



PUBLIC NOTICE

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MEDIA BUREAU ACTION

MEDIA BUREAU SEEKS COMMENT ON FIAT CHRYSLER AUTOMOBILES US LLC PETITION FOR WAIVER OF ACCESSIBLE USER INTERFACES REQUIREMENTS

MB Docket No. 12-108

Comment Date: July 7, 2017

Reply Comment Date: July 18, 2017

Fiat Chrysler Automobiles US LLC (Chrysler) has filed a petition¹ requesting that the Commission grant a waiver of the Commission's rules requiring the accessibility of user interfaces on covered digital apparatus.² Section 79.107 of the Commission's rules requires that digital apparatus be designed, developed, and fabricated so that control of appropriate built-in functions (*i.e.*, those functions used for the reception, play back, or display of video programming) included in the apparatus are accessible to and usable by individuals who are blind or visually impaired, if achievable.³ In addition, Section 79.109(a) of the Commission's rules requires that digital apparatus with built-in closed captioning and/or video description capability must include a mechanism that is reasonably comparable to a button, key, or icon for activating the closed captioning and video description.⁴ The rules further require covered entities to ensure that individuals with disabilities are aware of the availability of accessible digital apparatus and have ready access to information and support that will allow them to operate such devices.⁵

¹ Fiat Chrysler Automobiles US LLC Amended Petition for Waiver of the Commission's Rules Requiring Accessibility of Video Programming (filed June 15, 2017) (Petition).

² Covered digital apparatus are those that are designed to receive or play back video programming transmitted in digital format simultaneously with sound, excluding navigation devices. *See* 47 U.S.C. § 303(aa)(1); 47 CFR § 79.107(a)(1).

³ 47 CFR § 79.107(a)(1). *See also* *Accessibility of User Interfaces, and Video Programming Guides and Menus; Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, MB Docket Nos. 12-108, 12-107, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 17330, 17363-71, paras. 53-63 (2013) (*Accessible User Interfaces Order*).

⁴ 47 CFR § 79.109(a)(1)-(2). *See also* *Accessible User Interfaces Order*, 28 FCC Rcd at 17380-84, paras. 79-84.

⁵ 47 CFR § 79.107(d)-(e). *See also* *Accessibility of User Interfaces, and Video Programming Guides and Menus*, MB Docket No. 12-108, Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking, 30 FCC Rcd 13914 (2015).

Manufacturers of digital apparatus are responsible for compliance with the rules, which set a compliance deadline of December 20, 2016, subject to certain exceptions.⁶

Chrysler requests waivers of the accessible user interfaces requirements applicable to “rear entertainment systems” (RES) on 7,176 Dodge Journey vehicles, which were released to dealerships without the necessary audio files that make the built-in video functions accessible to individuals who are blind or visually impaired.⁷ A total of 4,440 of these vehicles have been sold, and 2,736 vehicles remain with dealers.⁸ Chrysler explains that the issue inadvertently resulted from “supplier error,” and it has identified the non-compliant vehicles, which can each be made compliant with the accessible user interfaces rules by installing the requisite audio file in the vehicle’s computer system.⁹ According to Chrysler, the company instructed dealers to make the update on all unsold vehicles before delivering them to customers, and it now requests a retroactive waiver of Section 79.107 of the Commission’s rules as it pertains to the unsold vehicles.¹⁰ On vehicles already sold, Chrysler plans to install the requisite audio file on every vehicle that returns to the dealership, and the company is notifying owners of non-compliant vehicles through writing and phone calls.¹¹ Chrysler requests a permanent waiver of Section 79.107 of the Commission’s rules for those vehicles already sold.¹² We seek comment on Chrysler’s request.

Pursuant to Sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

⁶ 47 CFR §§ 79.107(b), 79.109(c). Certain categories of digital apparatus such as display-only monitors and video projectors and devices primarily designed for purposes other than displaying video programming are subject to a five-year deferred compliance deadline. *Id.* § 79.107(b)(1)-(3).

⁷ Petition at 2. The requested waiver pertains to certain vehicles manufactured between January 3, 2017 and February 23, 2017. *Id.*

⁸ *See id.*

⁹ *Id.* at 2-3.

¹⁰ *Id.* at 4. The retroactive waiver would run “from January 3, 2017 through the date a currently unsold vehicle is sold (with accessible video capability).” *Id.*

¹¹ *Id.* at 4-5.

¹² *Id.* at 5.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

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Filings are also 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, telephone (202) 418-0270.

For further information, contact Maria Mullarkey, Maria.Mullarkey@fcc.gov or (202) 418-2120. Press inquiries should be directed to Janice Wise, Janice.Wise@fcc.gov or (202) 418-8165.

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