

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)

THIRD FURTHER NOTICE OF PROPOSED RULEMAKING

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By the Commission: Chairman Carr and Commissioner Trusty issuing separate statements.

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I. INTRODUCTION

1. The FCC seeks to take a commonsense approach to regulations that do not work as enacted. One such rule has been waived in part for the entirety of the more than ten years since its enactment. The Audible Crawl Rule requires video programming distributors and providers to provide an aural representation of visual, non-textual emergency information shown during non-newscast video programming, such as radar maps or other graphics, on a secondary audio stream.1 While recognizing the need to revise the rule, we continue to appreciate the Commission’s statutory obligations to guard accessibility and consumer interests. Our actions here satisfy both requirements. The revised rule would provide that the accessibility requirement is met if a video programming distributor or provider provides textual crawls that convey emergency information duplicative of or equivalent to the visual, non-textual information, and if those textual crawls are conveyed aurally.2

1 47 CFR § 79.2(b)(2)(ii).

2 This FNPRM is consistent with the requests contained in a National Association of Broadcasters (NAB) petition filed on November 15, 2024. Petition for Rulemaking and Extension of Waiver of the National Association of Broadcasters, MB Docket No. 12-107, https://www.fcc.gov/ecfs/document/1115662625005/1 (filed Nov. 15, 2024) (Petition). The current waiver of the Audible Crawl Rule expires on November 29, 2027 or the date on which there is a ruling on the Petition, whichever is sooner. Accessible Emergency Information, and Apparatus Requirements

II. BACKGROUND

2. On April 9, 2013, pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA),³ the Commission released the *Emergency Information Order*, which adopted rules requiring that emergency information⁴ provided in video programming⁵ be made accessible to individuals who are blind or visually impaired.⁶ Section 202 of the CVAA directed the Commission to promulgate rules requiring video programming providers, video programming distributors, and program owners to convey emergency information in a manner accessible to individuals who are blind or visually impaired.⁷ The *Emergency Information Order* implemented this mandate by requiring the use of a secondary audio stream⁸ to convey televised emergency information aurally, when such information is conveyed visually during programming other than newscasts,⁹ for example, in an on-screen crawl.

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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, DA 26-339 (Apr. 8, 2026) (*2026 Waiver Order*). We clarify that this FNPRM is not a “ruling” on the pending NAB petition for rulemaking and waiver extension as that phrase is used in the *2026 Waiver Order*. Rather, such a “ruling” will occur once the Commission issues a final rulemaking order regarding the Audible Crawl Rule in this proceeding.

³ Pub. L. No. 111-260, 124 Stat. 2751 (2010) (as codified in various sections of 47 U.S.C.). See also Amendment of Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-265, 124 Stat. 2795 (2010) (making technical corrections to the CVAA). The CVAA was enacted on October 8, 2010.

⁴ The CVAA directed the Commission to apply here the definition of “emergency information” found in the Commission’s rules. 47 U.S.C. § 613(g)(1). “Emergency information” is defined in the Commission’s rules as “[i]nformation, 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.” 47 CFR § 79.2(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.” Note to 47 CFR § 79.2(a)(2).

⁵ See 47 CFR § 79.1(a)(10) (defining “video programming” as “[p]rogramming provided by, or generally considered comparable to programming provided by, a television broadcast station that is distributed and exhibited for residential use”); *id.* § 79.3(a)(4) (defining “video programming” as “[p]rogramming provided by, or generally considered comparable to programming provided by, a television broadcast station, but not including consumer-generated media”). See also *id.* § 79.2(a)(1) (“For purposes of this section, the definitions in §§ 79.1 and 79.3 apply.”).

⁶ 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 2010*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 4871 (2013) (*Emergency Information Order*). The *Emergency Information Order* also required that certain apparatus be capable of delivering audio description and emergency information to individuals who are blind or visually impaired. *Id.* Audio description is defined as “[t]he insertion of audio narrated descriptions of a television program’s key visual elements into natural pauses between the program’s dialogue.” 47 CFR § 79.3(a)(3).

⁷ 47 U.S.C. § 613(g)(2).

⁸ A secondary audio stream is an audio channel, other than the main program audio channel, that is typically used for foreign language audio and audio description.

⁹ The Commission’s emergency information rule contains separate provisions regarding emergency information that is provided visually during a regularly scheduled newscast, or a newscast that interrupts regular programming, as compared to emergency information that is provided visually during programming that does not fit into either of those categories, which is the subject of this FNPRM. The rule provides that “[e]mergency information that is

(continued....)

Among the rules adopted in the *Emergency Information Order* was section 79.2(b)(2)(ii), which applies to video programming providers and distributors¹⁰ and 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.¹¹ Stations may provide visual emergency information via a text crawl, but they also may “choose to display a small image like a weather radar map in a corner of the screen as a less obtrusive signal about an imminent or current situation.”¹²

3. Although the compliance deadline for the Audible Crawl Rule was May 26, 2015, the Media Bureau has granted seven successive waiver requests pertaining to the requirement that visual but

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provided visually during a regularly scheduled newscast, or newscast that interrupts regular programming, must be made accessible to individuals who are blind or visually impaired.” 47 CFR § 79.2(b)(2)(i). This requires the aural presentation of emergency information that is being provided to viewers visually to be included as part of the primary program audio stream. See *Implementation of Video Description of Video Programming*, Report and Order, 15 FCC Rcd 15230, 15250-51, paras. 49-50 (2000). In contrast, the rule provides that emergency information that is provided visually during programming that is not a regularly scheduled newscast, or a newscast that interrupts regular programming, must be conveyed aurally via the secondary audio stream. See *infra* n.11. The record does not contain any evidence of compliance difficulties for emergency information that is provided visually during a regularly scheduled newscast, or newscast that interrupts regular programming, perhaps because such programming typically involves a live person discussing in detail any visual emergency information. Accordingly, the focus of this FNPRM is solely on non-newscast video programming.

¹⁰ A “video programming distributor” is defined as “[a]ny television broadcast station licensed by the Commission and any multichannel video programming distributor (MVPD), and any other distributor of video programming for residential reception that delivers such programming directly to the home and is subject to the jurisdiction of the Commission.” 47 CFR § 79.3(a)(5). See also *id.* § 79.1(a)(11). A “video programming provider” is “[a]ny video programming distributor and any other entity that provides video programming that is intended for distribution to residential households including, but not limited to, broadcast or nonbroadcast television networks and the owners of such programming.” *Id.* § 79.3(a)(2). See also *id.* § 79.1(a)(13); *id.* § 79.2(a)(1) (“For purposes of this section, the definitions in §§ 79.1 and 79.3 apply.”). While the Audible Crawl Rule applies to “video programming distributors and video programming providers,” 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. Additionally, as the Commission has previously stated, “[a]lthough [s]ection 613(g)(2) also refers to ‘program owners,’ a term that is not defined separately in [s]ection 79.1 of the Commission’s rules, we note that the definition of ‘video programming provider’ in [s]ection 79.1(a)(3) includes ‘but [is] not limited to broadcast or nonbroadcast television network and the owners of such programming.’” *Emergency Information Order*, 28 FCC Rcd at 4877, n.24 (citing 47 U.S.C. § 613(g)(2); 47 CFR § 79.1(a)(3)).

¹¹ 47 CFR § 79.2(b)(2)(ii) (“Emergency information that is provided visually during programming that is neither a regularly scheduled newscast, nor a newscast that interrupts regular programming, must be accompanied with an aural tone, and beginning May 26, 2015 except as provided in paragraph (b)(6) of this section, must be made accessible to individuals who are blind or visually impaired through the use of a secondary audio stream to provide the emergency information aurally. Emergency information provided aurally on the secondary audio stream must be preceded by an aural tone and must be conveyed in full at least twice. Emergency information provided through use of text-to-speech (“TTS”) technologies must be intelligible and must use the correct pronunciation of relevant information to allow consumers to learn about and respond to the emergency, including, but not limited to, the names of shelters, school districts, streets, districts, and proper names noted in the visual information. The video programming distributor or video programming provider that creates the visual emergency information content and adds it to the programming stream is responsible for providing an aural representation of the information on a secondary audio stream, accompanied by an aural tone. Video programming distributors are responsible for ensuring that the aural representation of the emergency information (including the accompanying aural tone) gets passed through to consumers.”).

¹² Petition at 15.

non-textual emergency information displayed during non-newscast programming be conveyed aurally.¹³ First, on May 26, 2015, the Bureau granted NAB's waiver request for a period of 18 months.¹⁴ NAB requested the waiver "until technological solutions are available," explaining that it was "currently infeasible to comply with this requirement with respect to radar maps and similar moving graphics because they do not contain text files that can be converted to speech."¹⁵ The American Council of the Blind (ACB) and the American Foundation for the Blind (AFB) did not object to the waiver, but they asked the Commission to clarify that emergency information cannot be delivered exclusively via graphics.¹⁶ In granting the 18-month waiver, the Bureau addressed this request for clarification when it indicated that the waiver would "not unduly disrupt the availability of emergency information while the industry develops a technical solution," because "the record indicates that visual but non-textual emergency information is generally duplicative of emergency information contained in an accompanying on-screen crawl, which would be aurally transcribed on the secondary audio stream."¹⁷

4. Second, on November 16, 2016, the Bureau granted an 18-month waiver extension requested jointly by NAB, ACB, and AFB.¹⁸ The petitioners explained that "the additional time will allow broadcasters and accessibility advocates to continue coordinating with vendors on a technical solution as well as to explore other potential sources for a solution, and will give the Commission's Disability Advisory Committee (DAC) time to consider the issue."¹⁹ The Bureau found that a waiver was justified to allow time for the creation of "a long-term, automated solution," which would be "preferable to a short-term, manual solution that requires station personnel to describe every graphic, particularly given that such an approach may be burdensome to broadcasters and may raise its own technical complexities."²⁰ In addition, the Bureau required the petitioners to submit a status report on November 22, 2017, detailing "the extent to which images are conveyed with a corresponding on-screen crawl that includes the critical details conveyed by that image regarding the emergency and how to respond to the emergency," as well as "information about the development of automated description solutions."²¹ NAB, ACB, and AFB jointly submitted the status report in which they stated, "It is exceedingly rare for a television station to broadcast an image that conveys information not already captured in an

¹³ Each of the seven waivers applied specifically to broadcasters, and not more broadly to the video programming distributors and providers to which the rule applies. This may be due to the fact that, as stated above, the emergency information that is shown during non-newscast programming is generally provided by television broadcast stations, *see supra* n. 10, and as a result no MVPD has sought a waiver of the Audible Crawl Rule. However, given that the Audible Crawl Rule imposes a burden on video programming distributors and providers, we tentatively believe that modification of the rule as set forth herein should apply to all entities subject to the rule, in case entities that may not currently provide televised emergency information begin to do so in the future. We invite comment on this analysis.

¹⁴ *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 2010*, MB Docket Nos. 12-107 and 11-43, Memorandum Opinion and Order, 30 FCC Rcd 5012 (MB 2015).

¹⁵ *Id.* at 5020, para. 13 (footnotes omitted).

¹⁶ *Id.* at 5021, para. 14.

¹⁷ *Id.* at 5022-23, para. 17 (footnotes omitted).

¹⁸ *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) (*2016 Waiver Order*).

¹⁹ *Id.* at 12543, para. 7 (footnote omitted).

²⁰ *Id.* at 12544, para. 9.

²¹ *Id.* at 12545, para. 11.

accompanying text crawl.”²² They also explained that, despite efforts on this issue, there still was not any viable technical compliance solution available.²³

5. Third, on May 25, 2018, the Bureau granted a five-year waiver extension requested jointly by NAB, ACB, and AFB.²⁴ The petitioners explained that their efforts to develop an automated approach to aurally describing visual, non-textual emergency information had not yet yielded any solution, and that enforcing the requirement would lead to the removal of graphic emergency information to avoid the risk of Commission enforcement actions.²⁵ The Bureau found good cause to grant the waiver, and it required NAB to submit a status report by November 25, 2020, detailing progress achieved to that point.²⁶ NAB submitted the status report, which explained that there still was not any viable technical compliance solution available despite industry efforts.²⁷ The report also discussed NAB’s continued engagement with the disability community and with educating broadcasters on best practices, and it explained that the Audible Crawl Rule’s application to visual non-textual graphic images shown during non-news programming is a small portion of televised emergency information.²⁸

6. Fourth, on May 26, 2023, the Bureau granted NAB’s waiver request for a period of 18 months.²⁹ ACB and AFB filed joint comments indicating that although they supported NAB’s prior waiver requests, they did not support further extension of the waiver due to concerns about a lack of effort to develop a technical solution.³⁰ ACB and AFB also requested that, if the Commission were to extend the waiver, it should require broadcasters to use an interim manual solution to convey visual emergency information aurally.³¹ The Bureau detailed the good faith efforts NAB indicated it had made to develop a solution, even though those efforts were unsuccessful.³² The Bureau declined to require broadcasters to implement an interim manual solution, citing NAB’s explanation “that in most instances emergency content provided in graphic displays is duplicative of emergency information provided in textual crawls and transmitted aurally on a secondary audio programming stream,” and expressing concern “that mandating a manual solution could lead some broadcasters . . . to forego the use of non-textual graphic displays altogether rather than risk a possible FCC penalty.”³³ The Bureau found good cause to grant the

²² Status Report of the American Council of the Blind, the American Foundation for the Blind, and the National Association of Broadcasters, MB Docket No. 12-107, at 4 (filed Nov. 22, 2017) (ACB/AFB/NAB Nov. 2017 Status Report).

²³ *Id.* at 5-6.

²⁴ *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).

²⁵ *Id.* at 5064, para. 11.

²⁶ *Id.* at 5065-66, paras. 13-15.

²⁷ Status Report of the National Association of Broadcasters, MB Docket No. 12-107, at 5-7 (filed Nov. 24, 2020).

²⁸ *Id.* at 7-9, 12.

²⁹ *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*).

³⁰ See Comments of American Council of the Blind and American Foundation for the Blind, MB Docket No. 12-107 (filed Apr. 24, 2023).

³¹ See *id.*

³² *2023 Waiver Order*, 38 FCC Rcd at 4985-86, para. 7.

³³ *Id.* at 4987, para. 9 (footnote omitted).

waiver to November 26, 2024, and it required NAB to submit quarterly status reports.³⁴ None of the six quarterly status reports identified even a single instance in which the waiver was relied on, such that there would have been a violation of the Audible Crawl Rule absent the waiver; rather, the reports discussed NAB's coordination with industry and disability groups to develop a technical compliance solution and best practices, and the fact that best practices would obviate the need for a technical solution, which remained unavailable.³⁵

7. Fifth, 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.³⁶ 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 support 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.³⁷ No party objected to NAB's waiver request. 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 radar maps and similar visual images," which "will harm the public."³⁸ 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."³⁹

³⁴ *Id.* at 4985, 87, paras. 7, 10. The Bureau required the status reports to include the following information at a minimum: (1) information on the extent to which broadcasters needed to invoke the waiver; (2) a description of NAB's outreach to the disability community and its efforts to consult with the disability community to develop standards or best practices; (3) a description of NAB's efforts to develop automated compliance solutions; (4) a description of training and best practices for broadcasters; and (5) if the industry and the disability community were to determine that an alternative to an automated technical solution was preferable, an explanation of steps to use that alternative solution. *Id.* at 8987-88, para. 10.

³⁵ See Status Report of the National Association of Broadcasters, MB Docket No. 12-107 (Aug. 30, 2023); Status Report of the National Association of Broadcasters, MB Docket No. 12-107 (Dec. 1, 2023); Status Report of the National Association of Broadcasters, MB Docket No. 12-107 (Mar. 1, 2024); Status Report of the National Association of Broadcasters, MB Docket No. 12-107 (June 3, 2024); Status Report of the National Association of Broadcasters, MB Docket No. 12-107 (Sept. 1, 2024); Status Report of the National Association of Broadcasters, MB Docket No. 12-107 (Dec. 2, 2024).

³⁶ See Petition at 3-4, 11.

³⁷ 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, 39 FCC Rcd 12503 (MB 2024); Comments of Society of Broadcast Engineers, Inc., MB Docket No. 12-107 (filed Dec. 26, 2024) (SBE Comments); Comments of Gray Local Media, Inc., MB Docket No. 12-107 (filed Dec. 26, 2024) (Gray Comments); Comments of the American Foundation for the Blind and the American Council of the Blind, MB Docket No. 12-107 (filed Dec. 26, 2024) (AFB/ACB Comments); Reply Comments of the National Association of Broadcasters, MB Docket No. 12-107 (filed Jan. 9, 2025) (NAB Reply).

³⁸ 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. The NAB Petition did not explain why broadcasters amended their practices upon the expiration of the waiver even though the NAB status reports did not identify any instance where a broadcaster needed to invoke the waiver. See *supra* notes 34 and 35.

³⁹ *Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Communications and Video Accessibility Act of 2010*, MB Docket No. 12-107, Memorandum Opinion and Order, 39 FCC Rcd 13792, 13794, para. 6 (MB 2024). 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.

8. Sixth, the Bureau on its own motion extended the waiver of the Audible Crawl Rule for one year (through May 27, 2026) or until there was a ruling in effect on the underlying Petition, whichever occurred sooner.⁴⁰ On January 10, 2025, in its reply comments, NAB renewed its original request for an 18-month extension of the current waiver if the Commission did not resolve its Petition before the waiver's expiration.⁴¹ No party objected to NAB's renewed waiver request, and the Bureau's waiver order reiterated the reasoning found in the prior waiver orders.⁴²

9. Most recently, on April 8, 2026, the Bureau on its own motion extended the waiver of the Audible Crawl Rule for 18 months (through November 29, 2027) or until there is a ruling in effect on the underlying Petition, whichever is sooner.⁴³ The Bureau explained that it is not aware of any change in circumstances relevant to this matter since it released the *2025 Waiver Order*.⁴⁴ The Bureau referenced the lack of "progress in developing a workable technical compliance solution," and explained that the waiver would "allow the Commission to consider the pending Petition."⁴⁵

10. In this FNPRM, we consider the Petition and the record developed thereto. As discussed in section III below, we grant NAB's Petition for Rulemaking and propose to implement the rule change requested in the Petition, namely, that we specify that with regard to visual but non-textual emergency information, compliance with the Audible Crawl Rule is fulfilled if a textual crawl provides emergency information duplicative of or equivalent to the visual but non-textual emergency information, so long as the textual crawl is also conveyed aurally.⁴⁶

III. DISCUSSION

11. After review of the NAB Petition, and the comments filed in response, we conclude that the record supports initiation of a rulemaking proceeding to seek further comment on the proposals in the Petition.⁴⁷ We propose to revise the Audible Crawl Rule to specify that the requirement that video programming providers and distributors make visual emergency information provided during non-news broadcast programming accessible via a secondary audio stream⁴⁸ is met if a textual crawl provides emergency information duplicative of or equivalent to non-textual visual emergency information, so long as the textual crawl is also conveyed aurally. In so doing, we explicitly and unequivocally recognize "that people who are blind or have low vision must have equal access to emergency information, just as sighted people do."⁴⁹ We invite comment on the proposal. Should the proposed rule change apply to all entities covered by the applicable rule—that is, to video programming distributors and video programming

⁴⁰ *Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First 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*).

⁴¹ NAB Reply 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.").

⁴² *See generally 2025 Waiver Order*.

⁴³ *2026 Waiver Order*.

⁴⁴ *Id.* at para. 4.

⁴⁵ *Id.* at para. 10.

⁴⁶ Petition at 3.

⁴⁷ *See* 47 CFR § 1.407.

⁴⁸ *Id.* § 79.2(b)(2)(ii).

⁴⁹ AFB/ACB Comments at 1.

providers, which would include both broadcasters and MVPDs, to the extent such entities provide visual but non-textual emergency information? We recognize that all seven waivers of the Audible Crawl Rule, and the associated reporting requirements, apply to “broadcasters,” and not more broadly to the video programming distributors and providers to which the rule applies, which would include both broadcasters and MVPDs.⁵⁰ Although video programming distributors and providers that are not broadcasters have not sought a waiver of the rule, does it nonetheless make sense for the rule change adopted herein to apply to all entities subject to the regulation, in other words, to all video programming distributors and providers, considering that such entities may provide televised emergency information in the future and an automated solution has not been identified to date?

12. We tentatively conclude that a technical solution to comply with the current rule is not currently possible with regard to visual but non-textual emergency information, making compliance with the rule infeasible absent our proposed revision to the Audible Crawl Rule, and it is uncertain whether or when such a solution may be available. The Petition and the responsive comments indicate that at this time, there is no technical means of complying with the Audible Crawl Rule for visual but non-textual emergency information.⁵¹ Based on the existing record, despite discussions involving broadcasters, entities that provide weather information to television stations, Ai-Media,⁵² and other product vendors, no entity has yet identified an automated solution in the more than 13 years since the rule was adopted.⁵³ For textual emergency information, in contrast, text-to-speech (TTS) technology can be utilized to automate translation of the text into an audio format.⁵⁴ NAB contends “that a viable solution” for visual, non-textual emergency information “may not exist for quite some time.”⁵⁵ We seek comment on our tentative

⁵⁰ See *supra* note 13.

⁵¹ See, e.g., Petition at 4 (“The rule has been waived for its entire existence because there is no viable technical solution for creating accurate and timely aural descriptions of the emergency information in radar maps and other graphics over current broadcasting facilities. This obstacle has been recognized by the FCC’s Disability Advisory Committee, and confirmed by numerous broadcasters.”) (footnotes omitted); Gray Comments at 2 (“Due to technical limitations . . . there is no practical way to accurately represent this information in an aural format.”). We recognize that in an *ex parte* filing, Bridge Multimedia indicates that its Weather Brain technology “can translate maps, graphics, and other non-textual visual information into audio using AI with human review.” See Letter from Matthew Kaplowitz, President and Chief Creative Office, Bridge Multimedia, to Marlene H. Dortch, Secretary, FCC, at 1 (Apr. 3 and 9, 2026). We invite comment on whether this or other technologies currently would be able to serve as a technical solution to the problem described herein, or whether the necessitated “human review” or other factors counter against such a finding.

⁵² NAB describes Ai-Media as “a global leader in the development of artificial intelligence (AI)-powered captioning and translation solutions.” See Petition at 5.

⁵³ See *id.* at 5-6; Gray Comments at 4-5 (“Adding to the challenges, Gray’s vendors have reported widespread confusion as to whether certain potential solutions would in fact comply with the Audible Crawl rule. As a result, they are hesitant to invest significant resources into developing AI solutions that the Commission may later declare do not meet the rule’s requirements.”); SBE Comments at 2 (“[V]alue judgments must inherently be made when attempting to describe non-textual content.”). See also Petition at 6 (“In addition, such images are not usually labeled, so industry would have to start labeling much of an image to minimize the advanced training an AI system would need to translate the image, without increasing the image size or disrupting regular programming.”); *id.* (stating that, since many stations cover large geographic areas, it would be “challenging for an AI process to extract and convert the information that is most pertinent to viewers in the parts of a TV market to be affected by an emergency”).

⁵⁴ See SBE Comments at 3. See also Petition at 5 (“To convert information conveyed in images into accessible speech, a broadcaster must first convert the video programming into audio, integrate that audio into their facilities, route the audio through their systems, and code the audio onto a secondary audio stream for broadcast. Current technology makes this possible for textual images like crawls, but doing so for visual, non-textual moving images like a radar map is not yet feasible because the software that creates these kind of graphics does not contain metadata text files that can be converted into text and then used to create an audible crawl.”) (footnotes omitted).

conclusion that a technical solution for compliance with the Audible Crawl Rule is not currently available and that it is uncertain whether or when such a solution will be possible. Additionally, while AFB and ACB acknowledge that there is not currently a fully automated means of compliance, they “continue to urge NAB to work with the appropriate vendors to investigate solutions that may be achievable with future advances in artificial intelligence capabilities for live audio description of images and videos.”⁵⁶ We seek comment on whether the Commission should encourage or require such continued investigations into potential technical solutions in our rules and if so how such elements should be structured.

13. AFB and ACB “note that the rule does not specifically require automation.”⁵⁷ The Bureau has recognized however “that mandating a manual solution could lead some broadcasters . . . to forego the use of non-textual graphic displays altogether”⁵⁸ And the Bureau has concluded in the context of granting rule waivers that “a short-term, manual solution that requires station personnel to describe every graphic . . . may be burdensome to broadcasters and may raise its own technical complexities.”⁵⁹ Therefore, we tentatively conclude that although the existing rule potentially could be satisfied by means of a manual solution, we should provide the rule amendment NAB requests because interpreting the rule to require a manual solution in every instance could be burdensome, result in additional complexities, and lead some video programming distributors and video programming providers to forego the use of non-textual graphic displays altogether, depriving some viewers of an opportunity to receive such information visually. We seek comment on these matters.

14. We propose to add the following language after the existing first sentence of section 79.2(b)(2)(ii) of the Commission’s rules: “With regard to visual but non-textual emergency information, this requirement is met if a textual crawl provides emergency information duplicative of or equivalent to the visual but non-textual emergency information, so long as the textual crawl is also conveyed aurally.” We invite comment on this proposal, which is consistent with the Petition and the existing record.⁶⁰ We invite comment on what it means for emergency information to be “duplicative of or equivalent to” the visual but non-textual emergency information. For example, must the same critical details regarding the emergency and how to respond to the emergency be conveyed via either means? AFB and ACB state

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⁵⁵ Petition at 6.

⁵⁶ AFB/ACB Comments at 2.

⁵⁷ *Id.*

⁵⁸ *2023 Waiver Order*, 38 FCC Rcd at 4987, para. 9 (footnote omitted). *See also* Gray Comments at 8-10 (maintaining that because covered entities do not yet have the technical capabilities to make visual, non-textual emergency information aurally accessible, compliance with the existing rule could mean a reduction in the amount of emergency information disseminated, which would be unreasonable and at odds with the statutory purpose); *supra* para. 7 (describing situations when the waiver of the rule was not in effect, leading some stations to cease their use of weather maps and other visual, non-textual emergency information to ensure they would not be subject to enforcement action).

⁵⁹ *2016 Waiver Order*, 31 FCC Rcd at 12544, para. 9.

⁶⁰ *See, e.g.*, Petition at 9; Gray Comments at 8 (“Broadcast stations currently have the capabilities to do this, and many Gray stations already implement this practice as part of their emergency information dissemination procedures.”); AFB/ACB Comments at 2 (“[W]e are tentatively supportive of a minor modification of the rule to clarify that duplicative text crawls obviate the need for a separate and additional aural description of concurrently displayed nontextual graphics for blind and low vision viewers.”); SBE Comments at 2-3 (asserting that under the current Accessible Crawl Rule, broadcasters “must grapple with uncertainty regarding both how best to aurally describe non-textual information and when, precisely, such description will satisfy the Rule’s text, which remains unclear at this point. And broadcast stations must run this inherently uncertain compliance analysis during the necessarily stressful and time-pressured circumstances of covering a developing emergency.”); Letter from Rick Kaplan, Chief Legal Officer and Executive Vice President, Legal and Regulatory Affairs, National Association of Broadcasters, to Marlene H. Dortch, Secretary, FCC, at 1 (Apr. 17, 2026) (expressing support for the draft FNPRM).

that, if the emergency information in the textual crawl is not duplicative of that shown in a non-textual visual, “then blind viewers expect to receive the same emergency information as sighted viewers aurally either through the use of the primary audio stream or a secondary audio stream.”⁶¹ Is the requirement that a textual crawl contain information “duplicative of or equivalent to” that contained in the visual image specific enough to instruct stations as to what the rule requires?⁶² Are there additional details the Commission should provide in the rule? Should the rule specify both “duplicative of” or “equivalent to,” as NAB proposes? Is there a difference between the phrases “duplicative of” and “equivalent to” that suggests specifying both phrases in the rule?

15. We invite comment on whether the Commission also should codify certain “best practices” set forth by NAB.⁶³ In discussing best practices, NAB states, “stations that choose to display a non-textual graphic about an emergency during regular programming should run text crawls that ‘accurately and effectively convey the critical details regarding the emergency and how to respond to the emergency.’”⁶⁴ Should the Commission require the text crawl to accurately and effectively convey the emergency information that was provided visually, or is that qualifier unnecessary if we adopt the proposed language, specifying that the text crawl must provide emergency information duplicative of or equivalent to that provided via visual but non-textual means? NAB’s best practices also state that “a station should run such text crawls frequently enough to facilitate access to the emergency information in the crawls for individuals who are blind or low vision.”⁶⁵ Should the Commission adopt this practice as a requirement to run text crawls “frequently enough to facilitate access” and, if so, what does it mean for a crawl to run “frequently enough to facilitate access”? In the alternative should the Commission adopt a specific threshold for the frequency with which text crawls that are duplicative of visual but non-textual emergency information must air, and if so, what threshold is appropriate?⁶⁶ Are there any steps that the

⁶¹ AFB/ACB Comments at 1.

⁶² We note that the aural version of a textual crawl containing emergency information must be available via the secondary audio stream. *See* 47 CFR § 79.2(b)(2)(ii) (“Emergency information that is provided visually during programming that is neither a regularly scheduled newscast, nor a newscast that interrupts regular programming, must be accompanied with an aural tone, and beginning May 26, 2015 except as provided in paragraph (b)(6) of this section, *must be made accessible to individuals who are blind or visually impaired through the use of a secondary audio stream to provide the emergency information aurally.*”) (emphasis added). *See also* *Emergency Information Order*, 28 FCC Rcd at 4880-81, para. 11 (“use of a secondary audio stream is the best means to implement the CVAA’s directive to make emergency information accessible because many covered entities already provide or have the capability to pass through secondary audio streams, and because individuals who are blind or visually impaired have familiarity with accessing this stream for video description services”).

⁶³ *See* Petition at 3 (“To facilitate compliance with this proposed rule change, NAB has created the attached draft best practices guide to help ensure that the content and frequency of text crawls provide access to emergency information equivalent to that conveyed by a visual image. NAB has shared the draft best practices with advocates for blind and low vision individuals and looks forward to incorporating their input in the final product.”). *See also* AFB/ACB Comments at 3 (“We commit to continuing to work with NAB in 2025 to make needed adjustments to the best practices.”). We believe the most administratively efficient approach in this proceeding is to maintain a narrow focus of the issues subject to consideration. Accordingly, commenters discussing best practices should narrowly focus on issues pertaining to the use of textual crawls that provide emergency information duplicative of or equivalent to non-textual visual emergency information. We do not plan to consider broader issues, for example, the appropriate color contrast for visual emergency information. While we commend NAB’s statement that broadcasters are “encouraged to make sure there is sufficient color contrast in any visual images they choose to display to help individuals who have some measure of sight and may not need an aural representation of the image [to] clearly see what information is being conveyed by the image,” we consider this issue to be outside the scope of the current FNPRM. *See* Petition at 18.

⁶⁴ *Id.* at 9-10 (quoting *2023 Waiver Order*, 38 FCC Rcd at 4983, para. 2). The text crawls would be converted to speech. *Id.* at 17.

⁶⁵ *Id.* at 10.

Commission should take to ensure that individuals who are blind or visually impaired are consulted in determining best practices, regardless of whether those best practices are codified?⁶⁷

16. We tentatively conclude that the proposed modification to the Audible Crawl Rule is likely to have multiple benefits. First, we tentatively conclude that codifying this rule change would ensure that video programming distributors and video programming providers continue to provide visual but non-textual emergency information during non-newscast programming. If the existing waiver were to expire and the rule were not modified, video programming distributors and video programming providers might stop providing this emergency information to both individuals who are blind or visually impaired and the public at large.⁶⁸ Second, we tentatively conclude that our proposed action would enhance government efficiency and regulatory certainty by modifying an unworkable part of a rule and eliminating the need for multiple successive waivers, and consecutive waiver proceedings, spanning over a decade.⁶⁹ In addition to these benefits, we tentatively conclude that the existing record indicates that the proposed modification to the Audible Crawl Rule would have limited, if any, negative impacts.⁷⁰ Importantly, we expect the accessibility of emergency information for people who are blind or visually impaired to either improve or remain constant. In addition, we do not expect costs for video programming distributors and video programming providers to increase significantly because the record indicates that stations generally provide text crawls conveyed aurally that would satisfy the proposed rule.⁷¹ We seek comment on this analysis.

17. We tentatively conclude that the proposed modification to the Audible Crawl Rule will best effectuate the CVAA's statutory directive to promulgate regulations that require covered entities "to convey such emergency information in a manner accessible to individuals who are blind or visually impaired."⁷² We tentatively find that the proposed rule change is authorized under the CVAA, which neither requires nor suggests a verbatim aural translation of visual but non-textual emergency information.⁷³ As one commenter, Gray, points out, "[w]hile the CVAA requires emergency information to be disseminated accessibly," there is nothing in the CVAA's statutory language that requires exact

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⁶⁶ See *id.* (asserting that, although different locations and different weather events may justify different frequencies, "for simplicity and consistency, the best practices recommend that any station choosing to display a visual image about an emergency should run text crawls at least every 10 to 15 minutes while the image is shown on screen, and more often if the situation warrants."); SBE Comments at 2 (stating that broadcasters "must grapple with uncertainty regarding both how best to aurally describe non-textual information and when, precisely, such description will satisfy the Rule's text, which remains unclear at this point.").

⁶⁷ See AFB/ACB Comments at 3 ("We also note that stations that are concerned about visual information that is difficult to describe aurally should also consult with people who are blind or have low vision in their communities to explore alternative means of providing access and to identify whether blind viewers are actually missing emergency information that is available to sighted viewers. Such community engagement can offer beneficial information about viewer needs and preferences regardless of whether the Commission modifies its rules.").

⁶⁸ Petition at 3, 8-9; SBE Comments at 2, 7; Gray Comments at 1.

⁶⁹ See Petition at 3; Gray Comments at 3; SBE Comments at 6.

⁷⁰ See Petition at 7 (stating that, since the rule applies to non-newscast emergency information, the situation is not yet "serious enough for a station to break into programming with live voiced reporting. During those often brief periods when the rule would apply, the record shows that the emergency information conveyed by a visual image is in most cases duplicative of the information provided in accompanying text crawls") (footnote omitted); SBE Comments at 8 (granting the Petition "would generate no harm").

⁷¹ ACB/AFB/NAB Nov. 2017 Status Report at 4.

⁷² 47 U.S.C. § 613(g)(2).

⁷³ *Id.* See also SBE Comments at 5-7; *Emergency Information Order*, 28 FCC Rcd at 4890-91, para. 23; Gray Comments at 9.

parity between the information provided in graphics on screen and that provided over an audio channel.⁷⁴ We tentatively find that our modified rule will fulfill the statutory directive by ensuring that individuals who are blind or visually impaired are provided emergency information that is duplicative of or equivalent to visual non-textual emergency information, such as radar maps and other graphics. At the same time, we propose a commonsense approach to our regulation, recognizing that there is not a viable technical compliance solution available at this time. We seek comment on this analysis.

18. Finally, we seek comment on a non-substantive proposal to eliminate the phrase “beginning May 26, 2015” from the text of the Audible Crawl Rule.⁷⁵ That date was more than a decade ago, and we expect that its inclusion in the rule may no longer serve any purpose.

IV. PROCEDURAL MATTERS

19. *Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended (RFA),⁷⁶ requires that an agency prepare a regulatory flexibility analysis for notice-and-comment rulemaking proceedings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.”⁷⁷ Accordingly, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA), concerning potential rule and policy changes contained in this Third Further Notice of Proposed Rulemaking. The IRFA is set forth in Appendix B. The Commission invites the general public, in particular small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments on the Third Further Notice of Proposed Rulemaking indicated on the first page of this document, and must also have a separate and distinct heading designating them as responses to the IRFA.

20. *Paperwork Reduction Act.* This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any proposed new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. § 3506(c)(4).

21. *Ex Parte Rules—Permit-But-Disclose.* This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁷⁸ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given

⁷⁴ See Gray Comments at 8-9.

⁷⁵ See 47 CFR § 79.2(b)(2)(ii) (“Emergency information that is provided visually during programming that is neither a regularly scheduled newscast, nor a newscast that interrupts regular programming, must be accompanied with an aural tone, and *beginning May 26, 2015* except as provided in paragraph (b)(6) of this section, must be made accessible to individuals who are blind or visually impaired through the use of a secondary audio stream to provide the emergency information aurally.”) (emphasis added).

⁷⁶ 5 U.S.C. §§ 601 *et seq.*, as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996)

⁷⁷ *Id.* § 605(b).

⁷⁸ 47 CFR § 1.1200 *et seq.*

to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

22. *Filing Requirements—Comments and Replies.* 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).⁷⁹

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
 - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. 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 9050 Junction Drive, Annapolis Junction, MD 20701.
 - Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.

23. *People with Disabilities.* 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 or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice).

24. *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 45 L Street, NE, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

25. *Providing Accountability Through Transparency Act.* Consistent with the Providing Accountability Through Transparency Act, Public Law 118-9, a summary of this Third Further Notice of Proposed Rulemaking will be available on <https://www.fcc.gov/proposed-rulemakings>.

26. *Additional Information.* For additional information on this proceeding, contact Diana Sokolow, Diana.Sokolow@fcc.gov, of the Policy Division, Media Bureau, (202) 418-0588.

⁷⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

V. ORDERING CLAUSES

27. **IT IS ORDERED**, pursuant to section 1.407 of the Commission's rules, 47 CFR § 1.407, that the Petition for Rulemaking of the National Association of Broadcasters filed on November 15, 2024 **IS GRANTED**, to the extent described herein.

28. **IT IS ORDERED** that, pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751, and the authority contained 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 section 1.3 of the Commission's rules, 47 CFR § 1.3, this Third Further Notice of Proposed Rulemaking **IS ADOPTED**.⁸⁰

29. **IT IS FURTHER ORDERED** that the Commission's Office of the Secretary **SHALL SEND** a copy of this Third Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁸⁰ Pursuant to Executive Order 14215, 90 Fed. Reg. 10447 (Feb. 24, 2025), this regulatory action has been determined to be not significant under Executive Order 12866, 58 Fed. Reg. 51735 (Oct. 4, 1993).

APPENDIX A

Proposed Rules

For ease of review, the proposed rules set forth below show amendments in **bold/underline** (for additions) and ~~strikethrough~~ (for deletions).

The Federal Communications Commission proposes to amend 47 CFR part 79 to read as follows:

PART 79 – ACCESSIBILITY OF VIDEO PROGRAMMING

1. The authority citation for part 79 continues to read as follows:

Authority: 47 U.S.C. 151, 152(a), 154(i), 303, 307, 309, 310, 330, 544a, 613, 617.

2. Amend § 79.2 by revising paragraph (b)(2)(ii) to read as follows:

§ 79.2 Accessibility of programming providing emergency information.

* * * * *

(b) * * *

(2) * * *

(ii) Emergency information that is provided visually during programming that is neither a regularly scheduled newscast, nor a newscast that interrupts regular programming, must be accompanied with an aural tone, and ~~beginning May 26, 2015~~ except as provided in paragraph (b)(6) of this section, must be made accessible to individuals who are blind or visually impaired through the use of a secondary audio stream to provide the emergency information aurally. **With regard to visual but non-textual emergency information, this requirement is met if a textual crawl provides emergency information duplicative of or equivalent to the visual but non-textual emergency information, so long as the textual crawl is also conveyed aurally.** Emergency information provided aurally on the secondary audio stream must be preceded by an aural tone and must be conveyed in full at least twice. Emergency information provided through use of text-to-speech (“TTS”) technologies must be intelligible and must use the correct pronunciation of relevant information to allow consumers to learn about and respond to the emergency, including, but not limited to, the names of shelters, school districts, streets, districts, and proper names noted in the visual information. The video programming distributor or video programming provider that creates the visual emergency information content and adds it to the programming stream is responsible for providing an aural representation of the information on a secondary audio stream, accompanied by an aural tone. Video programming distributors are responsible for ensuring that the aural representation of the emergency information (including the accompanying aural tone) gets passed through to consumers.

* * * * *

APPENDIX B**Initial Regulatory Flexibility Analysis**

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),⁸¹ the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules proposed in the *Third Further Notice of Proposed Rulemaking (FNPRM)* assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the *FNPRM*. The Commission will send a copy of the *FNPRM*, including this IRFA, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy.⁸² In addition, the *FNPRM* and IRFA (or summaries thereof) will be published in the Federal Register.⁸³

A. Need for, and Objectives of, the Proposed Rules

2. In the *FNPRM*, we propose to modify the rule that requires broadcasters to provide an aural representation of visual, non-textual emergency information shown during non-newscast video programming, such as radar maps or other graphics, on a secondary audio stream (the Audible Crawl Rule).⁸⁴ The Commission proposes to add the following language to the Audible Crawl Rule: “With regard to visual but non-textual emergency information, this requirement is met if a textual crawl provides emergency information duplicative of or equivalent to the visual but non-textual emergency information, so long as the textual crawl is also conveyed aurally.”⁸⁵ The proposal would eliminate the need for successive waivers of the rule, which have been granted since compliance with the rule was first required in May 2015 due to lack of available technical solutions, while ensuring the continued availability of visual but non-textual emergency information. This proposal is consistent with the requests contained in a National Association of Broadcasters (NAB) petition filed on November 15, 2024.⁸⁶

B. Legal Basis

3. The proposed action is authorized pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751, and 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.

C. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

4. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.⁸⁷ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small

⁸¹ 5 U.S.C. §§ 601 *et seq.*, as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

⁸² *Id.* § 603(a).

⁸³ *Id.*

⁸⁴ 47 CFR § 79.2(b)(2)(ii).

⁸⁵ The *FNPRM* also makes a non-substantive proposal, to delete the phrase “beginning May 26, 2015” from the rule, since its inclusion in the rule may no longer serve any purpose.

⁸⁶ Petition for Rulemaking and Extension of Waiver of the National Association of Broadcasters, MB Docket No. 12-107 (filed Nov. 15, 2024) (Petition).

⁸⁷ 5 U.S.C. § 603(b)(3).

organization,” and “small governmental jurisdiction.”⁸⁸ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.⁸⁹ A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.⁹⁰ The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.⁹¹

5. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions.⁹² In general, a small business is an independent business having fewer than 500 employees.⁹³ These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses.⁹⁴ Next, “small organizations” are not-for-profit enterprises that are independently owned and operated and not dominant in their field.⁹⁵ While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees.⁹⁶ Finally, “small governmental jurisdictions” are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand.⁹⁷ Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.⁹⁸

6. The rules proposed in the *FNPRM* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS)⁹⁹ codes and corresponding SBA size standard.¹⁰⁰ Based on currently available U.S. Census data regarding the

⁸⁸ *Id.* § 601(6).

⁸⁹ *Id.* § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

⁹⁰ 15 U.S.C. § 632.

⁹¹ 13 CFR § 121.903.

⁹² 5 U.S.C. § 601(3)-(6).

⁹³ See SBA, Office of Advocacy, *Frequently Asked Questions About Small Business* (July 23, 2024), https://advocacy.sba.gov/wp-content/uploads/2024/12/Frequently-Asked-Questions-About-Small-Business_2024-508.pdf.

⁹⁴ *Id.*

⁹⁵ 5 U.S.C. § 601(4).

⁹⁶ See SBA, Office of Advocacy, *Small Business Facts, Spotlight on Nonprofits* (July 2019), <https://advocacy.sba.gov/2019/07/25/small-business-facts-spotlight-on-nonprofits/>.

⁹⁷ 5 U.S.C. § 601(5).

⁹⁸ See U.S. Census Bureau, *2022 Census of Governments –Organization*, <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>, tables 1-11.

⁹⁹ The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. See www.census.gov/NAICS for further details regarding the NAICS codes identified in this chart.

¹⁰⁰ The size standards in this chart are set forth in 13 CFR § 121.201, by six digit North American Industrial Classification System (NAICS) code.

estimated number of small firms in each identified industry, we conclude that the proposed rules will impact a substantial number of small entities. Where available, we also provide additional information regarding the number of potentially affected entities in the industries identified below.

Table 1. 2022 U.S. Census Bureau Data by NAICS Code

Regulated Industry (Footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS Code	SBA Size Standard	Total Firms¹⁰¹	Total Small Firms¹⁰²	% Small Firms
Radio and Television Broadcasting and Wireless Communications Equip Manufacturing	334220	1,250 employees	155	136	87.74%
Audio and Video Equipment Manufacturing	334310	750 employees	506	492	97.23%
Motion Picture and Video Production	512110	\$40 million	17,547	10,960	62.46%
Motion Picture and Video Distribution	512120	\$39 million	474	336	70.89%
Television Broadcasting Stations	516120	\$47 million	413	316	76.51%
Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers ¹⁰³	516210	\$47 million	5,217	3,673	70.40%
Wired Telecommunications Carriers ¹⁰⁴	517111	1,500 employees	3,403	3,027	88.95%
Wireless Telecommunications Carriers (except Satellite) ¹⁰⁵	517112	1,500 employees	1,184	1,081	91.30%
Satellite Telecommunications	517410	\$44 million	332	195	58.73%

¹⁰¹ U.S. Census Bureau, "Selected Sectors: Employment Size of Firms for the U.S.: 2022." Economic Census, ECN Core Statistics Economic Census: Establishment and Firm Size Statistics for the U.S., Table EC2200SIZEEMPfirm, 2025, "Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2022." Economic Census, ECN Core Statistics Economic Census: Establishment and Firm Size Statistics for the U.S., Table EC2200SIZEREVfirm, 2025.

¹⁰² *Id.*

¹⁰³ Affected Entities in this industry include Cable Broadcasting Networks, Cable Television Networks, Satellite Television Networks, and/or Subscription Television Networks.

¹⁰⁴ Affected Entities in this industry include Cable Television Distribution Services, Cable Companies and Systems (Rate Regulation), Cable System Operators (Telecom Act Standard), Competitive Local Exchange Carriers (CLECs), Direct Broadcast Satellite (DBS), Home Satellite Dish (HSD) Service, Incumbent Local Exchange Carriers (Incumbent LECs), Interexchange Carriers (IXCs), Open Video Systems, and Satellite Master Antenna Television (SMATV) Systems aka Private Cable Operators (PCOs).

¹⁰⁵ Affected Entities in this industry include Broadband Radio Service and Educational Broadband Service and Fixed Microwave Services.

Table 2. Telecommunications Service Provider Data

2024 Universal Service Monitoring Report Telecommunications Service Provider Data ¹⁰⁶ (Data as of December 2023)	SBA Size Standard (1500 Employees)		
	Affected Entity	Total # FCC Form 499A Filers	Small Firms
Cable/Coax CLEC	67	62	92.54
CAP/CLEC	655	562	85.80
Competitive Local Exchange Carriers (CLECs) ¹⁰⁷	3,729	3,576	95.90
Incumbent Local Exchange Carriers (Incumbent LECs)	1,175	917	78.04
Local Exchange Carriers (LECs) ¹⁰⁸	4,904	4,493	91.62
Wired Telecommunications Carriers ¹⁰⁹	4,682	4,276	91.33
Wireless Telecommunications Carriers (except Satellite) ¹¹⁰	585	498	85.13

¹⁰⁶ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2024), <https://docs.fcc.gov/public/attachments/DOC-408848A1.pdf>.

¹⁰⁷ Affected Entities in this industry include all reporting local competitive service providers.

¹⁰⁸ Affected Entities in this industry include all reporting fixed local service providers (CLECs & ILECs).

¹⁰⁹ Local Resellers fall into another U.S. Census Bureau industry (Telecommunications Resellers) and therefore data for these providers is not included in this industry.

¹¹⁰ Affected Entities in this industry include all reporting wireless carriers and service providers.

Table 3. Broadcast Entity Data

Broadcast Station Owners (as of August 8, 2025) ¹¹¹	SBA Size Standard (\$47 Million)		
	Affected Entity	# Commercial Licensed ^{112 113}	Small Firms
Radio Stations (AM & FM) Groups	2,881	2,863	99.38
Television Stations	171	142	83.04

¹¹¹ Data as of 2024, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on August 8, 2025.

¹¹² *Id.*

¹¹³ As of December 31, 2025, there were 4,342 licensed commercial AM radio stations and 6,589 licensed commercial FM radio stations, for a combined total of 10,931 commercial radio stations. There were 4,755 licensed noncommercial (NCE) FM radio stations, 1,994 low power FM (LPFM) stations, and 8,867 FM translators and boosters. Additionally, there were 1,389 licensed commercial television stations, 388 licensed noncommercial educational (NCE) television stations, 397 Class A TV stations, 1,760 LPTV stations and 3,092 TV translator stations. *Broadcast Station Totals as of December 31, 2025*, Public Notice, DA 26-49 (rel. Jan. 13, 2026) (*January 2026 Broadcast Station Totals PN*), <https://docs.fcc.gov/public/attachments/DA-26-49A1.pdf>.

Table 4. Cable Entities Data

Cable Entities	Size Standard	Total Firms	Small Firms	% Small Firms in Industry
Cable System Operators (Telecom Act Standard) Small Cable Operator	Serves fewer than 498,000 subscribers, either directly or through affiliates ¹¹⁴ ¹¹⁵	530 ¹¹⁶	524 ¹¹⁷	98.87%
Cable Companies and Systems (Rate Regulation) Small Cable Company	Serves 400,000 or fewer subscribers nationwide ¹¹⁸ ¹¹⁹	530 ¹²⁰	523 ¹²¹	98.51%
Cable Companies and Systems (Rate Regulation) Small Cable System (headends)	Serves 15,000 or fewer subscribers ¹²²	4,545 ¹²³	3,965 ¹²⁴	87.24%

D. Description of Economic Impact and Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

7. The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.¹²⁵

¹¹⁴ Pursuant to 47 U.S.C. § 543(m)(2) of the Communications Act of 1934, as amended, the size standard for a “small cable operator,” is a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1% of all U.S. subscribers and has no affiliation with entities with gross annual aggregate revenues exceed \$250,000,000.

¹¹⁵ *FCC Announces Updated Subscriber Threshold for the Definition of Small Cable Operator*, Public Notice, DA 23-906 (MB 2023) (2023 Subscriber Threshold PN). In the Public Notice, the Commission determined that there were approximately 49.8 million cable subscribers in the United States at that time using the most reliable source publicly available. This threshold will remain in effect until the Commission issues a superseding Public Notice. See 47 CFR § 76.901(e)(1).

¹¹⁶ Based on Commission staff review of S&P Global Market Intelligence, S&P Capital IQ Pro, U.S., *Broadband & Video Subscribers by Geography Q3-2025(June 2025)* data. (last visited Sept. 15, 2025).

¹¹⁷ *Id.*

¹¹⁸ 47 CFR § 76.901(d).

¹¹⁹ *Id.*

¹²⁰ Based on Commission staff review of S&P Global Market Intelligence, S&P Capital IQ Pro, U.S., *Broadband & Video Subscribers by Geography Q3-2025(June 2025)* data. (last visited Sept. 15, 2025).

¹²¹ *Id.*

¹²² 47 CFR § 76.901(c).

¹²³ Based on Commission staff review of S&P Global Market Intelligence, S&P Capital IQ Pro, U.S. *MediaCensusDW, Operator Subscribers by Geography Q3-2025(June 2025)* data. (last visited Sept. 15, 2025).

¹²⁴ *Id.*

¹²⁵ 5 U.S.C. § 603(b)(4).

8. The *FNPRM* proposes certain new or revised compliance requirements that would be applicable to covered entities, including small entities. Specifically, it proposes to revise the Audible Crawl Rule to specify that the requirement that video programming providers and distributors make visual emergency information provided during non-newscast programming accessible via a secondary audio stream is met if a textual crawl provides emergency information duplicative of, or equivalent to, non-textual visual emergency information, so long as the textual crawl is also conveyed aurally. The revised Audible Crawl Rule thus would ease compliance burdens for small and other entities because it would not impose the compliance requirements that currently are not technically feasible with regard to non-textual visual emergency information. There have been successive waivers in place since compliance with the Audible Crawl Rule was first required in May 2015, and the rule revision would eliminate the need for further waivers while permitting the aural distribution of emergency information that is duplicative of or equivalent to that provided by non-textual visual means, such as radar maps or other graphics. While the record does not include sufficient cost information to allow the Commission to quantify the costs of compliance for small entities at this time, including whether it will be necessary for small entities to hire professionals to comply with the proposed rules if adopted, we expect that any compliance costs for small entities will be minimal because visual emergency information is generally duplicative of information provided in accompanying text crawls, which are already aurally described. The proposal also would codify a rule change that would ensure that video programming distributors and video programming providers do not cease providing visual but non-textual emergency information during non-newscast programming, which they might otherwise do if the existing waiver were to expire, thus providing regulatory certainty while ensuring continued access to emergency information. We expect the information we receive in comments will help the Commission identify and evaluate relevant compliance matters for small entities, including compliance costs and other burdens that may result from potential changes discussed in the *FNPRM*.

E. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

9. The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities.¹²⁶ The discussion is required to include alternatives such as: “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”¹²⁷

10. In the alternative to the proposed rule changes contained in the *FNPRM*, there are other approaches to ensure that video programming distributors and video programming providers provide an aural representation of visual, non-textual emergency information shown during non-newscast video programming. The first alternative approach would be to allow the Audible Crawl Rule, as it is already codified, to go into effect without any waiver. This occurred while the Petition was pending, and it resulted in broadcasters ceasing the provision of non-textual visual emergency information, until the Media Bureau granted a retroactive waiver extension. The decrease in otherwise available emergency information does not benefit consumers, and commenters in this proceeding have explained why compliance with the rule as codified may not always be possible. Relatedly, the *FNPRM* considers utilizing a manual solution, and it tentatively concludes that the rule amendment is preferable because requiring a manual solution in every instance may not be possible, could be burdensome to implement, and could lead video programming distributors and video programming providers to forego the use of

¹²⁶ *Id.* § 603(c).

¹²⁷ *Id.* § 603(c)(1) - (4).

non-textual graphic displays altogether, depriving some viewers of an opportunity to receive such information visually. The second alternative approach would be to continue the current approach of granting successive waiver requests. Such an approach would unnecessarily burden the petitioners, has the potential to create regulatory uncertainty, and is unjustified given that it does not appear that an automated solution to the issue will be available in the near future. The *FNPRM* also considers whether the Commission should encourage or require continued investigations into potential technical solutions, and if so how such elements should be structured. Additionally, the *FNPRM* seeks comment on whether it should codify certain “best practices” set forth by NAB in its Petition.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

11. None.

**STATEMENT OF
CHAIRMAN BRENDAN CARR**

Re: *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*, Third Further Notice of Proposed Rulemaking, MB Docket No. 12-107 (April 30, 2026)

During my time as Chairman, I have emphasized the importance of good governance and ensuring that our rules work in practice—not just on paper. The FCC has a responsibility to be a careful steward of its regulations, particularly when those rules affect access to critical information for millions of Americans.

When the Commission adopted the Audible Crawl Rule more than a decade ago, the goal was straightforward: ensure that individuals who are blind or visually impaired receive the same timely emergency information that appears visually during non-news broadcast programming. But despite industry efforts over the years that the rule has been in place, no automated or technically viable solution has emerged to aurally describe visual, non-textual emergency information such as maps or graphic images. As a result, that part of the rule has been waived since its inception.

Today's item takes a common-sense step forward. It does two important things. First, it ensures that people who are blind or visually impaired continue to receive the emergency information they rely on. Second, it eliminates a compliance obligation that cannot be met because no technical solution exists. The record shows that the information conveyed through visual images is typically duplicative of the text crawls that are already provided aurally. Removing an unworkable requirement therefore reduces unnecessary burdens while preserving access to essential information.

I am pleased that this item proposes a practical and balanced approach. It would ease compliance burdens, align our rules with technical reality, and ensure the continued availability of visual, non-textual emergency information. This is the type of regulatory modernization that strengthens the integrity and usefulness of our rules.

Thank you to the video programming providers, distributors, and the consumer advocates who contributed to the development of this proposal. And thank you to the FCC staff who worked on this item, including Virgie Ingram, Maria Mullarkey, Diana Sokolow, Hillary DeNigro, Alex Sanjenis, Suzy Rosen Singleton, Ike Ofobike, Stephen Wang, Susan Aaron, David Konczal, Michelle Schaefer, Kim Makuch, and Joycelyn James.

**STATEMENT OF
COMMISSIONER OLIVIA TRUSTY**

Re: *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*, Third Further Notice of Proposed Rulemaking, MB Docket No. 12-107 (Apr. 30, 2026).

The FCC's mission is to ensure that all Americans benefit from communications services, especially when public safety is at stake.

But even well-intentioned rules must work in practice. After more than a decade of waivers, it is appropriate to revisit the Audio Crawl Rule and assess how it has functioned in the real world.

Reexamining this rule does not mean retreating from our commitment to accessibility. Rather, it reflects an effort to build on years of industry experience and stakeholder collaboration to ensure that individuals who are blind or visually impaired receive critical emergency information through effective and reliable means.

I look forward to working with Commission staff, broadcasters, and other stakeholders to ensure our rules are both practical and continue to expand access to emergency information for all Americans.

I thank the Media Bureau for their good work on this item.