

Bill as
Introduced

HB 391-FN - AS INTRODUCED

2013 SESSION

13-0239

06/03

HOUSE BILL

391-FN

AN ACT

relative to highway noise and establishing a commission to study options for mitigation of damages associated with highway noise.

SPONSORS:

Rep. Keith Murphy, Hills 7

COMMITTEE:

Transportation

ANALYSIS

This bill prohibits the department of transportation from commencing transportation projects unless noise levels from such projects at adjacent residences are determined to be below 65 decibels.

This bill also establishes a commission to consider options for mitigating damages associated with highway noise.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to highway noise and establishing a commission to study options for mitigation of damages associated with highway noise.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Minimization of Noise Levels. Amend RSA 228 by inserting after section 4-b the
2 following new section:

3 228:4-c Minimization of Noise Levels. No state highway construction or extension project shall
4 commence unless and until the department certifies that the noise levels resulting from such project
5 impacting any primary residence shall, upon completion, be projected to be below 65 decibels as
6 measured at the exterior wall of such residence at the point nearest the completed project.

7 2 New Section; Commission to Study Options for Mitigation of Damages Associated With
8 Highway Noise. Amend RSA 228 by inserting after section 15 the following new section:

9 228:15-a Commission to Study Options for Mitigation of Damages Associated With Highway
10 Noise.

11 I. There is established a commission to study options for mitigating damages associated with
12 highway noise.

13 II. The members of the commission shall be as follows:

14 (a) Three members of the house of representatives, appointed by the speaker of the
15 house of representatives.

16 (b) Two members of the senate, appointed by the president of the senate.

17 (c) The commissioner of the department of transportation, or designee.

18 (d) A member of the public whose primary residence is exposed to road noise that
19 exceeds 65 decibels, appointed by the speaker of the house of representatives.

20 III. Legislative members of the commission shall receive mileage at the legislative rate when
21 attending to the duties of the commission.

22 IV. The commission shall:

23 (a) Review all complaints the department has received about road noise since January 1,
24 2005, and the location of any noise samples exceeding 65 decibels that were taken since that date at
25 properties adjacent to a state highway.

26 (b) Review data regarding the cost and effectiveness of methods of ameliorating road
27 noise including methods used in New Hampshire, methods used in other states, and methods that
28 are currently in development.

29 (c) Gather and review information on the effects noise levels above 65 decibels have on
30 people whose primary residences abut highways, including testimony from affected individuals.

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1 (d) Investigate options for mitigating damages caused by highway noise including
2 compensation, methods detailed by the department, and any other technology that may exist.

3 V. The members of the commission shall elect a chairperson from among the members. The
4 first meeting of the commission shall be called by the first-named house member. The first meeting
5 of the commission shall be held within 45 days of the effective date of this section. Four members of
6 the commission shall constitute a quorum.

7 VI. The commission shall report its findings and any recommendations for proposed
8 legislation to the speaker of the house of representatives, the president of the senate, the house
9 clerk, the senate clerk, the governor, and the state library on or before November 1, 2013.

10 3 Repeal. RSA 228:15-a relative to the commission to study options for mitigating damages
11 associated with highway noise, is repealed.

12 4 Effective Date.

13 I. Section 1 of this act shall take effect 60 days after its passage.

14 II. Section 3 of this act shall take effect November 2, 2013.

15 III. The remainder of this act shall take effect upon its passage.

LBAO
13-0239.1
01/16/13

HB 391-FN - FISCAL NOTE

AN ACT relative to highway noise and establishing a commission to study options for mitigation of damages associated with highway noise.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, as introduced, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

Amendments



Amendment to HB 391-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT establishing a committee to study options for mitigation of damages associated
4 with highway noise.
5

6 Amend the bill by replacing all after the enacting clause with the following:

7
8 1 Committee to Study Options for Mitigation of Damages Associated With Highway Noise.

9 I. There is established a committee to study options for mitigating damages associated with
10 highway noise.

11 II. The members of the committee shall be as follows:

12 (a) Three members of the house of representatives, one of whom shall be a member of
13 the public works and highways committee, appointed by the speaker of the house of representatives.

14 (b) Two members of the senate, appointed by the president of the senate.

15 III. Members of the committee shall receive mileage at the legislative rate when attending to
16 the duties of the committee.

17 IV. The committee shall:

18 (a) Review data regarding the cost and effectiveness of methods of ameliorating road
19 noise including methods used in New Hampshire, methods used in other states, and methods that
20 are currently in development.

21 (b) Gather and review information on the effects noise levels above 65 decibels have on
22 people whose primary residences abut highways, including testimony from affected individuals.

23 (c) Investigate options for mitigating damages caused by highway noise including
24 compensation, methods detailed by the department, and any other technology that may exist.

25 V. The members of the committee shall elect a chairperson from among the members. The
26 first meeting of the committee shall be called by the first-named house member. The first meeting of
27 the committee shall be held within 45 days of the effective date of this section. Three members of the
28 committee shall constitute a quorum.

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30 legislation to the speaker of the house of representatives, the president of the senate, the house
31 clerk, the senate clerk, the governor, and the state library on or before November 1, 2013.

32 2 Effective Date. This act shall take effect upon its passage.



Amendment to HB 391-FN
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2013-0449h

AMENDED ANALYSIS

This bill establishes a committee to consider options for mitigating damages associated with highway noise.

Hearing Minutes

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON HB 391-FN

BILL TITLE: relative to highway noise and establishing a commission to study options for mitigation of damages associated with highway noise.

DATE: February 12, 2013

LOB ROOM: 203 **Time Public Hearing Called to Order:** 3:00 p.m.

Time Adjourned: 3:38 p.m.

(please circle if present)

Committee Members: Reps. Bouchard, M. O'Brien, Rhodes, Johnsen, Patten, Soucy, C. Williams, LaPlante, Burtis, O'Flaherty, Sykes, Packard, Crawford, Hikel, Hinch, Straight, T. Walsh, Steven Smith, Chirichiello and Hodgdon.

Bill Sponsors: Rep. Keith Murphy, Hills 7

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Murphy, prime sponser of the bill speaking on behalf of the bill relayed the history behind the bill request. * written testimony was provided. DOT will only make concrete walls. Testified that there are other systems out there. This bill would look at protecting even one homeowner from more than 66 decibels from road construction projects. It would also establish a study committee to look at alternative methods.

Rep. Bouchard, what do you mean by certified? DOT has models which can predict how homes will be affected by construction projects. Won't this bring I-93 expansion project to a halt? Not the intent. Shouldn't this be measured? Ask NH DOT.

Rep. O'Brien is concerned that this commission would be permanent? Not the intent, should end in 2014. Again affects only residential property, not commercial property.

Rep. O'Flaherty, alternative methods are not followed, are they prohibited? No, but DOT does not believe they will work.

Ralph Dutton, testifying in support of the bill noted he is personally affected by noise. Bought a decibel reader, and he has seen the readings go higher even though DOT never returned to do additional readngs.

Rep. O'Brien, how far is your home from the highway? Probably 125 feet.

Mr. Robert Lame testifying in support of the bill. The fence which was built is lower at the top than the roadway itself. Does not understand why federal funds were not used to improve the situation. Other states build sound barriers, why can't NH do the same?

William Cass, NH DOT. Available to answer questions.

Rep. Bouchard, it sounds like the wooden fence is not working? DOT uses criteria in line with federal standards. They use cost effectiveness, and sound thresholds. The stockade fence was an effort at mitigation. Do you have any solutions to offer this neighborhood? Short of an appropriation, or a change in the policy he does not. Reminded the committee that they have tried to be sympathetic by installing the stockade fence.

Rep. Walsh, the Dept sets this policy? Yes. Is there no waiver policy? They try to be consistent. They try to mirror the federal standards to use federal funds on these issues. Massachusetts has a specific sound wall program with 2 million dollars set aside. NH does not have that kind of program.

Rep. Straight, do you look at other alternative for cheap solutions such as trees and landscaping? Yes. Stockade fence is not expensive nor is it effective. Do you agree? Yes.

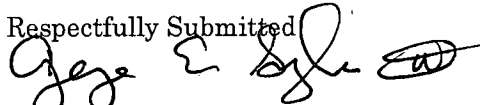
Rep. O'Brien have you reached the limit of what your agency can do? Yes, the fence was the solution.

Rep. O'Flaherty, Could your agency look at alternative methods again? They would check the file. It may be worthy of a study commission. Would this bill dampen construction projects? Yes it would. Would you support this bill if it only established a study commission? We would work with a study committee.

Rep. Burtis, is there an appeal process? Yes, the process can go from staff level to Mr. Cass' level to Commitssioner's level.

Rep. Walsh, does the sound barrier the fence go in last? Typically we try to install them earlier.

Respectfully Submitted



George Sykes, Clerk

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Respectfully Submitted

George Sykes, Clerk

Testimony

HB 391 - Relative to Highway Noise

Genesis of the bill:

In the summer of 2011 I was contacted by a group of constituents who reside on Teaberry Lane in Bedford. DOT had removed approximately 40 feet of trees behind their homes in order to add exit lanes to Everett Turnpike for the interchange with the new airport access road. The result was a dramatic increase in noise levels, as well as visual impacts. Examples given:

- Noise so loud that windows could not be opened, even in the middle of the night.
- Difficulty sleeping due to noise, especially from trucks slowing for the upcoming tolls.
- Even with windows closed TV watching was difficult.
- Truck noise so loud windows rattled as if planes were flying directly over the house.
- It was impossible to use the back yard/pool due to extreme noise and people stopping to urinate within sight of the home.

Beyond the loss of peace of mind and use of property rights, they faced a dramatic decrease in their property values as a direct result of this project. Noise levels registered at 68 decibels.

I met with several neighbors and indeed found the noise so loud that conversation was impossible without raising my voice. I arranged a meeting with DOT representatives Charles Hood and Jonathan Evans, and then a followup meeting with Commissioner Chris Clements. They offered to build a stockade fence (since built) to mitigate the visual impacts but found that although the noise levels qualified, the project fell several "receptors" (homes) short of justifying the expense of a sound wall. They were consistently professional and sympathetic, but essentially said their hands were tied regarding the issue.

"Reasonableness" is defined as costing under \$30,000 per receptor over 66 decibels. This project would require 14 affected receptors, but DOT only found eight over the 66 decibels required. (Noise Policy, p. 5). The DOT only considered a concrete wall, though cheaper options may exist. (PVC, wood, fiberglass blankets, etc). According to one manufacturer this wall could be constructed using a thick rubber-encased fiberglass matting for under \$80,000 in materials.

Core issue: Our state has never taken the position that the rights of a dozen homeowners mattered any less than the rights of a hundred, or in this case that the rights of eight homeowners deserved protection any less than fourteen. These citizens worked hard their entire lives to pay for their homes only to have the state take away a large portion of their property values and their peaceful enjoyment of use of their homes. Things the rest of us take for granted (backyard BBQs, pools, decks, opening windows) all became impossible. Will we now say that the degree to which we will protect the rights of our citizens is proportional to the number of people affected?

The bill is geared towards accomplishing two things:

- 1) Ensuring that no future highway project will expose citizens to extreme highway noise, and that DOT will consider all possible means of mitigating highway noise when proposing future projects.
- 2) Establish a committee to explore means of mitigating damage already done to citizens by past projects.

The bill may not be perfect and I welcome amendments; the goal is to ensure that the property rights of our citizens are respected in the future and we find a way to repair damage done by prior projects.

About the fiscal note: these sound readings already exist, so there should be no fiscal impact. As part of considering any highway project, DOT does extensive noise sampling and then completes computer modeling to ascertain the impact of the project on nearby receptors. The goal of the bill is to have DOT share this existing information with the committee, not to force new sampling alongside every roadway in the state.


New Hampshire Department of Transportation

Policy and Procedural Guidelines
for the
Assessment and Abatement
of
Highway Traffic Noise
for
Type I Highway Projects

Approved By


Commissioner, NHDOT

Date: 7-24-96


Division Administrator, FHWA - NH

Date: 7/26/96

I. INTRODUCTION

The following are the New Hampshire Department of Transportation guidelines for assessing noise impacts and determining the need, feasibility, and reasonableness of noise abatement measures for proposed Type I highway construction and improvement projects. Highway noise impact assessment procedures, noise abatement procedures, coordination requirements, and noise abatement criteria contained herein are based on the Federal Highway Administration's (FHWA) Title 23 Code of Federal Regulations, Part 772. The Department does not have a Type II noise abatement program.

These Guidelines are applicable to Federally-aided, State and local matching, and 100% State funded highway projects.

The intent of this policy is to provide guidance for determining noise impacts and identifying appropriate noise abatement.

II. DEFINITIONS

Approach -- this term is defined as 1 decibel below the FHWA Noise Abatement Criteria.

Barrier -- a solid wall, earth berm, or wall/berm combination located between the roadway and a ground-level receiver location, which breaks the line-of-sight between the receiver and the roadway noise sources. All barriers should be designed as low as possible and still attain a noise reduction of 5 dBA to 10 dBA. The practical maximum height of a barrier will be 25 feet. Berm and berm/wall combinations are preferred where space and other environmental constraints permit.

dBA -- a weighted decibel unit used to measure noise that best corresponds to the frequency response of the human ear.

Date of Public Knowledge -- the date of approval of a Categorical Exclusion (CE), Finding of No Significant Impact (FONSI), or Record of Decision (ROD) for a Federally funded highway project, or when design approval is granted for a non-Federal project.

Design Year -- the future year used to estimate the probable traffic volume for which a highway is designed: a time, ten to twenty years, from the start of construction is usually used.

Existing Noise Levels -- the noise, resulting from the natural and mechanical sources and human activity, considered to be usually present in a particular area.

Impacted Receiver/Receptor -- any receiver/receptor which has a worst case noise hour Leq that approaches (within 1 dBA) or exceeds the Noise Abatement Criteria for the corresponding land use category, or whose future build noise level exceeds the existing noise levels by 15 dBA or greater.

Insertion Loss -- the amount of noise reduction provided by a noise barrier, normally 5-10 dBA.

Leq -- the equivalent steady-state sound level which, in a stated period of time, contains the same acoustic energy as a time-varying sound level during the same period.

Leq(h) -- the hourly value of Leq.

Noise Abatement Criteria (NAC) -- noise levels for various activities which represent the absolute levels at which abatement must be considered.

Activity Category	Leq (h)	Description of Activity Category
A	57 (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 sports	67 (exterior)	Picnic areas, recreation areas, playgrounds, active areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals.
C	72 (exterior)	Developed lands, properties or activities not included in Category A or B above.
D	--	Undeveloped lands.
E	52 (interior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums.

Receiver/Receptor-- the precise ground level location on any property where frequent outdoor activity is found to occur.

Study Zone -- the area directly behind the barrier, extending 500 feet back from the edge of the right-of-way

Traffic Noise Impacts -- impacts which occur when the predicted traffic noise levels approach (within 1 decibel) or exceed the FHWA Noise Abatement Criteria, or when the predicted future build traffic noise levels exceed the existing noise levels by 15 dBA or more.

Type I Project -- a proposed highway project for the construction of a highway on new location or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes.

Type II Project -- a proposed project for noise abatement on an existing highway where no highway improvements are programmed.

Unit -- a dwelling unit or an area of frequent human activity such as a church or school.

Worst Case Noise Hour -- a period of sixty (60) minutes throughout a twenty-four (24) hour day that reflects the peak noise hour, usually associated with the peak traffic hour but not in every instance.

III. TYPE I NOISE ABATEMENT GUIDELINES

Purpose and Scope

The NHDOT will perform noise impact assessments during the Preliminary Design Phase of the highway project development process. The noise impact assessments will determine the noise impact of the proposed highway project on the community and will include the following:

- Identification of impacted receptors
- Examination of potential mitigation measures
- The incorporation of feasible and reasonable noise mitigation measures
- Coordination with local officials to provide helpful information on compatible land use planning and control

Identification of Impacted Receptors

Noise assessments performed during the Preliminary Design Phase of the highway project will determine impacts for all receptors in proximity to the project and along other routes which may be impacted due to changes in traffic volume, composition, or patterns resulting from the proposed project. In some cases, lands that are undeveloped during project development may be under consideration for future development. Any such lands which are "planned, designed, and programmed" and which may be impacted by noise from the proposed highway project, will be considered potential receptor locations and included in the noise assessment. The Department considers future development to be planned, designed and programmed when a noise sensitive land use such as a residence, school, church, etc., has received final approval from the local planning body at the time of the noise analysis.

The current FHWA approved noise model/barrier design program shall be used to predict existing and future noise levels and to determine insertion loss of a proposed barrier. Predictions will normally be made for the worst case noise hour of the day occurring on a regular basis.

All noise avoidance techniques will be evaluated, refined, and objectively considered during the preliminary design process. Should avoidance not be possible, then every attempt will be made to minimize noise impacts.

An area is considered for protection when the **exterior, ground level, worst hour, design year noise level (Leq(h))** either (1) approaches (within 1 dBA) or exceeds the Noise Abatement Criteria for the corresponding land use category, or (2) exceeds the existing worst case hour noise level by 15 dBA or more.

Examination of Potential Mitigation Measures

As previously stated, when considering mitigation for traffic noise impacts, primary consideration will be given to exterior, ground level areas where frequent human use occurs and where a lower noise level would be of benefit.

The following measures should be considered when noise analyses indicate the need for abatement:

- Traffic management measures,
- Alteration of horizontal and vertical alignments,
- Acquisition of property rights for construction of noise barriers or acquisition of buffer zones,
- Construction of noise barriers, and
- Noise insulation of public use or non-profit institutional structures.

Mitigation measures will be determined on a site by site basis to obtain the most cost effective abatement, consistent with design and community related factors.

When noise abatement measures are considered to be warranted, every reasonable effort shall be made to achieve a 5 dBA to 10 dBA noise reduction. A 5 dBA reduction is clearly noticeable.

It is the Department's policy that the final decision on the implementation of noise abatement measures will be made only after careful and thorough consideration of the feasibility and reasonableness of proposed noise abatement measures, including coordination with the affected property owners.

The Incorporation of Feasible and Reasonable Noise Mitigation Measures

Feasibility

Feasibility deals with engineering and safety considerations (e.g. can a barrier be built given the existing geometry and topography, can a 5 dBA or greater noise reduction be achieved, etc.). Cross streets, ramps, driveways, and other noise sources will influence the amount of noise reduction that can be achieved. Safety and environmental impacts are important considerations in determining whether a barrier is feasible.

Every effort should be made to attain a 10 dBA (or greater) insertion loss (IL) at first row receivers. However, for a barrier to be included in a Type I study, a majority of the first row receivers must get a minimum of a 5 dBA insertion loss. Safety factors that should be considered in the design of the barrier include: maintaining a clear recovery zone, redirection of errant vehicles, adequate sight distance, and fire/emergency vehicle access. The design of the barrier should also consider potential environmental impacts to wetlands, historic properties, park lands, etc.

It is the Department's policy that construction of a noise barrier is NOT FEASIBLE if at least a 5 dBA noise reduction cannot be achieved.

Reasonableness

Reasonableness implies that common sense and good judgment have been applied in arriving at a decision. The overall noise abatement benefits must outweigh the overall adverse social, economic, and environmental effects and the costs of the abatement measures. Reasonableness will be based on a number of factors with regard to the specific needs of the project.

The following criteria shall be considered collectively to determine the reasonableness of a barrier. ("Yes" means construction of a barrier is reasonable. "No" means construction of a barrier is not reasonable. "High" and "Low" indicate differences in importance.)

1. Cost Effectiveness

A Cost Effectiveness Index (CEI) should be calculated for each barrier. CEI is measured as: \$\$/unit.

Where:

\$\$ = total barrier cost.
unit = number of dwelling units protected in the study zone.

All receivers in the study zone attaining at least a 5 dBA IL, regardless of whether or not they were identified as impacted, will be counted as "protected" and included in the cost effectiveness calculation. All noise barriers shall be designed to protect ground level exterior activity. In general, only the first floor dwellings of multi-family homes shall be included in a cost effectiveness calculation. However, if it can be clearly demonstrated that a multi-family dwelling provides ground level exterior activity for residents that occupy other levels of the structure, then those dwelling units may be included in the cost effectiveness calculation.

For the purpose of developing the CEI, calculations shall be based on the square foot cost of the most recently constructed noise barrier of the same material. If actual barrier costs are not available, a cost of \$20.00 per square foot will be used; realizing that actual costs will vary. Every effort should be made to keep the cost under \$30,000/unit.

<u>\$\$/Unit</u>	<u>Reasonableness</u>
< \$25,000	High Yes
\$25,000 - \$30,000	Low Yes
> \$30,000	No

It should be noted that, if a noise barrier is not reasonable based on its anticipated cost but a developer or the community expresses a desire to pay the difference above the allowable costs (\$30,000/unit), this option will be further explored and considered to be a viable option. No barrier will be funded by the Department, regardless of contribution sharing, which does not meet the "Feasibility Requirements."

2. Development vs. Highway Timing

Due consideration will be given to impacted receptors that predate initial highway construction. They have experienced traffic noise impacts longer than those that came in after the highway was constructed and they did not anticipate the highway noise impacts when they constructed their homes.

<u>% homes prior to initial construction</u>	<u>Reasonableness</u>
> 80	High Yes
50 - 80	Low Yes
< 50	No

3. Land Use

The Department will not generally consider noise abatement for areas zoned industrial or commercial. In areas that have mixed zoning AND are clearly evolving from residential to commercial or industrial uses, the Department will not generally consider it reasonable to mitigate for noise impacts. At least 50 % of the properties in the study zone should be non-commercial for a barrier to be considered.

<u>% of residential properties in mixed zoning</u>	<u>Reasonableness</u>
> 75	High Yes
50 - 75	Low Yes
< 50	No

More consideration for noise abatement will be given to areas which have demonstrated efforts at the local level to control incompatible growth and development along existing highways.

4. Future Noise Levels Greater Than or Equal to 66 dBA

<u>Future noise level dBA Leq(h)</u>	<u>Reasonableness</u>
≥ 66	Yes
< 66	No*

5. Build vs. No-Build Noise Levels

<u>Increase in noise level (dB)</u>	<u>Reasonableness</u>
≥ 15	Yes
< 15	No*

(* a No for both 4. and 5. is sufficient justification to eliminate an area for consideration of noise abatement, regardless of the responses to 1., 2., and 3.)

6. Views of the Impacted Receptors.

Once it has been determined that it is feasible to construct a noise barrier, meetings will be held with the impacted receptors to discuss the proposed mitigation. The Department must have communication with the first row property owners indicating whether they want the barrier or not.

<u>% property owners in favor</u>	<u>Reasonableness</u>
> 90	High Yes
75 - 90	Low Yes
< 75	No**

(** a No in this case is sufficient justification in itself to eliminate an area for consideration.)

7. Unusual Circumstances

An unusual circumstance means any unforeseen situation that may arise on an individual project due to its sensitivity to noise and its importance or value to the community. Noise abatement may be warranted even though the CEI or other criteria contained in the NHDOT Type I guidelines are not met. Unusual circumstances will be considered on an individual project basis. Decisions will be made by the Department and the FHWA, where appropriate.

Coordination With Local Officials

The prevention of future impacts is one of the most important aspects of noise control. Local development and highways can co-exist, but local government officials need to know what noise levels to expect from a highway and what type of development will be compatible with it.

To prevent future traffic noise impacts, the Department shall compile noise analysis information and make it available to local planning officials within whose jurisdiction the highway project is located. This information will include the following:

- The best estimation of future noise levels (for various distances from the highway improvement) for both developed and undeveloped lands or properties in the immediate vicinity of the project, and
- Information that may be useful to local communities to protect future land development and land use changes from becoming incompatible with anticipated highway noise levels.

The Federal Highway Administration and the New Hampshire Department of Transportation are responsible for all noise abatement considerations up until the "Date of Public Knowledge" of the project. After this date, the Department is still responsible for analyzing changes in traffic noise impacts, when appropriate, but the Department is no longer responsible for providing noise abatement for new development which occurs adjacent to the proposed highway project. Provision of such noise abatement becomes the responsibility of local communities and private developers.

Based on this information, local governments should use their power to regulate land development in such a way that noise sensitive land uses are either prohibited from being

located adjacent to a highway, or developments are planned, designed and constructed in such a way that noise impacts are minimized.

IV. COMMUNITY INVOLVEMENT

Coordination with neighborhoods directly impacted by highway project noise is another very important aspect of the highway development process. The degree and type of neighborhood involvement and coordination may vary from project to project. For projects requiring consideration of abatement, the neighborhood involvement activities will allow for formal and informal presentation and discussion of noise impacts related to the project.

The Department will meet with residents of impacted neighborhoods during project development. At any time during this process, the impacted neighborhood may decide it does not want abatement measures. If this is the case, the neighborhood's decision not to accept the abatement will be documented and the process will end.

The neighborhood will be asked for its input based on the proposed location, type, height, and length of the noise abatement feature. The mitigation design will be refined to include the neighborhood comments, when practicable, keeping in mind acoustic, economic, engineering, environmental, and safety considerations.

V. NOISE BARRIER COMMITMENTS IN ENVIRONMENTAL DOCUMENTS (CE, EA, EIS)

At the time the environmental documentation is being finalized, noise studies will have determined if the proposed project will result in traffic noise impacts. If no traffic noise impacts are identified, noise abatement will not be required. If traffic noise impacts are identified but there are no apparent solutions available to mitigate these impacts, it will be documented and noise abatement will not be included as part of the project. If traffic noise impacts are identified and it appears that noise abatement can be provided (although it is unlikely that exact layout, material type, right-of-way requirements, etc. will be available at this stage of project development), a statement similar to the following will be included in the environmental document:

"Based on the studies so far completed, the NH Department of Transportation is committed to the construction of feasible and reasonable noise abatement measures 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 ___ dBA for ___ residents. If it is subsequently found during final design that these conditions have substantially changed, the abatement measure(s) might not be provided. A final decision on the installation of the abatement measure(s) will be made during the final design process following the completion of public involvement."

VI. CONSTRUCTION NOISE

Effective control of highway construction noise will be achieved by design considerations, sequence of operations, source control, site control, time and activity constraints, and community awareness, as practicable.

Noise Barrier Feasibility and Reasonableness Checklist

Project Name: _____
 Proposed Barrier Location: _____

Feasibility

	YES	NO
Any safety or engineering problems associated with the barrier, which preclude construction?	_____	_____
Can a 5 dBA insertion loss be achieved?	_____	_____
Serious environmental impacts (wetlands, 4(f), 6(f), etc.)?	_____	_____

Reasonableness

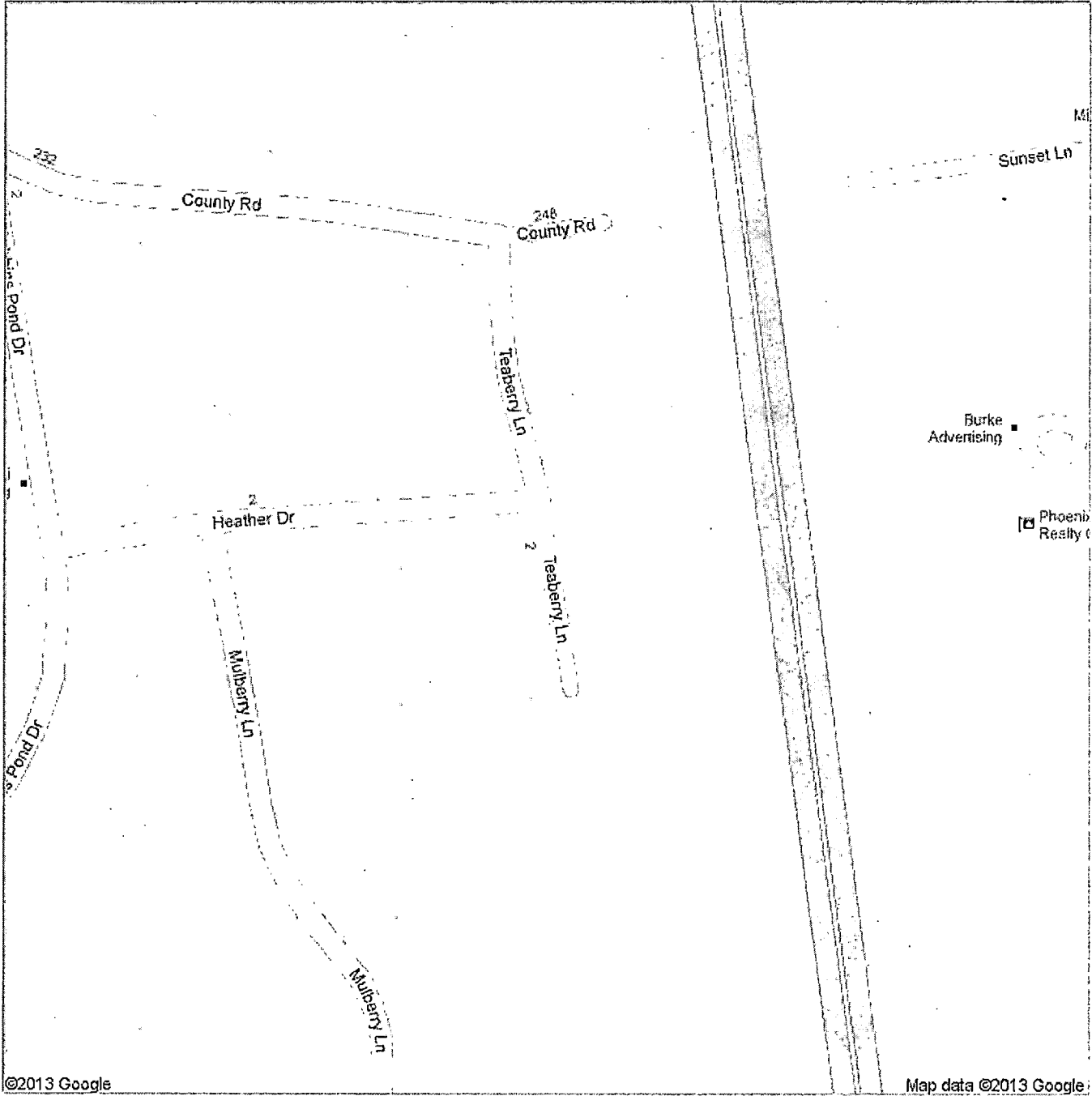
REASONABLENESS FACTORS	YES		NO
	High	Low	
Cost Effectiveness Index	_____	_____	_____
Relative Age of the Highway	_____	_____	_____
Land Use	_____	_____	_____
Future Noise Levels	_____	_____	_____
Build vs. No-Build	_____	_____	_____
Residents Desires	_____	_____	_____

Additional Considerations:

Decision

Is the Barrier Feasible?	Yes _____	No _____
Is the Barrier Reasonable?	Yes _____	No _____

Reasons for Decision:





State of New Hampshire

125655

HOUSE OF REPRESENTATIVES

hb 391

CONCORD

OCT 29 2013

MEMORANDUM

DATE: October 25, 2013

TO: Honorable Margaret Wood Hassan, Governor
Honorable Terie Norelli, Speaker of the House
Honorable Chuck W. Morse, President of the Senate
Honorable Karen O. Wadsworth, House Clerk
Honorable Tammy L. Wright, Senate Clerk
Michael York, State Librarian

FROM: Representative Laura Pantelakos, Chairman

SUBJECT: Final Report on HB 391, Chapter 122, Laws of 2013

Pursuant to HB 391, Chapter 122, Laws of 2013, enclosed please find the Final Report of the Committee to Study Options for Mitigation of Damages Associated with Highway Noise.

If you have any questions or comments regarding this report, please do not hesitate to contact me.

I would like to thank those members of the committee who were instrumental in this study. I would also like to acknowledge all those who testified before the committee and assisted in our study.

LP/dm
Enclosure

cc: Committee Members

OCT 28 2013

**Committee to Study Options for Mitigation of Damages
Associated with Highway Noise
HB 391, Chapter 122, Laws of 2013
Final Report
October 25, 2013**

Membership

**Representative Laura Pantelakos Representative Kevin Waterhouse
Representative Keith Murphy Representative George Sykes
Representative Maureen Mann**

Commission Charge

Chapter 122:1, IV

IV. The committee shall:

- (a) Review data regarding the cost and effectiveness of methods of ameliorating road noise including methods used in New Hampshire, methods used in other states, and methods that are currently in development.
- (b) Gather and review information on the effects noise levels above 65 decibels have on people whose primary residences abut highways, including testimony from affected individuals.
- (c) Investigate options for mitigating damages caused by highway noise including compensation, methods detailed by the department, and any other technology that may exist.

Meeting Dates

August 29, 2013 Organization
September 10, 2013
September 24, 2013
October 9, 2013
October 15, 2013 (Report Approved 5-0)

Findings

The Committee received testimony from numerous individual homeowners from the Town of Bedford, as well as shared concerns from constituents in Portsmouth and Windham, regarding the impact of recent highway construction and expansion. In general, those concerns included:

Degraded quality of life. Testimony spoke of inability to utilize outdoor space such as a deck or pool for recreation or relaxation, inability to sleep with the windows open, inability to carry on a conversation outside, being regularly woken by truck air brakes even with the windows closed, and strangers stopping to urinate within sight of the house.

Loss of property value. Two people stated that their most recent appraisals lowered their assessments \$30-40,000, with one appraisal done for a refinancing specifically noting the loud highway noise as a reason for the loss in value.

Expense in attempting to address the problem individually. One homeowner stated that she and her husband spent \$15,000 installing a berm and landscaping in order to block as much noise as possible, to little effect.

The Committee finds that highway noise, especially those caused by new or widened highways, is a serious problem negatively affecting the quality of life and property values of many of our citizens, and necessitates legislative action. Further, as our state continues to add population, develop more property, add more highways, and generally become more dense, the problem will only become exacerbated.

The Committee believes that it is important that this problem be addressed sooner rather than later so as to minimize future impacts on our constituents' quality of life and property values. However, the Committee acknowledges the limitations imposed by current funding constraints.

Summary of Current Policies

There are two types of programs that allow federal funding to build highway noise barriers. Type I programs, which include the program operated by NH, allow noise barriers to be built as part of a substantial (Type I) highway project if certain criteria are met. Type II programs, of the sort operated by Massachusetts, allow noise barriers to be built independently after the highway is built or expanded if those same criteria are met. Those criteria are:

The majority of abutters agree to the project.

The projected noise levels exceed 65 decibels.

Modeling indicates that a noise barrier will be effective at reducing the noise levels.

The cost of the wall per affected residence, or cost per receptor (CPR), must be less than \$45,000, based on an estimated wall cost of \$30/sf.

It is primarily the last criteria on this list which attracted the most attention within the Committee, as there are a number of projects including the ones in Bedford, Portsmouth, and Windham that meet the top three but fall short of the cost-benefit formula, leaving citizens exposed to the noise. The format of these criteria is dictated by the FHWA, which must approve the policy in order to qualify for federal funding, but the state has wide latitude in deciding the actual variables, including the CPR. When citizens complain to NHDOT about the noise and cite the impact on their quality of life, NHDOT's practice is to share the math behind the decision,

indicate that the CPR would be too high for this particular project, and that they do not meet the criteria established by DOT policy for constructing a sound barrier/noise mitigation.

Comparison of NH policy to other states indicates that we are solidly in the middle of the pack. In terms of New England, MA operates a Type II program, ME has a Type I program but sets a CPR slightly lower than NH, and VT does not operate a program at all. Regarding the rest of the nation, Type I programs outnumber Type II, and several states operate both. Maryland has the nation's highest CPR, set at \$81,000.

Investigation of Other Technologies

NHDOT testified that several alternative technologies have been tried, including plastic sound barriers and metal walls, but that concrete barriers are the only ones to be found effective. A member of the Committee specifically asked about fiberglass mats hung on a wood or metal frame, a product called "Acoustiblok," and the NH DOT spokesman stated that the department looked into that product and did not believe that it would be effective. The Committee received correspondence from the manufacturer in the form of a memo from an engineering firm based in Portland, Oregon attesting to reductions in sound levels of 5-7 decibels when used to block noise from a high-speed rail line between Tacoma and Seattle, WA.

Recommendations

The Committee makes the following recommendations and wishes to submit legislation to that effect:

1. That the CPR, currently set by NHDOT policy, is established in law at \$50,000 upon approval by the FHWA. Submission to the FHWA shall commence no later than 10 days after the effective date of the passage of legislation increasing the CPR. The NHDOT is encouraged to make such application to the FHWA prior to the passage of such a bill, as has been past practice.
2. That the other criteria for our existing Type I program are also established in law.
3. That the Committee be extended through the next legislative term to consider the possibility of establishing a Type II program for the purpose of assisting those citizens already harmed by noise created by past highway projects and ascertain possible funding for that program, such as special assessments, tax increment financing, or other methods with the cooperation of the municipality.
4. That the Committee further be charged with reporting on the cost of any noise barriers constructed, specifically noting the impact of increasing the CPR from \$45,000 to \$50,000, based on an estimated wall cost of \$30/sf.
5. The NHDOT shall provide quarterly reports to the Committee to fulfill their reporting obligation.

Draft Amendment #1

The New Hampshire Department of Transportation's Policy and Procedural Guidelines for the Assessment and Abatement of Highway Traffic Noise for Type I Highway Projects, signed June 28, 2011 and July 6, 2011, should be codified in statute. Such act shall include the following change to the current policy and shall contain a limitation:

The cost per receptor of \$45,000 (CPR) used to meet the test of "reasonableness" shall be raised to \$50,000 CPR in the calculation of the Dimensional Effectiveness Index (DEI) and Cost Effectiveness Index (CEI).

Such amendment should be submitted to the Federal Highway Administration for approval no later than 10 days after the passage of this act.

Draft Amendment #2

Amend Chapter 122:1, Laws of 2013 as follows:

122:1 Committee to Study Options for Mitigation of Damages Associated With Highway Noise.

- I. There is established a committee to study options for mitigating damages associated with highway noise.
- II. The members of the committee shall be 5 members of the house of representatives, one of whom shall be a member of the public works and highways committee, appointed by the speaker of the house of representatives.
- III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.
- IV. The committee shall:
 - (a) Review data regarding the cost and effectiveness of methods of ameliorating road noise including methods used in New Hampshire, methods used in other states, and methods that are currently in development.
 - (b) Gather and review information on the effects noise levels above 65 decibels have on people whose primary residences abut highways, including testimony from affected individuals.
 - (c) Investigate options for mitigating damages caused by highway noise including compensation, methods detailed by the department, and any other technology that may exist.
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funding for that program, such as special assessments, tax increment financing, or other methods with the cooperation of the municipality.

(e) That the committee further be charged with reporting on the cost of any noise barriers constructed, specifically noting the impact of increasing the cost per receptor (CPR) from \$45,000 to \$50,000.

(f) The New Hampshire Department of Transportation shall provide quarterly reports to the committee to fulfill their reporting obligation under paragraph (e).

V. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, [2013] 2014.

122:2 Effective Date. This act shall take effect upon its passage.



State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

✓ 125655
Rec'd 10/29/14
KW

HB 391
HB 1629 - amends
(2014)

MEMORANDUM

DATE: October 28, 2014

TO: Honorable Margaret Wood Hassan, Governor
Honorable Terie Norelli, Speaker of the House
Honorable Chuck W. Morse, President of the Senate
Honorable Karen O. Wadsworth, House Clerk
Honorable Tammy L. Wright, Senate Clerk
Michael York, State Librarian

FROM: Representative Laura Pantelakos, Chairman

SUBJECT: Final Report on HB 391, Chapter 122 Laws of 2013
and HB 1629, Chapter 241, Laws of 2014

Pursuant to HB 391 Chapter 122 Laws of 2013 and HB 1629, Chapter 241, Laws of 2014 enclosed please find the Final Report of the Committee to Study Options for Mitigation of Damages Associated with Highway Noise.

If you have any questions or comments regarding this report, please do not hesitate to contact me.

I would like to thank those members of the committee who were instrumental in this study. I would also like to acknowledge all those who testified before the committee and assisted the committee in our study.

Enclosure

cc: Committee Members

**Committee to Study Options for Mitigation of Damages
Associated with Highway Noise**

**HB 391, Chapter 122, Laws of 2013
HB 1629, Chapter 241, Laws of 2014
Final Report
October 28, 2014**

Membership

**Representative Laura Pantelakos Representative Kevin Waterhouse
Representative Keith Murphy Representative George Sykes
Representative Maureen Mann**

Commission Charge

Chapter 122:1, IV, Laws of 2013

(Additions from HB 1629, Chapter 241:1, Laws of 2014 are shaded)

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The Committee received testimony from numerous individual homeowners from the Town of Bedford, as well as shared concerns from constituents in Portsmouth and Windham, regarding the impact of recent highway construction and expansion. In general, those concerns included:

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(e) That the committee further be charged with reporting on the cost of any noise barriers constructed, specifically noting the impact of increasing the cost per receptor (CPR) from \$45,000 to \$50,000.

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VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, [2013] 2014.

122:2 Effective Date. This act shall take effect upon its passage.

Findings (From 2014)

The Committee reconvened and met on 3 occasions to address how to address the additional responsibilities that were added to the committee charge by HB 1629, Chapter 241:1, Laws of 2014:

(d) Establish a program for the purpose of assisting those citizens already harmed by noise created by past highway projects and ascertain possible funding for that program, such as special assessments, tax increment financing, or other methods with the cooperation of the municipality where the project is located.

(e) Include in its report the cost of any noise barriers constructed, specifically noting the impact of increasing the cost per receptor ratio (CPR) from \$45,000 to \$50,000 per receptor.

Pursuant to the duty described in subparagraph (e), The New Hampshire Department of Transportation has not had an opportunity to calculate any increased cost per receptor ratios because no new noise barriers have been constructed.

Pursuant to subparagraph (d) the Committee explored the implementation of a Type 2 program to address noise barriers for situations involving highway noise that are not associated with a highway construction project or for those that do not currently qualify under the Type 1 program currently in effect.

The Committee received testimony that there have been discussions involving the City of Portsmouth and the NHDOT to help formulate a Type 2 Program with a municipal share requirement as a component to share in the costs, at perhaps a 20% municipal share. These discussions are still in preliminary phases. The NHDOT indicated that such a program would have to have a statewide application.

The Committee focused on ways to finance the construction of noise barriers without burdening the state operating budget or Highway Fund.

The Committee received information on Tax Increment Financing Districts (TIFs) and heard from officials from the affected communities of Portsmouth and Bedford. An official with the New Hampshire Municipal Association was invited to explain the financing principles of a TIF. Such an opportunity generally involves an almost guaranteed increase in available incremental revenues to help pay for an investment into infrastructure designed to attract economic activity where none is currently existing. The use of such a financing tool to build a sound barrier may have the effect of increasing property values in an area, but increased assessments are not guaranteed. Such a tool should still be available for those communities wishing to utilize this as a "tool in the toolbox".

The Committee also received information regarding the construction of noise barriers in other states and countries, some of which are financed with the employment of solar panels that could generate limited electrical current and leasing opportunities. These methods are doubtful for immediate payback at this time.

The possible use of Special Assessments is being explored in another committee through HB 1458, authorizing towns and cities to establish special assessment districts. This legislation has been sent to Interim Study by the House and a subcommittee of the House Municipal and County Government Committee has recommended it for future legislation by a vote of 4-0. The current bill is not ready for passage and will need much more work before it can be readily utilized for capital projects and such things as broadband access and maintenance. The construction of sound barriers could be something that is available when the legislation is in a more complete stage. There is considerable municipal and private interest in this concept. Cities are currently empowered to create special assessment districts under RSA 49-C:25 and RSA 49-C:26.

The Committee also heard that possible unbudgeted revenue streams associated with highway developments could serve as a funding source for building highway noise barriers. The Welcome and Information Center project on I-93 includes the construction of 2 new liquor and wine outlets, restaurant and other dining facilities and gasoline fueling. The DOT reports that the revenue from the lease by the operator of the facility is being returned to the Turnpike Fund for system maintenance but as far as the Committee can determine, some of the other revenues from the additional commerce generated by the highway are unrestricted. Sales of gasoline and lottery tickets are restricted by the Constitution, but increased liquor sale, Meals and Rooms Tax revenue and Business Enterprise Tax revenue are not so restricted.

The Committee considered the circumstances that have lead to some inequitable and unfair situations before trying to craft a solution. The widening of I-93 has necessitated the building of noise barriers due to the addition of one lane of traffic. Yet the situation in Bedford, where a new airport highway access road was built, the neighborhood has changed drastically and the lack of housing density is what is precluding assistance for building a noise barrier. In Portsmouth, long-time housing has been impacted by highway noise from I-95 which was built in the early 1970's before there was noise mitigation. The Committee members agree that not all situations can be addressed, but a combination of approaches may be necessary to ameliorate the most egregious ones.

The Committee members differed on what the most successful approach might be to funding highway noise barriers in well-documented situations that have demonstrated urgent and continual need but which have failed to achieve regulatory approval for lack of meeting some administrative measurement. Attempting to use as of yet unappropriated funds from highway development activities may be difficult to justify during the upcoming budget process when very compelling needs are competing for every available dollar. Re-examining the Ten Year Highway Plan may yield some savings if new projects are eliminated in favor of funding the building of noise barriers. In either case, legislative priorities will determine if and when these barriers may be built.

Recommendations (From 2014)

The Committee makes the following recommendations:

Legislation should be introduced to create a Dedicated Fund with an appropriation of \$1 to receive revenue to build highway noise barriers. (VOTE 4-0)

Legislation should be introduced to capture Meals and Rooms Tax revenue from the activity generated at the Welcome and Information Centers in Hooksett and have such money be set aside on a monthly basis into the Dedicated Fund to fund the 80% match from the State for programs described below. This can be accomplished in the next legislative session as part of HB 2. Communities will have to generate 20% of the cost of the highway barrier project to be eligible for the state match. This revenue only exists because of the highway and should be dedicated to a highway use. Noise barriers have been neglected and unfunded for lack of available funds. These funds are now available. (VOTE 3-1)

Legislation should be introduced creating two new matching programs: a Type 2 Program with available federal highway money, and a State Matching Grant Program using General Fund dollars. Both programs will require a 20% funding match from the community wishing to build a highway noise barrier. Communities can take advantage of either program but the Type 2 Program would be targeted to those communities with long-term highway noise issues that are not associated with recent highway projects. Communities shall be eligible for the State Matching Grant Program without meeting a CPR threshold, making this program ideal for those communities with highway noise issues from recent road projects that cannot satisfy FHWA density requirements for the building of highway noise barriers. The DOT shall commence construction of such barriers under either program within 90 days of receipt of confirmation from a community that their 20% share is committed to the cost of the project and federal or state matching funds are available and all other program requirements have been satisfied and on a first-come-first-served basis. (VOTE 4-0)

Communities are encouraged to explore the use of TIF districts or municipal bonds or a straight budget appropriation to fund their share of the 20% program. (VOTE 4-0)

Special assessment powers currently enjoyed by cities may be pursued by introducing legislation for towns for these purposes as well. (VOTE 4-0)

Voting Sheets

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 391-FN

BILL TITLE: relative to highway noise and establishing a commission to study options for mitigation of damages associated with highway noise.

DATE: February 26, 2013

LOB ROOM: 203

Amendments:

Sponsor: Rep. Bouchard	OLS Document #:	2013	0449h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: OTP OTP/A, ITL, Interim Study (Please circle one.) Amendment Unanimous voice vote

Moved by Rep. Sykes

Seconded by Rep. Packard

Vote: (Please attach record of roll call vote.)

Motions: OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Sykes

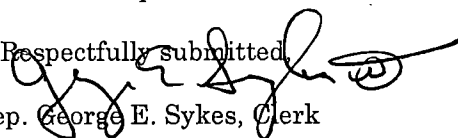
Seconded by Rep. Packard

Vote: 11-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: yes

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. George E. Sykes, Clerk

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 391-FN

BILL TITLE: relative to highway noise and establishing a commission to study options for mitigation of damages associated with highway noise.

DATE: 2-26-13

LOB ROOM: 203

Amendments:

Sponsor: Rep. Bouchard OLS Document #: 2013-04496
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: (OTP) OTP/A, ITL, Interim Study (Please circle one.)

UNANIMOUS
VOICE VOTE

Moved by Rep. SYKES

Seconded by Rep. ~~STANFORD~~ PACKARD

Vote: (Please attach record of roll call vote.)

Motions: OTP, (OTP/A), ITL, Interim Study (Please circle one.)

Moved by Rep. SYKES

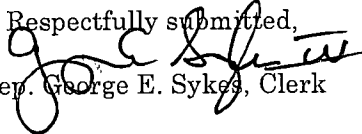
Seconded by Rep. ~~STANFORD~~ PACKARD

Vote: 11-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: yes

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. George E. Sykes, Clerk

Bill Cass Div of Development DOT
will support and work with the
committee



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2013 10:53:00 AM
Roll Call Committee Registers
Report

2013 SESSION

TRANSPORTATION

Bill #: HB 391-FV Title: relative to highway noise & establishing a commission to study options for mitigation of damage

PH Date: 2 / 12 / 13

Exec Session Date: 2 / 26 / 13

Motion: OTR/A

Amendment #: 2013-0449 h

MEMBER

YEAS

NAYS

Bouchard, Candace C W, Chairman		
O'Brien, Michael B, V Chairman	✓	
Rhodes, Brian D		
LaPlante, Roland H		
Soucy, Timothy A		
Williams, Carol A		
Johnsen, Gladys		
Patten, Dick W	✓	
Burtis, Elizabeth B		
O'Flaherty, Tim		
Sykes, George E, Clerk	✓	
Packard, Sherman A,	✓	
Hikel, John A,		
Hinch, Richard W,	✓	
Chirichiello, Brian K	✓	
Smith, Steven D	✓	
Crawford, Karel A	✓	
Hodgdon, Bruce E	✓	
Straight, Philip N	✓	
Walsh, Thomas C	✓	
TOTAL VOTE:		

11

0

Committee Report

CONSENT CALENDAR

February 27, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on TRANSPORTATION to which was referred HB391-FN,

AN ACT relative to highway noise and establishing a commission to study options for mitigation of damages associated with highway noise. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. George E Sykes

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	TRANSPORTATION
Bill Number:	HB391-FN
Title:	relative to highway noise and establishing a commission to study options for mitigation of damages associated with highway noise.
Date:	February 27, 2013
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill will establish a committee to look into options that might be available to mitigate noise damage from highways. The committee amended the bill to establish a study committee to find answers to the many questions that arose during the public hearing. After the study, further recommendations on legislation may be possible.

Vote 11-0.

Rep. George E Sykes
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

TRANSPORTATION

HB391-FN, relative to highway noise and establishing a commission to study options for mitigation of damages associated with highway noise. **OUGHT TO PASS WITH AMENDMENT.**

Rep. George E Sykes for TRANSPORTATION. This bill will establish a committee to look into options that might be available to mitigate noise damage from highways. The committee amended the bill to establish a study committee to find answers to the many questions that arose during the public hearing. After the study, further recommendations on legislation may be possible. **Vote 11-0.**

TRANSPORTATION COMMITTEE

Blurb

HB 391-FN relative to highway noise and establishing a commission to study options for mitigation of damages associated with highway noise.

OTPwA # 0449H 11-0 CC

This bill will establish a committee to look into options that might be available to mitigate noise damage from highways. The committee amended the bill to establish a study committee to find answers to the many questions that arose during the public hearing. After the study, further recommendations on legislation may be possible.

Rep. George Sykes,
For the committee

CS

2/26/2013

COMMITTEE REPORT

COMMITTEE: Transportation

BILL NUMBER: HB 391-FN

TITLE: relative to highway noise & establishing a commission to study options for mitigation of damages associated with highway noise.

DATE: 2/26/13 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.
2013-0449 h

STATEMENT OF INTENT:

This bill will establish a committee to look into options that might be available to mitigate noise damage from highways. The committee amended the bill to establish a study committee to find answers to the many questions that arose during the public hearing. After the study further recommendations or legislation may be possible.

[Handwritten signature]
2/26/2013

COMMITTEE VOTE: 11 - 0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. *[Signature]*
For the Committee

George Sykes