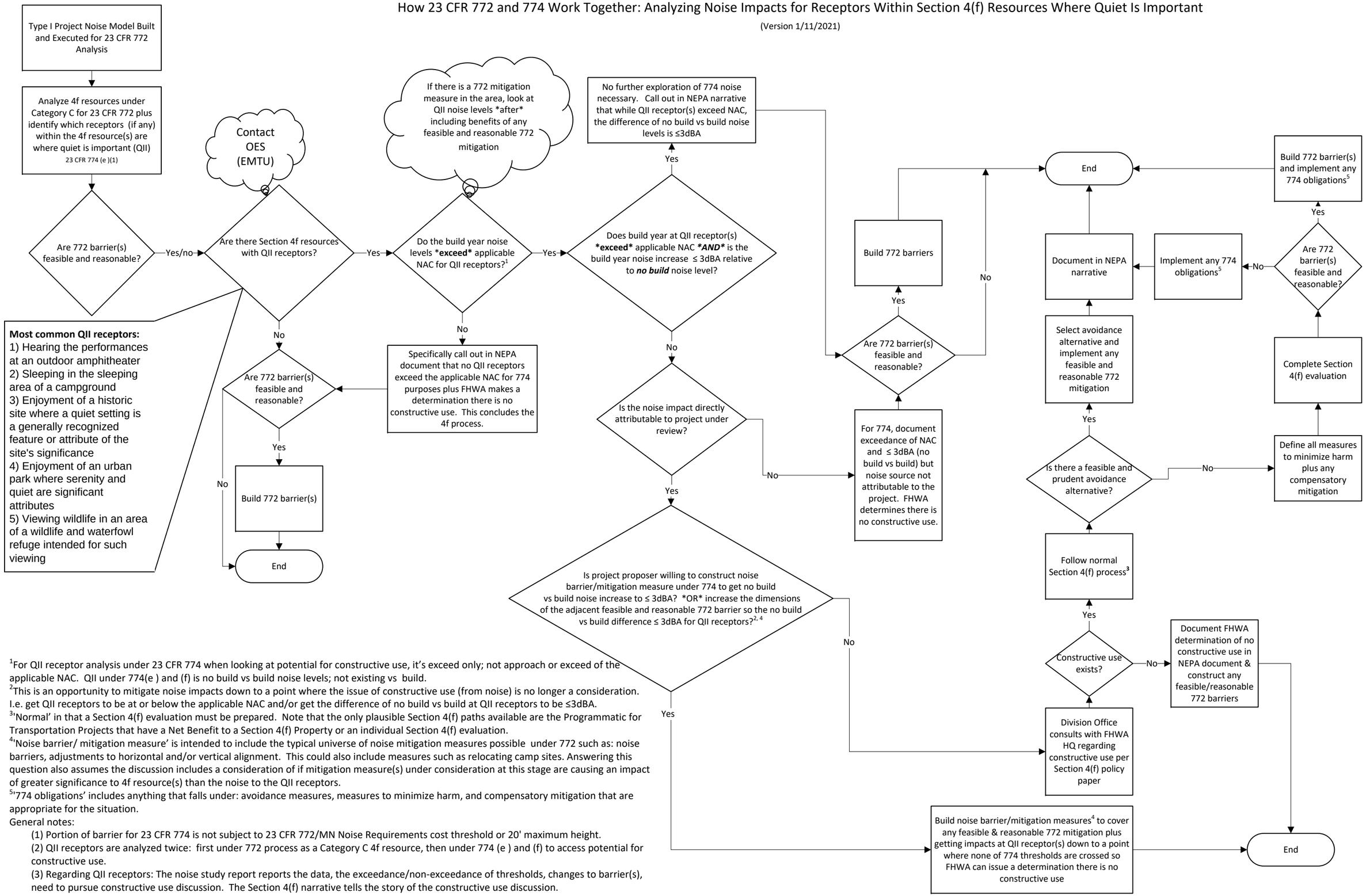
How 23 CFR 772 and 774 Work Together: Analyzing Noise Impacts for Receptors Within Section 4(f) Resources Where Quiet Is Important

(Version 1/11/2021)



[1]For QII receptor analysis under 23 CFR 774 when looking at potential for constructive use, it's exceed only; not approach or exceed of the applicable NAC. QII under 774(e) and (f) is no build vs build noise levels; not existing vs build.

[2]This is an opportunity to mitigate noise impacts down to a point where the issue of constructive use (from noise) is no longer a consideration. I.e. get QII receptors to be at or below the applicable NAC and/or get the difference of no build vs build at QII receptors to be ≤3dBA.

[3]'Normal' in that a Section 4(f) evaluation must be prepared. Note that the only plausible Section 4(f) paths available are the Programmatic for Transportation Projects that have a Net Benefit to a Section 4(f) Property or an individual Section 4(f) evaluation.

[4]'Noise barrier/ mitigation measure' is intended to include the typical universe of noise mitigation measures possible under 772 such as: noise barriers, adjustments to horizontal and/or vertical alignment. This could also include measures such as relocating camp sites. Answering this question also assumes the discussion includes a consideration of if mitigation measure(s) under consideration at this stage are causing an impact of greater significance to 4f resource(s) than the noise to the QII receptors.

[5]'774 obligations' includes anything that falls under: avoidance measures, measures to minimize harm, and compensatory mitigation that are appropriate for the situation.

General notes:

(1) Portion of barrier for 23 CFR 774 is not subject to 23 CFR 772/MN Noise Requirements cost threshold or 20' maximum height.

(2) QII receptors are analyzed twice: first under 772 process as a Category C 4f resource, then under 774 (e) and (f) to access potential for constructive use.

(3) Regarding QII receptors: The noise study report reports the data, the exceedance/non-exceedance of thresholds, changes to barrier(s), need to pursue constructive use discussion. The Section 4(f) narrative tells the story of the constructive use discussion.