

---

## telecommunications, media, and technology lawflash

March 3, 2015

### Accessibility Standards for Equipment Covered By the Communications Act

*New accessibility requirements could affect information and communications technology providers of computers, telecommunications equipment, software, and websites.*

In a notice of proposed rulemaking (NPRM) published in the February 27 *Federal Register*, the Architectural and Transportation Barriers Compliance Board (the Board) proposed to jointly update the 1998 guidelines for telecommunications equipment and services covered by section 255 of the Communications Act and the 2000 standards for electronic and information technology procured by federal agencies subject to section 508 of the Rehabilitation Act of 1973.

If adopted, the new accessibility requirements could affect information and communications technology (ICT) providers that sell to government agencies or organizations that receive federal funds. Examples of ICT include computers, information kiosks and transaction machines, telecommunications equipment, multifunction office machines, software, websites, and electronic documents. Subject to further rulemaking, the Federal Communications Commission may choose to enforce the new guidelines, thus formally extending them to communications providers subject to section 255 of the Telecommunication Act.

Key changes to the section 255 guidelines include (1) applying the Web Content Accessibility Guidelines (WCAG) 2.0 to electronic documents and software, such as consumer manuals posted on a website, online registration forms, and interactive consumer support interfaces and (2) requiring real-time text (RTT) functionality wherever ICT provides real-time, two-way voice communications. To ensure RTT functionality, the Board makes a number of technical recommendations for interconnection with both the public switched network and voice over Internet protocol products and systems. Further, the Board also recommends certain functional performance criteria, for example, allowing changes to the requirements for visual and cognitive impairment.

The section 508 standard revisions consist of replacing a product-based approach with a functionality-based approach. The proposed revisions also (1) apply WCAG 2.0 to electronic documents and software, (2) require RTT functionality, and (3) expand interoperability requirements to specify how operating systems, software tool kits, and software applications should interact with assistive technology. Although a section 255-covered entity is not obligated to comply with the section 508 standards, it may elect to consult the standards, particularly if it wants to make certain products (or features of products) more marketable to federal agencies.

The Board is required to review and update the section 255 guidelines on a periodic basis and has been working on updated guidelines since 2010.

Comments may be filed with the Board on or before **May 28, 2015**. The Board will hold two hearings on March 5 in San Diego, California, and on March 11 in Washington, D.C., and will have a public webinar on March 31.

Please let us know if you have any questions or would like additional detail about the NPRM. Also, if you would like to file comments, please do not hesitate to contact us.

### Contacts

# Morgan Lewis

If you have any questions or would like more information on the issues discussed in this LawFlash, please contact any of the following Morgan Lewis lawyers:

## Washington, D.C.

Andrew D. Lipman	+1.202.373.6033	<a href="mailto:andrew.lipman@morganlewis.com">andrew.lipman@morganlewis.com</a>
Catherine Wang	+1.202.373.6037	<a href="mailto:catherine.wang@morganlewis.com">catherine.wang@morganlewis.com</a>
William B. Wilhelm, Jr.	+1.202.373.6027	<a href="mailto:william.wilhelm@morganlewis.com">william.wilhelm@morganlewis.com</a>

## About Morgan, Lewis & Bockius LLP

Founded in 1873, Morgan Lewis offers 725 partners and nearly 2,000 lawyers—as well as scores of patent agents, benefits advisers, regulatory scientists, and other specialists—in 28 offices across North America, Europe, Asia, and the Middle East. The firm provides comprehensive litigation, corporate, transactional, regulatory, intellectual property, and labor and employment legal services to clients of all sizes—from globally established industry leaders to just-conceived start-ups. For more information about Morgan Lewis or its practices, please visit us online at [www.morganlewis.com](http://www.morganlewis.com).

This LawFlash is provided as a general informational service to clients and friends of Morgan, Lewis & Bockius LLP. It should not be construed as, and does not constitute, legal advice on any specific matter, nor does this message create an attorney-client relationship. These materials may be considered **Attorney Advertising** in some jurisdictions. Please note that the prior results discussed in the material do not guarantee similar outcomes. Links provided from outside sources are subject to expiration or change. © 2015 Morgan, Lewis & Bockius LLP. All Rights Reserved.