

Legislative Analysis



NOISE ABATEMENT MEASURE PROGRAM

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<http://www.house.mi.gov/hfa>

House Bill 4084 (proposed substitute H-2)

Sponsor: Rep. Ron Robinson

Committee: Transportation and Infrastructure

Complete to 4-29-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4084 would amend 1951 PA 51 to require the Michigan Department of Transportation (MDOT) to create and operate a noise abatement measure program to provide funding to construct and maintain *noise abatement measures* along state trunk line highways where no such measures currently exist. MDOT would have to do either or both of the following through the program:

- Construct or maintain noise abatement measures at the request of local authorities.
- Provide grants or loans to local road authorities for the construction or maintenance of noise abatement measures.

Noise abatement measure would mean a measure that reduces highway noise in areas adjacent to a highway, such as any of the following:

- A sound wall.
- Pavement texturing that reduces highway noise through such methods as overlaying or grinding.
- An earth berm.

Application process

A local road authority could submit an application requesting that MDOT construct or maintain a noise abatement measure or requesting a grant or loan for its own construction or maintenance of such a measure. An application would be made at a time as determined by MDOT on a form approved by MDOT that contains the information required by MDOT.

MDOT would have to notify an applicant whether the application is approved or rejected. Before providing a grant or loan, MDOT would have to enter into a written agreement with the local road authority that includes the terms of the grant or loan and describes the project that it will fund. A grant or loan could be used by a local road authority for any stage of design, construction, or maintenance of a noise abatement measure.

A single project could not be funded by more than 5% of the amount of money remaining in the fund when the project is approved.

Review process

After consulting with transportation stakeholders it considers relevant, MDOT would have to establish, and post on its website, a review process for considering applications under the bill. The review process would have to do at least all of the following:

- Identify criteria, provide them with relative weights, and include a system to score each project based on the weighted criteria. The scoring system could consider project

readiness, but that could not be a major factor in determining the final score. The scoring system would have to consider the feasibility, reasonableness, and cost-effectiveness of the project, including all of the following (with the first three items below given greater weight than the fourth):

- The cost-effectiveness of the project.
- The existing noise level at the site of the project.
- The number of residential units that will get noise reduction of at least five decibels.
- The presence of nonresidential, high-use areas (such as parks, schools, playground, or recreation centers) that will get noise reduction of at least five decibels.
- Identify and apply any other relevant criteria contained in state or federal law.
- Describe minimum conditions under which MDOT would have to conduct a noise study related to an application.
- Involve local road authorities and other transportation stakeholders, as appropriate, in the process of scoring and ranking projects.
- Publicize scoring and decision outcomes regarding each project, including projects that were considered but not selected, and the reason each project was not selected.

Noise Abatement Measure Fund

The bill would create the Noise Abatement Measure Fund in the state treasury. The state treasurer would have to deposit in the fund money and other assets received from any source, direct the investment of money in the fund, and credit the fund with interest and earnings from those investments. MDOT would be the administrator of the fund for auditing purposes.

MDOT could expend money from the fund, upon appropriation, only to create and operate the program as provided in the bill.

Annual report

By December 1 of each year MDOT receives applications, it would have to provide a report to the Senate and House standing committees with primary jurisdiction over transportation issues and the Senate and House appropriation committees that includes at least all of the following:

- The number of applications received.
- The name of each local road authority that submitted an application.
- Whether each application was approved or rejected.
- A summary description of each project that was the subject of an application.

Proposed MCL 247.664b

FISCAL IMPACT:

While House Bill 4084 would establish a noise abatement measure program, and a Noise Abatement Measure Fund, the bill does not identify a revenue source for the fund. Although the bill creates a framework for the noise abatement measure program, until revenue sources and amounts are identified, the bill would not have a direct fiscal impact on the state or local units of government.

If the program is created and operational, there would be some state costs associated with administering the fund and the grant application process, including the costs of noise level studies. The number and cost of potential program applications cannot be readily estimated at this time.

Federal-aid highway funds may be available for noise abatement measures, subject to specific criteria.¹

The department indicates that there are currently 308 noise barriers on state trunkline highways, with a total length of 76 miles. The department also indicates that 12 barriers (3.74 miles) are in need of replacement or rehabilitation at an estimated cost of \$19.0 million, and an additional 60 barriers (13.5 miles) are in need of repair, with an estimated cost of \$27.0 million. Capital preventive maintenance, to preserve sound barriers currently in good condition, costs an estimated \$2.0 million annually.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

¹ MDOT's current noise abatement program, including links to the federal program, is found here:
<https://www.michigan.gov/mdot/Programs/highway-programs/Environmental-Efforts/noise-abatement>