

Moore-Love, Karla

From: Glenda Hamstreet <ghamstreet@oregonrla.org>
Sent: Friday, November 13, 2015 10:31 AM
To: Hales, Mayor; Commissioner Fish; Commissioner Fritz; Commissioner Novick; Commissioner Saltzman; Council Clerk – Testimony
Cc: Jason Brandt
Subject: Captioning Policy Agenda Item 1187 - Comments for 11-18-15 Meeting from ORLA
Attachments: Closed Captioning Comments for PDX City Council 11-18-15 from ORLA.pdf

Hello Mayor Hales and Commissioners,

Please accept the attached comments into record for the **November 18, 2015 City Council Meeting** regarding **Closed Captioning in the City of Portland** (Agenda Item # 1187).

Thank you for the opportunity to provide this message on behalf of members of the Oregon Restaurant & Lodging Association.

If you have any questions regarding this message, please contact me. Thank you.

Sent by Glenda Hamstreet on behalf of
Jason Brandt
President & CEO
Oregon Restaurant & Lodging Association
8565 SW Salish Lane, Suite 120 | Wilsonville | Oregon 97070
503.682.4422
JBrandt@OregonRLA.org

Parsons, Susan

From: Jason Brandt <jbrandt@oregonrla.org>
Sent: Tuesday, November 17, 2015 8:35 PM
To: Hales, Mayor; Commissioner Fish; Commissioner Fritz; Commissioner Novick; Commissioner Saltzman; Council Clerk – Testimony
Cc: Danielle Rosendahl; horsebrasspub@gmail.com; Brian Adams; Cameron Sefrin; Sewickslounge@gmail.com; jesse@apexbar.com; art@cascadebrewing.com; Steve McCoid
Subject: Urgent Request - Please Acknowledge Re: Closed Captioning
Attachments: Closed Captioning Comments for PDX City Council 11-18-15 from ORLA.PDF

Good Evening/Morning Mayor Hales and Commissioners Saltzman, Fish, Novick, and Fritz:

It has come to our attention this evening that tomorrow morning's City Council meeting may not include the opportunity for constituents to speak on the important matter of mandatory closed captioning. We appreciated the opportunity to participate in the July public hearing on this matter. During the past 3 and a half months, additional operators have come forward with the desire to share their stories with you at City Hall before the final vote takes place.

Given the nature of where closed captioning is in its public process, a friendly staff member of the Auditor's Office informed me earlier this evening just before 5pm that a member of City Council would have to allow this testimony to take place.

My hope is that a commissioner may be willing to make such a motion as there will be small business operators who had planned to arrive at 10:30am tomorrow morning. We believe their stories to be incredibly important to the public discourse in helping our elected leaders make sound decisions for the people of Portland.

Given that many have rearranged their schedules to be present at tomorrow morning's meeting I am copying them on this communication. We greatly appreciate your consideration and on a personal note, I look forward to working with you all on matters of interest to the hospitality industry in Portland. We hope our written testimony submitted on behalf of the association and for the record including our proposed solution was helpful as you make an important decision tomorrow (attached again for your convenience).

Thank you for your service and we hope to hear from someone regarding our request above.

CC:
Dani Rosendahl, On Deck Sports Bar
Joellen Piluso, Horse Brass Pub
Brian Adams & Cameron Sefrin, Buffalo Wild Wings
April Kramer, Sewick's
Jesse McCann, APEX
Art Larrance, Cascade Brewing
Steve McCoid, Senior Advocacy Advisor, Oregon Restaurant and Lodging Association

Respectfully Submitted,

Jason Brandt
President & CEO

Oregon Restaurant & Lodging Association
8565 SW Salish Lane, Suite 120 | Wilsonville | Oregon 97070
P: 971.224.1501 F: 503.682.4455
Twitter: [@OregonRLA](#) | Facebook: [OregonRLA](#) | LinkedIn: [ORLA](#)



187454

Date: November 11, 2015

To: Portland Mayor Charlie Hales and Commissioners Nick Fish, Amanda Fritz, Steve Novick, and Dan Saltzman

From: Jason Brandt, President & CEO
Oregon Restaurant & Lodging Association

Subject: Closed Captioning Policy (Previous Agenda 741)

Dear Mayor Hales and Commissioners,

It has come to our attention the Portland City Council may choose to move forward with a new requirement as early as your November 18, 2015 meeting that would require all screens in the Portland city limits to be set to a mandatory closed caption setting.

After researching the issue amongst a subset of our Portland members who currently operate screen services within their restaurants, 29 out of 31 establishments never have sound on with the occasional exception of special events. Our concerns include the following based on survey results from impacted businesses:

Protecting Customer Service while Solving the Problem

Restaurant owners should have the freedom to meet the needs of their customers. If closed captioning must move forward as a new requirement, let's solve the problem while not creating a new one. We believe a viable solution would be to require at least 1 television to adhere to mandatory closed captioning or 10% of televisions within the establishment, whichever is greater.

Technological Challenges for Screen by Screen Customization

If a solution like this were to be adopted, a phase in implementation period will be needed. For example, some systems have current barriers that do not allow for easy customization of some television sets to closed captioning settings. Time is needed for operators to deal with tech challenges while meeting the needs of all customers.

Threat of Lost Business

Members have already expressed significant dissatisfaction about the prospect of this regulation being passed due to the reaction of their customers. Closed captioning can block sports scores, portions of plays, and other pertinent information important to all customers. Over time customer frustrations surrounding a subpar experience can result in lost business. Thank you for your consideration of a compromise solution in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jason Brandt", written over a white background.

Jason Brandt, President & CEO
Oregon Restaurant & Lodging Association

REQUIRE ACTIVATION OF CLOSED CAPTIONING ON TELEVISIONS IN PUBLIC AREAS

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Jim House		
✓ B Carol Stuleman		
✓ David Viers	99684	DSVierse@gmail.com
✓ Steve McCOID		SMCCOIID@OREGONURLA.ORG
✓ Barbara Robertson		
✓ Philip J WOLFE	PDX 97209	philipjames73@HOTMAIL.COM
✓ Anne McLaughlin	97210	ANNEMCLA@YAHO.O.COM

Parsons, Susan

From: Luke <skywalkerman2009@gmail.com>
Sent: Sunday, July 05, 2015 4:16 PM
To: Council Clerk – Testimony
Subject: Hello

I agreed and I would like to have this idea. I support to have the closed caption to be turn on at each of restaurants, business, haircut place or any kinds of company has TV, I am stronger to support for my deaf community.

Sent from my iPhone

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Moore-Love, Karla

From: CM Hall <hallcm@wou.edu>
Sent: Thursday, July 02, 2015 1:49 PM
To: Council Clerk – Testimony
Subject: It's time for captioning in public places

Please heed this request and vote in favor of captioning in public places to accommodate those who are Deaf or Hard of Hearing.

This is beyond time. I'm a hearing person, a Portland resident, and a sign language interpreter. Supporting this bill would provide captioning access for all.

Thank you.

~CM
CM Hall, Ed.M., NIC Advanced, EIPA Ed K:12
Project Coordinator | Adjunct Faculty, ASL/English Interpreting Program & Sociology | Western Region Interpreter Education Center | Western Oregon University
| W: [503-838-8731](tel:503-838-8731) | Voice/Text/FaceTime: [503-888-7172](tel:503-888-7172) | www.wou.edu/wriec | Facebook: Western Region Interpreter Education Center

WRIEC is a collaborative endeavor of Western Oregon University and El Camino College and a member of the National Consortium of Interpreter Education Centers (NCIEC).

PLEASE NOTE: In an effort to assess the quality and impact of this federally-funded program, you may be contacted to participate in a follow-up evaluation. If you do not want to participate in an evaluation, which is anonymous and voluntary, please reply to this email and your name will be removed.

Moore-Love, Karla

From: David S. Viers <dsviers@gmail.com>
Sent: Wednesday, July 01, 2015 4:58 PM
To: Council Clerk – Testimony
Cc: Jim House; Carol Studenmund; Steven Brown
Subject: Testimony for captioning ordinance
Attachments: Testimony - David S. Viers.pdf

Hello,

I am one of the speakers associated with the Portland: Turn the Captions On Now group scheduled to testify this Thursday about the ordinance requiring captions to be activated on television sets in public places.

Attached is my written testimony. I would appreciate this testimony being delivered to the Commissioners and the Mayor.

Thank you.

David

--

David S. Viers
DSViers@gmail.com



Portland:

Turn the Captions on Now!

Testimony

Caption Ordinance

David S. Viers

Hello,

My name is David Viers. For well more than 30 years I had a severe hearing loss and wore hearing aids. Today, I am completely Deaf without the use of my bilateral Cochlear Implants.

For a moment, I would like you to imagine you have a severe hearing loss and are in an establishment (perhaps a restaurant or sports bar) where there are televisions – a place like Red Robin comes to mind. Suddenly whatever is being shown on TV is replaced by a news commentator. All you, as a person with hearing loss, know is that some kind of news is being broadcast and suddenly the people around you are reacting in a stressful way. It could be the announcement of something benign – or it could be something as calamitous as a tornado or a terrorist attack just down the street from your location. You have no way of knowing because you can't understand what is being said on the television. You cannot even effectively ask another patron because of your hearing loss and the noise in that kind of environment. However, if the Captions were turned on, you would likely be getting the same information as everyone else.

Please recognize that you and/or a friend/loved one could be facing exactly this same situation – if not today, then in the future. The incidence of hearing loss is a condition that tends to increase substantially with age. The ordinance before you will benefit numerous people – maybe even you at some point.

Another point: While this ordinance would benefit many people, it is not meant to be onerous or punitive towards businesses; in fact, compliance with this ordinance will be cost-free to a business.

Finally, I would like to address the issue of possible complaints by clientele or patrons of businesses displaying captions on televisions.

First of all, this is unlikely to be a problem. I say this based upon the fact that there are a number of businesses that are already voluntarily displaying captions in their establishments; if customer complaints were common, these businesses would not be doing this.

I have been asked what a business owner might say if a complaint were to be made. My response is that they could respond in the same way as they would if a person were to complain about the number of handicap parking spaces in the parking lot of that establishment – the business is simply complying with the law.

My last point on this issue is that this ordinance is in keeping with the spirit of the Americans with Disabilities Act (ADA). The ADA is celebrating its 25th anniversary this year – so virtually all citizens are well aware that accommodations are made to persons with disabilities.

By the way, the concept of this ordinance has already been endorsed by such organizations as: the Portland Commission on Disability, the Office of Community Technology, Oregon Communication Access Project, the Oregon Association of the Deaf, the Portland chapter of the national Hearing Loss Association of America and the Oregon state association of that same organization.

Thank you for your attention to this matter.

David S. Viers

DSViers@gmail.com

Moore-Love, Karla

From: Steven M Brown <steven.social58@gmail.com>
Sent: Monday, June 29, 2015 5:39 PM
To: Council Clerk – Testimony
Cc: Carol Studenmund; DSViers@gmail.com; Jim House
Subject: July 2nd Testimony on Portland: Turn on the Captions Now
Attachments: SMB Testimony Concerning Portland Captions Turn On.pdf

Hello,

Please find my written testimony in support of the proposed ordinance - that is, Portland Turn on the Captions Now.

Please let me know when you receive this.

Thank you,
Steven

Steven M Brown, MPA, MA
steven.social58@gmail.com

Testimony Concerning Portland Captions Turn On!

Steven M Brown, MPA, MA

07/02/2015 at 2pm

Portland, Oregon

Mayor Charlie Hales, and the City Commissioners:

Hello. My name is Steven M. Brown, and I live in Southeast Portland. As a Commissioner of Portland Commission on Disability (PCoD), as well as a Portland resident, I am here to represent us as a whole. The ordinance titled require activation of closed captioning on televisions in public areas.

Permit me to share briefly about this ordinance, and why it is important to have closed captioning available for the public in all businesses. As you may be aware, there is no closed captioning requirement for the businesses to turn it on. This ordinance plays a central role in our everyday lives, and for deaf and hard of hearing customers, it sometimes provides access and other times, creates barriers. We would like to eliminate that, and make this particular access to closed captioning permanent.

Even today, more senior citizens are experiencing hearing loss due to general aging or specific health problems. People who are deaf, deaf-blind, hard of hearing, or have lost their hearing abilities for various reasons, need access to closed captioning. This will avoid any barrier to understanding the information being disseminated over said televisions.

All populations need equal access to information. My great colleague David S. Viers said, to wit, "I want the general public to know that captioning is a godsend." In particular, this ordinance would establish a new rule that requires all televisions in public places to have captioning on at all times. Indeed, this is an ADA accommodation, which makes it paramount (particularly in the areas of Title III.)

In addition to the benefits this will provide its targeted population, I also urge you to support this outstanding effort, based on numerous, aggregated findings that:

- **Business customers can't always hear the TV in any venue.**
- **Everyone understands important information in noisy areas when the captioning is on.**
- **Business customers enjoy television even if the sound is turned off or on mute.**
- **Open access to captioning would also increase comprehension for people using English as a second language.**
- **Open access to captioning would boost customers' interest in businesses.**

As I touched on just before, mandatory open access to captioning in these areas would be in compliance with ADA Title III. I trust that this committee, as well as the Portland City Council as a whole, understands the importance of this work in removing barriers to participation for Oregonians with disabilities.

In its furtherance, we will also enrich and promote equality for all Oregonians to enjoy and participate in public facilities, programs, services, and activities. We look forward to continuing this work with the Portland City Council and others as our work moves ahead.

Lastly, on behalf of the PCoD, I would like to express my sincere gratitude to several notable organizations and individuals who work on this ordinance:

- LNS Captioning Carol Studenmund
- Tim Crail, Senior Policy Analyst for Commissioner Amanda Fritz
- Ben Walters, City Attorney who did the revisions on our ordinance
- Erika Nebel, Staff for Commissioner Steve Novick
- Stacy Brewster, a public advocate and staff for Commissioner Dan Saltzman
- Cindy Reyes, Constituent Services Specialist for Mayor Charlie Hales

- Asena Lawrence, Constituent Services Specialist for Commissioner Nick Fish

I would like to thank you, Mayor Hales, Commissioner Fritz, and Commissioners Saltzman, Fish, and Novick for give us an opportunity to share with you about this ordinance, and to testify before this City Council session this afternoon. Please support this ordinance.

Thank you.

Truly yours,



Steven M Brown, MPA, MA
Commissioner, Portland Commission on Disability (PCoD)
1819 SW 5th Avenue #143
Portland, Oregon 97201
steven.social58@gmail.com



Date: July 1, 2015

To: Mayor Charlie Hales, Commissioner Nick Fish, Commissioner Amanda Fritz,
Commissioner Steve Novick, Commissioner Dan Saltzman

From: Steve McCoid
Oregon Restaurant & Lodging Association

Subject: Captioning Policy / Closed Caption Activation Requirement
Proposed Ordinance 23.01.075 (Agenda Item 733 – Meeting July 2, 2015)

Mayor Hales and Commissioners,

This testimony is entered on behalf of the Portland members of the Oregon Restaurant & Lodging Association (ORLA) who operate televisions as part of the service offered to their customers. Generally these are sports bars and smaller bars, pubs and taverns operating throughout Portland.

ORLA has discovered some marketplace realities that make the requirement of activating closed captioning on all televisions available for viewing at all times unnecessary. These factors are:

- Older television network systems allow those business owners to selectively turn on the captioning on individual televisions upon request. It is the newer systems that are centrally controlled that have the all-or-nothing issue in regards to activating captioning.
- In larger establishments, with a large number of televisions showing a variety of events at the same time, the sound is turned off and usually music is playing. Thus, all customers are treated similarly with the option to view the screen of their choice without sound. Enacting this ordinance may actually create a situation where the hearing impaired may be receiving preferential treatment.
- Operators report that their customers do not prefer the captioning turned on, and consistently request it be deactivated while they watch events with the sound off. The reason offered is that it blocks part of the screen and obscures the view of the event or program.

The Americans with Disabilities Act clearly establishes the requirement for business owners to provide a reasonable accommodation for requests by people with disabilities. That certainly applies to the proposed addition to the City Code. Such an accommodation is easily achieved for those businesses with the ability to activate captioning on an individual television for a hearing impaired person when a request is made.

It isn't as easily done when the newer centralized systems offer only all captioning on, or all captioning off. However, if all of the customers are watching televisions with no sound, and the establishment's policy is that the sound is not turned on due to competing programs being viewed, then all customers are being treated equally regardless of their level of hearing. That being the case, operators are wondering why they may be required to activate captioning on all televisions in operation for one person, when the great majority of their customers don't want that service provided to them, and all are in the same situation watching with no audio.

ORLA asks that, at a minimum, the ordinance be amended to allow operators to provide captioning on an individual television basis upon request, when they have the ability to do so.

We would also ask that consideration be given for those businesses that don't have the sound on as a policy to be allowed to treat all their customers in the same manner and not be required to provide captioning. This comes with the proviso that ORLA and its affected members will work with the providers of the newer all or nothing systems to allow them to activate the captioning either individually or in sections of the establishment to be able to meet the intent of the proposed ordinance.

Respectfully submitted,



Steve McCoid
President & CEO
Oregon Restaurant & Lodging Association

Parsons, Susan

From: Steven M Brown <steven.social58@gmail.com>
Sent: Monday, June 22, 2015 1:44 PM
To: Council Clerk – Testimony; Moore-Love, Karla
Cc: Carol Studenmund; DSViers@gmail.com; Jim House
Subject: The ordinance titled require activation of closed captioning on televisions in public areas
Attachments: SMB Testimony Concerning Portland Captions Turn On.pdf

Hello,

I am here to submit my testimony in support of the ordinance titled require activation of closed captioning on televisions in public areas. I simply wish I could be there for testifying on July 2 at 2pm in person, but here is my written testimony for the record.

Please let me know if you have any questions or wish to discuss about this ordinance.

Best regards,
Steven

Steven M Brown, MPA, MA
steven.social58@gmail.com

Testimony Concerning Portland Captions Turn On!

Steven M Brown, MPA, MA

07/02/2015 at 2pm

Portland, Oregon

Mayor Charlie Hales, and the City Commissioners:

Hello. My name is Steven M. Brown, and I live in Southeast Portland. As a Commissioner of Portland Commission on Disability (PCoD), as well as a Portland resident, I am here to represent us as a whole. The ordinance titled require activation of closed captioning on televisions in public areas.

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Even today, more senior citizens are experiencing hearing loss due to general aging or specific health problems. People who are deaf, deaf-blind, hard of hearing, or have lost their hearing abilities for various reasons, need access to closed captioning. This will avoid any barrier to understanding the information being disseminated over said televisions.

All populations need equal access to information. My great colleague David S. Viers said, to wit, "I want the general public to know that captioning is a godsend." In particular, this ordinance would establish a new rule that requires all televisions in public places to have captioning on at all times. Indeed, this is an ADA accommodation, which makes it paramount (particularly in the areas of Title III.)

In addition to the benefits this will provide its targeted population, I also urge you to support this outstanding effort, based on numerous, aggregated findings that:

- **Business customers can't always hear the TV in any venue.**
- **Everyone understands important information in noisy areas when the captioning is on.**
- **Business customers enjoy television even if the sound is turned off or on mute.**
- **Open access to captioning would also increase comprehension for people using English as a second language.**
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As I touched on just before, mandatory open access to captioning in these areas would be in compliance with ADA Title III. I trust that this committee, as well as the Portland City Council as a whole, understands the importance of this work in removing barriers to participation for Oregonians with disabilities.

In its furtherance, we will also enrich and promote equality for all Oregonians to enjoy and participate in public facilities, programs, services, and activities. We look forward to continuing this work with the Portland City Council and others as our work moves ahead.

Lastly, on behalf of the PCoD, I would like to express my sincere gratitude to several notable organizations and individuals who work on this ordinance:

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- Cindy Reyes, Constituent Services Specialist for Mayor Charlie Hales

- Asena Lawrence, Constituent Services Specialist for Commissioner Nick Fish

I would like to thank you, Mayor Hales, Commissioner Fritz, and Commissioners Saltzman, Fish, and Novick for give us an opportunity to share with you about this ordinance, and to testify before this City Council session this afternoon. Please support this ordinance.

Thank you.

Truly yours,



Steven M Brown, MPA, MA
Commissioner, Portland Commission on Disability (PCoD)
1819 SW 5th Avenue #143
Portland, Oregon 97201
steven.social58@gmail.com

Moore-Love, Karla

From: Jim House <jim7house@gmail.com>
Sent: Wednesday, July 01, 2015 2:28 PM
To: Council Clerk – Testimony
Cc: Steven M Brown; Carol Studenmund; David Viers
Subject: Re: Testimony for captioning ordinance
Attachments: CityCouncilTestimonyforPortlandTurnontheCaptionsNow.pdf

Hello,

Here is an amended version of my testimony supporting the ordinance to require captions activated on television sets in public places as prepared for delivery tomorrow.

Please discard the previous draft.

Thank you,

Jim House

On Mon, Jun 29, 2015 at 5:34 PM, Jim House <jim7house@gmail.com> wrote:

Hello,

I am one of the speakers (I think the first one) scheduled to testify this Thursday about the ordinance requiring captions to be activated on television sets in public places.

Attached is my written testimony.

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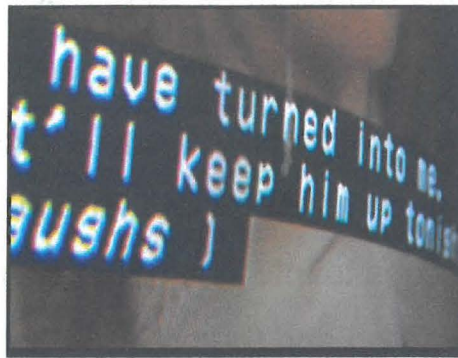
Jim House

- eCCessible Tech Communications
- Accessibility Professional at www.linkedin.com/in/jimhouse7/
- Technology and Public Policy for Deaf, Deaf Blind, and Hard of Hearing
- 2013 Recipient of TDI's [Robert H. Weitbrecht Telecommunications Access Award](#)
- Administrator for the following FaceBook group pages:
 - [CC Crusaders](#)
 - [Coalition of Organizations for Accessible Technology \(COAT\)](#)
 - [Portland: Turn on the Captions Now](#)

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Jim House

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- Administrator for the following FaceBook group pages:
 - CC Crusaders
 - Coalition of Organizations for Accessible Technology (COAT)
 - Portland: Turn on the Captions Now



Portland: Turn On the Captions Now!

On behalf of Portland: Turn On the Captions Now! group and supporters, thank you Commissioner Amanda Fritz for introducing this ordinance. To Honorable Mayor Charlie Hales, Commissioner Nick Fish, Commissioner Steve Novick and Commissioner Dan Saltzman, we appreciate your support. This new ordinance titled "Require Activation of Closed Captioning on Televisions in Public Areas" will help make Portland more welcoming as a model city for full and equal accessibility in any public places. To be more specific, I can watch TV even if I am not at home, just like you.

This grassroots effort is led by many concerned Portlanders who love watching captions on TV to help:

- understand important information in noisy areas,
- enjoy television even if the sound is turned off or muted,
- boost comprehension for people learning English, and
- elevate children's literacy skills as they watch their favorite TV shows.

Access to information has been recognized as a basic civil right. Modern media, especially television informs us through education and entertainment. Without knowing any information, we cannot function well in today's world. As I am sure many of you are aware, catching up on the news -- or whatever is on TV -- is almost impossible in a noisy bar or waiting area. Because of this, many places around here have turned on

the captions on their TV sets voluntarily. In those places, I know I do not have to ask a staff worker to turn on the captions, only to find that he or she doesn't know how to turn on the "CC" or the TV remote is locked away. Requiring captions to be activated on all TV sets in public places all the time minimizes staff training while ensuring that everyone has full and equal access to information anytime, even if you are away from home and enjoying all the good food and the brews of your choice - coffee, tea, or beer, that "Portlandia" has to offer.

Televisions are widely used in facilities that are open to the public. Hospital waiting rooms, bars and restaurants, health clubs, bus stations, appliance stores, and the airport are some of the locations where the general public can gain access to television broadcasts. All televisions in use now have the capability to display captions.

Televisions in these locations enable anyone to obtain the latest news reports during an emergency, watch their local sports teams in action, or simply pass the time while waiting for an appointment or service to be completed. One in five Americans have hearing disabilities, and that large population of Portlanders should never be excluded from accessing crucial information. Additionally, captions helps everyone else overcome the excessive background noise that interferes with the audio.

While the Federal Communications Commission (FCC) requires TV programming to be captioned, Portland can take this a step further by having the captions "on" anywhere for everyone to see, even if we are not at home. The City of San Francisco passed a similar ordinance in 2008 with public support. The State of Maryland followed with a statewide law. It is time to bring that effort to Portland now!

Passing this ordinance is one simple way that The City of Roses can further the accessibility goals of the Americans with Disabilities Act ("ADA") that was enacted 25 years ago this month. Today, we ask that the City Council take this important step and pass this ordinance. Its easy to do, and it is a win-win situation for all of us. Thank you!