

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)
Accessible Emergency Information, and)
Apparatus Requirements for Emergency)
Information and Video Description:) MB Docket No. 12-107
Implementation of the Twenty-First Century)
Communications and Video Accessibility)
Act of 2010)

**COMMENTS OF
THE SOCIETY OF BROADCAST ENGINEERS, INC.**

The Society of Broadcast Engineers, Inc. (“SBE”)¹ submits these comments in support of the National Association of Broadcasters’ (“NAB”) Petition for Extension of Waiver,² which requests extension of the FCC’s current waiver of portions of 47 C.F.R. § 79.2(b)(2)(ii) (the “Audible Crawl Rule”), which would require broadcasters to provide aural description of visual, non-textual emergency information in non-newscast information, in addition to the aural description of text-based information already provided in emergencies.

Broadcasters remain strongly committed to accessibility for all viewers, including by providing detailed emergency information to the entire disability community and, as relevant here, the blind and visually impaired. However, despite sincere, protracted industry investigation and efforts, there continues to be no viable technical solution to allow for automated creation and delivery of aural descriptions for visual non-textual emergency information, such as dynamic maps of an unfolding event. Thankfully, it is the current practice of most broadcasters to largely duplicate

¹ SBE is the association for broadcast engineers and multimedia technology professionals with over 5,000 members worldwide.

² Petition for Extension of Waiver of the National Association of Broadcasters, MB Docket No. 12-107 (Filed Apr. 5, 2023) (Petition).

the emergency information conveyed in visual, non-textual images either in the accompanying text crawl (which would in turn be aurally described) or through live oral discussion by meteorologists or other commentators. For these reasons, the FCC should grant the Petition and extend the waiver of the relevant portion of the Audible Crawl Rule for an additional two years to provide time for technological solutions to develop.

**I.
Current Technology Remains Insufficient.**

In spite of broadcasters' dedication to providing accessible emergency information, there is still no viable technology available to allow them to meet the non-textual requirements of the Audible Crawl Rule. At present, visual, text-based emergency information, such as an informational crawl across the screen, is typically converted to aural output and broadcast to viewers through a secondary audio programming stream ("SAP"). This is effectuated through automated systems that capture the text-based metadata of the crawl, convert it to audio, and deliver it to the SAP. Unfortunately, technology does not yet exist that can similarly convert dynamic images like radar maps and other timely graphical and live information, because this type of material does not contain comparable textual metadata. Moreover, even if conversion were possible in the absence of such metadata, such a system would then need to be incorporated into existing broadcast systems. And given the current understanding of hypothetically viable application programming interfaces for such conversion, these potential solutions, at best, would be difficult to support in current broadcasting systems. In short, the technology just isn't there yet.

Because of the issues highlighted above, if the waiver were to expire, a broadcaster's only way to meet the standards of the non-textual component of the Audible Crawl Rule would be to manually describe any dynamic visual, non-textual information being displayed. However, as the FCC has previously recognized, "a long-term, automated solution is preferable," given that manual

description would be overly “burdensome to broadcasters and may raise its own technical complexities.”³ And this is particularly true for stations that serve smaller communities and may not have adequate staffing to implement a solution for manually describing all non-textual emergency information, particularly during the exigencies and tight timelines typically present in emergency situations.⁴ Indeed, for these reasons and absent a continued waiver, some broadcasters may elect to forego use of any dynamic, non-textual visuals out of fear of FCC enforcement. Such a danger was noted when the Commission last granted a waiver of this rule,⁵ and would decidedly not be in the public’s best interest.

II. Emergency Information Is Already Largely Accessible.

While automated technology is still unable to effectively convert dynamic non-text images for audio description, broadcasters nonetheless still succeed in aurally describing the majority of such content because the images are often duplicated by textual elements (which are then converted to audio and delivered by SAP), described live by commentators, or both.

Broadcasters are dedicated and engaged members of their local communities. One of their most important roles in fulfilling their public interest mandate is providing notice of impending emergencies, which is a job that broadcasters take very seriously and are best equipped to manage within these local communities. Consequently, many broadcasters endeavor to provide the same

³ 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*, Memorandum Opinion and Order, 31 FCC Rcd 12540, 12544 (Nov. 16, 2016).

⁴ See *id.* at 12543.

⁵ *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, 33 FCC Rcd 5059, 5064 (May 25, 2018).

emergency information through multiple means. For example, details of a weather event may be simultaneously graphically represented on a dynamic radar, textually described by a crawl, and aurally discussed in detail by a local meteorologist. In this case, although the graphical content of the dynamic radar cannot currently be automatically converted to aural presentation on an SAP, any emergency information the radar depicts is nonetheless likely to be duplicated by multiple independent sources, including via live aural presentation.⁶ Because of this typical industry practice, very little visual, non-textual emergency information is provided without such aural duplication, and accordingly, potential public safety concerns of extending the waiver of the Audible Crawl Rule are largely alleviated.

Conclusion

The technology for automated audio description of a dynamic image simply does not yet exist to permit broadcasters to effectively and efficiently abide by the non-textual component of the Audible Crawl Rule. However, timely and effective communication of emergency information to the blind and visually impaired community is already ensured in most cases by current industry practices due to broadcasters' ongoing diligence and dedication to safeguarding their communities in times of crisis. For these reasons, the FCC should grant the Petition and extend the current waiver of the Audible Crawl Rule for a further two years.

⁶ Notably, the Commission has several times affirmed that when non-textual emergency information is duplicated by aural description of emergency information provided in a crawl, the Audible Crawl Rule is satisfied even absent the current waiver. *Id.* at 5066. "In other words, if the critical information provided in radar maps is duplicative of the information provided in a crawl and merely provides additional clarity, no automated solution is necessary." *In the Matter of Accessible Emergency Info., & Apparatus Requirements for Emergency Info. & Video Description: Implementation of the Twenty-First Century Commc'ns & Video Accessibility Act of 2010*, 31 FCC Rcd 12540, 12544 (Nov. 16, 2016).

Respectfully submitted,

THE SOCIETY OF BROADCAST ENGINEERS, INC.

/s/
Andrea Cummis, CBT, CTO
SBE President

/s/
Charles (Ched) Keiler, CPBE, 8-VSB, CBNE
Chair, SBE Government Relations Committee

/s/
Coe W. Ramsey
Patrick Cross
Noah L. Hock
Regulatory Counsel

BROOKS, PIERCE, MCLENDON,
HUMPHREY & LEONARD, L.L.P.
Wells Fargo Capitol Center, Suite 1700
Raleigh, N.C. 27601
Telephone: (919) 839-0300

April 24, 2023

Filings & Proceedings SEARCH Submit a FILING Check Filing STATUS User HELP

Standard Filing Express Comment Non-Docketed Filing

Submit a Standard Filing

Proceeding(s): 12-107
Confirmation #: 20230424231419617
Submitted: Apr 24, 2023 2:58:04 PM
Status: RECEIVED
Name(s) of Filer(s): Society of Broadcast Engineers, Inc.
Law Firm(s): Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.
Attorney/Author/Submitter Name(s): Coe W. Ramsey, Patrick Cross, Noah L. Hock
Primary Contact Email: nhock@brookspierce.com
Type of Filing: COMMENT
File Number:
Report Number:
Bureau ID Number:
Address of: Law Firm
Address: Wells Fargo Capitol Center, Suite 1700, Raleigh, NC, 27601
Email Confirmation: Yes

SUBMIT ANOTHER ↻

For assistance with using ECFS, please contact the ECFS Help Desk at [202-418-0193](tel:202-418-0193) or via email at ECFSHelp@fcc.gov.

Federal Communications Commission
45 L Street NE
Washington, DC 20554

Phone: [1-888-225-5322](tel:1-888-225-5322)
ASL Video Call: [1-844-432-2275](tel:1-844-432-2275)
Fax: [1-866-418-0232](tel:1-866-418-0232)

[Contact US](#)



[Website Policies & Notices](#)

[Privacy Policy](#)

[FOIA](#)

[No Fear Act Data](#)

[FCC Digital Strategy](#)

[Open Government Directive](#)

[Plain Writing Act](#)

[RSS Feeds & Email Updates](#)

[Accessibility](#)

[Vulnerability Disclosure Policy](#)

[USA.gov](#)

CATEGORIES

[About the FCC](#)

[Proceedings & Actions](#)

[Licensing & Databases](#)

[Reports & Research](#)

[News & Events](#)

[For Consumers](#)

BUREAUS & OFFICES

[Consumer](#)

[Enforcement](#)

[Inspector General](#)

[International](#)

[Media](#)

[Public Safety](#)

[Wireless](#)

[Wireline](#)

[Offices](#)

Archived: Monday, April 24, 2023 3:29:37 PM

From: noreply@fcc.gov

Sent: Mon, 24 Apr 2023 15:07:06

To:

Subject: FCC ECFS Filing Confirmation

Sensitivity: Normal

[EXTERNAL]

Your filing will not be available for searching and retrieval immediately. To check its status click the link below, or click "check filing status" in ECFS and enter your confirmation number. A filing status of "RECEIVED" means that it has not yet been made publicly available. A filing status of "DISSEMINATED" means that it is available for searching and retrieval by the public.

Confirmation Number: 20230424231419617

Click to review: <https://www.fcc.gov/ecfs/filing/status/detail/confirmation/20230424231419617>

Proceeding(s): 12-107

Filer(s): Society of Broadcast Engineers, Inc.

Attorney/Author(s): Coe W. Ramsey, Patrick Cross, Noah L. Hock

Law firm(s): Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.

Date Submitted: 04/24/2023

Primary Contact Email: nhock@brookspierce.com

Documents(s) Attached: SBE -- Comments re Non-Textual Component of Audible Crawl Rule.pdf

Address: Wells Fargo Capitol Center, Suite 1700 , Raleigh, NC 27601