

VIRGINIA ACTS OF ASSEMBLY -- 2013 SESSION

CHAPTER 120

An Act to amend and reenact § 33.1-223.2:21 of the Code of Virginia, relating to noise abatement practices and technologies.

[H 2040]

Approved March 6, 2013

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-223.2:21 of the Code of Virginia is amended and reenacted as follows:

§ 33.1-223.2:21. Noise abatement practices and technologies.

A. Whenever the Commonwealth Transportation Board or the Department plan for or undertake any highway construction or improvement project and such project includes or may include the requirement for the mitigation of traffic noise impacts, first consideration should be given to the use of noise reducing design and low noise pavement materials and techniques in lieu of construction of noise walls or sound barriers. Vegetative screening, such as the planting of appropriate conifers, in such a design would be utilized to act as a visual screen if visual screening is required.

B. The Department shall expedite the development of quiet pavement technology such that applicable contract solicitations for paving shall include specifications for quiet pavement technology and other sound mitigation alternatives in any case in which sound mitigation is a consideration. To that end, the Department shall construct demonstration projects sufficient in number and scope to assess applicable technologies. The assessment shall include evaluation of the functionality and public safety of these technologies in Virginia's climate and shall be evaluated over *at least* two full winters. The Department shall provide an *initial* interim report to the Governor and the General Assembly by June 30, 2012, a *second interim report* by June 30, 2013, and a final report by June 30, ~~2013~~ 2015. The report shall include results of demonstration projects in Virginia, results of the use of quiet pavement in other states, a plan for routine implementation of quiet pavement, and any safety, cost, or performance issues that have been identified by the demonstration projects.

C. The governing body of any county, city, or town, at its own expense, may evaluate noise from highways it may designate for analysis. Such evaluation shall be accepted and relied upon by the Department if such evaluation is prepared in accordance with and complies with applicable federal law, regulations, and requirements, as well as guidelines and policies issued by the Commonwealth Transportation Board, relating to noise abatement and evaluation. This provision shall not apply to projects for which the Virginia Department of Transportation is required to perform a noise analysis.