

**Before the
Department of Transportation**

In the Matter of)
)
Nondiscrimination on the Basis of)
Disability in Air Travel in Consideration)
of Negotiated Rulemaking Process)
) DOT-OST-2015-0246

Comments of Hearing Access & Innovations by Janice Schacter Lintz

INTRODUCTION

Hearing Access & Innovations, (HAI) f/k/a Hearing Access Program (HAP), Hearing Access & Innovations is the only consulting agency dedicated to showing businesses, cultural institutions, entertainment venues, and government agencies around the world how to grow profits by improving hearing access for an increasing population of customers who are deaf or hard of hearing.

I was appointed twice to the Federal Communications Commission’s Consumer Advisory Committee; served on the US Access Board’s Passenger Vessel Emergency Alarm Guidelines Committee and Rail Committees; was appointed twice by former New York State Governor David A. Paterson to the Interagency Council for Services to the Deaf, Deaf-Blind and Hard of Hearing; and was appointed by Matthew Sapolin, former commissioner of the Mayor’s Office for People with Disabilities and Matthew Daus, former NYC Taxi & Limousine commissioner, to the Taxi of Tomorrow Stakeholder Committee. In 2015, I was appointed by the New York Taxi & Limousine Commissioner Joshi to the newly formed Accessibility Committee, and I am a board member of the Burton Blatt Institute/Syracuse University

I am also the mother of a 21-year old daughter with hearing loss, and I

have worked to ensure effective communication for my daughter and others with hearing loss. My comments are based on my work as chair of the Hearing Access & Innovations f/k/a Hearing Access Program and as a parent of a child with hearing loss.

BACKGROUND:

Approximately 48 million Americans report some degree of hearing loss.¹ The type of assistance required is dependent on a variety of factors, such as the person's degree of hearing loss, whether a hearing aid (HA) or cochlear implant (CI) is used, the age at which the person lost hearing, the level of auditory training received, the person's current age, and the nature of the listening situation. An overview of the type of assistance needed based on the degree of hearing loss is at <https://janiceslantz.files.wordpress.com/2015/01/16-0208-effectiveaccess.pdf> (The appropriate form of access can vary, since there is overlap between groups.)

The following types of communication access should be offered whenever there is spoken sound output (live voice or recorded audio). Note that interpreters can only be utilized by people who know sign language; most hard of hearing people cannot sign.

1. Assistive listening system/device (ALS)
2. Captioning (for prerecorded or prescribed presentations) and CART (for live presentations)
3. Qualified interpreters

DISCUSSION:

The following comments are in response to the DOT's Proposed Rulemaking for Nondiscrimination on the Basis of Disability in Air Travel; Consideration of Negotiated Rulemaking Process.

- ensure that the same in-flight entertainment (IFE) available to all passengers is accessible to passengers with disabilities

¹ "Basic Facts About Hearing Loss | Hearing Loss Association of America." HLAA Updates. 2015. Accessed November 28, 2015. <http://www.hearingloss.org/content/basic-facts-about-hearing-loss>.

Captions should be provided for all in-flight audio content. After I spoke with Richard Branson of Virgin Airlines at Davos about the issue, Virgin Airlines advised me in June 2014:

We offer English closed and open captions on our newest IFE system, Vera Touch. On average we aim to have 50% of movies available with either English closed or open captions. the [sic] closed captions are dynamic so can be turned on and off by passengers.

We are also able to offer English open captions on our Vera On Demand system. However, this system is a lot older than our Touch system and is not able to support closed captions or offer as many titles. All titles on offer on this system will have the sub titles burnt into the image. On average we aim to have 8 movies available with English open captions.

We also offer DVD players onboard all flights with a selection of titles. We aim to offer 50% of titles available with English captions on this service.

Unfortunately we are not able to offer any titles with English captions on our oldest system Reel as this is a tape based system – this is now only on 2 aircraft and we will be down to 1 by the end of the year. However the DVD service is offered on all flights so passengers who are hard of hearing can access these titles.

The titles on offer with captions are listed in our Vera magazine and on the DVD listings laminate. We also have specific sections for titles with captions within the system so passengers can find them easily.

After I contacted Delta Airlines' CEO, Richard Anderson, Delta advised me:

We provide closed captions on all of our AVOD equipped aircraft (340). For aircraft with the newest AVOD technology there are typically 30 movies – primarily new releases – with closed captioning. On aircraft with older AVOD systems typically 5 titles have closed captioning. As we continue our investments in upgrading our AVOD, more and more aircraft with have the 30 movies with closed captioning. Within 2016 we plan to implement closed captioning on our streaming IFE content, and are also exploring providing closed captioning on our satellite TV offerings.

At Qatar Airway's December 2015 press conference announcing the launch Airbus' new A350 wide body aircraft to the USA, Qatar Airways CEO Akbar Al Baker committed to me that he would investigate adding closed captions. Qatar Airways then advised me that the fleet is currently upgrading its IFE systems and their planes "are already at 49% capability and increasing every month as new aircraft arrive."

The biggest issue that all the airlines are having is the unavailability of English closed captions. Hollywood films, for some bizarre reason, offer only non-English languages such as Arabic and Chinese, while international movies have English subtitles. Therefore, Hollywood should add English closed captions to all films in order for airlines to be able to

offer them.

I should not need to personally speak with and/or contact the CEO of every airline to ensure that all inflight content has closed captioning for my daughter and other fliers with hearing loss.

The emergency announcements on most airlines have closed captioning, but some airlines, such as Malaysia Airlines, solely provide sign language, failing to understand that most people with hearing loss do not use it.



The National Association of the Deaf recently announced an agreement with Gogo to make closed captions available on inflight entertainment systems (see <https://nad.org/news/2016/1/nad-and-gogo-llc-agree-make-closed-captions-available-flight-entertainment-systems>).

Captioning inflight content benefits people who are deaf or hard of hearing as well as other passengers who cannot hear the content over the engine noise. It also benefits people sitting adjacent to someone who might otherwise be blasting the sound because they cannot hear at a lower volume.

The inflight content should already have captions and at no additional cost, since the movies have captions for the movie theaters. Most airlines are already offering the content with other languages and merely need to ensure that English is available. This is really that simple.

The recent NAD decision as well as the commitments by three airlines to

implement this change clearly demonstrates that providing closed captioning for inflight content is feasible.

Captioning should also be added to all terminal video monitors.

DOT's request for comments does not go far enough, since it does not address the needs of people with hearing loss who need an assistive listening system such as a hearing induction loop to hear announcements and at the service desks in the airport. I am thus adding this information even though I previously submitted it in 2013, since nothing has changed.

- Service Desks, Announcements and Video Monitors

Access for people who are hard of hearing should be available via induction loop assistive listening systems throughout the airport at video monitors and service desks (including ticket, check-in, and information desks), as well as for all announcements.

An induction loop transmits an electromagnetic signal that allows a person with a telecoil (T-coil) in his/her HA or CI to understand someone speaking into the microphone by simply switching the HA or CI to the T-coil setting. The loop system maximizes the customized output of the person's own HA or CI. More details can be found at: <https://janiceslintz.files.wordpress.com/2014/11/telecoil-article-veryfinal-9-12.jpg>

In the US, most hearing aids and all new CIs now have a T-coil. In the U.K, all HAs distributed by the National Health program have T-coils.

Because of their user-friendliness, induction loops have become the major assistive listening technology around the world. Induction loops are the only type of ALS currently available in transitory settings such as mass transit, when there is insufficient time to distribute and collect the receivers that are needed for other types of ALS (FM and infrared).

Induction loops are available at airports in many countries, such as England, Israel, Japan, The Netherlands, Poland, Russia, Scotland, and Turkey. US airport locations with induction loops include Grand Rapids and Kalamazoo, Michigan. Photos of induction loop signage from airports around the world are attached (Exhibit A).

Induction loops are also used for video monitors at museums around the world (Exhibit D). Visual dissemination to mobile devices is desirable but not sufficient, because mobile devices often run out of battery power during travel. Airports do not have a sufficient number of charging stations, and most planes still do not have charging docks. When announcements are made, people with hearing loss should be given the opportunity to hear them via an induction loop.

The configuration of an induction loop is based on the construction materials used in a building. It is important that the system be installed to meet the IEC60118-4 standards for field strength and frequency response. An induction loop is often placed in a simple perimeter configuration in small settings, but a more sophisticated arrangement may be required in larger settings. Costs for induction loops vary based on the size, placement and materials used in construction. Pricing can be obtained from the above airports.

Just this week, my daughter almost missed her flight on American Airlines to the US because the flight time and gate were both changed prior to departure. The airline announced the change and even announced that certain passengers should check in with the desk. I was departing on a separate flight from the same terminal and heard my daughter's name. My phone wasn't working in the terminal, so I tried reaching her by text. The gate agent for Japan Airlines, on which I was flying, would not initially contact American Airlines. I even tweeted the issue to American Airlines, which responded:



American Airlines sent
you a Direct Message.

We aren't able to contact her from
here. Please keep trying to reach her
on her cellphone.

Reply

My daughter finally saw my text. She would have missed her flight if I hadn't been in the same airport, heard her name announced, and persistently tried to reach her. This is simply absurd when hearing induction loop technology exists, is used at airports around the world, and would have enabled her to hear the announcements.

- Websites

The availability of all access information should be posted on the airport's website, using the symbols developed by the Graphics Art Guild (GAG) in conjunction with the National Endowment of the Arts (NEA). The ear symbol with the slash through it is inappropriate because it doesn't delineate the type of access available.

In addition, using the wheelchair symbol as an international symbol of accessibility is inappropriate, since it does not indicate accessibility for people who are deaf, hard of hearing, blind, or visually impaired. In fact, during my testimony before the Congressional Subcommittee for National Parks, I had to continually remind the committee that the term "accessibility" does not just mean wheelchair access.

SUMMARY

Flying can be extremely frustrating and scary to a person with hearing loss when there is ineffective communication access, especially with gate changes and in an emergency situation. It is imperative that passengers with hearing loss be provided with the same information as travelers without hearing loss, including closed captioning on inflight content and hearing induction loops at service desks, for announcements, and for video monitors.

Sincerely,

Janice Schacter Lintz, CEO
Hearing Access & Innovations f/k/a Hearing Access Program
February 3, 2016

EXHIBIT A: Loops in Airports Around the World

- England: Heathrow Airport



- England: New Castle Airport



- Israel: Benguryon Airport, Tel Aviv



- Japan: Hanedaint'l



- Netherlands: Schiphol



- Poland: Chopin



- Russia: Domodedova



- Scotland: Edinburgh



- Turkey: Antalya



- US: Grand Rapids





- US: Kalamazoo



EXHIBIT B: Video Monitor at Museums

- US: Holocaust Museum, Washington, DC



- US: American Museum of Natural History, NY, NY



- US: Graceland, Nashville, TN



- US: The Intrepid, NY, NY

