

ACCESS: IFE/IFComs
Mediator's Draft
(as revised in 5th Plenary Meeting)

IFE Hardware

Agreed (subject to disagreement on definitions): For all “New Aircraft”, all installed Seatback IFEs and Wireless IFES will meet the standards described “New Standard Seatback IFEs.”

1. What is compliance date for “New” Aircraft orders and deliveries?

Compliance Date for New Aircraft Orders = CDO
Compliance Date for New Aircraft Deliveries = CDD
Effective Date of Final Rule = ED

P1: CDO = ED + 3 years (“including captions in bitmap”)
CDD = ED + 7 years (“including captions in bitmap”)

P2: CDO = ED + .5 years (for user-customizable to standard of FCC regs)
CDD = ED + 1 year (for user-customizable to standard of FCC regs)

DP: CDO = N/A
CDD = ED + 2 years (for either bitmap or user-customizable)
CDD = ED + 4 years (for user-customizable, unless the software solution is not commercially available)

2. What is the compliance date for new installations of Seatback IFE systems?

P1: CDO = ED + 2 years
CDD = ED + 3 years

P2: CDO = ED + .5 year
CDD = ED + 1 year

DP: CDD = ED + 2 years (for either bitmap or user-customizable)
CDD = ED + 4 years (for user-customizable, unless the software solution is not commercially available (based upon a petition for a waiver submitted by the airline with regard to specified aircraft))
- Need for further discussion of how “commercial availability” will be established.

3. What is a “New Standard Seatback IFE System”?

P1: “Seatback IFEs that are capable of delivering subtitles including captions in bitmap format and multiple soundtrack selection including audio descriptions” (AD).

P2: Must support caption-customization to the standard of current FCC regulations.

DP: May support either bitmap or user-customized captions during period from ED + 2 years to ED + 4 years; after ED + 4 years, must support user-customized captions, unless the software solution is not commercially available and may also support bitmap.

4. Retrofits

All parties provisionally agree (depending on the satisfactory resolution of other issues, particularly PEDs and interface issues) that carriers shall not be required to retrofit “Existing” Aircraft or IFE systems with accessible IFE, though parties disagree on definitions of “new” and “existing.”

5. PEDs. *What accommodation, if any, should be made for passengers with disabilities on commercial flights that offer inaccessible IFE?*

P1: After ED + 10 years, support passenger-supplied PEDs generally through WiFi streaming from onboard server that “will not replicate IFE.”

P2: After ED + 1 year, offer eligible passengers carrier-supplied PEDs with “comparable” content to onboard IFE.

DP: After ED + 1 year, offer eligible passengers carrier-supplied PEDs with “substantially equivalent” content.

6. *Exclusions. Shall airlines be allowed exceptions to the basic rule -- that “new” aircraft/IFE systems must be accessible – to enable airlines to use up inventory accumulated up to 3 years after the effective date of the rule, to ensure commonality among systems within a carrier’s fleet, and/or to conform new aircraft to “first of type” existing aircraft that predate the date that corresponds to ED + 3 years?*

P1: Yes

P2: No

DP: Generally no, may be willing to discuss inventory issues.

IFE Software Upgrades (Existing Aircraft)

7. *Shall DOT require carriers offering IFE with “bitmap” closed captioning (MPEG 4) to upgrade to user customizable closed captions for existing aircraft?*

P1: No, as no upgrade path has been identified.

P2: No, for MPEG 1 and 2 (but must supply PEDs in that case)
Yes for MPEG4 systems as they can be upgraded.

DP: No. But all new IFE systems delivered after ED + 4 years must be capable of user customizable closed captions.

Software suppliers will be queried as to whether MPEG4 upgrades will require FAA certification. The airlines have noted that applying software upgrades to existing aircraft will greatly exacerbate the backlog of upgrades that can only be provided by suppliers. Airlines also must change the GUI design.

IFE Content

8. *What content must be made available on accessible systems in closed-captioned (CC) form, and when?*

- P1: After ED + 3 years, carrier will pass through CC for all IFE content that is English-language, produced and distributed in the United States, and captioned at its source, or is captioned by an intermediary distributor or IFE Content supplier.
- P2: After ED, all IFE (movies and TV) must be offered in closed-caption format, regardless of whether edited for IFE or not. Also, it must meet FCC standards for quality.
- DP: For aircraft that have appropriate capability, after ED + 90 days, carriers must ensure that all new English-language movies and TV shows (including shows displayed through the Internet) produced in the United States that are shown on seatback and/or PDES are displayed with closed-captions. ("New" means content that has never been released to the IFE market before and is being made available to the IFE market for the first time.)

9. *What content must be made available on accessible systems in audio-described (AD) form, and when?*

- P1: After ED + 3 years, carrier will pass through audio descriptions for all IFE content that (a) is audio-described at its source and remains under the control of and is permissibly licensed by the licensor of the IFE entertainment, or (b) is audio-described by an intermediary distributor or IFE Content supplier. *[Query: What is the rationale/implication of the licensing caveat?]*
- P2: After ED, carriers must pass through all existing audio descriptions that provided for movie or carried with any captioned TV programming that is purchased or licensed for IFE – applying to both cached and live TV.
- DP: Covered carriers must ensure the pass through and delivery of audio descriptions for all English-language movies and television shows produced in the United States to the extent that such audio descriptions already exist.

10. Other limitations of scope for requirement for content accessibility obligation?

- P1: Scope of rule is limited to English-language movies and TV shows that were produced in the United States. Other content, including interstitial and promotional materials, is excluded.
- P2: English-language and US-produced movies and TV shows must be captioned. For non-US/non-English language content, carriers must pass through any captions that exist.
- DP: Exemptions: (1) English-language and US-produced movies and TV shows that have never been captioned and/or provided with audio descriptions for any other purposes; (2) Movies and TV shows that are not in English or not produced in the US; and (3) Interstitial and promotional materials not created under control of carrier, unless and until FCC requires source captioning or audio description.

11. May the carrier display non-accessible content after the ED plus any phase-in period?

- P1: Yes, without restriction other than those listed above.
- P2: No, subject to following phase-in rule:
- (a) by ED + 6 months, 25% of existing content without CC/AD must be replaced by accessible content;
 - (b) by ED + 1 year, 50% accessible;
 - (c) by ED + 18 months, 100% accessible.
- DP: No restriction on display of legacy, non-English, and/or foreign content if carrier commits to purchase closed captioned and audio-described content whenever available for airline purchase in the airline catalog. No restriction on display of promotional, interstitial materials not created under control of carrier.

Accessible Interfaces

12. Should IFE user interfaces be made accessible to passengers with hearing/visual impairment?

- P1: No proposal. Carriers acknowledge importance of this issue but await for information from OEMs and IFE providers on commercially available products or services permitted under relevant regulations for use on US carriers.
- P2: To be discussed. Advocates have submitted a proposal and await responses from carriers and the department.
- DP: Yes, after ED + 2 years.