

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of )
)
Accessible Emergency Information, and Apparatus ) MB Docket No. 12-107
Requirements for Emergency Information and )
Video Description: Implementation of the Twenty- )
First Century Communications and Video )
Accessibility Act of 2010 )

MEMORANDUM OPINION AND ORDER

Adopted: April 8, 2026

Released: April 8, 2026

By the Acting Chief, Media Bureau:

I. INTRODUCTION

1. In this Memorandum Opinion and Order, on the Media Bureau’s own motion, we extend the waiver of a rule that requires television broadcasters¹ to provide an aural representation of visual, non-textual emergency information that is displayed during non-newscast programming, such as radar maps or other graphics, on a secondary audio stream. For the reasons discussed below, we grant the extension for an 18-month period (through November 29, 2027) or until there is a ruling on a pending NAB petition for rulemaking and waiver extension,² whichever is sooner. We note that this action does not prejudice the issues pending in that underlying petition.

II. BACKGROUND

2. Section 79.2(b)(2)(ii) of the Commission’s rules contains what is referred to as the Audible Crawl Rule, which requires that emergency information provided visually during non-newscast video programming must be made audibly accessible to individuals who are blind or visually impaired through the use of a secondary audio stream.³ Although the Audible Crawl Rule includes a compliance deadline of May 26, 2015, the Bureau has granted NAB’s six successive waiver requests pertaining to aural representations of visual, non-textual emergency information, based on the unavailability of any technical compliance solution and the fact that the critical details of an emergency provided in graphic form are in most instances duplicative of information conveyed in textual crawls which are aurally described.⁴

¹ The rule applies to “video programming distributors and video programming providers,” as those terms are defined in sections 79.1 and 79.3 of the Commission’s rules, but we recognize that emergency information that is shown during non-newscast programming is generally provided by television broadcast stations, which are, by definition, more narrowly geographically targeted than national networks. See 47 CFR § 79.2(a)(1).

² See Petition for Rulemaking and Extension of Waiver of the National Association of Broadcasters, MB Docket No. 12-107 (filed Nov. 15, 2024) (Petition).

³ 47 CFR § 79.2(b)(2)(ii).

⁴ See 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; Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of

3. NAB filed the Petition on November 15, 2024, requesting modification of the Audible Crawl Rule and a waiver of the rule for 18 months (until May 2026), subject to the Commission's discretion to terminate the waiver earlier depending on the outcome of NAB's request.<sup>5</sup> On November 25, 2024, the Bureau sought comment on the Petition; three comments were filed on December 26, 2024, and one reply comment was filed on January 9, 2025, all of which supported the Petition, so long as any revised rule ensures that people who are blind or visually impaired have access to the same critical details of an emergency as sighted viewers.<sup>6</sup> No party objected to NAB's waiver request.

4. Because the waiver expired during the comment period on the Petition, NAB filed a request for an expedited retroactive extension of the waiver on November 27, 2024, explaining that "numerous large television station groups have ceased the display of such weather maps and similar visual images," which "will harm the public."<sup>7</sup> The Bureau sought comment on the Request.<sup>8</sup> Four comments and three reply comments all supported the proposed retroactive temporary extension; no

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2010, MB Docket Nos. 12-107 and 11-43, Memorandum Opinion and Order, 30 FCC Rcd 5012, 5021-22, para. 16 (MB 2015); *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 No. 12-107, Memorandum Opinion and Order, 31 FCC Rcd 12540 (MB 2016); *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 No. 12-107, Memorandum Opinion and Order, 33 FCC Rcd 5059 (MB 2018) (2018 Waiver Order); *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 No. 12-107, Memorandum Opinion and Order, 38 FCC Rcd 4982 (MB 2023) (2023 Waiver Order); *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 No. 12-107, Memorandum Opinion and Order, 39 FCC Rcd 13792 (MB 2024) (2024 Waiver Order); *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 No. 12-107, Memorandum Opinion and Order, 40 FCC Rcd 3099 (MB 2025) (2025 Waiver Order).

<sup>5</sup> See Petition at 3-4, 11.

<sup>6</sup> See *Media Bureau Seeks Comment on National Association of Broadcasters Petition for Rulemaking and Extension of Waiver of Accessible Emergency Requirements*, Public Notice, MB Docket No. 12-107, DA 24-1184 (rel. Nov. 25, 2024); Comments of Society of Broadcast Engineers, Inc., MB Docket No. 12-107 (filed Dec. 26, 2024) (SBE Comments on Petition); Comments of Gray Local Media, Inc., MB Docket No. 12-107 (filed Dec. 26, 2024) (Gray Comments on Petition); Comments of the American Foundation for the Blind and the American Council of the Blind, MB Docket No. 12-107 (filed Dec. 26, 2024) (explaining that they are "cautiously supportive of a very limited rule change that allows video programming providers and distributors to convey visual emergency information through equivalent or duplicative text crawls as long as the rule ensures that blind and low vision viewers have access to the same emergency information as sighted viewers") (AFB/ACB Comments on Petition); Reply Comments of the National Association of Broadcasters, MB Docket No. 12-107 (filed Jan. 9, 2025) (NAB Reply to Petition Comments). See also Reply Comments of TDIForAccess, Inc., et al., GN Docket No. 25-133, at 9-10 (filed April 28, 2025) (in the Commission's *Delete, Delete, Delete* proceeding, explaining that "[t]he most important concern to people who are blind or have low vision is the need to have access to the same information about emergencies at the same time as nondisabled people," and that in the absence of any "existing means of automating accessible descriptions of emergency information provided in graphical form," the Commission should clarify its Audible Crawl Rule in response to NAB's Petition).

<sup>7</sup> Request for Expedited Retroactive Extension of Waiver of the National Association of Broadcasters, MB Docket No. 12-107, at 2 (filed Nov. 27, 2024) (Request). According to NAB, the waiver request had the "support[ ]" of the American Council of the Blind (ACB). See *id.* at 1.

<sup>8</sup> See *Media Bureau Seeks Comment on National Association of Broadcasters Request for Expedited Retroactive Waiver Extension*, Public Notice, MB Docket No. 12-107, DA 24-1231 (rel. Dec. 6, 2024). Comments were due December 13, 2024, and reply comments were due December 18, 2024.

commenter opposed it.<sup>9</sup> The Bureau extended the waiver for six months, “based on the record in this proceeding, [and] in light of the pendency of the Petition, the fact that a temporary retroactive waiver would maintain the status quo, and the fact that no commenter opposed the Request.”<sup>10</sup> In its reply comments on the Petition, NAB renewed its original request for an 18-month extension of the current waiver if the Commission is unable to resolve the Petition before the waiver’s expiration.<sup>11</sup> No party objected to NAB’s renewed waiver request. The Bureau subsequently, on its own motion, extended the waiver, with this most recent extension expiring on the sooner of May 27, 2026 or the date on which there is a ruling on the Petition.<sup>12</sup> The Bureau is not aware of any change in circumstances relevant to this matter since it released the *2025 Waiver Order*.

5. We evaluate waivers pursuant to the general waiver authority in section 1.3 of the Commission’s rules.<sup>13</sup> Waiver of the Commission’s rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) the waiver will serve the public interest.<sup>14</sup>

### III. DISCUSSION

6. As described below, we find that the requirements for a waiver are satisfied here, and we thus extend the existing waiver for an additional 18 months or until the Commission acts on the pending Petition, whichever is sooner. The waiver is applicable to the requirement in the Audible Crawl Rule that video programming distributors and providers provide an aural representation of visual, non-textual emergency information that is displayed during non-newscast programming, such as radar maps or other

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<sup>9</sup> See Comments of Gray Local Media, Inc., MB Docket No. 12-107 (filed Dec. 13, 2024); Comments of Block Communications, Inc., CMG Media Corporation, Cowles Company, Imagicomm Communications, Mitts Telecasting Company, LLC, Nexstar Media Inc., Sun Broadcasting, Inc., The E.W. Scripps Company, and WBOC, Inc., MB Docket No. 12-107 (filed Dec. 13, 2024); Comments of American Broadcasting Cos., Inc., CBS Broadcasting, Inc., Fox Corporation, and NBCUniversal Media, LLC, MB Docket No. 12-107 (filed Dec. 13, 2024); Comments of Society of Broadcast Engineers, Inc., MB Docket No. 12-107 (filed Dec. 13, 2024); Reply Comments of One Ministries, Inc., MB Docket No. 12-107 (filed Dec. 16, 2024); Reply Comments of LPTV Broadcasters Association, MB Docket No. 12-107 (filed Dec. 17, 2024); Reply Comments of ABC Television Affiliates Association, CBS Television Network Affiliates Association, FBC Television Affiliates Association, and NBC Television Affiliates, MB Docket No. 12-107 (filed Dec. 18, 2024).

<sup>10</sup> *2024 Waiver Order*, 39 FCC Rcd at 13794, para. 6. That waiver extension would have expired on the sooner of May 27, 2025 or the date on which there was a ruling on the Petition. *Id.* at 13795, para. 9.

<sup>11</sup> NAB Reply to Petition Comments at 4-5 (citing Petition at 11) (“NAB appreciates the FCC’s grant of a retroactive waiver of the audible crawl rule until May 27, 2025. If needed, however, we respectfully renew our original request for an 18-month extension of the existing waiver of this rule in the event the Commission is unable to resolve NAB’s Petition and a potentially amended version of the audible crawl rule cannot take effect, before the existing retroactive waiver expires.”).

<sup>12</sup> *2025 Waiver Order* at para. 1.

<sup>13</sup> 47 CFR § 1.3 (“The provisions of this chapter may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.”). We note that the Commission generally delegated authority to the Media Bureau and the Consumer and Governmental Affairs Bureau to consider waiver requests of the rules adopted in the *Emergency Information Order*, *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*; *Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, MB Docket Nos. 12-107 and 11-43, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 4871, 4932, para. 99 (2013) (*Emergency Information Order*). See 47 CFR §§ 0.61, 0.283, and 1.3.

<sup>14</sup> *NetworkIP, LLC v. FCC*, 548 F.3d 116, 127 (D.C. Cir. 2008); *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

graphics, on a secondary audio stream.<sup>15</sup>

7. The record shows “special circumstances” warrant a waiver. The Bureau continues to recognize the critical importance of making emergency information accessible to individuals who are blind or visually impaired. We find that the best way to ensure the continued availability of emergency information is to extend the waiver that has been in place since 2015. Compliance with the Audible Crawl Rule as it is currently written cannot be implemented through technical means with regard to visual but non-textual emergency information, and there is no indication that any such technical means will be available soon.<sup>16</sup> We also note that no party objected to NAB’s most recently filed waiver request or to NAB’s subsequent renewal of its waiver request.<sup>17</sup> The additional waiver will continue the status quo.

8. We also find that granting a waiver will serve the public interest. During the brief period that the waiver was not in effect in 2024, before it was extended retroactively, NAB reported that many stations ceased displaying non-textual visual emergency information during non-newscast programming to ensure that they would not be subject to Commission enforcement actions.<sup>18</sup> By granting a waiver, we will minimize the possibility that stations stop using visual, non-textual emergency information, such as weather radar, maps, and other graphics, which could disserve viewers, while we consider the Petition. We thus find that granting a waiver will promote the public interest by reducing the likelihood that stations will decrease the type of emergency information they otherwise would provide their viewers while the Petition remains pending. Further, we note that the Bureau’s prior waivers, like the Petition itself, indicate that the critical details of an emergency provided in graphic form are in most instances duplicative of information conveyed in textual crawls, which are already aurally described and accessible to individuals who are blind or visually impaired.<sup>19</sup>

9. Accordingly, based on the record in this proceeding, and in light of the pendency of the Petition, the fact that a waiver extension maintains the status quo, and the fact that no commenter opposed a waiver extension when the Bureau sought comment on the November 2024 waiver extension request or when NAB renewed its waiver request in its Reply, we conclude that special circumstances warrant a further temporary waiver from this aspect of the Audible Crawl Rule and find the grant of a waiver on our own motion to be in the public interest. Consistent with prior waivers, we continue to strongly encourage video programming distributors and video programming providers to provide the critical details of graphically displayed emergency information in an accessible manner whenever possible during the

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<sup>15</sup> 47 CFR § 79.2(b)(2)(ii).

<sup>16</sup> See Petition at 2 (“[I]t remains impossible for stations to continue to provide important emergency information to viewers while complying with the audible crawl rule as written.”), 11 (“In this case, there remains no viable technical solution that would enable broadcasters to comply with the audible crawl rule.”).

<sup>17</sup> See *supra* paras. 3 and 4.

<sup>18</sup> See Petition at 2-3 (“Given the fear of significant enforcement fines and/or penalties, many stations feel compelled to apply the most cautious reading of the rule, which would require stations to directly or exactly aurally describe the information in moving images by converting the images to speech. However, that process is currently technologically impossible.”) (footnote omitted); Gray Comments on Petition at 3-4 (explaining that during the recent period when the waiver was not in effect, “Gray stations ceased their use of weather radar, maps, and other visual, non-textual emergency information,” and thus viewers had decreased access to emergency information); SBE Comments on Petition at 3 (stating that SBE is “aware of a number of groups that have stopped displaying such graphical content due to compliance concerns”) (footnote omitted); NAB Reply to Petition Comments at 3 (indicating that multiple network affiliate association members took the same approach as Gray, and others expressed similar concerns).

<sup>19</sup> See *2018 Waiver Order*, 33 FCC Rcd at 5065, para. 14; *2023 Waiver Order*, 38 FCC Rcd at 4986, para. 8; *2024 Waiver Order*, 39 FCC Rcd at 13794, para. 5; *2025 Waiver Order*, 40 FCC Rcd at 3102, para. 9; Petition at 2, 11. See also Petition at 2 (explaining that a waiver “would also likely have limited downside because it both applies to a very narrow set of circumstances and NAB has developed best practices to ensure no viewers are left behind”).

pendency of this waiver.<sup>20</sup>

10. We grant the waiver for a 18-month period (through November 29, 2027) or until there is a ruling on the underlying Petition, whichever is sooner. During the more than ten years that the successive waivers have been in place, the record indicates that there has been little progress in developing a workable technical compliance solution, and there is no indication of imminent progress. A 18-month waiver will allow the Commission to consider the pending Petition, and it will allow the industry to consider compliance solutions.

#### IV. ORDERING CLAUSES

11. Accordingly, **IT IS ORDERED** that, pursuant to the authority found in sections 4(i), 4(j), and 713 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 613, and sections 0.61, 0.283, and 1.3 of the Commission's rules, 47 CFR §§ 0.61, 0.283, and 1.3, this Memorandum Opinion and Order **IS ADOPTED**.

12. **IT IS FURTHER ORDERED** that the waiver of section 79.2(b)(2)(ii) of the Commission's rules, 47 CFR § 79.2(b)(2)(ii), as described herein **IS GRANTED** on the Media Bureau's own motion until the sooner of November 29, 2027 or the date on which there is a ruling in effect on the November 15, 2024 NAB Petition.

13. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530.

FEDERAL COMMUNICATIONS COMMISSION

Erin Boone  
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<sup>20</sup> See *2018 Waiver Order*, 33 FCC Rcd at 5066, para. 14; *2023 Waiver Order*, 38 FCC Rcd at 4987, para. 9; *2024 Waiver Order*, 39 FCC Rcd at 13794, para. 6; *2025 Waiver Order*, 40 FCC Rcd at 3102, para. 10. See also AFB/ACB Comments on Petition at 3 (encouraging implementation of the NAB's Best Practices and continuation of stations' consumer engagement efforts); NAB Reply to Petition Comments at 2-3 (discussing its Best Practices "to help guide broadcasters' use of text crawls when they choose to display a visual image").