PART 325—COMPLIANCE WITH INTERSTATE MOTOR CARRIER NOISE EMISSION STANDARDS

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§ 325.9 Measurement tolerances.

(a) Measurement tolerances will be allowed to take into account the effects of the following factors:

(1) The consensus standard practice of reporting field sound level measurements to the nearest whole decibel.

(2) Variations resulting from commercial instrument tolerances.

(3) Variations resulting from the topography of the noise measurement site.

(4) Variations resulting from atmospheric conditions such as wind, ambi-

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TABLE 1—MAXIMUM PERMISSIBLE SOUND LEVEL READINGS (DECIBEL) (A) F

<table>
<thead>
<tr>
<th>Highway operation test</th>
<th></th>
<th>Stairway tests</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Soft side</td>
<td>Hard side</td>
</tr>
<tr>
<td>the distance between microwave location point and the microwave target point in</td>
<td></td>
<td></td>
</tr>
<tr>
<td>feet</td>
<td>35 m/115 ft</td>
<td>50 m/165 ft</td>
</tr>
<tr>
<td>25 00 (15 ft) or more but less than 23 00 (15 ft)</td>
<td>41 5</td>
<td>41 5</td>
</tr>
<tr>
<td>29 00 (13 ft) or more but less than 27 00 (13 ft)</td>
<td>41 5</td>
<td>41 5</td>
</tr>
<tr>
<td>43 00 (10 ft) or more but less than 41 00 (10 ft)</td>
<td>41 5</td>
<td>41 5</td>
</tr>
<tr>
<td>47 00 (8 ft) or more but less than 45 00 (8 ft)</td>
<td>41 5</td>
<td>41 5</td>
</tr>
<tr>
<td>51 00 (6 ft) or more but less than 49 00 (6 ft)</td>
<td>41 5</td>
<td>41 5</td>
</tr>
<tr>
<td>55 00 (4 ft) or more but less than 53 00 (4 ft)</td>
<td>41 5</td>
<td>41 5</td>
</tr>
<tr>
<td>59 00 (2 ft) or more but less than 57 00 (2 ft)</td>
<td>41 5</td>
<td>41 5</td>
</tr>
<tr>
<td>63 00 (1 ft) or more but less than 61 00 (1 ft)</td>
<td>41 5</td>
<td>41 5</td>
</tr>
<tr>
<td>67 00 (0 ft) or more but less than 65 00 (0 ft)</td>
<td>41 5</td>
<td>41 5</td>
</tr>
</tbody>
</table>

Note 1: The sound levels given in Table 1 are based on standard practice of reporting field sound level measurements to the nearest whole decibel.

Note 2: The sound levels given in Table 1 are based on standard practice of reporting field sound level measurements to the nearest whole decibel.

Note 3: The sound levels given in Table 1 are based on standard practice of reporting field sound level measurements to the nearest whole decibel.

Note 4: The sound levels given in Table 1 are based on standard practice of reporting field sound level measurements to the nearest whole decibel.

Note 5: The sound levels given in Table 1 are based on standard practice of reporting field sound level measurements to the nearest whole decibel.
§ 325.11

ent temperature, and atmospheric pressure.
(b) Variations resulting from reflected sound from small objects allowed within the test site.
(c) The interpretation of the effects of the above cited factors by enforcement personnel.
(d) Measurement tolerances shall not exceed 2 decibels for a given measurement.

Subpart B—Administrative Provisions

§ 325.11 Issuance, amendment, and revocation of the rules in this part.

The procedures specified in Part 389 of this chapter for the issuance, amendment, or revocation of the Federal Motor Carrier Safety Regulations apply to rulemaking proceedings for the issuance, amendment, or revocation of the rules in this part.

§ 325.13 Inspection and examination of motor vehicles.

(a) Any special agent of the Federal Highway Administration (designated in Appendix B to Subchapter B of this chapter) is authorized to inspect, examine, and test a motor vehicle operated by a motor carrier in accordance with the procedures specified in this part for the purpose of ascertaining whether the motor vehicle and equipment installed on the motor vehicle conforms to the Interstate Motor Carrier Noise Emission Standards of the Environmental Protection Agency, 49 CFR Part 202.

(b) A motor carrier, its officers, drivers, agents, and employee must, at any time, submit a motor vehicle used in its operations for inspection, examination, and testing for the purpose of ascertaining whether the motor vehicle and equipment installed on it conforms to the Interstate Motor Carrier Noise Emission Standards of the Environmental Protection Agency, 49 CFR Part 202.

(c) Prescribed Inspection Report. Form MCS-63. Driver-Equipment Compliance Check shall be used to record findings from motor vehicles selected for noise emission inspection by authorized employees.

(d) Motor Carrier's Disposition of Form MCS-63. (1) The driver of any motor vehicle receiving a Form MCS-63 shall deliver such MCS-63 to the motor carrier within twenty-four (24) hours of his arrival at the nearest terminal or facility of the motor carrier. If such arrival occurs within twenty-four (24) hours, the driver shall immediately mail the Form MCS-63 to the motor carrier. For operating convenience, motor carriers may designate any shop, terminal, facility, or person to which it may instruct its drivers to deliver or forward Form MCS-63. It shall be the sole responsibility of the motor carrier to forward Form MCS-63 to the Federal Highway Administration, in accordance with the terms prescribed thereon and in paragraphs (d)(1)(2) and (3) of this section. A driver, if himself a motor carrier, shall return Form MCS-63 to the Federal Highway Administration, in accordance with the terms prescribed thereon and in paragraphs (d)(1)(2) and (3) of this section.

(2) Motor carriers shall carefully examine Form MCS-63. Appropriate corrective action shall be taken on vehicles found to be not in compliance with the requirements of this part.

(3) Motor carriers shall complete the "Motor Carrier Certification of Action Taken" on Form MCS-63 in accordance with the terms prescribed thereon. Motor carriers shall return Form MCS-63 to the Director, Regional Motor Carrier Safety Office, Office of the Bureau of Motor Carrier Safety, Federal Highway Administration, at the address indicated upon Form MCS-63 within fifteen (15) days following the date of the vehicle inspection.

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§ 325.20 Scope of the rules in this subpart.

The rules in this subpart specify criteria for sound level measurement systems which are used to make the sound level measurements specified in Subpart D and Subpart E of this part.
vehicle receiving a Form MCS-63 to a carrier operating the vehicle at an arrival at the next terminal of the motor carrier, if such occurs within twenty-four (24) hours after the carrier does not arrive at or fail the motor car-... all the Form MCS-63 to the carrier. A motor carrier may designate a terminal, facility, or person it may instruct its drivers to forward Form MCS-63. It is the sole responsibility of the carrier that Form MCS-63 is returned to the Federal Highway Ad-...scribed therein and in paragraph (2) and (3) of this section. A motor carrier shall return Form MCS-63 to the Federal Administration, in accordance with the terms prescribed there-... in paragraphs (d) (2) and (3) of this section. The motor carrier shall also return Forms MCS-63 in other par-...sification for Sound Level Meters (ANSI S1.4-1971), approved April 27, 1971, issued by the American National Standards Institute, throughout the applicable frequency range for either system: (a) A Type 1 sound level meter; (b) A Type 2 sound level meter; or (c) A Type 3 sound level meter which have- (1) A weighting frequency response; (2) Fast dynamic characteristics of its indicating instrument; and (3) A relative response level tolerance consistent with those of either a Type 1 or Type 2 sound level meter, as specified in Section 3.3 of ANSI S1.4-1971. § 325.25 Calibration of measurement sys-...s. In accordance with the terms prescribed there-...s. The sound level measurement system must be calibrated and appropriately adjusted at one or more fre-...s. The sound level measurement system must be calibrated and appropriately adjusted at one or more fre-...s. 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the microphone target point. Within the test site is a triangular measurement area. A plan view diagram of a standard test site, having an open site within a 50-foot (15.2 m) radius of both the microphone target point and the microphone location point, is shown in Figure 1. Measurements may be made at a test site having smaller or greater dimensions in accordance with the rules in Subpart F of this part.

Fig 1

STANDARD TEST SITE

HIGHWAY OPERATIONS

(b) The test site must be an open site, essentially free of large sound-reflecting objects. However, the following objects may be within the test site, including the triangular measurement area:

(1) Small cylindrical objects such as fire hydrants or telephone or utility poles.

(2) Rural mailboxes.

(3) Traffic railings of any type of construction except solid concrete barriers (see § 325.5[c][4]).

(4) One or more curbs having a vertical height of 1 foot (0.3 m) or less.

(5) The following objects may be within the test site if they are outside of the triangular measurement area of the site:

(1) Any vertical surface (such as billboard), regardless of size, having a lower edge more than 15 feet (4.6 m) higher than the surface of the traveled lane of the highway.

(2) Any uniformly smooth sloping surface slanting away from the highway (such as a rise in grade alongside the highway) with a slope that is less than 45 degrees above the horizontal.

(3) Any surface slanting away from the highway that is 45 degrees or more and not more than 90 degrees above the horizontal, if all points on the surface are more than 15 feet (4.6 m) above the surface of the traveled lane of the highway.

(c) The surface of the ground within the measurement area must be relatively flat (see § 325.5[c][4]). The site shall be a "soft" test site, however, if the site is determined to be "hard," the correction factor specified in § 325.18[a] of this part shall be applied to the measurement.

(d) The traveled lane of the highway within the test site must be dry, paved with relatively smooth concrete or asphalt, and substantially free of:

(1) Holes or other defects which would cause a motor vehicle to emit irregular tire, body, or chassis impact noise;

(2) Loose material, such as gravel or sand.

(3) The traveled lane of the highway on which the microphone target point is situated must pass through a tunnel or underpass located within 200 feet (61 m) of that point.

§ 325.35. Ambient conditions; highway operations.

(a) (1) Sound. The ambient A-weighted sound level at the microphone location point shall be measured, in the absence of motor vehicle noise emanating from within the clear zone, with fast meter response using a sound level measurement system that conforms to the rules of § 325.23.

(2) The measured ambient level must be 10 dB(A) or more below that level specified in § 325.7, Table 1, which corresponds to the maximum permissible sound level reading which is applicable at the test site at the time of testing.

(b) Wind. The wind velocity at the test shall be measured at the beginning of each series of noise measurements and at intervals of 5-15 minutes thereafter until it has been established that the wind velocity is essentially constant. Once this fact has been determined, the noise level shall be measured in accordance with the procedures provided in § 325.7, Table 1.
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been established, wind velocity measurements may be made at intervals not more than 15 feet (4.5 m) from the surface of the traveled lane of the highway. The ground surface within the measurement area must be free of standing water.

(a) The microphone of a sound level measurement system that conforms to the rules in § 325.23 of this part shall be located at a height of not less than 2 feet (.6 m) nor more than 6 feet (1.8 m) above the plane of the roadway surface and not less than 25 feet (7.6 m) above the surface on which the microphone stands. The preferred microphone height on flat terrain is 4 feet (1.2 m).

(b) When the sound level measurement system is hand-held or is otherwise monitored by a person located near its microphone, the holder must orient himself relative to the highway in a manner consistent with the recommendation of the manufacturer of the sound level measurement system.

(c) In no case shall the holder or observer be closer than 2 feet (.6 m) from the system's microphone, nor shall he locate himself between the microphone and the vehicle being measured.

(d) The microphone of the sound level measurement system shall be oriented toward the traveled lane of the highway at the microphone target point at an angle that is consistent with the recommendation of the manufacturer of the system. If the manufacturer of the system does not recommend an angle of orientation for its microphone, the microphone shall be oriented toward the highway at an angle of not less than 70 degrees and not more than perpendicular to the horizontal plane of the traveled lane of the highway at the microphone target point.

(e) The sound level measurement system shall be set to the A-weighting network and "fast" meter response mode.

§ 325.39 Measurement procedure; highway operations.

(a) In accordance with the rules in this subpart, a measurement shall be made of the sound level generated by a motor vehicle operating through the measurement area on the traveled lane of the highway within the test site, regardless of the highway grade, load, deceleration or acceleration.

(b) The sound level generated by the motor vehicle is the highest reading observed on the sound level measurement system as the vehicle passes through the measurement area, corrected, when appropriate, in accordance with the rules in Subpart P of this part. (Table 1 in § 325.7 lists the range of maximum permissible sound level readings for various test conditions.) The sound level of the vehicle being measured must be observed to rise at least 6 dBA before the maximum sound level occurs and to fall at least 6 dBA after the maximum sound level occurs in order to be considered a valid sound level reading.

Subpart E—Measurement of Noise Emissions; Stationary Test

§ 325.51 Scope of the rules in this subpart.

(a) The rules in this subpart specify conditions and procedures for measuring the sound level generated by a vehicle when the vehicle's engine is rapidly accelerated from idle to governed speed at wide open throttle with the vehicle stationary, its transmission in neutral, and its clutch engaged, for the purpose of ascertaining whether the motor vehicle conforms to the Standard for Operation Under Stationary Test, 40 CFR 202.1.
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(b) The rules in this subpart apply only to a motor vehicle that is equipped with an engine speed governor.
(e) Tests conducted in accordance with the rules of this subpart may be made on either side of the vehicle.

§ 325.53 Site characteristics; stationary test
(a) (1) The motor vehicle to be tested shall be parked on the test site. A microphone target point shall be established on the ground surface of the site on the centerline of the lane in which the motor vehicle is parked at a point that is within 3 feet (0.9 m) of the longitudinal position of the vehicle's exhaust system outlet(s). A microphone location point shall be established on the ground surface not less than 35 feet (10.7 m) and not more than 83 feet (25.3 m) from the microphone target point. Within the test site is a triangular measurement area.
(b) Measurements may be made at a test site having smaller or greater dimensions in accordance with the rules in Subpart P of this part.

(b) The test site must be an open site, essentially free from large sound reflecting objects. However, the following objects may be within the test site, including the triangular measurement area:
(1) Small cylindrical objects such as fire hydrants or telephone or utility poles.
(2) Rural mailboxes.
(3) Traffic railings of any type of construction except solid concrete barriers (see § 325.5(c)(4)).
(4) One or more curbs having a height of 1 foot (0.3 m) or less.
(c) The following objects may be within the test site if they are outside of the triangular measurement area of the site:
(1) Any vertical surface, regardless of size (such as a billboard), having a lower edge more than 15 feet (4.6 m) above the ground.
(2) Any uniformly smooth surface starting away from the vehicle with a slope that is less than 45 degrees above the horizontal.
(3) Any surface starting away from the vehicle that is 45 degrees or more and not more than 90 degrees above the horizontal, if all points on the surface are more than 15 feet (4.6 m) above the surface of the ground in the test site.
(d) The surface of the ground within the measurement area must be relatively flat. (See § 325.5(c)(5)). The site shall be a "soft" site, however, if the site is determined to be "soft," the correction factor specified in § 325.75(b) of this part shall be applied to the measurement.
(e) § 325.55 Ambient conditions; stationary test.
(a) (1) Sound. The ambient A-weighted sound level at the microphone location point shall be measured, in the absence of motor vehicle noise emanating from within the clear zone, with fast meter response using a sound level measurement system that conforms to the rules of § 325.23.
(b) The measured ambient level must be 10 dB(A) or more below that level specified in § 325.7, Table 1, which corresponds to the maximum permissible sound level reading which is applicable at the test site at the time of testing.
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1. 35.59 (c)(4). The site a "hard" site. However, if the

2. 35.59 (c)(3) part shall be applied to the

3. 35.59 (c)(2) feet (6.1 m) above the surface

4. 35.59 (b) to the maximum

5. 35.59 (a) to the maximum

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(b) Wind. The wind velocity at the test site shall be measured at the be-

inning of each series of noise measurements and at intervals of 5-15 min-

utes thereafter until it has been estab-

lished that the wind velocity is essen-

tially constant. Once this fact has

been established, wind velocity

measurements may be made at intervals of

once every hour. Noise measurements

may only be made if the measured

wind velocity is less than 35 mph (15.7 kph) or

less. gust wind measurements of up to

20 mph (32.2 kph) are allowed.

(c) Precipitation. Measurements are

prohibited under any conditions of

precipitation, however, measurements

may be made with snow on the

ground. The ground within the mea-

surement area must be free of stand-

ding water.

140 FR 42437, Sept. 12, 1975, as amended at
41 FR 21627, July 9, 1976.

§ 325.57 Location and operation of sound

level measurement systems; stationary

(a) The microphone of a sound level

measurement system that conforms to

the rules in § 325.23 shall be located at

a height of not less than 2 feet (0.6 m) nor

more than 7 feet (1.8 m) above the plane

of the roadway surface and not

less than 3 feet (1.0 m) above the sur-

face on which the microphone stands.

The preferred microphone height on

flat terrain is 4 feet (1.2 m).

(b) When the sound level measurement

system is hand-held or otherwise

mounted so that the microphone is

held by a person located near its

microphone, the holder must orient

himself relative to the highway in a

manner consistent with the recom-

mendation of the manufacturer of the

sound level measurement system.

In no case shall the holder or observer be

closer than 2 feet (0.6 m) from the sys-

tem's microphone, nor shall he locate

himself between the microphone and

the vehicle being measured.

(c) The microphone of the sound

level measurement system shall be or-

iented toward the vehicle at an angle

that is consistent with the recom-

mendation of the system's manufacturer.

If the manufacturer of the system

does not recommend an angle of orienta-

tion for its microphone, the micro-

phone shall be oriented at an angle of

not less than 70 degrees and not more

than perpendicular to the horizontal

plane of the test site at the micro-

phone target point.

(d) The sound level measurement

system shall be set to the A-weighting

network and "fast" meter response

mode.

140 FR 42437, Sept. 12, 1975, as amended at

§ 325.59 Measurement procedure; station-

ary test.

In accordance with the rules in this

subpart, a measurement shall be made of the sound level generated by a sta-

tionary motor vehicle as follows:

(a) Park the motor vehicle on the test

site as specified in § 325.57 of this

subpart. If the motor vehicle is a com-

bination (articulated) vehicle, park the

combination so that the longitudinal

centerlines of the towing vehicle and

the towed vehicle or trailer are in

substantial alignment.

(b) Turn off all auxiliary equipment

which is installed on the motor vehicle

and which is designed to operate under normal conditions only when

the vehicle is operating at a speed of

5 mph (8 kph) or less. Examples of such
equipment include cranes, batter-

ys, liquid or air compressors, aux-

iliary air compressors, welders, and

trash compactors.

(c) If the motor vehicle's engine

turbine fan drive is equipped with a

clutch or similar device that automatic-

ally either reduces the rotational

speed of the fan or completely
disengages the fan from its power source in

response to reduced engine cooling

loads, park the vehicle before test-

ing with its engine running at high idle or

any other speed the operator may

choose, for sufficient time but not

more than 10 minutes, to permit the

electric radiator fan to automatically

disengage when the vehicle's noise

emissions are measured under stan-

dard test.

(d) With the motor vehicle's trans-

mission in neutral and its clutch

engaged, rapidly accelerate the vehicle's

engine from idle to its maximum gov-

erned speed with wide open throttle.

Return the engine's speed to idle.
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(a) Observe the maximum reading on the sound level measurement system during the time the procedures specified in paragraphs (d) and (e) of this section are followed. Record that reading, if the reading has not been influenced by extraneous noise sources such as motor vehicles operating on adjacent roadways.

(b) Repeat the procedures specified in paragraphs (d) and (e) of this section until the two maximum sound level readings that are within 2 dB(A) of each other are recorded. Numerically average those two maximum sound level readings. When appropriate, correct the average figure in accordance with the rules in Subpart P of this part.

(c) The average figure, corrected as appropriate, contained in accordance with paragraph (f) of this section, is the sound level generated by the motor vehicle for the purpose of determining whether it conforms to the Standard for Operation Under Stationary Test, 40 CFR 202.21. (Table 1 in § 325.5 lists the range of maximum permissible sound level readings for various test conditions.)

(40 FR 42157, Sept. 12, 1975, as amended at 41 FR 10529, Mar. 10, 1976)

Subpart F—Correction Factors

§ 325.75 Scope of the rules in this subpart.

(a) The rules in this subpart specify correction factors which are added to, or subtracted from, the reading of the sound level generated by a motor vehicle, as displayed on a sound level measurement system, during the measurement of the motor vehicle's sound level emissions at a test site which is not a standard site.

(b) The purpose of adding or subtracting a correction factor is to equalize the sound level reading actually generated by the motor vehicle to the sound level reading it would have generated if the measurement had been made at a standard test site.

§ 325.75 Ground surface correction factors.

(a) Highway operations. When measurements are made in accordance with the rules in Subpart D of this part upon a test site which is “hard,” a correction factor of 2 dB(A) shall be subtracted from the maximum observed sound level reading generated by the motor vehicle to determine whether the motor vehicle conforms to the Standards for Highway Operations, 40 CFR 202.20.

(b) Stationary Test. When measurements are made in accordance with

Table 1, in § 325.5 is a tabulation of the maximum allowable sound level readings taken into account both the distance correction factors contained in § 325.73 and the ground surface correction factors contained in § 325.75.

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2 Microphone distance correction factors. The distance between the microphone location point and the microphone target point is other than 50 feet (15.2 m), the maximum observed sound level reading generated by the motor vehicle in accordance with §325.59 of this part, shall be corrected as specified in the following table.

<table>
<thead>
<tr>
<th>Distance Between the Microphone and the Microphone Target Point (feet)</th>
<th>The Value (dB(A)) to be Added to the Observed Sound Level Reading</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 m or more but less than 30 feet</td>
<td>3</td>
</tr>
<tr>
<td>9 m or more but less than 42 feet</td>
<td>2</td>
</tr>
<tr>
<td>12 m or more but less than 48 feet</td>
<td>1</td>
</tr>
<tr>
<td>15 m or more but less than 70 feet</td>
<td>0</td>
</tr>
<tr>
<td>30 m or more but less than 63 feet</td>
<td>2</td>
</tr>
</tbody>
</table>

Ground surface correction factors

Highway operations. When measurements are made in accordance with the rules in Subpart E of this part in a test site which is “hard,” a correction factor of 2 dB(A) shall be added to the maximum observed sound level reading generated by the motor vehicle to determine that the vehicle conforms to the standards for Highway Operations, 2002 CFR 202.20, in accordance with §325.7.

1. In §325.7 is a tabulation of the allowable sound level readings to account both the distance correction factors contained in §325.79 and the distance correction factors contained in §325.7.

Chapter III—Federal Highway Administration

§325.79 Computation of open site requirements—nonstandard sites.

(a) If the distance between the microphone location point and the microphone target point is other than 50 feet (15.2 m), the test site must be an open site within a radius from both points which is equal to the distance between the microphone location point and the microphone target point.

(b) Plan view diagrams of nonstandard test sites are shown in Figures 3 and 4. Figure 3 illustrates a test site which is larger than a standard test site and is based upon a 60-foot (18.3 m) distance between the microphone location point and the microphone target point. (See §325.79(b)(1) for an example of the application of the correction factor to a sound level reading obtained at such a site.) Figure 4 illustrates a test site which is smaller than a standard test site and is based upon a 35-foot (10.7 m) distance between the microphone location point and the microphone target point. (See §325.79(b)(2) for an example of the application of the correction factor to a sound level reading obtained at such a site.)

§325.79 Application of correction factors. (a) If two correction factors apply to a measurement, they are applied cumulatively.

(b) The following examples illustrate the application of correction factors to sound level measurement readings:

(1) Example 1—Highway operations. Assume that a motor vehicle generates a maximum observed sound level reading of 80 dB(A) during a measurement in accordance with the rules in Subpart D of this part. Assume also that the distance between the microphone location point and the microphone target point is 60 feet (18.3 m) and that the measurement area of the test site is acoustically “hard.” The cor-
rected sound level generated by the motor vehicle would be 85 dBA, calculated as follows:

- 80 dBA (Uncorrected reading)
- +1 dBA (Distance correction factor)
- -2 dBA (Ground surface correction factor)

87 dBA (Corrected reading)

(2) Example 2—Stationary test. Assume that a motor vehicle generates maximum sound level readings which average 80 dBA during a measurement in accordance with the rules in Subpart E of this part. Assume also that the distance between the microphone location point and the microphone target point is 35 feet (10.7 m), and that the measurement area of the test site is octagonally "soft." The corrected sound level generated by the motor vehicle would be 87 dBA, calculated as follows:

- 80 dBA (Uncorrected average of readings)
- -3 dBA (Distance correction factor)
- +2 dBA (Ground surface correction factor)

87 dBA (Corrected reading)

Subpart G—Exhaust Systems and Tires

8325.91 Exhaust systems.

A motor vehicle does not conform to the visual exhaust system inspection requirements, 40 CFR 206.22, of the Interstate Motor Carrier Noise Emission Standards, if inspection of the exhaust system of the motor vehicle discloses that the system—

(a) Has a defect which adversely affects sound reduction, such as exhaust gas leaks or alteration or deterioration of muffler elements, (small traces of soot on flexible exhaust pipe sections shall not constitute a violation of this subpart);

(b) Is not equipped with either a muffler or other noise dissipative device, such as a turbocharger (supercharger driven by exhaust gases); or

(c) Is equipped with a cut-out, bypass, or similar device, unless such device is designed as an exhaust gas driven engine unloading system.

8325.95 Tires.

(a) Except as provided in paragraph (b) of this section, a motor vehicle does not conform to the visual tire inspection requirements, 40 CFR 206.22, of the Interstate Motor Carrier Noise Emission Standards, if inspection of any tire on which the vehicle is operating discloses that the tire has a tread pattern composed primarily of cavities in the tread (excluding slits and local chinking) which are not vented by grooves to the tire shoulder or circumferentially to each other around the tire.

(b) Paragraph (a) of this section does not apply to a motor vehicle operated on a tire having a tread pattern of the type specified in that paragraph, if the motor carrier who operates the motor vehicle demonstrates to the satisfaction of the Director of the Bureau of Motor Carrier Safety or his designee that either—

(1) The tire did not have that type of tread pattern when it was originally manufactured or newly remanufactured; or

(2) The motor vehicle generates a maximum sound level reading of 96 dBA or less when measured at a standard test site (for highway operations at a distance of 50 feet (15.2 m)) and under the following conditions:

(i) The measurement must be made at a time and place and under conditions specified by the Director or his designee.

(ii) The motor vehicle must be operated on the same tires that were installed on it when the inspection specified in paragraph (a) of this section occurred.

(iii) The motor vehicle must be operated on a highway having a posted speed limit of more than 35 mph (56.3 km/h).

(iv) The sound level measurement must be made while the motor vehicle is operating at the posted speed limit.

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