



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 14, 2009

Ms. Sharon Alexander  
Associate General Counsel  
Texas Department of Transportation  
125 East 11<sup>th</sup> Street  
Austin, Texas 78701

OR2009-14543

Dear Ms. Alexander:

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# 358258.

The Texas Department of Transportation (the "department") received a request for information pertaining to a specified stretch of Highway 77. You state you released some of the requested information. You also state you are withholding the responsive safety evaluation reports under section 409 of title 23 of the United States Code pursuant to our ruling in Open Records Letter No. 2009-06810 (2009). *See* Open Records Decision No. 673 at 7-8 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). You state the submitted records are also subject to Open Records Letter No. 2009-06810. In the alternative, you claim the submitted records are excepted from disclosure under sections 552.103 and 552.111 of the Government Code. We have considered your arguments and reviewed the submitted representative sample of information.<sup>1</sup>

---

<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

In Open Records Letter No. 2009-06810, we concluded the department may withhold some of the submitted records under section 552.103 of the Government Code. Open Records Letter No. 2009-06810 at 5. You state the records submitted in this instance were withheld under section 552.103 in that ruling. You provide no indication the law, facts, or circumstances on which the prior ruling was based have changed. Thus, the department must continue to rely on our prior ruling as a previous determination and withhold the submitted records under section 552.103 in accordance with Open Records Letter No. 2009-06810. *See* ORD 673. As our ruling is dispositive, we need not address your claimed exceptions against disclosure.

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, toll free, at (888) 672-6787.

Sincerely,



Bob Davis  
Assistant Attorney General  
Open Records Division

RSD/cc

Ref: ID# 358258

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)