STATE OF NEW YORK

S. 3528 A. 3033

2017-2018 Regular Sessions

SENATE - ASSEMBLY

January 24, 2017

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to motor vehicle sound level limits for motorcycles

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 386 of the vehicle and traffic law, as added by chapter 543 of the laws of 1976, paragraphs c and d of subdivision 3 as added and subdivision 5 as amended by chapter 315 of the laws of 1980, is amended to read as follows:

§ 386. Motor vehicle sound level limits. 1. As used in this section;

a. A-weighted sound level shall mean the sound pressure level measured by the use of an instrument with the metering characteristics and A-weighting frequency response prescribed for sound level meters.

b. Combination of vehicles shall mean any device consisting of a motor vehicle and one or more trailers drawn by such motor vehicle.

c. Sound pressure level shall mean twenty times the logarithm to the base ten of the ratio of the root mean squared pressure of a sound to a reference pressure of twenty micropascals. The unit applied to this measure shall be the decibel (dB).

2. This section shall apply to the total sound level emitted from a motor vehicle or a combination of vehicles.

3. Unlawful acts.

a. It shall be unlawful for any person to operate or cause to be operated on a public highway any motor vehicle or combination of vehicles with a maximum gross weight in excess of ten thousand pounds, at any time, under any condition of grade, load, acceleration or deceleration

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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in such a manner as to exceed the applicable A-weighted sound level set forth in table I. The maximum allowable sound levels in table I are based on a sound level measured at, or adjusted to, a distance of fifty feet from the center of the lane in which the motor vehicle is traveling.

TABLE I
MAXIMUM ALLOWABLE
A-WEIGHTED SOUND LEVELS
Maximum Speed Limit

35 miles per hour or less	over 35 miles per hour
86dB (A)	90 dB (A)

b. In addition, it shall be unlawful for any person to operate or cause to be operated on a public highway any motor vehicle or combination of vehicles with a maximum gross weight in excess of ten thousand pounds and equipped with an engine speed governor, which generates an A-weighted sound level in excess of eighty-eight dB(A) measured at, or adjusted to, a distance of fifty feet from the longitudinal centerline of the vehicle, when the engine of such vehicle is accelerated from idle with a wide open throttle to governed speed with the vehicle stationary, transmission in neutral and clutch engaged.

c. It shall be unlawful for any person to operate or cause to be operated on a public highway any motor vehicle or combination of vehicles, except motorcycles, with a maximum gross weight of ten thousand pounds or less, at any time, under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the applicable A-weighted sound level set forth in table II. The maximum allowable sound levels in table II are based on a sound level measured at, or adjusted to, a distance of fifty feet from the center of the lane in which the motor vehicle is traveling:

TABLE II
MAXIMUM ALLOWABLE
A-WEIGHTED SOUND LEVELS
Maximum Speed Limit

35 miles per hour or less	over 35 miles per hour
76 dB(A)	82 dB(A)

d. It shall be unlawful for any person to operate or cause to be operated on a public highway any motorcycle, at any time, under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the applicable A-weighted sound level set forth in table III. The maximum allowable sound levels in table III are based on a sound level measured at, or adjusted to, a distance of fifty feet from the center of the lane in which the motorcycle is traveling.

TABLE III
MAXIMUM ALLOWABLE
A-WEIGHTED SOUND LEVELS
Maximum Speed Limit

35 miles per hour or less	over 35 miles per hour
[~~82~~] 74 dB(A)	[~~86~~] 81 dB(A)

4. The commissioner of environmental conservation shall promulgate regulations establishing the measurement procedures and instrumentation to be utilized in the enforcement of this section.

a. These procedures shall allow, to the extent feasible, motor vehicle sound measurements to be accomplished in reasonably confined areas such as residential areas of urban cities, and may provide for sound measurement at distances other than fifty feet and in the vicinity of sound reflecting surfaces.

b. The regulations shall take into consideration recognized scientific and professional standards for the measurement of vehicular sound levels.

5. The provisions of this section shall not apply to vehicles and implements or combinations thereof used solely for farm purposes, nor to authorized emergency vehicles.

6. Nothing in this section shall be construed as limiting or precluding the enforcement of equipment requirements or any other provisions of law relating to motor vehicle noise.

7. At intervals of not more than two years, the commissioner of environmental conservation shall report to the governor and the legislature on the current state of the art of motor vehicle sound level limitations and recommend changes as necessary.

§ 2. This act shall take effect immediately.