

Chapter 200 *Environmental considerations in transportation planning*

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200.01 Introduction and overview

This chapter describes how considering environmental context informs decisions during transportation planning, and how the planning process can inform WSDOT's environmental review process. It also describes the federal Planning and Environmental Linkages (PEL) process and the authorities supporting federal PEL.

Transportation planning is a decision-making process that develops and evaluates alternatives to achieve environmental, community development, multimodal mobility, accessibility, safety, and other goals. The process leads to recommendations at a corridor, network, or statewide level. The recommendations are data driven and community informed to yield the desired future outcome. This process involves engagement with the public, government agencies (federal, state, local, tribal), organizations, and transportation interests to reach federal, tribal, state, regional, and local goals and inform decision-making. This is achieved by:

- Identifying current and desired future multimodal transportation outcomes.
- Providing opportunities for public engagement and input on plans, programs, and transportation decisions that affect them.
- Identifying environmental resources that need to be protected.
- Maximizing health, safety, and the economic well-being of transportation system users and the surrounding community.

Federal, state, local, and tribal governments develop transportation plans that are subject to federal regulations, state laws, legislative provisos, agency guidelines and expectations, and/or local ordinances. For more information on transportation planning, see the Joint Transportation Committee's [Transportation Resource Manual](#) and the [Washington Transportation Plan Phase 2, Appendix A](#).

See WSDOT's [Environmental guidance for planning studies](#) webpage for more information on integrating transportation planning and environmental review, including technical guidance for PEL teams. Refer to the WSDOT [Planning and Environmental Linkages](#) webpage for our agency's PEL guidance and resources.

200.02 Applicable statutes, regulations, executive orders, and policies

Federal and state requirements direct agency planning activities related to considering environmental context.

The Council on Environmental Quality (CEQ) National Environmental Policy Act (NEPA) implementing regulations note that: “agencies shall improve efficiency of their NEPA processes by integrating the NEPA process into early planning” (40 CFR 1500.5(c)). 40 CFR 1501.2(a) further states: “agencies should integrate the NEPA process with other planning and authorization processes at the earliest reasonable time to ensure that agencies consider environmental effects in their planning and decisions, to avoid delays later in the process, and to head off potential conflicts.” CEQ rules also state that federal agency actions should involve early coordination and consultation with appropriate federal, state, tribal, and local governments and other interested parties whose involvement is reasonably foreseeable (40 CFR 1501.2). WSDOT planning processes that incorporate NEPA concepts, environmental screening, and outward coordination lead to more efficient future NEPA and project delivery outcomes.

WSDOT’s [Environmental Policy Statement](#) requires cultural, historic, and environmental context to be considered in all WSDOT plans. It also directs WSDOT to engage all communities that are likely to be affected by proposed transportation plans, including minority and low-income populations and those with limited English proficiency (LEP).

WSDOT’s [Environmental guidance for planning studies](#) webpage includes technical guidance and other helpful information for including cultural, historic, and environmental context in our plans, consistent with the agency’s [Environmental Policy Statement](#). The information found on this webpage should be the baseline guidance for incorporating environmental information into planning studies and PEL studies. See the WSDOT [Planning and Environmental Linkages](#) webpage for more on how our agency conducts PEL studies.

Secretary’s Executive Order [E 1102](#) directs WSDOT to protect and preserve Washington’s wetlands, to ensure no net loss of wetlands caused by department actions, and to increase the long-term quantity and quality of wetlands. Planners must identify areas of potential wetland impact as early as possible in system and corridor planning processes and use the information to inform project scoping and advance mitigation planning.

The Secretary’s Executive Order on *Protections and Connections for High Quality Natural Habitats* [E 1031.02](#) directs WSDOT to promote and support planning studies and PEL processes that identify potentially affected fish and wildlife habitats as early as possible. This work should be done during the planning process. Early consideration of fish and wildlife habitat protection and connectivity increases the likelihood that reasonable approaches can be incorporated into projects. Mitigation considerations can be factored into projected future costs when developing planning level recommendations. See [Section 200.04\(15\)](#) for more information on mitigation development during planning.

A 2013 federal court injunction requires WSDOT to significantly increase efforts to remove barriers in western Washington that block salmon and steelhead from accessing upstream habitat. The injunction specifically applies to culverts in the Puget Sound and Washington coast area, within Water Resource Inventory Areas (WRIAs) 1-23. More information about the injunction, a list of relevant fish passage barriers, and WSDOT’s progress in complying with the injunction can be found in WSDOT’s [Annual Fish Passage Progress Report](#). The WSDOT [Fish Passage Corrected Barriers Statewide](#) web portal and WSDOT Fish Passage Uncorrected Injunction Barriers web portal provide spatial information for corrected and uncorrected injection barriers.

200.03 Right-sizing

Transportation plans can vary greatly in size and scope. Therefore, it is important to right-size efforts to incorporate environmental information.

This section describes flexible, scalable, and adaptable approaches for including environmental context in transportation plans and planning studies. Planning and environmental staff should work together to develop the best approach for the planning effort. Collaboration should begin at the earliest stages of the planning study.

An early review of the likely environmental issues, analysis, and other information can inform future planning level or project level decisions. Examples of planning level decisions include identifying desired performance and recommendations to close performance gaps. Examples of project level decisions include developing the Purpose and Need, refining alternatives, identifying interested parties and potential site-specific concerns. Project level decisions can be scaled based on the depth of the planning analysis or process. For example, some planning studies may develop alternatives to be analyzed during future phases, during environmental review, and some may develop and evaluate alternatives to identify recommendations. These efforts can also be spatially scaled, from studying a corridor to planning for service levels for a particular mode of transportation (such as Amtrak Cascades service).

WSDOT develops two types of modal plans: state owned plans and state interest plans. State owned plans include recommendations for facilities or services that WSDOT owns or manages. These plans include the [Highway System Plan](#), Washington State Ferries [2040 Long Range Plan](#), and other public transportation plans. These plans may include recommendations for projects.

State interest plans may include recommendations for facilities or services that are not WSDOT owned or managed but have a statewide impact. These plans may also include recommendations for WSDOT projects. These plans include:

- [WSDOT Active Transportation Plan](#)
- [WSDOT Freight Systems Plan](#)
- [Washington Aviation System Plan](#)
- [Washington State Public Transportation Plan](#)
- WSDOT and statewide [Passenger Rail Plans](#).

Additionally, WSDOT develops corridor plans and master plans for state routes. Depending on the need of the study and location, these location specific plans can also be a PEL study.

The [Washington Transportation Plan Phase 2](#) is a roll-up of the state owned and state interest plans and meets Federal Highway Administration (FHWA) requirements for the long-range statewide transportation plan. This plan may include a financially constrained project list.

For every transportation plan, follow:

- WSDOT's [Planning study guidance](#), including [Environmental guidance for planning studies](#).
- WSDOT's [Community Engagement Plan](#) and federal Environmental Justice (EJ) requirements, which include identifying EJ and LEP populations in the study area. It is also recommended that PEL studies include consideration of EJ impacts in their recommendations for implementation and future National Environmental Policy Act (NEPA) analysis. More information about EJ, as well as the state level HEAL Act can be found in [Chapter 460](#) and on WSDOT's [Environmental justice](#) webpage.
- Applicable state and federal laws, rules, and guidance.

WSDOT plans and studies, including PEL, should use the guidance and GIS layers on the [Environmental guidance for planning studies](#) webpage to conduct a planning-level environmental screening of the following factors associated with state highways and rights of way. This environmental screening guidance should be considered the floor and not the ceiling for planning level environmental review. For example, plans may include additional environmental disciplines as appropriate to the project context and setting, and PEL studies may include more detailed analysis, depending on the circumstances within the study area. At a minimum, planning studies should include *at least* the following screening criteria found on the [Environmental guidance for planning studies](#) webpage, but should right-size the screening and analysis to the particular study.

- Fish passage barriers.
- Wetland and other environmental mitigation sites.
- Chronic environmental deficiencies (CED).
- Noise walls.
- Historic bridges.
- Stormwater best management practices (BMP) sites and retrofit priorities.
- Climate vulnerability.
- Air quality.
- Greenhouse gas emissions.
- Habitat connectivity.
- Hazardous materials contamination sites.

Note: GIS information mentioned above can also be found on WSDOT's [Community Planning Portal](#).

This level of environmental screening should:

- Identify existing environmental assets that must be protected.
- Detect other key environmental factors that have the potential to influence the scope of future investments.
- Determine if additional environmental review is necessary prior to project development.

The plan should describe how each of the environmental assets, public and agency involvement, and regulatory requirements influenced decision-making.

The review steps described above serve as a high-level screening, which does not examine the full range of environmental and social issues that may need in-depth review during site-specific project development. Additional environmental data will likely need to be collected and analyzed in more detail once potential project locations and solutions become clearer. Refer to the discipline chapters (Chapters [420](#) through [460](#)) to learn more about the natural and human environmental project-level review requirements.

If a planning effort is leading to a defined project, please work with your regional environmental staff to determine the likely environmental classification. There are two primary paths depending on the significance of anticipated future project impacts.

The first path is for plans that are likely to lead to a project classified as a NEPA Categorical Exclusion (CE), State Environmental Policy Act (SEPA) Categorical Exemption (CE), or require a SEPA checklist. Typically, these are less complex projects that do not require a formal process

for defining Purpose and Need, alternatives screening, or public involvement. For these plans, conduct a planning-level environmental screening review found on the [Environmental guidance for planning studies](#) webpage. The review should be right-sized for the study and include as much environmental information as is useful for developing early strategies to avoid or minimize future environmental impacts.

The second path is for plans that are likely to recommend a large or complex transportation project that would typically require a NEPA Environmental Assessment (EA) or NEPA/SEPA Environmental Impact Statement (EIS). This includes projects that will eventually consider alternatives and require public engagement. Some of these processes would benefit from following the federal PEL process described in [Section 200.04](#). PEL is useful when project solutions are unclear and there is no defined Purpose and Need or range of alternatives. See the WSDOT [Planning and Environmental Linkages](#) webpage and [Section 200.04](#) for more information on when PEL studies are recommended. PEL study environmental considerations should include at a minimum the environmental screening information found on the [Environmental guidance for planning studies](#) webpage.

200.04 Federal Planning and Environmental Linkages (PEL)

PEL represents a collaborative and integrated approach to transportation decision-making that considers environmental, community, and economic goals early in the transportation planning process; and uses the information, analysis, and products developed during planning to inform the environmental review process.

WSDOT uses the phrase “federal PEL”, or simply “PEL” or “PEL study”, to describe planning efforts that follow the requirements of one or more federal authorities for integrating planning and environmental review. Compliance with the federal requirements described in the following sections can result in a planning product that the federal lead agency (FHWA or Federal Transit Administration (FTA)) agrees may be adopted or used in NEPA.

PEL studies are generally recommended for plans or planning studies that are likely to lead to a major capital improvement or policy decision. Other factors that could contribute to using the PEL process include regional significance, environmental constraints, high cost, controversy, no clear Purpose and Need, and no clearly defined alternatives.

PEL studies provide transportation and environmental context and can be used to make project or planning decisions. Examples of project decisions include developing a Purpose and Need statement, recommending alternatives to be evaluated in NEPA, establishing logical termini and independent utility, and identifying interested parties and community partners. Examples of planning decisions include tolling and modal choice. WSDOT can also use PEL to recommend the NEPA classification of future projects, for example, EA or EIS.

PEL studies are not recommended for funded projects that already have a clear solution. Instead, these projects should move directly into NEPA.

The outcome of a federal PEL study may be incorporated into a NEPA EA or EIS, either by reference (for example, as a chapter or appendix) or adopted directly into the NEPA document (for example, the NEPA Purpose and Need). See [40 CFR 1501.12](#) and [23 CFR 450.212](#) for more information incorporating planning studies by reference into environmental documents.

The following sections describe the requirements and benefits of a federal PEL and the benefits of complying with these requirements.

200.04(1) Benefits of considering environmental context during planning

There are many benefits of considering the environmental context and human and natural resource trends during the transportation planning process. Here is a list of some key benefits of linking planning and environment.

- **Building relationships** – Early consultation and collaboration with tribes, local agencies, and resource agencies improves communication and strengthens relationships.
- **Improving the quality of environmental information** – Early interagency and tribal coordination and data sharing helps to quickly identify environmental priorities and project constraints. It also helps ensure that the best available environmental information is used in planning decisions.
- **Reducing duplication of effort** – A planning-level environmental review can minimize duplication of effort by carrying forward planning decisions and analysis into the NEPA/SEPA process. This includes Purpose and Need, identification of preliminary alternatives, and the elimination of unreasonable alternatives.
- **Focusing the NEPA/SEPA review** – Early identification of key environmental resources can help tailor the NEPA/SEPA environmental review ([Chapter 400](#)). These include environmentally sensitive areas and resources in the project area that have lengthy environmental clearance processes that can affect the project schedule and budget.
- **Identifying potential mitigation strategies** – Assessing potential impacts and coordinating with the appropriate resource agencies can help determine the types of mitigation needed. Early collaboration can also help identify mitigation partners and the types of mitigation that are available. At the planning-level, mitigation is typically discussed at a regional or watershed scale. See [Section 200.04\(15\)](#) for more information.
- **Shortening permitting timelines** – Building relationships with permitting agencies can help resolve differences on key issues early in the transportation planning process. This ultimately leads to streamlined permit decisions and project delivery.
- **Delivering better on-the-ground outcomes** – Early and continued coordinated involvement with interested parties, community partners and the public, including historically disadvantaged populations helps WSDOT create programs and projects that effectively serve the community's transportation needs.

200.04(2) PEL authorities

Federal regulations applicable to FHWA and FTA have included provisions on PEL for State DOTs since 1978 when the Council on Environmental Quality (CEQ) first published their NEPA regulations that encourage integrating planning and environmental processes.

There are two main authorities that support PEL:

- [23 CFR 450.318](#) and [450.212](#) – Metropolitan, statewide and nonmetropolitan transportation planning and programming.
Note: The requirements in [23 CFR 450.212 \(a\)-\(c\)](#) and [23 CFR 450.318 \(a\)-\(d\)](#) are identical, but [23 CFR 450.318](#) refers to metropolitan planning and [23 CFR 450.212](#) refers to non-metropolitan planning. Select and cite the appropriate authority used in the PEL or cite both authorities if applicable. See [Section 200.04\(7\)](#) for additional information on these authorities.
- [23 U.S.C. 168](#) – Integration of planning and environmental review.

The WSDOT [PEL Authorities Chart](#) found on the [Planning and Environmental Linkages webpage](#) provides a visual summary of these authorities as well as other related statutes and regulations discussed later in this chapter. The PEL must clearly state which authority or authorities will be used throughout the planning effort, and the PEL must meet all requirements for the authority or authorities chosen.

WSDOT planning and environmental staff and the federal lead (FHWA or FTA) should decide together which PEL authority or authorities should be used to support the planning effort. This decision is usually based on the desired outcomes for NEPA and the authority or authorities that the planning and environmental staff and the federal lead believe would result in the most useful and relevant information.

See [Section 200.04\(5\)](#) for information on adoption and use of planning products in NEPA, which can help determine which authority to use during the PEL effort.

Note: The Federal Railroad Administration (FRA) does not currently have an equivalent statutory or regulatory planning process as described in this chapter for FHWA or FTA PEL. However, FRA uses a “similar approach to integrating the planning and environmental review processes, incorporating robust public engagement and agency coordination, in its Corridor Identification and Development Program (Corridor ID Program)” ([Infrastructure Permitting Improvement Center \(IPIC\) 2024 NEPA Report to Congress](#)).

200.04(3) Internal roles and responsibilities

The PEL process is a collaborative approach that involves experts from several offices within WSDOT. The following offices have a key role.

Region/Modal Planning Office

- Leads the PEL effort.
- Identifies any other relevant planning efforts within or adjacent to the study area and determines how they relate to the PEL.
- Determines scope and goals of PEL with assistance from Region/Modal Engineering Office.
- Leads participants and agency coordination with assistance from the Region/Modal Environmental Office.

Region/Modal Engineering Office

- Assists Region/Modal Planning Office with determining scope and goals of PEL.
- Coordinates with Region/Modal Environmental Office to review potential environmental impacts of future projects and PEL recommendations.

Region/Modal Environmental Office

- Advises the Region/Modal Planning Office on the types of planning information that are useful and relevant for NEPA.
- Assists coordination with federal, tribal, state, and local environmental resource agencies.
- Researches and provides information describing the environmental context for the PEL study area and the potential environmental impacts of future projects and PEL recommendations.

- Helps right-size the study and analysis using GIS data, windshield surveys, coordination with subject matter experts, or site-specific analysis as appropriate.
- Communicates environmental information to the PEL team so that potential budget, schedule, and permitting issues are clearly understood and taken into consideration throughout the process.

Region/Modal Communications Office

- Leads public engagement efforts.

M2 (multimodal, multidisciplinary) Team

- Core team of subject matter experts from headquarters, modes, and divisions.
- Includes representation from WSDOT's: Active Transportation Division; Capital Program Development and Management; Development Division (which includes the Environmental Services Office, and Assistant State Design Engineers); Maintenance; Multimodal Planning and Data Division; Office of Equity and Civil Rights; Public Transportation Division; Rail, Freight, and Ports Division; Transportation Safety and Systems Analysis Division; and Transportation Operations Division.
- Reviews and provides subject matter expertise and statewide perspective on draft and final PEL products.
- Provides web based guidance on planning study subject review areas via the WSDOT [Planning study guidance](#) webpage.
- Focuses on consistency between plans, policies, and agency messaging.
- Provides input and statewide perspective on the content of a planning study at specific study decision points and/or milestones such as identification of performance gaps.
- Focuses on consistency with modal plans, policies, and WSDOT messaging.
- May be requested to participate in non-planning study activities such as traffic studies, modal plans, modal studies, MPO/RTPO plan updates, and pre-design workshops

Headquarters Multimodal Planning and Data Division

- Facilitates review by Headquarters subject matter experts.

Headquarters Environmental Services Office

- Provides statewide experience and technical assistance.
- Provides direction for compliance with applicable FHWA/FTA and WSDOT policies, rules and regulations.
- Reviews work products, like coordination plans and draft documents.

Within ESO, the [NEPA/SEPA Program](#):

- Reviews planning studies for compliance with WSDOT's [Environmental Policy Statement](#) and inclusion of environmental screening in planning studies.
- Serves as liaison between the federal lead and the project team throughout the PEL process.
- Provides PEL support and guidance throughout the PEL process.
- Serves as quality assurance reviewer before PEL document is submitted to federal lead agency for review and approval.

PEL Document Signatory

- May include the Region/Modal Planning Manager, Region/Modal Administrator, Director of Multimodal Planning and Data Division, and Director of Headquarters Environmental Services Office.
- WSDOT's [Planning study guidance](#) webpage provides information related to planning study approvals.
- FHWA or FTA approves final PEL studies as the federal lead agency.

200.04(4) *PEL documentation*

The federal requirements for PEL are written with larger, NEPA EA/EIS, projects in mind. A PEL should include enough information to show that it fulfills all requirements of one or more federal PEL authorities discussed later in this chapter. The study should be right-sized, with the appropriate type and amount of analysis for use in future planning or NEPA.

WSDOT's [PEL Questionnaire](#) helps with documentation and the transition from planning to NEPA. These questions should be used as a guide throughout the PEL process, not only completed near the end of the process. The questionnaire is consistent with the planning regulations for FHWA and FTA and should be included in the final PEL document as an executive summary, chapter, or appendix.

The final PEL must contain all substantive materials that were used to make decisions during the PEL process. For example, technical letters, memos, reports, and studies.

The PEL may include other content, such as:

- Purpose and Need.
- Project goals.
- Alternatives development and evaluation criteria.
- Recommended alternative(s).
- Logical termini and independent utility.
- Transportation analysis.
- Affected environment and mitigation strategies.
- Agency coordination and public involvement.
- Recommendations for future systems planning, NEPA, or implementation.

The PEL objective and desired outcomes for NEPA should determine which content is relevant. This will be coordinated with the PEL study team, [NEPA/SEPA Program](#), and federal lead agency.

200.04(5) *Adoption and use of PEL planning products in NEPA*

A primary benefit of PEL is that it allows planning analyses and decisions to be carried forward into the environmental review process. This helps reduce duplication between the planning and environmental review processes which can lead to more efficient project delivery. However, it is important to remember that planning and NEPA are separate processes.

The federal PEL authorities define a process for adopting or using PEL planning products in NEPA. Two primary PEL authorities are used by FHWA and WSDOT: statutory [23 U.S.C. 168](#) and regulatory [23 CFR 450](#) ([23 CFR 450.212](#) and [450.318](#)). These authorities are described in greater detail below and additional information may be found in the [WSDOT PEL Authorities Chart](#) found on the [Planning and Environmental Linkages webpage](#).

The term “planning product” means a decision, analysis, study, or other documented information that is the result of an evaluation or decision-making process during transportation planning. Common examples of planning products include the establishment of a Purpose and Need statement and preliminary screening of alternatives, including the elimination of unreasonable alternatives. Refer to [Chapter 400](#) for information on Purpose and Need and reasonable alternatives.

To “adopt” a planning product means to take the planning product into the NEPA process without being subject to the NEPA analysis process (in other words where it could remain unchanged). An adopted planning product is still circulated and made available for comment with other environmental documents during NEPA, but generally the product is finalized during the PEL process and does not need to be re-evaluated.

IMPORTANT: [23 U.S.C. 168](#) is the primary PEL authority that allows planning products and decisions (for example, the Purpose and Need statement or the elimination of unreasonable alternatives) to be adopted into the NEPA process. [Section 200.04\(8\)](#) describes how, regardless of the primary PEL authority or authorities used for a PEL study, the requirements of [23 U.S.C. 139](#) must be met to eliminate unreasonable alternatives.

To “use” a planning product in the NEPA process means to introduce the planning product as useful and relevant information to be evaluated through the typical environmental review process. Unlike a planning product that is adopted under [23 U.S.C. 168](#), these products are considered “draft” and remain subject to analysis during NEPA. Examples of this include a draft Purpose and Need statement or a recommendation to eliminate unreasonable alternatives. To use these planning products during NEPA, they need to be circulated and subject to revision based on agency and public review. [23 CFR 450.212](#) and [450.318](#), [23 U.S.C. 139](#), and [40 CFR 1501.12](#) allow planning products and decisions to be incorporated by reference into the NEPA process.

200.04(6) Requirements for 23 U.S.C. 168

PEL authority [23 U.S.C. 168](#) provides a process by which agencies may adopt or incorporate by reference a planning product to use during the environmental review process.

There are ten requirements that must be met for FHWA or FTA to adopt planning products into the environmental review process under PEL authority [23 U.S.C. 168](#). These requirements are provided in [23 U.S.C. 168\(d\)](#), illustrated in the [PEL Authorities Chart](#) on WSDOT’s [Planning and Environmental Linkages](#) webpage, and listed below (paraphrased) by project phase.

During planning, the federal lead agency should concur that the following are met:

- The planning product is developed through a planning process that was conducted in accordance with applicable federal law.
- The planning product is developed in consultation with the appropriate federal and state resource agencies and tribes (See [Section 200.04\(13\)](#)).
- The planning product is the result of a planning process that included multidisciplinary consideration of systems-level or corridor-wide transportation needs and potential effects on the human and natural environment.
- Public notice is provided that resulting planning products may be adopted during a subsequent environmental review process.

- The planning product has a rational basis centered on reliable and reasonably current data and scientific methods.
- The planning product is documented in sufficient detail to support the decision or results of the analysis and to meet requirements for use in the environmental review process.

During project scoping and programming:

- The federal lead agency must agree that there is no significant new information or circumstance that has reasonable likelihood of affecting the continued validity or appropriateness of the planning product.
- The federal lead agency must agree that the planning product is appropriate for adoption and use in the environmental review process.
- The planning product must be approved no more than five years before the environmental review process is initiated. (If more than five years have passed, you must verify that the planning information is still valid, i.e., there are no significant changes, to use the information in the environmental review process).

During environmental review:

- A notice of intent to incorporate a planning product must be provided. The planning product must also be provided for review and comment by the public, as well as interested federal, state, local, and tribal governments. Any resulting comments must be considered (see Sections [200.04\(13\)](#) and [200.04\(14\)](#)). Contact the [NEPA/SEPA Program](#) for more information about public comments during PEL.

If the planning product is necessary for a cooperating agency to issue a permit, review, or approval for the project, then there must also be concurrence with that agency ([23 U.S.C. 168\(d\)](#)). See [Section 400.02\(4\)](#) for more information on cooperating agencies.

If the requirements under [23 U.S.C. 168\(d\)](#) are met, then the planning product can be adopted into the NEPA document and any planning decisions that were made during the PEL process do not need to be re-evaluated during NEPA.

200.04(7) Requirements for 23 CFR 450.318 and 450.212

There are five requirements that must be met for FHWA or FTA to use planning products in the environmental review process under PEL authorities [23 CFR 450.318](#) and [450.212](#). These requirements are provided in [23 CFR 450.318\(a\)-\(d\)](#) and [23 CFR 450.212 \(a\)-\(c\)](#), illustrated in WSDOT's [PEL Authorities chart](#) and are listed below (paraphrased) by project phase.

During planning, the federal lead agency must concur that the following are met:

- The planning process involves interested federal, state, local, and tribal agencies.
- The planning product is developed through a public review process.
- There is a reasonable opportunity for anyone interested to comment.
- FHWA and FTA review the planning documents, as appropriate.

During project scoping and programming:

- The federal lead agency must agree that decisions are documented in a form that is identifiable and available for review during the NEPA scoping process and can be used or incorporated by reference in the NEPA document.

During environmental review the federal lead agency must agree that incorporating the planning products will help establish or evaluate the NEPA Purpose and Need, reasonable alternatives, impacts, or mitigation of impacts.

If the requirements under [23 CFR 450.318\(a\)-\(d\)](#) and [23 CFR 450.212 \(a\)-\(c\)](#) are met, then the planning product can be used as relevant information to be evaluated through the typical environmental review process.

200.04(8) Requirements for 23 U.S.C. 139

Regardless of the primary authority or authorities being used for a PEL study, when the desired outcomes of a federal PEL include elimination of unreasonable alternatives, the requirements of [23 U.S.C. 139\(f\)](#) must be met in addition to the primary federal authority being used for the study. Refer to WSDOT's Planning and Environmental Linkages webpage for additional PEL authority guidance.

PEL authority [23 U.S.C. 139](#) includes six requirements that must be met to eliminate unreasonable alternatives in PEL studies using either primary PEL authority ([23 U.S.C. 168](#) or [23 CFR 450.318](#) and [450.212](#)). These requirements are provided in [23 U.S.C. 139\(f\)\(4\)](#) and are (paraphrased):

- The federal lead agency must independently review the alternative evaluation process.
- There is a reasonable opportunity for public review and comment.
- The eliminated alternative must be reasonably considered.
- The lead agency provided guidance regarding analysis of alternatives and the requirements of NEPA, and any other federal law necessary for approval of the project.
- The alternative is eliminated only after considering public comments.
- Participating and cooperating agencies must be consulted to ensure that the eliminated alternative is not necessary for compliance with NEPA. Agencies with jurisdiction must also be consulted to ensure that the eliminated alternative is not necessary for a permit or approval.

If the requirements under [23 U.S.C. 139\(f\)](#) are met, then a reduced range of alternatives can be evaluated through the environmental review process.

Note: FHWA recommends using PEL authority [23 U.S.C. 139](#) to eliminate alternatives because it is the most directly applicable authority for considering and eliminating unreasonable alternatives. However, if using [23 U.S.C. 139](#) to eliminate unreasonable alternatives, then you must also use one of the other authorities discussed in previous Sections [200.04\(6\)](#) and [200.04\(7\)](#) ([23 U.S.C. 168](#) or [23 CFR 450.318](#) and [450.212](#)) to establish the Purpose and Need that is required for eliminating the alternatives. The FHWA [Planning and Environment Linkages](#) webpage includes additional information on PEL authorities that may assist in these decisions.

200.04(9) Requirements for 40 CFR 1500.4 and 1501.12

If you cannot meet the requirements listed in [Section 200.04\(6\)](#) or [Section 200.04\(7\)](#) to use the planning product in the NEPA process, then you can still introduce the planning product into the NEPA process as information that requires additional work or further action. For example, if there was no public review during the planning process, the planning products may still be referenced in the NEPA document and reviewed through the NEPA process in accordance with [40 CFR 1500.4\(l\)](#) and [1501.12](#).

To do this, WSDOT must:

- Cite the incorporated planning products within the NEPA document and briefly describe the content.
- Make the planning products reasonably available for inspection by potentially interested persons during the NEPA comment period.

Proprietary data not publicly available cannot be incorporated into the NEPA document.

200.04(10) Additional requirements applicable to all PEL authorities

Decisions made during a PEL process must be documented in a format that can be included in the NEPA document directly, by reference, or in an appendix. A key consideration is how the PEL will meet standards established by NEPA regulations and guidance. One way to do this is to use NEPA-like language such as Purpose and Need, affected environment, and environmental impacts. It is preferred to use the NEPA-like language in PEL, but if you choose to use planning terms, the [PEL Questionnaire](#) asks for the reason, definitions, and examples or a list of terms.

PEL studies must also verify that the information in the planning product is still valid if using it in the environmental review process more than five years after the planning product's approval. Any new information should be reviewed through the environmental review process, rather than through revisions to the approved planning product.

200.04(11) PEL Purpose and Need

The Purpose and Need is the foundation of NEPA and the environmental decision-making process. It allows for alternative development, analysis, and selection. See [Chapter 400](#) for more information about NEPA Purpose and Need. Federal statutes and regulations for developing a Purpose and Need statement during transportation planning that can be applied to the NEPA process are provided in [23 U.S.C. 168](#), and [23 CFR 450.318](#) and [450.212](#).

It is necessary to establish a clear Purpose and Need during PEL that is compatible with the NEPA process. In PEL, the Purpose and Need statement can take various forms, depending on the desired outcomes of the planning study. Consult with the appropriate federal and state resource agencies and tribes when developing a PEL Purpose and Need statement. See [Section 200.04\(13\)](#) for additional information on consulting with agencies and tribes, and [Section 200.04\(14\)](#) for information on community engagement.

For large corridor studies, the Purpose and Need can be a general statement of the vision and goals for the corridor and to address the issues of each recommendation or decision. This approach is recommended for PEL studies that recommend multiple projects or program-level policies or decisions.

A more specific Purpose and Need may be needed for each recommendation during future NEPA analysis. It is recommended to follow the requirements under [23 CFR 450.318](#) and [450.212](#) for establishing a Purpose and Need for a large corridor study that can be used and further evaluated during NEPA. Those requirements are listed in [Section 200.04\(7\)](#) and [200.04\(9\)](#).

For planning studies that are leading directly to a defined project, the Purpose and Need should have the same amount of detail as one that is developed during the NEPA process. In this case, the goal is to establish a Purpose and Need that can be adopted into NEPA unchanged. To do this, follow the requirements under [23 U.S.C. 168](#). The requirements are listed in the [Section 200.04\(6\)](#).

Note: PEL studies using [23 U.S.C. 168](#) must receive NEPA federal lead agency (FHWA or FTA) concurrence on the final PEL Purpose and Need statement to adopt it into NEPA.

For any PEL effort, it is strongly recommended to use the NEPA term “Purpose and Need”, rather than using planning terms such as goals and objectives.

200.04(12) Alternatives development, evaluation, and elimination of unreasonable alternatives

Unreasonable alternatives are those which do not meet the Purpose and Need or are infeasible, such as containing fatal flaws. Common examples of fatal flaws include alternatives with unacceptable significant environmental impacts, excessively high costs, or are impractical from an engineering standpoint. However, there may be other types of fatal flaws identified through the PEL process. Eliminating unreasonable alternatives during PEL allows for a more efficient environmental review because those alternatives can be excluded from the detailed analysis and evaluation that occurs during the NEPA process.

Alternatives only need to be developed to a “conceptual level” for evaluation and elimination during the PEL process. This means that alternatives may be evaluated, scored, prioritized, and/or screened out without the need to advance engineering designs beyond a very conceptual project area.

The requirements for eliminating unreasonable alternatives under [23 CFR 450.318](#) and [450.212](#), [23 U.S.C. 168](#), and [23 U.S.C. 139](#) are the same as those listed in [Section 200.04\(6\)](#), [200.04\(7\)](#), and [200.04\(8\)](#). REMEMBER - Use [23 U.S.C. 168](#) if the goal is to adopt the decision to eliminate alternatives and not re-evaluate that decision during NEPA.

Note: it is strongly recommended to use the NEPA term “alternative”, rather than using planning terms such as concept, strategy, or option.

200.04(13) Agency and tribal government coordination

WSDOT’s policy is to invite resource agencies and tribes with jurisdiction or permitting or approval authority to participate in the PEL process. The goal is to reach concurrence with these agencies and tribes on key planning decisions, such as establishing the Purpose and Need statement and eliminating unreasonable alternatives. However, concurrence is not required.

One benefit of PEL studies following the [23 U.S.C. 168](#) process is to make decisions during the planning process that do not need to be revisited during the NEPA process. This means that the PEL process is the best opportunity for interested parties to shape future projects. Also, any resource agency and tribal government coordination that occurs during PEL counts toward NEPA/SEPA project- level scoping.

It’s especially important to engage any organization that will need to make a decision or take an action on a project resulting from a PEL effort. For example, an agency (such as the U.S. Fish and Wildlife Service (USFWS)) may require a multi-year study before concluding consultation. Learning this information during the PEL process can allow WSDOT to complete the study and consultation prior to starting NEPA and may lead to faster timelines for permits requiring consultation to be complete. These efficiencies are important for meeting the time limits in [40 CFR 1501.10](#) that require agencies to complete EAs within one year and EISs within two years.

Note: While early coordination with the Department of Archaeology and Historic Preservation (DAHP) may take place, formal consultation under Section 106 of the National Historic Preservation Act may not begin until NEPA has been formally initiated.

WSDOT may establish a resource agency or tribal committee, or a general technical advisory committee that includes any interested parties with jurisdiction or expertise. However, federal PEL regulations do not require the establishment of a formal resource agency, tribal, or technical advisory group.

WSDOT must consult on PEL studies with tribal governments on a government-to-government basis. This consultation is distinct from any invitations to participate as part of a general participant advisory group and should only be done in coordination with the federal lead agency for the PEL (FTA or FHWA). Tribes may want to communicate directly with the federal lead rather than WSDOT, so coordinate with FTA or FHWA to ensure the government-to-government consultation is conducted appropriately. The federal lead agency should confirm WSDOT's participation in this process and confirm their approval of the approach before WSDOT contacts tribes during the PEL process. Tribes may accept or decline the invitation to participate or may request to stay informed during the PEL process.

WSDOT regional biologists may be able to assist in the PEL consultation process with agencies like the U.S. Fish and Wildlife Service, National Marine Fisheries Service and the U.S. Army Corps of Engineers (Corps). Coordinate with [NEPA/SEPA Program](#) and federal lead agency for assistance communicating these federal agencies.

WSDOT should make an extra effort to engage any agency that must make a future NEPA decision for a project resulting from a PEL study. For example, if the PEL is leading to a project that will require a [Section 404 of the Clean Water Act](#) permit, then WSDOT should strongly encourage the Corps to be involved during the PEL process.

If an invitation to participate in the PEL process is declined by an agency or tribe, the federal lead agency (FHWA or FTA) may still agree that the final planning products may be adopted or used in NEPA. In this case, document which agencies and tribes were invited, how WSDOT attempted to engage them initially and update them throughout the study, and whether they responded to the invitation. If an agency responded to the invitation but didn't actively participate in the PEL process, document any suggestions or comments they provided to WSDOT and how they were considered.

WSDOT must document all resource agency and tribal comments, including how each comment was considered. This should be done at major concurrence points such as establishing the Purpose and Need statement and eliminating unreasonable alternatives. For more information on concurrence points during PEL, refer to the [PEL Process Chart](#) on WSDOT's [Planning and Environmental Linkages](#) webpage.

WSDOT must also provide draft and final planning products to any interested federal, state, local, and tribal governments for review and comment, even if they declined to participate in the PEL process. WSDOT must document comments on the draft and final planning products, including how each comment was considered.

To use the final planning products in the NEPA process, the federal lead agency must determine that the resource agency and tribal consultation was adequate or that WSDOT provided a reasonable opportunity for resource agencies and tribes to comment.

200.04(14) Community Engagement

Including members of the affected community in the PEL process helps to identify issues, improve their understanding of the study's recommendations, foster relationships with the public, and generates a stronger PEL. WSDOT policy for community engagement is detailed in [Design Manual](#) Exhibits 210-1 through 210-4, [23 CFR 450.210](#), and in WSDOT's [Community Engagement Plan](#).

Refer to [Chapter 460](#) for EJ requirements for planning studies and WSDOT's [Environmental justice](#) webpage for additional guidance. The planning team determines the appropriate community engagement strategy based on the affected community's needs and values.

One recommended method for ensuring community engagement throughout the entire PEL process is to establish a community advisory group. This helps ensure public input at major concurrence points, such as establishing the Purpose and Need statement and eliminating unreasonable alternatives. However, federal PEL regulations do not require the establishment of a formal community advisory group. For more information on concurrence points during PEL, refer to the [PEL Process Chart](#) on WSDOT's [Planning and Environmental Linkages](#) webpage.

If using PEL authority [23 U.S.C. 168](#), then WSDOT must provide public notice that resulting planning products may be adopted for use in NEPA ([23 U.S.C. 168 \(d\)\(4\)](#)). The public notice intent is to ensure awareness that planning products developed during the PEL study may be adopted directly into the NEPA process without being revisited later. The WSDOT [PEL Authorities chart](#) provides information on how public notices fit into the PEL study process. Contact the [NEPA/SEPA Program](#) for guidance on the PEL public notice process.

WSDOT should make planning materials available to the public throughout the PEL process and make additional efforts to engage the public at key decision points in the process.

For example, this is important when establishing the Purpose and Need statement and eliminating unreasonable alternatives. These are the best practices for making public comment most effective. However, at a minimum, WSDOT must provide the final PEL products to the public for review and comment.

WSDOT must consider any public comments received during the PEL process. WSDOT should document each comment and how each comment was considered. Any public engagement that occurs during PEL counts toward NEPA/SEPA project-level scoping.

200.04(15) Identifying potential mitigation strategies

One benefit of considering environmental context during planning, described in [Section 200.04\(1\)](#) is the development of potential mitigation strategies. Early coordination, public involvement, and project development described in [23 CFR 771.111](#) also includes in section (2)(ii) mitigation actions consistent with a programmatic mitigation plan. Programmatic mitigation plans may be developed pursuant to [23 U.S.C. 169](#) or outside of that framework.

Under [23 U.S.C. 169](#), FHWA can approve programmatic mitigation plans for certain types of projects. These plans outline strategies for mitigating the environmental impacts of a group of projects with similar characteristics, rather than addressing mitigation on a project-by-project basis. The goal is to streamline the environmental review process while still ensuring effective mitigation.

The FHWA [Programmatic Mitigation Planning Guidebook](#) offers information on developing and implementing programmatic mitigation plans to assist transportation and environmental practitioners with impacts of future transportation projects, including at regional and landscape scales. The intended audience includes planning and project development staff from State Departments of Transportation, Metropolitan Planning Organizations, county transportation departments, and other transportation entities that can benefit from advance mitigation preparedness to facilitate future projects.

The FHWA guidebook includes discussions of the benefits of programmatic mitigation planning. These include:

- Improving environmental and community outcomes.
- Accelerating project delivery.
- Providing measurable cost savings.
- Improving predictability and building trust.

Examples of programmatic mitigation plans include:

- **Wetland mitigation banking programs:** These programs establish a framework for compensating for wetland impacts across multiple projects. They might include guidelines for creating, restoring, or enhancing wetlands in specific regions.
- **Habitat Conservation Plans (HCPs):** HCPs are often developed for projects impacting endangered species or their habitats. They outline measures to minimize and mitigate impacts on these species across multiple projects.
- **Historic Preservation Programs:** Programmatic agreements or plans may be developed to address the impacts of transportation projects on historic resources. These plans could include protocols for documenting, preserving, or mitigating impacts to historic properties.

Consult with your FHWA or FTA federal PEL lead and contact the [NEPA/SEPA Program](#) for guidance developing programmatic mitigation plans during the PEL process.

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