



PURPOSE AND NEED

BACKGROUND

PEL is a valuable tool for creating efficiencies in the transportation project development process that supports agencies' efforts to accelerate project delivery. PEL represents a collaborative and integrated approach to transportation decision-making that considers benefits and impacts of proposed transportation system improvements to the environment, community, and economy during the transportation planning process to inform the environmental review process.

This case study provides a hypothetical example of how the West Sound Regional Council (WSRC), the Metropolitan Planning Organization (MPO) for the West Sound region, and the State DOT used PEL to identify a purpose and need during planning for a future project that could be carried forward into the National Environmental Policy Act (NEPA) process.

ENVIRONMENTAL CONTEXT

The geographic features of the West Sound region, located between two mountain ranges, make for high quality habitat that supports diverse ecosystems. Forests, wetlands, maritime waterways, and fisheries are natural resources that serve as key foundations for the region's growing economy, so sustaining the environment is important for maintaining both a strong economy and a high quality of life in the region. Though the region's setting and resources make it an ideal location for a city, the topography limits available land suitable for development and imposes complex and often expensive infrastructure requirements.

The existing highway routes have been in heavy use since the early 1950s. The highway was upgraded in 1957, but over time has become even more heavily used, thereby reducing system performance. The State Department of Transportation (DOT) has actively pursued a direct, contiguous, transportation corridor connecting two major metropolitan areas in the state and for over 20 years has identified the corridor for widening in the long-range plan. Both MPOs have similarly identified improvements in their Metropolitan Transportation Plans (MTPs) that connected to the study corridor. The State DOT, in consultation with the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the two MPOs, determined that a planning study team was necessary to conduct additional study on the corridor. The planning study team was led by the State DOT in cooperation with the two MPOs, and fully integrated with the statewide and metropolitan planning processes. Additionally, the team requested cooperation from appropriate Federal and state resource agencies (such as the U.S. Fish and Wildlife Service, the State Department of Natural Resources, the U.S. Forest Service).



Freight congestion is common along the corridor. Source: 123RF



The corridor remains a congested freight corridor with several bridges needing improvements. There is support for transit, pedestrian, and bicycle improvements throughout the corridor, made to improve quality of life and workforce attraction. Supporters of these improvements argue that transportation improvements can be made to reduce the congestion within the corridor while avoiding treasured community places.

Although the average roadway user could identify several discrete problems along the corridor (unreliable travel time, deficient bridge conditions, lack of multimodal options), those problems produce similarly discrete solutions that may not comprehensively address the corridor. The challenge facing the planning study team was finding consensus among the many stakeholders on the overall problem statement that the corridor project would ultimately solve. Without a defined problem statement that addressed the multiple challenges along the corridor, the possible solutions were not clear, including possible alternatives on new alignments to avoid community impacts, bridge rehabilitation or replacement to allow for pedestrian and bicycle facilities, and operational improvements. With so much discussion about multiple alternatives, the potential for controversy was high. However, state officials considered the corridor a priority and made sure that funding would be available over the following three years, necessitating an accelerated approach to project delivery.

In response to the numerous possible solutions suggested to the planning study team by various stakeholders and the urgency to position the project to leverage available funding, the State DOT initiated a PEL study, which agency staff felt would provide needed information about the corridor, including economic growth projections (e.g., development patterns), sensitive environmental resources present in the area, and feasibility of various possible solutions suggested by the public. The PEL study would help to accelerate the project process by determining the extent of the transportation problem and facilitating consensus on the purpose and need for the project.

PEL STUDY GOALS

1. **Collect Data:** Collect high quality information about transportation and environmental baseline conditions, assessing the sources and identifying reliable data that are viable for use in NEPA.
2. **Engage Stakeholders and the Public:** Engage tribes,¹ Federal, state, and local stakeholders, including the public, early and throughout the PEL study.
3. **Documentation:** Create documentation that describes outreach, data collection, analysis, and decision-making to ensure a complete record is available for subsequent project phases, including NEPA.
4. **Problem Statement:** Establish the project problem statement that can be carried forward as the purpose and need in subsequent NEPA.

¹ DOT Order 5301.1. November 16, 1999. Available at <https://www.transportation.gov/individuals/foia/dot-order-53011-american-indiansalaska-nativestribes>.



Because the State DOT had not yet decided which PEL authority it would use (e.g., 23 U.S.C. 168 or 23 CFR part 450 and Appendix A guidance), the agency provided a public notice that the products of the PEL study may be adopted during a subsequent environmental review process. The State DOT, in coordination with FHWA and FTA, assembled a PEL study team that also included WSRC and state and Federal resource agencies. The resource agencies played an important role in the study, as the project location was adjacent to public lands and the potential for identifying protected resources was considered high.

To meet the first goal, the PEL study team determined through this coordination that new data collection was required where existing data were unavailable, as a necessary part of developing a rational planning purpose and need includes gathering information and data that is of sufficient detail and quality to meet requirements for use in the environmental review process. To meet the second goal, the PEL study team engaged stakeholders and resource agencies to establish reasonable and agreed-upon methodologies for analysis and identify recently updated ecosystem data and other reliable and reasonably current data to inform the planning work and support the purpose and need statement produced.

Because of the land use changes resulting from rapid economic development and the sensitive nature of adjacent land cover along the corridor, the project team determined that to meet the third goal it needed to include a public participation plan that clearly defined and documented the cooperation between a local tribe, local jurisdictions, resource agencies, and the PEL study team. The public participation plan detailed how public stakeholders would receive clear information about the PEL study and how planning information may be used to identify the planning purpose and need, while also requiring public notices that the state may adopt planning products during a subsequent environmental review process. The public participation plan also provided for workshops with convenient access through a variety of media for stakeholders and communities, as well as a frequently updated website.

Through the additional study on existing conditions and the active participation of resource agencies on the PEL study team, the team was able to reach consensus on the planning purpose and need statement for the corridor that was shared with the public. Following public comment, the PEL study team further refined the purpose and need statement.



The public participation plan provided for workshops for public input. Source: 123RF

POSSIBLE OUTCOME #1

The West Sound Corridor project remained fully funded and a high priority for the state, maintaining the accelerated delivery schedule through the transportation planning process (and followed the 23 U.S.C. 168 approach).

The West Sound Corridor project continued to be a high priority for the state and the region, and project planning remained on schedule for completion in three years. The PEL study team decided to use the 23 U.S.C. 168 approach to develop the project purpose and need as a planning product. The members of the PEL study team remained fully engaged and agreed to cooperatively participate in the project study during planning. The State DOT intended to reserve the opportunity to directly adopt and/or incorporate by reference the purpose and need statement, as well as the documents produced in the PEL study, in subsequent NEPA analysis by satisfying the conditions of 23 U.S.C. 168. The purpose and need statement was developed as part of the transportation planning process,² and the statement:

- Resulted from consultation with the Federal and state resource agencies monthly, with the full participation of the relevant resource agencies, as well as FHWA and FTA;
- Included a systems-level analysis of how the West Sound Corridor project included consideration of multimodal transportation solutions;
- Was based on reasonable and scientifically acceptable methodologies guiding the analysis of potential effects, including the effects on the human and natural environment using information with a rational basis and based on reliable and reasonably current data; and
- Provided public notice that the planning products produced in the planning process may be adopted during a subsequent environmental review process.

If FHWA and the State DOT, serving as NEPA joint lead agencies and as the relevant agencies under 23 U.S.C. 168(b)(1)(A), subsequently determine that the planning purpose and need for the project has met the all the conditions in 23 U.S.C. 168, then they may decide to adopt the purpose and need in NEPA. Those conditions include that the planning product was approved by planning officials within the five-year period of adoption or incorporation by reference.³

² 23 U.S.C. 134 and 135, and 23 CFR 450.218, 450.324 and 450.326.

³ 23 U.S.C. 168(d)(10).



POSSIBLE OUTCOME #2

The West Sound Corridor project experienced a slight project delay, but remained a fully funded project in later program years (using 23 CFR 450.212(a)-(c) and 450.318(a)-(d) with the Appendix A of 23 CFR part 450 guidance approach).

The West Sound Corridor project continued as an active project, but the planning work has experienced a slight delay due to changes in priorities. The PEL study team has remained engaged, but decided they could no longer meet the 23 U.S.C. 168 conditions. With the delayed project initiation and implementation, resource agencies could no longer be actively engaged because competing priorities demanded their limited resources. The PEL study team decided to use the 23 CFR 450.212(a)-(c) and 450.318(a)-(d) approach to identify a planning purpose and need statement. Resource agency coordination meetings have occurred as needed at key decision points. Despite reduced involvement, the resource agencies have agreed that the purpose and need identified in the PEL study would aid in establishing or evaluating the subsequent NEPA purpose and need.

As the PEL study team wanted to be able to incorporate by reference partial or entire documents produced from the PEL study, the team decided to use the regulatory

approach because, with the rapidly developing corridor, some circumstances may change and some of the analysis (even though reconfirmed during NEPA) may have planning approval of the planning product older than five years.⁴ FHWA and FTA have continued to be engaged and reviewed the information at key decision points. The data may need to be supplemented or reconfirmed during NEPA due to the passage of time. The PEL study team has continued to:

- Include regular public review through the MPO and state public involvement processes using the West Sound Corridor project website and workshops;
- Ensure that sufficient and comprehensive documentation has been developed, so that if there is turnover in staff at the state, MPO, or resource agencies, the relevant decisions will be available for review during the NEPA scoping process; and
- Maintain documented planning information using the State DOT project management system, to ensure that it can be easily accessed to allow for direct reference in the NEPA process and will be in a format that could readily be appended or referenced in the NEPA document.

When the West Sound Corridor project was initiated several years later, the purpose and need for a project was shaped by goals and objectives established in PEL study as part of the project planning process.

DISCLAIMER: *Except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind the public in any way. The document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.*

⁴ 23 U.S.C. 168(d)(10).

