

23 CFR 772 Streamlining, Analysis, and Outreach

Task 4 Opportunities for Streamlining and Programmatic Agreements under 23 CFR 772

Presenter:

Darlene Reiter, Ph.D., P.E.
Senior Engineer
Bowlby & Associates, Inc.
Franklin, TN

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Background and Purpose

■ Background

- Federal transportation regulations have required greater efficiency and increased streamlining in the NEPA process.
- FHWA efforts to promote environmental streamlining in NEPA project development and review processes.
 - Every Day Counts (EDC)
 - Environmental Review Toolkit

■ Study Purpose

- Identify ways to:
 - Streamline the requirements and/or the procedural processes of the FHWA noise regulation; and,
 - Establish programmatic agreements (PAs) between FHWA and SHAs.



Streamlining and Programmatic Agreements

■ Streamlining

- Timely delivery of transportation projects while protecting and enhancing the environment.
- Transportation and resource agencies establish realistic timeframes for environmental review.
- Key element is communicating with and gathering input from the public and stakeholders.

■ Programmatic Agreements (PAs)

- Inter-agency agreements that establish a streamlined process for handling routine environmental requirements. PAs usually set procedures for consultation, review, and compliance with one or more Federal laws.



- **Identification of initial streamlining and PA opportunities**
 - Research team
- **Preliminary list of opportunities to TWG**
 - TWG voluntary comments and input
- **Draft Task 4 report**
- **First Webinar**
 - Extensive discussion of identified opportunities
 - Poll to prioritize opportunities
- **Opportunities divided into two groups**
 - Streamlining opportunities
 - Process improvements
 - Improve overall noise study process but do not meet streamlining requirements



Prioritized Streamlining and PA Opportunities

High Priority

Noise Screening Procedures

Noise Abatement Feasibility: Isolated Impacts

Noise Abatement Feasibility: Uncontrolled Access Roadways

Noise Reevaluation Agreements

Medium Priority

Noise Abatement Reasonableness: Viewpoints of Benefited Property Owners and Residents

Type I Project Definition

Integrating Noise into the Planning Process

Low Priority

Programmatic Mitigation Plans

Noise Abatement Reasonableness: Noise Barrier Costs

Noise Study Procedures



■ Noise Screening Procedures

- Not explicitly allowed or prohibited under the regulation
- Six states have developed screening procedures
- Two types of possible screening analyses
 - require project-level FHWA TNM modeling
 - use pre-developed screening tables or other tools based on the FHWA TNM modeling of various combinations of roadway, traffic, and receiver conditions

Description	Develop procedures to assess the potential for the project to create noise impacts.
Objective	Eliminate noise studies for projects with no potential to create noise impacts.
FHWA Action	Guidance



■ Noise Abatement Feasibility:

Isolated Impacts

- Feasibility criterion value can determine whether a noise barrier must be evaluated for isolated impacts.
- Two SHAs requires that 5 dB be achieved at two or more impacted receptors.

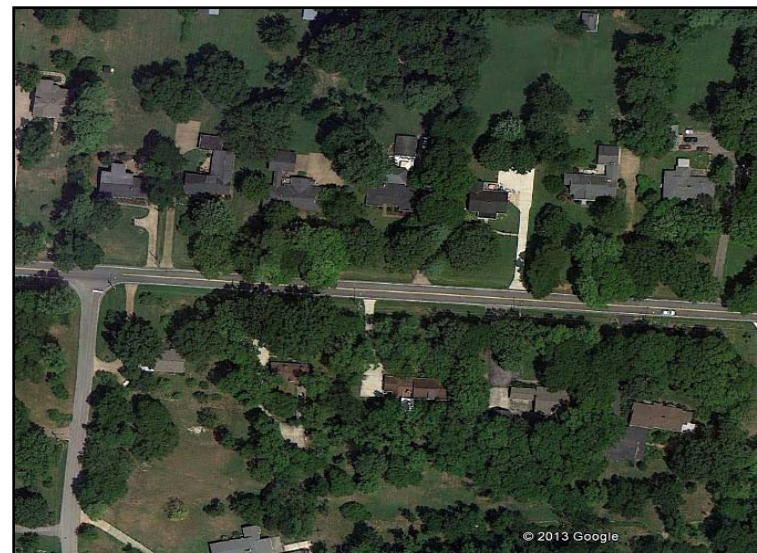


Description	Assess the need to evaluate noise abatement for isolated impacts.
Objective	Eliminate noise abatement analyses for locations that are clearly not feasible.
FHWA Action	Guidance

High Priority Streamlining and PA Opportunities

■ Noise Abatement Feasibility: Uncontrolled Access Roadways

- Under what conditions would barriers be feasible along an uncontrolled access roadway?



Description	Eliminate noise abatement analyses for locations that are clearly not feasible.
Objective	Assess the need to evaluate noise abatement on uncontrolled access roadways.
FHWA Action	Guidance



■ Noise Reevaluation Agreements

- Noise studies must be reviewed and sometimes updated as part of the NEPA reevaluation process
- 23 CFR 772 *Final Rule and NEPA Reevaluations* (FHWA, 2010)

“On or after July 13, 2011, prior to requesting any post-NEPA major approvals from FHWA, the highway agency should consult with the FHWA to determine if the amended noise regulation affects the previous NEPA decision, and what, if any, additional analysis may be required. The results of the consultation should be documented in a memorandum to the file if no additional analysis is required.”

Description	Identify conditions that trigger a noise study update under the current FWHA Noise Regulation as part of the NEPA reevaluation process.
Objective	Ensure that valid noise studies are not updated.
FHWA Action	Guidance



Prioritized Process Improvement Opportunities

High Priority
Design-Build Projects
Noise-Compatible Land Use Planning
Abatement Measure Reporting per 23 CFR 772.13(f)
Noise Modeling Guidelines
Local Programs Projects
Medium Priority
GIS for Noise
Noise Effects on Wildlife
FHWA TNM Validation
Noise Study Documentation
Low Priority
FHWA TNM Compatibility with GIS, CAD, and Third-Party Software
Noise Minimization Strategies Beyond 23 CFR 772
Transportation Noise on Federal Lands



High Priority Process Improvements

■ Design-Build Projects

– Section 772.13(i)

“For design-build projects, the preliminary technical noise study shall document all considered and proposed noise abatement measures for inclusion in the NEPA document. Final design of design-build noise abatement measures shall be based on the preliminary noise abatement design developed in the technical noise analysis.”

Question:

Can the noise abatement measures identified in the NEPA document be modified or eliminated as the project progresses through the design process, perhaps as part of the NEPA reevaluation process? If so, how?

FHWA Response:

Yes. Decisions can be modified during the NEPA reevaluation process. However, caution should be exercised to ensure that all noise impacts are documented and that all feasible and reasonable noise abatement measures are constructed in accordance with the SHA noise policy.



High Priority Process Improvements

- 23 CFR 636 (Design Build Contracting)
 - 636.109 (b) (6): *The design-builder must not prepare the NEPA document or have any decision-making responsibility with respect to the NEPA process.*
 - 636.109 (b) (7): *Any consultants who prepare the NEPA document must be selected by and subject to the exclusive direction and control of the contracting agency.*

Description	Identify best methods for ensuring proper design of noise abatement measures for design-build projects.
Objective	Improve the noise abatement decision-making process for design-build projects.
FHWA Action	Guidance, Regulation Update



■ Noise-Compatible Land Use Planning

- 23 CFR 772.17 *Information for Local Officials*
- Development of noise-sensitive land uses adjacent to heavily-traveled roadways continues to be a pervasive problem
- SHAs may have to provide abatement when the road is widened
- FHWA Guidance documents
 - *The Audible Landscape: A Manual for Highway Noise and Land Use* (FHWA 1974)
 - *Entering the Quiet Zone: Noise Compatibility Land Use Planning* (FHWA 2002)
- Missed opportunities to encourage compatible development

Description	Update noise-compatible planning documents. Develop GIS framework for noise-compatible land use planning.
Objective	Promote noise-compatible land use planning.
FHWA Action	Update Existing Guidance, New Guidance, GIS Application



■ Abatement Measure Reporting per 23 CFR 772

- Section 772.13(f) requires that SHAs maintain an inventory of all constructed noise abatement measures.
 - Possible uniform GIS platform
 - Standard fields, data dictionary, queries, and reports
 - SHA data could be merged efficiently and uniformly by FHWA

Description	Develop a standardized GIS application for noise barrier inventory and reporting.
Objective	Promote consistency in noise barrier inventorying and reporting and improve reported results.
FHWA Action	Guidance, GIS Application



■ Noise Modeling Guidelines

- FHWA TNM User’s Guide
 - detailed instructions on how to run FHWA TNM but not how to model
- NCHRP 25-34, “*Supplemental Guidance on the Application of FHWA’s Traffic Noise Model*”
 - Signalized interchanges
 - Intersections
 - Median barriers
 - Roundabouts
 - Building rows
 - Tree zones
- TNM 3.0 Sensitivity Testing

Description	Develop recommended modeling procedures.
Objective	Promote modeling consistency.
FHWA Action	Guidance, Noise Modeling Guidelines Template





Panel Discussion