



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 11, 2012

Mr. Hyattye O. Simmons
General Counsel
Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163

OR2012-05197

Dear Mr. Simmons:

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# 450366 (DART ORR# 8780).

Dallas Area Rapid Transit ("DART") received a request for the proposal submitted by Kiewit, Stacy and Witbeck, Reyes, Parsons, ("KSWRP") for the DART Irving-3 project. Although you take no position as to whether the submitted information is excepted under the Act, you state release of the submitted information may implicate the proprietary interests of KSWRP. Accordingly, you state, and provide documentation showing, you notified KSWRP of the request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *See Gov't Code § 552.305(d); see also Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances).* We have reviewed the submitted information.

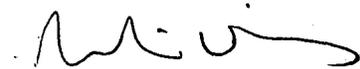
You state the submitted information was the subject of previous requests for information, as a result of which this office issued Open Records Letter No. 2012-04081 (2012). In that ruling, we determined DART must withhold the information we marked under section 552.101 of the Government Code in conjunction with common-law privacy; the information we marked under section 552.117(a)(1) of the Government Code if the current or former employee to whom the information pertained timely requested confidentiality for the information under section 552.024 of the Government Code; and the bank account and insurance policy numbers we marked under section 552.136 of the Government Code; and must release the remaining information, but may release copyrighted information only in

accordance with copyright law. We have no indication there has been any change in the law, facts, or circumstances on which the previous ruling was based. Accordingly, we conclude DART must rely on Open Records Letter No. 2012-04081 as a previous determination and withhold or release the identical information in accordance with that ruling. *See* Open Records Decision No. 673 (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,



Melanie J. Villars
Assistant Attorney General
Open Records Division

MJV/som

Ref: ID# 450366

Enc. Submitted documents

c: Requestor
(w/o enclosures)

c: Mr. Steve Medina
Officer in Charge
Kiewit, Stacy and Witbeck, Reyes, Parsons
8700 Freeport Parkway, Suite 160
Irving, Texas 75063
(w/o enclosures)