



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 6, 2009

Ms. Pauline E. Higgins  
General Counsel and Corporate Secretary  
Metropolitan Transit Authority of Harris County  
P.O. Box 61429  
Houston, Texas 77208-1429

OR2009-06018

Dear Ms. Higgins:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 342163.

The Metropolitan Transit Authority of Harris County ("METRO") received three requests for a specific contract between METRO and Parsons Transportation Group, Inc. ("Parsons"). You claim that the submitted information is excepted from disclosure under sections 552.103, 552.104, 552.106, 552.110, and 552.111 of the Government Code. You also explain that the submitted information may contain third parties' proprietary information subject to exception under the Act. Accordingly, you have notified the following third parties of this request for information and of their right to submit arguments to this office as to why the submitted information should not be released: Parsons; CAF USA, Inc. ("CAF"); Veolia Transportation, Inc. ("Veolia"); and Granite Construction Company ("Granite"). See Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under certain circumstances). We have considered the exceptions you claim and reviewed the submitted information. We have also considered comments received in the form of a brief jointly submitted by Parsons, CAF, Veolia, and Granite (collectively, the "third parties").

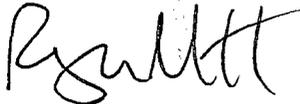
We note that the submitted information consists of contracts between Parsons and METRO that were the subject of a previous request, as a result of which this office issued Open

Records Letter No. 2009-02837 (2009). In that ruling, we concluded that METRO may withhold the information at issue under section 552.104 of the Government Code "until the agreement is finalized." Because we have no indication that the law, facts, and circumstances on which the prior ruling was based have changed, METRO may continue to rely on that ruling as a previous determination and may withhold the submitted information in accordance with that ruling.<sup>1</sup> See Gov't Code § 552.301(a); Open Records Decision No. 673 at 6-7 (2001) (listing elements of first type of previous determination under Gov't Code § 552.301(a)).

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Ryan T. Mitchell  
Assistant Attorney General  
Open Records Division

RTM/cc

Ref: ID# 342163

Enc. Submitted documents

cc: 3 Requestors  
(w/o enclosures)

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<sup>1</sup>As we are able to make this determination, we do not address the arguments against disclosure raised by you and the third parties.