

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; ~~h~~ [and] ~~h~~

10 (b) ~~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) ~~h~~ a priority system for the construction of ~~h~~ **OTHER** ~~h~~ retrofit noise abatement measures
10e ~~h~~ **THAT MEET OR EXCEED THE STANDARDS ESTABLISHED UNDER THIS SECTION AND ARE FUNDED** ~~h~~ under
11 Subsection (2)(b) which includes:

12 ~~h~~ [(i) ~~the decibel level of traffic noise at each location;~~

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

14 ~~h~~ [(iii) (ii) ~~the cost effectiveness of mitigating the traffic noise; and~~

15 ~~h~~ [(iv) (iii) ~~the length of time the decibel level of traffic noise has met or exceeded the~~
15a ~~standards~~
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