

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

- (1) The department is authorized to construct and maintain appurtenances along the state highway system necessary for public safety, welfare, and information. Appurtenances include highway illumination, sidewalks, curbs, gutters, steps, driveways, retaining walls, fire hydrants, guard rails, noise abatement measures, storm sewers, and rest areas.
- (2) A noise abatement measure may only be constructed by the department along a highway when:
 - (a) the department is constructing a new state highway or performing major reconstruction on an existing state highway;
 - (b) the Legislature provides an appropriation or the federal government provides funding for construction of retrofit noise abatement along an existing state highway; or
 - (c) the cost for the noise abatement measure is provided by citizens, adjacent property owners, developers, or local governments.
- (3) In addition to the requirements under Subsection (2), the department may only construct noise abatement measures within the unincorporated area of a county or within a municipality that has an ordinance or general plan that requires:
 - (a) a study to be conducted to determine the noise levels along new development adjacent to an existing state highway or a dedicated right-of-way; and
 - (b) the construction of noise abatement measures at the expense of the developer if required to be constructed under standards established by a rule of the department.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules establishing:
 - (a) when noise abatement measures are required to be constructed, including standards for decibel levels of traffic noise;
 - (b) the decibel level of traffic noise which identifies the projects to be programmed by the commission for the earliest construction of retrofit noise abatement measures funded under Subsection (2)(b) based on availability of funding; and
 - (c) a priority system for the construction of other retrofit noise abatement measures that meet or exceed the standards established under this section and are funded under Subsection (2)(b) which includes:
 - (i) the number of residential dwellings adversely affected by the traffic noise;
 - (ii) the cost effectiveness of mitigating the traffic noise; and
 - (iii) the length of time the decibel level of traffic noise has met or exceeded the standards established under this section.

Amended by Chapter 382, 2008 General Session