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HOUSE BILL 2307

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State of Washington

60th Legislature

2007 Regular Session

By Representatives Jarrett, Clibborn, Eddy, Springer, Hunter, Santos and Kenney

Read first time 02/20/2007. Referred to Committee on Transportation.

1 AN ACT Relating to noise abatement in transportation projects;  
2 amending RCW 70.107.030; and adding a new chapter to Title 47 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that inadequately  
5 mitigated noise related to roadway construction projects adversely  
6 affects citizens' quality of life and property value. The legislature  
7 further finds that existing policies and practices fail to adequately  
8 mitigate such noise. The purpose of this chapter is to establish more  
9 stringent standards for noise mitigation as it relates to certain  
10 transportation projects, thereby providing additional protection for  
11 and increased enjoyment of our communities.

12 NEW SECTION. **Sec. 2.** The definitions in this section apply  
13 throughout this chapter unless the context clearly requires otherwise.

14 (1) "A-weighted decibel" or "dBA" means the statistically weighted  
15 scale that most closely represents the range of human hearing.

16 (2) "Abatement" means reduction in degree or intensity.

17 (3) "Affected community" means every residence, motel, hotel,  
18 school, church, library, hospital, picnic area, recreation area,

1 playground, and active sports area, that is located fully or partially  
2 within five hundred feet of any road construction project, and also  
3 means the neighborhood in which each such structure is located.

4 (4) "Decibel" or "dB" means a unit for measuring sound.

5 (5) "Department" means the department of transportation.

6 (6) "Existing noise level" means the level of exterior natural and  
7 man-made noises considered to be usually present within a particular  
8 area's acoustic environment absent noises attributed to, or predicted  
9 to be attributed to, construction of any roadway construction project,  
10 measured in A-weighted decibels.

11 (7) "Impacted community" means one or more structures in an  
12 affected community that has either an existing noise level or a  
13 predicted noise level of 60 dBA or greater.

14 (8) "Predicted noise level" means the estimated exterior noise  
15 level, based on the worst traffic noise conditions likely to occur on  
16 a regular basis for existing and future conditions, measured in A-  
17 weighted decibels.

18 (9) "Residence" means any single or multiunit dwelling.

19 (10) "Roadway construction project" or "project" means all highway  
20 and other road projects that involve constructing a new roadway, making  
21 significant changes to the horizontal or vertical alignment of a  
22 roadway, increasing the number of through traffic lanes on an existing  
23 roadway, and retrofitting roadways for noise abatement.

24 NEW SECTION. **Sec. 3.** For every roadway construction project, the  
25 department shall, consistent with the federal noise control act of 1972  
26 (86 Stat. 1234; 42 U.S.C. Sec. 4901-4918) and federal noise abatement  
27 standards established in Title 23 U.S.C.:

28 (1) Analyze and determine the exterior existing noise level of  
29 every affected community;

30 (2) Analyze and determine the exterior predicted noise level of  
31 every affected community;

32 (3) If the boundaries of a neighborhood are not clear, define the  
33 boundaries of a neighborhood after consultation with affected community  
34 members; and

35 (4) If any affected community is an impacted community:

36 (a) Identify all mitigation alternatives;

1 (b) Obtain and consider input from members of the affected  
2 communities on mitigation alternatives;

3 (c) Based on community input, identify the preferred mitigation  
4 alternative and proceed with mitigation efforts if the department  
5 determines that mitigation is both feasible and reasonable under  
6 sections 4 and 5 of this act; and

7 (d) Document its findings, conclusions, and community input in a  
8 traffic noise report.

9 NEW SECTION. **Sec. 4.** (1) Except for communities that are in  
10 transition from residential to commercial or industrial use, mitigation  
11 is deemed feasible if the department determines that, based on  
12 engineering constraints, the preferred mitigation alternative is able  
13 to be constructed and will provide at least ten impacted community  
14 structures with a 5 dBA or more reduction in noise based on ground  
15 floor activities.

16 (2) For communities that are in transition from residential to  
17 commercial or industrial use, the department shall establish rules to  
18 define feasibility.

19 NEW SECTION. **Sec. 5.** The department shall establish rules to  
20 define reasonableness, which must include reasonableness allowances on  
21 a per structure basis for design-year traffic sound decibel levels  
22 beginning at 60 dBA. Reasonableness allowances will provide for  
23 allowable:

24 (1) Noise level increase as a result of the product, measured in A-  
25 weighted decibels;

26 (2) Wall surface area per qualified structure, which must be at  
27 least one thousand square feet; and

28 (3) Cost per qualified structure.

29 **Sec. 6.** RCW 70.107.030 and 1974 ex.s. c 183 s 3 are each amended  
30 to read as follows:

31 The department is empowered as follows:

32 (1) Except for noise mitigation requirements and maximum noise  
33 levels established in chapter 47.-- RCW (sections 1 through 5 of this  
34 act), the department, after consultation with state agencies expressing  
35 an interest therein, shall adopt, by rule, maximum noise levels

1 permissible in identified environments in order to protect against  
2 adverse affects of noise on the health, safety and welfare of the  
3 people, the value of property, and the quality of environment:  
4 PROVIDED, That in so doing the department shall take also into account  
5 the economic and practical benefits to be derived from the use of  
6 various products in each such environment, whether the source of the  
7 noise or the use of such products in each environment is permanent or  
8 temporary in nature, and the state of technology relative to the  
9 control of noise generated by all such sources of the noise or the  
10 products.

11 (2) At any time after the adoption of maximum noise levels under  
12 subsection (1) of this section the department shall, in consultation  
13 with state agencies and local governments expressing an interest  
14 therein, adopt rules, consistent with the Federal Noise Control Act of  
15 1972 (86 Stat. 1234; 42 U.S.C. Sec. 4901-4918 and 49 U.S.C. Sec. 1431),  
16 for noise abatement and control in the state designed to achieve  
17 compliance with the noise level adopted in subsection (1) of this  
18 section, including reasonable implementation schedules where  
19 appropriate, to insure that the maximum noise levels are not exceeded  
20 and that application of the best practicable noise control technology  
21 and practice is provided. These rules may include, but shall not be  
22 limited to:

23 (a) Performance standards setting allowable noise limits for the  
24 operation of products which produce noise;

25 (b) Use standards regulating, as to time and place, the operation  
26 of individual products which produce noise above specified levels  
27 considering frequency spectrum and duration: PROVIDED, The rules shall  
28 provide for temporarily exceeding those standards for stated purposes;  
29 and

30 (c) Public information requirements dealing with disclosure of  
31 levels and characteristics of noise produced by products.

32 (3) The department may, as desirable in the performance of its  
33 duties under this chapter, conduct surveys, studies and public  
34 education programs, and enter into contracts.

35 (4) The department is authorized to apply for and accept moneys  
36 from the federal government and other sources to assist in the  
37 implementation of this chapter.

1           (5) The legislature recognizes that the operation of motor vehicles  
2 on public highways as defined in RCW 46.09.020 contributes  
3 significantly to environmental noise levels and directs the department,  
4 in exercising the rule-making authority under the provisions of this  
5 section, to give first priority to the adoption of motor vehicle noise  
6 performance standards.

7           (6) Noise levels and rules adopted by the department pursuant to  
8 this chapter shall not be effective prior to March 31, 1975.

9           NEW SECTION.   **Sec. 7.** Sections 1 through 5 of this act constitute  
10 a new chapter in Title 47 RCW.

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