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**STAFF REPORT**  
Amendment to the Valley County Code  
Air Compression Brakes  
*aka "Jake Brakes"*

**HEARING DATE:** November 2, 2020  
**TO:** Board of County Commissioners  
**STAFF:** Cynda Herrick, AICP, CFM  
**REQUEST:** Restrict the Use of Air Compression Brakes

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This proposal would amend Valley County Code Title 5, Chapter 6, Section 1, which provides for the restriction on the use of air compression brakes on vehicles within Valley County. Air compression brakes are commonly called "Jake Brakes".

Currently air compression brakes are prohibited on State Highway 55 from Milepost 95 to Milepost 99 in the Smith's Ferry area, except under emergency circumstances when necessary to prevent an accident or injury to persons or property. [Ordinance 12-2, June 1, 2012]

The amendment would also prohibit air compression brakes between Milepost 137 to Milepost 139 (Lake Fork area) of State Highway 55. Maps are attached.

Responses were received in favor of the ordinance amendment. Both recommended extending the restricted area to the north. A map showing these areas is also attached.

**FINDINGS:**

1. Legal notice for the public hearing was posted in the *Star News* on October 15, 2020. Potentially affected agencies were notified on October 2, 2020. Owners of property adjacent to State Highway 55 between Mileposts 137 and 139 were sent the fact sheet and map on October 2, 2020. The notice sheet was posted on bulletin boards at post offices and libraries in Cascade, Donnelly, McCall, and Yellow Pine and at the Board of County Commission meeting room door. The fact sheet and map were posted on the Valley County website "Public Hearing Information" on October 2, 2020. Public hearing notice signs were placed at both Milepost 137 and 139 on October 22, 2020.

## 2. Response:

Michelle Groenevelt, City of McCall, provided the relevant City of McCall Code for Air Compression Brakes. They are prohibited within the city limits except under emergency circumstances. (Oct. 21, 2020)

Jack Gantz requests that the boundary be extended northward to Heinrich Lane/Rogers Lane to the north in order to include the entire Lakefork area. (Oct. 9, 2020)

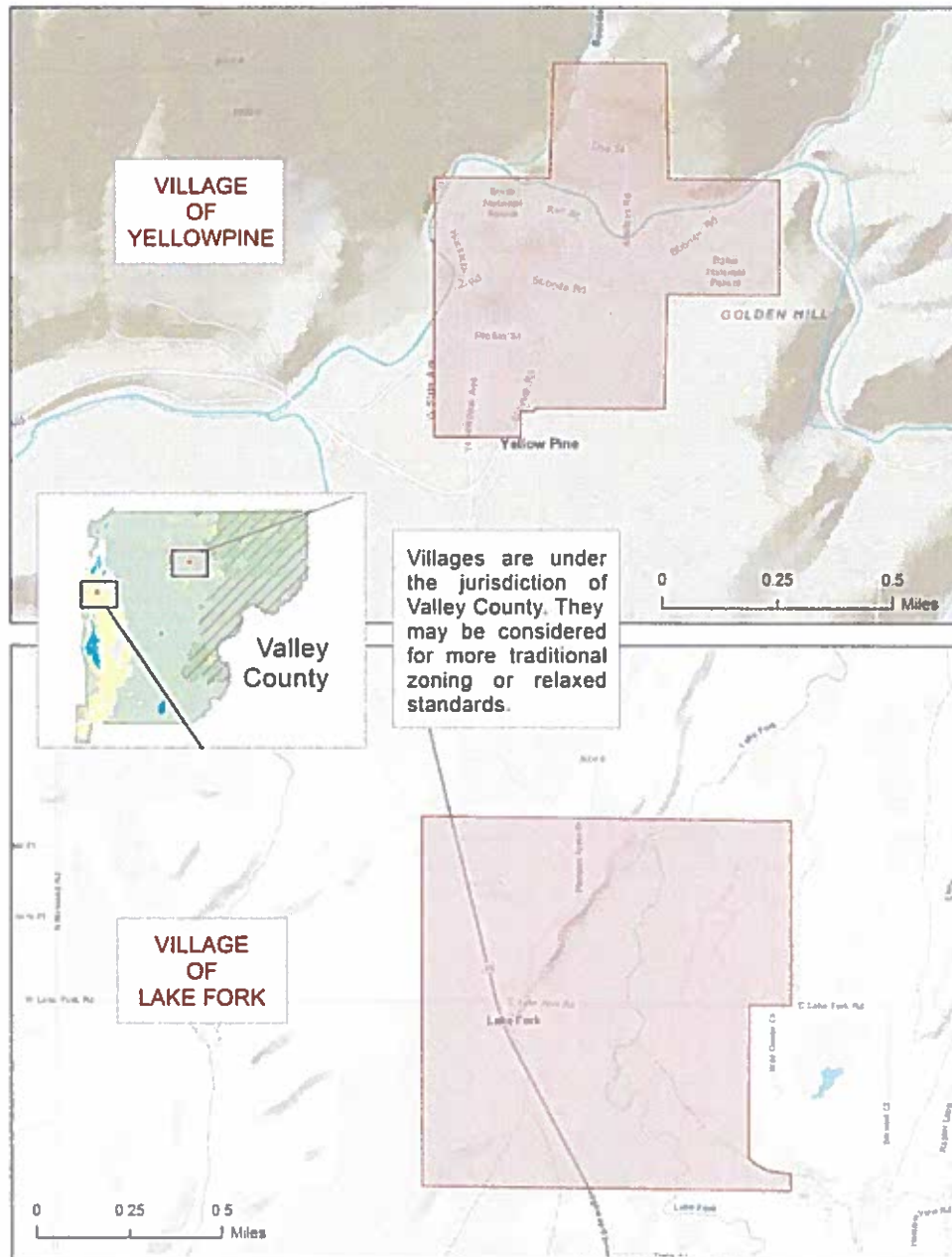
Jim Jones, 13802 Highway 55, approvals of the proposed ordinance. As a log truck driver for Ikola Logging, with 35+ years of experience with heavy trucks, he believes the Jake Brakes are not needed along this stretch of highway 95% of the time, only during the occasional emergency. He suggests the Jake Brakes be prohibited between milepost 137 and Milepost 142 so as to join the City of McCall's "no jake brake ordinance". (Oct. 5, 2020)

Janet Meckel, Meckel Excavating INC, McCall, is opposed. This section of the highway is busy and accident-prone. A Jake Brake minimizes the speed differential between cars and trucks thus becoming an invaluable and essential tool for a truck driver. They are very effective at reducing the speed of heavy trucks. They provide faster, steadier, and more efficient braking; reduced wear on engines, tires, and service brakes; lower vehicle maintenance costs; less vehicle downtime; and provide enhanced driver confidence. Until this area is upgraded with turn-out lanes and better ingress and egress improvements, truck drivers need to have all safety tools available to keep them and the public safe. (Oct. 24, 2020)

## 3. **Valley County Comprehensive Plan (excerpt):**

Chapter 13 Land Use, 3. Villages: This designation applies to all real property within the small unincorporated communities known as Yellow Pine and Lake Fork. Boundaries of each village are shown on the land use map. Commercial and industrial uses may be allowed in the villages in locations found to be compatible with nearby uses and with the existing village character. The mapped village boundaries are advisory only and more specific plans may be adopted.

See map on following page....



**ATTACHMENTS:**

- Valley County Code Title 5, Chapter 6
- Proposed Ordinance
- Milepost maps – Idaho Transportation Department
- Responses

**END OF STAFF REPORT**

## CHAPTER 6

### GENERAL REGULATIONS

#### SECTION:

#### **5-6-1: Air Compression Brakes**

#### **5-6-1: AIR COMPRESSION BRAKES:**

A. **Use Of Air Compression Brakes Prohibited:** The use of air compression brakes (also known as "jake brakes") by vehicles or trucks, as defined in Idaho Code title 49, chapter 1, within Valley County from milepost 95 to milepost 99, is hereby prohibited and shall be unlawful, except under emergency circumstances where the use of air compression brakes is necessary to prevent an accident or injury to persons or property.

B. **Penalties:** Any person who violates any provision of this section shall be deemed guilty of an infraction and punished as provided in section 1-4-1 of this code. Failure to satisfy judgment as ordered by the court pursuant to this section shall be deemed contempt of court punishable as a misdemeanor pursuant to Idaho Code section 18-1801. (Ord. 12-2, 6-18-2012)

ORDINANCE NO. 20-\_\_

AN ORDINANCE AMENDING TITLE 5, CHAPTER 6 ENTITLED GENERAL REGULATIONS TO THE VALLEY COUNTY CODE PROVIDNG FOR SECTION 1 ENTITLED AIR COMPRESSION BRAKES PROVIDING FOR THE RESTRICTION ON THE USE OF AIR COMPRESSION BRAKES ON VEHICLES WITHIN VALLEY COUNTY, TO INCLUDE, FROM MILEPOST 137 TO MILEPOST 139 EXCEPT UNDER EMERGENCY CIRCUMSTANCES WHERE THE USE OF AIR COMPRESSION BRAKES IS NECESSARY TO PREVENT AN ACCIDENT OR INJURY TO PERSONS OR PROPERTY; PROVIDING FOR A VIOLATION TO BE AN INFRACTION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF VALLEY COUNTY, IDAHO THAT AMENDMENTS TO CHAPTER 6 "GENERAL REGULATIONS" TITLE 5, OF VALLEY COUNTY CODE TO READ AS FOLLOWS:

5-6 General Regulations

5-6-1: AIR COMPRESSION BRAKES:

- A. Use of air compression brakes prohibited: The use of air compression brakes (also known as "Jake Brakes") by vehicles or trucks, as defined in Idaho Code Title 49, Chapter 1, within Valley County from Milepost 95 to Milepost 99 (Smith's Ferry); and, from Milepost 137 to Milepost 139 (Lake Fork), is hereby prohibited and shall be unlawful, except under emergency circumstances where the use of air compression brakes is necessary to prevent an accident or injury to persons or property.
- B. Penalties: Any person who violates any provision of this Section 5-6-1 shall be deemed guilty of an infraction and punished as provided in Section -1-4-1 of this code. Failure to satisfy judgment as ordered by the court pursuant to this section shall be deemed contempt of court punishable as a misdemeanor pursuant to Idaho Code section 18-1801.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3: This ordinance shall take effect and be enforce from and after its passage, approval, and publication as required by law. In lieu of publication of the Ordinance, a summary thereof in compliance with Section 31-715A Idaho Code, may be published.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Elting Hasbrouck, Chairman

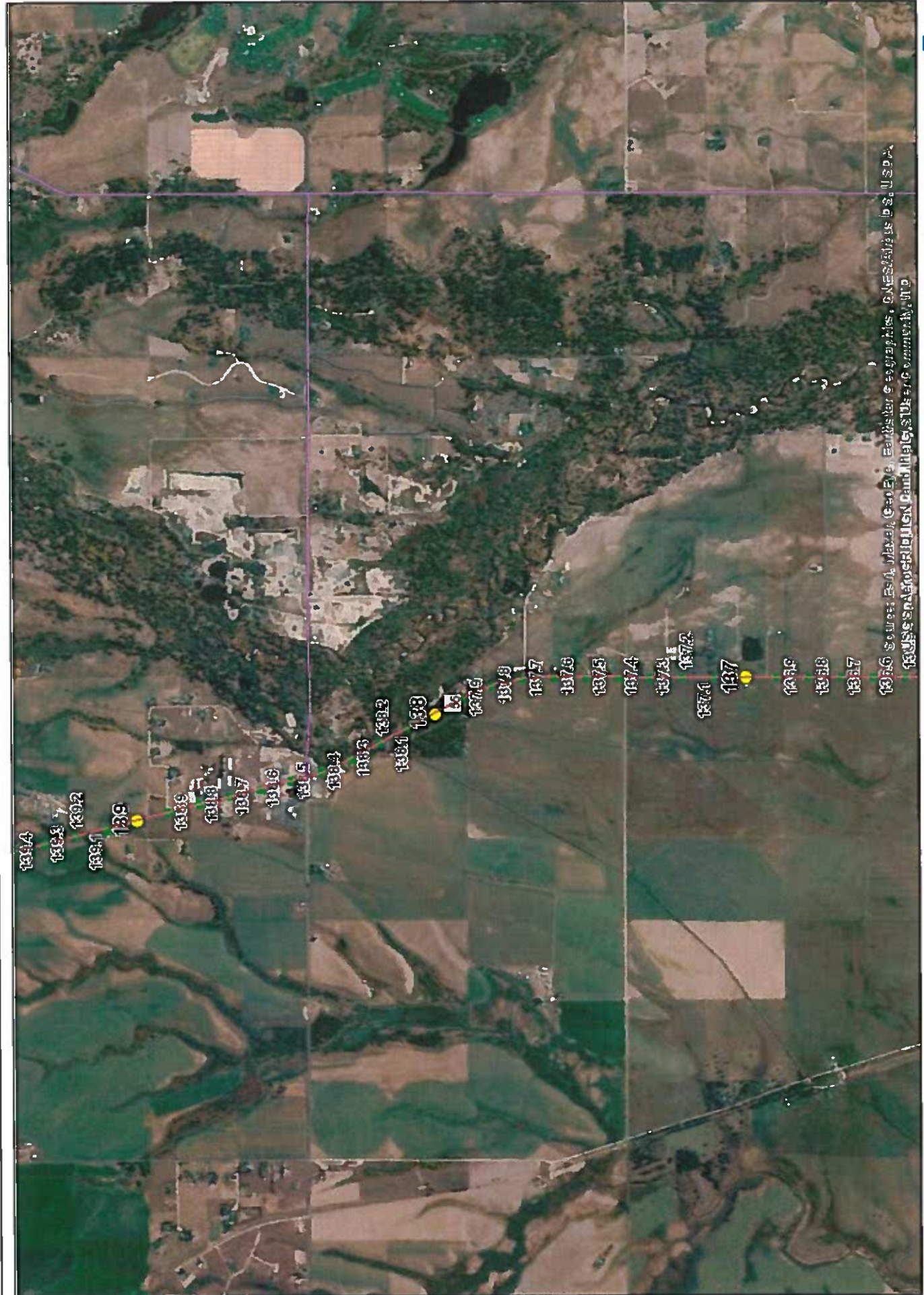
\_\_\_\_\_  
Dave Bingaman, Commissioner

\_\_\_\_\_  
Sherry Maupin, Commissioner

ATTEST:

\_\_\_\_\_  
Douglas Miller  
Valley County Clerk





Date: 9/30/2020

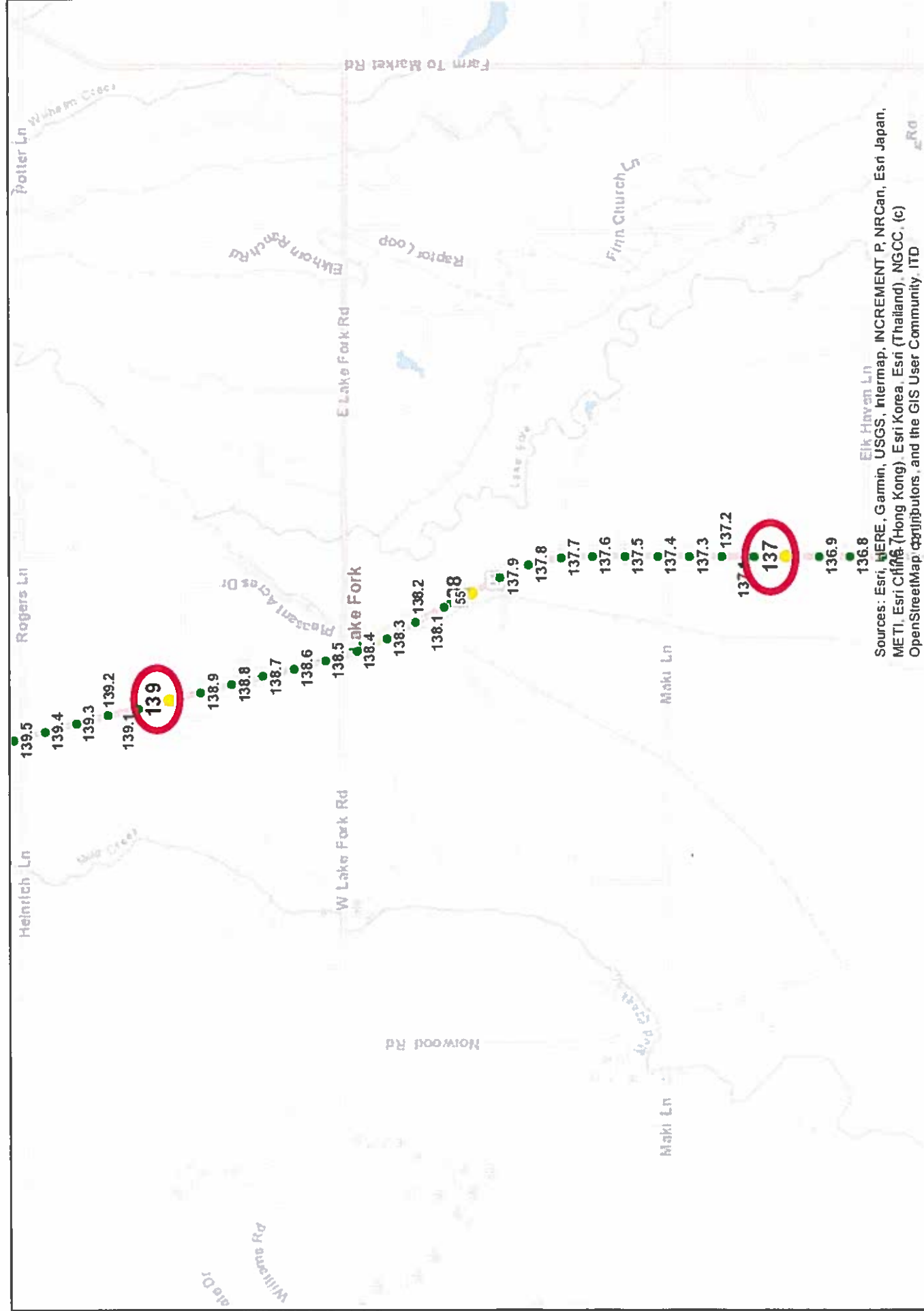
Idaho Transportation Department





Date: 9/30/2020

# Idaho Transportation Department



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, ITD







**RE: Air Compression Brakes**

Michelle Groenevelt &lt;mgroenevelt@mccall.id.us&gt;

Wed 10/21/2020 4:59 PM

To: Cynda Herrick &lt;cherrick@co.valley.id.us&gt;; Morgan Bessaw &lt;mbessaw@mccall.id.us&gt;

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A little out of my wheel house but this is what I found when I searched it in the city code.

**5-6-470: PENALTIES:**

A violation of this Subchapter is an infraction; except that if injury to a second person or his property results, a violation of this Subchapter is a misdemeanor. (Ord. 606, 5-14-1992)

**SUBCHAPTER E. AIR COMPRESSION BRAKES****SECTION:****5-6-510: Use Of Air Compression Brakes Prohibited****5-6-520: Penalties****5-6-510: USE OF AIR COMPRESSION BRAKES PROHIBITED:**

The use of air compression brakes (also known as "jake brakes") by vehicles or trucks, as defined in Idaho Code title 49, chapter 1, within the city limits of the city of McCall is hereby prohibited and shall be unlawful, except under emergency circumstances where the use of air compression brakes is necessary to prevent an accident or injury to persons or property. (Ord. 800, 11-18-2004)

**5-6-520: PENALTIES:**

Any person who violates any provision of this subchapter shall be deemed guilty of an infraction and upon judgment thereof shall be subject to the penalty set forth in Idaho infraction rule 9(b) (other infractions). Any person who violates this subchapter for a second time within twelve (12) months of a previous violation shall be guilty of a misdemeanor, punishable by a fine not to exceed three hundred dollars (\$300.00) (plus such costs as the court may assess), imprisonment for a period not more than six (6) months, or both a fine and imprisonment. (Ord. 800, 11-18-2004)

Michelle

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**From:** Cynda Herrick <cherrick@co.valley.id.us>**Sent:** Wednesday, October 21, 2020 4:20 PM**To:** Michelle Groenevelt <mgroenevelt@mccall.id.us>; Morgan Bessaw <mbessaw@mccall.id.us>**Subject:** Air Compression Brakes

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Does McCall have an air compression brake (jake brake) ordinance? If so, what are the MM so we can perhaps match it...?

Cynda Herrick, AICP, CFM

Valley County

Planning and Zoning Administrator

Floodplain Coordinator

PO Box 1350  
Cascade, ID 83611  
(208)382-7115

"Live simply, love generously, care deeply, speak kindly, and leave the rest...."

S Service  
T Transparent  
A Accountable  
R Responsive

**From:** Jack Gantz <jjflash52@hotmail.com>  
**Sent:** Friday, October 9, 2020 3:22 PM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** Ordinance Amendment Air Compression Brakes "Jake Brakes"

Dear Valley County Board of Commissioners;

As it is proposed, this amendment includes the area between MP139 and MP137. It is my understanding that the Lake Fork Industrial Area encompasses a one-mile radius around Lake Fork. This would extend to Heinrich/Rogers Lane to the north and Maki Lane to the south.

I believe this amendment should include the entire industrial area to the north. In my opinion stopping the prohibition of "Jake Brakes" at MP 139 appears arbitrary, not to mention it coincides with the driveway entrance to our residence. Therefore, I request that the amendment boundary be extended to Heinrich/Rogers lane to the north.

Sincerely,

Jack Gantz

Valley County P&Z

10-5-2020

Concerning Proposed Engine Brake/Jake Ordinance

As a longtime resident living right next to Hwy 55, I feel I must express my 100% approval of the proposed Jake Brake Ordinance. Myself and others that live along the highway are tired of the unneeded noise.

As lead logtruck driver for G. Ickler logging of McCall ID, with 35+ years of experience in heavy trucks, I can say that Jake Brakes are not needed along this stretch of highway 95% of the time. The occasional emergency? Maybe. Day to day normal driving? No.

I would also suggest the proposal be re-written ~~as~~ as to start at MP 137 and continue to MP 142 so as to join the City of McCall no jake brake ordinance.

RECEIVED

OCT 15 2020

Thanks for your consideration

Jim Jones

13802 Highway 55

Lake Fork, ID 83638

## Jake Brakes

Tony Meckel Excavating, Inc. <meckelx@gmail.com>

Sun 10/25/2020 4:18 PM

To: Cynda Herrick <cherrick@co.valley.id.us>; Janet Meckel <meckelx@gmail.com>

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October 24, 2020

TO: Cynda Herrick, AICP, CFM  
Planning & Zoning Administrator  
PO Box 1350  
Cascade, ID 83611  
208-382-7115  
[cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

RE: Restriction on the use of Jake Brakes in Valley County

FROM: Tony Meckel Excavating, Inc.  
PO Box 2309  
McCall, ID 83638  
208-634-5429  
[meckelx@gmail.com](mailto:meckelx@gmail.com)

Ms. Herrick,

We would like to share our concerns about not allowing the use of Jake Brakes in Valley County, especially in the Lake Fork area. Locals are well aware, and so is the Idaho Transportation Department, that this section of our highway is extremely busy and accident-prone.

We have stop and go traffic, drivers turning into and out of the commercial businesses in this area, impatient drivers coming up from the valley and in just as big a hurry to return. East Lake Fork road is a main thoroughfare for drivers to access the east side of our valley and is heavily used by commercial big rigs. A truck, especially loaded with aggregates or hauling heavy equipment, takes much longer to slow down or attempt to get out of the way. A Jake Brake minimizes the speed differential between cars and trucks thus becoming an invaluable and essential tool for a truck driver to navigate in and around this mayhem.

Engine brakes are very effective at reducing the speed of heavy trucks on a downgrade, but what if the trucker had to stop quickly for a child or elderly person or a bicyclist along the highway? In most cases, the stopping distance will be longer without utilizing the Jake Brake and this could lead to disaster.

A Jake Brake is not a luxury item for a driver, they are essential to trucking. They provide;

- faster, steadier, and more efficient braking performance
- reduced wear on engines, tires and service brakes
- lower vehicle maintenance costs
- less vehicle downtime
- and provide enhanced driver confidence



Noise pollution concerns are due to the increase in our vehicle traffic along Hwy 55 and when a Jake Brake is used on a vehicle with poorly muffled or intentionally unmuffled exhaust systems. An engine braking ordinance, therefore, may not get at the real problem. Enacting a traffic ordinance to deal with an unreasonably noisy Jake Brake may seem like a kind and responsive reaction , but is safety to the public being compromised??

Until this area of our highway is upgraded with turn out lanes, better ingress and egress improvements to the many businesses in the area, truck drivers need to have all safety tools available to keep them and the public safe. A Jake Brake is used as an added safety measure in our ever-increasing traffic congestion and truck drivers in Valley County deserve to use them as needed. If someone is running with a defective exhaust system, target the individual truck. A blanket approach thrown over the matter may do far more harm than good.

Thank you for considering our concerns, thoughts and opinions when making this important decision.

Respectfully,  
Janet Meckel  
Tony Meckel Excavating, Inc.

**MECKEL EXCAVATING, INC.**  
**PO Box 2309**  
**McCall, ID 83638**  
**Office: 208-634-5429**  
**Fax: 208-634-3817**  
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