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Special Advisory to Broadcasters  
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## Communications Broadcast Advisory

### Emergency Broadcasting Readiness in the Midst of Hurricane Season

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#### Obligation to Provide Emergency Information to Persons with Hearing Disabilities

**Mindful of Hurricane Dean, and with three months left in this year's hurricane season, it is imperative that television station broadcasters ensure they have adequate policies in place and reliable procedures tested to insure that persons with hearing disabilities have timely access to the emergency information that such stations have provided aurally in their programming.**

Video programming distributors, such as television stations that provide emergency information in the audio portion of their programming, must provide persons with hearing disabilities the same access to such information, either through closed captioning or another method of visual presentation.

Such visual presentations include closed captioning, open captioning, crawls, scrolls, maps, and/or whiteboards. If emergency information is provided outside of a station's regularly scheduled newscast, such as in crawls or scrolls, those presentations must be preceded by an aural tone indicating the provision of emergency information so as to alert visually disabled viewers to seek an alternative information source such as a radio.

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

- Immediate weather situations such as 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.

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The emergency information provided visually 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, specific evacuation routes, 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.

Although the FCC has stated that in determining whether particular details need to be presented programmers may rely on their own good faith judgments, programmers must present basic, critical emergency information such as road closures, shelters, and evacuation details in a visual format tracking the aural messages.

The hearing-impaired community is very vigilant about protecting their rights and the FCC has imposed substantial fines based on the failure of broadcasters to present emergency information in a timely and adequate "visual" fashion. The FCC concedes that breaking news can pose special challenges where time is of the essence and captioning resources are not readily available. However, those challenges standing alone will not be accepted as a defense. Stations must be prepared to provide visually, even on a blackboard if necessary, those pieces of critical emergency information that have been communicated aurally.

If you have any questions, please contact one of the attorneys in our Communications Section.

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