

(c) This procedure is set forth to assist the railroad in devising its compliance plan, not as a substantive requirement of the regulation.

## PART 202—MOTOR CARRIERS ENGAGED IN INTERSTATE COMMERCE

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AUTHORITY: Sec. 18, 36 Stat. 1249, 42 U.S.C. 4917(a).

### Subpart A—General Provisions

#### § 202.10 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(a) *Act* means the Noise Control Act of 1972 (Pub. L. 92-574, 86 Stat. 1234).

(b) *Common carrier by motor vehicle* means any person who holds himself out to the general public to engage in the transportation by motor vehicle in interstate or foreign commerce of passengers or property or any class or classes thereof for compensation, whether over regular or irregular routes.

(c) *Contract carrier by motor vehicle* means any person who engages in transportation by motor vehicle of passengers or property in interstate or foreign commerce for compensation (other than transportation referred to in paragraph (b) of this section) under continuing contracts with one person or a limited number of persons either (1) for the furnishing of transportation services through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served or (2) for the furnishing of transportation services designed to

meet the distinct need of each individual customer.

(d) *Cutout or by-pass or similar devices* means devices which vary the exhaust system gas flow so as to discharge the exhaust gas and acoustic energy to the atmosphere without passing through the entire length of the exhaust system, including all exhaust system sound attenuation components.

(e) *dB(A)* means the standard abbreviation for A-weighted sound level in decibels.

(f) *Exhaust system* means the system comprised of a combination of components which provides for enclosed flow of exhaust gas from engine parts to the atmosphere.

(g) *Fast meter response* means that the fast dynamic response of the sound level meter shall be used. The fast dynamic response shall comply with the meter dynamic characteristics in paragraph 5.3 of the American National Standard Specification for Sound Level Meters, ANSI S1. 4-1971. This publication is available from the American National Standards Institute, Inc., 1420 Broadway, New York, New York 10018.

(h) *Gross Vehicle Weight Rating (GVWR)* means the value specified by the manufacturer as the loaded weight of a single vehicle.

(i) *Gross Combination Weight Rating (GCWR)* means the value specified by the manufacturer as the loaded weight of a combination vehicle.

(j) *Highway* means the streets, roads, and public ways in any State.

(k) *Interstate commerce* means the commerce between any place in a State and any place in another State or between places in the same State through another State, whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly by rail, express, water or air. This definition of "interstate commerce" for purposes of these regulations is the same as the definition of "interstate commerce" in section 203(a) of the Interstate Commerce Act. [49 U.S.C. 303(a)]

(l) *Motor carrier* means a common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier of property by motor vehicle as those terms are defined by paragraphs (14), (15), and (17) of section 203(a) of

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the Interstate Commerce Act [49 U.S.C. 303(a)].

(m) *Motor vehicle* means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails.

(n) *Muffler* means a device for abating the sound of escaping gases of an internal combustion engine.

(o) *Open site* means an area that is essentially free of large sound-reflecting objects, such as barriers, walls, board fences, signboards, parked vehicles, bridges, or buildings.

(p) *Private carrier of property by motor vehicle* means any person not included in terms "common carrier by motor vehicle" or "contract carrier by motor vehicle", who or which transports in interstate or foreign commerce by motor vehicle property of which such person is the owner, lessee, or bailee, when such transportation is for sale, lease, rent or bailment, or in furtherance of any commercial enterprise.

(q) *Sound level* means the quantity in decibels measured by a sound level meter satisfying the requirements of American National Standards Specification for Sound Level Meters S1.4-1971. This publication is available from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018. Sound level is the frequency-weighted sound pressure level obtained with the standardized dynamic characteristic "fast" or "slow" and weighting A, B, or C; unless indicated otherwise, the A-weighting is understood.

[39 FR 38215, Oct. 29, 1974]

### § 202.11 Effective date.

The provisions of Subpart B shall become effective October 15, 1975, except that the provisions of § 202.20(b) and § 202.21(b) of Subpart B shall apply to motor vehicles manufactured during or after the 1986 model year.

[51 FR 852, Jan. 8, 1986]

### § 202.12 Applicability.

(a) The provisions of Subpart B apply to all motor carriers engaged in interstate commerce.

(b) The provisions of Subpart B apply only to those motor vehicles of such motor carriers which have a gross vehicle weight rating or gross combination weight rating in excess of 10,000 pounds, and only when such motor vehicles are operating under the conditions specified in Subpart B.

(c) Except as provided in paragraphs (d) and (e) of this section, the provisions of Subpart B apply to the total sound produced by such motor vehicles when operating under such conditions, including the sound produced by auxiliary equipment mounted on such motor vehicles.

(d) The provisions of Subpart B do not apply to auxiliary equipment which is normally operated only when the transporting vehicle is stationary or is moving at a speed of 5 miles per hour or less. Examples of such equipment include, but are not limited to, cranes, asphalt spreaders, ditch diggers, liquid or slurry pumps, air compressors, welders, and trash compactors.

(e) The provisions of Subpart B do not apply to warning devices, such as horns and sirens; or to emergency equipment and vehicles such as fire engines, ambulances, police vans, and rescue vans, when responding to emergency calls; or to snow plows when in operation.

(f) The provisions of § 202.20(a) and § 202.21(a) of Subpart B apply only to applicable motor vehicles manufactured prior to the 1986 model year.

(g) The provisions of § 202.20(b) and § 202.21(b) apply to all applicable motor vehicles manufactured during or after the 1986 model year.

[39 FR 38215, Oct. 29, 1974, as amended at 51 FR 852, Jan. 8, 1986]

## Subpart B—Interstate Motor Carrier Operations Standards

### § 202.20 Standards for highway operations.

(a) No motor carrier subject to these regulations shall operate any motor vehicle of a type to which this regulation