

## Overview of key IFE issues

### IFE hardware/software

1. Timeline(s) for user-customizable text (UCC) compliance date ( $X_N$ ) – and (possibly) scope of UCC specification

Background: we have established that all new IFE systems now being installed – – now in the pipeline to be installed – – are capable of supporting closed captions in either bitmap format or as user-customizable text. IFE workgroup leaders therefore agreed that this requirement may be made effective as of the effective date of the final rule.

The main issues are (a) when to require migration to systems that support UCC, and (b) whether certain UCC features (e.g. roll-up text and opacity controls) may require, for some suppliers, hardware upgrades that could trigger certification requirements and/or impose additional costs and delays and, if so, how to deal with that situation.

Another issue is whether there should be a distinction between order date and delivery date in the timeline for IFE installations in aircraft newly put into service. In the attached facilitator's draft, I have crafted the language in a format that creates a placeholder for this discussion. That format is without did prejudice to the outcome of the discussion.

2. Timeline(s) for accessible interface compliance date ( $Y_N$ ).

The main issues are (a) when to require migration to systems that offer accessible interface, and (b) whether all interface accessibility features may be offered without the need for hardware design changes that could trigger certification requirements and/or impose additional costs and delays. To date, 2 of the 3 three major IFE suppliers in our group (Panasonic and Zodiac) have indicated that they believe accessible interfaces as defined in this document could be offered without the need for significant hardware changes.

Again, an issue has been raised as to whether there should be a distinction between order date and delivery date in the timeline for IFE installations in aircraft newly put into service. In the attached facilitator's draft, I have crafted the language in a format that creates a placeholder for this discussion. That format is without prejudice to the outcome of the discussion.

3. Timeline for providing accessibility in airline User Interfaces (UIs) apps provided to passengers for accessing onboard WiFi (see Para. 2(d) of Facilitator's Draft).

4. Exemption/extension of time for technical invisibility/supplier bottlenecks/etc.

Working group co-chairs have generally agreed -- in view of the technical novelty of the changes being proposed in the aircraft environment, the special sensitivity of their environment, and the paucity of suppliers servicing a large number of aircraft – that there should be a process for granting waivers/extensions of time for compliance with at least the UCC requirements. Workgroup leaders have generally agreed on what that process should look like. The main outstanding issue here is whether that same process should be extended to accessible seatback interface and accessible PED UI requirements as well.

5. Application of accessibility requirements to distributed video

A supplier has raised the question of whether distributed video systems should be included in the exemption from accessibility requirements that is being offered for overhead screens. It seems technically unnecessary to do so, according to the supplier.

6. Timeline and threshold requirement for implementing an accessible PEDs option on aircraft not offering accessible IFE.

The Department and advocates maintain their long-standing position that aircraft that offer IFE to the passengers but without a capacity to support at least bitmap captions must provide a PED alternative to self-identified passengers with disabilities. They have dropped the requirement that airlines supply such a PED – though they accept that airlines will retain the option of doing so -- and they are willing to allow airlines the choice of whether any carrier-supplied PED should include preloaded content or be served by a wireless onboard IFE content server. They accept that any PED will offer fewer viewing options than the main IFE system, so long as the accessible PED content is substantial and generally ‘comparable’ to the viewing experience offered other passengers.

IFE workgroup leaders have generally worked out how the PEDs requirement would be expressed if it is accepted. But the option has not been fully accepted in principle and there are differences over the timeline for implementing it if it is accepted. Airlines mentioned six years after the effective date of the final rule, advocates and the department prefer two years after the effective date.

### **IFE Content**

7. Definition of “covered content” that must be provided to passengers with disabilities in accessible format

It is agreed that covered content shall be limited to theatrical movies and TV shows, and that carriers will be “pass-through” providers who will not be required to supply closed captions or audio descriptions to movies and shows that do not contain them in the original version. However, an issue has arisen recently about whether content that is captioned in the original version -- but not in a format that is necessarily readily compatible with reformatting for IFE -- should be included in the definition of covered content. The concern is that re-formatting old captions that were created in the past without IFE reformatting mind may be difficult and expensive, at least in relation to the IFE revenues expected from that show. So carriers/MPAA have asked that covered content be defined as content “*produced*” a certain number of days -- U days – after the effective date of the Final Rule, as this will ensure that all covered content has been captioned in the original version in a manner that is compatible with reformatting the IFE. Advocates and the Department note that they have seen no data to support or document the difficulty of reformatting, for IFE, content that is closed-captioned in the original version without IFE re-formatting specifically in mind. They note that this concern has only recently been raised, they are skeptical of its significance, and they are concerned that excluding a large category of content that was captioned for theater or TV shows in the original version -- albeit not necessarily in a format that contemplated IFE reformatting -- will have the effect of substantially limiting the viewing options available to passengers with hearing or sight disabilities, particularly in the early years of the rule. For these reasons, they continue to prefer a focus on *purchase or “licensing”* date.

8. Compliance date for making IFE covered content accessible
9. Information collection, retention and reporting

This is a monitoring and compliance oversight mechanism proposed by the department to gather information on how effective the rule is, in practice, and delivering accessible content to passengers. The department views this as a transitional measure that might be lifted once it is clear that compliance is occurring and having the intended result of delivering substantial quantities of accessible content to passengers with disabilities. Hence, the “sunset date” language, which is inserted as a placeholder, understanding that fixed today maybe replaced by some other, substantive criterion of effectiveness.

