



PO Box 7818, Sydenham, Christchurch 8035, New Zealand.
email: info@noiseoff.co.nz website: www.noiseoff.org.nz

19 April 2007

Attention Helena Sharples
Rules Team Administrator
Land Transport New Zealand
National Office
PO Box 2840
WELLINGTON

Email: helena.sharples@landtransport.govt.nz

Fax No 04 931 8701

Pages 8

This facsimile is confidential. If you are not the intended recipient of it you must not use, disclose, or copy its contents. If you have received this facsimile in error please telephone us (collect) immediately.

VEHICLE EQUIPMENT AMENDMENT RULE (2007)

I **attach** Noise Off's submission on the Vehicle Equipment Rule (2007). I have also emailed and posted this submission to you.

The official Noise Off submission has changed from that which we posted on our website as a suggested submission for our members. This is as a result of:

1. Feedback from our members regarding the allowance of 5 db(A) for those vehicles which if unmodified would already comply with the 90 db(A) and should therefore be made to comply with the achievable 90 db(A) rather than carry that increased level of noise for the rest of that vehicle's life; and
2. The written undertakings given by the Minister of Transport Safety, the Honourable Harry Duynhoven to the writer in 2004 that there would be no need for grandfathering of the introduction of an objective noise test and further that that level of the objective noise test would take into account international practices and the decreasing levels that were being applied internationally.

The submission also reflects concerns that have been brought to our attention regarding the testing procedure and the appointment of the LVVTA as the monopoly provider of the tests. Our submission reflects the advice we have had from the manufacturers of exhaust equipment in New Zealand and enforcement agencies in Australia.

If you have any questions regarding the Noise Off submission please feel free to contact me.

Kind regards

Yours faithfully



Jonathan Gillard
Trustee

e-mail: jonathan.gillard@wynnwilliams.co.nz
Encl.

DRAFT Vehicle Equipment Amendment Rule [2007]
CONSULTATION SUBMISSION FORM

Complete your personal details and send the completed form by

Email to
info@landtransport.govt.nz

Mail to
Vehicle Equipment Rule Amendment
Rules Team
Land Transport New Zealand
PO Box 2840
Wellington

Or Fax to
04 931 8701

Your personal details:

Title: Mr

Name: Jonathan Gillard

Street:

Postal address: Noise Off, PO Box 7818, Sydenham

RD (Rural Delivery):

Town or City: Christchurch

Email address: info@noiseoff.org.nz

Name of organisation: Noise Off Trust

Confidential information

Overview
Proposed changes

Specifying the circumstances in which a vehicle is required to undergo an objective noise test

Noise Off supports the use of an objective test, at the cost of the vehicle owner, for vehicles that have failed the subjective test. The use of an objective test is the best available method of resolving disputes in relation to the noise output of motor vehicles.

Improving the subjective noise test wording for light vehicles

Noise Off supports the proposed wording of the improved subjective test. The improved subjective test is a practical screening test using a threshold which is complementary to the objectives in the Vehicle Equipment Rule.

Updating the decibel limits for light vehicles

1. *The proposed limits for MA, MB, MC, MD1, MD2 and NA vehicles in Schedule 2 (the drive by test) have not been updated. The proposed level of 81 db(A) is the same level that has applied since their last review in 1985. The proposed level of 81 db(A) does not reflect the improvements in vehicle technology over the last 30 years and the limit should be reduced to 74 db(A) the same as Australia and the European Union.*
2. *The proposed limits for light vehicles MA, MB, MC, MD1, MD2 in Schedule 3 (the stationary test) do not reflect the average noise level of production vehicles which is between 82 and 85 db(A). The proposed levels will permit and encourage the modification of exhausts up to 95 db(A) for all vehicles in the New Zealand fleet prior to 1/1/2010 and 93 db(A) for all vehicles introduced into the New Zealand fleet after that date. These levels are approximately 100% louder than the manufacturer's original equipment. This is not consistent with the proposed subjective test of "less than or similar to the noise output of the vehicles original equipment".*
3. *The proposed levels are too loud and should be reduced as follows:*
 - a. *90 db(A) for vehicles manufactured on or after 1 January 1985; and*
 - b. *95 db(A) for vehicles manufactured before 1 January 1985.*
4. *There is no need to provide a 93 db(A) limit for vehicles once in service or second-hand vehicles manufactured since 1985. 90 db(A) should be the maximum not 93 db(A). Manufacturers of modified exhaust systems can and must be required to manufacture accordingly to keep the noise output within the maximum of 90db(A). This is the maximum level that applies in Australia. The reference in the LTA overview to the 3 db(A) deterioration tolerance in Australia does not apply to this maximum level. It applies to their signature test only.*
5. *There is no need to delay the introduction of the 90 db(A) limit to 2010. This level is readily achievable now and is only exceeded by modified exhausts or some super sports vehicles which are exempt anyway so long as they pass the drive by test.*

Retaining the current decibel limits for mopeds and motorcycles

These levels should be adjusted to reflect the European Union and Australian standards.

Extending objective noise testing to include light omnibus vehicles

Noise Off supports the extension of the objective noise testing to light omnibus vehicles.

Vehicle inspector discretion

This is essential if testing is to remain quick and cost effective by the use of a tightly prescribed subjective test as proposed.

Vehicle testers already make subjective judgements as to wear and tear of other vehicle components. Their subjective assessment of noise levels is no different in that regard.

Motor sport vehicles

Noise Off supports the exemption for motor sport vehicles that exceed the maximum permitted noise levels in Schedule 3 but only so long as they have passed an internationally recognised drive by test at a level equal to or less than the maximum permitted in Schedule 2 and have not since been modified. If modified then the Schedule 3 levels must apply tested with a stationary test.

Issues addressed by initiatives outside the proposed amendment Rule

Noise Off supports the training and increase in resources for WOF/COF inspectors and the Police.

Noise Off supports the review of the objective test methodology to ensure that it is robust and is achieving the desired outcomes.

Other comments on overview

1. *Noise Off seeks a maximum level of 90 db(A) for existing vehicles in service at the date that the rule becomes effective if manufactured after 1 January 1985.*
2. *Noise Off supports the proposed 90 db(A) level for new vehicles entering the fleet. However the introduction of this should not be delayed until 1 January 2010. This rule should apply from the date that the new Vehicle Equipment Rule becomes effective in 2008.*
3. *Noise Off does not support a 93 db(A) level for new vehicles once they have entered service or for second-hand vehicles entering New Zealand after the commencement of the new rule.*
4. *Noise Off supports 95 db(A) for pre-1985 vehicles.*
5. *Noise Off supports the application of internationally recognised drive-by tests as an alternative to the maximum permitted decibel levels so long as the maximum level applying to the drive-by test is reduced to 74 db(A) in line with the current maximum levels in Australia and the European Union.*
6. *Noise Off seeks a reduction in the drive-by test in Schedule 2 for passenger vehicles from 81 db(A) to 74 db(A) in line with Australia and the European Union.*
7. *Noise Off is concerned about the test procedure to be conducted by the LVVTA for the following reasons:*
 - (a) *Granting the LVVTA members an essential monopoly in the objective testing of source noise is of great concern. This monopoly includes the supply, and calibration of equipment.*

The test procedures should be available to be conducted by Warrant of Fitness testing stations if they choose to provide the test. This would make practical and economic sense for both the Warrant of Fitness stations and the consumer. It would also ensure best practice both technically and economically.
 - (b) *The LVVTA test procedure only requires that a vehicle be running at 50% of maximum power (ESMP) whereas all other standard procedures use 75% of ESMP (except in the case of a high revving motor cycle engine where it is 50%). The LVVTA test procedure must be consistent with all other standard procedures such as ISO 5130 and the new Australian test procedure and conduct the test at 75% of ESMP.*
 - (c) *The acceleration and deceleration of the engine must also be in accordance with the ISO 5130 and Australian procedures which requires the throttle to be returned swiftly back to idle rather than a gentle acceleration and deceleration. This is to ensure that the test procedure captures the peak of noise emissions which typically happen during rapid deceleration.*
 - (d) *The exemptions provided at clause 2.9(2) and (3) for the equipment typically found on V8 Hot Rods and supercharged vehicles must be removed.*

- (f) *Exemption 2.9(4) is of major concern to Noise Off. This permits any car that is used for motor racing to be louder than other road users. The minimal cost of joining a racing club (approximately \$15.00 per annum) will see most of the owners of oversized modified exhausts availing themselves of that exemption.*
- (g) *For the effective operation of the proposed objective test exemptions 2.9(2) (3) and (4) must not be available for road registered vehicles. This is of crucial importance if the new rules are to be effective.*

Draft Rule

Section 1 Application

- 1.2 *All amended rules should come into force on 1 May 2008. There is no need for any delay as all new and used cars coming into New Zealand are currently subject to the drive by test level of 81 db(A). This means that if they exceed the proposed 90 db(A) maximum stationary test level they will nevertheless be exempt under the international drive by test otherwise they would not be allowed into New Zealand now or after the introduction of the new stationary test levels.*

Section 2 Amendments relating to equipment requirements

2.6(1) to 2.7(3A) *agree with the amendments.*

- 2.7(3B) *The wording of this subjective test should be the same as that at 2.7(3A)a to maintain consistency of rules and procedures between classes of vehicles.*

Section 3 Modification and repair

Clause 3.1(1A) Add the following words at the end of the Rule: "So the exhaust noise output does not exceed the levels specified in Schedule 3".

This prevents the need for cross referencing to another rule.

Section 4 Amendments to definitions

Insert an amended definition of "Exhaust system" at Part 2 Definitions to read

"Exhaust system means a pipe assembly through which the engine exhaust gasses pass to the atmosphere and includes a muffler that effectively reduces the noise from the pipe assembly".

Section 5 Amendments to schedules

5.1 & 5.2: *Agree.*

Schedule 2: *Drive by tests for MA, MB, MC, MD1, MD2 and NA vehicles: Change to 74 db(A) in accordance with Australia and the European Union.*

Schedule 3: *MA, MD, MC, MD1, MD2 and NA vehicles: Amend schedule as follows:*

Option 1

Date Manufactured/Registered	Maximum Noise Level db(A) on Entry or Re-entry	Maximum Noise Level db(A) in Service
<i>If first manufactured after 1 January 1985</i>	90	90
<i>If manufactured before 1 January 1985.</i>	95	95

Option 2

Date Manufactured/Registered	Maximum Noise Level db(A) on Entry or Re-entry	Maximum Noise Level db(A) in Service
<i>If first registered in New Zealand after 1 January 1985 and before 1 May 2008 and modified prior to that date</i>	95	95
<i>If first registered in New Zealand after 1 January 1985 and before 1 May 2008 and not modified before that date</i>	90	90
<i>If first registered outside New Zealand after 1 January 1985 and first registered in New Zealand after 1 May 2008</i>	90	90
<i>If a new vehicle first registered in New Zealand on or after 1 May 2008</i>	90	90
<i>If first registered inside or outside New Zealand before 1 January 1985.</i>	95	95

Section 5 Other Comments on the Draft Rule

At the time of preparing the advice to our members we initially considered that the proposed 95 db(A) level for the existing vehicle fleet was a reasonable compromise for those vehicle owners who had already modified their vehicles. However after the feedback that we have received from our members and after discussions with Christchurch City Council we are now of the view that the maximum level of 90 db(A) (as has applied in Australia since 1983) should apply in New Zealand from the time that the objective test becomes effective in 2008.

Whilst some unmodified motor vehicles will exceed the maximum threshold of 90 db(A) those vehicles will nevertheless be exempted from the stationery test threshold under Schedule 3 so long as they have passed an internationally recognised drive-by test and the exhaust has not since been modified, or if it has been modified the vehicle noise remains similar to or less than the vehicle's original equipment. Noise Off therefore seeks an amendment to Schedule 3 as per Option 1 above.

In the alternative if the Minister decides that those vehicles which have already been modified may emit noise up to 95 db(A) then Noise Off seeks an amendment to Schedule 3 as per Option 2 above. However we remind the Minister that in October 2004 he gave a written assurance that the adoption of the Vehicle Equipment Rule of "noticeably and significantly louder" would not impede the implementation of an objective noise test. This was in response to my concerns that the objective noise test would need to be "grandfathered" to accommodate those vehicles that had already modified their exhausts. Therefore in reliance upon the Minister's assurance that there would be no need for grandfathering on the introduction of the proposed objective noise test levels then 90 db(A) should apply to all post 1985 vehicles (subject to the drive-by test exemption) from the date the Rule becomes effective in 2008.