

## ATV Watch

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**From:** "ATV Watch" <Andrew@ATVWatch.com>  
**To:** "David Brillhart" <dbrillhart@dot.state.nh.us>  
**Cc:** <JCilley@aol.com>; "Debora Pignatelli" <deb@debpignatelli.com>; <RICH.SIGEL@NH.GOV>;  
 "Charles O'Leary" <COLeary@dot.state.nh.us>; "R Maddali" <RMaddali@dot.state.nh.us>  
**Sent:** Friday, November 02, 2007 10:03 AM  
**Subject:** Right to Know Request

*ATV Watch New Hampshire*  
*PO Box 34*  
*Fitzwilliam, New Hampshire 03447*  
*ATVWatch.COM (603) 785-7722*

November 2, 2007

Mr. David Brillhart  
 State of New Hampshire  
 Department of Transportation  
 7 Hazen Drive  
 Concord, NH 03302

Dear Mr. Brillhart

On April 17, 2007, under RSA 91-A, ATV Watch requested that the New Hampshire Department of Transportation (DOT) retain for future review all governmental records pertaining to the issue of ATV use on New Hampshire's TE funded rail trails. On July 24, July 31, 2007, August 6, 2007 and August 31, 2007 we requested to review those documents. DOT made them available, in part, on September 13, 2007.

Under Article 8 of the New Hampshire State Constitution and under New Hampshire's Right-to-Know Law (RSA 91-A) I am asking for a current update, as detailed below, of my previous requests.

I am asking DOT to immediately make available for review all governmental records, which have become public or were generated since my last Right-to-Know requests, in the custody or control of DOT related to motorized use of New Hampshire's Transportation Enhancement (TE) funded rail trails. I am further requesting that DOT retain any governmental records generated in the processing of this or my previous Right-to-Know requests and make those available for review.

This request specifically includes, but is not limited to emails, letters, maps, photographs, reports, memoranda, and notes, including personal notes made in connection with the conduct of public business. It includes any electronic documents stored in "deleted", "trash can folders" and archive or backup folders. It includes any documents which DOT has in its custody or control even if the statutory retention periods for those documents may have expired. It also specifically includes any documents arbitrarily designated as confidential or attorney-client privileged which contain information which is not specifically exempt from disclosure.

In accordance with the requirements of Article 8 of the Constitution of the State of New Hampshire I am specifically requesting any document which may be categorized as a "draft" if that document has been circulated beyond the person who originally generated it. If any documents are subject to disclosure in

part, I am asking for those parts to be disclosed, even if those parts only identify a date, topic or party to whom the document was circulated.

I am again asking DOT to reconsider their previous refusal to release some governmental records in part or in their entirety. I am asking that if these documents are not released that they be quantified and categorized, that the categories be sufficiently described, and the specific statutory basis for not releasing each category be cited.

I am further requesting that DOT fully comply with the statutory requirement to retain and maintain in its custody all governmental records related to the above issue and the processing of this and my previous requests until such time as this issue is resolved.

Sincerely,

A handwritten signature in cursive script that reads "Andrew B. Walters".

Andrew Walters, Concerned Citizen and Director of ATV Watch