

During Planning

During NEPA purpose and need (P&N) Scoping

Establishing NEPA P&N

Integration of planning and environmental review 23 U.S.C. 168

- Identify transportation problems
- Use data & appropriate methodology
- Perform analysis
- Agency consultation
- Follow Federal planning process
- Develop P&N
- Multidisciplinary consideration of needs and effects
- Public notice of possible adoption during NEPA

- No new significant info?
- Sufficient detail?
- Adopted or incorporated no later than 5 years after planning approval of the product?
- Appropriate for adoption?
- Rational basis, reliable and reasonably current data, and acceptable methodology?

- The document(s) should be available for review during scoping
- Consider comments
- Notice of intent to adopt/incorporate P&N
- Lead agency decision on adoption/incorporation

CEQ NEPA Regulations 40 CFR1501.12

- Identify transportation problems
- Use data & appropriate methodology
- Perform analysis
- Identify draft purpose and needs

Does it meet NEPA requirements ?

- The document(s) should be available for review during scoping
- Consider comments
- Use/inform/rely on to establish P&N
- Lead agency decision on use or incorporate to establish P&N

Planning Regulations 23 CFR 450.212 (a)-(c) & 450.318 (a)-(d)

- Identify transportation problems
- Use data & appropriate methodology
- Perform analysis
- Identify draft purpose and needs
- Agency/public/tribal involvement and comment
- FHWA/FTA review
- Documentation
- Opportunity to comment?

- Will aid in establishing P&N?
- Is ready for NEPA use?
- Consider the extent to which planning process includes:
 - Agency involvement?
 - Opportunity to comment?
 - Public review?
 - FHWA/FTA review?
 - Documented?

- The document(s) should be available for review during scoping
- Consider comments
- Lead agency decision on incorporate by reference and use to establish P&N

Additional work or further action

General Considerations for PEL

- Follow transportation planning process
- Participation by Federal and state resource agencies and Indian Tribes
- Opportunity for public review and comments
- Use reliable and reasonably current data and reasonable, scientifically acceptable methodologies
- FHWA and FTA review as appropriate
- Documentation

This process is written for EISs, for other class of actions, requirements will have to be met, as applicable.



*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. General considerations are not necessarily required by the statute or regulations; however, FHWA encourages these for all PEL approaches.
 *The Council on Environmental Quality (CEQ) has proposed to modify certain aspects of its 2020 NEPA regulations found at 40 CFR parts 1500-1508 using a phased approach. See 86 FR 55757, 55759 (Oct 7, 2021). If CEQ issues a final rule that amends any provisions of the CEQ regulations cited in this document, FHWA will update the citations in this document and make any other necessary changes.