will most likely be reintroduced in January, when the new Congress convenes, since it probably won't make it out of the committee during this legislative session. 

"It's called 'the ADA Notification Act' but it should be called the 'ADA Violators Special Protection Act'"

Mark Fiedler,
Disabilities Rights
Council of Greater
Washington, D.C.

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Universal Design Standards?

Practitioners of universal design have a love-hate relationship with regulations. On one hand, regulations and standards like those implementing the Fair Housing Act or the Americans with Disabilities Act (ADA) as well as local ordinances like those mandating Visitability promote universal access. On the other hand, codified rules governing the design details of products and spaces can restrict innovation and the adoption of new technologies and ideas.

For example, a bathtub with a door on its side may not be acceptable to a building official because the height of the rim exceeds the maximum allowed in accessibility codes. Yet this innovative tub may be far more accessible for the entire population than one with a lower rim. Regulations simply do not change rapidly enough to accommodate innovation in product design and technology. Once a regulation creates a market for accessible products, those products are even labeled “for the disabled” or “Handicapped Accessible.” Designers and manufacturers tend to use the codes to solve their problems, rather than thinking creatively. It is easier for them to simply “follow the rules.”

Almost all advocates of universal design support accessibility codes because they are needed to imple-

ment minimum access. At the same time, as creative designers, many of us are wary of codifying universal design. Further, since universal design can be applied to any product, environment or communications system that people use, it would be very difficult to develop a comprehensive standard and even

more difficult to keep on top of implementation. The venture to ensure full access could actually backfire and do more harm than good. But there is a new development that suggests a way to introduce universal design into standards without removing the

creativity from design.

The International Standards Organization (ISO) promulgates international standards for use in industry. ISO is like the American National Standards Institute (ANSI) in this country. In fact, the two organizations often work together. ANSI organizes US participation in ISO activities. ISO has established a high level group to develop a guide to address the needs of older persons and people with disabilities in standardization. The guide could be used in the work of any standards making group.

So, for example, an ISO committee seeking to develop new standards for doors, medication packaging or transit vehicle design, could use the guide-

See Universal Design Standards, page 10

Commentary

El Steinfeld, Arch. D.

*Director of the RERC on
Universal Design at Buffalo*



Regulations simply do not change rapidly enough to accommodate innovation in product design and technology.

Unlimited by Design: The Making of an Exhibit

It's hard to believe, but Bruce Hannah wasn't always interested in universal design.

During the 1980s, Hannah, creator of the groundbreaking exhibit Unlimited by Design (UBD), was chair of industrial design at the Pratt Institute in Brooklyn, N.Y. His company, Hannah Design, was involved in the design and development of office furniture, ergonomic workstations, and various types of exhibits for public display. In fact, Hannah holds part of the patent for the development of the original adjustable desk extension for keyboards -- a version of which is still attached to most computer workstations.

During those days, Hannah began to notice that his clients were interested in providing access - but had no specific idea what it was.

In 1992, when Hannah and George Covington combined their efforts to produce the universal design primer *Access by Design*, the Unlimited by Design exhibit was already in the planning stage.

The “mission” of the UBD exhibit (at least in part)

was to answer the question: What is truly inclusive - or universal - access?

To express the basic principles of universal design in a way that manufacturers, designers, engineers, and the general public would understand, Hannah and Covington developed an acronym for the word “DESIGN” (Demographics, Economics, Senses, Intuition, Generation, Navigation) which became the core of the



The Unlimited by Design exhibit is currently travelling.

See Unlimited by Design, page 9

News from the Center

During the Rehabilitation Engineers Society of North America (RESNA) annual conference in Orlando, Fla., RERC Director **Edward Steinfeld** was elected incoming chair of its *Special Interest Group 19 on Universal Design Access*.

At the same time, SIG 19 also requested that the RERC on Universal Design at Buffalo take a leadership role nationwide in discussing how best to develop standards for universal design without impeding innovation. A preliminary workgroup to begin discussion of the issue was selected.

Molly Story of the Center on Universal Design at North Carolina State University and **Gregg Vanderheiden** of the Trace Center will join Steinfeld in organizing this effort.

Visitability Initiative Update

Remarks from Eleanor Smith of Concrete Change were the highlight of the small group meetings on Visitability held during the Designing for the 21st Century II Conference, held this summer in Rhode Island. More than 30 advocates discussed their ideas for advancing Visitability related goals, and appreciated the opportunity to ask questions of one of the

creators of the concept.

Smith spoke at length and answered many questions. The group also discussed the development of a marketable logo and designation to indicate that a newly built home conforms to visitable standards. The term "Easy Living" has since been chosen, and a decision on a logo is very near.

The group also heard about plans for the

The group also discussed the development of a marketable logo and designation to indicate that a newly built home conforms to visitable standards.

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The Visitability small group meeting was well attended.

Visitability Initiative, one of the RERC projects. In addition, a new Internet discussion list on Visitability issues was created and will be administered by the RERC. A three-day working conference was held in Atlanta August 18-21 with a small group of advocates from eight cities. Each of these cities have proven track records on Visitability. Additional local and national follow up conferences and meetings on Visitability are inevitable.

Meanwhile, there has been progress made in the RERC on Universal Design at Buffalo's efforts to bring visitable houses to Western New York.

According to RERC's Danise Levine, Buffalo's chapter of Habitat for Humanity has agreed to construct three visitable houses during its current construction cycle here -- representing every new unit currently under construction. The change occurred with the full and enthusiastic consent of the families scheduled to take possession of the new homes. The Flower City Habitat for Humanity in Rochester currently plans to construct one visitable unit, and one fully accessible unit.

Finally, the Rochester chapter of Habitat for Humanity is expected to adopt a policy under which all new units will be built on a visitable floor plan. To join the discussion list on Visitability, contact RERC online at www.ap.buffalo.edu/~rercud or Concrete Change at www.concretechange@mindspring.com. Or call RERC at 800.628.2281 or 716.829.3485, ext. 329.

See the January 2001 issue of *Universal Design Newsletter*, for more news on RERC. 



Eleanor Smith holds up a poster at the Visitability small group meeting.

Project Launched to Gather Data for Physical Standards

Analyzing reach range, body measurements and movement parameters to help develop physical standards will be the first step of a project of the RERC on Universal Design at Buffalo.

Due to the lack of raw data which recognizes varied abilities and users, the development of the physical standards has so far been a more difficult challenge. Part of the problem with existing anthropometrics data is that much of it is based on studies done by the United States military, supporting the development of new weaponry or uniforms. Unfortunately, this skews the data available toward a sub-population of white males from the ages of 18 to 26.

The R1 Prototype Anthropometric Database Project is at the center of the RERC on Universal Design at Buffalo's research efforts. The project will establish and analyze reach ranges, body measurements, and movement parameters for a large sample of volunteers who have disabilities which require that they function primarily from wheelchairs. Using a piece of equipment called the "Faro Arm," researchers will measure each volunteer's movements. The high tech Faro Arm precisely measures each subject in the same way. The system automatically creates a database of points in three-dimensional space. From this database, a 3-D computer model of wheelchair users can be constructed.

According to Dr. Victor Paquet, co-director of the

R1 Project, the goal of the project is to measure 500 people - about 125 individuals per year in years 2 through 5 of the RERC grant. "During the first year we are completing preparatory work to insure the reliability and validity of the methods and to plan the data collection approach," he said.

Initial studies will take measurements within clinical and home environments, so that comparisons can be made as to the best place to collect data. Researchers will also analyze videotapes of bathroom and kitchen use to ensure that data collection protocol will be sufficient to answer the critical information needs of designers, said Paquet.

Once data has been collected and analyzed, a database will be developed which will be made available to designers, architects, and builders across the country. The focus will be initially on bathroom design but researchers expect that it will be useful in other settings as well. It has not been determined whether the information collected will be available for fee or as a free resource. When designers have access to accurate data on a full range of wheelchair users, more inclusive environments can be more easily designed.



The Faro Arm measures volunteers' movements.

Unlimited by Design, *from page 7*

UBD exhibit.

The goal was to design a highly accessible exhibit which would interest and motivate the target audiences. The exhibit designers worked with numerous advisory panels representing different aspects of the disability community. Hannah says he never realized the breadth of what consumers wanted until he became involved in the process. He was also intrigued to discover that there were a lot of designers who didn't realize that their products were universal.

"They were surprised when we approached them to become part of the exhibit," he said

The resulting exhibit, which was originally shown at the Cooper Hewitt National Design Museum in New York City, is based on the DESIGN acronym and simulates one morning's activities for a typical person. The exhibit starts in the bedroom and moves the exhibit attendee through the bathroom, the kitchen, the home office, the playroom, the garden and finally into the computer room - rep-

resenting the workplace. The exhibit at the Cooper Hewitt ended last spring, and a slightly altered version opened in June at the Design Exchange in Toronto, Ontario.

Both versions of the exhibit have received good reviews. According to Hannah, however, it's not the exhibits but the ideas behind them which must succeed: "I hope that people begin to look at design differently, critically. Instead of saying 'this is the way it is, ... and I'll use it this way.' I want the general public to feel comfortable in criticizing design. If they do feel comfortable, [with this process, producers] will start designing products which are bigger, safer, more comfortable, better for everyone... in short, universal."

The Unlimited by Design traveling exhibit is available by arrangement with the Cooper-Hewitt through the RERC on Universal Design at Buffalo. For more information, contact Steven Truesdale at 716.829.3485 extension 335. Bruce Hannah can be contacted at Hannah Design at 212.255.1027

Universal Design Standards, *from page 7*

lines to ensure that the products designed according to the standard would be usable by each population sub-group in any target community.

A draft of the document, *ISO/IEC Guide 71*, is currently circulating. This document is by no means finished — but it already offers very interesting insights and ideas. It defines concepts like universal design, accessible design and ergonomics so that the differences between them are clear. It describes how impairments affect functional abilities and how the features of products and services can enable or disable persons with disabilities and older people. It includes the usual issues of mobility impairment and sensory limitations but it also includes attention to memory, language, literacy skills, and allergies.

This document can advance the cause of universal design without the heavy-handed approach of regulation. It can educate all those involved in developing standards and also help infuse the perspective of universal design into the standards for almost any product or service. Implementation can be through adoption of industry-sponsored voluntary standards rather than regulations.

A group of universal design advocates in the US who are also members of the rehabilitation technology organization Rehabilitation Engineers Society of North America (RESNA), have volunteered to get involved in shaping the content and direction *ISO/IEC Guide 71*.

Meanwhile, readers are invited to comment on the subject of developing universal design standards. Send comments to the RERC on UD at Buffalo www.ap.buffalo.edu/~rercud. 

Ed Steinfeld is the director of RERC on Universal Design at Buffalo.

Funding for this continuing insert is provided by the RERC on Universal Design at Buffalo. The RERC is funded by the U.S. Department of Education's (DOE) NIDRR. The contents of the insert, however, do not necessarily represent DOE policy. Readers should not assume an endorsement by the federal government.

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Universal Design Institute, *from page 2*

time and changed its name on May 1 to the Universal Design Institute. A Board of Directors and the faculty of architecture oversee UDI, which has a mandate for research, education, and promotion and consultation on universal design.

Projects

In addition to the start-up funding received from the Rick Hansen Man-in-Motion Legacy Fund, the UDI has acquired grants and awards in excess of \$600,000 for a variety of research, education and service projects including:

- National Introductory Universal Design Access Consultant Workshops: training for persons with disabilities across the country;
- Hosting of the first universal design conference in Canada in September 1999;
- International comparison of codes/standards/guidelines in partnership with Betty Dion Enterprises Ltd.;
- Determination of dimensions for building the environment with consideration of power wheelchairs and scooters; and
- Universal accessibility audit of downtown Winnipeg.

Its recent publications and products include:

- *Access: A Guide for Designers, Contractors, Facility Managers and Owners*
- *Accex: Universal Design Expert Software*
- *Is Your Business Open to All?* booklet
- *Universal Design Resources 2000* software produced for Association for Higher Education (AHEAD)

Consultation

The UDI provides consultation to the Canadian Standards Association CAN/CSA B651-M95 committee and the Institute Director Laurie Ringaert is chair of the CSA Sub-Committee on Automated Banking Machines. Ringaert is also a consultant to the NRC-National Building Code Fire Safety and Accessibility Committee and is chair of the Barrier-Free Sub-Committee. The institute has provided consultation for a number of federal publications and to the construction industry in the City of Winnipeg.

Education

Ringaert teaches a course entitled "Introduction to Universal Design" to landscape architecture, architecture, interior design and city planning students. Intern placements for occupational therapy and city planning students are also available at the institute. In the future, UDI plans to offer continuing education workshops for practicing professionals. 



Website Spotlight: The Access Board

The newly redesigned website of the U.S. Architectural & Transportation Barriers Compliance Board (Access Board) - www.access-board.gov - provides comprehensive information on the federal guidelines and standards, research projects, reports and enforcement issues that ensure accessible design for people with disabilities.

The home page features six large buttons that guide visitors to downloadable publications, including current Accessibility Guidelines and Standards; technical assistance, training programs and research projects; board information; a list of resources; and an enforcement page for those wishing to file complaints regarding accessibility of federally funded facilities. Visitors can also subscribe to *Access Currents*, the board's free newsletter.

Royal National Institute for the Blind's Report on Electronic Purses

Royal National Institute for the Blind Chief Scientist Dr. John Gill has put together a 24-page booklet on electronic purses in an effort to stimulate discussion that will make such systems accessible to people with disabilities. Today's smart card technology offers a secure mechanism for electronic purses, but Gill is concerned that insufficient thought is being given to the difficulties consumers with disabilities will have using these systems.



An electronic purse

The booklet outlines the technology, benefits and possible uses of electronic purses — defined by the UK Banking Code as “any card or function of a card which contains real value in the form of electronic money which someone has paid for in advance, and which can be reloaded with further funds and which can be used for a range of purposes.” Gill has made recommendations regarding screen displays, surface instructions, card entry and numeric and command button layout and size, as well as offering insight into a host of other considerations, including speech output, training, Braille and screen phones.

The booklet also provides comprehensive appendices with technological and developmental information. The report can be obtained at www.eyecue.co.uk/e.purse or by contacting Gill in London at +44.171.391.2371.

ADA and Building Transportation Handbook

Industry members who design, market, install, maintain, repair, modernize and inspect building elevator transportation systems, as well as architects, engineers, building owners and managers will find the 181-page *ADA and Building Transportation Handbook* an invaluable resource for its extensive

coverage on elevators, escalators, wheelchair lifts and transportation facilities.

Written by Edward A. Donoghue, a safety consultant and member of several standards committees, the handbook compares the numerous accessibility regulations applicable to building transportation, providing detailed compliance information. In addition to detailed analysis of regulations, complete with explanations, examples, drawings, checklists and cited documents, this second edition handbook contains ICC/ANSI A117.1-1998 compliance information and excerpts from the first draft of the ADA/ABA Accessibility Guidelines, intended to replace the ADAAG and UFAS.

ADA and Building Transportation is available from Elevator World, Inc. for \$49.95 (US), plus shipping. Call 800.730.5093 (x119) or visit www.elevator-world.com.

Retrofitting for Accessibility Video

The National Center on Accessibility has released a new video, “Retrofitting for Accessibility,” that explores the various ways to bring existing buildings into compliance with Americans with Disabilities Act (ADA) regulations. Geared toward those in the recreation, parks and tourism industry, the 26-minute video highlights the challenges faced by people with disabilities, then suggests easy-to-understand solutions to making entryways, bathrooms, parking areas and public spaces more accessible to everyone.

The open-captioned video, which points out some often overlooked accessibility issues, covers ADA-compliant door handles, door width, parking spaces, ramp slope and grade, bathroom requirements and accessories, and more.

To order “Retrofitting for Accessibility,” send \$30 check or money order to NCA, Suite 190, Indiana University, 2805 E. Tenth Street, Bloomington, Indiana 47408-2698; call 812.856.4422; or visit at www.ncaonline.org. 

Dr. John Gill has put together a 24-page booklet on electronic purses in an effort to stimulate discussion that will make such systems accessible to people with disabilities.

Sidewalk Decision, *from page 1*

costly reconstruction after a facility is built. Although MAAB amended its earlier regulations to conform to a greater degree with the Americans with Disabilities Act Accessibility Guidelines (ADAAG), differences remain where Massachusetts regulations require more accessibility than the ADAAG. A recent MAAB decision highlights the importance of understanding both ADAAG as well as local accessible design requirements.

Individuals with disabilities filed a complaint when a new school was built with accessible parking adjacent to the entrances as well as a satellite parking lot located up a steep embankment. An accessible route was provided between the accessible parking spaces and the school entrances. However, there was no accessible route between the satellite parking lot (with no accessible parking spaces) and the school entrances. There was only a walkway with stairs leading down the embankment between that parking lot and the school entrance. Both the school and the design team thought this was acceptable, indeed it was common practice, because there was no accessible parking in these satellite parking lots.

The federal Access Board confirmed that the ADAAG only requires an accessible route between the accessible parking spaces and the accessible entrances. ADAAG does not require an accessible route to a satellite parking lot which has no accessible park-

ing spaces.

MAAB, however, ruled that whenever a walkway is built, it must be accessible, even if that walkway does not connect accessible elements on the site. The board stated that although its regulations require at least one accessible route on a site, if more than one pedestrian route is provided, they must all be accessible.

The school was required to provide a ramp or accessible walkway adjacent to the stairs connecting the satellite parking lot and the school. However, the implications of this decision will substantially impact early site design decisions for many public and private sector clients.

To help the design and development community learn from this decision, Kessler McGuinness & Associates sent an "Access Alert" to many designers and developers in Massachusetts. In addition, it worked with the school's landscape architects – Geller Associates Inc. – and the complainants to present a seminar focused on educating developers, municipal officials, and civil engineers about the important decision and related accessible design issues. 

Katherine McGuinness is managing principal with Kessler McGuinness & Associates, LLC in Boston.

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World Update, *from page 5*

Kenya, executive director of the African Union of the Blind led a discussion on strategic engagement with design in the 21st century. The representatives were also active participants in sessions of the international conference, including the Educators Forum and working groups. Updated information on universal design and developing economies can be found at: <http://www.worldenable.net/>.

EUROPE: Promoting Design For All

The European Institute on Design and Disability (EIDD) aims to promote the development and application of Design for All. It has recently launched a website, and a new glossy magazine, *Crisp and Clear*. The website, which includes the electronic version of the magazine, can be found at <http://www.design-for-all.org>.

The magazine focuses on Europe and is the first highly styled and glossy periodical on Design for All. The first issue, introduced by EIDD President

Francesc Aragall, addresses the theme: cities and transport. There are several well-illustrated articles on the new Copenhagen Metro, describing the user tests that led to the functional, cost effective design. Project manager Morten Sondergaard said that "No extra cost is involved in 'Design for All,' as long as it is done from the start."

Editor Birgitte Wistoft introduces the theme of the second issue, with its focus on culture and tourist experiences. The Millenium Wheel, the giant ferris wheel overlooking the River Thames is the cover story. Designed for everyone to use, this breathtaking new urban landmark took seven years to build and is 120 feet taller than Big Ben. Eight hundred people can experience the dramatic ride at each revolution, in capsules that each hold 25 people.

The magazine will appear four times during 2000 in Ireland, Spain and Italy. Summaries in Italian and Spanish are included in the printed version of the magazine. 

PRODUCTS

Shopping/Plastic Grocery Bag Handle

Tripod Design has created a support handle that can be used with plastic grocery and shopping bags for easy carrying. Designed to distribute weight evenly along the palm and fingers, the Handy Wormy can be used by both right- and left-handed people of all ages. The front end of the curved Handy Wormy can face forward or backward, making it simple to scoop and remove bag handles with one hand. Since the weight center of the ABS molded plastic support handle always points inward, bags can be carried with maximum stability even though the hand and arm swing at different angles.



Tripod Design, based in Tokyo, has also created a set of universal design writing pens featuring multiple gripping styles.

Non-Skid Detectable Warning Systems

TILCO Vanguard, originally created for the truncated dome federal requirement, now has a complete family of non-skid and safety surfaces. According to the manufacturer, the products are up to five times faster to install and last longer than other products on the market. The high-strength catalyzed monomer plastic used for all of Vanguard's non-skid surfaces, including SkidGuard, Wayfinders, GuideStrip and Truncated Domes, contains glass microbeads to provide better traction and light reflection, making them



highly visible under any lighting condition.

Because Vanguard products are individual units — not appliques or tiles — they follow every contour of the installed surface and maintain their character throughout settlement changes. Vanguard products are applied directly onto existing concrete, tile and other flooring. Its low profile eliminates the need to regrade. In addition, the system can be used two to four hours after installation.

Toilevator Raises Standard-Height Toilets

Designed by the Center for Studies in Aging, the Toilevator adds 3.5" of height to standard 14" or 15" high toilets, ensuring ADA compliance and ease of use for people with disabilities. Constructed of injection molded, heavy-duty plastic to support weights of up to 500 pounds, the Toilevator will fit a round or elongated bowl and can be painted to match any color.

Winner of the award for Best New Canadian Product at the recent Canadian Hardware & Building Materials Show in Toronto, the Toilevator conforms to ADA requirements and building codes while meeting the approval of occupational therapists.



According to the manufacturer, its moderate retail price and easy installation will make upgrading commercial, residential and healthcare facilities more cost effective.

ADA-Compliant Washroom Hand Dryer

American Specialties, Inc., manufacturers of washroom accessories, has developed the industry's first surface-mounted hand dryer to comply with Americans with Disabilities Act (ADA) regulations.

The ASI Profile hand dryer provides no-touch performance, capable of drying hands with dual jets of warm air in less than 25 seconds — a 20 percent increase in efficiency. Projecting just four inches from the wall, the Profile meets ADA size restrictions while delivering energy-efficient and cost-effective performance in a slim, attractive package.



The ASI Profile, constructed of steel with a stainless or porcelain-coated finish, is available in a variety of colors and carries a 10-year warranty on all parts, including circuitry.

In addition, an optional LED message area allows owners to program greetings to users or promote products and services. 

Tripod Design
(Handy Wormy)
7th Floor, 2-3-12
Higashishinagawa
Shinagawa-ku, Tokyo
140-0002
Phone:
81.3.5783.7890

TILCO Vanguard
(detectable warning systems)
20628 Broadway Ave.
Snohomish, WA
98296
Phone: 800.290.5700
www.vngrd.com

LCM Distribution Ltd.
(Toilevator)
1410 28th Street, NE
Calgary, Alberta
T2A7W6
Phone: 888.726.4646
www.lcmdistribution.com

American Specialties, Inc.
(hand dryer)
441 Saw Mill River Rd
Yonkers, NY 10701-4913
Phone: 914.476.9000

Designing Playgrounds that have No Bounds

Despite ADA requirements, the need to play has not always been sufficiently met for children with disabilities.

Since 1998, the organization Boundless Playgrounds has worked to assist in the creation and construction of playgrounds that meet and surpass the Americans with Disabilities Act Accessibility Guidelines (ADAAG). ADAAG minimum standards include limited ramps and transfer decks, but these do not always allow for full integration. Boundless Playgrounds works with communities to build their own playgrounds, designed to be at least 70 percent accessible and fun for children of all abilities.

The program was inspired by Jonathan Barzach, the son of Amy and Peter Barzach of West Hartford, Conn. When Jonathan died in 1994 of Spinal Muscular Atrophy, his parents chose to work through their grief and honor Jonathon's memory by doing something to help other children. More than 1,100 volunteers helped the Barzachs to create and construct a playground where all children could play together, regardless of their different abilities. In 1996, "Jonathan's Dream" was completed: A 25,000 square foot universally accessible playground that has become the guide and inspiration for a number of other similar playgrounds across the country.

Since the opening of Jonathan's Dream, many states have followed the example. Massachusetts, Florida, Connecticut, North Carolina, New York, and Iowa have completed 10 additional Boundless Playgrounds. Eight other playground projects inspired by Boundless Playgrounds have exceeded minimum ADA requirements. In Canada and eight other U.S.

states, 22 additional Boundless Playgrounds are underway.

The goal of the Boundless Playgrounds team is to have a minimum of 1,000 universally accessible playgrounds across the country. The organization hopes that every child will be able to reach a Boundless Playground within an hour's drive.

To help reach that goal, Boundless Playgrounds provides a wide variety of services



Hadley Park is an example of an accessible playground.

to communities who are striving to create their own universally accessible play area. Boundless Playgrounds helps communities define priorities for the project and set guidelines for keeping the project on track, as well as assisting with the design of the actual playground. Boundless Playground professionals work with the local committee to design a playground that reflects the community's goals and ideals for the project.

A key element in the design of any Boundless Playground is the "Dreaming and Design Party." Children of all abilities participate in the design of

See Boundless Playgrounds, page 15

Boundless Playgrounds works with communities to build their own playgrounds, designed to be at least 70 percent accessible and fun for children of all abilities.

21st Century Conference, from page 4

projects from four universities were selected for exhibit but the jury chose not to make awards.

They agreed that the charge to students to tackle accessible wayfinding as well as universal design in a multi-disciplinary studio was unrealistic given the nature of design education and time constraints.

Jurors agreed to work together to develop a more explicit charge with a longer

timeframe and more support before the next competition. They stressed the importance of making diverse user involvement a criterion of the next event.

"Designing for the 21st Century II offered a lens through which to appreciate universal design as a vibrant, maturing international movement," according to Valerie Fletcher, executive director of Adaptive Environments. "It has reached the stage in which the need for substantive information about successes, failures and strategies now accompanies the articulation of the universal design vision."

Keynote speaker Bill Hudnut of the Urban Land Institute noted that "a true leader is a person who can communicate a believable hope." The applause that greeted his statement affirmed that attendees see universal design today as a believable hope. ■



Universal Design Newsletter Publisher John P. S. Salmen accepts an award from Valerie Fletcher at the Designing for the 21st Century conference.



Printed on recycled paper with vegetable inks.

Events to be placed in the UDN Calendar must be submitted to the editor two months before the publication date.

Oct. 6-7, 2000: *The Western Conference on Universal Design 2000: Perspectives and Solutions in Universal Design*, San Diego. Offered by Access San Diego. Call 619.814.1274 or e-mail sdudc@accessandiego.org.

Nov. 3, 2000: Deadline for abstracts for the *Inclusion by Design: Planning a Barrier-Free World*, Montreal, Quebec, Canada. The event is sponsored by the Canadian Council on Rehabilitation and Work. All are invited to present their work and contributions in support of universal design. For more information, see www.ccrw.org.

Nov. 8-13, 2000: *World Conference on Universal Design for the New Millennium*, Seoul, Korea. See: www.millenniumED.org.

Nov. 14 *ADA Distance Learning 2000-2001 Series* (audio conference). For more information, contact Peggy Greenwell at the Access Board, 202.272.5434, ext. 134 (voice) or 202.272.5449 (tty).

Nov. 15, 2000: Deadline for proposals for presentations at *Integrating Differences: Theories and Applications of Universal Design* to be held at the

Fashion Institute of Technology, State University of New York, Oct. 19-20, 2001. The symposium is expected to bring together experts in fields ranging from product and space design to the teaching of universal design based on an interdisciplinary infusion approach. For more information, contact dkoslin@fitsuny.edu or fax 212.217.7910.

Dec. 4-8, 2000: *The Universal Approach to Interpretive Planning, Programs and Design*, Maison Dupuy Hotel, New Orleans. Contact Nan Smith at the National Center on Accessibility at 812.856.4422 (voice), 812.856.4421 (tty) or e-mail www.ncaonline.org.

June 1-5, 2001: *Inclusion by Design: Planning the Barrier-Free World*, Montreal, Quebec, Canada. The event is sponsored by the Canadian Council on Rehabilitation and Work. For more information, see www.ccrw.org.

Oct. 19-20, 2001: *Integrating Differences: Theories and Applications of Universal Design* to be held at the Fashion Institute of Technology, State University of New York. For more information, contact dkoslin@fitsuny.edu or fax 212.217.7910.

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