

By: Burkett

H.B. No. 3550

A BILL TO BE ENTITLED

AN ACT

relating to guidelines for and adjustments to highway noise barriers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 201.610, Transportation Code, is amended to read as follows:

Sec. 201.610. HIGHWAY NOISE [~~SOUND~~] BARRIERS. The department may erect a noise [~~sound~~] barrier to reduce the noise from a road or highway in the state highway system at any location the department determines is appropriate, including along the right-of-way of a railroad that runs parallel or adjacent to a road or highway.

SECTION 2. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.6105 to read as follows:

Sec. 201.6105. NOISE BARRIER GUIDELINES. (a) In this section:

(1) "Common noise environment," "impacted receptor," and "receptor" have the meanings assigned by 23 C.F.R. Section 772.5, as that law existed on March 1, 2017.

(2) "First row impacted receptor" means an impacted receptor that is adjacent to a noise barrier or proposed noise barrier.

(b) The department shall develop guidelines for noise barriers based on the study and report required by Chapter 696 (H.B.

1 790), Acts of the 84th Legislature, Regular Session, 2015.

2 (c) The guidelines must require:

3 (1) that a noise barrier traffic noise analysis must
4 include all individual, residential receptors that are impacted or
5 could potentially be benefited by the installation of a noise
6 barrier;

7 (2) the department to make every reasonable effort to
8 break the line of sight between the roadway noise source and all
9 first row impacted receptors during the design of a noise barrier;

10 (3) the department to consider conducting a separate
11 noise barrier traffic noise analysis if the topography or other
12 conditions throughout a project change significantly to constitute
13 a separate common noise environment; and

14 (4) that, before construction of a noise barrier, the
15 department shall verify that the site geometry and proposed noise
16 barrier locations, dimensions, and elevations presented in the
17 noise barrier traffic noise analysis are consistent with the
18 roadway design to ensure that the top of each noise barrier is
19 constructed at an appropriate elevation so that the noise barrier
20 will function as the design intended.

21 SECTION 3. Subchapter E, Chapter 366, Transportation Code,
22 is amended by adding Section 366.186 to read as follows:

23 Sec. 366.186. NOISE BARRIERS. (a) In this section, "first
24 row impacted receptor" has the meaning assigned by Section
25 201.6105.

26 (b) This section applies only to a noise barrier existing on
27 March 1, 2017, that is located in Dallas County on:

1 (1) the west right-of-way of the President George Bush
2 Turnpike Eastern Extension beginning north of 4509 Meadowcove Drive
3 southward to the end of the noise barrier; and

4 (2) the east right-of-way of the President George Bush
5 Turnpike Eastern Extension beginning north of 2205 Mermaid Circle
6 southward to the southern end of the noise barrier.

7 (c) An authority shall adjust an erected noise barrier
8 height to reduce the traffic noise by:

9 (1) at least an exterior noise decibel level of five
10 dBa for not less than 50 percent of first row impacted receptors;
11 and

12 (2) an exterior noise decibel level of seven dBA for at
13 least one first row impacted receptor.

14 SECTION 4. Chapter 372, Transportation Code, is amended by
15 adding Subchapter D to read as follows:

16 SUBCHAPTER D. TOLL PROJECT CONSTRUCTION

17 Sec. 372.151. NOISE BARRIER GUIDELINES. The noise barrier
18 guidelines developed by the department under Section 201.6105 apply
19 to a toll project entity.

20 SECTION 5. This Act takes effect September 1, 2017.