

## Big Brother Lives in New Orleans

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In their last series of meetings before this most recent municipal election, the New Orleans City Council and Mayor Mitch Landrieu had called for legislation that would in effect decree that no toilets can be flushed in New Orleans; no telephones can be used; no conversations can be held where there are more than four people talking; and no music can be played in excess of 70 dB. These are among the implications of passing a proposed new bylaw that is before the city council in New Orleans. Mayor Landrieu has since been re-elected and with this new group of councillors, the issue is still pending.

The old New Orleans noise bylaw states that action can be taken at 80 dB (presumably 80 dBA?). Now under consideration is a new bylaw that would change the legal noise limit to 70 dB.

Before getting into the silliness that is before the New Orleans City Council, let's review what 70 dB means. I will assume that "70 dB" means 70 dBA and not 70 dB peak. If it is 70 dB "peak" then legally people of New Orleans will only be allowed to whisper, never cough, and never drive cars with internal combustion engines. Consider the following:

- Average conversational speech by one person at 1 meter is 60-65 dBA.
- Average conversational speech by 4 people talking at 1 meter is about 70 dBA.
- A toilet flushing is 77 dBA (and with your head in the bowl, it is 85 dBA).
- Running water is about 72 dBA.
- Coughing is about 77 dBA.
- A telephone dial tone on a land line (and speech on the telephone) is about 84 dBA.
- The sound of an ocean wave hitting a beach is about 70-75 dBA.

In short, the New Orleans City Council is considering outlawing all of these sounds. If this new bylaw is passed, presumably phones will be outlawed; toilets will not be allowed to be flushed; and groups of more than 4 people will not be able to legally congregate – well they can, but only 1 or 2 will be able to talk at the same time; and all beaches will need to be closed. And did I mention that after you illegally flush your toilet, you will not legally be allowed to wash your hands?

To be fair, the city council did commission a study by Dave Woolworth near the end of 2012 and the study was presented to the council in August 2013. It suggested that "in the French Quarter and Bourbon Street in particular, noise be capped somewhere between 90 and 100 decibels, measured at the open doors and windows of venues." This is very reasonable and is consistent with the noise bylaws found in other parts of the world. The 70 dBA proposed bylaw is inconsistent with reality.

I tried playing my clarinet (it was Mozart), and even when I played very softly, the output was far in excess of 70 dBA. I then asked my son to strum his acoustic classical guitar – well, that would be outlawed in New Orleans, as well. And of course, we would not be able to sing along with his guitar music – that would be over 70 dB as well.

I would still urge all readers to visit beautiful New Orleans – it is a wonderful city – but when there, if this bylaw does pass, you will not legally be able to drive or talk to anyone, and you will not be able to flush the toilet (or for that matter, use running water to wash your hands).

This issue came to my attention since I am one of the hearing health consultants for the New Orleans Musicians Clinic, and some of this has been sourced from an article by Michael Patrick Welsh entitled The Music Lover’s Guide to the New Orleans Election.”

On a more serious tone, this is a very complex situation. Clearly having a city noise bylaw where action is deemed necessary at 70 dBA is silly, but the solutions are not always obvious. Some balance is needed between the music levels and the listeners, the music levels and the bystanders on the street (who don’t necessarily want to listen to the music), and the hearing health of the musicians and the other club personnel as well.

On January 27, 2014, the New Orleans Housing and Human Needs Committee held a special meeting, and many public depositions regarding this issue were presented. For those who like to listen to a 3-hour meeting, a [video](#) is available. Those submitting depositions include musicians, musician union representatives, local residents, and hearing health professionals. If you only want to listen to several minutes of this meeting, I suggest that you go to time counter 01:18:58 and listen to what John Moore has to say. John is affectionately referred to as Deacon John and he is the president of the New Orleans Musicians’ Union. Deacon John provides us with a balanced voice of reason that many cities can learn from.

This several minute portion of the tape (starting at 01:18:58) should be required material in any graduate audiology program course on noise and its effects.