

**ATV Watch**

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**From:** "ATV Watch" <Andrew@ATVWatch.com>  
**To:** <dbrillhart@dot.state.nh.us>  
**Cc:** <RMaddali@dot.state.nh.us>; "Debora Pignatelli" <deb@debignatelli.com>; <molly.kelly@leg.state.nh.us>; "Jim Ryan" <jryan@metrocast.net>; <tjameson@dot.state.nh.us>; <RICH.SIGEL@NH.GOV>; <Maureen.Mooney@leg.state.nh.us>  
**Sent:** Tuesday, July 31, 2007 8:50 AM  
**Subject:** Right to Know Request

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July 31, 2007

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

Dear Mr. Brillhart,

Thank you for the New Hampshire Department of Transportation's (DOT's) July 30, 2007 reply to my Right to Know request dated July 24, 2007. In that reply DOT indicated that they are unable to provide the requested documents for an additional 45 days.

RSA 91-A requires that a public body or agency, shall upon request, make governmental records available when such records are *immediately available*. The Right to Know law does not provide for an automatic extension of time for a State agency to comply with the requirement for release of documents which are immediately available and the State agency must release those records upon request.

Please keep in mind that on April 17, 2007 (more than 3-1/2 months ago) I requested that the documents relative to DOT's consideration of ATV use on TE funded rail trails be preserved and a copy provided to ATV Watch. This is more than sufficient time to have ensured that the documents are immediately available.

I am reiterating my request for the immediate release of all documents immediately available to DOT and which have no basis to warrant a further review as to whether they are exempt from disclosure.

I do not mean to be hard to get along with and I can understand that there may be a limited number of documents related to my most recent right to know request that are justifiably not immediately available. However, there is no statutory provision for arbitrarily sweeping all documents into this category and thus delaying their disclosure. In any event, a further delay of 45 days is a violation of the Right to Know law and the State of New Hampshire constitutional provision that access to governmental records shall not be unreasonably restricted.

The ability of the public to actively participate in our democratic process depends on timely release of information. Release of information after-the-fact undermines the public's right to know and the requirements set forth in the Constitution of the State of New Hampshire.

I will be in Concord later today and would like to review the documents which are immediately available and will schedule another time to review documents which may not be available today.

Sincerely,

8/12/2007



Andrew Walters, Concerned Citizen and Director of ATV Watch