

SENATE BILL REPORT

ESB 5675

As Passed Senate, March 16, 1999

Title: An act relating to noise mitigation projects on state highways.

Brief Description: Prioritizing highway noise mitigation.

Sponsors: Senators Thibaudeau, Patterson, Fraser, Franklin, Eide, Fairley, Kohl-Welles, Kline, Bauer, Snyder and Jacobsen.

Brief History:

Committee Activity: Transportation: 2/16/99, 3/2/99 [DPA].
Passed Senate, 3/16/99, 39-7.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Morton, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Staff: Ashley Probart (786-7319)

Background: The Department of Transportation (DOT) currently has no legislatively required program or funding process for retrofitting state highways with noise walls. The only instances where noise walls are required is when a highway improvement project is funded with federal transportation dollars. These types of noise wall projects are referred to as Type I– projects; they are not considered retrofits, since they are concurrently built with an improvement to the transportation facility. An example of a Type I project is widening a federally-funded highway from two lanes to four lanes and adding a noise wall; the noise wall may be required as a condition of federal funding, and because there is ongoing construction in the area, it is not considered a retrofit.–

A noise wall retrofit is often referred to as a Type II– project. These projects are different because they are constructed separately from a planned highway improvement project. Most typically, these projects arise when a state highway was constructed long ago, before the highway design standards required noise walls, and when there are no further improvements to the highway planned. An example of a Type II project is the I-5 Ship Canal Bridge; no construction is planned for this segment of I-5, so the addition of noise barriers would be considered retrofits.–

Noise walls are not the only method of reducing highway noise. Sometimes noise can be mitigated with less costly measures, such as planting vegetation, constructing earthen berms, using noise absorbing panels on structures, or even limiting the use of Jacob's Brakes (jake brakes–) in certain areas. Currently DOT has no criteria or methodology for evaluating and ranking projects that use some of these alternative noise mitigation methods.

There have been a few noise wall retrofit projects in the state, but this has been accomplished at the discretion of the DOT regional administrators, and only through the use of very limited regional discretionary funds.

Summary of Bill: The Department of Transportation is directed to establish a methodology for evaluating and ranking Type II– noise mitigation projects. The criteria adopted by DOT should be consistent with federal noise abatement standards.

The Department of Transportation submits a list of projects to the Legislature for funding consideration. The list accompanies the department's biennial budget request to the Legislature. The projects on the list are ranked from highest priority to lowest. The top three projects on the list are the highest ranking projects from each of the following geographic regions: eastern Washington; the greater Puget Sound area; and western Washington excluding the Puget Sound area. After these top three projects, the remaining projects are listed in priority order without regard to geographic location.

A highway noise mitigation account is created in the state treasury. However, no funds are appropriated to that account in this legislation.

The Department of Transportation is directed to commence three pilot projects from three geographic regions of the state: (1) in the Puget Sound area, a feasibility study and project design of a means for reducing reflected noise from a bridge deck; (2) in western Washington but outside of Puget Sound, a retrofitting project near a large (six lane) highway facility and within one-quarter mile of an interchange; and (3) in eastern Washington, a noise mitigation project where lane widening is currently planned.

Appropriation: None.

Fiscal Note: Requested on February 3, 1999.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Traffic noise is the top issue in neighborhoods that abut state highways. Traffic noise results in a reduced quality of life, health, and property value in neighborhoods adjacent to state highways. Providing noise walls will ensure a fair economic balance between the state and noise affected neighborhoods. The bill also recognizes and ensures a regional distribution of noise mitigation projects throughout the state.

Testimony Against: The Department of Transportation's current ranking system is based on a "worst first" approach, which is consistent with its other programs. Geographic distribution may not address the highest ranked projects in the state. The pilot projects described in the bill will cost approximately \$4 million; this is consistent with the \$5 million agency request for the noise wall retrofit program in the 1999-01 biennium.

Testified: PRO: Senator Thibaudeau, Prime Sponsor; Jim Simpkins, Roanoke Park Neighborhood; Heinz Leistner, Sound Rights; Paula Hammond, Department of Transportation (concerns).