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## PERMANENT ADMINISTRATIVE ORDER

### DOT 1-2025

CHAPTER 731

DEPARTMENT OF TRANSPORTATION

**FILED**

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ARCHIVES DIVISION  
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& LEGISLATIVE COUNSEL

FILING CAPTION: Update of ODOT's public records rule

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AMEND: 731-001-0025

RULE TITLE: Public Records Request Requirements and Fees

NOTICE FILED DATE: 10/31/2024

RULE SUMMARY: This rule was updated to reflect current public records processing procedures and applicable statutes.

#### RULE TEXT:

- (1) The Oregon Department of Transportation will disclose all information in its custody unless such information is exempt from disclosure under Chapter 192 of the Oregon Revised Statutes.
- (2) As used in this rule, the term "public record" is defined in ORS 192.311(5)(a).
- (3) Persons wishing to request public records from the Department shall:
  - (a) Establish a customer account using the Department's public records portal found online at <https://www.oregon.gov/ODOT/Get-Involved/Pages/Public-Records.aspx> and submit their request online; or
  - (b) Make their request in writing and either mail or hand deliver a written request to PRR Coordinator MS 11, 355 Capitol Street NE, Salem OR 97301.
- (4) At a minimum the request must:
  - (a) Include name and address of the person requesting the public record;
  - (b) Include the requester's email address and telephone number; and
  - (c) Adequately describe the record(s) requested, including subject matter.
- (5) Within five business days the Department will acknowledge receipt of a request and state:
  - (a) Whether the Department believes it has responsive records;
  - (b) The estimated number of days necessary to provide any responsive records; and
  - (c) A cost estimate to comply with the request, when applicable.
- (6) The Department adopts DAS statewide policy 107-001-030 (dated 2-15-17) to calculate fees and to determine whether a request for a fee waiver or reduction meets the public interest thresholds.
- (7) Pre-payment of any fees associated with a request may be required by the Department before work begins or, if work has begun, before records are released. The Department shall close any public records request if a requester fails to pay the actual, estimated or reduced fee within 60 days of the date on which the Department informed the requester

of the requirement for pre-payment of fees.

(8) Fee waivers or reductions. A request to waive or reduce fees must be submitted along with the request on a separate form provided online by the Department at <https://www.oregon.gov/ODOT/Get-Involved/Pages/Public-Records.aspx> or mailed along with the request as described in section (3).

(9) Within ten business days after the acknowledgement period or receipt of the estimated fees, when applicable, or upon granting a fee waiver, the Department shall complete the public records request or provide a written statement that the Department is processing the request and a reasonable estimated date by which the Department expects to complete its response based on the information currently available, except as provided in section (10).

(10) Where the time periods in section (5) and section (9) would be impracticable, the Department shall acknowledge a public records request and complete the response to the request as soon as practicable and without unreasonable delay. The time periods in sections (5) and (9) are impracticable when:

(a) The staff necessary to complete a response to the public records request are on leave or are not scheduled to work; or

(b) Compliance would demonstratively impede the Department's ability to perform other necessary services; or

(c) The volume of public records requests being simultaneously processed by the Department makes it impracticable.

(11) Electronic Records. Copies of requested electronic records may be provided in the format or manner maintained by the Department. The Department will perform all downloading, reproducing, formatting and manipulating of records.

(12) A requester who believes there has been an unreasonable delay or denial of access to a public record, or unreasonable denial of a fee waiver or fee reduction may petition the Attorney General to review the record to determine if the agency acted appropriately. Petitions may be filed online at <https://www.doj.state.or.us/oregon-department-of-justice/public-records/petition-for-public-records-order/>.

(13) Provisions in this rule do not apply to records held by the Driver and Motor Vehicle Services Division of the Department of Transportation. DMV public records rules are in OAR chapter 735, division 10.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 192.318

STATUTES/OTHER IMPLEMENTED: ORS 192.314 - 192.338