



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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REMINDER TO VIDEO PROGRAMMING DISTRIBUTORS OF OBLIGATION TO MAKE EMERGENCY INFORMATION ACCESSIBLE TO PERSONS WITH HEARING OR VISION DISABILITIES

This Public Notice is to remind video programming distributors, including broadcasters, cable operators, and satellite television services of their obligation to make emergency information accessible to persons with hearing and vision disabilities.¹ In the case of persons who are deaf or hard of hearing, emergency information that is provided in the audio portion of the programming must be provided using closed captioning or other methods of visual presentation, such as open captioning, crawls, or scrolls that appear on the screen. Emergency information provided by means other than closed captioning should not block any closed captioning, and, closed captioning should not block any emergency information provided by means other than closed captioning. This rule regarding access to emergency information for persons with hearing disabilities became effective on August 29, 2000.²

The same information must also be provided in a manner that is accessible to persons who are blind or have low vision. Specifically, emergency information that is provided in the video portion of a regularly scheduled newscast or a newscast that interrupts regular programming must be made accessible. This requires the oral description of emergency information in the main audio, such as open video description. If the emergency information is being provided in the video portion of programming that is not a regularly scheduled newscast or a newscast that interrupts regular programming (e.g., the programmer provides the emergency information through "crawling" or "scrolling" during regular programming), this information must be accompanied by an aural tone. This tone is to alert persons with vision disabilities that the broadcaster is providing emergency information, and alert such persons to tune to a radio, the Secondary Audio Programming ("SAP") channel or a designated digital channel for more information.

This rule regarding access to emergency information for persons with vision disabilities became effective February 2, 2001.³

¹ See 47 C.F.R. § 79.2.

² See *Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Accessibility of Emergency Programming*, MM Docket No. 95-176, FCC 00-136, *Second Report and Order*, 15 FCC Rcd 6615 (2000); see also, *Accessibility of Emergency Programming Rule Requiring OMB Approval Effective as of August 29, 2000*, Public Notice, DA 00-1996, 15 FCC Rcd 15968 (rel. Aug. 31, 2000).

³ See, *Implementation of Video Description of Video Programming*, MM Docket No. 99-339, *Report and Order*, 15 FCC Rcd 15230, 15251 (2000), *on recon.*, 16 FCC Rcd 1251 (2001), *appeal pend.*, *Motion Picture Association of America et al. v. FCC*, No. 01-1149 (D.C. Cir.) (to be argued Sept. 6, 2002); *National Federation of the Blind v.*

Emergency information is information that helps to protect life, health, safety or property, and can include information about immediate weather situations such as tornadoes, hurricanes, floods, tidal waves, earthquakes, icing conditions, heavy snows, widespread fires, warnings and watches for impending changes in weather. It can also include information about other emergencies, such as the discharge of toxic gases, widespread power failures and industrial explosions, for example. The rule applies to emergency information primarily intended for distribution to an audience in the geographic area in which the emergency is occurring.

The critical details that must be made available in an accessible form include, for example specific details about the geographic areas that are or will be affected, evacuation orders, detailed descriptions of areas to be evacuated, specific evacuation routes, approved shelters or ways to take shelter in one's home, instructions on how to secure personal property, road closures, and how to obtain relief assistance.

On August 13, 2001, the Commission released a *Public Notice* reminding the public and video programming distributors of the distributors' obligation to provide emergency information in a format accessible to people with hearing disabilities. At that time, the Commission noted that it had received a number of complaints from residents of California, Colorado, Florida, Indiana, Louisiana, Maryland, Michigan, Minnesota, Missouri, New York, North Carolina, Ohio, Oklahoma, and Texas asserting that video programming distributors had failed to make local emergency information accessible to viewers with hearing disabilities. Among other things, the complaints reported a failure to provide visual information about the direct paths of hurricanes, storms, and other dangerous weather conditions, as well as precautions needed to respond to those conditions. Some consumers also reported blocking of critical visual emergency information (e.g., emergency school closing information) by other information on the screen. These complaints generally alleged that contacting programming distributors resulted in little relief to complainants.

Since the issuance of that *Public Notice*, the Commission has continued to receive complaints from people who are deaf or hard of hearing raising many of these same issues. We emphasize that emergency broadcasts lacking visual displays and video descriptions deny persons with hearing and vision disabilities access to vital information. To the extent that some video programming distributors may be unaware of the nature of their obligations under the Commission's emergency information rule, the Commission hereby reiterates that all distributors of video programming are obliged to provide emergency information in a format that is accessible to people who are deaf or hard of hearing, or blind or have low vision.⁴

Attached is the text of the rule itself, 47 C.F.R. § 79.2. This rule and related Fact Sheets summarizing the closed captioning and video description and access to emergency information rules are also available at the FCC Consumer & Governmental Affairs Bureau's website, <http://www.fcc.gov/cgb>.

The full texts of these documents are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554.

FCC, No. 01-1155 (D.C. Cir.) (to be argued Sept. 6, 2002) (consolidated); *see also*, *Amended Emergency Information Rule effective as of February 1, 2001*, Public Notice, DA 01-799 (rel. Mar. 30, 2001).

⁴ See 47 C.F.R. § 79.2

These documents may be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, (202) 863-2893 (voice), (202) 863-2898 (fax), (202) 863-2897 (TTY), or via e-mail qualexint@aol.com.

This document is available to individuals with disabilities requiring accessible formats (electronic ASCII text, Braille, large print, and audiocassette) by contacting Brian Millin at (202) 418-7426 (Voice), (202) 418- 7365 (TTY), or by sending an e-mail to bmillin@fcc.gov.

Consumer & Governmental Affairs Bureau Contact: Dana Jackson, (202) 418-2247 (voice); (202) 418-7898 (TTY); e-mail dljackso@fcc.gov.

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§ 79.2 Accessibility of Programming Providing Emergency Information.

(a) Definitions.

(1) For purposes of this section, the definitions in Sections 79.1 and 79.3 apply.

(2) Emergency information. Information, about a current emergency, that is intended to further the protection of life, health, safety, and property, i.e., critical details regarding the emergency and how to respond to the emergency. Examples of the types of emergencies covered include tornadoes, hurricanes, floods, tidal waves, earthquakes, icing conditions, heavy snows, widespread fires, discharge of toxic gases, widespread power failures, industrial explosions, civil disorders, school closings and changes in school bus schedules resulting from such conditions, and warnings and watches of impending changes in weather.

Note to paragraph (a)(2): Critical details include, but are not limited to, specific details regarding the areas that will be affected by the emergency, evacuation orders, detailed descriptions of areas to be evacuated, specific evacuation routes, approved shelters or the way to take shelter in one's home, instructions on how to secure personal property, road closures, and how to obtain relief assistance.

(b) Requirements for Accessibility of Programming Providing Emergency Information.

(1) Video programming distributors must make emergency information, as defined in paragraph (a) of this section, accessible as follows:

(i) Emergency information that is provided in the audio portion of the programming must be made accessible to persons with hearing disabilities by using a method of closed captioning or by using a method of visual presentation, as described in Section 79.1 of this part.

(ii) Emergency information that is provided in the video portion of a regularly scheduled newscast, or newscast that interrupts regular programming, must be made accessible to persons with visual disabilities; and

(iii) Emergency Information that is provided in the video portion of programming that is not a regularly scheduled newscast, or a newscast that interrupts regular programming, must be accompanied with an aural tone.

(2) This rule applies to emergency information primarily intended for distribution to an audience in the geographic area in which the emergency is occurring.

(3) Video programming distributors must ensure that:

(i) Emergency information should not block any closed captioning and any closed captioning should not block any emergency information provided by means other than closed captioning; and

(ii) Emergency information should not block any video description and any video description provided should not block any emergency information provided by means other than video description.

(c) Complaint Procedures.

A complaint alleging a violation of this section may be transmitted to the Commission by any reasonable means, such as letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, audio-cassette recording, and Braille, or some other method that would best accommodate the complainant's disability. The complaint should include the name of the video programming distributor against whom the complaint is alleged, the date and time of the omission of emergency information, and the type of emergency. The Commission will notify the video programming distributor of the complaint, and the distributor will reply to the complaint within 30 days.