

Committee Report

CONSENT CALENDAR

January 28, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Public Works and Highways to which
was referred HB 114-FN,**

**AN ACT relative to the erection of a sound barrier in
the vicinity of Teaberry Lane in the town of Bedford.**

**Having considered the same, report the same with the
following resolution: RESOLVED, that it is
INEXPEDIENT TO LEGISLATE.**

Rep. Mark McConkey

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Public Works and Highways
Bill Number:	HB 114-FN
Title:	relative to the erection of a sound barrier in the vicinity of Teaberry Lane in the town of Bedford.
Date:	January 28, 2021
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The committee is sympathetic to the plight of the residents of Teaberry Lane, but cannot support the request contained in this bill to construct a sound wall along the F.E. Everett Turnpike adjacent to their neighborhood. There is an established criterion for the construction of sound walls across the state and this project does not meet that criterion. While it does exceed the noise, measured in decibels, it does not meet other criteria in the guidelines. The Department of Transportation estimated that to address all locations in the state that are similar to Teaberry Lane the cost would exceed \$400 million. The committee was also cognizant that there is an equity issue if this bill were to be approved outside of the Ten-year Transportation Plan process. Would the General Court be opening itself to a deluge of separate bills from members requesting a sound wall for their constituents? For these reasons the committee recommends this bill be found Inexpedient to Legislate.

Vote 20-1.

Rep. Mark McConkey
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Public Works and Highways

HB 114-FN, relative to the erection of a sound barrier in the vicinity of Teaberry Lane in the town of Bedford. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark McConkey for Public Works and Highways. The committee is sympathetic to the plight of the residents of Teaberry Lane, but cannot support the request contained in this bill to construct a sound wall along the F.E. Everett Turnpike adjacent to their neighborhood. There is an established criterion for the construction of sound walls across the state and this project does not meet that criterion. While it does exceed the noise, measured in decibels, it does not meet other criteria in the guidelines. The Department of Transportation estimated that to address all locations in the state that are similar to Teaberry Lane the cost would exceed \$400 million. The committee was also cognizant that there is an equity issue if this bill were to be approved outside of the Ten-year Transportation Plan process. Would the General Court be opening itself to a deluge of separate bills from members requesting a sound wall for their constituents? For these reasons the committee recommends this bill be found Inexpedient to Legislate. **Vote 20-1.**

Original: House Clerk

Cc: Committee Bill File

Voting Sheets

HOUSE COMMITTEE ON PUBLIC WORKS

EXECUTIVE SESSION on Bill # HB 114

BILL TITLE: ...

DATE: 1/28/21

LOB ROOM: 201

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. McConkey Seconded by Rep. ABBOTT Vote: 20-1

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

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Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

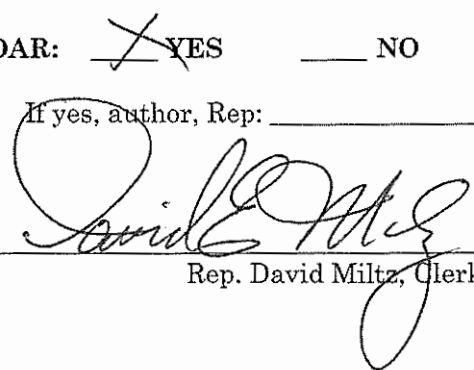
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- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: _____ Motion _____

Respectfully submitted: _____


Rep. David Miltz, Clerk



2021 SESSION

Public Works and Highways

Bill #: HB114 Motion: ITL AM #: _____ Exec Session Date: 1/28/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Graham, John A. Chairman		5 1	
McConkey, Mark E. Vice Chairman	1		
Milz, David E. Clerk	2		
Somero, Paul J.	3		
Fedolfi, Jim L.			
Newton, Clifford A.	4		
Blasek, Melissa	5		
Bordes, Mike	6		
Kaczynski, Thomas L.	7		
Kilanski, Ben M.	8		
Thompson, Dennis J.	9		
Vandecasteele, Susan J.			
Cloutier, John R.	10		
Edgar, Michael A.	11		
Ebel, Karen E.	12		
Jack, Martin L.	13		
Abbott, Michael D.	14		
Faulkner, Barry	15		
Newman, Sue A.	16		
Eaton, Daniel A. GRASSIE	17		
Pedersen, Michael P.	18		



2021 SESSION

Public Works and Highways

Bill #: HB114 Motion: ITL AM #: _____ Exec Session Date: 1/28/21

Query, Joshua F.		19		
Bunker, Lisa H.		20		
TOTAL VOTE:		20	1	

House Remote Testify

Public Works and Highways Committee Testify List for Bill HB114 on 2021-01-28

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Graham, John	graham4rep@hotmail.com	4724637	An Elected Official	Hill 7 - Bedford	Support	Yes	1/21/2021 10:10 AM
Somssich, Peter	staterep27nh@gmail.com	603.436.5382	An Elected Official	Myself	Oppose	Yes	1/27/2021 11:11 PM
Mullen, Sue	sue.mullen@leg.state.nh.us	603.647.0120	An Elected Official	Myself	Support	No	1/23/2021 12:17 PM
Gould, Rep.Linda	lgouldr@myfairpoint.net	603.472.3877	An Elected Official	Myself	Support	No	1/25/2021 6:37 PM
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Support	No	1/27/2021 10:07 PM

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON HB 114-FN

BILL TITLE: relative to the erection of a sound barrier in the vicinity of Teaberry Lane in the town of Bedford.

DATE: January 28, 2021

LOB ROOM: hybrid **Time Public Hearing Called to Order:** 11:30 a.m.

Time Adjourned: 12:00 p.m.

Committee Members: Reps. Graham, McConkey, Milz, Somero, Newton, Blasek, Bordes, Kaczynski, Kilanski, Cloutier, Edgar, Ebel, Jack, Abbott, Faulkner, S. Newman, Pedersen, Query and Bunker, Grassie

Bill Sponsors:

Rep. Graham

Rep. Danielson

Rep. Mullen

TESTIMONY

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

Rep. Graham, Sponsor - Presented bill and past history of legislation

Rep. Somssich - Only supports bill if there is a special funding mechanism for any and all sound barriers, past and future. As it stands he opposes this bill. No questions

Rep. Genevieve Goode, public - is in support of bill, and questioned what happens if bill fails. Answered by Rep. McConkey.

Rep. Chris Wasciuck, Dept. Comm. DOT - supplied written testimony for informational background. No questions.

Respectfully submitted,

Rep. David Milz, Clerk

HOUSE COMMITTEE ON PUBLIC WORKS

PUBLIC HEARING on Bill # HB 114



BILL TITLE:

DATE:

1/28/21

ROOM:

201

Time Public Hearing Called to Order:

1130

Time Adjourned:

1200

(please circle if present)

Committee Members: Reps. Graham, McConkey, Milz, Somero, Fedolfi, Newton, Blasek,
Bordes, Kaczynski, Kilanski, Thompson, Vandecasteele, Cloutier, Edgar, Ebel, Jack,
Abbot, Faulkner, Newman, Baton, Pedersen, Query, Bunker
GRASSIE

TESTIMONY

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

SEE ATTACHED

HB 114

- REP GRAHAM PRESENTED BILL AND PAST HISTORY OF LEGISLATION
- REP SOMSSICH ONLY SUPPORTS BILL IF THERE IS A SPECIFIC FUNDING MECHANISM FOR ANY AND ALL SOUND BARRIERS, PAST AND FUTURE. AS IT STANDS HE OPPOSES THIS BILL. NO QUESTIONS
- GENEVIEVE GOODE, PUBLIC, IS IN SUPPORT OF BILL, AND QUESTIONED WHAT HAPPENS IF BILL FAILS. ANSWERED BY REP McCONKEY.
- CHRIS WASZUCK, DEP COMM DOT. SUPPLIED WRITTEN TESTIMONY. FOR INFORMATIONAL BACKGROUND. NO QUESTIONS

HB 114-FN - AS INTRODUCED

2021 SESSION

21-0079

06/05

HOUSE BILL *114-FN*

AN ACT relative to the erection of a sound barrier in the vicinity of Teaberry Lane in the town of Bedford.

SPONSORS: Rep. Graham, Hills. 7; Rep. Danielson, Hills. 7; Rep. Mullen, Hills. 7

COMMITTEE: Public Works and Highways

ANALYSIS

This bill requires the department of transportation to erect a sound barrier on the F.E. Everett Turnpike in the town of Bedford.

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears [~~in brackets and struck through~~].
 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 Twenty One

AN ACT relative to the erection of a sound barrier in the vicinity of Teaberry Lane in the town of Bedford.

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

- 1 1 Department of Transportation; Town of Bedford; Erection of Sound Barrier. The department
- 2 of transportation shall erect a sound barrier on the F.E. Everett turnpike in the vicinity of Teaberry
- 3 Lane in the town of Bedford. Construction shall be completed by December 2023. The cost of
- 4 erecting such sound barrier shall be a charge against the turnpike fund.
- 5 2 Effective Date. This act shall take effect 60 days after its passage.

LBA
21-0079
10/22/20

HB 114-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the erection of a sound barrier in the vicinity of Teaberry Lane in the town of Bedford.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$200,000	\$1,600,000	\$0
<i>Funding Source:</i>	<input type="checkbox"/> General Fund	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other - Turnpike

METHODOLOGY:

This bill requires the Department of Transportation to erect a sound barrier on the F.E. Everett turnpike in the vicinity of Teaberry Lane in the town of Bedford, with construction completed by December 2023. The Department estimates total engineering and construction costs to total \$1,800,000, with \$200,000 expended for engineering in FY 2022 and \$1,600,000 for construction in FY 2023. These costs would be a charge against the turnpike fund, however this bill does not provide additional appropriation authority.

AGENCIES CONTACTED:

Department of Transportation

HOUSE COMMITTEE ON PUBLIC WORKS

EXECUTIVE SESSION on Bill # HB 114

BILL TITLE: ...

DATE: 1/28/21

LOB ROOM: 201

MOTION: (Please check one box)

OTP

ITL

Retain (1st year)

Adoption of Amendment # _____

Interim Study (2nd year)

(if offered)

Moved by Rep. McConkey Seconded by Rep. ABBOTT Vote: 20-1

MOTION: (Please check one box)

OTP

OTP/A

ITL

Retain (1st year)

Adoption of Amendment # _____

Interim Study (2nd year)

(if offered)

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OTP/A

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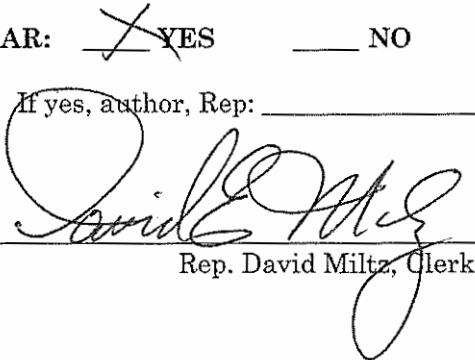
(if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: _____ Motion _____

Respectfully submitted: _____



Rep. David Miltz, Clerk



2021 SESSION

Public Works and Highways

Bill #: HB114 Motion: ITL AM #: _____ Exec Session Date: 1/28/21

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HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

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Bill Sponsors:

Rep. Graham

Rep. Danielson

Rep. Mullen

TESTIMONY

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

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Rep. Somssich - Only supports bill if there is a special funding mechanism for any and all sound barriers, past and future. As it stands he opposes this bill. No questions

Rep. Genevieve Goode, public - is in support of bill, and questioned what happens if bill fails. Answered by Rep. McConkey.

Rep. Chris Wasciuck, Dept. Comm. DOT - supplied written testimony for informational background. No questions.

Respectfully submitted,

Rep. David Milz, Clerk

HOUSE COMMITTEE ON PUBLIC WORKS

PUBLIC HEARING on Bill # HB 114



BILL TITLE:

DATE:

1/28/21

ROOM:

201

Time Public Hearing Called to Order:

1130

Time Adjourned:

1200

(please circle if present)

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HB 114-FN - AS INTRODUCED

2021 SESSION

21-0079

06/05

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LBA
21-0079
10/22/20

HB 114-FN- FISCAL NOTE
AS INTRODUCED

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Department of Transportation

Public Hearing

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON HB 114-FN

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Bill Sponsors:

Rep. Graham

Rep. Danielson

Rep. Mullen

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Rep. David Milz, Clerk

HOUSE COMMITTEE ON PUBLIC WORKS

PUBLIC HEARING on Bill # HB 114



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1/28/21

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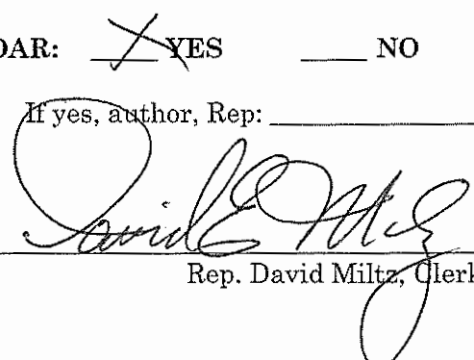
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Moved by Rep. _____ Secended by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: _____ Motion _____

Respectfully submitted: _____


Rep. David Miltz, Clerk



2021 SESSION

Public Works and Highways

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Graham, John	graham4rep@hotmail.com	4724637	An Elected Official	Hill 7 - Bedford	Support	Yes	1/21/2021 10:10 AM
Somssich, Peter	staterep27nh@gmail.com	603.436.5382	An Elected Official	Myself	Oppose	Yes	1/27/2021 11:11 PM
Mullen, Sue	sue.mullen@leg.state.nh.us	603.647.0120	An Elected Official	Myself	Support	No	1/23/2021 12:17 PM
Gould, Rep.Linda	lgouldr@myfairpoint.net	603.472.3877	An Elected Official	Myself	Support	No	1/25/2021 6:37 PM
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Support	No	1/27/2021 10:07 PM

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

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Bill Sponsors:

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Rep. Danielson

Rep. Mullen

TESTIMONY

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

Rep. Graham, Sponsor - Presented bill and past history of legislation

Rep. Somssich - Only supports bill if there is a special funding mechanism for any and all sound barriers, past and future. As it stands he opposes this bill. No questions

Rep. Genevieve Goode, public - is in support of bill, and questioned what happens if bill fails. Answered by Rep. McConkey.

Rep. Chris Wasciuck, Dept. Comm. DOT - supplied written testimony for informational background. No questions.

Respectfully submitted,

Rep. David Milz, Clerk

HOUSE COMMITTEE ON PUBLIC WORKS

PUBLIC HEARING on Bill # HB 114



BILL TITLE:

DATE:

1/28/21

ROOM:

201

Time Public Hearing Called to Order:

1130

Time Adjourned:

1200

(please circle if present)

Committee Members: Reps. Graham, McConkey, Milz, Somero, Fedolfi, Newton, Blasek,
Bordes, Kaczynski, Kilanski, Thompson, Vandecasteele, Cloutier, Edgar, Ebel, Jack
Abbot, Faulkner, Newman, Baton, Pedersen, Query, Bunker
GRASSIE

TESTIMONY

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

SEE ATTACHED

HB 114

- REP GRAHAM PRESENTED BILL AND PAST HISTORY OF LEGISLATION
- REP SOMSSICH ONLY SUPPORTS BILL IF THERE IS A SPECIFIC FUNDING MECHANISM FOR ANY AND ALL SOUND BARRIERS, PAST AND FUTURE. AS IT STANDS HE OPPOSES THIS BILL. NO QUESTIONS
- GENEVIEVE GOODE, PUBLIC, IS IN SUPPORT OF BILL, AND QUESTIONED WHAT HAPPENS IF BILL FAILS. ANSWERED BY REP McCONKEY.
- CHRIS WASZUCK, DEP COMM DOT. SUPPLIED WRITTEN TESTIMONY. FOR INFORMATIONAL BACKGROUND. NO QUESTIONS

HB 114-FN - AS INTRODUCED

2021 SESSION

21-0079

06/05

HOUSE BILL *114-FN*

AN ACT relative to the erection of a sound barrier in the vicinity of Teaberry Lane in the town of Bedford.

SPONSORS: Rep. Graham, Hills. 7; Rep. Danielson, Hills. 7; Rep. Mullen, Hills. 7

COMMITTEE: Public Works and Highways

ANALYSIS

This bill requires the department of transportation to erect a sound barrier on the F.E. Everett Turnpike in the town of Bedford.

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears [~~in brackets and struck through~~].
 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 Twenty One

AN ACT relative to the erection of a sound barrier in the vicinity of Teaberry Lane in the town of Bedford.

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

- 1 1 Department of Transportation; Town of Bedford; Erection of Sound Barrier. The department
- 2 of transportation shall erect a sound barrier on the F.E. Everett turnpike in the vicinity of Teaberry
- 3 Lane in the town of Bedford. Construction shall be completed by December 2023. The cost of
- 4 erecting such sound barrier shall be a charge against the turnpike fund.
- 5 2 Effective Date. This act shall take effect 60 days after its passage.

LBA
21-0079
10/22/20

HB 114-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the erection of a sound barrier in the vicinity of Teaberry Lane in the town of Bedford.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$200,000	\$1,600,000	\$0
<i>Funding Source:</i>	<input type="checkbox"/> General Fund	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other - Turnpike

METHODOLOGY:

This bill requires the Department of Transportation to erect a sound barrier on the F.E. Everett turnpike in the vicinity of Teaberry Lane in the town of Bedford, with construction completed by December 2023. The Department estimates total engineering and construction costs to total \$1,800,000, with \$200,000 expended for engineering in FY 2022 and \$1,600,000 for construction in FY 2023. These costs would be a charge against the turnpike fund, however this bill does not provide additional appropriation authority.

AGENCIES CONTACTED:

Department of Transportation

Testimony

Archived: Monday, May 10, 2021 10:55:54 AM

From: [Waszczuk, Christopher](#)

Sent: Thursday, January 28, 2021 8:53:26 AM

To: ~[House Public Works and Highways](#)

Subject: HB114 NHDOT Testimony

Importance: Normal

Attachments:

[House Bill 114 - 2021 Session.docx](#) 

Attached is my testimony for HB114.

Best Regards,

Christopher M. Waszczuk, P.E.

Deputy Commissioner

New Hampshire Department of Transportation

7 Hazen Drive, P.O. Box 483

Concord, NH 03302-0483

Tel: 603-271-1486

Fax: 603-271-3914

Archived: Monday, May 10, 2021 10:55:54 AM
From: Peter Somssich
Sent: Wednesday, January 27, 2021 11:31:07 PM
To: ~House Public Works and Highways; Joan Hamblet; Laura Pantelakos
Subject: HB 114-FN Sound Barrier
Importance: Normal

Dear Committee Members,

Approximately one year ago, I appeared at your committee to propose a bill that would both raise in a fair manner a significant amount of money for the NH Highway fund, but would also set aside an annual amount for the remediation of the 49 areas in our state that are certified by the DOT as qualified to receive noise abatement measures under their Type II designation.

I was hoping to bring some of the funding to bear for a neighborhood in Portsmouth, the Pannaway Manor, that in the 1980s had been promised noise abatement as part of the widening of the Rt. 95 highway. Even though that blue-collar neighborhood must put up with significant amounts of traffic on a partially

12 lane roadway, and that because of the proximity to the Hampton toll booth is sacrificing so that NH can reap the highest toll revenues of any toll booth, there still is no funding in sight for them.

However, now HB 114 is proposing to legislate noise abatement for a likely relatively well-to-do neighborhood, even though they are most likely not qualified under Type II, and even though no funding for these measures has been identified.

This seems to me to be fiscally irresponsible, and should not be supported unless funding has been identified, e.g. by way of some revenue raising mechanism such as the road usage and registration fee bill that I proposed in 2020. I urge you to oppose this bill, unless it is funded.

Best Regards, Rep. Peter Somssich, tel. 603-436-5382

Bill as
Introduced

HB 114-FN - AS INTRODUCED

2021 SESSION

21-0079

06/05

HOUSE BILL *114-FN*

AN ACT relative to the erection of a sound barrier in the vicinity of Teaberry Lane in the town of Bedford.

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LBA
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AS INTRODUCED

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Department of Transportation