

7. LEGAL, REGULATORY, AND POLICY IMPLEMENTATION

Currently, there are no legal and/or regulatory issues that would prevent ODOT from implementing the majority of the noise abatement methods listed in this report. Noise barriers and earth berms, the most common and effective noise abatement methods, are continually being built by ODOT to reduce highway traffic noise at nearby noise-sensitive land uses, as part of highway projects. ODOT also has complete control over which pavement type is being used for each roadway, which can affect traffic-induced noise levels. Being practical, with respect to noise when designing new highways by altering vertical and/or horizontal alignments, is also a highly effective noise abatement method that ODOT has complete control of when conditions permit. While considering these viable methods, there are specific issues that affect the degree of traffic noise that are out of ODOT's control.

For example, the variable automobile components such as, engine/mechanical noise, tire noise and noise resonating from exhaust systems are vehicle-specific items that ODOT does not currently regulate with respect to noise. Since these are major components of traffic noise, it is important that these items be kept in a check-and-balance. The implementation of an "Inspection Maintenance Program" may assist in maintaining a consistent vehicle fleet.

An Inspection Maintenance Program could assess all of the components of each individually registered vehicle in the state of Ohio. Criteria can be established to check the function and proper operation of the vehicle as a whole. Additionally, and most importantly, the Inspection Maintenance Program could evaluate exhaust muffler performance, since this is a major element of traffic noise. It is important that a muffler standard be adopted before this program is implemented. While it has been estimated that a minimum number of vehicles actually violate these issues, fines and penalties can be enforced for vehicles that do not conform to muffler standards, listed in the Inspection Maintenance Program. These measures alone, when enforced for the entire vehicle fleet, will ensure consistent vehicle operation and acoustical characteristics. However, since the vehicles in violation make up a small fraction of the total fleet, beneficial acoustic affects will be minimal.

Another legal conflict that is present between ODOT policy and a viable noise abatement method is the fact that ODOT cannot regulate planning initiatives for local municipalities. The issues discussed in **Section 5.4 Planning Initiatives**, are very effective means of addressing traffic noise at noise-sensitive land uses before it becomes an inherent problem. However, these proactive land use controls can only be implemented and enforced by the local municipality. ODOT has no legal authority to force local municipalities into adopting these planning methods, however an interaction between the two parties would allow for a seamless and streamlined approach to approving a Roadway Noise Mitigation Program, or any other land use controls that would reduce the affects of traffic noise to the nearby sensitive land uses. Furthermore, the local municipality can refuse state agency help. To promote this interaction between state and local government, ODOT may need to offer assistance in the form of incentives to the local municipality. ODOT can begin its incentives package with assisting in the development of a Roadway Noise Mitigation Program.