

Planning and Environment Linkages Guidance Document

November 2022



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Acronyms and Abbreviations

CE	Categorical Exclusion
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
EA	Environmental Assessment
EIS	Environmental Impact Statement
FAST Act	Fixing America’s Surface Transportation Act
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GIS	Geographic Information System
LPA	Local Public Agency
MAP-21	Moving Ahead for Progress in the 21st Century Act
MPO	Metropolitan Planning Organization
NDOT	Nebraska Department of Transportation
NEPA	National Environmental Policy Act of 1969
PEL	planning and environment linkages
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
USC	United States Code

1 Introduction and Purpose

Planning and environment linkages (PEL) is a collaborative approach to transportation decision making. This collaborative approach represents a bridge between transportation planning and the subsequent National Environmental Policy Act of 1969 (NEPA) process. The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) developed the PEL program to help transportation decision makers (1) consider environmental, community, and economic goals early in the transportation planning process, and (2) use the information, analysis, and products developed during planning to inform the environmental review process. The goal of PEL is to develop a more seamless decision-making process that minimizes duplication of effort, promotes environmental stewardship, and supports efficient project delivery ([FHWA 2015](#)). The use of PEL is not required, but is encouraged by FHWA and FTA.

There are multiple strategies for implementing PEL, and this document provides guidance for applying PEL in project planning, including a PEL study, and then transitioning to the NEPA process in Nebraska. This guidance is intended for use by Nebraska Department of Transportation (NDOT) staff, Local Public Agencies (LPAs), and consultants who support project planning, write NEPA documentation, or obtain permits for NDOT-administered projects in Nebraska.

A PEL study is any type of transportation planning study conducted at the corridor or subarea level that includes consideration of environmental issues and that links planning information directly or by reference to NEPA. To provide value to a future NEPA process, a PEL study must (1) involve interested federal, state, and local agencies; Native American tribes; and the public; and (2) document relevant decisions in a way that is identifiable and available for review during the NEPA scoping process and can be appended to, or referenced in, the NEPA documentation. A PEL study that achieves these objectives will be recognized by the NEPA lead agencies as having followed a recognized PEL process.

Benefits of PEL can include the following:

- Improved sharing of information.
- Elimination of duplicative efforts in planning and NEPA processes. These could include development of purpose and need, or goals and objectives; development and evaluation of preliminary alternatives; identification of environmental issues; and identification of mitigation measures.
- Improved communication and stronger relationships among FHWA; NDOT; federal, state, and local agencies; and other stakeholders.
- Early consultation and collaboration among stakeholders. This can be particularly helpful when the project is controversial or there is not agreement among stakeholders about what needs to be done. These issues can be addressed during a PEL process so that the subsequent NEPA process is more efficient.
- Accelerated project delivery and lowered costs in future NEPA phases, enhancing ability to meet Council on Environmental Quality (CEQ) regulatory time frames for preparation of environmental assessments (EA) and environmental impact statements (EIS).
- Better environmental outcomes because key resources could be identified during the PEL process and the alternatives carried forward for further evaluation could avoid, minimize, or mitigate impacts on these resources. A PEL study can be very useful in defining future NEPA scope and problems to be addressed.
- Assisting with class of action determinations (that is, determining whether a project requires a categorical exclusion [CE], EA, or EIS) prior to project development.

- Better project budgeting and more predictability in planning and programming because the PEL study would include a preliminary cost estimate for alternatives considered in future NEPA studies.
- Identifying logical termini and projects with independent utility (identifying multiple projects within a corridor or subarea).
- Identifying substantial issues to be addressed in future NEPA studies, which can aid in developing more accurate schedules and budgets and produce better environmental outcomes.

2 Definitions

The definitions provided below are taken from [23 Code of Federal Regulations \(CFR\) 450, Appendix A](#), unless otherwise noted.

Adoption: The act of bringing planning products into the environmental review process and relying on those decisions without the need for further analysis in the NEPA process.

Participating agency: Any federal, state, or local agencies, or Native American tribes that may have an interest in the proposed project ([23 USC 139\(d\)](#)).

Cooperating agency: Any federal agency, other than a lead agency (or a state, tribal, or local agency with agreement of the lead agency), that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major federal action significantly affecting the quality of the human environment ([40 CFR 1508.1\(e\)](#)).

Incorporation by reference: The act of including a second document within another document by only mentioning the second document. In accordance with NEPA, the incorporated material shall be cited and its content briefly described ([40 CFR 1502.21](#)). For a PEL study or other planning products to be incorporated by reference in NEPA documentation, they must be readily available so as not to impede agency or public review of the NEPA documentation for the proposed project.

Lead agency: The U.S. Department of Transportation and, if applicable, any state or local governmental entity serving as a joint lead agency for the NEPA process. For NEPA, the lead agency is the agency or agencies preparing, or having taken primary responsibility for preparing, the NEPA documentation ([40 CFR 1508.1\(o\)](#)).

PEL study: Any type of transportation planning study conducted at the corridor or subarea level to link planning information directly or by reference to NEPA ([FHWA 2011](#)).

Planning product: A decision, analysis, study, or other documented information that is the result of an evaluation or decision-making process carried out by a metropolitan planning organization or a state, as appropriate, during metropolitan or statewide transportation planning under [23 United States Code \(USC\) 134](#) or [135](#), respectively ([23 USC 168\(a\)\(3\)](#)).

Project Sponsor: The term “project sponsor” means the agency or other entity, including any private or public-private entity, that seeks approval for a project. Project Sponsors may include NDOT, counties, cities, MPOs, educational institutions, and nonprofit entities.

3 Background

The statutory and regulatory context for PEL is provided in Section 3.1, and the roles and responsibilities for conducting a PEL study are described in Section 3.2.

3.1 Statutory and Regulatory Context

The CEQ regulations that implement NEPA direct agencies to “integrate the NEPA process with other planning and authorization processes at the earliest reasonable time to ensure that agencies consider environmental impacts in their planning and decisions, to avoid delays later in the process, and to head off potential conflicts” ([40 CFR 1501.2](#)). This direction lays out the foundation for PEL. Further, [40 CFR 1501.12](#) states that “[a]gencies shall incorporate material, such as planning studies, analyses, or other relevant information, into environmental documents by reference when the effect will be to cut down on bulk without impeding agency and public review of the action.” This language further frames the PEL approach, authorizing the incorporation of planning efforts in NEPA.

Building on this foundation, the 2005 surface transportation authorization titled the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) required the increased consideration of environmental factors in transportation planning in [23 USC 134](#) and [135](#) for metropolitan and statewide transportation planning, respectively. In response, FHWA and FTA issued joint guidance encouraging stronger linkages between the transportation planning and NEPA processes, effectively creating the PEL approach.

In 2007, FHWA and FTA issued joint planning regulations implementing the changes in SAFETEA-LU and addressing the integration of the transportation planning and NEPA processes (that is, PEL practices and authorities) in [23 CFR 450.212](#) and [450.318](#) regarding statewide and metropolitan transportation planning, respectively. In addition to updating the regulations at [23 CFR 450](#), the joint rulemaking created [Appendix A](#) to provide additional information to explain the linkage between the transportation planning and project development / NEPA processes.

In 2012, the Moving Ahead for Progress in the 21st Century Act (MAP-21) transportation authorization created statutory authority for PEL in a new section at [23 USC 168](#). The authority defines the conditions for adopting or incorporating by reference, or both, a planning product (for example, planning-level analysis or decisions) in the NEPA process. This statutory authority does not limit the continued use of PEL pursuant to other legal authorities, including the provisions at [23 CFR 450.212](#) and [450.318](#).

In 2015, the Fixing America’s Surface Transportation Act (FAST Act) transportation authorization amended [23 USC 168](#) and also amended [23 USC 139](#), Efficient Environmental Reviews for Project Decisionmaking, to add a new PEL authority at [23 USC 139\(f\)\(4\)\(E\)\(iii\)](#). The new authority allows for the elimination of certain alternatives from detailed study during NEPA if they were analyzed in prior planning work.

Following the FAST Act, FHWA and FTA jointly issued a final rule updating [23 CFR 450](#) planning regulations relating to PEL. The changes reflected the passage of MAP-21 and the FAST Act, and clarified the flexibility of PEL. Specifically, the 2016 final rule recognizes that a variety of PEL methods may be used, and it does not limit the use of any particular PEL authority.

In 2017, FHWA, FTA, and the Federal Railroad Administration updated the NEPA implementing procedures at [23 CFR 771](#) to reflect changes made by the FAST Act. Included in that update were changes that provide for the elimination of alternatives from detailed study as authorized by [23 USC 139](#), providing additional regulatory structure around the application of PEL.

Considering the multiple authorities that support PEL, both statutory and regulatory, and the conditions for the use of planning products under each, it is important to consider the desired outcomes of a PEL study before initiating the work. By identifying the planning products that the PEL process will produce early and understanding how those products will inform NEPA, the practitioner can determine which of the various authorities are most appropriate for each unique circumstance.

The statutory authority provides the most certainty for using a planning product in NEPA, allowing for the *adoption* of planning products and decisions into a subsequent NEPA study. The regulatory authority allows for the *use* of planning products or decisions in NEPA. The terms are similar, but in the context of PEL, they have different meanings:

Adoption allows for a planning product or planning decision to be carried forward into NEPA, such as establishing purpose and need or eliminating alternatives. When the purpose and need from a planning study are *adopted*, they are introduced in NEPA as they were in the planning process without requiring additional work to define or refine the product.

Incorporation by reference and *use* of planning products or decisions in NEPA refers to the incorporation of information gathered, or decisions made, during the transportation planning process as an input to the NEPA analysis. Planning products that are *used* in NEPA typically require additional work during NEPA to ensure that the products are adequate for the purposes of NEPA.

The differences are nuanced but important because both the statutory and regulatory authorities have similar but distinctly different conditions that must be met. As one might expect, the conditions for compliance with the statutory authority are more rigid than those for the regulatory authority. Regardless of which authority is used, the following general conditions apply:

- The planning product must be prepared in accordance with the statewide or metropolitan transportation planning process.
- Federal and state resource agencies and Native American tribes are engaged during the PEL.
- The public is afforded the opportunity to review and comment on the planning products.
- The PEL uses reliable and reasonably current data and reasonable, scientifically acceptable methodologies.
- FHWA and FTA review the planning products, as appropriate.
- The process is adequately documented to support incorporation into the NEPA process.

The next sections provide additional context around both the statutory and regulatory authorities for PEL. In addition, a chart prepared for the National Highway Institute training course on PELs that identifies the various requirements of the statutes and the regulations regarding PEL is provided in Attachment 1.

3.1.1 Statutory Approach to Implementing PEL

3.1.1.1 Integration of Planning and Environmental Review (23 USC 168)

The authority for PEL titled *Integration of Planning and Environmental Review* ([23 USC 168](#)) states that lead agencies and cooperating agencies (as defined in [23 USC 168\(b\)\(1\)](#)) may *adopt* or incorporate by reference and *use* a planning product or portions thereof in the environmental review process for a project of any class of action (that is, a CE, EA, or EIS). The terms *adopt* and *use* are important in this context because the statutory authority for PEL allows for the direct incorporation of planning decisions into subsequent NEPA documentation, provided certain conditions are met, as well as incorporation by reference and *use*, whereas the regulatory authority allows only the *use* of planning documents to aid in the development of NEPA documentation.

Planning decisions that may be adopted or incorporated by reference may include the following:

- Information on whether tolling, private financial assistance, or other special financial measures are necessary to implement the project
- A decision with respect to general travel corridor or modal choice

- The purpose and the need for the proposed action
- Preliminary screening of alternatives and elimination of unreasonable alternatives
- A basic description of the environmental setting
- A decision with respect to methodologies for analysis
- Identification of programmatic-level mitigation for potential impacts of a project

Planning analyses that may be adopted or incorporated by reference may include the following:

- Travel demands
- Regional development and growth
- Local land use, growth management, and development
- Population and employment
- Natural and built environmental conditions
- Environmental resources and environmentally sensitive areas
- Potential environmental effects, including the identification of resources of concern and potential direct, indirect, and cumulative effects on those resources
- Mitigation needs for a proposed project, or for programmatic-level mitigation, for potential effects that the lead agency determines are most effectively addressed at a regional or national program level

As stated above, certain conditions, enumerated in the legislative language, must be met to allow for adoption or incorporation by reference. Additionally, cooperating agencies with permitting responsibilities must also concur that the conditions are met. There are 10 conditions, some of which apply to the planning process, when information is developed and decisions rendered, and some to the environmental review process to confirm that the information is still valid and adequate for use in NEPA.

Under the statutory PEL authority, the Project Sponsor must meet all of the following conditions during planning:

1. Develop information through the statewide or metropolitan transportation planning process.
2. Consult with federal and state resource agencies as well as Native American tribes, as appropriate.
3. Include multidisciplinary consideration of systems-level or corridor-wide needs and potential effects.
4. Make planning products available to the public for review and comment, and provide public notice that the planning product(s) may be adopted during the environmental review process.

If all of those conditions are satisfied during planning, once the environmental review under NEPA is initiated, NDOT (when the NEPA class of action is assigned CE) or FHWA (when the NEPA class of action is not assigned) will confirm the suitability of the information developed during planning for adoption or incorporation by reference into NEPA documentation by doing the following:

5. Making the planning document available for public review and comment, stating the intent to adopt or incorporate by reference the planning product (typically during scoping, if scoping occurs), and considering any comments received on the planning product.
6. Confirming that there is no new significant information or circumstances that affect the validity of the planning product. Examples of new information could include a new listing of a protected species in the project area, new residential or commercial development recently approved that would significantly affect travel patterns, or updated travel forecasts that would make the findings in the planning product invalid.
7. Validating that the planning product has a rational basis, relies on reliable and reasonably current data, and uses reasonable, scientifically acceptable methodologies.
8. Substantiating that the planning product has adequate documentation to support the decision or analysis in the environmental review process.
9. Affirming that the planning product is appropriate for adoption or incorporation by reference, and is sufficient to meet NEPA requirements.
10. Confirming that the planning product was approved within 5 years of when the information is to be adopted or incorporated by reference in NEPA documentation.

These conditions, applied both during planning and when initiating the environmental review but before formally adopting the findings, ensure that the information and/or decisions generated during the planning process are of sufficient quality to be used in NEPA without further evaluation. This approach, in effect, applies NEPA standards to planning products without applying NEPA to the planning process.

3.1.1.2 Reduction of Duplication by Eliminating Alternatives from Detailed Consideration (23 USC 139(f)(4)(E)(ii))

Additional statutory authority supporting PEL exists in the Efficient Environmental Reviews for Project Decisionmaking process detailed at [23 USC 139](#). Under this authority, the lead agency may eliminate an alternative from detailed analysis during NEPA if:

- the alternative was considered as part of the transportation planning process;
- FHWA (in the case of an EA or EIS) provided guidance to the Project Sponsor on the alternatives analysis process and the requirements of NEPA, and other federal laws, as appropriate; and
- the transportation planning process included making the planning products available for public review and comment, and eliminated the alternative after considering public comment.

Similar to the authority at [23 USC 168](#), once in NEPA, the lead agency must confirm that the decision to eliminate the alternative during planning supports the decision to eliminate the alternative from detailed evaluation during NEPA by:

- independently reviewing the alternative evaluation; and
- confirming that the alternative is not needed for NEPA compliance and seeking concurrence from agencies with jurisdiction (for example, the U.S. Army Corps of Engineers for projects affecting waters of the U.S.) that the alternative eliminated is not necessary for a permit or approval.

3.1.2 Regulatory Approach to Implementing PEL

3.1.2.1 Undertaking PEL Studies (23 CFR 450.212 and 23 CFR 450.318)

As previously discussed, the FHWA planning regulations at [23 CFR 450.212](#), [23 CFR 450.318](#), and [23 CFR 450, Appendix A](#) describe the process for using PEL to produce planning products that can be *used* in the NEPA process. These regulations allow the Project Sponsor to prepare a PEL study as part of the transportation planning process, and the results or decisions may be *used* to aid in the development of NEPA documentation (such as a CE, EA, or EIS). The PEL study may result in any of the following:

- Purpose and need, or goals and objectives statements
- General travel corridor (that is, the location for improvements within a corridor) or general mode definition (for example, highway, transit, pedestrian, bicycle, demand management), or both
- Preliminary screening of alternatives and elimination of unreasonable alternatives
- Basic description of the environmental setting
- Preliminary identification of environmental impacts and environmental mitigation

NDOT (for assigned CEs) or FHWA (for unassigned NEPA documents), in consultation with cooperating and participating agencies, may incorporate the findings of the PEL study directly or by reference into subsequent NEPA documentation if the Project Sponsor met the following conditions during the PEL process:

- Involved interested federal, state, and local agencies; Native American tribes; and the public
- Provided a reasonable opportunity to comment on the project
- Documented the PEL study in a form that can be appended to or referenced in the NEPA documentation
- Coordinated review of the PEL study by FHWA (and FTA if transit alternatives were considered)

If the above conditions are satisfied during planning, the NEPA lead agency may *use* or *rely on* the information prepared during planning in the NEPA process. However, that information is still subject to further analysis during NEPA. Additional information about the linkages between transportation planning and the project development / NEPA process is provided in [23 CFR 450, Appendix A](#). This appendix to the regulations is non-binding.

3.1.3 Determining the Right PEL Approach

One of the many benefits of PEL is that it is not a one-size-fits-all approach. The statutory and regulatory authorities provide options for how to best integrate environmental considerations into the transportation planning process. This section provides some suggestions to consider when initiating a PEL study to optimize efforts that align with the outcomes targeted for the PEL effort.

3.1.3.1 Is PEL Right for the Project?

PEL is a flexible tool that can help move a project through planning and environmental review more efficiently, but it isn't necessary or even appropriate in all circumstances. Before determining that a PEL study is appropriate for a project, consider the following:

- Is the project well defined?

- Is funding identified for the project?
- Is there public controversy around the project?
- Are there multiple agencies with permitting authority for the project?

Asking these questions at the outset can help to determine whether PEL is the right approach for a project. Well-defined projects may not need to go through the PEL process. Similarly, projects with identified funding and little controversy could potentially move directly into the environmental review process and not need the additional planning work provided through the PEL process. However, when a project is not well-defined, there is public controversy, or there are potentially challenging permitting issues, PEL can help to address some of those difficulties and position a project for success.

Although PEL studies are often considered for projects that require a higher level of environmental review, such as an EA or EIS, a PEL study can also benefit projects with minimal environmental impacts that are covered through a CE. The flexibility inherent in the PEL process allows for its application on a wide range of projects, but to be most effective, practitioners should identify what they want the PEL to achieve and then work backward on how best to accomplish those goals.

3.1.3.2 Setting up a PEL Study for Success

Because there are multiple authorities that support PEL, each with unique conditions, it is important to think through what planning decisions or analysis the PEL should produce that will be incorporated into subsequent environmental review under NEPA. Knowing what planning products are intended and how they will be used will determine whether following the statutory or regulatory process is preferable.

As discussed previously, the statutory authority for PEL allows for the *adoption* of planning products directly into the NEPA process. Doing so allows for a more efficient environmental review process as certain decisions are already made. The regulatory authority allows for the *use* of planning products in NEPA, meaning that they are inputs to the overall environmental review process and may be revisited and modified as a result of the NEPA process.

If the goal of the PEL process is to produce planning decisions that can be *adopted* into NEPA without requiring additional work to define or refine the product, such as the project's purpose and need or the reasonable range of alternatives, then the statutory approach is appropriate. Recall, however, that the conditions for adoption under [23 USC 168](#) are extensive, and all 10 conditions must be met to enable adoption.

If the goal of the PEL process is to produce planning information to shape the environmental review but not to generate decisions to be adopted, then the regulatory approach may be appropriate. For example, if a project is likely to meet the parameters of a CE, then formalizing a purpose and need for adoption may not be necessary, but establishing goals and objectives during planning that can inform the purpose and need might make more sense.

Importantly, even if all of the conditions to satisfy the statutory requirements are not met, the work **is not lost**. The regulatory authority can still support the use of the information developed during the PEL to *inform* the NEPA process and reduce the amount of rework necessary. For complex projects with the potential for multiple alternatives, the statutory authority for PEL provides the greatest certainty in the process and generates the most durable decisions. However, it is not all or nothing, and each project should be evaluated on its unique circumstances to determine which PEL approach is the best one to optimize the planning process to inform the NEPA process.

In some situations, such as the following, a PEL study may not be the correct planning tool:

- If future federal funding is not planned, or a federal approval or permit is not required for the project being considered, a PEL study should not be undertaken because no future NEPA approval would follow.
- If there are no plans to seek federal funding, initiate NEPA, or otherwise obtain a federal approval or permit within the next 5 years, a PEL study may be developed, but both the tools used and decisions reached would have to be re-evaluated before use in the NEPA process.
- If construction funding has already been identified and programmed, it most often makes more sense to move directly into the NEPA process.

3.1.4 Guidance and Online Resources

FHWA identified PEL as a tool in the Every Day Counts initiative and provides PEL-related resources on its online [Environmental Review Toolkit](#). The [Environmental Review Toolkit](#) includes links to FHWA's [Planning and Environmental Linkages – Questions and Answers](#) document, which documents the changes in the authority for carrying out PEL from the FAST Act, and FHWA's [PEL Benefits: Measuring the Benefits of Planning and Environmental Linkages \(PEL\)](#), which lists the benefits of doing a PEL study.

In addition, FHWA has issued [Guidance on Using Corridor and Subarea Planning to Inform NEPA](#), which identifies elements that make a planning study viable for NEPA, including information on environmental analysis and documentation.

Other resources include [23 CFR 450, Appendix A, Linking the Transportation Planning and NEPA Processes](#); [AASHTO's Practitioner's Handbook 10: Using the Transportation Planning Process to Support the NEPA Process](#); [FHWA's PEL Questionnaire](#); and the [2005 FHWA memorandum regarding Integration of Planning and NEPA Processes](#).

3.2 Roles and Responsibilities

The following participants should be involved in a PEL study:

- FHWA – For projects that are moving immediately from a PEL process to a NEPA process, it is critical that FHWA and other agency personnel (such as NDOT staff) who have responsibility to approve design aspects in the NEPA process be involved in the PEL process. FHWA must be involved at critical milestones in the process, such as purpose and need, alternatives considered and advanced, environmental evaluation, and next steps. Because NDOT is under NEPA assignment for CEs, FHWA involvement is primarily anticipated for PEL processes that are likely to transition into EAs or EISs during the NEPA phase. If a CE is anticipated, NDOT will review critical milestones in a manner similar to how FHWA involvement is included for other classes of action.
- FTA – For projects with a potential transit component, FTA and/or the local transit authority should be involved at critical milestones in a similar manner as FHWA.
- NDOT – For state projects, NDOT is the Project Sponsor responsible for development of the PEL study. NDOT may also have a review role for projects sponsored by other entities.
- Federal, state, and local resource agencies – Federal, state, and local resource agencies should be involved throughout the PEL process. Their involvement is particularly important while purpose and need are being developed, environmental and local agency issues are identified, and methodologies for assessing those issues are being developed.

- Tribes – Native American tribes should be invited to be involved early during the PEL study and should continue to be engaged throughout the PEL process. Records of contact with tribal governments should be kept.
- Public – Members of the public who are interested in a future project or who could be affected by a project should be involved at the beginning of a PEL study and throughout the PEL process. Notably, the public must have the opportunity to review planning products generated from the PEL study before those planning products are adopted or incorporated by reference into NEPA.

Other participants may include MPOs, elected officials, adjacent property owners, adjacent businesses, non-profit organizations, or advocacy groups.

If the PEL study is controversial, sufficient opportunities for stakeholder involvement should be provided.

4 Conducting a PEL Study

As stated in Section 1, a PEL study is any type of transportation planning study conducted at the corridor or subarea level to link planning information directly or by reference to NEPA. One of the best practices for PEL studies is to be clear about the reason for initiating a PEL study. The purpose for the study will likely impact the steps and path the study will navigate. A PEL study is a tool and can be customized to study different projects at different depths. PEL could be used as a tool to prioritize future improvements or funding, or as a means to better define a project, including its likely construction cost, before proceeding with the NEPA phase. For example, a PEL study could be conducted to identify future right-of-way for a transportation project so that the local land use agency can set that aside in its land use planning and development process. A PEL study could be used if future funding is unknown but could include federal grant money. Holding an initial pre-study meeting with NDOT and FHWA (as appropriate) to clarify the purpose for the PEL study and its main goals is an important first step because it will help inform the scope of the PEL study. Early in the PEL study, the study team should agree on terminology to be used, along with the goals and objectives of the PEL study process.

Conducting a PEL study during transportation planning to inform NEPA generally involves the following five steps:

1. Research and define the **existing and future transportation systems**. This includes describing the existing roadway, transit, railroad, and pedestrian and bicycle networks. Existing and future travel demand and projects planned in the area are also included in this step.
2. Identify the **purpose and need of the study**. This may not be to the same level of detail used in defining the purpose and need of a project during the NEPA process. It can be a more general vision statement with goals and objectives. It should define the history along the corridor, the relationship to transportation planning and comprehensive planning, and the relationship to other more specific plans, such as neighborhood plans, pedestrian and bicycle plans, and access management plans. Goal setting is frequently undertaken in this step, as is defining a study area and identifying the travel demand forecasting methodology.
3. Develop and evaluate **alternatives**. This typically includes developing a range of alternatives, developing evaluation screening criteria, and then using these criteria to screen the alternatives in one or more steps to identify the alternatives that are unreasonable and should be eliminated from detailed consideration, and those that should

- be carried forward for further evaluation. Development of evaluation screening criteria is informed by the purpose and need of the study, the feasibility of the improvement, and the resources that improvement may impact. A PEL study should not use terms such as preferred alternative or Least Environmentally Damaging Practicable Alternative, which are used in NEPA and Clean Water Act Section 404(b)(1) analyses, respectively. Instead, terms such as reasonable alternative, reasonable but not recommended alternative(s), unreasonable alternative(s), and recommended alternative(s) are used. Documenting all steps in this process is critical, including proposed and actual methodologies, evaluation criteria used to screen alternatives, assumptions made in developing alternatives, and reasons an alternative is dismissed or carried forward for future consideration.
4. Conduct an **environmental evaluation**. The level of detail for this varies depending on the reason for the PEL study, the resources in the study area, and the budget. The goals should be to identify resources that may affect future NEPA actions, schedules, or costs; to understand potential impacts on key resources; and to describe potential avoidance, minimization, and mitigation strategies to be considered during future NEPA processes. Key resources can be identified through desktop research or field review. Mapping of resources is needed for impacts to be assessed, even if done at a very high level.
 5. Identify the **next steps** for project implementation. This includes describing outstanding issues in an action plan.

Throughout this process, involvement of federal, state, and local agencies; tribal governments; potential project stakeholders; and the public is critical. Careful documentation of each step in a final report is also key to future adoption or use of the planning products in future environmental review processes.

During development of a PEL study, conditional acknowledgement from FHWA in the form of a letter, although optional, should be requested at the completion of steps 2, 3, 4, and 5 listed above. If the likely class of action is an EA or EIS, FHWA will need to determine the adequacy of the information produced in the PEL process and to decide whether the information is suitable for adoption in the NEPA process or if additional work is required. Because of this, FHWA should be consulted throughout the PEL process for likely EAs and EISs. Although local agencies are not required to sign off on the PEL study recommendations, such a requirement should be considered, particularly if the study needs preservation of future right-of-way from local agencies through a development review process.

5 Guidance for Conducting a PEL Study

If the regulatory authority is being used, the recommendations provided in [23 CFR 450, Appendix A](#), for incorporating the results of transportation planning processes into NEPA analysis and documentation should be followed. The following discussion summarizes the procedural and substantive issues presented in [23 CFR 450, Appendix A](#). Specific requirements for use of the statutory authority (under [23 USC 168](#)) are also described below.

There is a great deal of flexibility in how PEL processes are conducted and what specific products are included, so not every PEL study will need to address all factors listed below:

1. **Format:** In what format should the transportation planning information be included?
The PEL study must be in a format that can be appended to the NEPA documentation or incorporated by reference. [23 USC 168](#) requires that the planning product is documented in sufficient detail to support the decision or the results of the analysis and to meet requirements for use of the information in a subsequent environmental review process.

- The planning product must also be appropriate for adoption or incorporation by reference in the subsequent environmental review (NEPA or permitting) process.
2. **Level of Detail:** What is a reasonable level of detail for a PEL study that is intended to be used in NEPA documentation?

A PEL study does not need to include the same level of detail required for NEPA documentation. It needs to be accurate and up-to-date and should support recommendations in statewide or metropolitan transportation plans. It should emphasize context, identify potential areas for future consideration, and involve the appropriate parties (for example, federal, state, and local agencies, and Native American tribes).

[23 USC 168](#) requires that the planning process include broad multidisciplinary consideration of systems-level or corridor-wide transportation needs and potential effects, including effects on the human and natural environment.
 3. **Who is Involved:** What type and extent of involvement from federal, state, local, tribal, environmental, regulatory, and resource agencies are needed?

In general, early and continuous involvement of environmental, regulatory, and resource agencies is recommended, with a focus on what resources are of concern and what their significance is in determining the feasibility of a transportation decision with respect to environmental impacts.

The statutory authority ([23 USC 168](#)) requires that the planning product was developed in consultation with appropriate federal and state resource agencies and Native American tribes. It also requires that during the environmental review process, the planning products are made available for agency review and that any resulting comments are considered.

[23 USC 168](#) also requires that the planning product was developed through a planning process conducted pursuant to applicable federal law. This includes involvement of the public and appropriate agencies.
 4. **Using Decisions or Analyses:** What is the procedure for using decisions or analyses from the PEL study?

Robust input gathering and early coordination processes should play a critical role in helping the lead agencies jointly decide what PEL information, analyses, documents, and decisions should be used in the NEPA process. PEL study results must be appropriately documented, shared, and used.

[23 USC 168](#) has 10 conditions, listed in [23 USC 168\(d\)](#), that detail requirements for using decisions or analyses from a PEL study. These are listed in Section 3.1.1.1 of this Guidance Document.
 5. **Validity in Future NEPA:** To what extent can FHWA provide up-front assurance that decisions and additional investments made in a PEL study will allow planning-level decisions and analyses to be used in the NEPA process?

The potential for PEL study results to be used in the NEPA process is greatly improved if the following occur:

 - a. The 3-C planning principles (that is, comprehensive, cooperative, and continuous) are followed.
 - b. The PEL study incorporates the intent of NEPA through the consideration of natural, physical, and social effects.

- c. The process involves environmental, regulatory, and resource agencies as well as tribal governments.
 - d. The information, analyses, and decisions are thoroughly documented.
 - e. There is a public involvement process.
6. **General Issues to Consider:** What questions should be considered in determining if the agency can rely on PEL studies in NEPA?

Relevant questions include the following:

- a. How much time has passed since the PEL study was conducted? (Under the statutory approach to PEL [23 USC 168](#), planning products must be approved within the 5-year period ending on the date on which information is adopted or incorporated by reference within a future NEPA process.) Generally, this means when the decision to adopt the information developed during a PEL process is made and the public is notified of that intent. This includes planning products such as travel demand forecasts as well as planning decisions such as purpose and need and elimination of unreasonable alternatives.
- b. Were the future year policy assumptions used in the PEL study consistent with those to be used during NEPA?
- c. Is the information still relevant and valid? [23 USC 168](#) requires that the planning product has a rational basis and that it is based on reliable and reasonably current data and reasonable and scientifically acceptable methodologies.
- d. What changes have occurred in the study area since the PEL study was conducted? [23 USC 168](#) requires analysis of whether or not there is any significant new information or new circumstance that has a reasonable likelihood of affecting the continued validity or appropriateness of the planning product.
- e. Is the information in a format that can be appended to NEPA documentation? This is also important for a statutory perspective, which requires that the planning product is appropriate for adoption or incorporation by reference.
- f. Are the analyses consistent with those used in other regional studies and NEPA processes? [23 USC 168](#) requires that the planning product is sufficient to meet the requirements of NEPA and [40 CFR 1502.21](#).
- g. Were FHWA, other agencies, and the public involved? [23 USC 168](#) requires the concurrence of the lead agency (meaning the agency responsible for NEPA compliance). [23 USC 168](#) also requires during the PEL process that public notice be given so that the planning products may be adopted during a subsequent environmental review process. In addition, it requires, during the environmental review process, that planning documents were made available to the public, notice was provided of the intention of the relevant agency to adopt or incorporate by reference the planning product, and that all comments made were considered.
- h. Were the planning products available to other agencies and the public during NEPA scoping? [23 USC 168](#) specifically requires this, as documented in item g, above.
- i. During NEPA scoping, was a clear connection made between the decisions made during planning and those to be made during the NEPA process? [23 USC 168](#) requires public notice of the intention of the relevant agency to adopt or incorporate by reference the planning product(s).

- j. Are natural resource and land use plans being informed by the PEL study and vice versa?
7. **Purpose and Need:** How can conducting a PEL study be used to shape purpose and need in NEPA?

Planning during the PEL process is the primary source of the purpose and need statement in subsequent NEPA documentation. During the PEL process, state and local governments, with the involvement of environmental, regulatory, and resources agencies and the public, establish a vision for the region's future transportation system, define transportation goals and objectives for realizing that vision, decide which needs to address, and determine the time frame for addressing these issues. The PEL process also provides an opportunity for defining the scope and the purpose and need for specific projects.

[23 USC 168](#) specifically lists the purpose and need for the proposed action as one of the planning decisions allowed to be adopted in the subsequent environmental review process. It also lists travel demands; regional development and growth; and local land use, growth management, and development as planning analyses allowed to be used in the subsequent environmental review process.

The PEL process can be used to develop the purpose and need in the following ways:

- a. Goals and objectives from the PEL process may be part of the project's purpose and need statement.
- b. A general travel corridor or general mode or modes (for example, highway, transit, or a highway/transit combination) resulting from PEL analyses may be part of the project's purpose and need statement.
- c. If the financial plan for a statewide or metropolitan transportation plan indicates that funding for a specific project will require special funding sources (for example, tolls or public-private financing), such information may be included in the purpose and need statement.
- d. The results of analyses from management systems (for example, congestion, pavement, bridge, and/or safety) may shape the purpose and need statement.

The use of these planning-level goals and choices must be appropriately explained during NEPA scoping and in the NEPA documentation.

8. **Alternatives:** What does the term "alternatives" mean in the context of [23 CFR 450, Appendix A](#)?

Alternatives are defined as specified in NEPA ([40 CFR 1502.14](#)) and include everything from major modal alternatives and location alternatives to design changes that would mitigate adverse impacts.

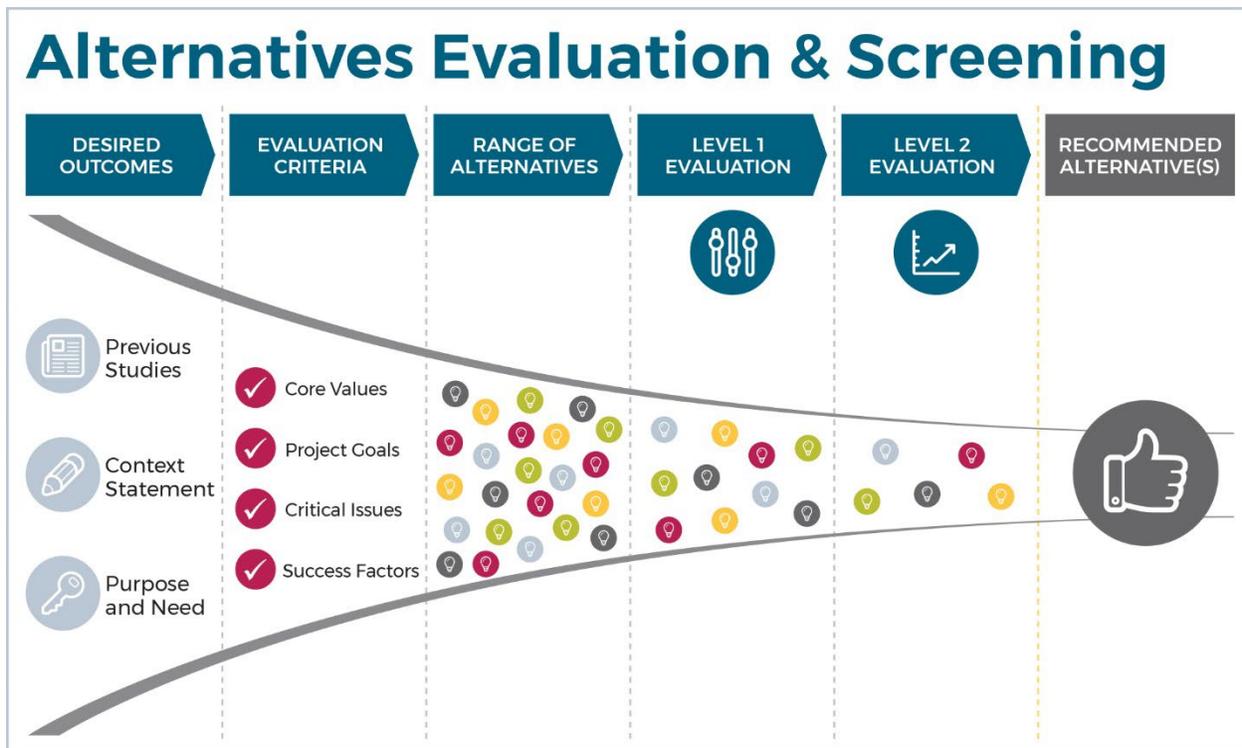
9. **Alternatives Evaluation:** Under what circumstances can alternatives be determined to be unreasonable and/or eliminated from detailed consideration during the NEPA process based on information and analysis from a PEL study?

If the PEL study includes an alternatives development and evaluation process that is rational and thoroughly documented, as shown in Figure 5-1, and includes public and environmental, regulatory, and state and federal resource agency involvement, that information can be used to limit the alternatives that are fully considered during the subsequent NEPA process. The key to this limitation or screening of alternatives is to summarize the reasons for eliminating alternatives and to summarize the analysis that

supports the elimination of alternatives. They could be eliminated because they do not meet the purpose and need or are otherwise unreasonable. Alternatives that remain reasonable after a planning-level analysis must be addressed in an EIS even if they were not the recommended alternative(s) in the PEL process.

Under the statutory approach, planning decisions that may be adopted or incorporated by reference into future environmental review processes include preliminary screening of alternatives and elimination of unreasonable alternatives.

Figure 5-1. Alternatives Evaluation and Screening Process



10. **Alternatives for an EA or EIS:** What information or analysis from the PEL study is needed in an EA or EIS to support the elimination of an alternative from detailed consideration?

The alternatives section of the EA or EIS should (a) identify alternatives eliminated, (b) summarize the reasons for eliminating the alternatives, and (c) summarize the analysis process and reference the relevant sections or pages of the PEL study. Alternatives that remain "reasonable" after the PEL study is complete may still be addressed in the NEPA documentation even if they were not recommended in the PEL study.

[23 USC 168](#) requires that the alternatives screening has a rational basis and is based on reliable and reasonably current data and reasonable and scientifically acceptable methodologies. It also requires analysis of any significant new information or new circumstances that have a reasonable likelihood of affecting the continued validity or appropriateness of the alternative screening product.

11. **Affected Environment and Environmental Consequences:** What types of planning products provide analysis of the affected environment and environmental consequences that are useful in the subsequent NEPA process?

Such planning products include regional development and growth analyses; local land use, growth management, or development plans; and population and employment projections. Other types of information, analyses, and products from the planning process include geographic information system (GIS) overlays showing past, current, or future conditions of the natural and built environment; environmental scans; descriptions of airsheds and watersheds; demographic trends and forecasts; projections of future land use, natural resource conservation areas, and development; and the outputs of natural resource planning efforts.

[23 USC 168](#) lists a basic description of the environmental setting and a decision with respect to methodologies for analysis as planning decisions that can be adopted into subsequent environmental review processes. It also lists natural and built environmental conditions, environmental resources and environmentally sensitive areas, and potential environmental effects as planning analyses that can be adopted into subsequent environmental review processes.

12. **Indirect and Cumulative Effects:** What information from a PEL study might be useful in describing a baseline for a future NEPA analysis of indirect and cumulative effects?

Based on the nature of the PEL process, the PEL study should consider development, growth, and consistency with local land use, growth management, or development plans, as well as population and employment projections. This information can provide the basis for the assessment of indirect and cumulative impacts during NEPA. The analysis in a PEL study should be one or more of the following:

- a. Be sufficiently detailed so that differences in consequences of alternatives can be readily identified.
- b. Be based on current data or be updated by additional information.
- c. Be based on reasonable assumptions that are clearly stated.
- d. Rely on analytical methods and modeling techniques that are reliable, defensible, and reasonably current.

[23 USC 168](#) states that the identification of resources of concern and the potential indirect and cumulative effects on those resources are a type of planning analysis that can be adopted into subsequent environmental review processes.

13. **Environmental Mitigation:** How can PEL studies best support advanced mitigation, mitigation banking, and other environmental mitigation investments?

The primary factor is beginning interagency discussions during the PEL process. Identifying geographic areas where impacts on natural resources must be avoided and where future mitigation investments could be made are both key steps in the PEL process to identify more effective mitigation strategies. Environmental mitigation is fully evaluated during the NEPA process; however, a PEL study could identify potential mitigation strategies for identified environmental resources within the study area. In NEPA, mitigation measures seek to:

- Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
- Reduce or eliminate the impact through an alternate approach.

Compensate for the impact by replacing or providing a substitute resource or environment. In PEL, mitigation strategies may be noted for various resources. Any mitigation should include a notation that the PEL level of study focuses on avoidance and

minimization of impacts of resources and that appropriate mitigation measures will be fully evaluated and identified during NEPA.

While not commonly used in Nebraska, [23 USC 168](#) states that identification of programmatic level mitigation, including a programmatic mitigation plan developed in accordance with [23 USC 169](#), for potential impacts of a project that the lead agency determines are more effectively addressed at a national or regional program level is a planning decision that can be adopted into a subsequent environmental review process. There are example PELs that have studied a corridor and have identified programmatic mitigation for a watershed (through the establishment of a wetland mitigation bank that would benefit multiple projects within the PEL corridor), as well as habitat preservation (through the establishment of a relocation plan for a listed plant species).

The programmatic mitigation may include measures to avoid, minimize, and mitigate impacts at a national or regional scale of proposed transportation investments on environmental resources (including regional ecosystems and water resources), and potential mitigation activities, locations, and investments.

6 PEL Process Flexibility

One of the advantages of the PEL process and product is its flexibility. It has fewer regulatory requirements than a NEPA process and documentation, and it allows flexibility in terminology used. Additional areas of flexibility include the depth of alternatives development and evaluation, the future year used for analysis, the level of detail for environmental review and mitigation, and fiscal constraints, as discussed in the following sections. In addition, a PEL study could include only some planning products, such as only purpose and need, or only purpose and need and alternatives screening. There is no requirement to include all PEL steps listed in Section 4 of this Guidance Document.

The key to taking advantage of this flexibility is clearly defining the goals of the PEL study. For example, a PEL study intended to accelerate project delivery and meet the time frame for developing an EA or EIS would closely adhere to NEPA process requirements compared to a PEL study intended to identify and prioritize a series of projects within a corridor or subarea.

6.1 Alternatives Development and Evaluation

Because of the flexibility allowed in the alternatives development and evaluation process, it may be more efficient to examine many alternatives during the PEL process, thus testing various approaches, even in different locations. Some PEL studies may even choose to use a high-level visioning process to establish goals and objectives and then quickly develop numerous ways those could be addressed with transportation solutions. Selection of screening or evaluation criteria can be done at a high level because PEL studies often do not have detailed data to include in a screening analysis. As an example, an evaluation criterion could be a question like “Are wetlands likely to be impacted?” rather than acreages of wetland impact.

If a project team is using the [23 USC 168](#) alternatives development and evaluation process, the results of that process can be more easily **adopted** into future NEPA or permitting. Following the [23 USC 168](#) conditions (see Section 3.1.1) is a requirement of that process.

6.2 Future Year Planning Horizon

There is no requirement to use only the MPO’s 20-year horizon for analytical purposes or in defining the purpose and need in PEL studies. There is flexibility to look beyond that horizon in a corridor where

a great deal of future development is planned and where there is a concern about the ability to provide for that development. This is particularly useful when future right-of-way is anticipated and when there is no construction funding in the near future. If there is a case where construction funds may be anticipated in less than 5 years, it is advisable to consider the design year when determining the planning horizon (perhaps examining a 20+ year planning future) to provide a more seamless transition to a future NEPA process.

6.3 Environmental Review

The level of detail and methodology used for the environmental review is flexible in a PEL study. The existing environmental condition of a particular resource could be described through desktop research rather than field review. Environmental consequences can be described by outlining potential resource impacts rather than quantitative data. For projects expected to require an EA or EIS, completing timely, more detailed, quantitative studies can provide necessary information to kick-start the NEPA process and aid in meeting the CEQ requirements related to time frames for development of EAs and EISs.

6.4 Fiscal Constraints

6.4.1 Fiscal Constraint within a PEL Study

There are no requirements for fiscal constraint or reasonable availability of funds of the recommended alternatives that are the product of a PEL study. Projects studied under a PEL process do not need to be individually listed in the fiscally constrained metropolitan transportation plan, the long-range transportation plan, or a Transportation Improvement Program or Statewide Transportation Improvement Program (programming document). PEL studies can better identify and address transportation and environmental needs early in the planning process before fiscal constraint. However, it is important to consider the time frames for future funding when determining level of detail and analysis to avoid having the PEL information become outdated.

6.4.2 Funding the PEL Study

If a PEL study is funded with federal dollars, it will be listed and appropriately constrained within programming documents as a planning phase of work. If a PEL study is funded with state or local dollars, there is not a requirement to include it within a programming document.

6.4.3 Transitioning to NEPA

Once the PEL process concludes, the NEPA process can begin. In starting NEPA, the funding for a subsequent phase of the project (for example, final design, right-of-way acquisition, or construction) must be shown in the programming document before the lead federal agency can sign a Record of Decision or Finding of No Significant Impact, or can approve the CE.

7 Components of a PEL Report

The typical components, or chapters, of a PEL report can vary depending on the needs of a particular study. A sample annotated outline of chapters in a PEL report is provided in the following sections. These basic chapters may vary depending on the purpose of the PEL process and on which authority is used. If [23 USC 168](#) is used, there are more planning products and analyses identified that may be used during the subsequent environmental review process; therefore, documentation of the PEL should be more extensive to clearly identify those planning products and analyses and how decisions were made.

7.1 Executive Summary

A summary of the study history and background, as well as a brief overview of the PEL process and findings, is presented in the executive summary.

7.2 Introduction and Purpose and Need

This chapter describes the study history and background, and defines the study area. In addition, this chapter can include a statement of purpose and need similar to that in NEPA documentation (for more information on purpose and need, see the NDOT *Environmental Procedures Manual*, [Chapter 3, Project Development and Documentation](#)), or it can include a vision statement with goals and objectives instead. Information about the existing and future conditions of the transportation system is typically included in this chapter as well.

7.3 Alternatives Development and Evaluation

This chapter summarizes the process used and assumptions made to develop and evaluate alternatives. It also discusses the evaluation criteria developed, the alternatives screening results, which alternatives were determined to be eliminated and why, and which alternatives are recommended to be advanced to a future NEPA process. In addition, this chapter describes the no-build alternative, which serves as a baseline and allows for comparison with the build alternative(s) under consideration. Thorough information should be provided to describe the alternatives considered and to document why they are eliminated or advanced. Easy to understand graphics should be included so the public can comprehend the alternatives.

7.4 Alternative(s) Recommended to Advance to NEPA

This chapter describes the recommended alternative(s), including which mode, capacity, and location are recommended, as well as any details describing its cross-section, right-of-way, and access characteristics. This chapter can also include an analysis of the transportation performance of the recommended alternative(s), or that information can be provided in the next chapter.

7.5 Affected Environment, Environmental Consequences, and Mitigation Strategies

This chapter describes the key resources in the study area, which of the key resources could be impacted by the recommended alternative(s) and other alternatives studied, and which mitigation strategies could be considered. This chapter also clearly describes methodologies and sources of data used, and includes cumulative impacts. The narrative should make clear the level of detail to which resources were studied, and what regulatory and resource agencies were involved and to what extent. This chapter should identify whether any impacts on resources need to be avoided or minimized, and to what extent.

7.6 Agency Coordination and Public Involvement

This chapter describes how applicable agencies, Native American tribes, and the public were involved; what specific activities were conducted; and what agency and public comments were received. This chapter needs to document how certain regulatory requirements were met, such as public notice given (if the [23 USC 168](#) authority is used) and how participation by federal and state resource

agencies and Native American tribes was accomplished. Involvement of FHWA also needs to be documented.

7.7 Implementation Plan

This chapter discusses what remaining steps are needed to move a recommendation forward to construction. It can identify project priorities, unresolved issues to be addressed in a future NEPA process, funding potential, and design considerations. Information in this chapter is important to the scoping of future project development. It is likely that the PEL process identifies sufficient information to make a recommendation for a class of action or, if phased, several classes of action to be analyzed in future NEPA processes. This recommendation should be documented in the implementation plan.

7.8 Appendices

The appendices include the PEL Questionnaire, a summary of public and agency involvement, and any technical memorandums that have been completed. Documentation of the 10 conditions included in [23 USC 168](#) should also be included in the appendices.

8 Transitioning to NEPA

The guidance in [23 CFR 450, Appendix A](#), addresses how information, analysis, and products from transportation planning (for example, PEL studies) can be incorporated into and relied on in NEPA documentation under existing laws. That appendix presents environmental review as a continuum of sequential study, refinement, and expansion conducted in transportation planning and during project development under NEPA. Information can be developed, and conclusions drawn, in early stages and used in subsequent, and more detailed, environmental review stages. The following sections provide guidance regarding how best to transition from a PEL study to a subsequent NEPA process.

Requirements directly tied to [23 USC 168](#) are documented below.

8.1 Scoping the NEPA Study

Perhaps the easiest and most effective use of PEL information is to thoroughly and completely scope the subsequent NEPA study. Many parts of a PEL process can be easily transitioned to define the scope for a future NEPA process, including the following:

- Identification of additional data needs to further define purpose and need or to convert a PEL study vision statement into a purpose and need statement
- Logical termini and independent utility
- Alternatives that should be carried forward into the NEPA scoping process and why, and alternatives that were determined to be eliminated and why and should not be advanced into the NEPA process
- Issues of concern to federal, state, and local agencies; Native American tribes; and the public
- Environmental resources that exist in the study area, including which ones are likely to have the most bearing on alternatives development
- Identification of environmental resources that can be eliminated from detailed analysis
- Recommendations of methodologies and schedules for resources that need detailed analysis

For any information from the PEL study to be used in a NEPA process, a clear connection needs to be made during NEPA scoping between the decisions made in the PEL study and those to be made in the NEPA process, and this connection needs to be explained to the public.

[23 USC 168](#) requires that the planning documents produced during a PEL process be made available for public review and comment by members of the general public and federal, state, local, and tribal governments that may have an interest in the proposed project. It also requires that notice of the intention of the Project Sponsor to adopt the planning product(s) or incorporate them by reference be made, and it requires that the Project Sponsor consider any resulting comments.

[23 USC 168](#) also requires that there be no significant new information or new circumstance that has a reasonable likelihood of affecting the continued validity or appropriateness of the planning product.

Finally, [23 USC 168](#) requires that the planning product is appropriate for adoption or incorporation by reference and use in the environmental review process and is sufficient to meet the requirements of NEPA and [40 CFR 1502.21](#).

8.2 Purpose and Need from a PEL Study

Under [23 USC 168](#), if the PEL study meets the 10 conditions outlined in the statute and was completed less than 5 years before the NEPA study begins, the purpose and need chapter of the PEL study can be directly adopted into the NEPA documentation, assuming the project definition is similar. In some cases, the NEPA study may be more limited in scope than the PEL study. In this case, the purpose and need for the NEPA study can draw on information contained in the PEL report.

If the PEL study and the NEPA project are similar in scope, information related to purpose and need such as traffic volumes, travel patterns, congestion, access, and crashes can be used directly as long as no major changes have occurred since the data were gathered. This can include other types of information as well, such as if special funding sources are needed for project construction. However, if, for example, a new regional transportation plan has been adopted since the time the PEL study travel demand forecasting was done, the NEPA study would need to use the updated data from the new regional transportation plan rather than the data used for the PEL study.

If the data used in the PEL study has aged, it may no longer be a good representation of purpose and need conditions in the study area. The NEPA lead agency should be consulted on how much of the data may need to be re-collected for the NEPA study.

8.3 Alternatives Analysis

Information from the purpose and need developed during the PEL study can be used to narrow the range of alternatives considered in detail in a NEPA study. For example, this can be done by limiting alternatives to a general travel corridor, limiting the mode of transportation, or clarifying a funding source if the project needs to be funded by tolls or other non-traditional funding sources (see [23 CFR 450, Appendix A](#), for additional information on shaping the purpose and need for a project).

The alternatives analysis outcomes of a PEL study can be incorporated by reference into NEPA documentation under certain circumstances. The alternatives section of the NEPA documentation should (1) identify alternatives eliminated, (2) summarize the reasons for eliminating the alternatives, and (3) summarize the analysis process and reference the relevant sections or pages of the PEL study. The PEL information must be made available to participating agencies and the public during initiation of the NEPA process, including during the scoping process and early agency coordination.

Alternatives considered and eliminated during the PEL study can be omitted from the analysis of alternatives in the NEPA study as long as the rationale for their elimination is explained in the NEPA documentation and supported by analysis/evidence/facts. Alternatives that remain reasonable after

the PEL study is complete may still be addressed in the NEPA documentation even if they were not recommended in the PEL study. The responsibilities in the NEPA process include ensuring that the reasons for the elimination or advancement of alternatives still remain valid and that there have been no changes because of changed circumstances or data.

8.4 Environmental Evaluation Data and Analysis

One of the goals of a PEL study is to identify environmental, social, and economic constraints that may affect future NEPA decisions; project schedule and costs; potential project impacts; and potential avoidance, minimization, and mitigation strategies. Environmental data and analyses completed during a PEL study provide useful context to a future NEPA process. This information is valuable because it (1) identifies the level of detailed analysis needed for each resource, (2) provides recommendations for methods and schedule for additional analysis, and (3) informs the NEPA process relative to concerns about the impacts on a particular resource expressed by federal, state, or local agencies, or Native American tribes.

The following planning products can provide valuable input to the NEPA analysis and documentation, as discussed in Section 5 and in [23 CFR 450, Appendix A](#):

- Regional development and growth analyses
- Local land use, growth management, or development plans
- Population and employment projections
- GIS analysis of past, current, or predicted future conditions of the natural and built environments
- Scans of environmental resources and environmentally sensitive areas
- Descriptions of viewsheds, airsheds, and watersheds
- Demographic trends and forecasts
- Projections of future land use, natural resource conservation areas, and development
- Outputs of natural resource planning efforts

Information from the PEL study should include issues that need to be considered during the NEPA process, supplemental data that will be needed during the NEPA process, and any federal or state agency concerns.

To be used in NEPA analysis and documentation, environmental analysis in a PEL study should be one or more of the following ([23 CFR 450, Appendix A](#)):

1. Be sufficiently detailed so that differences in consequences of alternatives can be readily identified.
2. Be based on current data or be updated by additional information.
3. Be based on reasonable assumptions that are clearly stated.
4. Rely on analytical methods and modeling techniques that are reliable, defensible, and reasonably current.

8.5 Input from Agencies and the Public

Agency and public input received during a PEL study is most useful to allow for accurate scoping of a subsequent NEPA study. It is also helpful to accelerate a subsequent NEPA process because key stakeholders and agency representatives are already familiar with the project.

9 Additional Information and References

9.1 Resources for Additional Information

The following resources provide additional information on PEL study requirements:

- [23 CFR 450, Planning Assistance and Standards](#)
- [23 CFR 771, Environmental Impact and Related Procedures](#)
- [AASHTO Practitioner's Handbook 10, Using the Transportation Planning Process to Support the NEPA Process](#)
- [FHWA, April 5, 2011, Guidance on Using Corridor and Subarea Planning to Inform NEPA](#)
- [FHWA, April 5, 2011, Planning and Environmental Linkages Questionnaire](#)
- [FHWA, October 2015, PEL Benefits: Measuring the Benefits of Planning and Environmental Linkages \(PEL\)](#)
- [FHWA, November 2, 2016, Planning and Environment Linkages – Questions and Answers](#)
- [FHWA, no date, Environmental Review Toolkit](#)
- [FHWA and FTA, February 22, 2005, Memorandum regarding Integration of Planning and NEPA Processes](#)
- [FHWA and FTA, May 27, 2016, Statewide and Nonmetropolitan Transportation Planning: Metropolitan Transportation Planning; Final Rule](#)

9.2 References

FHWA. 2011. *Planning and Environmental Linkages Questionnaire*. April 5.

https://www.environment.fhwa.dot.gov/env_initiatives/pel/pel_quest.aspx.

FHWA. 2015. *PEL Benefits: Measuring the Benefits of Planning and Environmental Linkages (PEL)*.

October. https://www.environment.fhwa.dot.gov/env_initiatives/pel/pel_benefits_report.aspx.

Attachment 1

National Highway Institute PEL Graphic



Planning Process

Environmental Review Process/NEPA

PEL?

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

Outcome/Benefits?

Define purpose and need

Preliminary screening of alternatives and elimination of unreasonable alternatives

Other Planning Decisions and analysis

Adopt Planning Decisions under 168

Integration of planning and environment review statute 23 U.S.C. 168

Adopt and/or Incorporate Planning Products by Reference into NEPA

- 1 Developed through transportation planning process
- 2 Consultation with Federal and state resource agencies and Indian tribes
- 3 Included multidisciplinary consideration of systems level or corridor-wide needs and potential effects
- 4 Public notice planning product may be adopted during environmental review process

Were requirements met?

REQUIREMENT

Efficient Environmental reviews statute 23 U.S.C. 139(f)(4)(E)(ii)

Reduction of duplication by elimination of alternatives from detailed consideration

- 1 Metropolitan planning organization (MPO), State or local transportation agency considered the alternative as part of the transportation planning process or State environmental review
- 2 The lead agency provided guidance to the MPO or State or local transportation agency on the alternatives analysis process and NEPA, Federal laws and requirements
- 3 Opportunity for public comments during metropolitan process or state environmental review process
- 4 Metropolitan planning organization, State, or local transportation agency rejected the alternatives from detailed consideration in transportation planning process or a State environmental review after considering public comment

Were requirements met?

REQUIREMENT

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

Transportation Planning Studies and Project Development

- 1 Developed as part of the transportation planning process
- 2 FHWA/FTA review
- 3 Agency, Public, Tribal review and comments
- 4 Involvement of interested State, local, Tribal, and Federal agencies in the study
- 5 Documentation of relevant information

Were requirements met?

REQUIREMENT

CEQ NEPA Regulations 40 CFR 1500.4(j) and 1502.21

Appropriate Planning Information

Programmatic Mitigation Planning (PMP) Statute 23 U.S.C. 169

Programmatic Mitigation Plan (PMP)

- 1 Consultation with FHWA/FTA and agencies with jurisdiction
- 2 Resource agencies and Public review and comments on draft plan; State/MPO consider comments received and address comments in final PMP
- 3 PMP developed or adopted as part of transportation planning process

Were requirements met?

REQUIREMENT

Planning Regulations 23 CFR 450.214 and 320

NEPA Scoping

- 5A** Planning document available for public, governmental, and stakeholder review and comments
- 5B** Public notice of intention to adopt or incorporate by reference
- 5C** Consider comments
- 6** No significant new information or circumstances that affect validity

- 5** The Federal lead agency independently reviewed the alternative evaluation
- 6** The Federal lead agency in consultation with participating or cooperating agency determined the alternative eliminated is not necessary for NEPA compliance. The Federal lead agency, with concurrence of agencies of jurisdiction determined the alternative is not necessary for a permit or approval.

- 1** Sufficient detail to support decision or analysis for environment review process.
- 2** Verify the material meets NEPA requirements, including that the material and is reasonably available for inspection by potentially interested persons within the time allowed for comment during NEPA.

No additional requirements
Federal agencies must give the plan substantial weight

- 7** Rational basis, reliable and reasonably current data and reasonable scientifically acceptable methodologies
- 8** Documented in sufficient detail to support decision or analysis for environment review process
- 9** Appropriate for adoption or incorporation by reference into NEPA
- 10** Planning product approved within 5 years of adoptions or incorporation

Were requirements met?

Were requirements met?

Were requirements met?

Were requirements met?

Yes:
Adopt part or entire planning products (such as P&N and elimination of unreasonable alternatives) and/or incorporate into NEPA documents.

No: Introduce the planning product into NEPA process as information for additional work, or further action.

Yes:
Eliminate unreasonable alternatives from detailed consideration in NEPA.

No: Introduce the planning product into NEPA process as information for additional work, or further action.

Yes: Incorporate by reference and use.

No: Introduce the planning product into NEPA process as information for additional work, or further action.

Yes: Use or incorporate by reference.

No: Introduce the planning product into NEPA process as information for additional work, or further action.

Yes:
Environmental review agencies give substantial weight to recommendations in programmatic Mitigation plan.

No:
The document could be incorporated under 1502.21, or prepared using 450.212/450.318 or 168.

Reasonable and necessary for NEPA

General considerations are not necessarily required by the statute or regulations; however, FHWA encourage these for all PEL approaches.