



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 20, 2007

Mr. Paul J. Stewart  
Assistant County Attorney  
Fort Bend County  
301 Jackson St., Suite 728  
Richmond, Texas 77469

OR2007-04518

Dear Mr. Stewart:

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# 276288.

The Fort Bend County Attorney's Office (the "county attorney") received a request for the following information:

1. All recorded videos or pictures of the Westpark Tollway from the morning of January 1, 2007 from midnight until 4:00 a.m.;
2. Any diagrams or records that indicate the location of any video or photographic cameras along the Westpark Tollway;
3. All records that identify the location and frequency of vehicle accidents along the Westpark Tollway;
4. Any records that indicate the location and placement of any "Wrong Way" or "Do not Enter" signs along the westbound side of the Westpark Tollway from Highway 6 until the end of the Tollway in Fort Bend County as they would have existed on January 1, 2007;

5. Any records that identify the location of any EZ Tag pay stations along the westbound side of the Tollway;
6. Any pictures taken from the EZ Tag pay stations along the westbound side of the Tollway from midnight until 2:30 a.m. from Highway 6 until the end of the Tollway in Fort Bend County;
7. Any 911 tapes, police reports, and investigation reports regarding this incident;
8. Records discussing the incident involving a wrong way driver on the Westpark Tollway that happened on January 26, 2007 and the early morning of January 27, 2007;
9. Any agreements between Harris County, Fort Bend County, the State of Texas, and/or any other company, person or entity regarding the design, operation, maintenance, and construction of the Westpark Tollway; and
10. Records that show the number of wrong way drivers on the Westpark Tollway since its opening.

You state that some information responsive to the request has been provided to the requestor, but claim that the information submitted for our review is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.130 of the Government Code provides that information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1), (2). We note that this provision only applies to motor vehicle information issued by the State of Texas, and not other states. Thus, to the extent that the information that we have marked is Texas motor vehicle record information, the county attorney must withhold it under section 552.130. The remaining information must be released.

This letter ruling is limited to the particular records 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 records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by

filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

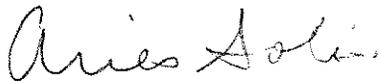
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Aries Solis  
Assistant Attorney General  
Open Records Division

AS/eb

Ref: ID# 276288

Enc. Submitted documents

c: Mr. Rick Molina  
Craft Molina  
9800 Centre Parkway, Suite 150  
Houston, Texas 77036  
(w/o enclosures)