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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.

Settlement Approved in Walt Disney World's Segway™ Lawsuit

In early April, Judge Gregory A. Presnell, of the US District Court, Middle District of Florida, Orlando Division, approved Walt Disney World's efforts to settle the lawsuit brought by individuals who sued for the unrestricted right to use Segways during regular hours in Disney's theme parks. With the ruling, the lawsuit—first filed in November 2007—has been put to rest, absent an appeal.

The US Department of Justice (DOJ) had objected to the settlement because the revised Americans with Disabilities Act (ADA) regulations (which took effect March 15, 2011) “expressly provide legal recognition of, and protection for, use of Segways [at theme parks] subject to legitimate safety considerations.” Judge Presnell disagreed, however, siding with Walt Disney World's position that the new regulations (specifically those pertaining to the use of Segways and other mobility devices) were invalid. The court explained, “the DOJ's revised regulations conflict with the plain language of Title III, which requires that a requested modification be necessary for a disabled individual to be afforded goods or services.”

The DOJ also had argued that Walt Disney World could not adhere to a “blanket ban on Segways at all Disney properties” because Disney's safety concerns were “bland and unsupported.” Judge Presnell disagreed, saying, “Disney would likely be able to maintain its ban on Segways in light of its legitimate safety concerns. Specifically, the evidence at the fairness hearing supports Disney's position that unrestricted Segway use poses significant safety risks because Segways cannot be operated in accordance with Disney's legitimate safety requirements.” In a footnote, the court relied upon testimony by Disney's Chief Safety Officer, who “testified in detail about his thorough review and assessment of whether the Segway could be used by guests at Disney's theme parks and his conclusion that the safety risks posed to other guests in the unique environment of the parks were simply too great.”

Judge Presnell's rejection of the DOJ's objections permitted him to find that Walt Disney World was likely to prevail on the merits of the Segway lawsuit and, therefore, the conclusion that the class settlement was fair. The ruling permits Walt Disney Parks and Resorts (which operates Walt Disney World and Disneyland) to continue its blanket ban on unrestricted Segway use in the theme parks. Disney will also be free to require guests wanting to use standing mobility aids to rent the electrically powered vehicle developed by Disney.

It is unclear what effect this ruling will have on the separate litigation challenging a ban on Segways at Disneyland. An appeal is pending and Walt Disney Parks and Resorts is not scheduled to file its brief until mid-May.

The court's ruling, approving the class action settlement of Ault v. Walt Disney World Co., can be found at <http://s44807.gridserver.com/files/2011-04-04%20-%20Order%20Approving%20Settlement.pdf>.

Access Board to Publish Guidelines on Public Rights-of-Way for Public Comment

The US Architectural and Transportation Barriers Compliance Board (Access Board) plans to propose guidelines for accessible public rights-of-ways for public comment this summer. The new guidelines will complement the Board's existing guidelines for facilities covered by the ADA and Architectural Barriers Act (ABA), and will address access to public sidewalks and streets, including street crossings, on-street parking, street furniture, and constraints posed by terrain and space limitations, among other topics. The Board recently submitted the proposed guidelines to the Office of Management and Budget (OMB) for clearance; the OMB has 90 days to complete its review. Once cleared, the Board will publish the guidelines for public review and comments.

The Board previously released drafts of the guidelines for public input but must follow up with an official proposal and comment period before the guidelines can be finalized. In addition to the feedback received on the earlier drafts, the upcoming proposal will incorporate information gained through close coordination with counterpart agencies and research on rights-of-way issues sponsored by the Board. The proposed guidelines also will be responsive to issues further identified through the Board's extensive outreach and training program on rights-of-way accessibility.

Those interested in receiving updates on this rulemaking can sign up at https://service.govdelivery.com/service/subscribe.html?code=USACCESS_12.

Pattie Moore on Universal Design

Earlier this year, the [SmartPlanet](#) blog published an interview with internationally known designer and gerontologist Pattie Moore. For three years in her 20s, Moore traveled North America disguised as women in their 80s to learn about the challenges facing older people. She continues to use the knowledge gained during those travels in her

international design work, for companies as diverse as OXO, Herman Miller Healthcare, AT&T, Corning Glass and 3M. She has also designed simulation environments—environments that simulate real life, so veterans who suffer from traumatic brain injuries, other neurological conditions or physical injuries can train for community re-entry within the safe setting of a medical center—for more than 300 health care facilities. One of her most recent environments, Independence Way, opened in the fall of 2010 at the Washington DC Veterans Affairs Medical Center.

In the interview, Moore attributes a reluctance to embrace Universal Design on fear of acknowledging the aging process. She says, “What’s happening is that we’re this very fearful culture, because we have come to believe that if we’re old, we’re not important. We have all this fear about being an elder, and I think at the end of the day, that’s why there’s not more attention paid to all of this. You can’t live a life where you exclude the last chapter. I was pulling out some ads from a 1928 *Good Housekeeping*, which said, ‘Don’t have wrinkles, use this product,’ which shows just how long this has been with us, and it’s not going anywhere. Until we get rid of it, it’ll define us.”

Read the entire interview at <http://www.smartplanet.com/blog/pure-genius/universal-design-pioneer-why-design-still-excludes-many/5533>.

ICC Publishes Updated A117.1 Accessibility Standard

The International Code Council (ICC) released an updated edition of the A117.1 Accessibility Standard earlier this year. This latest version (ICC A117.1-2009: Accessible and Usable Buildings and Facilities) includes changes and additions, including a new chapter on recreation facilities, for greater consistency with the 2010 ADA Standards. The revised standards also clarify requirements for dwelling units and add new provisions for home visitability, address variable message signs, and amend provisions for components of accessible routes, plumbing fixtures, and other elements. The A117.1 standards provide technical criteria for accessibility and are referenced by scoping provisions in the International Building Code.

For more information, visit the ICC’s web site at <http://www.iccsafe.org/content/Pages/access.aspx?r=access>.

Events on the Horizon

- **May 8-11, 2011: National ADA Symposium**, Las Vegas, NV. Details: <http://www.adasymposium.org>.
- **May 9-11, 2011: US Architectural & Transportation Barriers Compliance Board Meeting**, Washington, DC. Details: <http://www.access-board.gov/about/meetings.htm>.
- **May 18-20, 2011: 2011 Hospitality Design Expo**, Las Vegas, NV. Details: <http://www.hdexpo.com/hde/>.

- **June 5-8, 2011: *Festival of International Conferences on Caregiving, Disability, Aging and Technology (FICCDAT)***, Toronto, Canada. Includes the International Conference on Best Practices in Universal Design. Details: <http://www.ficcdat.ca/>.
- **June 9, 2011: *Mid-Atlantic ADA Center Disability Employment Update***, Greenbelt, MD. Details: <http://www.adainfo.org/content/Disability-Employment-Update>.
- **June 9-10, 2011: *International Conference on Stairway Usability and Safety***, Toronto, Canada. Details: <https://www.confmanager.com/main.cfm?cid=1807&nid=14519>.

For additional UD-related events, visit: <http://udconsultants.com/news/calendar-of-events>.