

RE: Jake Brake[®] Ordinance

Dear **(Community official)**

I am writing to you from Jacobs Vehicle Systems. Our product is an engine brake, which is commonly referred to as a Jake Brake[®]. It is our understanding that **(name of community)** is considering an ordinance that would restrict the use of engine brakes or engine retarders.

Our purpose in writing is to aid in your understanding of heavy truck braking noise and the fair treatment of the Jake Brake[®] retarder trademark.

Jake Brake is a specific brand of engine retarder. An engine retarder is a component of the engine that opens the exhaust valve hydraulically at top dead center of the compression stroke in a braking mode. The sound of an engine brake results from the discharge of compressed air from the cylinder during this braking event. Engine retarders serve a very important function in the safe operation of large trucks by providing braking capacity that is supplemental to the truck's normal brake system. This additional capability helps to control vehicle speed and extend the life of vehicle service brakes by reducing the frequent need for their application. As a result, engine retarders produce both economic and safety benefits for the user.

The primary source of **excessive** noise produced by engine retarders is due to trucks operating with improperly maintained, defective, or modified muffler systems; or, in the most offensive instances, the use of straight exhaust pipes with no mufflers. This is more fully explained in the attached paper. The U.S. Environmental Protection Agency regulations stipulate that new trucks manufactured since 1986 must be no louder than 80 dBa at 50 feet; that in-use trucks manufactured since 1986 must be no louder than 83 dBa; and that a replacement muffler be no louder than the original factory installed muffler. Vehicle owners are responsible for the maintenance of their vehicles to these standards. The silencing technology used by heavy vehicle manufacturers assures that trucks, as shipped from the factory, meet all Federal and Provincial noise regulations. The enforcement of these existing laws prohibiting the use of poorly maintained or modified muffler systems could allow your jurisdiction to meet the needs of your citizens without creating additional regulations that will be difficult to enforce.

Jake Brake[®] is a brand name of truck engine brakes and refers only to truck engine brakes manufactured by Jacobs Vehicle Systems, Inc. (*Jacobs*). Jake Brake is a registered trademark of Jacobs. The Jake Brake trademark is a valuable business asset belonging exclusively to Jacobs. The mark has acquired significant customer recognition in the truck and diesel engine markets; both in the United States and internationally.

Engine brakes are produced by a number of companies other than Jacobs, including, PacBrake[®] of Canada and TecBrake[®] of Mexico. The Jake Brake engine brake is the most widely recognized brand in the industry.

Your jurisdiction's posting of signs, which include our Jake Brake mark, would potentially violate U.S. Federal Trademark laws. Accordingly, Jacobs requests that you not use our trademark in your noise reduction initiative as this would represent an unfair use of our trade name. Rather, we would like to work with you to encourage the enforcement of existing noise laws that apply to heavy trucks. An approach we would propose has been developed by the State of Oregon. Their State Vehicle Codes, Section 811.492, make the operation of an unmuffled engine brake a traffic violation except in emergency situations. This Vehicle Code is translated into signs in the Portland area that read as follows: Use of unmuffled engine brakes prohibited except in an emergency.

Please contact me at 860/243-7636 or at fstawski@jakebrake.com if you have any questions about this matter. I would be happy to discuss them with you.

Sincerely,

Frank J. Stawski
Manager
Legal Administration

FJS/mcp
cc: Jacobs Noise Committee
Regional Sales Manager

Attachment: Position Paper, Jake Brake Brochure