



CASE WESTERN RESERVE
UNIVERSITY EST. 1826

November 1, 2016

Office of General Counsel
10900 Euclid Avenue
Cleveland, Ohio 44106-7020
phone 216.368.4286
fax 216.368.5481
www.case.edu/generalcounsel

VIA FEDERAL EXPRESS AND E-MAIL

Justin Gordon
Division Chief, Open Records Division
Office of the Attorney General
Price Daniel Building
209 W. 14th Street, 6th Floor
Austin, Texas 78701

Dear Mr. Gordon:

Re: AG ID# 640488 (OGC# 172371)

I am respectfully writing in response to a letter sent to you by Ana Viera Ayala, of the University of Texas System dated October 28, 2016. Ms. Ayala is responding to a request by Dr. Justin Gallagher and Mr. Fisher, a faculty member and student at Case Western Reserve University, under the Texas Public Information Act for release of public records concerning traffic accidents (the specific request is contained in the October 5th letter to the Center for Transportation Research, attached hereto). I am writing because the response from Ms. Ayala appears to misunderstand the information requested. Dr. Gallagher and Mr. Fisher seek the release of *redacted* traffic crash reports. Texas Transportation Code Section 550.065 (c-1) states: "On receiving information to which this section applies, the department or the governmental entity that receives the information *shall create a redacted accident report that may be requested by any person*. The redacted accident report may not include the items of information described by Subsection (f)(2). *A report released under this subsection is not considered personal information under Section 730.003.*" (emphasis added).

Ms. Ayala's response suggests that the information being sought contains confidential information. In fact, our researchers are requesting only the redacted reports which, by the terms of the statute, "may be requested by any person" and are "not considered personal information". It is my understanding that the specific information requested is contained in the public extracts of the CRIS system that are released under 550.065 (c-1). The Attorney General approved release of certain CRIS database information (which was derived from the accident report forms) in another public records request (OR2008-04185).

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We respectfully request that you grant Dr. Gallagher and Mr. Fisher's record request.
Please contact me at 216-368-4286 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele", followed by a horizontal flourish.

Michele L.S. Krantz
Senior Counsel

cc (*via email and Federal Express*): Ana Vieira Ayala, Assistant General Counsel, Public
Information Coordinator

cc (*via email*): Dr. Justin Gallagher
Mr. Paul Fisher

Enclosure

Justin Gallagher and Paul Fisher
Economics Department
Case Western Reserve University
10900 Euclid Avenue , 276
Cleveland, Ohio 44106-7235 USA

5 October 2016

Louise Rosenzweig
Manager of Library Services
Center for Transportation Research
1616 Guadalupe, Suite 4.202
Austin, Texas 78701

Dear Ms. Rosenzweig:

Under the Texas Public Information Act, §6252-17a et seq., we are requesting to obtain copies of public records that correspond with a statewide database of traffic accidents for the years 2008-9. We request the same data on these accidents as are contained in the Public Extract from the CRIS database for accidents post 2010 (<http://www.txdot.gov/government/enforcement/data---access.html>).

To be more specific, we are requesting that for each reported traffic crash in both 2008 and 2009 fields relevant to the system-generated Crash_ID, latitude and longitude of each accident, the block number and street name where the accident occurred, the zip code of the owner of each vehicle involved in the crash, the city and county of the accident, contributing factors related to the accident, if the accident occurred in an intersection, time and date of the crash, the first harmful event in the crash, the severity of the crash, the dollar value of damage caused in the accident, the number and severity of the injuries/deaths caused in the accident, the form of traffic control at the site of the accident, and the weather conditions at the time of the accident.

The data we have requested has been made public in the past by the TxDOT. Attorney General Abbott ruled that the data can be released with personal information including Driver names, license numbers and other personally identifying information removed (see OR2008-04185). In addition, SB 375 codified the release of accident data under Texas state law. We only seek such data that is available under the rules of SB 375 and do not wish to access the information listed as confidential according to that bill.

The data we are requesting was originally owned and produced by the TxDOT and was shared with the Center for Transportation Research (CTR) at the University of Texas at Austin. The TxDOT has stated that they deleted internal copies of the data under their records retention policy. We believe that the CTR has copies of these data as part of research projects conducted by researchers at the institute published over the past few. We have attached an appendix with examples of these projects.

If there are any fees for searching or copying these records, please inform us if the cost will exceed \$100. However, we would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of traffic safety and traffic enforcement laws. We are researchers at Case Western Reserve University analyzing municipal traffic safety policy and will be providing the results to the public at no cost. This information is not being sought for commercial purposes.

The Texas Public Information Act requires that you "promptly produce" the requested records unless, within 10 days, you have sought an Attorney General's Opinion. If you expect a significant delay in responding to this request, please contact us with information about when we might expect copies of the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify us of the appeal procedures available under the law.

Thank you for considering our request.

Sincerely,

Justin Gallagher
jpg75@case.edu
216.368.8845

Paul Fisher
pjf38@case.edu
419.509.7542

CC: Dr. Chandra Bhat, Director of Center for Transportation Research

Darrell Bazzell, CFO at UT Austin

Appendix:

Castro, M., Paleti, R., & Bhat, C. R. (2012). A latent variable representation of count data models to accommodate spatial and temporal dependence: Application to predicting crash frequency at intersections.

Pahukula, J., Hernandez, S., Unnikrishnan, A., (2014). A Time of Day Analysis of Crashes Involving Large Trucks in Urban Areas

Patil, S., Geedipally, S., & Lord, D. (2012). Analysis of crash severities using nested logit model---accounting for the underreporting of crashes.

Wang, Y. and Kockelman, K. (2013) A Poisson---Lognormal Multivariate Conditional---Autoregressive Model for Spatial Analysis of Area---Level Pedestrian Crashes.

Hui Wu, Zhanmin Zhang, Kan Long, and Michael R. Murphy; (2014) Considering Safety Impacts of Skid Resistance in Decision---Making Processes for Pavement Management.

Justin Gallagher and Paul Fisher
Economics Department
Case Western Reserve University
10900 Euclid Avenue , 276
Cleveland, Ohio 44106-7235 USA

5 October 2016

Dr. Chandra Bhat
Director of Center for Transportation Research
Center for Transportation Research
1616 Guadalupe, Suite 4.202
Austin, Texas 78701

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Louise Rosenzweig, Manager of CTR Library Services

Appendix:

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