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## **Universal Design News and Information Roundup**

Highlighting What You May Have Missed...

*So much information comes across our desks and computers on a daily basis, it's easy to miss something you might otherwise be interested in. **UDN Direct** has pulled together highlights of recent stories and information of interest for you.*

### **DOJ, AMC Consent Decree Includes New Definition of How to Determine Unobstructed Line of Sight**

The US Department of Justice (DOJ) and defendants American Multi-Cinema, Inc. and AMC Entertainment Inc. (collectively referred to as AMC) recently presented a joint Consent Order on Line of Sight Remedies. (In January 1999, the DOJ filed suit against AMC to enforce provisions of Title III of the Americans with Disabilities Act (ADA). Throughout the process, AMC denied any violations of the law.)

Included in the Consent Order is a new definition of How to Determine and Unobstructed Line of Sight, which is as follows:

“Unobstructed View,” for purposes of this Consent Order, shall mean and refer to a view of the screen that is not blocked or interfered with by any seats, railings, persons, or other objects. AMC provides most members of the general public with an Unobstructed View to the top ninety percent (90%) of the screen. AMC also uses seated eye heights of 44 inches for patrons in fixed seating and 48 inches for patrons who use wheelchairs when calculating clearances over heads and other actual or potential obstructions between patrons and the movie screen. For purposes of this Order, AMC shall provide patrons who use wheelchairs and their companions with an Unobstructed View to the top ninety percent (90%) of the screen using these same seated eye height values.

In the Consent Order, the DOJ praised AMC for its cooperation and commitment to providing persons with disabilities equal access to their stadium-style movie theaters, and also acknowledged that nothing in the Consent Order constitutes an admission by AMC of any violation of Title III of the ADA, its implementing regulations, or any allegation made by the DOJ in this action. For more information, visit [http://www.ada.gov/AMC-Entertainment/AMC-Entertainment\\_Consent\\_order.htm](http://www.ada.gov/AMC-Entertainment/AMC-Entertainment_Consent_order.htm).

## **Access Board Updates**

Marsha Mazz, who served as senior accessibility specialist and technical assistance coordinator for the US Access Board, was recently named Director of the Board's Office of Technical and Information Services (OTIS). She succeeds David Capozzi, who became the Board's executive director in November 2008. A Board employee for over 20 years, Mazz served as the Board's liaison to the codes and standards community, and was active in the development of both the original ADA Accessibility Guidelines and later supplements. She also led the joint update of the Board's ADA and ABA Accessibility Guidelines and was instrumental in harmonizing the new document with counterpart codes and standards in the private sector, including the International Building Code (IBC).

After 18 years of federal service, Lois Thibault, the Access Board's research coordinator and a senior accessibility specialist, retired September 30. Since 1998, she oversaw the Board's research program and coordinated its work with other organizations and leading experts across the country. Thibault previously established the Board's training program as its first Coordinator of Training. She also led the development of guidelines and resources on accessible public rights-of-way while providing extensive outreach and training to the industry and was active in the creation of new standards for classroom acoustics by the Acoustical Society of America.

Just prior to her retirement, the Association of Pedestrian and Bicycle Professionals (APBP) presented Thibault with a Lifetime Achievement Award during APBP's annual conference. The award recognizes those who have made a substantial commitment to the profession and who have shown excellence in the field of bicycle and pedestrian planning, design, advocacy, and education. APBP saluted Thibault's work at the Board, including her leadership of its research and training programs, her contributions to rulemaking, her outreach to transportation professionals, and her authorship of key resources such as the *Accessible Rights-of-Way Design Guide*.

## **Two More Public Hearings on ANPRMs**

The US Department of Justice (DOJ) will hold two additional public hearings on the four Advance Notices of Proposed Rulemaking (ANPRMs) which were published in the July 26, 2010 Federal Register. Public comment, which closes January 24, 2011, is being sought regarding the possibility of revising the ADA regulations to address: accessible web information and services, movie captioning and video description, accessibility of Next Generation 9-1-1, and accessible equipment and furniture. The hearings will be held:

- **December 16, 2010:** US Access Board, 1331 F Street NW, Washington, DC, from 9:30 am-4:00 pm EST; and
- **January 10, 2011:** San Francisco Marriott Marquis, 55 Fourth Street, San Francisco, CA, from 9:30 am-4:00 pm PST

For further information, contact Linda Garrett, Civil Rights Program Specialist, Disability Rights Section, Civil Rights Division, at 202.353.0423 (v/tty).

### **December 3: UN International Day of Persons with Disabilities**

December 3 will mark the 19<sup>th</sup> annual celebration of the United Nations' (UN's) International Day of Persons with Disabilities. This annual celebration was established in 1981 by the International Year for Disabled Persons, to promote a better understanding of disability issues with a focus on the rights of persons with disabilities and gains to be derived from the integration of persons with disabilities in every aspect of the political, social, economic and cultural life of their communities. The theme of this year's observance is *Keeping the Promise: mainstreaming disability in the Millennium Development Goals*. The UN will mark this milestone with two days of seminars, lectures and a disability film festival, while disability, advocacy and governmental organizations are encouraged to hold celebrations in their own communities.

“Governments need to do more to support people with disabilities. That means implementing the UN Convention on the Rights of Persons with Disabilities,” remarked UN Secretary-General Ban Ki-moon. “On this International Day, let us recognize that the battles against poverty, disease and discrimination will not be won without targeted laws, policies and programs that empower this group.”

For more information on this observance, visit <http://www.un.org/disabilities/default.asp?id=1540>.

### **Public Hearing on Updated Vehicle Guidelines Generates Feedback**

The US Access Board held a public hearing November 8 on its proposed rule revising and updating its ADA Accessibility Guidelines for Transportation Vehicles. These revisions, published in the July 26, 2010 Federal Register, cover buses and vans.

While most of the comments received were largely supportive of the proposed changes, several commenters offered technical concerns and suggestions. Dr. Lawrence Schneider, a research professor at the University of Michigan, said he believed it should be mandatory that wheelchair securement systems and seatbelts should be equivalent to those people who do not use wheelchairs. He also mentioned that the guidelines should acknowledge the importance of proper driver training and should “refer to existing industry standards whenever applicable.”

Commenting on behalf of the Maryland Transit Administration, Lauren Skiver said that “the proposed changes require further research regarding the impacts to existing vehicle manufacturing or the creation of new vehicle types,” as she expressed concern that the changes “may seriously impact innovative practices geared to provide greater flexibility to customers with disabilities.” She further asserted that the proposed changes are premature, because the recommendations are not detailed enough, nor is there adequate supporting research to demonstrate the recommendations' feasibility and practicality of the recommendations. The public comment period ended November 23.