



# RULE-MAKING ORDER

(RCW 34.05.360)

**CR-103** (10/1/89)

Agency: County Road Administration Board      Administrative Order #87

- Permanent Rule  
 Emergency Rule

(1) Date of adoption:                      May 5, 1992

(2) Purpose: Brings agency into compliance with statutes related to availability of public records.

(3) Citation of existing rules affected by this order:

- Repealed:  
Amended:  
Suspended:

(4) Authority for adoption:

Statute:      RCW 36.78.070  
Other Authority:      RCW 42.17.250 thru .340

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 92-08-069 on March 30, 1992 (date).

Describe any changes other than editing from proposed to adopted version:

None

(5.2) EMERGENCY RULE ONLY

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes     No    If yes, explain:

(6) Effective date of rule:

**Permanent Rules**

**Emergency Rules**

- 31 days after filing                       Immediately  
 Other (specify) \_\_\_\_\_ \*             Later (specify) \_\_\_\_\_

\* (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

NAME (TYPE OR PRINT)

Vern E. Wagar

SIGNATURE

*Vern E. Wagar*

TITLE      Executive Director

DATE

6/10/92

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

JUN 10 1992

TIME      3:06 AM  
WSR      92-13-037

## Chapter 136-03 WAC

## PUBLIC ACCESS TO INFORMATION AND RECORDS

NEW SECTION

WAC 136-03-010 PURPOSE. The purpose of this chapter is to establish rules for compliance by the Washington county road administration board (CRABoard) with the provisions of RCW 42.17.250 through 42.17.340 dealing with public records. This chapter describes the CRABoard and the places at which, the employees from whom, and the methods whereby persons may obtain information, make submittals or requests, or obtain copies of agency decisions. Other chapters in Title 136 WAC describe the general course and method of the CRABoard's operations and the nature and requirements of all of its formal and informal procedures. For a description of the CRABoard's organization, see chapter 136-01 WAC.

NEW SECTION

WAC 136-03-020 PUBLIC RECORDS OFFICER. The CRABoard's public records officer shall be the confidential secretary to the CRABoard. The public records officer shall be officed at 2404 Chandler Ct. S.W., Suite 240, Olympia, Washington. The public records officer shall be responsible for:

- (1) Implementation of RCW 42.17.250 through 42.17.340 and these rules and regulations regarding release of public records;
  - (2) Coordinating staff efforts of the CRABoard in this regard;
- and
- (3) Ensuring compliance of the CRAB staff with RCW 42.17.250 through 42.17.340 and these regulations.

The public records officer shall establish and maintain the index system required by RCW 42.17.260(4).

NEW SECTION

WAC 136-03-030 PUBLIC RECORDS AVAILABLE. All public records of the CRABoard not exempted by RCW 42.17.310, or other statute which exempts or prohibits disclosure (see RCW 47.17.260(1)), shall be available for public inspection and copying pursuant to these rules.

NEW SECTION

WAC 136-03-040 REQUESTS FOR PUBLIC RECORDS. Public records of the CRABoard shall be obtainable by persons who comply with the following procedures:

- (1) A written or oral request for public records shall be addressed to the public records officer. Such request shall include the following:

- (a) The name of the person requesting the records (requestor).
- (b) The calendar date on which the request was made.

(c) If the requested records are referenced in the current index maintained by the CRABoard, a reference to the requested record as it is described in such current index.

(d) If the requested records are not referenced in the CRABoard's current index, a statement that identifies the specific records requested.

(e) Where the requested records might be used for such a purpose, a verification that the records requested shall not be used to compile a commercial sales list.

(2) The public records officer shall inform the requestor whether and when the requested records will be available for inspection or copying at 2404 Chandler Ct. S.W., Suite 240, Olympia, Washington. If the requestor asks that the records be mailed to him or her, the public records officer shall do so, provided the records can be copied and sent without unreasonably disrupting the operations of the CRABoard, as provided in RCW 42.17.270.

(3) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the CRABoard is also a party (or when such a request is made by or on behalf of an attorney for such a party) the request shall be referred to the assistant attorney general assigned to the CRABoard for appropriate response.

#### NEW SECTION

WAC 136-03-050 AVAILABILITY FOR PUBLIC INSPECTION AND COPYING OF PUBLIC RECORDS--OFFICE HOURS. Public records shall be available for inspection and copying during the normal business hours of the CRABoard. For the purposes of this chapter, these normal business hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

#### NEW SECTION

WAC 136-03-060 INSPECTION AND COPYING COSTS. (1) No fee shall be charged for inspection of public records.

(2) The CRABoard shall impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy records; such charges shall not exceed the amount necessary to reimburse the CRABoard for its actual costs incident to such copying. Actual costs shall include:

(a) The labor and overhead costs of staff associated with responding to the request;

(b) Computer and/or copying machine costs and overhead; and

(c) Paper and/or other duplicating medium costs.

#### NEW SECTION

WAC 136-03-070 PROTECTION OF PUBLIC RECORDS. In order to protect the CRABoard's records from damage or disorganization:

(1) Copying of public documents shall be done by CRABoard personnel or, in the discretion of the CRABoard, under their supervision.

(2) No document shall be physically removed by a requestor from the area designated by the CRABoard for the public inspection of documents. The CRABoard may require that all inspection be done in the presence of a CRABoard employee.

(3) When a requestor requests to examine an entire file or group of documents, as distinguished from certain individual documents which can be identified and supplied by themselves, the CRABoard shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure is contained therein, and the CRABoard shall not be deemed in violation of its obligation to reply promptly to requests for public documents by reason of performing such inspection.

#### NEW SECTION

WAC 136-03-080 DENIAL OF REQUEST. Each denial of a request for a public record shall be accompanied by a written statement to the requestor clearly specifying the reasons for denial, including a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the record withheld. Such statement shall be sufficiently clear and complete to permit the director or his or her designee to review the denial in accordance with WAC 136-03-090.

#### NEW SECTION

WAC 136-03-090 REVIEW OF DENIAL OF PUBLIC RECORDS REQUEST. (1) Any person who objects to the denial of a request for a public record may petition the public records officer for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) If the public records officer decides to affirm the denial, then the written request for review shall immediately be referred to the assistant attorney general assigned to the CRABoard. The assistant attorney general shall promptly consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the public records officer has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

#### NEW SECTION

WAC 136-03-100 RECORDS INDEX. (1) The CRABoard shall have available to all persons at its offices in Olympia a current index which provides identifying information as to the following records:

(a) All records issued before July 1, 1990, for which the CRABoard has maintained an index;

(b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the CRABoard in carrying out its duties;

(c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the CRABoard in carrying out its duties;

(d) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990;

(e) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990; and

(f) Minutes of CRABoard meetings.

(2) The system of indexing shall be as follows:

(a) The indexing system shall be administered by the CRABoard's public records officer and shall be located at 2404 Chandler Ct., S.W., Suite 240, Olympia, Washington.

(b) Copies of all indexes shall be available for public inspection and copying in the manner provided for the inspection and copying of public records.

(c) The public records officer shall establish and maintain a separate index for each item contained in subsection (1)(a) through (f) of this section as follows:

(i) All final orders and declaratory orders determined by the CRABoard to contain analyses or decisions of substantial importance to the CRABoard shall be listed alphabetically by the titles of the hearing or controversy and shall contain a phrase describing the important issue or issues.

(ii) Interpretative statements and policy statements shall be indexed by the applicable program administered by the CRABoard.

(iii) CRABoard minutes shall be indexed chronologically.

(d) The public records officer shall update all indexes at least once a year and shall revise such indexes when deemed necessary by the CRABoard.

#### NEW SECTION

WAC 136-03-110 AVAILABILITY. The current indexes promulgated by the CRABoard shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.