Purpose and Need

Background and Formulation

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Origin of Purpose & Need

- **NEPA statute** makes no reference to “purpose and need” in NEPA documents.

- **CEQ 1973 Guidelines** – Only “a statement of its purpose” with no reference to “need” (§1500.8(a)(1))

- **CEQ 1978 Regulations** – “The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action”. (§1502.13)

- **Court decisions** – have recognized agency discretion in formulating the P&N to set the scope of a proposed action or project.
Initial Purpose & Need Statement

- Defines the baseline or context for action
- Incorporates perceptions and initial analysis of the need for the proposed action
- Explains why the proposed action is being taken in responding to need
- Identifies the objectives to be acted in defining its purpose
Uses of Purpose & Need

- Helps determine scope of the project
- Supports the determination of “reasonable” alternatives when selecting and screening
- Provides the basis of criteria for comparative evaluation of alternatives
- Provides the basis of criteria for selecting the preferred alternative
Characteristics of P&N

M May contain both primary and “secondary” objectives
- Primary – for transportation related objectives *(problems to be solved)*
- Secondary – for community values, economic, environmental or social objectives *(Opportunities to embrace)*

M Should contain quantitative measures of “need” for proposed action
- Measures of need e.g. LOS, accident statistics, etc.

M Should remain dynamic until final EIS
- May be amended on new information and community input is provided.
P&N Guidance

CEQ Chairman Connaughton’s letter to Secretary Mineta (May 12, 2003)
- “Typically one or two paragraphs long”
- For general context and understanding and framework to select “reasonable alternatives”

FHWA Guidance issued in 1990 states P&N statement should be:
- Justification of why the improvement must be implemented and justify the expenditure;
- As comprehensive in scope and specific in detail as possible; and
- Reexamined and updated as appropriate throughout the project development process.
FHWA Technical Advisory T6640.8a (1987) identifies the following factors that may helpful in establishing "need" for a proposed action:

- System linkage - "connecting link"
- Capacity - including level of service
- Transportation demand - relationship to statewide plan
- Legislative mandates
- Social demands/economic development - creating demand
- Model interrelationships - compliment to other modes
- Safety - need to address potential safety hazards
- Roadway deficiencies
Colorado’s Transportation Environmental Resource Council adopted the following guidance:

- The *Purpose* is a broad statement of the primary intended transportation result and other related objectives to be achieved by a proposed transportation improvement. The *purpose* must be written clearly and must be supported by the identified needs. It should not include planning decisions or be written so that the selection of a specific alternative is predetermined.

- The *Need* is a more detailed explanation, with supporting data, of the specific transportation problems, deficiencies or opportunities that exist, or are expected to exist in the future that justify the proposed action. The needs should be demonstrated through specific quantitative investigation. Each need for action should enable decision makers to evaluate alternatives by providing measurable objectives or specifications.

  For example, if the purpose of the highway project is to improve safety, then the needs should identify the number of accidents that have occurred in the past, the relative frequency accidents, and what types of accidents have occurred.
Cautions about P&N

- Not so narrow in definition or so specific that it predetermines the outcome or eliminates otherwise reasonable alternatives including modes/approaches
  - *Simmons v. U.S. Army Corps of Engineers*, 120 F.3rd 664 (7th Cir. 1997)

- Respect the role of local and State agencies in the transportation planning process
  - *North Buckhead Civic Assoc. v. Skinner*, 903 F.2nd 1533 (11th Cir. 1990)

- Not so broad that the number of reasonable alternatives is unmanageable.

- Not so vague that evaluation criteria or measurable objectives cannot be determined.