S. 1204

[Report No. 97-110]

To amend the Noise Control Act of 1972 as amended by the Quiet Communities Act of 1978.

IN THE SENATE OF THE UNITED STATES

MAY 15, 1981

Mr. Gorton, from the Committee on Environment and Public Works, reported, under authority of the order of the Senate of May 18 (legislative day, April 27), 1981, the following original bill; which was read twice and ordered to be placed on the calendar

A BILL

To amend the Noise Control Act of 1972 as amended by the Quiet Communities Act of 1978.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

That the Noise Control Act of 1972 is amended as follows:

(1) Sections 6 and 8 are hereby repealed.

(2) Section 1 is amended to read as follows:
"SHORT TITLE

"SECTION 1. This Act may be cited as the 'Quiet Communities Act'.”.

(3) Section 2(a)(3) is amended by striking out “deal with major noise sources” and all that follows, through the period at the end thereof and substituting: “promote effective State and local programs and provide Federal research, demonstration, planning, technical, and other assistance for such programs.”.

(4) Section 2(b) is amended by striking “to authorize the establishment of Federal noise emission standards for products distributed in commerce, and”, changing the period at the end of said sentence to a comma and adding “and to assure that railroad and motor carrier equipment and operational noise emissions are controlled adequately by either State or Federal regulation.”.

(5) Section 3(2) is amended by striking out “sections 11(e) and” and substituting “section”.

(6) Section 3 is amended by striking paragraphs (3) through (8).

(7) The second sentence of section 4(b) is amended by striking “6, and “, other than for those products referred to in section 3(3)(B) of this Act”.

(8) Section 12(f) is amended by striking out “paragraph” and all that follows down through “section 611” and
1 substituting "a standard, rule, or regulation under section 17
2 or 18 of this Act or section 611".
3 (9) Section 10 is amended by striking subsections (a)
4 and (b) and substituting the following: "The failure or refusal
5 of any person to comply with any requirement of regulations
6 prescribed under sections 13, 17, or 18 is prohibited.”.
7 (10) Section 11 is amended by——
8 in subsection (a), striking “paragraphs (1), (3), (5),
9 or (6) of subsection (a) of” each place it appears;
10 in subsection (b) striking “any paragraph of sec-
11 tion 10(a)” and substituting “section 10” each place it
12 appears;
13 in subsections (c) and (d), striking “10(a)” and
14 substituting “10”.
15 (11) Section 18(a) is amended by striking “6 or section
16 8” and substituting “17 or section 18”.
17 (12) Section 14(b)(2) is amended by striking “subject to
18 possible regulation under sections 6, 7, and 8 of this Act”.
19 (13) Section 16(a) is amended by striking “6, 17, or 18
20 of this Act or any labeling regulation under section 8” and
21 substituting “17 or 18”.
22 (14) Section 17 is repealed, and the following new sec-
23 tion enacted in lieu thereof:

S. 1281—ra
"RAILROAD NOISE

"SEC. 17. (a)(1) Regulations of interstate railroads and equipment in existence shall continue until specifically re-
pealed or amended.

(2) After the enactment of this section, the Administra-
tor may promulgate additional regulations establishing stand-
ards and requirements for the design, construction, and main-
tenance of rail equipment or devices or controls and regula-
tions establishing restrictions on interstate railroad operations
and activities along specific rail lines or specific centers of
activity, including, but not limited to, switching and marshaling
yards, for the purpose of minimizing or eliminating the
environmental noise emissions from such equipment or activi-
ties. Such standards, controls, limits, requirements, or regu-
lations, if any, shall reflect the degree of noise reduction
available through the application of best available technol-
ogy, taking into account the costs of compliance.

(3) Within ninety days after the publication of such
regulations as may be proposed under paragraph (1) of this
subsection, and subject to the provisions of section 16 of this
Act, the Administrator shall promulgate final regulations.
Such regulations may be revised, from time to time, in ac-
cordance with this subsection.

(4) Any standard or regulation, or revision thereof,
proposed under this subsection shall be promulgated only
after consultation with the Secretary of Transportation in order to assure appropriate consideration for safety and technological availability.

"(5) Any regulation or revision thereof promulgated under this subsection shall take effect after such period as the Administrator finds necessary, after consultation with the Secretary of Transportation, to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period.

"(b) The Secretary of Transportation, after consultation with the Administrator, shall promulgate regulations to assure compliance with all standards promulgated by the Administrator under this section. The Secretary of Transportation shall carry out such regulations through the use of the powers and duties of enforcement and inspection authorized by the Safety Appliances Acts, the Interstate Commerce Act, and the Department of Transportation Act. Regulations promulgated under this section shall be subject to the provisions of sections 10, 11, 12, and 16 of this Act.

"(c)(1) Nothing in this section shall diminish the right of a State or political subdivision thereof to establish and enforce standards, controls, limits, restrictions, or other requirements on environmental noise, including those from rail equipment and operations, in the absence of a Federal requirement pursuant to this section, or a Federal decision that
no Federal, State, or local requirement is appropriate, on a
specific class of equipment or operations.

"(2) Nothing contained herein shall preclude a State or
political subdivision thereof from adopting and enforcing a
Federal standard, control, limit, restriction, or other require-
ment promulgated under this section.

"(3) Any person adversely affected by a State or local
requirement, or the Administrator, may demonstrate by a
preponderance of the evidence the existence of conflict be-
tween the requirement of a State or political subdivision
thereof and that of the Federal Government.

"(d) The terms 'carrier' and 'railroad' as used in this
section shall have the same meaning as such terms have
under the first section of the Act of February 17, 1911 (45
U.S.C. 22)."

(15) Section 18 is hereby repealed and the following
new section enacted in lieu thereof:

"MOTOR CARRIER NOISE

"Sec. 18. (a)(1) Regulations of interstate motor carriers
and equipment in existence shall continue until specifically
repealed or amended.

"(2) After the date of enactment of this section, the Ad-
ministrator may promulgate additional regulations establish-
ing standards and requirements for the design, construction,
and maintenance of motor carrier equipment or devices or
controls and regulations establishing restrictions on motor carrier operations and activities for the purpose of minimizing or eliminating the environmental noise emissions from such equipment or activities. Such standards, controls, limits, requirements, or regulations, if any, shall reflect the degree of noise reduction achievable through the application of the best available technology, taking into account the cost of compliance.

"(3) Within ninety days after the publication of such regulations as may be proposed under paragraph (1) of this subsection, and subject to the provisions of section 16 of this Act, the Administrator shall promulgate final regulations. Such regulations may be revised from time to time, in accordance with this subsection.

"(4) Any standard or regulation, or revision thereof, proposed under this subsection shall be promulgated only after consultation with the Secretary of Transportation in order to assure appropriate consideration for safety and technological availability.

"(5) Any new regulation or revision thereof promulgated after enactment of this section shall take effect after such period as the Administrator finds necessary, after consultation with the Secretary of Transportation, to permit the development and application of the requisite technology, giving
appropriate consideration the cost of compliance within such period.

"(b) The Secretary of Transportation, after consultation with the Administrator shall promulgate regulations to assure compliance with all standards promulgated by the Administrator under this section. The Secretary of Transportation shall carry out such regulations through the use of the powers and duties of enforcement and inspection authorized by the Interstate Commerce Act and the Department of Transportation Act. Regulations promulgated under this section shall be subject to the provisions of sections 10, 11, 12, and 16 of this Act.

"(c)(1) Nothing in this section shall diminish the right of a State or political subdivision thereof to establish and enforce standards, controls, limits, restrictions, or other requirements on environmental noise, including those from motor carrier equipment and operations, in the absence of a Federal requirement pursuant to this section, or a Federal decision that no Federal, State, or local requirement is appropriate, on a specific class of equipment or operations.

"(2) Nothing contained herein shall preclude a State or political subdivision thereof from adopting and enforcing a Federal standard, control, limit, restriction, or other requirement promulgated under this section.
"(3) Any person adversely affected by a State or local requirement, or the Administrator, may demonstrate by a preponderance of the evidence the existence of an inconsistency between the requirement of a State or political subdivision thereof and that of the Federal Government.

"(d) For purposes of this section, the term 'motor carrier' includes a common carrier by motor vehicle, a contract carrier by motor vehicle, and a private carrier of property by motor vehicle as those terms are defined by paragraphs (14), (15), and (17) of section 203(a) of the Interstate Commerce Act (49 U.S.C. 303(a)).".

(16) Section 19 of the Noise Control Act of 1972 is amended by striking out "$15,000,000 for the fiscal year ending September 30, 1979" and substituting "$3,300,000 for fiscal year 1982".
A BILL

To amend the Noise Control Act of 1972 as amended by the Quiet Communities Act of 1978.

May 15, 1981
Read twice and ordered to be placed on the calendar.