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**SOUND WALL PROJECTS**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: Duane Bourdeaux**

AN ACT RELATING TO HIGHWAYS; AMENDING CERTAIN NOISE ABATEMENT MEASURE PROVISIONS.

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

AMENDS:

**27-12-109**, as last amended by Chapter 246, Laws of Utah 1996

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

Section 1. Section **27-12-109** is amended to read:

**27-12-109. 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

1 municipality that has an ordinance or general plan that requires:

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

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

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

8 (a) when noise abatement measures are required to be constructed, including standards for  
9 decibel levels of traffic noise; [and]

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

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

16 [~~i~~] ~~the decibel level of traffic noise at each location;~~

17 [~~ii~~] (i) the number of residential dwellings adversely affected by the traffic noise; [and]

18 [~~iii~~] (ii) the cost effectiveness of mitigating the traffic noise; and

19 (iii) the length of time the decibel level of traffic noise has met or exceeded the standards  
20 established under this section.

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**Legislative Review Note**  
**as of 1-6-98 11:59 AM**

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

**Office of Legislative Research and General Counsel**