

To Be or Not to Be?

“Grandfathering” Previous ADAAG Compliance

A year after its approval by the US Architectural & Transportation Barriers Compliance Board, the revised Americans with Disabilities Act (ADA) and Architectural Barriers Act (ABA) accessibility guidelines remain encased in a bureaucratic process. While speculation about the contents and future of the new standards are fodder for private conversations, few people close to the process are willing to go on the record with their predictions.

However, one issue that has people talking is the question of whether or not compliance with the previous version of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) in existing facilities will be considered in compliance with the new standards. In other words, will previous compliance be “grandfathered” or not?

This is the first in a series of articles featuring the opinions of people with an interest in accessibility issues. In the coming

months, Universal Design Newsletter will seek opinions from a variety of people on the implications related to “grandfathering” previous ADAAG compliance. We welcome your comments (for publication) at: publisher@universaldesign.com, or 301.270.8199 (fax); Universal Design Newsletter, 6 Grant Ave., Takoma Park, MD 20912-4324

Viewpoint of Robert Duston

According to Robert Duston, a partner with the law firm Schmeltzer, Aptaker & Shepard P.C. in Washington, D.C. and who

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Manga as Universal Communication Media

By Dai Sogawa

The word “manga” means comic in Japanese. It has become a cultural force in Japan. Manga not only makes a huge economic impact, but also has a considerable effect on how to communicate complicated matters. Listed below are the headlines of the recent articles on Manga from nationwide newspapers.

“Aichi Prefecture made Manga to promote World Fair Nagoya held in 2005.” (Mainich Newspaper, Sept. 4)

“A monk translated Tannisho, a central text of modern Shin Buddhism, into Manga to propagate.” (Osaka Yomiuri Shimbun, Sept. 4)

“A housewife published her second Manga on the growth of her daughter with mental disability.” (Tokyo Yomiuri Shimbun, Aug. 26)

“Association distributed 30,000 issues of Manga in a month.” (Asahi Shimbun, Aug. 17)

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Florida has come up with its own van accessible parking solution. See story on page 4.

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An Unsung Hero

In my experience over the last 25 years, the National Endowment for the Arts (NEA) has been one of -- if not **the most** influential federal agencies in the advancement of universal design. More than 10 years ago, Paula Terry, director of the

NEA's Office of Access Ability, called together a meeting of national experts in accessibility, asking them to provide the NEA with ideas and directions of what was needed to promote the concept of UD. Symposia were again convened in 1999 and just recently in 2003. In each instance, the participants evaluated the current state of the art, and suggested projects, strategies and issues that impact the acceptance of UD in the US.

One of the suggestions made at the very first meeting was that there needed to be a periodical in the field. Universal Design Newsletter was a direct response to that suggestion. Many other suggestions from the meetings have also found their way to fruition, including design competitions -- The Search for Excellence in Universal Design (1996) and the Universal Design Exemplars project (2000); international universal design conferences (1998 & 2000), publications -- Universal Design New York and the Universal Design Handbook; and the establishment of networks that support practitioners and researchers.

This year's session analyzed the needs of the field in terms of research, education, dissemination and development. The group identified

the need for an updated definition of universal design. Over the last several years many people have become confused between the meanings of accessibility, visitability and universal design. The group strongly opposed the development of universal design standards, recognizing that once a standard is established it becomes a maximum standard people have little incentive to exceed. In an attempt to focus on an evolving process rather than focusing on the outcome, the group suggested the following new definition: "The process of imbedding choice for all people in the things we design." Recognizing that "choice" involves flexibility, and multiple alternative means of use and/or interface; "people" include the full range of people regardless of age, ability, sex, economic status, etc.; and that "things" include spaces, products, information systems and any other things that humans manipulate or create.

The impressive thing about the NEA's efforts is that its involvement has been largely invisible. It has forged partnerships with other organizations in this field, helping to support, disseminate and promote the projects, but with minimal fanfare. This is the type of agency we should all be proud to have our tax dollars support. Its efforts are not only influencing the fields of environmental design (architecture, landscape architecture, interior design, graphic design, and product design) but the NEA has also acted as a model for state and local arts organizations around the country. Its publications on arts accessibility have had a profound effect on the availability of accessible exhibits, performances and displays for millions of citizens throughout the country.

I stand in awe of the impact of one person in a small office of a federal agency. If more of us had the commitment to universal design that Paula Terry and the NEA have shown, we could move mountains to provide access and equity for all people.

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Supreme Court Won't Hear Sacramento Sidewalk Case

Last summer, the US Supreme Court declined to hear the case of *Barden v. the City of Sacramento* letting stand the 9th Circuit Court of Appeals ruling that city sidewalks are a “service, program, or activity” subject to the accessibility requirements of Title II of the Americans with Disabilities Act (ADA).

The suit was brought by eight residents with disabilities claiming that public city sidewalks are subject to the accessibility requirements under the Title II of the ADA and, therefore, the city was responsible for installing curb ramps in newly constructed or altered sidewalks and for removing barriers at existing sidewalks.

Just days before word came from the Supreme Court, the City of Sacramento reached a preliminary agreement with the plaintiffs in the lawsuit. In the agreement, the city pledged to dedicate 20 percent of a particular fund for up to 30 years to make pedestrian rights of way (curb ramps, including detectable warnings, sidewalks, crosswalks and all other pedestrian pathways) accessible. The city agreed to prepare an annual report detailing upcoming projects for making pedestrian rights-of-ways accessible. It also said it would pay \$10,000 in damages to the eight named plain-

tiffs in the suit and pay nearly \$1 million in attorneys’ and other fees.

In a friend of the court brief, submitted to and at the request of the Supreme Court, the Department of Justice recommended the high court reject the city’s request to consider the case because the 9th Circuit Court of Appeals decision was “correct” and, in addition, there was no grounds for the court to hear the case because the 9th Circuit’s decision did not conflict with any decision of the Supreme Court or any other court of appeal. DOJ suggested that the city’s concerns about the fiscal and administrative burden of complying with the decision be addressed when the case returned to the lower court.

DOJ disputed the city’s claim that public sidewalks are not a service, program, or activity of the city and accordingly are not subject to the program access requirements of either the ADA or the Rehabilitation Act. “Laying and maintaining a network of walkways, or sidewalks, for pedestrians to move about is one of the first and most elementary functions of a municipality,” said the solicitor general in the brief.

Maryland Code Receives Preliminary Certification

This summer the Maryland Code received a preliminary Americans with Disabilities Act certification from the Department of Justice (DOJ).

If the determination becomes final, DOJ will formally certify that the Maryland Code, as amended in February 2002, meets or exceeds the new construction and alterations requirements of Title III of the ADA. This determination makes Maryland’s code the fifth state code to achieve the certification, following Washington, Texas, Maine and Florida. According to a letter to the Maryland Codes Administration from Assistant Attorney General Ralph F. Boyd Jr., “The effect of such certification will be to provide rebuttable evidence, in any ADA enforcement action, that a building constructed or altered in compliance with the certified code complies with the ADA.”

The Future of Detectable Warnings

Requirements for detectable warnings at curb ramps are not included in the proposed new Americans with Disabilities Act Accessibility Guidelines (ADAAG) but will be included in the supple-

See RegLeg Watch, page 12

“The effect of such certification will be to provide rebuttable evidence, in any ADA enforcement action, that a building constructed or altered in compliance with the certified code complies with the ADA.”

Ralph F. Boyd Jr.
Assistant Attorney General,
US Department of Justice

One Last Revision Proposed for A117.1 Standard

A single revision, and what is expected to be the last revision, has been proposed to the final draft of International Code Council/American National Standards Institute (ICC/ANSI) A117.1-2003, Standard on Accessible and Usable Buildings and Facilities.

According to committee member John P. S. Salmen, AIA, the proposed revision corrects some unintended restrictive new language, (i.e. criteria for dispersion of accessible assembly seats) that would have made it illegal to build most small stadium-style movie theaters.

The proposed revision to Section 802.10.1 Exception can be found at www.iccsafe.org/a117/2003meeting_dev.html.

All comments must be received on or before **Nov. 9, 2003**. No other item is open for public comment. Comments should be sent to A117 Committee Secretary Larry Brown at Lbrown@iccsafe.org



The Challenges of Van Accessible Parking Spaces

Three Governments Find Their Own Solutions

The Americans with Disabilities Act Accessibility Guidelines (ADAAG) are specific in their requirements for van accessible parking spaces. The spaces are to be eight feet wide with an access aisle of eight feet to accommodate side-mounted wheelchair lifts and the space is to be appropriately marked with the words "Van Accessible" below the international symbol of accessibility. Many jurisdictions, however, have found that a number of problems still exist regarding use of the van accessible parking spaces, including cars and motorcycles parking in the access aisle and improper striping and incorrect signage provided by business owners.

In an effort to solve some of the problems plaguing van accessibility, local and state governments around the country, including Palm Springs, CA; Maryland; and Florida, have enacted code changes to enhance their regulations.

Palm Springs, CA

Anecdotal evidence seems to suggest that a new code in Palm Springs is making motorcycle drivers think twice about illegally parking in van accessible spaces. There, van accessible parking spaces -- at least one for every eight accessible spaces -- are required to be nine feet wide. In addition, the space must have an eight-foot-wide access aisle on the passenger side of the vehicle with the words "No Parking" painted in 12-inch high white letters.

The "No Parking" signage seems to have helped cut down on the number of motorcyclists parking in the loading zone, according to Phil Kaplan, ADA Coordinator for the City of Palm Springs, but it's a solution that is hard to measure.

"As a wheelchair user for the past 33 years and one who drives a van with a wheelchair lift, it was very difficult to find a parking space that would accommodate my lift before we passed the new codes," says Kaplan. "I would often take up two regular spaces in order to park, and sometimes I still do, when no van accessible spaces are available. There is a section in our California Vehicle Code that allows for a person who drives a van with a wheelchair lift to use two regular spaces when all the accessible spaces are taken."

Florida

Before the enactment of the ADAAG there were

no requirements in Florida for van accessible parking. Florida required that all of its accessible parking spaces be 12 feet wide, thereby eliminating shared access aisles while making all of the spaces van accessible with no additional signage necessary. Because access aisles were not required at that time, the state encountered few problems with people illegal parking in accessible spaces or their access aisles. "The big issue in Florida," says Larry M. Schneider, AIA, "was that with the addition of access aisles in the ADAAG, businesses must now go back and provide the aisles under barrier removal."

Maryland

The State of Maryland recently changed its code to require that one in every four accessible parking spaces, and not less than one, be designated as van accessible. The space's access aisle must measure eight feet wide and include a "No Parking in Access Aisle" sign to prevent illegal parking. As with Palm Springs, that solution has been hard to measure. The real problem facing the state is enforcement of the regulations.

"The challenge of van accessible parking is complex," says Betsy Tolbert Luecking, Program Manager for Aging and Disability Services of the Commission on People with Disabilities for Montgomery County, MD. "Most existing parking lots are not striped properly. Many do not have any van accessible spaces. And often the signage is incorrect or missing, so the police officers are unable to write tickets. Due to staff shortages, many permitting offices do not have the available manpower to inspect the design and construction of the spaces. And finally, although businesses are required to bring their parking lots up to code when they repaint, many do not, and enforcement is not a big priority for many jurisdictions."

A More Serious Problem

The states are working diligently to meet the needs of drivers with disabilities, but many agree that the more serious issue facing accessible parking is the improper use and inappropriate distribution of vehicle placards that indicate a disability. The placard was created to allow a person with a disability to travel in someone else's vehicle and still be able to use the accessible parking spaces.

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"As a wheelchair user for the past 33 years and one who drives a van with a wheelchair lift, it was very difficult to find a parking space that would accommodate my lift before we passed the new codes."

Phil Kaplan,
ADA Coordinator
City of Palm Springs

Latin America

Accessible Bus Rapid Transit

The provision of universally designed mass transit is in the works throughout Latin America in Ecuador, Columbia, San Salvador and Peru. The model is accessible Bus Rapid Transit (BRT), the surface transportation system in Curitiba, Brazil designed in the 1970s to meet the needs of a growing urban/suburban population through low-cost public transit. It has coordinated express busways and connector busses with low floor busses and ramped covered waiting platforms that speed entrance and exiting for everyone.

Edward Steinfeld, in his chapter on Mass Transportation in the Universal Design Handbook, uses the Curitiba transportation system as a great example of good urban planning that incorporated universal design. He says, "The system was designed to provide full accessibility for people with disabilities, but, in addition, the planners perceived similar benefits for the elderly, children and others with limitations in mobility as well as im-



The Curitiba express bus at a "tube" transfer station.

proved efficiency for the general population."

The Access Exchange International Newsletter reports that El Salvador has taken the lead in Central America in planning for universally accessible public transport. San Salvador, the capital of densely populated El Salvador, will be the locale for a 19 kilometer bus expressway planned with four transfer centers served by feeder bus lines and 22 other stops served by high-level ramped platforms. Meanwhile, a similar system in Lima, Peru,

has entered the design stage as plans move ahead for a funding package from the World Bank, the Inter-American Development Bank, and the Municipality of Lima.

Other BRT systems are in the planning or implementation stage throughout Latin America, including Guatemala City, Guatemala; Panama City, Panama; Guayaquil and Cuenca, Ecuador; Fortaleza, Brazil; Medellín and Barranquilla, Colombia; and Santiago, Chile. The spread of BRT systems in Latin America provides highly visible examples of universal design, which can be replicated elsewhere in the region and beyond.

For more information on transportation see: www.globalride-sf.org/

Scotland

International Conference on Inclusive Environments

OPENSspace, a research center for inclusive access to outdoor environments, will host a three-day conference in Edinburgh, Scotland, Oct. 27-29, 2004. The program includes contributions from an international array of experts covering the major themes of the conference: children and young people; disability and social inclusion; health and restorative environments and tourism and leisure.

Photo by: Edward Steinfeld.

One conference theme is Space to Grow: Making Space for Children and Young People. Topics under

this theme embrace a range of issues including: the benefits of natural environments for pre-school child development, aspects of autonomy, and social identity in teenage experience of outdoor places. Under the 'Design for All' theme-- making space for social inclusion and healthy places -- making space to improve quality of life, topics include the value and accessibility of nature on people's doorsteps and issues of healthy lifestyles in relation to the broader environment. The theme Tourist Places -- making space for leisure and recreation, includes topics covering methods for high quality, inclusive landscape and urban design.

The call for papers to contribute to the conference themes will be announced in October 2003. For further information: e-mail openspace@eca.ac.uk or see www.openspace.eca.ac.uk.



"The system was designed to provide full accessibility for people with disabilities, but, in addition, the planners perceived similar benefits for the elderly, children and others ... and improved efficiency for the general population."

Ed Steinfeld, AIA, Universal Design Handbook

"World Update" is written by Elaine Ostroff, founding director of the Adaptive Environments Center. If you have information about international universal design efforts that you would like to have published in Universal Design Newsletter, write to us at: 6 Grant Ave., Takoma Park, MD 20912; or contact publisher@universaldesign.com.

Manga, from page 1

The above people and organizations chose to use Manga because of its capacity to reach a broad range of people and because it is easy to understand and amusing. Easiness alone keeps any communication at an accessible level. It is the amusement that brings Manga to the level of universal design.

Manga is made up of images and text. The combination of specific images and text creates a medium that is well controlable. Images or words alone may bring readers to somewhere unexpected since they develop their own understandings.

Manga also uses many symbols that are universally recognizable. Good examples are the images of sweat that expresses anxiety and the lines that expresses speed or motion.

In addition, Manga is usually drawn in frames that are easy to follow, and readers get a clear perception of space and time expressed in the story.

What elements of Manga contribute to universal design? The answer is character.

Character can be a main person, animal, insect, product or bacteria. Anything that gains the sympathy of readers, whether they are feeling love, anger, courage.

Sympathy is the key to eliminating stigma and opening up

readers' minds. It makes readers respond positively to the contents. Who can boo Donald Duck expressing deep apology because the famous Pekin Duck are sold out at Chen's Chinese Restaurant? Mr. Chen may not use Donald because of the license fee; however, he can ask a local Manga artist to draw a smiley Dragon and persuade the hungry customers to order the new Dragon Roll.

As a Manga artist, I too have tried to promote challenging themes. One is sexism. I wrote a book titled "Commonsense & Lack of Commonsense in Men's Society" to promote the Basic Law for a Gender-equal Society of 1999 published by the Ministry of Finance. In Japan, men, especially middle-aged, have a tendency to be unconscious of the sexist manners violating what in Japan is called "gender-equal spirit." It isn't unusual for a boss to expect his secretary or any woman near by to bring him a cup of green tea as he settles in his desk with grimace. So, I targeted this age group, making the main character a director of a company who has that tendency. Rather than arguing what is right and what isn't, I took the strategy of making fun of those men with humor, hoping they would become aware of appropriate behavior in our contemporary society.

Another example is on a web site run by a local government. Today, faced with an aging society, many prefectures, as well as cities, are finding it advantageous to apply universal design in their policies. Their first goal is to let the public know what universal design is and how it contributes to the wellness of everyone. They know the power of Manga to communicate to a broad range of citizens. In the Manga of Kumamoto Prefecture's site, I made a series of short stories explaining the Principles of Universal Design, and their application to goods and services in a city. Characters are of various ages and abilities: a man with wheelchair, an older woman, middle-aged teacher, boys and girls. This Manga has been the most accessed content on the web site.

Readers are touched by the grace of the characters. No matter how Manga evolves with mixture of games and animation, its essence will never change. 

Dai Sogawa is a Manga artist based in Tokyo who has been active in communications and universal design.

Manga also uses many symbols that are universally recognizable.



A page from "Commonsense & Lack of Commonsense in Men's Society" by Dai Sogawa

Accessibility Standards: How Much Accessibility Is Enough?

by Ramon Garcia

The Visitability movement has garnered a great deal of attention for accessible home construction through voluntary programs and state and local ordinances. These efforts promote the construction of homes with three basic accessibility features: one no-step entry, accessible circulation on the first floor and an accessible half bath or full bath on the first floor. However, the promotion of visitability—including proposed federal legislation (H.R. 2353, Inclusive Home Design Act of 2003)—raises an important question regarding accessibility standards for inclusive home design: how much accessibility is enough? This question continues to be hotly debated within the disability community.

Some disability advocates believe that the country should not settle for “only visitability” when a higher standard may be achievable and desirable in the years to come as the population ages. Edward Steinfeld, Director at the Rehabilitation Engineering Research Center on Universal Design (RERC on Universal Design) at the State University of New York in Buffalo, one that defines and establishes standards for different levels of accessibility.

According to Steinfeld, the “full accessibility” delineated in ICC/ANSI A117.1, Type A will not be acceptable to the building industry in any proposed legislation covering single-family housing. Given their opposition to visitability ordinances, it is unlikely that homebuilder groups would support regulations with an even higher standard. Of particular concern are the not-for-profit developers of affordable housing. These developers are the primary users of the public programs that, in the proposed federal bill, would be required to provide the accessibility features. Steinfeld believes that if these developers argue (rightly or wrongly) that accessibility requirements will inhibit their efforts

to build housing for low income people, then the bill will be defeated.

Steinfeld says that research at the RERC on Universal Design has shown that in affordable homes in the 1,000-1,100 square foot category, it is difficult to provide the ICC/ANSI A117.1 Type A level design without increasing the size of the floor area or giving up some desirable features of the home, such as an entry area or acceptable-sized bedrooms. Although Type B accessible design generally provides added value, it is hard to convince public sector developers to reduce the number of units they build in order to provide it. Visitability as currently conceived, on the other hand, is generally achievable without significant alterations.

Moreover, Steinfeld notes that the single standard approach often leads to a phenomenon whereby the minimum standard becomes the maximum standard provided. As a result, Steinfeld believes it would be preferable to consider different standards based on the purposes of different types of housing and different laws and codes. For example, visitability was conceived to provide accessibility for short term visitors. But Steinfeld argues that visitability also benefits aging in place, despite the fact that it does not provide full accessibility.

Thus, visitability offers an opportunity to get at least some homes built with basic accessibility features. This would not only increase the number of accessible single family homes, but also raise awareness among homeowners (both those with and without disabilities) of the benefits of inclusive design.

Steinfeld says that there is not a “one size fits all” standard. He suggests that there needs to be different standards for different purposes (i.e., there should be a higher standard for assisted living than for independent housing). Furthermore, he argues that not all of these standards need to be mandatory, particularly if they are adopted by whole sectors of the industry and major producers.

Steinfeld sees a number of other questions that must be addressed in the development of accessibility standards for single family homes, such as:

- What size wheeled mobility devices should be accommodated? Should bathrooms and other

...research... has shown that in affordable homes in the 1,000-1,100 square foot category, it is difficult to provide the ICC/ANSI A117.1 Type A level design without increasing the size of the floor area or giving up some desirable features of the home....

Edward Steinfeld, AIA
Director, RERC on
Universal Design at
Buffalo

The contents of this insert are provided by the Rehabilitation Engineering Research Center (RERC) on Universal Design at Buffalo, which is sponsored by a grant from the National Institute of Disability and Rehabilitation Research (NIDRR) U.S. Department of Education (DOE). These contents, however, do not necessarily represent the policy of DOE. Readers should not assume an endorsement by the federal government.

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On the Front Lines of Universal Design Education

When it comes to Universal Design education, Professor Beth Tauke does not find herself in an ivory tower. She is in the trenches increasing the awareness of universal design among teachers and students.

Tauke directs the *Curriculum Models* and *Universal Design Education Online* Projects at the Rehabilitation Engineering Research Center on Universal Design at the University of Buffalo. She is a designer who has served as Associate Dean of the School of Architecture and Planning at the State University of New York (SUNY) in Buffalo. A design education and curriculum development specialist, she holds two master's degrees in design. Here are some of the thoughts she shared in a recent interview.



Tauke

Question: You direct the curriculum models project and the UD online project. What is the difference between the two?

Tauke: The Curriculum Models Project is the educational component of the RERC-UD at Buffalo. The Universal Design Education Online project is a separate Field-Initiated Development Project also sponsored by the National Institute of Disability and Rehabilitation Research, US Department of Education. The project is being conducted jointly by Molly Story, Richard Duncan, and Leslie Young from the Center for Universal Design at North Carolina State University; Bruce Majkowski, Doug McCallum, and myself from the Center for Inclusive Design and Environmental Access at the SUNY at Buffalo - State University of New York; and Elaine Ostroff of the Global Universal Design Educator's Network. The Universal Design Education Online Project is a major component and overlaps with the Curriculum Models project. However, the Curriculum Models project also includes undergraduate and graduate program development, internship development, and the initiation of an online journal on universal design.

Q: What are the goals of the UD online project?

Tauke: The major goals of the project are to develop and disseminate universal design education materials online, so as to provide a forum where educators and students can interact; to increase the capacity of design educators to teach universal design; to increase awareness of universal design among students who are in design and design-related disci-

plines; and to increase the capacity of design practitioners to incorporate universal design principles into their projects.

Q: From a student perspective, what are the advantages of UD components to the curriculum?

Tauke: Universal design offers students a way to develop and analyze their work that combines formal, aesthetic, technological, and social criteria. It is one of many ways that students can engage in a critical design practice that continually challenges and questions itself in order to grow; a practice that considers other ways of working and other ways in which the physical world could shape our bodies, minds, and spirit; and a practice that incorporates various forms of design education such as those structured to support differences or to reveal the social construction of beliefs.

Q: The incorporation of UD into the curriculum is a growing trend. Will UD eventually eclipse other concentration areas, or will UD augment these areas?

Tauke: This depends on the attitudes of universal design educators. If they present universal design as a formulaic and absolute (meaning this-way-is-the-only-way) process, other educators will question the validity of the universal design approach, and rightly so. However, if universal design is presented as one of many critical approaches, educators can respect it as a valid point of departure for design practice, and one that can be regularly incorporated into design curricula. Universal design educators can also demonstrate the sincerity of their inclusiveness by expanding the sphere of their interests and activities beyond disability to aging, gender issues, cultural differences, sustainability and other issues that might emerge as cultures change. This will not only inform the development of universal design, but also build bridges to other faculty who share educational perspectives.

Q: In your Diversity and Design class here [at the SUNY in Buffalo], there has been a significant enrollment demand for your class. Is this a local phenomena, or is it part of a more global trend?

Tauke: This is difficult to say, but I suspect it is a growing trend. Most US universities are offering courses that address diversity issues. However, taking on the tasks of seeking and understanding differences is not typically a part of design education. Most instructors agree that to produce relevant de-

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Universal design educators can also demonstrate the sincerity of their inclusiveness by expanding the sphere of their interests and activities beyond disability to aging, gender issues, cultural differences, sustainability....

Prof. Beth Tauke,
RERC on Universal
Design at Buffalo

Standards, from page 7

spaces in the home be accessible to scooters and large wheelchairs with extended footrests? Should space for assisted transfers be provided? How much space does that require?

- Is the Fair Housing standard (ICC/ANSI, Dwelling Units, Type B) an acceptable alternative to what is defined as “full accessibility” (ICC/ANSI, Dwelling Units, type A)? Can that standard be accommodated in affordable single family homes?

- Should there be a separate technical standard for single family homes that can be referenced by federal law and state and local ordinances and that would define the space clearances necessary? This would promote uniformity in the building industry, although application to different housing types and conditions could vary.

- Do different levels of accessibility make sense for different applications? What should those levels be? What research is needed to define differ-

ent levels of accessibility?

Finally, Steinfeld believes it is important to consider who should write the standards. He draws on his experience as a former member of the ANSI Committee, when, years ago, he argued for different ANSI standards for different applications. “There is a “.1” in A117.1 for a reason,” he notes. “Each standards committee can promulgate many standards for different purposes, for example ANSI A117.2, .3, etc. But I am not sure that the ICC/ANSI Committee is the right group to develop a standard on visitability.”

The RERC on Universal Design at Buffalo has launched a research project to explore policy issues related to inclusive single-family home design. One component of the research will focus on the development of accessibility standards for single-family home construction.

For more information about Inclusive Home Design, visit www.ap.buffalo.edu/idea. 

“But I am not sure that the ICC/ANSI Committee is the right group to develop a standard on visitability.”

Edward Steinfeld,
Director, RERC on
Universal Design at
Buffalo

Tauke, from page 8

sign work, particularly as we move into a more globalized environment, design students should have knowledge and understanding about cultures and populations other than our own. Yet, at this point, many design programs do not give priority to this area.

I am fortunate to work at a university that clearly recognizes the need for education in diversity. As such, it requires that students take a course in pluralism as part of its general education curriculum. The SUNY Buffalo adopts the claim of Carol Geary Schneider, President of the Association of American College and Universities: “Diversity requirements signal the academy’s conviction that citizens now need to acquire significant knowledge both of cultures other than their own and of disparate cultures’ struggles for recognition and equity, in order to be adequately prepared for the world around them.”

Q: To what extent has UD been accepted by the consumer, here in North America?

Tauke: I think the US consumer is eagerly accepting universally designed products, communications, and environments; however, they are not labeling it as such. Instead, they are recognizing and purchasing ‘affordable aesthetically pleasing design that works’. Consumers are becoming increasingly aware of design quality, and voice their opinion with their purchasing power. For example, Oxo products have

quickly become successful because people recognize and appreciate the ergonomic design features of these handsome, moderately priced products.

Q: Do you see that there is -- or that the potential exists for -- a link between Universal Design and Bioinformatic research?

Tauke: This depends on our definitions of universal design and bioinformatics. If we consider the notion of universal design to include medical monitoring/communication systems, pharmaceuticals and medical implants (and this is a reasonable inclusion), then most certainly there is a connection between the two. Bioinformatics uses computer analysis of biological data to derive knowledge. Not only does it include genetic code information, but also experimental results from various sources, patient statistics, and scientific literature. It has many practical applications in different areas of biology and medicine that could involve universal design. For example, universal designers in the areas of interface design could take on the ways in which genetic profiles are linked/compared to reference profile collections and other related information. This could provide important information to medical staff and patients that would be easy to understand, tolerant of error, equitable, and that would suggest various treatments and therapies. And that is just the tip of the iceberg. 

‘Grandfathering’, *from page 1*

represents businesses and public entities, the idea of “grandfathering” previously compliant facilities raises a multitude of questions for the those that will be striving to meet the standards and for those that will be enforcing the standards, including:

- Would a facility be considered to have “barriers” if it met the old ADAAG standards, and was legally considered to be accessible and usable by persons with disabilities, but had elements that are now addressed for the first time in the new ADAAG?

- Will a facility be considered to have barriers when the technical or scoping requirements change from the old to the new ADAAG in a manner that improves accessibility? The simplest example of a technical requirement is that the draft final ADAAG reduces the high side reach from 54

to 48 inches. This could apply to a wide range of existing elements that need to be accessible, such as light switches and other controls. Other technical requirements that have changed since 1992 include elevators and signage. Some scoping requirements have increased (e.g., the dispersion of accessible seating in arenas).

- If an owner either built its facility to existing ADAAG, or did substantial remodeling to bring its facility to ADAAG standards as barrier removal, or in response to a lawsuit, could it be sued again just because the ADAAG was amended?

- What is the impact under barrier removal or new construction theories when the old ADAAG had a specific requirement that is not required by the new ADAAG (i.e., detectable warnings in commercial parking lots) and existing buildings did not meet that requirement?

“If the Department of Justice is silent on the issue, and doesn’t come out and take a position on ‘grandfathering’ there is going to be a huge amount of litigation as people ask the courts to define ‘what is a barrier?’,” says Duston.

“If the Department of Justice is silent on the issue... there is going to be a huge amount of litigation”

Robert Duston, Schmelzter, Aptaker & Shepard, P.C.

Parking, *from page 4*

Before passage of the ADA, the state motor vehicles departments seemed to maintain a more stringent definition of “disability,” with a person requiring some type of mobility aid such as crutches, wheelchair, walker, or cane to obtain the placard.

“In my opinion, it has become far too easy for someone to obtain the placard,” says Kaplan of the situation in California. “The definition of disability has become completely distorted, and anyone with a sore toe can get one.”

Today, according to Kaplan, very few people in California use the license plate to indicate that the vehicle is being used by a person with a disability. They use the placard, which is easier to obtain and, consequently, easier to abuse.

“To remedy this problem,” says Kaplan, “it’s going to take a lot of effort on the part of those with serious mobility impairments to get the political support for a major overhaul of the disabled parking administration.” As a start, Kaplan suggests having a more limited definition of disability as criteria for eligibility for receiving a placard and requiring renewal of the placards every two years. In addition, Kaplan suggests that the doctor’s form letter be replaced with an actual visit to the department of motor vehicles by those wishing to obtain the placard, perhaps to be examined by an administrative officer to confirm that the disability warrants the placard.

Luecking, too, has found that the illegal use of placards is a problem in Maryland. “People use them when they’ve been issued to others. The incentive here is that meter parking is free, and in shopping centers, it allows a person to park closer,” she said. 

Viewpoint of Morrison Cain

According to Morrison Cain, Senior Vice President, Federal Affairs and General Counsel, International Mass Retail Association in Arlington, VA, “grandfathering” previous compliance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) is the most significant issue related to the new standards. “The case for grandfathering is clear within the statute and it is economically compelling,” says Cain.

“Grandfathering in previous compliance with ADAAG is a huge issue,” he says. “It goes to what Congress intended when it enacted the Americans with Disabilities Act (ADA).” To not grandfather previous compliance would be to break faith with the original design of the statute, he says.

“An interpretation that would say ‘what was accessible last year is not accessible this year’ would throw a monkey wrench into the works,” he says. “Businesses couldn’t plan for the future. And I don’t know how the Department of Justice could estimate the costs for a business to redo a previous compliant building. ... Once it’s built, its costly to rebuild.” 



Website Spotlight: NCA Streaming Video for Recreation Facility Guidelines

The National Center on Accessibility has introduced a streaming video series on its website, www.ncaonline.org, to highlight the major provisions of the most recent Accessibility Guidelines for Recreation Facilities, released in September 2002. The new recreation rule covers amusement rides, boating, fishing, golf, miniature golf, sports facilities and swimming pools.

Narrated by Peggy Greenwell and Bill

Botten of the US Architectural & Transportation Barriers Compliance Board and funded in part by the National Center on Physical Activity and Disability and the National Park Service, the program includes an eight-minute introduction and nine additional videos ranging in length from four minutes to 20 minutes. Real Player is required to view the streaming video.

Although the book provides design standards for universal design, it presents them in a way that fosters creativity.

Summaries of Accessibility Guidelines for Recreation Facilities

The US Architectural & Transportation Barriers Compliance Board (Access Board) has published the latest accessibility guidelines for recreation facilities. The seven guides — amusement rides, golf courses, boating facilities, fishing piers and platforms, miniature golf courses, sporting facilities and swimming pools and spas — each feature an introduction and technical assistance contact information.

Featuring detailed illustrations with compliancy measurements and crisp photographs, the manuals clearly outline the minimum accessibility requirements for newly designed and constructed or renovated recreation facilities. All of the manuals specify accessibility guidelines for travel routes, signage, wheelchair access and spaces, transfer devices and companion seating in and around the facilities, including at driving ranges, bowling alleys and shooting ranges; in locker rooms and saunas; and for exercise and rental equipment.

The guides are available online and in PDF format at the Access Board's website, www.access-board.gov/recreation/guides/index.htm.

Universal Design New York II

The Rehabilitation and Engineering Research Center on Universal Design at the State University of New York in Buffalo recently announced the publication of *Universal Design New York II*. This technical guide complements the guidebook *Uni-*

versal Design New York. The general guidelines presented in the first guidebook and the technical approach of the new book supplies professional practitioners with a complete and comprehensive illustration of the UD approach from design through implementation. It includes a best-practices approach to introducing designers to universal design features, with examples of particular consideration to dense and rich environments, exemplified by New York City.

In this book, a distinct line is drawn between accessible design (as mandated by the Americans with Disabilities Act) and universal design. The book features “before and after” or “good, better, best” examples. In this way, designers learn what universal design is, why it's important, and how to implement it. The text includes an explanation of the Principles of Universal Design and related guidelines and detailed examinations of the process through which professional practitioners can adopt these principles.

Examples found in the book demonstrate how universal design ensures success of designs in a general sense, beyond purely functional considerations. Although the book provides design standards for universal design, it presents them in a way that fosters creativity. This text promotes a concise approach to implementing universal design principles creatively. A compilation of successful examples will allow the book to be updated and expanded over time.

For more information, visit www.ap.buffalo.edu/idea/publications/udnypub.htm. 

RegLeg Watch, *from page 3*

mental Public Rights-of-Way (P-ROW) Guidelines, according to the US Architectural & Transportation Barriers Compliance Board (Access Board).

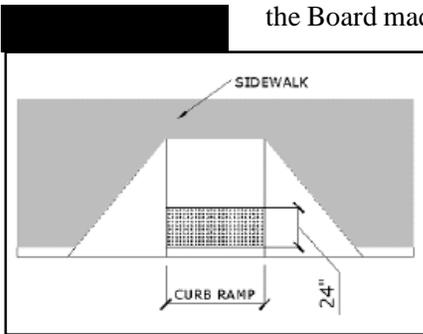
The Board is currently in the process of developing guidelines on P-ROW that, once finalized, will supplement the new ADAAG. In June 2002, the Board made the guidelines available for public comment. The guidelines are based on recommendations the Board received from the Public Rights-of-Way Access Advisory Committee.

The draft guidelines, consistent with the advisory committee's recommendations, included revised technical criteria for detectable warnings. According to the Board, the draft specifications are respon-

sive to concerns that had been raised about the impact of the truncated dome surface on wheelchair maneuvering. The revised specifications, if adopted, would permit wider dome spacing, an in-line grid pattern, and smaller surface coverage at

curb ramps (24 inches set back from the curblines instead of the full ramp run).

Additional rulemaking steps, including another public comment period, must be completed before the Board can finalize the guidelines. At this time, the original detectable warning specifications in the current ADAAG remain in effect. However, according to the Board, the ADAAG "equivalent facilitation" clause (section 2.2) permits departures from the guidelines that provide equal or greater access. "The Board believes that the specifications for detectable warnings in the draft rights-of-way guidelines provide a level of access substantially equal to or greater than that currently specified by ADAAG," reported a recent Board newsletter. "However, the Board does not have the statutory authority to officially make such a determination. This authority resides with the DOT and DOJ, the agencies which enforce the design requirements of the ADA. DOT, which also enforces certain ADA provisions concerning access for pedestrians, has issued guidance consistent with the Board's position." □



A curb ramp diagram from the Access Board showing the 24-inch set back.

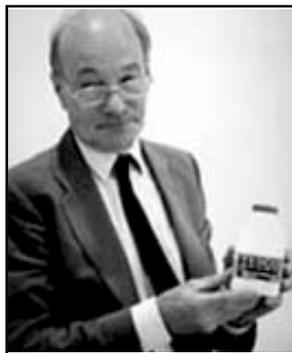
World Update, *from page 5*

United Kingdom

Inclusive Design Education Resource

The Helen Hamlyn Research Center (HHRC) at the Royal College of Art has a growing inventory of inclusive design examples that highlight both an inclusive process as well as inclusive products. The extensive collection developed in collaboration with the Design Council highlights a series of case studies based on industry-funded projects by Research Associates at the Royal College of Art and is available on the HHRC website.

The Research Associates are a selected group of new design graduates of the RCA, employed to work three days a week for 12 months on "live" design research projects in collaboration with industry. These projects aim to



An older consumer studies the new look packaging.

Photo: Design Council and HHRC

explore the design of new products, services and environments that include the needs of those people who are traditionally excluded from the design process -- mainly older people and people with disabilities, but also those groups in society who are economically vulnerable or marginalized by changing technologies and patterns of work. The projects vary in scale, discipline and subject -- from airport interiors and power tools, to supermarket packaging and public health campaigns. But the overall goal is the same -- to achieve greater social inclusion through innovative design thinking and its commercial application.

Each case study defines a particular inclusive design challenge, introduces the profile and motivation of the external research partner, and outlines the research methods used to undertake the project -- particularly working closely with users.

The results or findings or outputs of the project are then briefly described, along with the implications and issues that arise that can be applied generically to other projects and products. For more information, visit www.designcouncil.info/inclusivedesign/. □

Smart-Rail™

Unlike fixed-style bed rails, the Smart-Rail from HealthCraft Products can unlock and pivot outward to provide better standing support with less reaching and twisting. Constructed of rigid tubular steel



with a baked enamel finish, the rail can be used on either side of the bed to support weights up to 250 pounds. The white rubber base tips and secure safety straps prevent slippage and the locking latch operates with a simple lift upward. The rail features rubber cleat-style pads that keep the unit secure between the mattress

and box spring. Leg extenders, which adjust the rail height from 30 to 35 inches, are also available.

Window Ease™ Crank and Latch System

Designed to be the versatile accessibility solution for new as well as existing facilities, the Window Ease system can be added to wood, aluminum, vinyl or steel single-hung, double-hung or horizontal sliding windows.



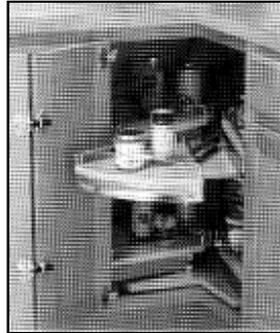
Using a crank handle and lever-type latch located adjacent to the handle, Window Ease allows users to open, close and lock any window using less than five pounds of force.

The latch locks the window in any position, allowing fresh air with added security.

Window Ease can be mounted on either side of the window and is available standard in white and dark bronze, with custom colors available.

Slide-Out Pot and Pan Caddy

The Slide-Out Pot and Pan Caddy from Knape & Vogt features two birch-veneer wood shelves that slide out individually on KV® precision ball-bearing slides, providing access to a variety of cookware and lids. The shelves are finished with a

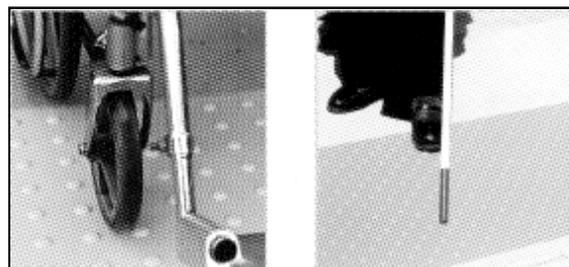


durable clear catalyzed lacquer, and the chrome-plated heavy-duty wire side racks provide ample space for a wide range of cookware sizes. Knape & Vogt also offers a polymer half moon lazy susan, designed for use in base blind-corner cabinets. The

two-shelf set is available in three configurations of motion: both shelves either pivot, glide, or one pivots and one glides. The textured, extra deep shelves extend 10 inches on precision ball-bearing slides, in either left- or right-handed operation.

Detectable Warning Mats

Since 1994, Detectable Warning Mats, manufactured by Detectable Warning Systems, have provided warning and directional assistance to visually impaired pedestrians. The truncated domes are molded into a highly durable and flexible polyurethane mat for fast, easy and economic installation in both new and retrofit applications. The mats come with an adhesive application system formulated to permanently fuse the mats to a variety of surfaces. They allow for expansion and contraction of ground surfaces caused by changing weather conditions. The mats are available from stock in safety yellow and black. Other colors can be specially ordered. The mats are offered both in the original "offset" pattern and the new "square" or inline pattern.



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(Smart-Rail™)
1230 Old Innes Rd., #441
Ottawa, Ontario
Canada K1B 3V3
Phone: 888.619.9992
Fax: 613.744.3008
www.healthcraftproducts.com

Window Ease
(Window handle)
1332 Lobo Place, NE
Albuquerque, NM
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Phone: 888.461.0140
Fax: 505.256.3756
www.windowease.com

Knape & Vogt
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49505
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Fax: 616.459.7620
www.knapeandvogt.com

Detectable Warning Systems
(Detectable Warning Mats)
ADA Solutions
145 Main St., Suite 3
Nanuet, NY 10954
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www.adasolutionsllc.com

Universal Designing: A Work in Progress Satisfies a Restless Personality

Nearly empty-nesters and approaching age 50 with the rest of the baby boomers, my wife, Ann, and I have designed and built our new "Home for the Next 50 Years." In doing this add-on to a historic building, we have attempted to carefully consider the universal design implications of every element and space while keeping in mind the actual users – our family and friends. This is an excerpt from my continuing journal investigating issues of universal design in the "Home for the Next 50 Years."

John P. S. Salmen, AIA

About 10 years ago, before Ron Mace and his team at North Carolina State University developed the Seven Principles of Universal Design, Dr. Edward Steinfeld, AIA said something that struck a reverberating chord for me.

Many of us had noticed that projects which we had thought exemplified universal design only a couple of years earlier, now seemed to be rough, clumsy, common place and barely worthy of the name. Ed said that the term Universal Design was a mis-nomer. Instead of calling it Universal Design, he proposed that it should be called Universal Designing – to indicate that it is the process, not the result, that is important. As our knowledge base of users and their needs improves so should our design. He was pointing out that a product might have been universally designed even if the product seemed ill-fitted when viewed by a later and more knowledgeable user or designer. It's how you get there, not where you end up that determines if you were designing "universally."

In designing and building the Home for the Next 50 years, I have realized another slant on that concept. I now realize that if I am lucky enough, I will never stop learning new things about the users, since the users (my wife and I) will continue to change as we age through the 2nd half century of our lives. This capacity for change, it can be argued, is the essence of what it means to be alive.

Those of you who visit us at our Home for the Next 50 Years, might be surprised to find that everything is not complete. You'll turn a corner and see a curiously empty space, or reach for a light

switch and find a blank plate. For better or worse, I consider the Home for the Next 50 Years to be a work in progress. We have purposefully left spaces and voids in the house to be eventually filled with custom cabinetry and equipment made to fit the space and use. I like to look at these empty spaces as promising opportunities for utilitarian craftsmanship and beauty.

I think of our house as a tool. A tool that will allow us to do all kinds of projects over the next 50 years of our lives. I have always found that creating utilitarian objects gives me great pleasure on both physical and psychic levels – designing, building, and using. I feel that there are few things finer than a well made object that you can use for many years, especially if you made it yourself!

It's how you get there, not where you end up that determines if you were designing "universally."



A temporary cabinet presently hides the master bath toilet. Someday I will make a lockable cart with a side grab bar to replace it.

Having the ability to adjust the house around us gives me a sense of control over my life, although I recognize that in the 21st century, a sense of control over one's life is pretty much unfounded. At some sub-conscious level, I associate the ability to adjust and control my environment and technology with a sense of satisfaction with life. 

Nov. 3-5, 2003: IDEAS 2003: Breakthroughs in Access, Washington, DC. The Interagency Disability Educational Awareness Showcase (IDEAS), hosted by the US General Services Administration and an interagency planning committee, the conference will offer attendees the resources, training, and technical tools for understanding the "how-to" of accessible electronic and information technology. Contact: www.section508.gov/ideas/.

Nov. 17-19, 2003: The US Architectural & Transportation Barriers Compliance Board, Washington, DC. The Board will hold its bi-monthly meeting. Contact: 202.272.5434(v), 800.872.2253(v), 202.272.5449 (tty) or www.access-board.gov.

Nov. 19-20, 2003: 2020 Vision, World Trade Center, Boston. A diversity conference for design professionals, this event is sponsored by the AIA Diversity Committee and the Boston Society of Architects. It includes a meeting of the International Network of Designers with Disabilities. Contact: www.architects.org/diversity. Also includes ICTA-North America meeting, contact: bdion@magma.ca.

Dec. 4-6, 2003: International Conference on Aging, Disability and Independence, Arlington, VA. The conference, sponsored by the University of Florida. RERC on Technology for

Successful Aging, the American Society on Aging and EU, will bring together researchers, practitioners, business leaders and people involved with aging policy. Contact: www.asaging.org/icadi.

Dec. 8-12: A Universal Approach to Interpretive Planning Programs and Design, New Orleans, LA. Sponsored by the National Center on Accessibility, this training course will offer sessions on evolving use of accessible technology for multimedia programs while addressing access to exhibits and audiovisual programs. Contact: www.ncaonline.org.

March 2-4, 2004: Workshop to Explore Use of Elevators in Emergencies, Atlanta, GA. Hosted by the American Society of Mechanical Engineers (ASME) International, the workshop will explore the use of elevators by building occupants and fire fighters during emergencies. Contact: www.asme.org/cns/elevators.

Oct. 27-29, 2004: Open Space: People Space, An International Conference on Inclusive Environments, Edinburgh, Scotland. Hosted by OPENspace, a research center for inclusive access to outdoor environments, the conference will provide a forum to review recent research and debate current issues surrounding good design for open space and social inclusion. Contact: openspace@eca.ac.uk or visit www.openspace.eca.ac.uk.

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

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