

Public Works

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September 21, 2021

Katerina Downard
Environmental Policy Office
777 Bay Street, Suite 700
Toronto, ON M7A 2J8

Dear Ms. Downard,

RE: Update to the Environmental Guide for Noise (ERO# 019-4176)

Region of Peel staff appreciate the opportunity to review and comment on the Ministry of Transportation's (MTO's) updated Environmental Guide for Noise (ERO# 019-4176). Regional staff offer the following comments from the perspective of Transportation Environmental Assessments.

1. Coordinate future expectations of provincial and local noise guidelines to the extent possible

Municipalities follow the *MTO's Environmental Guide for Noise* and have local noise mitigation policies in place. In addition, the Ministry of Environment, Conservation and Parks (MECP) is a technical reviewer for Municipal Class EAs, including noise assessments.

Further to MTO's noise update, several other updates by government agencies are being considered at this time:

- MTO's Class EA process for transportation facilities, where certain Group C projects such as new noise barriers may become exempt from the EA process
- Municipal Engineers Association (MEA) Class EA process for municipal projects, where it currently identifies new noise barriers as a pre-approved Schedule A+ project
- MECP's update to their direction of determining sound levels for road and rail traffic (NPC-306)
- Municipal noise guidelines may have different maximum height limitations and therefore different criteria for noise mitigation (see item 4 for an example)

Ideally, the MTO's Guide would be coordinated with the above agencies' expectations to ensure consistency and/or alignment of requirements for provincial and regional/local transportation projects. This is to lessen the potential for competing agency requirements during the project. It is understood that the above agency updates were not in effect at the time of this draft publication, and that the updated Guide is written as though the updated NPC-306 has been published, identifies transition periods, and indicates the order of precedence for the MTO's Class EA update that is anticipated in the near future. The transition period for all of the above updates is important to avoid unnecessary duplication of effort, particularly in the methodology or modelling used for

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an ongoing project. It may be practical to allow ongoing projects to proceed with the current methodology to completion. It may also be prudent to coordinate the timing of the final version of this Guide with the timing of updates from the other agencies. If that is not possible, clear and timely addenda to the Guide would be appreciated in the future.

2. Maintain reference to the potential for Municipal policy limitations throughout the Guide

Municipalities follow the *MTO's Environmental Guide for Noise* and have local noise mitigation policies in place. For example, the Guide states: "MTO noise barriers are to be considered/constructed to the highest height MTO allows, even if a lower noise barrier may achieve the minimum 5 dB reduction described above (this height may have structural or other limitations not related to noise that must be taken into consideration). Currently, MTO uses noise barriers up to a maximum height of 5 metres."

Later the Guide states "Some municipalities may have maximum noise barrier height limitations which must also be considered." The latter statement is important for proponents and specialists using the guide for municipal projects, and should be maintained in the final version of this Guide.

The Guide also explains that "Municipal noise bylaws do not apply to provincial transportation projects including MTO, its agencies or its agents (i.e. contractors) and as such, MTO is not required to obtain noise exemption by-law permits." and that "MTO will ensure clear and frequent communication with the municipality, address local concerns on a project-by-project basis, strive to work within the spirit of the municipal noise bylaw, and apply best practices to reduce noise impacts to the community during construction." It is understood that the latter statement, followed by the best practices listed in the document, were included to "work within the spirit of the municipal by-law" and therefore should be maintained in the final version of this Guide.

3. Concrete and asphalt surfaces may be factors in the noise assessment, however the results of the assessment should be considered in the context of other engineering factors, such as road safety

The Guide states:

"If pavement type (concrete or asphalt) has already been determined at this stage [determination of future build noise levels], the noise analysis will be modelled appropriately. Otherwise, the assessment shall have 2 scenarios modeled: a concrete scenario and an asphalt scenario. This is limited to asphalt and concrete pavement types and there is no need to distinguish between different types of asphalt or concrete. Subsequent mitigation analysis shall consider these scenarios separately."

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The results of this assessment would become technical input to the EA process. In the spirit of the EA, the results would be considered in the context of other environmental and engineering factors, such as road safety. It may be helpful to further clarify the different ways these results may be considered at different stages of the project.

4. Municipal noise guidelines may have different maximum height limitations and therefore different criteria for noise mitigation

The following is an example of the potential difference between Provincial and municipal criteria:

The MTO's criteria for noise mitigation is "Where the predicted Future Build noise level at the Outdoor Living Areas (OLA) results in:

- an increase of 5 dB or greater over the Future No-Build noise level; or
- the projected Future Build noise level is equal to or greater than 65 dBA, ...".

Further, it is understood that the MTO considers the following criteria to determine when noise mitigation may not be warranted:

- "Is there an insertion loss of ≥ 5 dB averaged over the first row of receptors?" If no, noise mitigation is not warranted.
- "Determine cost/benefitted unit - Is this within the range of what MTO typically spends per benefitted unit?" If no, noise mitigation is not warranted.
- "Can the noise mitigation option be located on lands within public ownership and within project constraints?" If no, noise mitigation is not warranted.

Municipal criteria may be different. For example, where a maximum 2.4m barrier height is considered, the criteria could be:

- 60 dBA (A-weighted decibel scale) or higher (average over a 16-hour daytime period) for a noise barrier
- 55 dBA (16-hour daytime average), or at least a 5db noise reduction, for a noise barrier to be considered technically feasible.

Thank you for the opportunity to comment on the proposed updates to the Environmental Guide for Noise. Region of Peel staff are available to answer any questions you may have.

Sincerely,



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cc: Giancarlo Cristiano, Strategic Public Policy Advisor