1	CRITERIA FOR SOUND WALLS
2	1998 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Pete Suazo
5	AN ACT RELATING TO HIGHWAYS; AMENDING CERTAIN NOISE ABATEMENT
6	MEASURE PROVISIONS.
7	This act affects sections of Utah Code Annotated 1953 as follows:
8	AMENDS:
9	27-12-109, as last amended by Chapter 246, Laws of Utah 1996
10	Be it enacted by the Legislature of the state of Utah:
11	Section 1. Section 27-12-109 is amended to read:
12	27-12-109. Construction and maintenance of appurtenances Noise abatement
13	measures.
14	(1) The department is authorized to construct and maintain appurtenances along the state
15	highway system necessary for public safety, welfare, and information. Appurtenances include
16	highway illumination, sidewalks, curbs, gutters, steps, driveways, retaining walls, fire hydrants,
17	guard rails, noise abatement measures, storm sewers, and rest areas.
18	(2) A noise abatement measure may only be constructed by the department along a
19	highway when:
20	(a) the department is constructing a new state highway or performing major reconstruction
21	on an existing state highway;
22	(b) the Legislature provides an appropriation or the federal government provides funding
23	for construction of retrofit noise abatement along an existing state highway; or
24	(c) the cost for the noise abatement measure is provided by citizens, adjacent property
25	owners, developers, or local governments.
26	(3) In addition to the requirements under Subsection (2), the department may only
27	construct noise abatement measures within the unincorporated area of a county or within a

1	municipanty that has an ordinance of 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; ĥ [and] ĥ
10	(b) $\hat{\mathbf{h}}$ The decibel level of traffic noise which identifies the projects to be
10a	PROGRAMMED BY THE COMMISSION FOR THE EARLIEST CONSTRUCTION OF RETROFIT NOISE
10b	ABATEMENT MEASURES FUNDED UNDER SUBSECTION (2)(b) BASED ON AVAILABILITY OF
10c	FUNDING; AND
10d	(c) $\hat{\mathbf{h}}$ a priority system for the construction of $\hat{\mathbf{h}}$ OTHER $\hat{\mathbf{h}}$ retrofit noise abatement measures
10e	$\hat{\mathbf{h}}$ that meet or exceed the standards established under this section and are funded $\hat{\mathbf{h}}$ under
11	Subsection (2)(b) which includes:
12	\hat{h} [(i) the decibel level of traffic noise at each location;
13	(ii) (i) $\hat{\mathbf{h}}$ the number of residential dwellings adversely affected by the traffic noise; [and]
14	$\hat{\mathbf{h}}$ [(iii)] (iii) $\hat{\mathbf{h}}$ the cost effectiveness of mitigating the traffic noise; and
15	ĥ [(iv)] (iii) ĥ the length of time the decibel level of traffic noise has met or exceeded the
15a	<u>standards</u>
16	established under this section.

Legislative Review Note as of 1-6-98 12:17 PM

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

Office of Legislative Research and General Counsel