THEODORE R. KULONGOSKI
ATTORNEY GENERAL

THOMAS A. BALMER
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
1162 Court Street NE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400
TDD: (503) 378-5938

June 29, 1993

Gordon Oliver
The Oregonian
1320 S.W. Broadway St.
Portland, OR 97201

Re: Public Records Disclosure Order:
Oregon Department of Transportation

Dear Mr. Oliver:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on June 23, 1993, asks the Attorney General to direct the Oregon Department of Transportation (ODOT) to make available for your inspection the following records:

> Any and all log books, trip records, fuel receipts, flight plans and passenger lists for any and all aircraft owned, operated and/or leased by the department since April 1990.

For the reason that follows, we respectfully deny your petition as moot.

The Public Records Law confers a right to access any public records of a public body in Oregon, subject to certain exemptions and limitations. See ORS 192.420. The law requires generally that the custodian of public records furnish proper and reasonable opportunities for inspection and/or copying of the records in the office of the custodian. ORS 192.430. Any person denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the public records to determine if it may be withheld from public inspection. ORS 192.450(1).

Arlene Post, Communications Branch Manager, ODOT, informs us that since the filing of your petition further discussions have

occurred concerning your request and, to the extent that ODOT possesses records that you have requested, they are being made available for inspection. Log books for ODOT aircraft are available for review. Those log books contain various trip information and, in some cases, passenger lists.

Certain of the records requested are not held by ODOT and are, thus, not subject to the Public Records Law. See ORS 193.430. Log books for leased aircraft remain with those aircraft; fuel receipts are not individually kept for aircraft; and flight plans are filed with the Federal Aviation Association. No other "trip records" for such aircraft are kept.

Because ODOT is making available to you the records you have requested that are held by the agency, we deny your petition as moot.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to
the Attorney General

ESH:DKH:AV:bjs/JGG07168
c: Arlene Post, Communications Branch Manager
Oregon Department of Transportation