

Successes and Challenges of Motorcycle Noise Provisions in Community Standards Bylaw

Priorities Committee Meeting
October 18, 2016

Document: 9395693

Report Purpose

- Report on the City of Edmonton motorcycle noise provisions
- Provide implications of a similar bylaw in Strathcona County



Excessive Noise Enforcement

- Section 61 of the Alberta Traffic Safety Act Vehicle Equipment Regulations
 - (g) with respect to noise produced in connection with a vehicle,
 - (i) defining what constitutes an objectionable noise,
 - (ii) establishing a method of determining or measuring noise, and
 - (iii) prohibiting the use or operation of a vehicle where the noise produced in connection with that vehicle is objectionable noise;
- Section 82 of the Use of Highway Rules of the Road Regulations
 - A person shall not create or cause the emission of any loud and unnecessary noise
 - (a) From a vehicle or any part of it, or
 - (b) From anything or substance that the vehicle or a part of the vehicle comes into contact with.

EDMONTON COMMUNITY STANDARDS BYLAW

Section 18.1 - A person shall not operate a motor cycle that is capable of:

- (a)** Emitting any sound exceeding 92 dB (A), as measured at 50 centimeters from the exhaust outlet, while the engine is at idle; or
- (b)** Emitting any sound exceeding 96 dB (a), as measured at 50 centimeters from the exhaust outlet, while the engine is at any speed greater than idle.

Edmonton Police Service (EPS)

- 100 officers trained on the sound level meter testing equipment
- 14 plus sound level meter kits deployed
- Vehicles tested if EPS officers observe the vehicles while in operation
- Since Bylaw inception 2010;
 - 600 tickets (Average of 89 violation tickets per year)

Edmonton Police Services Process

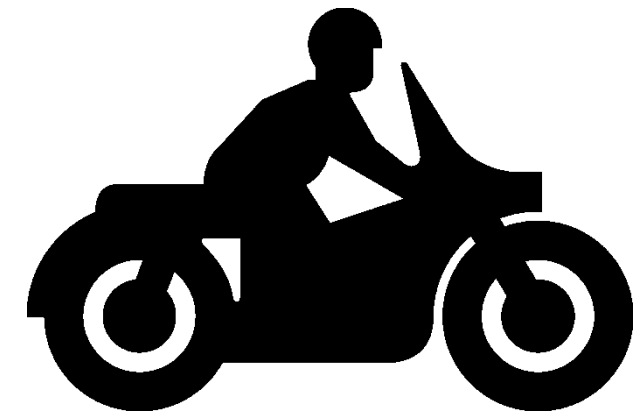
During operations designed specifically to test noise;

- Motorcycle pulled over based on perceived noise (minimum of 92dB)
- Testing required at quieter location (less than 82dB)
- For safety reasons, a minimum of two officers are required to perform test
- Testing takes approximately 10 to 20 minutes from start to finish (not including travel time to quieter location)
- The equipment must be tested before each use

Edmonton Police Services

General Rules

- Twin cylinder motorcycle;
 - Register 92dB at rest and 96dB at 2000 rpm
 - Enforcement is taken at 94dB and 98dB
- Sport bikes;
 - Register at 96dB at rest and 100 dB at 5000 rpm
 - Enforcement is taken at 98dB and 102dB
- Penalty;
 - First time offence fine is \$250
 - Second offence occurs within one year of a conviction, doubled at \$500
- Refusal to allow testing;
 - First time offence fine is \$250
 - Subsequent offence fine \$500



Success Rate of Prosecutions

- According to legal counsel for the City of Edmonton, the initial prosecution success rate when the Bylaw was enacted in 2010 was only 40% to 50%.
- Since then, the prosecution success rate has risen to nearly 100%.
- Most violation tickets are now paid, and there is no need to proceed with prosecution.
- Legal counsel estimates that approximately two motorcycle tickets per month during the summer (10 to 12 per year), proceed to prosecution, with most of these being paid prior to trial.
- There are less than 4 trials conducted per year.



CITY OF RED DEER

- Considering amending Part 1 of their Community Standards Bylaw
- Additional development of the Community Standards has been placed on hold.
- City of Red Deer submitted a resolution to the AUMA (2016-B18)
 - Requesting that the Province of Alberta;
 - Establish a provincial standard
 - Define what constitutes an objectionable noise
 - Define consistent method measuring noise

OTHER MUNICIPALITIES

Calgary

- Faced significant challenges
- Decibel reading system they used was not the same as Edmonton's

Saskatoon

- Challenges encountered with the enforcement process have been seen to outweigh any benefits

USE FOR OTHER VEHICLES

- Sound level meter instruments can measure;
 - Cars
 - Trucks
 - ATVs
 - Snowmobiles
 - Boats
- Access to the exhaust system on larger vehicles can be difficult
 - making the test extremely time consuming
 - some cases requiring specialized equipment



Successes

- Enacting a bylaw with a scientific reading (dB level) takes out the subjective evidence required
- Provides better evidence in court
- Likely result in a higher percentage of conviction rates, as has been the case in Edmonton.

Challenges

- Equipment is expensive
- Equipment is \$3500 per kit, training is \$300 per student, and maintenance is \$500 to \$600 per year, per kit
- Strathcona County would likely require 4 sound level meter testing kits to provide adequate enforcement
- Considerable difficulty and resistance
- Perceived road safety return on investment ratio extremely low
- The intricate set up and time requirements to perform the testing present significant challenges for officers and potentially offending drivers

Recommendations

- Monitor developments in the provincial legislative framework with Red Deer's AUMA Resolution to have the province establish guidelines for controlling operational noise levels of consumer products, equipment and vehicles
- Report back Q4 2017
- Continue to use the Alberta Provincial Legislation to charge offending vehicles.

Questions?