



The content of articles contained in e-ACCESS solely reflect the personal opinions of the authors or contributors and do not necessarily represent the official position of NFPA

September 2009
Volume 2, Issue 2

Allan B. Fraser, Coordinator
NFPA e-ACCESS
afraser@nfpa.org

Circulation: Over 9700

Inside this Issue

- 1 "Who's On First?"
- 3 NCD Recommends Sweeping Changes for People with Disabilities
- 4 "A Fully Sprinklered, Fully Accessible Home"
- 5 8th ANSI-HSSP Plenary October 2, 2009
- 5 Fire Prevention Week Oct. 4-10, 2009
- 5 Communicating with *Everybody* during Emergencies
- 7 enABLED in Emergencies Conference September 29-30, 2009
- 9 3rd Annual Michael Minger Memorial Golf Classic
- 9 RESNA to Develop Standard for Stair Descent Devices
- 10 New Hampshire Supreme Court Sides with Sidewalk Activist
- 12 NFPA at WFIA Annual Fire Prevention Professional's Conference
- 12 Firefighting Twin Brothers Defy Disability

“Who’s on First?”

By Allan B. Fraser, CBI, CPCA, Sr.
Building Code Specialist, NFPA

I absolutely love the famous Abbott & Costello routine [“Who’s on first?”](#) It’s a hilarious routine where both men are speaking English, but Costello just simply does not understand the meaning of what Abbott is saying.



Many of you may remember that it’s a brilliant play on words using pronouns as nonsensical nicknames for baseball players. Abbott, who’s the team’s manager, knows and understands the nicknames, but Costello doesn’t get it and is only hearing the “proper” English meanings of those words. He just keeps getting more and more exasperated until they reach this point:

Costello: I get behind the plate to do some fancy catching. A heavy hitter gets up. Now the heavy hitter bunts the ball. When he bunts the ball, me, being

a good catcher, I’m gonna throw the guy out at first base. So I pick up the ball and throw it to “who”?

Abbott: Now that’s the first thing you’ve said right.

Costello: (yelling) I don’t even know what I’m talking about!

It’s hilarious, and I laugh no matter how many times I’ve heard it. However, the 1945 routine may actually have been the first widespread public “acknowledgement” of how important it is to understand the true meaning of communication messages and how frustrating and potentially dangerous misunderstandings can be.

Getting timely and accurate information about a fire or other emergency is critical to everyone, but, as with so many other things in life, one size does not fit all.

Many years ago, we developed fire alarm systems that provided warning sounds. Then we realized that that just wasn’t practical for people with hearing impairments, so we added flashing strobe lights to the systems so that those with hearing impairments would get the same “warning” notice as folks who can hear.

Sign up free NFPA “e-ACCESS” newsletter @ www.nfpa.org/e-access

In the last 15 to 20 years, The United States has experienced a rapidly widening range of natural and man-made events that required evacuating people not just from a single building, but from multiple buildings and even entire communities. We have learned that we were not as prepared to provide effective notification and adequate messaging to people as we may have thought we were.

In my opinion, there are two parts to solving what might be called the "communications gap:" technology, or the infrastructure, and content, or the message itself.



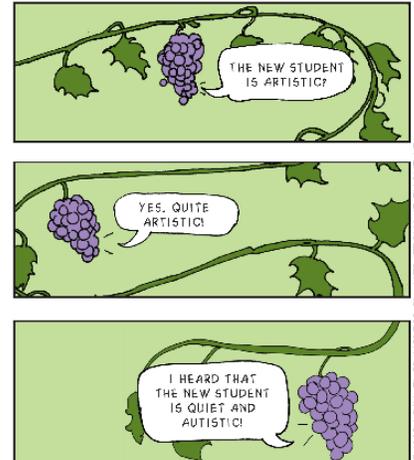
Fire alarm systems are only designed to provide notification of a fire within a particular building, and they are not required in all buildings. Even with code-compliant systems, there may be some locations and circumstances in which people with vision or hearing impairments may not get the warning.



The gaps in adequate notification for other events are many times wider. We simply have no standardized infrastructure to provide notification of impending natural events such as earthquakes, floods, and storms, and man-made events such as chemical spills and terrorist attacks. In the past, communities have used various devices to warn of events such as air raids, tornados, and earthquakes, but these aren't standardized, and they never could provide a variable message about what to do.



These gaps can be even larger for people who cannot understand the verbal directions of first responders or see the visual directions that signs, radio, television, internet, or other people may provide.



COMMUNICATION BREAKDOWN # 15: HEARING ANYTHING THROUGH THE GRAPEVINE CONTINUES TO BE A VERY UNRELIABLE WAY TO GET ACCURATE INFORMATION.

© 1999 MICHAEL GIANGRECO. ILLUSTRATIONS KEVIN RUELLE PEYTRAL PUBLICATIONS, INC. 952-948-8707 WWW.PEYTRAL.COM

Reprinted with permission of Michael F. Giangreco

The good news is that many people, companies, and organizations are working hard to fill these gaps in both the technology and messaging arenas. Each of us needs to help by providing our own input wherever and whenever we can so that when we need information and respond to emergency notification systems in the future, everyone will know and understand exactly "who's on first!"



National Council on Disability Recommends Sweeping Emergency Management Changes for People with Disabilities

Aug. 12, 2009

WASHINGTON—The National Council on Disability (NCD) today released its report [*Effective Emergency Management: Making Improvements for Communities and People with Disabilities*](#), calling on federal, state, and local authorities to make sweeping changes in emergency management practices for people with disabilities.



According to NCD Chairperson John R. Vaughn, “NCD’s first evaluation of government work in this area was published in a 2005 report [*Saving Lives: Including People with Disabilities in Emergency Planning*](#). That report laid out a scenario of a major hurricane striking the Gulf Coast and outlined steps that the federal government should take to include people with disabilities in emergency preparedness, disaster relief, and homeland security. Hurricane Katrina struck four months later.”

As a result of NCD’s work, the 2006 Homeland Security Appropriations bill’s Post-Katrina Emergency Management Reform Act (H.R. 5441) required Federal Emergency Management Agency (FEMA) to employ a National Disability Coordinator and to interact, consult, and coordinate with NCD on a list of eight other activities.

According to NCD Vice Chairperson Pat Pound, “NCD identified a major gap in the government’s homeland security knowledge base, which involves the availability and use of effective practices for community preparedness and response to the needs of people with disabilities in all types of disasters. In 2008, NCD began reviewing the spectrum of available studies and defined a set of best/promising practices for emergency management across the

life cycle of disasters and geographic areas. With this new knowledge, it is time to act. The lives of people with disabilities hang in the balance.”

Scientists report a worldwide increase in the number of natural disasters over the past 25 years. In 1980, only about 100 such disasters were reported per year, but that number has risen to more than 300 a year since 2000. The increase is expected to continue, and storm-related disasters are predicted to increase in intensity.

According to NCD Vice Chairperson Chad Colley, “NCD’s report offers information and advice to assist all levels of government in their work to establish evidence-based policies, programs, and practices across the life cycle of disasters.”

Some of the recommendations and interventions include:

Federal Recommendations

- Continue strengthening efforts to enforce compliance with Federal Communications Commission policies regarding emergency broadcasting to reach people with disabilities.
- Complete the FEMA Comprehensive Planning Guide (CPG) series—including 301 Special Needs and 302, which

September, 2009

Sign up free NFPA “e-ACCESS” newsletter @ www.nfpa.org/e-access.

NEWSLETTER

includes service animals—in sync with other CPG series guides.

- Create contingency plans for evacuation and other protective action, shelter life, medical care, and service animals.

[story in this article](#) from the Home Fire Sprinkler Coalition (see page 10).

Hire disability coordinators at the FEMA regional offices.

[Click here to view the slides from the presentation.](#)

State-Level Interventions

- Task a state official with disability and disaster issues.
- Involve disability community organizations and state offices or agencies in all state efforts regarding natural hazards, terrorism, technological or hazardous materials concerns, and pandemic planning.

For more information, please contact NCD’s Director of External Affairs, Mark S. Quigley, at mquigley@ncd.gov or by telephone at 202-272-2008.



Local-Level Interventions

- Local jurisdictions should create working groups to review and revise emergency operations plans, mitigation plans, and recovery plans to address the issues of people with disabilities.
- Cross-training on disability and disaster issues should be conducted among emergency managers, first responders, voluntary agencies, and disability agencies.

A Fully Sprinklered, Fully Accessible Home Presented at NFPA’s 2009 Safety Conference & Expo[®] in Chicago

*Pictured at the NFPA presentation are (from left) co-presenters **Robert Kleinheinz** of the National Fire Sprinkler Association; **Lianna Leap** and her mother, **Utawna Leap**; NFPA Disability Access Review and Advisory Committee (DARAC) Chair **Bill Scott** of Abilities UNlimited; **Peg Paul** of Peg Paul & Associates; and **Allan Fraser**, NFPA senior building code specialist.*

An accessible home is not necessarily a safe home. A presentation at NFPA’s 2009 Safety Conference & Expo called “Case Study: Building a Fully Sprinklered, Fully Accessible Single-Family Home” featured the story of Utawna Leap, a Madison Township, Ohio, resident who built a fully accessible, safe home for her daughter, Lianna, who contracted cerebral palsy as a result of a birth injury. [Read the full](#)

Individual-Level Interventions

- Accept personal responsibility for preparedness in a disaster context; where that is challenging, involve caregivers in such efforts.





Eighth ANSI-HSSP Plenary Scheduled for October 2, 2009

The [American National Standards Institute](#) (ANSI) [Homeland Security Standards Panel](#) (HSSP) has announced that its eighth annual plenary will be held on **October 21, 2009**, in Washington, D.C. This year's meeting will focus on homeland security standards and their business application in the private sector.

The ANSI-HSSP plenary provides a unique opportunity for the homeland security, emergency preparedness, and business continuity communities, including public-sector, private-sector, and standards-developing organizations, to come together to discuss current issues and challenges, strategic approaches, recent successes, and future outlooks. Past plenary attendees have praised not only the useful information-sharing and dialogue during the formal program, but also the valuable networking and connections established for future collaboration.

The event will be held at the [Renaissance Washington Hotel](#) in Washington, D.C. Further details of the event, including an agenda, will be

posted on the [plenary Web page](#) as they become available.

To register for the ANSI-HSSP eighth annual plenary, [click here](#).



Fire Prevention Week Oct. 4-10, 2009

Stay Fire Smart! Don't Get Burned! Testing the water before putting a child in the bath may sound like common sense. And wearing short or close-fitting sleeves when using the stove may show foresight. These and other simple actions may be all that are needed to prevent devastating burns, but too many people don't take them.

[Fire Prevention Week 2009](#) will focus on burn awareness and prevention, as well as keeping homes safe from the leading causes of home fires. From October 4 to 10, fire and life safety educators across the country will bring these important safety messages to their communities, showing them simple ways they can "Stay Fire Smart! Don't Get Burned."

Communicating with Everybody during Emergencies

By Wayne D. Moore, P.E., Hughes Associates, Inc.

We all understand the need to communicate the presence of a hostile fire to all of the occupants of a building. The [National Fire Alarm Code](#)® Technical Committees have worked with the Department of Justice to ensure that a fire alarm system will notify all people, even those with hearing impairments, of a fire alarm.

To accommodate the hearing-impaired community, the technical committees have used research and technology to apply flashing, clear strobes, in addition to the audible warning appliances, to notify occupants of the need to evacuate. But operating strobes only indicate that a fire exists in the building. If the fire alarm system operates as an emergency voice/alarm communications system (EVACS), the hearing impaired will still only receive that one bit of information from the flashing strobes. They will not hear the announcements that give the location of the fire or what action, other than to evacuate, they should take.

Additional audible instructions and information about other emergencies that a mass notification system can communicate to the

occupants of a building, such as a tornado alert or a terrorist event, remain unavailable to the hearing impaired.



As stated in the 2007 edition of the NFPA [*Emergency Evacuation Guide for People with Disabilities*](#), "Alternative methods of notification need to be put into the emergency evacuation plans for people with hearing impairments so they can get all of the information they need to evacuate in a timely manner." I would add that these same people need this information to ensure they take the *right* action in response to an emergency.

The 2010 edition of the *National Fire Alarm Code* contains a new chapter devoted to, and entitled, "Emergency Notification Systems." This chapter will help explain the part technology can play in meeting the emergency notification needs of the hearing impaired.

It is not technologically feasible to continue to use only strobes to indicate emergencies and, of course, multiple strobe colors would likely only lead to confusion.



Message boards, television monitors, and video display terminals offer acceptable methods of notifying the hearing impaired, but, as the NFPA guide reminds us, "It is extremely important for people with hearing impairments to know what, if any, visual notification systems are in place. They also need to be aware of which emergencies will activate the visual notification system and which emergencies will not."

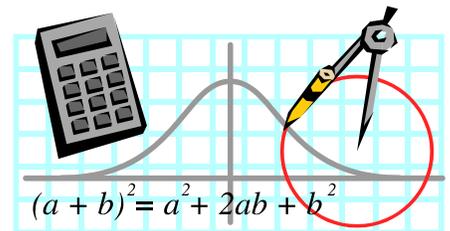
And economics will limit the number of these other visual notification appliances. It will prove far too expensive to place these units in the same locations and required quantity and spacing as the simpler fire alarm strobes.

The 2010 edition of the *National Fire Alarm Code* requires that, "Where audible notification is provided, mass notification systems shall also provide visible notification information to serve the hearing impaired...." It also requires that "Textual visible notification appliances shall be permitted to be used for primary or supplemental notification."



In addition, the code states that "Textual visible notification shall be considered to be primary notification where it is the only method used to convey emergency mass notification information to the general public or to specific individuals."

So the code has provided the requirements and guidance for more thorough visible notification, other than strobes, for the hearing impaired. But technology by itself is not enough. The code also requires that designers of mass notification systems perform a risk analysis considering both fires and non-fire emergencies when determining the occupants' need for notification. And the code requires that the property owner use the risk analysis in developing a comprehensive emergency response plan.



Both the risk analysis and the emergency response plan must consider the occupants' needs for notification. Therefore, the design of a mass notification system should address the notification needs of any hearing-impaired occupants.

As a first priority, the designer must determine the location and quantity of message boards or video display terminals (VDTs). Other design issues should address how to advise hearing-impaired occupants that the notification systems has message boards and video display terminals for their emergency needs. Permanent signage, strategically located, can advise hearing-impaired occupants of the availability, use, and location of the message boards or VDTs. For example, installing signs at all entrances to a building or at key areas, such as airport concourses or entrances to TSA security check points, can greatly assist hearing-impaired occupants. The message boards and VDTs can also display information that explains their use during emergencies, as well as the emergencies for which they will provide information.

is by having uniformed staff members directly provide all occupants, not just to the hearing impaired, with clear directions.

It appears that both the NFPA code and guide recognize the need to provide additional information to hearing-impaired occupants in order to ensure that they properly receive all emergency communications. Designers of these important systems are well advised to use the information provided in both documents.

to fire safety in the development of codes and standards. The award was presented by **Jim Pauley**, vice-president of Industry and Government Relations for Schneider Electric/Square D Company and chair of the NFPA Standards Council.

enABLED in Emergencies Conference September 29–30, 2009 • Hilton Philadelphia Airport



Mr. Moore, of Warwick, Rhode Island, is principal at Hughes Associates, Inc., and an instructor of fire alarm system workshops at NFPA. He has been a member of NFPA since 1973. He has also served on numerous NFPA Technical and Technical Correlating Committees. Moore was a member of NFPA Standards Council from 1997 to 1998.



Finally, the employees of any facility, as well as security forces such as the TSA in an airport, must assist by telling people how to react to emergencies. Scientific research has shown that the most effective means of initiating a proper emergency response



*Wayne D. Moore (right) received NFPA's **Standards Medal**, the highest award presented by NFPA's Standards Council, for outstanding contributions*

The [enABLED in Emergencies Conference](#) will bring together emergency management experts, responders, advocates, service-providers, and policy makers from the public and private sector to discuss the latest issues in responding to people with disabilities or special needs during emergencies. The conference will merge practical technical assistance principals with real-world examples for dealing

with vulnerable populations when a disaster strikes.



This two-day conference, hosted by enableUS and the National Organization on Disability’s Emergency Preparedness Initiative, will examine some of the greatest challenges that emergency managers face when responding to special-needs populations. Through networking breaks between each phase, attendees will have the opportunity to interact with speakers and other attendees to share personal experiences of emergency management for the disabled, including best practices and challenges faced.

Tentative Agenda:

September 29, 2009	
7:00–8:00 a.m.	Registration/Continental Breakfast (Sponsored by NOD EPI)
8:00 a.m.	Honor Guard, City of Philadelphia Police Department
8:00–8:15 a.m.	<p>Conference Overview and Introductions</p> <p>Brian Lake, Conference Chairman, enableUS</p> <p>Hilary Styron, Conference Chairwoman, National Organization on Disability’s Emergency Preparedness Initiative</p>

8:15–8:30 a.m.	<p>Welcome to Philadelphia</p> <p>MaryAnn Tierney, Director, Office of Emergency Management, City of Philadelphia</p>
8:30–9:30 a.m.	<p>Opening Keynote</p> <p>Marcie Roth, Senior Advisor for Disability Affairs, FEMA</p>
9:30–10:00 a.m.	<p>Networking Break</p>
10:00–11:15 a.m.	<p>Panel: Assistive Technology and Communications: Before, During and After Disasters</p> <p><i>Moderated by: Neil McDevitt</i></p> <p>Dr. Helena Mitchell, Co-Director, Rehabilitation Engineering Research Center, Georgia Tech University</p> <p>Chief Thomas Jennings, Chairman, Black Hawk 9-1-1 Board, Black Hawk County, Iowa</p>
11:15–12:00 p.m.	<p>Facilitated Audience Discussion Group</p>
12:00–1:30 p.m.	<p>Lunch -- Sponsored by enableUS</p> <p>Luncheon Speakers</p> <p>David Henry, Office of Emergency Management, WalMart</p> <p>John Vaughn, Chairman, National Council on Disability</p>
1:30–2:45 p.m.	<p>Panel: Sheltering for Disabilities and Special Needs: What to do if the plan you thought you had, FAILS!</p> <p><i>Moderated by Hilary Styron</i></p> <p>Jill Olen, CEO, The Olen Group, Former Deputy Chief Operating Officer for Public Safety, City of San Diego, CA</p> <p>Doug Havron, Administrative Director, Preparedness Program,</p>

	<p>Southeast Texas Trauma Regional Advisory Council</p> <p>Speaker TBD</p>
2:45–3:15 p.m.	<p>Networking Break</p>
3:15–4:30 p.m.	<p>Panel: Special Needs Advisory Programs (SNAP)</p> <p><i>Moderated by Brian Lake</i></p> <p>John Muller, Illinois Public Health Association (Invited)</p> <p>Mary Goepfert, New Jersey Office of Homeland Security and Preparedness</p> <p>Dr. Kate McCarthy-Barnett, Office of Special Healthcare Needs, Rhode Island Department of Health</p>
4:30 p.m.	<p>Closing Remarks and Adjournment</p> <p>Brian Lake, Conference Chairman, enableUS</p> <p>Hilary Styron, Conference Chairwoman, NOD EPI</p>
September 30, 2009	
7:30–8:30 a.m.	<p>Continental Breakfast (Sponsored by enableUS)</p>
8:30–8:45 a.m.	<p>Day 1 Recap and Introductions</p> <p>Brian Lake, Conference Chairman, enableUS</p> <p>Hilary Styron, Conference Chairwoman, National Organization on Disability’s Emergency Preparedness Initiative</p>
8:45–10:00 a.m.	<p>Panel: Disability Preparedness Education Programs</p> <p><i>Moderated by Brian Lake</i></p> <p>Neil McDevitt, Director, Community Emergency Preparedness Information</p>

	<p>Network (CEPIN)</p> <p>George Heake, Emergency Management Coordinator & Information Technology Accessibility Coordinator, Temple University's Institute on Disabilities</p>
10:00–10:30 a.m.	<p>Networking Break</p>
10:30–12:00 p.m.	<p>Panel: Workplace Preparedness for Employees with Disabilities</p> <p><i>Moderated by Bruce McFarlane</i></p> <p>Patrick Coakley, Policy Advisor, Office of Disability Employment Policy, U.S. Department of Labor</p> <p>Kevin Curtin, Director, Target Center Programs, U.S. Department of Agriculture</p>
12:00–1:30 p.m.	<p>Lunch (Sponsored by National Organization on Disability's Emergency Preparedness Initiative)</p> <p>Luncheon Keynote:</p> <p>Kareem Dale, Disability Policy Advisor to President Barak Obama (Invited)</p> <p>Tom Ridge, Chairman, National Organization on Disability (Invited)</p>
1:30-2:30pm	<p>Feature Speaker: Allan Fraser, Senior Building Code Specialist, National Fire Protection Association</p>
2:30-3:00pm	<p>Networking Break</p>
3:00-4:00pm	<p>Facilitated Audience Discussion Group</p>
4:00-5:00pm	<p>Closing Keynote: Lt. General Russell L. Honoré, Commander of Joint Task Force–Katrina, U.S. Army (Ret.)</p>
5:00pm	<p>Closing Comments and Adjournment</p> <p>Brian Lake, Conference</p>

	<p>Chairman, enableUS</p> <p>Hilary Styron, Conference Chairwoman, NOD EPI</p>
--	---

**Agenda Subject to Change*

3rd Annual Michael Minger Memorial Golf Classic



September 28, 2009, at the Hermitage Golf Course, President's Reserve, Old Hickory, Tennessee

Michael Minger lost his life in a dormitory arson fire in Murray, Kentucky. He was a fine young man whose dream was to become a sports broadcaster.

The Minger family has established Michael's Foundation, a [non-profit foundation](#) to address campus fire safety issues, to educate parents and students on the importance of fire

safety, and to promote the importance of fire sprinklers. The foundation also addresses the special safety needs of students with disabilities nationally.

You can join them for a fun-filled afternoon to help in their mission to raise awareness and make our campuses safer for our future leaders.

[Click here for more information:](#)



[RESNA](#) to Develop Standard for Stair Descent Devices

[ANSI Project Initiation Notification System \(PINS\) 7-31-09](#)

ANSI procedures require notification of ANSI by ANSI-accredited standards developers (ASD) of the initiation and scope of activities expected to result in new or revised [American National Standards \(ANS\)](#).

Following is a proposed new ANS. To view information about additional standards for which a PINS has been submitted and to search approved ANS, please visit www.NSSN.org, which is a database of

standards information. Note that this database is not exhaustive.

organizations, life safety operators, building owners.

Directly and materially affected persons or entities who wish to receive more information or submit comments are asked to contact the standards developer directly within 30 days of the publication of this announcement.



[RESNA \(Rehabilitation Engineering and Assistive Technology Society of North America\)](#)

Office: 2240 Meridian Boulevard,
Suite C
Minden, Nevada 89423

Contact: Peter Axelson

Fax: (775) 783-8823

E-mail: peter@beneficialdesigns.com

BSR/RESNA AT-1-200x, Assistive Technology - Volume 1: Emergency Stair Travel Devices for Individuals with Disabilities (new standard)

Stakeholders: Individuals with mobility impairments, caregivers and

Project Need: To provide standards and testing for devices used by individuals with disabilities to evacuate buildings along staircases during an emergency. The standards and testing for these devices will focus on their strength, durability, support for individuals with disabilities, or requirements of the assistants. Covers devices used for travel along stairs during emergency evacuations. This standard does not cover stair-climbing devices, incline platform lifts, or stairway chairlifts. It specifies vocabulary, methods of measurement, test methods, and requirements for dimensions and weight, seating and positioning, performance measures, strength and durability testing, operating limitations, and disclosure requirements.



New Hampshire Supreme Court Sides with Sidewalk Activist

Disabled man wins push to clear way

Reprinted with permission of The Concord Monitor • Originally published June 13, 2009

By Margot Sanger-Katz Monitor staff

Bill Tinker likes to ride his scooter around downtown Tilton. The Northfield man has respiratory, circulatory, and orthopedic problems that make walking or driving difficult. But he still likes to get out to the post office, the grocery store, and other local shops.

Now, he will be able to ride downtown all year long. This week, the

New Hampshire Supreme Court settled a longstanding dispute between Tinker and Tilton about whether the town is required to clear snow from its sidewalks to allow him and others with disabilities access. In short, the court said it is.

“Disabled people have been stomped on long enough,” Tinker, 63, said yesterday, adding that he “cheered” when he heard about the court’s decision.

Molly McPartlin, the lawyer who represented the town, said that Tilton will comply with the court’s ruling and “make reasonable efforts with regard to snow removal.” She said that the town does not plan to appeal the ruling or ask the court to reconsider.

Tinker and Tilton have been arguing over the sidewalks for years. According to Tinker, he first hounded the town to install the sidewalk, which runs parallel to Route 3. Then, when they built it, he prodded them to maintain the way so he could use it year-round.

“All I wanted was access for pedestrians, whether walking, rolling, or creeping,” he said.

Tinker is firmly in the rolling category. He rides a four-wheeled scooter, which he said can reach speeds of, “with a tailwind, probably 11 mph.”

But without his scooter, Tinker said, he is much more limited and can’t walk more than 100 or 200 feet at a time.

McPartlin estimated that it will cost the town between \$15,000 and \$20,000 a year for the town to maintain the sidewalk, a cost that is driven up because parts of the walkway are on a highway overpass, and maintenance crews are barred from simply pushing the snow down onto the interstate.

“He’s been the only person who has ever requested snow removal services on this sidewalk,” McPartlin said. “The sidewalk is a very low-traffic area.”

But Tinker, represented by James Fox of the Disability Rights Center, argued that the federal Americans with Disabilities Act required the municipality to accommodate disabled residents who could not safely travel on an icy sidewalk or the shoulder of a busy state highway. The law says that public entities must “give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities,” including transportation.

Failing to clear the walkway denied Tinker the opportunity to travel around town, his lawyers argued.

“Once you have a curb, if you have a wheelchair or a scooter, if you’re using the road, it’s very dangerous,” Fox said.

On the advice of the trial court, the town initially opted to close the sidewalk between December and April, arguing that because no one could use it, they were not discriminating against disabled residents by not clearing it.

The town even passed an ordinance that allowed the police to fine pedestrians from using the sidewalk when it was closed.

But the Supreme Court said that the town’s policy still violated the law.

“The refusal to remove any snow is not a reasonable limit upon the removal of snow, but it is an abdication by the town of its obligation altogether,” the court wrote.

The court made clear that its opinion was narrow and applied only to Tinker’s case, but Fox said that the decision has made its interpretation of the law quite clear, and he hopes the case will prevent similar disputes in other communities.

“I never thought it was in any way ambiguous that they did have to maintain it, and I think most towns know that,” Fox said. “But if there’s any

question, now I think this case should settle once and for all that towns must maintain these sidewalks.”

Tinker said that he'd never planned to sue the town. He hoped that selectmen would understand his needs and clear the sidewalks. Now, he said, the town is out four years of legal costs, and a \$60,000 fee to repay Tinker's lawyer. It would have cost less to do the road maintenance, he said.

“All we wanted was for them to plow the sidewalks.”

[Read the entire court ruling by clicking here.](#)



NFPA at Wisconsin Fire Inspectors Association Annual Fire Prevention Professional's Conference

NFPA will present a session on its [Personal School Emergency Evacuation Planning Guide](#) at the

[Wisconsin Fire Inspectors Association](#) Annual Fire Prevention Professional's Conference in Wausau, Wisconsin, November 3 to 6, 2009.

Firefighting Twin Brothers Defy Disability

Reprinted with permission of The Gadsen Times • Originally Published May 24, 2009

By Miranda Sparks, Times Intern

A shrill tone slices through the stillness of a double-wide trailer in Geraldine. It's 2 a.m., and this alarm clock doesn't have a snooze button.



“DeKalb 911 to all Geraldine Fire: All Geraldine Fire, we have

reports of a structure fire on County Road 9 ...”

Before the scratchy voice of the dispatcher can finish her sentence, 36-year-old Brent Abernathy is up and fumbling for his boots. In less than two minutes, he dresses, grabs the screaming hand-held radio from the bedside table, and heads for his pick-up truck.

He pushes himself through the living room, his left leg almost always two steps ahead of his right. His right foot points toward his left and drags across the floor, nearly tripping him more than once. But he doesn't notice. His journey takes him around the 42-inch television, through the dining room, and into the kitchen. He reaches the side door and looks over the kitchen bar and into the living room.

“Are you coming?” he yells to the empty room. His twin brother, Kent, shuffles into view, fully dressed and with his own black hand-held clipped to his side.

“Yeah, just hold your horses,” he calls back.

Kent pushes toward the door in much the same way as his brother, with one hand gliding across the wall for support. He makes his way from the far end of the living room, around an extra wall that juts out beside his bedroom

door, and then around a coffee table. Finally, he too reaches the side door.

As they pull themselves up into Brent's pewter Chevrolet Z-71, Kent presses the mic on the truck radio. Slightly out of breath, he informs the dispatcher, "Geraldine 9 and 19 en route."

This has been the Abernathy brothers' unscheduled, middle-of-the-night routine since they were 18 years old.

"Whether we've just went to bed or whether we've been in bed all night or whatever, we get up and go," Kent said. "That's just part of it."

But planning out how you're going to pull yourself up into a fire engine without help from your lower body isn't "just part" of being a volunteer firefighter.

What sets the Abernathys apart from their comrades is not just their mirrored faces, but the fact they aren't able to run into a burning building. Both twins are spastic paraplegics.

The Obstacle

Spastic paraplegia is a rare form of muscular dystrophy that affects some 20,000 Americans, according to the Spastic Paraplegia Foundation. It can strike an individual at any time during his or her life and pays no mind to race or gender. The disease

progressively weakens the leg and hip muscles, making it difficult or, in some cases, impossible to walk or stand.

The disease took hold of Brent and Kent's legs when they were in the sixth grade.

"The doctor told us this is something you can't predict," said the twins' father, Terry Abernathy. "He said it could have its course run and not really affect them anymore, or it could in six weeks' time have them where they can't even walk."

The doctors at Children's Hospital in Birmingham explained to Terry and his wife, Sue, that any treatment would have to wait until the boys' legs stopped growing. During the summer before their senior year of high school, the twins underwent surgery to lengthen their heel cords, also known as the Achilles tendon.

Surgeons made angled cuts into the cords, then reconnected them to make them longer. Spastic paraplegia is a neurological disorder. The nerves hold the leg muscles tense, preventing the individual from walking normally. Lengthening the tendons allowed the muscles to relax slightly and put the twins back flat on their feet. That surgery is the only form of treatment Brent and Kent ever received. Terry said the doctors informed them that

lengthening the heel cords was really all they could do.

The years between then and now have seen the return of the slow-progressing deterioration of the twins' legs. They cannot stand without something sturdy to lean on and often fall while walking across the room. Although their steps are shaky, their determination to get where they're going never wavers.

"Even though we might not can do it, we want to try anyway," Kent said. "We might not can do it, and we might can do it."

Firefighting is one of those things they were determined to try. Brent said he and his brother get their love of the job from their dad. Terry has been a member of the Tenbroeck Volunteer Fire Department for most of his sons' lives. Brent and Kent grew up washing, waxing, and working on fire trucks. When they were 16, Terry decided they were old enough to go on their first call. By the time they graduated high school, both had become members of their dad's department.

Standing Outside the Fire

Sometimes determination and stubbornness go hand-in-hand. Terry said his sons are a classic example of that. They are so determined to prove they can do anything anyone else can that sometimes they try to ignore their

bodies' limitations. Their disability restricts what they can do at a fire scene, an understandable frustration.

"I like to have never got across to them that they are worth just as much out there running the pump as they would be handling a hose," Terry said. "They stayed mad at me a right smart over that."

The house is half-swallowed by orange flames and dark gray smoke when members of the Geraldine Volunteer Fire Department arrive on the scene. Firefighters, adorned head to toe in beige, fire-resistant turnout gear, jump from the cabs of two red engines. They immediately begin to yank 400 feet of 1 1/2-inch fire hose off the truck bed and toward the burning house.



While their buddies are grabbing nozzles, shouldering axes, and dragging hoses, Brent and Kent slide out of their pickup and head toward separate fire engines. Kent places a steadying hand against the cold diamond plate of Engine Three. In front of him is a confusing arrangement of knobs, dials, and pulls. Each one is

labeled with its function, but Kent doesn't have time to read them closely. His buddies need water.



Almost without having to think about it, he pulls three of the silver handles in perfectly ordered succession. There is a muffled whoosh as hundreds of gallons of water are pushed through the two connected hoses. A hissing from the nozzle tells Kent he's done his job.

Brian West usually is one of the guys waiting at the other end of the fire hose. He has worked with the Abernathy brothers in the Geraldine Fire Department for the past three years. West said he can't put into words what kind of benefit Brent and Kent are at a fire scene.

Terry said after a while, the twins realized every job in firefighting is important. A fire hose is no use without water, and water isn't going to get there without someone at the truck, manning the pump.

Realizing their limits, however, doesn't keep Brent and Kent from testing them. In March 2006, the brothers obtained their Volunteer

Firefighter Certification from the Alabama Fire College. To get this certificate, Brent and Kent had to pass a course known as the "Firefighter 160." The course demands skills in both the classroom and in practical exercises.

The 160

"Holy freakin' terror" is how West described the physical challenges of the 160 course. The drills include everything from searching for a hidden dummy in a burning building to crawling blindfolded through a winding, hazardous maze. Brent said he and Kent completed every task except the ladder climb, the obstacle course, and the maze.

"Other people think we can't do it because we've got this disability, but if I want to try something, I'll try it," Kent says. "I might not succeed at it, but I'll give it a try."

The instructors at the Fort Payne training center, where the brothers took the course, were more than willing to let the Abernathys try. "They said, 'Y'all are an inspiration to us,'" Brent remembered. He said the instructors told them to try whatever exercises they felt they would be able to do. Neither one had to be told twice.

One drill they completed takes place in what's called "the burn building." A gray, two-story building that looks more like a giant piece of

playground equipment is filled with smoke and heat. A 180-pound dummy is hidden somewhere inside. The task is search and rescue.



Two firefighters at a time go in. Each wears an extra 70 pounds of gear. They are dressed in full turnouts, including fire-resistant pants and jacket, boots, gloves, a Nomex® hood (similar to a ski mask, but with an opening for the entire face), a helmet, and a self-contained breathing apparatus. They enter on their hands and knees, one directly behind the other.

The sunshine from outside disappears. It’s like crawling into a hot, black storm cloud. There are no flames, but the temperature reaches 175 degrees. The sweat seals their breathing masks to their faces. This is as close as it gets to the real thing.

The interior is a replica of a typical single-family home. Downstairs, a couch and television sit in the living room, and a stove and refrigerator complete the kitchen. Upstairs holds a bedroom and non-working bathroom.

But you can’t see any of this through the thick darkness. You have to feel it.

A right-hand sweep is used to search the bottom floor. In this technique, the firefighter in front keeps his or her left hand on the wall and uses the other to feel through the house. The firefighter in the back keeps a hold on the front’s right ankle. The second firefighter stretches his or her right hand out into the smoke as far as it will reach, searching for a victim. Typically, the search carries the firefighters throughout both floors, but for the Abernathys, it was confined to the ground floor. Once the dummy is found, the firefighters make their way back toward daylight by reversing their sweeping method, this time with the dummy in tow.

Although this drill is probably the closest Brent or Kent will come to participating in an actual search and rescue of a burning house, fellow firefighter Wendel Evans said he’s glad they chose to get the experience.

“Seeing them do what they do gives me more motivation,” Evans said. “Most people in their situation would just sit on their butts and not even try to do anything.”

But the Abernathys always will try.

In It Together

Most everything Brent and Kent do, they do together. They were born together; they live together; they fight fires and disease together.

“Two is always better than one,” Kent says.

Their mother, Sue, said her boys have always been close. She recalled when they both had surgery on their legs. Brent went under the knife first and emerged with both legs stuck straight out from his wheelchair. One week later, it was Kent’s turn. “Brent cried because he couldn’t go,” Sue said. “Kent went when (Brent) had his surgery and (Brent) wanted to be there when Kent did.”

To mess with one twin is to mess with the other. Kent said if anybody picks on one of them, the other is right there, ready to jump in the fight. “The other one would flog ’em just like an ole hen,” Sue said with a laugh.

That isn’t to say Brent and Kent don’t have their differences. They argue just like anyone else.

“We just get in the floor and wrestle every now and then, and that’s it,” Brent said.

Although they like most of the same things and spend a large chunk of time together serving their community,

the average day doesn't find them in the same place.

"We get up; he goes one way, and I go the other," Brent says.

Their disability keeps them from working regular jobs, but both twins do their best to keep busy.

"They'd do anything to help anybody," West says.

Ask Brent and Kent why they get up in the middle of the night. Ask them why they stumble, trip, and fall hurrying to help a stranger, when they could easily remain in the safety of their beds. Ask them, and you won't really get an answer. All they know is firefighting is something they've always wanted to do. It's just always been there. As children, they watched their dad get up and do what many are afraid to do. As men, they aren't going to let anything, even weak legs, stop them from following in his footsteps.

Our readers are people with disabilities, and their relatives, caregivers, and friends.

Our goals are to:

- Provide specialized information about fire and life safety for people with disabilities directly to those with disabilities and to those who assist them to help reduce or eliminate fire deaths and injuries, as well as those resulting from other emergencies, and to
- Provide a forum for the collection and dissemination of information for people with disabilities in support of DARAC's mission.

Themes for upcoming editions:

- December 2009: Evacuation, Fire Drills
- March 2010: Codes & Standards

If you'd like to contribute an article or information consistent with the outline above, please e-mail them to Allan B. Fraser, senior building code specialist and e-Access coordinator, at afraser@nfpa.org.



Content for future editions will include:

NFPA-related news

- DARAC news
- NFPA codes- and standards-related information
- Fire safety tips
- Emergency evacuation information

Articles relating to the safety of people with disabilities from:

- NFPA staff
- DARAC members
- Other national advocates
- General news
- Other standards-developing organizations' news
 - U.S. Access Board
 - ANSI/ICC A117, *Standard for Accessible Buildings and Facilities*
 - U.S. Department of Justice
 - Other

Did You Miss an Issue?



No problem! [You can read the back issues of e-ACCESS by clicking here.](#)



Do you have a story to tell or information to share?

September, 2009

Sign up free NFPA "e-ACCESS" newsletter @ www.nfpa.org/e-access.

NEWSLETTER