

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 752

(Senator Klausmeier, *et al.*)

Finance

Environment and Transportation

**State Highway Administration - Policy Concerning Sound Barriers Along
Highways**

This bill requires the State Highway Administration (SHA), in consultation with county governments, to develop and adopt, by regulation, a policy concerning sound barriers along highways in the State. SHA must also conduct a study to (1) evaluate the effectiveness of the policy it establishes; (2) determine how much of SHA's annual budget is spent on sound barriers along highways; and (3) evaluate any differences among counties in the contracts awarded for the construction of sound barriers and determine the costs and benefits of any differences that are noted. The study findings must be reported to the Governor and General Assembly by December 1, 2017.

By December 31, 2019, and every three years thereafter, SHA must review and evaluate the sound barrier policy for effectiveness and continued viability.

Fiscal Summary

State Effect: SHA can develop the policy, conduct the required reviews and evaluations of the policy, and complete the required study using existing resources. However, Transportation Trust Fund expenditures increase significantly to the extent that the policy established pursuant to the bill results in additional sound barriers being constructed along State highways; any impact depends on the policy that is established and cannot be predicted. Revenues are not affected.

Local Effect: County governments can consult with SHA on the development of the policy with existing resources. However, local expenditures increase to the extent that the policy developed pursuant to the bill results in additional sound barriers being constructed along State highways; any impact depends on the policy that is established and cannot be predicted.

Small Business Effect: Potential meaningful.

Analysis

Current Law/Background: SHA's current Highway Noise Policy provides guidance for the evaluation of traffic noise effects and noise abatement opportunities for communities adjacent to State highways. To determine eligibility for noise abatement, SHA investigates highway traffic noise levels for communities that are next to existing State highways, in areas where a new highway is being constructed, or in areas where an existing highway is expanded. Highway noise impacts are analyzed as either Type I or Type II situations, as defined by federal law. Type I projects are associated with the construction of new highways, capacity additions to existing highways, major operational improvements, and the construction or modification of specific highway-related facilities. Type II projects assess impacts adjacent to existing fully controlled-access highways not being expanded, where the majority of the affected development was built prior to the original construction or approval of a highway.

The noise policy is applicable to projects funded with federal and/or State funds as well as projects funded by local jurisdictions or developers that are intended to be accepted by the State for operation and/or maintenance. To determine whether a project qualifies for noise abatement, SHA considers various types of criteria, including acoustics, safety and access, the opinions of affected residents near the project, and cost-effectiveness. A decision by SHA not to implement noise abatement for a particular project may be appealed to the Secretary of Transportation and the State Highway Administrator. An appeal is then reviewed when there is a question regarding interpretation or application of the noise policy criteria or the preparation and accuracy of the technical noise analysis.

State/Local Expenditures: For Type I projects, the State pays for 100% of any noise abatement costs. For Type II projects, SHA requires the appropriate local jurisdiction to fund at least 20% of the noise abatement costs. Thus, to the extent that the bill ultimately results in additional sound barriers being constructed, State expenditures increase significantly for Type I and Type II projects, while local expenditures increase for Type II projects.

Baltimore County advises that the last time sound barriers were constructed in the county for a Type II project was in 2007. At that time, the unit cost for the sound barriers was \$40 per square foot for 24-foot-high barriers. For that project, Baltimore County reports that the cost to construct one mile of sound barrier was \$5.0 million.

Small Business Effect: Small business construction companies may benefit to the extent the bill results in additional contracts for the construction of sound barriers along State highways.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Transportation; Baltimore, Dorchester, and Garrett counties; Maryland Association of Counties; Department of Legislative Services

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