

1-1 Acronyms

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| AG | Attorney General |
| AGO | Attorney General's Office |
| FHWA | Federal Highways Administration |
| HQ | Headquarters |
| PAS | Property and Acquisition Specialist |
| RCW | Revised Code of Washington |
| RES | Real Estate Services |
| RESM | Region Real Estate Services Manager |
| RESPA | Real Estate Services Program Administrator |
| WFSE | Washington State Federation of State Employees |
| WMS | Washington Management Service |
| WSDOT | Washington State Department of Transportation |

1-2 Personal Conduct

1-2.1 *Code of Ethics*

Real Estate Services (RES) staff shall at all times conduct themselves in an ethical manner ([Chapter 42.52 RCW Ethics in public service](#)) and Secretary's Executive Order Number: [E 1004, Ethics in Public Service](#) and Secretary's Executive Order Number: E 1021, *Employee Use of Electronic Communication Systems*.

1-2.2 *Political Activity*

The political activities of state employees are directly controlled by various statutes which describe both permitted and prohibited activities.

1-2.2.1 **Hatch Act**

- A. Federal law (the [Hatch Act](#)) applies to officers and employees of state and local agencies when such agencies receive federal funds. Washington State Department of Transportation (WSDOT) officers and employees are, therefore, subject to the provisions of the Hatch Act.

- B. The Office of the General Counsel, U.S. Civil Service Commission, states that effective January 1, 1975, state and local employees may not:
1. Use their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
 2. Directly or indirectly coerce, attempt to coerce, command or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
 3. Be a candidate for public or political party elective office in a partisan primary, general, or special election.

1-2.3 *Sales to Employees Prohibited*

No WSDOT employee is permitted to purchase either at public auction or otherwise any state-owned real property, improvements, or personalty which are under the jurisdiction of WSDOT, except in cases with the specific prior approval of the Secretary of Transportation. Contact Property Management in Headquarters for additional information.

1-3 Personnel Selection

1-3.1 *Washington State Civil Service System*

All RES personnel are covered by the Washington State Civil Service System which affords them protection similar to that provided by the Federal Civil Service System. RES is also represented by the Federation of Professional and Technical Engineers [Local 17](#) Bargaining Agreement and some of the staff by the Washington State Federation of State Employees ([WFSE](#)) Bargaining Agreement.

1-3.2 *Classification Titles*

Job descriptions for the following classification titles are given in the Washington State Department of Personnel [classifications](#) and Washington Management Service (WMS) position descriptions.

- Property and Acquisition Specialist I ([PAS I](#))
- Property and Acquisition Specialist II ([PAS II](#))
- Property and Acquisition Specialist III ([PAS III](#))
- Property and Acquisition Specialist IV ([PAS IV](#))
- Property and Acquisition Specialist V ([PAS V](#))
- Property and Acquisition Specialist VI ([PAS VI](#))
- Region Real Estate Services Manager (RESM) – WMS
- Assistant Region Real Estate Services Manager (Assistant RESM) – WMS
- Headquarters Program Manager – WMS
- Headquarters Real Estate Services Program Administrator (HQ RESPA) – WMS

1-3.3 **Function Titles**

The function title describes a particular specialty within a classification title. For example: a person holding the classification title of Property and Acquisition Specialist might be assigned any of the following function titles:

- Staff Appraiser
- Review Appraiser
- Acquisition Specialist
- Title Examiner
- Title Reviewer
- Property Management Specialist
- Relocation Specialist
- Relocation Reviewer

1-3.4 **Selection and Assignment**

Rules and procedures for the selection and assignment of personnel to classification titles are given in the [Merit System Rules](#).

1-4 **Training Program**

RES employees are encouraged to attend and participate in local chapter meetings of professional society organizations in their respective fields. Membership in such societies is purely voluntary and the department does not require such memberships as a condition of employment.

Employees may be afforded training opportunities to maintain a level of proficiency suitable to the needs of the department. The department is not obligated to offer training and does not require it as a condition of, or for continuation of employment.

The department will offer training opportunities which are potentially capable of increasing employee efficiency, improving job performance, practical solutions, and contributing to the promotional advancement of the participants. The Learning Management System and Skillsoft are tools for providing training.

1-5 **Travel**

Rules and procedures governing travel on state business are given in the WSDOT [Accounting Manual](#) M 13-82 and the [Local 17](#) Bargaining Agreement and the [WFSE](#) Bargaining Agreement.

1-6 **Vehicle Operation**

Rules and procedures governing the use of state automobiles are given in the references cited in [Use of State Provided Motor Vehicles](#) M 53-50 and Secretary's Executive Order Number: [E 1047](#), *Business Travel Policy*.

1-7 Transportation Facility Location and Design

1-7.1 General

- A. Interdisciplinary teams are employed in all stages of transportation planning, location, and design. Both Headquarters and region RES personnel are called upon for their professional expertise.
- B. The RESM (or designee) makes project field inspections at appropriate times throughout the development of a project to assure that adequate consideration is given to significant right of way elements involved in the location and design of the project, including possible social, economic, and environmental effects.
- C. RES personnel may contribute to the transportation planning team effort in various areas of which the following are examples:
 1. Provide and evaluate ownership information.
 2. Identify the extent of the impacted area.
 3. Estimate costs of acquisition, relocation assistance, and other costs of proposed plans.
 4. Identify and evaluate potentials for airspace development.
 5. Identify and evaluate opportunities for multiple uses of roadway properties, i.e., accommodation of multimodal transportation needs, and nontransportation uses/services through joint development of transportation and utility corridors.
 6. Identify historical sites, open space and park lands, recreation areas, and wildlife and waterfowl refuges.
 7. Identify the need for local roadway facilities, e.g., frontage service roads.
 8. Identify needs for, and feasibility of, functional replacement of publicly-owned real property.
 9. Identify and evaluate social, economic, and aesthetic impacts of the proposed project upon adjacent property, the community, and upon the region, including, but not limited to:
 - a. Effects of the proposed project on urban planning and existing and future land use development trends.
 - b. Effects of the proposed project on community affairs (e.g., effects upon school attendance areas, accessibility of community shopping facilities to residential areas).
 10. Identify displacements of people, businesses, farms, and nonprofit organizations; availability of satisfactory replacements and last resort housing needs; and evaluate related costs.
- D. The Regional Administrator (or designee) conducts both the location (corridor) public hearing and the design public hearing.

1-7.2 Cost Estimates

- A. Upon the request of the Regional Administrator (or designee):
 - 1. The RESM assigns Staff Appraisers or contracts with fee appraisers to prepare appropriate cost estimates as specified in [Chapter 4](#).
 - 2. Relocation Specialists are assigned to prepare appropriate relocation plans and relocation cost estimates as specified in [Chapter 12](#).
 - 3. Upon request, an engineer will accompany the Staff Appraiser and/or the Relocation Specialist on the field inspection to advise on the design and the location details being studied.
- B. The RESM (or designee) maintains file copies of all reports. An additional copy is maintained by the Regional Administrator (or designee) on all studies submitted by the region. Such copies are retained for three years from the date of the final voucher for the project.

1-8 Right of Way Plans

- A. Right of way plans are the official state documents used as the basis to acquire and dispose of real estate and other property rights. The plans are referred to in legal instruments and are permanently filed for public record at the Transportation Headquarters Building.

It is the responsibility of the region to assemble data and prepare plans for the acquisition of right of way, including easements, permits, and any substantiating documentation necessary for completion of the plans. These activities are further outlined in the [Plans Preparation Manual](#) M 22-31.

- B. The RESM:
 - 1. Assures that right of way data of the types listed in this chapter are made available to the region engineering staff, including assessor's information and title reports as requested.
 - 2. Assists the Regional Administrator (or designee) in identifying and assigning right of way parcel numbers to the affected ownerships shown on the right of way plans.
 - 3. Determines the types and extent of the property and/or property rights required (e.g., fee, easement, temporary easement, permit).
 - 4. Assures that right of way plans are complete to the extent that the necessary data are depicted thereon.

1-9 Compliance With Federal Regulations

1-9.1 *Right of Way Projects*

Unless specifically noted (e.g., “On nonfederal-aid projects . . .”) all operating regulations and procedures in this manual are intended to comply with applicable federal regulations.

1-10 Authority to Enter Lands for Surveys, Appraisals, Etc.

“The agency or its duly authorized and acting assistants, agents, or appointees shall have the right to enter upon any land, real estate, or premises in this state, whether public or private, for purposes of making examinations, locations, surveys, and appraisals for highway purposes. The making of such entry for said purposes shall not constitute any trespass by the agency or by its duly authorized and acting assistants, agents, or appointees.” ([RCW 47.01.170](#))

Department personnel normally notify the property owner or tenant before entering private lands. (HQ RESPA) Activities requiring excavation or invasive action (drilling, piezometers, test holes, etc.) do not apply to the above RCW, but require a permit or right of entry as outlined in [Chapter 6](#).

1-11 Actions Against State Employees

A. Civil Suits

1. Private parties may bring suits against employees of the state. The statutes of the state protect its employees in the following circumstances:

If an action or proceeding for damages is brought against any department employee based on the employee’s acts or omissions while performing, or in good faith purporting to perform, their official duties, the employee may request that the defense of said action or proceeding be conducted by and at the expense of the state. The employee submits a written request to his immediate supervisor detailing the facts in the case and agreeing to cooperate in the defense. The supervisor submits the request through channels as appropriate. The request is then referred to the Attorney General’s Office (AGO). Upon concurrence, an Assistant Attorney General (AG) is assigned to appear and defend the employee at the state’s expense. In this situation, if a judgment is rendered against the employee, the State’s Tort Claims Revolving Fund will pay any part of the judgment which is not covered by any valid and collectible liability insurance held by the employee or the state.

The employee is liable if the employee’s actions or omissions constitute gross negligence or willful misconduct and no presentation will be provided by the AGO.

2. While our employees are covered by the blanket state vehicle liability policy while operating state equipment, this policy does not offer protection when state vehicle operation is not involved.

B. Administrative Actions by the Department

1. When a department employee is involved in an accident which results in injury involving an Industrial Insurance claim, bodily injury, or property damage to a member of the general public, or damage to the state's vehicles, machinery, equipment, or property, such an accident is made the subject of consideration by the department's Safety and Health Services Office.
2. An employee who is determined by the safety office to have acted improperly or negligently may be subject to disciplinary action and/or a requirement to reimburse the state in the amount of damages to the state-owned property.

1-12 Local Agency Projects

Federally funded project activities of a local agency, such as a county, city or town, are monitored for FHWA by Local Programs. The Right of Way Manager and Local Agency Coordinators monitor the acquisition and certification of right of way. To qualify to acquire right of way, an agency must submit and have approved right of way procedures prior to starting any acquisition activities, and follow the procedures and guidelines in this manual and in [Chapter 25](#) of the *Local Agency Guidelines* M 36-63.

