

WSR 24-11-161

EXPEDITED RULES

DEPARTMENT OF TRANSPORTATION

[Filed May 22, 2024, 11:46 a.m.]

Title of Rule and Other Identifying Information: WAC 468-06-060 Requesting public records and 468-06-140 Department index.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 468-06-060; fixing a broken web address link, changing the fax number, and adding an email address where the public can submit a new request for records.

WAC 468-06-140 Index, cites a statute that does not apply to state agencies. We are rewriting this WAC to align with the statute requirements in RCW 42.56.070(5) System of indexing requirement for state agencies.

Reasons Supporting Proposal: WAC 468-06-060 has missing and incorrect information on the ways a member of the public can submit a public records request to the Washington state department of transportation (WSDOT). This proposal corrects that information.

WAC 468-06-140; rewriting the WAC to reflect the correct law and rule requirements of state agencies to establish a system of indexing for certain records.

Statutory Authority for Adoption: Chapter 42.56 RCW, Public Records Act.

Statute Being Implemented: Chapter 42.56 RCW, Public Records Act.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: WSDOT, governmental.

Name of Agency Personnel Responsible for Drafting and Enforcement: Ashley Holmberg, Olympia, Washington, 360-870-2869; and Implementation: Sam Wilson, Olympia, Washington, 360-704-6366.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This update is required to ensure the public has the correct information to be able to submit a public records request and to establish our retention schedule as WSDOT's system of indexing records as required by statute.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: WAC 468-06-060 has incorrect and missing contact information needed by members of the public to file a public records request.

WAC 468-06-140 has incorrect information regarding WSDOT's requirement for a system of indexing records.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Ashley Holmberg, WSDOT, 310 Maple Park Avenue, P.O. Box 47410, Olympia, WA

98504-7410, phone 360-870-2869, fax 360-705-6805, email
ashley.holmberg@wsdot.wa.gov, AND RECEIVED BY July 22, 2024.

May 22, 2024
Sam Wilson, Director
Business Support Services

OTS-5444.1

AMENDATORY SECTION (Amending WSR 19-24-068, filed 11/27/19, effective 12/28/19)

WAC 468-06-060 Requesting public records. (1) Submitting a request. Requests for public records to the department or the commission can be made by:

(a) Using the public disclosure request center ~~((7))~~ by ~~((clicking on the link on the website at <http://www.wsdot.wa.gov/Contact/PublicDisclosure>, or))~~ going to <https://wsdot.mycusthelp.com/WEBAPP/rs/supporthome.aspx>; or

(b) Submitting a written request to the department that includes:

(i) The name, address, telephone number, and email address of the person requesting the records;

(ii) The date and time of the request;

(iii) A description of the public records sought adequate for the department to identify and locate all responsive records;

(iv) Language stating that the request for records is intended as a public records request or a similar statement placing the department on fair notice that records are being sought under the ~~((PRA))~~ Public Records Act chapter 42.56 RCW; and

(v) A statement indicating whether copies ~~((or))~~ of the records are sought or if the requestor wants to arrange to inspect records.

Requests not submitted through the public disclosure request center identified in (a) of this subsection can be submitted via U.S. mail, hand delivery, email, or facsimile at:

Public Records Office
Transportation Building
310 Maple Park Avenue S.E.
P.O. Box 47410
Olympia, WA 98504-7410
Email: HQPDRCoordinators@wsdot.wa.gov
Facsimile: 360-705-((6808)) 6805

(2) A request not submitted in a manner identified in subsection (1) of this section will not be considered a public records request under chapter 42.56 RCW, but will be responded to as an informal routine inquiry or a general request for information.

(3) Requested production. Nonexempt records are available through inspection, paper copies, or electronic copies. The requestor should indicate the production preference and make arrangements to pay the fees, if any.

OTS-5451.2

AMENDATORY SECTION (Amending WSR 15-24-130, filed 12/2/15, effective 1/2/16)

WAC 468-06-140 Department index. (~~The department finds that it would be unduly burdensome and would interfere with department operations to maintain an index of records as specified in RCW 42.56.070 because of the complexity and diversity of its operations and the resulting volume of correspondence, reports, studies, and other materials.~~) (1) The state general records retention schedule and the department's unique records retention schedule, as established and approved by the state records committee, serve as the system of indexing for the identification and location of the department's records, including those described in RCW 42.56.070(5).

(2) The current system of indexing, as described in subsection (1) of this section, is available through the secretary of state's website at <http://www.sos.wa.gov>.