

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 2040]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 33.1-223.2:21 of the Code of Virginia is amended and reenacted as follows:**8 **§ 33.1-223.2:21. Noise abatement practices and technologies.**

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

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

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

ENROLLED

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