

Background

Federal Communications Commission (FCC) rules require broadcasters and cable operators to make local emergency information accessible to persons who are deaf or hard of hearing, and to persons who are blind or have visual disabilities. This means that emergency information must be provided both aurally and in a visual format. Video programming distributors include broadcasters, cable operators, satellite television services (such as DirecTV and the Dish Network), and other multichannel video programming distributors.

What Qualifies as an Emergency?

Emergency information is information that is intended to further the protection of life, health, safety, or property. Examples include, but are not limited to, the following:

- Immediate weather situations: tornadoes, hurricanes, floods, tidal waves, earthquakes, icing conditions, heavy snows, widespread fires, warnings, and watches of impending changes in weather.
- Community situations such as: discharge of toxic gases, widespread power failures, industrial explosions, civil disorders, school closings, and changes in school bus schedules resulting from such conditions.

How Does the Emergency Information Need to Be Made Accessible?

In the case of persons who are deaf or hard of hearing, emergency information that is provided in the audio portion of programming must be provided either using closed captioning or other methods of visual presentation, such as open captioning, crawls, or scrolls that appear on the screen. Emergency information provided by means other than closed captioning should not block any closed captioning, and closed captioning should not block any emergency information provided by means other than closed captioning. Closed captions are visual text displays that are hidden in the video signal. You can access closed captions through your remote control or on-screen menu (all TVs with a 13" or larger diameter screen manufactured after 1993 have caption decoder circuitry) or through a special decoder. Open captions are an integral part of the television picture, like subtitles in a movie. In other words, open captions cannot be turned off. Text that advances very slowly across the bottom of the screen is referred to as a crawl; displayed text or graphics that move up and down the screen are said to scroll.

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In the case of persons with vision difficulties, emergency information that is provided in the video portion of a regularly scheduled newscast or a newscast that interrupts regular programming must be made accessible. This requires the aural description of emergency information in the main audio. If the emergency information is being provided in the video portion of programming that is not a regularly scheduled newscast or a newscast that interrupts regular programming (e.g., the programmer provides the emergency information through “crawling” or “scrolling” during regular programming), this information must be accompanied by an aural tone. This tone is to alert persons with vision disabilities that the broadcaster is providing emergency information, and alert such persons to tune to another source, such as a radio, for more information.

What Information about the Emergency Must Be Provided?

The information provided visually and aurally must include critical details regarding the emergency and how to respond. Critical details could include, among other things:

- Specific details regarding the areas that will be affected by the emergency;
- Evacuation orders, detailed descriptions of areas to be evacuated, and specific evacuation routes; and
- 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.

In determining whether particular details need to be presented visually and aurally, programmers may rely on their own good faith judgments.

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There could be a limited number of instances when an emergency affects the broadcast station or non-broadcast network or distributor and it may be impossible to provide accessible emergency information.

How Do I Complain if I Think Someone Is Not Complying with the FCC’s Requirements?

If you have a complaint, you can first contact the video programming distributor, although you are not required to do so. You can also complain to the FCC. The FCC may take enforcement action where it determines that a violation of the rules has occurred. Your complaint should include:

- The name of the video programming distributor (and cable or satellite distributors, if applicable) against whom the complaint is alleged;
- The date and time of the omission of emergency information; and
- The type of emergency.

You may contact the FCC by letter, facsimile transmission, telephone (voice/TRS/TTY), Internet, e-mail, audio-cassette recording, Braille, or any other method that would best accommodate your disability. Send your complaint to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
445 12th Street, SW
Washington, DC 20554
Phone: 1-888-225-5322 (voice);
1-888-835-5322 (TTY)
E-mail: fccinfo@fcc.gov
Internet: <http://www.fcc.gov/cgb/complaints.html>
Fax: 866-418-0232

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What Happens After I File a Complaint?

The FCC will notify the video programming distributor of the complaint, and the distributor will reply to the complaint within 30 days. Based on the information in the complaint and the response, and any other information the FCC may request from either party, the FCC will make its decision and take the appropriate action.

To learn more about the FCC's requirements for access to televised emergency programming, visit the Consumer & Governmental Affairs Bureau's Web site at www.fcc.gov/cgb.

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To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, click on <http://www.fcc.gov/cgb/contacts>.

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