

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 rule means that emergency information must be provided both aurally and in a visual format.

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 weather changes.
- 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-inch 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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How Does the Emergency Information Need to Be Made Accessible? (cont'd.)

In the case of persons who are visually impaired, 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.

What Information about the Emergency Must Be Provided? (cont'd.)

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.

Filing a Complaint with the FCC

If you have a complaint about failure to provide emergency information in an accessible format, you can first try to resolve it with the video programming distributor, although you are not required to do so. You can also complain to the FCC. There is no charge for filing a complaint. The FCC may take enforcement action where it determines that a violation of the rules has occurred. You can file your complaint using an online complaint form found at www.fcc.gov/complaints. You can also file your complaint with the FCC’s Consumer Center by calling 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY; faxing 1-866-418-0232; or writing to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, S.W.
Washington, DC 20554.

What to Include in Your Complaint

The best way to provide all the information the FCC needs to process your complaint is to thoroughly complete the online complaint form. When you open the online complaint form, you will be asked a series of questions that will take you to the particular section of the form you need to complete. If you do not use the online complaint form, your complaint should indicate the following:

- your name, address, email address and phone number where you can be reached;
- whether you are filing a complaint on behalf of another party, and, if so, the party’s name, address, email address, day time phone number and your relationship to the party;

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What to Include in Your Complaint (cont'd.)

- preferred format or method of response (letter, fax, voice phone call, email, TRS, TTY, ASCII text, audio recording or Braille);
- that your complaint is about accessibility of emergency information on television;
- the name, address and telephone number (if known) of the company or companies involved with your complaint;
- the date and time or other details about timing of the lack of access to emergency information on television;
- television station call sign (WZUE), TV channel (13), location (city and state), date, time and detailed description of emergency;
- a brief description of your complaint and the resolution you are seeking, and a full description of the equipment or service you are complaining about, including date of purchase, use or attempt to use; and
- Recorded complaint submissions of the lack of access to emergency information, in addition to what is listed above, is welcome but not required.

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.

For More Information

To learn more about the FCC's requirements for access to televised emergency programming, or to learn more about FCC programs to promote access to telecommunications services for people with disabilities, visit the FCC's Disability Rights Office website at www.fcc.gov/cgb/dro. For information about other telecommunications issues, visit the FCC's Consumer & Governmental Affairs Bureau website at www.fcc.gov/consumer-governmental-affairs-bureau, or contact the FCC's Consumer Center using the information provided for filing a complaint.

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

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