

Title 24—Housing and Urban Development

NOTICE

N-96-01
II-A-650

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Requirement | Decision point | Action |
| Final Environmental Impact Statement, where applicable Finding of No Significant Impact or Draft Environmental Impact Statement Final Environmental Impact Statement, where applicable | Promulgation A-35 clearance Promulgation | Policy and guidance documents which have potential for significantly affecting the quality of the human environment |

Project actions assessed by Part 51, subpart B require that projects located in the Unacceptable or Discriminatory-Normally Unacceptable noise exposure zone require special approvals and must include noise abatement measures.

A change in project land use, subdivision, intensity, or location of a category of land use.

A finding of No Significant Impact which allows for a change in project land use, subdivision, intensity, or location of a category of land use.

Planning and Development. A Normal or Special Environmental Review will be required by the requirement for an EIS or EIS Supplement II, in the opinion of the Assistant Secretary for Community Development.

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APPENDIX B-1—FACTORS FOR URBAN AND COMMUNITY IMPACT ANALYSIS

Pursuant to paragraph (a) of § 50.31, this Appendix indicates factors which are appropriate for consideration in a general urban impact analysis. The general analysis will be made as part of an EIS when (a) HUD perceives that a given project likely will affect urban jurisdictions but (b) local jurisdictions have not identified specific issues for HUD analysis.

Factors include the following:

1. The extent to which the proposed action creates a significant impact on Central Cities, older suburban cities and other communities;
2. The economic revitalization objectives, particularly those related to distressed communities, and efforts to prevent additional areas from becoming distressed;
3. The business location and level of economic activity;
4. The expansion of jobs for minorities and the unemployed;
5. The expansion of housing choices for disadvantaged and minorities;
6. The efforts to strengthen the fiscal condition and tax base of urban communities, particularly distressed communities;
7. The conservation and revitalization of neighborhoods, particularly blighted neighborhoods; and
8. The improvement of urban physical, cultural and aesthetic environments through protection of park, recreation, historic and cultural resources and development of mass transit opportunities.

APPENDIX B-2—NOTICE OF INTENT TO PREPARE AN EIS

This Appendix describes elements which should be included in Notices of Intent to Prepare an EIS which are required to be published in the FEDERAL REGISTER.

I. Content

Notices of Intent should be prepared concisely in the following format:

1. Caption: Notice of Intent to Prepare an EIS.
2. Lead: Indicate that the HUD office (by name) intends to prepare an Environmental Impact Statement (EIS) on a project (describe below). Indicate that interested agencies, organizations and the public are invited to provide comments and information which the EIS should address.
3. Type and Location of Project: Describe the proposed project by its nature, purpose and location. Indicate the timing and completion date of the project. Indicate the general scale, numbering of housing units, or size and service area, or service capacity, of the project.

4. Why EIS Is Needed: Briefly explain why it has been decided to prepare an EIS, including major environmental issues now perceived.
5. Alternatives: Indicate the alternatives to the project as perceived at this point.
6. Scoping: Indicate that this Notice is part of the process used for scoping the EIS, and that responses will help determine significant environmental issues and identify data which the EIS should address, and will help to identify cooperating agencies. If a scoping meeting is planned, indicate the date. (This should be no earlier than 21 days after FEDERAL REGISTER publication of the Notice of Intent, to provide for comment and obtain useful information.)
7. Contact: Indicate the name and address of the person to whom comments and information should be sent. Indicate the desired date for receipt. (This should be no less than 21 days after the date of "this FEDERAL REGISTER Notice".)

II. Routing for Publication

Notices of Intent prepared by HUD staff should be forwarded from the Area Office Manager to the Regional Environmental Officer who will review and forward them promptly to the Office of Environmental Quality, attention Environmental Review Division.

The Office of Environmental Quality in cooperation with the Office of Regulations will arrange for the publication of these Notices in the FEDERAL REGISTER. It is intended that HUD will make a weekly transmittal to the FEDERAL REGISTER of all such Notices received during the week, and that Notices will be grouped to appear together in the REGISTER.

Follow-up questions on the status of any given Notice may be directed to the OEQ Environmental Review Division, Room 7276, HUD Building, Washington, D.C. 20410.

PART 51—ENVIRONMENTAL CRITERIA AND STANDARDS

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APPENDIX—DEFINITION OF ACOUSTICAL QUANTITIES

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

Source: 44 FR 40861, July 12, 1979, unless otherwise noted.

Subpart A—General Provisions

§ 51.1 Purpose.

The Department of Housing and Urban Development is providing program Assistant Secretaries and administrators and field offices with environmental standards, criteria and guidelines for determining project acceptability and necessary mitigating measures to insure that activities assisted by the Department achieve the goal of a suitable living environment.

§ 51.2 Authority.

This part implements the Department's responsibilities under the following statutes:

(a) The National Housing Act of 1934 (Pub. L. 73-479) which was enacted "to encourage improvements in housing standards and conditions, to provide a system of mutual mortgage insurance, and for other purposes," and providing the basis for HUD's Minimum Property Standards (MPS) which have evolved as required by legislation over the past 44 years.

(b) The Housing Act of 1949 (Pub. L. 81-171) which sets forth the national goal of "a decent home and a suitable living environment for every American family," affirmed by the Housing and Urban Development Act of 1968 (Pub. L. 90-448).

(c) The Department of Housing and Urban Development Act of 1965 (Pub. L. 89-174) which provides that the Secretary may make such rules and regulations as may be necessary to carry out functions, powers, and duties, and sets forth, as a matter of national purpose, the sound development of the Nation's communities and metropolitan areas.

(d) The National Environmental Policy Act of 1969 (Pub. L. 91-190) which directs Federal agencies to develop procedures to carry out the purposes of the Act.

(e) Intergovernmental Cooperation Act of 1968 (Pub. L. 90-577) which, under Title IV, directs that Federal programs and projects serve the objectives of appropriate land use for housing, commercial, industrial, governmental, institutional, and other purposes to achieve sound and orderly development of all areas, both urban and rural.

§ 51.3 Responsibilities.

(a) *Assistant Secretary for Community Planning and Development.* The Assistant Secretary for Community Planning and Development shall be responsible for administering environmental regulations, and shall provide oversight, interpretation and guidance, and shall update the regulations as required. The Assistant Secretary shall also maintain liaison with other Federal agencies on matters of environmental policy implementation.

(b) *Assistant Secretary for Policy Development and Research.* The Assistant Secretary for Policy Development and Research shall undertake research and demonstration studies necessary for the technical development of environmental standards, criteria, and implementing techniques as a basis for the development and implementation of environmental regulations. The Assistant Secretary shall also maintain liaison with Federal agencies on related technical matters.

(c) *Other Assistant Secretaries, Administrators, and the General Counsel.* Other Assistant Secretaries, Administrators, and the General Counsel shall:

(1) Incorporate adopted environmental regulations by reference into program regulations, guidance documents, and administrative forms and procedures;

(2) Evaluate the effects of, and compliance with Departmental environmental regulations policy and report significant issues and problems to the Assistant Secretary for Community Planning and Development; and

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(3) Identify program areas under their jurisdiction in which additional environmental regulations are needed, and refer them to the Assistant Secretary for Community Planning and Development.

(d) *Regional Administrators, Area Office Managers and Service Office Supervisors.* Regional Administrators, Area Office Managers and Service Office Supervisors shall assure that adopted environmental regulations are implemented in relation to program decisions and recommendations. They shall also monitor projects to assure that mitigation measures are implemented.

§ 51.4 Program coverage.

Environmental standards shall apply to all HUD actions except where special provisions and exemptions are contained in each subpart.

§ 51.5 Coordination with environmental clearance requirements.

Environmental standards shall be implemented prior to commitment in the decision-making process and, where environmental clearances are required, the decision points shall be identical. Compliance with HUD environmental standards shall be addressed in the environmental clearance process.

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 suit-

able 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

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

(b) *Authority.* Specific authority for noise abatement and control 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 amends 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 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 assistance.* HUD requires that grantees give adequate consideration to noise exposures and sources of noise as an integral part of the urban environment HUD assisted comprehensive planning, as follows:

(i) Particular emphasis shall be placed on the importance of compr-

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. 95-13), 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 Acceptable 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, development or any other provision of facilities and services which are directed to making 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 construction, 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.

(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 and nature 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.

(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 acceptable 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).

(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 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 the standards.

(d) *Technical assistance.* Technical assistance in the measurement, explanation, 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 Environmen-

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 § 51.101.

(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 listed 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.* (1) 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.

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

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). |

(1) Acceptable threshold may be shifted to 70 dB in special circumstances pursuant to § 51.103(a).
 See § 51.104(b) for requirements.
 See § 51.104(b) for requirements.
 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(n).)
 Attenuation measures to be submitted to the Assistant Secretary for CPD for approval on a case-by-case basis.

§ 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 estab-

lishment of incompatible land use in this noise zone.

(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 requirements 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 or 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.

(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: (i) The A-weighted sound level not exceeded more than 10 percent of the time for the highway design hour traffic flow, symbolized as L_{dn} ; or (ii) 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_{dn} or L_{eq} values by the following relationships, pro-

vided 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:

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

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

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. 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 question-

able, 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 nearby 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 5 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 existing or there are assurances that 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 at design of the berm and/or barrier shall be evaluated to determine its effectiveness, and impact on design of aesthetic quality, circulation and other environmental factors.

APPENDIX—DEFINITION OF ACOUSTICAL QUANTITIES

1. *Sound Level.* The quantity in decibels measured with an instrument satisfying the requirements of American National Standard Specification for Type 1 Sound Level Meter S1.4-1971. Fast time-averaging and A-frequency weighting are to be used, unless otherwise 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 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

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square of the standard reference sound pressure of 20 micropascals.

Day-night average sound level, abbreviated as DNL, and symbolized mathematically as L_{dn} , is defined as:

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

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 8 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.

PART 52—IMPLEMENTATION OF OMB CIRCULAR NO. A-95

Subpart A—General Provisions

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Subtitle A—Office of the Secretary

(b) The policies and procedures contained herein are applicable to establishing uniform regulations for implementing the A-95 process in Departmental programs identified in:

- (1) Appendix I of the *Catalog of Federal Domestic Assistance*, or Attachment D of OMB Circular No. A-95, whichever bears the later date.
- (2) Direct Federal development activities as defined in Part II, Attachment A of OMB Circular No. A-95.
- (3) State plans as defined in Part III, Attachment A of OMB Circular No. A-95.
- (4) Coordination of planning in multi-jurisdictional areas as defined in Part IV, Attachment A of OMB Circular No. A-95.

§ 52.2 Definitions.

(a) The definitions and terminology used in these regulations shall be consistent with:

- (1) Those contained in Departmental program regulations as published in the *Federal Register*, and
- (2) Those used in Part V, Attachment A of OMB Circular No. A-95, Revised (41 FR 2052).

(b) "Freestanding Housing Assistance Plan." A Freestanding Housing Assistance Plan (HAP) is an approved housing assistance plan under Title II of the Housing and Community Development Act of 1974 which has been submitted by a unit of general local government which is not participating in the Community Development Block Grant program at the time of approval of the HAP.

(c) "OMB Circular No. A-95." All references to "OMB Circular No. A-95" or "the Circular" shall mean the Office of Management and Budget (OMB) Circular No. A-95, Revised (41 FR 2052), dated January 13, 1976 or subsequent amendments.

(d) "HUD Field Offices." All references to HUD field offices shall mean all HUD Area Offices, Service Offices and Valuation Stations with the exception that it shall apply to Regional Offices for any programs not delegated to Area and Service Offices.

§ 52.3 Responsibilities for administration.

(a) The Assistant Secretary for Community Planning and Development

shall be assisted by the Director of Office of Community Planning Program Coordination in carrying out the following functions:

- (1) Provide lead responsibility for coordinating and developing a uniform set of departmental procedures for implementing these regulations;
- (2) Serve as the Department's liaison with the Office of Management and Budget and other Federal agencies on A-95 matters;
- (3) Serve as liaison with other Headquarters units and Regional Offices and concur in all Headquarters instructions and regulations which refer to the A-95 process;
- (4) Issue policies and procedures within the scope of these regulations in consultation with other Assistant Secretaries, and develop such supplementary material as may be necessary to implement these regulations;
- (5) Develop and conduct training and information programs, monitoring systems and periodic evaluation systems to further HUD program officials' understanding of the A-95 process, to improve HUD's implementation of the process, and to increase benefits of the A-95 process regard to HUD's programs.

(b) All other Assistant Secretaries, the General Counsel and program administrators with A-95 compliance responsibilities shall assist the Assistant Secretary for Community Planning and Development in the implementation of these regulations, including insertion of the A-95 requirements into their program regulations and program guidance material, the development of special A-95 procedure guidelines where needed, and the designation of an A-95 official for purposes of contact and coordination.

(c) Within the Regional Office, the Director, Office of Regional Community Planning and Development on behalf of the Regional Administrator, primary responsibility for function of coordinating, monitoring and overseeing the OMB Circular A-95 functions in Field Offices. The Director of the Office of Regional Community Planning and Development shall designate a staff member responsible for A-95 matters. The Regional Administrator may designate

