

1 **SOUND WALLS ON WASATCH BOULEVARD**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: A. Lamont Tyler**

5 AN ACT RELATING TO TRANSPORTATION; AMENDING PROVISIONS RELATED TO
6 TRAFFIC NOISE ABATEMENT MEASURES; PROVIDING FOR REMOVAL OF TRAFFIC
7 NOISE ABATEMENT MEASURES IN CERTAIN CIRCUMSTANCES; AND PROVIDING
8 RULEMAKING.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **72-6-111**, as renumbered and amended by Chapter 270 and last amended by Chapter 335,
12 Laws of Utah 1998

13 ENACTS:

14 **72-6-111.5**, Utah Code Annotated 1953

15 *Be it enacted by the Legislature of the state of Utah:*

16 Section 1. Section **72-6-111** is amended to read:

17 **72-6-111. Construction and maintenance of appurtenances -- Noise abatement**
18 **measures.**

19 (1) The department is authorized to construct [~~and~~], maintain, and remove appurtenances
20 along the state highway system necessary for public safety, welfare, and information.

21 Appurtenances include highway illumination, sidewalks, curbs, gutters, steps, driveways, retaining
22 walls, fire hydrants, guard rails, noise abatement measures, storm sewers, and rest areas.

23 (2) A noise abatement measure may only be constructed by the department along a
24 highway when:

25 (a) the department is constructing a new state highway or performing major reconstruction
26 on an existing state highway;

27 (b) the Legislature provides an appropriation or the federal government provides funding

28 for construction of retrofit noise abatement along an existing state highway; or

29 (c) the cost for the noise abatement measure is provided by citizens, adjacent property
30 owners, developers, or local governments.

31 (3) In addition to the requirements under Subsection (2), the department may only
32 construct noise abatement measures within the unincorporated area of a county or within a
33 municipality that has an ordinance or general plan that requires:

34 (a) a study to be conducted to determine the noise levels along new development adjacent
35 to an existing state highway or a dedicated right-of-way; and

36 (b) the construction of noise abatement measures at the expense of the developer if
37 required to be constructed under standards established by a rule of the department.

38 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
39 department shall make rules establishing:

40 (a) when noise abatement measures are required to be constructed, including standards for
41 decibel levels of traffic noise;

42 (b) the decibel level of traffic noise which identifies the projects to be programmed by the
43 commission for the earliest construction of retrofit noise abatement measures funded under
44 Subsection (2)(b) based on availability of funding; [and]

45 (c) a priority system for the construction of other retrofit noise abatement measures that
46 meet or exceed the standards established under this section and are funded under Subsection (2)(b)
47 which includes:

48 (i) the number of residential dwellings adversely affected by the traffic noise;

49 (ii) the cost effectiveness of mitigating the traffic noise; and

50 (iii) the length of time the decibel level of traffic noise has met or exceeded the standards
51 established under this section[=]; and

52 (d) petition procedures and requirements, including the definition of closest residences for
53 the removal of noise abatement measures in accordance with Section 72-6-111.5.

54 Section 2. Section **72-6-111.5** is enacted to read:

55 **72-6-111.5. Removal of noise abatement measures -- Property owners petition --**

56 **Funding.**

57 (1) The department shall remove a noise abatement measure or portion of a noise
58 abatement measure if:

59 (a) the decibel level of traffic noise as measured by the department has increased at the
60 residences closest to the noise abatement measure after its installation; and

61 (b) a majority of the resident property owners closest to the noise abatement measure
62 request by petition to have the noise abatement measures removed.

63 (2) If the department is required to remove any portion of a noise abatement measure under
64 Subsection (1), the funding requirements of Subsection 72-6-111(2) do not apply to the cost of the
65 removal.

Legislative Review Note
as of 2-1-00 1:09 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel