XIV. **Removal or Alteration of Proposed or Constructed Noise Barriers**

A. The following guidance provides clarification on ODOT’s position regarding changes to proposed or constructed noise barriers. The guidance addresses three different barrier removal scenarios:

Scenario 1: Request to alter the proposed noise mitigation design occurs during project public involvement

Scenario 2: Request to alter the proposed noise barrier design occurs after completion of public involvement, but before project construction begins

Scenario 3: Request to alter or remove a noise barrier occurs after project construction begins or after construction is complete.

B. **Scenario 1** addresses cases where a business owner, developer or public official raises concerns about a proposed noise barrier and the effect of the barrier on their property as part of public involvement. In this scenario, it is recommended that ODOT explore ways to address the concerns of the business/development while complying with the ODOT Traffic Noise Manual. Possible methods to consider include:

1. Shortening the length of a proposed barrier while continuing to meet noise reduction goals established in ODOT’s Highway Traffic Noise Manual.

   The developer/business owner may perform a noise analysis at their expense to determine the change in noise levels that will occur as a result of the removal of the proposed barrier or portions thereof. The analysis must include all changes proposed by the developer and may include structures such as buildings for which a building permit has been issued that are proposed for future construction. The analysis will comply with 23 CFR 772 and the FHWA and ODOT noise manual and guidance documents. The developer will submit two copies of the noise analysis to the ODOT District Environmental Section and the Office of Environmental Services for review and approval. If the developer/business owner wishes the portion of the proposed noise wall adjacent to their property be transparent/clear, then they are required to pay the difference between a transparent noise wall and a conventional noise wall.

C. **Scenario 2** addresses cases where public involvement is completed, but the ODOT project has not sold and a request is made to alter a proposed noise barrier design. The
party with property covered by a proposed barrier may request replacement of some or all opaque panels with clear panels. The difference in cost of the clear barriers minus the cost of the opaque barriers will be at the expense of the business or developer. The cost estimates for noise barriers provided in IV, G are for a typical concrete absorptive barrier. The cost of clear barriers is typically two to three times the cost of a typical panel. Interested developers/business owners should be informed early in the public involvement of the added expense of clear panels and must be provided with cost estimates for the additional cost.

As an alternative, the property owner may take the following steps to explore an alteration of the proposed noise barrier design. This procedure applies prior to project construction and after completion of public involvement.

1. If the developer/business owner is requesting exclusion of part of all of a proposed noise barrier a new noise analysis is performed at the developer/business owner’s expense by an ODOT pre-qualified noise consultant to determine the change in noise levels that will occur as a result of the desired change in the noise barrier design. The analysis will comply with 23 CFR 772, the FHWA and ODOT noise manual and guidance documents. The developer will submit two copies of the noise analysis to the ODOT District Environmental Section and the Office of Environmental Services for review and approval.

2. The developer/business owner will obtain written concurrence from the property owners and residents of the benefited receptors who participated in the public involvement process stating that they have been notified of the change in predicted noise levels at their receptor and that they agree with the proposed change. Installation of the clear panels will occur during project construction based on the contractor’s construction schedule. No work will be performed by the business owner/developer.

D. Scenario 3 pertains to a developer/business owner inquiry that involves the landscaping or visual improvement of a site that includes a noise barrier. The developer/business owner has the option of replacing opaque, reflective noise barrier panels with ODOT approved acrylic noise barrier panels that will allow the development to be seen from the roadway. The replacement of the panels and removal of the original panels shall be done at the developer/business owner’s expense.
ODOT will consider requests for removal of all or part of a noise barrier at locations where a change in land use has occurred at a location currently protected by a noise barrier and the new development or redevelopment is not considered a noise sensitive land use in accordance with 23 CFR 772. This applies to barriers that are constructed or are in projects that are currently in construction. The request will conform to the following.

1. A new noise analysis must be performed at the developer/business owner’s expense by an ODOT pre-qualified noise consultant to determine the change in noise levels that will occur as a result of the removal of the barrier or portions thereof with the new development in place. The analysis will comply with 23 CFR 772, the FHWA and ODOT noise manual and guidance documents. The developer will submit two copies of the noise analysis to the ODOT District Environmental Section and the Office of Environmental Services for review and approval.

2. The developer/business owner will obtain written concurrence from the benefited property owners left at the site stating that they have been notified of the predicted change in noise expected at their receptor and that they agree with the removal of the noise barrier or sections thereof.

3. Abandoned concrete posts and foundations must be excavated to 1 foot below the ground elevation, backfilled with clean soil, and seeded.

4. A permit must be obtained from the appropriate ODOT District Office to perform the above work in the ODOT right-of-way. The permit will establish any additional provisions required to accommodate removal of other structures, installation of guard rail and maintenance of traffic among other project specific issues.

When construction is completed the developer/business owner will provide as-built drawings to ODOT. The barrier will undergo inspection by the ODOT District Construction Management Office and OES Noise Staff and deficiencies will be corrected at the developer/business owner’s expense. Ownership of the barrier passes to ODOT when the completed barrier is approved by the ODOT District Construction Management Office.