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Calendar No. 138

97TH CONGRESS
1ST SESSION

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. GORRON, from the Committee on Environment and Public Works, reported, under authority of the order of the Senate of May 13 (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.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the Noise Control Act of 1972 is amended as follows:
- 4 (1) Sections 6 and 8 are hereby repealed.
- 5 (2) Section 1 is amended to read as follows:

1 "SHORT TITLE

2 "SECTION 1. This Act may be cited as the 'Quiet Com-
3 munities Act'."

4 (3) Section 2(a)(3) is amended by striking out "deal with
5 major noise sources" and all that follows, through the period
6 at the end thereof and substituting: "promote effective State
7 and local programs and provide Federal research, demonstra-
8 tion, planning, technical, and other assistance for such
9 programs."

10 (4) Section 2(b) is amended by striking "to authorize the
11 establishment of Federal noise emission standards for prod-
12 ucts distributed in commerce, and", changing the period at
13 the end of said sentence to a comma and adding "and to
14 assure that railroad and motor carrier equipment and oper-
15 ational noise emissions are controlled adequately by either
16 State or Federal regulation."

17 (5) Section 3(2) is amended by striking out "sections
18 11(e) and" and substituting "section".

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

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

24 (8) Section 12(f) is amended by striking out "para-
25 graph" 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:

"RAILROAD NOISE

1

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

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

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

24 "(4) Any standard or regulation, or revision thereof,
25 proposed under this subsection shall be promulgated only

1 after consultation with the Secretary of Transportation in
2 order to assure appropriate consideration for safety and tech-
3 nological availability.

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

10 “(b) The Secretary of Transportation, after consultation
11 with the Administrator, shall promulgate regulations to
12 assure compliance with all standards promulgated by the Ad-
13 ministrator under this section. The Secretary of Transporta-
14 tion shall carry out such regulations through the use of the
15 powers and duties of enforcement and inspection authorized
16 by the Safety Appliances Acts, the Interstate Commerce
17 Act, and the Department of Transportation Act. Regulations
18 promulgated under this section shall be subject to the provi-
19 sions of sections 10, 11, 12, and 16 of this Act.

20 “(c)(1) Nothing in this section shall diminish the right of
21 a State or political subdivision thereof to establish and en-
22 force standards, controls, limits, restrictions, or other require-
23 ments on environmental noise, including those from rail
24 equipment and operations, in the absence of a Federal re-
25 quirement pursuant to this section, or a Federal decision that

1 no Federal, State, or local requirement is appropriate, on a
2 specific class of equipment or operations.

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

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

12 “(d) The terms ‘carrier’ and ‘railroad’ as used in this
13 section shall have the same meaning as such terms have
14 under the first section of the Act of February 17, 1911 (45
15 U.S.C. 22).”.

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

18 “MOTOR CARRIER NOISE

19 “SEC. 18. (a)(1) Regulations of interstate motor carriers
20 and equipment in existence shall continue until specifically
21 repealed or amended.

22 “(2) After the date of enactment of this section, the Ad-
23 ministrator may promulgate additional regulations establish-
24 ing standards and requirements for the design, construction,
25 and maintenance of motor carrier equipment or devices or

1 controls and regulations establishing restrictions on motor
2 carrier operations and activities for the purpose of minimizing
3 or eliminating the environmental noise emissions from such
4 equipment or activities. Such standards, controls, limits, re-
5 quirements, or regulations, if any, shall reflect the degree of
6 noise reduction achievable through the application of the best
7 available technology, taking into account the cost of compli-
8 ance.

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

15 “(4) Any standard or regulation, or revision thereof,
16 proposed under this subsection shall be promulgated only
17 after consultation with the Secretary of Transportation in
18 order to assure appropriate consideration for safety and tech-
19 nological availability.

20 “(5) Any new regulation or revision thereof promulgat-
21 ed after enactment of this section shall take effect after such
22 period as the Administrator finds necessary, after consulta-
23 tion with the Secretary of Transportation, to permit the de-
24 velopment and application of the requisite technology, giving

1 appropriate consideration the cost of compliance within such
2 period.

3 “(b) The Secretary of Transportation, after consultation
4 with the Administrator shall promulgate regulations to assure
5 compliance with all standards promulgated by the Adminis-
6 trator under this section. The Secretary of Transportation
7 shall carry out such regulations through the use of the
8 powers and duties of enforcement and inspection authorized
9 by the Interstate Commerce Act and the Department of
10 Transportation Act. Regulations promulgated under this sec-
11 tion shall be subject to the provisions of sections 10, 11, 12,
12 and 16 of this Act.

13 “(c)(1) Nothing in this section shall diminish the right of
14 a State or political subdivision thereof to establish and en-
15 force standards, controls, limits, restrictions, or other require-
16 ments on environmental noise, including those from motor
17 carrier equipment and operations, in the absence of a Feder-
18 al requirement pursuant to this section, or a Federal decision
19 that no Federal, State, or local requirement is appropriate,
20 on a specific class of equipment or operations.

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

1 “(3) Any person adversely affected by a State or local
2 requirement, or the Administrator, may demonstrate by a
3 preponderance of the evidence the existence of an in-
4 consistency between the requirement of a State or political
5 subdivision thereof and that of the Federal Government.

6 “(d) For purposes of this section, the term ‘motor carri-
7 er’ includes a common carrier by motor vehicle, a contract
8 carrier by motor vehicle, and a private carrier of property by
9 motor vehicle as those terms are defined by paragraphs (14),
10 (15), and (17) of section 203(a) of the Interstate Commerce
11 Act (49 U.S.C. 303(a)).”.

12 (16) Section 19 of the Noise Control Act of 1972 is
13 amended by striking out “\$15,000,000 for the fiscal year
14 ending September 30, 1979” and substituting “\$3,300,000
15 for fiscal year 1982”.

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