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490.01 Commitments Must Be Tracked

The Revised Code of Washington (RCW) [47.85.040](#) states that the Washington State Department of Transportation (WSDOT) must develop, implement, and maintain an environmental compliance data system to track permit conditions and environmental commitments. WSDOT's [E 1018 Environmental Policy Statement](#) requires all WSDOT employees to know and adhere to all environmental commitments applicable to their duties. This invariably requires staff to track commitments because they apply to various phases of the project (design/construction/maintenance) and are performed by WSDOT, the contractor, or both. The WSDOT Commitment Tracking System (CTS) is built specifically to help our agency implement these requirements. WSDOT is expected to clearly communicate all project commitments to supporting design offices, construction project staff, and to the contractor as stated in the WSDOT [Plans Preparation Manual](#) M 22-31 Division 4.

[Title 23, Part 771.109](#) of the Code of Federal Regulations requires the Federal Highway Administration (FHWA) to ensure that WSDOT implements commitments as stated in the environmental documents. The FHWA assures this is accomplished as a part of their program management responsibilities, which includes reviews of design, plans, specifications, and estimates (PS&E). This also includes FHWA construction inspections.

490.02 Identify Environmental Commitments During Environmental Review and Design

Identifying environmental commitments early in design ensures that the complete design package is developed with compliance in mind before it goes out for bid. The WSDOT [Plans Preparation Manual](#) Division 4 requires WSDOT to identify all project environmental commitments. These commitments may result from:

- Planning activities.
- Federal review process via the National Environmental Policy Act (NEPA).
- Washington State review process via the State Environmental Policy Act (SEPA).
- Design efforts, including field activities.
- Permit acquisition.

It is WSDOT policy ([Design Manual](#) M 22-01 Section 225.05) that a project commitment file be established as soon as NEPA/SEPA documents are completed. This file serves as the repository for all final environmental commitments leading to development of the contract.

490.03 Perform a Constructability Review

The WSDOT *Master Deliverables List* (MDL) is a comprehensive list of project deliverables organized by project phases. Section [PSE.50](#) of the MDL requires that constructability reviews be performed during design. WSDOT staff should ensure that commitments from NEPA/SEPA documents, Endangered Species Act documents, and permits are constructible.

490.04 Reflect Environmental Commitments in Project Design

WSDOT's [E 1018 Environmental Policy Statement](#) requires that WSDOT communicate compliance requirements to contractors. The project design must reflect commitments from the environmental review process and the permits. In fact, permits like the Hydraulic Project Approval reiterate the need for the design to be consistent with what WSDOT submits in the Joint Aquatic Resources Permit Application. The CTS can be used to generate a report of all the environmental commitments that must be considered during the design phase of a project.

- Refer to [Procedure 490-d](#) to verify commitments are incorporated into the final project design.
- Refer to [Chapter 590](#) to incorporate environmental commitments into the contract.
- Refer to [Procedure 630-a](#) to close out commitment.

490.05 Track Environmental Commitments During Design

The following procedures found on the WSDOT [Environmental commitments & compliance](#) webpage explain how to:

- Establish a commitment file (PRO490-a).
- Identify environmental commitments (PRO490-b).
- Enter commitments into CTS (PRO490-c).
- Verify commitments are incorporated into final project design (PRO490-d).
- Coordinate the wetland/stream mitigation right of way submittal (PRO490-f).
- Close out design commitments using the commitment status feature (PRO630-a).

490.06 Respond to Noncompliance Events During Design

WSDOT employees are obligated to report noncompliance ([RCW 47.85.030\(3\)\(a\)](#)). Section 225.05 of the [Design Manual](#) states the purpose of the Environmental Compliance Assurance Procedure (ECAP) for the design phase of a project, and provides instruction on how to recognize and rectify environmental noncompliance events.

490.06 Applicable Statutes and Regulations

- Applicability and responsibilities – [23 Code of Federal Regulations; 771.109](#)
- Transportation Project Delivery and Review – [47.85 RCW](#)

490.07 Abbreviations and Acronyms

CTS	Commitment Tracking System
ECAP	Environmental Compliance Assurance Procedure
FHWA	Federal Highway Administration
JARPA	Joint Aquatic Resources Permit
MDL	Master Deliverables List
NEPA	National Environmental Policy Act
PS&E	Plans, Specifications, and Estimates
RCW	Revised Code of Washington
SEPA	State Environmental Policy Act

490.08 Glossary

These definitions provide context for tracking commitments in design. Some terms may have other meanings in a different context.

Commitment – An obligation that WSDOT makes within an environmental document or agreement for the project; or an expectation imposed upon WSDOT by another agency through a permit or approval for the project. Commitments can be either the agency’s or the contractor’s responsibility to implement.

Commitment File – This file serves as the repository for all final environmental documents leading to development of the contract.

Commitment Tracking System – The Commitment Tracking System (CTS) is a WSDOT web application that allows you to store commitments in a secure computer network server, plus manage the responsibility (WSDOT or contractor) and implementation method (guidance document or contract) for the commitment. It also allows you to store compliance records, document the status, and report details about commitments from their inception through project delivery and on to maintenance.

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