

WSR 26-01-071

EXPEDITED RULES

DEPARTMENT OF TRANSPORTATION

[Filed December 12, 2025, 11:39 a.m.]

Title of Rule and Other Identifying Information: WAC 468-06-090 Public records requests fees. This WAC states what the department of transportation (department) charges the public for copying costs of records released on public records requests.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Public Records Act, chapter 42.56 RCW, allows agencies to charge for copies of records provided to requesters in response to their request for records. It further states that the department may require a 10 percent deposit on requests. Our current WAC is missing a citation to the subsection allowing us to require a deposit.

Reasons Supporting Proposal: We want to utilize all the fee options available to us for copying costs.

Statutory Authority for Adoption: RCW 42.56.120(4).

Statute Being Implemented: RCW 42.56.120(4).

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

Name of Proponent: Washington state department of transportation, governmental.

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

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

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed rule adds a citation to fees allowed by statute.

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 Steve Larsen, Washington State Department of Transportation, P.O. Box 47418, 310 Maple Park Avenue S.E., Olympia, WA 98504-7418, phone 360-705-7738, email wac@wsdot.wa.gov, BEGINNING the date and time of this filing, AND RECEIVED BY February 23, 2026, at 4:30 p.m.

December 11, 2025
Sam Wilson, Director
Business Support Services

RDS-6877.1

AMENDATORY SECTION (Amending WSR 19-07-026, filed 3/12/19, effective 4/12/19)

WAC 468-06-090 Fees. (1) The following copy fees and payment procedures apply to requests to the department under chapter 42.56 RCW and received on or after April 12, 2019.

(2) Pursuant to RCW 42.56.120 (2)(b), the department is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) The department does not have the resources to conduct a study to determine all its actual copying costs;

(b) To conduct such a study would interfere with other essential agency functions; and

(c) Through the 2017 legislative process, the public and requestors have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2)(b) and (c), (3) and (4).

(3) The department will charge for copies of records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c), and (4). The department will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.130, the department may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The charges for copying methods used by the department are summarized in the fee schedule available on the department's website at www.wsdot.wa.gov.

(4) Requestors are required to pay for copies in advance of receiving records. Fee waivers are an exception and are available for some small requests under the following conditions:

(a) It is within the discretion of the public records officer to waive copying fees when:

(i) All of the records responsive to an entire request are paper copies only and are (~~twenty-five~~) 25 or fewer pages; or

(ii) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of (~~one hundred~~) 100 printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this rule.

(b) Fee waivers are not applicable to records provided in installments.

(5) All required fees must be paid in advance of release of the copies or an installment of copies. The office will notify the requestor of when payment is due.

(6) Payment should be made by check or money order to the Washington state department of transportation.

(7) The department will close a request when a requestor fails by the payment date to pay in the manner prescribed for records or an installment of records.