

Acoustic terrorism may be legal, but it's annoying

THUMPA ... THUMPA ...
THUMPA ...

Woken abruptly, you first wonder if it's a T-Rex playing hopscotch nearby. But then you realize it's just another dude reveling in the bass drum beat of his favorite hip-hop tune, which is hyper-sonically amplified courtesy of the 15 gigawatt sound system crammed into the trunk of his car. The driver, of course, has long since lost his hearing, so he relies on the vibrations of the car frame to connect with the music. As he passes down the street, motion-detector lights and car alarms are set off by the sound waves, and every dog within a mile is cowering, fearing the end of the world is near.

Welcome to the age of the "Boom Car." Think of it as the logical evolution of the "Boom Box" — you remember the nerdy guy walking the beach, toting that huge stereo next to his ear, right? But hey, I get it. At age 16, cruising in my '59 Impala, I rolled down the windows and cranked up my 15-watt AM radio so the world knew I was listening to The Who.

But has this new generation of "ground pounders" become a public nuisance, or do they remain an expression of free speech?

The National Institutes of Health charts the decibel level of an interesting range of sounds from a whisper (30 decibels) to average city traffic (80 decibels) to a jet take-off at 100-200 feet (130 decibels). The threshold of pain begins around 125 decibels. This is a logarithmic scale, so every 10 decibels measures a *doubling* of sound volume. Boom cars? They top the scale at 145 decibels (measured inside the car).

According to Wired magazine, a contest-winning Ford Bronco a few years ago with a 48,000-watt system could reach 175 decibels. Cool! Except, such a volume level would be unpleasantly fatal if someone actually tried to experience it.

Cities and states across the country have created ordinances prohibiting excessive noise from car sound systems, and have authorized penalties up to vehicle impoundment. But recently the Amer-

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ican Civil Liberties Union challenged some of these ordinances and won court settlements overturning them. At first I wondered how such acoustic terrorism could be protected by the First Amendment. But with a closer look, it appears some of these communities got a little too ardent in their quest for quiet.

Florida statute 316.3045 makes it illegal to drive a car if the sound system can be heard more than 25 feet away. Gosh, even my 15-watt AM radio could have violated that standard. But the city of Sarasota went further and allowed police to seize the violator's car on the first offense. OK, so it looks like City Hall got a little too overzealous, and the ACLU had to throw down the gauntlet.

Wisconsin statute 346.94(16) prohibits sounds that are "audible under normal conditions" from 75 feet away. That's still a little strict, considering the noise levels tolerated from motorcycles, engine-braking diesel trucks, city buses, all-terrain vehicles and snowmobiles, which often can be heard a mile away. And it's a bit discretionary for accurate accountability.

Green Bay's general ordinance 34-10, 29.309 allows for the impoundment of the violating device (or the entire vehicle if the device is not easily removed) but only if the violator has two or more noise convictions in the past three years. So we're not as likely to run afoul of the ACLU here.

Compared to rogue nations acquiring nuclear weapons, the kid in the boom car is a minor annoyance, and certainly not where we should spend limited government resources. But it's still annoying. Why does common courtesy bloom so late in life?

Dan Linszen of Green Bay advocates for personal responsibility and thinking outside the box. His book "Who's to Blame?" is available at www.whostoblame.net and other online sources.