

**BEFORE THE
DEPARTMENT OF TRANSPORTATION**

In the Matter of)	
Nondiscrimination on the Basis of)	
Disability in Air Travel:)	DOT-OST-2011-0177
Accessibility of Web Sites and)	
Automated Kiosks at U.S. Airports)	

**COMMENTS OF
NATIONAL ASSOCIATION OF THE DEAF,
DEAF AND HARD OF HEARING CONSUMER ADVOCACY NETWORK,
TELECOMMUNICATIONS FOR THE DEAF AND HARD OF HEARING, INC.,
ASSOCIATION OF LATE-DEAFENED ADULTS, INC.,
HEARING LOSS ASSOCIATION OF AMERICA, AND
CALIFORNIA COALITION OF AGENCIES SERVING THE DEAF AND
HARD OF HEARING**

National Association of the Deaf (NAD), Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), Association of Late-Deafened Adults, Inc. (ALDA), Hearing Loss Association of America (HLAA), and California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH), collectively, the “Consumer Groups,” - submit their response to the request of the Department of Transportation (DOT) for public comment on proposed rules concerning accessibility of air travel web sites and kiosks at U.S. airports to provide greater accommodations for individuals with disabilities in air travel.¹

We appreciate this opportunity to submit comments in this rulemaking. On behalf of approximately 36 million deaf and hard of hearing Americans, we strongly support requiring U.S. and foreign air carriers to make their websites and automatic kiosks accessible to

¹ *Nondiscrimination on the Basis of Disability in Air Travel: Accessibility of Web Sites and Automated Kiosks at U.S. Airports*, Notice of Proposed Rulemaking, Docket No. DOT-OST-2011-0177, 76 FR 71914 (Nov. 21, 2011) (“NPRM”).

individuals with disabilities. Air travel can present many challenges to travelers such as navigating airport corridors and terminals, increased security procedures, adverse weather and long lines and delays. This experience can become more difficult for those who are unable to purchase tickets online or access airport kiosks since they will have to resort to other methods to access these airport services and this may mean longer waits or navigating crowds trying to find someone who can assist. In an effort to improve and ensure that services are provided on a nondiscriminatory basis, the DOT is considering changes to its rule implementing the Air Carrier Access Act (ACAA) to “provide greater accommodations for individuals with disabilities in air travel by requiring U.S. and foreign air carriers to make their web sites accessible to individuals with disabilities and to ensure that their ticket agents do the same.”²

I. WEBSITES OF AIR CARRIERS AND THEIR AGENTS SHOULD BE ACCESSIBLE TO DEAF AND HARD OF HEARING INDIVIDUALS

The Consumer Groups have witnessed the exponential growth of video and audio content on the web and foresee that more and more commercial websites, such as those belonging to air carriers and their agents, will include videos and audio recordings. We support the DOT recommendation to require websites of air carriers and their agents to comply with the Website Content Accessibility Guidelines (WCAG) 2.0 which on captioning states:

1.2.2 Captions (Prerecorded): Captions are provided for all prerecorded audio content in synchronized media, except when the media is a media alternative for text and is clearly labeled as such. (Level A)³

While we support this, we ask that the DOT go a step further and mandate a high level of caption quality for the captions to be effective. The captions need to be easy to read (font, size, contrast,

² See NPRM at 1.

³ See *Web Content Accessibility Guidelines (WCAG) 2.0*: W3C Recommendation 11 December 2008. <http://www.w3.org/TR/WCAG/>

speed, positioning, etc.), 100% accurate, easily turned on, in sync with any audio, and supported by all web browsers, whether on a computer or mobile device. This will ensure that all deaf or hard of hearing individuals are able to understand and access the captioned information available online and that there are no misunderstandings. Many websites already caption their multimedia content and captioning can be done for very reasonable costs (e.g.: hulu.com, whitehouse.gov, etc.). Additionally, we note that WCAG 2.0 level AA requires that captions be provided for all live audio content in synchronized media, and we urge coverage of all live audio content.⁴

Further, we envision these websites one day providing features that will allow customers to speak with agents through the website either aurally or video with aural support. If a certain website provides the ability to communicate with customers aurally, we urge the DOT to require that an equivalent text-based chat service be offered for deaf or hard of hearing customers. Many companies already offer text-based real time chat customer services.⁵ Further, if the communications between the agent and customer is via video conferencing services where both parties can see each other, the air carrier and their agents should provide both real-time text support as well as the option to use sign language interpreters in the video conference.⁶ Requiring similar access for deaf or hard of hearing individuals will ensure their access to ticketing and other assistive services that may become available online.

⁴ *Id.*

⁵ Some companies such as AT&T and Comcast allow their customers to communicate with customer support staff via real time text. (e.g.: att.com)

⁶ Some deaf and hard of hearing people use sign language and others do not, thus the need to support both sign language and text based services. With current technology, it is possible to have live video captioned real time, as well as the ability to add a third person to a video conference, who can interpret for the parties involved. Many companies provide live video relay interpretation and real time text captioning of phone calls.

II. AUTOMATED AIRPORT KIOSKS SHOULD BE ACCESSIBLE TO DEAF AND HARD OF HEARING INDIVIDUALS

The Consumer Groups also anticipate growth in the audio and video content on airport kiosks. We urge the DOT to require that automated airport kiosks provide captioning for all audio content. The DOT has proposed to adopt the DOJ's 2010 ADA Standards for ATMs and Fare Machines for automated kiosks, along with some other accessibility standards.⁷ The 2010 ADA Standards for ATMs and Fare Machines do not currently require captioning of audio content,⁸ however, from what we understand, the DOT will require that multimedia content that contains speech or other audio information necessary for the comprehension of the content shall be open or closed captioned.⁹ We support this requirement, but urge the DOT to go a step further and not limit this to only necessary information. If the audio is played by the kiosk, one can naturally assume that it is important to the airline company or airport. For instance, a video in the kiosk might advertise a cheaper deal than the one the customer is about to buy. By not readily providing this information in captioning or text format to individuals who are deaf and hard of hearing puts them at a disadvantage in the marketplace and implies that they do not deserve to have the same information/opportunities as other customers. In addition, the quality of sound is important to people with hearing loss, who struggle to hear particularly in a noisy airport setting. Standards should be in place that provide for the kiosk to produce clear and clean audio and/or a hearing aid compatible headphone or handset with volume control, that would provide direct access to the audio to ensure that people with significant hearing loss can also have access to the audio produced at the kiosk. In addition, kiosks should have an audio

⁷ See NPRM at 9.

⁸ See *2010 ADA Standards for Accessible Design*.
www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm.

⁹ See NPRM at 73.

induction loop that would allow people who wear hearing aids with telecoils to access the audio directly without a need for a hearing aid compatible headphone or handset.

We also note that some automated kiosks, such as those operated by airports have telephone services attached to them. This allows customers to pick up a phone and call an agent to make, for instance, travel arrangements for a hotel or shuttle upon arriving at the airport. These kind of services also need to be accessible for individuals who are deaf or hard of hearing. We suggest including a text-based chat feature that will allow individuals who are deaf or hard of hearing to communicate directly with the agent via real time text as well as ensuring that the handset is hearing aid compatible and has a volume control. If these kiosks provide video conferencing services, where the customer and agent are able to see each other, the kiosks should provide both real-time text or other text support and the ability to include sign language interpreters in the video conference. Alternatively, the kiosk could include software that allows the individual to make text based or video relay calls from the kiosk to the agent. As precedence, older model airport kiosks sometimes included TTYs for individuals who are deaf or hard of hearing.¹⁰

III. OTHER ISSUES

We believe that the airlines need to work with the disability community to assist them in maintaining the accessibility of their websites through periodic monitoring and feedback on the website's usability. It is important that these airlines work with national deaf and hard of hearing organizations who can advise them on the communication needs of those using American Sign Language as well as those who use text based communications or who need to augment aural

¹⁰ We have learned that some of these TTY supported kiosks are not accessible because the agent doesn't have a TTY on his/her end in order to receive the TTY call. The agent needs to have either have a TTY or the call needs to go through a relay service.

communication. Additionally, carriers and ticket agents should be required to provide a mechanism for passengers to provide online notification of their requests for disability accommodation services. Some of our members need special accommodations such as those traveling with hearing service dogs.

IV. CONCLUSION

For the foregoing reasons, the Consumer Groups recommend the adoption of regulations requiring U.S. and foreign air carriers to make their web sites accessible to individuals with disabilities and to ensure that their ticket agents do likewise. It is especially important that the DOT takes a proactive approach in ensuring that websites and automated kiosks are designed with accessibility in mind, including individuals who are deaf or hard of hearing. While most web based content and kiosks largely provide written/visual information, multimedia content with an audio component is becoming more and more common. We believe that these recommendations offered will ensure complete accessibility for individuals who are deaf or hard of hearing when using airline websites and automated kiosks in the foreseeable future.

Respectfully submitted,



Andrew S. Phillips, Esq.
Policy Attorney
National Association of the Deaf
8630 Fenton Street, Suite 820
Silver Spring, MD 20910

Cheryl Heppner
Vice Chair
Deaf and Hard of Hearing Consumer
Advocacy Network
3951 Pender Drive, Suite 130
Fairfax, VA 22010

Claude L. Stout
Executive Director
Telecommunications for the
Deaf and Hard of Hearing, Inc.
8630 Fenton Street, Suite 604
Silver Spring, MD 20910

Brenda Estes
President
Association of Late-Deafened Adults, Inc.
8038 MacIntosh Lane, Suite #2
Rockford, IL 61107

Brenda Battat
Executive Director
Hearing Loss Association of America
7910 Woodmont Avenue, Suite 1200
Bethesda, MD 20814

Sheri A. Farinha
Vice Chair
California Coalition of Agencies Serving the
Deaf and Hard of Hearing, Inc.
4708 Roseville Rd, Ste 111
North Highlands, CA 95660

Dated: January 9, 2011