



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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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 these means should not block any closed captioning, and, closed captioning should not block any emergency information provided by crawls, scrolls, or other visual means. 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 video programming distributor is providing emergency information, and alert such persons to tune to

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*, Second Report and Order, MM Docket No. 95-176, FCC 00-136, 15 FCC Rcd 6615 (April 14, 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 (Aug. 31, 2000).

another source, such as a radio, for more information. This rule regarding access to emergency information for persons with vision disabilities became effective February 2, 2001.³

“Emergency information” is information about a current emergency that is intended to further the protection of life, health, safety or property.⁴ Examples of the types of emergencies about which “emergency information” may be broadcast 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.⁵ *This list of emergencies is not intended to be exhaustive.* For example, the Enforcement Bureau recently clarified that the 2002 Washington D.C. sniper event was an emergency event during which “emergency information” may have been broadcast.⁶ Our rule may also apply to terrorism related events and other similar instances.

When “emergency information” is broadcast, 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. The rule applies to emergency information that is primarily intended for distribution to an audience in the geographic area in which the emergency is occurring.

In sum, to the extent that video programming distributors, including broadcasters, cable operators, and satellite television services, air information about an emergency, that “emergency information” must be made accessible according to the Commission’s access to emergency information rule under section 79.2. The question of whether a particular incident or event is an “emergency” under this rule is not the same as whether particular information broadcast about the event is “emergency information.”

Recently, the Commission has received a number of complaints from individuals asserting that video programming distributors are failing to make local emergency information accessible to viewers with hearing disabilities. Some consumers also reported that critical visual emergency information (e.g., emergency school closing information) was blocked by other information on the screen. These complaints generally alleged that contacting programming distributors resulted in little relief to complainants.

³ See *Amended Emergency Information Rule effective as of February 1, 2001*, Public Notice, DA 01-799, 16 FCC Rcd 7194 (Mar. 30, 2001).

⁴ See 47 C.F.R. § 79.2.

⁵ See 47 C.F.R. § 79.2.

⁶ See Letter from Colleen Heitkamp, FCC to Fred Ryan, WJLA-TV, dated April 22, 2004; Letter from Colleen Heitkamp, FCC to David Fleming, Gannett/WUSA-TV, dated April 22, 2004; Letter from Colleen Heitkamp, FCC to Molly Pauker, Fox Television Stations, Inc., dated April 22, 2004; Letter from Colleen Heitkamp, FCC to F. William LeBeau, WRC-TV, dated April 22, 2004.

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 that elect to provide emergency information about a current emergency must do so in a format that is accessible to people who are deaf or hard of hearing, or blind or have low vision.⁷

The Consumer & Governmental Affairs Bureau will continue to closely monitor complaints alleging violations of the access to emergency information rule and will promptly forward appropriate complaints to the Enforcement Bureau for possible enforcement action. If you have a complaint, you can first contact the video programming distributor, although you are not required to do so. You can also complain directly to the FCC. Your complaint should include:

- The name of the video programming distributor (e.g. broadcast station, cable company, or DBS provider) against whom the complaint is alleged;
- The date and time of the omission of emergency information; and
- The type of emergency.

You may contact the FCC by letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, audio-cassette recording, Braille, or any other method that would best accommodate your disability. Send your complaint to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
445 12th Street, SW
Washington, DC 20554
Phone: 1-888-225-5322 (voice); 1-888-835-5322 (TTY)
E-mail: fccinfo@fcc.gov
Internet: www.fcc.gov/cgb/complaints.html
Fax: 202-418-0232

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

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. These documents may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 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.

⁷ See 47 C.F.R. § 79.2.

To request this document or the rule in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0531 (voice), 202-418-7365 (TTY).

Consumer & Governmental Affairs Bureau Contact: Traci Randolph, (202) 418-0569 (voice); (202) 418-0537 (TTY); e-mail traci.randolph@fcc.gov.

47 C.F.R. § 79.2

§ 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.

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