

Comments submitted by Don Barrett

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For the NPRM 2015-0002

Comment 1:

In the NPRM, Sec. 402.2.2 Braille Instructions, states that "Where speech output is required by 402.2, braille instructions for initiating the speech mode of operation shall be provided.

Braille shall conform to 36 CFR Part 1191, Appendix D, Section 703.3."

This is a superb move in the right direction, and the Board deserves commendation for adding this to the proposed regulation.

In real world scenarios, however, the experience of numerous blind individuals is that the actual time and effort it takes to read the braille instructions, locate all of the relevant keys on the device, and move back and forth between the ICT and the instructions in order to try to quickly learn the needed processes is prohibitive, especially when there is a line of impatient non-disabled individuals behind the visually-impaired user waiting to use the same ICT.

The Board should consider amending the 402.2.2 section by adding (after the word "provided") the phrase, "and shall conform to 602.4 Alternate Formats for Non-electronic Support Documentation."

By doing so, individuals could appropriately study instructions off-site, and develop a plan of action when encountering the ICT.

The standard would thus read:

402.2.2 Braille Instructions. "Where speech output is required by 402.2, braille instructions for initiating the speech mode of operation shall be provided, and shall conform to 602.4 Alternate Formats for Non-electronic Support Documentation.

Braille shall conform to 36 CFR Part 1191, Appendix D, Section 703.3."

Comment 2

The Board asks Question 19: "Does the proposed exception to the requirement for tactilely discernible input controls strike the appropriate balance so that it permits innovative accessibility approaches for individuals with visual impairments without being overbroad? Should there be additional requirements for touchscreens?"

For example, should the Board require touchscreens to be compatible with prosthetic devices?"

Please consider the following, as it may be a way of getting the most out of both tactilely discernible and accessible audio controls for blind individuals without limiting either control set.

The Board should consider dropping the word "Tactilely" from the name of 407.3 and rename 407.3 to "Discernible."

The Board should then consider adding the phrase "or audibly discernible without activation and operable by touch" to 407.3.

The standard would then read,

"407.3 Discernible. At least one input control that is tactilely discernible, or audibly discernible without activation and operable by touch shall be provided for each function and shall conform to 407.3."

This would have the advantage of eliminating the Exception to 407.3, and allow a smooth transition to any new technology that provides either tactilely discernible or accessible audio controls for all such devices without limiting audio controls to only personal devices.

For 407.3.1, the standard could easily be modified as follows:

"407.3.1 Identification. For input controls that are tactilely discernible without activation and operable by touch, key surfaces outside active areas of the display screen shall be raised above surrounding surfaces.

Comment 3

The Board asks: "Question 25. Are the requirements in proposed Exception 3 to 409.1 sufficiently clear?"

This question refers to the sentence "3. Itineraries, maps, checks, and other visual images shall not be required to be audible."

This is quite clear, so the answer to the question is yes; however, a blind individual utilizing ICT with material contained in this exception may not know that this material exists until well into the interactive transaction.

The Board should consider adding a section 409.2 "Prior Notification" to the standard. It might read for example:

"409.2 Prior Notification. If material contained in 409.1, Exception 3, is necessary for the completion of the transaction, the speech output shall notify the user at the beginning of the transaction that the transaction may contain undescribed images that may render the transaction difficult or impossible."

Comment 4

For clarity, the Board should consider codifying Section 409 into a subsection of 402, since Transactional Outputs is a subset of Closed Functionality. This would also ensure that all of the requirements of 402 would apply to Transactional Outputs.

Comment 5

The Board should consider rewriting the exception to 503.2 User Preferences.

The proposed section and exception state:

"503.2 User Preferences. Applications shall permit user preferences from platform settings for color, contrast, font type, font size, and focus cursor.

EXCEPTION: Applications that are designed to be isolated from their underlying platforms, including Web applications, shall not be required to conform to 503.2."

This exception appears to be overly broad, and would also appear to allow any web developer who wanted to maintain total control over their presentation, to simply hard code fonts and color settings. In doing so, they would thus meet the requirement of the exception, as their application would be "designed to be isolated from their underlying platforms."

I think the real intent of the exception is to allow content such as Flash which is unable to use the services of the underlying platform to be utilized, but the exception language doesn't promote that understanding.

I wonder if the phrase "Applications that are designed" might be replaced with the phrase "Content that is designed."

I am not sure if this totally meets the need, but it is worth considering to properly narrow the focus of the exception.