

*Request for Decision United Townships of Head, Clara & Maria Council*

Type of Decision									
<b>Meeting Date</b>	<b>Thursday, February 20, 2020</b>				<b>Report Date</b>	<b>Tuesday, February 11, 2020</b>			
<b>Decision Required</b>	<b>X</b>	<b>Yes</b>		<b>No</b>	<b>Priority</b>	<b>X</b>	<b>High</b>		<b>Low</b>
<b>Direction</b>	<b>X</b>	<b>Information Only</b>			<b>Type of Meeting</b>	<b>X</b>	<b>Open</b>		<b>Closed</b>

**Report #20/02/20/1103 -Compression Brake By-Law Feasibility**

**SUBJECT: Feasibility of Jake Brake/Compression Brake by-law for HCM**

**RECOMMENDATION:**

That a by-law not be adopted as there would be no enforcement of a by-law related to the restriction of compression brake (“Jake Brake”) use in HCM.

**BACKGROUND/EXECUTIVE SUMMARY:**

At the January 16, 2020 Council meeting, the Clerk/Treasurer was instructed to investigate feasibility of a “Jake Brake” by-law for HCM.

It was found that other municipalities have dealt with the issue of compression style brakes (“Jake Brakes”) within their noise by-law (i.e. Thunder Bay) or with a separate by-law to specifically address the use of these brakes (i.e. Municipality of Charlton and Dack). It is important to note that these municipalities have by-law enforcement officers to enforce these by-laws.

The MTO does not prohibit the use of compression style brakes. Their website states that “Some municipalities may have restrictions on engine braking. Ensure that you follow the restriction signs in each municipality”.

Some municipalities have installed “courtesy” signs to request that drivers limit the use of loud compression style brakes that say “Please do not use noisy engine brakes in town area”; however, there is no way to enforce these signs and whether or not they are impactful relies on the optional compliance of the drivers.

Other considerations:

- HCM does not have jurisdiction over the section of Highway 17 that runs through the townships and therefore, would not be able to introduce a by-law to restrict the use of loud compression brakes on Highway 17.
- HCM does not have a by-law enforcement officer to enforce any potential noise or engine brake specific by-laws for other areas of the town.

Staff contacted the Ministry of Transportation to inquire about having signage installed along the Highway and the response received was:

“... MTO only installs regulatory signs (e.g. no parking signs, speed limit signs, stop signs, etc.) if enforceable under the Highway Traffic Act (HTA). If no Ontario Regulation (under the HTA) is in place, we would never install regulatory signs as these signs would not be enforceable.”

**Financial Considerations/Budget Impact:**

None at this time.

**Others Consulted:**

<http://www.mto.gov.on.ca/english/trucks/handbook/section2-6-0.shtml>

**Approved and Recommended by the Clerk**

Crystal Fischer,  
Clerk/Treasurer