



STATE NOISE ABATEMENT POLICY UPDATE

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NOISE POLICY UPDATES:

Welcome

- **Studies have shown that some of the most pervasive sources of noise in our environment today are those associated with transportation.**
- **In compliance with the Federal regulations, the Department has had a noise policy in place since 1989 which was last updated in 1997.**
- **In response to new technology and the industry practices, FHWA has proposed changes to federal noise abatement policy and regulation.**

NOISE POLICY UPDATES:

Reason for Change

- **Notice of Proposed Rule Making (NPRM) published on September 17, 2009**
 - VDOT provided 18 comments
 - VDOT requested FHWA establish the cost-effectiveness criterion for nationwide consistency (X)
 - VDOT requested FHWA establish the special land use calculation for nationwide consistency (X)
 - VDOT requested FHWA provide federal funding for mandatory noise barrier inventory (X)
- **Final Rule to 23 CFR 772 published on July 13, 2010**
 - Effective date July 13, 2011
 - Draft State Policy and Guidance Manual due to FHWA by January 13, 2011
- **Current State Noise Abatement Policy was approved by the CTB in 1988 as an Administrative Process Act (APA)-exempt regulation (24 VAC 30-80); policy was last amended in 1996**
- **Due to scope of proposed changes, current policy will be repealed and a new, updated policy is recommended**
- **New policy will set out statements on general applicability (FHWA resources, General Assembly mandate, administration of the policy) and create a companion document to cover details in a comprehensive manner**

NOISE POLICY UPDATES:

Important Change: House Bill 2577

- **Section 33.1-223.2:21 of the Code of Virginia requires VDOT to consider other mitigation measures besides noise barriers as part of its project development processes.**
 - *24 VAC 30-81 states: Whenever the Commonwealth Transportation Board or the Department plans for or undertakes any highway construction or improvement project and such project includes or may include the requirement for the mitigation of traffic noise impacts, consideration should be given to the use of noise reducing design and low noise pavement materials and techniques in lieu of construction of noise walls or sound barriers. Landscaping in such a design would be utilized to act as a visual screen if visual screening is required.*

NOISE POLICY UPDATES:

Important Change: Cost-effectiveness

- Reasonableness or cost-effectiveness criterion is changing from “Cost per Receptor” to a “Maximum Square Foot per Receptor.”
 - \$30,000 per receptor (1997 – 2010) to 1,600ft² per receptor (proposed)
 - At \$36ft² the equates to \$57,600 per receptor
- Public insulated from inflation
- Department insulated from artificial construction costs
- Removes cost factor from decisions

NOISE POLICY UPDATES:

Comparison of Current and Proposed Policies

Subject	VDOT Current Policy	VDOT Proposed Policy
Reasonableness criterion: cost-effectiveness	\$30K per protected and/or benefited receptor	1,600 (\$57,600) square feet per benefited receptor (the definition of protected has been eliminated and combined with benefited)
Reasonableness criterion: barrier insertion loss design goal. (FHWA increased barrier performance)	Not addressed	7 dB(A) for exterior noise levels at least one (1) impacted receptor. For interior noise levels, VDOT's design goal shall be 10 dB(A) of insertion loss.
Reasonableness criterion: viewpoints of the benefited receptors	50% or greater of all notified receptors.	50% or greater of respondents.
Reasonableness criterion: Special land uses (e.g. recreational areas)	Not addressed	Includes a recreational calculation as cost-effectiveness tool
Feasible criterion	At least 5 dB(A) of noise reduction	At least 5 dB(A) of noise reduction at 50% or greater of the impacted receptors.
Exterior area of frequent human use	Outdoor, ground-floor	When no outdoor area exists, balconies are to be considered an outdoor usage area. No barrier height limit was prescribed by FHWA.

NOISE POLICY UPDATES:

Comparison of Current and Proposed Policies

Subject	VDOT Current Policy	VDOT Proposed Policy
When undeveloped lands are considered “planned, designed, and programmed”. Now called “permitted.”	Undeveloped lands will be treated as developed lands, if and only if a proposed land use development plan has been approved by the local jurisdiction prior to the date of approval of the project alignment by the Commonwealth Transportation Board	Defined as building permit issuance
Third Party Funding	Allowed for barrier to be constructed that exceed the \$30K reasonableness criterion.	Only for aesthetics
Date of “Public Knowledge” (Mandated)	CTB location approval date	Approval of the Categorical Exclusion, Environmental Assessment (FONSI), or Environmental Impact Statement (ROD)

NOISE POLICY UPDATES:

Next Steps

- **FHWA approves new policy and guidance manual**
 - Policy and Guidance Manual due to FHWA January 13, 2011
 - Concurrently reviewed by FHWA Headquarters, Division Office, and Resource Center
 - Review schedule required to be submitted with documents
 - January 13, 2011 – February 17, 2011 FHWA review period
 - February 17, 2011 – March 14, 2011 VDOT to address comments
 - Subsequent FHWA and VDOT review durations to be 2 weeks
 - April 13, 2011 final FHWA approval deadline. Allows states 3 months to enact updated policy
- **CTB approves new policy and repeals previous policy at its next business meeting**
- **VDOT follows procedure for filing APA-exempt regulations**
- **Effective date: July 13, 2011**