

DATE: 3-17-14
MEETING OF: 3-25-17
FROM: Dave Kegebein - Manager
RE: Motorized Racing Operation & Noise Policy

BACKGROUND:

The Settlement Agreement between CAFA, Ocean Speedway & the 14th DAA requires that the 14th DAA adopt an updated auto racing noise policy by April 1, 2014. The proposed policy is consistent with the terms of the settlement agreement which the board approved on February 25, 2014.

FISCAL IMPACT:

None expected within the time frame of the current revenue generating contract between the 14th DAA and Ocean Speedway.

STAFF RECOMMENDATION:

The board adopts the proposed Motorized Racing Operation & Noise Policy as prepared by California Assistant Attorney General Jerry Blair.

ATTACHMENTS

- Proposed 14TH DAA Motorized Racing Operation and Noise Policy

**14TH DISTRICT AGRICULTURAL ASSOCIATION
MOTORIZED RACING OPERATION AND NOISE POLICY**

Section 1: Purpose:

The purpose of the 14th District Agricultural Association's (District) motorized racing policy (Policy) is to establish curfew times, establish maximum decibel noise limits per vehicle, establish procedures for monitoring noise levels, establish penalty measures for violations in connection with motorized racing being conducted on District owned property, and to promote the public health, comfort, convenience, and safety to the surrounding community. The terms, conditions, and penalty measures set forth in this Policy shall be included as part of any District motorized racing contract.

Section 2: Definitions:

For purposes of this Policy, the following terms shall have the meaning described below:

- (a) "District" means the 14th District Agricultural Association, an entity of the State of California, *aka* the Santa Cruz County Fair, which is governed by a Board of Directors appointed by the Governor.
- (b) "District owned property" means the state owned property commonly known as the Santa Cruz County fairgrounds located at 2601 East Lake Avenue, Watsonville, CA.
- (c) "Motorized racing" means oval track racing of motorized vehicles on District owned property.
- (d) "Motor vehicle" means any self-propelled vehicle as defined in the Vehicle Code, which would include any type or category of race car.
- (e) "A-weighted sound level" means the sound level in decibels as measured on a sound level meter using the A-weighted network. The A-weighted network is the network for measuring sound that most closely resembles what the human ear hears. Sound measured using the A-weighted network is designated dBA.
- (f) "Sound level" means the weighted sound pressure level obtained using a sound level meter and frequency weighting network as provided in the American National Standards Institute (ANSI) specifications for sound level meters. As used in this chapter, "sound level" means the same as "noise level."
- (g) "Maximum noise level" means the highest sound level reached when measuring noise with a sound level meter using the A-weighted network and slow time weighting.
- (h) "SLARM" means the ACO Pacific SA6000 ACOustAlarm TM instrument for the measurement of sound levels, which meets or exceeds the requirements pertinent for a type 1 or type 2 meter in the ANSI specifications for sound level meters, ANSI S1.4-1983 or its latest revision.

(i) "Technologically feasible" means that the muffler or other vehicular exhaust or intake system sound reduction method must effectively perform to reduce the amount of noise generated by a race car, is available or can be made available within a reasonable time, but no greater than three months prior to the commencement of the next Race Season after the testing, at a reasonable cost not to exceed \$400 maximum cost per muffler per car owner, and can be safely and mechanically implemented without unreasonably sacrificing performance by greater than three percent (3%). To determine technological feasibility, it will be necessary to study/analyze technical feasibility, examine operational requirements, identify potential safety and environmental hazards, conduct a preliminary manufacturing assessment, and to estimate the potential implementation costs to the participants in Race Events.

Section 3: Sound Level Measurement:

(a) A sound level measurement made pursuant to this Policy shall be measured with a sound level meter using A-weighting and a "slow" response time, as these terms are used in ANSI S1.1-1994 or its latest revision. The SLARM is such an instrument.

(b) Each measurement shall be conducted at the SLARM, which shall be located approximately 110 feet from the race track.

(c) The sound level meter (SLARM) shall be calibrated and adjusted by means of an acoustical calibrator of the coupler-type to assure meter accuracy within the tolerances in the ANSI specifications for sound level meters, ANSI S1.4-1983 or its latest revision. The sound level meter (SLARM) shall be used as provided in the manufacturer's instructions.

Section 4: Race Track Operations: All motorized activities conducted on the race track shall comply with the following operational requirements.

(a) Racing Schedule:

(1) The total number of motorized Race Events shall not exceed 25 in any given Race Season. As used herein, Race Event is limited to a single day and shall include any motorized race activity, including practice, that is conducted on the racetrack, with the limited exception to conduct muffler testing.

(2) No motorized racing will occur on the following holiday weekends:

- (i) Memorial Day Weekend,
- (ii) July 4th Holiday or Weekend, and
- (iii) Labor Day Weekend.

(3) The Race Season, during which all Race Events are held, shall commence no earlier than the second weekend in March and shall terminate no later than the second weekend in October in any given calendar year.

(4) All Race Events shall be conducted on either Friday or Saturday.

(5) Four Saturday Race Events shall be allowed, subject to the following:

- (i) Two shall be Saturday racing only (i.e., no Friday racing that same weekend); and
- (ii) Two of which may be Friday – Saturday Race Event combinations.

(b) Curfew:

(1) 2014 Race Season: Pre-Race Activities (for example, but not limited to, transport arrival of race vehicles, pre-race inspections and qualifications, and mud packing the track, may commence at any time after 12 p.m. during the day of a Race Event. The Race Events shall not commence before 4 p.m.. Except as provided in subparagraph (3) herein, the curfew time for all Race Events, which may include muffler testing, shall be 10:30 p.m. on Friday Race Events and 10:00 p.m. for Saturday Race Events. The majority of the main race track lighting shall be turned off no later than 11:00 p.m. after each Race Event on Friday and 10:30 p.m. on Saturday, with minimum lighting left on for safety reasons.

(2) 2015 Race Season and Beyond: Pre-Race Activities (for example, but not limited to, transport arrival of race vehicles, pre-race inspections and qualifications, and mud packing the track, may commence at any time after 12 p.m. during the day of a Race Event. The Race Events shall not commence before 4 p.m.. Except as provided in subparagraph (3) herein, the curfew time for all Race Events shall be 10:00 p.m. The majority of the main race track lighting shall be turned off no later than 10:30 p.m. after each Race Event, with minimal lighting left on for safety reasons.

(3) Curfew Exception: The sole exception to the above curfew times, stated in subparagraphs (1) and (2) above, would be in cases where Life Flight is used in handling a health emergency situation that occurred during a Race Event. In such situation, the applicable curfew time shall be extended by no more than thirty (30) minutes for that Race Event. This exception shall only apply a maximum of three times during any Race Season.

(c) Maximum Noise Level Limit: Commencing with the 2014 Race Season, the maximum noise level allowed for an individual vehicle, which shall be tested at race speed by the race track operator, to qualify to race is 90 dBA measured by the SLARM, which shall be located approximately 110 feet from the race track. As the 2014 race season progresses and for subsequent Race Seasons, the 90 dBA noise limitation is subject to reduction as it becomes technologically feasible. The District will maintain and annually calibrate the SLARM for each Race Season, commencing in 2014; will make the SLARM noise level readings available online in real time on a website, and provide public access to the computer system the SLARM is connected with for review and copy of historical data, charts, and graphs produced by the monitoring system.

Section 5: Enforcement and Penalties:

(a) The District shall have primary responsibility for enforcing this Policy.

(b) In addition to the fines stated herein, repeated violations of this Policy may be considered by the District as a material breach of any underlying contract resulting in the immediate cessation of motorized racing on the District's property.

(c) Fines will be assessed as follows:

- (1) 1st violation in a calendar year - \$500 fine
- (2) 2nd violation in a calendar year- \$1000 fine
- (3) 3rd violation in a calendar year - \$2000 fine
- (4) 4th violation in a calendar year - \$4000 fine

Any additional violations will result in doubling of the fine for each additional violation in a calendar year and filing of a written report with the Department of Food & Agriculture.

Authority:

This Policy is adopted in accordance with the requirements of Title 3, California Code of Regulations, section 7015 and pursuant to Food & Agricultural Code sections 3965(c) and 4051.