

VIII. Project Charters

Overview. Sometimes referred to as a “Project Charter” or “Memorandum of Understanding,” a Project Charter is a formal document that clearly defines the roles and responsibilities of each entity involved in the coordinated development of a project, as well as the cost and schedule for producing the work required to develop the project. It describes who, what, when, where and how through to a project completion date. For example:

- **Who:** Who is doing what and under what circumstances? Who retains ownership rights over the product or service? Who is completing the project?
- **What:** What will happen in every step of the project? If problems arise, what should be done?
- **How:** How will the project be completed? In a day, week or in a month? How many due dates? One due date or a couple in an effort to break the project down into manageable parts. How will disputes be settled if any should arise?
- **When:** When and under what situation should different portions of the project occur? Where: Where and in what way will communication take place between the parties? By email, phone or in person?

In conclusion: A Project Charter is just the map to complete a project.

Federal agencies, State agencies, local governments, and Tribal governments may need to coordinate performance of specific tasks in order to efficiently develop and deliver an IRR project in a timely manner. If it is decided that formal documentation is needed to clearly define the roles and responsibilities of each entity involved in the coordinated development of an IRR project, as well as the cost and schedule for producing the work required to develop the project, it is recommended that a Project Charter be executed between the various agencies.

Project Charters should be authorized, approved, and signed by agency management and government leaders, and distributed to all personnel contributing to project development work. In this way, the Project Charter acts as an authoritative agreement to guide project development team members in work tasks and coordination requirements (see **Example 8.1**).

A. Statutory/Regulatory Requirements

Though not required by law, the FLH strongly recommends that Tribal governments enter into Project Charter whenever the Tribe decides that Federal agencies, State agencies, or local governments will be performing specific project development activities in order to deliver a project.

The FLH also recommends that Tribal governments enter into Project Charter whenever State or local government holds rights-of-way (ROWs) or will have some or all of the maintenance responsibilities for the completed project.

B. Guidelines/ Procedures

If the Tribe determines that a Project Charter is needed to cooperatively advance project development of a project, the Tribe should draft the charter to ensure that their perspective of other agency or government contributions and coordination is adequately represented.

The Project Charters should be drafted well in advance of starting any project development activities and circulated to the cooperating agencies or governments for review and comment. The Tribe may consider hosting a project development review meeting to discuss the proposed project and the coordination required.

Roles and Responsibilities. The following outline provides examples of potential agency or governmental roles and responsibilities when establishing a charter for IRR projects advanced by a Tribe under a Program Agreement.

Roles of the Tribe (any route on the IRR system):

- Develops and maintains Tribal policies, procedures, program guidelines which meet or exceed federal standards to facilitate operations or administration of any aspect of the programs assumed by or delegated to the Tribe. These procedures should include contracting procedures (advertising bids, award, and contract), acquisition/procurement procedures (for equipment purchasing including cost and price analysis), attainment of services (architectural/engineering services), etc.
- Drafts Project Charter, provides review copies for cooperating agencies, and executes the Charter with cooperating agencies.
- Identifies project needs and provides resources and other supporting information for project development tasks and products.
- Establishes a Project Development Team to develop project Purpose and Need, study project alternatives, and perform necessary environmental studies/evaluations to obtain project environmental clearances, pursuant to 23 CFR 771 regulations.
- Designs the project and produces the Plans, Specifications, and Engineering Estimate (PS&E).
- Provides reviews and certification of project PS&E, standards, and design exceptions.
- Advertises, awards, and administers the construction contract.
- Inspects and approves the final construction project, or equipment purchase, reports on accomplishments for transit or road maintenance program.
- Invites representatives from facility owned systems (BIA, State, County Local, etc) to attend key decision points in the process and project inspections.

Roles of the BIA Regional Office (BIA-owned routes on the IRR system):

- Can provide project development services such as archeological reports, ROW appraisal and negotiation, surveys, designs, utility relocation, and construction monitoring. These activities would be undertaken at the request of the Tribe and through a Project Agreement and would be a project cost requiring the Tribe to provide adequate funding to the BIA to complete the tasks.
- Have federally inherent ROW responsibilities that include providing Title Status Reports (TSRs), Grants of Easement, and filing ROW documents. These activities are funded by BIA PRAE funds.
- Has the primary responsibility for maintenance of the completed project after construction.
- Reviews preliminary and final plans as the facility owner. Provides review and approval of NEPA documents when the Tribe requests BIA to act as the lead Federal agency using PRAE funds.
- Attends project inspections, final inspection, and concurs in Tribal acceptance of completed construction project.

Roles of FHWA (FLH or FHWA Division for any route on the IRR system):

- Appoints a member to the Project Development Team and assists in developing the project Purpose and Need, studying project alternatives, and approving project environmental clearance.
- Acts in the capacity of lead agency or co-lead agency on Environmental Impact Statement (EIS) NEPA documents, and may be lead agency on other NEPA documents at Tribe's request.
- Reviews and executes a Project Agreement with the Tribe and cooperating agencies.
- Provides resources and other supporting information for project development tasks and products as requested by the Tribe through the Project Agreement. Each FLH Division can provide project development services such as environmental documents, archeological, wetlands, and topographic surveys, design at the request of the Tribe. These activities would be undertaken by request, only through the Project Agreement, and would be a project cost requiring the Tribe to leave adequate funding with the FHWA to complete the tasks.
- Reviews NEPA documentation, and approves the final NEPA document, PS&E contract documents, standards, and design exceptions.
- Reviews construction contract modifications.
- Provides final inspection and approval concurrence of completed construction project.

Roles of the State DOT (State-owned routes on the IRR system):

- Provides resources and other supporting information for project development tasks and products, as requested by the Tribe, through a Project Agreement.
- Appoints a member to the Project Development Team and assists in developing the project Purpose and Need, studying project alternatives, and obtaining project environmental clearance.
- Obtains necessary ROW and ensures utility relocation (both at State's expense).
- Maintains the completed project after construction.
- Reviews and executes a Project Agreement with the Tribe and cooperating agencies.
- Reviews NEPA documentation, PS&E contract documents, standards, and design exceptions.
- Provides final inspection and approval concurrence of completed construction project.
- May contribute cooperative funds to assist in the construction of an IRR Project.

Roles of the County (or other local agency-owned routes on the IRR system):

- Provides resources and other supporting information for project development tasks and products as requested by the Tribe through the Project Agreement.
- Appoints a member to the Project Development Team and assists in developing the project Purpose and Need, studying project alternatives, and obtaining project environmental clearance.
- Obtains necessary ROW and ensures utility relocation (both at County's expense).
- Maintains the completed project after construction.
- Reviews and executes a Project Agreement with the Tribe and cooperating agencies.

- Reviews NEPA documentation, PS&E contract documents, standards, and design exceptions.
- Provides final inspection and approval concurrence of completed construction project.
- May contribute cooperative funds to assist in the construction of an IRR Project.

Example 8.1 – Project Charter

PROJECT CHARTER					
This Project Charter is entered into between the undersigned parties.					
Tribal Government:			Project No:		
State:			IRR Route No. & Section:		
County:			Project Length (miles):		
			Surface Type:		
Project Background Information					
Project Location(s):					
Road Ownership:					
Inventory Data:					
Proposed project Purpose and Need:					
Design Standards					
Design speed:		Design ADT:		Terrain:	
Design loading:		Percent Trucks		Maximum Superelevation:	
Bridge width:		Accident data:			
NEPA					
Documents			Lead Agency		
NEPA Studies:					
NEPA Document compilation:					
NEPA Document approval:					
Roles & Responsibilities					
Work Tasks	Reviews	Approvals	POC contact	Milestone Date	Estimate Cost
Survey & Mapping					
Geotechnical-Sampling, Testing, Reporting					
Design and PS&E					
Contract Documents					
Right-of-Way					
Utility Relocation					
Advertise & Award Project					

Administer Construction Contract					
Construction Inspections					
Engineering Services					
Permits-monitoring & termination					
Maintenance Activities					
Compliance w/environmental commitments					
Final Inspections					
Project Close out					

Amendments

This Project Charter may be modified by mutual agreement of the parties. The Charter shall be effective as of **xx** day of (**insert month, year**).

Tribal Government:

By:
Title:

County:

By:
Title:

BIA Region:

By:
Title:

FHWA Division:

By:
Title:

State:

By:
Title: