



Boston City Council

Committee on Government Operations

Maureen Feeney, *Chair*

June 1, 2009

Dear Councillors:

The Committee on Government Operations held a hearing to discuss An ordinance regulating the noise levels of motorcycles (Docket #0658). This matter was sponsored by Councillor LaMattina referred to this Committee on Wednesday, May 6, 2009, and heard at a public hearing on Tuesday, May 26, 2009 at which public comment was taken.

The proposed ordinance would help to decrease unnecessary motorcycle noise and improve the quality of life of Boston residents. Federal regulations require motorcycles to contain permanent labels certifying that the motorcycle meets EPA noise emission requirements. Docket 0658 would simply give local authorities a tool to better enforce existing noise standards. The ordinance would grant the Boston Police Department the authority to fine any motorcycle that doesn't display the federally required label. Federal law requires that this label be clearly visible.

City residents and representatives from the Boston Police Department, the Environment Department and Transportation Department testified in support of the initiative. Residents described how loud motorcycle noise disturbs the quaint atmosphere of their historic neighborhoods, especially in areas like the North End, during warm months. This ordinance is one step in improving the quality of life for our residents, tourists and businesses. It isn't creating a new noise standard, but simply providing a tool to increase local enforcement.

By the Chair of the Committee on Government Operations, to which the following was referred:

Docket #0658 An ordinance regulating the noise levels of motorcycles

based on information presented at the hearing and public comment gathered by the Committee and having considered the same, respectfully recommends that this matter **ought to pass.**

For the Chair:

Maureen Feeney, *Chair*

Committee on Government Operations

Offered by Councilor SAL LAMATTINA,
CITY OF BOSTON



IN THE YEAR TWO THOUSAND NINE

AN ORDINANCE REGULATING THE NOISE
LEVELS OF MOTORCYCLES

WHEREAS, On a daily basis, City of Boston residents contend with noise pollution from various sources. A chief contributor of this excessive noise is motorcycle exhaust systems.

WHEREAS, To combat excessive noise pollution, the Environmental Protection Agency has codified a motorcycle and a motorcycle exhaust system labeling program, 40 C.F.R. §§205.158, 205.169 respectively, which requires motorcycle and motorcycle exhaust system manufacturers to attach a permanent label to their manufactured products stating that the product meets the Environmental Protection Agency's noise emission requirements. The purpose of the labels is to ensure that specific motorcycles and exhaust systems fully comply with their tested noise emission requirements.

WHEREAS, Neither this problem nor its remedy are unique to Boston. Other local governments, including Denver and Fairfax County, Virginia, have enacted ordinances requiring exhaust system labels to combat excessive noise pollution; and,

WHEREAS, The City of Boston has the authority to control and abate excessive noise produced by the operation of motor vehicles, pursuant to M.G.L. chapter 40, section 21(22) and does so by regulating excessive noise from motor vehicles and by prohibiting certain motor vehicle exhaust system modifications. However, enforcement is often difficult and more can be done. By creating new mechanisms based on existing standards, we can improve the City's mission of reducing noise pollution. *NOW, THEREFORE*

Be it ordained by the City Council of Boston, as follows:

Section 1

CBC Chapter XVI, Section 16-47 is hereby amended by adding the following immediately after the first paragraph:-

(a) Motorcycle Exhaust System Labeling

- 1) No person shall park, use or operate a motorcycle, within the City of Boston, manufactured subsequent to December 31, 1982 that does not bear the required

applicable Federal EPA exhaust system label pursuant Code of Federal Regulations Title 40, Volume 24, Part 205, Subparts D and Subpart E.

- 2) All violations of subsection (a)(1) shall be punishable by a fine of three hundred dollars and no cents (\$300.00).
- 3) Commissioner of the Boston Police Department, or his or her designee, shall have the authority to enforce subsection (a) of this section.

Section 2

The provisions of this section shall be effective immediately upon passage.

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CITY OF BOSTON

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ALPHABETICALLY
INDEXED BY THE
BOSTON POLICE DEPARTMENT

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In City Council REFERRED TO
COMMITTEE ON

MAY 06 2009

Government Operations

CITY OF BOSTON
IN CITY COUNCIL

June 1 20 09

THE COMMITTEE/CHAIR Government Operations
RESPECTFULLY REPORTS THAT THE MATTER
WITHIN OUGHT


CHAIR

ACCEPTED,

CITY CLERK