



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 6, 2012

Mr. David C. Schulze
Interim General Counsel
Dallas Area Rapid Transit
P.O. 660163
Dallas, Texas 75266-0163

OR2012-14112

Dear Mr. Schulze:

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# 464321 (DART ORR #9108).

Dallas Area Rapid Transit ("DART") received a request for proposal responses, including price proposals, for DART paratransit services. You state you have released some of the responsive information to the requestor. Although you take no position with respect to the submitted information, you state it may implicate the proprietary interests of third parties. Accordingly, you inform us, and provide documentation showing, you notified Veolia Transportation, Inc. ("Veolia"); First Transit; American Logistics Company, LLC; and MV Transportation, Inc. of the request and of the right of each company to submit comments to this office as to why the requested information should not be released to the requestor. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under the Act in certain circumstances). We have received comments from Veolia. We have considered the submitted arguments and reviewed the submitted information.

You inform us the submitted information was the subject of previous requests for information, as a result of which this office issued Open Records Letter Nos. 2012-13012 (2012), 2012-08490 (2012), and 2012-07738 (2012). In those rulings, we determined that DART must withhold the information we have marked under sections 552.110 and 552.136

of the Government Code and release the remaining information in accordance with copyright law. As we have no indication that there has been any change in the law, facts, or circumstances on which the previous rulings were based, we conclude DART must rely on Open Records Letter Nos. 2012-13012, 2012-08490, and 2012-07738 as previous determinations and withhold or release the submitted information in accordance with those rulings.¹ See Open Records Decision No. 673 at 6-7 (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).

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, 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,



Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/som

Ref: ID# 464321

Enc. Submitted documents

c: Requestor
(w/o enclosures)

¹As our ruling is dispositive, we need not address Veolia's arguments.

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