

**TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE H: NOISE
CHAPTER I: POLLUTION CONTROL BOARD**

**PART 902
SOUND EMISSION STANDARDS AND LIMITATIONS FOR MOTOR
VEHICLES**

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APPENDIX A OLD RULE NUMBERS REFERENCED

AUTHORITY: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1025 and 1027).

SOURCE: Originally filed as Part 3 of Chapter 8: Noise Pollution, effective May 31, 1977; codified at 7 Ill. Reg. 13579.

SUBPART A: EQUIPMENT STANDARDS APPLICABLE TO ALL MOTOR VEHICLES

Section 902.101 Exhaust System

No person shall operate or cause or allow the operation of a motor vehicle on a public right of way unless it is at all times equipped with an adequate muffler or other sound dissipative device which is:

- a) In constant operation and properly maintained to prevent any excessive or unusual noise;**
- b) Free from defects which affect sound reduction; and**
- c) Not modified in a manner which will amplify or increase the noise of such muffler or other sound dissipative device above that emitted by the muffler originally installed on the vehicle so as to produce excessive or unusual noise.**

Section 902.102 Tires

No person shall operate or cause or allow the operation of a motor vehicle with one or more tires having a tread pattern which is composed primarily of cavities in the tread (excluding sipes and local chunking) which are not vented by grooves to the tire shoulder or circumferentially to each other around the tire.

SUBPART B: OPERATIONAL STANDARDS

Section 902.120 Standards Applicable to all Passenger Cars and to Other Motor Vehicles with GVW of 8,000 Pounds or Less

- a) This rule shall apply to all passenger cars regardless of weight and to other motor vehicles with a gross vehicle weight of 8,000 pounds or less, except motorcycles and motor driven cycles.**
- b) No person shall operate or cause or allow the operation of a motor vehicle subject to this rule at any time under any conditions of highway grade, load, acceleration or deceleration in such a manner as to exceed the following limits:**

- 1) **On highways with speed limits of 35 miles per hour or less, 74 dB(A), or 76 dB(A) when operating on a grade exceeding 3%, measured with fast meter response at 50 feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm. Code 900.103;**
- 2) **On highways with speed limits of more than 35 miles per hour, 82 dB(A), or 85 dB(A) if the vehicle is equipped with two or more snow or mud/snow tires, measured with fast meter response at 50 feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm. Code 900.103.**

Section 902.121 Standards Applicable to Motor Vehicles with GVW in Excess of 8,000 Pounds

- a) **This rule shall apply to motor vehicles with a gross vehicle weight in excess of 8,000 pounds, except passenger cars.**
- b) **No person shall operate or cause or allow the operation of a motor vehicle subject to this rule at any time under any conditions of highway grade, load, acceleration or deceleration in such a manner as to exceed the following limits:**
 - 1) **On highways with speed limits of 35 miles per hour or less, 86 dB(A), measured with fast meter response at 50 feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm. Code 900.103;**
 - 2) **On highways with speed limits of more than 35 miles per hour, 90 dB(A), measured with fast meter response at 50 feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm. Code 900.103.**
- c) **No person shall operate or cause or allow the operation of a motor vehicle subject to this rule, powered by an engine with engine speed governor, which generates a sound level in excess of 88 dB(A) measured with fast meter response at 50 feet from the longitudinal centerline of the vehicle or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm. Code 900.103, when that engine is accelerated from idle with wide open throttle to governed speed with the vehicle stationary, transmission in neutral, and clutch engaged.**

Section 902.122 Standards Applicable to Motorcycles and Motor Driven Cycles

- a) **This rule shall apply to all motorcycles and motor driven cycles.**
- b) **No person shall operate or cause or allow the operation of a motor vehicle subject to this rule at any time or under any conditions of highway grade, load, acceleration or deceleration in such a manner as to exceed the following limits:**
 - 1) **On highways with speed limits of 35 miles per hour or less, 80 dB(A), or 82 dB(A) when operating on a grade exceeding 3%, measured with fast meter response at 50 feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm. Code 900.103;**
 - 2) **On highways with speed limits of more than 35 miles per hour, 86 dB(A), measured with fast meter response at 50 feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm. Code 900.103.**

Section 902.123 Exception for and Standards Applicable to Motor Carriers Engaged in Interstate Commerce with Respect to Operations Regulated Pursuant to the Federal Noise Control Act of 1972

- a) **Applicability**
 - 1) **After the effective date of the federal standards contained in 40 CFR Part 202, this rule shall apply to motor carriers engaged in interstate commerce with respect to noise emissions regulated by such federal standards. Motor carrier operations determined pursuant to 35 Ill. Adm. Code 900.104 to be governed by this rule shall be excepted from Section 902.101, 902.102 and 902.121.**
 - 2) **This rule shall apply to motor carriers with respect only to the operation of those motor vehicles of such 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 operated under the conditions specified below.**
 - 3) **Except as provided in subparagraph (4) of this paragraph (a), this rule shall apply to the total sound produced by such motor**

vehicles when operating under the specified conditions, including the sound produced by auxiliary equipment mounted on such motor vehicles.

- 4) This rule shall 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 refuse compactors.**

b) Equipment Standards

1) Visual exhaust system inspection

No motor carrier subject to this rule shall operate any motor vehicle of a type with respect to which this rule is applicable unless the exhaust system of such vehicle is:

- A) Equipped with a muffler or other noise dissipative device;**
- B) Free from defects which affect sound reduction; and**
- C) Not equipped with any cutout, bypass or similar device.**

2) Visual tire inspection

No motor carrier subject to this rule shall operate any motor vehicle of a type with respect to which this rule is applicable on a tire or tires having a tread pattern which as originally manufactured, or as newly retreaded, is composed primarily of cavities in the tread (excluding sipes and local chunking) which are not vented by grooves to the tire shoulder or circumferentially to each other around the tire. This subparagraph (2) shall not apply to any motor vehicle which is demonstrated by the motor carrier which operates it to be in compliance with the noise emission standard specified in paragraph (c) of this rule for operation on highways with speed limits of more than 35 miles per hour, if the demonstration is conducted at the highway speed limit in effect at the inspection location or, if speed is unlimited, the demonstration is conducted at a speed of 65 miles per hour.

c) Standards for Highway Operation

No motor carrier subject to this rule shall operate any motor vehicle of a type with respect to which this rule is applicable and which at any time or under any condition of highway grade, load, acceleration or deceleration generates a sound level in excess of 86 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of 35 miles per hour or less; or 90 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of more than 35 miles per hour.

d) Standard for Operation under Stationary Test

No motor carrier subject to this rule shall operate any motor vehicle of a type with respect to which this rule is applicable, and which is equipped with an engine speed governor, which generates a sound level in excess of 88 dB(A) measured on an open site with fast meter response at 50 feet from the longitudinal centerline of the vehicle, when its engine is accelerated from idle with wide open throttle to governed speed with the vehicle stationary, transmission in neutral, and clutch engaged.

e) Additional Definitions Applicable Only to this Rule

- 1) Common carrier by motor vehicle: 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.**
- 2) Contract carrier by motor vehicle: 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 subparagraph (1) of this paragraph) under continuing contracts with one person or a limited number of persons either**
 - A) 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**
 - B) for the furnishing of transportation services designed to meet the distinct need of each individual customer.**
- 3) Gross combination weight rating: the value specified by the manufacturer as the loaded weight of a combination vehicle.**

- 4) **Gross vehicle weight rating: the value specified by the manufacturer as the loaded weight of a single vehicle.**
- 5) **Interstate commerce: 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 this rule is the same as the definition of "interstate commerce" in Section 203(a) of the Interstate Commerce Act (49 U.S.C. Section 303(a)).**
- 6) **Motor carrier: 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 the Interstate Commerce Act (49 U.S.C. 303(a)). The term "motor carrier" includes those entities which own and operate the subject motor vehicles, but not the drivers thereof, unless said drivers are independent truckers who both own and drive their own vehicles.**
- 7) **Open site: an area that is essentially free of large sound-reflecting objects, such as barriers, walls, board fences, signboards, parked vehicles, bridges or buildings.**
- 8) **Private carrier of property by motor vehicle: any person not included in terms "common carrier by motor vehicle" or "contract carrier by motor vehicle", who 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.**

Section 902.124 Horns and Other Warning Devices

- a) **No person shall sound a horn when upon a highway, except when reasonably necessary to insure safe operation. No person shall sound any horn on any motor vehicle for an unreasonable period of time or in a manner so as to circumvent enforcement of the operational standards contained in this Subpart B.**
- b) **No person shall sound any siren, whistle or bell of any motor vehicle except as provided in Ill. Rev. Stat. 1981, ch. 95 1/2, par. 12-601(b).**

Section 902.125 Tire Noise

No person shall operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason, except that noise resulting from emergency operation to avoid imminent danger shall be exempt from this provision.

SUBPART C: EXCEPTIONS AND COMPLIANCE DATES FOR PART 902

Section 902.140 Exceptions

- a) **The standards and limitations of Part 902 shall not apply to:**
 - 1) **any vehicle moved by human or animal powers;**
 - 2) **any vehicle moved by electrical power;**
 - 3) **any vehicle used exclusively upon stationary rails or tracks;**
 - 4) **any farm tractor;**
 - 5) **any antique vehicle, if licensed under Section 3-804 of the Illinois Vehicle Code Ill. Rev. Stat. 1981, ch. 95 1/2, par. 3-804;**
 - 6) **any snowmobile;**
 - 7) **any special mobile equipment;**
 - 8) **any vehicle while being used lawfully for racing competition or time racing events; and**
 - 9) **any lawn care maintenance equipment.**
- b) **Sections 902.102 and 902.123(b)(2) shall not apply to any person who can show that a tread pattern as described in those rules was the result of wear and that the tire was not originally manufactured or newly retreaded with such a tread pattern.**
- c) **The operational standards contained in Sections 902.120 through 902.123 inclusive shall 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 respond to emergency calls; to snow plows when in operation; or to tactical military vehicles.**

Section 902.141 Compliance Dates

- a) Except as otherwise provided in this rule, any person subject to the standards and limitations of this Part shall comply with such standards and limitations on and after November 30, 1977.
- b) Every owner or operator of a motor vehicle subject to Section 902.102 shall comply with such rule on and after May 31, 1978.
- c) Every owner or operator of a motor vehicle subject to Section 902.120(b)(2) or 902.121(b)(2) shall comply with such rule on and after May 31, 1978.
- d) Every motor carrier subject to Section 902.123 shall comply with such rule on and after May 31, 1977.

Section 902.APPENDIX A Old Rule Numbers Referenced

The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification.

Old Part 3 of Chapter 8	35 Ill. Adm. Code Part 902
Rule 301	Section 902.101
Rule 302	Section 902.102
Rule 310	Section 902.120
Rule 311	Section 902.121
Rule 312	Section 902.122
Rule 313	Section 902.123
Rule 314	Section 902.124
Rule 315	Section 902.125
Rule 320	Section 902.140
Rule 321	Section 902.141