

THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 6, 2003

The Honorable James Connaughton
Chairman, Council on Environmental Quality
722 Jackson Place, NW
Washington, D.C. 20503

Dear Mr. Connaughton:

As Chairman of the Interagency Transportation Infrastructure Streamlining Task Force established by Executive Order 13274, I am seeking your guidance on an important issue that has significant implications for our ability to carry out the President's mandate to promote environmental stewardship and streamline environmental reviews on the Nation's transportation infrastructure projects.

As you are aware, under the National Environmental Policy Act of 1969 (NEPA), the "purpose and need" for a project is a critical element in the environmental review process. It explains the reason that the action being proposed is needed and serves as the basis for developing a reasonable range of alternatives.

Disagreements on "purpose and need" can stall the environmental review process at the very beginning, resulting in unnecessary delays in project development and impeding effective environmental stewardship. Unfortunately, in many cases, there have been extended interagency debates about purpose and need, rather than discussions about the environmental impacts of actions being proposed to address that purpose and need. For this reason, the Interagency Task Force has identified "purpose and need" as a priority issue to address in pursuing its mandate to promote policies that can effectively streamline the approval process for transportation infrastructure projects while maintaining safety, public health, and environmental protection.

"Purpose and need" issues have arisen in many contexts on projects across the United States. The Department considered addressing the lead agency's responsibility regarding purpose and need while developing the Administration's proposed surface transportation reauthorization legislation, the "Safe and Flexible Transportation Efficiency Act of 2003" (SAFTEA). However, we believe that guidance from CEQ on this point could obviate the need for legislative clarification.

I am specifically asking for your guidance on two important questions relating to "purpose and need." First, what is the role of the lead agency under NEPA in determining "purpose and need?" Second, what is the appropriate role of cooperating agencies in reviewing the "purpose and need" for a project? Your response to these questions will help agencies better understand their respective roles in the NEPA process and expedite the process by making the ultimate responsibility of the lead agency clear.

Given the importance that the President has placed on enhancing environmental stewardship and streamlining the environmental review and development of transportation infrastructure projects,

I respectfully ask for your prompt response on this matter. My staff and I are available to assist you in any way that we can as you address this issue.

I thank you for your ongoing support in our collective efforts to develop critical transportation infrastructure projects in an efficient and environmentally sound manner.

Sincerely yours,

[Original signed by]

Norman Y. Mineta