

# REQUEST FOR ACTION

**Department Head**

**Scott Dornfeld,  
Building Official/Zoning Admin.**

**City Council Date**

January 5, 2009

**Agenda Item**

Ordinance establishing Section 731.01 of the City Code prohibiting the practice of motor breaking, also known as "Jake Braking", within the City limits.

**ACTION REQUESTED**

Staff has prepared an Ordinance for City Council's consideration prohibiting the use of motorized brakes within the City of Delano.

**BACKGROUND**

The City has received a number of complaints regarding the use of motorized brakes by semi-trucks on County and State Highways through town. The attached Ordinance was drafted to prohibit the use of motorized brakes within the City. The Ordinance would go into effect as soon as signs were erected on the entrance into town on each County/State roadway.

MnDOT has provided the attached information regarding the placement of signs along Highway 12. Each sign, presumably on the east and west entrances of town, would cost the City approximately \$900. As for the County roads, the County is willing to post similar signage in areas requested by the City. If the Council would like additional signage on County Roads, it should advise as to the date.

**FUNDING**

**ATTACHMENTS**

Ordinance establishing Section 731.01 of the City Code.

## Scott Dornfeld

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**From:** Edward Terhaar [eterhaar@wenck.com]  
**Sent:** Tuesday, December 08, 2009 1:27 PM  
**To:** Scott Dornfeld  
**Cc:** Vince T. Vander Top  
**Subject:** RE: Jake Brake Ordinance  
**Attachments:** VNL.pdf

Scott,

As we discussed, here is the signing application from Mn/DOT. I have also attached a couple of links to websites talking about using the term "Jake Brake". I would suggest the use of "Engine Braking" as a generic term in the ordinance since Jake Brake is a trademarked term.

The locations you list make sense, I don't have any to add.

Let me know if you have any further questions.

Ed

<http://www.jakebrake.com/about-us/noise-concerns.php>  
<http://knowledge.fhwa.dot.gov/cops/OpsPublic.nsf/discussionDisplay?Open&id=4F26938368BB0B7F852571690076A9FB&Group=signs&tab=DISCUSSION>

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**From:** Vince T. Vander Top  
**Sent:** Tuesday, December 08, 2009 12:35 PM  
**To:** Scott Dornfeld; Edward Terhaar  
**Subject:** RE: Jake Brake Ordinance

Ed,

Please talk to Scott about this ordinance and offer some insight if you can.

Vince

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**From:** Scott Dornfeld [mailto:sdornfeld@delano.mn.us]  
**Sent:** Tue 12/8/2009 11:47 AM

**To:** Vince T. Vander Top  
**Subject:** Jake Brake Ordinance

Vince,

Is there anything you would like to add to our ordinance on Jake brake's?

Do you have an idea where you would like to see the signs installed (Babcock Blvd and Co Rd 16, 17 & 30's (both))?

What do we need to have the signs?

Scott Dornfeld  
Building Official  
City of Delano  
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d: 763-972-0532  
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# NOISE CONCERNS

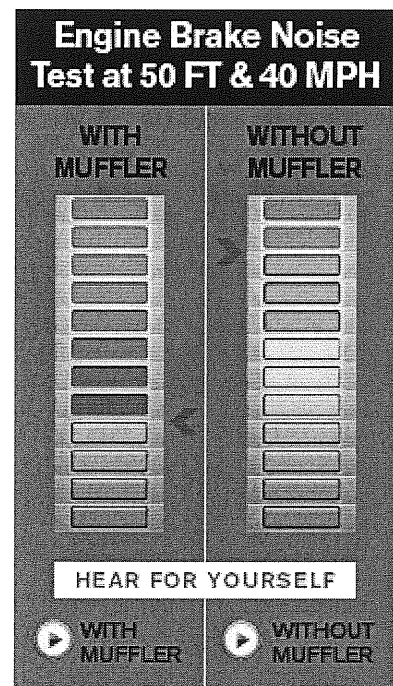
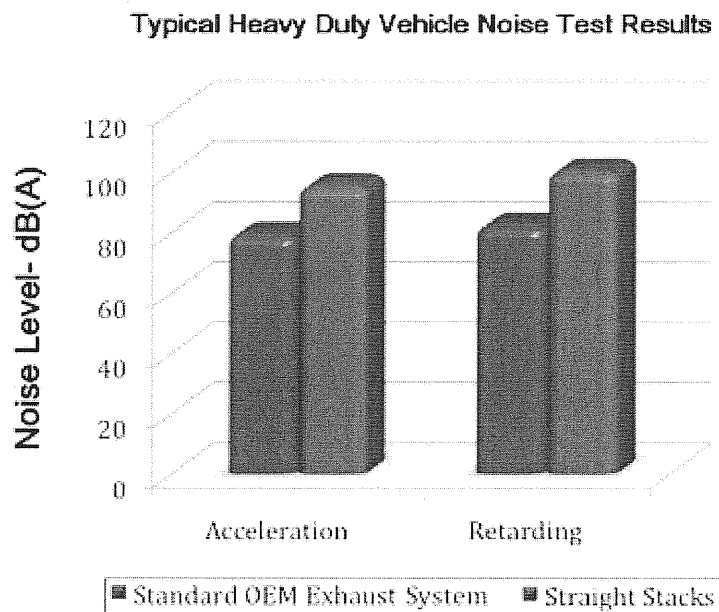
## IN THIS SECTION

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- ▶ Our Customers
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- ▶ Safety
- ▶ Noise Concerns
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- ▶ TS 16949 Certification
- ▶ Integrity & Compliance

### Main Concern

Jacobs Vehicle Systems™ has received inquiries regarding engine brake use and noise. The posting of engine brake signs (like the one shown to the right) along the roads and highways of North America has created much controversy with both residents and drivers alike. This page has been established to inform interested parties about engine exhaust noise, and provide the data and information necessary to understand the issue. We hope you find the information on this page useful, and we welcome any feedback. Click here to use our feedback form.

The excessive noise problem is most pronounced on vehicles equipped with "straight stack" exhaust systems (i.e. no muffler). Studies have found that the sound level from "straight stacks" is about 16 to 22 dB(A) higher than from originally equipped mufflers.



### Engine Brake Related Signs

### Questions and Answers

I've seen signs posted that say "No Jake Brakes", what does this mean?

Jake Brake® is a registered trademark of Jacobs Vehicle Systems™. The term "Jake Brake" is sometimes incorrectly used to refer to compression release type engine brakes in general. The term correctly refers to all of Jacobs Vehicle Systems retarding products. When an engine brake is used on a vehicle with a poorly muffled or un-muffled engine exhaust (using straight pipes for example), the sound can be offensive, which is what prompted the sign you saw. The sign you saw might have unfairly used our trademark, making it brand specific.

### **I'm bothered by the noise of big trucks using their Engine Brakes, what can I do?**

The federal government has required all vehicles manufactured since 1978 to meet noise requirements when delivered to the customer, so trucks have been required to meet the requirements when they leave the dealership as new vehicles for quite some time. The real problem here is modified or defective exhaust systems. The use of the engine brake is not the problem. Citizens and truck drivers can both do their part to keep the noise down. Citizens, encourage your local police to stop noisy vehicles and check them for muffler integrity. Truckers, if you know someone who is operating a vehicle with an excessively loud exhaust system, encourage him or her to fix it.

### **More information on Engine Exhaust Noise**

#### **Jacobs Engine Exhaust Noise Presentation**

To better understand engine exhaust noise and Jacobs' standpoint view our updated presentation.

[Download Presentation \(PDF\)](#)

#### **WHITE PAPER: Vehicle Noise and Compression Release Engine Braking**

For a more in-depth look at commercial vehicle noise laws and their relationship with compression release engine brakes, read Jacobs' white paper that also provides appropriate solutions to the noise issue.

[Read Online](#) | [Download \(Adobe Acrobat PDF\)](#)

#### **Sign Notice Sample Letter**

This is the letter that is sent when we are made aware of a sign specifically prohibiting Jake Brake®.

[Download Sign Notice](#)

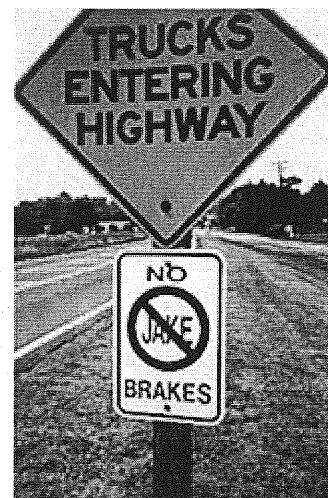
#### **Ordinance Help**

If you are made aware of an upcoming legislative ordinance, or it is your understanding that your community is considering an ordinance, that prohibits Jake Brake® or engine brake use, please let us know by using our feedback form.

[Complete Our Feedback Form](#)

#### **Montana Legislation**

Montana's 2003 House Bill No. 237 correctly recognizes engine exhaust noise



We would like to thank all of you who have let us know about brand specific signs. Since "Jake Brake" is our registered trademark, we like to know where it is being used.

If you see any signs that use the brand name like this, please let us know what Route number, City/Town and State you saw the sign by sending an E-mail to: [jsupport@jakebrake.com](mailto:jsupport@jakebrake.com).

Digital photos are very much appreciated also. Thank you!

issue by requiring motor vehicles equipped with an engine compression brake device to have a muffler in good working condition.

[Download Montana Law](#)  
[Go to Montana Legislature Web Site](#)

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#### **Multi-State Highway Transportation Agreement (MHTA) Update.**

Model legislation based on the recent law in Colorado requiring commercial vehicles with engine brakes to have proper exhaust mufflers on any truck operating in the state. The MHTA has adopted Colorado's law (with some modification) and it has been brought back to the member states of Arizona, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

[Download MHTA Agreement](#)

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#### **American Association of Motor Vehicle Administrator (AAMVA)**

This web site contains information on the muffler identity and inspection procedures that can be adopted in your state. With these criteria, a commercial vehicle can be inspected for the presence and integrity of an appropriate muffler system.

[Download Muffler Inspection Instructions](#)

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#### **Donaldson Silent Partner™ Muffler**

You may have heard about the Silent Partner™ Muffler from Donaldson Company. This product was developed and tested in conjunction with Jacobs Vehicle Systems. The silent partner is an exhaust silencer designed to further decrease noise produced during both acceleration and engine braking to bring the engine exhaust levels below what they would be with premium mufflers. For those who want the ultimate exhaust noise reduction technology.

[Download Donaldson's Silent Partner™ Brochure](#)

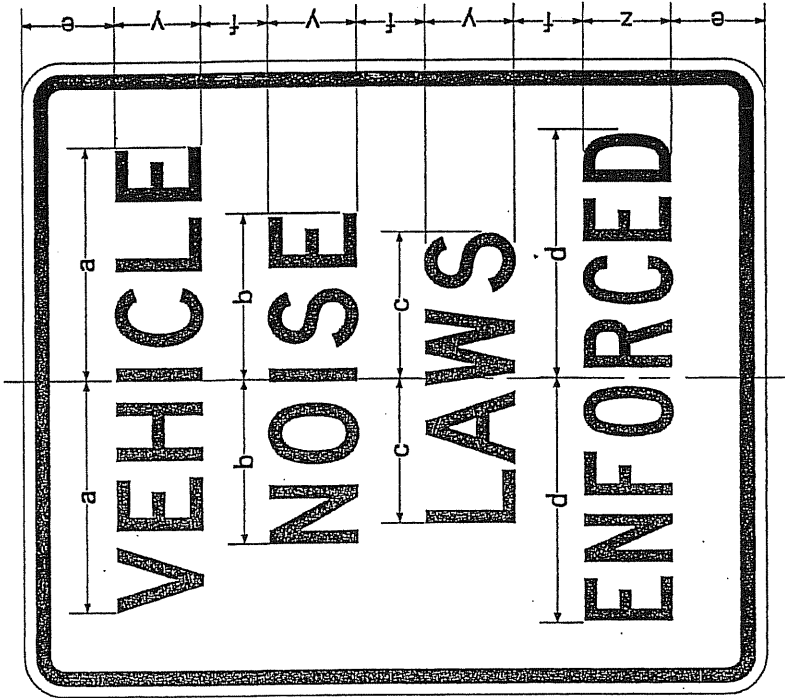
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SIZE DIMENSION	24 X 24	36 X 42
RADIUS	1.5	2.25
MARGIN	.38	.63
BORDER	.63	.88
a	7.9	13.2
b	5.6	9.4
c	5	8.3
d	9.8	14
e	3	5.3
f	2	3.8
g		
h		
i		
j		
k		
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m		
n		
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s		
t		
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v		
w		
x		
y	3D	5D
z	3D	5C



NOTES: 1. All dimensions are in inches.  
 2. Color - Black legend and border on white reflectorized background.

APPROVED 8/25/97	DATE OF REV. 10/18/99	VEHICLE NOISE LAWS ENFORCED		SIGN NUMBER R16-X13
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