



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 29, 2017

Ms. Halfreda Anderson-Nelson
Public Information Officer
Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163

OR2017-06461

Dear Ms. Anderson-Nelson:

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# 651169 (DART ORR# W001346-010917).

Dallas Area Rapid Transit ("DART") received a request for information pertaining to a specified solicitation. 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 Echo Transportation ("Echo"). Accordingly, you state, and provide documentation showing, you notified Echo 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.

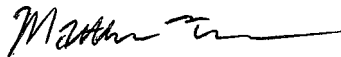
You state the submitted information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2016-25860 (2016). In Open Records Letter No. 2016-25860 we determined DART (1) may withhold the submitted evaluation materials under section 552.111 of the Government Code, (2) may withhold Echo's bid proposal under section 552.104(a) of the Government Code, and (3) must release the remaining information. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Thus, DART may continue to rely on Open

Records Letter No. 2016-25860 as a previous determination and withhold or release the information at issue 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 a 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Matthew Taylor
Assistant Attorney General
Open Records Division

MHT/bw

Ref: ID# 651169

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)