



Virginia Association of Broadcasters Legal Review



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May 25, 2018

Legal Memorandum

COMPLIANCE DEADLINE EXTENDED: [May 26 Deadline for Compliance with Rule Requiring TV Stations to Video Describe Emergency Graphics on Secondary Audio Program Stream Has Been Extended for Five Years](#)

Since November 2015, all TV stations have been required to comply with a portion of the FCC’s Audible Crawl Rule, which requires stations to video describe emergency information on a secondary audio stream when such emergency information is provided textually on-screen (e.g., in a crawl or ticker) during non-news programming. All television stations have been attempting to prepare to comply with a new portion of the rule—requiring the video description of all non-textual emergency information displayed graphically on-screen (e.g., maps) during non-news programming—**by tomorrow, May 26, 2018**. In late-breaking news, the FCC on May 25 has issued an Order that extends the May 26, 2018, compliance deadline for the graphics-to-speech portion of the rule by five years (making the new compliance deadline May 26, 2023).

This extension is the result of a petition filed earlier this year by NAB and a coalition of advocacy groups who argued to the FCC that no reliable, commercially available turnkey solution yet exists in the marketplace for the “conversion” of emergency graphics to speech for distribution on a station’s secondary audio stream. While the FCC was convinced by the petitioners’ argument, the FCC will require NAB to submit a detailed report by November 25, 2020, to provide the Commission with updated information about “the extent to which broadcasters have made progress in finding accessible solutions or alternatives to providing critical emergency details generally delivered in a graphic format, as well as the extent to which this waiver continues to be necessary.” According to the FCC, “NAB may accomplish this, for example, by monitoring an appropriate sample size of broadcasters and determining the number or percentage of instances among this sample where a radar map or other graphic information used during the presentation of emergency information conveys critical details *that are not* provided in a crawl.” The FCC’s Order mandates the inclusion of various additional information in the November 2020 status report, but we won’t go into all of the granular detail here.

Please note: The portion of the Audible Crawl Rule that has required (since November 2015) television stations to video describe textual emergency information provided during non-news programming still remains in effect, and stations must continue to comply with it. With the Atlantic Hurricane Season officially starting next week, compliance with the existing text-to-speech rule will be a high enforcement priority for the Commission. In addition, it is worth noting that even though compliance with the graphics-to-speech portion of the rule has been extended for five years, the FCC’s Order including the following exhortation: “We strongly encourage broadcasters to ensure that the critical details of graphically displayed emergency information are provided through non-automated means whenever possible during the pendency of this waiver.”

If you have any questions concerning the information discussed in this memorandum, please contact your communications counsel or any of the undersigned.

Stephen Hartzell, Editor

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