



Cynda Herrick, AICP, CFM  
VALLEY COUNTY  
IDAHO

Planning & Zoning Administrator  
Floodplain Coordinator

PO Box 1350  
219 North Main Street  
Cascade, Idaho 83611-1350

Phone: 208.382.7115  
FAX: 208.382.7119  
Email: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

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

**HEARING DATE:** January 19, 2021  
**TO:** Board of County Commissioners  
**STAFF:** Cynda Herrick, AICP, CFM  
**REQUEST:** Restrict the Use of Air Compression Brakes

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]

On December 14, 2020, the Board of County Commissioners held a public hearing on prohibiting air compression brakes between Milepost 137 to Milepost 139 (Lake Fork area) of State Highway 55, at the request of a citizen. The Commissioners requested that the area be enlarged to include the portion from the southern boundary of McCall to Milepost 136.8 at Elk Haven Lane. McCall also has a similar ordinance inside the city limits.

**FINDINGS:**

1. Legal notice for the January 2021 public hearing was posted in the *Star News* on December 31, 2020. Potentially affected agencies were notified on December 17, 2020. People who previously commented were noticed on December 17, 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 draft ordinance were posted on the Valley County website "Public Hearing Information" on December 17, 2020. Public hearing notice signs were placed at the southern edge of the City of McCall and near Elk Haven Lane on Dec. 29, 2020.
2. Response: (includes comments received for previous public hearing)

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, approves 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 the 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. The trucks with poorly muffled exhaust systems should be individually targeted to reduce noise. 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 and Nov. 11, 2020)

Jerry and Christie Grob live in Lake Fork on the highway and hear compression braking all day and regularly each night. It is very noisy and disruptive, especially at night. (Nov. 2, 2020)

#### **ATTACHMENTS:**

- Valley County Code Title 5, Chapter 6
- Proposed Ordinance
- Maps of State Highway 55 from McCall City limit south to Elk Haven Lane
- Responses

#### **END OF STAFF REPORT**

ORDINANCE NO. 21-03

AN ORDINANCE AMENDING TITLE 5, CHAPTER 6 ENTITLED GENERAL REGULATIONS TO THE VALLEY COUNTY CODE PROVIDING 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 136.8 AT ELK HAVEN LN TO THE SOUTHERN BOUNDARY OF THE CITY OF MCCALL, 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 approximately Milepost 136.8 at Elk Haven LN to the southern boundary 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.
- 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 19<sup>th</sup> day of January, 2021.

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

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

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

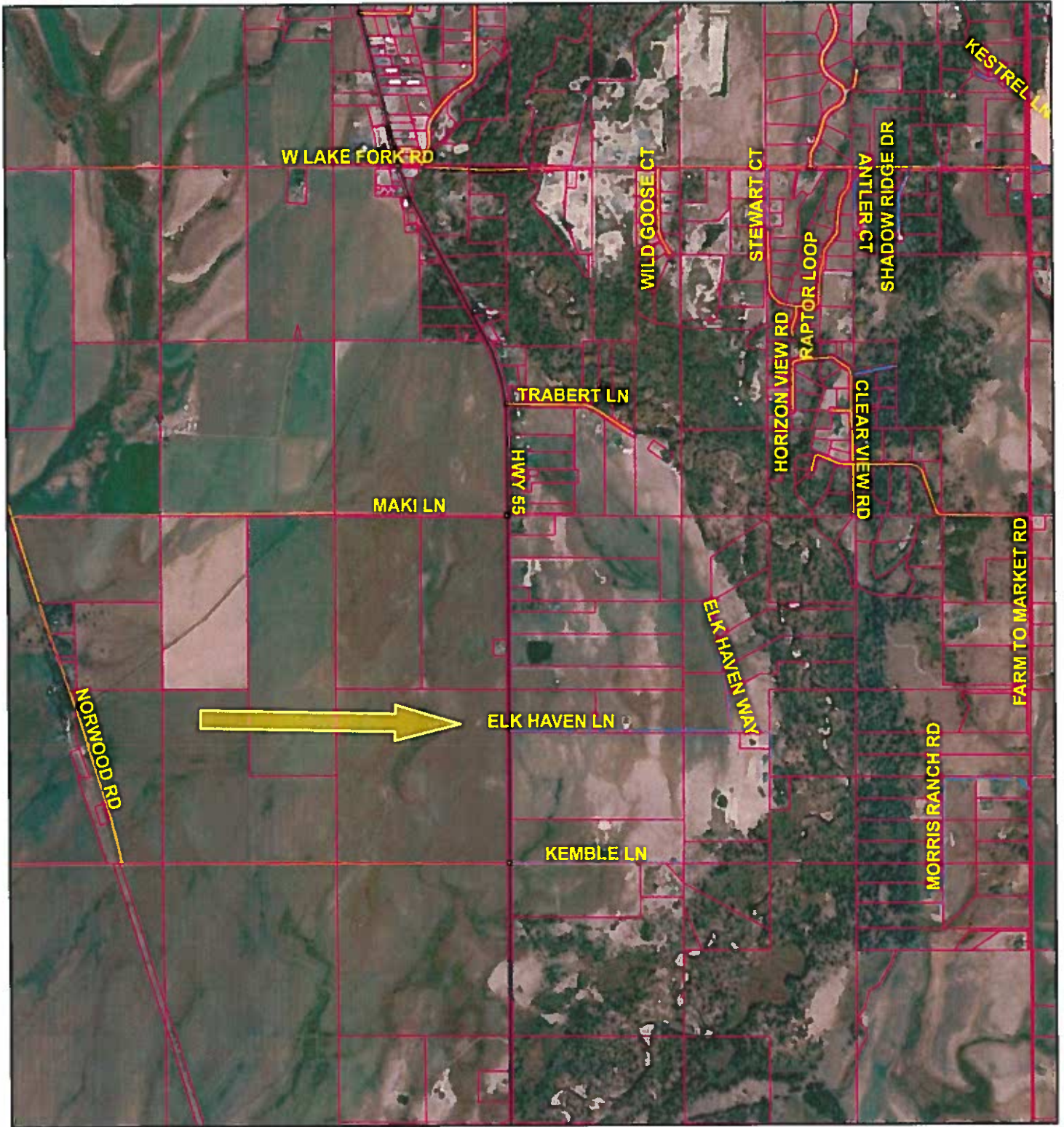
ATTEST:

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



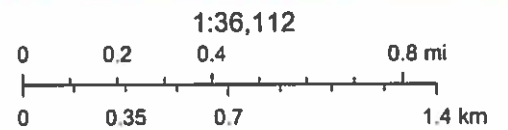


# Valley County Planning and Zoning



12/22/2020, 2:45:28 PM

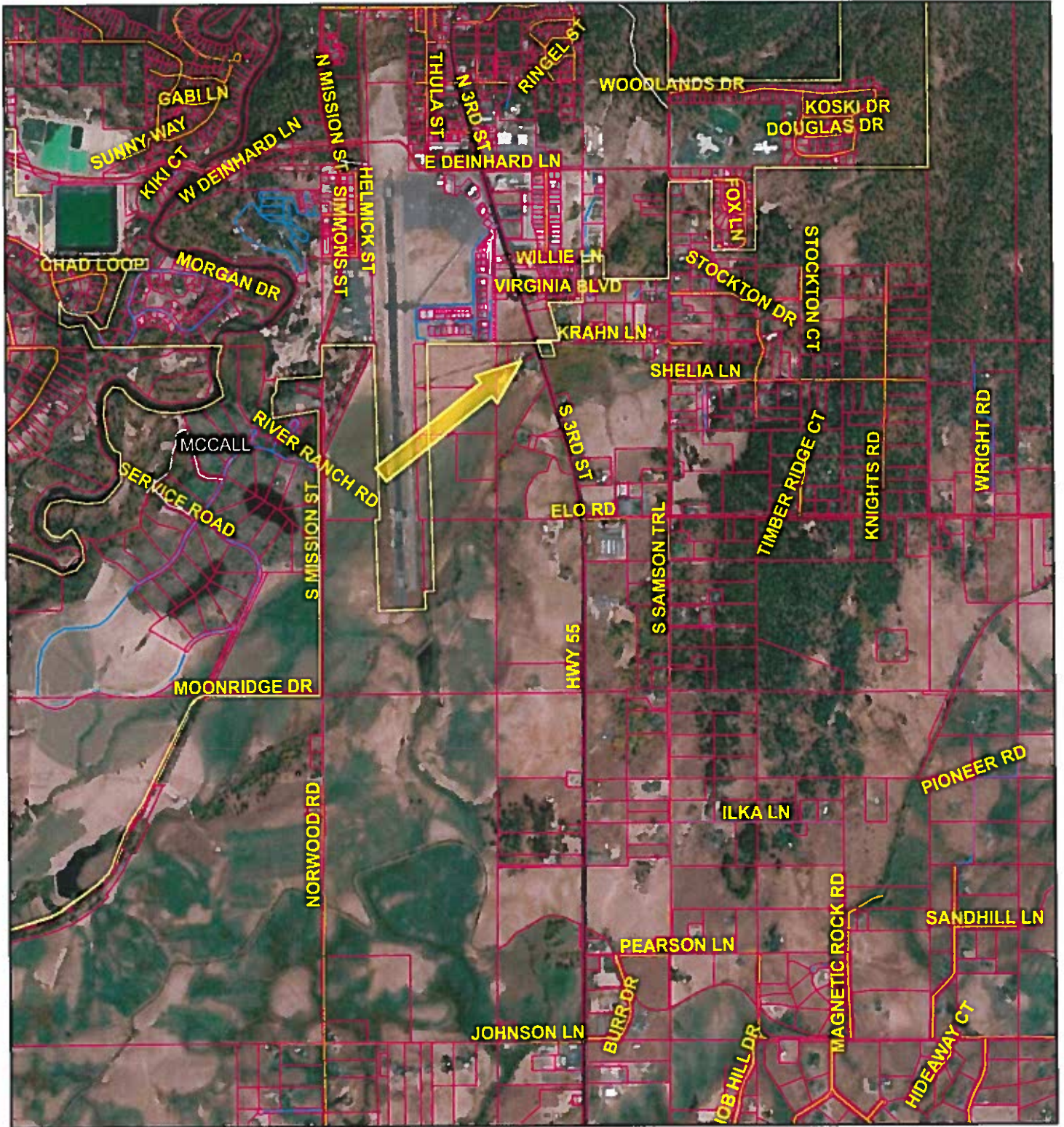
- Parcel Boundaries
- All Road Labels
- Roads
- MAJOR
- COLLECTOR
- URBAN/RURAL
- PRIVATE



USDA FSA, GeoEye, Maxar



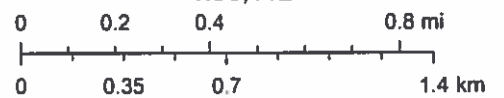
# Valley County Planning and Zoning



12/22/2020, 2:49:49 PM

- Municipalities
- Parcel Boundaries
- All Road Labels
- Roads
- MAJOR
- COLLECTOR
- URBAN/RURAL
- PRIVATE
- OTHER

1:36,112



USDA FSA, GeoEye, Maxar



the there were grants available. She presented on the broadband grant that the economic development council was pursuing. She discussed that the economic development working on work force development. She advised that she sat on the LEPC meeting and provided an overview of the topics that were discussed. She presented on the District IV Mental Health Board that she had been attending. Commissioner Maupin advised that she would be attending the Valley County Fair Board meeting next week. She reported on the committee that she was attending related to Secure Rural School funding and was informed that they are being encouraged to reach out to members of congress. She presented on the Idaho Association of Counties Transportation Committee that she was attending and provided an overview of the topics that had been discussed. She also discussed the Idaho Association of Counties Governmental Committee that she had been involved with.

Chairman Hasbrouck opened the Public Hearing at 1:36 p.m. and asked the commissioners if there was any ex-parte communication or conflict of interest. All commissioners advised that they did not have any ex-parte communication or conflict of interest.

Planning & Zoning Administrator, Cynda Herrick provided a staff report to the commissioners. She informed the commissioners about the correspondence that had been received in favor and against the proposed amendment. She presented to the commissioners about who was notified of the Public Hearing related to Jake Brake Ordinance 21-03 and the notices that had been done to advise the general public of the public hearing. The commissioners had the opportunity to ask questions to Planning & Zoning Administrator, Cynda Herrick and she responded accordingly. The commissioners asked if there was a possibility to extend the proposed area.

Chairman Hasbrouck asked to hear from proponents regarding Jake Brake Ordinance 21-03. The record would reflect no one participated as a proponent.

Chairman Hasbrouck asked to hear from undecided regarding Jake Brake Ordinance 21-03. The record would reflect no one participated as undecided.

Chairman Hasbrouck asked to hear from opponents regarding Jake Brake Ordinance 21-03. The record would reflect no one participated as an opponent.

Chairman Hasbrouck closed the Public Hearing at 1:47 p.m. for Jake Brake Ordinance 21-03 and brought the matter back to the commissioners for deliberation. Commissioner Maupin made a motion to reopen the Public Hearing for Jake Brake Ordinance 21-03 and table the Jake Brake Ordinance 21-03 until January 19, 2021. Commissioner Bingaman seconded the motion. No further discussion, all in favor. Motion passed to reopen the Public Hearing for Jake Brake Ordinance 21-03 and table the Jake Brake Ordinance 21-03 until January 19, 2021 at 1:00 p.m.

Planning & Zoning Administrator, Cynda Herrick presented the Facts and Conclusions for CUP 20-20 The Gathering Place and provided a staff report regarding the matters that were discussed at the Public Hearing. Commissioner Bingaman made a motion to approve the facts and conclusions for CUP 20-20 The Gathering Place. Commissioner Maupin seconded the motion. No further discussion, all in favor. Motion passed to approve the facts and conclusions for CUP 20-20 The Gather Place.

**RE: Air Compression Brakes****Michelle Groenevelt <mgroenevelt@mccall.id.us>**

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;

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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

---

**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

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

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 Enginebrake/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. Ikolg 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 &lt;cherrick@co.valley.id.us&gt;; Janet Meckel &lt;meckelx@gmail.com&gt;

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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**  
[www.meckelx.com](http://www.meckelx.com)

**Revised/Updated comments re: Jake Brakes****Tony Meckel Excavating, Inc. <meckelx@gmail.com>**

Wed 11/11/2020 1:36 PM

To: Cynda Herrick &lt;cherrick@co.valley.id.us&gt;; Janet Meckel &lt;meckelx@gmail.com&gt;

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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 a few of 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, drivers who have fueled anxious to get back on the road, 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 bicyclists and drivers to access the east side of our valley and is heavily used by commercial big rigs as well. 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 crossing the highway between the Lake Fork Merc and the deli across the street? This is a frequent occurrence in the summer. 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, nor are they there just to make noise. Jake Brakes 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

If this endorsement is designed simply to reduce noise pollution, the ever-increasing traffic along our very busy Hwy 55 carries a huge percentage of the blame and it is something we have all had to learn to deal with. Yes, there are a few trucks with poorly muffled, or intentionally unmuffled, exhaust systems - target them specifically. An engine braking ordinance, therefore, may not get at the real problem. Focusing on an unreasonably noisy Jake Brake may seem like a kind and responsive reaction, but is safety to the public actually being compromised??

Until this area of our highway is upgraded with turn out and slow vehicle lanes, better ingress and egress improvements to the many businesses in the area and greatly reducing the speed through this specific target 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**  
[www.meckelx.com](http://www.meckelx.com)

**From:** Work Star-News <jbgcmg@live.com>  
**Sent:** Monday, November 2, 2020 10:32 AM  
**To:** Cynda Herrick <cherrick@co.valley.id.us>  
**Subject:** Re: Lake Fork Jake Brake Ordinance

Here's my letter for the hearing:

To the Valley County Commissioners,

We are in absolute support of an ordinance banning compression braking from Trabert to Pleasant Acres.

We live in Lake Fork on the highway between these two points and hear compression braking all day and regularly each night. It didn't use to be as bad as it has become and is very noisy and disruptive, especially at night.

Please approve this ordinance.

Jerry and Christie Grob