



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 1, 2010

Ms. Andrea M. Gardner  
City Manager  
City of Copperas Cove  
P.O. Drawer 1449  
Copperas Cove, Texas 76522

OR2010-07909

Dear Ms. Gardner:

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# 386393.

The City of Copperas Cove (the "city") received a request for information pertaining to a specified accident. You claim portions of the submitted information are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses section 550.065 of the Transportation Code, which provides in relevant part as follows:

(a) This section applies only to information that is held by the [Texas Department of Transportation ("TxDOT")]<sup>1</sup> or another governmental entity and relates to a motor vehicle accident reported under this chapter or

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<sup>1</sup>Transp. Code § 550.0601 ("department" means the Texas Department of Transportation).

Section 601.004 [of the Transportation Code], including accident report information compiled under Section 201.805 [of the Transportation Code][.]<sup>2</sup>

(b) Except as provided by Subsection (c) or (e), the information is privileged and for the confidential use of:

(1) [TxDOT]; and

(2) an agency of the United States, this state, or a local government of this state that has use for the information for accident prevention purposes.

(c) On written request and payment of any required fee, [TxDOT] or the governmental entity shall release the information to:

(4) a person who provides the department or governmental entity with two or more of the following:

(A) the date of the accident;

(B) the specific address or the highway or street where the accident occurred; or

(C) the name of any person involved in the accident.

(e) In addition to the information required to be released under Subsection (c), the department may release:

(1) information relating to motor vehicle accidents that the department compiles under Section 201.805, as added by Chapter 1407 (S.B. 766), Acts of the 80<sup>th</sup> Legislature, Regular Session, 2007[.]<sup>3</sup>

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<sup>2</sup>We note the 81<sup>st</sup> Legislature renumbered section 201.805 to section 201.806 of the Transportation Code. Act of May 20, 2009, 81<sup>st</sup> Leg., ch. 87, § 27.001(90), 2009 Tex. Gen. Laws 208, 381.

<sup>3</sup>As previously noted, this section has been renumbered to section 201.806 of the Transportation Code. *Id.*

(f) The department:

(1) may not release under Subsection (e) information that:

(B) would allow a person to satisfy the requirements of Subsection (c)(4) for the release of information for a specific motor vehicle accident[.]

Transp. Code § 550.065(a)-(c), (e)-(f) (footnotes added). We note the submitted information contains a CR-3 accident report form that appears to have been completed pursuant to chapter 550 of the Transportation Code. *See id.* § 550.064 (officer's accident report). Under section 550.065(c)(4), TxDOT or another governmental body is required to release a copy of an accident report to a person who provides the governmental body with two or more pieces of information specified by the statute. *Id.* In the present request, the requestor has provided the city with the requisite pieces of information specified by the statute. Accordingly, the city must release the submitted CR-3 accident report form under section 552.101 of the Government Code in conjunction with section 550.065(c) of the Transportation Code.

You also seek to withhold the remaining information under section 550.065(f) of the Transportation Code. Section 550.065(f) refers to the information addressed in section 550.065(e), which is the information in the database referred to as the Crash Records Information System ("CRIS"). *See id.* § 550.065(e), (f); *see also* Senate Comm. on Transportation and Homeland Security, Bill Analysis, Tex. S.B. 375, 81<sup>st</sup> Leg., R.S. (2009). TxDOT, not the city, maintains CRIS as required by section 201.806 of the Transportation Code. *See* Transp. Code § 201.806. Thus, section 550.065(f)(1)(B) addresses only TxDOT and applies only to TxDOT. Consequently, the city's photographs, accident case report, and investigation documents are not made confidential by section 550.065(f)(1)(B). Thus, the city may not withhold the information at issue under section 552.101.

We note, however, that the submitted information contains information that is subject to section 552.130 of the Government Code.<sup>4</sup> Section 552.130 excepts from disclosure information that relates to a Texas motor vehicle title or registration issued by an agency of

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<sup>4</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

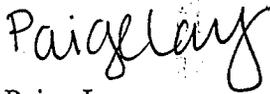
this state. Gov't Code § 552.130(a)(2). The city must withhold the Texas license plate numbers we have marked under section 552.130 of the Government Code.<sup>5</sup>

In summary, the city must release the submitted CR-3 accident report form under section 552.101 of the Government Code in conjunction with section 550.065(c) of the Transportation Code. The city must withhold the Texas license plate numbers we have marked under section 552.130 of the Government Code. The remaining information must be released.

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,



Paige Lay  
Assistant Attorney General  
Open Records Division

PL/eeg

Ref: ID# 386393

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)

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<sup>5</sup>We note this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas license plate numbers, under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.