

**the City of Hardin**

406 NORTH CHEYENNE  
HARDIN, MONTANA 59034

Veronica Small Eastman  
State Representative

February 8, 2005

Re: House Bill - Compression Brakes

Dear Legislators:

This letter is in regard to House Bill LC0811, "An Act authorizing the governing body of a municipality to enact an ordinance to prohibit the use of engine compression brake device within the jurisdiction of the municipality; amending section 61-9-321, MCA."

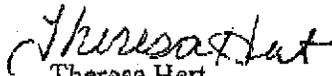
The City of Hardin, Montana supports this bill. The reason that Hardin, Mt. supports this bill is because the truck routes in Hardin pass by residential areas and the Heritage Acres Nursing Home. The loud sounds usually occur early morning and late evenings, disturbing the residents of Hardin, in particular, the aging residents of the Nursing Home.

The truck routes are highway 313, highway 87 and Mitchell Avenue.

We would encourage Legislation to act on this House Bill and vote to allow it.

The City of Hardin thanks you for your consideration in this matter.

Sincerely,



Theresa Hert  
City Clerk

Cc: file

10-2-14

10-2-17

10-2-14: **TRUCK TRAFFIC PROHIBITED:** No truck traffic shall be allowed at any time upon City streets so designated and posted by order of the City Council. A "truck", for purposes of this Section, shall be defined as any truck or truck tractor with a capacity of more than ten thousand (10,000) pounds' gross loaded weight. (Ord. 355, 7-1-1969)

10-2-15: **PENALTY:** (Rep. by Ord. 95-5, 11-7-1995)

10-2-16: **ALLEY SPEED LIMIT:** A person operating or driving a vehicle of any character on an alley in the City, shall drive it in a careful and prudent manner and where no special hazard exists that requires lower speed for compliance with the foregoing, the speed of a vehicle shall not exceed ten (10) miles per hour in an alley.

For purposes of this Section, an "alley" means the entire width between the boundary lines of every publicly maintained way when any part thereof is opened to the use of the public for purposes of vehicular travel and lies in or about the middle of a block, runs between lots, or is used for rear access to a lot. (Ord. 91-3, 10-15-1991)

10-2-17: **JAKE BRAKES PROHIBITED:** It shall be unlawful for any person operating a vehicle in the City limits to use engine exhaust brakes or "Jacob brakes" whereby engine compression is released into the exhaust system by means of mechanical exhaust valves and thereby serving to slow a vehicle without using mechanical brakes.

A person convicted of the violation of this Section shall pay a fine of one hundred fifty dollars (\$150.00) for a first offense and a fine not to exceed five hundred dollars (\$500.00) for subsequent offenses. (Ord. 98-1, 8-4-1998)

July 2000

City of Hardin

rule cell - 499

February 1, 2005

Dear Ms. Small Eastman:

This letter is in regards to your request for me to appear before the legislature, in regards to the Bill restricting the power to cities and towns to control the use of engine brakes within the city limits.

I am afraid because of health problems with both my wife and myself I will not be able to appear.

I trust the following letter will be of help. First of all, I am a retired professional truck driver with 45 years of experience in over the road and local hauling. I consider myself to know of what I am speaking.

During the past year, we in Hardin Montana have had to deal with trucks using their engine brakes all through town and during all hours of the day and night. The noise is so intense, it literally rattles our windows. We even have a local driver picking up soil over a block from our home using his engine brakes right in the middle of a subdivision. We also have a hospital in town that sits on the truck route approximately 40 yards from a stop sign. The elderly and sick residents of that hospital also have to put up with that terrible noise daily, during grain harvest and beet harvest especially. I have seen them literally shake and startle when the noise interrupts them.

The recent legislation that was passed took all power from the cities and small towns away as far as being able to regulate this unnecessary noise—even in our hospital zones. This was, I believe, an error.

I will go on to say that these engine brakes are not required by any state or federal law in the country. They are simply an option, just like different engine sizes or different tire size or different grades of upholstery or even the color of paint used on a vehicle. There are large trucking companies in this country that will not use them. Our local beet rehaul company uses super doubles grossing out up to 120,000 lbs., and they do not use them! Yet, these trucks hauling 46,000 to 76,000 lbs. think they need to use them through town. We have been assaulted by these noise makers for over a year now. I think it has been long enough for us all to suffer.

The current law states that any truck equipped with a factory installed or approved muffling device can use them any time any where—some of these trucks are 12 to 15 years old and their mufflers are long since burned out. Some have no mufflers at all.

With the shortage of highway patrol in our area, they sure do not have time to appropriately check them out. I will say I have noticed some of the worst offenders run just 4-5 months out of the year, but this means they would only require a brake job every 10 or 12 years. This means expense cannot possibly be the reason for their use.

I might also mention that the quietest engine brake ever made still more than doubles the noise of a decelerating truck.

Thank you for your help and attention in this matter.

Joseph S. Amies  
Hardin, Montana  
406-665-1668