



1.1 Noise Policy Chronology

The National Environmental Policy Act of 1969 established the Council on Environmental Quality (CEQ). CEQ established rules and gave the U.S. DOT and Federal Highway Administration (FHWA) authority to establish procedures for determining the appropriate level of environmental documentation and methods for analyzing the potential impacts of projects under their authority to comply with the NEPA rules.

This task was done by the U.S. DOT and the FHWA broadly through U.S. DOT Order 5610.1C, *Procedures for Considering Environmental Impacts* and FHWA regulation 23 CFR 771.

The issue of noise impact analysis and abatement was codified specifically through 23 CFR 772, the Federal-Aid Highway Program Manual Procedure 7-7-3 (Procedures for Abatement of Highway Traffic Noise and Construction Noise) and FHWA Technical Advisory T 6640.8A (TA).

FHPM 7-7-3, enacted on 5/14/76, promulgated policies and procedures for noise studies and noise abatement procedures and design noise levels for use in planning and design of highways pursuant to 23 CFR 772.

In 1991, the Federal Highway Administration determined that the entire FHPM was redundant and unnecessary. It was decided that 23 CFR 772 could stand on its own merits and became the sole FHWA noise regulation.

Prior to 1989, WisDOT used 23 CFR 772 as our noise policy for both Federal-Aid projects and State-only funded projects. Per legislative mandate, the Department promulgated Wisconsin Administrative Code - Chapter Trans 405 (Siting Noise Barriers) on September 1, 1989. One purpose of Trans 405 was to codify WisDOT's methodology for determining when noise abatement was reasonable. Trans 405 was purposely developed so there would be no conflict with 23 CFR 772.

On 6/12/95, the FHWA issued a memo requiring each State Highway Agency (SHA) to develop its own written noise policy using 23 CFR 772 as guidance. WisDOT requested that Trans 405 be accepted as our written noise policy on 8/18/95 and this request was approved by FHWA on 2/29/96.

On 7/13/10, the FHWA issued promulgated revisions to 23 CFR 772. Each SHA was required to revise its written policy to account for the 23 CFR 772 revisions. Through consultation with WisDOT, FHWA also indicated that Trans 405 would no longer be sufficient solely as the department's written noise policy. FHWA determined that FDM Chapter 23 would need to be revised to serve as the department's written noise policy with Trans 405 serving as a supplement to the policy.

WisDOT requested that the revised versions of Trans 405 and FDM Chapter 23 be accepted as the department's written noise policy on 07/08/11 and this request was approved by FHWA on 7/11/11.

The provisions of Trans 405 [Attachment 1.1](#) and FDM Chapter 23 apply to all projects without regard to jurisdictional system. They apply to highway construction or reconstruction projects as well as to projects undertaken solely for noise abatement purposes along existing highways (retrofit program).

1.2 FHWA Approval of Plans and Specifications

Plans and specifications will not be approved by the FHWA unless those noise abatement measures which are reasonable and feasible are incorporated into the plans and specifications to reduce the noise impact on existing activities, developed lands, or undeveloped lands for which development is permitted.

LIST OF ATTACHMENTS

[Attachment 1.1](#) FHWA Noise Abatement Criteria Hourly A-Weighted Sound Level