

Number: E 1010.00

/s/ Gerald E. Smith  
Deputy Secretary for Operations

Date: February 28, 2000

## **Certification of Documents by Licensed Professionals**

### **I. Executive Order**

This Executive Order applies to all Washington State Department of Transportation (WSDOT) engineers, architects, land surveyors, and landscape architects with a professional license to certify technical documents for the department. Typically, these documents include plans, specifications, and reports (see Appendix A).

By this Executive Order, these licensees are directed to certify all technical documents for which they are directly responsible in a manner prescribed in chapter 18.43 RCW, chapter 196 WAC (Engineers and Land Surveyors); chapter 18.08 RCW, chapter 308-12 WAC (Architects) and chapter 18.96 RCW, chapter 308-13 WAC (Landscape Architects).

### **II. Department Policy Statements**

We establish the following department Policy Statements with this Executive Order:

- A. Policy Number P 2006.00, Department Standards for Licensed Professionals:** It is the policy of the Washington State Department of Transportation (WSDOT) to provide the resources necessary for licensed professionals to accomplish the engineering, architecture, landscape architecture, and land surveying work necessary to conduct department business.
- B. Policy Number P 2012.00, Department Role in Actions Against State Officers and Employees:** It is the policy of WSDOT to provide all state officers and employees acting in good faith, and within the scope of their job duties, with the protections specified in RCW 4.92.060, 4.92.070, and 4.92.075.

### **III. Roles and Responsibilities**

#### **A. Executives**

Executives must administer the department business in a manner that carries out the laws of the state of Washington regarding the use of signatures and seals of professional engineers, architects, landscape architects, and land surveyors.

#### **B. Professional Licensees**

1. Professional licensees must produce accurate, high quality technical documents that meet or exceed the standards for their profession.
2. Professional licensees must work within their area of expertise and place their seal and signature (certification) upon only those technical documents representing that expertise.
3. Professional licensees must follow the rules of their professional licensing board.

#### **C. Organizations Responsible for WSDOT Technical Guidance**

1. Owners of technical guidance must edit their guidance to ensure this Executive Order is carried out.
2. Here are examples of some of the technical guidance:
  - *Design Manual*, M 22-01
  - *Bridge Design Manual*, M 23-50
  - *Hydraulics Manual*, M 23-03
  - *Plans Preparation Manual*, M 22-31
  - *Roadside Manual*, M 25-30
  - *Standard Specifications for Road, Bridge, and Municipal Construction*, M 41-10 M (Metric) and M 41-10 E (English/U.S. Customary).
  - *Standard Plans for Road, Bridge, and Municipal Construction*, M 21-01
  - *Traffic Manual*, M 51-02
  - *Sign Fabrication Manual*, M 55-05
  - *Highway Surveying Manual*, M 22-97
  - *Local Agency Guidelines*, M 36-63

## **IV. Rules**

### **A. Original Technical Documents**

1. All original technical documents must be certified by the professional licensees for those portions of a project for which they are each directly responsible.
2. Appendix A provides examples of:
  - Typical professional documents commonly produced by the department.
  - Typical Professional Authority for the documents.
  - Suggested Agency Approval Authority for the documents.

### **B. Revisions to Technical Documents**

All revisions to technical documents should be certified by the professional licensee who was directly responsible for the original documents.

If that original professional licensee is not available, there are two acceptable methods of revision:

1. The revised portion is certified by another professional licensee holding the same credentials as the original certification. The document may carry a dual stamp. The original licensee remains accountable for certification of unchanged portions, and the revising licensee is responsible for certification of the revisions.

The original document must be kept on file, with the revisions clearly documented.

2. The original technical document certification is superseded by removal of the original seal and signature. The document is revised and certified entirely by the revising professional licensee, even the portions that were not revised. The original licensee is released from any responsibility for the document.

### **C. Change Orders**

1. Non-technical Change Orders

Change orders regarding administrative matters -- such as quantities, payment amounts, time lines -- are not considered to be technical change orders. They therefore do not require certification by a professional licensee.

2. Technical Change Orders

Change orders of a technical nature must be certified by a qualified professional engineer, licensed land surveyor, architect, or landscape architect.

**D. As Built Plans**

As built plans of a technical nature must be certified by a licensed professional.

**E. Emergency Work**

During an emergency, professional engineers, land surveyors, architects, or landscape architects should provide direct supervision over the remedial actions and designs. Any needed certification or documentation can follow. Please refer to the *Disaster Plan M 54-11* and/or contact the Emergency Response Office in the Field Operations Service Center at (360) 705-7857.

**F. Conflict Resolution**

In the event of a conflict between two professional licensees, they may choose to work with a Professional Dispute Resolution Board. This often resolves any conflicts, although licensees are not bound by this Board's decision. The Professional Dispute Resolution Board is formed as follows:

1. Each professional licensee involved in the conflict selects a professional licensee to serve as a board member.
2. The selected board members appoint one additional member, who is also a professional licensee.
  - a) Board members are to study the conflict and present their findings, including a proposed resolution, to the licensees in dispute.

- b) If the licensees are still in dispute, they are not bound by the decisions of the Dispute Resolution Board.

## V. References

### A. Overview

Portions of the Washington Administrative Code (WAC) and the Revised Code of Washington (RCW) were used as the basis for this Executive Order. Some specific citations follow. Brief citations include the text.

Any future changes to these WACs and RCWs are incorporated by this reference. Should there be a conflict between this Executive Order and the WACs or RCWs, the WACs and RCWs are to be followed.

### B. References

1. Chapter 196-24 WAC, Chapter 196-27 WAC, and Chapter 196-23 WAC, Engineers and Land Surveyors.
2. Chapter 18.43 RCW, Engineers and Land Surveyors
3. Chapter 58.09 RCW, Survey Recording Act
4. Chapter 332-130 WAC, Survey Standards
5. Chapter 18.08 RCW, Architects
6. Chapter 308-12 WAC, Architects
7. Chapter 18.96 RCW, Landscape Architects
8. Chapter 308-13 WAC, Landscape Architects
9. RCW 4.92.060 *Action against state officers, employees, volunteers, or foster parents--Request for defense*

Text:

Whenever an action or proceeding for damages shall be instituted against any state officer, including state elected officials, employee, volunteer, or foster parent licensed in accordance with chapter 74.15 RCW, arising from facts or omissions while performing, or in good faith purporting to

perform, official duties, or, in the case of a foster parent, arising from the good faith provision of foster care services, such officer, employee, volunteer, or foster parent may request the attorney general to authorize the defense of said action or proceeding at the expense of the state.

10. RCW 4.92.070 *Actions against state officers, employees, volunteers, or foster parents--Defense by attorney general-- Legal expenses.*

Text:

If the attorney general shall find that said officer, employee, or volunteer's acts or omissions were, or were purported to be in good faith, within the scope of that person's official duties, or, in the case of a foster parent, that the occurrence arose from the good faith provision of foster care services, said request shall be granted, in which event the necessary expenses of the defense of said action or proceeding relating to a state officer, employee, or volunteer shall be paid as provided in RCW 4.92.130. In the case of a foster parent, necessary expenses of the defense shall be paid from the appropriations made for the support of the department to which such foster parent is attached. In such cases the attorney general shall appear and defend such officer, employee, volunteer, or foster parent, who shall assist and cooperate in the defense of such suit. However, the attorney general may not represent or provide private representation for a foster parent in an action or proceeding brought by the department of social and health services against that foster parent.

11. RCW 4.92.075 *Action against state officers, employees, or volunteers--Judgment satisfied by state.*

Text:

When a state officer, employee, or volunteer has been represented by the attorney general pursuant to RCW 4.92.070, and the body presiding over the action or proceeding has found that the officer, employee, or volunteer was acting within the scope of his or her official duties, and a judgment has been entered against the officer, employee, or volunteer pursuant to chapter 4.92 RCW or 42 U.S.C. Sec. 1981 et seq., thereafter the judgment

creditor shall seek satisfaction only from the state, and the judgment shall not become a lien upon any property of such officer, employee, or volunteer.

## **VI. Definitions**

### **A. Agency Approval Authority**

The agency employee who has the authority to approve an agency action. This typically represents a procedural approval on behalf of the agency, rather than a technical certification function. Therefore, only a signature is required without a stamp or seal. Agency Approval Authority is distinguished from Professional Authority defined below.

### **B. Direct Supervision**

The professional engineer, architect, or professional land surveyor who either prepared a technical document, or directly supervised the work by way of exercising their professional judgment with regular participation in the preparation of such documents (Reference WAC 196-23-030, *Engineers and Land Surveyors*, and WAC 308-12-081, *Architects*).

### **C. Emergency Work**

Work that is urgent in nature and therefore must be performed before the necessary technical documents are prepared and certified.

### **D. Professional Authority**

Any licensed engineer, architect, landscape architect, or land surveyor who is directly responsible for preparing and certifying (stamping and signing) technical documents for the department. This is as distinguished from the Agency Approval Authority, as defined above. The Professional Authority could be the same person as the Agency Approval Authority in some cases.

### **E. Technical Documents**

For the purposes of this Executive Order, any engineering, architectural, landscape architectural, or land surveying documents that must be certified by a licensed professional. Typically, these documents include plans, specifications, and reports. (See Appendix A.)

**F. Certification**

The process whereby professional authorities affix professional stamps, signatures, and dates to technical documents prepared under their direct supervision.

**VII. Appendices**

- A. [Examples of Technical Documents](#)
- B. [Policy Statement P 2006.00](#)
- C. [Policy Statement P 2012.00](#)

**VIII. Distribution**

This Executive Order and Policy Statement will be sent to the standard department statewide distribution list. This includes the Transportation Commission, the Executive Board, and all organizations within the department. It will also be distributed to all department engineers, architects, land surveyors, and landscape architects with a professional license to certify technical documents for the department, and elsewhere to ensure the widest possible distribution.

***Alternate Formats:*** Persons with disabilities may request this information be prepared and supplied in alternate forms by calling collect (206) 389-2839. Persons with hearing impairments may call 1-800-833-6388 (Washington State Telecommunications Relay Service) and ask for (206) 515-3683.

## Examples of Technical Documents

<u>Abbreviations</u>	<u>Definition</u>
PE	Project Engineer
R	Region
OSC	Olympia Service Center
PLS	Professional Land Surveyor

<u>WSDOT Technical Document</u>	<u>Professional Authority</u>	<u>Agency Approval Authority</u>
<b>Design Documentation File:</b>		
Design Decision Summary (Geometrics, FC, Design Speed)	PE or equivalent org. manager	R. Project Development Engineer or equivalent org. manager
Design Report (WSF only)	PE or equivalent org. manager	Terminal Engineering Manager
Traffic Analysis Report	R. Traffic Engineer, Traffic Project Engineer, or PE	N/A
Design Deviations	PE or equivalent org. manager	Design Man Sec 330
Evaluate Upgrades	PE or equivalent org. manager	Design Man Sec 330
Geometric Documents: (Interchange / Intersection / Channelization)	PE, Traffic Project Engineer, or R. Traffic Eng.	R. Project Development Engineer
Hydraulic Reports	PE or R/OSC Hydraulic Eng	N/A
Dam Safety Reports (to DOE)	PE or R/OSC Hydraulic Eng	N/A
Access Point Decision Report	PE or R. Traffic Engineer	State Design Engineer
Pavement Resurfacing Reports	PE or R/OSC Materials Eng.	N/A
Soils/Geotechnical Reports	PE, Chief Foundation Engineer or State Geotechnical Engineer	State Geotechnical Engineer
Soils Reports	R/OSC Materials Engineer	N/A
<b>Right of Way &amp; Surveying Documents:</b>		
Right of Way Route Survey	Professional Engineer or PLS	N/A
Application for Permit to Remove or Destroy Survey Monument - DNR (RCW 58.24.040)	Professional Engineer or PLS	N/A
Land Corner Record - DNR (RCW 58.09.090(2))	To be determined by Quality Team	N/A

<u>WSDOT Technical Document</u>	<u>Professional Authority</u>	<u>Agency Approval Authority</u>
<b>Right of Way &amp; Surveying Documents (continued):</b>		
Record of Monumentation (RCW 58.09.090(1a))	To be determined by Quality Team	N/A
Right of Way Plans	To be determined by Quality Team	N/A
Revision of ROW Plans (RCW 18.43.070)	To be determined by Quality Team	N/A
Record of Survey	PLS	N/A
<b>Contract Plans &amp; Addenda:</b>		
Bridge & Structures Design Plans & Special Provisions	Bridge and Structures Engineer, or Bridge Design Engineer, or Structural Design Supervisor	N/A
Bridge Scour Mitigation Plan	OSC Hydraulic Eng.	N/A
Environmental Discipline Reports (Technical Nature)	Applicable professional who prepared the report	N/A
Drainage & Water Quality Plans (TESC & SSP)	PE	N/A
Roadside Restoration (Landscape/ ReVegetation Plan)	PE or R/OSC Landscape Arch.	N/A
Grading or Contour Plan (including pond shapes)	PE or R/OSC Landscape Arch	N/A
Contract Reclamation Plan	PE or R. Materials Engineer	N/A
Pavement Plans/Striping Details	PE. or R Traffic Eng.	N/A
Rest Area Site Plan	R/OSC Landscape Arch.	Design Manual
Irrigation Plans	PE or R/OSC Landscape Arch.	Design Manual
Signalization Plans	R/OSC Traffic Engineer	N/A
Illumination Plans	PE, R. Traffic Engr., or R/WSF Electrical Eng.	N/A
Signing Plan	R. Traffic Engineer or PE	N/A
Wetland Mitigation Plans	PE or R/OSC L.A	N/A
Alignment / Site Prep Plans	PE	N/A
Standard Plans	Technical Owner of Plans	State Design Engineer

<u>WSDOT Technical Document</u>	<u>Professional Authority</u>	<u>Agency Approval Authority</u>
<b>Contract Plans &amp; Addenda (continued):</b>		
Standard Specifications (Technical Nature)	Technical Owner of Spec.	State Construction Engineer
Amendments to Standard Specifications (Technical Nature)	Technical Owner of Amendment	State Construction Engineer
General Special Provisions (Technical Nature)	Technical Owner of GSP	N/A
Special Provisions (Technical Nature)	PE or Technical Owner	N/A
<b>Construction Records:</b>		
Technical Revision Change Order (Plans or Specifications)	Original Plan Signer (if available) or other Professional Engineer	N/A
As Built Plans (Technical Nature)	PE	N/A
As Built Plans (Surveying)	PLS	N/A
<b>Other:</b>		
Emergency Contracts	See appropriate document above.	Per WSDOT Emergency Procedures Manual M 3014.00
Facilities Plans (includes Rest Area Buildings)	Responsible professional (e.g., civil, mechanical, electrical)	State Facilities Architect or designee
Ultimate Reclamation Plan	R. Materials Engineer	N/A
Other Technical Documents Not Listed	Licensed Professional	N/A