Delegations of Authority to Approve Certain Department Documents

Secretary’s Executive Order E 1012.01

Secretary of Transportation

Revised Executive Order Attached

The Attached Delegation of Authority to Approve Certain Department Documents Secretary’s Executive Order E 1012.01 dated March 15, 2006, supersedes and replaces the Executive Order of the same title dated June 20, 2003. Please recycle all copies of the old Executive Order.

What Has Changed

Changes are itemized in the document, section I.C. Changes. Paragraphs with changes are marked with a change bar in the margin.

Keep Employees Informed

Please consider your organization’s need to inform employees that this document is available on bulk e-mail and on the Intranet at http://wwwi.wa.gov/docs. Please provide copies to those employees who do not have e-mail or Intranet access, or post copies on major bulletin boards.

For More Information

Please contact your supervisor, manager, or executive.

DOT Form 761-003 EF
Revised 12/2005
Delegation of Authority to Approve Certain Department Documents

I. Introduction

A. Purpose

The Secretary of Transportation may delegate any powers, duties, and functions necessary to efficiently administer the department, in accordance with the Revised Code of Washington (RCW) 47.01.101, Public Highways and Transportation – Department of Transportation – Secretary -- Authority and duties. With this Executive Order, the Secretary of Transportation delegates the authority to approve specific documents for the Washington State Department of Transportation (WSDOT) to specific levels of management.

B. Supersession

This Executive Order supersedes Executive Order E 1012.00, Delegation of Authority to Approve Certain Documents for the Department, and dated June 20, 2003.

C. Changes

Following is a list of changes from the earlier version:

1. Changes in this document reflect the current WSDOT table of organization with updates to office names and titles. The organization formerly known as Planning and Capital Program Management is restructured into three organizations:
a. The Director of Strategic Planning and Programming reports to the Chief of Staff, and has four new delegated items.

b. The Director of Project Control and Reporting reports to the Assistant Secretary of Engineering and Regional Operations.

c. The Director of Transportation Research Office reports to the Assistant Secretary of Engineering and Regional Operations.

2. Adds enforcement authority per RCW 47.68.310 Enforcement of aeronautics laws.

3. Adds approval of any interagency agreement, Memorandum of Understanding (MOU), or similar document within the functional business area of responsibility to:

a. Director, Strategic Planning & Programming.

b. Director, Environmental and Engineering Programs.

c. Director, Maintenance and Operations.

d. Director, Project Control Reporting.

e. Director, Transportation Research.

f. Director, Washington State Ferries.

g. Assistant Secretary for Finance and Administration.

4. Changes some delegations through the Assistant Secretary for Engineering and Regional Operations:

a. Change delegations to the Director of Environmental and Engineering Programs:

1) Allow further delegation for plan approvals.

2) Add number three above.
b. Change delegations to the Director of Maintenance and Operations Programs:

1) Combine two delegations regarding the Manual on Uniform Traffic Control Devices for Streets and Highways delegations into one.

2) Add permits for events on highway rights of way.

3) Add number three above.

5. **Assistant Secretary for Finance and Administration**

Changes delegations to the Assistant Secretary for Finance and Administration:

a. Personnel Board fiscal impact statement documents.

b. Certification of Indirect Costs.

c. Out of state and out of country travel.

d. IT authority as cited.

e. Adds Fiscal Notes to the Director of Budget.

f. Number three above.

6. **Definitions**

Add definition of the terms, *Leadership Team* and *Executive*.

II. **Executive Order**

Through this Executive Order, the Secretary of Transportation delegates authority as described below.
III. Rules

A. Limitations on Delegations from the Secretary

Only the executive appointed to the specified position has the authority to approve the documents listed in this executive order, with the following exceptions:

1. When the executive is absent, the person designated, in writing, to operate in his or her absence may approve the documents.

2. The Secretary or the Chief of Staff may approve all documents.

3. See also Delegation of Authority During Absences, Executive Order E 1006.00.

4. See also Appointing Authority Delegated, Executive Order E 1017.01.

B. Limitations on Further Delegations from Executives

1. Any further delegation of authority from an executive must be in writing; this can be in the form of a memorandum, or specified in a manual or other directional document.

2. Each executive must maintain records of all delegated authority.

C. Definitions

Definitions of the titles used for this Executive Order:

1. Leadership Team – Secretary of Transportation, Chief of Staff, Assistant Secretary for Engineering and Regional Operations, Assistant Secretary for Finance and Administration, and the Director of Washington State Ferries.

2. Executives – All positions listed on the Washington State Department of Transportation organizational chart, including the Leadership Team.
D. Executive Responsibilities

1. Each executive is responsible for ensuring that authorities are properly exercised within his or her organization.

2. The Assistant Secretary for Finance and Administration Division is responsible for the maintenance of this document.

3. All executives are responsible for informing the Assistant Secretary for Finance and Administration Division of changes needed for the maintenance of this document.

E. Specific Delegated Authority

The following positions have authority to sign documents as indicated below. Further delegation is authorized unless otherwise indicated.

1. Director, Audit Office

The Director, Audit Office, is delegated the authority to approve all documents listed below.

   1) Audits, investigations, and reviews.
   2) Agreements for outside services relating to internal investigations.
   3) Financial statement reviews for pre-qualification of contractors.
   4) Agreements with other state agencies for services relating to internal investigations.

2. Director, Equal Opportunity Office

The Director, Equal Opportunity Office, is delegated the authority to approve all reports submitted to external civil rights agencies. Further delegation is not authorized.
3. **Senior Assistant Attorney General**

The Senior Assistant Attorney General for the Washington State Department of Transportation delegated the authority to approve all personal services contracts for expert witnesses and consultants required for the preparation and trial of all lawsuits.

4. **Chief of Staff**

The Chief of Staff may delegate authority to subordinates to approve documentation as indicated below.

a. **Director, Aviation Division**

The Director, Aviation Division, is delegated the authority to approve all documents listed below.

1) Federally funded project documentation within assigned program areas of responsibility.

2) Documents granting or loaning airport development funds to municipalities for planning, acquiring, constructing, or improving airports.

3) Documents approving state aeronautical navigational facilities.

4) Documents making determination of obstructions and hazards to air navigation.

5) Documents concerning lease, purchase, or other arrangements for aircraft for use by the department or concerning aircraft regulations established in Office of Financial Management, *State administrative and Accounting Manual*, Chapter 70.50, Aircraft.

6) Police powers solely for the enforcement of state aeronautics laws and the rules having the effect of law, as consistent with RCW 47.68.310 *Enforcement of aeronautics laws*. Further delegation is limited to two officers reporting to the Director of Aviation:

   - Manager of Aviation Operations
   - Manager of Aviation Services
b. **Director, Highways and Local Programs**

The Director, Highways and Local Programs, is delegated the authority to approve all documents listed below.

1) Federal aid project documentation within assigned program areas of responsibility.

2) Agreements for Federal Highways Administration (FHWA) federal aid projects proposed by cities, towns, counties, and transit agencies for preliminary engineering, construction, and maintenance, except transit agency agreements for park-and-ride lots partially financed by the Motor Vehicle Fund.

3) Documents concerning notice of intended transfer of abandoned roads and streets to counties and cities.

4) Documents concerning allocation of funds to local agencies.

5) Documents in connection with city and county federal aid projects as indicated below.
   
   a) Consultant agreements.
   b) Location and design.
   c) Categorically excluded projects for environmental consideration.
   d) Project funding.
   e) Local force work.
   f) Certification acceptance qualification agreements. **Further delegation is not authorized.**
   g) Obligation of federal funds.
   h) Plans, specifications, and estimates documents advertised by the department. **Further delegation is not authorized.**

6) Documents concerning exceptions to city and county design standards.

7) Documents concerning fund authorization for FHWA federal aid projects for cities and counties.
8) Agreements with cities and towns concerning responsibility for streets, or portions thereof, no longer necessary for state highway purposes.

9) Documents concerning annual certification to counties and cities of roads or streets, or portions thereof, no longer required as part of the state highway system.

10) Agreements with federal, state, and local agencies and with the private sector for passing through federal and/or state funds for development of, planning for, and/or support of public transportation.


12) Federal and state funded project documentation within assigned program areas of responsibility.

13) County ferry franchises as governed by Washington Administrative Code (WAC) Chapter 468-22, Transportation, Department of – County ferry franchises, tolls, and financial assistance.

c. Director, Public Transportation and Rail Division

The Director, Public Transportation and Rail Division, is delegated the authority to approve all documents listed below.

1) Federal and state funded project documentation within assigned program areas of responsibility.

2) Documents concerning one-time advance/financial support payments to counties that have a county transportation authority and public transportation benefit areas to assist in the development of an initial comprehensive transit plan.
3) Documents concerning one-time advance/financial support payment to municipalities as defined in RCW 35.95.020, Cities and Towns – Public transportation systems in municipalities – Definitions, to perform feasibility studies concerning public transportation.

4) Agreements with private nonprofit corporations and associations for the purpose of assisting them in providing transportation services meeting the special needs of elderly and handicapped persons.

5) Agreements with federal, state, and local agencies and with the private sector for passing through federal and/or state funds for development of, planning for capital and/or operating support of public transportation.

d. **Director, Strategic Planning and Programming**

The Director, Strategic Planning and Programming, is delegated the authority to approve all documents listed below.

1) Agreement documents for reimbursable photogrammetric services provided by WSDOT to other public agencies.

2) Documents concerning annual certification of state highway routes to the American Association of State Highway and Transportation Officials (AASHTO).

3) Within program areas of responsibility, agreements with other government agencies that will benefit or improve any state highway having an estimated cost to the department of less than $500,000.

4) Agreements with federal, state, and local agencies and with the private sector for passing through federal and/or state funds for research, planning, transportation studies and analyses.

5) Additions to and revisions of the federal forest highway system as they coincide with the state highway system.
6) For federal aid participation, agreements with other government agencies for participation in a public works project that will benefit or improve any state highway with the exception of those for urban transportation systems.

7) For federal aid funding agreements, federal aid project documentation within assigned program areas of responsibility.

8) Any interagency agreement, Memorandum of Understanding (MOU), or similar document within the functional business area of responsibility.

5. Assistant Secretary for Engineering and Regional Operations Division

The Assistant Secretary for Engineering and Regional Operations Division is delegated the authority to approve all documents listed below.

a. Director, Environmental and Engineering Programs

1) Documents concerning advertising, award, and execution of contracts for all highway capital improvements.

2) Federal aid project documentation within assigned program areas of responsibility.

3) The following documents, as prescribed by the National Environmental Policy Act, for departmental projects and federally funded city and county projects:

   a) Environmental impact statements
   b) Section 4(f) statements
   c) Environmental assessments
   d) Categorical exclusions

4) Final acceptance documents for highways contracts.

5) Termination documents for highways contracts.

6) Documents concerning claims on highways contracts.
7) Documents concerning pre-qualification of contractors.
8) Documents approving material sources for highway projects.
9) Documents approving subcontractors and agents.
10) Documents concerning force account rates.
11) Documents concerning interpretation and meaning of contract provisions.
12) Documents concerning certification of materials to FHWA on completed projects.
13) Reports issued on soils and test results.
14) Construction contract change order documents.
15) Documents that set forth standard specifications for road and bridge construction.
16) Documents authorizing revisions to limited access highway facilities.
17) The following documents, as prescribed by WAC Chapter 197-11, *Ecology, Department of – SEPA rules*, for departmental projects and non-project activities:
   a) Agreements for determinations of lead agency status in connection with environmental impact statement activities.
   b) Determinations of significance or non-significance.
   c) Draft and final environmental impact statements.
   d) Extensions of time for final environmental impact statements.
   e) Environmental checklist.
   f) Notice of assumption of lead agency status.
   g) Environmental Consultant Task Assignment Documents (TADS).
18) Agreements, and agreement supplements, with other agencies for construction, reconstruction, or relocation of utilities.

19) Service agreements involving provision of utility services to new highway facilities within operating highways right-of-way.

20) Railroad agreement documents, including protection, relocation, or grade separation.

21) Permits for temporary (non-highway purposes) use and/or highway purposes within all limited access highways right-of-way and non-limited access highway right-of-way except in incorporated cities.

22) Documents concerning utility permits and franchises.

23) Franchise notices of filing documents.

24) Acceptance of assignment documents for franchises and permits.

25) Franchise and permit blanket bond documents.

26) Consultant agreements, supplements to consultant agreements, and documents concerning claims for professional or technical services, with the exception of those which pertain to data processing and research agreements with universities and non-profit organizations.

27) Documents for the various transactions required for acquisition of real property.

28) Documents representing transactions concerning real property, as listed below:

   a) Sale of excess parcels of real property.
   b) Transfer of any excess real property to a qualified abutting owner.
   c) Leases and rental agreements.
   d) Agreements for the exchange of real property as consideration for land or property right being acquired by this department.
29) The disposal of items of personal property associated with real property.

30) Miscellaneous transactions related to real property to include, but not limited to, settlements, judgments, easements, permits, rights of entry, and contracts for fee appraisers and specialists for right-of-way matters.

31) Memoranda of Understanding (MOUs) and similar documents, which are preliminary agreements for highway improvements with other agencies.

32) Extension of time with assessment of liquidated damages on highway improvement contracts.

33) Documents authorizing payment of assessments levied against the departmental real property acquired for and held incidental to highway right-of-way purposes.

34) Agreements with federal agencies for compensation and acquisition of rights to real property in connection with any federal project.

35) Agreements for the joint development and multiple use of real property.

36) Access reports.

37) Authorization to determine compensation for the removal of signs from private property; or, to solicit the Attorney General to undertake appropriate action in Superior Court to determine such compensation.

38) Plans, and plan revisions, to include: standard plans, contract plans, right-of-way plans, limited access (L/A) plans, limited access hearing plans, sundry site plans, ultimate reclamation plans, land plat plans, and right-of-way plans for acquisition of federal lands.

39) Agreements with other government agencies for participation in a public works project that will benefit or improve any state highway except those for urban transportation systems.
40) Transit agency agreements for park-and-ride lots that are partially financed by the Motor Vehicle Fund.

41) Haul road and detour agreements.

42) Developer agreements.

43) Public agency agreements, with the exception of those relating to funds administered by the Highways and Local Programs Division.

44) Private party agreements.

45) Transit agreements.

46) Documents appointing hearing officers for limited access hearings.

47) Agreements pertaining to utilization of limited access facilities by an urban public transportation system.

48) Agreements with public agencies for turnbacks as governed by WAC 468-18-040, Transportation, Department of – City/county project coordination – Design standards for rearranged county roads, frontage roads, access roads, intersections, ramps and crossings, and WAC 468-18-050, Transportation, Department of – City/county project coordination – Policy on the construction, improvement and maintenance of intersections of state highways and city streets.

49) Access connection permits as governed by WAC Chapter 468-51, Transportation, Department of – Highway access management access permits -- Administrative process, and WAC Chapter 468-52, Transportation, Department of – Highway access management -- Access control classification system and standards.

50) Load posting of state bridges.
51) Any interagency agreement, Memorandum of Understanding (MOU), or similar document within the functional business area of responsibility.

b. **Director, Maintenance and Operations Programs**

1) Documents concerning advertising, award, and execution of contracts for facilities’ capital projects.

2) Service agreements involving provision of utility services to new facilities’ capital projects either rented or owned by the department.

3) Agreements with other government agencies pertaining to:
   
a) Maintenance action on a state highway.
   
b) Maintenance action for a government agency.

4) Final acceptance documents for facilities’ capital projects.

5) Termination documents for facilities’ capital projects.

6) Documents concerning claims on facilities’ capital projects.

7) Documents approving subcontractors and agents for facilities’ capital projects.

8) Documents concerning interpretation and meaning of contract provisions for facilities’ capital projects.

10) Documents approving material sources for facilities’ capital projects.

11) Construction contract change order documents for facilities’ capital projects.

12) Agent agreements for the issuance of special permits for oversize/overweight vehicles.

13) Documents giving special permission for oversize/overweight vehicle movements.
14) Documents authorizing closure of a highway and/or restricting portions of a highway except bridges, local restrictions to all vehicles or by any class of vehicle, or declaring lower maximum speeds for any construction or maintenance reason which will greatly damage the highway or be dangerous to traffic thereon (with the exception of traffic regulatory speed limits).

15) Road Emergency Restriction Permits.

16) Letter permits exempting school buses from emergency load restrictions.

17) Orders for removal of obstructions from highways right-of-way.

18) Extension of time with assessment of liquidated damages on capital plants contracts.

19) Specifications for official tourist facility directional signs to be used on the scenic highway system.

20) Authorization to solicit Attorney General’s assistance with the removal of illegal signs from private property.

21) Documents authorizing payment of assessments levied against real property utilized for capital facilities.

22) Documents authorizing payment of assessments levied against real property except that acquired for and held incidental to highway right-of-way purposes.

23) Memoranda of Understanding (MOUs) and similar documents, which are preliminary agreements for facilities’ capital projects with other agencies.

24) Agreements pertaining to motorist information facilities.

25) Establishment of truck routes, HOV designations, special event roadway restrictions, and other traffic regulations for state highways outside incorporated cities and towns and for all limited access highways.
26) Documents approving traffic regulations set forth in an approved city or town ordinance or regulation for a state highway route through an incorporated city or town.

27) Traffic regulations for park-and-ride lots and other parking facilities operated by the department.

28) Permits for installation of traffic signals on the state highway system.


30) Action for removal of unlawful signs or devices on public or private property adjacent to right-of-way.

31) Action for removal of any unauthorized sign or device on the right-of-way of a state highway.

32) Permits for placement of business signs on specific information panels on interstate, primary, and scenic highways.

33) Documents authorizing adoption, modification, policy changes, rule intent, and regulatory features of Manual M 24-01, Manual on Uniform Traffic Control Devices for Streets and Highways adopted into WAC 468-95. Processing revisions to WAC 468-95 that affect the intent, policy, or regulatory features of said manual.

34) Brief adjudicative proceedings concerning applications and revocations of motorist information sign permits as provided in WAC 468-10-530.

35) Any interagency agreement, Memorandum of Understanding (MOU), or similar document within the functional business area of responsibility.
36) Authorize, or approve by permit, special events for bicyclists, pedestrians, runners, parades and other specialized transportation modes that use state highway rights-of-way. Exception: non-limited access highway rights-of-way inside corporate limits.

c. Director, Project Control and Reporting

1) Federal and state funded project documentation within assigned program areas of responsibility.

2) For federal aid funding agreements, federal aid project documentation within assigned program areas of responsibility.

3) Any interagency agreement, Memorandum of Understanding (MOU), or similar document within the functional business area of responsibility.

d. Director, Transportation Research

1) Research agreements with universities, nonprofit organizations, other government agencies, and private contractors.

2) Agreements with federal, state, and local agencies and with the private sector for passing through federal and/or state funds for research.

3) Any interagency agreement, Memorandum of Understanding (MOU), or similar document within the functional business area of responsibility.

6. Director, Washington State Ferries

The Director, Washington State Ferries, is delegated the authority to approve all documents listed below.

1) Federally funded project documentation within assigned program areas of responsibility.

2) Maintenance contracts for vessels and terminal facilities.
3) WSF system construction contracts.
4) Service agreements that pertain to vessels and terminal facilities.
5) WSF system lease and rental agreements except for office and warehouse space.
6) WSF system agent agreements.
7) WSF system concession contracts.
8) Any interagency agreement, Memorandum of Understanding (MOU), or similar document within the functional business area of responsibility.

7. **Assistant Secretary for Finance and Administration**

The Assistant Secretary for Finance and Administration Division is delegated the authority to approve all documents listed below.

1) Federal aid project documentation within assigned program areas of responsibility.
2) Escrow agreements in connection with contractor’s retained percentage.
3) The documents titled “Authority to Proceed with Work” on highways and capital plant contracts.
4) Release of contractor’s retained percentage for highways and capital plant contracts.
5) Personnel Board fiscal impact statement documents.
6) Any interagency agreement, Memorandum of Understanding (MOU), or similar document within functional business area of responsibility.
7) Certification of Indirect Costs.
8) Out of state and out of country travel.
9) Information Technology authority as delineated in Information Technology Asset Management, Executive Order E 1029.00, section I.C.1.b.

a. Director, Human Resource Office

1) Agreements for training and educational services.

2) Documents from employees who wish to donate sick leave, vacation leave, and personal holiday hours to another state employee.

3) Documents granting exceptions to conflict of interest and conflict of employment policies, rules, and procedures.

b. Director, Information Technology

1) Agreements pertaining to information technology equipment and services provided to other public agencies.

2) Documents concerning procurement of information technology resources.

c. Director, Administrative Services

1) Certification of true copies of documents and instruments.

2) Agreements for rental of office space and buildings.

3) Documents concerning sale of material, supplies, and equipment, except Transportation Equipment Fund (TEF) equipment such as automobiles and similar equipment, to other governmental agencies.

4) Documents concerning acquisition and inventory of materials, supplies, certain services as delineated in WSDOT Manual M 72-80, Purchasing Manual, and equipment, except Transportation Equipment Fund (TEF) equipment such as automobiles and similar equipment.
5) All documents pertaining to modification and maintenance of the Transportation Building in Olympia.

6) Documents pertaining to records management and to the release of public records.

7) Documents pertaining to the publication of department Directive Documents.

d. **Chief, Accounting Services**

1) Financial Disclosure Certificates to the Office of Financial Management (OFM), jointly signed by the Assistant Secretary and the Accounting Chief. **Further delegation is not authorized.**

2) Personal service and other service agreements for administrative support-type activities.

3) Documents to purchase Notary Public Commissions.

4) IRS returns and related IRS documents.

5) Verification of employment to lending institutions, Departments of Retirement Systems, Social and Health Services, and Employment Security.

6) Transmittal of wage garnishments.

7) Notice of dependant coverage.

8) Notices to employees regarding receipt of worker’s compensation and sick leave buy back.

9) Notice of Correction of retirement records.

10) Authorizations for payments to the Internal Revenue Service, Social Security Administration, Department of Employment Security and Department of Labor & Industries.
11) The following documents related to construction contracts:

a) Contract award notices.
b) Requests to complete escrow agreements.
c) Escrow agreements.
d) Requests for Execution of Retainage Bonds.
e) Authorization to proceed with work.
f) Contract status reports to lending institutions.
g) Claims receipt notices.
h) Release of claims notices.
i) Contract completion notices.
j) Contract acceptance notices.
k) Escrow money releases.
l) Bond letter releases.
m) Overpayment notices to contractors.

e. Manager, Risk Management

*Tort Claim Release, Certification of Tort Claim Settlement,* or other documents used as a means of tort claim settlement.

 Documents concerning approval of rewards for information concerning damage to department property.

f. Director, Budget Services

Further delegation is **not** authorized.

1) Agency allotments.

2) Unanticipated receipts.

3) Fiscal Notes.
IV. References

- Revised Code of Washington (RCW) 35.95.020, Cities and Towns – Public transportation systems in municipalities – Definitions
- RCW 47.01.101, Public Highways and Transportation – Department of Transportation – Secretary -- Authority and Duties
- RCW 47.48.020, Public Highways and Transportation – Closing highways and restricting traffic – Notice of closure or restriction -- Emergency closure
- RCW 47.68.310 Enforcement of aeronautics laws
- Washington Administrative Code (WAC) Chapter 197-11, Ecology, Department of – SEPA rules
- WAC Chapter 468-22, Transportation, Department of – County ferry franchises, tolls, and financial assistance
- WAC Chapter 468-51, Transportation, Department of – Highway access management access permits -- Administrative process
- WAC Chapter 468-52, Transportation, Department of – Highway access management -- Access control classification system and standards
- WAC 468-18-040, Transportation, Department of – City/county project coordination – Design standards for rearranged county roads, frontage roads, access roads, intersections, ramps and crossings
- WAC 468-18-050, Transportation, Department of – City/county project coordination – Policy on the construction, improvement and maintenance of intersections of state highways and city streets
- WSDOT Manual M 24-01, Manual on Uniform Traffic Control Devices for Streets and Highways
- WSDOT Manual M 27-02, Advertisement and Award Manual
- WSDOT Manual M 41-01, Construction Manual, pages 1– 45
- WSDOT Manual M 72-80, Purchasing Manual

Request Alternative Formats

- Deaf or hard of hearing call 7-1-1 and ask for (360) 705-7095
- All others call WSDOT at (360) 705-7097