

District Department of Transportation

# NOISE POLICY

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Federal Highway  
Administration

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district department of transportation

# DDOT Noise Policy

District of Columbia Department of Transportation

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# TABLE OF CONTENT

1. INTRODUCTION	3
2. PURPOSE	4
3. NOISE STANDARDS	4
4. DEFINITIONS	4
5. APPLICABILITY	7
6. SUMMARY OF KEY LEGISLATION, REGULATIONS, AND GUIDANCE	8
7. GENERAL METHODOLOGY OF EVALUATION	9
8. CONSTRUCTION NOISE EVALUATION METHODOLOGY	16
9. FORMAT AND CONTENTS OF DOCUMENTATION	18
10. APPENDICES	20
11. ADDITIONAL INFORMATION	20
Appendix A	
Appendix B	

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# DISTRICT DEPARTMENT OF TRANSPORTATION NOISE POLICY

20 December 2010

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## 1. INTRODUCTION:

This document provides the procedural guidelines for assessing noise impacts associated with the construction and operation of highway improvements. These procedures are based on the Federal Highway Administration's (FHWA) noise policy at Part 772 of Title 23 of the Code of Federal Regulations (23 CFR 772) (see Appendix A).

During the rapid expansion of the Interstate Highway System and other roadways in the 20th century, communities began to recognize that highway traffic noise and construction noise had become important environmental impacts. In the 1972 Federal-aid Highway Act, Congress required FHWA to develop a noise standard for new Federal-aid highway projects. While providing national criteria and requirements for all highway agencies, the FHWA Noise Standard gives highway agencies flexibility that reflects state-specific attitudes and objectives in approaching the problem of highway traffic and construction noise. This policy contains DDOT's policy on how highway traffic noise impacts are defined, how noise abatement is evaluated, and how noise abatement decisions are made.

In addition to defining traffic noise impacts, the FHWA Noise Standard requires that noise abatement measures be considered when traffic noise impacts are identified for Type I Federal projects. Noise abatement measures that are found to be feasible and reasonable must be constructed for such projects. Feasible and reasonable noise abatement measures are eligible for Federal-aid participation at the same ratio or percentage as other eligible project costs.

## 2. PURPOSE:

This policy describes DDOT program to implement 23 CFR 772. Where FHWA has given DDOT the flexibility in implementing the standard, this policy describes DDOT's approach to implementation.

Protection of the public health and welfare is an important responsibility that FHWA and DDOT help to accomplish during the planning and design of a highway project. In the 1970 Federal-Aid Highway Act, the U.S. Congress directed FHWA to develop noise standards. The District of Columbia Noise Control Act of 1977 (DC Law 2-53) as amended, by the DC Noise Control Act Amendment of 1996 (DC Law 11-161) and its implementing regulations declared it a policy of the District of Columbia (District) to reduce the ambient noise level in the District to promote public health, safety, welfare, and the peace and quiet of the inhabitants of the District, and to facilitate the enjoyment of the natural attraction of the District.

## 4. DEFINITIONS:

**Abatement:** Any mitigation technique that results in lower noise levels.

**“Approach” NAC:** 1.0 db(A) less than NAC.

**Barrier:** A natural or man-made object that interrupts the path of sound from the sound source to the sound receptor.

**Benefited Receptor:** The recipient of an abatement measure that receives a noise reduction at or above the minimum threshold of 5 dB(A), but not to exceed the highway agency’s reasonableness design goal.

**Common Noise Environment:** A group of receptors within the same Activity Category in Table 1 that are exposed to similar noise sources and levels; traffic volumes, traffic mix, and speed; and topographic features. Generally, common noise environments occur between two secondary noise sources, such as interchanges, intersections, cross-roads.

**Date of Public Knowledge:** The date of approval of the Categorical Exclusion (CE), the Finding of No Significant Impact (FONSI), or the Record of Decision (ROD), as defined in 23 CFR 771.

**Descriptors, acoustical:** The following descriptors are often used:

- i. dBA: A-weighted sound level measured in decibels
- ii. L10: The sound level that is exceeded 10 percent of the time (the 90th percentile) for the period under consideration, with L10(h) being the hourly value of L10.
- iii. Leq: The equivalent steady-state sound level which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same time period, with Leq(h) being the hourly value of Leq.

**Design Year:** The future year used to estimate the probable traffic volume for which a highway is designed.

**Existing Noise Levels:** The worst noise hour resulting from the combination of natural and mechanical sources and human activity usually present in a particular area.

**Feasibility:** The combination of acoustical and engineering factors considered in the evaluation of a noise abatement measure.

**Impacted Receptor:** The recipient that has a traffic noise impact.

**L10:** The sound level that is exceeded 10 percent of the time (the 90th percentile) for the period under consideration, with L10(h) being the hourly value of L10.

**Leq:** The equivalent steady-state sound level which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same time period, with  $Leq(h)$  being the hourly value of  $Leq$ .

**Multifamily Dwelling:** A residential structure containing more than one residence. Each residence in a multifamily dwelling shall be counted as one receptor when determining impacted and benefited receptors.

**Noise Barrier:** A physical obstruction that is constructed between the highway noise source and the noise sensitive receptor(s) that lowers the noise level, including stand alone noise walls, noise berms (earth or other material), and combination berm/wall systems.

**Noise Reduction Design Goal:** The optimum desired dB(A) noise reduction determined from calculating the difference between future build noise levels with abatement, to future build noise levels without abatement. The noise reduction design goal shall be at least 7 dB(A), but not more than 10 dB(A).

**Permitted:** A definite commitment to develop land with an approved specific design of land use activities as evidenced by the issuance of a building permit.

**Property Owner:** An individual or group of individuals that holds a title, deed, or other legal documentation of ownership of a property or a residence.

**Reasonableness:** The combination of social, economic, and environmental factors considered in the evaluation of a noise abatement measure.

**Receptor:** A discrete or representative location of a noise sensitive area(s), for any of the land uses listed in Table 1.

**Residence:** A dwelling unit. Either a single family residence or each dwelling unit in a multifamily dwelling.

**Statement of Likelihood:** A statement provided in the environmental clearance document based on the feasibility and reasonableness analysis completed at the time the environmental document is being approved.

**Substantial Construction:** The granting of a building permit, prior to right-of-way acquisition or construction approval for the highway.

**Substantial noise increase:** One of two types of highway traffic noise impacts. For a Type I project, in DDOT an increase in noise levels of 10.0 dB(A) or more in the design year over the existing noise level.

**Traffic Noise Impacts:** Design year build condition noise levels that approach or exceed the NAC listed in Table 1 for the future build condition; or design year build condition noise levels that create a substantial noise increase over existing noise levels.

**Type I Project:** Following projects are considered Type 1 projects:

1. The construction of a highway on new location; or,
2. The physical alteration of an existing highway where there is either:
  - i. Substantial Horizontal Alteration. A project that halves the distance between the traffic noise source and the closest receptor between the existing condition to the future build condition; or,
  - ii. Substantial Vertical Alteration. A project that removes shielding therefore exposing the line-of-sight between the receptor and the traffic noise source. This is done by either altering the vertical alignment of the highway or by altering the topography between the highway traffic noise source and the receptor; or,
3. The addition of a through-traffic lane(s). This includes the addition of a through-traffic lane that functions as a HOV lane, High-Occupancy Toll (HOT) lane, bus lane, or truck climbing lane; or,
4. The addition of an auxiliary lane, except for when the auxiliary lane is a turn lane; or,
5. The addition or relocation of interchange lanes or ramps added to a quadrant to complete an existing partial interchange; or,
6. Restriping existing pavement for the purpose of adding a through-traffic lane or an auxiliary lane; or,
7. The addition of a new or substantial alteration of a weigh station, rest stop, ride-share lot or toll plaza.
8. If a project is determined to be a Type I project per § 772.5 then the entire project area as defined in the environmental document is a Type I project.

**Type II Project:** A Federal or Federal-aid highway project for noise abatement on an existing highway. For a Type II project to be eligible for Federal-aid funding, the highway agency must develop and implement a Type II program in accordance with section 772.7(e).

**Type III Project:** A Federal or Federal-aid highway project that does not meet the classifications of a Type I or Type II project. Type III projects do not require a noise analysis.

## 4. APPLICABILITY:

This policy applies to all Federal highway projects in the District of Columbia; that is, any projects that receive Federal-aid highway funds or are otherwise subject to FHWA approval. These procedures are applicable to federally funded projects and are based on the Federal Highway Administration's (FHWA) noise policy at Part 772 of Title 23 of the Code of Federal Regulations (23 CFR 772) (see Appendix A). They are applicable to the following projects:

**Type I Project:** Following projects are considered Type 1 projects:

1. The construction of a highway on new location; or,
2. The physical alteration of an existing highway where there is either:
  - i. Substantial Horizontal Alteration. A project that halves the distance between the traffic noise source and the closest receptor between the existing condition to the future build condition; or,
  - ii. Substantial Vertical Alteration. A project that removes shielding therefore exposing the line-of-sight between the receptor and the traffic noise source. This is done by either altering the vertical alignment of the highway or by altering the topography between the highway traffic noise source and the receptor; or,
3. The addition of a through-traffic lane(s). This includes the addition of a through-traffic lane that functions as a HOV lane, High-Occupancy Toll (HOT) lane, bus lane, or truck climbing lane; or,
4. The addition of an auxiliary lane, except for when the auxiliary lane is a turn lane; or,
5. The addition or relocation of interchange lanes or ramps added to a quadrant to complete an existing partial interchange; or,
6. Restriping existing pavement for the purpose of adding a through-traffic lane or an auxiliary lane; or,
7. The addition of a new or substantial alteration of a weigh station, rest stop, ride-share lot or toll plaza.

**Type II Project:** A Federal or Federal-aid highway project for noise abatement on an existing highway. For a Type II project to be eligible for Federal-aid funding, the highway agency must develop and implement a Type II program in accordance with section 772.7(e).

**Type III Project:** A Federal or Federal-aid highway project that does not meet the classifications of a Type I or Type II project. Type III projects do not require a noise analysis.

## 5. SUMMARY OF KEY LEGISLATION, REGULATIONS, AND GUIDANCE

Relative to noise, two principal sources are considered.

- The impacts associated with vehicular traffic using a new or improved roadway (highway traffic noise)
- The impacts associated with building a new roadway or improving an existing roadway (construction noise)

### 5.1. Highway Traffic Noise:

As noted earlier, 23 CFR 772 contains the FHWA noise policy. This policy is further defined in *Highway Traffic Noise: Analysis and Abatement Policy and Guidance* (FHWA 2010). All federal-aid highway projects must be developed in conformance with these directives. The FHWA process for evaluating traffic-related noise impacts is often summarized by the following steps:

1. Identify existing activities (sensitive receptors)
2. Determine existing noise levels
3. Predict future noise levels
4. Identify potential impacts
5. Evaluate abatement measures

These steps apply to only Type I projects (new highway construction or significant alterations to existing highways). Type II projects are noise abatement activities along existing federal-aid highways. Currently, DDOT does not have a Type II program.

### 5.2. Construction Noise:

Construction noise analysis related to transportation projects is typically documented in conjunction with the project's highway traffic noise analysis. At each point in project development where highway traffic noise data are produced, a complementary construction noise subsection will be included in the documentation. Most projects will not require modeling of construction noise. In many cases, construction noise may be adequately addressed through the narrative discussion or an application of a simplified manual calculation technique. The use of sophisticated modeling techniques is typically only required for the most complex projects.

In the District of Columbia, construction noise is regulated by Title 20 of the District of Columbia Code of Municipal Regulations (DCMR). These regulations are the appropriate standards to use when assessing project-related impacts.

## 6. GENERAL METHODOLOGY OF EVALUATION:

This section summarizes the general methodology associated with investigating highway traffic noise and construction noise. Section 6.1 explains the DDOT policy regarding noise impact and abatement measures, and relates the analysis of noise to the DDOT Project Development Process. The technical procedures for analyzing noise according to the FHWA methods are explained later in this document.

**Table 1: Noise Abatement Criteria (NAC)**

(Hourly A-Weighted Sound Level decibels (dBA)\*)

Source: 23 CFR, Part 772

Activity Category	Activity Criteria*		Evaluation Location	Activity Description
	Leq (h)	L10(h)		
A	57	60	Exterior	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B***	67	70	Exterior	Residential
	52	55	Interior	
C***	67	70	Exterior	Active sport areas, amphitheaters, auditoriums, campgrounds, cemeteries, day care centers, hospitals, libraries, medical facilities, parks, picnic areas, places of worship, playgrounds, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, recreation areas, Section 4(f) sites, schools, television studios, trails, and trail crossings
D	52	55	Interior	Auditoriums, day care centers, hospitals, libraries, medical facilities, places of worship, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, schools, and television studios
E***	72	75	Exterior	Hotels, motels, offices, restaurants/bars, and other developed lands, properties or activities not included in A-D or F.
F	--	--	--	Agriculture, airports, bus yards, emergency services, industrial, logging, maintenance facilities, manufacturing, mining, rail yards, retail facilities, shipyards, utilities (water resources, water treatment, electrical), and warehousing
G	--	--	--	Undeveloped lands that are not permitted

\* Either Leq(h) or L10(h) (but not both) may be used on a project.

\*\* The Leq(h) and L10(h) Activity Criteria values are for impact determination only, and are not design standards for noise abatement measures.

\*\*\* Includes undeveloped lands permitted for this activity category

## 6.1. DDOT Highway Traffic Noise Analysis and Policy:

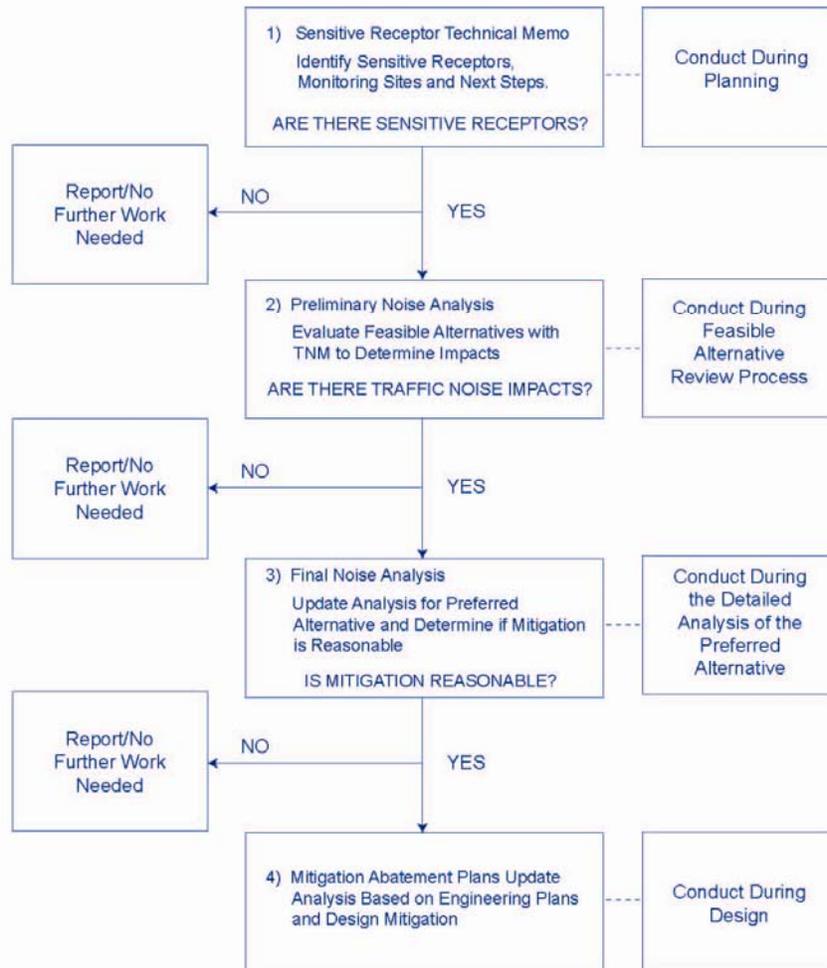
It is DDOT policy that noise mitigation should be considered whenever a project-related highway traffic noise impact is expected to occur. A highway traffic noise impact is deemed to occur when predicted (design-year) noise levels either approach or exceed the applicable NAC or substantially increase the existing noise levels. Generally, an effective noise abatement treatment is reasonable if its cost per benefited residential unit is no more than \$40,000 and it meets all of the other reasonableness criteria (see Section 7.3). Work related to the highway traffic noise analysis is conducted at three points within the DDOT Project Development process.

Preliminary investigations are conducted during the early planning steps, before the DDOT Environmental Compliance review meeting. Important background data are collected that will assist in the planning process. The key question is: *are there sensitive receptors in the project area?* If there are, the distribution of the sensitive receptors within the project area will be valuable information for the planning study. The data collected at this time will also be valuable for scoping subsequent noise tasks. If no sensitive receptors are present, no further noise analysis may be necessary. The data collected at this stage will be presented in a Sensitive Receptor Identification Technical Memorandum. The scope of this work is discussed below, and the format of the technical memorandum is presented in Section 9. The bulk of a project's highway traffic noise analysis will be conducted during the development of the NEPA document. Two deliverables are expected:

- The preliminary noise report documents the evaluation of the project's feasible alternatives. The key question will be to determine: *is a highway traffic noise impact expected to occur?* The answer will be obtained by determining existing noise levels, modeling to predict future noise levels, and evaluating the results against the appropriate standards. These data will be useful in evaluating the feasible alternatives and selecting a preferred alternative. The scope of this work is discussed below and the format of the preliminary noise report is presented in Section 9.
- The final noise report provides an update of the noise analysis for the preferred alternative. The important questions answered in this report are: *has the preferred alternative been modified materially since the preliminary noise analysis? And, if a highway traffic noise impact is predicted, is mitigation feasible and reasonable?* The answers to these questions will be essential to developing appropriate mitigation measures. The scope of this work is discussed below and the format of the final noise report is presented in Section 9.

The final component of a highway traffic noise analysis will be conducted during project design. If mitigation is required, the analysis will be updated, as necessary, and the mitigation (typically noise barriers) will be designed and included in the construction plans. Figure 1 is a flowchart that describes the execution of a typical highway noise analysis.

FIGURE 1: TYPICAL HIGHWAY NOISE ANALYSIS



## 6.2. FHWA Highway Traffic Noise Analysis:

The steps involved in the FHWA process for evaluating traffic-related noise impacts are described below:

1. Identify Existing Activities
2. Measure Existing Noise Levels
3. Predict Future Noise Levels
4. Identify Potential Impacts
5. Evaluate Appropriate Abatement Measures

### 6.2.1. Identify Existing Activities (Sensitive Receptors)

To inform the planning process and develop the information necessary for scoping future noise-related activities, the following data will be required:

- Assigning land use activities
- Identifying sensitive receptors and special land uses
- Establishing representative monitoring locations and modeling sites

#### Assign Land Use Activities

Because NACs are categorized by land use activity (see Table 1), the land uses within the project area must be identified. This can be accomplished through a review of existing materials. An inventory of existing/planned land uses and existing/planned zoning classifications are available through Title 10 and 11 of the DCMR. Where land adjacent to the project boundaries is undeveloped, the analysis shall consider whether there is a commitment to develop the property. A commitment may be described as a recorded subdivision plat, municipally approved site plan, municipally approved construction documents, building permit, or other similar dated documentation that demonstrates a reasonable vested financial interest in developing the property.

#### Identify Sensitive Receptors and Special Land Uses

Based on the land use assignments, noise-sensitive land uses (sensitive receptors) can be established. A sensitive receptor is a noise-sensitive location registering measurable sound levels as described in 23 CFR 722 – typically a residence or other use that would be negatively affected by noise. In a noise model, a modeling site may represent one or more noise-sensitive locations/residences.

Special land uses are noise-sensitive land uses that cannot be appropriately evaluated with a cost/benefit evaluation. These typically include the *exterior* portions of nonprofit institutional uses such as churches, libraries, parks, recreational areas, and schools. They can also include the *interior* portions of particularly sensitive uses, such as the performance portions of auditoriums,

the patient quarters on the first floors of hospitals/medical centers, classrooms, and sanctuaries (that face the roadway).

#### **Establish Representative Monitoring Locations and Modeling Sites**

Using the preceding information, representative locations for monitoring existing noise conditions can be established (monitoring locations). Monitoring locations should be representative of the land uses they are meant to represent. A photolog and project mapping should document the monitoring locations proposed. Because their primary use will be the calibration of the traffic noise model, the distribution and number of field monitoring locations should be adequate for that purpose.

Similarly, representative sites for noise prediction (modeling sites) can be established. It is not necessary to have modeling sites for each residence. However, sufficient noise modeling sites must be used to adequately represent the entire population of sensitive receptors. A photolog and project mapping should document the modeling sites proposed. Monitoring locations and modeling sites should be placed in areas of outdoor activity and at least 3 meters away from buildings. Also, it is often helpful for monitoring locations and modeling sites to be distributed such that front row and second row receptor evaluation is possible. Monitoring locations and modeling sites are typically limited to within 600 feet of the proposed improvements.

#### **6.2.2. Measure Existing Noise Levels:**

At the representative monitoring locations, existing noise levels will be measured using a noise meter during peak noise hour traffic conditions. The field measurements must be consistent with the guidelines contained in the FHWA *Highway Traffic Noise: Analysis and Abatement Guidance (June 2010)* and DCMR Chapter 29, Noise Measuring Test Procedures.

The field measurements will be used to calibrate the traffic noise model. As the noise level is dependent on traffic volumes at the time of the measurement, traffic counts must also be taken during the measurement period to properly populate the calibration run. If the difference between the field measurements and the calibration run is less than 3 dBA, the model can be said to be properly calibrated. In instances involving new roadways on new alignments, the measured noise levels will represent the existing noise levels. In all other cases, the calibrated model (using peak hour certified/project traffic volumes) will be used to produce the existing noise levels against which the future noise levels will be compared to determine impacts.

#### **6.2.3. Predict Future Noise Levels:**

The prediction of future noise levels relies on the certified/project traffic volumes for the peak noise hour in the design-year. The peak noise hour is often the peak truck hour. Future noise-level predictions are required for all build alternatives under consideration and for the no-build alternative.

Noise prediction methodologies should be consistent with current FHWA approved methods. Currently, this involves the use of TNM version 2.5. The construction of an adequate model requires three-dimensional coordinates for the existing conditions and for the proposed alternatives. The methods used to create the model require documentation, adequate to ensure that the stakeholders can assess its robustness. Typically, the engineering data available with which to construct noise models improves as the project advances through the project development process. The prediction of noise levels should use the posted speed limit or the highest overall speed that a driver can travel on a given road, under favorable conditions.

Under certain circumstances, the TNM Lookup Tables may be appropriate for use as a screening tool. These situations include projects with a limited number of receptors, with minimal elevation changes between roadway and receptor, with no intersections or interchanges, with roadways that are not divided or more than two lanes wide, and with no structure abatement. The use of the TNM Lookup Tables should be addressed/requested in the Sensitive Receptor Identification Technical Memo.

#### **6.2.4. Identify Potential Impacts:**

As noted earlier, a highway traffic noise impact is deemed to occur when predicted (design-year) noise levels either approach or exceed the applicable NAC or substantially increase noise levels. If either of these conditions exists, a highway traffic noise impact occurs and noise abatement must be considered. Please see “definition” section of this document for definitions of “approach” and “substantial noise increase”.

#### **6.2.5. Evaluate Appropriate Abatement Measures:**

At a minimum, potential traffic noise mitigation measures include the following:

- Constructing noise barriers within the proposed right-of-way
- Modifying the proposed horizontal and/or vertical alignment of the roadway
- Acquiring property to serve as a buffer zone
- Modifying the pavement type
- Designating exclusive land uses
- Modifying speed limits
- Restricting truck traffic
- Providing noise insulation

Of these mitigation measures, the noise barrier option is usually the most practical and effective choice, however, the District of Columbia (District) is a dense urban area. Most of the District has existing roadways with a narrow right of way. The District also has a historic character with view sheds of national importance. The addition of noise walls in such areas can cause severe impacts to the historic character of the area and to views to the national monuments. Nevertheless, for all *possible* abatement measures, a cost/benefit analysis is required. In most cases, this will focus on the practicality of the mitigation method (whether it is possible to

implement within the context of the project's purpose and need). In order for a noise abatement option to be selected, it must be both feasible and reasonable.

### 6.3. Traffic Noise Mitigation Feasibility and Reasonableness Criteria:

#### Feasibility:

For a noise abatement technique to be considered feasible, all of the following must be true:

1. Achievement of at least a 7 dB(A) highway traffic noise reduction at impacted receptors.
2. Determination that it is possible to design and construct the noise abatement measure. Factors to consider are safety, barrier height, topography, drainage, utilities, maintenance of the abatement measure, and access to adjacent properties.
3. Placement of a barrier will not restrict pedestrian or vehicular access
4. Construction of a barrier will not cause safety or maintenance problems
5. Noise barrier can be constructed given topography, drainage, utilities, etc.
6. Noise barrier will not have impacts on Section 4(f) resource
7. Noise barrier will not have adverse effect on Section 106 resources
8. There are no non-highway noise sources that would reduce barrier effectiveness

#### Reasonableness:

For a noise abatement technique to be considered reasonable, all of the following must be true:

1. The abatement will cost no more than \$40,000 per benefited residential unit.
2. A majority of the affected (experience noise increases) residents desire mitigation. A supermajority of the benefited (receive a reduction of 7 dBA) residents desire mitigation.
3. A majority of the affected uses predate the initial construction of the original highway.
4. A majority of the affected uses have been in place for at least 10 years.
5. Future traffic noise levels are at least 75 dBA or at least 10 dBA higher than existing traffic noise levels.

When estimating the cost of a noise barrier, the DDOT Infrastructure Project Management Administration should be contacted. In 2008, a figure of \$25 per square foot is appropriate. Noise abatement is offered where it is feasible, reasonable, and desired. DDOT does not require the installation of noise abatement when it is counter to the wishes of the affected public. Local officials and the affected public should have adequate opportunity to review and comment on mitigation proposals. The decision-making process will need to be documented in both the NEPA document and the preliminary and final noise reports.

In situations where severe highway traffic noise impacts are expected, mitigation planning is conducted on a case-by-case basis. Special abatement measures may be appropriate, such as increasing the cost limits per benefited residential unit, purchase of structures by willing sellers, or interior insulation. The FHWA division administrator must approve any special abatement measures.

There is no cost-reasonableness criterion for special land uses. DDOT will consider noise abatement for all special land uses on a case-by-case basis. Typically, abatement is feasible for *outdoor* special land uses when there is frequent human use and the abatement measures provide a 5-dBA reduction in the design-year noise levels. For nonpoint situations, such as parks, noise levels are usually measured at locations between 100 to 150 feet from the roadway. For *indoor* special land uses, abatement measures may include improving insulation, installing central air conditioning, providing acoustical drapes, or installing solid core doors/double-paned windows. Eligibility for indoor abatement can be determined from inspections of affected buildings to observe existing conditions and assess the viability of other techniques. Not all structures will qualify. Indoor abatement requires documentation with regards to a measure's effectiveness in achieving substantial noise reductions (5 dBA) in areas of frequent and sensitive human use. Relative to noise barriers (walls), reflective materials are only appropriate in areas with no noise-sensitive land uses on the opposite side of the roadway. All barriers will be constructed within highway right-of-way, with the preferred location for barriers along the right-of-way line. Barriers shall meet the requirements of the DDOT design standards as defined in DDOT Design and Engineering Manual.

For abatement of noise at a new development in a proposed project area, the planned development (as documented in a recorded subdivision plat, municipally approved site plan, municipally approved construction documents, building permit, or other similar dated documentation that demonstrates a reasonable vested financial interest in developing the property) must precede the date of public knowledge of the proposed roadway project. The date of public knowledge of the project shall be considered the date that a project's NEPA documentation is approved. For new development that occurs adjacent to the proposed highway project after this date, DDOT will not consider noise abatement.

## 7. CONSTRUCTION NOISE EVALUATION METHODOLOGY:

There is nothing particularly unique about construction noise. It is produced by construction equipment or activities with sufficient magnitude (loudness) and within a certain frequency range (audible spectrum) such that human beings can hear it. While mostly annoying at night, construction noise can be equally unwelcome during the daytime. For instance, in commercial areas it can interfere with the ability to conduct business. Consequently, if not properly addressed, public concerns related to a project's construction noise impacts can unnecessarily affect/delay project development.

The general steps associated with a construction noise analysis are:

1. Identifying activities that may be negatively affected by construction noise
2. Identifying the measures needed to minimize adverse construction noise impacts
3. Incorporating appropriate abatement measures into the project's plans

Data regarding construction noise should be assessed in conjunction with the project's highway traffic noise analysis.

### 7.1. Identifying Activities That May Be Negatively Affected by Construction Noise:

The identification of activities that may be negatively affected by construction noise should mirror the process described in Section 6.

### 7.2. Identifying the Measures Needed to Minimize Adverse Construction Noise Impacts:

Most projects will not require modeling. In many cases, construction noise may be adequately evaluated through a narrative discussion or an application of a simplified manual calculation technique. The use of sophisticated modeling techniques is typically only required for the most complex projects. The state-of-the-art model is the FHWA Roadway Construction Noise Model (RCNM). The RCNM enables the prediction of construction noise levels for various construction operations based on a compilation of empirical data and the application of acoustical propagation formulas. If a construction noise impact is anticipated at a particular sensitive receptor, the use of the model contained in FHWA's *Highway Construction Noise Measurement, Prediction and Mitigation* is generally acceptable. The scope of needed construction-related noise analysis should be delineated during the project's planning steps.

In the District of Columbia, construction noise is regulated by Title 20 of the DCMR. These regulations are the appropriate standards to use when assessing project-related impacts. The basic protocol under the DCMR is the establishment of maximum noise levels for the District's various land uses. Chapter 27 of Title 20 addresses general provisions, exemptions, and other procedural issues. Chapter 28 establishes maximum noise levels. Chapter 29 establishes noise-

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measuring procedures. The DCMR provides construction-timing limitations as well as sound-level limitations. Both are typically distributed by land use type.

### **7.3. Incorporate needed abatement measures into the project's plans:**

Abatement measures to minimize construction noise impacts, in accordance with the DCMR, should be incorporated into the project's environmental commitments. Typically, adherence with the DDOT construction and material specifications is adequate to comply with the DCMR limitations. A common sense approach to noise mitigation should be implemented. Low-cost and easy-to-implement measures are usually adequate. Environmental commitments should avoid unnecessarily constraining construction activities. Only in unusual circumstances should specific techniques be mandated. Conscientious construction firms are well aware of District constraints and are in the best position to comply in a way that does not negatively affect project construction.

## 8. APPENDICES:

- Appendix A: 23 CFR 772. 2010. Procedures for Abatement of Highway Traffic Noise and Construction Noise.
- Appendix B. FHWA Highway Traffic Noise Analysis and Abatement Policy and Guidance. June 2010.

## 11. ADDITIONAL INFORMATION:

- a. DDOT. 2010. *DDOT Environmental Policy and Process Manual*.
- b. DDOT. 2005. *Design and Engineering Manual*.
- c. District of Columbia. *District of Columbia Municipal Regulations*.
- d. FHWA. 2006. *FHWA Roadway Construction Noise Model User's Guide*. Report No. FHWA-HEP-05-054. Washington DC. January.
- e. FHWA. 1998. *Traffic Noise Model (Look-Up Tables)*. Report No. FHWA-PD-98-047. Washington DC. July.
- f. FHWA. 1998. *Traffic Noise Model Technical Manual*. Report No. FHWA-PD-96-010. Washington DC. February.
- g. FHWA. 1998. *Traffic Noise Model User's Guide*. Report No. FHWA-PD-96-009. Washington DC. January.
- h. FHWA. 1996. *Measurement of Highway Related Noise*. May.

# **APPENDIX A:**

23 CFR 772 Procedures for Abatement of Highway Traffic  
Noise and Construction Noise (2010)

by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 772

[FHWA Docket No. FHWA-2008-0114]

RIN 2125-AF26

#### Procedures for Abatement of Highway Traffic Noise and Construction Noise

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Federal regulations on the Procedures for Abatement of Highway Traffic Noise and Construction Noise. The final rule clarifies and adds definitions, the applicability of this regulation, certain analysis requirements, and the use of Federal funds for noise abatement measures.

**DATES:** *Effective date:* July 13, 2011.

*Incorporation by reference:* The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 13, 2011.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark Ferroni, Office of Natural and Human Environment, (202) 366-3233, or Mr. Robert Black, Office of the Chief Counsel, (202) 366-1359, Federal Highway Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

#### SUPPLEMENTARY INFORMATION:

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#### Background

The FHWA developed the noise regulation as required by section 136 of the Federal-Aid Highway Act of 1970 (codified at 23 U.S.C. 109(i)). The regulation applies to highway construction projects where a State department of transportation has requested Federal funding for participation in the project. The FHWA noise regulation, found at 23 CFR 772, requires a highway agency to investigate traffic noise impacts in areas adjacent to federally funded highways for the proposed construction of a highway on a new location or the reconstruction of an existing highway that either significantly changes the horizontal or vertical alignment or increases the number of through-traffic lanes. If the highway agency identifies impacts, it must consider abatement. The highway agency must incorporate all feasible and reasonable noise abatement into the project design.

The FHWA published the "Highway Traffic Noise Analysis and Abatement Policy and Guidance" (Policy and Guidance), dated June 1995 (available at <http://www.fhwa.dot.gov/environment/noise/polguide/polguid.pdf>), which provides guidance and policy on highway traffic and construction noise abatement procedures for Federal-aid projects. While updating the 1995 Policy and Guidance, the FHWA determined that certain changes to the noise regulations were necessary.

As a result, the FHWA published a Notice of Proposed Rulemaking (NPRM) on September 17, 2009 (74 FR 47762). This final rule amends sections 772.1, 772.5 to 772.17, and Table 1—Noise Abatement Criteria. Sections 772.3 and 772.19 are not amended by this final rule, and Appendix A—National Reference Energy Mean Emission Levels as a Function of Speed, is removed by this final rule. This final rule also reorganizes various sections and parts of sections throughout the NPRM to institute a more logical order in the regulation. This reorganization does not change the meaning of the regulation and is not substantive in nature.

In the preamble of the NPRM, the FHWA specifically asked for comments

on the cost of abatement, third party funding for abatement, and maintaining a noise abatement inventory. The FHWA appreciates the comments received on this section. A summary of the comments received and the FHWA's response to these comments can be found in the discussion of comments section.

The preamble of the NPRM requested comments on a proposed timeline for highway agencies to revise and have the FHWA approve their noise policies. Changes to this timeline have been made based on the comments received. Therefore, highway agencies will need to submit their revised noise policy, meeting the requirements of this final rule, to FHWA for approval within 6 months from the publication date of this final rule. The FHWA will review the highway agency's revised noise policy for conformance to the final rule and uniform and consistent application nationwide. The highway agency will provide FHWA a review schedule for approval of their revised noise policy that does not exceed 3 months from the highway agency's first submission of the revised noise policy to the FHWA. Each review of the document by FHWA should have a duration of at least 14 days for the initial and subsequent reviews. The highway agency's main point of contact for this review will be the FHWA Division Office in their State. Each highway agency's revised noise document will be concurrently reviewed by three FHWA offices to ensure uniform and consistent application of this final rule nationwide (one from the respective Division Office, one from the Resource Center, and one from Headquarters). Failure to submit a revised noise policy in accordance with the final rule could result in a delay in FHWA's approval of Federal-aid highway projects that require a noise analysis. The highway agency would be required to implement the new standard no later than 12 months from the date this final rule was published in the **Federal Register**.

Grandfathering to the pre-final rule of 23 CFR 772 should be considered for Federal-aid highway projects for which the Categorical Exclusion, Finding of No Significant Impact, or Record of Decision has been signed by the effective date of this final rule. The State highway agency should coordinate with their FHWA Division Office to determine which projects, if any, should be completed under the previous 23 CFR 772 and highway agency's previously approved noise policy.

The FHWA has updated the Policy and Guidance document to reflect what is presented in this final rule. Highway

agencies should use this document for additional guidance when developing their revised noise policies in compliance with this final rule. To further assist highway agencies in revising their noise policies, the FHWA has developed a policy template for the highway agencies to use if they desire to do so. The updated guidance and optional policy template can be found at: <http://www.fhwa.dot.gov/Environment/noise/index.htm>.

### Discussion of Comments

The agency received comments from 25 State highway agencies (California, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, North Carolina, New Jersey, New York, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin), 1 county highway agency (Anoka County Highway Department, Minnesota), 1 national organization (American Association of State Highway and Transportation Officials (AASHTO)), 7 noise consultants or consulting firms (Bergmann Associates, Inc., Bowlby & Associates, Environmental Acoustics, Inc., Environmental Science Associates, HNTB Corporation, Karel Cubic and Sharon Paul Carpenter), 1 university (East Carolina University), and 1 private citizen (Jennifer Leigh Hanson).

There were several comments received that were general in nature. Three State highway agencies and one private consultant expressed that they generally agreed with the NPRM. One private consultant commented that the numbering of the regulation should not skip the even numbers. The FHWA will retain the numbering sequence that the regulation currently has. One private consultant commented on the parentheses used on the "A" of dB(A). It is FHWA's position that since the metric used to assess highway traffic noise levels is the A-weighted decibel, that decibel be illustrated by "dB" and the parentheses are needed around the "A" to illustrate the A-weighting. The parentheses are commonly used by the highway noise industry and will be retained in the final rule. Two State highway agencies and a university commented that quiet pavements should be allowed as a federally funded noise abatement measure. While the FHWA recognizes the efforts of many State highway agencies and the pavement industries, there are still too many unknowns that currently prohibit the use of pavement as a noise abatement measure. One national organization commented that while they

recognize the importance of uniform and consistent application of this regulation nationwide, they encourage the FHWA to incorporate flexibility to accommodate regional and State-specific needs. The FHWA has incorporated flexibility while setting specific parameters throughout this final rule. There are numerous situations in the final rule where the State highway agency is permitted to completely define a definition or process, or define a definition or process within the parameters set by the FHWA.

Based on comments received, the FHWA has changed the order and titles of several of the sections. The current section 772.17 "Traffic Noise Predication" is now section 772.9, with the same title. The current section 772.9 "Analysis of traffic noise impacts and abatement measures" is now section 772.11, with the title "Analysis of traffic noise impacts." The "and abatement measures" of this title has been removed as it is redundant with the noise abatement section. The current section 772.11 "Noise abatement" is now section 772.13, with the new title of "Analysis of noise abatement," which keeps consistent with the previous section dealing with the analysis of traffic noise impacts. The current section 772.13 "Federal participation" is now section 772.15 with the same title. The current section 772.15 "Information for local officials" is now section 772.17 with the same title.

### Section-by-Section Discussion of Comments

#### Section 772.1—Purpose

In section 772.1, the FHWA is adding the word "livability" to this section, not based on comments received, but to incorporate the DOT Secretary's livability initiative.

#### Section 772.3—Noise Standards

In section 772.3, no changes have been made to this section based on comments received; however, one State highway agency commented on the difference between the use of the words "accordance" and "conformance." The FHWA did not use these two terms to show a difference in meaning, but rather to illustrate agreement between both the regulation and the noise standard.

#### Section 772.5—Definitions

In section 772.5, three State highway agencies and one private consultant commented that the definitions should be placed in alphabetical order. The FHWA agrees and the definitions are now listed and discussed in this final rule in alphabetical order. Also, one

State highway agency suggested adding a definition for substantial noise reduction. The FHWA disagrees with the addition of "substantial noise reduction" since this principle is adequately addressed in the other sections of the final rule.

Benefited Receptor, 10 State highway agencies, 1 national organization, and 5 private consultants commented on the definition of benefited receptor. Eleven commenters generally support the definition with minor or no revisions, with two comments desiring additional flexibility in defining and applying benefited receptors. Three comments concerned the issues of benefited receptors that are impacted and benefited receptors that are not impacted, and two comments were concerned with a discernable 5 dB(A) change in noise versus a perceptible 3 dB(A) change in noise.

The FHWA has changed the definition to indicate that a benefited receptor is a "recipient of an abatement measure that receives a noise reduction at or above the minimum threshold of 5 dB(A), but not to exceed the highway agency's reasonableness design goal." The definition retains the 5 dB(A) minimum threshold, but provides flexibility to State highway agencies by allowing the agency to define a benefited receptor as one benefitting from a reduction in noise level that is between 5 dB(A) and the agency's design goal. These changes ensure construction of effective noise abatement measures. Generally, a 5 dB(A) change in noise levels is deemed discernible by a person with normal hearing. Noise abatement activities should result in a discernible 5 dB(A) change in noise level rather than a perceptible 3 dB(A) change in noise level. This approach provides a consistent approach throughout this final rule. State highway agencies will still be able to differentiate between benefiting impacted and non-impacted receivers within their own policies. States may continue weighting impacted receptors greater than non-impacted receptors when making decisions about reasonableness of noise abatement.

Common Noise Environment, seven State highway agencies, one national organization, and three private consultants commented on the definition of common noise environment. The definition was generally supported with minor changes or clarifications requested. Two commenters disagreed with the definition. Based on a comment from the New York DOT, the FHWA has added "within the same Activity Category in Table 1" to the definition,

with the other comments being addressed in sec. 772.13 Analysis of Noise Abatement. The FHWA is addressing the concept of common noise environment by defining the parameters for cost averaging to ensure cost averaging is applied uniformly and consistently nationwide. States can continue to consider each neighborhood as its own noise environment. The definition allows States flexibility to consider common noise environments within the project. A noise analysis should consider secondary sources, including non-highway noise sources, as part of the common noise environment. The final rule acknowledges that a common noise environment may span an entire project area and requires consideration of a common noise environment for land uses within the same activity category.

Date of Public Knowledge, one State highway agency, one national organization, and one private consultant agreed and supported the addition of this definition. No changes were made based on comments received, however, "CE" and "ROD" were spelled out and "as defined in 23 CFR 771" was added to provide additional clarification.

Noise Reduction Design Goal, based on comments received, the FHWA is defining "noise reduction design goal" to be "[t]he optimum desired dB(A) noise reduction determined from calculating the difference between future build noise levels with abatement, to future build noise levels without abatement. The noise reduction design goal shall be at least 7 dB(A), but not more than 10 dB(A)." The FHWA is defining "Noise Reduction Design Goal" to remove the disconnect that occurs with a 5 dB(A) substantial decrease criterion and substantial increase criteria's 5–15 dB(A) range.

Design Year, two State highway agencies, one national organization, and a private consultant commented in support of the definition of design year. The FHWA made no changes to this definition in the final rule.

Existing Noise Levels, two State highway agencies, one national organization, and one private consultant commented on the definition of existing noise levels. Most comments expressed support of the definition with minor clarifications. One State highway agency sought additional clarification on what are, and how to address, non-highway traffic noise sources. It is FHWA's position that an effective noise analysis should consider major noise sources in the environment including transportation, industry, and background noise.

Feasibility, two State highway agencies, one national organization, and two private consultants commented on the definition of feasibility. The definition was generally supported with minor revisions. Based on the comments, the FHWA added "considered in the evaluation of" to the definition to clarify that the combination of acoustical and engineering factors shall be examined when considering noise abatement measures. Other comments dealt with how to apply feasibility and therefore are better suited to in sec. 772.13 where feasible noise abatement is further addressed.

Impacted Receptor, four State highway agencies, one national organization, and two private consultants submitted comments generally supportive of the definition of impacted receptor, with minor revisions regarding redundancy, and allowing State highway agencies to define. The FHWA made several changes to this definition. The definition was simplified by removing the text that made it redundant with the definition of traffic noise impacts.

L10, four State highway agencies, one national organization, and two private consultants commented on this definition. Many of the comments recommended the definition be deleted because the metric is obsolete. Although currently the L10 metric is not the most applicable metric to use on highway projects, the L10 and Leq metrics were a part of this regulation from its genesis. As a result, the State of Minnesota has a law requiring the use of L10, and therefore this metric will remain in the final rule with no changes.

Multifamily Dwelling, six State highway agencies, a national organization, and two private consultants generally support the definition of multifamily dwellings with some minor revisions including, allowing the highway agency to define the term, and a request for additional flexibility and additional guidance from the FHWA. Massachusetts DOT disagreed with the definition, indicating that, as proposed, the definition of multifamily structures would skew the cost reasonableness calculations. It is FHWA's position that the purpose of any environmental analysis is to quantify impacts first, and explore methods to mitigate those impacts. The approach of only looking at first floor receptors ignores the possibility that impacts may occur at upper floor residences. The analysis to determine impacts shall be for all outdoor areas of frequent human use, both on the ground and on balconies (if present). This does

not automatically result in feasible and reasonable noise abatement measures being determined for upper level receptors. When a multifamily dwelling has a common exterior area of frequent human use, each unit of the multifamily dwelling that has access to that common exterior shall be included in the feasible and reasonable analysis. Multifamily development does not "skew" the determination of feasible and reasonable noise abatement measures. Providing noise abatement for multifamily development results in noise abatement for a higher number of people who may be using individual or common exterior areas. Frequency of use is not based on a comparison between how a single family dwelling would use their outdoor area versus how a multifamily dwelling would use their outdoor area. This process allows all receptors to be analyzed for noise impacts, and allows all impacted receptors to be considered for noise abatement. To add clarification, the FHWA added "when determining impacted and benefiting receptors" to the end of the second sentence.

Noise Barrier, based on comments received, the FHWA is defining "noise barrier" to be "[a] physical obstruction that is constructed between the highway noise source and the noise sensitive receptor(s) that lowers the noise environment, to include stand alone noise walls, noise berms (earth or other material), and combination berm/wall systems." Noise barriers have been a longstanding proven noise abatement measure and therefore it is necessary to clarify that a noise barrier can be a wall, berm or a combination berm/wall system.

Permitted, three State highway agencies, one national organization, one county highway department, and one private consultant commented that there should be more of a definite commitment to develop, and therefore suggested renaming this definition "permitted" instead of "planned, designed and programmed." There was also a comment to retain flexibility in interpreting a definite commitment. The FHWA agrees, and has changed this definition to "permitted" and removed all references to "planned, designed and programmed" from the final rule. The FHWA also added "as evidence by issuance of a building permit" to the definition.

Property Owner, three State highway agencies, one national organization, and a private consultant generally supported the definition of "property owner" with minor changes. The FHWA modifies this definition to include "holds a title,

deed or other legal documentation of ownership.”

Reasonableness, two State highway agencies, one national organization, and two private consultants commented on the definition of “reasonableness.” The definition was generally supported with minor revisions. Based on the comments of a private consultant, the FHWA added “considered in the evaluation of” to the definition to clarify that the combination of social, economic and environmental factors shall be considered when considering noise abatement measures. Other comments provided suggested adding that reasonableness is based on common sense and good judgment. It is FHWA’s position that this leaves reasonableness open to personal opinion rather than using an objective approach and has not made the suggested change in the final rule.

Receptor, based on changes made from comments received, the FHWA is defining “receptor,” to be “a discrete or representative location of a noise sensitive area(s), for any of the land uses list in Table 1.”

Residence, four State highway agencies, one national organization and two private consultants commented on their general approval of this definition for “residence.” Additional comments include surveying multifamily residents and the use of a basic unit of measure. A discussion on how to survey multifamily residents is not appropriate for the definition section, but is addressed later in the final rule.

The NPRM had proposed to define “severe noise impact” in sec. 772.5(s). Nine State highway agencies, one county highway agency, one national organization, and five private consultants commented on the definition of severe noise impact. Based on the comments received, the FHWA has removed this definition from the final rule due to the conflict from the commenters on size and scale of the range, and since the definition would likely be misinterpreted to mean that the noise levels or noise level increases must fall within those ranges.

The NPRM had proposed to define “special land use facilities” in sec. 772.5(e). Seven State highway agencies, one national organization, and three private consultants commented on the definition of “special land use facilities.” The FHWA removed this term from the final rule based on changes to the activity categories presented in Table 1. There are now seven activity categories in order to break out various land uses into more appropriate groupings.

Statement of Likelihood, based on changes made from comments received, the FHWA is defining “statement of likelihood,” to be “a statement provided in the environmental clearance document based on the feasibility and reasonableness analysis completed at the time of environmental document is being approval.”

Substantial Construction, six State highway agencies, one county highway agency, one national organization and two private consultants comment on the definition of “substantial construction.” The definition was generally supported with recommendations. Based on the comments received, the FHWA is removing from the definition “the filing of a plat plan or an occurrence of a similar action,” and the word “original” before “highway.” The final rule will retain this definition to help State highway agencies clarify when development must occur for Type II eligibility and for potential Type I reasonableness considerations.

Substantial Noise Increase, based on comments received from eight State highway agencies and two private consultants, the FHWA is defining “substantial noise increase,” to be “One of two types of highway traffic noise impacts. For a Type I project, an increase in noise levels of 5 to 15 dB(A) in the design year over the existing noise level.”

Traffic Noise Impacts, four State highway agencies, a national organization, and two private consultants commented on the definition of traffic noise impacts, with general support of the definition. Comments pertained to the inclusion of design year and reference to future condition as well as how to address other noise sources. The FHWA has added “design year” and “design year build condition” to the final rule. It is FHWA’s position that an effective noise analysis should consider major noise sources in the environment including transportation, industry, and background noise. Without a project noise levels may exist that exceed the noise abatement criteria (NAC), but there are no impacts without a project.

Type I Project, 14 State highway agencies, 1 national organization, and 6 private consultants commented on this section. The majority of the comments referenced the use of a 3 dB(A) increase in determining a significant change for a Type I project, followed by the redundancy of the first two sentences, and use of the word “significant.” The FHWA has revised this section to remove the first sentence and replace “significant” with “substantial.” The use of a 3 dB(A) increase in determining a

substantial change has been removed. The factor for determining a substantial horizontal change is a halving the distance between the noise source and the closest receiver between the existing condition to the future build condition. The factor for determining a substantial vertical change is “a project that removes shielding therefore exposing the line-of-sight between the receptor and the traffic noise source exposing the receptor to additional traffic noise. This is done by either altering the vertical alignment of the highway or by altering the topography between the highway traffic noise source and the receptor.”

Twelve State highway agencies, 1 national organization, and 4 private consultant firms commented on what constitutes a Type I project for the addition of a through traffic lane or an auxiliary lane. Additional comments were provided on bus lanes, turn lanes, restriping travel lanes, weight stations, toll plazas, ride-share lots, and rest stops. Based on the comments received, the FHWA changed the definition of Type I project to now include bus lanes as through traffic lanes. The definition further clarifies that left turn lanes are not considered an auxiliary lane, and additional qualifying activities were added including “restriping existing pavement for the purpose of adding a through-traffic lane or an auxiliary lane” and “the addition of a new or substantial alteration of a weigh station, rest stop, ride-share lots and toll plaza.” Finally, the FHWA adds clarifying language to make clear that “if a project is determined to be a Type I project under this definition then the entire project area as defined in the environmental document is a Type I project.”

Five State highway agencies and one private consultant supported this section and suggested moving the addition of new interchanges or ramps to an existing facility to its own subsection. The FHWA agrees. The final rule will reflect that the “addition of new interchanges or ramps added to a quadrant to complete an existing partial interchange” will be its own section under the Type I definition.

Type II Project, one State highway agency and one private consultant commented that they were in support of this section on Type II projects. One State highway agency commented that it is not necessary for a State highway agency to develop a Type II program. The FHWA disagrees and did not change this section in the final rule. As supported in the 1995 guidance document, a Type II noise abatement program is appropriate to ensure statewide consistency.

Type III Project, nine State highway agencies and two private consultants commented on the creation of a Type III project. The majority of the comments were in support of the Type III project type, with some asking FHWA to provide examples of Type III projects and to develop a template for documenting Type III. One commenter requested clarifying that Type III projects do not need a noise analysis performed. The FHWA agrees and, as a result, added "Type III projects do not require a noise analysis" to the definition of a Type III project. Examples of Type III projects and a template for documenting Type III projects will be provided in FHWA guidance.

#### *Section 772.7—Applicability*

Two State highway agencies and a private consultant expressed support for the expansion of this section of the regulation. In sec. 772.7(a)(1), one State highway agency expressed support for the proposed change, but a private consultant requested additional clarification because item (1) requires applicability for any project requiring "FHWA approval regardless of funding sources." Therefore, a highway agency, other than the State DOT, such as a county or local highway agency is required to comply with 23 CFR 772 when one of its projects involves a new or modified access to an Interstate highway. This is a correct interpretation of what the FHWA intended, therefore no changes to this section were made.

In sec. 772.7(a)(2), one State highway agency expressed support for this provision in the regulation. This applies to all Federal and Federal-aid highway projects authorized under Title 23, United States Code. Therefore, this regulation applies to any highway project or multimodal project that is funded with Federal-aid highway funds. A county highway agency stated that the above statement appears to contradict the statement made under the Regulatory Flexibility Act that the proposed rule would not have a significant economic impact on a substantial number of small entities. The rulemaking addresses the obligation of Federal funds to States for Federal-aid highway projects. As such, it affects only States, and States are not included in the definition of small entity set forth in 5 U.S.C. 601. Therefore, the Regulatory Flexibility Act does not apply and the FHWA certifies that the final rule would not have a significant economic impact on a substantial number of small entities. Local public agencies have never had an exemption from complying with 23 CFR 772. The

proposed rule does not present a new economic impact. The proposed changes in the rule will not result in an increase in the likelihood of construction of noise abatement.

In sec. 772.7(b), no comments were received, but the FHWA has modified this section in the final rule to provide additional clarification and to tie into the proposed requirement in the NPRM that this final rule will require State highway agencies to revise their noise policies in conformance with this final rule. The section now states "For FHWA approval, the highway agency shall develop noise policies in conformance with this regulation and shall apply these policies uniformly and consistently statewide."

Section 772.7(d) was proposed in the NPRM as sec. 772.7(c)(1), and is now listed as sec. 772.7(d). Two State highway agencies commented on this section. While one expressed support, the other State highway agency requested clarification on the intent of the section regarding use of State-only funds to avoid noise abatement. It is FHWA's position that the rule applies to any Federal or Federal-aid project. This means that the regulation applies to any project that includes a Federal action. No changes were made to this section.

Section 772.7(e) was proposed in the NPRM as sec. 772.7(c)(2) and is now listed as sec. 772.7(e). A national organization, eight State highway agencies, and three private consultants commented on this section. Some comments offered support for this clarification of Type II program requirements, while others questioned the need for a priority system and the status of States that already have a system in place. A private consultant recommended insertion of language that the ranking system serves as a guide, but not a requirement for selection for funding. A State highway agency requested a template for a priority system. The FHWA disagrees with the need to incorporate the ranking of potential Type II project as language in the final rule. State highway agencies will submit their existing ranking system to FHWA for approval when they submit their updated noise policies. The concept of a priority system is not new. This is a longstanding practice on the part of States with active Type II programs. The priority system restricts construction of "political" noise barriers under the guise of a Type II program when a State does not actually have a Type II program in place and has no intent of developing a Type II program. The priority system ensures uniform and consistent application of this provision of the rule.

The following was added to this section "The highway agency shall re-analyze the priority system on a regular interval, not to exceed 5 years." A private consultant recommended adding a new section (3) to include "If a highway agency chooses to participate in a Type II program, the highway agency must have a statewide outreach program to inform local officials and the public of the items in § 772.15(a)(i)–(iv)." If States choose to participate in a Type II program, they should also act to encourage local communities to enact noise compatible land use planning to limit the expenditure of Federal highway dollars to construct Type II noise barriers in the future. The FHWA agrees with the concept, but not with the application of this idea. The circumstances that lead to a Type II project occurred in the past. State highway agencies should take the opportunity of a Type II project to inform local officials about noise compatible planning concepts to avoid future Type I projects. The development of this outreach effort should be a part of any Type II program.

Section 772.7(f), was proposed in the NPRM as sec. 772.7(c)(3) and is now listed as 772.7(f). A State highway agency and a private consultant requested a listing of the types of projects classified as Type III. The FHWA believes the rule clearly states that Type III projects are any project that falls outside the definition of a Type I or Type II project. The FHWA noise guidance provides additional information on this topic. A private consultant suggested adding language that NEPA may require noise analysis on Type III projects. A State highway agency recommended changing "not required" to "optional." The FHWA declines to make these changes in the final rule. The proposed and final language does not prohibit States from performing a noise analysis on Type III projects if they determine an analysis is necessary due to unusual characteristics of a particular project. Two State highway agencies commented on this section. One recommended elimination of Type III as a descriptor and the other expressed approval of the new designation. The FHWA retains the Type III project designation with no changes.

#### *Section 772.9—Traffic Noise Prediction*

Section 772.9, traffic noise prediction, is sec. 772.17 in the existing regulation. Moving the traffic noise prediction section from 772.17 to 772.9 was done to place the activities associated with traffic noise prediction in chronological order with the overall procedures for

abating highway traffic noise. Due to the new numbering of this section, the provisions presented below are numbered and identified as presented in this final rule and not how they were presented in the NPRM.

In sec. 772.9(a), one State highway agency and a private consultant commented that FHWA should continue to require use of the Traffic Noise Model (TNM) and remove reference to other models that may be compatible with TNM until alternate models are tested and approved for use through a change in the regulation. These entities further commented that FHWA should limit use of TNM to the most recent version. It is FHWA's position that the provision in the regulation to use other models determined compatible with TNM must appear in the regulation so that FHWA may work with other software developers in their efforts to implement the TNM acoustic code if their noise models for testing and approval. Therefore, "or any other model determined to be by the FHWA to be consistent with the methodology of the FHWA TNM" will remain in the final rule. Lastly, the FHWA will update this regulation as necessary to require use of updated versions of the TNM.

Ten State highway agencies, a national organization, and two private consultants expressed concerns about proposed restrictions on use of the TNM Lookup Tables; four State highway agencies recommended additional restrictions on the use of the TNM Lookup Tables, and one State highway agency along with three private consultants recommended eliminating use of the Lookup Tables, or developing a replacement. This final rule eliminates use of the TNM Lookup Tables in either form to predict noise levels on Federal or Federal-aid projects. The FHWA developed the Lookup tables to provide TNM users with a simple screening tool for highway analyses. The tables were to supplement TNM to obtain quick estimates. The intended use of the estimates is to inform planners about the potential scope of their project, or to educate the public. The Lookup Tables are not a substitute for the TNM or for routine use in performing a noise analysis. Many practitioners started using the Lookup Tables due to long calculation times inherent with the use of the FHWA TNM when compared with the previous model. However, the dramatically increased speed of computers currently available on the market reduces the model run times to a fraction of what could be accomplished a few years ago. Further, a narrow interpretation of the previous rule indicates the changes to the

regulation requiring use of the FHWA TNM eliminated the option to use the TNM Lookup Tables. However, use of the TNM Lookup Tables continued as a legacy. The FHWA has removed this provision proposed in the NPRM from this final rule. The FHWA clarifies through this final rule that the TNM Lookup Tables are not an acceptable model for use on Federal or Federal-aid highway projects. The FHWA will not update the TNM Lookup Tables for future versions of the FHWA TNM. The FHWA will retract the allowable use of the TNM Lookup as it has outlived its intended use.

In sec. 772.9(b), two State highway agencies and a university commented that quieter pavement should be allowed as a mitigation measure. As previously discussed, it is FHWA's position that there are still too many unknowns regarding the viability of quieter pavements as a mitigation measure. However, State highway agencies, the pavement industry, and the FHWA are researching various parts of this overall initiative. The FHWA is actively researching how to better incorporate more specific pavement types in the FHWA TNM. As a result the FHWA added this provision which states, "average pavement type shall be used in the FHWA TNM for future noise level prediction unless a highway agency substantiates the use of a different pavement type for approval by the FHWA." However, the FHWA is actively seeking highway agencies to assist in our research to better account for pavements in the FHWA TNM by engaging themselves in the experimental use of the specific pavement types currently in the FHWA TNM on projects.

In sec. 772.9(c), six State highway agencies, a national organization, and two private consultants questioned restrictions or wanted additional clarification on the use of noise contours. The final rule ties use of noise contours to information provided to local officials to satisfy sec. 772.17 Information for Local Officials and permits use of contours for some preliminary studies.

#### *Section 772.11—Analysis of Traffic Noise Impacts*

Section 772.11, titled "analysis of traffic noise impacts," was sec. 772.9 in the proposed regulation. The FHWA has removed "and abatement measures" from the title of this section since sec. 772.13 of the final rule now deals with abatement measures. Due to the new numbering of this section, the provisions presented below are identified as presented in this final rule

and not how they were numbered in the NPRM. This and other organizational changes were done in response to a comment from a private consultant, who indicated that this section should separate the analysis and abatement portions into their respective sections of the regulation, and pointed out that there is a long-standing disconnect between the intent of this portion of the regulation and the practice of most State highway agencies in applying the regulation. The first condition is "where no exterior activities are to be affected by the traffic noise." The typical application would be an apartment building with no outdoor balconies, patios, or common grounds activity areas. The second condition is "where the exterior activities are far from or physically shielded from the roadway in a manner that prevents an impact on exterior activities." The implication of the second condition is that if the apartment, pool, and playground are on the side of the building away from the highway then one would need to consider the interior of the apartments facing the highway as Activity Category E. Few State highway agencies currently consider apartments as Category E. Instead, they analyze the playground and pool as exterior Category B, find that they are not impacted, and then fail to consider abatement for the apartments.

In sec. 772.11, one State highway agency had a general comment requesting that FHWA provide an opinion on a highway agency changing its definition of "substantial increase." It is the opinion of the FHWA that highway agencies may decide at its discretion to change established criterion within the allowable requirement of this final rule. However, highway agencies should consider past practices and the possible consequences of any changes they make to their noise policy and procedures.

No comments were received on sec. 772.11(a), but to provide clarification on how to analyze projects, the FHWA added sec. 772.11(a)(1) "For projects on new alignments, determine traffic noise impacts by field measurements" and sec. 772.11(a)(2) "for projects on existing alignments, prediction of existing and design year traffic noise impacts."

In sections 772.11(a)(1) and (a)(2), three State highway agencies and two private consultants requested rewording of this section to clarify determination of existing and future noise levels. The final rule clarifies that existing levels are determined through measurement or prediction. This is because there are times when the "existing" condition and the current year are not the same year.

In this case, predicting existing noise levels is necessary. The final rule clarifies prediction of future noise levels. A State highway agency requested clarification on determining existing noise levels on new alignment projects; the final rule covers new alignment and modification of existing alignment scenarios.

Two private consultants commented on sec. 772.11(b). One requested a definition of frequent human use and the other recommended a connection between exterior areas and frequent human use. The FHWA did not provide a definition for frequent human use, but did make the connection between exterior areas and frequent human use, by stating "In determining traffic noise impacts, a highway agency shall give primary consideration to exterior areas where frequent human use occurs." The FHWA also moved this provision to sec. 772.11 Analysis of traffic noise impacts.

In sec. 772.11(c)(1), one State highway agency expressed support for this provision while a second State highway agency requested expansion of the language to allow analysis of a single worst-case alternative in place of similar multiple project alternatives. It is FHWA's position that the language in the final rule does not preclude analysis of a worst-case scenario during preliminary engineering and early environmental studies; however, the highway agency must analyze all alternatives under detailed study as part of a final noise analysis.

Under sec. 772.11(c)(2), one national organization, four State highway agencies, and one private consultant sought additional clarification on the level of analysis necessary for various land use categories and project alternatives. They also suggested deemphasizing land uses previously listed in Activity Category C, which are primarily commercial activities. It is the FHWA's position that this provision of the rule does not require a separate noise analysis for each Activity Category. The rule requires that the noise analysis include a complete noise analysis of all land uses inside the project study area. Past practice of many highway agencies was to ignore certain Activity Categories, particularly Category C, because the highway agency determined that it is not reasonable to provide noise abatement for that Activity Category. Reasonableness decisions cannot precede determination of impacts. The regulation first requires consideration of impacts, then consideration for abatement. The focus of a noise analysis has always been, and will continue to be, on exterior areas of frequent human use. Consideration of

Activity Category C land use is unlikely to result in a large increase in the number of receivers within a noise model because Category C receptors do not necessarily have areas of frequent human use.

In sec. 772.11(c)(2)(i), three State highway agencies and two private consultants commented on Activity Category A, offering general support or minor wording changes. One of the State highway agencies requested additional clarification on when to start the process to designate a land use as Category A and suggested that this may work better through inter-agency consultation rather than through FHWA approval. The FHWA has determined the recommended wording changes are unnecessary. It is appropriate for the determination of Activity Category A receptors to occur early in the process and through the inter-agency consultation process; however, the final determination for this designation remains a FHWA decision. To further clarify Activity Category A, "the exterior impact criteria for lands \* \* \*" has been added to this provision.

In sec. 772.11(c)(2)(ii), in response to comments received, the designation of Activity Category B has been revised to include the exterior criteria for only residential land uses. The provision states, "[t]his activity category includes the exterior impact criteria for single-family and multifamily residences."

In sec. 772.11(c)(2)(iii), eight State highway agencies, one national organization, and one private consultant commented their general support of this provision and requested that FHWA provide a standardized method to evaluate reasonableness for special land use facilities. The term "special land use facilities" has been removed from the final rule. There are several logical and fair ways to evaluate certain types of land use, one approach is the Florida Department of Transportation's method. The FHWA will provide examples of other methods in the updated noise guidance document. The final rule changes references from special land uses to the actual activity category based on the reorganized Table 1. To provide additional clarification, the designation of Activity Category C has been revised to include a variety of land use facilities as listed in Table 1. This provision states "Activity Category C. This activity category includes the exterior impact criteria for a variety of land use facilities. Each highway agency shall adopt a standard practice for analyzing these land use facilities that is consistent and uniformly applied statewide."

In sections 772.11(c)(2)(iv), (v), and (vi), three State highway agencies and three private consultants offered comments on this section. Two highway agencies offered general support, however, the remaining highway agency and the private consultants offered suggestions on consideration of commercial land use in a noise analysis. The final rule modifies Table 1 to segregate certain commercial land use from noise generating commercial and industrial land uses.

One private consultant requested additional clarification on the timing of interior noise studies in sec. 772.11(c)(2)(iv). The consideration for the analysis may occur prior to noise monitoring. It is FHWA's position that the noise analyst should be able to identify interior locations that require monitoring during preliminary field work while developing a monitoring plan. One national organization and eight State highway agencies requested additional clarification on the analysis requirements for interior areas. It is FHWA's position that an interior analysis is only required when all exterior analysis alternatives are exhausted or in cases where there are no exterior activities. To provide extra clarification on which land use categories can be considered for an interior noise analysis, the FHWA has indicated "exterior" and/or "interior" within each Activity Category.

In sec. 772.11(c)(2)(v), in response to comments received, the designation of Activity Category E has been revised to address the exterior impact criteria for less noise sensitive developed lands.

In response to comments received, a new Activity Category F was created in sec. 772.11(c)(2)(vi) to include developed lands that are not sensitive to highway traffic noise.

In sec. 772.11(c)(2)(vii), the FHWA provided clarification on undeveloped lands. Undeveloped lands were listed as Activity Category D in the NPRM, but due to the changes to Table I, undeveloped lands are now listed under Activity Category G in this final rule. Three State highway agencies commented that this section is overly broad for considering whether a property is planned for development and suggested limiting this consideration to issuance of a building permit. This final rule has revised the existing regulation to limit consideration to the issuing of a building permit. Five State highway agencies requested further clarification on the purpose of predicting noise levels on undeveloped land. It is FHWA's position that providing local officials with the best estimate of future

noise levels on undeveloped land is a longstanding requirement of 23 CFR 772 and is necessary to help avoid future noise impacts due to incompatible development. The Pennsylvania DOT commented that predication of noise levels for undeveloped lands which contain threatened or endangered species could become problematic when coordinating with resource agencies. It is important to remember that 23 CFR 772 is concerned with noise impacts on the human environment. Extrapolation of impact thresholds within the regulation to other species requires an incorrect interpretation of the regulation and the NAC. Additionally, concern about the effects of highway noise and actual impacts to species resulting from highway noise may occur in the absence of a noise analysis. Also, the current zoning of a property is an indicator of future development, but the zoning may change. The purpose of the information provided to local officials is avoiding future noise impacts. Section 17 of the final rule details the analysis requirements for information for local officials. As a result the FHWA has replaced “planned, designed and programmed” with “permitted.” Section 772.11(c)(2)(vii)(A) indicates that the date of issuance of a building permit shall be by the local jurisdiction or by the appropriate governing entity. Section 772.11(c)(2)(vii)(B) indicates that if “undeveloped land is determined to be permitted, then the highway agency shall assign the land to the appropriate Activity Category and study it in the same manner as developed lands in that Activity Category.” This is to ensure that a noise analysis is done for the permitted land use. Section 772.11(c)(2)(vii)(C) indicates that noise levels shall be determined in accordance with sec. 772.17(a).

The FHWA received no comments on sec. 772.11(d) and (d)(1), but the FHWA wanted to clarify the intent of this section, sec. 772.11(d) now states “the analysis of traffic noise impacts shall include a(n):”. This was done to clarify that 772.11(d)(1) to (4) all must be a part of a noise analysis.

To provide additional clarification, the FHWA has added sections 772.11(d)(2) and 772.11(d)(3) on validation and the noise meter type to be used on projects. Section 772.11(d)(2) states “For projects on new or existing alignments, validate predicted noise level through comparison between measured and predicted levels” and sec. 772.11(d)(3) states “Measurement of noise levels. Use an ANSI Type I or Type II integrating sound level meter.” The inclusion on the type of noise meters to be used on a Federal-aid

highway project is a result of industry standard and the FHWA guidance on which type of meters should be used.

Thirteen State highway agencies, a national organization, two private consultants, and a private individual expressed concern about the 500’ study area as proposed in sec. 772.11(d)(4). The final rule eliminates this provision and instead requires State highway agencies to determine project limits to determine all traffic noise impacts for the design year. This section now states “Identification of project limits to determine all traffic noise impacts for the design year for the build alternative. For Type II projects, traffic noise impacts shall be determined from current year conditions.” Two State highway agencies and one private consultant commented on sec. 772.11(d)(4), indicating that this section is inconsistent in that it discusses evaluation of impacts prior to a determination of future noise levels. This approach in the regulation may lead to some confusion. The FHWA reorganized the final rule to include separate sections requiring determination of noise levels and evaluation of noise impacts. Three State highway agencies commented that a disconnect occurs with a 5 dB(A) substantial decrease criterion and a substantial increase criteria in the range of 10–15 dB(A). The FHWA is clarifying that a 5 dB(A) reduction meets the acoustic feasibility requirement. Essentially, this reduction means that the noise abatement measure decreases noise impacts, but may not be optimal. To address this, FHWA introduces a design goal reasonableness criterion in the final rule. The final rule also expands substantial increase to a range of 5–15 dB(A). This provides States with additional flexibility to define substantial increases. Three State highway agencies and two private consultants requested clarification or removal of the phrase “lower threshold limit,” in sec. 772.11(d)(3)(ii). The final rule clarifies this issue by stating in that, “[t]he substantial noise increase criterion is independent of the absolute noise level.” In the past, some highway agencies applied the substantial noise increase criterion by linking it to an absolute noise level, meaning that a substantial noise increase was only considered from that absolute noise level or higher noise level. Typically a highway agency’s noise policy would state “a substantial noise increase occurs when the design year noise level results in an increase of 15 dB(A) or more over existing noise levels as long as the predicted noise level is 55 dB(A) or

above,” or something similar. This language represented a misapplication of 23 CFR 772 and the noise guidance, and could result in situations where receptors may experience noise increases of more than 15 dB(A), but there would not be a substantial impact. Any noise increase that meets or exceeds that State highway agency criteria for a substantial increase is an impact, regardless of the absolute noise level.

#### *Section 772.13—Analysis of Noise Abatement*

Section 772.9(a) of NPRM has been moved to sec. 772.13(a) based on comments received. Three State highway agencies recommended wording changes to this section. The final rule uses “abate” rather than “mitigate” to clarify that the focus of the regulation when dealing with impacts is in on abatement of impacts rather than mitigation of impacts. The FHWA added for clarification “when traffic noise impacts are identified, noise abatement shall be considered and evaluated for feasibility and reasonableness.”

No comments were received on section 772.13(b), which in the NPRM was section 772.11(a) but the FHWA has revised it to stress that primary consideration is given to exterior areas where frequent human use occurs. Five State highway agencies expressed concerns with section 772.11(b) of the NPRM which states “In situations where no exterior activities are to be affected by the traffic noise, or where the exterior activities are far from or physically shielded from the roadway in a manner that prevents an impact on exterior activities, a highway agency shall use Activity Category E as the basis for determining noise impacts,” may result in additional interior analysis requirements. The FHWA agrees and has eliminated this section in the final rule.

Three States and one private consultant expressed support for including sec. 772.12(c)(1) in the rule. In sec. 772.13(c)(2), a private consultant commented on including a new provision on the proper use of absorptive treatment on noise barriers. As a result, the FHWA added sec. 772.13(c)(2), which states, “If a highway agency chooses to add absorptive treatments to a noise barrier as a functional enhancement, the highway agency shall adopt a standard practice for using absorptive treatment that is consistent and uniformly applied statewide.” It is FHWA position that if a highway agency wants to use absorptive treatments on noise barriers, that they develop a standard practice

listing what situations the highway agency will consider absorptive treatments.

In sec. 772.13(d)(1), seven State highway agencies, one national organization, six private consultants, and one private individual commented on this section. Comments were primarily about application of the "majority" requirement to the entire project rather than to each neighborhood or increasing the substantial reduction criterion to a higher threshold. It is FHWA's position that highway agencies should make noise abatement decisions on a neighborhood basis when determining achievement of a substantial reduction. Considering all noise abatement measures in a project could penalize some neighborhoods where noise abatement is clearly effective because it is not possible to provide an effective design for a different neighborhood. Similarly, considering all noise abatement measures in the project jointly may result in construction of noise abatement that is not feasible at some locations because of highly effective abatement at other locations within the project. The FHWA does not advocate, or support for funding, construction of ineffective noise abatement measures.

A private consultant commented that the 5 dB(A) threshold for acoustic feasibility is too small. As such, the final rule clarifies that 5 dB(A) is the minimum requirement for a feasible barrier. The final rule also incorporates a new reasonableness criterion that each highway agency must establish a design goal of 7–10 dB(A). Further explanation of reasonableness design goal can be found in the discussion of 772.13(d)(2)(iii). Changes to this section in the final rule provide greater flexibility to States to identify a targeted number of impacted receptors necessary for a noise abatement measure to meet feasibility requirements. The FHWA has added the following, "The highway agency shall define, and receive FHWA approval for, the number of receptors that must achieve this reduction for the noise abatement measure to be feasible and explain the basis for this determination."

A State highway agency proposed averaging feasibility over the entire project. It is FHWA's position that averaging feasibility across the project to obtain a majority is a flawed approach to evaluate acoustic feasibility as it may result in construction of barriers that are not acoustically feasible. To take the example to the extreme, it is possible that one neighborhood could have 100 percent acoustic feasibility while a

second has 0 percent acoustic feasibility and the State highway agency would build no barriers because there was no majority of receptors that achieved a 5 dB(A) reduction.

In sec. 772.13(d)(1)(ii), three State highway agencies and a private consultant requested additional clarification on what "safe" means. A private consultant recommended listing the non-acoustical feasibility factors to consider. Additional clarification will be provided in the guidance document. However, the final rule includes the factors to consider for feasibility. The following sentence was added "Factors to consider are safety, barrier height, topography, drainage, utilities, and maintenance of the abatement measure, maintenance access to adjacent properties, and access to adjacent properties (*i.e.* arterial widening projects)."

In sec. 772.13(d)(2), one State highway agency commented that FHWA should establish the reasonable cost of abatement for all States. The FHWA disagrees with this comment. The final rule requires States to develop cost reasonableness criteria based on historical construction cost as published in the NPRM. This is necessary to accommodate the spectrum of costs for various States and the various approaches States take to quantify construction costs. For example, some States only consider the cost of post, panels, and foundations when estimating the construction cost of a noise barrier, while others may include other factors such as design, maintenance of traffic, clearing and grubbing, etc. A State highway agency and a private consultant recommended placing cost as the primary cost reasonableness criterion. The final rule has three reasonableness criteria State highway agencies must consider: cost effectiveness, desires of the public, and design goal. A State may determine the abatement measure is not reasonable if it does not meet any of the three criteria. A county highway agency expressed concern that only the State would determine the reasonableness factors in the State noise policy and recommended a broader definition of reasonableness. The rule intentionally provides a narrow selection of reasonableness factors to ensure uniform and consistent application of the rule nationwide. Similarly, each State highway agency noise policy will list reasonableness factors considered by the State on all projects within the State regardless of jurisdiction to ensure statewide uniform and consistent application of the noise policy. State highway agencies may not tailor

reasonableness factors to suit a particular jurisdiction or project.

Nineteen State highway agencies, one national organization, seven private consultants, and one private individual were concerned about various provisions of sec. 772.13(d)(2)(i). The concerns centered on two issues: (1) the requirement to obtain responses from a majority of benefited receptors, and (2) the limitation of surveying property owners rather than residents. A State highway agency expressed concerns about Executive Order 12898 compliance. The FHWA recognizes that the requirement to obtain a majority is overly proscriptive. Highway agencies should devise public involvement programs that satisfy their State's needs. States may institute schemes to give additional weight to the views of impacted residents, but must consider the views of benefited residents. The final rule requires solicitation of the views of residents and property owners. One State highway agency and one private consultant indicated concern with the provision that, "The highway agency is not required to consider the viewpoints of other entities to determine reasonableness, unless explicitly authorized by the benefited property owner." It is FHWA's position that this provision prevents entities other than benefiting residents from vetoing noise abatement on public right-of-way. Another State highway agency expressed that its current practice is to count a lack of response from a residence to a survey as a no vote for the barrier. Two State highway agencies requested clarifying language for the meaning of "desires" or substituting the word "views." It is FHWA's position that the failure to respond to a survey may demonstrate lack interest in noise abatement, particularly when there is a low response rate from the community, but only explicit "no" votes should be considered as "no" votes. States may institute schemes to give additional weight to the views of impacted residents, but must consider the views of benefited residents. The final rule incorporates the phrase "point of view" in place of "desire." This is to eliminate confusion over the meaning of "views," which in the past version of the rule, may have been confused with what people could see rather than their opinion. To provide a more uniform and consistent application nationwide, the following was added to this provision "The highway agency shall solicit the viewpoints form all of the benefited receptors and obtain enough responses to document a decision on either desiring or not desiring the noise

abatement measure. The highway agency shall define, and receive FHWA approval for, the number of receptors that are needed to constitute a decision and explain the basis for this determination.”

In sec. 772.13(d)(2)(ii), a State highway agency and a private consultant expressed concern that the proposed rule appeared to change cost as a reasonableness factor from cost effectiveness, as historically applied, to cost of the measure. It is FHWA's position that this was an unintentional change in the language of the proposed rule. The final rule clarifies that State highway agencies must consider the cost effectiveness of the abatement measure rather than considering the overall cost of the abatement measure in terms of the project cost. “The maximum square footage of abatement/benefited receptor,” was added to this provision as a way to determine a baseline cost reasonableness value.

Seven State highway agencies and three private consultants commented on the proposed change in sec. 772.13(d)(2)(ii) on how States determine cost reasonableness. All generally agreed with the new provision, but expressed that the provision should provide flexibility to develop cost reasonableness criteria outside the traditional scheme of cost per benefited receptor. One State expressed concern about what factors to include in the cost estimate, and a consultant indicated that States with little or no experience in building noise barriers could have difficulty establishing cost reasonableness criteria due to limited experience. Another State expressed concern about how the reevaluation of construction costs could affect projects caught in the process. It is FHWA's position that the final rule provides flexibility for State highway agencies to use alternate cost reasonableness schemes based on construction cost. The State highway agency and the FHWA should coordinate consideration of factors to include in the construction cost estimate and apply the same values to all projects. The cost estimate is based on averages, which include projects that may cost more or less than the average. The FHWA recognizes that some States have less experience than others with noise abatement construction. The FHWA provides additional information in the noise guidance. The reevaluation should focus on the construction costs with resulting changes in the cost reasonableness threshold. For example, if construction costs increase by 10 percent between evaluations, the cost reasonableness threshold should increase by a like

amount. This way, a location determined cost reasonable at one time, would not fail to meet the cost reasonableness criteria later. This is similar to the approach recommended below regarding geographic differences.

In sec. 772.13(d)(2)(ii), two private consultants expressed concern about the provision to allow for geographical differences for cost reasonableness within a State. One suggested removing the provision entirely because it could be difficult to implement and monitor. The other wanted to ensure that wording of the final rule would ensure that identical neighborhoods in a State would have the same opportunity for noise abatement despite geographical differences in construction cost. It is the FHWA's position that the final rule retains this subsection as an option provision as proposed in the NPRM. The language in the final rule ensures that geographical cost differences will not affect a neighborhood's opportunity to receive noise abatement. State highway agencies implementing this provision will ensure that the cost reasonableness criteria/construction cost ratio is the same statewide. For example, the unit cost in City A is \$12.50/sq. ft. and the cost per benefiting residence is \$25,000. City B is much more expensive with a unit cost of \$25/sq. ft. Therefore, the cost per benefiting residence in City B is \$50,000.

Based on comments received from four State highway agencies, two private consultants, and a private citizen on obtaining a substantial noise reduction, the FHWA is incorporating noise reduction design goals as the new sec. 772.13(d)(2)(iii). The FHWA is defining “Noise Reduction Design Goal” to remove the disconnect that occurs with a 5 dBA substantial decrease criterion and substantial increase criteria's 5–15 dBA range. This provision states, “[n]oise Reduction design goals for highway traffic noise abatement measures. When noise abatement measure(s) are being considered, a highway agency shall achieve a noise reduction design goal. The highway agency shall define the design goal of at least 7 dB(A) but not more than 10 dB(A), and define the value of benefited receptors that must achieve this design goal. The highway agency shall define the design goal of at least 7 dB(A) but not more than 10 dB(A). The highway agency shall define, and receive FHWA approval for, the number of benefited receptors that must achieve this design goal and explain the basis for this determination.” Defining the number of benefited receptors that must achieve this design goal assures that a too

balanced approach is taken when defining a design goal.

In sections 772.13(d)(2)(vi) and (v), five State highway agencies and two private consultants commented on the optional reasonableness factors and the statement “No single reasonableness factor should be used as the sole basis for determining reasonableness.” One State recommended removal of the optional abatement measures and that States should define these criteria in their own policies. Another State also requested inclusion of factors related to local zoning compliance in the final rule. The final rule clarifies that the provision about single reasonableness factors only applies to the optional factors. Inclusion of the optional reasonableness factors is based on example reasonableness factors in the 1995 guidance. The rule provides flexibility for States to choose additional reasonableness factors that work best for them. States are not required to incorporate the optional reasonableness factors. The final rule does not explicitly address local zoning. The final rule provides flexibility to address this under the optional factor of date of development. The FHWA has no control over zoning practices of local governments. As a result of these comments the FHWA added sec. 772.13(d)(2)(iv) to state, “[t]he reasonableness factors listed in § 772.13(d)(5)(i), (ii) and (iii), must collectively be achieved in order for a noise abatement measure to be deemed reasonable. Failure to achieve § 772.13(d)(5)(i), (ii) or (iii), will result in the noise abatement measure being deemed not reasonable” and modified sec. 772.13(d)(2)(v) to indicate that in addition to the required factors listed in sec. 772.13(d)(2)(i), (ii) and (iii), a highway agency may use the factors within this provision. A sentence was added to clarify that no single optional reasonableness factor could be used to determine reasonableness. In sec. 772.13(e), a national organization, six State highway agencies, and a private consultant requested clarification on substantial increase and the benefited receiver thresholds. The final rule clarifies that benefited receptors must obtain a reduction at or above 5 dB(A), but not exceed the highway agency's reasonableness design goal. This approach provides flexibility to establish different reasonableness criteria for receptors that are impacted and benefiting, versus receptors that are not impacted and benefiting.

Thirteen State highway agencies and four private consultants commented on the inclusion of the noise barrier inventory in the regulation at sec.

772.13(f). The commenters questioned whether this fulfills the current FHWA practice of collecting this information triennially and requested that FHWA specify or clarify the items State highway agencies must report. Two of the States speculated that Federal funding should pay for this effort since it is in the Federal Participation Section. One State sought clarification on whether they would have to report historical data in the format required in the regulation. It is FHWA's position that this new provision in the regulation does codify FHWA's noise barrier inventory that State highway agencies have voluntarily completed every 3 years since the 1990's. The final rule will state all required parameters and clarifies that noise reduction is the average insertion loss/reduction from the installed abatement measure. There is no intention to require reporting of previously reported data. The next inventory collection will start with abatement measures constructed in 2008, 2009, and 2010. The information collected for this inventory will be the same as previous inventories since this time period occurred before the publication of this final rule and before the implementation of this final rule. The inventory beginning with abatement measures constructed in 2011 and thereafter will be collected in accordance with this final rule. The following is been added to this provision, "The inventory shall include the following parameters: Type of abatement; cost (overall cost, unit cost per/sq. ft.); average height; length; area; location (State, county, city, route); year of construction; average insertion loss/noise reduction as reported by the model in the noise analysis; NAC category(s) protected; material(s) used (precast concrete, berm, block, cast in place concrete, brick, metal, wood, fiberglass, combination, plastic (transparent, opaque, other); features (absorptive, reflective, surface texture); foundation (ground mounted, on structure); project type (Type I, Type II, and optional project types such as State funded, county funded, tollway/turnpike funded, other, unknown)."

There were no specific comments on actual text of sec. 772.13(g), but based on the comments received on various parts of this regulation regarding the disconnect between the environmental clearance and the final design noise analysis and documentation, the FHWA has included sec. 772.13(g)(3), which states, "[d]ocumentation of highway traffic noise impacts: The environmental document shall identify locations where noise impacts are predicted to occur,

where noise abatement is feasible and reasonable and locations with impacts that have no feasible or reasonable noise abatement alternative. For environmental clearance, this analysis shall be completed to the extent that design information on the alternative(s) under study in the environmental document is available at the time the environmental clearance document is completed. A statement of likelihood shall be included in the environmental document since feasibility and reasonableness determinations may change due to changes in project design after approval of the environmental document. The statement of likelihood shall include the preliminary location and physical description of noise abatement measures determined feasible and reasonable in the preliminary analysis. The statement of likelihood shall also indicate that final recommendations on the construction of an abatement measure(s) is determined during the completion of the project's final design and the public involvement processes."

In sec. 772.13(h), one State highway agency and one private consultant recommended a change from "planned, designed and programmed" to "permitted." The final rule incorporates this change. One State highway agency wanted "in accordance with the Highway Agency approved noise Policy" added to the regulation. Because the FHWA requires all States to have an approved noise policy, the FHWA feels this change would be unnecessary.

In sec. 772.13(i), eight State highway agencies and two private consultants expressed general support for this new provision on design build projects in the regulation, but expressed concern that changes to the project during construction may result in implementation of unneeded environmental commitments, and commented on the relationship between the final and preliminary noise abatement design. The FHWA understands the concerns expressed in the comments; however, the FHWA is concerned that absent a commitment to provide abatement determined reasonable and feasible in the environmental document, and based on the acoustic design developed in the noise analysis, there may be cases where value engineering efforts or other cost savings measures may result in changes to the abatement design that reduce the effectiveness of the noise abatement measures. States are also encouraged to consider developing performance based specifications within their noise policies that apply to design build project to accommodate the project

flexibility inherent in the design build process and ensure constructed noise abatement is effective.

Section 772.13(j) was proposed as sec. 772.9(d) in the NPRM. This provision was moved to the analysis of noise abatement since it deals with paying for noise abatement. Ten State highway agencies, two private consultants, and one private individual commented on this section largely supporting the provision and in some cases, seeking minor clarification. In one case, a State highway agency commented that this provision could force States to provide abatement that is not feasible or reasonable. Another commented that this provision could unfairly skew noise abatement to those with greater funds, and a private individual wanted clarification on the timing of the funding. One State also wanted clarification on the entities that count as third parties. Some of the comments make it clear that the wording in the NPRM was not clear. The intent is for all noise abatement measures to stand on their own without contributing additional funds. The final rule states, "Third party funding is not allowed on a Federal or Federal-aid Type I or Type II project if the noise abatement measure would require the additional funding from the third party to be considered feasible and/or reasonable. Third party funding is acceptable on a Federal or Federal-aid highway Type I or Type II project, to make functional enhancements, such as absorptive treatment and access doors or aesthetic enhancements to a noise abatement measure already determined feasible and reasonable." The inclusion of functional enhancements in third party funding covers items that the third party may want in the noise barrier, but are not essential. Listing components such as absorptive treatment and functional enhancements differentiates between what a community may want in a noise barrier and what is necessary for an effective noise barrier. States should develop policies that include consideration for aesthetics, absorptive treatments, functional enhancements such as access doors, fire safety features, etc. Communities desiring functional enhancements or aesthetic treatment beyond that provided for in the State noise policy could contribute toward those enhancements. Third parties are any entity other than the State highway agency and DOT operating administrations.

Section 772.13(k) was proposed as provision 772.9(d) in the NPRM. This provision was moved to the analysis of noise abatement since it deals with cost averaging noise abatement. This

provision was moved to the analysis of noise abatement since it deals with paying for noise abatement. The final rule incorporates the concept of cost averaging across the project with some limitations as presented in a comment from a private consultant. This section now states, "on a Type I or a Type II project, a highway agency has the option to cost average noise abatement among benefited receptors within common noise environments, if no single common noise environment exceeds two times the highway agency's cost reasonableness criteria and collectively all common noise environments being averaged do not exceed the highway agency's cost reasonableness criteria."

#### *Section 772.15—Federal Participation*

In sec. 772.15(b), a State highway agency remarked that this section was always confusing and offered clarifying language. The FHWA agrees and revised this provision to largely include the language as presented in section 339(b) of the National Highway System Designation Act of 1995. As a result, sec. 772.15(b)(1) states, "No funds made available out of the Highway Trust Fund may be used to construct Type II noise barriers, as defined by this regulation, if such barriers were not part of a project approved by the FHWA before the November 28, 1995." November 28, 1995, is the date that the National Highway System Designation Act went into effect. A private consultant expressed that this section limits Type II projects to those that were "proposed where land development or substantial construction predated the existence of any highway." The definition for substantial construction is "the granting of a building permit prior to right-of-way acquisition or construction approval for the highway." The wording and meaning of definition and this provision differ and need to be reconciled. The FHWA agrees and the final rule addresses this by removing "any" and largely stating the language as presented in the National Highway System Designation Act of 1995. As a result, sec. 772.15(b)(2) states "Federal funds are available for Type II noise barriers along lands that were developed or were under substantial construction before approval of the acquisition of the rights-of-ways for, or construction of, the existing highway."

In sec. 772.15(b)(3), two State highway agencies questioned the restriction on Type II funding eliminating locations previously determined not feasible or reasonable for a Type I project. One of these agencies questioned whether this is still

the case after a re-evaluation of an environmental document. It is FHWA's position that if a Type I location is not cost-reasonable based on the construction of homes at the time of that project, then that location is not cost-reasonable later for a Type II project. Highway agencies typically divide the overall cost of a noise abatement measure by the number of benefiting residences to determine a cost per benefiting residence. An abatement measure is cost reasonable if the cost per residence does not exceed the State's criteria. The only way the neighborhood becomes cost reasonable is if the number of residences increases. The new residences would not predate the facility and cannot count in the cost-reasonableness calculation. The only way to consider the commenter's approach is if the highway agency increased the allowable cost per benefited residence relative to the construction cost. This potentially exposes the highway agency to going back to look at previous decisions on other Type I and Type II projects to see if the highway agency inappropriately excluded locations from receiving noise abatement. This situation would not necessarily include Type I projects that involve a re-evaluation of an existing environmental document, but those circumstances would be scarce. Typically, a location determined not reasonable in an environmental document that is later determined reasonable in a re-evaluation results from construction of additional residences that result in a lower average cost per benefited residence and result in abatement not cost reasonable under the earlier document achieving the cost-reasonableness threshold. In this case, the highway agency would offer noise abatement to the neighborhood as part of the Type I project, eliminating the need to consider the location for a Type II project. The FHWA made no changes to this provision.

In sec. 772.15(c), one State highway agency sought clarification on some of the available noise abatement measures, specifically regarding the need to meet the feasibility and reasonableness criteria and regarding the purchase of land. It is FHWA's position that any proposed noise abatement measure must achieve the feasibility and reasonableness requirements established in the highway agency's noise policy. The section on acquisition of real property provides highway agencies with the authority to acquire right-of-way for the purpose of noise barrier construction. The statement regarding unimproved property is there to

highlight that highway agencies cannot use this provision to purchase a residence just so the State can tear it down and construct a noise barrier for the second row of houses. Three highway agencies and a university recommended including quieter pavements as noise abatement, with one noting a large body of research completed by the State to support this approach. It is FHWA's position that there are still too many unknowns regarding pavement to consider its use as a noise abatement measure. These issues include acoustic longevity and construction variability. The FHWA has provisions for highway agencies to enter into a Quiet Pavement Pilot Program or to perform Quiet Pavement Research. The FHWA acknowledges the valuable research performed by various highway agencies; however, the regulation must be applicable nationwide and not just in one State. No changes were made to this provision.

In sec. 772.15(c)(1), six State highway agencies and three private consultants expressed support for FHWA's position clarifying that vegetation is not an appropriate noise abatement measure, but recommended removal of references to funding for aesthetic purposes. The FHWA has removed reference to funding for landscaping from the regulation. One State highway agency and one private consultant indicated concerns with the approach to make five of the noise abatement alternatives optional and only require consideration of noise barriers because this approach contradicts the long-standing practice to avoid, minimize, and then mitigate. It is the FHWA's position that the language in the final rule allows States to consider all noise abatement measures listed in the regulation while requiring only consideration of noise barriers. This approach provides highway agencies with the flexibility they need to accomplish the recommended approach if the highway agency chooses to do so.

A private consultant recommended adding a new section to 772.15(c) regarding absorptive cladding applied to an existing reflective surface as a noise abatement measure. Because the final rule does not preclude States from considering this approach as a noise abatement measure, no changes were made to this provision.

In sec. 772.15(c)(4), two State highway agencies and one private consultant commented on buffer zones. One highway agency requested further clarification in the updated FHWA noise guidance. Another highway agency requested limitation to planned, designed, and programmed land use and

a private consultant wanted the addition of “to move noise-sensitive receptors farther from the source” added to the subsection. The FHWA addresses buffer zones in the guidance document. Regarding the comment on planned, designed and programmed land use, the purpose of the buffer zone for noise abatement could also be to stop potential alignment shifts toward existing noise sensitive land uses outside the buffer zone. The intent of the buffer zone is to provide separation between potentially developable land and highways. Regarding the added language, this may imply that FHWA may actually move residences away from an existing highway to a new location to purchase the property as a buffer zone. Since this is not the intent of the regulation, no changes were made to this provision.

In sec. 772.15(c)(5), two State highway agencies and one private consultant expressed support for this provision regarding noise insulation and recommended incorporating any additional expenses accrued by the property owner after project completion. The FHWA agrees and the final rule incorporates this idea by referring to additional expenses as post-installation maintenance and operational costs. Also, to clarify what land uses are eligible for noise insulation, this provision now states, “noise insulation or Activity Category D land use facilities listed in table 1.”

Eight State highway agencies and three private consultants expressed concerns about the provision in the NPRM regarding severe noise impact criteria in the regulation. Based on these comments, the FHWA has removed this provision on severe noise impacts from the final rule. It is FHWA’s position that the regulation currently requires a highway agency to define “substantial increase,” which recognizes all potential impacts that could result from the proposed project. Adding another layer of impact with the title of “severe” is problematic to the noise analysis and will create even more confusion to the public. Severe noise impacts could cause inconsistencies in the application of the noise analysis process, since it would require establishing another feasibility and cost reasonableness factor. As stated throughout this final rule, application of this regulation needs to be applied consistently and uniformly statewide. Also, “severe” noise impacts could be confusing to the public, since they typically feel that they are all severely impacted regardless of the noise level or increase in noise levels.

#### *Section 772.17—Information for Local Officials*

In sec. 772.17, 13 State highway agencies and 4 private consultants commented about the requirements in section 772.1 (section 772.15 in the NPRM) regarding information for local officials. Some comments were about the numbering of the section, which has been corrected in the final rule, and others were about the apparent redundancy in two of the subsections. There were also concerns about the extent of a statewide outreach program and some confusion about whether outreach to local officials is a new requirement. There was also opposition to the requirement to implement a statewide outreach program prior to considering date of development as a reasonableness criterion. It is FHWA’s position that highway agencies may use information in the FHWA publication “The Audible Landscape.” The FHWA is considering updating this document to incorporate additional planning strategies. The final rule also clarifies the minimum information provided to local officials, which is the distance from the highway to the impact criteria for each exterior land use in Table 1 of this regulation. The requirement to inform local officials about future noise impacts on undeveloped lands has been part of this regulation since its inception. Unfortunately, few highway agencies properly fulfill this requirement. It is likely that many municipalities have never had a Federal project that provided the opportunity for the highway agency to inform them about noise compatible planning practices. The FHWA recognizes that State governments often have little control over local planning; however, FHWA has also promoted noise compatible planning strategies for more than 30 years with little active involvement by States on the issue. It is incumbent on State highway agencies, therefore, to demonstrate that they have educated local officials on noise issues if date of development may preclude some locations from receiving noise abatement. The FHWA noise guidance provides additional clarification on statewide outreach programs. For clarification, the FHWA modified sec. 772.17(a) to include reference to Type I projects and section 772.17(a)(2) to state, “[a]t a minimum, identify the distance to the exterior noise abatement criteria in Table 1. The best estimation of the future design year noise levels at various distances from the edge of the nearest travel lane \* \* \*”

In sec. 772.17(b), a private individual expressed that the rule should expand

the date of development to allow State highway agencies to give additional weight to older residences. It is FHWA’s position that highway agencies with statewide noise compatible planning outreach programs may consider date of development in their decisions to provide abatement. The regulation currently authorizes highway agencies to fund Type II programs on a voluntary basis to provide abatement for locations that predate adjacent highways in the absence of a Type I project. For clarification, the FHWA modified this provision to state, “If a highway agency chooses to participate in a Type II noise program or to use the date of development as one of the factors in determining the reasonableness of a Type I noise abatement measure, the highway agency shall have a statewide outreach program \* \* \*”

#### *Section 772.19—Construction Noise*

In sec. 772.19, five State highway agencies, one national organization, and one private consultant commented that FHWA should provide additional regulatory guidance to address construction noise including a regulatory reference to the Roadway Construction Noise Model. It is FHWA’s position that there is sufficient information regarding construction noise available in the construction noise handbook. The model will remain an option for use by States to predict construction noise impacts for projects. As such, no changes were made to this provision.

#### *Table 1 to Part 772—Noise Abatement Criteria*

Eight State highway agencies, a national organization and two private consultants provided comments on Table 1. Some of the same entities also provided comments in other sections of the regulation related to Table 1. The comments generally centered on the opposition to include trails, trail crossings, and cemeteries; recommended inclusion of additional land use categories; recommended elimination of some Category C land uses; or recommended reorganization of the table to better differentiate between land use categories. The FHWA disagrees with removal of trails and trail crossing and cemeteries from Table 1. These are recreational and noise sensitive areas eligible for consideration under previous FHWA guidance. The FHWA disagrees with the elimination of Category C land uses. Historical data based on highway agencies not including Category C locations in their noise analyses or their public involvement may paint an inaccurate

portrait of commercial property owner interest in noise abatement since many highway agencies failed to include commercial land uses in noise analyses or involve them in the public involvement process. The FHWA agrees Table 1 needs to better differentiate business land uses that require analysis. The final rule includes a reorganization of Table 1 to help clarify this issue and adds day care, television studios, radio studios, and recording studios as noise sensitive land uses. This reorganization includes the following Activity Categories:

Activity Category A, this activity category still provides the exterior activity criteria for "Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose." No changes were made to this activity category.

Activity Category B, this activity category now only includes the exterior activity criteria for residential properties. All other land uses that were associated with this activity category in the past have been reorganized into other activity categories.

Activity Category C, this activity category is now the exterior activity criteria for the following land uses: "active sport areas, amphitheaters, auditoriums, campgrounds, cemeteries, day care centers, hospitals, libraries, medical facilities, parks, picnic areas, places of worship, playgrounds, public meeting rooms, public or non-profit institutional structures, radio studios, recording studios, recreation areas, Section 4(f) sites, schools, television studios, trails, and trail crossings." The exterior activity criteria for Activity Category C are the same as the exterior activity criteria for Activity Category B. The reason why the land uses associated with these activity categories are in separate categories is that the land used in Activity Category C includes a variety of land use facilities that require each highway agency to adopt a standard uniform and consistent practice in assessing their impacts and abatement measures.

Activity Category D, this activity category is now the interior activity criteria for the following land uses: "auditoriums, day care centers, hospitals, libraries, medical facilities, places of worship, public meeting rooms, public or non-profit institutional structures, radio studios, recording studios, schools, and television studios." The activity description for Activity Category D is similar to the activity description for Activity Category C. The

difference between the Activity Category C and D is the exterior versus interior criteria.

Activity Category E, this activity category is now the exterior activity criteria for the following land uses: "hotels, motels, offices, restaurants/bars, and other developed lands, properties or activities not included in A–D or F."

These land use facilities are less sensitive to highway traffic noise, and therefore have a higher activity criteria.

Activity Category F, this activity category has no activity criteria associated for the following land uses: "agriculture, airports, bus yards, emergency services, industrial, logging, maintenance facilities, manufacturing, mining, rail yards, retail facilities, shipyards, utilities (water resources, water treatment, electrical), and warehousing." These land use facilities are not sensitive to highway traffic noise and/or do not have exterior areas of frequent human use and therefore no activity criteria is appropriate to apply.

Activity Category G, this activity category has no activity criteria associated for undeveloped lands that are not permitted. Undeveloped land is not sensitive to highway traffic noise and does not have exterior areas of frequent human use.

#### Rulemaking Analyses and Notices

##### Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this final rule is not a significant regulatory action within the meaning of Executive Order 12866 and is not significant within the meaning of the U.S. Department of Transportation regulatory policies and procedures.

The final rule revises requirements for traffic noise prediction on Federal-aid highway projects to be consistent with the current state-of-the-art technology for traffic noise prediction. It is anticipated that the economic impact of this rulemaking would be minimal; therefore, a full regulatory evaluation is not required.

##### Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (RFA) (Pub. L. 96–354, 5 U.S.C. 601–612), the FHWA has evaluated the effects of this final rule on small entities and anticipates that this action would not have a significant economic impact on a substantial number of small entities. The amendments address traffic noise prediction on certain State highway projects. As such, it affects only States, and States are not included in the

definition of small entity set forth in 5 U.S.C. 601. Therefore, the RFA does not apply, and the FHWA certifies that the final rule would not have a significant economic impact on a substantial number of small entities.

##### Unfunded Mandates Reform Act of 1995

This final rule would not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, March 22, 1995, 109 Stat. 48). The actions proposed in this final rule would not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$141.3 million or more in any one year (2 U.S.C. 1532). Additionally, the definition of "Federal Mandate" in the Unfunded Mandates Reform Act excludes financial assistance of the type in which State, local, or tribal governments have authority to adjust their participation in the program in accordance with changes made in the program by the Federal Government. The Federal-aid highway program permits this type of flexibility.

##### Executive Order 13132 (Federalism)

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999, and it has been determined that this final rule does not have a substantial direct effect or sufficient federalism implications on States that would limit the policymaking discretion of the States. Nothing in this final rule directly preempts any State law or regulation or affects the States' ability to discharge traditional State governmental functions.

##### Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

##### National Environmental Policy Act

The FHWA has analyzed this final rule for the purpose of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and anticipates that this action would not have any effect on the quality of the human and natural environment, since it updates the specific reference to acceptable highway traffic noise prediction methodology and removes unneeded references to a

specific noise measurement report and vehicle noise emission levels.

#### Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. The FHWA determined that this final rule would affect a currently approved information collection for OMB Control Number 2125-0622, titled "Noise Barrier Inventory Request." The OMB approved this information collection on July 30, 2008, at a total of 416 burden hours, with an expiration date of July 31, 2011.

#### Executive Order 13175 (Tribal Consultation)

The FHWA has analyzed this final rule under Executive Order 13175, dated November 6, 2000, and believes that it would not have substantial direct effects on one or more Indian tribes; would not impose substantial direct compliance costs on Indian tribal governments; and would not preempt tribal law. This rulemaking primarily applies to noise prediction on State highway projects and would not impose any direct compliance requirements on Indian tribal governments; nor would it have any economic or other impacts on the viability of Indian tribes. Therefore, a tribal summary impact statement is not required.

#### Executive Order 13211 (Energy Effects)

The FHWA has analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution or Use. We have determined that this final rule would not be a significant energy action under that order because any action contemplated would not be likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, the FHWA certifies that a Statement of Energy Effects under Executive Order 13211 is not required.

#### Executive Order 12630 (Taking of Private Property)

The FHWA has analyzed this final rule under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. The FHWA does not anticipate that this final rule would affect a taking of private property or otherwise have taking implications under Executive Order 12630.

#### Executive Order 12988 (Civil Justice Reform)

This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity and reduce burden.

#### Executive Order 13045 (Protection of Children)

The FHWA has analyzed this final rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. The FHWA certifies that this final rule would not cause an environmental risk to health or safety that may disproportionately affect children.

#### Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

#### List of Subjects in 23 CFR Part 772

Highways and roads, Incorporation by reference, Noise control.

Issued on: June 21, 2010.

**Victor M. Mendez,**  
*Administrator.*

■ In consideration of the foregoing, the FHWA revises part 772 of title 23, Code of Federal Regulations, to read as follows:

#### PART 772—PROCEDURES FOR ABATEMENT OF HIGHWAY TRAFFIC NOISE AND CONSTRUCTION NOISE

Sec.

- 772.1 Purpose.
  - 772.3 Noise standards.
  - 772.5 Definitions.
  - 772.7 Applicability.
  - 772.9 Traffic noise prediction.
  - 772.11 Analysis of traffic noise impacts.
  - 772.13 Analysis of noise abatement.
  - 772.15 Federal participation.
  - 772.17 Information for local officials.
  - 772.19 Construction noise.
- Table 1 to Part 772—Noise Abatement Criteria

**Authority:** 23 U.S.C. 109(h) and (i); 42 U.S.C. 4331, 4332; sec. 339(b), Pub. L. 104-59, 109 Stat. 568, 605; 49 CFR 1.48(b).

#### § 772.1 Purpose.

To provide procedures for noise studies and noise abatement measures to help protect the public's health, welfare and livability, to supply noise abatement criteria, and to establish requirements for information to be given

to local officials for use in the planning and design of highways approved pursuant to title 23 U.S.C.

#### § 772.3 Noise standards.

The highway traffic noise prediction requirements, noise analyses, noise abatement criteria, and requirements for informing local officials in this regulation constitute the noise standards mandated by 23 U.S.C. 109(1). All highway projects which are developed in conformance with this regulation shall be deemed to be in accordance with the FHWA noise standards.

#### § 772.5 Definitions.

**Benefited Receptor.** The recipient of an abatement measure that receives a noise reduction at or above the minimum threshold of 5 dB(A), but not to exceed the highway agency's reasonableness design goal.

**Common Noise Environment.** A group of receptors within the same Activity Category in Table 1 that are exposed to similar noise sources and levels; traffic volumes, traffic mix, and speed; and topographic features. Generally, common noise environments occur between two secondary noise sources, such as interchanges, intersections, cross-roads.

**Date of Public Knowledge.** The date of approval of the Categorical Exclusion (CE), the Finding of No Significant Impact (FONSI), or the Record of Decision (ROD), as defined in 23 CFR part 771.

**Design Year.** The future year used to estimate the probable traffic volume for which a highway is designed.

**Existing Noise Levels.** The worst noise hour resulting from the combination of natural and mechanical sources and human activity usually present in a particular area.

**Feasibility.** The combination of acoustical and engineering factors considered in the evaluation of a noise abatement measure.

**Impacted Receptor.** The recipient that has a traffic noise impact.

**L10.** The sound level that is exceeded 10 percent of the time (the 90th percentile) for the period under consideration, with L10(h) being the hourly value of L10.

**Leq.** The equivalent steady-state sound level which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same time period, with Leq(h) being the hourly value of Leq.

**Multifamily Dwelling.** A residential structure containing more than one residence. Each residence in a multifamily dwelling shall be counted as one receptor when determining impacted and benefited receptors.

**Noise Barrier.** A physical obstruction that is constructed between the highway noise source and the noise sensitive receptor(s) that lowers the noise level, including stand alone noise walls, noise berms (earth or other material), and combination berm/wall systems.

**Noise Reduction Design Goal.** The optimum desired dB(A) noise reduction determined from calculating the difference between future build noise levels with abatement, to future build noise levels without abatement. The noise reduction design goal shall be at least 7 dB(A), but not more than 10 dB(A).

**Permitted.** A definite commitment to develop land with an approved specific design of land use activities as evidenced by the issuance of a building permit.

**Property Owner.** An individual or group of individuals that holds a title, deed, or other legal documentation of ownership of a property or a residence.

**Reasonableness.** The combination of social, economic, and environmental factors considered in the evaluation of a noise abatement measure.

**Receptor.** A discrete or representative location of a noise sensitive area(s), for any of the land uses listed in Table 1.

**Residence.** A dwelling unit. Either a single family residence or each dwelling unit in a multifamily dwelling.

**Statement of Likelihood.** A statement provided in the environmental clearance document based on the feasibility and reasonableness analysis completed at the time the environmental document is being approved.

**Substantial Construction.** The granting of a building permit, prior to right-of-way acquisition or construction approval for the highway.

**Substantial noise increase.** One of two types of highway traffic noise impacts. For a Type I project, an increase in noise levels of 5 to 15 dB(A) in the design year over the existing noise level.

**Traffic Noise Impacts.** Design year build condition noise levels that approach or exceed the NAC listed in Table 1 for the future build condition; or design year build condition noise levels that create a substantial noise increase over existing noise levels.

**Type I Project.** (1) The construction of a highway on new location; or,

(2) The physical alteration of an existing highway where there is either:

(i) Substantial Horizontal Alteration. A project that halves the distance between the traffic noise source and the closest receptor between the existing condition to the future build condition; or,

(ii) Substantial Vertical Alteration. A project that removes shielding therefore exposing the line-of-sight between the receptor and the traffic noise source. This is done by either altering the vertical alignment of the highway or by altering the topography between the highway traffic noise source and the receptor; or,

(3) The addition of a through-traffic lane(s). This includes the addition of a through-traffic lane that functions as a HOV lane, High-Occupancy Toll (HOT) lane, bus lane, or truck climbing lane; or,

(4) The addition of an auxiliary lane, except for when the auxiliary lane is a turn lane; or,

(5) The addition or relocation of interchange lanes or ramps added to a quadrant to complete an existing partial interchange; or,

(6) Restriping existing pavement for the purpose of adding a through-traffic lane or an auxiliary lane; or,

(7) The addition of a new or substantial alteration of a weigh station, rest stop, ride-share lot or toll plaza.

(8) If a project is determined to be a Type I project under this definition then the entire project area as defined in the environmental document is a Type I project.

**Type II Project.** A Federal or Federal-aid highway project for noise abatement on an existing highway. For a Type II project to be eligible for Federal-aid funding, the highway agency must develop and implement a Type II program in accordance with section 772.7(e).

**Type III Project.** A Federal or Federal-aid highway project that does not meet the classifications of a Type I or Type II project. Type III projects do not require a noise analysis.

#### **§ 772.7 Applicability.**

(a) This regulation applies to all Federal or Federal-aid Highway Projects authorized under title 23, United States Code. Therefore, this regulation applies to any highway project or multimodal project that:

(1) Requires FHWA approval regardless of funding sources, or

(2) Is funded with Federal-aid highway funds.

(b) In order to obtain FHWA approval, the highway agency shall develop noise policies in conformance with this regulation and shall apply these policies uniformly and consistently statewide.

(c) This regulation applies to all Type I projects unless the regulation specifically indicates that a section only applies to Type II or Type III projects.

(d) The development and implementation of Type II projects are

not mandatory requirements of section 109(i) of title 23, United States Code.

(e) If a highway agency chooses to participate in a Type II program, the highway agency shall develop a priority system, based on a variety of factors, to rank the projects in the program. This priority system shall be submitted to and approved by FHWA before the highway agency is allowed to use Federal-aid funds for a project in the program. The highway agency shall re-analyze the priority system on a regular interval, not to exceed 5 years.

(f) For a Type III project, a highway agency is not required to complete a noise analysis or consider abatement measures.

#### **§ 772.9 Traffic noise prediction.**

(a) Any analysis required by this subpart must use the FHWA Traffic Noise Model (TNM), which is described in "FHWA Traffic Noise Model" Report No. FHWA-PD-96-010, including Revision No. 1, dated April 14, 2004, or any other model determined by the FHWA to be consistent with the methodology of the FHWA TNM. These publications are incorporated by reference in accordance with section 552(a) of title 5, U.S.C. and part 51 of title 1, CFR, and are on file at the National Archives and Record Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030 or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). These documents are available for copying and inspection at the Federal Highway Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, as provided in part 7 of title 49, CFR. These documents are also available on the FHWA's Traffic Noise Model Web site at the following URL: <http://www.fhwa.dot.gov/environment/noise/index.htm>.

(b) Average pavement type shall be used in the FHWA TNM for future noise level prediction unless a highway agency substantiates the use of a different pavement type for approval by the FHWA.

(c) Noise contour lines may be used for project alternative screening or for land use planning to comply with § 772.17 of this part, but shall not be used for determining highway traffic noise impacts.

(d) In predicting noise levels and assessing noise impacts, traffic characteristics that would yield the worst traffic noise impact for the design year shall be used.

**§ 772.11 Analysis of traffic noise impacts.**

(a) The highway agency shall determine and analyze expected traffic noise impacts.

(1) For projects on new alignments, determine traffic noise impacts by field measurements.

(2) For projects on existing alignments, predict existing and design year traffic noise impacts.

(b) In determining traffic noise impacts, a highway agency shall give primary consideration to exterior areas where frequent human use occurs.

(c) A traffic noise analysis shall be completed for:

(1) Each alternative under detailed study;

(2) Each Activity Category of the NAC listed in Table 1 that is present in the study area;

(i) *Activity Category A.* This activity category includes the exterior impact criteria for lands on which serenity and quiet are of extraordinary significance and serve an important public need, and where the preservation of those qualities is essential for the area to continue to serve its intended purpose. Highway agencies shall submit justifications to the FHWA on a case-by-case basis for approval of an Activity Category A designation.

(ii) *Activity Category B.* This activity category includes the exterior impact criteria for single-family and multifamily residences.

(iii) *Activity Category C.* This activity category includes the exterior impact criteria for a variety of land use facilities. Each highway agency shall adopt a standard practice for analyzing these land use facilities that is consistent and uniformly applied statewide.

(iv) *Activity Category D.* This activity category includes the interior impact criteria for certain land use facilities listed in Activity Category C that may have interior uses. A highway agency shall conduct an indoor analysis after a determination is made that exterior abatement measures will not be feasible and reasonable. An indoor analysis shall only be done after exhausting all outdoor analysis options. In situations where no exterior activities are to be affected by the traffic noise, or where the exterior activities are far from or physically shielded from the roadway in a manner that prevents an impact on exterior activities, the highway agency shall use Activity Category D as the basis of determining noise impacts. Each highway agency shall adopt a standard practice for analyzing these land use facilities that is consistent and uniformly applied statewide.

(v) *Activity Category E.* This activity category includes the exterior impact criteria for developed lands that are less sensitive to highway noise. Each highway agency shall adopt a standard practice for analyzing these land use facilities that is consistent and uniformly applied statewide.

(vi) *Activity Category F.* This activity category includes developed lands that are not sensitive to highway traffic noise. There is no impact criteria for the land use facilities in this activity category and no analysis of noise impacts is required.

(vii) *Activity Category G.* This activity category includes undeveloped lands.

(A) A highway agency shall determine if undeveloped land is permitted for development. The milestone and its associated date for acknowledging when undeveloped land is considered permitted shall be the date of issuance of a building permit by the local jurisdiction or by the appropriate governing entity.

(B) If undeveloped land is determined to be permitted, then the highway agency shall assign the land to the appropriate Activity Category and analyze it in the same manner as developed lands in that Activity Category.

(C) If undeveloped land is not permitted for development by the date of public knowledge, the highway agency shall determine noise levels in accordance with 772.17(a) and document the results in the project's environmental clearance documents and noise analysis documents. Federal participation in noise abatement measures will not be considered for lands that are not permitted by the date of public knowledge.

(d) The analysis of traffic noise impacts shall include:

(1) Identification of existing activities, developed lands, and undeveloped lands, which may be affected by noise from the highway;

(2) For projects on new or existing alignments, validate predicted noise level through comparison between measured and predicted levels;

(3) Measurement of noise levels. Use an ANSI Type I or Type II integrating sound level meter;

(4) Identification of project limits to determine all traffic noise impacts for the design year for the build alternative. For Type II projects, traffic noise impacts shall be determined from current year conditions;

(e) Highway agencies shall establish an approach level to be used when determining a traffic noise impact. The approach level shall be at least 1 dB(A) less than the Noise Abatement Criteria

for Activity Categories A to E listed in Table 1 to part 772;

(f) Highway agencies shall define substantial noise increase between 5 dB(A) to 15 dB(A) over existing noise levels. The substantial noise increase criterion is independent of the absolute noise level.

(g) A highway agency proposing to use Federal-aid highway funds for a Type II project shall perform a noise analysis in accordance with § 772.11 of this part in order to provide information needed to make the determination required by § 772.13(a) of this part.

**§ 772.13 Analysis of noise abatement.**

(a) When traffic noise impacts are identified, noise abatement shall be considered and evaluated for feasibility and reasonableness. The highway agency shall determine and analyze alternative noise abatement measures to abate identified impacts by giving weight to the benefits and costs of abatement and the overall social, economic, and environmental effects by using feasible and reasonable noise abatement measures for decision-making.

(b) In abating traffic noise impacts, a highway agency shall give primary consideration to exterior areas where frequent human use occurs.

(c) If a noise impact is identified, a highway agency shall consider abatement measures. The abatement measures listed in § 772.15(c) of this part are eligible for Federal funding.

(1) At a minimum, the highway agency shall consider noise abatement in the form of a noise barrier.

(2) If a highway agency chooses to use absorptive treatments as a functional enhancement, the highway agency shall adopt a standard practice for using absorptive treatment that is consistent and uniformly applied statewide.

(d) Examination and evaluation of feasible and reasonable noise abatement measures for reducing the traffic noise impacts. Each highway agency, with FHWA approval, shall develop feasibility and reasonableness factors.

(1) Feasibility:

(i) Achievement of at least a 5 dB(A) highway traffic noise reduction at impacted receptors. The highway agency shall define, and receive FHWA approval for, the number of receptors that must achieve this reduction for the noise abatement measure to be acoustically feasible and explain the basis for this determination; and

(ii) Determination that it is possible to design and construct the noise abatement measure. Factors to consider are safety, barrier height, topography, drainage, utilities, and maintenance of

the abatement measure, maintenance access to adjacent properties, and access to adjacent properties (*i.e.* arterial widening projects).

(2) Reasonableness:

(i) Consideration of the viewpoints of the property owners and residents of the benefited receptors. The highway agency shall solicit the viewpoints of all of the benefited receptors and obtain enough responses to document a decision on either desiring or not desiring the noise abatement measure. The highway agency shall define, and receive FHWA approval for, the number of receptors that are needed to constitute a decision and explain the basis for this determination.

(ii) Cost effectiveness of the highway traffic noise abatement measures. Each highway agency shall determine, and receive FHWA approval for, the allowable cost of abatement by determining a baseline cost reasonableness value. This determination may include the actual construction cost of noise abatement, cost per square foot of abatement, the maximum square footage of abatement/benefited receptor and either the cost/benefited receptor or cost/benefited receptor/dB(A) reduction. The highway agency shall re-analyze the allowable cost for abatement on a regular interval, not to exceed 5 years. A highway agency has the option of justifying, for FHWA approval, different cost allowances for a particular geographic area(s) within the State, however, the highway agency must use the same cost reasonableness/construction cost ratio statewide.

(iii) Noise reduction design goals for highway traffic noise abatement measures. When noise abatement measure(s) are being considered, a highway agency shall achieve a noise reduction design goal. The highway agency shall define, and receive FHWA approval for, the design goal of at least 7 dB(A) but not more than 10 dB(A), and shall define the number of benefited receptors that must achieve this design goal and explain the basis for this determination.

(iv) The reasonableness factors listed in § 772.13(d)(5)(i), (ii) and (iii), must collectively be achieved in order for a noise abatement measure to be deemed reasonable. Failure to achieve § 772.13(d)(5)(i), (ii) or (iii), will result in the noise abatement measure being deemed not reasonable.

(v) In addition to the required reasonableness factors listed in § 772.13(d)(5)(i), (ii), and (iii), a highway agency has the option to also include the following reasonableness factors: Date of development, length of time receivers have been exposed to highway

traffic noise impacts, exposure to higher absolute highway traffic noise levels, changes between existing and future build conditions, percentage of mixed zoning development, and use of noise compatible planning concepts by the local government. No single optional reasonableness factor can be used to determine reasonableness.

(e) Assessment of Benefited Receptors. Each highway agency shall define the threshold for the noise reduction which determines a benefited receptor as at or above the 5 dB(A), but not to exceed the highway agency's reasonableness design goal.

(f) Abatement Measure Reporting: Each highway agency shall maintain an inventory of all constructed noise abatement measures. The inventory shall include the following parameters: type of abatement; cost (overall cost, unit cost per/sq. ft.); average height; length; area; location (State, county, city, route); year of construction; average insertion loss/noise reduction as reported by the model in the noise analysis; NAC category(s) protected; material(s) used (precast concrete, berm, block, cast in place concrete, brick, metal, wood, fiberglass, combination, plastic (transparent, opaque, other); features (absorptive, reflective, surface texture); foundation (ground mounted, on structure); project type (Type I, Type II, and optional project types such as State funded, county funded, tollway/turnpike funded, other, unknown). The FHWA will collect this information, in accordance with OMB's Information Collection requirements.

(g) Before adoption of a CE, FONSI, or ROD, the highway agency shall identify:

(1) Noise abatement measures which are feasible and reasonable, and which are likely to be incorporated in the project; and

(2) Noise impacts for which no noise abatement measures are feasible and reasonable.

(3) Documentation of highway traffic noise abatement: The environmental document shall identify locations where noise impacts are predicted to occur, where noise abatement is feasible and reasonable, and locations with impacts that have no feasible or reasonable noise abatement alternative. For environmental clearance, this analysis shall be completed to the extent that design information on the alternative(s) under study in the environmental document is available at the time the environmental clearance document is completed. A statement of likelihood shall be included in the environmental document since feasibility and reasonableness determinations may change due to changes in project design

after approval of the environmental document. The statement of likelihood shall include the preliminary location and physical description of noise abatement measures determined feasible and reasonable in the preliminary analysis. The statement of likelihood shall also indicate that final recommendations on the construction of an abatement measure(s) is determined during the completion of the project's final design and the public involvement processes.

(h) The FHWA will not approve project plans and specifications unless feasible and reasonable noise abatement measures are incorporated into the plans and specifications to reduce the noise impact on existing activities, developed lands, or undeveloped lands for which development is permitted.

(i) For design-build projects, the preliminary technical noise study shall document all considered and proposed noise abatement measures for inclusion in the NEPA document. Final design of design-build noise abatement measures shall be based on the preliminary noise abatement design developed in the technical noise analysis. Noise abatement measures shall be considered, developed, and constructed in accordance with this standard and in conformance with the provisions of 40 CFR 1506.5(c) and 23 CFR 636.109.

(j) Third party funding is not allowed on a Federal or Federal-aid Type I or Type II project if the noise abatement measure would require the additional funding from the third party to be considered feasible and/or reasonable. Third party funding is acceptable on a Federal or Federal-aid highway Type I or Type II project to make functional enhancements, such as absorptive treatment and access doors or aesthetic enhancements, to a noise abatement measure already determined feasible and reasonable.

(k) On a Type I or Type II projects, a highway agency has the option to cost average noise abatement among benefited receptors within common noise environments if no single common noise environment exceeds two times the highway agency's cost reasonableness criteria and collectively all common noise environments being averaged do not exceed the highway agency's cost reasonableness criteria.

**§ 772.15 Federal participation.**

(a) *Type I and Type II projects.*

Federal funds may be used for noise abatement measures when:

(1) Traffic noise impacts have been identified; and

(2) Abatement measures have been determined to be feasible and

reasonable pursuant to § 772.13(d) of this chapter.

(b) *For Type II projects.* (1) No funds made available out of the Highway Trust Fund may be used to construct Type II noise barriers, as defined by this regulation, if such noise barriers were not part of a project approved by the FHWA before the November 28, 1995.

(2) Federal funds are available for Type II noise barriers along lands that were developed or were under substantial construction before approval of the acquisition of the rights-of-ways for, or construction of, the existing highway.

(3) FHWA will not approve noise abatement measures for locations where such measures were previously determined not to be feasible and reasonable for a Type I project.

(c) *Noise Abatement Measures.* The following noise abatement measures may be considered for incorporation into a Type I or Type II project to reduce traffic noise impacts. The costs of such measures may be included in Federal-aid participating project costs with the Federal share being the same as that for the system on which the project is located.

(1) Construction of noise barriers, including acquisition of property rights, either within or outside the highway right-of-way. Landscaping is not a viable noise abatement measure.

(2) Traffic management measures including, but not limited to, traffic

control devices and signing for prohibition of certain vehicle types, time-use restrictions for certain vehicle types, modified speed limits, and exclusive lane designations.

(3) Alteration of horizontal and vertical alignments.

(4) Acquisition of real property or interests therein (predominantly unimproved property) to serve as a buffer zone to preempt development which would be adversely impacted by traffic noise. This measure may be included in Type I projects only.

(5) Noise insulation of Activity Category D land use facilities listed in Table 1. Post-installation maintenance and operational costs for noise insulation are not eligible for Federal-aid funding.

**§ 772.17 Information for local officials.**

(a) To minimize future traffic noise impacts on currently undeveloped lands of Type I projects, a highway agency shall inform local officials within whose jurisdiction the highway project is located of:

(1) Noise compatible planning concepts;

(2) The best estimation of the future design year noise levels at various distances from the edge of the nearest travel lane of the highway improvement where the future noise levels meet the highway agency's definition of "approach" for undeveloped lands or properties within the project limits. At

a minimum, identify the distance to the exterior noise abatement criteria in Table 1;

(3) Non-eligibility for Federal-aid participation for a Type II project as described in § 772.15(b).

(b) If a highway agency chooses to participate in a Type II noise program or to use the date of development as one of the factors in determining the reasonableness of a Type I noise abatement measure, the highway agency shall have a statewide outreach program to inform local officials and the public of the items in § 772.17(a)(1) through (3).

**§ 772.19 Construction noise.**

For all Type I and II projects, a highway agency shall:

(a) Identify land uses or activities that may be affected by noise from construction of the project. The identification is to be performed during the project development studies.

(b) Determine the measures that are needed in the plans and specifications to minimize or eliminate adverse construction noise impacts to the community. This determination shall include a weighing of the benefits achieved and the overall adverse social, economic, and environmental effects and costs of the abatement measures.

(c) Incorporate the needed abatement measures in the plans and specifications.

TABLE 1 TO PART 772—NOISE ABATEMENT CRITERIA

[Hourly A-Weighted Sound Level\_decibels (dB(A))<sup>1</sup>]

Activity category	Activity Leq(h)	Criteria <sup>2</sup> L10(h)	Evaluation location	Activity description
A .....	57	60	Exterior .....	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B <sup>3</sup> .....	67	70	Exterior .....	Residential.
C <sup>3</sup> .....	67	70	Exterior .....	Active sport areas, amphitheaters, auditoriums, campgrounds, cemeteries, day care centers, hospitals, libraries, medical facilities, parks, picnic areas, places of worship, playgrounds, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, recreation areas, Section 4(f) sites, schools, television studios, trails, and trail crossings.
D .....	52	55	Interior .....	Auditoriums, day care centers, hospitals, libraries, medical facilities, places of worship, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, schools, and television studios.
E <sup>3</sup> .....	72	75	Exterior .....	Hotels, motels, offices, restaurants/bars, and other developed lands, properties or activities not included in A–D or F.
F .....	.....	.....	.....	Agriculture, airports, bus yards, emergency services, industrial, logging, maintenance facilities, manufacturing, mining, rail yards, retail facilities, shipyards, utilities (water resources, water treatment, electrical), and warehousing.
G .....	.....	.....	.....	Undeveloped lands that are not permitted.

<sup>1</sup> Either Leq(h) or L10(h) (but not both) may be used on a project.

<sup>2</sup> The Leq(h) and L10(h) Activity Criteria values are for impact determination only, and are not design standards for noise abatement measures.

<sup>3</sup> Includes undeveloped lands permitted for this activity category.

## **APPENDIX B:**

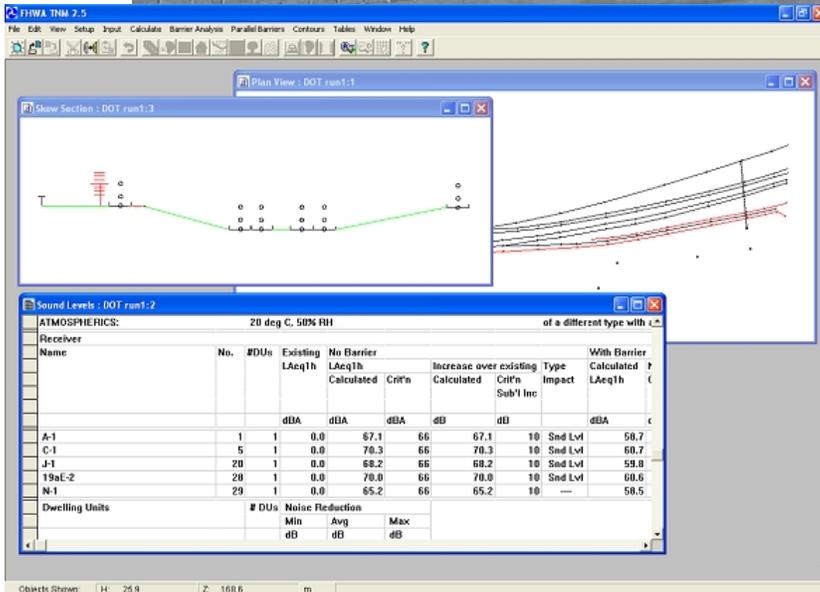
FHWA Highway Traffic Noise Analysis and Abatement Policy  
& Guidance (June 2010)



U.S. Department of Transportation

Federal Highway Administration

# Highway Traffic Noise: Analysis and Abatement Guidance



June 2010  
Rev. 8/11/2010

# TABLE OF CONTENTS

TABLE OF CONTENTS.....	2
INTRODUCTION .....	6
THREE-PART APPROACH TO HIGHWAY TRAFFIC NOISE ABATEMENT .....	6
<i>Noise Compatible Planning</i> .....	6
<i>Source Control</i> .....	6
Table 1: Maximum Noise Emission Levels as Required by EPA for Newly Manufactured Trucks with GVWR Over 10,000 Pounds .....	7
Table 2: Maximum Noise Emission Levels as Required by EPA for In Use Medium and Heavy Trucks with GVWR Over 10,000 Pounds Engaged in Interstate Commerce .....	7
<i>Highway Traffic Noise Abatement</i> .....	7
NOISE FUNDAMENTALS .....	8
Figure 1: Conceptualizing Equivalent Sound Level, LEQ .....	8
<i>Decibel Addition</i> .....	9
Table 3: Rules for Combining Sound Levels by "Decibel Addition" .....	9
<i>Decibel Changes, Loudness, and Energy Loss</i> .....	9
Table 4: Decibel Changes, Loudness, and Energy Loss .....	9
<i>Sound Propagation</i> .....	10
<i>Vehicle Categories</i> .....	10
<i>Variables Affecting Highway Traffic Noise</i> .....	10
FHWA HIGHWAY TRAFFIC NOISE REGULATION .....	11
772.1 PURPOSE .....	11
772.3 NOISE STANDARDS .....	11
772.5 DEFINITIONS .....	11
<i>Design Goal</i> .....	13
<i>Type I Projects</i> .....	14
Highway on New Location.....	14
Physical Alteration of an Existing Highway .....	14
No Change between Existing and Future Highway Traffic Noise Levels .....	15
Weigh Stations, Rest Stops and Toll Plazas .....	15
NEPA versus 23 CFR 772 Analysis Requirements .....	15
Tiered Environmental Impact Statements (EIS's).....	15
<i>Type II Projects</i> .....	16
Background .....	16
Type II Project Requirements.....	16
Developing a Type II Program.....	17
Priority Rating Systems.....	18
<i>Type III Projects</i> .....	18
Template for Type III Project Documentation .....	19
772.7 APPLICABILITY .....	19
<i>Written State Highway Traffic Noise Policies</i> .....	20
772.9 TRAFFIC NOISE PREDICTION .....	20
<i>FHWA Traffic Noise Model (FHWA TNM)</i> .....	21
Average Pavement.....	21
Noise Contours.....	21
<i>Traffic Characteristics</i> .....	21
Posted vs. Operating Speeds.....	21

772.11 ANALYSIS OF TRAFFIC NOISE IMPACTS .....	22
<i>Traffic Noise Impacts</i> .....	23
<i>Impact Determination</i> .....	24
<i>Substantial Increase</i> .....	24
<i>Noise Abatement Criteria (NAC)</i> .....	25
Table 5: 23 CFR, Part 772, Table 1 Noise Abatement Criteria (NAC) .....	26
Activity Category A .....	27
Activity Category B .....	27
Activity Category C .....	27
Campgrounds may cause some confusion when determining the appropriate land use category since some campgrounds, such as recreational vehicle parks, have long-term use and function as mobile home parks. The FHWA encourages highway agencies to carefully consider the context of the use of campground and similar facilities when identifying the appropriate land use category. Examples on Determining Cost-Reasonableness of Non-residential Land Uses .....	27
Activity Category D .....	28
Activity Category E .....	28
Activity Category F .....	28
Activity Category G .....	28
<i>Receiver Locations for Highway Traffic Noise Analyses</i> .....	29
Exterior Areas of Frequent Human Use .....	29
Multi-family Dwelling Units .....	29
Predicting Interior Noise Levels .....	29
Table 6: Building Noise Reduction Factors .....	30
NOISE REDUCTION DUE TO EXTERIOR OF THE STRUCTURE .....	30
FHWA PUBLICATION <i>FHWA-DP-45-1R, SOUND PROCEDURES FOR MEASURING HIGHWAY NOISE: FINAL REPORT PROVIDES PROCEDURES TO MEASURE BUILDING NOISE REDUCTIONS</i> . .....	30
Study Area .....	30
Existing Highway Traffic Noise Measurements .....	30
Model Validation .....	30
Model Calibration .....	31
<i>Prediction of Future Highway Traffic Noise Levels for Study Alternatives</i> .....	31
772.13 ANALYSIS OF NOISE ABATEMENT .....	32
Table 7: Relationship Between Decibel, Energy, and Loudness .....	35
<i>Noise Abatement Documentation</i> .....	35
Example Statement of Likelihood .....	37
<i>Determining Feasible and Reasonable Highway Traffic Noise Abatement</i> .....	37
<i>Determining Benefited Receptors</i> .....	38
<i>Feasibility</i> .....	38
Acoustic Feasibility .....	38
<i>Reasonableness</i> .....	38
Viewpoint of Affected Residents and Property Owners .....	39
Allowable Cost of Highway Traffic Noise Abatement .....	39
Example of Regional Cost Differences .....	39
Determining Receptors .....	39
Date of Development .....	40
Exposure to Higher Absolute Highway Traffic Noise Levels .....	40
Large Increases over Existing Noise Levels .....	40
Build vs. No-Build .....	40
Mixed Zoning Development .....	40
Noise Compatible Planning .....	40
<i>Abatement Measure Reporting</i> .....	40
<i>Third Party Participation</i> .....	41

772.15 FEDERAL PARTICIPATION.....	41
<i>Funding</i> .....	42
772.17 INFORMATION FOR LOCAL OFFICIALS .....	42
<i>Noise Compatible Planning</i> .....	43
<i>Date of Public Knowledge</i> .....	43
<i>Statewide Outreach Program</i> .....	43
772.19 CONSTRUCTION NOISE.....	44
<i>Construction Noise Analysis</i> .....	44
Roadway Construction Noise Model.....	44
Highway Construction Noise: Measurement, Prediction and Mitigation .....	45
Construction Noise Impacts .....	45
Construction Noise Abatement Measures .....	45
Severe Construction Noise Impacts.....	45
<b>APPENDIX A: HIGHWAY TRAFFIC NOISE ANALYSIS PROCESS .....</b>	<b>46</b>
HIGHWAY TRAFFIC NOISE ANALYSIS .....	46
<i>Identifying Activity Categories and Applicable NAC of Adjacent Land Uses</i> .....	46
<i>Determination of Existing Highway Traffic Noise Levels</i> .....	46
<i>Prediction of Future Highway Traffic Noise Levels</i> .....	47
Pavement Types .....	47
Pavement Type When Predicting Existing Highway Traffic Noise Levels:.....	47
<i>Identification and Consideration of Highway Traffic Noise Abatement</i> .....	48
Feasibility and Reasonableness Determination and Worksheet.....	48
<i>Construction Noise Analyses</i> .....	48
<i>Coordination with Local Governments</i> .....	48
<i>Federal-aid Highway Projects Involving Other Modes of Transportation</i> .....	49
Aircraft Noise.....	49
Rail Noise.....	49
Transit Noise .....	49
SECTION 4(F) EVALUATION .....	49
<b>APPENDIX B: HIGHWAY TRAFFIC NOISE REPORTING.....</b>	<b>51</b>
<i>Noise Analysis Documentation</i> .....	51
Noise Analysis Contents .....	51
<i>Existing Noise Environment Documentation Example</i> .....	52
<i>Future Noise Environment Documentation Example</i> .....	53
<i>Traffic Noise Impact Documentation Example</i> .....	53
<i>Consideration of Abatement Documentation Example</i> .....	53
Table 9: Example of Abatement Information for an environmental document .....	54
<i>Reporting Decibel Levels</i> .....	54
<i>Construction Noise Documentation</i> .....	55
<i>Coordination with Local Officials</i> .....	55
<b>APPENDIX C: HIGHWAY TRAFFIC NOISE ABATEMENT MEASURES.....</b>	<b>56</b>
ABATEMENT MEASURES IN 23 CFR 772.....	56
NOISE BARRIERS .....	56
<i>Technical Considerations and Barrier Effectiveness</i> .....	56
Table 8: Barrier Attenuation.....	57
Noise Barrier Material Types .....	57

Shadow Zone.....	57
Figure 2: Noise Barrier Shadow Zone.....	57
Shadow Effect of Noise Barrier .....	57
Public Perception.....	57
Receiver Locations for Noise Barrier Design.....	58
Design Considerations.....	58
Visual Impact .....	59
Graffiti.....	59
Reflection of Noise from a Noise Barrier.....	59
Noise Barrier Structural and Safety Design Criteria.....	60
<b>TRAFFIC MANAGEMENT .....</b>	<b>61</b>
<b>ALTERATION OF HORIZONTAL AND VERTICAL ALIGNMENTS .....</b>	<b>61</b>
<b>ACQUISITION OF PROPERTY RIGHTS FOR NOISE BARRIER OR BUFFER ZONES .....</b>	<b>61</b>
<b>NOISE INSULATION .....</b>	<b>62</b>
<b>VISUAL SCREENING .....</b>	<b>62</b>
<i>Vegetation</i> .....	62
Figure 3: Vegetation.....	62
<i>Privacy Fencing</i> .....	63
<i>Flexibility in Decision Making</i> .....	63
<b>APPENDIX D: FEASIBILITY AND REASONABLENESS WORKSHEET EXAMPLE .....</b>	<b>64</b>
<b>REASONS FOR DECISION: .....</b>	<b>64</b>
<b>APPENDIX E: TYPE II PROGRAM EXAMPLES.....</b>	<b>66</b>
MASSACHUSETTS.....	66
OHIO.....	66
TENNESSEE.....	66
TEXAS .....	66
<b>APPENDIX F: DETERMINING THE REASONABLE COST OF ABATEMENT .....</b>	<b>67</b>
<b>APPENDIX G: HIGHWAY TRAFFIC-INDUCED VIBRATION.....</b>	<b>75</b>

## INTRODUCTION

Some of the most pervasive sources of noise in the environment come from transportation systems. Highway traffic noise is a dominant noise source in urban and rural environments. In response to the problems associated with highway traffic noise, the United States Code of Federal Regulations Part 772 (23 CFR 772), "Procedures for Abatement of Highway Traffic Noise and Construction Noise," establishes standards for abatement of highway traffic noise. The purpose of this document is to provide Federal Highway Administration (FHWA) guidance for the applying 23 CFR 772 in the analysis and abatement of highway traffic noise. Following this guidance is strictly voluntary. It is based on lessons learned and best practices and does not constitute the establishment of an FHWA standard. Not all studies are the same; therefore this guidance is intended to be non-prescriptive, and its application flexible and scalable to the type and complexity of the analysis to be undertaken.

### ***THREE-PART APPROACH TO HIGHWAY TRAFFIC NOISE ABATEMENT***

Effective control of highway traffic noise requires (1) control of land use planning adjacent to highways, (2) quieter vehicles, and (3) when feasible and reasonable, abatement of highway traffic noise for individual projects.

The first component is traditionally an area of local responsibility. The other components are the joint responsibility of private industry and of Federal, State, and local governments.

#### ***Noise Compatible Planning***

The Federal government has no authority to regulate land use planning or the land development process on non-Federal lands. The FHWA and other Federal agencies encourage State and local governments to practice land use planning and control near highways. The FHWA advocates that local governments use their regulatory authority to prohibit incompatible development adjacent to highways, or require planning, design and construction of developments that minimize highway traffic noise impacts.

Some State and local governments have enacted statutes for land use planning and control. For example, California requires local governments to consider the adverse environmental effects of highway traffic noise in their land development process. Additionally, the law gives local governments broad powers to pass ordinances relating to the use of land, including the location, size, and use of buildings and open space. Wisconsin has a State law, which requires formal adoption of a local resolution supporting the construction of a proposed noise barrier that documents the existence of local land use controls to prevent the future need for noise barriers adjacent to freeways and expressways.

Other States and local governments have similar laws, but the entire issue of land use is extremely complicated. Many competing considerations enter into land use control decisions, making it unlikely that land use planning and control will eliminate incompatible land development near highways.

#### ***Source Control***

The Noise Control Act of 1972 authorizes the U.S. Environmental Protection Agency (EPA) to establish noise regulations to control major sources of noise, including transportation vehicles and construction equipment. Additionally, this legislation requires EPA to issue noise emission standards for motor vehicles used in interstate commerce (vehicles used to transport commodities across State boundaries)

and requires the Federal Motor Carrier Safety Administration (FMCSA) to enforce these noise emission standards. The EPA established regulations, which set emission level standards for newly manufactured medium and heavy trucks with a gross vehicle weight rating (GVWR) greater than 10,000 pounds and capable of operating on a highway or street. Table 1 shows the maximum noise emission levels allowed by the EPA noise regulations for these vehicles.

**Table 1: Maximum Noise Emission Levels as Required by EPA for Newly Manufactured Trucks with GVWR Over 10,000 Pounds**

Effective Date	Maximum Noise Level 50 Feet from Centerline of Travel*
January 1, 1988	80 dB(A)
* Using the Society of Automotive Engineers, Inc. (SAE), test procedure for acceleration under 35 mph	

The Federal government also has authority to regulate noise emission levels for existing (in use) medium and heavy trucks with a GVWR of more than 10,000 pounds that are engaged in interstate commerce. Table 2 shows the EPA emission level standards for in use medium and heavy trucks engaged in interstate commerce. The FMCSA enforces these standards. State or local governments have regulatory authority over all other vehicles.

**Table 2: Maximum Noise Emission Levels as Required by EPA for In Use Medium and Heavy Trucks with GVWR Over 10,000 Pounds Engaged in Interstate Commerce**

Effective Date	Speed	Maximum Noise Level 50 Feet from Centerline of Travel
January 8, 1986	< 35 mph	83 dB(A)
	> 35 mph	87 dB(A)
	Stationary	85 dB(A)

### **Highway Traffic Noise Abatement**

The National Environmental Policy Act (NEPA) of 1969 provides broad authority and responsibility to Federal agencies for evaluating and mitigating adverse environmental effects, including highway traffic and construction noise. NEPA directs the Federal government to use all practical means and measures to promote the general welfare and foster a healthy environment.

The Federal-Aid Highway Act of 1970 (23 USC §109(i)) specifically addresses the abatement of highway traffic noise. This law mandates FHWA to develop highway traffic noise standards.

The law requires promulgation of highway traffic noise level criteria for various land use activities. The law further provides that FHWA not approve the plans and specifications for a Federal-aid highway project unless the project includes adequate highway traffic noise abatement measures to implement the appropriate noise level standards. The FHWA has developed and implemented regulations for the analysis and mitigation of highway traffic noise in Federal-aid highway projects.

The FHWA highway traffic noise regulation is 23 CFR 772. The regulation requires the following during the planning and design of a highway project: (1) identification of highway traffic noise impacts; (2) examination of potential abatement measures; (3) the incorporation of reasonable and feasible highway traffic noise abatement measures into the highway project; (4) coordination with local officials to provide helpful information on compatible land use planning and control; and (5) identification and incorporation of necessary measures to abate construction noise.

The regulation contains highway traffic Noise Abatement Criteria (NAC) for different types of land uses and human activities. Highway traffic noise impacts occur when the predicted highway traffic noise levels approach or exceed the noise abatement criteria, or when the predicted highway traffic noise levels substantially exceed the existing highway traffic noise levels. The regulation does not require meeting the abatement criteria in every instance, and do not define the criteria as design standards for highway traffic noise abatement. Rather, the regulation requires that FHWA make every feasible and reasonable effort to provide substantial noise reduction when highway traffic noise impacts occur. Compliance with 23 CFR 772 is a prerequisite for granting Federal-aid highway funds for construction or reconstruction of a highway.

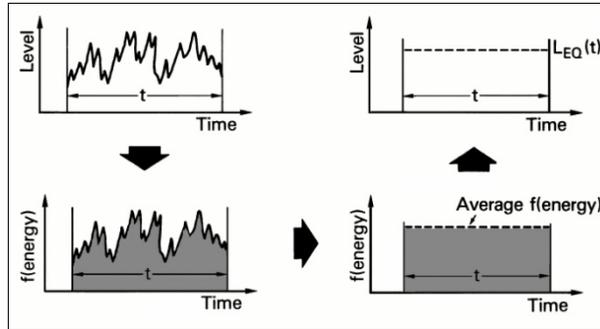
### ***NOISE FUNDAMENTALS***

Sound is when an object moves; the rustling of leaves as the wind blows, the air passing through our vocal chords, the almost invisible movement of speakers. The movements cause vibrations of the molecules in air to move in waves like ripples on water. When the vibrations reach our ears, we hear what we call sound.

Noise is unwanted sound. The vibration of sound pressure waves in the air produces sound. Sound pressure levels used to measure the intensity of sound are described in terms of decibels. The decibel (dB) is a logarithmic unit, which expresses the ratio of the measured sound pressure level to a standard reference level. Sound is composed of various frequencies, but the human ear does not respond to all frequencies. Frequencies to which the human ear does not respond are filtered out when measuring highway traffic noise levels. Sound level meters are usually equipped with weighting circuits, which filter out selected frequencies. The A-scale on a sound level meter best approximates the frequency response of the human ear. Sound pressure levels measured on the A-scale of a sound meter are abbreviated dB(A).

In addition to noise varying in frequency, noise intensity fluctuates with time. The most common descriptor of environmental noise in the United States of America is the equivalent (energy average) sound level. The equivalent sound level is the steady state, A-weighted sound level which contains the same amount of acoustic energy as the actual time varying, A-weighted sound level over a specified period of time (see Figure 1). If the time period is one hour, the descriptor is the hourly equivalent sound level,  $L_{eq}(h)$ , which is widely used by highway agencies as a descriptor of highway traffic noise. An additional descriptor, which is sometimes used, is the  $L_{10}$ . This is simply the A-weighted sound level that is exceeded 10 percent of the time.

***Figure 1: Conceptualizing Equivalent Sound Level, LEQ***



### ***Decibel Addition***

As mentioned above, decibels are logarithmic units and are not added arithmetically. Table 3 provides general procedures for decibel addition. This table shows that the sound pressure level from two equal sources is 3 dB greater than the sound pressure level of just one source. So, two trucks producing 90 dB each combine to produce 93 dB, not 180 dB. In other words, a doubling of the noise source produces only a 3 dB increase in the sound pressure level. Studies have shown that this increase is barely perceptible by the human ear.

***Table 3: Rules for Combining Sound Levels by "Decibel Addition"***

When two decibel values differ by	Add the following amount to the higher value
0 or 1 dB	3 dB
2 or 3 dB	2 dB
4 to 9 dB	1 dB
10 dB or more	0 dB

\*For noise levels known or desired to an accuracy of  $\pm 1$  decibel (acceptable for traffic noise analyses)

### ***Decibel Changes, Loudness, and Energy Loss***

Most observers perceive an increase or decrease of 10 dB in the sound pressure level as doubling or halving of the sound. For example, 70 dB will sound twice as loud as 60 dB. Table 4 shows the relationship between decibel changes and the corresponding relative loudness, as well as the actual loss in energy that occurs with each change.

***Table 4: Decibel Changes, Loudness, and Energy Loss***

Sound Level Change	Relative Loudness	Acoustic Energy Loss
0 dB(A)	Reference	0
-3 dB(A)	Barely Perceptible Change	50%
-5 dB(A)	Readily Perceptible Change	67%
-10 dB(A)	Half as Loud	90%
-20 dB(A)	1/4 as Loud	99%

-30 dB(A)	1/8 as Loud	99.9%
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***Sound Propagation***

Sound intensity decreases in proportion with the square of the distance from the source. Generally, sound levels for a point source will decrease by 6 dB(A) for each doubling of distance. Sound levels for a highway line source vary differently with distance, because sound pressure waves propagate along the line and overlap at the point of measurement. A long, closely spaced, continuous line of vehicles along a roadway becomes a line source and produces a 3 dB(A) decrease in sound level for each doubling of distance. However, experimental evidence has shown that where sound from a highway propagates close to “soft” ground (e.g., plowed farmland, grass, crops, etc.), a more suitable drop-off rate to use is not 3 dB(A) but rather 4.5 dB(A) per distance doubling.

***Vehicle Categories***

For the purpose of highway traffic noise analyses, motor vehicles fall into one of five categories:

1. Automobiles - vehicles with two axles and four tires;
2. Medium trucks - all cargo vehicles with two axles and six tires;
3. Heavy trucks - all cargo vehicles with three or more axles;
4. Buses - all vehicles designed to carry more than nine passengers; and
5. Motorcycles – all vehicles with two or three tires and an open-air driver/passenger compartment

The emission levels of all five-vehicle types increase as a function of the logarithm of their speed. In other words, the highway traffic noise levels increases with increasing speed for all five vehicle types.

***Variables Affecting Highway Traffic Noise***

The level of highway traffic noise primarily depends on three things:

1. The volume of the traffic,
2. The speed of the traffic, and
3. The number of trucks in the flow of the traffic.

Generally, heavier traffic volumes, higher speeds, and greater numbers of trucks increase the loudness of highway traffic noise. Vehicle noise is primarily a combination of the noises produced by the engine, exhaust, and tires. Defective mufflers or other faulty equipment on vehicles can increase the loudness of highway traffic noise. Any condition (such as a steep incline) that causes heavy laboring of motor vehicle engines will also increase highway traffic noise levels. Additionally, other, more complicated factors affect the loudness of highway traffic noise. For example, as a person moves away from a highway, distance, terrain, vegetation, and natural and manmade obstacles reduce highway traffic noise levels. Highway traffic noise is not usually a serious problem for people who live more than 500 feet from heavily traveled freeways or more than 100 to 200 feet from lightly traveled roads. In quiet settings, however, such as rural areas, people notice highway traffic noise over greater distances. Pavement type can also affect noise generated at the tire/pavement interface.

# FHWA HIGHWAY TRAFFIC NOISE REGULATION

The following discussion will address those requirements and point out the most important issues related to the requirements. Each section of 23 CFR 772 follows with a discussion of that section. Some sections are self explanatory and need only a sentence or two of discussion. Other, more complicated sections will have greater discussion. The regulation specifies the requirements highway agencies must meet when using Federal-aid funds for highway projects.

## *772.1 Purpose*

**PURPOSE.** To provide procedures for noise studies and noise abatement measures to help protect the public health welfare and livability, to supply noise abatement criteria, and to establish requirements for information to be given to local officials for use in the planning and design of highways approved pursuant to Title 23, United States Code (U.S.C.).

Protection of the public health and welfare is an important responsibility that FHWA helps to accomplish during the planning and design of a highway project. The U.S. Congress has directed FHWA to develop noise standards with passage of the 1970 Federal-Aid Highway Act. Concerned citizens and States encouraged Congress to provide this protection.

## *772.3 Noise Standards*

**NOISE STANDARDS.** The highway traffic noise prediction requirements, noise analyses, noise abatement criteria, and requirements for informing local officials in this directive constitute the noise standards mandated by 23 U.S.C. 109(i). All highway projects which are developed in conformance with this directive shall be deemed to be in conformance with the Federal Highway Administration (FHWA) noise standards.

This section makes 23 CFR 772 in its entirety the FHWA highway traffic noise standard. The standard is required by 23 U.S.C. 109(i). Some people mistake the highway traffic noise abatement criteria for the FHWA standard. Early on, FHWA did not want to be restricted to specific highway traffic noise levels that are unachievable in many highway projects. The standard developed by FHWA best serves the public in terms of protection and reasonable cost.

## *772.5 Definitions*

**Benefited Receptor.** The recipient of an abatement measure that receives a noise reduction at or above the minimum threshold of 5 dB(A), but not to exceed the highway agency's reasonableness design goal.

**Common Noise Environment.** A group of receptors within the same Activity Category in Table 1 that are exposed to similar noise sources and levels; traffic volumes, traffic mix, and speed; and topographic features. Generally, common noise environments occur between two secondary noise sources, such as interchanges, intersections, cross-roads.

**Date of Public Knowledge.** The date of approval of the Categorical Exclusion (CE), the Finding of No Significant Impact (FONSI), or the Record of Decision (ROD), as defined in 23 CFR 771.

**Design Year.** The future year used to estimate the probable traffic volume for which a highway is designed.

***Existing Noise Levels.*** The worst noise hour resulting from the combination of natural and mechanical sources and human activity usually present in a particular area.

***Feasibility.*** The combination of acoustical and engineering factors considered in the evaluation of a noise abatement measure.

***Impacted Receptor.*** The recipient that has a traffic noise impact.

***L10.*** The sound level that is exceeded 10 percent of the time (the 90th percentile) for the period under consideration, with L10(h) being the hourly value of L10.

***Leq.*** The equivalent steady-state sound level which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same time period, with Leq(h) being the hourly value of Leq.

***Multifamily Dwelling.*** A residential structure containing more than one residence. Each residence in a multifamily dwelling shall be counted as one receptor when determining impacted and benefited receptors.

***Noise Barrier.*** A physical obstruction that is constructed between the highway noise source and the noise sensitive receptor(s) that lowers the noise level, including stand alone noise walls, noise berms (earth or other material), and combination berm/wall systems.

***Noise Reduction Design Goal.*** The optimum desired dB(A) noise reduction determined from calculating the difference between future build noise levels with abatement, to future build noise levels without abatement. The noise reduction design goal shall be at least 7 dB(A), but not more than 10 dB(A).

***Permitted.*** A definite commitment to develop land with an approved specific design of land use activities as evidenced by the issuance of a building permit.

***Property Owner.*** An individual or group of individuals that holds a title, deed, or other legal documentation of ownership of a property or a residence.

***Reasonableness.*** The combination of social, economic, and environmental factors considered in the evaluation of a noise abatement measure.

***Receptor.*** A discrete or representative location of a noise sensitive area(s), for any of the land uses listed in Table 1.

***Residence.*** A dwelling unit. Either a single family residence or each dwelling unit in a multifamily dwelling.

***Statement of Likelihood.*** A statement provided in the environmental clearance document based on the feasibility and reasonableness analysis completed at the time the environmental document is being approved.

***Substantial Construction.*** The granting of a building permit, prior to right-of-way acquisition or construction approval for the highway.

***Substantial noise increase.*** One of two types of highway traffic noise impacts. For a Type I project, an increase in noise levels of 5 to 15 dB(A) in the design year over the existing noise level.

***Traffic Noise Impacts.*** Design year build condition noise levels that approach or exceed the NAC

listed in Table 1 for the future build condition; or design year build condition noise levels that create a substantial noise increase over existing noise levels.

***Type I Project.***

- (1) The construction of a highway on new location; or,
- (2) The physical alteration of an existing highway where there is either:
  - (i) **Substantial Horizontal Alteration.** A project that halves the distance between the traffic noise source and the closest receptor between the existing condition to the future build condition; or,
  - (ii) **Substantial Vertical Alteration.** A project that removes shielding therefore exposing the line-of-sight between the receptor and the traffic noise source. This is done by either altering the vertical alignment of the highway or by altering the topography between the highway traffic noise source and the receptor; or,
- (3) The addition of a through-traffic lane(s). This includes the addition of a through-traffic lane that functions as a HOV lane, High-Occupancy Toll (HOT) lane, bus lane, or truck climbing lane; or,
- (4) The addition of an auxiliary lane, except for when the auxiliary lane is a turn lane; or,
- (5) The addition or relocation of interchange lanes or ramps added to a quadrant to complete an existing partial interchange; or,
- (6) Restriping existing pavement for the purpose of adding a through-traffic lane or an auxiliary lane; or,
- (7) The addition of a new or substantial alteration of a weigh station, rest stop, ride-share lot or toll plaza.
- (8) If a project is determined to be a Type I project per § 772.5 then the entire project area as defined in the environmental document is a Type I project.

***Type II Project.*** A Federal or Federal-aid highway project for noise abatement on an existing highway. For a Type II project to be eligible for Federal-aid funding, the highway agency must develop and implement a Type II program in accordance with section 772.7(e).

***Type III Project.*** A Federal or Federal-aid highway project that does not meet the classifications of a Type I or Type II project. Type III projects do not require a noise analysis.

Most of these definitions are self explanatory. However, the definitions for Design Goal, Design Year, Type I Projects, Type II Projects and Type III Projects warrant further attention because they introduce new items or clarify longstanding terms. Clarification on some terms occurs where they appear in the regulation.

***Design Goal***

The design goal is a reasonableness factor indicating a specific reduction in noise levels that highway agencies use to identify that a noise abatement measure effectively reduces noise. It is a comparison of the design year noise level with the abatement measure to the design year noise level without the abatement measure. Some States already used a design goal to specify a substantial decrease as

discussed in prior FHWA guidance. The Design Goal establishes a criterion, selected by the highway agency that noise abatement must achieve. The design goal is not the same as acoustic feasibility, which is the minimum level of effectiveness of a noise abatement measure. Acoustic feasibility indicates that the noise abatement measure can at a minimum achieve a discernible reduction in noise levels.

## ***Type I Projects***

### ***Highway on New Location***

Construction of a highway on new location is self-explanatory. There is no highway before the construction, and there will be one afterwards. The addition of interchanges and ramps (e.g., adding a ramp in a quadrant to complete an existing partial interchange, adding a new lane to an existing ramp that is carried all the way to the mainline, etc.) to existing highways would also be a highway on new location and must be classified as a Type I project.

### ***Physical Alteration of an Existing Highway***

Changes in vertical alignment cover a variety of scenarios that are not limited to physical changes to the roadway. Changes to side slopes or other terrain features may also result in a Type I project. A project that exposes a receptor to a new noise source due to a vertical change or includes vertical changes that expose the receptor(s) to previously a shielded traffic noise source(s) is a Type I project. For example, a project that involves cutting back a slope that exposes a receptor to an existing highway is a Type I project. Similarly, a project that changes an at grade intersection to an overpass is a Type I project, because it substantially alters the vertical alignment of the roadway, exposes receptors to a new noise source and the operational improvements likely result in increased speeds and more noise.

Changes in the horizontal alignment that reduce the distance between the source and receiver by half or more result in a Type I project.

Identification of the physical alteration of an existing highway which increases the number of through traffic lanes requires considering the through traveled way--that portion of the highway constructed for the movement of vehicles, exclusive of the shoulders and turn lanes. The lane addition must include a full lane width, i.e., 12 feet, and must increase the capacity of the highway. The addition of a full lane to the mainline of a highway is a Type I project. The addition of an auxiliary lane is also a Type I project, unless the auxiliary lane is a turn lane. The addition of truck climbing lanes to existing highways can create significant changes in alignment and/or add through-traffic lanes, if the truck-climbing lane is long enough to function as a through-traffic lane and/or increases capacity.

The addition of a new through lane requires analysis on both sides of the highway whether the new lane(s) are all in one direction of travel or in both directions. New through lanes result in added capacity, more traffic and usually, more traffic noise.

Similarly, the addition of high-occupancy vehicle (HOV) lanes or high occupancy toll (HOT) lanes to highways are also Type I projects, whether added in the median or on the outside of the existing highway, since they add through-traffic lanes. Highway traffic noise analysis is required for both sides of the highway even HOV or HOT lanes added to one side of the highway. Frequently, HOV or HOT projects cause little or no change in the existing or future noise environment. However, highway traffic noise impacts may occur, since existing noise levels may already approach or exceed noise abatement criteria. In these instances, the highway agency must consider and implement abatement if feasible and reasonable.

New lanes also occur due to restriping projects. In this case, the pavement width may remain the same, but the project designates an additional traffic lane(s) by restriping the existing pavement.

#### ***No Change between Existing and Future Highway Traffic Noise Levels***

A commonly held viewpoint is that a highway traffic noise analyses is not necessary for projects that do not change the noise environment - that is, no change in the noise levels from those that exist today or no change in the noise levels from those that will exist in the future if no project is implemented (e.g., 70 dB(A) existing and 70 dB(A) in the future, with or without the project). However, the FHWA highway traffic noise regulations were developed to specifically address the improvement of situations where existing highway traffic noise levels are already high (i.e., a highway traffic noise impact already exists). Thus, highway traffic noise analyses are required for all Type I projects, even when there is no change in the surrounding noise environment. A parallel occurs with highway projects that upgrade or improve substandard safety features even though the overall goal of the project is not specifically safety-related. A project with any Type I work is a Type I project, and a highway traffic noise analysis is required for the entire project, as defined in the project's environmental document.

#### ***Weigh Stations, Rest Stops and Toll Plazas***

Expansion or new construction of weigh stations, rest stops and toll plazas require analysis as Type I projects. They require special attention and consideration for determining existing and future noise levels. These land uses include a mix of stationary and mobile sources. Noise analysts should develop a methodology in coordination with the highway agency noise coordinator to determine existing and future noise levels at these locations.

#### ***NEPA versus 23 CFR 772 Analysis Requirements***

There is a major difference between NEPA and 23 CFR 772 requirements for determining highway traffic noise impacts. Under NEPA, a proposed alternative is compared with a baseline (the future, no-build scenario, also called the no-build alternative) to determine whether highway traffic noise impacts will occur. That is, the proposed project causes an impact when it changes the noise level compared to the no-build condition. Changes that are less than 3 dB(A) may be considered negligible or unimportant under NEPA because they are barely perceptible. The absolute noise level, however, may be important to consider if it reaches or exceeds the level of speech interference, i.e., the NAC for that land activity category. Some highway agencies require analysis of the no build and comparison to existing and or future noise levels to satisfy NEPA. 23 CFR 772 does not require analysis of the no build scenario.

23 CFR 772, however, defines highway traffic noise impacts differently: a highway traffic noise impact occurs when a build alternative's predicted noise level approaches or exceeds the NAC, or represents a substantial increase over existing noise levels. Even if predicted noise levels decrease in the future as a result of the project, e.g. from 72 dB(A) to 69 dB(A) at a Category B site, there is still a highway traffic noise impact under 23 CFR 772, and abatement must be considered.

A highway traffic noise analysis based on NEPA requirements may also be necessary in the extremely rare instance where the project itself is expected to create a highway traffic noise impact (e.g., side slopes are flattened as part of a project to improve an intersection and the resultant highway traffic noise levels approach or exceed the NAC and are at least 3 dB(A) greater than existing noise levels). Consider this type of project on a case-by-case basis in accordance with NEPA.

#### ***Tiered Environmental Impact Statements (EIS's)***

The highway agency should coordinate with the FHWA Division Office for projects developed under a

Tiered EIS with regard to application of a Type I designation. In most cases, it is appropriate to make the Type I project designation under the Tier 2 environmental document.

### ***Type II Projects***

The following discussion outlines measures that can be taken in the Federal-aid highway program to abate highway traffic noise problems along existing highways. The discussion highlights the prioritization process for highway projects that provide this abatement and presents information on the methods used by selected States to accomplish the prioritization.

### ***Background***

The Federal Aid Highway Act of 1970 required the FHWA to develop highway traffic noise standards for use in the planning and design of new highway projects. These standards were promulgated, in the form of a regulation, by FHWA on February 8, 1973. Later, because of pressure received from a number of States, this provision was amended by the Federal Aid Highway Act of 1973 to permit the control of highway traffic noise on previously constructed highways. As a result, FHWA's highway traffic noise regulation, currently contained in 23 CFR 772, was revised to provide for Federal participation in noise abatement projects along existing highways. The regulation defines these types of projects as Type II projects (these projects are also often referred to as retrofit projects). The development and implementation of Type II projects are not mandatory requirements of Federal law or regulation. A program to implement such projects results from a strictly optional decision by a State to provide highway traffic noise abatement along existing highways.

### ***Type II Project Requirements***

The FHWA highway traffic noise regulations limits funding participation of Type II highway traffic noise abatement measures for projects approved before November 28, 1995, or projects proposed along lands where land development or substantial construction predated the highway. In addition, FHWA will not approve highway traffic noise abatement measures at locations where such measures were previously determined not to be feasible and reasonable for a Type I project.

When considering abatement measures for Type II projects, the "date of the existence of development" along the highway is often mixed. Some development will predate the existence of any highway and some development will have occurred after the original highway was constructed. If a highway agency elects to implement Type II projects, the highway agency and the FHWA Division Office should jointly establish appropriate procedures to determine ways to address locations with different dates of development.

Type II projects that utilize Federal funding in whole or part must satisfy 23 CFR 772 and NEPA requirements. Normally, a Type II project will qualify as a Categorical Exclusion, unless other environmental impacts are identified that require additional investigation. Despite the level of documentation, a Type II project requires the same level of analyses and documentation as is required for a Type I project.

### ***Developing a Type II Program***

The highway traffic noise regulation provides highway agencies with considerable flexibility for designing their own Type II highway traffic noise abatement program, including the very important task of individual project prioritization. The regulation requires that the overall highway traffic noise abatement benefits outweigh the overall adverse social, economic, and environmental (SEE) effects and the costs of the highway traffic noise abatement measures. This determination relies on good judgment by highway agencies, rather than prescriptive Federal procedures since the individual States are in the best position to make these determinations on a local basis.

These procedures consider factors related to the land development. Factors to consider include:

1. The amount of development that predates the existence of any highway;
2. The amount of development that occurred after the construction of a highway but prior to the existence of Federal requirements related to highway traffic noise; and
3. The amount of development that predates a major change in the character of a highway, e.g., the highway has changed from a low-speed, local street to a high-speed freeway. The highway agency should utilize the "date of the existence of development" procedures when approving abatement measures for Type II projects. Federal could prorate participation in proportion to the amount of pre-existing development.

A highway agency voluntarily requesting Federal-aid participation for eligible Type II projects is required to perform a highway traffic noise analysis of sufficient scope to:

1. Identify that a highway traffic noise impact exists,
2. Demonstrate that the proposed highway traffic noise abatement measures will reduce the highway traffic noise impact, and
3. Determine that the overall highway traffic noise abatement benefits outweigh the overall adverse social, economic, and environmental effects and the costs of the highway traffic noise abatement measures.

While the first two criteria are relatively easy to quantify, the third criterion, along with cost considerations, becomes more difficult to quantify. The FHWA has not developed or specified any one method of analysis for Type II projects. Instead, States are encouraged to use good judgment in the consideration of all relevant factors, both beneficial and adverse. The FHWA does not expect all factors to be quantified, but does expect a decision based on the SEE benefits and disbenefits of the highway traffic noise abatement measures. If a highway agency chooses to engage in a Type II Program, FHWA requires the highway agency to develop a priority ranking system to allow for consistent and uniform application throughout the State.

Projects for Type II highway traffic noise abatement may include the following abatement measures:

1. Traffic management measures (e.g., traffic control devices and signing for prohibition of certain vehicle types, time use restrictions for certain vehicle types, modified speed limits, and exclusive lane designations),
2. Alteration of horizontal and vertical alignments,
3. Construction of noise barriers, and

#### 4. Noise insulation of public use or nonprofit institutional structures

##### ***Priority Rating Systems***

The highway agencies have great flexibility in developing and structuring a Type II program. One program management tool that highway agencies have found to be essential is a priority rating system. Such a system enables them to uniformly and equitably handle highway traffic noise impacts and complaints along existing highways while providing a rational basis for an important part of a very tough decision making process. A priority ranking system is required by 772.7(e). Use of a priority rating system indicates the relative priority of individual projects with other potential Type II projects in a State. Factors to consider include:

1. Applicable State law,
2. Type of development to be protected,
3. Magnitude of the highway traffic noise impact,
4. Cost: total amount cost per receiver,
5. Population density of the affected area,
6. Day/night use of the property,
7. Feasibility and practicability of highway traffic noise abatement at the site,
8. Availability of funds,
9. Existing noise levels,
10. Achievable noise reduction,
11. Intrusiveness of highway traffic noise,
12. Public's attitude,
13. Local government's efforts to control land use adjacent to the highway,
14. Date of construction of adjoining development,
15. Increase in highway traffic noise since the development was constructed,
16. Local noise ordinances,
17. Feasibility of abating the highway traffic noise with traffic control measures.

These factors are not in any order, but indicate that highway agencies should base implementation of a Type II program upon a wide range of varying considerations.

Please see Appendix E for Type II program examples.

##### ***Type III Projects***

Type III projects describe any project that does not fulfill the criteria of a Type I or Type II project. Generally, the list of projects described in 23 CFR 771.117(c) and (d) comprise the list of Type III projects, with some exceptions; as noted below, where the project clearly meets the definition of a Type I project.

771.117(c)(6) The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.

771.117(c)(12) Improvements to existing rest areas and truck weigh stations.

771.117(c)(13) Ridesharing activities

771.117 (d)(1) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or **adding auxiliary lanes** (e.g., parking, weaving, turning, climbing).

771.117 (d)(3) Bridge rehabilitation, reconstruction or replacement or **the construction of grade separation to replace existing at-grade railroad crossings.**

771.117 (d)(5) Construction of new truck weigh stations or rest areas.

Construction of new Rideshare lots under 771.117(c)(13) represents a new noise source and may require a noise analysis similar to an analysis conducted for rest areas. 772.5 classifies auxiliary lanes as Type I except for turn lanes. The bolded text in 771.117(d)(3) indicates that construction of a grade separation to replace existing at-grade railroad crossings may result in a significant change in the vertical alignment of an existing roadway. In some cases, the grade separation project results in an overall benefit to the noise environment due to reduced requirements to sound train horns at grade separated crossings. Highway agencies may consider this benefit in the noise analysis.

Sometimes, unusual projects fall outside the standard definition of a Type I project. Generally, if a project results in a new noise source, the highway agency should consider a noise analysis for the project. The regulation does not preclude highway agencies from performing a noise analysis for a project that does not strictly meet the Type I or Type II criteria, but may result in a new noise source.

#### ***Template for Type III Project Documentation***

Project Name:

The referenced project meets the criteria for a Type III project established in 23 CFR 772. Therefore, the project requires no analysis for highway traffic noise impacts. Type III projects do not involve added capacity, construction of new through lanes or auxiliary lanes, changes in the horizontal or vertical alignment of the roadway or exposure of noise sensitive land uses to a new or existing highway noise source. \_\_\_\_\_ DOT acknowledges that a noise analysis is required if changes to the proposed project result in reclassification to a Type I project.

### ***772.7 Applicability.***

**(a) This regulation applies to all Federal or Federal-aid Highway Projects authorized under title 23, United States Code. Therefore, this regulation applies to any highway project or multimodal project that:**

- (1) Requires FHWA approval regardless of funding sources, or**
- (2) Is funded with Federal-aid highway funds.**

**(b) In order to obtain FHWA approval, the highway agency shall develop noise policies in conformance with this regulation and shall apply these policies uniformly and consistently statewide.**

**(c) This regulation applies to all Type I projects unless the regulation specifically indicates that a section only applies to Type II or Type III projects.**

**(d) The development and implementation of Type II projects are not mandatory requirements of section 109(i) of title 23, United States Code.**

**(e) If a highway agency chooses to participate in a Type II program, the highway agency shall develop a priority system, based on a variety of factors, to rank the projects in the program. This priority system shall be submitted to and approved by FHWA before the highway agency is allowed to use Federal-aid funds for a project in the program. The highway agency shall re-**

**June 2010**  
Rev. 8/11/2010

**analyze the priority system on a regular interval, not to exceed 5 years.**

**(f) For a Type III project, a highway agency is not required to complete a noise analysis or consider abatement measures.**

The regulation applies to all Type I and Type II projects that require FHWA approval and/or receive Federal-aid funding. The implementation of a Type II program is optional and not mandatory. Type III projects do not require a noise analysis.

### ***Written State Highway Traffic Noise Policies***

All highway agencies must adopt written statewide highway traffic noise policies approved by FHWA. Division Administrators are delegated the authority to approve the State policies after a coordinated review that includes the FHWA headquarters noise staff and Resource Center personnel with highway noise expertise. The policies must demonstrate compliance with 23 Code of Federal Regulations Part 772 and the highway traffic noise policy contained herein. Send copies of approved policies to HEPN-20. The approved policy is the primary document the highway agency uses to implement the requirements of the regulation. In some cases, the highway agency may use separate noise policy and guidance documents. In this case, both documents require FHWA approval following the above process.

### ***772.9 Traffic Noise Prediction.***

**(a) Any analysis required by this subpart must use the FHWA Traffic Noise Model (TNM), which is described in “FHWA Traffic Noise Model” Report No. FHWA-PD-96-010, including Revision No. 1, dated April 14, 2004, or any other model determined by the FHWA to be consistent with the methodology of the FHWA TNM. These publications are incorporated by reference in accordance with section 552(a) of title 5, U.S.C. and part 51 of title 1, CFR, and are on file at the National Archives and Record Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030 or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). These documents are available for copying and inspection at the Federal Highway Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590, as provided in part 7 of title 49, CFR. These documents are also available on the FHWA’s Traffic Noise Model Web site at the following URL: <http://www.fhwa.dot.gov/environment/noise/index.htm>.**

**(b) Average pavement type shall be used in the FHWA TNM for future noise level prediction unless a highway agency substantiates the use of a different pavement type for approval by the FHWA.**

**(c) Noise contour lines may be used for project alternative screening or for land use planning to comply with § 772.17, but shall not be used for determining highway traffic noise impacts.**

**(d) In predicting noise levels and assessing noise impacts, traffic characteristics that would yield the worst traffic noise impact for the design year shall be used.**

### ***FHWA Traffic Noise Model (FHWA TNM)***

The FHWA TNM, version 2.5 (or the latest version), is required for use in all highway traffic noise analyses for Federal-aid highway projects that begin on or after May 2, 2005. The FHWA will update 23 CFR 772 as necessary to accommodate new or updated releases of the FHWA TNM. For additional information regarding the FHWA TNM, please go to <http://www.fhwa.dot.gov/environment/noise/tnm/index.htm>.

### ***Average Pavement***

Highway agencies must use TNM average pavement when analyzing future conditions unless there is an agreement with FHWA to use a different pavement type. States may propose use of a different pavement type for approval by coordinating with the State's FHWA Division Office. The highway agency must demonstrate that a current TNM pavement is an acoustic match for a pavement used by the State, or provide sufficient data to FHWA to incorporate a specific pavement within the TNM.

### ***Noise Contours***

Noise contour lines are useful for screening and to provide information to local officials (772.17); however, some caution is necessary when using noise contour lines. Noise analysts usually develop the noise contours using the Noise Contour function of the FHWA TNM, or by modeling discrete receiver points and extrapolating between them. Either method can result in an inaccurate portrayal of the noise environment. When using the Noise Contour function, users must ensure the grid spacing provides a sufficient resolution to provide good results and when using discrete receivers, the user must ensure the receivers are close enough together to enable relatively accurate extrapolation between receiver points.

### ***Traffic Characteristics***

Highway traffic noise levels sensitive to traffic characteristics used to predict future traffic noise levels. The "worst hourly traffic noise impact" occurs at a time when truck volumes and vehicle speeds are the greatest, typically when traffic is free flowing and at or near level of service (LOS) C conditions. The numbers of medium and heavy trucks are very important. In large urban areas, this worst hourly traffic noise impact will usually not coincide with peak traffic periods, when LOS may drop to D or less.

### ***Posted vs. Operating Speeds***

highway agencies should use either the posted speed limit or the operating speed (highest overall speed at which a driver can travel on a given highway under favorable weather conditions and under prevailing traffic conditions, with any time exceeding the safest speed as determined by the design speed on a section-by-section basis) to predict highway traffic noise levels. Highway agencies should use the operating speed if it is determined to be consistently higher than the posted speed limit. In determining the operating speed along an existing highway, the first step is to identify the period during which the worst highway traffic noise impacts occur. Then determine the speed driving a vehicle in the traffic stream and recording the average speed. Speed may also be determined by using radar meters or other devices to measure speeds at a point along the highway (with no adjustments to the actual instrument measurements). Use caution when using radar meters to determine speed since the presence of a radar meter may result in speeds below the typical speed for the facility. Average measured speeds arithmetically to calculate a time mean speed (as defined in Highway Capacity Manual 2000). Use the "traffic stream" speed or the time-mean speed to represent the operating speed.

## ***772.11 Analysis of Traffic Noise Impacts***

- (a) The highway agency shall determine and analyze expected traffic noise impacts.**
- (1) For projects on new alignments, determine traffic noise impacts by field measurements.**
  - (2) For projects on existing alignments, predict existing and design year traffic noise impacts.**
- (b) In determining traffic noise impacts, a highway agency shall give primary consideration to exterior areas where frequent human use occurs.**
- (c) A traffic noise analysis shall be completed for:**
- (1) Each alternative under detailed study;**
  - (2) Each Activity Category of the NAC listed in Table 1 that is present in the study area;**
    - (i) Activity Category A. This activity category includes the exterior impact criteria for lands on which serenity and quiet are of extraordinary significance and serve an important public need, and where the preservation of those qualities is essential for the area to continue to serve its intended purpose. Highway agencies shall submit justifications to the FHWA on a case-by-case basis for approval of an Activity Category A designation.**
    - (ii) Activity Category B. This activity category includes the exterior impact criteria for single-family and multifamily residences.**
    - (iii) Activity Category C. This activity category includes the exterior impact criteria for a variety of land use facilities. Each highway agency shall adopt a standard practice for analyzing these land use facilities that is consistent and uniformly applied statewide.**
    - (iv) Activity Category D. This activity category includes the interior impact criteria for certain land use facilities listed in Activity Category C that may have interior uses. A highway agency shall conduct an indoor analysis after a determination is made that exterior abatement measures will not be feasible and reasonable. An indoor analysis shall only be done after exhausting all outdoor analysis options. In situations where no exterior activities are to be affected by the traffic noise, or where the exterior activities are far from or physically shielded from the roadway in a manner that prevents an impact on exterior activities, the highway agency shall use Activity Category D as the basis of determining noise impacts. Each highway agency shall adopt a standard practice for analyzing these land use facilities that is consistent and uniformly applied statewide.**
    - (v) Activity Category E. This activity category includes the exterior impact criteria for developed lands that are less sensitive to highway noise. Each highway agency shall adopt a standard practice for analyzing these land use facilities that is consistent and uniformly applied statewide.**
    - (vi) Activity Category F. This activity category includes developed lands that are not sensitive to highway traffic noise. There is no impact criteria for the land use**

facilities in this activity category and no analysis of noise impacts is required.

(vii) Activity Category G. This activity includes undeveloped lands.

(A) A highway agency shall determine if undeveloped land is permitted for development. The milestone and its associated date for acknowledging when undeveloped land is considered permitted shall be the date of issuance of a building permit by the local jurisdiction or by the appropriate governing entity.

(B) If undeveloped land is determined to be permitted, then the highway agency shall assign the land to the appropriate Activity Category and analyze it in the same manner as developed lands in that Activity Category.

(C) If undeveloped land is not permitted for development by the date of public knowledge, the highway agency shall determine noise levels in accordance with 772.17(a) and document the results in the project's environmental clearance documents and noise analysis documents. Federal participation in noise abatement measures will not be considered for lands that are not permitted by the date of public knowledge.

(d) The analysis of traffic noise impacts shall include:

(1) Identification of existing activities, developed lands, and undeveloped lands, which may be affected by noise from the highway;

(2) For projects on new or existing alignments, validate predicted noise level through comparison between measured and predicted levels;

(3) Measurement of noise levels. Use an ANSI Type I or Type II integrating sound level meter;

(4) Identification of project limits to determine all traffic noise impacts for the design year for the build alternative. For Type II projects, traffic noise impacts shall be determined from current year conditions;

(e) Highway agencies shall establish an approach level to be used when determining a traffic noise impact. The approach level shall be at least 1 dB(A) less than the Noise Abatement Criteria for Activity Categories A to E listed in Table 1;

(f) Highway agencies shall define substantial noise increase between 5 dB(A) to 15 dB(A) over existing noise levels. The substantial noise increase criterion is independent of the absolute noise level.

(g) A highway agency proposing to use Federal-aid highway funds for a Type II project shall perform a noise analysis in accordance with §772.11 of this part in order to provide information needed to make the determination required by §772.13(a) of this part.

### ***Traffic Noise Impacts***

A highway traffic noise impact occurs when the predicted existing or future highway traffic noise levels approach or exceed the noise abatement criteria (NAC) or when predicted existing or future highway traffic noise levels substantially exceed the existing highway traffic noise level, even though the predicted levels may not exceed the NAC. This definition reflects the FHWA position that highway

traffic noise impacts can occur under either of two separate conditions:

1. Future noise levels are approach or exceed the NAC; or
2. Future noise levels result in a substantial increase over the existing noise environment (substantial increase).

To assess the highway traffic noise impact of a proposed project, highway agencies must evaluate both criteria. While the FHWA highway traffic noise regulations do not define "approach or exceed," all highway agencies must establish a definition of "approach" that is at least 1 dB(A) less than the NAC in a whole decibel form for use in identifying impacts in a highway traffic noise analyses.

### ***Impact Determination***

These sound levels are to determine impacts. These are the absolute levels requiring consideration for abatement for all Activity Categories except Category F. Design highway traffic noise abatement to achieve a substantial noise reduction - not to attain the noise abatement criteria.

Highway traffic noise impacts can occur below the NAC. The NAC are not the Federal standards or desirable noise levels; they are not design goals for noise barrier construction. 23 CFR 772 as a whole constitutes the standards mandated by the Federal-Aid Highway Act of 1970. Highway agencies should design traffic noise abatement to achieve the reasonableness design goal as defined in their noise policy. The NAC are absolute values which, when approached or exceeded, require the consideration of highway traffic noise abatement measures. State highway agencies may not establish minimum thresholds for consideration of noise abatement. The highway agency must consider noise abatement for projects predicted to result in highway traffic noise impacts.

A highway traffic noise impact can occur even if predicted future highway traffic noise levels are lower than existing levels, as long as the predicted future levels approach or exceed the NAC.

### ***Substantial Increase***

The 23 CFR 772 purposefully provides the highway agencies with flexibility to establish their own definition of "substantial increase." A 5dB(A) increase is a discernible increase in noise levels and a 10 dB(A) increase in noise levels is a doubling of the perceived loudness while a 15 dB(A) increase in noise levels represents more than a doubling of the loudness. Factors such as available resources, the public's attitudes toward highway traffic noise, and the absolute noise levels may influence a State's definition. highway agencies may define a "substantial increase" to be a 5 dB(A) to 15 dB(A) increase in noise levels. A "substantial increase" may occur at any absolute noise level, i.e., there is a not a threshold below which a "substantial increase" does not occur. The FHWA will accept a uniformly and consistently applied well reasoned definition. The highway agency must define substantial increase in the State highway traffic noise policy.

Substantial increase impacts occur due to the increase in noise level and are independent of an absolute noise level. For example, a State's substantial increase criterion is 15 dBA. If the existing noise level at a receptor is 30 dBA and the design year build noise level is 45 dBA, then the receptor is impacted. There is no minimum threshold for substantial increase impacts.

In documenting any substantial increase in highway traffic noise levels in the environmental documentation for a project, take care to avoid the use of the phrase "significant increase." FHWA Technical Advisory 6640.8A discourages the use of the word "significant" in FHWA documents because it is seldom meaningful in and of itself.

<http://environment.fhwa.dot.gov/projdev/impTA6640.asp>) If it is used, it should be used in a manner consistent with the Council on Environmental Quality definition at 40 CFR 1508.27. Always use the phrase “substantial increase” to address this type of potential highway traffic noise impact.

### ***Noise Abatement Criteria (NAC)***

The use of subjective descriptors to describe highway traffic noise impacts is not required. Highway traffic noise impacts occur based upon the definition contained in 23 CFR 772. This definition does not contain subjective descriptors. If there are impacts, the highway agency must consider highway traffic noise abatement measures and implement them if found to be feasible and reasonable. Traffic noise impacts do not occur without a project. Discussion of impacts in a noise analysis is relevant only when discussing the build alternatives under study. Existing and no build noise levels may exceed the NAC, but they are not impacts because no project occurs in either case. Describing existing and no build noise levels as impacts may result in public concern about noise abatement, since State highway agencies are required to consider noise abatement where noise impacts occur.

In developing the NAC contained in the highway traffic noise regulations, the FHWA attempted to strike a balance between that which is most desirable and that which is feasible. Factors such as technical feasibility, the unique characteristics of highway generated noise, cost, overall public interest, and other agency objectives were important elements in the process of setting a standard. The FHWA established values for the NAC by attempting to balance the control of future increases in highway traffic noise levels and the economic, physical, and aesthetic considerations related to highway traffic noise abatement measures. The FHWA considered several in establishing the criteria, including

1. Hearing impairment:

This approach considers very loud noises seldom encountered for a highway project beyond the roadway proper.

2. Annoyance, sleep, and task interference or disturbance:

This approach was desirable in principle but was not practicable to reduce highway noise levels to these thresholds.

3. Interference with speech communication:

There is a lot of available research usefully applied to the problem of highway traffic noise. The NAC are noise levels associated with interference of speech communication and are a compromise between noise levels that are desirable and those that are achievable. FHWA believes that our regulations provide a balanced approach to the problem of highway traffic-generated noise.

**Table 5: 23 CFR, Part 772, Table 1 Noise Abatement Criteria (NAC)**  
 [Hourly A-Weighted Sound Level decibels (dBA)]<sup>1\</sup>

Activity Category	Activity Criteria <sup>2\</sup>		Evaluation Location	Activity Description
	Leq(h)	L10(h)		
A	57	60	Exterior	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B <sup>3\</sup>	67	70	Exterior	Residential
	52	55	Interior	
C <sup>3\</sup>	67	70	Exterior	Active sport areas, amphitheaters, auditoriums, campgrounds, cemeteries, day care centers, hospitals, libraries, medical facilities, parks, picnic areas, places of worship, playgrounds, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, recreation areas, Section 4(f) sites, schools, television studios, trails, and trail crossings
D	52	55	Interior	Auditoriums, day care centers, hospitals, libraries, medical facilities, places of worship, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, schools, and television studios
E <sup>3\</sup>	72	75	Exterior	Hotels, motels, offices, restaurants/bars, and other developed lands, properties or activities not included in A-D or F.
F	--	--	--	Agriculture, airports, bus yards, emergency services, industrial, logging, maintenance facilities, manufacturing, mining, rail yards, retail facilities, shipyards, utilities (water resources, water treatment, electrical), and warehousing
G	--	--	--	Undeveloped lands that are not permitted

<sup>1\</sup> Either Leq(h) or L10(h) (but not both) may be used on a project.

<sup>2\</sup> The Leq(h) and L10(h) Activity Criteria values are for impact determination only, and are not design standards for noise abatement measures.

<sup>3\</sup> Includes undeveloped lands permitted for this activity category

### ***Activity Category A***

Activity Category A includes lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose. Some examples of lands that have been analyzed as Activity Category A receivers include the Tomb of the Unknown Soldier, a monastery, an outdoor prayer area of a facility for nuns, and an amphitheater.

### ***Activity Category B***

Activity Category B includes the exterior criteria for residential land use. This includes single family (including mobile home parks) and multi-family residences.

### ***Activity Category C***

Category C includes the exterior areas of a variety of nonresidential land uses not specifically covered in Category A or B. This category may include public or private facilities. Determination of cost effectiveness is sometimes problematic for nonresidential land uses because it is difficult to determine the number of impacted receptors. Evaluation of other reasonableness factors is just like evaluating residential areas. Obtain the opinions of the owners and users through the public involvement process.

***Campgrounds may cause some confusion when determining the appropriate land use category since some campgrounds, such as recreational vehicle parks, have long-term use and function as mobile home parks. The FHWA encourages highway agencies to carefully consider the context of the use of campground and similar facilities when identifying the appropriate land use category. Examples on Determining Cost-Reasonableness of Non-residential Land Uses***

#### **Equivalent Number of Residences**

At least two highway agencies have used a method to identify an equivalent number of residences to help assess the cost reasonableness of abatement for parks or other recreational areas. This approach involves identifying the representative lot size of residential development and dividing the land area of portion of the park that is within the study area by the area of the representative lot size. For example, the typical lot size in a community is 60'x120' or 7,200 square feet (SF). Noise modeling predicts noise impacts from the project to a distance of 350'. A park in the community is adjacent to the project and has 1000' of frontage. The total impacted area of the park is 350,000 (SF). Divide this by the typical lot size of 7,200 SF for an equivalent number of receivers equal to 48.6. The park is representative of 49 receivers.

#### **If they want it, we will build it**

Another approach is to provide the abatement measure if the measure meets the other required reasonableness criteria along with any optional reasonableness criteria used by the highway agency. At least one State already uses this approach with nonresidential land uses and other States assume people want the abatement measure unless they hear differently. This approach leaves the highway agency vulnerable to providing expensive noise abatement, but other evaluation criteria, such as the presence of exterior areas of frequent human use and achieving the design goal still apply.

## **The Florida Method**

The Florida DOT established a policy in **A Method to Determine Reasonableness and Feasibility of Noise Abatement at Special Use Locations FL-ER-65-97** to evaluate cost reasonableness of nonresidential development. This method evaluates the intensity of use of the facility and assigns a value to each user to determine cost reasonableness.

### ***Activity Category D***

Activity Category D includes the interior of a variety of nonresidential public and private facilities that may be sensitive to increase noise levels.

### ***Activity Category E***

Activity Category E is the exterior criteria for, motels, hotels, offices and other developed lands not included in A-D or F. Consider indoor analysis only after fully completing an analysis of any outdoor activity areas.

Hotels and motels may cause some confusion when determining the appropriate land use category since all or part of some hotels and motels function as apartment buildings. The FHWA encourages highway agencies to carefully consider the context and use of hotels and motels when identifying the appropriate land use category.

### ***Activity Category F***

Activity Category F includes a number of land uses that are not sensitive to noise. No noise analysis is required for these locations.

### ***Activity Category G***

Activity Category G includes undeveloped lands. Although consideration of mitigation is not required under 23 CFR 772, the highway agency must determine and document highway traffic noise levels and provide this information to local officials. The minimum information to provide is the distance to the impact threshold of each land use category. By providing local government with the best estimate of future noise levels, the highway agency may place responsibility for noise abatement on local government and/or property owner.

A highway agency proposing to use Federal-aid highway funds for a Type II project shall perform a noise analysis in accordance with §772.11 in order to provide information needed to make the determination required by §772.13(a).

Section 772.11(d) lists the minimum requirements needed to evaluate impacts and abatement for each alternative under detailed study for the proposed highway project. The analysis should present the highway traffic noise impacts and evaluation of alternative abatement measures in a comparative format. This approach clearly identifies the potential highway traffic noise impacts and likely abatement measures associated with the various alternatives.

Section 772.11(d)(1) requires the identification of existing activities and developed lands. This identification includes not only the type (e.g., residential, commercial), but also the number or extent of activities. Some analysts overlook this quantification. Quantification of existing activities is vital to address the extent of the highway traffic noise impact on the people living near the highway project. This quantification is also important to determine the number of receptors that benefit from a proposed

highway traffic noise abatement measure.

### ***Receiver Locations for Highway Traffic Noise Analyses***

A receiver location is an area where analysts measure and/or model highway traffic noise levels. The choice of receiver locations in highway traffic noise analyses rests with the noise analyst; receiver locations are normally restricted to “exterior areas of frequent human use.” Interior locations are only used where there are no outside activities (e.g., in places of worship, hospitals, libraries, theaters, etc.) or where the exterior areas have characteristics that prevent highway traffic noise impacts on exterior activities (e.g., located far from the highway or already shielded from highway traffic noise). highway agencies typically use one of three locations for exterior receivers:

1. At or near the highway right-of-way line;
2. At or near a building in residential or commercial areas; or
3. At an area between the right-of-way line and a building where frequent human activity occurs, such as a patio, pool, or play area in the yard of a home.

Any of these locations are acceptable, as long as a highway agency chooses one location and applies it uniformly and consistently in all its analyses. The State’s noise policy may require methods to determine receiver locations.

### ***Exterior Areas of Frequent Human Use***

“Exterior areas of frequent human use” are normally located on the ground level. When analyzing areas with multi-family dwelling units (e.g., apartments, condominiums, etc.), the analyst should choose an exterior area, such as a patio, playground, or picnic area between the highway and the actual building, if one exists. If there isn’t a ground level exterior area, the analyst may choose a balcony/deck location for analysis. If there are no “exterior areas of frequent human use,” the analyst should complete the analysis using interior noise abatement criteria.

### ***Multi-family Dwelling Units***

When analyzing areas with multi-family dwelling units, the analyst must identify all dwelling units predicted to experience highway traffic noise impacts. This may include units above the ground level. Considered abatement for all identified highway traffic noise impacts and implement abatement that is feasible and reasonable.

### ***Predicting Interior Noise Levels***

For preliminary analysis, noise analysts may collect field measurements or use the TNM to estimate the noise reduction factors rather than obtaining the factors from detailed acoustical analysis. In the absence of calculations or field measurements, compute interior noise level predictions by subtracting noise reduction factors from the predicted exterior levels for the building in question, using the information in Table 6. Noise analysts should take interior noise measurements for the final noise analysis and abatement design for locations where highway agencies consider noise insulation as an abatement measure.

**Table 6: Building Noise Reduction Factors**

<b>Building Type</b>	<b>Window Condition</b>	<b>Noise Reduction Due to Exterior of the Structure</b>
All	Open	10 dB
Light Frame	Ordinary Sash (closed)	20 dB
	Storm Windows	25 dB
Masonry	Single Glazed	25 dB
	Double Glazed	35 dB
*The windows shall be considered open unless there is firm knowledge that the windows are in fact kept closed almost every day of the year.		

FHWA publication *FHWA-DP-45-1R, Sound Procedures for Measuring Highway Noise: Final Report* provides procedures to measure building noise reductions.

**Study Area**

Section 772.11(d)(4) requires the highway agency to identify all receptors impacted by a project. This approach to determining the study area provides flexibility and avoids establishing an arbitrary distance for study that may not be appropriate in all cases. Use of the model is probably the easiest way to determine the extent of impacts from a specific highway.

**Existing Highway Traffic Noise Measurements**

Existing highway traffic noise measurements are made to represent an hourly equivalent sound level,  $L_{eq}(h)$ . Statistical accuracy requires minimum measurements of approximately eight minutes. Most highway agencies have automated measurement equipment and typically measure 15-minute time periods to represent the  $L_{eq}(h)$ . This is acceptable if unusual events do not occur during the noisiest hour. Measurements along low-volume highways may require longer measurement periods (e.g., 30-60 minutes) to attain desirable statistical accuracy. If information is not available to identify the noisiest hour of the day or if there is public controversy at a specific location, 24-hour measurements may be necessary.

Use noise meters with sufficient accuracy to yield valid data for the particular project (ANSI S1.4-1983, TYPE II or better). Adopt and follow procedures to ensure measurements have consistent and supportable validity. Note traffic conditions, climatic conditions, and land uses at the time of measurement.

**Model Validation**

23 CFR 772.11(d)(2) requires validation to verify the accuracy of noise models used to predict existing or future noise levels. The model is validated if existing highway traffic noise levels and predicted highway traffic noise levels for the existing condition are within +/-3 dB(A).

Validation of the model requires a series of noise measurements along a project, taking three or four noise measurements per site along with simultaneous traffic counts. In certain situations, consider two sets of measurements at each location at different times and different days to account for variations in

traffic. Model the sites using traffic volumes and speeds collected during the measurement. If the measured and predicted highway traffic noise levels are within  $+3$  dB(A) for all the measurements at all the sites, then the model is considered valid and can be used to predict existing highway traffic noise levels along the entire project. If the model is not within  $\pm 3$  dB(A) for all the measurements at all the sites, then the model is not considered valid until additional measurements are made or until the analyst identifies the reason for the discrepancy and makes a correction within the model.

### ***Model Calibration***

Calibration of a noise model, where the user adjusts the noise level at a specific receiver to account for differences between measured and modeled noise levels, is not routinely advisable. Problems with validating most models usually are due to input errors rather than problems with the model and users are encouraged to exhaust input options prior to making receiver adjustments. Typically, calibration involves the situations where the model is consistently over-predicting or under-predicting by an amount greater than 3 dBA. Adjusting the model by the difference between the measured and predicted values is a possible solution. The analyst must determine and document the reasons or causes for the difference between measured and predicted highway traffic noise levels and the actual level of the adjustment. Generally, differences in measured and predicted noise levels greater than  $\pm 3$  dBA occur due to a site condition not accounted for in the model such as ground type, meteorological effects or contributions from non-transportation related noise sources.

### ***Prediction of Future Highway Traffic Noise Levels for Study Alternatives***

The next step involved in the highway traffic noise study is analysis of the noise levels expected to occur with the proposed highway. Estimate noise levels for each of the potential project alternatives. Some States require analysis of the "do-nothing" or no-build case to satisfy NEPA requirements. Document the method used to predict highway traffic noise levels and traffic data for the various alternatives.

#### Identification of Highway Traffic Noise Impacts for Study Alternatives

A highway traffic noise impact occurs when:

1. The projected highway traffic noise levels approach or exceed the noise abatement criteria in 23 CFR 772, or
2. The projected highway traffic noise levels substantially exceed existing highway traffic noise levels in an area.

The next step in the highway traffic noise analysis involves a comparison of the predicted noise levels for each project alternative with the highway traffic noise abatement criteria and existing noise levels. This comparison identifies any highway traffic noise impacts associated with each alternative in terms of a substantial increase in noise levels or approach or exceeding of the NAC.

Table 5 lists the highway traffic NAC from 23 CFR 772. Each State defines a substantial noise increase in its highway traffic noise policy based on the parameters provided in 23 CFR 772.11(f). Highway agencies must consider abatement when the noise analysis identifies future highway traffic noise impacts. Highway traffic noise analyses should recognize and consider absolute noise levels as well as substantial increases in noise levels when identifying highway traffic noise impacts and when considering highway traffic noise abatement measures.

Please see Appendix B for additional information on noise analysis documentation.

## ***772.13 Analysis of Noise Abatement***

**(a) When traffic noise impacts are identified, noise abatement shall be considered and evaluated for feasibility and reasonableness. The highway agency shall determine and analyze alternative noise abatement measures to abate identified impacts by giving weight to the benefits and costs of abatement and the overall social, economic, and environmental effects by using feasible and reasonable noise abatement measures for decision-making.**

**(b) In abating traffic noise impacts, a highway agency shall give primary consideration to exterior areas where frequent human use occurs.**

**(c) If a noise impact is identified, a highway agency shall consider abatement measures. The abatement measures listed in §772.15(c) of this chapter are eligible for Federal funding.**

**(1) At a minimum, the highway agency shall consider noise abatement in the form of a noise barrier.**

**(2) If a highway agency chooses to use absorptive treatments as a functional enhancement, the highway agency shall adopt a standard practice for using absorptive treatment that is consistent and uniformly applied statewide.**

**(d) Examination and evaluation of feasible and reasonable noise abatement measures for reducing the traffic noise impacts. Each highway agency, with FHWA approval, shall develop feasibility and reasonableness factors.**

**(1) Feasibility:**

**(i) Achievement of at least a 5 dB(A) highway traffic noise reduction at impacted receptors. The highway agency shall define, and receive FHWA approval for, the number of receptors that must achieve this reduction for the noise abatement measure to be acoustically feasible and explain the basis for this determination; and**

**(ii) Determination that it is possible to design and construct the noise abatement measure. Factors to consider are safety, barrier height, topography, drainage, utilities, and maintenance of the abatement measure, maintenance access to adjacent properties, and access to adjacent properties (i.e. arterial widening projects).**

**(2) Reasonableness:**

**(i) Consideration of the viewpoints of the property owners and residents of the benefited receptors. The highway agency shall solicit the viewpoints of all of the benefited receptors and obtain enough responses to document a decision on either desiring or not desiring the noise abatement measure. The highway agency shall define, and receive FHWA approval for, the number of receptors that are needed to constitute a decision and explain the basis for this determination.**

**(ii) Cost effectiveness of the highway traffic noise abatement measures. Each highway agency shall determine, and receive FHWA approval for, the allowable cost of abatement by determining a baseline cost reasonableness value. This determination may include the actual construction cost of noise abatement, cost per**

square foot of abatement, the maximum square footage of abatement/benefited receptor and either the cost/benefited receptor or cost/benefited receptor/dB(A) reduction. The highway agency shall re-analyze the allowable cost for abatement on a regular interval, not to exceed 5 years. A highway agency has the option of justifying, for FHWA approval, different cost allowances for a particular geographic area(s) within the State, however, the highway agency must use the same cost reasonableness/construction cost ratio statewide.

(iii) Noise reduction design goals for highway traffic noise abatement measures. When noise abatement measure(s) are being considered, a highway agency shall achieve a noise reduction design goal. The highway agency shall define, and receive FHWA approval for, the design goal of at least 7 dB(A) but not more than 10 dB(A), and shall define the number of benefited receptors that must achieve this design goal and explain the basis for this determination.

(iv) The reasonableness factors listed in §772.13(d)(5)(i), (ii) and (iii), must collectively be achieved in order for a noise abatement measure to be deemed reasonable. Failure to achieve §772.13(d)(5)(i), (ii) or (iii), will result in the noise abatement measure being deemed not reasonable.

(v) In addition to the required reasonableness factors listed in §§772.13(d)(5)(i), (ii) and (iii), a highway agency has the option to also include the following reasonableness factors: date of development, length of time receivers have been exposed to highway traffic noise impacts, exposure to higher absolute highway traffic noise levels, changes between existing and future build conditions, percentage of mixed zoning development, and use of noise compatible planning concepts by the local government. No single optional reasonableness factor can be used to determine reasonableness.

(e) **Assessment of Benefited Receptors.** Each highway agency shall define the threshold for the noise reduction which determines a benefited receptor as at or above the 5 dB(A), but not to exceed the highway agency's reasonableness design goal.

(f) **Abatement Measure Reporting:** Each highway agency shall maintain an inventory of all constructed noise abatement measures. The inventory shall include the following parameters: type of abatement; cost (overall cost, unit cost per/sq. ft.); average height; length; area; location (State, county, city, route); year of construction; average insertion loss/noise reduction as reported by the model in the noise analysis; NAC category(s) protected; material(s) used (precast concrete, berm, block, cast in place concrete, brick, metal, wood, fiberglass, combination, plastic (transparent, opaque, other); features (absorptive, reflective, surface texture); foundation (ground mounted, on structure); project type (Type I, Type II, and optional project types such as State funded, county funded, tollway/turnpike funded, other, unknown). The FHWA will collect this information, in accordance with OMB's Information Collection requirements.

(g) Before adoption of a CE, FONSI, or ROD, the highway agency shall identify:

(1) Noise abatement measures which are feasible and reasonable, and which are likely to be incorporated in the project; and

**(2) Noise impacts for which no noise abatement measures are feasible and reasonable.**

**(3) Documentation of highway traffic noise abatement:** The environmental document shall identify locations where noise impacts are predicted to occur, where noise abatement is feasible and reasonable, and locations with impacts that have no feasible or reasonable noise abatement alternative. For environmental clearance, this analysis shall be completed to the extent that design information on the alternative(s) under study in the environmental document is available at the time the environmental clearance document is completed. A statement of likelihood shall be included in the environmental document since feasibility and reasonableness determinations may change due to changes in project design after approval of the environmental document. The statement of likelihood shall include the preliminary location and physical description of noise abatement measures determined feasible and reasonable in the preliminary analysis. The statement of likelihood shall also indicate that final recommendations on the construction of an abatement measure(s) is determined during the completion of the project's final design and the public involvement processes.

**(h) The FHWA will not approve project plans and specifications unless feasible and reasonable noise abatement measures are incorporated into the plans and specifications to reduce the noise impact on existing activities, developed lands, or undeveloped lands for which development is permitted.**

**(i) For design-build projects, the preliminary technical noise study shall document all considered and proposed noise abatement measures for inclusion in the NEPA document. Final design of design-build noise abatement measures shall be based on the preliminary noise abatement design developed in the technical noise analysis. Noise abatement measures shall be considered, developed, and constructed in accordance with this standard and in conformance with the provisions of 40 CFR 1506.5(c) and 23 CFR 636.109.**

**(j) Third party funding is not allowed on a Federal or Federal-aid Type I or Type II project if the noise abatement measure would require the additional funding from the third party to be considered feasible and/or reasonable. Third party funding is acceptable on a Federal or Federal-aid highway Type I or Type II project to make functional enhancements, such as absorptive treatment and access doors or aesthetic enhancements, to a noise abatement measure already determined feasible and reasonable.**

**(k) On a Type I or Type II projects, a highway agency has the option to cost average noise abatement among benefited receptors within common noise environments if no single common noise environment exceeds two times the highway agency's cost reasonableness criteria and collectively all common noise environments being averaged do not exceed the highway agency's cost reasonableness criteria.**

Section 772.13(c)(1) requires consideration of noise barriers as an abatement measure when highway traffic noise impacts occur. Highway agencies may optionally consider use of the alternative abatement measures listed in 772.15(c)(2)-(5). As noted in Section 772.5, highway traffic noise impacts occur when noise levels approach or exceed the noise abatement criteria or when predicted levels substantially exceed existing levels. Consequently, this section requires consideration of highway traffic noise abatement for both of these types of noise impacts. However, measures such as traffic management,

alteration of alignment, or purchase of land for use as a buffer zone usually do not provide a substantial noise reduction, or are determined to be not feasible and reasonable due to cost, right-of-way requirements, or project purpose. Noise barriers are the abatement measure most often associated with the concept of highway traffic noise abatement.

Abatement consideration should weigh the abatement benefits, costs, and overall SEE effects. The highway agency must incorporate abatement measures determined feasible and reasonable in project plans, specifications and estimates. If the highway agency identifies highway traffic noise impact for a project, they must consider abatement as part of the proposed project. The highway agency may not delay this consideration to a future date or make abatement part of a Type II program.

A feasible abatement measure provides at least a 5 dB(A) reduction in highway traffic noise levels. When highway traffic noise abatement is proposed, an attempt to achieve the greatest reduction possible is necessary by meeting the highway agency defined design goal.

The objective of noise abatement is not to reduce predicted noise levels to the noise abatement criteria. The goal of noise abatement is to provide a substantial reduction in noise level as defined by the design goal. A predicted noise level of 69 dB(A) for a Category B activity (see Table 5) should not be reduced to the noise abatement criterion of 67 dB(A). 23 CFR 772.13(d)(2)(iii) introduces the requirement for highway agencies to identify a design goal of at 7-10 dBA to encourage design and construction of effective noise abatement measures.

**Table 7: Relationship Between Decibel, Energy, and Loudness**

<b>A-Level Reduction</b>	<b>% of Energy Removed</b>	<b>Divide Loudness by</b>
3 dB(A)	50	1.2
6 dB(A)	75	1.5
10 dB(A)	90	2
20 dB(A)	99	4

A reduction of 10 dB(A) (say 75 dB(A) to 65 dB(A)) is perceived by the public as a halving of the loudness. This is an easily recognizable change. 5 dB(A) and 7 dB(A) changes can also be recognized, but to a lesser degree. Keep two points in mind: (1) any reduction will improve the noise environment in such areas as annoyance, speech interference, task interference, etc., and (2) no matter the level of reduction, until noise reaches a very low level (about  $L_{eq} = 55$  dB(A)), the clearly audible highway traffic noise will continue to dominate the noise environment.

**Noise Abatement Documentation**

Good program management supports the need for highway traffic noise abatement decision-making criteria and procedures. The decision on whether or not to implement a highway traffic noise abatement measure must not be arbitrary or capricious. The reasoning should be available and supportable, particularly if the answer is "no" and is contrary to the desires of the affected residents. Highway agencies must base the decision on consistent and uniform application of established criteria and procedures and document the criteria and procedures in the State’s highway traffic noise policy.

Present the following information for each abatement measure:

1. Description of the measure

2. Anticipated costs, problems, and disadvantages
3. Predicted design year noise reduction compared to existing levels and other factors deemed necessary to report.

Section 13 ties the highway traffic noise regulation to the NEPA requirements. The choice of the word "likely" was deliberate. If a decision maker is to make an informed decision and make the public aware of the impacts, the State must make its intentions known. If the State later decides abatement is unwarranted, the decision should have strong support. States should qualify the meaning of "likely," to avoid confusion when noise abatement is determined unwarranted. When a project involves consideration of more than one barrier, the State should include a statement of "likelihood" for each barrier in the environmental document.

### ***Example Statement of Likelihood***

Based on the studies thus far accomplished, the State intends to install highway traffic noise abatement measures in the form of a barrier at \_\_\_\_\_. These preliminary indications of likely abatement measures are based upon preliminary design for a barrier cost of \$ \_\_\_\_\_ that will reduce the noise level by \_\_\_ dB(A) for \_\_\_ residences. If it subsequently develops during final design that these conditions have substantially changed, the abatement measures might not be provided. A final decision of the installation of the abatement measure(s) will be made upon completion of the project's final design and the public involvement processes.

The viewpoints of the impacted residents and property owners should be a major consideration in determining the reasonableness of highway traffic noise abatement measures for proposed highway construction projects. These viewpoints should be determined and addressed during the environmental phase of project development. The will and desires of the public should be an important factor in dealing with the overall problems of highway traffic noise. Highway agencies should incorporate highway traffic noise consideration in their on-going activities for public involvement in the highway program, i.e., and reexamine the residents' views on the desirability and acceptability of abatement periodically during project development.

This is a summary statement of the requirements in the 1970 Federal-Aid Highway Act [23 U.S.C. 109(i)]. FHWA cannot approve the project plans/specifications that do not meet these requirements.

The key words in this paragraph are feasible and reasonable. Feasibility deals primarily with engineering considerations (e.g., can a barrier be built given the topography of the location; can a substantial noise reduction be achieved given certain access, drainage, safety, or maintenance requirements; are other predominating noise sources present in the area, etc.). Reasonableness is a more subjective criterion than feasibility. It implies that the highway agency applied common sense and good judgment in arriving at a decision. Reasonableness should be based on a number of factors -- not just one criterion. For a detailed explanation of feasibility and reasonableness of abatement, see the discussions in Section IV: Highway Traffic Noise Analysis and Documentation.

### ***Determining Feasible and Reasonable Highway Traffic Noise Abatement***

Feasibility deals primarily with engineering considerations (e.g., can a barrier be built given the topography of the location; can a substantial noise reduction be achieved given certain access, drainage, safety, or maintenance requirements; are other noise sources present in the area, etc.). Address safety, maintenance, and drainage concerns for highway traffic noise abatement measures during preliminary and final project design. These issues should be part of the feasibility determination and can usually be resolved through use of good design practices.

Reasonableness is a more subjective criterion than feasibility. It implies that decision makers applied good judgment in arriving at a decision. Reasonableness should be based on a number of factors -- not just one criterion.

The criteria used for determining feasibility and reasonableness should indicate a broad consideration of conditions that apply in a given location. The criteria should allow identification of the overall benefits, and the overall adverse SEE effects, of the highway traffic noise abatement.

Quantification or weighting of each of the criteria allows their use in making a more objective decision. This should allow the decision to be more supportable and more easily explained. The criteria should be

responsive to the need to provide highway traffic noise abatement. Conversely, highway agencies should consider the effects on overall cost to the highway program when quantifying the criteria. Consequently, the criteria need to be prudently developed.

Flexibility is an important element of good highway traffic noise abatement decision-making criteria and procedures. The criteria and procedures should be objective enough to be quantifiable, but they should also be flexible enough to allow the decision maker to make meaningful judgments on a case-by-case basis for special circumstances.

The criteria and procedures should permit consideration of "gray areas" and remain flexible when applied. There are instances where highway agencies determine abatement feasible and reasonable even though it falls outside some of the established criteria and procedures, e.g., it costs more than the reasonable cost index (including benefit to a fewer number of people), absolute highway traffic noise levels are lower but increases in existing highway traffic noise levels are great, changes in highway traffic noise levels are small but the absolute levels are high, or increases in highway traffic noise levels since initial development occurred are great.

### ***Determining Benefited Receptors***

When determining receiver units for the reasonableness criteria, include all benefited residences, regardless of whether they are impacted. Highway agencies must define the threshold of noise reduction, which determines a "benefited" residence as a reduction of not less than 5 dB(A) per 23 CFR 772.13(e).

### ***Feasibility***

Feasibility generally deals with considering whether it is possible to build an abatement measure given site constraints and whether the abatement measure provides a minimum reduction in noise levels.

Feasibility is limited by:

1. Topography,
2. Access requirements for driveways, ramps, etc.,
3. The presence of local cross streets, or
4. Are other noise sources in the area (e.g. aircraft over flights)?
5. Addressing the project purpose
6. Drainage
7. Utilities
8. Maintenance
9. Noise reduction (acoustic feasibility)

### ***Acoustic Feasibility***

A noise abatement measure is **NOT FEASIBLE** unless the measure achieves a noise reduction of at least 5 dB(A) for front row receptors. Blocking the line of site between the source and receptor usually provides a 5 dB(A) noise reduction.

### ***Reasonableness***

Reasonableness is a more subjective criterion than feasibility. It implies that decision makers applied good judgment in arriving at a decision. Decision makers should base reasonableness on a number of factors, considering all of the individual, specific circumstances of a particular project.

### ***Viewpoint of Affected Residents and Property Owners***

FHWA highway traffic noise regulation requires consideration of the viewpoints of the impacted residents and property owners in determining the reasonableness of abatement. Highway agencies should not provide abatement if most of the residents and owners do not want it. There are, however, no easy methods to determine viewpoints or arrive at a conclusion regarding their desires. Decision makers should also consider commercial establishment's desire to maintain visibility, but the primary consideration is to provide abatement for impacted noise sensitive land uses. Available technologies, in the form of transparent noise barriers, provide highway agencies with the opportunity to satisfy the concerns of commercial activities and those who desire noise abatement.

Some highway agencies reach a decision after holding public meetings or conducting personal surveys. Others require that local officials or a community group submit a letter stating the affected receptors' wishes. In the case of rental properties, consider the views of both the owner and the residents in the decision making process.

### ***Allowable Cost of Highway Traffic Noise Abatement***

Cost of an abatement measure is an important consideration but only one of a number of factors to consider. Each highway agency is required to incorporate a cost index in their highway traffic noise policy. Most highway agencies typically determine reasonable cost by using either a cost/receiver or cost/receiver/dB(A) reduction index. Recently, some States started using a maximum square footage per benefitted residence.

Some States may choose to implement a tiered approach to cost reasonableness based on regional cost differences within the State. This approach conforms to the regulation. However, the ratio of the unit cost of abatement and the reasonable cost per residence must remain the same statewide.

### ***Example of Regional Cost Differences***

In one part of a State, the unit cost for noise barrier construction is \$15 per square foot and the allowable cost per benefitting residence is \$20,000. In another part of the State with higher construction and materials cost, the unit cost for noise barrier construction is \$30 per square foot. The allowable cost per benefitting residence in the more expensive location is \$40,000 since the unit cost in the more expensive area is double the unit cost in other areas of the State.

Highway agencies must ensure that the reasonable cost of abatement is justified based on actual construction costs and clearly communicate all reasonableness criteria to the public.

Appendix F provides information on using construction costs to help determine the reasonable cost of abatement.

### ***Determining Receptors***

Receivers are discrete points within a noise model that represent noise sensitive land uses. An individual receiver may represent multiple receptors. The highway agency highway traffic noise policy must clearly delineate the method used to count receptors in the noise analysis. The number of receptors should include all dwelling units, e.g., owner-occupied, rental units, mobile homes, etc. Count each unit in a multifamily building as one receptor. The highway agency highway traffic noise policy must also delineate how receptor units are determined for special land uses, such as parks, recreation areas, cemeteries, etc.

### ***Date of Development***

The date of development can be an important part of the determination of reasonableness if the State highway agency has an established record of providing noise compatible planning information to local officials or established an outreach program to provide noise compatible planning strategies. After an outreach program is in place, highway agencies may consider whether development that predated initial highway construction, whose residents have experienced the greatest highway traffic noise impacts over the longest period of time. This is a very effective criterion in determining reasonableness.

Highway agencies are encouraged to use caution when considering date of development as a reasonableness criterion. The requirement to inform local officials about noise compatible planning is a longstanding component of 23 CFR 772; however, implementation of that requirement by highway agencies is inconsistent. States should limit consideration of the date of development to development that occurs after the date of the outreach to avoid penalizing those who do not have benefit of education about noise compatible planning principles.

### ***Exposure to Higher Absolute Highway Traffic Noise Levels***

It is acceptable to give weight to areas with higher absolute highway traffic noise levels. Typically absolute noise levels found along highways range from 60-80 dB(A). When using this criterion remember impact levels for the various NAC activity categories.

### ***Large Increases over Existing Noise Levels***

It is acceptable to give weight in decision making to large increases over existing noise levels. This approach gives greater consideration to projects for highways on new location and major reconstruction than it does to projects of smaller magnitude along existing highways. Additionally, a small increase at a higher absolute level (e.g., 70 dB(A) to 75 dB(A)) can be more important and justify greater consideration than a similar increase at a lower absolute level (e.g., 50 dB(A) to 55 dB(A)). Likewise, a large increase at a lower absolute level (e.g., 40 dB(A) to 55 dB(A)) can be less important and justify less consideration than a similar increase at a higher absolute level (e.g., 55 dB(A) to 70 dB(A)).

### ***Build vs. No-Build***

It is acceptable to consider larger changes in highway traffic noise levels predicted to occur with the project than without the project. This approach provides additional weight to highway projects with major changes in roadway location or design.

### ***Mixed Zoning Development***

It is acceptable to give less consideration for abatement to areas of mixed zoning or development and to areas where existing local plans call for zoning changes to a less noise sensitive use.

### ***Noise Compatible Planning***

It is acceptable to give added weight to areas that demonstrate implementation of efforts to prevent incompatible growth and development along highways.

### ***Abatement Measure Reporting***

The requirements of 772.13(f) replace the triennial noise abatement inventory. Information collected is largely the same, but the language in the regulation allows for reporting of abatement measures other than noise barriers. The New York and Ohio Departments of Transportation developed noise barrier inventory management systems to accommodate the reporting requirements and to assist with identifying noise barrier maintenance needs. FHWA recommends that highway agencies develop

protocols for the collection and reporting of this information to ensure they provide accurate and useable data.

### ***Third Party Participation***

To comply with environmental justice requirements, when a noise barrier's cost is higher than the highway agency's cost allowance, it is not acceptable to allow a third party to contribute funds to make up the difference. A third party may contribute funds to make functional or aesthetic enhancements to a noise barrier already determined to be feasible and reasonable.

### ***772.15 Federal Participation***

**(a) Type I and Type II projects. Federal funds may be used for noise abatement measures when:**

- (1) Traffic noise impacts have been identified; and**
- (2) Abatement measures have been determined to be feasible and reasonable pursuant to §772.13(d) of this chapter.**

**(b) For Type II projects.**

- (1) No funds made available out of the Highway Trust Fund may be used to construct Type II noise barriers, as defined by this regulation, if such noise barriers were not part of a project approved by the FHWA before the November 28, 1995.**
- (2) Federal funds are available for Type II noise barriers along lands that were developed or were under substantial construction before approval of the acquisition of the rights-of-ways for, or construction of, the existing highway.**
- (3) FHWA will not approve noise abatement measures for locations where such measures were previously determined not to be feasible and reasonable for a Type I project.**

**(c) Noise Abatement Measures. The following noise abatement measures may be considered for incorporation into a Type I or Type II project to reduce traffic noise impacts. The costs of such measures may be included in Federal-aid participating project costs with the Federal share being the same as that for the system on which the project is located.**

- (1) Construction of noise barriers, including acquisition of property rights, either within or outside the highway right-of-way. Landscaping is not a viable noise abatement measure.**
- (2) Traffic management measures including, but not limited to, traffic control devices and signing for prohibition of certain vehicle types, time-use restrictions for certain vehicle types, modified speed limits, and exclusive lane designations.**
- (3) Alteration of horizontal and vertical alignments.**
- (4) Acquisition of real property or interests therein (predominantly unimproved property) to serve as a buffer zone to preempt development which would be adversely impacted by traffic noise. This measure may be included in Type I projects only.**
- (5) Noise insulation of Activity Category D land use facilities listed in Table 1. Post-installation maintenance and operational costs for noise insulation are not eligible for Federal-aid funding.**

Section 772.15(a) identifies the rules that guide the funding of highway traffic noise abatement on

highway projects. These rules apply to Type I and Type II projects.

Highway agencies may not use Federal-aid highway funds as payment or compensation for a highway traffic noise impact through the purchase of a noise easement from a property owner. The FHWA highway traffic noise regulations limit use of Federal funds to reducing traffic noise impacts and providing highway traffic noise abatement benefits. Monetary compensation accomplishes neither of these requirements.

Section 772.15(b) limits funding participation of highway traffic noise abatement measures for projects approved before November 28, 1995 (the date of passage 1995 National Highway System Designation Act), or proposed where development or substantial construction predated the existence of the highway. If the existing highway is a six-lane freeway, this means development must have been in place prior to the construction of the first paved two-lane roadway. In addition, FHWA will not approve highway traffic noise abatement measures at locations where such measures were previously determined not feasible and reasonable for a Type I project.

When considering funding eligibility for Type II projects, often, the "date of the existence of development" along the highway is mixed. Some development predates the existence of the highway and some development will have occurred after construction of the original highway. In States that elect to implement Type II projects, the highway agency and its respective FHWA Division Office should jointly establish appropriate procedures to determine address locations with different dates of development. States may consider the current status of the highway in the decision-making process. For example, if most of the residential development occurred when the highway was a two-lane road, but now the highway is an interstate, it is appropriate to consider the neighborhood for Type II if the development occurred prior to requirements for highway agencies to consider highway noise for their projects.

### ***Funding***

The participating share for the highway traffic noise mitigation measure is the same as that for the system on which the project is located. Although most highway traffic noise abatement occurs along Interstate highways, highway agency's may use Federal funds for abatement measures along other types of highways, if highway traffic noise impacts exist and the project meets the criteria in 772.15(a).

Property owners cannot receive Federal funds as monetary compensation in lieu of noise abatement. It is the highway agency's responsibility to ensure that Federal funds are properly used.

Appendix C provides additional information about eligible abatement measures.

### ***772.17 Information for local officials***

**(a) To minimize future traffic noise impacts on currently undeveloped lands of Type I projects, a highway agency shall inform local officials within whose jurisdiction the highway project is located of:**

- (1) Noise compatible planning concepts;**
- (2) The best estimation of the future design year noise levels at various distances from the edge of the nearest travel lane of the highway improvement where the future noise levels meet the highway agency's definition of "approach" for undeveloped lands or properties within the project limits. At a minimum, identify the distance to the exterior noise**

**June 2010**  
Rev. 8/11/2010

abatement criteria in Table 1;

(3) Non-eligibility for Federal-aid participation for a Type II project as described in §772.15(b).

(b) If a highway agency chooses to participate in a Type II noise program or to use the date of development as one of the factors in determining the reasonableness of a Type I noise abatement measure, the highway agency shall have a statewide outreach program to inform local officials and the public of the items in §772.17(a)(1)- (3).

### ***Noise Compatible Planning***

Highway traffic noise is a program of shared responsibility. The FHWA encourages State and local governments to practice noise compatible land planning and control near highways. Local governments may use their power to regulate land development to prohibit noise-sensitive land uses adjacent to a highway, or require developers to plan, design, and construct projects that minimize highway traffic noise impacts on adjacent developments.

The prevention of future impacts is one of the most important parts of highway traffic noise control. New development and highways can be compatible. But, local government officials need to know what highway traffic noise levels to expect from a highway and what techniques they can use to prevent future impacts. Highway agencies can inform local officials by including a table of future noise levels at specific locations or a figure of distances to typical noise levels along the roadway. Encourage local officials to make this such information available for disclosure in real estate transactions. Make local officials aware of the eligibility requirements for Federal-aid participation in Type II projects.

### ***Date of Public Knowledge***

Highway agencies must identify the date when they officially notify the public of the adoption of the location of a proposed highway project. This date establishes the "date of public knowledge" and determines the date when the FHWA and highway agencies are no longer responsible for providing highway traffic noise abatement for new development, which occurs adjacent to the proposed highway project. The "date of public knowledge" cannot precede the date of approval of the Categorical Exclusion (CE), the Finding of No Significant Impact (FONSI), or the Record of Decision (ROD).

The FHWA and highway agencies are not responsible for providing highway traffic noise abatement for development determined permitted after the "date of public knowledge". However, for Type I project, the FHWA and highway agencies are responsible for analyzing and documenting the existing and future levels on these lands. The highway agency should make local governments aware of these results.

### ***Statewide Outreach Program***

Statewide outreach programs are at the discretion of the highway agency, but must implement a program to use date of development as a reasonableness criterion. The objective of the program is to provide information on noise compatible planning to local officials and avoid future noise impacts or to encourage local governments to enact requirements for developer provided noise abatement. States may apply the program by jurisdiction, but must develop a uniform and consistent approach.

**Example 1 – Jurisdiction Based Program:** A State highway agency plans to widen the beltway around a major city. The beltway goes through several local jurisdictions providing the highway agency the opportunity to provide noise compatible planning information to the county commission, the

metropolitan planning organization, various township trustees and officials from several cities and towns along the beltway. By implementing the statewide outreach program and providing noise compatible planning information to these officials, the highway agency may consider date of development for future projects in those jurisdictions. The key to a Jurisdiction Based Program is uniform and consistent application of the program on a project by project basis. A uniform and consistent approach makes this a statewide outreach program even though implementation of the program occurs gradually.

**Example 2 – Statewide Program:** A State may decide to implement the outreach program statewide in one effort. They may accomplish this by providing noise compatible planning information directly to local officials in all jurisdictions statewide, including notification of the intention to use date of development as part of the decision-making criteria when considering noise abatement.

## ***772.19 Construction Noise***

**For all Type I and II projects, a highway agency shall:**

- (a) Identify land uses or activities that may be affected by noise from construction of the project. The identification is to be performed during the project development studies.**
- (b) Determine the measures that are needed in the plans and specifications to minimize or eliminate adverse construction noise impacts to the community. This determination shall include a weighing of the benefits achieved and the overall adverse social, economic, and environmental effects and costs of the abatement measures.**
- (c) Incorporate the needed abatement measures in the plans and specifications.**

The impact of construction noise does not appear to be serious in most instances. Consider the following items to ensure adequate consideration of potential construction noise impacts during highway project development:

### ***Construction Noise Analysis***

Calculation of construction noise levels is usually not necessary for highway traffic noise analyses. The decision to develop a detail construction noise analysis usually results from combination of factors including the scale and scope of the project along with public concern about construction noise. In some cases, the decision to complete a construction noise analysis may occur after construction begins resulting from public complaints. It is best to anticipate public concerns so the project plans, specification and estimates include consideration for construction noise abatement where necessary.

### ***Roadway Construction Noise Model***

If the highway agency anticipates a construction noise impact at a particular sensitive receiver, they have the option to use the FHWA Roadway Construction Noise Model (FHWA RCNM). This model uses the database for the construction noise prediction spreadsheet developed for the Central Artery/Tunnel Project in Boston, Massachusetts (CA/T Project). The CA/T Project is the largest urban construction project ever conducted in the United States and has the most comprehensive noise control specification ever developed in the United States. RCNM incorporates the CA/T Project's noise limit criteria and extensive construction equipment noise database that allows the user to modify parameters to their needs. Users can activate and analyze multiple pieces of equipment simultaneously and define multiple receptor locations including land-use type and baseline noise levels. The FHWA RCNM calculates

**June 2010**  
Rev. 8/11/2010

sound level results for multiple metrics.

The FHWA RCNM has two main uses:

1. To easily predict noise emission from construction equipment;
2. To determine a construction work plan's compliance with noise limits.

Users may quickly create a variety of construction work scenarios and determine the impact of changing construction equipment and adding/removing the effects of shielding due to noise mitigation devices such as barriers. The user provides receptor information (description, land use and baseline sound levels) and equipment information (by choosing from the default list or adding new equipment). Find additional information regarding the FHWA RCNM at <http://www.trafficnoisemodel.org/main.html>.

### ***Highway Construction Noise: Measurement, Prediction and Mitigation***

If the construction project is in an urban area and is highly complex and controversial, the Highway Construction Noise: Measurement, Prediction and Mitigation (HICNOM) method may be used. HICNOM requires a considerable amount of project specific input that may be unavailable at the time of the analyses.

### ***Construction Noise Impacts***

For the majority of highway projects, highway agencies may address potential impacts of highway construction noise in a general manner in the noise analysis; noting the temporary nature of the impacts. The analysis should indicate the anticipated types of construction and noise levels associated with these activities from information available in existing literature and present this information in the noise analysis.

### ***Construction Noise Abatement Measures***

Highway traffic noise analyses should identify measures to mitigate potential highway construction noise impacts using a common-sense approach. Highway agencies may incorporate low-cost, easy-to-implement measures into project plans and specifications (e.g., work-hour limits, equipment muffler requirements, location of haul roads, eliminate of "tail gate banging", ambient sensitive back-up alarms, community rapport, and complaint mechanisms).

### ***Severe Construction Noise Impacts***

Major urban projects with unusually severe highway construction noise impacts require extensive analyses. The analyst should identify sensitive receivers, existing noise levels, predicted construction noise levels and evaluate impacts to indicate their severity. Abatement measures may be quite costly and should be thoroughly discussed and justified in the analyses. The use of portable noise barriers and special quieting devices on construction equipment are possible alternatives for construction noise mitigation.

## **Appendix A: HIGHWAY TRAFFIC NOISE ANALYSIS PROCESS**

There is no one size fits all approach to the level of analysis necessary for various levels of environmental documents. One project may result in significant impacts on the natural environment, have no noise impacts and require an EIS, while another project processed as a CE may not have any significant impacts, but has numerous noise impacts. Various approaches to NEPA among States with programmatic agreements with the FHWA may also result in similar projects processed as different environmental documents in different States. The information below is a general guide to the level of documentation needed, but State approaches may vary.

### ***Highway Traffic Noise Analysis***

The level of detail and effort for the highway traffic noise analysis required for each alternative of a proposed project should be commensurate with the type of project and the impacts and/or issues with which it is associated. 23 CFR 772.11 and .13 provide the general content of a highway traffic noise analysis.

The major objectives of a highway traffic noise study for new highway construction or a highway improvement are:

1. To identify areas of potential highway traffic noise impact for each study alternative;
2. To determine existing noise levels;
3. To predict future noise levels and identify impacts;
4. To evaluate abatement measures for these impacts
5. To compare the various study alternatives based on predicted highway traffic noise impacts and the associated social, economic and environmental effects of abatement.

Highway traffic noise studies provide information primarily to government decision makers and the lay public. For the government decision maker, the study should provide a portion of the data needed for the informed selection of a satisfactory project alternative and appropriate abatement measures. For the lay public, the study should provide discussion of potential impacts in any areas of concern to the public.

### ***Identifying Activity Categories and Applicable NAC of Adjacent Land Uses***

The first step in the highway traffic noise study is to determine the activity category and applicable NAC for all land uses adjacent to each project alternative. Select representative locations for all activity categories to determine existing and future noise levels.

Determine status of undeveloped lands. Consider permitted land as developed for the purposes of the noise analysis. Assign the appropriate activity category to the permitted land and assess highway traffic noise impacts accordingly.

### ***Determination of Existing Highway Traffic Noise Levels***

Establish existing highway traffic noise levels by field measurements for all developed and permitted land uses and activities. Field measurements are preferred because existing noise levels are usually a composite of environmental noise sources and highway traffic noise prediction models are applicable only to noise originating from a specific source. If it is clear that existing noise levels at locations of interest are predominantly due to a highway, calculate existing noise levels using the FHWA Traffic Noise Model (TNM).

When making existing noise measurements consider the following:

1. Time of day, e.g., peak hour vs. any other time of day;
2. Day of week, e.g., weekend day vs. work day;
3. Week of year, e.g., tourist season vs. off-season;
4. Representativeness of the noise, and
5. Extenuating circumstances that may alter noise levels, e.g. construction

Twenty-four hour noise measurement may help determine the loudest traffic hour. The measurement should yield the worst hourly highway traffic noise level generated from representative noise sources for that area. The period with the highest sound levels may not be at the peak traffic hour but instead, during some period when traffic volumes are lower but the truck mix or vehicle speeds are higher. Measurements should be made at representative locations - that is, residential neighborhoods, commercial and industrial areas, parks, places of worship, schools, hospitals, libraries, etc.

Representativeness relates to the noise typically found in a given location. Aircraft noise is usually representative near an airport but not in areas having no airport; the noise from barking dogs is usually representative near kennels but not in a residential neighborhood; and the noise from ambulance or police sirens is usually representative near hospitals or police stations but not in other locations.

### ***Prediction of Future Highway Traffic Noise Levels***

23 CFR 772 requires use of the FHWA TNM to predict future highway traffic noise levels for Federal or Federal-aid projects.

### ***Pavement Types***

The FHWA TNM contains four pavement types to select from when developing a model run. There are three generalized individual pavement types and an “Average” pavement type. The three individual pavement types are: dense graded asphalt (DGAC), open graded asphalt (OGAC), and Portland cement concrete (PCC). “Average” pavement type is a combination of DGAC and PCC. Each individual pavement type is associated with vehicle source noise emission levels (source levels) measured along highways with the corresponding pavement type.

“Average” pavement type is the default pavement type in the FHWA TNM to predict existing and future noise levels. Per 23 CFR 772.9(b), all highway agencies must use “Average” pavement type unless they obtain FHWA approval to use another pavement type for predicting future noise levels.

### ***Pavement Type When Predicting Existing Highway Traffic Noise Levels:***

When using the FHWA TNM to predict existing highway traffic noise levels, users may select one of the FHWA TNM-defined pavement types to predict the existing highway traffic noise conditions. The selection of an individual pavement type in the prediction of existing highway traffic noise levels is optional to highway agency’s to implement and should only be done in conjunction with taking measurements of existing levels. If the highway agency does not opt to use an individual pavement type, then it must use “Average” pavement type in their prediction of existing highway traffic noise levels. Highway agencies may opt to use one of the FHWA TNM defined (individual) pavement types when predicting existing highway traffic noise levels on a project-by-project basis, if clearly stated in the highway agency’s noise policy, environmental documents and noise analysis documents.

## ***Identification and Consideration of Highway Traffic Noise Abatement***

The next step in the highway traffic noise analysis is comparison of the various study alternatives based on predicted highway traffic noise impacts and the associated social, economic and environmental effects of abatement.

It is FHWA's policy to ensure that projects incorporate all feasible and reasonable abatement measures to minimize highway traffic noise impacts to the extent practicable. Highway agencies must fulfill this commitment to minimize highway traffic noise impacts through prudent application of FHWA's highway traffic noise regulation and the State noise policy.

23 CFR 772.13(g) requires that "...before adoption of a final environmental impact statement or finding of no significant impact, the highway agency shall identify highway traffic noise abatement measures which are feasible and reasonable and which are likely to be incorporated in the project...." This is frequently the most difficult part of the highway traffic noise analysis for a proposed highway project. Highway agency decision makers often ask, "What does feasible and reasonable mean? How should we determine feasibility and reasonableness?" The following discussion assists in answering these questions.

### ***Feasibility and Reasonableness Determination and Worksheet***

Each highway agency should develop its own factors under both the feasibility and reasonableness criteria. Keeping in mind that the following are required factors:

1. Feasibility: At least a 5 dB(A) highway traffic noise reduction is achieved at the majority of the impacted receivers.
2. Reasonableness: Desires of affected residents
3. Reasonableness: Allowable cost of highway traffic noise abatement

The report must provide thorough documentation of the feasibility and reasonableness analysis. Each highway agency should develop a worksheet to evaluate feasibility and reasonableness. Please see Appendix D for an example feasibility and reasonableness worksheet.

### ***Construction Noise Analyses***

The highway agency must address consideration of construction noise in the environmental document. A construction noise documentation example is in Appendix B – Highway Traffic Noise Reporting.

### ***Coordination with Local Governments***

The final part of the highway traffic noise analysis is coordination with local officials whose jurisdictions are affected. The primary purpose of this coordination is to promote compatibility between land development and highways.

The highway agency should also coordinate with the local governments when the local governments are opposed to the recommended noise abatement that was determined to be feasible and reasonable. This coordination should determine if the local government's reasons for the opposition are justified, such as for safety reasons. The local governments cannot arbitrarily veto and/or restrict the length or height of the mitigation measure that was determined to be feasible and reasonable based on an unjustified reason such as visual quality. The FHWA will determine if the justification is arbitrary (e.g. visual, aesthetics, inappropriate use of safety, etc.). If the justification is arbitrary, then the FHWA will not authorize the Federal-aid project unless the recommended noise abatement is included.

The highway agency should furnish the following information to appropriate local governments for all Federal-aid highway projects:

- Estimated future highway traffic noise levels at various distances from the highway improvement.
- The locations where local communities should protect future land development from becoming incompatible with anticipated highway traffic noise levels.
- Information on the eligibility requirements for Federal-aid participation in Type II projects as described in Section 772.15(b) of 23 CFR 772.

### ***Federal-aid Highway Projects Involving Other Modes of Transportation***

Highway traffic noise analyses should include noise from all sources. The reasonableness of providing highway traffic noise abatement for identified impacts should include consideration of the ability to abate the noise from all sources, not just highway traffic noise. Highway traffic noise analysis may sometimes involve noise emanating from more than one mode of transportation - that is, the analysis may include aircraft noise and/or rail/transit noise. For this type of analysis, use an Ldn noise descriptor to combine the noise levels from all the sources.

If the analysis is for a Federal-aid highway project, Federal Highway Administration noise requirements apply. The existing noise levels should include all the representative noise sources. The FWHA TNM limits consideration of existing noise levels to highway sources; however, analysts should consider other major noise sources, including other transportation sources, when designing noise abatement. Failure to account for other environmental noise may result in ineffective noise abatement.

#### ***Aircraft Noise***

Calculate aircraft noise using the Federal Aviation Administration's Integrated Noise Model.

#### ***Rail Noise***

If a highway project includes a rail line, calculate the rail noise levels using the procedure outlined in the FHWA document entitled: "Advanced Prediction and Abatement of Highway Traffic Noise, June 1982". Highway traffic noise levels should be converted from Leq(h) to Ldn using the procedure outlined in the above referenced document. Impacts should be identified using FHWA's two impact criteria, assuming Ldn=Leq(h), and the feasibility and reasonableness of any potential abatement measures should be determined considering all the sources of noise.

If a noise analysis is being done for a railroad project, the Federal Railroad Administration's (FRA) "Guidance on Assessing Noise and Vibration Impacts" should be should be referenced for appropriate requirements and analysis procedures. This guidance is at: <http://www.fra.dot.gov/us/content/253>.

#### ***Transit Noise***

Calculate transit noise using the Federal Transit Administration (FTA) noise requirements. The analysis should follow the procedures contained in the FTA's Transit Noise and Vibration Impact Assessment Guidance, dated May 2006. This document is at:

[http://www.fta.dot.gov/documents/FTA\\_Noise\\_and\\_Vibration\\_Manual-complete.pdf](http://www.fta.dot.gov/documents/FTA_Noise_and_Vibration_Manual-complete.pdf).

### ***Section 4(f) Evaluation***

**Section 4(f) of the U.S. Department of Transportation Act of 1966, codified at 49 U.S.C. 303, requires the Secretary of Transportation to avoid use of parks, recreation areas, wildlife refuges**

**and historic sites unless there is no reasonable and feasible alternative to such use. The Section 4(f) regulations (23 CFR 771.135) outlines that a constructive use does not occur due to highway traffic noise when:**

- “The projected highway traffic noise levels of the proposed highway project do not exceed the FHWA noise abatement criteria as contained in Table 1, 23 CFR part 772 ...”
- “The projected highway traffic noise levels exceed the relevant threshold in paragraph (p)(5)(ii) of this section because of high existing highway traffic noise, but the increase in the projected highway traffic noise levels if the proposed project is constructed, when compared with the projected highway traffic noise levels if the project is not built, is barely perceptible (3 dBA or less) ...”
- 23 CFR 771.135(p)(5)(vii) further states that a constructive use will not occur when proximity impacts will be mitigated to a condition equivalent to, or better than that which would occur under a no-build scenario.

So, a constructive use occurs when, after abatement, the noise level exceeds the NAC and there is an increase of at least 3 dB(A) over existing noise levels. For example, an abated noise level at a ball field that exceeds the NAC level and has a 3-decibel increase may constitute a constructive use if the highway traffic noise substantially impairs the function and use of the ball field. Gather additional information to determine substantial impairment. Possible methods of achieving this are:

1. Looking to see at what time the ball games are played (rush hour, weekends, times when traffic is not at its worst case),
2. Predict the future noise levels as well as the noise levels of a typical ball game.

Add the methods together to get the future combined levels and compare that combined level to the existing ball game level. Look to see at what time the ball games are played (rush hour, weekends, times when traffic is not at its worst case). Keep in mind that you need to determine if the increased in noise level is enough to impair the game to the point that it cannot continue. Keep in mind that the NAC are speech interference based criteria.

## Appendix B: Highway Traffic Noise Reporting

### *Noise Analysis Documentation*

The final product of a highway traffic noise study should be a clear, concise written discussion of the study. This report gives the reader a detailed description of all the elements of the analysis done for the study including information on noise fundamentals and regulatory requirements. Additionally, the environmental document for Type I projects, i.e., Categorical Exclusion (CE), Environmental Assessment/Finding of No Significant Impact (EA/FONSI), Environmental Impact Statement (EIS), should contain a brief summary of the important points found in the highway traffic noise study report. The project development records should fully document the highway traffic noise analysis level-of-effort, strategies considered, adjacent resident's views on the desirability and acceptability of abatement, and a final decision on the feasibility and reasonableness of abatement.

Section 772.11(a) is the major requirement to prepare a highway traffic noise analyses on all Type I projects. However, these requirements include evaluation of noise reduction benefits, abatement cost, and SEE effects. This evaluation requires a balancing by the highway agency of benefits and disbenefits. Section 772.13 covers noise reduction benefits and abatement cost. The public involvement process strongly influences balancing noise abatement and the SEE effects of the mitigation. The people who live next to the highway project can best evaluate if the abatement benefits will outweigh the SEE effects. The highway agencies should not do this evaluation without public involvement.

It is also important to remember that noise abatement consideration should be an inherent project consideration incorporated and considered in the total project development decision. A noise analysis is required for all Type I and Type II projects regardless of their classification (i.e. controlled access, uncontrolled-access roads).

A simplified example of noise analysis documentation follows. A complete noise analysis should clearly describe each alternative under study and detail the adjacent land uses. Accurately labeled aerial photography and aerial photography with project alternative overlays also help readers visualize the project and gain a better understanding of the context and intensity of the proposed project. The noise analysis should include the following information. Examples of some of the sections follow. The order or format is not required, but the following provides a representation of the information needed in a highway traffic noise study.

### *Noise Analysis Contents*

Section <sup>1</sup>	Include Discussion Of:
1. Executive Summary	Concise project description, noise impacts, abatement considerations, commitments
2. Project History and Background Information	Project planning, detailed project description, purpose and need, ancillary improvements, characteristics of noise

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<sup>1</sup> NHI Noise Course Lesson 11 Noise Study Documentation

3. Existing Conditions	Land uses, traffic conditions, roadway information
4. Existing Noise Environment	NSAs, sensitive receptors, measurement procedures and equipment, measured noise levels, modeled existing noise levels, FHWA NAC activity areas, basis for determining worst-case existing noise conditions
5. Analysis Methodology	FHWA and State noise policies, analysis procedure/model /version, validation/calibration process and results, model inputs, analysis years
6. Future Noise Environment	No-Build and Build noise levels and comparisons, increase over existing levels
7. Traffic Noise Impacts	Comparison with FHWA and State noise policies, identification of impacted and non-impacted receptors
8. Consideration of Abatement	NAC, abatement options considered and examples, feasible/reasonable determinations, findings and recommendations, acoustical profiles
9. Construction Noise	Phases, levels, impacts, abatement considerations
10. Public Involvement	Community meetings/input, survey/voting results, abatement commitments, effects of public input
11. Coordination with Local Officials	Related contacts, input, and information provided
12. Noise Report Appendices	This section includes field data sheets, traffic data, FHWA TNM data files, feasible/reasonable worksheets, calibration certificates, etc. Some highway agencies may require submission of some or all of this information digitally to reduce the size of the report.

***Existing Noise Environment Documentation Example***

Figure \_\_ is a plan map of the study area and shows the location of the noise measurement sites. The microphone was located 5 feet above the ground. Measurement Site Nos. 1, 2, and 4 are along the existing Airport Drive and near the apartment buildings closest to the project roadway. The selected sites are representative of receptors in the project study area and document existing noise levels and traffic conditions at the residential area where the potential for noise impacts due to the project exists. Sites 3 and 5 are located in residential areas near the location of the proposed extension of Airport Drive. This area has the lowest existing noise levels in the project corridor. Sites 6 and 7 are near the other roadways in the study area that carry substantial traffic and connect to the proposed project.

The existing noise measurements occurred during midday hours on June 12 and 13, 1988. The temperature varied around 22 degrees C, and winds were light and variable, having little effect on sound propagation over moderate distances.

Field staff collected noise measurements with an ABC Model 123 portable integrating sound level meter set to collect the A-weighted Leq at a slow response time. During the measurement, field staff noted ambient noise sources and counted local traffic. The duration of each measurement period was between 20 and 35 minutes.

### ***Future Noise Environment Documentation Example***

The noise analysis includes prediction of 2025 noise levels at each receiver for each of the seven alternatives under consideration using the FHWA TNM. This model uses the number and type of vehicles on the planned roadway, their speeds, and the physical characteristics of the road, e.g., curves, hills, depressed, elevated, etc. Preliminary alignment and roadway elevation characteristics were available for use in this noise analysis. The models included existing natural or man-made barriers, but did not assume inclusion of any noise abatement measures. The model uses traffic volumes obtained from the Metropolitan Council Regional Traffic Assignment Model. The noise predictions made in this report are highway related noise predictions for the traffic conditions during the design year. For this analysis, the peak hour volumes and corresponding speeds for trucks and automobiles result in the noisiest conditions. During all other periods, the noise levels will be less than indicated in this report.

### ***Traffic Noise Impact Documentation Example***

The traffic noise analysis for the proposed actions predicts greatest noise impacts to occur at residential sites near the proposed loop location. Table No. 7 shows the result of this analysis. The average increase at the selected sites is +12 dB(A). The largest increases (up to +25 dB(A)) occur at rural residences close to the proposed highway.

For the preferred Alternate 3, 52 single family residences, 12 multiple family residences and 2 places of worship approach or exceed the noise abatement criteria. Fifty-two single family residences, 28 multiple family residences, 2 businesses, and 2 places of worship will experience a substantial increase in existing noise levels.

### ***Consideration of Abatement Documentation Example***

The most likely method available to reduce noise levels and alleviate noise impacts from Airport Drive is incorporation of noise abatement measures into the highway design. Since the alignment and grade of Airport Drive are established, noise barriers beside the roadway are the most acceptable means of noise abatement.

. . . The first proposed barrier location is along Airport Drive at the East Avenue-Fair Oaks apartment complex. The proposed barrier is located 12 feet from the edge of Airport Drive, is about 1,770 feet long, and runs from a point about 150 feet north of the edge of Niners Road at the Airport Drive intersection to about 70 feet north of the northernmost apartment building. A barrier 10 feet above grade level provides 9-11 dB reduction in the noise levels at the nearest building, first floor elevation (5 feet above ground). This reduces the predicted exterior Leq noise levels near these buildings from 73-74 dB to 62-65 dB and achieves the 7 d(BA) reasonableness design goal.

. . . The cost of noise barriers depends directly on the material used to build it. Depending upon material selection, barrier costs including installation may be as little as \$15 per lineal foot or as great as \$75 per lineal foot. A wooden barriers erected along Airport Drive at the apartments would cost approximately \$85,000. The cost of the barrier for the three homes is approximately \$35,000.

**Table 9: Example of Abatement Information for an environmental document**

<b>EXISTING AND FUTURE EXTERIOR NOISE LEVELS (L<sub>eq</sub> in dB(A))</b>									
<b>Noise Receiver Number</b>	<b>Land Use Activity Category</b>	<b>Numbers by Activity<sup>1</sup></b>	<b>Average Distance to Roadway (Ft)</b>	<b>Noise Abatement Criteria</b>	<b>Measured Existing Noise Level</b>	<b>Future Noise Levels by Project Alternative (Without and With Abatement)<sup>2</sup></b>			
						<b>No-Build</b>	<b>2</b>	<b>3</b>	<b>4</b>
<b>1</b>	<b>B</b>	<b>3 MF</b>	<b>300</b>	<b>67</b>	<b>55</b>	<b>63</b>	<b>66/58</b>	<b>68/60</b>	<b>68/60</b>
<b>2</b>	<b>B</b>	<b>7 SF</b>	<b>170</b>	<b>67</b>	<b>58</b>	<b>58</b>	<b>70/60</b>	<b>72/61</b>	<b>73/65</b>
<b>3</b>	<b>C</b>	<b>2 B</b>	<b>260</b>	<b>72</b>	<b>54</b>	<b>55</b>	<b>67/60</b>	<b>69/60</b>	<b>70/63</b>
<b>4</b>	<b>B</b>	<b>11 SF, 7 MF</b>	<b>100</b>	<b>67</b>	<b>56</b>	<b>62</b>	<b>73/65</b>	<b>75/65</b>	<b>75/69</b>
<b>5</b>	<b>B</b>	<b>16 MF</b>	<b>150</b>	<b>67</b>	<b>52</b>	<b>52</b>	<b>62/59</b>	<b>66/61</b>	<b>67/64</b>
<b>6</b>	<b>B</b>	<b>14 SF</b>	<b>170</b>	<b>67</b>	<b>52</b>	<b>54</b>	<b>75/66</b>	<b>77/69</b>	<b>77/71</b>
<b>7</b>	<b>B</b>	<b>12 SF, 1 MF</b>	<b>200</b>	<b>67</b>	<b>53</b>	<b>56</b>	<b>66/62</b>	<b>69/67</b>	<b>69/66</b>
<b>8</b>	<b>B</b>	<b>2 PW</b>	<b>180</b>	<b>67</b>	<b>53</b>	<b>54</b>	<b>69/61</b>	<b>73/62</b>	<b>73/69</b>
<b>9</b>	<b>C</b>	<b>3 B</b>	<b>150</b>	<b>72</b>	<b>62</b>	<b>67</b>	<b>69/-</b>	<b>69/-</b>	<b>70/-</b>
<b>10</b>	<b>B</b>	<b>7 SF, 1 MF</b>	<b>230</b>	<b>67</b>	<b>57</b>	<b>61</b>	<b>69/66</b>	<b>69/64</b>	<b>70/64</b>
<sup>1</sup> SF-Single Family Residence, B-Business MF-Multiple Family Residence, PW-Place of Worship				<sup>2</sup> <b>66/58: 66 without abatement/58 with abatement</b>					

**Reporting Decibel Levels**

Highway agencies may consider reporting noise levels to the whole decibel by either rounding or truncating measured or modeled noise levels. Reporting noise levels to the tenth of a decibel may imply a false sense of accuracy and precision. Use caution in presenting material as this approach may result in presenting contradictory information to the public since the TNM reports noise levels to the tenth of a

decibel. If a highway agency implements reporting of noise levels to the whole decibel, the highway agency should develop custom output tables from TNM for inclusion in noise analysis reports that round or truncate the results per the highway agency's noise policy.

### ***Construction Noise Documentation***

It is difficult to predict levels of construction noise at a particular receiver or group of receivers. Heavy machinery, the major source of noise in construction, is constantly moving in unpredictable patterns. Daily construction normally occurs during daylight hours when people tolerate occasional loud noises. The duration for individual receivers should be short; therefore, there are no anticipated disruptions of normal activities. However, the project plans and specifications include provisions requiring the contractor to make every reasonable effort to minimize construction noise through abatement measures such as work-hour controls and maintenance of muffler systems.

For additional information on construction noise, please refer to the FHWA Construction Noise Handbook (FHWA-HEP-06-015) and the Roadway Construction Noise Model (RCNM). Both are located at [http://www.fhwa.dot.gov/environment/noise/cnstr\\_ns.htm](http://www.fhwa.dot.gov/environment/noise/cnstr_ns.htm).

### ***Coordination with Local Officials***

This section documents the coordination process with local officials. The highway agency provides the specific information given to local officials to satisfy 23 CFR 772.17, notably, the best estimate of future noise levels on undeveloped land adjacent to the project within their jurisdiction and noise compatible planning strategies.

## **Appendix C: HIGHWAY TRAFFIC NOISE ABATEMENT MEASURES**

### ***Abatement Measures in 23 CFR 772***

Early in the planning stages of most highway improvements, highway agencies prepare a highway traffic noise study. The purpose of this study is to determine whether the project will result in highway traffic noise impacts. If the predicted highway traffic noise levels cause an impact, the highway traffic noise study must consider highway traffic noise abatement measures to reduce the highway traffic noise levels. If an FHWA approved highway traffic noise abatement measure is determined to be feasible and reasonable, then the highway agency must incorporate the noise abatement measure in the project design. The FHWA approved highway traffic noise abatement measures include creating buffer zones, constructing barriers, installing noise insulation in buildings, and managing traffic. With the exception of noise insulation, the highway agency must maintain the noise abatement measure in perpetuity.

### ***Noise Barriers***

#### ***Technical Considerations and Barrier Effectiveness***

Noise barriers are the most commonly used form of noise abatement and are the only form of noise abatement required for consideration on Federal or Federal-aid projects in accordance with 772.13(c)(1).

Noise barriers are solid obstructions built between the highway and the receivers along the highway. Effective noise barriers can reduce noise levels by 10 decibels, cutting the loudness of traffic noise in half. Barriers come in the form of:

1. Earthen mounds along the road, called earth berms
2. High, vertical barriers, called noise barriers or
3. A combination of earth berms and noise barriers

Earth berms have a very natural appearance and are usually attractive. However, due to their large footprint, very tall berms require large amounts of land. Noise barriers require less space, but may have height restrictions because of structural requirements and aesthetic considerations. Noise barriers are of wood, stucco, concrete, masonry, metal, and other materials. Some States also include aesthetic requirements for color and texture applications on noise barriers to improve their appearance.

Noise barriers have limitations. For a noise barrier to work, it must be high enough and long enough to block the view of a road. Noise barriers do very little good for homes on a hillside overlooking a road or for buildings, which rise above the barrier. A noise barrier can achieve a 5 dB noise level reduction when it is tall enough to break the line-of-sight from the highway to the receiver and it can achieve an approximate 1 dB additional noise level reduction for each 2 feet of height after it breaks the line of sight (with a maximum theoretical total reduction of 20 dB(A)). To avoid undesirable end effects, a good general rule is that the barrier should extend 4 times as far in each direction as the distance from the receiver to the barrier. Openings in noise barriers for driveway connections or intersecting streets reduce the effectiveness of barriers. In some areas, homes are scattered too far apart to permit construction of noise barriers at a reasonable cost.

Noise barriers can be quite effective in reducing highway traffic noise for receivers within approximately 200 feet of a highway. Table 8 summarizes barrier attenuation.

**Table 8: Barrier Attenuation**

Reduction in Sound Level	Reduction in Acoustic Energy	Difficulty To Obtain Reduction
5 dB(A)	70%	Simple
10 dB(A)	90%	Attainable
15 dB(A)	97%	Very Difficult
20 dB(A)	99%	Nearly Impossible

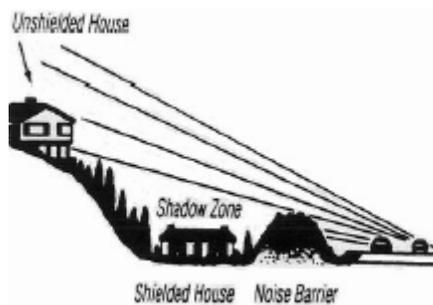
**Noise Barrier Material Types**

There are no Federal requirements or FHWA regulations related to the selection of material types in the construction of highway traffic noise barriers. Individual highway agencies select the material types to use when building their barriers. Highway agencies normally make this selection based on a number of factors such as aesthetics, durability, maintenance, cost, public comments, etc. The FHWA does not specify the type of material to use for noise barrier construction, but the material type chosen must meet State specifications approved by the FHWA. The material chosen should be rigid and of sufficient density (approximately 4 pounds/square foot minimum) to provide a k loss of 20 dB(A) greater than the expected reduction in the noise diffracted over the top of the barrier.

**Shadow Zone**

Noise barriers and earthen berms create a shadow zone. The vertical nature of a noise barrier or earthen berm causes an area of decreased sound energy on the non-highway side due to diffraction, reflection and transmission loss. Receivers that are located in the shadow zone (see Figure 2), will benefit the most from the noise barrier or earth berm.

**Figure 2: Noise Barrier Shadow Zone**



**Shadow Effect of Noise Barrier**

The noise barrier protects the shielded house, but leaves the unshielded house unprotected.

**Public Perception**

Overall, public reaction to noise barriers appears to be positive. There is, however, a wide diversity of specific reactions to barriers. Residents adjacent to barriers have stated that conversations in households

are easier, sleeping conditions are improved; they have a more relaxing environment, open windows more often, and use yards more in the summer. Other perceived benefits include: increased privacy, cleaner air, improved view and a rural sense, and healthier lawns and shrubs. Negative reactions have included a restriction of view, a feeling of confinement, a loss of air circulation, a loss of sunlight and lighting, and poor maintenance of the barrier. Motorists have sometimes complained of a loss of view or scenic vistas and a feeling of being "walled in" when traveling adjacent to barriers. Residents near a barrier seem to feel that barriers effectively reduce highway traffic noise and that the benefits of barriers outweigh the disadvantages of the barriers.

Commercial property owners may oppose noise barrier construction because the barrier may block the line of site to the property.

Highway agencies should inform all affected residents and property owners that noise barriers do not eliminate highway traffic noise. Some noise will remain, even with the construction of highly effective barriers.

### ***Receiver Locations for Noise Barrier Design***

Highway agencies have options for receiver locations for barrier design:

1. At or near a building in residential or commercial areas, and
2. At an area between the right-of-way line and a building where frequent human activity occurs.

Either of these locations is acceptable, as long as a highway agency chooses one location and applies it uniformly and consistently in all its analyses. It is important to note that using an area at or near the highway right-of-way line as a receiver location for barrier design will produce an inappropriate amount of noise reduction and should, therefore, be avoided.

### ***Design Considerations***

A successful design approach for noise barriers should be multidisciplinary and include architects/planners, landscape architects, roadway engineers, acoustical engineers, and structural engineers. Receiver locations and noise reduction goals influence acoustical considerations and in conjunction with non-acoustical considerations, such as maintenance, safety, aesthetics, physical construction, cost, and community participation, determine various barrier design options.

The designers should consider the psychological effect on the passing motorist; designing barriers within the context of the setting. This means different design considerations for dense, urban settings than for open suburban or rural areas. The design should also avoid monotony for the motorist. At normal roadway speeds, visual perception of noise barriers will tend to be of the overall design of the barrier and its color and surface texture. Due to the scale of barriers, a primary objective is to achieve a visually pleasing design by avoiding a tunnel effect with major variations in material type and surface treatment (texture and color). Some localities may desire installation of special icon panels depicting works of art or perhaps emblems significant to the area. Highway agencies are encouraged to work with local governments to help improve the appearance of noise barriers using context sensitive solutions.

The design approach for noise barriers may vary considerably depending upon roadway design constraints. For example, the design problem both from an acoustic and visual standpoint is substantially different for a straight roadway alignment with narrow right-of-way and little change in vertical grades when compared to a roadway configuration with a wide right-of-way and variations in horizontal and

vertical alignments. In the former case, the roadway designer is limited in the options of visual design to minor differences in form, surface treatment, and landscaping. In the latter case, the designer has the opportunity employ a range of design alternatives to develop a visually pleasing and effective barrier.

From both a visual and a safety standpoint, noise barriers should not begin or end abruptly. There are several alternatives to achieve a gradual transition from the ground plane to the desired barrier height. One concept is to begin or terminate the barrier in an earth berm or mound. Other possibilities include adding a slope to the top of the barrier, curving the barrier in a transition form, stepping the barrier down in height, or terminating the barrier in a vegetative planter. The concept of terminating the barrier in a vegetative planter in areas where climatic conditions are conducive to continued vegetative growth.

### ***Visual Impact***

A major consideration in the design of a noise barrier is the visual impact on the adjoining land use. An important concern is the scale relationship between the barrier and activities along the roadway right-of-way. A tall barrier near a low-scale single-family detached residential area could have a severe adverse visual effect. In addition, a tall barrier placed close to residences could create detrimental shadows. One solution to the potential problem of scale relationship is to provide staggered horizontal elements to a noise barrier to reduce the visual impact through introduction of landscaping in the foreground. This can also allow for additional sunlight and air movement in the residential area. In general, it is desirable to locate a noise barrier approximately four times its height from residences and to provide landscaping near the barrier to avoid visual dominance.

Carefully consider the visual character of noise barriers in relationship to the environment. The barriers should reflect the character of their surroundings as much as possible. Where strong architectural elements of adjoining activities occur in close proximity to barrier locations, consider the relationship of material, surface texture, and color in the barrier design. In other areas, particularly those near roadway structures or other transportation elements, it may be desirable that proposed noise barriers have a strong visual relationship, either physically or by design concept, to the roadway elements.

Preserve aesthetic views and scenic vistas to the extent possible. However, the highway agency cannot reject feasible and reasonable noise barrier based on visual impacts without justification. Local governments cannot arbitrarily veto and/or restrict the length or height of an abatement measure determined feasible and reasonable based on visual quality concerns. In this case, the FHWA will not authorize the Federal-aid project unless the recommended noise abatement is included in the project design, plans and specifications.

In general, a successful design approach for noise barriers is to utilize a consistent color and surface treatment, with landscaping elements used to soften foreground views of the barrier. It is usually desirable to avoid excessive detail, which tends to increase the visual dominance of the barrier and may provide a distraction for motorists.

### ***Graffiti***

Graffiti on noise barriers can be a potential problem. A possible solution to this problem is applying an anti-graffiti coating or using materials. Landscaping and plantings near barriers can discourage graffiti as well as to add visual quality.

### ***Reflection of Noise from a Noise Barrier***

Construction of a noise barrier on the opposite side of the highway from a receiver will not result in a substantial increase in highway traffic noise levels. If the direct noise levels and the reflected noise

levels are not abated by natural or artificial terrain features, the noise increase is theoretically limited to 3 dB(A), due to a doubling of energy from the noise source. In practice, however, not all of the acoustical energy reflects back to the receiver. Some of the energy is diffracted over the barrier, some is reflected to points other than the receiver, some is scattered by ground coverings (e.g., grass and shrubs), and some is blocked by the vehicles on the highway. Additionally, some of the reflected energy to the receiver is lost due to the longer path that it must travel. Attempts to conclusively measure this reflective increase have rarely show an increase of greater than 1-2 dB(A), an increase that is not perceptible to the average human ear.

Multiple reflections of noise between two parallel plane surfaces, such as noise barriers or retaining walls on both sides of a highway, can theoretically reduce the effectiveness of individual barriers and contribute to overall noise levels. However, studies of the issue have not indicated problems associated with this type of reflective noise. Any measured increases in noise levels have been less than can be perceived by normal human hearing. Studies have suggested that to avoid a reduction in the performance of parallel reflective noise barriers, the width to height ratio of the roadway section to the barriers should be at least 10:1. The width is the distance between the barriers, and the height is the average height of the barriers above the roadway. This means that two parallel barriers 10 feet tall should be at least 100 feet apart.

Highway agencies must include provisions in their noise policy for use of absorptive treatment on roadside structures. This includes noise barriers, retaining walls, bridges and any other structure the highway agency may consider for application of a sound absorptive material.

#### ***Noise Barrier Structural and Safety Design Criteria***

To provide standard structural design criteria for the preparation of noise barrier plans and specifications, the American Association of State Highway and Transportation Officials (AASHTO) Subcommittee on Bridges and Structures developed "Guide Specifications for Structural Design of Sound Barriers," which was published in 1989 and amended in 1992 and 2002. These specifications allow for more consistency and less conservatism in barrier design. Highway agencies are encouraged to apply realistic noise barrier structural design practices and to avoid overly conservative design procedures, especially those related to wind load criteria.

AASHTO has also published a "Guide on Evaluation and Abatement of Traffic Noise: 1993 (code GTN-3)." This report contains a good discussion of the problem of highway traffic noise and ways to address the problem in the United States. It presents a discussion very similar to that found in FHWA literature. Copies of the report are available from on the AASHTO homepage:

<http://www.aashto.org/aashto/organization.nsf/homepage/overview>.

There are several safety considerations to keep in mind when designing a noise barrier. The designer must consider the effect on site distance for drivers. There AASHTO Green Book provides design requirements for Stopping Sight Distance (SSD) Decision Sight Distance (DSD), and the Horizontal Sightline Offset (HSO).

Designers must also consider the safety of the traveling public and those on adjacent properties when considering possible vehicle impacts with noise barriers. Several States use specially designed noise barriers on bridges to guard against dislodging of the barrier onto roads below the bridge. Another factor to consider is the presence of a noise barrier within the clear zone and the need for safety barriers in these circumstances.

### ***Traffic Management***

Controlling traffic can sometimes reduce highway traffic noise problems. Possible ways to achieve this are:

1. Prohibiting trucks from certain streets and roads,
2. Permitting trucks to use certain streets and roads only during daylight hours,
3. Timing traffic lights to achieve smooth traffic flow and to eliminate the need for frequent acceleration and deceleration,
4. Reducing speed limits reduces highway traffic noise levels; however, an approximate reduction of 20 mph is necessary for a readily perceptible decrease in noise levels.

### ***Alteration of Horizontal and Vertical Alignments***

A change in the horizontal or vertical alignment of the highway may reduce noise levels at noise sensitive receivers. Suppressing the highway's vertical alignment to create a natural berm between the highway and receivers or shifting the highway's horizontal alignment away from noise sensitive receivers and closer to less sensitive receivers are two methods to accomplish this measure. Usually, this approach is limited to use on projects on new alignment as a means of avoiding impacts rather than as an abatement measure. It is may be very expensive to alter the alignment of a highway to reduce noise levels.

### ***Acquisition of Property Rights for Noise Barrier or Buffer Zones***

The highway agency may acquire property rights to allow for the construction of a noise barrier. Include the cost of property purchased by the highway agency in the barrier's reasonableness determination. Buffer zones can only be used in Type I projects. The potential use of buffer zones applies to predominantly unimproved property; not to purchase homes or developed property to create a noise buffer zone. Highway agencies may purchase unimproved property to preclude future highway traffic noise impacts.

Buffer zones are undeveloped, open spaces that border a highway (as defined by this policy). Buffer zones occur when a highway agency purchases land or development rights, in addition to the normal right-of-way, to prohibit construction of future dwellings close to the highway. This prevents the possibility of exposing new dwellings to an excessive noise level from nearby highway traffic. An additional benefit of buffer zones is that they often improve the roadside appearance. However, because of the tremendous amount of needed land and because in many cases dwellings already border existing roads, creating buffer zones is often not possible. The intention of this provision is for purchase of

currently undeveloped land. The highway agency should not consider purchase of developed land to create buffer zones.

The purchase of a noise easement is not eligible for Federal-aid participation.

### ***Noise Insulation***

Highway agencies may only consider noise insulation for public use or nonprofit institutional structures, e.g., places of worship, schools, hospitals, libraries, etc. “Public use or nonprofit institutional structures” means the facility is open for public use, owned by the public or that a nonprofit organization owns the facility.

Insulating buildings can greatly reduce highway traffic noise. Sometimes this involves installation of sound absorbing material in the walls of a new building during construction. However, insulation can be costly because air conditioning is usually necessary once the windows are sealed. In some parts of the country, highway agencies do not have the authority to insulate buildings; thus, in those States, insulation cannot be included as part of a highway project. Noise insulation is normally limited to public use structures such as places of worship, schools and hospitals.

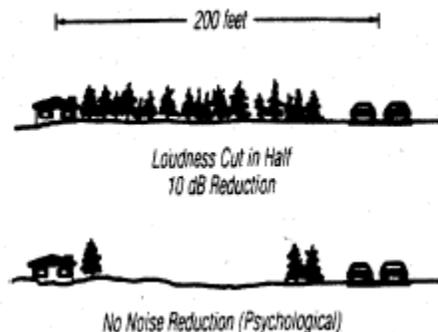
The highway agency should consider entering into a legal agreement with the owners of a building that will receive noise insulation specifying the noise insulation requirements, such as the sound transmission class (STC) of windows and doors used for noise insulation, and ensuring the owners understand that they bear all post installation expenses such as utilities and maintenance. The State noise policy should also cover these issues.

### ***Visual Screening Vegetation***

Vegetation, if it is high enough, wide enough, and dense enough and opaque may reduce highway traffic noise. A 200-foot width of dense vegetation can reduce noise by 10 decibels. It is usually impossible, however, to plant enough vegetation along a road to achieve such reductions. See Figure 3.

Roadside vegetation may create a psychological effect, if not an actual lessening of highway traffic noise levels. Since a substantial noise reduction does not occur until vegetation matures, the FHWA does not consider the planting of vegetation to be a highway traffic noise abatement measure. The planting of trees and shrubs provides psychological benefits and by providing visual screening, privacy, or aesthetic treatment, but not highway traffic noise abatement.

***Figure 3: Vegetation***



## Vegetation and Noise Reduction

### ***Privacy Fencing***

Privacy fencing provides a visual screen between the source and receptor, but is unlikely to provide a discernible reduction in noise levels. Like vegetation, this screening may provide psychological relief, but not highway traffic noise abatement.

### ***Flexibility in Decision Making***

The basis for the Federal-aid highway program is a strong State-Federal partnership. At the core of that partnership is a philosophy of trust and flexibility, and a belief that the States are in the best position to make investment decisions on the needs and priorities of their citizens. The FHWA highway traffic noise regulations give highway agencies flexibility to determine the feasibility and reasonableness of highway traffic noise abatement; balancing the benefits of highway traffic noise abatement against the overall adverse social, economic and environmental effects and costs of the highway traffic noise abatement measures. The highway agency must base its determination on the interest of the overall public good, keeping in mind all the elements of the highway program (need, funding, environmental impacts, public involvement, etc.).

**Appendix D: Feasibility and Reasonableness Worksheet Example**  
**HIGHWAY TRAFFIC NOISE ABATEMENT FOR PROJECT:**

*Highway Traffic Noise Abatement Measure:*

<b>Feasibility</b>					
Is the proposed noise abatement measure acoustically feasible?			Yes	No	
<b>Reasonableness</b>					
Reasonableness Factors		Yes		No	
		High	Low	High	Low
<b>Required*</b>					
1	Viewpoints of property owners and residents				
2	Cost effectiveness				
3	Measure achieves noise reduction design goal				
<b>Optional**</b>					
4	Date of development				
5	Duration of exposure				
6	Change in noise level between existing and future build condition				
7	Percentage of mixed zoning				
8	Use of noise compatible planning concepts by local officials				

\* 23 CFR 772.13(d)(2)(iv) requires that the abatement measure must collectively be achieve each of these criteria to be reasonable.

\*\* 23 CFR 772.13(d)(2)(v) allows consideration of these optional abatement measures, which cannot singly eliminate an abatement measure that meets the requirements of 1-3 above.

**Reasons for Decision:**

Provide reasons for the decision here.

**Summary:**

One of the most difficult parts of traffic noise analysis is determining the reasonableness and feasibility of abatement. This discussion has addressed the details of determining the reasonableness and feasibility of noise abatement.

Good program management supports the need for highway traffic noise abatement decision-making policies. Abatement decision-making must not be arbitrary and capricious. The reasoning for decisions should be available and supportable. Objective, quantifiable decision making criteria can aid in promoting better public understanding and acceptance of decisions.

Inclusion of a wide range of reasonableness criteria provides greater flexibility in abatement decision-making. Such flexibility is essential to allow for consideration of special circumstances in individual cases. Highway agencies should not rigidly apply their policies.

## **Appendix E: Type II Program Examples**

Below are several examples of Type II programs in three States and a comprehensive review of Type II programs prepared for Texas DOT. Several other States have Type II programs that may provide examples of priority ranking systems. Those below provide a sampling of different approaches to developing a priority system.

### ***Massachusetts***

Performed a statewide noise study and identified locations where noise levels exceed 78 dBA in the loudest hour. These fifty-three locations make up the Type II priority list. For more information, go to <http://www.mhd.state.ma.us/default.asp?pgid=content/barriers01&sid=about>.

### ***Ohio***

Uses a calculation called the Noise Abatement Priority Index (NAPI) to rank neighborhoods where 90% of development predates the adjacent highway. The index scores various factors such as highway volume, age of the development, and housing density within 400' of the highway and ranks the neighborhoods statewide. For additional information, please refer to ODOT's *Standard Procedure for Analysis and Abatement of Highway Traffic Noise* (February 2010).

### ***Tennessee***

Performed a statewide evaluation to identify locations eligible for consideration as Type II projects and identified 21 locations for the Type II project list. For more information, see [http://www.adc40.org/summer2005/documents/PDF/05\\_Bowlby%20TRB%202005%20TDOT%20Type%20II%20Program.pdf](http://www.adc40.org/summer2005/documents/PDF/05_Bowlby%20TRB%202005%20TDOT%20Type%20II%20Program.pdf).

### ***Texas***

The Texas Department of Transportation offers a comprehensive review of Type II programs in the *Study of Statewide Type II Noise Abatement Program for the Texas Department of Transportation* (February 2000). This document evaluates the Type II programs implemented by other State highway agencies and provides a good overview into the decision-making processes involved in establishing a Type II program. This document is available at: [http://www.utexas.edu/research/ctr/pdf\\_reports/1754\\_1.pdf](http://www.utexas.edu/research/ctr/pdf_reports/1754_1.pdf).

## Appendix F: Determining the Reasonable Cost of Abatement

23 CFR 772.13(d)(2)(ii) requires highway agencies to determine the basis for the reasonable cost of abatement on actual construction costs. One way to determine the reasonable cost of abatement is to evaluate the actual unit costs of recently constructed noise barriers in the State and identifying a range of unit costs. This information, coupled with data on the range of costs per residence of constructed noise barriers or in some cases, the square footage of noise barrier per residence will help guide the highway agency to develop the cost reasonableness criteria for the State. The regulation requires reevaluation of the cost reasonableness criteria at a minimum of every five years. States may choose to incorporate an inflation adjustment based on historical or projected trends. One benefit of using the maximum square feet per benefited residence approach is that this value remains constant. Actual costs may increase, but the highway agency guards against stepping away from perceived commitments to provide noise abatement due to escalating costs.

It may be difficult to get a grasp of the actual constructed cost of noise abatement. There are costs associated with a project that a line item in project bid tabulations does not capture. Each highway agency should determine what expenses to include in noise abatement cost valuations. It is valid to simply look at the bid cost of post and panels, but it is equally valid to include other items directly related to providing noise abatement such as design, purchase of right-of-way, maintenance of traffic, deployment costs, clearing and grubbing, grading, reseeding and mulching, cost of safety barriers and any other project costs related to the constructed noise abatement measure. The examples below do not provide all possible cost categories for States to consider, but are illustrative of possible items to include in the cost estimate.

Standalone noise abatement projects, such as Type II projects, can help identify the full unit cost of noise abatement. In a Type II project, the entire project is usually about construction of noise abatement, usually in the form of a noise barrier. The project includes all the associated costs of design and construction, making it pretty easy to divide the total project cost by the square footage of constructed noise barrier to find the unit cost of the project.

The following tables follow an option for project cost projections. Determining project construction cost is the starting point to identifying future costs. Users could also apply these tables at the program level or for future projects help get a better idea of whether a project that is cost reasonable today, will remain cost reasonable years from now given the projection of cost increases predicted to occur between design and construction.

Highway agencies may identify a typical unit cost for noise abatement and identify other features that are project specific. For example, several items shown in the tables below, such as foundations, clearing and grubbing, reseeding, drilled shafts, grading and the barriers, are typical for most projects. Other expenditures, such as purchase of right-of-way, installation of safety barriers and utility relocations are specific to some projects. The noise barrier input function in the TNM provides users with the ability to establish a cost per square foot of wall area, which could include all the typical costs, plus an additional value based on the length of the barrier, which could include atypical costs. This approach avoids assuming the worst case scenario for all projects, but allows highway agencies to account for additional expenses that occur with some projects.

NOTE: The values in the table are illustrative and do not necessarily reflect actual costs.

Noise Barrier Construction Project

**June 2010**  
Rev. 8/11/2010

Table  
C1 Summary of Base Cost (\$)

			Unit Cost	Number of	Total Cost
	Item	unit	(\$)	Units	(\$)
1.6	Right of Way	acre	10,000.0	1.1	11,478.4
1.7	Clearing and Grubbing	sf	3.50	50,000.0	175,000.0
1.8	Road and Access	cf	5.00	5,000.0	25,000.0
1.9	Grading	cf	5.00	8,000.0	40,000.0
1.10	Noise Barrier	sf	7.31	55,860.0	408,108.0
1.11	Foundations	unit	1,760.0	250.0	440,000.0
1.12	Seeding and Mulching	sf	0.11	100,000.0	11,000.0
1.13	Landscaping	lump sum			84,173.6
1.14	Drilled Shafts	unit	100.00	250.0	25,000.0
1.15	Total				1,219,760.0
1.16	Wall Area (sf)	55,860	# Residences	112	
1.17	Barrier Length (ft)	5,000			
1.18	Average Height	11.17			
1.19	Average sf Barrier Cost	7.31	Max Cost/Res	35,000.0	

Input Values

This table shows the summary of base costs for a noise barrier project without consideration for physical or financial contingencies. The project includes program elements for a standalone noise barrier project.

Noise Barrier Construction Project - Detailed Program  
Table  
C1.1 Program Item Cost Calculations (\$)

	Item	Unit	Unit Cost (\$)	Number of Units	Total Cost (\$)
1.1	Right of Way				
1.1a	Purchase Strip right-of-way	sf		50,000.0	
	Total	acre	10,000.0	1.1	11,478.4
1.2	Clearing and Grubbing				
1.2a	Cut existing vegetation	sf	1.50		75,000.0
1.2b	Remove existing vegetation	sf	1.00		50,000.0
1.2c	Smooth disturbed soil	sf	1.00		50,000.0
	Total	sf	3.5	50,000.0	175,000.0
1.3	Road and Access				
1.3a	Grade access road	cf			
	Total	cf	5.0	5,000.0	25,000.0
			5.0	5,000.0	25,000.0
1.4	Grading				
1.4a	Cut	cf	5.00	3,000.0	15,000.0
1.4b	Fill	cf	5.00	5,000.0	25,000.0
	Total	cf	5.00	8,000.0	40,000.0
1.5	Noise Barrier <10'	sf	7.25	5,400.0	39,150.0
1.6	Noise Barrier 10-16'	sf	7.30	38,460.0	280,758.0
1.7	Noise Barrier > 16'	sf	7.35	12,000.0	88,200.0
	Total		7.31	55,860.0	408,108.0
1.8	Foundations (see table below)				
1.8a	Structural Steel	lf	3.50	100,000.0	350,000.0
1.8b	Concrete	cy	100.00	650.0	65,000.0
1.8c	Soil Borings	unit	25.00	1,000.0	25,000.0
	Total	unit	1,760.00	250.0	440,000.0
1.9	Seeding and Mulching				
1.9a	Type 4a grass seed mixture	sf	0.15	50,000.0	7,500.0
	Straw mulch	sf	0.07	50,000.0	3,500.0
	Total		0.11	100,000.0	11,000.00
1.10	Landscaping	sf			
1.10a	4" Deciduous trees	unit	175.00	225.0	39,375.0
1.10b	5' Conifers	unit	100.00	175.0	17,500.0
1.10c	#2 Deciduous shrubs	unit	350.00	18.8	6,562.5
1.10d	Daylilies	unit	1,275.00	10.0	12,750.0
1.10e	Landscape mulch (see table below)	cy	5.75	1,388.9	7,986.1
	Total				84,173.6
1.11	Drilled Shafts	unit	100.00	250.0	25,000.0
	Equipment Rental				
	Total	unit	100.00	250.0	25,000.0

Table C1.1.1

Right-of-way required	
Length of Barrier	5,000
Width needed for construction	10
Total Area Required	50000

Table C1.1.2

Foundation Table	Unit	# Units/Foundation (10' depth typical)
Structural Steel	lf	400
concrete	cy	2.6

Table C1.1.3

Mulch Table					
		Depth in feet	Area in sf	area in sy	Volume cy
Landscape Mulch	cy	0.25	50000	5,555.56	1,388.89

Tables C1.1 – C1.1.3 provide the input values for the cost of the project program elements. The gray boxes are input values for the number of units needed and the unit cost.

Table C2 Derivation of Total Cost in Constant Prices (\$)

Item	Base Cost (\$)	Physical Contingencies Percent	Contingencies (\$)	Design Percent	Design (\$)	Supervision Percent	Supervision (\$)	Total Cost (\$)
2.5 Right of Way Clearing and	11,478.4	5%	573.9	7%	843.7	3%	361.6	13257.6
2.6 Grubbing Road and	175,000.0	5%	8,750.0	7%	12862.5	3%	5512.5	202125.0
2.7 Access	25,000.0	5%	1,250.0	7%	1837.5	3%	787.5	28875.0
2.8 Grading Noise	40,000.0	5%	2,000.0	7%	2940.0	3%	1260.0	46200.0
2.9 Barrier	408,108.0	5%	20,405.4	7%	29995.9	3%	12855.4	471364.7
2.12 Foundations Seeding and	440,000.0	5%	22,000.0	7%	32340.0	3%	13860.0	508200.0
2.13 Mulching Landscapin	11,000.0	5%	550.0	7%	808.5	3%	346.5	12705.0
2.14 g Drilled	84,173.6	5%	4,208.7	7%	6186.8	3%	2651.5	97220.5
2.15 Shafts	25,000.0	5%	1,250.0	7%	1837.5	3%	787.5	28875.0
2.16 Total	1,219,760.0		60,414.1		88,808.7		38,060.9	1,395,565.3

## Input Values

Table C2 gives the opportunity to capture some costs that are not captured in the previous tables. Physical contingencies represent an extra amount to account for changes in project quantities or other added expenses directly related to changes in a particular program element.

Table  
C3 Distribution of Cost (Percent of Work Completed)

Item	2005	2006	2007	2008	2009	2010	Total
3.6 Design	0%	50%	50%	0%	0%	0%	100%
3.7 Supervision	0%	0%	10%	40%	40%	10%	100%
3.8 Right of Way	25%	50%	25%	0%	0%	0%	100%
3.9 Clearing and Grubbing	0%	0%	100%	0%	0%	0%	100%
3.10 Road and Access	0%	0%	100%	0%	0%	0%	100%
3.11 Grading	0%	0%	50%	50%	0%	0%	100%
3.12 Noise Barrier	0%	0%	0%	25%	50%	25%	100%
3.15 Foundations	0%	0%	0%	50%	50%	0%	100%
3.16 Seeding and Mulching	0%	0%	0%	0%	0%	100%	100%
3.17 Landscaping	0%	0%	0%	0%	0%	100%	100%
3.18 Drilled Shafts	0%	0%	0%	50%	50%	0%	100%
3.19 Total							0%

Input Values

Table C3 provides the opportunity to identify the distribution of cost based on the percentage of work completed in each year of the project. This information is not necessary for all projects, or likely, the information is not known during project planning. The information in this table feeds into some of the following tables.

Table  
C4 Distribution of Cost, In Constant Prices (\$)

Item	2005	2006	2007	2008	2009	2010	Total
4.6 Design	0.0	44,404.3	44,404.3	0.0	0.0	0.0	88,808.70
4.7 Supervision	0.0	0.0	3,806.1	15,224.3	15,224.3	3,806.1	38,060.87
4.8 Right of Way	3,013.1	6,026.2	3,013.1	0.0	0.0	0.0	12,052.34
4.9 Clearing and Grubbing	0.0	0.0	183,750.0	0.0	0.0	0.0	183,750.00
4.10 Road and Access	0.0	0.0	26,250.0	0.0	0.0	0.0	26,250.00
4.11 Grading	0.0	0.0	21,000.0	21,000.0	0.0	0.0	42,000.00
4.12 Noise Barrier	0.0	0.0	0.0	107,128.4	214,256.7	107,128.4	428,513.40
4.15 Foundations	0.0	0.0	0.0	231,000.0	231,000.0	0.0	462,000.00
4.16 Seeding and Mulching	0.0	0.0	0.0	0.0	0.0	11,550.0	11,550.00
4.17 Landscaping	0.0	0.0	0.0	0.0	0.0	88,382.3	88,382.29
4.18 Drilled Shafts	0.0	0.0	0.0	13,125.0	13,125.0	0.0	26,250.00
4.19 Total	3,013.1	50,430.5	282,223.5	387,477.7	473,606.0	210,866.7	1,407,617.60

Input Values

Table C4 give the distribution of cost in constant prices across the life of the project.

Table  
C5 Distribution of Cost, In Current Prices (\$)

Item	2005	2006	2007	2008	2009	2010	Total
Inflation Rate		4.0%	4.0%	4.0%	4.0%	4.0%	
Price Index	1.000	1.040	1.082	1.125	1.170	1.217	
Design	0.0	46,180.5	48,027.7	0.0	0.0	0.0	94,208.27
Supervision	0.0	0.0	4,116.7	17,125.3	17,810.3	4,630.7	43,683.01
Right of Way	3,013.1	6,267.2	3,259.0	0.0	0.0	0.0	12,539.26
Clearing and Grubbing	0.0	0.0	198,744.0	0.0	0.0	0.0	198,744.00
Road and Access	0.0	0.0	28,392.0	0.0	0.0	0.0	28,392.00
Grading	0.0	0.0	22,713.6	23,622.1	0.0	0.0	46,335.74
Noise Barrier	0.0	0.0	0.0	120,504.8	250,650.0	130,338.0	501,492.88
Foundations	0.0	0.0	0.0	259,843.6	270,237.3	0.0	530,080.91
Seeding and Mulching	0.0	0.0	0.0	0.0	0.0	14,052.3	14,052.34
Landscaping	0.0	0.0	0.0	0.0	0.0	107,530.6	107,530.57
Drilled Shafts	0.0	0.0	0.0	14,763.8	15,354.4	0.0	30,118.23
Total	3,013.1	52,447.7	305,253.0	435,859.7	554,052.1	256,551.6	1,607,177.21

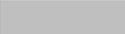
 Input Values

Table C5 provides the opportunity to account for inflation across the life of the project. This information carries into Table C6 as the project financial contingencies.

Table  
C6 Cost Summary (\$)

	Summary	Base Cost	Physical Contingency	Financial Contingency	Total Cost Current \$	% of Total
6.5	Design	88,808.7		5,399.6	94,208.27	5.9%
6.6	Supervision	38,060.9		5,622.1	43,683.01	2.7%
6.7	Right of Way	11,478.4	573.9	486.9	12,539.3	0.8%
6.8	Clearing and Grubbing	175,000.0	8,750.0	14,994.0	198,744.00	12.4%
6.9	Road and Access	25,000.0	1,250.0	2,142.0	28,392.00	1.8%
6.1	Grading	40,000.0	2,000.0	4,335.7	46,335.74	2.9%
6.11	Noise Barrier	408,108.0	20,405.4	72,979.5	501,492.88	31.2%
6.14	Foundations	440,000.0	22,000.0	68,080.9	530,080.91	33.0%
6.15	Seeding and Mulching	11,000.0	550.0	2,502.3	14,052.34	0.9%
6.16	Landscaping	84,173.6	4,208.7	19,148.3	107,530.57	6.7%
6.17	Drilled Shafts	25,000.0	1,250.0	3,868.2	30,118.23	1.9%
6.18	<b>Total</b>	<b>1,346,629.6</b>	<b>60,988.0</b>	<b>199,559.6</b>	<b>1,607,177.21</b>	<b>100.0%</b>
6.19	<b>Cost Distribution</b>					
6.20	as % of base cost	100.0%	4.5%	14.8%	119.3%	
6.21	as % of total cost	83.8%	3.8%	12.4%	100.0%	
6.22						
6.23	<b>Cost Indicators</b>	<b>Cost</b>				
6.24	Base Cost					
6.25	Construction	873,108.00				
6.26	Site Preparation Landscaping/Site	240,000.00				
6.27	Finishing	95,173.61				
6.28	Right of Way	11,478.42				
6.29	Total Base Cost	1,219,760.03				
6.30	Design + Supervision	126,869.57				
6.31	Phys Contingencies	60,988.00				
6.32	Financial Contingencies	199,559.61				
6.33	Total Current Cost	1,607,177.21				
6.34	Barrier Square Footage	55,860.00				
6.35	Avg cost/sf of noise barrier (\$)	28.77				
6.36	Cost per Residence	14,349.80				
6.37	Cost Reasonable ?	<b>Yes</b>				

Input Values

Table C6 provides a summary of total project costs and an outcome of the projects cost reasonableness based on projected costs.

## **Appendix G: Highway Traffic-Induced Vibration**

There are no Federal requirements directed specifically to highway traffic induced vibration. All studies the highway agencies have done to assess the impact of operational traffic induced vibrations have shown that both measured and predicted vibration levels are less than any known criteria for structural damage to buildings. In fact, normal living activities (e.g., closing doors, walking across floors, operating appliances) within a building have been shown to create greater levels of vibration than highway traffic. Address vibration concerns on a case-by-case basis as deemed appropriate in the noise analysis or in a standalone vibration analysis report.