

15

THE USE OF ENGINE BRAKES

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, April 20, 2005, from the Commissioner of Transportation and Works:

1. RECOMMENDATIONS

It is recommended that:

1. The Regional Municipality of York embark on a sign initiative to request truckers to avoid using engine brakes at locations that meet the criteria outlined in this report.
2. The Regional Municipality of York petition the Province of Ontario, through the Ministry of Transportation's Road Inspection Programme, to enforce exhaust system compliance on all heavy trucks.
3. The Regional Municipality of York petition the Province of Ontario, through the Ministry of Environment's Drive Clean Programme, to enforce exhaust system compliance on all heavy trucks.
4. The Regional Municipality of York work with the Association of Municipalities of Ontario and the Ontario Good Roads Association to develop an action plan to collectively address this issue.
5. The Regional Clerk forward a copy of this report to the Clerks of the local municipalities in York Region, the Minister of Transportation, the Minister of Environment and the Members of Provincial Parliament.

2. PURPOSE

This report responds to a resolution from the Town of Newmarket Council requesting that The Regional Municipality of York support a program to strategically place courtesy signs requesting truckers to avoid the use of engine retarder brakes when travelling on arterial roads near or in residential neighbourhoods in an effort to mitigate the noise caused by this practice (*see Attachment 1*).

3. BACKGROUND

Local municipal staff and Regional staff are consistently receiving complaints from constituents concerning noise and disturbance from heavy trucks using engine retarder

brakes while travelling on arterial roadways in close proximity to residential areas. Roads Transportation staff also receive numerous requests for the installation of signs to restrict the use of engine brakes on many Regional roads.

Currently, the Region does not have any policies or standards regarding the installation of these signs and it has been staff practice not to install these signs as a result of our discussions with other municipalities including the Region of Durham and the Town of Smiths Falls. Consequently; The Regional Municipality of York has successfully worked with many community groups and trucking companies to address the unnecessary use of engine retarder brakes over the past number of years.

Noise issues resulting from the use of engine brakes are typically directed to Regional staff by residents and community ratepayer groups. To address these issues, past Regional practice has been to contact the resident or ratepayers group to obtain additional information, then the trucking company when possible, to create a collective awareness of the situation. Ultimately, the trucking company is requested in writing to choose alternative routes if possible or to avoid using engine brakes when travelling through these communities.

Other local municipalities have addressed this issue under their applicable noise by-laws and posted signage accordingly. These by-laws apply to all types of unnecessary noise within their jurisdiction including but not limited to engine brakes. Research conducted by Regional staff has found some municipalities, typically at the local level, post signage prohibiting the use of engine brakes as a courtesy, however, no documentation exists on enforcement or if any reduction in noise levels has been achieved.

4. ANALYSIS AND OPTIONS

Regional roads are classified as either rural or urban arterials and are intended to provide a high level of service to minimize flow interruption while maintaining a constant speed. Arterial roads are generally Regional roads moving large volumes of traffic at higher speeds. These roads serve as the major routes in a network connecting major economic centres, providing service for all types of vehicles including heavy trucks.

Heavy duty commercial vehicles are manufactured to comply with current noise regulations, including factory installed items such as the engine brake. The engine brake is intended to be a safety device. This type of braking assistance system has been tested and approved by Transport Canada. Noise level emission with the system engaged was included in the testing stages and the approved design of the device does not exceed that of a motor without the system. If engine noise associated with vehicles equipped with this approved braking device is a problem, vehicle inspection will show that the exhaust system on the vehicle has been altered or modified by the owner or that the vehicle is in need of repair.

4.1 Highway Traffic Act

Section 75 (1) of the Highway Traffic Act read as follows:

Section 75 (1)

“Every motor vehicle or motor assisted bicycle shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, and no person shall use a muffler cut-out, straight exhaust, gutted muffler, hollywood muffler, by-pass or similar device upon a motor vehicle or motor assisted bicycle.”

York Regional Police was asked to comment on the effectiveness of enforcing this section of the Highway Traffic Act. The police advise that this section of the Highway Traffic Act is not specifically designed to enforce the use of engine brakes, and as such, the application of these sections as an enforcement tool is not a feasible way to proceed and may present cumbersome enforcement and prosecution barriers.

As a result of our discussion with York Regional Police, it is proposed that staff be authorized to send a letter to:

- The Province of Ontario, through the Ministry of Transportation’s Road Inspection Programme, requesting increased enforcement of exhaust system compliance on all heavy trucks.
- The Province of Ontario, through the Ministry of Environment’s Drive Clean Programme, requesting increased enforcement of exhaust system compliance on all heavy trucks.

It is expected that any enforcement of exhaust system compliance will assist in reducing the noise levels when engine breaks are used.

4.2 Proposed Criteria

There are many requests to install these signs in all parts of the Region. In order to deal with future requests, it is proposed that the following criteria be used to establish whether the signs should be placed or not. This will standardize the process and avoid unnecessary signs being installed.

On Regional roads courtesy signs should only be installed at major truck entry points to cities, towns, townships and hamlets, at the local municipality’s cost, and approved by York Region provided that:

- The road passes through or is next to a residential area with inadequate noise protection, AND
- Trucks may be required to reduce speeds to stop at intersections or slow down for a reduced speed limit, AND
- The local municipality agree to supply the sign with the following wording,

TRUCKS
Please avoid use of engine brakes

- And, Regional and municipal staff collectively decide on the location of these signs and that the local municipality manufacture, install and maintain these signs according to the Region's standards and specifications.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. Should there be any courtesy signs installed which restrict the use of engine retarder brakes the related costs would be the responsibility of the local municipality.

6. LOCAL MUNICIPAL IMPACT

The courtesy sign initiative will benefit local municipalities and their residents by reducing noise pollution caused by heavy trucks.

7. CONCLUSION

In response to a request from the Town of Newmarket Council, the Roads Transportation Branch has investigated the feasibility of providing courtesy signage related to the use of engine retarder brakes on Regional arterial roads. Staff has investigated the request and concluded that the Region would support the erection of courtesy signs only at major truck entry points into a local municipality, under certain conditions, and provided that signs are paid for by the local municipality.

Ensuring adherence to these courtesy signs will require a co-ordinated approach between a number of agencies including the Ministry of Transportation, the Ministry of Environment, York Regional Police, the Ontario Trucking Association and the local municipalities in York Region.

Report No. 5 of the Transportation and Works Committee
Regional Council Meeting of May 19, 2005

A copy of this report should be sent by the Regional Clerk to the Clerks of the local municipalities in York Region, the Minister of Transportation, the Minister of Environment and Members of Provincial Parliament.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the May 4, 2005 Committee meeting.)