

participants at no cost. For example, OEA and MB intend to release an online tutorial that will help applicants understand the procedures for filing the short-form application (FCC Form 175). OEA and MB also intend to make information on the bidding system available and to offer demonstrations and other educational opportunities for applicants in Auction 114 to familiarize themselves with the FCC auction application system and the auction bidding system. By providing these resources, as well as the resources discussed below, OEA and MB expect small entities who use the available resources to experience lower participation and compliance costs. Nevertheless, while OEA and MB cannot quantify the cost of compliance with the proposed procedures, they do not believe that the costs of compliance will unduly burden small entities that choose to participate in the auction because the proposals for Auction 114 are similar in many respects to the procedures in recent broadcast auctions conducted by the Commission.

53. *Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities.* The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities. The discussion is required to include alternatives such as: “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”

54. In the *Auction 114 Comment Public Notice*, the Commission sets forth proposals to facilitate participation in Auction 114 and result in both operational and administrative cost savings for small entities and other auction participants. In developing these proposals, OEA and MB also consider alternatives that could minimize significant economic impact on small entities. For example, given the numerous resources that will be made available from the Commission at no cost, the processes and procedures proposed in the *Auction 114 Comment Public Notice* should result in minimal economic impact on small entities. Prior to the start of bidding, the Commission

will hold a mock auction to allow qualified bidders the opportunity to familiarize themselves with both the bidding processes and systems that will be used in Auction 114. During the auction, participants will be able to access and participate in bidding via the internet using a web-based system, or telephonically, providing two cost-effective methods of participation and avoiding the cost of travel for in-person participation. Further, small entities as well as other auction participants will be able to avail themselves of a telephone hotline for assistance with auction processes and procedures as well as a telephone technical support hotline to assist with issues such as access to or navigation within the electronic FCC Form 175 and use of the FCC’s auction system. All auction participants, including small business entities, will also have access to various other sources of information and databases through the Commission that will aid in both their understanding of and participation in the process. These mechanisms are made available to facilitate participation by all qualified bidders and may result in significant cost savings for small business entities that utilize these mechanisms.

Alternatively, OEA and MB consider other ways in which to assist small entities, many of which have limited resources, to more efficiently participate in Auction 114 and seek comment on such proposals. These steps, coupled with the advanced description of the bidding procedures, should ensure that the auction will be administered efficiently and fairly, thus providing certainty for small entities.

55. In addition, consistent with previous Commission auctions of broadcast construction permits, the *Auction 114 Comment Public Notice* proposes that each bidder in Auction 114 be provided with three activity rule waivers, which serve to allow the bidder to avoid the loss of bidding eligibility should exigent circumstances prevent it from bidding in a particular round. These waivers may be used at the bidder’s discretion during the auction. Alternatively, OEA and MB consider whether this proposal of three activity rule waivers is sufficient for small entities or if more are needed and seek comment on this issue.

56. To assist with the Commission’s evaluation of the economic impact on small entities that may result from the actions and alternatives that have been discussed in this proceeding, the *Auction 114 Comment Public Notice* seeks alternative proposals, and requests information on the potential costs of such alternatives to small entities. The

Commission expects to consider more fully the economic impact on small entities following its review of comments filed in response to the *Auction 114 Comment Public Notice*, including costs and benefits information. The Commission’s evaluation of the comments filed in this proceeding will shape the final conclusions it reaches, the final alternatives it considers, and the actions it ultimately takes in this proceeding to minimize any significant economic impact on small entities resulting from the final procedures that are ultimately adopted.

57. *Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules.* None.

Federal Communications Commission.

**Gary Michaels,**

*Senior Deputy Chief, Auctions Division,  
Office of Economics and Analytics.*

[FR Doc. 2026–09838 Filed 5–14–26; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 79

[MB Docket No. 12–107; FCC 26–31; FR ID 345581]

#### **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**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this document, the Commission proposes to revise the Audible Crawl Rule, which requires video programming providers and distributors to make non-textual visual emergency information provided during non-newscast programming accessible via a secondary audio stream. The revised rule would provide that the accessibility requirement is met if a textual crawl provides emergency information duplicative of or equivalent to non-textual visual emergency information, so long as the textual crawl is also conveyed aurally.

**DATES:** Comments are due on or before June 15, 2026; reply comments are due on or before June 29, 2026.

**ADDRESSES:** Pursuant to §§ 1.415 and 1.419 of the Commission’s rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first

page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). You may submit comments, identified by MB Docket No. 12–107, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: <https://www.fcc.gov/ecfs>.

- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.

- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.

- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

- *People With Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202–418–0530.

**FOR FURTHER INFORMATION CONTACT:** For additional information on this proceeding, contact Diana Sokolow, [Diana.Sokolow@fcc.gov](mailto:Diana.Sokolow@fcc.gov), of the Policy Division, Media Bureau, (202) 418–2120.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Third Further Notice of Proposed Rulemaking (FNPRM), in MB Docket No. 12–107, FCC 26–31, adopted on April 30, 2026 and released on May 1, 2026. The full text of this document is available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat via ECFS and at <https://docs.fcc.gov/public/attachments/FCC-26-31A1.pdf>.

*Paperwork Reduction Act.* This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any proposed new or modified information

collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

*Providing Accountability Through Transparency Act.* Consistent with the Providing Accountability Through Transparency Act, Public Law 118–9, a summary of this document will be available on <https://www.fcc.gov/proposed-rulemakings>.

*Ex Parte Rules—Permit-But-Disclose.* This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's ex parte rules.<sup>1</sup> Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

<sup>1</sup> 47 CFR 1.1200 *et seq.*

## Synopsis

The FCC seeks to take a commonsense approach to regulations that do not work as enacted. One such rule has been waived in part for the entirety of the more than ten years since its enactment. The Audible Crawl Rule requires video programming distributors and providers to provide an aural representation of visual, non-textual emergency information shown during non-news-cast video programming, such as radar maps or other graphics, on a secondary audio stream. While recognizing the need to revise the rule, we continue to appreciate the Commission's statutory obligations to guard accessibility and consumer interests. Our actions here satisfy both requirements. The revised rule would provide that the accessibility requirement is met if a video programming distributor or provider provides textual crawls that convey emergency information duplicative of or equivalent to the visual, non-textual information, and if those textual crawls are conveyed aurally.<sup>2</sup>

On April 9, 2013, pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), the Commission released the *Emergency Information Order*, which adopted rules requiring that emergency information provided in video programming be made accessible to individuals who are blind or visually impaired. Section 202 of the CVAA directed the Commission to promulgate rules requiring video programming providers, video programming distributors, and program owners to convey emergency information in a manner accessible to individuals who are blind or visually impaired. The *Emergency Information Order* implemented this mandate by requiring the use of a secondary audio stream to convey televised emergency information aurally, when such information is conveyed visually during programming other than newscasts,<sup>3</sup> for example, in

<sup>2</sup> This FNPRM is consistent with the requests contained in a National Association of Broadcasters (NAB) petition filed on November 15, 2024. The current waiver of the Audible Crawl Rule expires on November 29, 2027 or the date on which there is a ruling on the Petition, whichever is sooner. We clarify that this FNPRM is not a “ruling” on the pending NAB petition for rulemaking and waiver extension as that phrase is used in the 2026 Waiver Order. Rather, such a “ruling” will occur once the Commission issues a final rulemaking order regarding the Audible Crawl Rule in this proceeding.

<sup>3</sup> The Commission's emergency information rule contains separate provisions regarding emergency information that is provided visually during a regularly scheduled newscast, or a newscast that interrupts regular programming, as compared to emergency information that is provided visually during programming that does not fit into either of

an on-screen crawl. Among the rules adopted in the *Emergency Information Order* was § 79.2(b)(2)(ii), which applies to video programming providers and distributors<sup>4</sup> and requires that emergency information provided visually during non-newscast video programming must be made audibly accessible to individuals who are blind or visually impaired through the use of a secondary audio stream. Stations may provide visual emergency information via a text crawl, but they also may “choose to display a small image like a weather radar map in a corner of the screen as a less obtrusive signal about an imminent or current situation.”<sup>5</sup>

Although the compliance deadline for the Audible Crawl Rule was May 26, 2015, the Media Bureau has granted seven successive waiver requests pertaining to the requirement that visual but non-textual emergency information displayed during non-newscast

those categories, which is the subject of this FNPRM. The rule provides that “[e]mergency information that is provided visually during a regularly scheduled newscast, or newscast that interrupts regular programming, must be made accessible to individuals who are blind or visually impaired.” This requires the aural presentation of emergency information that is being provided to viewers visually to be included as part of the primary program audio stream. In contrast, the rule provides that emergency information that is provided visually during programming that is not a regularly scheduled newscast, or a newscast that interrupts regular programming, must be conveyed aurally via the secondary audio stream. The record does not contain any evidence of compliance difficulties for emergency information that is provided visually during a regularly scheduled newscast, or newscast that interrupts regular programming, perhaps because such programming typically involves a live person discussing in detail any visual emergency information. Accordingly, the focus of this FNPRM is solely on non-newscast video programming.

<sup>4</sup> A “video programming distributor” is defined as “[a]ny television broadcast station licensed by the Commission and any multichannel video programming distributor (MVPD), and any other distributor of video programming for residential reception that delivers such programming directly to the home and is subject to the jurisdiction of the Commission.” A “video programming provider” is “[a]ny video programming distributor and any other entity that provides video programming that is intended for distribution to residential households including, but not limited to, broadcast or nonbroadcast television networks and the owners of such programming.” While the Audible Crawl Rule applies to “video programming distributors and video programming providers,” we recognize that emergency information that is shown during non-newscast programming is generally provided by television broadcast stations, which are, by definition, more narrowly geographically targeted than national networks. Additionally, as the Commission has previously stated, “[a]lthough [s]ection 613(g)(2) also refers to ‘program owners,’ a term that is not defined separately in [s]ection 79.1 of the Commission’s rules, we note that the definition of ‘video programming provider’ in [s]ection 79.1(a)(3) includes ‘but [is] not limited to broadcast or nonbroadcast television network and the owners of such programming.’”

<sup>5</sup> Petition at 15.

programming be conveyed aurally.<sup>6</sup> First, on May 26, 2015, the Bureau granted NAB’s waiver request for a period of 18 months. NAB requested the waiver “until technological solutions are available,” explaining that it was “currently infeasible to comply with this requirement with respect to radar maps and similar moving graphics because they do not contain text files that can be converted to speech.” The American Council of the Blind (ACB) and the American Foundation for the Blind (AFB) did not object to the waiver, but they asked the Commission to clarify that emergency information cannot be delivered exclusively via graphics. In granting the 18-month waiver, the Bureau addressed this request for clarification when it indicated that the waiver would “not unduly disrupt the availability of emergency information while the industry develops a technical solution,” because “the record indicates that visual but non-textual emergency information is generally duplicative of emergency information contained in an accompanying on-screen crawl, which would be aurally transcribed on the secondary audio stream.”

Second, on November 16, 2016, the Bureau granted an 18-month waiver extension requested jointly by NAB, ACB, and AFB. The petitioners explained that “the additional time will allow broadcasters and accessibility advocates to continue coordinating with vendors on a technical solution as well as to explore other potential sources for a solution, and will give the Commission’s Disability Advisory Committee (DAC) time to consider the issue.” The Bureau found that a waiver was justified to allow time for the creation of “a long-term, automated solution,” which would be “preferable to a short-term, manual solution that requires station personnel to describe every graphic, particularly given that such an approach may be burdensome to broadcasters and may raise its own technical complexities.” In addition, the Bureau required the petitioners to

<sup>6</sup> Each of the seven waivers applied specifically to broadcasters, and not more broadly to the video programming distributors and providers to which the rule applies. This may be due to the fact that, as stated above, the emergency information that is shown during non-newscast programming is generally provided by television broadcast stations, and as a result no MVPD has sought a waiver of the Audible Crawl Rule. However, given that the Audible Crawl Rule imposes a burden on video programming distributors and providers, we tentatively believe that modification of the rule as set forth herein should apply to all entities subject to the rule, in case entities that may not currently provide televised emergency information begin to do so in the future. We invite comment on this analysis.

submit a status report on November 22, 2017, detailing “the extent to which images are conveyed with a corresponding on-screen crawl that includes the critical details conveyed by that image regarding the emergency and how to respond to the emergency,” as well as “information about the development of automated description solutions.” NAB, ACB, and AFB jointly submitted the status report in which they stated, “It is exceedingly rare for a television station to broadcast an image that conveys information not already captured in an accompanying text crawl.” They also explained that, despite efforts on this issue, there still was not any viable technical compliance solution available.

Third, on May 25, 2018, the Bureau granted a five-year waiver extension requested jointly by NAB, ACB, and AFB. The petitioners explained that their efforts to develop an automated approach to aurally describing visual, non-textual emergency information had not yet yielded any solution, and that enforcing the requirement would lead to the removal of graphic emergency information to avoid the risk of Commission enforcement actions. The Bureau found good cause to grant the waiver, and it required NAB to submit a status report by November 25, 2020, detailing progress achieved to that point. NAB submitted the status report, which explained that there still was not any viable technical compliance solution available despite industry efforts. The report also discussed NAB’s continued engagement with the disability community and with educating broadcasters on best practices, and it explained that the Audible Crawl Rule’s application to visual non-textual graphic images shown during non-news programming is a small portion of televised emergency information.

Fourth, on May 26, 2023, the Bureau granted NAB’s waiver request for a period of 18 months. ACB and AFB filed joint comments indicating that although they supported NAB’s prior waiver requests, they did not support further extension of the waiver due to concerns about a lack of effort to develop a technical solution. ACB and AFB also requested that, if the Commission were to extend the waiver, it should require broadcasters to use an interim manual solution to convey visual emergency information aurally. The Bureau detailed the good faith efforts NAB indicated it had made to develop a solution, even though those efforts were unsuccessful. The Bureau declined to require broadcasters to implement an interim manual solution, citing NAB’s

explanation “that in most instances emergency content provided in graphic displays is duplicative of emergency information provided in textual crawls and transmitted aurally on a secondary audio programming stream,” and expressing concern “that mandating a manual solution could lead some broadcasters . . . to forego the use of non-textual graphic displays altogether rather than risk a possible FCC penalty.” The Bureau found good cause to grant the waiver to November 26, 2024, and it required NAB to submit quarterly status reports. None of the six quarterly status reports identified even a single instance in which the waiver was relied on, such that there would have been a violation of the Audible Crawl Rule absent the waiver; rather, the reports discussed NAB’s coordination with industry and disability groups to develop a technical compliance solution and best practices, and the fact that best practices would obviate the need for a technical solution, which remained unavailable.

Fifth, NAB filed the Petition on November 15, 2024, requesting modification of the Audible Crawl Rule and a waiver of the rule for 18 months (until May 2026), subject to the Commission’s discretion to terminate the waiver earlier depending on the outcome of NAB’s request. On November 25, 2024, the Bureau sought comment on the Petition; three comments were filed on December 26, 2024, and one reply comment was filed on January 9, 2025, all of which support the Petition, so long as any revised rule ensures that people who are blind or visually impaired have access to the same critical details of an emergency as sighted viewers. No party objected to NAB’s waiver request. Because the waiver expired during the comment period on the Petition, NAB filed a request for an expedited retroactive extension of the waiver on November 27, 2024, explaining that “numerous large television station groups have ceased the display of such weather radar maps and similar visual images,” which “will harm the public.”<sup>7</sup> The Bureau extended the waiver for six months, “based on the record in this proceeding, [and] in light of the pendency of the Petition, the fact that a temporary retroactive waiver would maintain the

<sup>7</sup> According to NAB, the waiver request had the “support[ ]” of the American Council of the Blind (ACB). The NAB Petition did not explain why broadcasters amended their practices upon the expiration of the waiver even though the NAB status reports did not identify any instance where a broadcaster needed to invoke the waiver.

status quo, and the fact that no commenter opposed the Request.”<sup>8</sup>

Sixth, the Bureau on its own motion extended the waiver of the Audible Crawl Rule for one year (through May 27, 2026) or until there was a ruling in effect on the underlying Petition, whichever occurred sooner. On January 10, 2025, in its reply comments, NAB renewed its original request for an 18-month extension of the current waiver if the Commission did not resolve its Petition before the waiver’s expiration. No party objected to NAB’s renewed waiver request, and the Bureau’s waiver order reiterated the reasoning found in the prior waiver orders.

Most recently, on April 8, 2026, the Bureau on its own motion extended the waiver of the Audible Crawl Rule for 18 months (through November 29, 2027) or until there is a ruling in effect on the underlying Petition, whichever is sooner. The Bureau explained that it is not aware of any change in circumstances relevant to this matter since it released the *2025 Waiver Order*. The Bureau referenced the lack of “progress in developing a workable technical compliance solution,” and explained that the waiver would “allow the Commission to consider the pending Petition.”

In this Third Further Notice of Proposed Rulemaking (FNPRM), we consider the Petition and the record developed thereto. As discussed in section III below, we grant NAB’s Petition for Rulemaking and propose to implement the rule change requested in the Petition, namely, that we specify that with regard to visual but non-textual emergency information, compliance with the Audible Crawl Rule is fulfilled if a textual crawl provides emergency information duplicative of or equivalent to the visual but non-textual emergency information, so long as the textual crawl is also conveyed aurally.

After review of the NAB Petition, and the comments filed in response, we conclude that the record supports initiation of a rulemaking proceeding to seek further comment on the proposals in the Petition. We propose to revise the Audible Crawl Rule to specify that the requirement that video programming providers and distributors make visual emergency information provided during non-newscast programming accessible via a secondary audio stream is met if a textual crawl provides emergency information duplicative of or equivalent to non-textual visual emergency

<sup>8</sup> That waiver extension would have expired on the sooner of May 27, 2025 or the date on which there was a ruling on the Petition.

information, so long as the textual crawl is also conveyed aurally. In so doing, we explicitly and unequivocally recognize “that people who are blind or have low vision must have equal access to emergency information, just as sighted people do.”<sup>9</sup> We invite comment on the proposal. Should the proposed rule change apply to all entities covered by the applicable rule—that is, to video programming distributors and video programming providers, which would include both broadcasters and MVPDs, to the extent such entities provide visual but non-textual emergency information? We recognize that all seven waivers of the Audible Crawl Rule, and the associated reporting requirements, apply to “broadcasters,” and not more broadly to the video programming distributors and providers to which the rule applies, which would include both broadcasters and MVPDs. Although video programming distributors and providers that are not broadcasters have not sought a waiver of the rule, does it nonetheless make sense for the rule change adopted herein to apply to all entities subject to the regulation, in other words, to all video programming distributors and providers, considering that such entities may provide televised emergency information in the future and an automated solution has not been identified to date?

We tentatively conclude that a technical solution to comply with the current rule is not currently possible with regard to visual but non-textual emergency information, making compliance with the rule infeasible absent our proposed revision to the Audible Crawl Rule, and it is uncertain whether or when such a solution may be available. The Petition and the responsive comments indicate that at this time, there is no technical means of complying with the Audible Crawl Rule for visual but non-textual emergency information.<sup>10</sup> Based on the existing record, despite discussions involving broadcasters, entities that provide weather information to television stations, Ai-Media,<sup>11</sup> and other product vendors, no entity has yet identified an

<sup>9</sup> AFB/ACB Comments at 1.

<sup>10</sup> We recognize that in an ex parte filing, Bridge Multimedia indicates that its Weather Brain technology “can translate maps, graphics, and other non-textual visual information into audio using AI with human review.” We invite comment on whether this or other technologies currently would be able to serve as a technical solution to the problem described herein, or whether the necessitated “human review” or other factors counter against such a finding.

<sup>11</sup> NAB describes Ai-Media as “a global leader in the development of artificial intelligence (AI)-powered captioning and translation solutions.”

automated solution in the more than 13 years since the rule was adopted. For textual emergency information, in contrast, text-to-speech (TTS) technology can be utilized to automate translation of the text into an audio format. NAB contends “that a viable solution” for visual, non-textual emergency information “may not exist for quite some time.” We seek comment on our tentative conclusion that a technical solution for compliance with the Audible Crawl Rule is not currently available and that it is uncertain whether or when such a solution will be possible. Additionally, while AFB and ACB acknowledge that there is not currently a fully automated means of compliance, they “continue to urge NAB to work with the appropriate vendors to investigate solutions that may be achievable with future advances in artificial intelligence capabilities for live audio description of images and videos.” We seek comment on whether the Commission should encourage or require such continued investigations into potential technical solutions in our rules and if so how such elements should be structured.

AFB and ACB “note that the rule does not specifically require automation.” The Bureau has recognized however “that mandating a manual solution could lead some broadcasters . . . to forego the use of non-textual graphic displays altogether . . . .” And the Bureau has concluded in the context of granting rule waivers that “a short-term, manual solution that requires station personnel to describe every graphic . . . may be burdensome to broadcasters and may raise its own technical complexities.” Therefore, we tentatively conclude that although the existing rule potentially could be satisfied by means of a manual solution, we should provide the rule amendment NAB requests because interpreting the rule to require a manual solution in every instance could be burdensome, result in additional complexities, and lead some video programming distributors and video programming providers to forego the use of non-textual graphic displays altogether, depriving some viewers of an opportunity to receive such information visually. We seek comment on these matters.

We propose to add the following language after the existing first sentence of § 79.2(b)(2)(ii) of the Commission’s rules: “With regard to visual but non-textual emergency information, this requirement is met if a textual crawl provides emergency information duplicative of or equivalent to the visual but non-textual emergency information, so long as the textual crawl is also

conveyed aurally.” We invite comment on this proposal, which is consistent with the Petition and the existing record. We invite comment on what it means for emergency information to be “duplicative of or equivalent to” the visual but non-textual emergency information. For example, must the same critical details regarding the emergency and how to respond to the emergency be conveyed via either means? AFB and ACB state that, if the emergency information in the textual crawl is not duplicative of that shown in a non-textual visual, “then blind viewers expect to receive the same emergency information as sighted viewers aurally either through the use of the primary audio stream or a secondary audio stream.” Is the requirement that a textual crawl contain information “duplicative of or equivalent to” that contained in the visual image specific enough to instruct stations as to what the rule requires?<sup>12</sup> Are there additional details the Commission should provide in the rule? Should the rule specify both “duplicative of” or “equivalent to,” as NAB proposes? Is there a difference between the phrases “duplicative of” and “equivalent to” that suggests specifying both phrases in the rule?

We invite comment on whether the Commission also should codify certain “best practices” set forth by NAB.<sup>13</sup> In discussing best practices, NAB states, “stations that choose to display a non-textual graphic about an emergency during regular programming should run text crawls that ‘accurately and effectively convey the critical details regarding the emergency and how to respond to the emergency.’”<sup>14</sup> Should the Commission require the text crawl to accurately and effectively convey the emergency information that was provided visually, or is that qualifier unnecessary if we adopt the proposed language, specifying that the text crawl

<sup>12</sup> We note that the aural version of a textual crawl containing emergency information must be available via the secondary audio stream.

<sup>13</sup> We believe the most administratively efficient approach in this proceeding is to maintain a narrow focus of the issues subject to consideration. Accordingly, commenters discussing best practices should narrowly focus on issues pertaining to the use of textual crawls that provide emergency information duplicative of or equivalent to non-textual visual emergency information. We do not plan to consider broader issues, for example, the appropriate color contrast for visual emergency information. While we commend NAB’s statement that broadcasters are “encouraged to make sure there is sufficient color contrast in any visual images they choose to display to help individuals who have some measure of sight and may not need an aural representation of the image [to] clearly see what information is being conveyed by the image,” we consider this issue to be outside the scope of the current FNPRM.

<sup>14</sup> The text crawls would be converted to speech.

must provide emergency information duplicative of or equivalent to that provided via visual but non-textual means? NAB’s best practices also state that “a station should run such text crawls frequently enough to facilitate access to the emergency information in the crawls for individuals who are blind or low vision.” Should the Commission adopt this practice as a requirement to run text crawls “frequently enough to facilitate access” and, if so, what does it mean for a crawl to run “frequently enough to facilitate access”? In the alternative should the Commission adopt a specific threshold for the frequency with which text crawls that are duplicative of visual but non-textual emergency information must air, and if so, what threshold is appropriate? Are there any steps that the Commission should take to ensure that individuals who are blind or visually impaired are consulted in determining best practices, regardless of whether those best practices are codified?

We tentatively conclude that the proposed modification to the Audible Crawl Rule is likely to have multiple benefits. First, we tentatively conclude that codifying this rule change would ensure that video programming distributors and video programming providers continue to provide visual but non-textual emergency information during non-newscast programming. If the existing waiver were to expire and the rule were not modified, video programming distributors and video programming providers might stop providing this emergency information to both individuals who are blind or visually impaired and the public at large. Second, we tentatively conclude that our proposed action would enhance government efficiency and regulatory certainty by modifying an unworkable part of a rule and eliminating the need for multiple successive waivers, and consecutive waiver proceedings, spanning over a decade. In addition to these benefits, we tentatively conclude that the existing record indicates that the proposed modification to the Audible Crawl Rule would have limited, if any, negative impacts. Importantly, we expect the accessibility of emergency information for people who are blind or visually impaired to either improve or remain constant. In addition, we do not expect costs for video programming distributors and video programming providers to increase significantly because the record indicates that stations generally provide text crawls conveyed aurally that would satisfy the proposed rule. We seek comment on this analysis.

We tentatively conclude that the proposed modification to the Audible Crawl Rule will best effectuate the CVAA's statutory directive to promulgate regulations that require covered entities "to convey such emergency information in a manner accessible to individuals who are blind or visually impaired." We tentatively find that the proposed rule change is authorized under the CVAA, which neither requires nor suggests a verbatim aural translation of visual but non-textual emergency information. As one commenter, Gray, points out, "[w]hile the CVAA requires emergency information to be disseminated accessibly," there is nothing in the CVAA's statutory language that requires exact parity between the information provided in graphics on screen and that provided over an audio channel. We tentatively find that our modified rule will fulfill the statutory directive by ensuring that individuals who are blind or visually impaired are provided emergency information that is duplicative of or equivalent to visual non-textual emergency information, such as radar maps and other graphics. At the same time, we propose a commonsense approach to our regulation, recognizing that there is not a viable technical compliance solution available at this time. We seek comment on this analysis.

Finally, we seek comment on a non-substantive proposal to eliminate the phrase "beginning May 26, 2015" from the text of the Audible Crawl Rule. That date was more than a decade ago, and we expect that its inclusion in the rule may no longer serve any purpose.

*Initial Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules proposed in the Third Further Notice of Proposed Rulemaking (FNPRM) assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the FNPRM. The Commission will send a copy of the FNPRM, including the IRFA, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy. In summary, the FNPRM proposes to revise the Audible Crawl Rule, which requires video programming providers and distributors to make non-textual visual emergency information provided during non-

newscast programming accessible via a secondary audio stream. The revised rule would provide that the accessibility requirement is met if a textual crawl provides emergency information duplicative of or equivalent to non-textual visual emergency information, so long as the textual crawl is also conveyed aurally. The proposed action is authorized pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111-260, 124 Stat. 2751, and sections 4(i), 4(j), and 713 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 613. The types of small entities that may be affected by the proposals contained in the FNPRM fall within the following categories: Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing; Audio and Video Equipment Manufacturing; Motion Picture and Video Production; Motion Picture and Video Distribution; Television Broadcasting Stations; Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers; Wired Telecommunications Carriers; Wireless Telecommunications Carriers (except Satellite); Satellite Telecommunications; Cable/Coax CLEC; CAP/CLEC; Competitive Local Exchange Carriers (CLECs); Incumbent Local Exchange Carriers (Incumbent LECs); Local Exchange Carriers (LECs); Wired Telecommunications Carriers; Radio Stations (AM & FM) Groups; Cable System Operators (Telecom Act Standard) Small Cable Operator; Cable Companies and Systems (Rate Regulation) Small Cable Company; and Cable Companies and Systems (Rate Regulation) Small Cable System (headends).

The projected reporting, recordkeeping, and other compliance requirements are as follows. The FNPRM proposes to revise the Audible Crawl Rule to specify that the requirement that video programming providers and distributors make visual emergency information provided during non-newscast programming accessible via a secondary audio stream is met if a textual crawl provides emergency information duplicative of, or equivalent to, nontextual visual emergency information, so long as the textual crawl is also conveyed aurally. The revised Audible Crawl Rule thus would ease compliance burdens for small and other entities because it would not impose the compliance requirements that currently are not

technically feasible with regard to non-textual visual emergency information.

In the alternative to the proposed rule changes contained in the FNPRM, there are other approaches to ensure that video programming distributors and video programming providers provide an aural representation of visual, non-textual emergency information shown during non-newscast video programming. The first alternative approach would be to allow the Audible Crawl Rule, as it is already codified, to go into effect without any waiver. This occurred while the Petition was pending, and it resulted in broadcasters ceasing the provision of non-textual visual emergency information, until the Media Bureau granted a retroactive waiver extension. Relatedly, the FNPRM considers utilizing a manual solution, and it tentatively concludes that the rule amendment is preferable because requiring a manual solution in every instance may not be possible, could be burdensome to implement, and could lead video programming distributors and video programming providers to forego the use of non-textual graphic displays altogether, depriving some viewers of an opportunity to receive such information visually. The second alternative approach would be to continue the current approach of granting successive waiver requests. Such an approach would unnecessarily burden the petitioners, has the potential to create regulatory uncertainty, and is unjustified given that it does not appear that an automated solution to the issue will be available in the near future. The FNPRM also considers whether the Commission should encourage or require continued investigations into potential technical solutions, and if so how such elements should be structured. Additionally, the FNPRM seeks comment on whether it should codify certain "best practices" set forth by NAB in its Petition.

The proposed action is authorized pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111-260, 124 Stat. 2751, and the authority contained in sections 4(i), 4(j), and 713 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 613.

#### **List of Subjects in 47 CFR Part 99**

Cable television operators, Communications equipment, Multichannel video programming distributors (MVPDs), Satellite television service providers, Television broadcasters.

Federal Communications Commission.

**Aleta Bowers,**

*Federal Register Liaison Officer, Office of the Secretary.*

### Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 79 as follows:

#### PART 79—ACCESSIBILITY OF VIDEO PROGRAMMING

■ 1. The authority citation for part 79 continues to read as follows:

**Authority:** 47 U.S.C. 151, 152(a), 154(i), 303, 307, 309, 310, 330, 544a, 613, 617.

■ 2. Amend § 79.2 by revising paragraph (b)(2)(ii) to read as follows:

#### § 79.2 Accessibility of programming providing emergency information.

\* \* \* \* \*

(b) \* \* \*  
(2) \* \* \*

(ii) Emergency information that is provided visually during programming that is neither a regularly scheduled newscast, nor a newscast that interrupts regular programming, must be accompanied with an aural tone, and except as provided in paragraph (b)(6) of this section, must be made accessible to individuals who are blind or visually impaired through the use of a secondary audio stream to provide the emergency information aurally. With regard to visual but non-textual emergency information, this requirement is met if a textual crawl provides emergency information duplicative of or equivalent to the visual but non-textual emergency information, so long as the textual crawl is also conveyed aurally. Emergency information provided aurally on the secondary audio stream must be preceded by an aural tone and must be conveyed in full at least twice. Emergency information provided through use of text-to-speech (“TTS”) technologies must be intelligible and must use the correct pronunciation of relevant information to allow consumers to learn about and respond to the emergency, including, but not limited to, the names of shelters, school districts, streets, districts, and proper names noted in the visual information. The video programming distributor or video programming provider that creates the visual emergency information content and adds it to the programming stream is responsible for providing an aural representation of the information on a secondary audio stream, accompanied by an aural tone. Video programming distributors are responsible for ensuring that the aural

representation of the emergency information (including the accompanying aural tone) gets passed through to consumers.

\* \* \* \* \*

[FR Doc. 2026–09819 Filed 5–14–26; 8:45 am]

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#### DEPARTMENT OF TRANSPORTATION

#### Federal Railroad Administration

#### 49 CFR Part 245

[Docket No. FRA–2022–0019, Notice No. 5]

RIN 2130–AD03

#### Certification of Dispatchers

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document responds to petitions for reconsideration of FRA’s May 21, 2024 final rule addressing the Certification of Dispatchers. Based on FRA’s review and analysis of the issues raised in the petitions for reconsideration, this document proposes to rescind the final rule.

**DATES:** Comments on the proposed rule must be received by July 14, 2026. FRA may consider comments received after that date, but only to the extent practicable.

#### ADDRESSES:

**Comments:** Comments related to Docket No. FRA–2022–0019 may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

**Instructions:** All submissions must include the agency name, docket number (FRA–2022–0019), and Regulatory Identification Number (RIN) for this rulemaking (2130–AD03). All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

**Docket:** For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

**FOR FURTHER INFORMATION CONTACT:** Curtis Dolan, Railroad Safety Specialist,

Dispatch Operating Practices, FRA, telephone: (470) 522–6633, email: [curtis.dolan@dot.gov](mailto:curtis.dolan@dot.gov); or Michael C. Spinnicchia, Attorney Adviser, FRA, telephone: (202) 713–7671, email: [michael.spinnicchia@dot.gov](mailto:michael.spinnicchia@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On May 31, 2023, FRA published an NPRM proposing the establishment of dispatcher certification requirements in 49 CFR part 245 (part 245).<sup>1</sup> The NPRM was issued in response to section 402 of the Rail Safety Improvement Act of 2008 (RSIA), Public Law 110–432, 122 Stat. 4848, 4884 (Oct. 16, 2008) (49 U.S.C. 20162 note), which required the Secretary of Transportation (Secretary) to submit a report to Congress addressing whether certification of “certain crafts or classes” of railroad employees or contractors, including railroad dispatchers, was necessary to “reduce the number and rate of accidents and incidents or to improve railroad safety.” If the Secretary determined it was necessary to require the certification of certain crafts or classes to improve railroad safety, section 402 of the RSIA stated the Secretary *may* prescribe such regulations. On November 4, 2015, the Secretary submitted a report to Congress stating that, based on FRA’s preliminary research, dispatchers were one of the most viable crafts for certification.<sup>2</sup>

FRA published a final rule on May 21, 2024, requiring railroads to develop written programs for certifying individuals who work as dispatchers on their territories and to submit those written certification programs to FRA for approval prior to implementation.<sup>3</sup> Under this rule, railroads are required to have formal processes for training prospective dispatchers, as well as verifying that each dispatcher has the requisite knowledge, skills, safety record, and abilities to perform all of the safety-related dispatcher duties mandated by Federal laws and regulations, prior to certification. In addition, railroads are required to have formal processes for revoking certification for dispatchers who violate specified minimum requirements.

This rule requires all Class I railroads (including the National Railroad Passenger Corporation (Amtrak)) and railroads providing commuter service to submit their certification programs to FRA by March 17, 2025.<sup>4</sup> Class II and

<sup>1</sup> 88 FR 35574 (May 31, 2023).

<sup>2</sup> FRA–2022–0019–0001.

<sup>3</sup> 89 FR 44766 (May 21, 2024).

<sup>4</sup> 49 CFR 245.103(a)(1).