



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 8

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

June 15, 2011

MOTION

Made By: Mr. McCarthy Seconded By: Mr. Louderback

Action: Motion Carried, Unanimously

Title: Repeal of Existing State Noise Abatement Policy (24VAC 30-80) and
Approval of Updated State Noise Abatement Policy

WHEREAS, in response to a perceived need for a single policy covering noise abatement, VDOT developed such a policy for consideration by the Commonwealth Transportation Board in 1988; and

WHEREAS, the Board approved the existing *State Noise Abatement Policy* (24VAC30-80) at its August 8, 1988, meeting, to become effective January 4, 1989; and

WHEREAS, the Board approved revisions to the policy based on experience gained from application of the policy over many years, plus input from citizens and elected officials, at its November 21, 1996, meeting, to become effective January 1, 1997; and

WHEREAS, the Federal Highway Administration (FHWA) published a proposal in the *Federal Register* on September 17, 2009, to make revisions to its *Procedures for Abatement of Highway Traffic Noise and Construction Noise*, and solicited input from state DOTs in further development of a final rule, which was published in the *Federal Register* on July 13, 2010; and

WHEREAS, VDOT determined that the existing policy was obsolete due to the new rule, as well as changed business conditions since the policy was last amended; and

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WHEREAS, an updated policy with detailed implementation procedures prepared in a separate guidance manual (the [*Highway Traffic Noise Impact Analysis Guidance Manual*](#)) was developed; and

WHEREAS, the FHWA gave formal approval to VDOT's updated *State Noise Abatement Policy* and *Highway Traffic Noise Impact Analysis Guidance Manual* by correspondence dated March 15, 2011.

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby repeals the existing *State Noise Abatement Policy* (24VAC 30-80), and approves the following VDOT policy to govern the analysis of highway traffic noise:

STATE NOISE ABATEMENT POLICY

I. Policy.

The Federal Highway Administration (FHWA) regulates highway traffic noise impact analysis, abatement procedures, criteria, coordination requirements, and reporting guidance in Title 23 Code of Federal Regulations, Part 772 (23 CFR 772) and published guidance. All transportation improvement projects developed in conformance with the Virginia Department of Transportation's guidelines shall be in conformance with those federal highway traffic noise impact analysis and abatement procedures and guidance mandated by FHWA.

Whenever the Commonwealth Transportation Board or the Department plan for or undertake any highway construction or improvement project and such project includes or may include the requirement for the mitigation of traffic noise impacts, first 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. Vegetative screening, such as the planting of appropriate conifers, in such a design would be utilized to act as a visual screen if visual screening is required.

II. Administration of State Noise Abatement Policy.

The Commonwealth Transportation Commissioner or his designee, on behalf of the Commonwealth Transportation Board, is authorized to issue administrative procedures and additional guidance as may be necessary to implement this policy.

The Chief Engineer, on behalf of the Commonwealth Transportation Board, is authorized to make the final determination on all noise abatement related issues and will consult

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with the FHWA when those determinations involve federal regulation, policy and guidance.

The Chief Engineer will brief the Commonwealth Transportation Board members on all proposed changes to the Highway Traffic Noise Impact Analysis Guidance Manual.

BE IT FURTHER RESOLVED, under authority granted by § 33.1-12 (7) of the Code of Virginia, that the Commonwealth Transportation Board also hereby approves the *Highway Traffic Noise Impact Analysis Guidance Manual*, which the Office of the Attorney General has determined meets the criteria to be classified as a "Guidance Document" under § 2.2-4001 of the Administrative Process Act.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board hereby directs VDOT to submit the regulatory action to comply with the regulatory and Guidance Document submission requirements established by the *Code of Virginia*, Executive Order No. 14 (2010), and the State Registrar of Regulations, as appropriate, so that the action shall become effective on July 13, 2011.

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