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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 [Environmental Policy Statement](#) expects 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/Design-Builder, or both. The WSDOT [Commitment Tracking System](#) (CTS) web application 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/Design-Builder as stated in the WSDOT [Plans Preparation Manual](#) M 22-31 [Division 4](#), WSDOT [Design-Build Manual](#) M 3126 [Chapter 4](#), and WSDOT [Construction Manual](#) M 41-01 [Chapter 1](#). For Design-Build projects, both WSDOT and Design-Builder staff are responsible for tracking commitments during project design. For Design-Build projects, the commitments are compiled in a commitments list and must be included in Appendix C of the request for proposal (RFP). The commitment list must be tracked and updated/modified by the DB throughout the life of the project until closeout. Refer to the [Design-Build Manual](#), section 2.79 Environmental, and the project's Request for Proposal (RFP) for more project-specific information regarding the Design-Builder's responsibilities.

[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. In most cases, commitments will be in writing, but note that some commitments may be delivered electronically or verbally. 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).
- Tribal participation and consultations.
- Design efforts, including field activities.
- Permit acquisition.

It is WSDOT policy (WSDOT *Design Manual* M 22-01 [Section 225.04](#)) that a project commitment file be established as the preparation of environmental documentation begins. The Region/Mode/Megaprograms Environmental Office is responsible for creating and maintaining the commitment file as a project progresses through its development process. 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 must ensure all environmental commitments are constructible. If WSDOT identifies a non-constructible commitment, then the Region/Mode/Megaprograms Environmental Office must resolve the issue prior to delivering the environmental commitment file to the Project Engineer; this may be accomplished through communication with the source of the commitment (e.g., the appropriate resource agency).

490.04 Reflect environmental commitments in project design

WSDOT's [Environmental Policy Statement](#) requires that WSDOT communicate compliance roles, responsibilities, environmental commitments, and expectations to contractors/consultants/Design-Builders. WSDOT staff will use [CTS](#) to consistently track all environmental commitments and generate a commitment file including all the environmental commitments that must be considered during the design phase of a project. The project design must reflect commitments from the environmental review process and the permits. Provide a copy of the commitment file to the Project Engineer responsible for design elements (such as structures, roadway, or stormwater), so they can ensure the project incorporates all design phase commitments into contract documents, and that those commitments get closed out.

See [Chapter 590](#) to incorporate environmental commitments into the contract, and [Chapter 600](#) for information on closing commitments upon completion. Refer to the help menu within [CTS](#) for instructions on how to use [CTS](#), manage commitments, and generate a list of all commitments. Contact WSDOTCTSAdministrator@wsdot.wa.gov for additional CTS support and training requests.

490.05 Track environmental commitments during design

Environmental commitments must be tracked to determine how and when they are fulfilled, including those for which the contractor/Design-Builder is responsible. For each commitment, include a commitment ID number, commitment description, source of the commitment, responsible party (e.g., WSDOT, contractor/Design-Builder, or both), and applicable project phase(s) (e.g., planning, design, construction, or maintenance).

As commitments are fulfilled, update the commitment file (e.g. [CTS](#)) to reflect their status as closed; if appropriate, also document how the commitment was fulfilled. Inquire with the Project Office Designers to discuss design commitments that are not incorporated or have a status of open. The Region/Mode/Megaprograms Environmental Office is responsible for clearly communicating to the Project Engineer the status of all commitments in the commitment file (e.g. [CTS](#)).

Project teams must use [CTS](#) to track and manage environmental commitments. Depending upon the RFP, Design-Builders may use [CTS](#) to track and manage environmental commitments via the [SecureAccess Washington \(SAW\)](#) Portal. For your convenience, [CTS](#) contains commitments for some common and general permits and approvals. Refer to the help menu within [CTS](#) for instructions on how to add and update commitments to a project and generate reports, including commitment close-out reports.

490.06 Respond to non-compliance events during design

WSDOT employees and consulting staff are obligated to report environmental non-compliance events ([RCW 47.85.030\(3\)\(a\)](#)). Section 225.05(1) of the WSDOT [Design Manual](#) states the purpose of the Environmental Compliance Assurance Policy (ECAP) for the design phase of a project, and provides instruction on how to recognize and rectify environmental non-compliance events.

490.07 Applicable statutes and regulations

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

490.08 Abbreviations and acronyms

CTS	Commitment Tracking System
ECAP	Environmental Compliance Assurance Policy
FHWA	Federal Highway Administration
MDL	Master Deliverables List
NEPA	National Environmental Policy Act
PS&E	Plans, Specifications, and Estimates
RCW	Revised Code of Washington
RFP	Request for Proposal
SAW	Secure Access Washington (SAW)
SEPA	State Environmental Policy Act

490.09 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/Design-Builder'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, contractor/Design-Builder, or both) 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.