

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

Page 1 of 1

ALL Districts

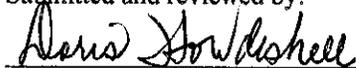
The Texas Transportation Commission (commission) finds it necessary to propose new §23.13, relating to links to community web sites from rest areas and travel information centers, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed new section, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth at length verbatim in this minute order.

IT IS THEREFORE ORDERED by the commission that the new §23.13 is proposed for adoption and is authorized for publication in the *Texas Register* for the purpose of receiving public comments.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:



Director, Travel Division

Recommended by:



Executive Director

110261 OCT2705

Minute
Number

Date
Passed

1 Proposed Preamble

2 The Texas Department of Transportation (department) proposes new
3 §23.13, concerning links to community web sites from rest areas
4 and travel information centers.

5
6 EXPLANATION OF PROPOSED NEW SECTION

7 Section 23.13(a) describes the purpose of the section, which is
8 to establish policies and procedures governing the participation
9 of communities and the approval by the department of web sites
10 that may link to the department's wireless internet access web
11 pages from rest areas and travel information centers.

12
13 Section 23.13(b) describes how a city or town may submit a
14 request for approval of a web site link and requires contact
15 information for two official representatives of the city or
16 town.

17
18 Section 23.13(c) describes the department's approval process.
19 First, the city or town must already be included on the Texas
20 Official Travel Map. The subsection contains this restriction
21 because the department is using the current travel map and its
22 database of communities to develop the wi-fi maps that can be
23 seen on the web site and because, typically, a location that is
24 not on the travel map has few amenities for a traveler. Second,
25 to help ensure consistency and accuracy, the web site must be

1 considered the official site of the city, town, or region, and
2 be advertised as the official site in the communities' tourism
3 information.

4
5 Section 23.13(d) defines the restrictions related to a web site.
6 The purpose of linking to web sites is to provide travel and
7 tourism information to the traveling public and to promote the
8 positive attributes of the state. Accordingly, subjects for web
9 site content that include sexually-oriented products or services
10 will not be considered, nor will web site information that
11 discriminates against individuals on the basis of race, color,
12 creed, religion, sex, or national origin.

13
14 To ensure the integrity of the program, §23.13(e) describes the
15 procedures for removal of the web site link based on the
16 department's receipt of three or more consumer complaints
17 concerning inaccurate information or information prohibited
18 under §23.13(d).

19
20 FISCAL NOTE

21 James Bass, Chief Financial Officer, has determined that for
22 each of the first five years the new section as proposed is in
23 effect, there will be no fiscal implications for state or local
24 governments as a result of enforcing or administering the new
25 section. There are no anticipated economic costs for persons

1 required to comply with the section as proposed.

2

3 Doris Howdeshell, Director, Travel Division has certified that
4 there will be no significant impact on local economies or
5 overall employment as a result of enforcing or administering the
6 new section.

7

8 PUBLIC BENEFIT

9 Ms. Howdeshell has also determined that for each year of the
10 first five years the section is in effect, the public benefit
11 anticipated as a result of enforcing or administering the new
12 section will be to provide information to the traveling public
13 about the cities and towns throughout Texas, particularly the
14 smaller communities located near the rest areas and travel
15 information centers. There will be no adverse economic effect
16 on small businesses.

17

18 SUBMITTAL OF COMMENTS

19 Written comments on the proposed new section may be submitted to
20 Doris Howdeshell, Director, Travel Division, Texas Department of
21 Transportation, 125 East 11th Street, Austin, Texas 78701-2483.
22 The deadline for receipt of comments is 5:00 p.m. on December
23 12, 2005.

24

1 STATUTORY AUTHORITY

2 The new section is proposed under Transportation Code, §201.101,
3 which provides the Texas Transportation Commission with the
4 authority to establish rules for the conduct of the work of the
5 department.

6

7 CROSS REFERENCE TO STATUTE

8 None.

1 SUBCHAPTER B. TRAVEL INFORMATION

2 §23.13. Links to Community Web Sites from Rest Areas and Travel
3 Information Centers.

4 (a) Purpose. In furtherance of the department's statutory
5 responsibility to encourage travel to and within Texas, this
6 section establishes the policies and procedures governing the
7 approval of community web sites linking to the department's
8 wireless internet access web pages from a department rest area
9 or travel information center.

10 (b) Request. A city or town may submit to the department,
11 in writing or on-line, a request for approval of a web site url
12 address link. The request must include contact information for
13 two official representatives of the city or town.

14 (c) Approval. The department will approve the link if:

15 (1) the city or town is included on the Texas Official
16 Travel Map; and

17 (2) the web site is considered the official site of the
18 city, town, or region and is advertised as the official site in
19 the communities' tourism information.

20 (d) Restrictions. The web site of the city or town must
21 not:

22 (1) contain sexually-oriented products or services; or

23 (2) include information that discriminates against

1 individuals on the basis of race, color, creed, religion, sex,
2 or national origin.

3 (e) Removal. The director, or the director's designee, may
4 remove the web site link based on the department's receipt of
5 three or more consumer complaints concerning content that is not
6 in compliance with subsection (d) of this section or inaccurate
7 information. The department will send a written notice of
8 noncompliance to the city or town affected. If the director, or
9 the director's designee, determines the complaints are valid,
10 and they remain unresolved after 90 days, the department will
11 remove the link from the web pages. A city or town may appeal
12 the removal to the department's executive director, or the
13 executive director's designee, not below the level of division
14 director, whose decision is final.