Project files are critical to demonstrate compliance with the environmental process and all environmental requirements. Under the National Environmental Policy Act (NEPA) Assignment Program, the Texas Department of Transportation (TxDOT) is subject to periodic Federal Highway Administration (FHWA) audits that include the review of selected project files to evaluate TxDOT's performance of assigned responsibilities. In the event of a legal challenge, the project file is used to create the administrative record used by the court. Project files must be complete and must be maintained in a manner conducive to review by the department delegate, parties not involved in the project, and FHWA.

One of the primary responsibilities of the project sponsor is to maintain a complete and orderly project file. For TxDOT-sponsored projects, this responsibility may be shared by the core team members.

The project file consists primarily of the documentation maintained in the Environmental Compliance Oversight System (ECOS); however, voluminous files may be maintained outside of ECOS if necessary. If such files are kept outside of ECOS, ECOS records must identify where such files are stored. Work should be tracked and key documents should be stored in ECOS, even if information is also maintained elsewhere.

Note: A Project File is different from an Administrative Record (AR). The AR only comes into existence when TxDOT has been sued or reasonably anticipates being sued. TxDOT's attorneys will select a subset of decisional documents from the larger Project File to become the AR.

The core team should discuss file maintenance for the project early in the process with the project sponsor, if appropriate. At the discretion of the core team, consultants or other members of the project environmental team may be included in the initial discussion to establish expectations. This discussion typically occurs at the core team kickoff meeting and may include the following topics.

- Project file organization

- File naming conventions for project documentation

- Appropriateness of maintaining a catalog of documents to facilitate indexing, and, if appropriate, which documents should be catalogued

- How to include consultant-produced deliverables in the project file

- Criteria for identifying e-mails to include in the project file

- Strategies for including e-mails in the project file, such as creating a project file e-mail address to be copied on all relevant e-mails or designating a specific party to place relevant e-mails in the project file

- Party responsible for uploading relevant documents into ECOS

Files should be maintained so that documents can be quickly located by date created, type (email, technical report), and subject matter. Refer to the Environmental Compliance Toolkits for file documentation requirements and standards for each technical discipline by subject. All procedures and standards should be followed, while maintaining a logical overall file structure for the project. The project file must contain any material used in the decision-making process, but should not be cluttered with unnecessary information.

The core team should establish expectations for what should and should not be included in the project file. E-mails may be the most difficult type of documentation to manage, as they often fall into a gray area between being decisional or not. In general, include anything that records a decision, and do not include

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other correspondence. In the example e-mails below, the one on the left should be included in the project file, while the one on the right should not. Ultimately, the core team relies on professional judgement to determine when an e-mail needs to be retained in the project file.

Figure 1   Example E-mails

From: Bob Jones **Sent:** Wednesday, September 9, 2015 9:36 AM **To:** Mary Ramirez **Subject:** FM 913 EA 0489-45-8406 I talked to Brian today about the traffic counts. He says to use the 2017 projections, not 2016.	**From:** Bob Jones **Sent:** Monday, October 5, 2015 2:35 PM **To:** Mary Ramirez **Subject:** RE: FM 913 EA 0489-45-8406 Conference Call Thursday afternoon is fine. I'll set it up for 1:30. _____ **From:** Mary Ramirez **Sent:** Monday, October 5, 2015 1:53 PM **To:** Bob Jones **Subject:** RE: FM 913 EA 0489-45-8406 Conference Call I just found out that Thursday morning won't work for me. Are you available in the afternoon?

Attorney-client privileged documents (documents from TxDOT General Counsel Division (GCD) or from the Texas Attorney General's Office) should be kept in a separate file. The exception is for significant projects in which the GCD provides comments on an environmental review document or other document in the form of a spreadsheet or "matrix." ENV may incorporate GCD's comments into a master spreadsheet or matrix containing other individuals' comments provided any reference that GCD made the comment(s) is removed. The master spreadsheet or matrix may then be posted to ECOS or shared with consultants. If there is no master spreadsheet or matrix, then GCD's comments in the form of a spreadsheet or matrix may be posted to ECOS or shared with consultants provided any reference that GCD made the comment(s) is removed.

Meeting minutes are frequently included in and are an important part of the project file. Meeting minutes content should be limited to the following:

1. Date

2. Attendees

3. **Brief** description of topics discussed

4. Decisions, as warranted

5. Action items, as warranted

The NEPA and Project Development Toolkit includes a template for recording meeting minutes to be completed electronically. Use of this template is recommended, but an alternative format is acceptable if it contains the required information without including extraneous detail.

If the project sponsor is not sure whether to include something in the project file, the core team should discuss it and decide whether to include the item or not. The core team should ensure that all relevant materials are included in the project file. The core team should periodically discuss the project file.

The project file must be complete and available for review at the time of the NEPA decision, excepting local government-sponsored projects. Most of information in the project file relevant to the decision should have been reviewed already when the environmental document was sent to the department delegate for a final decision, but the delegate may wish to review any or all additional file contents prior to

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making a decision. The department delegate's decision on the project is based on the material contained in the project file and the environmental document. Keeping the project file up-to-date and well-organized facilitates an efficient decision-making process.

Local Government-Sponsored Projects

In general, the best practices are the same for TxDOT-sponsored and local government-sponsored projects; however there are a few additional items to keep in mind. If a local government is the designated project sponsor, the local government is responsible for maintaining the file in accordance with TxDOT standards. The core team is responsible for providing information on TxDOT project file standards, providing all TxDOT-prepared documentation for inclusion in the project file, and retaining documentation of tasks performed by TxDOT (e.g. documentation reviews) in ECOS.

For local government-sponsored projects, the project file still primarily consists of documentation maintained in ECOS. The local government project sponsor is responsible for maintaining any parts of the project file that are not uploaded to ECOS.

The project sponsor should discuss file maintenance with the core team early in the process, and they should maintain communication regarding the project file throughout the environmental process. The core team is still responsible for establishing expectations regarding what to include in the project file, and the project sponsor must adhere to those expectations. The core team also is responsible for ensuring that relevant materials produced by TxDOT are provided to the project sponsor for inclusion in the project file.

Local government project sponsors should be aware that files pertaining to TxDOT projects are subject to review upon request at any time. TxDOT may review the project file or portions of it at any point in the environmental process, in addition to the review of key decisional information conducted prior to the project decision. FHWA assigned projects also are subject to review and audit by FHWA and local government project sponsors should be prepared to participate in FHWA audits upon request.

Acronyms and Abbreviations

AR   Administrative Record

ECOS   Environmental Compliance Oversight System

FHWA Federal Highway Administration

NEPA   National Environmental Policy Act

TxDOT Texas Department of Transportation

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The following table shows the revision history for this document.

Revision History	
Effective Date Month, Year	**Reason for and Description of Change**
December 2018	Version 2 was released. Removed references to "file of record," revised to indicate that only one template for meeting minutes is provided on ENV's toolkit, and revised Local Government section to reflect that local governments do not currently have access to ECOS.
September 2015	Version 1 was released.

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