

- 59 (i) public health;  
 60 (ii) project completion time;  
 61 (iii) air quality;  
 62 (iv) traffic;  
 63 (v) economics;  
 64 (vi) safety; and  
 65 (vii) local jurisdiction concerns; and  
 66 (c) institutes best management noise reduction practices, as determined by the  
 67 department, for front row receptors, in consultation with local government or the local  
 68 jurisdictional authority for all nighttime highway construction, which may include:  
 69 (i) equipment maintenance;  
 70 (ii) noise shielding;  
 71 (iii) scheduling the most noise intrusive activities during the day; and  
 72 (iv) other noise mitigation methods.  
 73 (4) ~~§~~ **→ (a)** ~~←§~~ Subject to Subsection (2) or (3), a state highway project shall secure

73a required noise

74 permits from the local jurisdictional authority to conduct nighttime highway construction.

74a **§→ (b) To the extent practical, the department shall coordinate with the local jurisdictional**  
 74b **authority during the pre-construction phase of a project to address noise exemption**  
 74c **conditions. ←§**

75 (5) A local jurisdictional authority shall issue a nighttime highway construction noise  
 76 permit without additional requirements to the department at the request of the department or  
 77 the department's designated project agent if the requirements of Subsections (2) and (3) are  
 78 met.

79 (6) (a) For the exemption provided in Subsection (3) and in accordance with Title 63G,  
 80 Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules establishing  
 81 procedures:

82 (i) for a local jurisdictional authority or local government to appeal the decision of the  
 83 department to conduct nighttime highway construction on roads where the normal posted speed  
 84 limit is less than 55 miles per hour; and

85 (ii) for the local jurisdictional authority to request that the department enforce the terms  
 86 of a noise permit.

87 (b) After review and upon receiving a written notice from a local jurisdictional  
 88 authority that the conditions for the noise exemption permit are not met, the department shall  
 89 take corrective action to ensure nighttime highway construction activities meet requirements of