Purpose and Need Timeline

- 1969 – NEPA
- 1978 – CEQ Regulations 40 CFR Part 1500
- 1981 – CEQ Forty Q&As
- 1987 – FHWA Regulations 23 CFR 771
- 1987 – FHWA Technical Advisory 6640.8A
- 1990 – P&N in Environmental Documents
- 2003 – DOT / CEQ Letter Exchange
- 2003 – FHWA/FTA Guidance on P&N
- 2005 – SAFETEA-LU
- 2006 – Final Guidance for SAFETEA-LU Environmental Review Process
- 2007 – AASTHO Practitioner Guide
Basic Requirements

- **EIS** – CEQ regulations require P&N section in EIS (or “substance” of P&N)
  - “The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.”

- **EA** – CEQ regulations require discussion of P&N
  - EA “shall include brief discussions of the need for the proposal …”

Terminology

- **Need** – concise problem statement
  - Primary Component … MUST HAVE

- **Purpose** – why project is being proposed
  - Primary Component … MUST HAVE

- **Goals and Objectives** – additional issues
  - Secondary Component … NICE to HAVE
Why is P&N Important?

- Considered by many to be most important NEPA step
- EPA says alternatives are heart of EIS
- Can’t have “heart” without “soul”
- P&N is foundation for our building blocks, or build alternatives
- Critical in meeting requirements of Section 4(f), Executive Orders on Floodplains and Wetlands, and Section 404(b)(1) guidelines

P&N is so important that ...

- “Without a well-defined, well-established, and well-justified purpose and need, it will be difficult to determine which alternatives are reasonable, prudent, and practicable, and it may be impossible to dismiss the no-build alternative.”

1990 FHWA Guidance
P&N is so important that ...

- Clear, well-defined P&N forms basis for ...
  - Justifying expenditure of large amount of money on projects with significant impacts
  - Comparison of impacts among alternatives
  - Comparison to doing nothing
  - Ultimate identification of preferred alternative

- If alternative does not meet P&N, it is ...
  - Not reasonable (NEPA)
  - Not feasible & prudent (Section 4(f))
  - Likely not practicable (Section 404)

BUT ...

- Avoid discussing solutions in a P&N statement!

- **Acceptable**: cite changing land use trends, population shifts, economic factors, levels of congestion, crash rates, other deficiencies, etc.

- **Unacceptable**: the P&N of this project is to build a 4-lane divided bypass to freeway standards to the east around New Gambleton with interchanges at ...
Link to Planning

- “Assessments made during the planning and scoping processes relating to mode choice, alignments, and project scale should be presented or incorporated by reference, as appropriate, in the alternatives analysis.”

2003 FHWA/FTA Guidance

The challenge

- Can’t be so narrowly defined or so specific that it predetermines the outcome

- Nor so broad that the number of reasonable alternatives is unmanageable

- Not so vague that alternatives can’t be properly evaluated or compared
Elements of Purpose & Need

FHWA Guidance:
- System linkage
- Capacity
- Transp. demand
- Legislation
- Social demands
- Economic development
- Modal inter-relationships
- Safety
- Roadway deficiencies

Woodrow Wilson Bridge:
- Existing traffic more than double design capacity
- ADT projected to grow from 160,000 to 300,000; consistency with regional plans for > 10 yrs.
- Population increasing; mobility
- Accelerated suburban development
- Transit, freight, & maritime links
- Crash rates double the average
- Geometric/structural deficiencies
- Environmental stewardship

Environmental Objectives?
- Should they be included?
- 6001 of SAFETEA-LU requires consideration of environmental mitigation activities during planning
  - Intended to be regional in scope
- Have been major components on recent projects such as Woodrow Wilson Bridge
  - Trails, decks, aesthetics, noise, Potomac River & Chesapeake Bay commitments
Roles and Responsibilities

- **2003 DOT-CEQ Letter Exchange**
  - Lead Federal agency **DEFINEs** P&N
  - Other agencies – comment on P&N but may not compel changes

- **SAFETEA-LU Section 6002**
  - Lead agency **provide opportunities for involvement** by agencies/public in definition of P&N and range of alternatives
  - Lead agency **DEFINEs** P&N
  - Lead agency **DETERMINEs** range of alternatives

Screening guidelines

- **Hierarchy of needs**

- **Primary versus secondary considerations**

- **Measures of Effectiveness**

- **Sifting through factors**
Techniques that help:

- Not overly technical
  - “The LRTP calls for a Class A facility with peak hour LOS D or better.”
  - “The V/C ratio is 1.1, indicating unstable flow.”
  - “To provide needed throughput, BRT will need to operate at 15 minute headways.”

- Graphics, maps, illustrations, user-friendly, ... be nice!
Wait, there’s more

- Courts have recognized agency discretion in formulating the P&N statement to set the scope of proposed action
- May be re-examined and updated
  - Refined versus re-defined

National Park Service Example

- Need for Action – The park proposes to eliminate mountain goats from alpine areas to restore vegetation. This action is needed because mountain goats are known to destroy vegetation, therefore, all mountain goats are to be destroyed.
- Purpose of Action – The purpose of this action is to destroy mountain goats.
- Objectives of Action – Destroy mountain goats.
- Proposed Action – Shooting mountain goats from helicopters.
- Alternatives – Shooting mountain goats on foot, or horseback.

NPS Director’s Order #12