Purpose and Need Statement
Instructions for KYTC Projects

Background: Purpose & Need of a project is the first decision point of the shared decision making process. The Purpose and Need provides the foundation for successful decision-making and the basis for the evaluation and comparison of reasonable alternatives. Each project will have a purpose and need agreed to by the project team that will be utilized to establish the scope of the required work. The scope describes the physical boundaries of the project and defines what the project will deliver and what it will not. The project team will also use this purpose and need to develop alternatives and to guide their decisions. Historically, the predesign meeting was held to establish scope of the engineering work for a project. The project team must understand the importance of establishing the purpose and need in determining scope of the engineering and environmental work to deliver a project.

For projects where the Division of Planning has completed a planning study, the project team should review, revise and adopt the Purpose and Need presented in the study with consensus reached on all necessary modifications. In addition to these studies, the Division of Planning has completed or is completing "Project Identification Forms" which include project problem statements for most of our projects. These forms provide the first description of a proposed project including the history, background, and why we are proposing a project. The forms also provide information and factual data on the project location, project and community issues, cost estimates, and the problem that will be addressed. The resulting problem statement sets the foundation and framework for future decisions on the solutions for the problem identified.

A sound transportation planning process is the primary source of a project's purpose and need. The transportation planning process sets the tone for KYTC to define an area's transportation needs, decide which needs to address, and determine the timeframe for addressing the needs.

Decisions that result from the transportation planning process can be used in project development and NEPA if the planning process is consistent with the "3-C" principles (comprehensive, cooperative, and continuous) **and** when the planning study process, alternatives considered, and resulting decisions are thoroughly documented (including the necessary and appropriate examination through the applicable public involvement processes).

The transportation planning process can be utilized to develop a project's purpose and need in the following ways: (a) goals and objectives from the transportation planning process can be a part of the project's purpose and need

statement; (b) mode choice or choice of corridors based on an analysis conducted during the transportation planning process may be included as part of the project-level purpose and need statement; or (c) if the financial plan supporting a MPO's long-range transportation plan indicates that the reasonably available funding for a specific project likely will involve funding sources beyond traditional federal and state transportation funds, such information may be included in the purpose and need statement.

If the purpose and need identifies a corridor or mode based on some aspect of the transportation planning process, the environmental document should: (a) identify and summarize the study or analysis upon which the selection of the corridor or made was based, and incorporate the analysis by reference or append it to the project environmental document; (b) make any such study or analysis available during the NEPA scoping process; and (c) summarize the reasons for selecting the corridor or mode in the discussion of the purpose and need statement for the EA or EIS, with an explanation of the planning factors that were used as the basis for selecting the corridor or mode.

A Purpose and Need Statement is necessary for developing all projects. It is a requirement on projects that include future NEPA documentation, an Environmental Impact Statement or Environmental Assessment. A well-justified purpose and need is also vital to meeting the requirements of Section 4(f) (49 U.S.C. 303) and the Executive Orders on Wetlands (E.O. 11990) and Floodplains (E.O. 11988) and the Section 404(b)(1) Guidelines. A clear, well-justified and defined purpose and need discussion explains to the public and decision-makers that expenditure of funds is necessary and worthwhile and that the priority of the project is warranted when compared to other needed highway projects. The intention of this guidance is to create a uniform approach within KYTC and with KYTC partners in developing Purpose and Need Statements for all projects.

Legal Guidance: The legal guidance for Purpose and Need Statements comes from the NEPA CEQ regulation, Section 1502.13—the Purpose and Need Statement "shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action." Each federal agency has its own guidance on NEPA documentation.

It is important to note that the lead agency for an action (project) has the authority for and responsibility to define the purpose and need, specifically for the purposes of NEPA. FHWA Technical Advisory T 6640.8A and 40 CFR 1502.13 directs state DOT's to "identify and describe the proposed action and the transportation problem(s) or other needs which it is intended to address."FHWA in July 2003 prepared and distributed addition guidance from CEQ on purpose and need that states:

> **"In cases of a proposal intended to address transportation needs, joint lead or cooperating agencies should afford substantial deference to the Department of Transportation for transportation projects because our primary substantive expertise and program responsibility, and this is the same deference that would be owed to other Federal agencies in their areas of expertise and program responsibility".**

According to the FHWA memo, the statement above suggests that another Federal agency should only raise questions regarding Department of Transportation purpose and need statements when those questions relate to substantive or procedural problems (including omission of factors) important to that agency's independent legal responsibilities.

FHWA's technical advisories list 9 factors that may be helpful in establishing the need for a proposed action. Eight of those are relevant to this discussion and include: system linkage, capacity, transportation demand, legislation, social demands or economic development, modal interrelationships, safety, and roadway deficiencies. The ninth addresses project status, and is not relevant to this discussion.

All of the factors which are relevant in explaining a project's purpose and need should be as fully developed as possible and utilize as specific data as possible to compare the present, future no-build, and future build conditions. The data could include such factors as reduction in vehicle hours travel, improvements in travel speeds, reduction in traffic accidents, injuries and fatalities, savings in cost to the traveling public, enhanced economic development potential, increased tax base, improved access to public facilities and resources, etc. One should note that it is not sufficient to simply state that a project is needed to provide increased capacity and improve safety. You must prove that a need exists through supporting data.

This point is further emphasized when you use development, growth, and economic development in your purpose and need. Using these as a "selling point" for the project will require the identification of the associated positive and negative impacts. This includes a "hard look" at the identification of the indirect effects of a project's "selling points".

Preparing the Purpose and Need Statement: The Purpose and Need Statement sets the stage for consideration of the alternatives. It has three parts: The Purpose, the Need, and Goals and Objectives. The Purpose defines the transportation problem to be solved. The Need provides data to support the problem statement (Purpose). The Goals and Objectives describe other issues that need to be resolved as part of a successful solution to the problem.

The Purpose and Need Statement is intended to clarify the expected outcome of public expenditure and to justify that expenditure - What you are trying to accomplish and why you think it is necessary. As such, it should be the first step in the project development process. It will be used to guide the development of alternatives, and it will be a fundamental element when developing criteria for selection between alternatives.

It is important to understand FHWA terminology when preparing Purpose and Need Statements. The terms "Proposed Action", "Preferred Alternative", "Purpose", and "Need", are used frequently in FHWA guidance and NEPA regulations. These terms can lead to confusion if not understood. Definitions and descriptions of these terms are provided below:

Proposed Action:

A general proposal in its initial form that is intended to satisfy current or expected transportation needs.

Preferred Alternative:

The specific alternative, which the lead agency believes, would best fulfill its mission and responsibilities giving consideration to economic, environmental, technical and other factors.

Purpose:

- The Purpose is analogous to the problem. It is the "what" of the proposal.
- The Purpose is the problem statement.
- The Purpose should focus on the state transportation system. Other important issues to be addressed by the project such as local transportation systems, livability, and the environment should be identified as Goals and Objectives. As such, it may reflect other priorities and limitations in the area, such as environmental resources, growth management, land use planning, and economic development.
- The Purpose should be stated concisely in a single sentence.
- The Purpose should be stated as the positive outcome that is expected. For example, the purpose is to reduce congestion in the interstate corridor.
- It should avoid stating a solution as a purpose—as in—the purpose of the project is to build a bypass. Therefore, it should not be so specific as to "reverse engineer" a solution.
- Where appropriate, it should be stated broadly enough so that more than one mode can be considered and multi-modal solutions are not dismissed prematurely.

- Similarly, it should be stated broadly enough so that more than one alternative can be considered and alternatives are not dismissed prematurely.
- The Purpose should be stated in a manner so that a suite of intermediate steps could be posed as the solution, scaled to the needs of the community, if appropriate.
- The project Purpose should also include how the project addresses the Cabinet's strategic goals and vision:
  - -Taking care of what we have
  - -Making the system work better
  - -Increasing capacity
  - -Improving safety
  - -Creating opportunities for future economic growth
  - -National competitiveness
  - -Supporting overall quality of life of our public

Need:

- Should establish the justification and/or evidence that the problem exists, or will exist if under a set of assumptions and expectations (such as population projections or planned land use growth) are realized.
- Should be factually and numerically based.
- Should support the assertion made in the purpose statement. For example, if the purpose statement is based on safety improvements, the need statement should support the assertion that there is or will be a safety problem to be corrected.

Goals and Objectives:

Project elements beyond the state transportation issues identified should be included in the Purpose and Need Statement as Goals and Objectives. The Goals and Objectives should balance environmental and transportation values. They should support early and effective interagency involvement in environmental issues to improve the outcome of each natural and cultural resource agency's mission while minimizing costs and delays. In addition, the Goals and Objectives could consider equally the project's schedule, cost, quality, quality of life, cultural resources, fish and wildlife habitat, public input, and regulatory input.

The Goals and Objectives will be different for each project and may include the following:

- Broad community or quality of life goals, for example - improving air quality, economic development, or creating an uncongested, pedestrian friendly downtown business district.
- Environmental goals such as avoidance and minimization of impacts and enhancement opportunities, for example – avoiding impacts to nesting

migratory birds or improving riparian habitat beyond what is required for mitigation.

- Regulatory compliance, for example - protecting wetlands or complying with the Kentucky Six-Year Highway Plan.

Applicability: A Purpose and Need Statement should be developed for all projects, regardless of funding source.

Timing and Process: The Purpose and Need Statement should be developed when the project concept is first identified, whether that is during the development of the Statewide Transportation Plan (STP), or other manner of initiation However it should be noted that a sound planning process is the primary source of a project's purpose and need. It is through the planning process that state and local government determine what the transportation needs of an area are, which of the transportation needs they wish to address, and in what time frame they wish to address them.That is what federal law requires from the planning process and what actually prevents projects that do not come from the planning process from going forward. In any event, a Project Team engaged to develop a project for construction must confirm the Purpose and Need information and data documented in the planning process as the first step in the shared decision-making process.

How/When/What can prompt that Purpose and Need to be altered or changed throughout the project development process:

1,) Change in conditions in the area – change in traffic, change in crashes, land use changes, deteriorating conditions of the infrastructure
2.) Change in community values
3.) Implementation or planned implementation of other transportation improvements that impact the items mentioned above

Regardless, these need to be discussed, documented, and consensus achieved before altering.

Documentation: The Purpose and Need Statement must be included in the permanent record for any proposal that is intended to result in the construction of a transportation facility. The documentation may be used in later environmental documentation and may be required for the project to enter onto the STIP for development and construction.

Role of Purpose and Need: Why do you need a purpose and need statement for a project? Consider the following to answer that question:

- It sets the foundation and framework for future decisions.
- It is the yardstick that we measure decisions against, particularly alternative solutions and decisions.
- Remember that it is more than an environmental issue or requirement.
- It serves as a logic check.
- It explains to the public and decision-makers why we are proposing a project.
- It will help determine whether a project is a want or a need.
- It justifies the expenditure of funds and why the level of environmental impacts are acceptable.
- It defines what can be considered reasonable, prudent, and practical alternatives.
- It is reexamined and refined as appropriate throughout the project development process.
- It is defined and refined by the project team, with input from the public and resource agencies.

In other words, the purpose and need is:

- The problem statement and justification for a project.
- The basis for project decisions.
- The basis for alternative development.
- The basis for the range of alternatives developed.
- The basis for screening criteria.
- The basis for alternative comparison and evaluation.
- Basis for the No-build discussion.
- Provides the reasons for moving forward.

And that: The project description listed in the Cabinet's Six-Year Plan is not the purpose and need for the project. The project description serves as a placeholder for programming and budgetary planning purposes but should be revised (as needed) once the purpose and need is better defined.

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