

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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)

**REPLY COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (NAB)¹ hereby submits reply comments regarding our Petition for Rulemaking that seeks a minor change to Section 79.2(b)(2)(ii) of the Commission’s rules,² which requires that visual, non-textual emergency information (e.g., weather radar maps) provided during non-newscast video programming be made aurally accessible (audible crawl rule).³ Given the lack of a reliable technical solution for aurally transcribing such images, NAB requests clarification of the rule’s text that compliance can be met if a station runs accompanying, aurally accessible text crawls that provide emergency information that is duplicative or equivalent to the information conveyed by the image.⁴

¹ NAB is a nonprofit trade association that advocates on behalf of local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² Petition for Rulemaking and Extension of Waiver of the National Association of Broadcasters, MB Docket No. 12-107 (filed Nov. 15, 2024) (Petition).

³ 47 C.F.R. § 79.2(b)(2)(ii).

⁴ Petition at 7-9. The audible crawl rule has been waived since its original effective date in 2015 because a reliable technical solution for compliance does not exist. *Id.* at 1. See also *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*

Commenters are unanimous in supporting NAB's proposal, including the American Foundation for the Blind (AFB) and the American Council of the Blind (ACB), which have long represented the interests of blind and low vision individuals in this proceeding.⁵ AFB and ACB agree with NAB that providing emergency information in an accessible text crawl that is duplicative of the information conveyed by a non-textual visual image should "obviate the need for a separate and additional aural description of concurrently displayed nontextual graphics."⁶ AFB and ACB thus endorse NAB's proposed "rule change that allows video programming providers and distributors to convey visual emergency information through equivalent or duplicative text crawls as long as the rule ensures that blind and low vision viewers have access to the same emergency information as sighted viewers."⁷

To that end, NAB has drafted best practices to help guide broadcasters' use of text crawls when they choose to display a visual image, and we appreciate AFB and ACB's commitment to help finalize that product.⁸ The best practices are designed to help ensure that the content of text crawls accurately reflects the emergency information conveyed by a

the Twenty-First Century Communications and Video Accessibility Act of 2010, MB Docket Nos. 12-107 and 11-43, 38 FCC Rcd 4982 (2023) (2023 Waiver Order). The rule is currently waived through May 27, 2025, or until there is a ruling on NAB's Petition, whichever is sooner. *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*, Memorandum Opinion and Order, MB Docket No. 12-107 (rel. Dec. 20, 2024) (Retroactive Waiver).

⁵ Comments of the American Foundation for the Blind (AFB) and the American Council of the Blind (ACB), MB Docket No. 12-107 (Dec. 26, 2024), at 2-3.

⁶ *Id.* at 2.

⁷ *Id.* at 3.

⁸ *Id.* at 3.

visual image,⁹ and that the frequency of crawls facilitates access to emergency information in crawls for blind or low vision individuals.¹⁰

Broadcasters underscore the need to approve NAB's request.¹¹ For example, Gray notes that many broadcasters have invested substantial funds in technology that allows them to provide timely emergency information in weather radar maps and other images. However, as AFB and ACB also acknowledge,¹² there is no technologically feasible way to make the information in such images aurally accessible pursuant to the audible crawl rule. Thus, absent a waiver or modification of the rule, broadcasters are left with an untenable choice between risking a rule violation by showing the images, or ceasing the display of such images during emergencies.¹³

In most cases, stations would choose the latter, as evidenced during the brief period in November 2024 when the rule was in effect before the FCC granted a retroactive waiver of the rule. Gray, for one, instructed its stations to select the "text-only" option on the software they use to create emergency crawls, which prevented the use of any graphics during emergencies, to avoid any potential mistakes.¹⁴ Multiple members of the network affiliates associations took the same approach,¹⁵ and others echoed similar concerns.¹⁶

⁹ 2023 Waiver Order, 38 FCC Rcd at 4983.

¹⁰ Petition at 9-10 and Attachment.

¹¹ Comments of Gray Local Media, Inc., MB Docket No. 12-107 (Dec. 26, 2024) at 4; Comments of the Society of Broadcast Engineers, Inc. (SBE), MB Docket No. 12-107 (Dec. 26, 2024), at 3.

¹² AFB and ACB Comments at 2.

¹³ Gray Comments at 2.

¹⁴ *Id.* at 5-6.

¹⁵ Joint Reply Comments of the Four Affiliates Associations, MB Docket No. 12-107 (Dec. 13, 2024), at 3.

¹⁶ Comments of the Joint Broadcasters, MB Docket No. 12-107 (Dec. 13, 2024), at 3; Comments of American Broadcasting Companies, Inc., CBS Broadcasting, Inc., Fox

Of course, taking down emergency-related images subject to the audible crawl rule reduces service to viewers, and underutilizes stations' weather reporting capabilities.¹⁷ As the Joint Broadcasters state, stations "make every effort to ensure that all of their programming is available to the entire audience, [but] it makes no sense to create a regulatory compliance environment that effectively prohibits the use of graphics and video effects that could save lives because those graphics cannot be aurally expressed."¹⁸ Thus, rather than benefit viewers, the audible crawl rule paradoxically limits the amount of emergency information broadcasters would provide.

In the absence of a technical solution for compliance, broadcasters join with AFB and ACB in supporting a minor change to the audible crawl rule to allow compliance through text crawls that provide information duplicative or equivalent to that conveyed by a visual image. As Gray notes, this "approach addresses the need of visually impaired viewers by requiring a floor of accessible information without penalizing broadcasters who want to exceed that threshold but cannot practically do so in a way that is accessible to all. This approach, therefore, would serve the interests of all viewers and allow broadcasters to provide emergency information in a manner that is both realistic and widely accessible."¹⁹

Finally, NAB appreciates the FCC's grant of a retroactive waiver of the audible crawl rule until May 27, 2025.²⁰ 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

Corporation, and NBCUniversal Media, LLC, MB Docket No. 12-107 (Dec. 13, 2024) (Networks Comments), at 2-3; LPTV Broadcasters Association, MB Docket No. 12-107 (Dec. 17, 2024), at 2; SBE Comments at 3.

¹⁷ Joint Broadcasters Comments at 3.

¹⁸ *Id.*; see also SBE Comments at 3-4.

¹⁹ Gray Comments at 8.

²⁰ Retroactive Waiver at 4.

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.²¹

NAB appreciates the Commission's efforts to resolve the audible crawl rule quandary, and we look forward to working with the Commission and representatives of blind or low vision individuals on a realistic path forward that ensures access to emergency information conveyed by nontextual, visual images.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right.

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²¹ Petition at 11.