

(c) This procedure is set forth to assist the railroad in devising its compliance plan, not as a substantive requirement of the regulation.

PART 202—MOTOR CARRIERS ENGAGED IN INTERSTATE COMMERCE

Subpart A—General Provisions

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AUTHORITY: Sec. 18, 36 Stat. 1249, 42 U.S.C. 4917(a).

Subpart A—General Provisions

§ 202.10 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(a) *Act* means the Noise Control Act of 1972 (Pub. L. 92–574, 86 Stat. 1234).

(b) *Common carrier by motor vehicle* means 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.

(c) *Contract carrier by motor vehicle* means 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 paragraph (b) of this section) under continuing contracts with one person or a limited number of persons either (1) 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 (2) for the furnishing of transportation services designed to

meet the distinct need of each individual customer.

(d) *Cutout or by-pass or similar devices* means devices which vary the exhaust system gas flow so as to discharge the exhaust gas and acoustic energy to the atmosphere without passing through the entire length of the exhaust system, including all exhaust system sound attenuation components.

(e) *dB(A)* means the standard abbreviation for A-weighted sound level in decibels.

(f) *Exhaust system* means the system comprised of a combination of components which provides for enclosed flow of exhaust gas from engine parts to the atmosphere.

(g) *Fast meter response* means that the fast dynamic response of the sound level meter shall be used. The fast dynamic response shall comply with the meter dynamic characteristics in paragraph 5.3 of the American National Standard Specification for Sound Level Meters, ANSI S1. 4–1971. This publication is available from the American National Standards Institute, Inc., 1420 Broadway, New York, New York 10018.

(h) *Gross Vehicle Weight Rating* (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

(i) *Gross Combination Weight Rating* (GCWR) means the value specified by the manufacturer as the loaded weight of a combination vehicle.

(j) *Highway* means the streets, roads, and public ways in any State.

(k) *Interstate commerce* means 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 these regulations is the same as the definition of “interstate commerce” in section 203(a) of the Interstate Commerce Act. [49 U.S.C. 303(a)]

(l) *Motor carrier* means 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