

# STATE OF COLORADO

**DEPARTMENT OF TRANSPORTATION**  
**Office of Policy and Government Relations**  
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**To:** Transportation Commission  
**From:** Herman Stockinger / Debra Perkins-Smith  
**Re:** Summary of Updated Policy Directive 1900.0 Noise Mitigation Policy  
**Date:** April 17, 2013

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Executive Summary: The Department requests the Transportation Commission approve the resolution adopting updated Policy Directive 1900.0 “Noise Mitigation Policy” previously named “Soundwall Policy.” The updated Policy has been broadened to state that the CDOT Noise Analysis and Abatement Guidelines (the “Guidance”) which has been reviewed and approved by the FHWA is the definitive authority to provide direction on noise abatement and mitigation measures. The Department is repealing Procedural Directive 1900.1 “Implementation of Sound Wall Policy” under the authority of the Executive Director, as no longer necessary since the relevant noise mitigation procedures have been included in the Guidance.

1. Action Requested: Approval of Policy Directive 1900.0.
2. Documents Included in this Agenda Submission
  - A. Memorandum from Herman Stockinger / Perkins-Smith to the Transportation Commission “Summary of Policy Directive 1900.0.
  - B. Proposed Policy Directive 1900.0
  - C. Proposed Resolution
3. Name of Policy Directive: 1900.0 “Noise Mitigation Policy”
4. Date of Document this Policy Directive Supersedes, if Any: December 18, 2003
5. Rationale for this Policy Directive: Prior Policy Directive 1900.0 set forth the requirements for locally-funded noise barriers on state highway rights-of-way. The Department has now included these processes and procedures in the Guidance, which has been reviewed and approved by the FHWA on February 8, 2013. Additional authority is set forth in § 43-2-400, *et seq.*, C.R.S. and the Department’s recently amended rules, 2 CCR 601-17, Rules Regarding the Use of Waste Tires for Noise Mitigation Purposes Along Colorado State Highways Pursuant to § 43-2-401, C.R.S.

The Policy Directive has been broadened to state that the Guidance is the definitive authority to provide technical procedural direction on noise abatement and mitigation measures on all projects involving federal, state or local requirements. After internal review, the Department obtained the FHWA's approval of the Guidance on February 8, 2013. Under 23 CFR 772, CDOT is required to have the Guidance maintained and updated when federal regulations are modified. As a matter of practice, CDOT reviews the Guidance in order to amend it for outstanding technical concerns and practical applications every three to five years.

6. Individuals/Entities Impacted by Policy Directive: This Policy Directive applies to all divisions, regions, offices and branches of CDOT. It also applies to consulting firms performing contracting work for CDOT as well as Local Agencies performing work under CDOT's authority.
7. Policy Directive will be Implemented by: DTD, Environmental Programs Branch.
8. Fiscal Impact to Implementation: This Policy Directive will reaffirm existing practices and is not anticipated to have a fiscal impact.
9. Reviewed by: The Guidance referred to in the proposed Policy Directive has been reviewed and approved by the FHWA.

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>		<input checked="" type="checkbox"/> <b>POLICY DIRECTIVE</b> <input type="checkbox"/> <b>PROCEDURAL DIRECTIVE</b>	
Subject <b>NOISE MITIGATION POLICY</b>			Number <b>1900.0</b>
Effective	Supersedes <b>12/18/2003</b>	Originating Office <b>Division of Transportation Development: Environmental Programs Branch</b>	

## I. PURPOSE

This Policy Directive provides for the establishment and maintenance of the CDOT Noise Analysis and Abatement Guidelines (“Guidance”), which shall set forth uniform criteria and procedures for determining the applicability of federal and state noise requirements to specific projects, and if applicable, set forth the procedural requirements for assuring compliance.

## II. AUTHORITY

Transportation Commission pursuant to § 43-1-106, C.R.S.

23 CFR 772, “Procedures for Abatement of Highway Traffic Noise and Construction Noise”

23 U.S.C.A. 109(h) and (i)

23 CFR 1.23 “Rights-of –Way”

23 CFR 771 “Environmental Impact and Related Procedures”

§ 43-2-400, *et seq.*, C.R.S. “Noise Mitigation”

## III. APPLICABILITY

This Policy Directive applies to all divisions, regions, offices and branches of CDOT. It also applies to consulting firms performing contracting work for CDOT as well as Local and Quasi-governmental Agencies performing work under CDOT’s Authority.

This Policy Directive applies to any highway project or multimodal project that:

- (a) Requires FHWA approval regardless of funding sources pursuant to 23 CFR 772.7; or
- (b) Is funded with federal-aid highway funds 23 CFR 772.7; or
- (c) Is a noise mitigation measure pursuant to § 43-2-400, *et seq.*, C.R.S.

## IV. DEFINITIONS

“EPB”: Colorado Department of Transportation, Division of Transportation Development, Environmental Programs Branch.

“FHWA”: The Federal Highway Administration

## V. POLICY

- A. The EPB shall establish, maintain, and make available the CDOT Noise Analysis and Abatement

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Guidelines (the “Guidance”) as a procedural authority to all internal and external stakeholders involved with the development or management of federal, state, or locally funded projects involving noise analytical processes, mitigation and planning activities. The Guidance shall include detailed procedures, references, forms, and informational material as necessary to ensure uniform and consistent application of state and federal law.

B. EPB shall continually improve the Guidance on a regular basis as necessary and appropriate. Specifically, EPB will review the Guidance every three to five years and is required to make modifications to the Guidance to conform to any changes in federal regulations. EPB is also required to submit the Guidance and subsequent substantive modifications for review to the FHWA.

C. This Policy Directive does not alter any applicable state or federal laws, orders, or regulations, or any applicable industry codes which govern environmental compliance or construction practices.

**VI. ATTACHMENTS AND REFERENCED MATERIALS**

CDOT Noise Analysis and Abatement Guidelines publication is available at: <http://www.coloradodot.info/programs/environmental/noise>. The Guidelines can also be obtained by contacting the EPB office at CDOT.

**VII. IMPLEMENTATION PLAN**

1. EPB shall identify intended frequent users of the Guidance and provide an electronic notification of the new Policy Directive within one month of adoption.
2. The CDOT website will be maintained to include the most up-to-date Guidelines. This website is publicly available and is accessible by all intended users and other interested parties.
3. The EPB will work with the Office of Policy and Government Relations to post this Policy Directive on the CDOT website, and post on Public Announcements within one week of adoption.

**VIII. REVIEW DATE**

This Policy Directive will be reviewed on or before April, 2018.

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Secretary, Transportation Commission

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Date of Approval

**Resolution # TC-**

**Adoption of Policy Directive No. 1900.0 “Noise Mitigation Policy”**

**WHEREAS**, § 43-1-106 (8)(a) C.R.S. provides authority to the Transportation Commission of Colorado (“Commission”) to formulate the general policy with respect to the management, construction, and maintenance of public highways and other transportation systems in the state; and

**WHEREAS**, Policy Directive 1900.0 “Sound Wall Policy” was adopted by the Transportation Commission on December 18, 2003; and

**WHEREAS**, Current Policy Directive 1900.0 sets forth the requirements for locally-funded noise barriers on state highway rights-of-way; and

**WHEREAS**, this Policy Directive has been broadened to state that the CDOT Noise Analysis and Abatement Guidelines (“Guidance”) is the definitive authority to provide technical procedural direction on noise abatement and mitigation measures on all projects involving federal, state or local requirements; and

**WHEREAS**, the Department obtained the FHWA’s approval of the Guidance on February 8, 2013; and

**WHEREAS**, pursuant to 23 CFR 772, CDOT is required to have the Guidance maintained and updated when federal regulations are modified; and

**WHEREAS**, placing state and federal requirements in the FHWA-required and approved Guidance will allow the Department to continually amend it for outstanding technical concerns and practical applications every three to five years.

**NOW THEREFORE BE IT RESOLVED**, the Commission herein approves Policy Directive 1900.0, “Noise Mitigation Policy.”