

**From:** Steve Frazier <intheloop@juno.com>

**To:**

**Sent:** Sun, Jan 09, 2022 01:55 PM

**Subject:** OTC Hearing Aids, Looped Amtrak trains and other news

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## Will new OTC hearing aids be able to *Get in the Hearing Loop?*

A few of the PSAPs (Personal Sound Amplifying Product) currently on the market feature telecoils, making them able to connect with the growing number of hearing loops in public venues in this country. Whether the new Over-the-Counter (OTC) hearing aids set to join them on the shelves at your local Walmart or Walgreen's remains to be seen. The answer is getting closer but it's not here yet.

The wheels of government move slowly and, some times, appear to be spinning in place. It was four years ago that the Congress passed the Over-the-Counter Hearing Aid Act of 2017 and directed the U.S. Food and Drug Administration (FDA) to develop regulations for OTC hearing aids. Recognizing a careful balance between affordability and access to new hearing technology, the law classified OTC hearing aids as devices for adults with perceived mild to moderate hearing loss.

The FDA was given an August 18, 2020 deadline to come up with the proposed rules but their drafting seemed to get stuck in traffic and came nowhere near meeting that deadline. It took an executive order on July 11, 2021 by President Biden to get the matter unstuck and on October, 19 the proposed rules were wheeled into public view by the FDA and an invitation issued for comments on those rules. The first search of the rules for hearing loop advocates was for the word "telecoil" and it proved to be fruitless. This has led to a rash of comments/requests/demands that OTC hearing aids all feature telecoils so that they will be able to access the hearing loops or neckloops now mandated by the Americans with Disabilities Act and others related to the printed information in and on the packaging of the devices.

In their guidelines for comments, the FDA stresses that repeated comments on the same topic (particularly those that appear to be an organized effort to sway the agency) are not effective and basically a waste of time on the part of the person offering the comments and of the agency personnel who have to review them. A perusal of the 700+ comments offered thus far by the public indicates that admonition was ignored on a number of matters including the topic of telecoils. Whether that will, in fact, sway the thinking of decision makers in regard to a telecoil mandate remains to be seen.

Anyone who wishes to review the proposed OTC hearing aid rules and comment on them (or read the comments already posted on the website) can do so by going to:

**NOTE: Deadline for submitting comments: Jan 18, 2022**

## Decision on US looped rail cars mandate is sauntering through the process

With movement as speedy as that of a glacier or the earth's tectonic plates, the US Access Board is preparing to finally address the idea of requiring hearing loops on all new rail cars in the US. As in so many other instances, this shows US still lags behind the UK and much of Western Europe and Australasia in regard to hearing loop technology.

For those not familiar with it, the Access Board is **an independent federal agency devoted to accessibility for people with disabilities**. The Board develops and maintains design criteria for the built environment, transit vehicles, telecommunications equipment, and for electronic and information technology.

It was in 2013 that the Access Board's Rail Vehicles Access Advisory Committee was created and 2015 that the committee reported to the Board on the advisability of equipping all passenger rail cars with hearing loops. Apparently ignoring the fact that the technology was already in use abroad, the committee report endorsed the idea but with the somewhat provincial caveat that the board should wait until the technology had actually been put into use in some US rail systems and proved effective before making a decision on the matter.

The Board's Unified Agenda, which was published this spring, indicates that the Board intends to finally resume work on updating the existing accessibility guidelines for transportation vehicles that "operate on fixed guideway systems" (e.g., rapid rail, light rail, commuter rail, and intercity rail.) That agenda indicates that the Board will publish a Notice of Proposed Rulemaking (NPR) for the suggested guidelines in April of 2023 – a full decade after the creation of their advisory committee.

This rulemaking would update the Access Board's existing accessibility guidelines for transportation vehicles that operate on fixed guideway systems (e.g., rapid rail, light rail, commuter rail, and intercity rail) and are covered by the Americans with Disabilities Act. The existing "rail vehicles" guidelines were promulgated in 1991, and are believed to be in need of an update to, among other things, keep pace with newer accessibility-related technologies, harmonize with recently-developed national and international consensus standards, and incorporate recommendations from the Board's Rail Vehicles Access Advisory Committee's 2015 Report. Revisions or updates to the rail vehicles guidelines would be intended to ensure that ADA-covered rail vehicles are readily accessible to and usable by individuals with disabilities. Compliance with any revised rail vehicles guidelines would not be required until these guidelines are adopted by the U.S. Department of Transportation in a separate rule making.

## Amtrak and others not waiting for the Access Board Decision

Hearing loops in rail cars have been a reality in the UK, and some Scandinavian countries for some time and, by the time the Access Board has heard testimony, had a discussion and made a decision on hearing loops in rail cars, such cars will have been in service on the lines of the Bay Area Rapid Transit system in San Francisco for some time. Additionally, Amtrak and other transportation service providers will already have proven the viability of hearing loops in such vehicles before the Board votes on the matter, thus meeting the recommendation of the Board's committee on rail transportation that such

systems be tested in this country to determine their viability prior to the Board taking action on the matter..

Following the lead of BART, the Metropolitan Transit Authority in New York City has placed an order for 1,000 new subway cars that, when delivered, will offer hearing loop access to riders of that city's subway. The MTA is also testing the use of hearing loops in the city's buses and initial reports from NYC HCAA members is that the loops worked very well.



Meanwhile, Amtrak's Washington to Boston corridor will be the first to see new, high speed state of the art trains with hearing loop equipped passenger cars ordered last year. A multi billion dollar contract was signed for 83 new trains that would be made up of 500 of the new cars. Amtrak also has an option for an addition 100 new trains.

## More American airport looping news



Further adding to the move to hearing loops in transportation, the Port Authority of NY and NJ has issued new disability accommodations to be required at all of their many air, rail, bus and ferry terminals in the greater New York City area. All will have to install hearing loops at the information counters at all such terminals if a new one is built or existing ones are significantly upgraded and, in the case of airports, also install them at all. This mandate was issued after the planned expansion of LaGuardia Airport so it does not apply there but the new Delta terminal there does have loops at all gates. It's not clear whether these requirements will apply to a new terminal planned for the JFK Airport in NY that was planned prior to their being issued.

The airport at Ft. Wayne, IN was among those benefiting from an FAA multi million dollar grant to airports for a variety of improvements. In the case of Ft. Wayne, the installation of hearing loops is on the list making it the 19th US airport that has, or will have, hearing loop access of some type in operation.

[A newly revised list of those airports and a sampling of overseas airports is attached to this newsletter.](#)

## Update on BART looping initiative

In 2012 the Bay Area Rapid Transit system (BART) chose Bombardier Transportation to build its “Fleet of the Future,” as it is dubbed planned new rail car and the project began the design and engineering phase. The agency ordered 775 railcars for a total value of approximately \$1.5 billion with an option for 300 or so more cars, increasing their total fleet number by 50%. All cars were to be equipped with hearing loops.

In 2013 the BART system began putting the first of those new hearing loop equipped rail cars into service, the first US based rail system to qualify as a test of the technology here. The center area of each car has a hearing loop system (indicated by a this decal on this train interior) for riders who use hearing aids or cochlear implants. The range of this system covers approximately the center 1/3 of the train car.



Loop symbol seen when boarding a looped BART car

The BART has recently taken some of these cars out of service due to software and other problems but the loop system was not part of the issue. The BART system consists of 19 surface, 15 elevated and 16 subway stations

### **BART platforms nearly all looped**

In June of 2017 the BART began installing hearing loops at the 50 platforms in their system. ( 19 surface, 15 elevated and 16 subway stations ). The concept was first tested at the Fremont Station. It got mixed reviews from a group selected to test its perform

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