

Purpose and Need Guidance

The Council on Environmental Quality regulations implementing the National Environmental Policy Act requires that an environmental impact statement and an environmental assessment include a statement of *purpose and need*. Those regulations state: *The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.* (40 CFR §1502.13)

The Federal Highway Administration issued guidance in 1990 that summarizes the three key points relative to the *purpose and need* section of an EIS. The guidance state that the *purpose and need* statement should be:

1. Justification of why the improvement must be implemented;
2. As comprehensive and specific as possible; and
3. Reexamined and updated as appropriate throughout the project development process.

It is CDOT policy to follow this guidance in forming Purpose and Need statements for projects that do not fall under a Categorical Exclusion. These Purpose and Need statements are designed to comply with the requirements of NEPA and the Council on Environmental Quality regulations.

Since the six transportation regions within CDOT conduct project development, the Regional Planning and Environmental Manager and the resident or project engineer are responsible for the development of the Purpose and Need statements for specific projects.

The CDOT Environmental Stewardship Guide incorporates FHWA guidance and interpretive memoranda that provide additional guidance on how the Purpose and Need statement is to be written. The Purpose and Need statement should be designed to help evaluate the alternatives to be considered and to take into account the requirements of other federal statutes.¹ This guidance does not mandate identification of any particular alternative other than the “no action” alternative within the Purpose and Need statement, but does recognize instead that the statement will by necessity be project specific.

The Purpose and Need statement should identify both the underlying need and purpose for the proposed action – what CDOT is planning to accomplish, and why it is necessary, but cannot predetermine a particular alternative.²

¹ For example, Section 404 of the Clean Water Act and Section 4(f) of the U.S.D.O.T. Act require a finding that if the preferred alternative takes wetlands or 4(f) land that “there is no practicable alternative to the construction in wetlands” or that “there is no prudent and feasible alternative to the use of such land”. The purpose and need statement defines what can be considered reasonable, prudent and practicable alternatives.

² This does not mean that a particular direction of action cannot be predetermined. For instance, defining the purpose as increasing the capacity of a highway is not predeterminative even if by doing so it eliminates the consideration of a railroad alternative *Izaak Walton League of America v. Marsh*, 65 F.2d 346 (D.C.

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.³

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.⁴ Each need for action should enable decision makers to evaluate alternatives by providing measurable objectives or specifications.⁵

The Purpose and Need statement may identify other objectives related to the primary transportation purpose, but should not attempt to address other general issues of compliance as required by statutes or regulations.⁶ The scoping meetings early in the environmental process are an excellent means to refine or reach agreement with the participants on the basic purpose and need for the project. As the project's purpose and need is refined, a number of alternatives may be eliminated, thereby permitting a more focused analysis of those alternatives that more fully address the problem to be solved.

Cir. 1981). As a result it may be that there is only one alternative that meets the purpose and need of a particular project.

³ However, planning documents may support the purpose and need statement in terms of defining the problem to be solved and providing supporting data for inclusion in the needs statement.

⁴ 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.

⁵ An example of a "need" with measurable objectives might be expressed as Level of Service deficiencies needing improvement or excessive travel times needing some level or percentage of improvement.

⁶ An example of "other objectives" might include specific environmental enhancements that are secondary to the primary purpose of the proposed action, but important to meeting the overall needs of the nearby community. These secondary objectives may not arise in the planning process until after scoping or public outreach.