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Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 201

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE -- SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to noise pollution control."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 46.03 is amended by adding new sections to read:

9 ARTICLE 6A. NOISE POLLUTION CONTROL.

10 Sec. 46.03.360. POLICY. It is the policy of the state to assure
11 its citizens of an environment that is free from unreasonable and
12 excessive noise which degrades the quality of life. The control of
13 noise interference is necessary since the levels of noise have reached
14 the degree of endangering the health, safety and welfare of the people
15 of this state.

16 Sec. 46.03.370. NOISE CONTROL REGULATIONS. (a) The department
17 shall promulgate noise control regulations which in its determination
18 are necessary to control noise pollution. The Noise Control Council
19 created by sec. 440 of this chapter shall assist the department in an
20 advisory capacity in formulating regulations under this section. These
21 regulations may be for the state as a whole or may vary from area to
22 area as may be appropriate to facilitate accomplishment of the purposes
23 of secs. 360 - 450 of this chapter and in order to take account of
24 varying local conditions. However, after the classification required by
25 sec. 380 of this chapter, regulations setting quantitative limits on
26 noise levels shall be promulgated for the following activities:

27 (1) the operation of motor vehicles; and

28 (2) the operation of construction equipment in urban areas.

29 (b) Regulations promulgated under (a) of this section may include

1 but are not limited to the following:

2 (1) curfew provisions which prohibit particular noisemaking
3 activities or operations during particular days or particular hours;

4 (2) spill-over provisions which consider noise only to the
5 extent that it spills over a property line;

6 (3) zonal provisions which restrict particular noisemaking
7 activities to specified areas;

8 (4) accessory provisions which prohibit the use of machines
9 or vehicles without noise quieting devices and materials such as
10 mufflers, insulation or isolators; and

11 (5) license and permit provisions which limit or require
12 compliance with performance standards as a condition to the installation
13 or operation of machinery and equipment in the conduct of noisemaking
14 activities; these provisions may require that applications for licenses
15 and permits be accompanied by plans, specifications, or other informa-
16 tion considered necessary by the board.

17 (c) The department shall promulgate regulations establishing the
18 test procedures and instrumentation to be utilized in quantifying noise
19 level limits under this section.

20 Sec. 46.03.380. MOTOR VEHICLE AND CONSTRUCTION EQUIPMENT CLASSI-
21 FICATION. Before the promulgation of regulations establishing quantita-
22 tive limits on noise levels for motor vehicles and construction equip-
23 ment, the department shall classify vehicles and equipment causing or
24 contributing to noise pollution. The Noise Control Council shall advise
25 the department in making this classification. Regulations shall be
26 based on the classification made under this section.

27 Sec. 46.03.390. RECREATIONAL VEHICLE NOISE LIMITS. Notwithstanding
28 any other provision in secs. 360 - 450 of this chapter, after June 30,
29 1975, no person may sell or offer for sale a snowmobile, motorcycle,

1 trail bike or other similar recreational vehicle in the state unless it
2 is equipped with a muffler that limits engine noise to not more than
3 82 dB(A) at 50 feet before January 1, 1976, and 73 dB(A) at 50 feet
4 after December 31, 1975. For the purposes of this section, "dB(A)"
5 means decibels measured with a calibrated sound level meter weighted to
6 the "A" scale.

7 Sec. 46.03.400. VARIANCES. (a) A person who owns or is in control
8 of a plant, building, structure, process or piece of equipment or other
9 device prohibited or restricted under secs. 360 - 450 of this chapter
10 may apply to the department for an exemption or partial exemption from
11 a regulation governing the quality, nature, duration or extent of noise
12 resulting from its operation. The application shall be accompanied by
13 any information and data required by the department.

14 (b) No exemption or partial exemption may be granted under this
15 section unless a public hearing is held, after due notice, and until
16 the department has considered the relative interests of both the
17 applicant and the public and determined that the interests of the public
18 will not be adversely affected by the exemption or partial exemption.

19 (c) No exemption or partial exemption may be granted for a period
20 exceeding one year, but an exemption or partial exemption may be re-
21 newed on a yearly basis if either (1) no complaint has been made to
22 the department in relation to it or if (2) after considering such a
23 complaint at a public hearing, with all interested parties having an
24 opportunity to be heard, the board finds that the renewal is justified.
25 An application for renewal shall be made at least 60 days before the
26 expiration of the exemption or partial exemption.

27 Sec. 46.03.410. POWERS OF THE DEPARTMENT. In addition to the
28 regulatory authority established under sec. 370 of this chapter, the
29 department may

1 (1) conduct and supervise research programs for the purpose
2 of determining the causes, effects and hazards of noise;

3 (2) conduct and supervise statewide programs of noise control
4 education, including the preparation and distribution of information
5 relating to noise control;

6 (3) require the registration of persons involved in operations
7 which may result in noise and the filing of reports by them containing
8 information relating to the sources of the noise and other information
9 which the department may require;

10 (4) enter and inspect a building or place, except a private
11 residence, for the purpose of investigating an actual or suspected source
12 of noise and determining compliance with applicable regulations; any
13 information relating to secret processes or methods of manufacture or
14 production obtained in the course of this inspection, investigation or
15 determination is considered confidential and is not admissible in evi-
16 dence in court or in another proceeding; if tests of any type are made
17 for the purpose of determining whether or not a violation has occurred,
18 or for any other purpose in connection with the entry and inspection,
19 a duplicate of the results of the tests shall be furnished promptly to
20 the person suspected of violating the regulation;

21 (5) cooperate with and receive money from the federal govern-
22 ment, the state or any local governing body or from private sources for
23 the study and control of noise; and

24 (6) receive or initiate complaints of noise, hold hearings in
25 connection with the complaints and institute legal proceedings for the
26 prevention of noise and for the recovery of penalties under sec. 790 of
27 this chapter.

28 Sec. 46.03.420. LOCAL NOISE CONTROL REGULATION. (a) A general
29 law or home rule municipality may establish and administer within its

1 jurisdiction standards for the level or duration of noise which are more
2 stringent than the standards established by regulation under sec. 370 of
3 this chapter. However, local standards established which, in the deter-
4 mination of the department, are less stringent than those established
5 under sec. 370 of this chapter, are superceded by state regulation.

6 Sec. 46.03.430. NONIMPAIRMENT OF PRIVATE REMEDIES. No private
7 civil or criminal remedy allowed by law is limited or impaired by secs.
8 360 - 450 of this chapter, or a regulation promulgated under them.

9 Sec. 46.03.440. NOISE CONTROL COUNCIL. (a) There is created
10 within the department the Noise Control Council.

11 (b) The council is composed of 13 members, the following four of
12 which shall serve ex officio but are entitled to vote: the commissioner
13 of health and social services, the commissioner of public safety, the
14 commissioner of labor, and the commissioner of environmental conserva-
15 tion. The remaining nine members shall be appointed by the governor
16 from the general public and shall include a licensed physician, an
17 ecologist, a civil engineer, an architect, an archeologist, a specialist
18 in local government and a representative of industry.

19 (c) Members shall serve staggered four-year terms. Initial
20 appointments shall be as follows: one member for one year, two members
21 for two years, three members for three years, and three members for four
22 years. All appointed members shall serve after the expiration of their
23 terms until their successors are appointed. A vacancy occurring in the
24 appointed membership of the council, by expiration of term or otherwise,
25 shall be filled in the same manner as the original appointment for the
26 unexpired term only. The governor may remove an appointed member of the
27 council for cause after a public hearing.

28 (d) Each member of the council is entitled to travel expenses and
29 per diem allowed by law for each day going to and from and for each day

1 in actual attendance at council meetings.

2 (e) The council shall elect, biannually, a chairman and vice-
3 chairman from its own membership, and seven members of the council con-
4 stitutes a quorum to transact its business.

5 Sec. 46.03.450. DUTIES OF THE NOISE CONTROL COUNCIL. The Noise
6 Control Council may

7 (1) request from the department information concerning noise
8 control;

9 (2) consider any matter relating to the preservation and im-
10 provement of a noise control program and advise the department of it;

11 (3) submit to the department any recommendations which it
12 considers necessary for the proper conduct and improvement of noise
13 control;

14 (4) study regulations promulgated by the department in regard
15 to noise control and make recommendations for their improvement to the
16 department;

17 (5) study and investigate the state of the art and the tech-
18 nical capabilities and limitations of noise control and report its
19 findings and recommendations to the department;

20 (6) study and investigate the need for programs for the
21 long-range technical support of noise control programs and report its
22 findings and recommendations to the department; and

23 (7) hold public hearings in regard to existing noise control
24 statutes, codes, rules and regulations and upon the state of the art
25 and technical capabilities and limitations in noise control and report
26 its recommendations to the department.
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