

## VIII. Project Charters

**Overview.** A Project Charter is a mutual, written agreement between the Tribal Government and the partner agencies and governments on how to develop a specific TTP project. The Project Charter includes a list of project tasks, roles and responsibilities, costs, and a schedule to accomplish the tasks. Along with the Tribal Government, the partner agencies and governments for a project may include FHWA, the BIA, State agencies, County governments, and Federal land management agencies (NPS, BLM, USFWS, etc.) that are in the project area. A project Charter may also be called a “Memorandum of Understanding”.

The Project Charter describes who, what, when, where and how to develop a project. 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?
- **When:** When and under what schedule should different portions of the project be developed?
- **Where:** Where and in what way will communication take place between the parties? By email, phone or in person?
- **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?

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

Project Charters should be authorized, approved, and signed by the Tribal Government and upper managers or leaders of the partner agencies and governments, and then distributed to all personnel who will be performing the 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 Appendix A - [Exhibit 8.1](#)).

### A. Statutory/Regulatory Requirements

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

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

### B. Guidelines/ Procedures

The Tribe will determine if a Project Charter is needed. It is recommended that the Tribe prepare the first draft of the Project Charter to insure that the Tribe’s perspective on partner agency/government responsibilities is adequately represented. All the governments and agencies who have a significant role in development of the project should review, comment on, and formally approve the Project Charter.

The Project Charter should be drafted well before any project development activities are started, and it should be circulated to the project’s partner agencies for review and comment. The Tribe may consider

hosting a project development review meeting of the partner agencies and governments to discuss the proposed project, the draft Project Charter, and the project coordination that will be required.

**C. Roles and Responsibilities.** The following are examples of roles and responsibilities to include in a Project Charter.

**1. Roles of the Tribe may include (for projects on any route on the National Tribal Transportation Facility Inventory):**

- 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 partner agencies/governments, and executes the Charter with the partner agencies/governments.
- 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.

**2. Roles of the BIA Regional Office may include (for projects on BIA-owned routes on the National Tribal Transportation Facility Inventory):**

- Some BIA Regions may 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.
- Has 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.

**3. Roles of FHWA (FLH or FHWA Division) may include (for projects on any route on the National Tribal Transportation Facility Inventory):**

- 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.
- Each FLH Division can provide project development services such as environmental documents, archeological, wetlands, and topographic surveys, and design. 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 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.

**4. Roles of the State DOT may include (for projects on State-owned routes on the National Tribal Transportation Facility Inventory):**

- 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 a TTP Project.

**5. Roles of the County may include (for projects on routes owned by the County or other local governments on the National Tribal Transportation Facility Inventory):**

- 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 a TTP Project.