

## Chapter 2

### The Noise Regulation

#### Introduction

The basic foundation for and structure of the HUD noise program is set out in the noise regulation, 24 CFR 51B. The regulation establishes the actual standards, assigns implementation responsibilities, describes review and approval procedures, and identifies special situations which may warrant waivers of procedures or standards. Therefore, the key to your understanding and implementation of the HUD noise program is a clear understanding of the regulation.

There is no way to escape the task of sitting down and simply reading the regulations, over and over until you thoroughly understand them. We have however done two things that will help you apply the regulations. First, for quick reference, we have prepared a list of the key sections in the regulation and second we have prepared an annotated copy of the regulation.

The list of key sections was prepared to help you find the specific section you need for a specific question or issue. While the regulation itself is not really long, an index is always useful. We caution you, however, against using the index to avoid learning the regulations. The list was prepared for your convenience in applying the regulation once you have come to understand it.

We prepared the annotated regulation because, try as we might, it was impossible to anticipate all the questions, implementation problems and special situations that might arise and to address them in the regulation. So, now that we have had a few years' experience with the regulation, we have gathered together the important questions, notes, second thoughts etc. and prepared this annotated regulation. We hope it will give you further insight into what the regulation means when it is applied in the field.

#### Key Sections in Noise Regulation

Section	Subject
51.101(a)(2)	Application of Policy to Block Grants
51.101(a)(3)	Policy for New Construction
51.101(a)(4)	Policy for Existing Construction
51.101(a)(5)	Policy for Modernization and Rehabilitation
51.101(a)(8)	The Exterior Noise Goal
51.101(a)(9)	The Interior Noise Goal
51.102(a)	Authority to Approve Projects
51.103(a)	Identification of DNL as <i>The Noise Descriptor</i> to be Used
51.103(b)	How to Measure Loud Impulsive Noises
51.103(c)	The Noise Standards
51.104(a)	Attenuation Requirements Discussed
51.104(b)(1)	Special Approval and Environmental Review Requirements for the Normally Unacceptable Zone
51.104(b)(2)	Special Approval and Environmental Review Requirements for the Unacceptable zone
51.105(a)	Flexibility for Non-acoustic Benefits Provisions
51.106(a)	How to Tell If Existing Data on Noise Are Acceptable
51.106(a)(4)	Specific Review and Approval Procedures For Airport Noise Contours
51.106(d)	When Noise Measurements May be Used Instead of Calculated Levels
51.106(f)	When to Give Credit for Proposed Barriers

## Part 51—Environmental Criteria and Standards

### Subpart A—General Provisions

Sec.

§51.1 Purpose.

§51.2 Authority.

§51.3 Responsibilities.

§51.4 Program coverage.

§51.5 Coordination with environ-  
mental clearance requirements.

§51.6 [Reserved]

### Subpart B—Noise Abatement and Control

§51.100 Purpose and authority.

§51.101 General policy.

§51.102 Responsibilities.

§51.103 Criteria and standards.

§51.104 Special requirements.

§51.105 Exceptions.

§51.106 Implementation.

#### Appendix to Subpart B

Authority: Sec. 7(d), Department of  
HUD Act (42 U.S.C. 3535(d)).

### Subpart B—Noise Abatement and Control

§51.100 Purpose and authority.

(a) *Purpose.* The Department of  
Housing and Urban Development  
finds that noise is a major source of  
environmental pollution which  
represents a threat to the serenity  
and quality of life in population  
centers and that noise exposure may  
be a cause of adverse physiological  
and psychological effects as well as  
economic losses.

It is the purpose of this Subpart  
to:

- (1) Call attention to the threat of  
noise pollution;
- (2) Encourage the control of noise  
at its source in cooperation with  
other Federal departments and  
agencies;
- (3) Encourage land use patterns  
for housing and other noise sensitive  
urban needs that will provide a  
suitable separation between them  
and major noise sources;
- (4) Generally prohibit HUD support  
for new construction of noise  
sensitive uses on sites having  
unacceptable noise exposure;
- (5) Provide policy on the use of  
structural and other noise  
attenuation measures where needed;  
and

This regulation replaces  
HUD Circular 1390.2,  
Noise Abatement and  
Control, 1971, which is  
now cancelled, along  
with all instructions and  
clarifying memoranda  
pertaining to the  
circular.

(6) Provide policy to guide  
implementation of various HUD  
programs.

(b) *Authority.* Specific authorities  
for noise abatement and control are  
contained in:

(1) The Noise Control Act of 1972  
(Pub. L. 92-574) which directs Federal  
agencies to administer their programs  
in ways which reduce noise pollution.

(2) The Quiet Communities Act of  
1978 (Pub. L. 95-609) which amended  
Pub. L. 92-574.

(3) The General Services  
Administration, Federal Management  
Circular 75-2: *Compatible Land Uses  
at Federal Airfields* prescribes the  
Executive Branch's general policy  
with respect to achieving compatible  
land uses on either public or privately  
owned property at or in the vicinity of  
Federal airfields.

(4) Section 1113 of the Housing  
and Urban Development Act of 1965  
(Pub. L. 89-117) directs the Secretary  
" \* \* \* to determine feasible methods  
of reducing the economic loss and  
hardships suffered by homeowners as  
a result of the depreciation in the  
value of their properties following the  
construction of airports in the vicinity  
of their homes, including a study of  
feasible methods of insulating such  
homes from the noise of aircraft."

§51.101 General policy.

(a) It is HUD's general policy to  
provide minimum national standards  
applicable to HUD programs to  
protect citizens against excessive  
noise in their communities and places  
of residence.

(1) *Comprehensive planning assist-  
ance.* HUD requires that grantees  
give adequate consideration to noise  
exposures and sources of noise as an  
integral part of the urban environment  
in HUD assisted comprehensive plan-  
ning, as follows:

(i) Particular emphasis shall be  
placed on the importance of  
compatible land use planning in  
relation to airports, highways and  
other sources of high noise.

(ii) Applicants shall take into  
consideration HUD environmental  
standards impacting the use of land  
as required in 24 CFR Part 600.

(iii) Environmental studies,  
including noise assessments, are  
allowable costs.

(2) *Community Development Block  
Grants.* Recipients of community  
development block grants under the  
Housing and Community  
Development Act of 1974 (Pub. L.  
93-383), as amended by the Housing  
and Community Development Act of  
1977 (Pub. L. 95-128), must take into

consideration the noise criteria and standards in the environmental review process and consider ameliorative actions when noise sensitive land development is proposed in noise exposed areas. Grant recipients shall address deviations from the standards in their environmental reviews as required in 24 CFR Part 58.

Where CDBG activities are planned in a noisy area, and HUD assistance is contemplated later for housing and/or other noise sensitive activities, the CDBG grantee risks denial of the HUD assistance unless the HUD standards are met. Environmental studies, including noise assessments, are allowable costs.

(3) *HUD support for new construction.* HUD assistance for the construction of new noise sensitive uses is prohibited generally for projects with Unacceptable noise exposures and is discouraged for projects with Normally Unacceptable noise exposure. (Standards of acceptability are contained in §51.103(c).) This policy applies to all HUD programs providing assistance, subsidy or insurance for housing, college housing, mobile home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land development, new communities, redevelopment or any other provision of facilities and services which are directed to make land available for housing or noise sensitive development. The policy does not apply to research demonstration projects which do not result in new construction or reconstruction, flood insurance, interstate land sales registration, or any action or emergency assistance under disaster assistance programs which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance provided that has the effect of restoring facilities substantially as they existed prior to the disaster.

(4) *HUD support for existing construction.* Noise exposure by itself will not result in the denial of HUD support for the resale and purchase of otherwise acceptable existing buildings. However, environmental noise is a marketability factor which HUD will consider in determining the amount of insurance or other assistance that may be given.

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The old definition of major or substantial rehabilitation and modernization as being any project where cost is 75% or more of replacement cost no longer applies. Now the criteria contained in individual program guidance applies.

(5) *HUD support of modernization and rehabilitation.* For modernization projects located in all noise exposed areas, HUD shall encourage noise attenuation features in alterations. For major or substantial rehabilitation projects in the Normally Unacceptable and Unacceptable noise zones, HUD actively shall seek to have project sponsors incorporate noise attenuation features, given the extent of the rehabilitation being undertaken and the level of exterior noise exposure. In Unacceptable noise zones, HUD shall strongly encourage conversion of noise-exposed sites to land uses compatible with the high noise levels.

(6) *Research, guidance and publications.* HUD shall maintain a continuing program designed to provide new knowledge of noise abatement and control to public and private bodies, to develop improved methods for anticipating noise encroachment, to develop noise abatement measures through land use and building construction practices, and to foster better understanding of the consequences of noise. It shall be HUD's policy to issue guidance documents periodically to assist HUD personnel in assigning an acceptability category to projects in accordance with noise exposure standards, in evaluating noise attenuation measures, and in advising local agencies about noise abatement strategies. The guidance documents shall be updated periodically in accordance with advances in the state-of-the-art.

(7) *Construction equipment, building equipment and appliances.* HUD shall encourage the use of quieter construction equipment and methods in population centers, the use of quieter equipment and appliances in buildings, and the use of appropriate noise abatement techniques in the design of residential structures with potential noise problems.

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Existing construction means units which are either more than 1 year old or for which this is the second or subsequent purchaser.

(8) *Exterior noise goals.* It is a HUD goal that exterior noise levels do not exceed a day-night average sound level of 55 decibels. This level is recommended by the Environmental Protection Agency as a goal for outdoors in residential areas. The levels recommended by EPA are not standards and do not take into account cost or feasibility. For the purposes of this regulation and to meet other program objectives, sites with a day-night average sound level of 65 and below are acceptable and are allowable (see Standards in §51.103(c)).

(9) *Interior noise goals.* It is a HUD goal that the interior auditory environment shall not exceed a day-night average sound level of 45 decibels. Attenuation measures to meet these interior goals shall be employed where feasible. Emphasis shall be given to noise sensitive interior spaces such as bedrooms. Minimum attenuation requirements are prescribed in §51.104(a).

(10) *Acoustical privacy in multifamily buildings.* HUD shall require the use of building design and acoustical treatment to afford acoustical privacy in multifamily buildings pursuant to requirements of the Minimum Property Standards.

#### **§51.102 Responsibilities.**

(a) *Authority to approve projects.* (1) Decisions on proposed projects with acceptable noise exposures shall be delegated to the program personnel within field offices, including projects where increased noise levels are considered acceptable because of non-acoustic benefits under §51.105(a). Field office program personnel may also approve projects in normally unacceptable noise exposed areas where adequate sound attenuation is provided and where the project does not require an Environmental Impact Statement under §51.104(b).

(2) Other approvals in normally unacceptable noise exposed areas require the concurrence of the Regional Administrator.

(3) Requests for approvals of projects or portions of projects with unacceptable noise exposures shall be referred through the Regional Office to the Assistant Secretary for Community Planning and Development for approval pursuant to §51.104(b).

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The Noise Control Act of 1972 required EPA to "publish information on the levels of environmental noise. . . which. . . are requisite to protect the public health and welfare with an adequate margin of safety." EPA has interpreted this to mean that the levels should not reflect technical feasibility or economic costs. "Health and welfare" is defined as being "complete physical, mental and social well-being and not merely the absence of disease and infirmity."

(4) In cases where the Regional Administrator determines that an important precedent or issue is involved, such cases shall be referred with recommendations to the Assistant Secretary for Community Planning and Development.

(b) *Surveillance of noise problem areas.* Appropriate field staff shall maintain surveillance of potential noise problem areas and advise local officials, developers, and planning groups of the unacceptability of sites because of noise exposure at the earliest possible time in the decision process. Every attempt shall be made to insure that applicants' site choices are consistent with the policy and standards contained herein.

(c) *Notice to applicants.* At the earliest possible stage, HUD program administrators shall:

(1) Determine the suitability of the acoustical environment of proposed projects;

(2) Notify applicants of any adverse or questionable situations; and

(3) Assure that prospective applicants are apprised of the standards contained herein so that future site choices will be consistent with these standards.

(d) *Technical assistance.* Technical assistance in the measurement, estimation, interpretation, or prediction of noise exposure is available from the Office of Community Planning and Development and the Office of Policy Development and Research. Field office questions shall be forwarded through the Regional Office to the Assistant Secretary for Community Planning and Development or his designee.

(e) *Interdepartmental coordination.* Regional Administrators shall foster appropriate coordination between field offices and other departments and agencies, particularly the Environmental Protection Agency, the Department of Transportation, Department of Defense representatives, and the Veterans Administration. HUD staff shall utilize the acceptability standards in commenting on the prospective impacts of transportation facilities and other noise generators in the Environmental Impact Statement review process.

**§51.103 Criteria and standards.**

These standards apply to all programs as indicated in §61.101.

(a) *Measure of external noise environments.* The magnitude of the external noise environment at a site is determined by the value of the day-night average sound level produced as the result of the accumulation of noise from all sources contributing to the external noise environment at the site. Day-night average sound level, abbreviated as DNL and symbolized as  $L_{dn}$ , is the 24-hour average sound level, in decibels, obtained after addition of 10 decibels to sound levels in the night from 10 p.m. to 7 a.m. Mathematical expressions for average sound level and day-night average sound level are stated in the Appendix.

(b) *Loud impulsive sounds.* On an interim basis, when loud impulsive sounds, such as explosions or sonic booms, are experienced at a site, the day-night average sound level produced by the loud impulsive sounds alone shall have 8 decibels added to it in assessing the acceptability of the site (see Appendix). Alternatively, the C-weighted day-night average sound level ( $L_{Cdn}$ ) may be used without the 8 decibel addition, as indicated in Section 51.106(a)(3).

Methods for assessing the contribution of loud impulsive sounds to day-night average sound level at a site and mathematical expressions for determining whether a sound is classed as "loud impulsive" are provided in the Appendix.

(c) *Exterior standards.* The degree of acceptability of the noise environment at a site is determined by the sound levels external to buildings or other facilities containing noise sensitive uses. The standards shall usually apply at a location 2 meters (6.5 feet) from the building housing noise sensitive activities in the direction of the predominant noise source. Where the building location is undetermined, the standards shall apply 2 meters (6.5 feet) from the building setback line nearest to the predominant noise source. The standards shall also apply at other locations where it is determined that quiet outdoor space is required in an area ancillary to the principal use on the site.

The noise environment inside a building is considered acceptable if (a) the noise environment external to the building complies with these standards, and (b) the building is constructed in a manner common to the area or, if of uncommon construction, has at least the equivalent noise attenuation characteristics.

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This is because the reverberation effect of sound waves hitting the wall will increase the noise levels at the site. You won't pick this up unless you back off from the wall to measure.

**Site Acceptability Standards**

	Day-night average sound level (in decibels)	Special approvals and requirements
Acceptable _____	Not exceeding 65 dB(1) _____	None
Normally Unacceptable _____	Above 65 dB but not exceeding 75 dB _____	Special Approvals (2) Environmental Review (3) Attenuation (4)
Unacceptable _____	Above 75 dB _____	Special Approvals (2) Environmental Review (3) Attenuation (5)

Notes.—(1) Acceptable threshold may be shifted to 70 dB in special circumstances pursuant to Section 51.105(a)

(2) See Section 51.104(b) for requirements.

(3) See Section 51.104(b) for requirements.

(4) 5 dB additional attenuation required for sites above 65 dB but not exceeding 70 dB and 10 dB additional attenuation required for sites above 70 dB but not exceeding 75 dB. (See Section 51.104(a).)

(5) Attenuation measures to be submitted to the Assistant Secretary for CPD for approval on a case-by-case basis.

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Berms and barriers are our first choice because they provide protection for yards, playgrounds, etc. Since outdoor activity is often very important to residents we want to protect the outdoor areas as much as possible.

By definition a barrier must be separate from the building or area it is providing attenuation for. After all barriers are preferred because they improve exterior as well as interior levels. Non-noise sensitive buildings can, however, be used as barriers for noise sensitive buildings or exterior areas.

#### §51.104 Special requirements.

(a) *Noise attenuation.* Noise attenuation measures are those required in addition to attenuation provided by buildings as commonly constructed in the area, and requiring open windows for ventilation. Measures that reduce external noise at a site shall be used wherever practicable in preference to the incorporation of additional noise attenuation in buildings. Building designs and construction techniques that provide more noise attenuation than typical construction may be employed also to meet the noise attenuation requirements.

(1) *Normally Unacceptable noise zone.* Approvals in this zone require a minimum of 5 decibels additional sound attenuation for buildings having noise-sensitive uses if the day-night average sound level is greater than 65 decibels but does not exceed 70 decibels, or a minimum of 10 decibels of additional sound attenuation if the day-night average sound level is greater than 70 decibels but does not exceed 75 decibels.

(2) *Unacceptable noise zone.* Noise attenuation measures require the approval of the Assistant Secretary for Community Planning and Development (See §51.104(b)(2).)

(b) *Special Approvals and Environmental Review Requirements.* Environmental clearances shall be conducted pursuant to the requirements of HUD's Departmental Policies, Responsibilities and Procedures for Protection and Enhancement of Environmental Quality (38 FR 19182 as amended) or other environmental regulations which may be issued by the Department. The Special Clearance and Environmental Impact Statement (EIS) threshold requirements are hereby modified for all projects proposed in the Normally Unacceptable and Unacceptable noise exposure zones as follows:

(1) *Normally Unacceptable noise zone.* (i) All projects located in the Normally Unacceptable Noise Zone require a Special Environmental Clearance except an EIS is required for a proposed project located in a largely undeveloped area, or where the HUD action is likely to encourage the establishment of incompatible land use in this noise zone.

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Assumption is that standard construction provides an average of 20 L<sub>dn</sub> attenuation. At 65 L<sub>dn</sub> or below this amount of attenuation would be sufficient to meet interior level of 45 L<sub>dn</sub>. Additional requirements are designed to meet this goal even when exterior noise levels are higher.

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Substitute Environmental Assessment (with ECO concurrence) wherever you see Special Clearance.

(ii) When an EIS is required, the concurrence of the Regional Administrator is also required before a project can be approved. For the purposes of this paragraph, an area will be considered as largely undeveloped unless the area within a 2-mile radius of the project boundary is more than 50 percent developed for urban uses and infrastructure (particularly water and sewers) is available and has capacity to serve the project.

(iii) All other projects in the Normally Unacceptable zone require a Special Environmental Clearance, except where an EIS is required for other reasons pursuant to HUD environmental policies.

(2) *Unacceptable noise zone.* An EIS is required prior to the approval of projects with unacceptable noise exposure. Projects in or partially in an Unacceptable Noise Zone shall be submitted through the Regional Administrator to the Assistant Secretary for Community Planning and Development for approval. The Assistant Secretary may waive the EIS requirement in cases where noise is the only environmental issue and no outdoor sensitive activity will take place on the site. In such cases, a Special Environmental Clearance is required.

#### §51.105 Exceptions.

(a) *Flexibility for non-acoustic benefits.* Where it is determined that program objectives cannot be achieved on sites meeting the acceptability standard of 65 decibels, the Acceptable Zone may be shifted to  $L_{dn} 70$  on a case-by-case basis if all the following conditions are satisfied:

(1) The project does not require an Environmental Impact Statement under provisions of section 104(b)(1) and noise is the only environmental issue.

(2) The project has received a Special Environmental Clearance and has received the concurrence of the Environmental Clearance Officer.

(3) The project meets other program goals to provide housing in proximity to employment, public facilities and transportation.

(4) The project is in conformance with local goals and maintains the character of the neighborhood.

(5) The project sponsor has set forth reasons, acceptable to HUD, as to why the noise attenuation measures that would normally be required for new construction in the  $L_{dn} 65$  to  $L_{dn} 70$  zone cannot be met.

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When the area in question is in a small community outside an SMSA and the application of the 2 mile radius rule would be unreasonable, an area can be considered largely developed if it is contiguous to existing development and infrastructure is available and has capacity to serve the project. The Assistant Secretary will review them on a case-by-case basis. In all other cases the 2 mile radius/50% rule still applies.

Caution—every effort should be made to get official contours—particularly for military installations and large air carrier airports rather than trying to use the *Noise Assessment Guidelines*.

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What this really means is that the 5db attenuation requirement for the 65-70  $L_{dn}$  zone is waived. Primarily intended for urban areas where alternative sites are not available. Note that *all* conditions must be met.

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These requirements are very important. Be careful with design hour values.

(6) Other sites which are not exposed to noise above  $L_{dn} 65$  and which meet program objectives are generally not available.

The above factors shall be documented and made part of the project file.

#### §51.106 Implementation.

(a) *Use of available data.* HUD field staff shall make maximum use of noise data prepared by others when such data are determined to be current and adequately projected into the future and are in terms of the following:

(1) *Sites in the vicinity of airports.* The noise environment around airports is described sometimes in terms of Noise Exposure Forecasts, abbreviated as NEF or, in the State of California, as Community Noise Equivalent Level, abbreviated as CNEL. The noise environment for sites in the vicinity of airports for which day-night average sound level data are not available may be evaluated from NEF or CNEL analyses using the following conversions to DNL:

$$DNL = NEF + 35$$

$$DNL = CNEL$$

(2) *Sites in the vicinity of highways.* Highway projects receiving Federal aid are subject to noise analyses under the procedures of the Federal Highway Administration.

Where such analyses are available they may be used to assess sites subject to the requirements of this standard. The Federal Highway Administration employs two alternate sound level descriptors: (a) The A-weighted sound level not exceeded more than 10 percent of the time for the highway design hour traffic flow, symbolized as  $L_{10}$ ; or (b) the equivalent sound level for the design hour, symbolized as  $L_{eq}$ . The day-night average sound level may be estimated from the design hour  $L_{10}$  or  $L_{eq}$  values by the following relationships, provided heavy trucks do not exceed 10 percent of the total traffic flow in vehicles per 24 hours and the traffic flow between 10 p.m. and 7 a.m. does not exceed 15 percent of the average daily traffic flow in vehicles per 24 hours:

$$DNL = L_{10} \text{ (design hour)} - 3 \text{ decibels}$$

$$DNL = L_{eq} \text{ (design hour) decibels}$$

Where the auto/truck mix and time of day relationships as stated in this Section do not exist, the HUD Noise Assessment Guidelines or other noise analysis shall be used.

(3) *Sites in the vicinity of installations producing loud impulsive sounds.* Certain Department of Defense installations produce loud impulsive sounds from artillery firing and bombing practice ranges. Noise analyses for these facilities sometimes encompass sites that may be subject to the requirements of this standard. Where such analyses are available they may be used on an interim basis to establish the acceptability of sites under this standard.

The Department of Defense uses day-night average sound level based on C-weighted sound level, symbolized  $L_{Cdn}$ , for the analysis of loud impulsive sounds. Where such analyses are provided, the 8 decibel addition specified in 51.103(b), is not required, and the same numerical values of day-night average sound level used on an interim basis to determine site suitability for non-impulsive sounds apply to the  $L_{Cdn}$ .

(4) *Use of areawide acoustical data.* HUD encourages the preparation and use of areawide acoustical information, such as noise contours for airports. Where such new or revised contours become available for airports (civil or military) and military installations they shall first be referred to the Regional Office (Environmental Clearance Officer) for review, evaluation and decision on appropriateness for use by HUD. The Regional Office shall submit revised contours to the Assistant Secretary of Community Planning and Development for review, evaluation and decision whenever the area affected is changed by 20 percent or more, or whenever it is determined that the new contours will have a significant effect on HUD programs, or whenever the contours are not provided in a methodology acceptable under §51.106(a)(1) or in other cases where the Regional Office determines that Headquarters review is warranted. For other areawide acoustical data, review is required only where existing areawide data are being utilized and where such data have been changed to reflect changes in the measurement methodology or underlying noise source assumptions.

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Contours for future noise levels based on new construction, mission changes etc. which become available as part of the Environmental Impact Statement process shall not be used until the NEPA process is complete and a decision on the proposed action is made.

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When new or revised contours are approved, make sure all interested people in local area are informed that HUD will be using different contours. Make a special effort to inform the most active developers in area or developers who have worked with HUD before.

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This is also required for noise studies for developers by consultants, whether to provide original data, or to contest existing data or a HUD analysis. It is particularly important to make sure the same traffic, vehicle or operational data were used for each study, when one study is being contested.

Requests for determination on usage of new or revised areawide data shall include the following:

(i) Maps showing old, if applicable, and new noise contours, along with brief description of data source and methodology.

(ii) Impact on existing and prospective urbanized areas and on development activity.

(iii) Impact on HUD-assisted projects currently in processing.

(iv) Impact on future HUD program activity. Where a field office has determined that immediate approval of new areawide data is necessary and warranted in limited geographic areas, the request for approval should state the circumstances warranting such approval. Actions on proposed projects shall not be undertaken while new areawide noise data are being considered for HUD use except where the proposed location is affected in the same manner under both the old and new noise data.

(b) *Site assessments.* Compliance with the standards contained in §51.103(c) shall, where necessary, be determined using noise assessment guidelines, handbooks, technical documents and procedures issued by the Department.

(c) *Variations in site noise levels.* In many instances the noise environment will vary across a site, with portions of the site being in an Acceptable noise environment and other portions in a Normally Unacceptable noise environment. The standards in §51.103(c) shall apply to the portions of a building or buildings used for residential purposes and for ancillary noise sensitive open spaces.

(d) *Noise measurements.* Where noise assessments result in a finding that the site is borderline or questionable, or is controversial, noise measurements may be performed. Where it is determined that noise measurements are required, such measurements will be conducted in accordance with methods and measurement criteria established by the Department. Locations for noise measurements will depend on the location of noise sensitive uses that are nearest to the predominant noise source (see §51.103(c)).

(e) *Projections of noise exposure.* In addition to assessing existing exposure, future conditions should be projected. To the extent possible, noise exposure shall be projected to be representative of conditions that are expected to exist at a time at least 10 years beyond the date of the project or action under review.

(f) *Reduction of site noise by use of berms and/or barriers.* If it is determined by adequate analysis that a berm and/or barrier will reduce noise at a housing site, and if the barrier is existing or there are assurances that it will be in place prior to occupancy, the environmental noise analysis for the site may reflect the benefits afforded by the berm and/or barrier.

In the environmental review process under §51.104(b), the location height and design of the berm and/or barrier shall be evaluated to determine its effectiveness, and impact on design and aesthetic quality, circulation and other environmental factors.

**Appendix to Subpart B—definition of acoustical quantities**

1. *Sound Level.* The quantity in decibels measured with an instrument satisfying requirements of American National Standard Specification for Type 1 Sound Level Meters S1.4-1971. Fast time-averaging and A-frequency weighting are to be used, unless others are specified. The sound level meter with the A-weighting is progressively less sensitive to sounds of frequency below 1,000 hertz (cycles per second), somewhat as is the ear. With fast time averaging the sound level meter responds particularly to recent sounds almost as quickly as does the ear in judging the loudness of a sound.

(2) *Average Sound Level.* Average sound level, in decibels, is the level of the mean-square A-weighted sound pressure during the stated time period, with reference to the square of the standard reference sound pressure of 20 micropascals.

When projections for airports are based on new construction or similar actions the likelihood that such major action will actually take place should be carefully evaluated. This is particularly important if local funding is required. Check to see if initial actions such as land purchases, bonds etc. been taken. If projections are just based on expanded traffic levels make sure they are reasonable for the area. Projections for smaller communities are often overly optimistic.

This provision should be used with caution. Very clear and strong assurances that berms or barriers will be constructed should be obtained in writing before approval.

Again also note that by definition a barrier must be physically separate from the building or area it is providing attenuation for.

The *Noise Assessment Guidelines* contain procedures for evaluating barrier effectiveness.

$$L_{\text{eq}} = 10 \log_{10} \left[ \frac{1}{86400} \left( \int_{0000}^{0700} 10^{[L_A(t) + 10]10} dt + \int_{0700}^{2200} 10^{L_A(t)10} dt + \int_{2200}^{2400} 10^{[L_A(t) + 10]10} dt \right) \right]$$

Time  $t$  is in seconds, so the limits shown in hours and minutes are actually interpreted in seconds.  $L_A(t)$  is the time varying value of A-weighted sound level, the quantity in decibels measured by an instrument satisfying requirements of American National Standard Specification for Type 1 Sound Level Meters S1.4-1971.

3. *Loud Impulsive Sounds.* When loud impulsive sounds such as sonic booms or explosions are anticipated contributors to the noise environment at a site, the contribution to day-night average sound level produced by the loud impulsive sounds shall have 8 decibels added to it in assessing the acceptability of a site.

A loud impulsive sound is defined for the purpose of this regulation as one for which:

(i) The sound is definable as a discrete event wherein the sound level increases to a maximum and then decreases in a total time interval of approximately one second or less to the ambient background level that exists without the sound; and

(ii) The maximum sound level (obtained with slow averaging time and A-weighting of a Type 1 sound level meter whose characteristics comply with ANSI S1.4-1971) exceeds the sound level prior to the onset of the event by at least 6 decibels; and

(iii) The maximum sound level obtained with fast averaging time of a sound level meter exceeds the maximum value obtained with slow averaging time by at least 4 decibels.

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Patricia Roberts Harris,  
Secretary of Housing and Urban  
Development.

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## Quiz on the Noise Regulations

### Questions

1. What is the HUD policy on support for existing construction in high noise areas?
2. What is the definition of "major or substantial rehabilitation"?
3. What is HUD's Interior noise goal?
4. What project approval authority does the Field Office have?
5. Who approves projects in the Unacceptable Zone?
6. What noise descriptor is used to express noise levels in the regulation?

7. How are loud impulsive sounds to be evaluated?

8. At what point on a building's exterior are sound levels to be determined?

9. What is the basic assumption behind the attenuation levels required?

10. What type of attenuation measures are preferred?

11. When should building attenuation measures be considered?

12. When are EIS's required?

13. When is an area considered "largely undeveloped"?

14. What is "Flexibility for Non-Acoustic Benefits"?

15. Six conditions are listed for waiving the attenuation requirement under the Flexibility for Non-Acoustic Benefits provision, how many must be met for the waiver to be granted?

16. Who has the authority to grant the attenuation requirements waiver under the "flexibility" provision?

17. What noise descriptors other than DNL are acceptable for aircraft noise contours?

18. Who normally approves areawide noise data such as airport noise contours?

19. If a site is partially in the Unacceptable Zone and partially in the Normally Unacceptable Zone, which review and approval procedures apply?

20. When should noise measurements be used in lieu of areawide data or *Noise Assessment Guidelines* calculations?

## Quiz on the Noise Regulations

### Answers

14. A provision in the regulations which allows the attenuation requirements for the 65-70  $L_{dn}$  zone to be waived. (Section 51.105(a) and marginal note)
15. All six conditions must be met. (Section 51.105(a))
16. The field office. (Section 51.102(a))
17. NEF and CNEL. (Section 51.106(a)(1))
18. The Regional Office. (Section 51.106(a)(4))
19. The review and approval procedures for projects in the Unacceptable Zone apply. (Section 51.104(b)(2))
20. Only when the noise assessment indicates that the site is on the borderline between Acceptable and Unacceptable, or when the site is controversial. (Section 51.106(d))

1. Noise exposure can not, by itself, be the basis for denying support for resale and purchase of existing buildings. (Section 51.101(a)(4))
2. "Major or substantial rehabilitation" is defined in individual program guidance. There is no single definition. (51.101(a)(5) marginal note)
3. 45  $L_{dn}$  (Section 51.101(a)(9))
4. projects in Acceptable Zone; also projects in Normally Unacceptable Zone provided that
- adequate sound attenuation is provided
- no EIS is required (Section 51.102(a)(1))
5. The Assistant Secretary for Community Planning and Development. (Section 51.102(A)(3) and 51.104(b))
6. The day night average sound level system (DNL). (Section 51.103(a))
7. Two ways:
  - if plain DNL levels have been calculated or measured, add a 8 decibel penalty.
  - Alternatively, the C weighted day night average sound level system ( $L_{Cn}$ ) can be used as is. (Section 51.103(b))
8. Two meters (6.5 feet) away from the building exterior, moving towards the predominant noise source. (Section 51.103(c))
9. That current construction practices provide about 20 db attenuation. Thus in a 65  $L_{dn}$  or lower area the interior goal of 45  $L_{dn}$  would be met with standard construction. The additional attenuation required is the increment over that provided by standard construction necessary to achieve the interior goal of 45  $L_{dn}$ . (Section 51.104(a) marginal note)
10. Measures which reduce exterior noise levels. (51.104(a))
11. Only after it has been determined that berms and barriers or site alterations are not practical alternatives. (Section 51.104(a))
12. When the project is located in the Unacceptable Zone or the project is located in a largely undeveloped area and the project is in the Normally Unacceptable Zone. (Section 51.104(b))
13. When the area within a 2 mile radius of the project is less than 50% developed for urban uses and infrastructure is not in place and available to serve the project. (Section 51.104(b)(1)(ii))