

Chapter 7
PURPOSE AND NEED

MDT ENVIRONMENTAL MANUAL

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Chapter 7

PURPOSE AND NEED

7.1 OVERVIEW

In the simplest of terms, “Need” describes an identified problem or opportunity and “Purpose” explains the intended outcomes for fixing the problem or using the opportunity. According to the Federal Highway Administration (FHWA) guidance “The Importance of Purpose and Need in Environmental Documents,” the purpose and need section is, in many ways, the most important chapter of an environmental document. The purpose and need for a proposed project drives the process for alternatives consideration, in-depth analysis and ultimate selection. It also is a key factor in determining the range of alternatives considered. It can limit the range of alternatives because any alternative that fails to meet the project’s purpose and need can be dismissed without detailed study. It also is considered in analyzing and describing the consequences of the no-action alternative.

In addition, a well-justified purpose and need is vital to meeting the requirements of Section 4(f) of the *US Department of Transportation Act*, Executive Order 11990 on Wetlands, Executive Order 11988 on Floodplains and the Section 404(b)(1) Guidelines under the *Clean Water Act*. A well-defined, well-established and well-justified purpose and need is necessary to determine which alternatives are reasonable, prudent and practicable for purposes of the aforementioned directives.

This Chapter provides guidance and procedures for ensuring the purpose and need for a proposed MDT project requiring preparation of an environmental impact statement (EIS) or environmental assessment (EA) is defined and documented in a manner that addresses the relevant needs and provides a sound basis for the alternatives selected for analysis in the project environmental document. See [Chapters 13 “Environmental Assessment/FONSI”](#) and [14 “Environmental Impact Statement/ROD”](#) for information on documenting purpose and need in an EA and an EIS.

7.2 LAWS, REGULATIONS AND GUIDANCE

7.2.1 40 CFR 1500 through 1508 Council on Environmental Quality (CEQ) Regulations

Section 1502.13 “Purpose and Need” in Title 40 of the *Code of Federal Regulations* (CFR) establishes the requirement that an EIS briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action. Section 1508.9 “Environmental Assessment” establishes the requirement that an EA include a brief discussion of the need for the proposal.

7.2.2 ARM 18.2.235 through 18.2.261 “Rules Implementing the Montana Environmental Policy Act”

Rule 18.2.239 “Preparation and Contents of Environmental Assessments” in the *Administrative Rules of Montana* (ARM) establishes the requirement for an EA to include a description of the benefits and purpose of the proposed action. Rule 18.2.243 “Preparation and Contents of Draft Environmental Impact Statements” establishes the requirement for an EIS to include a description of the proposed action, including its purpose and benefits.

7.2.3 23 USC 139 (f) “Purpose and Need”

This part of the *United States Code* (USC) codifies Section 6002(f) of the *Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users* (SAFETEA-LU). It establishes the following requirements regarding purpose and need for transportation projects:

1. Participation. As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in defining the purpose and need for a project.
2. Definition. Following participation described in Item #1, the lead agency shall define the project’s purpose and need for purposes of any document that the lead agency is responsible for preparing for the project.
3. Objectives. The statement of purpose and need shall include a clear statement of the objectives that the proposed action is intended to achieve, which may include:
 - achieving a transportation objective identified in an applicable Statewide or metropolitan transportation plan;
 - supporting land use, economic development or growth objectives established in applicable Federal, State, local or Tribal plans; and
 - serving national defense, national security or other national objectives, as established in Federal laws, plans or policies.

7.2.4 FHWA “SAFETEA-LU Environmental Review Process Final Guidance”

This document, available on the FHWA website, provides guidance on the topics to be addressed in the purpose and need. The document:

- identifies who is responsible for developing the project's purpose and need;
- describes what direction SAFETEA-LU gives for the content of the purpose and need statement;
- identifies how the SAFETEA-LU requirement of providing an opportunity for involvement for participating agencies and the public can be satisfied; and
- describes how the transportation planning process relates to the development of a project's purpose and need statement.

7.2.5 FHWA “The Importance of Purpose and Need in Environmental Documents”

This September 18, 1990, document, available on the FHWA website, provides guidance on:

- the relationship between purpose and need and the consideration of alternatives,
- the basic ingredients of purpose and need,
- using the purpose and need in decision-making, and
- key points to remember regarding the purpose and need section in an environmental document.

7.2.6 FHWA “Guidance on ‘Purpose and Need’”

This July 23, 2003, document, available on the FHWA website, provides guidance on preparing purpose and need statements in light of views provided by CEQ. The guidance addresses the following topics:

- lead agency authority and responsibility for defining the purpose and need,
- the importance of working with other agencies that also have NEPA responsibilities for an action to develop a purpose and need statement so that one NEPA document will serve the requirements of all agencies with NEPA responsibilities,
- the role of purpose and need in serving as the cornerstone for alternatives analysis and the importance of not drafting the purpose and need statement so narrowly that it unreasonably points to a single solution, and
- the importance of making the purpose and need statement as concise and understandable as possible.

7.2.7 FHWA Technical Advisory T 6640.8A

The Technical Advisory, dated October 30, 1987, includes guidance for the purpose and need section in environmental documents. The purpose and need section should identify and describe the proposed action and the transportation problem(s) or other needs it is intended to address. It should clearly demonstrate that a need exists and should define the need in terms understandable to the general public. The discussion should clearly describe the problems the proposed action is to correct. It will form the basis for the no action discussion in the Alternatives Section and assist with the identification of reasonable alternatives and the selection of the preferred alternative. FHWA encourages the use of charts, tables, maps and other illustrations (e.g., typical cross-section, photographs) to support the discussion of purpose and need.

The following is a list of items that may assist in the explanation of the need for the proposed action. It is neither all-inclusive nor applicable in every situation and is intended only as a guide:

1. Project Status. Briefly describe the project history including actions taken to date, other agencies and governmental units involved, actions pending, schedules, etc.
2. System Linkage. Describe if the proposed project is a connecting link. Discuss how the project fits in the transportation system.
3. Capacity. Address how the capacity of the present facility is inadequate for the present traffic and/or for the projected traffic. Describe what capacity is necessary. Include the level(s) of service for existing and proposed facilities.
4. Transportation Demand. Provide a discussion on the transportation demand. Describe the relationship to any Statewide plan or adopted urban transportation plan together with an explanation of the project's traffic forecasts that are substantially different from those estimates from the 23 USC 134 (Section 134) planning process.
5. Legislation. Indicate if there is a Federal, State or local governmental mandate for the action. While legislation is a valid discussion point, to the extent possible, also include information to explain the needs that prompted the legislation.
6. Social Demands or Economic Development. Examples of social demands or economic development include new employment, schools, land use plans, recreation, etc. Identify any projected economic development/land use changes that indicate the need to improve or add to the highway capacity. Where these factors are cited as a basis for purpose and need, ensure that the discussion clearly indicates the project is responding to planned and/or anticipated social demands/economic development and that it identifies the source(s) of the planning information.
7. Modal Interrelationships. Describe how the proposed facility will interface with and serve to complement airports, rail and port facilities, mass transit services, etc.
8. Safety. Address how the proposed project is necessary to correct an existing or potential safety hazard. Discuss how the existing crash rates are excessively high and why they are high. Discuss how the proposed project will improve the crash rates.

9. Roadway Deficiencies. If the proposed project is necessary to correct existing roadway deficiencies (e.g., substandard geometrics, load limits on structures, inadequate cross-section, high maintenance costs), discuss how the proposed project will improve these deficiencies.

7.2.8 AASHTO Practitioner's Handbook 07 Defining the Purpose and Need and Determining the Range of Alternatives for Transportation Projects

This August 2007 Handbook provides recommendations for defining the purpose and need in EIS and EA documents for transportation projects. It includes sections on the following topics:

- Understanding the Legislative and Planning Context,
- Determining the Needs,
- Defining the Project Purpose,
- Screening Alternatives, and
- Involving Agencies and the Public.

7.2.9 Montana Business Process to Link Planning Studies and NEPA/MEPA Reviews

This document is available through the MDT website. It provides guidance to MDT and its partners on how to link transportation planning processes and the *National Environmental Policy Act (NEPA)/Montana Environmental Policy Act (MEPA)*, as provided for in SAFETEA-LU. The document presents a revised Corridor Planning Process intended to feed directly into the NEPA/MEPA process, help advance viable alternatives into NEPA/MEPA and provide the opportunity for involvement of MDT's planning partners at all stages.

The process results in issuance of a recommended corridor plan report. The report documents the entire Corridor Planning Process, important findings, needs, screening criteria, draft recommendations and next steps. Key components of the report include:

- draft statement of purpose and need;
- documentation of the alternatives and/or options considered, and potential impacts and mitigation opportunities; and
- draft recommendations and next steps, including a package of alternatives and/or options.

7.2.10 A Guide to the Montana Environmental Policy Act

This document is available through the Montana Legislative Environmental Policy Office website. It provides guidance to State agencies charged with implementing MEPA. The document outlines elements required for an environmental review, including the following five general elements for purpose and need:

- a description of the proposed action (including maps and graphs) and an explanation of the benefits and purpose of the proposed action;

- an explanation of the decisions(s) that must be made regarding the proposed action;
- an acknowledgement and explanation of the concerns and issues that have been generated through public and agency comments;
- a list of any other local, State or Federal agencies that have overlapping or additional jurisdiction or responsibility for the proposed action and a list of all necessary permits and licenses; and
- a description of any other environmental review documents that influence or supplement the environmental review document.

7.3 PROCEDURES

7.3.1 Roles and Responsibilities

The Project Development Engineer (PDE) is the MDT lead for the process to formally define and document the purpose and need for a proposed MDT project for the NEPA/MEPA process. The PDE initiates the process after the Preliminary Field Review is completed and the level of environmental document is determined based on the project scope and preliminary assessment of potential environmental impacts; see [Chapter 10 “Class of Action Determination.”](#) The PDE accomplishes the process for defining and documenting the purpose and need on those projects for which the level of environmental document is an EA or an EIS.

The goal of the process is to develop a specific, clear and justifiable statement of identified objectives the proposed project is intended to achieve and the needs it will address. The PDE accomplishes this goal through coordination with the Design Team (DT), other MDT Sections, FHWA and other interested and affected entities, including those that must be afforded an opportunity for involvement on projects subject to 23 USC 139. The level of coordination varies according to the overall size and complexity of the project. On projects where a Corridor Planning Study was conducted in accordance with *Montana Business Process to Link Planning Studies and NEPA/MEPA Reviews* (see [Section 8.3.1](#)), the PDE ensures consideration of the draft purpose and need statement included in the recommended corridor plan.

For projects subject to the requirements of 23 USC 139 “Efficient Environmental Reviews for Project Decision-Making,” the PDE ensures participating agencies and the public are afforded opportunity for involvement in defining the purpose and need. This opportunity is reflected as a component of the coordination plan required by the FHWA “SAFETEA-LU Environmental Review Process Final Guidance.” See [Chapters 13 “Environmental Assessment/FONSI”](#) and [14 “Environmental Impact Statement/ROD”](#) for further information on the coordination plan and opportunity for involvement by participating agencies and the public in the environmental documentation process.

Where other Federal agencies have an independent responsibility to comply with NEPA for a proposed MDT project (e.g., the Corps of Engineers (COE) if a project requires a Section 404 permit), they are not required to adopt the purpose and need as defined by MDT and FHWA. However, the CEQ has stated that non-transportation agencies should give substantial deference to transportation agencies’ definition of purpose and need for a transportation project. When a transportation project will likely require an individual Section 404 permit, procedures for coordinating/merging NEPA compliance actions are used to promote the definition of purpose and need in a manner that will allow one NEPA document to serve the needs of MDT/FHWA and the COE. When a Federal agency other than the COE has an independent responsibility to comply with NEPA for an MDT project, MDT and FHWA coordinate with that agency as necessary to define the purpose and need so it will satisfy the needs of that agency and MDT/FHWA for NEPA compliance.

7.3.2 Key Issues to Consider

The following Sections present a framework of questions the PDE may consider to help ensure the coordination process, both within MDT and with outside entities, addresses the full range of issues that may have a bearing on the definition of purpose and need for a proposed project.

7.3.2.1 Legislative and Planning Context

- Is there any legislation (Federal, State or local) that should be considered in defining the project purpose?
- Are there any provisions in adopted Statewide or metropolitan transportation plans that are relevant to defining the project purpose?
- Has a purpose and need been defined for the project in a corridor or sub-area study, pursuant to the planning regulations in 23 CFR 450 (see [Section 8.3.1](#))?
- If planning decisions are to be used to support the purpose and need, how much time has passed since those decisions were made? Is there a need to reconsider or update those decisions?

7.3.2.2 Determining Needs

- What data is necessary to evaluate the transportation needs in the project area?
- Are there any data gaps (e.g., data that is needed but not readily available)?
- If there are data gaps, how will they be addressed?
- If the study has been under way for several years, what steps will be taken to ensure the data underlying the determination of needs is still valid?
- How will the supporting information for the need determination be documented (e.g., will technical reports be prepared)?

7.3.2.3 Determining Purpose

- Is there a single purpose for the project or does it serve multiple purposes?
- If there are multiple purposes, are some more important than others? What are the true drivers of the project?
- How is the purpose of this project distinct from other similar projects that are being proposed in the same region? What are the differences?
- Are the project purposes achievable?
- Will goals and objectives be defined in addition to purpose and need? What are the differences between the terms and how will they be explained to the public (e.g., goals and objectives include purpose and need but express a broader vision)?

7.3.3 **Defining Purpose and Need**

The PDE coordinates with the DT and other MDT Sections to obtain and/or verify information necessary to begin defining the purpose and need for a proposed project. Examples of relevant topics include the following:

- the history of the project;
- other agencies and governmental units involved;
- factors considered during metropolitan or Statewide planning including, if applicable, Corridor Planning Study results;
- transportation-related needs identified for the project and, to the extent possible, the underlying cause(s) of those needs (e.g., as determined from population and employment data, land use and development data, congestion data, safety data);
- identified environmental deficiencies or problems (e.g., lack of existing storm water control, fish passage problems, existing noise problems caused by the highway, recurring bridge scour, road washouts caused by bank erosion); and
- information for defining the no-action condition (e.g., regarding future land use and the future transportation network).

The PDE then coordinates with FHWA, the DT and affected MDT Sections to evaluate the information and develop a preliminary purpose statement for the project. The evaluation process includes consideration of the relative importance of the identified needs, the extent to which the project could and should address the needs and the extent to which the purposes would be achievable. Preparation of the preliminary purpose statement is guided by the following principles:

- The goal in drafting the purpose statement should be to define, as sharply as possible, the fundamental reasons why the project is being proposed. It should be defined in a manner that provides an effective means for screening/evaluating alternatives, but should not be so narrowly defined as to unreasonably limit the range of alternatives.
- If a project has several distinct purposes, list each purpose individually. The purpose statement should not be a laundry list of all the potential benefits of building the project, nor should it list every possible purpose that could conceivably apply to the project.
- If a project serves multiple purposes, it may be helpful to distinguish between primary and secondary purposes. A primary purpose is the driver of the project; a goal that reflects why the project is being pursued. A secondary purpose would be one that is desirable, but is not the core purpose of the project.

The PDE next initiates coordination with interested and affected outside entities, including participating agencies, in accordance with the project's coordination plan. This coordination is to obtain their input on the identified needs and the preliminary purpose statement, and to seek information on the following aspects, as applicable:

- established community goals and objectives that pertain to the project; and
- goals and objectives identified through a Context Sensitive Solutions process, see [Chapter 9 “Context Sensitive Solutions.”](#)

The PDE coordinates the input received from the interested and affected outside entities with FHWA, the DT and affected MDT Sections and revises the purpose statement and identified needs, as appropriate, based on the results of that coordination.

The PDE may repeat the coordination process with outside entities and the follow-up coordination with FHWA, the DT and affected MDT Sections as necessary to address issues and concerns raised and to reach agreement with FHWA and, if appropriate, with other Federal agencies having independent responsibility for NEPA compliance on the project, regarding the purpose and need.

7.3.4 Documenting Purpose and Need

Once agreement is attained on the project purpose and need, the PDE documents the decision and the considerations involved in making the decision. The purpose and need documentation must be both concise and thorough. The PDE prepares the documentation using sections from the following format, as applicable:

1. Proposed Project. Briefly describe the proposed project, including the location and the anticipated schedule. Use maps and other graphics to assist in concisely communicating the project information.
2. Need for the Project. Describe the reasons for proposing the project (e.g., undesirable conditions related to roadway and/or alignment, dimensions, traffic flow, safety, operation or an opportunity to provide enhancements to the transportation system). Clearly establish why the project is being proposed. Also, provide a brief list of features that were evaluated and determined not to be a concern.
3. Purpose of the Project. Describe desired outcomes and solutions for conditions described in “Need for the Project.”
4. History of the Planning and Scoping Process. Provide a summary discussion on how the project came about.
5. Relevant Plans, NEPA Documents and Other Documents. Provide a brief discussion of pertinent documents (e.g., Metropolitan Planning Organization plans, State/city/county plans, EIS/ROD, EA/FONSI, zoning regulations, scientific studies).
6. Decisions That Must Be Made. Identify lead agencies and explain what project decisions and NEPA decisions they must make to advance the project and the information used in making the decisions.
7. Unresolved Issues. Describe any unresolved issues regarding the purpose and need, including the entities involved.

For projects subject to the requirements in 23 USC 139, the PDE shares the purpose and need documentation with participating agencies to ensure that any disputes are identified as quickly as possible.

The PDE incorporates the purpose and need statement in the EA or EIS, as appropriate; see [Chapters 13 “Environmental Assessment/FONSI”](#) and [14 “Environmental Impact Statement/ROD.”](#) The purpose and need statement may change if new information or needs come to light or public input provides suggestions for improving the statement. The PDE coordinates with FHWA and affected MDT Sections and incorporates any needed changes.

