

April 5, 2005

AGENDA #3a(1)

From: Carol Woods Retirement Community Residents Association

To: Chapel Hill Mayor and Town Council

The Carol Woods Retirement Community was planned and incorporated in 1972 by local citizens who realized they might have to leave the Southern Part of Heaven if they became disabled and needed a retirement community. Their diligent efforts resulted in planning Carol Woods before the location of I-40 was defined. Both Chapel Hill and Orange County urged NCDOT to route I-40 through Durham County. The route chosen was Alternate 1B. It was moved extremely close to Carol Woods and changed from a straight line to an "S" curve when a developer contemplated purchasing land to build the Sedgefield community.

Highway construction began in 1984. NCDOT told our residents and staff that we would neither see nor hear the traffic because the road would be at least 20 ft. below the ground elevation.

The traffic estimates done by NCDOT in 1984 allotted different estimates of truck traffic for our section, the New Hope section to the west and Durham to the east. Heavy truck traffic was estimated at 8% in our Design Noise Report compared to 19% to the west and 21% to the east.

The Final Environmental Impact Statement (FEIS) required the use of 30% heavy trucks in computing future noise. NCDOT has refused our request for sound barriers four times on the basis of economic feasibility. NCDOT found only 4 apartments were noise impacted, whereas their calculations should have found at least 72 units impacted. The noise level required at that time for noise abatement was 57 decibels, which should have made Carol Woods eligible then. NCDOT has said consistently that those records are no longer relevant.

We now have 450 residents and 322 staff personnel who are affected daily by increasing noise. Nearly 80% of the residents signed a petition in 2004 asking that NCDOT redo its 1984 Design Noise Report in accordance with its 1984 commitments and procedures and to prepare for installation of adequate noise barriers. A summary of the history of our relations with NCDOT is attached for your information. We are so pleased that this Council passed a resolution last year asking NCDOT to perform current Noise Design studies.

We have met with Flo Miller, Roger Waldon and David Bonk of your staff; with our representatives in the NC Legislature; with David Price of the US Congress; and with Alice Gordon, Orange County Commissioner. We have also corresponded with our US Senators. All have been very supportive.

Representative Verla Insko notified NCDOT in March that she firmly believes Carol Woods qualifies for a noise wall. We now ask you to join our efforts by supporting our request to the Metropolitan Planning Organization not to approve any widening without providing adequate noise abatement for the Carol Woods Retirement Community.

We are proud to live in one of the Nation's finest continuing care communities and we want to continue, with a reduction in traffic noise. Your cooperation will be deeply appreciated. If you need more information, we will be happy to provide it.

April 5, 2005

From: The Carol Woods Noise Abatement Committee

To The Chapel Hill Town Council

A suggested request from the Chapel Hill Town Council to its Metropolitan Planning Organization.

The Chapel Hill Town Council notes that in the construction of I-40 through the Carol Woods area the needed noise abatement measures were not provided.

Accordingly, the Chapel Hill Town Council requests its Metropolitan Planning Organization to take appropriate actions to help secure from NCDOT the scheduling of the necessary noise abatement procedures and measures and their planning according to the principles and findings of the I-40 Final Environmental Impact Statement.

*Carol Woods Residents' Association
750 Weaver Dairy Road
Chapel Hill, North Carolina 27514-1438*

February 24, 2004

Letter sent to the Mayor and Town Council, Chapel Hill, and to
Senator Eleanor Kinnaird, Representatives Joe Hackney and Verla Insko

We Carol Woods residents are writing to request your help in obtaining an adequate sound barrier for Interstate 40 where it passes near our homes. The wall should be constructed under the Federal Highway Administration (FHWA) regulations and with federal supervision (e.g. complete review of the design noise review calculations for the widening project, considering the cumulative effects of the original road plus the current widening activity.)

The Residents' Association of the Chapel Hill Residential Retirement Community, better known as Carol Woods, is coordinating this request because members of the Association have been dealing with the issue since 1979 when our continuing care community opened and the Association was formed in 1980. Early on, the Grounds Committee of the Association was assured by NCDOT that residents would not be able to see or hear the traffic on I-40 when it was built.

A summary of the history of I-40 in relation to Carol Woods is enclosed, along with a copy of a petition signed by more than 350 of the residents. We are especially concerned because the initial road construction appears to have departed from the requirements of the National Environmental Policy Act (NEPA) with respect to its Design Noise Report (DNR) and its compliance with environmental impact statement commitments. If these mistakes are not rectified, it may be very difficult for our community to sustain itself in the future as an excellent location for older adults.

Residents of about 40 garden apartments are bothered by the noise, especially if they open their windows or use their decks. The highway noise is particularly noted by the many people walking around the perimeter of our campus (as they do daily as part of a health regimen). The people who maintain small gardens near the edge of the campus where the highway passes often complain of the incessant noise.

This noise was not present when Carol Woods was built, and nobody ever expected it to be as great as it is today. Measurements made by an acoustic specialist in 2000 (at Carol Woods's expense) were higher than any levels anticipated by the predictions of the NC Dept. of Transportation (NCDOT) in their 1984 noise report — the report on which NCDOT based its conclusion that there was no need for noise abatement. The calculations appear to have been based on erroneous data. NCDOT's I-40 Categorical Exclusion, published in 2000, cited ambient noise levels of 63, 61 and 60 decibels; these are 4, 7, and 7 decibels higher, respectively, than the 1984 DNR's predictions. The other 9 noise receivers in the original study (omitted from the later report) would have

indicated a much greater disparity between the 1984 estimates and the existing noise levels.

We believe that before the highway is widened from four lanes to six (and perhaps to eight, for HOV lanes later), the original calculations should be done over, using the actual elevations of the roadway as built (it deviated from the plan which was evaluated in the Design Noise Report) and the committed proportion used (30%) for heavy truck traffic.

The residents of Carol Woods request your assistance in trying to persuade the NCDOT to re-do its calculations and its measurements for the noise effects of the original road and then to calculate the effects of the additional lanes. **We believe that there should have been noise abatement measures when I-40 was first built, and that the next widening offers an opportunity for a fair re-evaluation of the decision not to provide it.**

We understand that NCDOT policies do not generally permit retroactive abatement, but since their initial calculations were based on erroneous data, they should use some flexibility in applying the policy.

Representatives of the Residents' Association would like to meet with you and discuss this issue in the near future, after you have had time to read the enclosed overview of I-40 history and to look at the names on our petition. Some of the names will be familiar. Carol Woods has many residents who have been active in civic affairs and at the University. They have chosen to retire at Carol Woods and are valued members of this community. We would like to think that in the future there will be other people who want to live here, and we fear that unabated noise from I-40 could make that decision difficult for some.

Sincerely,

Diane Henderson, President
Carol Woods Residents Association

Enclosures:

Summary of I-40 construction near Carol Woods
Various Noise Level Standards
Copy of a Petition from Residents

Petition

The undersigned residents of Carol Woods Retirement Community, 750 Weaver Dairy Rd., Chapel Hill, NC 27514, respectfully request the assistance of the Chapel Hill Town Council, our legislative representatives in the General Assembly, and our Congressman, David Price, NC 4th District to support our request for adequate noise mitigation in the widening of Interstate 40 where it impinges on Carol Woods.

We would like to have an adequate sound barrier wall, constructed under the Federal High Way Administration regulations and with federal supervision (e.g., complete review of the design noise review calculations for the widening project, considering the cumulative effects of the original road plus the current widening activity.)

Name	Apartment No.
M. Jeanne Madigan	2113
April L. Wallace	174
Walter Mickelson	218
Wip Friedrich	2204
Ben & Abby	145
Charles Paddock	170
Patricia Bartell	189
Ingegard Muller	2215
Jesse C. Fletcher	153
Grace H. Hagauer	143
Grace H. Hagauer	143
William H. Lane	222
N. M. Henry	159
Cyril Holt	2115
Rebecca B. Warren	135
Wheeler B. Dolan	5126
Louise Combs	6104
Jack L. Davis	139
Stanley M. Wilder	1207
Marian G. Dasset	167
Virginia P. Elder	144
Thyllis Henry	212
Rebecca Mott	213

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Name	Apartment No.
Charles L. Powell	142
Carol Ann Powell	142
Carol B. Daniel	160
Dorothy L. Simpson	1305
Mark W. Conroy	1214
Sally Black	1114
Charles Shirley Weiss	2114
Maree E. Higdon	1314
Ruth Reed	234
Bea Dulberg	1311
Carolee J. Wilcox	117
Harold A. Weaver	166
Margaret A. Brown	3208
Anne Farr Hemes	250
Eleanor H. Broadus	158
Henry W. Lewis	186
Alley J. Mennell	184
Thelma B. Perkins	1315
Robert and Pearl Seymour	219
Dot Luebbers	252
Robert Mennell	184
Eleanor Pegg	1211
Jeanette Lick	3210

Petition

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Name	Apartment No.
Richard M. Lloyd	3107
Helen E. Hensley	114
Frances J. Johnson	224
Kala Harlands	168
Judith R. Smallwood	175
Janet Campbell	173
Jean Joseph	137
Angela [unclear]	165
Arthur E. Wilder Jr	1304
John L. Sanders	102
Biane D. Henderson	132
Seymour Reed	234
Evelyn Lewis	231
Ruth J. Harris	171
Nelson H. Henderson	132
Dave Sices	140
Jacqueline S. Sices	140
Gene Beal Sanders	102
Jean H. Spalding	238
J. Wesley [unclear]	238
Janet Padlock	170
Kenneth R. Joseph	137
Elizabeth Wade Grant	176
Helen Martikainy	3113

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Name	Apartment No.
Shelley G. O'Byrne	246
Charles D. Jones	160
Barbara Clyde	246
Barbara Barman	224
Janice P. Tolson	219
Marie W. Fairley	2118
Hans E. Krusa	190
Renee F. Krusa	190
(Beth) Elizabeth N. Jones	173
Elizabeth H. Hewitt	107
Eleanor C. Scandlin	1101
Jeanette H. Donaldson	2111
Patricia Shields	3114
Arline Freund	1206
Caroline D. Judd	1209
Robert C. Kelley	1209
Andrew J. Booth	130
Anne Mary Maddy	3211
Richard W. Maddy	3211
Terence Zimmerman	6108
Betty Caldwell	1111
Pearam H. Stewart	1212
Eric Metzger	182

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Name	Apartment No.
Mac Clarke	1202
Pat Clarke	1202
Nancy B. Godham	155
Anna von Storch	1205
Virginia Wilman	235
Mahl D. Haemmel	# 111
W. G. Haemmel	# 111
Essell Graves	244
Mary Graves	244
2/ Robert Brashear Jr.	206
Doris Pruitt	165
Sarah Price	187
Jane Davis	221
Carolyn Wallace	101
Wesley Wallace	4818
Byron L. Perry	214
Dorcas Perry	214
Roman T. Morgan	1105
Mary Oliver	157
Barry Freeman	1218
Jamie Freeman	1218
Bob Peard	222

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Name	Apartment No.
Mary J. Rye	1309
Kenneth Steel	1309
Phyllis Stockwell	106
Edna Stockwell	106
Robert G. Taylor	110
Edna Hudson	
Jessie Collins	237
Ever W. Collins	237
Virginia Coyle	2117
William S. Wright	113
Anne M. Wright	113
Annie Lee Jones	3103
JIM KEMPE	7108
Grace R. Brashear	206
Anna R. Moore	2217
Latharine Ome	232
Jerrald Ome	232
Patricia Ome	225
Michael H. Frey	121
Emilia Frey	121
Glady's Slater	122

Petition

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Name Apartment No.

✓ Sylvia Bunkley	2207	1/16/04
Alan Newman	2221	
Emily Wong	2203	
Heulie Helmer	1210	
MaryAnn Linker	2218	
Tina R. Moore	2217	
Emie Geyette	2201	
Pete Fischer	2213	
Editha Fischer	2213	
Peggy Pollitzer	2212	
Arthur Eulen	2202	
Arath M. Thomas	2214	
Jacqueline Allen	2206	
Guided by Thede	2208	
Willard J	215	
Orren Ruchert	112	

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Name	Apartment No.
Willie J. Bland	1117
Dorothy G. Bland	1117
Helen K. McEwen	1113
Jane B. Young	1108
Isabelle Webb	1220
Donald Schair	1106
Barbara Bowman	1115
Mary Lucy Cobb	1107
Edward D. Innes	1110
Edith C. Ford	1112
Daphnia Andrew	1103
Jean Gregory	1100
R. Williams	1113
Carole Jimadi	1120
Maryjean Kury	1109
Laura Kury	"
John Duguid	6103
Helen F. Summers	6108
Ann Therman	6112
Elizabeth Waller	6105
Sean Swanson	6102

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Name	Apartment No.	
Jessie Keller	2102	
Stella Lyon	2101	
Gilda Darrato	2205	1/15/04
Jane King	2103	
Evelyn B. Pollock	2105	
Jean D. Shaples	2107	
J. W. Marshall	2110	
Dorothy S. Holt	2110	
Sherry Parker	2116	
Alice Logan	2106	
Lean Parish	2210	
Brianne Chapman	5124	
Shirley Chapman	5124	
Andrea Chapman	5123	
Margaret J. Wainwright	5127	
J. C. Rogers	5102	
Margaret Garvie	5125	
Alberta B. Dolen	5126	

Petition

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Name	Apartment No.
Arthur J. Hawley	251
Helen M. Hawley	251
Dorothy L. Heninger	247
Charles H. Heur	250
Barbara Allen	241
Eva Mae Lynch	241
Dorothy Hooden	245
Sally Couch Vilas	245
Blossom Tidwell	242
Mary G. Guidall	242
Ann A. Meck	243
Raymond W. Meck	243
St. Katerina, d.	247
Margaret C. McKinney	248
Ross S. McKinney	248
Elizabeth S. Jones	249
Curtis P. Jones	249

Name	Claire Dowling	Apartment No.	1308
	Dorothy Crowther	" "	1200
	Doris Lynch		1102
	Catherine Clark		1201

(Building 3, 1st floor)

Petition

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Name	Apartment No.
Winnie Clark	3115
Mary Scroggs	3117
Virginia Bussey	3116
Carl M. Smith	3115
Shems H. Bayliff	# 3109
Ruth Colburn	3108
Aunette M. Katsber	3106
Mary Jane Calver	3104
Elbe Lawson	3203
Susan Fraser	3110
Alicia Wallons	3102
Joan Ervine	3100
Jessie Lutzl	3118
Rolland Rob. Lutz	3118
Wally Esser	# 119
John D. Esser	# 119
John Macfee	# 1217
Lois Frost	# 211
Clare Kunkel	# 178
Marguerite Behm	# 169
Robert Metzger	# 182

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Name	Apartment No
<i>Waltcraft</i>	209
<i>Miranda Whitaker</i>	7107
<i>A Berry Crook</i>	7109
<i>Lesta H. Carlo</i>	7103
<i>Jane Sawyer</i>	7111
<i>Jean M. Steltz</i>	209
<i>Jay Shob</i>	7106
<i>Kilamnet a Okun</i>	204
<i>Jo Ball</i>	7105
<i>Jan S. Loo</i>	7102
<i>Abe Husel</i>	226
<i>Eva Hirsch</i>	226
<i>Robert W. Bradus</i>	158
<i>Shuley C. Gisher</i>	# 228
<i>J. Gordon Fisher</i>	# 228
<i>Alice P. Woodbury</i>	# 136
<i>John W. Woodbury</i>	# 136
<i>Antonia H. Nestor</i>	# 164
<i>Elizabeth J. Cooley</i>	# 124
<i>Dwight R. Cooley</i>	# 124
<i>Tals Vogel</i>	# 2119

A RESOLUTION ENDORSING A NEW NOISE STUDY TO BE PERFORMED BY THE STATE ALONG THE INTERSTATE-40 CORRIDOR IN CHAPEL HILL (2004-01-26/R-7)

WHEREAS, the Town Council has received a petition from the Sunrise Coalition regarding noise issues along the Interstate-40; and

WHEREAS, the Town Council believes that it would be beneficial for additional studies of noise impacts associated with future widening of Interstate-40 to be conducted prior to approval of funding for such widening;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town hereby encourages the Durham-Chapel Hill Metropolitan Planning Organization to work with the North Carolina Department of Transportation to assure that new noise studies are performed by the State along the Interstate-40 corridor in Chapel Hill, prior to any approvals for funding a widening of the road.

BE IT FURTHER RESOLVED that the Council requests Mayor Foy to bring this issue to the attention of the Metropolitan Planning Organization.

This the 26th day of January, 2004.

TOWN OF CHAPEL HILL

306 NORTH COLUMBIA STREET
CHAPEL HILL, NORTH CAROLINA 27514

Mayor
July 19, 1979

HIGHWAY DESIGN DIVISION	
N. I. P. NO. I-9 111	
FILE	
Received JUL 28 1979	
ROADWAY <input checked="" type="checkbox"/>	INSPECTURE <input type="checkbox"/>
PREP. REPT. <input type="checkbox"/>	FILE <input checked="" type="checkbox"/>
REV. & COMMENT <input type="checkbox"/>	BRIEF ME <input type="checkbox"/>

9847

Mr. George E. Wells, P. E.
Manager of Highway Design
N. C. Department of Transportation
Division of Highways
P. O. Box 25201
Raleigh, North Carolina 27611

Dear Sir:

The Town of Chapel Hill would like to forward the following comments concerning the design of the proposed 1-B revised route for Interstate 40 as attached. We would like to take this opportunity to emphasize several points which relate particularly to Chapel Hill.

- Noise Abatement Measures. Since the proposed route of I-40 passes very close to a major retirement community, Cedar Falls Park, and a number of established residential areas, the Town urges that all possible noise abatement features be incorporated into the design of the highway in these areas.
- Erosion and Sedimentation Control. In recent years the Town and Orange County have been working strenuously to control erosion and sedimentation. Since Orange County is the administering agency of this program both within Chapel Hill and for the remainder of the County, the Town requests that the Orange County Erosion Control Officers be given policing power over this project to assure that adequate protection is afforded to drainage basins within Chapel Hill's jurisdiction.
- Park and Ride Lots. The Town of Chapel Hill has been operating an effective bus system since 1974. In 1978 the Town took a lead role in developing and coordinating a ridesharing program that serves both residents and employees of the Chapel Hill-Carrboro area. The purchase of land for park and ride lots in conjunction with the acquisition of right-of-way for the NC 86 and 15-501 interchanges would assist the Town in providing two-directional park and ride lots which would serve persons commuting to the major employment centers in central Chapel Hill as well as residents wishing to carpool to Raleigh or the Research Triangle Park.

Mr. George E. Wells

-2-

July 19, 1979

Our experience with other interstate highways, most immediately I-85, indicates that the greatest environmental degradation occurs in the vicinity of the interchanges. We therefore urge that the most rigid controls be exercised in that connection, else the decline in environmental quality will proceed from these interchanges throughout the length of the proposed I-E segment.

We would like to thank you for the opportunity to submit these comments and request that they be made part of the record of the Design Public Hearing held by your department on June 5, 1979 at the Rogers-Herr Junior High School, Durham, N. C.

Sincerely,


James C. Wallace
Mayor

JCW/bl

030805TownCouncil
April 5, 2005

Comment in Support of Carol Woods' Request for I-40 Noise Abatement

To: Mayor Foy and Members of the Chapel Hill Town Council

From: Seymour Freed, 750 Weaver Dairy Road, Chapel Hill

Carol Woods was denied noise abatement during the original construction of I-40 because the 1984 Design Noise Report (DNR) predicted that only four apartments would be noise impacted, This made noise walls, which NCDOT estimated would cost \$277,000, economically unfeasible. The report should have concluded that over 70 residences were noise impacted. This would have meant a cost of \$4,000 per benefited unit, comfortably below the \$25,000 requirement in place at that time.

Errors involving just the use of wrong truck percentages and an unjustifiably high noise filtering factor reduced predicted noise estimates in NCDOT's computations by an average of over ten decibels. NCDOT's commitment in its Final Environmental Impact Statement (FEIS) was to use 30% heavy trucks and 40% total commercial vehicles in its noise predictions. Instead, it used 8% heavy trucks and 10% total commercial trucks. The other major error was the misused alpha factor. An alpha factor is a distance adjustment for the drop-off rate of sound. An alpha of "0" is used for hard sites such as asphalt. An alpha of 0.50 is used for soft sites such as areas with substantial vegetation covering the ground. The use of an alpha factor of 0.75 by NCDOT, amounted to such a flagrant misreading of Federal Highway Administration procedures that this one misjudgment, standing alone, arbitrarily and capriciously destroyed Carol Woods' legitimate economic feasibility to qualify for noise abatement in NCDOT's eyes.

In addition, there were many other very grave errors and omissions, including omission of primary noise transmitting road segments, failure to consider many significant noise receptors, use of road elevations in computations generally five-feet lower than actual, ignoring NCDOT Noise Abatement Policy of using excess fill for berms- instead it sanctioned raising the roadway with the excess fill, and using noise wall unit cost over 40% higher than allowed by NCDOT Noise Abatement Policy. Coincidentally all flaws were counter to Carol Woods' residents' interest as they all increased NCDOT's error.

Representative Verla Insko notified the NCDOT Division Engineer in March 2005 (copy attached) that she firmly believes Carol Woods qualifies for a noise wall. Please add force to her request "that the DOT engage a professional engineering consultant to recalculate the 1984 DNR noise estimate in accordance with NCDOT's FEIS commitments, and in accordance with the professional engineering standards which were in place at the time." I-40 noise abatement for Carol Woods is currently overdue by over twenty years.

enclosure



North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601-1096

REPRESENTATIVE VERLA CLEMENS INSKO
56TH DISTRICT

March 3, 2005

Mr. J. M. Mills, PE
Division Engineer
Division of Highway
North Carolina Department of Transportation
PO Box 14996
Greensboro, NC 27415-4996

Dear Mr. Mills:

I appreciate receiving a copy of your letter to Mr. Freed at Carol Woods concerning the Noise Study at Carol Woods Retirement Community Adjacent to I-40 in Orange County.

In your letter you stated that the Department of Transportation would conduct another noise study for this area for the Transportation Improvement Project I-3306, for the widening of I-40 for additional lanes, from the K-40/85 split in Orange County to the Durham County line. However, I firmly believe that the Carol Woods Retirement Center does quality for a noise wall based on meetings with residents of Carol Woods and Seymour Freed's January 3, 2005 letter to you along with the documentation he has produced. I am therefore requesting that the Department of Transportation engage a professional engineering consultant to recalculate the 1984 DNR noise estimate in accordance with NCDOT's FEIS commitments, and in accordance with the professional engineering standards, which were in place at that time. To accomplish this goal, two-way communication with the Office of Human Environment needs be opened with Carol Woods' residents.

When the Department of Transportation recalculates the 1984 DNR noise estimate, I request you consider that Carol Woods was in operation prior to the construction of I-40, and that, based on the number of residents affected, DOT transform Carol Woods from one receptor into approximately 54 receptors based on its 54 plots. In addition, approximately 100 people walk 25% impacted Harkness Circle every day and could be considered as another 25 receptors.



Mr. J. M. Mills, PE


March 3, 2005

Page Two

I refer you to a similar problem encountered by the Department of Transportation's at Club Boulevard School in Durham and it's decision to recalculate the number of receptors based on the number of students affected at the school and the Department's decision to construct a unique sound barrier system made with lightweight, stackable modules filled with tires as a possible solution.

While I appreciate your willingness to work with the residents of Carol Woods in planting a vegetative screen, I do not believe this will adequately solve the noise problem.

Sincerely,



Representative Verla Insko
N.C. House of Representatives
56th District