

APPROVED AND ADOPTED BY THE
DISABILITY ADVISORY COMMITTEE

February 23, 2016

Recommendation
of the Video Programming Subcommittee
to the FCC Disability Advisory Committee

WHEREAS, the Telecommunications Act of 1996, the Television Decoder Circuitry Act of 1990, and the Twenty-First Century Communications and Video Accessibility Act of 2010 authorize and require the Federal Communications Commission (FCC) to promulgate and enforce rules regarding the accessibility of video programming including for example, rules regarding the provision of captions and audio description and the capability to render captions and description on apparatus;

WHEREAS, the Americans with Disabilities Act of 1990 requires places of public accommodation and state and local government entities to ensure accessibility pursuant to regulations promulgated by the Department of Justice (DOJ);

WHEREAS, the Air Carrier Access Act of 1986 contains provisions requiring airline accessibility pursuant to regulations promulgated by the Department of Transportation (DOT) as well as pending regulations contemplated by the DOT regarding captioning of in-flight entertainment;

WHEREAS, the FCC Disability Advisory Committee has members who have personally routinely encountered problems accessing video programming via captions and video description in hotels, hospitals, airport facilities, aircraft, and other places of public accommodation and consumers generally comment to our members that they face similar problems;

WHEREAS, the FCC Disability Advisory Committee is concerned that consumer complaints regarding these problems may be left unresolved by the FCC, DOJ, and DOT;

WHEREAS, resolution of these complaints may be impeded by confusion among consumers and agency staff at the DOJ, FCC, and DOT about the extent to which the FCC's, DOJ's, and DOT's jurisdiction and regulations cover and overlap in the context of the accessibility of video programming provided in hotels, hospitals, airport facilities, aircraft, and other places of public accommodation;

WHEREAS, the FCC's Disability Advisory Committee firmly believes that people who are deaf, hard of hearing, blind, visually impaired, or deafblind should be able to access video programming in hotels, hospitals, airport facilities, aircraft, railway stations, trains, and other places of public accommodation to the greatest extent required by law;

RECOMMENDED, that the FCC convene an interagency workshop with the DOJ and DOT to develop an understanding of accessibility problems with video programming in hotels, hospitals, airport facilities, aircraft, railway stations, trains, and other places of public accommodation and consensus around solutions to those problems;

RECOMMENDED, that the FCC develop a shared understanding with the DOJ and DOT of the jurisdictional overlap and boundaries between the FCC, DOJ, and DOT for those problems;

RECOMMENDED, that the FCC develop protocols with the DOJ and DOT to redirect misdirected consumer complaints about those problems to the appropriate agency with a minimum of consumer involvement;

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RECOMMENDED, that the FCC discuss with the DOJ and DOT the procedural and jurisdictional parameters of taking enforcement action if future consumer complaints cannot be resolved through other means;

RECOMMENDED, that the FCC undertake educational and outreach efforts with the DOJ and DOT to inform consumers of information regarding video programming in hotels, hospitals, airport facilities, aircraft, and other places of public accommodation and avenues for quickly resolving problems.

RECOMMENDED, that the FCC update the Committee on these efforts within one year.