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Jonathan A. Arey, Secretary & General Counsel

April 27, 2021

Testimony of Peter Mills, Maine Turnpike Authority
Before the 130th Legislature, Joint Standing Committee on Transportation
To oppose LD 1372

An Act to Collect Data to Assess the Need and Plan for Noise Abatement by the Maine Turnpike Authority

Chairman Diamond, Chairman Martin, distinguished members of the Joint Standing Committee on Transportation, my name is Peter Mills, Executive Director of the Maine Turnpike Authority.

The Federal rules on traffic noise are contained in 23 CFR 722 at the following web page:
<http://151.111.142.5/environment/noise/pdf/guidance/fhwa-noise-procedures.pdf>

Maine DOT's noise policy is available here:

<https://www.maine.gov/mdot/publications/doc/reports/TrafficNoisePolicy.pdf>

Maine Turnpike's noise policy is identical to that of DOT and may be found here:

<https://www.mainturnpike.com/MaineTurnpike2012/files/3b/3b9bca81-8b85-4c0d-9626-60e614f5b683.pdf>

The noise policy adopted jointly by MTA and the Maine DOT conforms to federal law. In fact, DOT's version of this policy is signed and approved by Todd Jorgensen, FHWA's Division Administrator in Augusta.

The bill before you, LD 1372, directs the Maine Turnpike to comply with FHWA regulations on noise abatement. It implies that the Turnpike has failed to comply.

If the Turnpike is not complying with its own rules or the federal regulations from which those rules are derived, then any such case should be reported to Turnpike staff.

It is not necessary to pass a new state law to tell the Turnpike to abide by its own rules.

Noise abatement measures are commonly considered when it is necessary to build or expand a highway in an area where there are unavoidable and substantial impacts to adjoining landowners with pre-existing homes or businesses (what the federal rule refers to as "receptors.")

The most prominent noise abatement effort in Maine arose in South Portland from the construction of I-295 through a narrow alignment between Long Creek and a large residential subdivision. To mitigate the impact on homes, the DOT built a masonry wall, 3000 feet long and about 10 feet high at



a cost of \$5.3 million. The wall and its foundation require periodic maintenance and will eventually need to be replaced.

The visibility of the wall generates inquiries about whether to build one in other locations. These questions sometimes come from homeowners who built or purchased their houses near the Interstate long after the Turnpike opened in 1947 or 1955. On DOT's sections of the Interstate, DOT is not permitted to spend federal money to abate noise conditions unless it is both feasible and reasonable to do so based on criteria that are seldom met.

It is the policy of both the Turnpike and the DOT to own or purchase as much buffering land as necessary to isolate the Interstate from its surroundings. In the six lane sections, the Turnpike seeks to own at least 175 feet of right of way on either side of center line. In four lane sections, MTA owns at least 150 feet on each side.

Towns can adopt zoning ordinances to prescribe noise tolerant uses on land adjacent to the Interstate or uses that take commercial advantage of interchange access. Portland's Riverside Street, Lewiston's Alfred Plourde Parkway, and the Wells Transportation Center are familiar examples.

Vehicles that use the Turnpike produce far fewer impacts per mile than cars and trucks that are gridlocked on secondary roads. An original purpose for creating the Turnpike in 1947 was to consolidate through traffic into a single corridor so that the remaining real estate, highways, roads and coastal regions could remain free of having to support such high traffic levels.

The effort succeeded. As presently configured, the Turnpike can safely carry over 5000 vehicles per hour in each direction. About 15 million motor vehicles per year use the Turnpike to enter or leave the state. This traffic includes 5 and 6 axle trucks that carry most of the heavy freight produced or consumed in Maine.

The consolidation of so much traffic into a single corridor has made it possible for many remaining portions of southern Maine to be preserved for their recreational, residential, scenic, and environmental value. Parts of the York River, for example, have recently been designated for recreational protection under the Wild and Scenic River Program of the National Park Service

When Turnpike staff receive noise complaints, we investigate them to see if anything reasonable can be done. We go to the site, we meet with residents, and we offer suggestions to be implemented by either the Turnpike or the owner. Every spring and fall, we plant scores of Norway spruce to provide a buffer for both visual and sound impacts and to reduce wind-blown snow. Sometimes an earthen berm is helpful.

Unfortunately, sound has a way of getting to where it wants to go. Very few measures are noticeably effective and the federal rules are written with that acknowledgement

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I live on State Street in Portland in a row of a dozen apartment and condo buildings that were built as private homes 190 years ago at a time when the primary environmental concern was to remove horse manure from the cobble stones.

Today, State Street is Route 77, the homebound commuting route for thousands of motorists, buses and delivery trucks traveling at 40+ mph to South Portland and Cape Elizabeth. A large nursing home across the street from us has medical emergencies at all times of the day or night announced by sirens from ambulances and fire trucks. In the early dawn, shrieking seagulls arrive--with intense excitement on trash day.

Somehow we sleep through it all--even in the summer with the windows ajar to catch the sea breeze. We bought into this environment and we accept it.

Respectfully

Peter Mills, Executive Director, Maine Turnpike

Safe | Reliable | Sustainable