

SAFETY OF LIFE:
Making Emergency Information Accessible to All

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With hurricanes, floods, and evacuations dominating the airwaves, the FCC has taken this opportunity to remind broadcast television stations and video programming providers of their obligation to make emergency information available to viewers with hearing or vision disabilities. Even before Hurricane Katrina, the FCC had begun to focus its attention on the manner in which television stations provide emergency information and to aggressively enforce its rules in this area. FCC policy sets a base fine of \$8,000 for each violation of the emergency information rule, and the FCC recently fined two television stations \$24,000 each for failing to visually present emergency information in three segments broadcast during the course of several days of hurricane coverage in Florida last year. While the stations have appealed the fines, arguing that a too strict application of the rules will actually discourage stations from broadcasting emergency information, it is clear that the FCC is taking violations seriously and enforcing its rules strictly. Stations should carefully assess how they present emergency information to ensure that the critical details about emergencies are accessible to all viewers and to avoid the possibility of a fine by the FCC.

Present Key Information Visually. The Commission's Rules require that information about an imminent, or current emergency be presented visually at the same time that the anchor or reporter is presenting that information in the audio portion of the programming. The information can be presented through open captioning, closed captioning, or any other method such as a slide, scroll, or crawl. In fact, the FCC has gone so far as to suggest that the information can be handwritten on a chalk board. The key to remember is that any information that gives critical details about the emergency and how to respond to the emergency must be broadcast visually as well as aurally. Exactly how stations provide the information is up to them, however, even if the Chyron operator is unavailable or the closed captioning equipment is turned off, stations must find a way to present the information visually.

What Constitutes an Emergency? The list of examples provided by the FCC of the types of emergencies covered by the rule is fairly extensive and 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.

Include Critical Details Regarding Safety of Life and the Protection of Property. Just running a map or visual alert that certain areas are under a watch or warning is not sufficient if

you are giving more detailed emergency information aurally. Critical details that must be presented visually include information such as:

- Specific details about the area 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 (e.g. information about sheltering in a basement or under stairs, etc.);
- Instruction on how to secure personal property;
- Road closures; and
- How to obtain relief assistance.

Emergency Information Must Be Provided Visually Regardless of When it Occurs.

Whether it is part of a regularly scheduled newscast, included in the mayor's live press conference, or made in a special announcement in the middle of a regularly scheduled program, any emergency information provided in the audio portion of the program must also be provided visually. Thus, if the mayor gives instruction on evacuation plans and routes in his live press conference, the station must find a way to also provide that information visually so that hearing impaired viewers can understand the information being provided.

Don't Block the Information. Stations should be careful not to block the visual emergency information with closed captioning, bugs, or other graphics. Similarly, emergency information provided in a crawl, scroll, or slide should not obscure the existing closed captions.

Emergency Information Provided in the Video Portion of a Regularly Scheduled Newscast or a Newscast that Interrupts Regular Programming Must be Described Aurally.

The reverse of the emergency captioning rule discussed above is also true, meaning that any information that is provided on a slide, crawl, weather map, etc, as part of a newscast must also be summarized by the reporter or anchor so that audience members that are blind or have low vision will understand the information being provided on the screen. So for newscasts, including special coverage, the requirement works both ways – information presented visually must be covered in the audio, and information in the audio must be presented visually. In this way, the station will ensure that all members of its audience has access to the emergency information.

Emergency Information Provided in the Video Portion of Programming that is Not Part of a Regularly Scheduled Newscast or a Newscast that Interrupts Regular Programming Must be Accompanied by a Tone.

In the event that a station runs a crawl, scroll, or other programming providing emergency information that is not part of regularly scheduled newscast or a newscast that interrupts regular programming, the station must accompany that information with an aural tone or beep. This tone will alert audience members who are blind or have low vision that the station is providing emergency information and should tune to another source for more information.

The FCC has suggested that the obligation to provide information visually and aurally extends to areas where Hurricane Katrina victims have been temporarily re-located and to a station's coverage of how citizens may obtain relief assistance. Accordingly, stations should

carefully consider whether the information they are providing needs to be in both the audio and video portion of their programming.

While the FCC's rules could have unintended results, and are likely to result in stations being overly cautious about what information they provide visually, the FCC has been taking these obligations very seriously. A little extra diligence to ensure that such information is available to everyone in the audience can go a long way to prevent fines and other far more serious consequences of the failure to follow the law.

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