



THE ATTORNEY GENERAL  
OF TEXAS

DAVID NEWTON  
ATTORNEY GENERAL

February 20, 1990

Mr. Robert E. Shaddock  
General Counsel  
State Department of Highways  
and Public Transportation  
11th & Brazos  
Austin, Texas 78701-2483

OR90-077

Dear Mr. Shaddock:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 7735.

The State Department of Highways and Public Transportation received an open records request for "records, studies and reports" relating to two particular projects in which the department is currently involved in litigation. The department seeks to withhold the information from required public disclosure under section 3(a)(3) of the Open Records Act.

We have considered the section 3(a)(3) exception you claimed and have reviewed the documents at issue. As litigation is pending, and the documents at issue relate directly to the projects in litigation, the material is excepted from disclosure under section 3(a)(3). Previous determinations of this office, Open Records Decision Nos. 383 (1983); 346 (1982); 289 (1981), copies of which are enclosed, resolve your request. For this reason, you may withhold the requested information.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-077.

Yours very truly,

*David Newton*

David A. Newton  
Assistant Attorney General  
Opinion Committee

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Ref.: ID# 7735, 7834

Enclosure: Open Records Decision No. 383, 346, 289

cc: John R. Tabb, Director  
Mississippi State Highway Dept.  
P.O. Box 1850  
Jackson, Mississippi 39215-1850