

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 2040

H.P. 1438

House of Representatives, March 1, 2006

Resolve, Directing the Department of Transportation To Amend Its Rules Regarding Noise Abatement and Abatement Costs

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GLYNN of South Portland.
Cosponsored by Senator BROMLEY of Cumberland and
Representatives: BLISS of South Portland, COLLINS of Wells, EBERLE of South Portland,
MARLEY of Portland, McKENNEY of Cumberland.

Preamble. Whereas, under the statewide noise policy adopted by the Department of Transportation, if a highway project results in noise levels that approach or exceed the noise abatement criteria for the corresponding land use category, the area or site subjected to the excessive noise levels may be eligible for a noise abatement program; and

Whereas, the statewide noise policy establishes the weighted sound level for residences at 67 decibels; and

Whereas, the statewide noise policy limits eligibility for a noise abatement program to those residences that are adjacent to a highway project; and

Whereas, there are many more residences beyond those that immediately abut the highway that experience the adverse impact of excessive noise resulting from a highway project; and

Whereas, the statewide noise policy limits to \$20,000 the maximum cost of noise abatement per affected property; and

Whereas, this amount has not been adjusted for inflation in many years; now,
therefore, be it

Sec. 1. Amendment of statewide noise policy. Resolved: That the Department of Transportation shall amend the eligibility requirements contained in the statewide noise policy adopted pursuant to 23 Code of Federal Regulations in accordance with the following.

1. Eligibility for a Type I or a Type II Noise Abatement Program must be extended to include those properties that do not immediately abut the highway project but that, as a result of the highway project, approach or exceed the noise abatement criteria for the corresponding land use category.

2. The overall cost of abatement of \$20,000 per affected property must be adjusted by a factor that represents the annual inflation adjustment for each year between the adoption of the statewide noise policy and the effective date of this resolve and must thereafter be adjusted annually for inflation.

SUMMARY

Under the existing statewide noise policy adopted by the Department of Transportation, a property must abut a highway project in order to be eligible for a noise abatement program. This resolve directs the Department of Transportation to amend the policy to expand eligibility to affected properties that do not immediately abut the highway project but that, as a result of the highway project, approach or exceed the relevant noise abatement criteria.

In addition, the existing statewide noise policy imposes an abatement cost limit of \$20,000 per affected property. This resolve requires that the cost limit be adjusted by a factor that represents the annual inflation adjustment for each year since the statewide noise policy was adopted and directs that the amount thereafter be adjusted annually for inflation.