

Pennsylvania Noise Related Statutes and Policies

STATUTES

§ 3105. Drivers of emergency vehicles.

(a) General rule.--The driver of an emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm or other emergency call, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.

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(c) Audible and visual signals required.--The privileges granted in this section to an emergency vehicle shall apply only when the vehicle is making use of an **audible signal** and visual signals meeting the requirements and standards set forth.

§ 4523. Exhaust systems, mufflers and noise control.

(a) Compliance with established sound levels.--Every motor vehicle operated on a highway shall be constructed, equipped, maintained and operated so as not to exceed the sound level for the vehicle as prescribed in regulations promulgated by the department. The test procedures and instrumentation to be utilized shall also be established by regulation.

(b) Compliance with exhaust requirements.--In addition to any requirements established under sections 4531 (relating to emission control systems) and 4532 (relating to smoke control for diesel-powered motor vehicles), every motor vehicle shall be constructed, equipped, maintained and operated so as to prevent engine exhaust gases from penetrating and collecting in any part of the vehicle occupied by the driver or passengers.

(c) Mufflers and related equipment.--Every motor vehicle shall be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation and no muffler or exhaust system shall be equipped with a cutout, bypass or similar device.

(d) Unauthorized modification of equipment.--No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of the vehicle above the maximum levels permitted under subsection (a) or violate the provisions of subsection (b). Headers and side exhausts are permitted provided the vehicle meets all the requirements of this section.

(e) Fire equipment and racing vehicles.--This section does not apply to fire equipment or to racing vehicles being operated in an organized racing or competitive event conducted under a permit issued by local authorities.

§ 4535. Audible warning devices.

(a) General rule.--Every motor vehicle operated on a highway shall be equipped with a **horn** or other audible warning device of a type approved in regulations of the department.

(b) Certain sound devices prohibited.--Except as specifically provided in this part or by regulations of the department, no vehicle operated on a highway shall be equipped with a **siren, bell, whistle** or any device emitting a similar sound or any unreasonably loud or harsh sound.

(c) Exceptions.--This section shall not apply to any special mobile equipment, commercial implement of husbandry or implement of husbandry that is not so equipped by the original manufacturer.

§ 5102. Definitions.

The following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Aircraft." Any contrivance, except an unpowered hang-glider or parachute, used for manned ascent into or flight through the air.

"Airport." Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. Unless indicated otherwise, airport shall include heliports and public airports.

"Airport hazard." Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight of aircraft in landing or taking off at an airport or is otherwise hazardous to the landing or taking off of aircraft.

"Airport hazard area." Any area of land or water upon which an airport hazard might be established if not prevented as provided in this part.

"Aviation development." Any work involved in the construction, reconstruction, improvement or repair of a landing area, heliport, airport or any portion thereof. For purposes of this part, aviation development shall include, but shall not be limited to, the removal, lowering and relocation of airport equipment and facilities, including the marking and lighting of any airport; the construction and maintenance of maintenance hangars and T-storage hangars; the installation or improvement of navigation aids used in the landing and taking off of aircraft; the installation of equipment used for the suppression of noise, including the construction of physical barriers and landscaping for the purpose of diminishing the effect of aircraft noise in any area adjacent to an airport; the acquisition of land, or any interest therein, or any easement, for purposes which are compatible with the operation of the airport, including the removal of airport hazards; and any other aviation-related improvements so long as they are directly involved in the movement, servicing or housing of aircraft on an airport.

"Aviation-related area." Any area of an airport used, or intended to be used, in the direct operation of the airport. The term includes, but is not limited to, any portion of the airport used in the landing, taking off or surface maneuvering of an aircraft. The term does not include hangars, terminals and any portion of the airport used for the housing of aircraft or areas dedicated to hotels, motels, shops, restaurants, parking areas and garages and other for-profit establishments whose purpose is unrelated to the landing and taking off of aircraft.

"Board." A zoning hearing board or joint zoning hearing board established pursuant to Article IX of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, but not including a joint airport zoning board established pursuant to section 5912 (relating to power to adopt airport zoning regulations). In municipalities where the Pennsylvania Municipalities Planning Code does not apply, the term shall mean the body having the powers listed in section 5917 (relating to administrative appeals).

"Commercial flight operations." The carrying of persons or goods for hire, including the conduct of flight instruction for compensation.

"Commercial operator." A person who deals in the sale or resale of aircraft or aircraft parts or aircraft maintenance.

"Department." The Department of Transportation.

"Helicopter." A rotorcraft, other than a model or radio-controlled rotorcraft, that, for its horizontal motion, depends principally on its engine-driven rotor.

"Heliport." Any area of land, water or structure which is used or intended to be used for the landing and takeoff of helicopters and any appurtenant areas which are used for heliport buildings or helicopter facilities or rights-of-way, together with all heliport buildings and facilities thereon.

"Landing area." Any area used, or intended to be used, for the landing, taking off or surface maneuvering of aircraft.

"Planning agency." A planning commission, planning department, planning committee of the governing body of a municipality or planning committee of a joint airport zoning board.

"Private airport." An airport which is privately owned and which is not open or intended to be open to the public.

"Public airport." An airport which is either publicly or privately owned and which is open to the public.

"Secretary." The Secretary of Transportation.

"Statewide regional apportionment formula." The method utilized by the department to determine whether or not an airport qualifies for State revenue to be utilized for capital construction projects and land acquisitions.

"Structure." Includes buildings, towers, smokestacks and overhead transmission lines.

§ 5123. General boating regulations.

(a) General rule. The commission may promulgate such rules and regulations as it deems appropriate to provide for the operation and navigation of boats, including the rules of the road for boating, the ways, manner, methods and means of boating, the management of boats and the use thereof and the protection of waters for boating purposes. The rules and regulations may relate to:

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(3) Boat **noise** and sound levels.

(b) Penalties. Any person who violates a rule or regulation promulgated under this section which the commission designates as being for the protection of the health and safety of persons as provided by subsection (a)(1) commits a summary offense of the second degree. Any person who violates any other regulation promulgated under this section commits a summary offense of the third degree. In addition to any other penalty, any person who is convicted or acknowledges guilt for an offense of possessing insufficient, non-approved or unserviceable safety equipment on a boat, or for passengers, or persons being towed by a boat on the waters of this Commonwealth may be fined an additional \$20 for every piece of safety equipment required that is missing, not worn when required, not of an approved type or unserviceable.

§ 5503. Disorderly conduct.

(a) Offense defined. A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

(1) engages in fighting or threatening, or in violent or tumultuous behavior;

(2) makes unreasonable **noise**;

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§ 7743. Mufflers and noise control.

(a) General rule.--It is unlawful to operate a snowmobile or an ATV which is not equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile or ATV noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not emit or produce a sharp popping or crackling sound. The sound intensity produced by a snowmobile shall not exceed 82dbA when measured in accordance with SAE Recommended Practice J 192 Exterior Sound Level for Snowmobiles, as amended. The department may by regulation adopt more stringent noise requirements for snowmobiles. The department shall by regulation adopt noise requirements for in-use operation of ATV's using measurement procedures in accordance with ANSI/SAE Recommended Practice J 1287 March 1982, Measurement of Exhaust Level of Stationary Motorcycles. The sound level intensity produced by an ATV shall not exceed 99dbA, or decibels, when measured at 20 inches.

(b) Modified mufflers prohibited.--It is unlawful to modify a muffler or to operate a snowmobile or an ATV with a modified muffler so as to increase the sound level of the snowmobile or ATV above the level allowed by this section.

(c) Exception.--This section does not apply to organized races or similar competitive events.

§ 8384. Complaint.

(a) Adverse impact. The complaint or an affidavit attached thereto shall describe the adverse impact associated with the drug nuisance upon the surrounding neighborhood. Adverse impact includes, without limitation, the presence of any one or more of the following conditions:

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(4) Increased **noise**, bothersome solicitors or approaches by persons wishing to sell drugs or solicit the donation of money on or near the property.

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(b) Attempts to notify owner. The complaint shall contain a description of what attempts, if any, have been made by the plaintiff or any other person or entity to notify the owner of the property of the drug-related nuisance or resulting adverse impact.

POLICIES

Highway Traffic Noise

Highway Traffic Noise is an increasingly growing concern for land owners along highways. Depending on the type of project, varying levels of analysis can be done to assess the potential for future highway traffic noise impacts on sensitive receptors as a result of the proposed Transportation Improvement Project. Information regarding how Highway Traffic Noise is applied to Transportation Improve Projects is readily available. The FHWA Highway Traffic Noise website provides information on compatible growth and development, Federal rules, policies, and technical advisories; as well as a wide variety of reference material. On the state level, PennDOT has two publications on Highway Traffic Noise, there are: Publication #24 – Project Level Highway Traffic Noise Handbook, and Publication #21 – Making Sound Decisions About Highway Noise Abatement public involvement brochure.