



COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF COUNCILMEMBER BROOKE PINTO
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W., SUITE 106
WASHINGTON, D.C. 20004

January 18, 2023

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue N.W.
Washington, DC 20004

Dear Secretary Smith,

Today, along with Councilmember Brianne K. Nadeau, I am introducing the Vehicular Noise Reduction Act of 2023. Please find enclosed a signed copy of the legislation.

The purpose of the Vehicular Noise Reduction Act is to reduce vehicular noise in the District by (1) implementing a noise camera pilot program; (2) creating a vehicle repair subsidy program to offset costs of vehicle repairs; and (3) commissioning a DDOT and DOEE study on strategies to reduce vehicular and transit noise in the District.

Excessive vehicle noise, including noise caused by defective or altered muffler and exhaust systems and roadway noise from tires on pavement, is disruptive in myriad ways to District residents' lives, including interrupting sleep; creating noise barriers to communication in business, educational, and social settings; and creating continuous, high levels of noise, commonly referred to as "noise pollution," that can lead to various health and developmental issues.

Noise pollution, both during the day and at night, has serious effects on District residents' physical and mental health. Noise pollution is correlated to increased anxiety, depression, heart disease, cognitive impairments, and strokes. Continuous exposure to high noise levels can also bring about the "flight or fight" response within the body, triggering stress hormones that contribute to elevated blood pressure, accelerated heart rates, and disrupted digestive systems. Sleep interruption from loud and continuous noises can inhibit child development, learning, mood regulation, and optimal healing from injuries, even when a person is never actually awoken by the noise.

Noise pollution from vehicles is also an equity issue in our city, as communities of color, immigrants, and people with low incomes are more likely to live near roadways with elevated and constant vehicular noise and are thus at greater risk of experiencing these negative health impacts.

This legislation, through its three-pronged approach, will aid in reducing vehicle noise in the District and provide an opportunity to understand further noise-reduction options that may be available to lower vehicular noise and improve equity, quality of life, and health for District residents, workers, and visitors.

Should you have any questions about this legislation, please contact my Legislative Counsel, Kristin Ewing, at kewing@dccouncil.gov.

Thank you,

A handwritten signature in blue ink, appearing to read "BE R" followed by a flourish.

Brooke Pinto

Brianne K. Nadeau

Councilmember Brianne K. Nadeau

BE R

Councilmember Brooke Pinto

1
2 A BILL
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6 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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10 To establish a noise camera demonstration project using acoustic imaging technology to identify
11 violators of District motor vehicle noise law, to require reporting on the demonstration
12 project to the Council, to set certain calibration requirements for a photo noise violation
13 monitoring device, to require operator training for a photo noise violation monitoring
14 device, to prescribe the parameters for the use of a photo noise violation monitoring
15 device image, to state the evidentiary value of a photo noise violation monitoring device
16 image, to conduct a study of vehicular and traffic noise-reducing strategies, and to
17 establish a subsidy program for car repairs related to noise violations.
18

19 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
20 act may be cited as the “Vehicular Noise Reduction Act of 2023”.

21 Sec. 2. Definitions.

22 For the purposes of this act, the term:

23 (1) “Decibel reader” means a measuring instrument used to assess noise or sound levels
24 by measuring sound pressure expressed in decibel (dB) units.

25 (2) “Motor vehicle noise limits” means the noise limits prescribed pursuant to 20 DCMR
26 § 2811.

27 (3) “Operator of a photo noise violation monitoring device” means a natural or legal
28 person authorized to set up, test, or operate the noise violation monitoring device described
29 herein.

30 (4) “Photo noise violation monitoring device” means one or more mobile or fixed vehicle
31 sensors installed to work in conjunction with one or more noise measuring apparatuses such as a
32 decibel reader which automatically produces two or more photographs, two or more

33 microphotographs, a videotape, or other recorded images of each motor vehicle at the time it is
34 used or operated in violation of the motor vehicle noise limits pursuant to 20 DCMR § 2811.

35 Sec. 3. Photo noise violation monitoring device program established.

36 The District Department of Transportation (“DDOT”), in consultation with the
37 Department of Energy and Environment (“DOEE”), shall establish a two-year demonstration
38 program of photo noise violation monitoring devices using acoustic imaging technology to
39 identify violators of District motor vehicle noise law pursuant to 20 DCMR § 2811.

40 Sec. 4. Violations authorization and fines.

41 (a) The Mayor is authorized to use a photo noise violation monitoring device to detect
42 noise violations. Proof of a violation may be evidenced by information obtained through the use
43 of a photo noise violation monitoring device.

44 (b) The Mayor shall impose a fine for a violation detected by a photo noise violation
45 monitoring device.

46 Sec. 5. Demonstration program implementation.

47 As part of the implementation of the demonstration program, DDOT shall:

48 (a) Conduct an acoustical engineering study to determine appropriate noise detection
49 equipment and placement location options;

50 (b) Consult with ward Councilmembers to determine best noise camera placement
51 locations within their ward;

52 (c) Test photo noise violation monitoring devices to determine the most appropriate
53 device for use in the District;

54 (d) Provide a report to the Council describing how the placement of each noise detection
55 device was determined;

56 (e) Install signs giving notice to approaching motor vehicle operators where a photo
57 noise violation monitoring device is in use;

58 (f) Install at least 2 photo noise violation monitoring locations in each of the 8 District
59 Wards; and

60 (g) Collect appropriate data on the effectiveness of the photo noise violation monitoring
61 devices.

62 Sec. 6. Demonstration program reporting.

63 One year after the effective date of this act and 60 days after the conclusion of the
64 demonstration project, DDOT shall submit a report on the results of the demonstration program
65 to the Council. The report shall include:

66 (a) The locations where and dates when photo noise violation monitoring devices were
67 used;

68 (b) The total number of violations recorded by photo noise violation monitoring devices
69 on a daily, weekly and monthly basis;

70 (c) The total number of notices of violation issued for violations recorded by the installed
71 devices;

72 (d) The number of fines and total amount of fines paid after the first notice of violation
73 issued for violations recorded by the devices;

74 (e) The number of violations adjudicated and the results of such adjudications including
75 breakdowns of dispositions made for violations recorded by the devices;

76 (f) The total amount of revenue realized by the District in connection with the program;

77 (g) A cost-benefit analysis of the different types of technology tested pursuant to this act;

78 (h) The expenses incurred by the District in connection with the demonstration program;

79 and

80 (i) A description of the quality of the adjudication process and its results.

81 Sec. 7. Calibration requirements for photo noise violation monitoring devices.

82 (a) No photo noise violation monitoring device shall be used unless it has undergone a
83 calibration check performed pursuant to this section.

84 (1) Each photo noise violation monitoring device shall undergo:

85 (A) An annual calibration check performed by an independent calibration
86 laboratory which shall issue a signed certificate of calibration; and

87 (B) A successfully passed self-test of its functions on the day it is used to
88 record a noise violation;

89 (2) The department shall keep each annual certificate of calibration on file until
90 the final resolution of all cases involving a notice of violation issued during the year which were
91 based on photographs, microphotographs, videotape, or other recorded images produced by the
92 photo noise violation monitoring device.

93 (3) It shall be a defense to any prosecution for a violation of motor vehicle noise
94 limits pursuant to this section that a photo noise violation monitoring device was malfunctioning
95 at the time of the alleged violation.

96 Sec. 8. Operator training for photo noise violation monitoring devices.

97 (a) Operators of a photo noise violation monitoring device shall have completed training
98 in the procedures for setting up, testing, and operating the device.

99 (b) Each operator shall maintain a daily camera log report for each device that states:

100 (1) The date and time when, and the location where, the device was set up that
101 day; and

102 (2) That the operator successfully performed, and the device passed, the self-tests
103 of the device before producing a recorded image that day.

104 (c) The District shall retain each daily camera log report until the later of the date on
105 which the photo noise violation monitoring device to which it applies has been permanently
106 removed from use or the final resolution of all cases involving notices of violation issued based
107 on photographs, microphotographs, video, or other recorded images produced by the device.

108 Sec. 9. Use of a photo noise violation monitoring device image.

109 (a) The demonstration program shall utilize necessary technologies to ensure to the
110 extent practicable, that photographs, microphotographs, videotape, or other recorded images
111 produced by a photo noise violation monitoring device shall not include images that identify the
112 driver, the passengers, or the contents of the motor vehicle.

113 (b) Notwithstanding subsection (a) of this section, no notice of violation issued pursuant
114 to this section shall be dismissed solely because a photograph, microphotograph, videotape, or
115 other recorded image allows for the identification of the driver, the passengers, or the contents of
116 motor vehicles where the department shows that it made reasonable efforts to comply with the
117 provisions of this paragraph in case.

118 (c) Any photograph, microphotograph, videotape or other recorded image from a photo
119 noise violation monitoring device shall be for the exclusive use of the District for the purpose of
120 the adjudication of liability of the motor vehicle owner receiving a notice of violation, and shall
121 be destroyed by the department upon the final resolution of the notice of violation to which the
122 photograph, microphotograph, videotape or other recorded image relates, or one year following
123 the date of issuance of the notice of violation, whichever is later.

124 (d) Notwithstanding the provisions of any other law, rule, or regulation to the contrary, a

125 photograph, microphotograph, videotape, or other recorded image from a photo noise violation
126 monitoring device shall not be available to the public, nor subject to civil or criminal process or
127 discovery, nor used by any court or administrative or adjudicatory body in any action or
128 proceeding therein except that which is necessary for the adjudication of a notice of violation,
129 and no public entity or employee, officer or agent thereof shall disclose the information, except
130 that a photograph, microphotograph, videotape, or other recorded image from a device:

131 (1) Shall be available for inspection and copying and use by the motor vehicle
132 owner and operator for so long as the photographs, microphotographs, videotape, or other
133 recorded images are required to be maintained or are maintained by the public entity, employee,
134 officer, or agent;

135 (2) Shall be furnished for use in a criminal action or proceeding when described
136 in a search warrant issued by a court authorized to issue a search warrant or a federal court
137 authorized to issue a search warrant under federal law, where the search warrant states that there
138 is reasonable cause to believe information constitutes evidence of, or tends to demonstrate that, a
139 misdemeanor or felony offense was committed in this state or another state, or that a particular
140 person participated in the commission of a misdemeanor or felony offense in this state or another
141 state, provided, that if the offense was against the laws of another state, the court shall only issue
142 a warrant if the conduct comprising the offense would, if occurring in this state, constitute a
143 misdemeanor or felony against the laws of this state; and

144 (3) Shall be furnished for use in a criminal action or proceeding in response to a
145 subpoena *duces tecum* signed by a judge of competent jurisdiction and issued pursuant the
146 criminal procedure law or a judge or magistrate of a federal court authorized to issue a subpoena
147 *duces tecum* under federal law, where the judge finds and the subpoena states that there is

148 reasonable cause to believe the information is relevant and material to the prosecution, or the
149 defense, or the investigation by an authorized law enforcement official, of the alleged
150 commission of a misdemeanor or felony in the District or another state, provided, that if the
151 offense was against the laws of another state, the judge or magistrate shall only issue a subpoena
152 if the conduct comprising the offense would, if occurring in the District, constitute a
153 misdemeanor or felony in the District; and

154 (4) May be used in a criminal action or proceeding if lawfully obtained pursuant
155 to this section and otherwise admissible.

156 Sec. 10. Photo noise violation monitoring device image as evidence.

157 (a) A certificate, sworn to or affirmed by a technician employed by the city, or a
158 facsimile thereof, based upon inspection of photographs, microphotographs, videotapes, or other
159 recorded images produced by a photo noise violation monitoring device, shall be *prima facie*
160 evidence of the facts contained therein.

161 (b) Any photographs, microphotographs, videotapes, or other recorded images
162 evidencing a violation shall include at least two date and time stamped images of the rear of the
163 motor vehicle that include the same stationary object near the motor vehicle and shall be
164 available for inspection reasonably in advance of and at any proceeding to adjudicate the liability
165 for the violation.

166 Sec. 11. Vehicle and transportation noise-reducing strategies study and report.

167 In Fiscal Year 2023, DDOT, in consultation with DOEE, shall conduct a study on vehicle
168 and other transportation-related noise and identify and evaluate short-term and long-term
169 strategies for reducing vehicle and other transportation-related noise, including noise-reducing
170 roadway material. DDOT shall provide a report to the Council within one year of enactment of

171 this Act to include recommendations on the feasibility, efficacy, and environmental impact of the
172 identified noise-reducing strategies as well as a cost-benefit analysis of identified strategies.

173 Sec. 12. Vehicle repair subsidy program established.

174 The Department of Motor Vehicles (“DMV”) shall create a non-means tested program to
175 subsidize, in full or in part, the cost of repairing a vehicle to bring it within the motor vehicle
176 noise limits pursuant to 20 DCMR § 2811. This program shall apply to:

177 (a) Vehicles that are:

178 (1) Registered in the District;

179 (2) Registered in another jurisdiction to a person employed in the District; or

180 (3) Registered in another jurisdiction but operated in the District for commercial
181 or business purposes.

182 (b) Vehicles that are in violation of the motor vehicle noise limits pursuant to 20 DCMR
183 § 2811, regardless of whether that vehicle has been assessed a fine pursuant to
184 Section 4 of this Act.

185 (c) Only the repairs necessary to reduce noise and bring the vehicle into compliance with
186 the motor vehicle noise limits pursuant to 20 DCMR § 2811, including necessary
187 repairs caused by:

188 (1) Normal wear and tear;

189 (2) Purposeful alteration,

190 (3) Outdated machinery or mechanics; or

191 (4) Accidental damage.

192 (d) Each eligible vehicle no more than once.

193 Sec. 13. Waiver of fine.

194 A photo noise violation fine shall be waived if the vehicle is brought into compliance
195 with District motor vehicle noise law pursuant to 20 DCMR § 2811.

196 Sec. 14. Rulemaking.

197 Within 180 days of the effective date of this act, the Mayor shall promulgate rules to
198 implement this act. The proposed rules shall be submitted to the Council for a 45-day period of
199 review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council
200 does not approve or disapprove the proposed rules, in whole or in part, by resolution within this
201 45-day review period, the proposed rules shall be deemed disapproved.

202 Sec. 15. Applicability.

203 (a) This act shall take effect subject to the inclusion of its fiscal effect in an approved
204 budget and financial plan.

205 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect
206 in an approved budget and financial plan, and provide notice to the Budget Director of the
207 Council of the certification.

208 (c)(1) The Budget Director shall cause the notice of the certification to be published in
209 the District of Columbia Register.

210 (2) The date of publication of the notice of the certification shall not affect the
211 applicability of this act.

212 Sec. 16. Fiscal impact statement.

213 The Council adopts the fiscal impact statement in the committee report as the fiscal
214 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
215 approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

216 Sec. 17. Effective date.

217 This act shall take effect following approval by the Mayor (or in the event of veto by the
218 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
219 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
220 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
221 Columbia Register.