

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Pollution Control
(Agency or Board)

Regulation No. N.P.C. 4

Subject: Motor Vehicle Noise Limits

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
AUG 25 1975 9:00AM
BY Edra Staudenmaier
AUTH. SIGNATURE

Stamped and filed with the Secretary of State August 25, 1975 - 8:45 AM

Rev. 9-72

#149

Pollution Control Agency

Received August 5, 1975
Due August 25, 1975

OK document
8/5/75

Sandra S. Gardebring
Special Assistant Attorney General
Pollution Control Agency

August 25, 1975

- NPC 4

FINAL DRAFT

May 9, 1975

NPC-4 MOTOR VEHICLE NOISE LIMITS

(a) Definitions

Motor Vehicle. Motor vehicle means any self-propelled vehicle not operated exclusively upon railroad tracks and any vehicle propelled or drawn by a self-propelled vehicle and includes vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires but not operated upon rails, except snowmobiles.

(b) No person shall operate either a motor vehicle or combination of vehicles of a type subject to registration pursuant to Minn. Stat. Ch. 168 (1971) at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the noise limits contained herein for the category of motor vehicle and speed limits specified, when tested with a measurement procedure approved by the Director.

(c) No person shall sell or offer for sale a new motor vehicle or combination of vehicles of a type subject to registration pursuant to Minn. Stat. Ch. 168 (1971) which when maintained according to the manufacturer's specifications would exceed the noise limits contained herein for the category of motor vehicle and speed limits specified, when tested with a measurement procedure approved by the Director.

(d) No person shall modify a motor vehicle or combination of vehicles of a type subject to registration pursuant to Minn. Stat. Ch. 168 (1971) in a manner which will amplify or increase the noise emitted by the vehicle, above the noise limits contained herein for the category of motor vehicle and speed limits specified, when tested with a measurement procedure approved by the Director. No person shall operate a motor vehicle so modified.

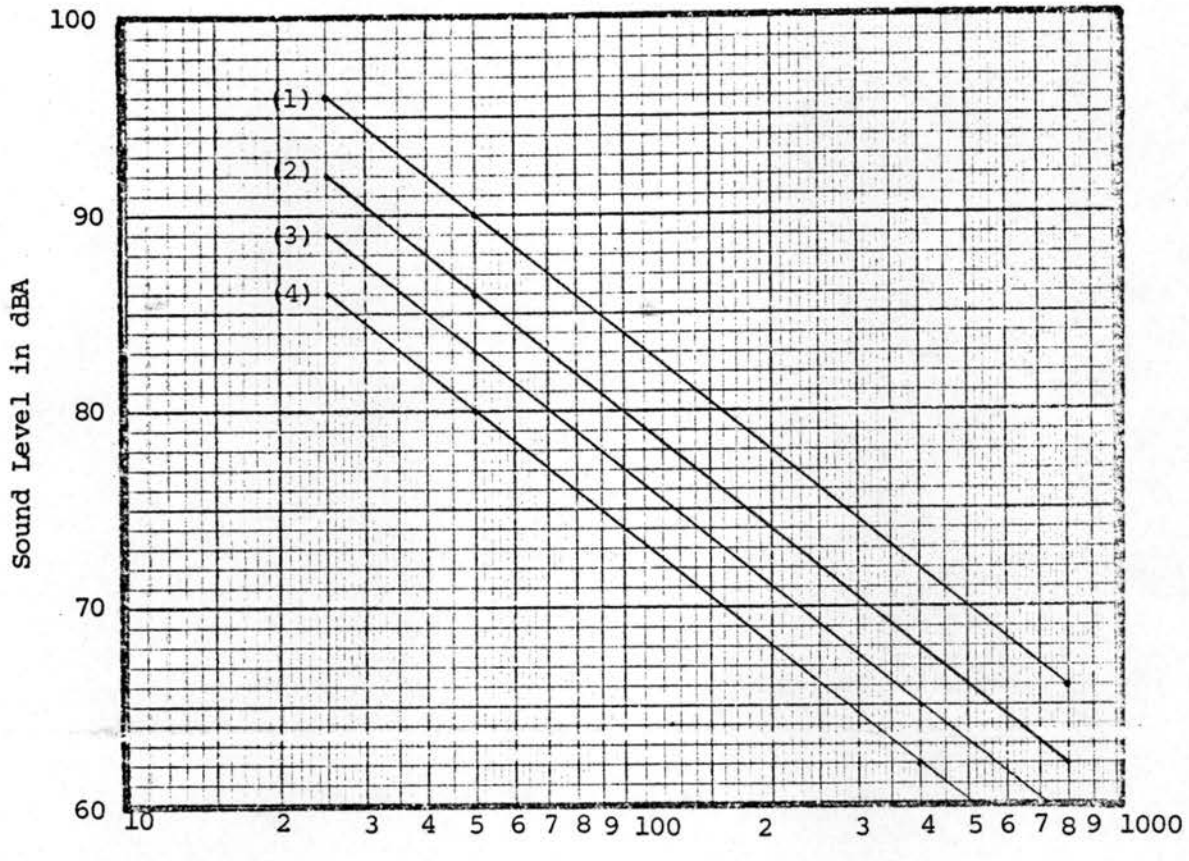
(e) No person shall sell or offer for sale replacement or additional parts for a motor vehicle or combination of vehicles of a type subject to registration pursuant to Minn. Stat. Ch. 168 (1971) which when installed in the vehicle will amplify or increase the noise emitted by the vehicle, above the noise limits contained herein for the category of motor vehicle and speed limits specified, when tested with a measurement procedure approved by the Director. No person shall operate a motor vehicle incorporating such parts.

(f) This regulation applies to the total noise from a vehicle or combination of vehicles of a type subject to registration pursuant to Minn. Stat. Ch. 168 (1971) and shall not be construed as limiting or precluding the enforcement of any other provisions of law relating to motor vehicle exhaust noise.

(g) Exceptions

Vehicles under subdivisions (i) and (j) are allowed to exceed the noise limits contained herein when performing acceleration maneuvers for safety purposes.

(h) Motor Vehicle Noise Limits for vehicles with a manufacturer's gross vehicle weight rating of more than 10,000 pounds and any combination of vehicles towed by such motor vehicle.



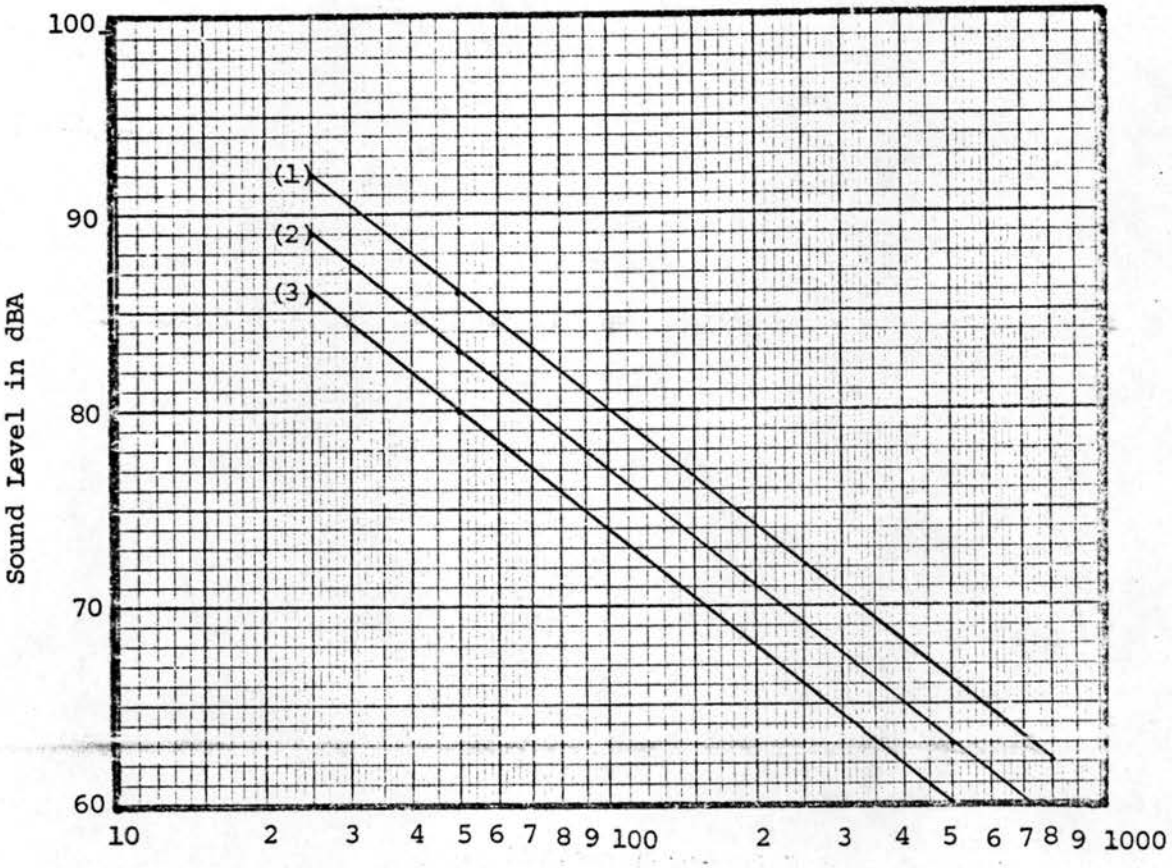
(1) Speed limits greater than 35 mph.

(2) Speed limits equal to or less than 35 mph and stationary run-up tests (for vehicles with governed engines). For stationary run-up tests on all-paved surfaces, add 2 dBA.

(3) Speed limits equal to or less than 35 mph and stationary run-up tests (for vehicles with governed engines), for vehicles manufactured on or after January 1, 1977. For stationary run-up tests on all-paved surfaces, add 2 dBA.

(4) Speed limits equal to or less than 35 mph and stationary run-up tests (for vehicles with governed engines), for vehicles manufactured on or after January 1, 1981. For stationary run-up tests on all-paved surfaces, add 2 dBA.

(i) Motor Vehicle Noise Limits for Motorcycles.

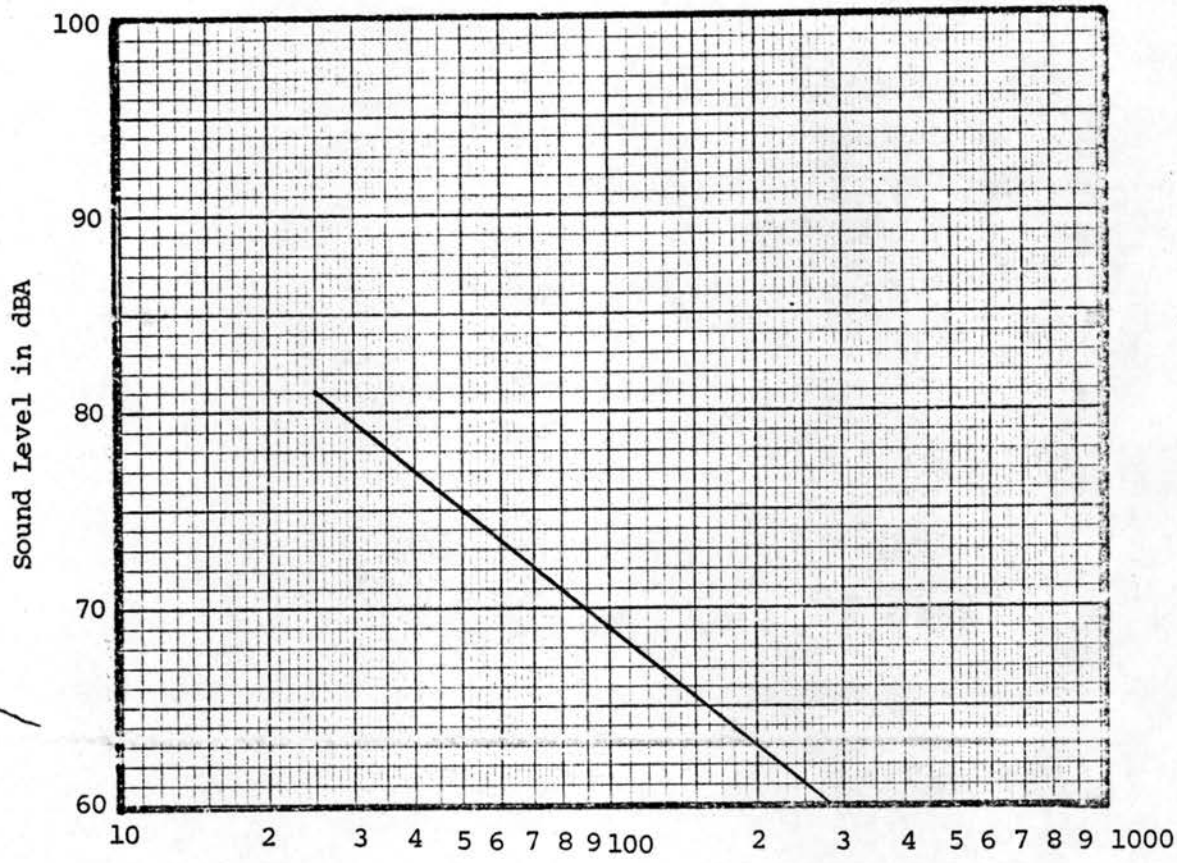


(1) For vehicles manufactured before January 1, 1975.

(2) Speed limits greater than 35 mph for vehicles manufactured on or after January 1, 1975.

(3) Speed limits equal to or less than 35 mph for vehicles manufactured on or after January 1, 1975.

(j) Motor Vehicle Noise Limits for any other motor vehicle not included under subdivision (h) or (i) and any combination of vehicles towed by such motor vehicle.



Distance in Feet
From the Center of the Lane of Travel

APPROVED AS TO FORM AND LEGALITY
AUG 22 1975 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 25 1975 - 8:45 am
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
AUG 25 1975 9:00 Am
BY Eda Standarnaci
AUTH. SIGNATURE
R.S.

PCA EXH 6
2-26-75 J.T.K

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption of Minn. Reg. NPC-3 and NPC-4, Relating to Motor Vehicle Noise Limits and Permits for Noise Sources

STATEMENT OF NEED

1. On November 27, 1974, Minn. Reg. NPC-1 and NPC-2 were adopted by the Minnesota Pollution Control Agency. The adoption of those regulations was the result of intensive research and testing programs to define noise standards for the preservation of health and welfare.

2. Together the regulations represent the statement of the environmental airborne noise exposure problem, with the exception of singular impulsive noise exposures. Neither regulation, however, contains provisions aimed at eliminating noise environments which exceed the ambient standards of NPC-2, nor at preventing the development of noise sources which would cause the standards to be exceeded.

3. In order to arrive at an environment with acceptable noise levels for the residents of Minnesota, a series of steps is contemplated, the most urgent of which is the prevention of the development of any further incompatible noise sources in the State.

4. To accomplish this objective in part, NPC-3 is proposed. NPC-3 contains the mechanisms whereby those who modify existing or construct new noise sources must consider the noise impact on surrounding land activities during the planning stage.

5. Furthermore, these new sources are required to meet the noise standards contained in NPC-2, unless exceptional circumstances exist and a variance to the standards is granted.

6. The need for NPC-3 is exemplified by the continuing development of noise sources in the midst of existing land activities, with little or no consideration to their noise impact on the surrounding community. Such developments not only create unnecessary and dangerous stress on the health of Minnesota residents, but they also result in economic pressures to the sources when faced with correcting such incompatibilities after their construction.

7. Recognizing that transportation is one of the most important sources of noise in the environment, NPC-4 is proposed. It contains noise limits for ground vehicles used on public roads and highways. Ground vehicles constitute the pervasive segment of the transportation noise problem, their impact being unacceptable to a large share of the urban population.

8. NPC-4 is consistent with the National Noise Control Act of 1972 in that limits for motor carriers engaged in interstate commerce are those developed and adopted by the Environmental Protection Agency.

9. The need to regulate the noise emitted by motor vehicles is demonstrated by the large number of roads and highways in Minnesota presently exceeding the noise standards in Minn. Reg. NPC-2. Considering the components of the problem (the source, the path, and the receiver), and recognizing that quieting of the source is the optimum solution to the problem, motor vehicle limits are the most direct method of reducing transportation noise. By specifying that motor vehicles be manufactured, maintained and operated under reasonable economic and technological noise control guidelines, modifications to the State's existing roads and highways to meet the noise standards may be minimized.

10. The limits contained in NPC-4 are an update of previous motor vehicle noise limits contained in Minn. Stat. Ch. 169 (1971) and repealed effective October 1, 1974. The need for a revision of such limits was based upon: the adoption of Federal Noise Regulations for motor carriers engaged in interstate commerce (preventing states from enforcing different limits), the ineffectiveness of the previous limits in singling out vehicles with defective exhaust systems (as compared with the percentage of those systems found under visual inspections), and the restrictive nature of the test procedures for local enforcement officials.

DATED this ___ day of _____, 1975.

Joseph T. Finnell

Harold D. Field, Jr.
Chairman

Peter L. Gove
Executive Director

PCA EXH 1
2-26-75 J.T.K.

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption of Minn. Reg. NPC-3 and NPC-4, relating to Motor Vehicle Noise Limits and Permits for Noise Sources.

ORDER FOR HEARING

To provide for permitting of noise sources in the State of Minnesota and to set limits for major vehicle noise, the Minnesota Pollution Control Agency deems it necessary to consider adoption of the proposed guidelines captioned above pursuant to authority vested in the Agency by Minn. Laws 1974, Ch. 483 Sec. 7 and Ch. 500 Sec. 1.

NOW, THEREFORE, it is ordered this 22nd day of January, 1975, that a public hearing on the proposed regulations captioned above be held in the Board Room of the offices of the Minnesota Pollution Control Agency in the City of Roseville, Minnesota, 1935 W. County Road B2, beginning at 9:00 a.m. on Wednesday, February 26, 1975, to continue until all interested persons, representatives and organizations have had an opportunity to be heard.

IT IS FURTHER ORDERED that notice of said hearing be given to all representatives of associations or other interested groups or individuals who have registered their names with the Secretary of State for that purpose.

Dated this 22nd day of January, 1975.

Grant J. Merritt
Executive Director

PCA EXH 2.
2-26-75 J.T.K.

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption of Minn. Reg. NPC-3 and NPC-4, Relating to Motor Vehicle Noise Limits and Permits for Noise Sources

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. §15.0412 (1971) and Minn. Laws 1974, ch. 483 Sec. 7, and Ch. 500 Sec. 1, in the Board Room of the offices of the Minnesota Pollution Control Agency in the City of Roseville, Minnesota, 1935 W. County Road B2, beginning at 9:00 a.m., on Wednesday, February 26, 1975 and continuing until all interested persons, representatives and organizations have had an opportunity to be heard concerning the adoption of the proposed regulations captioned above, by submitting oral or written data, statements, comments or arguments. All testimony shall be given under oath or affirmation. Statements may be mailed to the Agency as follows: Minnesota Pollution Control Agency, Noise Pollution Control Section, 1935 W. County Road B2, Roseville, Minnesota 55113. These statements may be submitted at any time prior to closing of the record. The record shall close at 4:30 p.m., on the twentieth day following the close of the hearing.

The Agency proposes NPC-3 in which certain noise sources are required to obtain a permit from the Agency prior to construction or modification of the sources. The standards for issuance of the permit are the Noise Standards contained in NPC-2. Sources included in this proposed regulation are: highways and roads; retail, commercial and industrial facilities; recreation, amusement, sports and entertainment facilities, and airports.

The Agency proposes NPC-4 in which motor vehicle noise limits are established for vehicles of a type subject to registration pursuant to Minnesota Statutes, Chapter 168. This regulation prohibits the operation, sale, or offering for sale of vehicles that would exceed the established limits when normally operated. Also, the regulation prohibits the sale or offering for sale of replacement or additional parts that would amplify or increase the noise emitted by the vehicle. Furthermore, it prohibits any modification that would amplify or increase the noise emitted by the vehicle and the operation of any vehicle so modified.

Copies of the proposed regulations are available from the Minnesota Pollution Control Agency, Noise Pollution Control Section, and can be obtained by writing to the address given above. Copies will also be available at the hearing. These regulations are proposed regulations only and are subject to alterations or modifications as the Agency deems necessary and appropriate from its consideration of all the evidence adduced at the public hearing and all statements entered into the record.

Dated this 31st day of January, 1975.

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

By _____
Grant J. Merritt
Executive Director

PCA EXH 3
2-26-75 J.T.K.

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Adoption of Minn. Reg. NPC-3 and NPC-4, relating to Motor Vehicle Noise Limits and Permits for Noise Sources

AFFIDAVIT

LON C. LOKEN, being duly sworn on oath, deposes and says:

1) That he is a full-time employee of the Minnesota Pollution Control Agency of the State of Minnesota;

2) That on the 22nd day of January, 1975, he went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or individuals who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to adoption of or amendments to Minnesota Pollution Control regulations;

3) That, on the 22nd day of January, 1975, in response to the above request, the Secretary of State's office provided him with such a list, copy of which is attached hereto and incorporated by reference.

Lon C. Loken

LON C. LOKEN

Subscribed and sworn to before me this 23rd day of January, 1975, at Roseville, Minnesota.

Lila Holmdahl

NOTARY PUBLIC

LILA HOLMDAHL
Notary Public, Hennepin County, Minn.
My Commission Expires Oct. 31, 1976

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

CERTIFICATE

In the Matter of the Adoption of Minn. Reg. NPC-3 and NPC-4, relating to Motor Vehicle Noise Limits and Permits for Noise Sources.

I hereby certify that the attached 4 0 4 labels & 0 sheets constitute the complete list of persons, associations, and other interested groups who as of 2:30 o'clock, p m., this 22nd day of January, 1975, have requested pursuant to Minn. Stat. § 15.0412 subd. 4 (1971), that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Joan Anderson Growe

SECRETARY OF STATE
JOAN GROWE

By Neil Dron

POLLUTION CONTROL AGENCY
MINNESOTA

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Benforado, David, 3M. Bldg 42, PO Box 33331, St Paul 55133
B. F. Goodrich - C. E. Titus, 500 S. Main St., Akron, Ohio 44318

Blacik, Benj. J., U. S. Steel, Missabe Bldg., Duluth 55802

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Brenner, Theo., Soap Assn., 475 Park Ave. S. at 32nd, New York 00018

Buell Div. of Envirotech Corp., 253 N. 4th St., Lebanon, Pa. 17042

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Carlson, Allan, West Star Route, Larsmont, Mn 55610
Carlson, Dr. Lauren, Chokio 56221

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Cherne, Lloyd G., 5701 S. County Rd. 18, Edina 55436

Chu, Lori, 1098 13th Ave. S.E., Minneapolis, Minn. 55414

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Conkey & Associates - D.Kleinschmidt, 910 Builders Exchange,Minneapolis 55402

Defense Supply Agency - Cameron Station,Alexandria,Virginia 22314

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Ellison-Pihlstrom Inc., 2305 Ford Pkwy., St. Paul, Minn. 55116
Environmental Conservation Library, MPL, 300 Nic.Mall, Minneapolis 55401

Environment Reporter, 1231 25th St.N.W., Washington, D.C. 20037

Epstein, Scott, 217 E. Wabasha St., Winona 55987

Fargo-Moorhead Ecological Coordinating Comm., 513 S. 6th St., Moorhead 50560

F E I Corp., 900 Southgate Off. Plaza, Minneapolis, Minn. 55437

Ferche, Dennis, Room 121 State Capitol, St. Paul, Minn. 55155

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Friends of the Earth, Twin Cities Coordinator, Box 1024 St.Clair Sta.St.Paul 55105

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Gottlieb, Marvin, 2276 Highcrest Dr.,c/o Univac MS 4091,Roseville 55113 (Noise only

Grasso, Rosalie, N.W.W.M.A., 1730 Rhode Island Ave.,N.W., Washington, D.C. 20036

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Hatch, Mr. & Mrs. Robert, 2330 W. Lake of the Isles Pkwy., Minneapolis, Minn. 5540
Hawley, Lyle R., Graco Inc., P.O. Box 1441, Minneapolis 55440

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Hetland, Richard T., N.W. Refining Co., P.O. Drawer 9, St. Paul Park 55071

Horning, H. F. 512 Nicollet Ave., 917 Nicollet Mall Bldg., Minneapolis 55402

Int'l Council Shopping Center, Att.Howard Kalkstein,445 Park Ave.,New York 10022

Int'l Minerals & Chem., E. L. Lantz, Inc., Plaza, Libertyville, Ill. 60048

Int'l Snowmobile Industry Ass'n.,Midwest Div.,7851 Metro Parkway, Mpls. 55420
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Johnson, Dean K., 700 Midland Bank Bldg., Minneapolis 55401 (80225)

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Johnson, Harold A., 6700 Portland Ave., Minneapolis, Minnesota 55423

Johnson, Richard, Box 307, Roseau 56751

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Knudson, Sandra, 1829 Portland Ave. South, Minneapolis, Minn. 55404
Knutson, Dr. Keith, Biology Dept., St.Cloud State College, St. Cloud, Minn.

Kolberg, Joe, Boise Cascade Papers, P.O. Box 690, Vancouver, Washington 96660

Kovacic, Mary, Cargill Research Library, Cargill Bldg., Minneapolis 55402

Krengel, Alex A., Peavey Co., 11 Peavey Road, Chaska 55318

Lakehead Pipe Line Co., 3025 Tower Ave.,Superior,Wisc.54880, Attn-Legal Dept.

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Latz, Robert, 548 Roanoke Building, Minneapolis, Minnesota 55402

Lessig, Dennis, Dept. Env. Control, Box 94653 State Hse.Sta.,Lincoln,Nebr. 68509

Levenson, Eva, Resources Infor.,York Research, 1 Research Dr., Stanford,Conn.0690

Lipe, Jay A., Hackbert, Rooks et al,208 S. LaSalle St., Chicago, Ill. 60604

Lucas, Daniel, 13346 Riverview Dr., Elk River, Minn. 55330

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Mattson, Milton M., Beaver Bay 55601

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Metro Clean Air Committee, 1820 Portland Ave., Minneapolis 55404

Midwest Research Institute, 425 Volker Blvd., Kansas City, Missouri 64110

Minnesota Earth Journal, 317 Cedar Ave., Minneapolis, Minnesota 55404

Minnesota Municipal Utilities assn. Inc., 204 W. Franklin Ave., Minneapolis
Moehnke, J. A., Continental Telephone Co., P.O. Box 98, Two Harbors, Mn. 55616
Morris, Miles G., Koppers Co., Inc., 440 College Park Dr.,Monroeville, Pa. 15146

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Paton, Alexander C., W. R. Grace & Co., Cambridge, Mass. 02140

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Peacy, Jon, Pioneer Serv. & Eng., 2 N Riverside Plaza, Chicago, Ill. 60606
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Plant & Flanged Equipment Co., 4000 85th Ave.N., Minneapolis, Minn. 55443

Ploetz, Raymond C. 444 2nd St., Excelsior, Minnesota 55331

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So. St. Paul Env.Comm., J.J. Ulliman, 125 Third Ave. N., South St.Paul 55075

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Stock, Donald, Hammell Green and Abrahamson, Inc. 2675 Univ.Ave.,St.Paul 55114

Swanson, Roy E., Fed.Cartridge, 9th & Tyler St., Anoka 55303

Texas Refinery Corp.,V.L. Lawson, 830 N. Main St., Fort Worth, Texas 76101

Trigg, Mary, 967 Social Sciences - U of M, Minneapolis, Minnesota 55455

Tucker, B. J., Caterpillar Tractor Co., 100 N.E. Adams St., Peoria, Ill. 61602

Two Harbors Civic Assn., Attn. Pres., P.O. Box 39, Two Harbors, Mn. 55616

Tyler, Clark, St.Paul F & M Ins.,385 Washington St., St.Paul, Minn. 55102

United States Steel Corp.,F.B. Stevens, 700 Wolvin Bldg.,Duluth 55802

Virgo Industries Inc., 2021 E. Hennepin Ave., Minneapolis, Minn. 55413

Vocational Technical Sch., Water, Wastewater Tech. Dept., St. Cloud 56301

Walker, F.E., Stanford Research Inst., 333 Ravenswood Ave., Menlo Pk,Calif.94025

Watt, Desmond, Westinghouse Aqua-Tech.,1010 Jorrie Blvd., Oak Brook, Ill. 60721

West Central Regional Development Comm.,Fergus Falls, Minn. 56537

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Woolworth, Mrs. Nancy L., 3719 Sun Terrace, White Bear Lake, Minn. 55110

Zentner, 715 First American National Bank Bldg., Duluth, Minn. 55802

Zink, John Co., G. McGill, 4401 S. Peoria, Tulsa, Oklahoma 41705

ISD - Pt. Page 9

STATE OF MINNESOTA
OFFICE of SECRETARY of STATE

NOTICE of HEARINGS MAILING LABEL SYSTEM

NAME	ADDRESS STREET	CITY	STATE	ZIP CODE
ASSOCIATED GEN CONTR OF MN	910 BUILDERS EX BLDG	MPLS	MN	55402
KNUDSON ROBT	4375 BROWNDALE AVE	MPLS	MN	55424
KRONLOKKEN J E	10048 NORD RD	BLOOMINGTON	MN	55437
MN PUB INT RESEARCH GROUP	3036 UNIV AVE SE	MPLS	MN	55414
LIBBEY LEONARD	BOX 17011 NOKOMIS STA	MPLS	MN	55417
MECCA	867 GRAND AVE	ST PAUL	MN	55105
SNELL LYN	BOX 314	EDEN VALLEY	MN	55329
WANQUIST ALLEN	RM 252 FEDERAL BLDG	ST PAUL	MN	55101
WESTIN CHAS W	220 MEDICAL ARTS BLDG	DULUTH	MN	55802
MINN COMM FOR HANDICAPPED	METRO SQ 492 7th & ROBT	ST PAUL	MN	55101
ANTHONY DICK WDSM RADIO	230 E SUPR ST	DULUTH	MN	55162
MIDLAND GLASS - HD SPURLING	PO BOX 69	SHAKOPEE	MN	55379

included in Count

PCA EXH 41
2-26-75 J.T.K.

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption
of Minnesota Regulations NPC-3 and NPC-4,
relating to Motor Vehicle Noise Limits
and Permits for Noise Sources

AFFIDAVIT OF SERVICE
BY REGULAR MAIL

I, RUTH M. GROSS, being first duly sworn on oath, depose and say that:

1) I am an employee of the Minnesota Pollution Control Agency on a full-time basis;

2) On the 23rd day of January, 1975, in the City of Roseville, County of Ramsey, State of Minnesota, I served the attached Notice of Hearing upon each of the individuals and organizations named on the attached Secretary of State mailing list for the Minnesota Pollution Control Agency by depositing in the United States mail, with postage prepaid, envelopes containing a true and correct copy of said Notice, addressed to those names and addresses on attached Secretary of State list.

Ruth M. Gross

RUTH M. GROSS

Subscribed and sworn to
before me, this 23rd day
of January, 1975, at
Roseville, Minnesota.

Lila Holmdahl

NOTARY PUBLIC

LILA HOLMDAHL
Notary Public, Hennepin County, Minn.
My Commission Expires Oct. 31, 1976

PCA EXH 5
2-26-75 J.T.K.

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

CERTIFICATE

In the Matter of the Adoption of Minn. Reg. NPC-3 and NPC-4, relating to Motor Vehicle Noise Limits and Permits for Noise Sources.

I hereby certify that the attached 5 sheets 404 labels & constitute the complete list of persons, associations, and other interested groups who as of 2:30 o'clock, P m., this 22nd day of January, 1975, have requested pursuant to Minn. Stat. § 15.0412 subd. 4 (1971), that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Joan Anderson Growe
SECRETARY OF STATE
JOAN GROWE

By Gail Dion

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption of Proposed Minnesota Regulation NPC-4, Relating to Motor Vehicle Noise Limits

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Minnesota Pollution Control Agency (hereinafter Agency) on the 26th of February, 1975, at 9:00 a.m., in the Board Room of the Agency offices, 1935 W. County Road B2, Roseville, Minnesota, after proper notice required by Minnesota Statute §15.0412 (1974) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording all interested persons an opportunity to present written and oral data, statements and arguments, having considered all of the evidence adduced and upon the records, files and proceedings herein, this Agency finds the following:

1. Transportation is one of the most important sources of noise in the environment.

2. Ground vehicles constitute the pervasive segment of the transportation noise problem, their impact being unacceptable to a large share of the urban population.

3. The noise produced by many Minnesota roads and highways is presently in excess of the noise standards in Minn. Reg. NPC-2. The optimum solution to this problem is to quiet the vehicles.

4. Vehicles must then be manufactured, maintained and operated under reasonable economic and technological noise

control guidelines, if modifications to the State's existing roads and highways required to meet the noise standards in NPC-2 are to be minimized.

5. The noise limits for vehicles of more than 10,000 pounds as proposed in the final draft of NPC-4 (subdivision (h)) are consistent with interstate motor carrier noise emission standards developed and adopted by the Environmental Protection Agency, as required by the Noise Control Act of 1972.

6. Noise limits proposed for existing vehicles of more than 10,000 pounds, including interstate motor carriers, in NPC-4 (subdivision (h)) are effective immediately after this regulation is adopted. Since the limits specified in NPC-4 are the same as those contained in Minn. Stat. Ch. 169 (1971) (repealed effective October 1, 1974), enforcement of these limits is appropriate prior to October of 1975, which is the effective date of EPA's noise emission standards for the vehicles.

7. The noise limits proposed for new vehicles of more than 10,000 pounds, including interstate motor carriers, are consistent with the limits proposed by the Environmental Protection Agency on October 30, 1974, 39 Fed. Reg. 38338. However, these limits in addition to being a manufacturer's specification, are also an operator's standard. Such a measure is necessary to insure that the vehicles are properly maintained and operated during their lifetimes, and their noise emissions kept within the limits.

8. The noise limits for motorcycles, contained in NPC-4 (subdivision (i)) are an accurate description of present noise emissions from these vehicles. The most significant problems from these vehicles are improper exhaust modifications or removal and improper operation. Vehicles properly maintained and operated will not exceed the proposed limits.

9. Testimony received indicated that motorcycles manufactured by Harley-Davidson Motor Company are noisier than those manufactured by other companies which presented analogous type of data. Comparison of data submitted by Harley-Davidson Motor Company with data available from extensive noise surveys of motorcycles (PCA Exh. 22 and PCA Exh. 42) also support this conclusion.

10. The noise limits for motor vehicles described in NPC-4 (subdivision (j)), basically automobiles and light gasoline trucks, were found to be a true description of present noise emissions from these vehicles. Vehicles properly maintained and operated will not exceed the proposed limits.

11. In general it was found that noise tests presently in use by manufacturers fail to accurately describe the noise produced by the vehicles during their normal operating cycle. This fact is more pronounced for automobiles and motorcycles; however, even the tests used for trucks was questioned by General Motors in their testimony (Public Exh. 2).

12. The lack of appropriate test procedures, as described in the preceding paragraph, should not be used as a basis to establish unrealistic noise limits. Limits established using

those procedures, because of their high thresholds, fail to single out the problem vehicles during enforcement. This is demonstrated by the records of the Department of Public Safety on their enforcement efforts for the past three years (PCA Exh. 39, 40 and 41).

13. The Agency is aware of industry's efforts to correct the above-described situation and encourages further developments in this area, particularly in the development of stationary test procedures for automobiles and motorcycles. Changes or additions to NPC-4 may be appropriate at the time when such test procedures have been developed.

14. The adverse economic impact of the proposed regulation is minimal. As discussed, NPC-4 is an update of noise limits contained in Minn. Stat. Ch. 169 (1971) which were repealed effective October 1, 1974. The proposed regulation will have no impact on automobile and motorcycle manufacturers and users, since the limits reflect present noise emissions from these vehicles. The proposed regulations reflect advances in enforcement procedures and will result in savings to the Minnesota Department of Public Safety and local officials enforcing the regulations, due to the simplicity of the procedure and improved flexibility of site selection.

15. The proposed regulation will have a measurable economic impact on truck manufacturers and users. The Environmental Prctection Agency estimates that the standards proposed for vehicles manufactured on or after January 1, 1977, and January 1, 1981, will increase the retail price of the vehicles

(over 1973 prices) from $0-$490 per vehicle depending on their type (PCA Exh. 52). These cost estimates do no incorporate possible advances in noise control, which could indeed reduce the impact.

The limits proposed in NPC-4 are the same as those proposed by EPA. As a result, no added expenses are imposed on Minnesota users.

16. The proposed regulation has a positive economic impact for Minnesota, in that the need for highway modifications to meet the noise standards in NPC-2 are reduced. For example, an approximate average cost to construct highway noise barriers is $500,000 per mile of barrier (Public Exh. 31).

17. The impact on improved health conditions of Minnesota residents, and resulting improved productivity, will be significant, although not readily measurable.

18. The impact on property values in Minnesota will be significant. Noise from highways has depressing effects on the value of homes in their vicinity (PCA Exh. 34). Reducing the noise emissions from vehicles and thus highways, should in turn bring about a rise in property values.

19. There is an apparent need for certification or licensing of personnel making noise measurements in the State. The Agency has not identified any existing channel for this purpose. However,

the Agency and the Department of Public Safety are planning to conduct training seminars for interested local officials.

MINNESOTA POLLUTION CONTROL AGENCY

Harold D. Field, Jr.
Chairman

Peter L. Gove
Executive Director

Dated:

CERTIFICATE OF AGENCY'S
ADOPTION OF RULES RESOLUTION

I, Peter L. Gove, do hereby certify that I am the Executive Director of the Minnesota Pollution Control Agency, an Agency duly authorized under the laws of the State of Minnesota, and that a resolution was approved at a meeeting of the Agency duly and properly called and held on the 24th day of June, 1975; that a quorum was present at said meeting; that the resolution was passed by a majority of those present; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified; that said resolution approved and adopted NPC-4 and authorized the Chairman of the Agency and the Executive Director of the Agency to sign the Order adopting these rules, the Findings of Fact and the Statement of Need.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 29th day of July, 1975.

Peter L. Gove
Executive Director

Subscribed and sworn to before
me this 29th day of July, 1975:

MARY E. WYATT
NOTARY PUBLIC — MINNESOTA
DAKOTA COUNTY
My Commission Expires July 30, 1981

Mary E. Wyatt
Notary Public

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Peter L. Gove, do hereby certify that I am the Executive Director of the Minnesota Pollution Control Agency, an Agency duly authorized under the laws of the State of Minnesota, and that a resolution was adopted at the meeting of the Agency duly and properly called and held on the 15th day of October, 1974; that a quorum was present at said meeting; that the resolution was passed by a majority of those present; that the resolution is set forth in the minutes of said meeting and has not been rescinded or modified; that the resolution authorized the Minnesota Pollution Control Agency staff to call a public hearing for the purpose of promulgating regulations regarding the control of noise pollution and to perform all acts necessary to the holding of said hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 29th day of July, 1975.

Peter L. Gove
Executive Director

Subscribed and sworn to before me this 29th day of July, 1975:

MARY E. WYATT
NOTARY PUBLIC — MINNESOTA
DAKOTA COUNTY
My Commission Expires July 30, 1981

Mary E. Wyatt
Notary Public

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Adoption of Minn. Reg. NPC-4, Relating to Motor Vehicle Noise Limits

ORDER ADOPTING REGULATIONS

The above-entitled matter came on for hearing before the Minnesota Pollution Control Agency on the 6th day of February, 1975, at 9:00 a.m. in the Board Room of the offices of the Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota, after proper notice required by Minnesota Statute § 15.0412 (1971) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above-captioned regulations:

NOW, THEREFORE, IT IS ORDERED that these regulations identified as regulations NPC-1 and NPC-2 are adopted this 24th day of June, 1975, pursuant to authority vested in the Minnesota Pollution Control Agency by Minn. Stat. § 116.07 subds 2 and 4 (1971).

MINNESOTA POLLUTION CONTROL AGENCY

Marion Watson, Chairwoman

Peter L. Gove
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption of
Minn. Reg. NPC-4, Relating to
Motor Vehicle Noise Limits

STATEMENT OF COMPLIANCE WITH MANUAL
OF RULE MAKING PROCEDURES

I, Sandra S. Gardebring, Special Assistant Attorney General, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed.

Sandra S. Gardebring

Special Assistant Attorney General

NPC-4 MOTOR VEHICLE NOISE LIMITS

(a) Definitions

Motor Vehicle. Motor vehicle means any self-propelled vehicle not operated exclusively upon railroad tracks and any vehicle propelled or drawn by a self-propelled vehicle and includes vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires but not operated upon rails, except snowmobiles.

(b) No person shall operate either a motor vehicle or combination of vehicles of a type subject to registration pursuant to Minn. Stat. Ch. 168 (1971) at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the noise limits contained herein for the category of motor vehicle and speed limits specified, when tested with a measurement procedure approved by the Director.

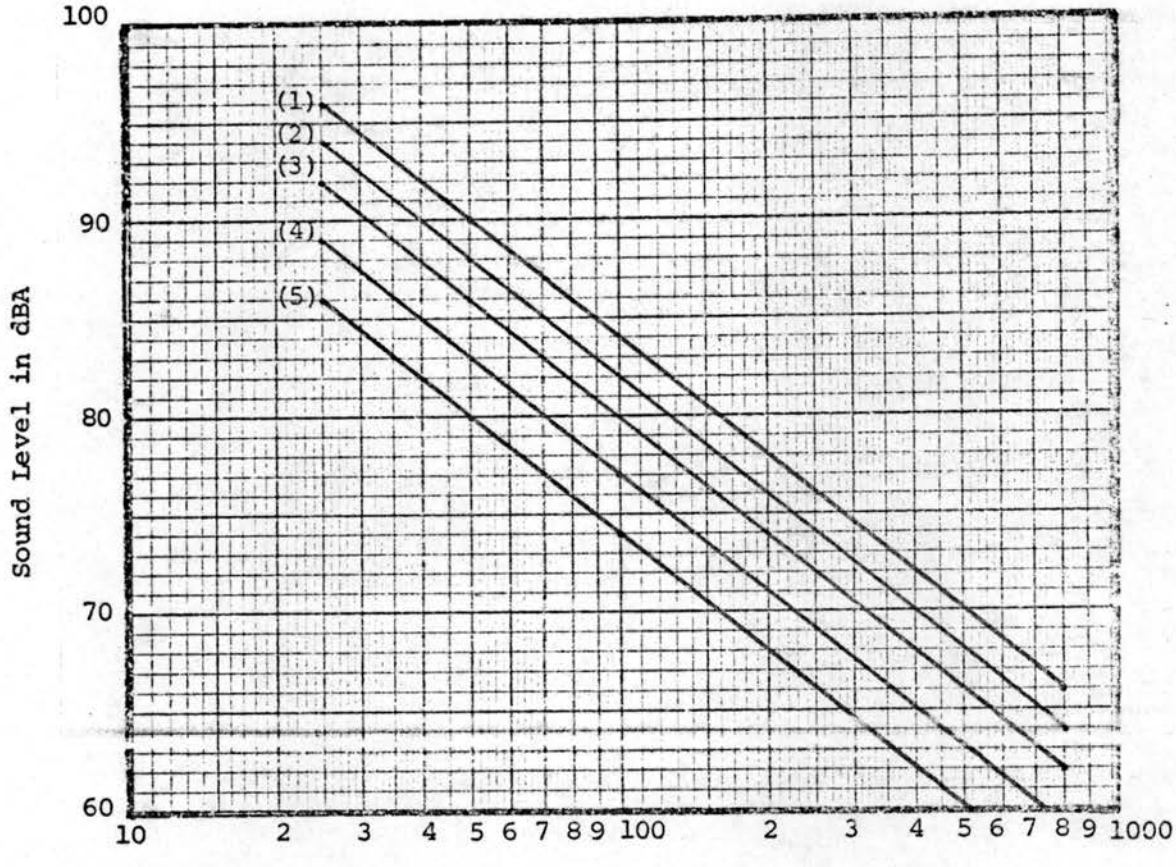
(c) No person shall sell or offer for sale a new motor vehicle or combination of vehicles of a type subject to registration pursuant to Minn. Stat. Ch. 168 (1971) which when normally operated and maintained would exceed the noise limits contained herein for the category of motor vehicle and speed limits specified, when tested with a measurement procedure approved by the Director.

(d) No person shall modify a motor vehicle or combination of vehicles of a type subject to registration pursuant to Minn. Stat. Ch. 168 (1971) in a manner which will amplify or increase the noise emitted by the vehicle, above that emitted by the vehicle with the original equipment in good working order. No person shall operate a motor vehicle so modified.

(e) No person shall sell or offer for sale replacement or additional parts for a motor vehicle or combination of vehicles of a type subject to registration pursuant to Minn. Stat. Ch. 168 (1971) which when installed in the vehicle will amplify or increase the noise emitted by the vehicle, above that emitted by the vehicle with the original equipment in good working order. No person shall operate a motor vehicle incorporating such parts.

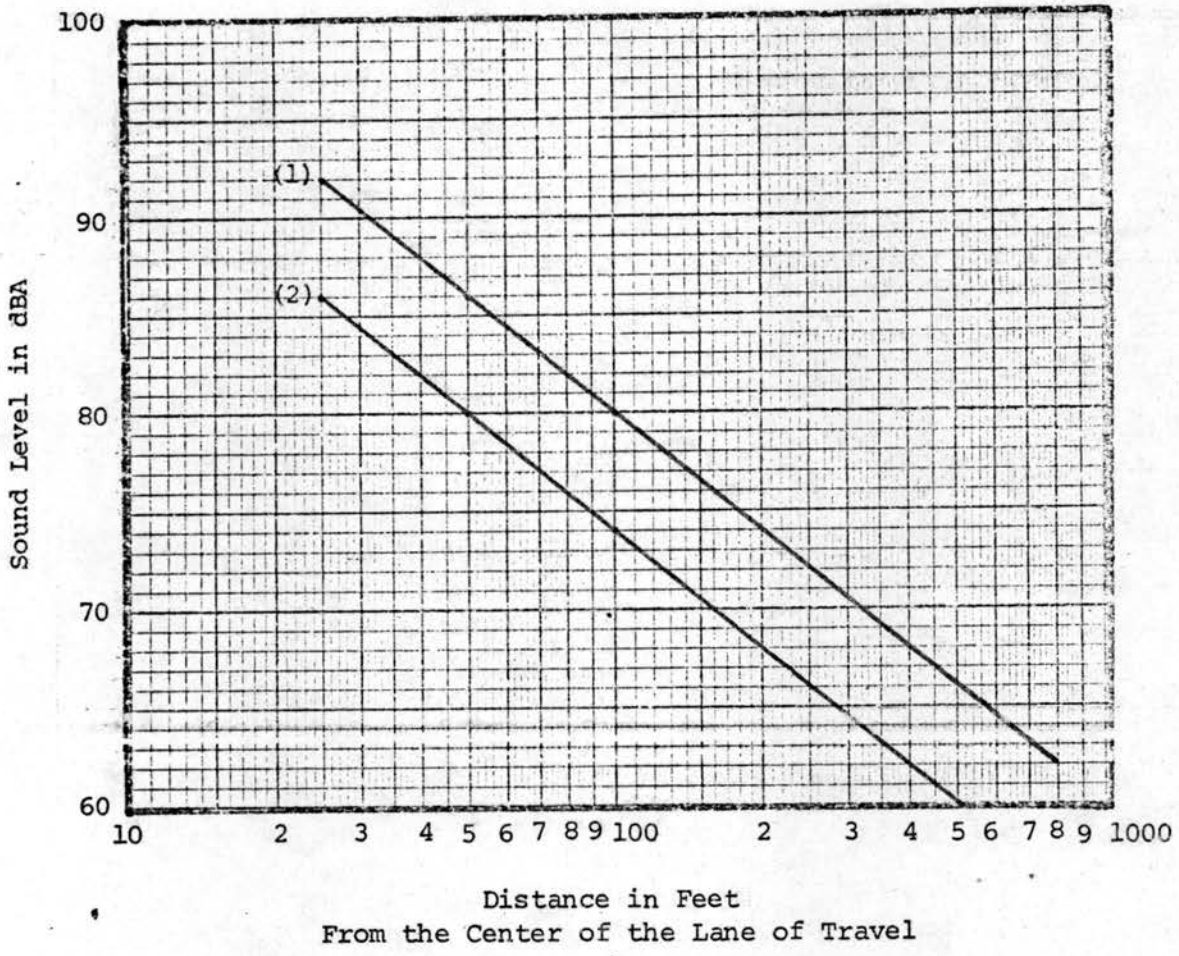
(f) This regulation applies to the total noise from a vehicle or combination of vehicles of a type subject to registration pursuant to Minn. Stat. Ch. 168 (1971) and shall not be construed as limiting or precluding the enforcement of any other provisions of law relating to motor vehicle exhaust noise.

(g) Motor Vehicle Noise Limits for vehicles with a manufacturer's gross vehicle weight rating of 10,000 pounds or more, and any combination of vehicles towed by such motor vehicle.



(1) Speed limits greater than 35 mph.
(2) Stationary run-up test.
(3) Speed limits equal to or less than 35 mph.
(4) Speed limits equal to or less than 35 mph and stationary run-up test for vehicles manufactured on or after January 1, 1977.
(5) Speed limits equal to or less than 35 mph and stationary run-up test for vehicles manufactured on or after January 1, 1981.

(h) Motor Vehicle Noise Limits for Motorcycles.



(1) For vehicles manufactured before January 1, 1975.
(2) For vehicles manufactured on or after January 1, 1975.

(i) Motor Vehicle Noise Limits for any other motor vehicle not included under subdivision (g) or (h) and any combination of vehicles towed by such motor vehicle.

