

Commissioner Minoli:

Senator White has shared your correspondence with her regarding the inclusion of unmuffled engine brake noise in your department's upcoming report on traffic noise as requested by the legislature. You have said the issue is not included in the proposed report.

We are asking you to reconsider your decision based not only on the points Senator White has indicated that it is required by law, but because it is a serious problem that needs attention.

With all due respect Commissioner, judging from your email to Senator White, it's not clear you fully understand the issue. We have no argument about the safety of engine brakes. They are necessary. But it seems you're confusing engine brakes and *unmuffled engine brakes*.

The muffler on any engine simply quiets the engine's noise. Maybe you've had a problem with your car's muffler, and you know how embarrassingly loud it can get. More likely you've probably heard a very loud motorcycle scream by with its "pipes straightened". You *know* that bike doesn't have to be that loud to run.

Some bikers love that noise, just as some truckers do. [Here's a website for truckers who want to make more noise](#). Or, if you want to do your own search, just google "how do I make my engine or Jake brakes louder". You'll find plenty. Some will even tell you how to avoid muffler inspections.

Your email says an unmuffled engine brake is a way for the engine to tell the vehicle "Hold on, we need to slow down a bit." The engine brake is engaged by the driver to help slow the vehicle without relying too much on its wheel brakes. It's kind of like dropping into first gear to slow your car down, except instead of relying on the transmission to do the work, the truck driver is using the diesel engine.

Engine brakes do not need to be loud to work. We're attaching a brochure from the Jacobs Vehicle Systems Company, the folks who invented the Jacobs (Jake) brake. They've had to deal with this problem of people confusing engine/Jake brakes with unmuffled engine brakes. The unmuffled brakes give their company a bad name. You'll see from the brochure that installed properly the engine brake does not exceed EPA standards on vehicle noise.

We're also attaching a document showing which states have prohibited unmuffled engine brakes. You'll see NY has done it, as has Colorado whose Rocky Mountains make VT's Greens look flat. And many other states have also done it. Vermont, sadly, has done nothing. Again, this is not a matter of safety, it's a matter of noise. Traffic noise. And it's not just abusive to people who live near the interstate. A woman in Stowe has complained about the problem. A DMV officer in Killington complained enough to get his property taxes reduced. One of our neighbors complains that it sounds like a helicopter has landed on his roof.

We're complaining now. This is a quality of life, an environmental, a social justice issue. The noise comes day and night, at any hour, seven days a week. In a state that prides itself on maintaining a rural quality of life, the lack of enforcement by the state's Agency of Transportation, and the reluctance to understand or even study it, is part of the problem.

We hope you will reconsider. If you have any questions, we're not experts, but we'll try to help. Thanks in advance, Mark Bevis and Kelly Burke

From: Rebecca White <RWhite@leg.state.vt.us>
Sent: Wednesday, April 24, 2024 10:15 AM
To: Minoli, Wanda <Wanda.Minoli@vermont.gov>; Boomhower, Michele <Michele.Boomhower@vermont.gov>
Cc: Smith, Michael <Michael.Smith@vermont.gov>
Subject: Re: Noise Report from AOT Q

Hi Commissioner Minoli,

I re-read the language for the study and I'm confused about your response because it does not say in the language to exclude brake noise because of their value for safety. I'm not under the impression that anyone disagrees with the use of compression release engine brakes for safety, and I appreciate you reiterating this. However, there is lots of good information about how to use unmuffled brakes and reduce the impacts of the noise they cause for people nearby to roads. For example, noise reducing infrastructure in areas where unmuffled brakes are frequently used, or signage that could be allowed on state highways to alert drivers to reduce speed to avoid unnecessary use of unmuffled brakes. I spoke with one company employee of Jake Brakes at a conference and they agreed that there are many noise reduction strategies that do not impact the safety of the decelerating truck.

When I read Section 42 on page 52 and 53 it seems like the below sections would cover the possibility of reviewing unmuffled brakes. It seems like we are purposefully not looking at certain things, and I don't see compression release engine brakes in that?

(4) possible options to address excessive motor vehicle noise that do not involve noise testing such as visual inspections for modifications to a motor vehicle's exhaust system, whether as part of enforcement of the State motor vehicle inspection, and labeling on one or more components of a motor vehicle's exhaust system; and

(5) approaches to minimize excessive motor vehicle noise that have been taken in other states, including increased enforcement by law enforcement coupled with an objective noise standard defense.

I will be exploring clarifying this in the DMV Misc Bill because it appears this policy position is counter to the legislative intent that was put forward. I think it would be a miss to not cover this topic as it impacts Vermonters experience of excessive motor vehicle noise in their communities.

Best,

Becca

From: Minoli, Wanda <Wanda.Minoli@vermont.gov>
Sent: Thursday, April 18, 2024 1:46 PM
To: Rebecca White <RWhite@leg.state.vt.us>; Boomhower, Michele <Michele.Boomhower@vermont.gov>
Cc: Smith, Michael <Michael.Smith@vermont.gov>
Subject: RE: Noise Report from AOT Q

Senator White,

The intent, specific criteria in Act 41 and direction provided to my team working on this study “unmuffled brakes” (J brakes, air brakes etc.) is not included .

Unmuffled breaks are critical to safety for commercial vehicles and its drivers. An engine brake is a braking mechanism in large vehicles, like trucks, which uses the engine to slow down the vehicle instead of relying solely on traditional wheel brakes. It’s the engine’s way of telling the vehicle, “Hold on, we need to slow down a bit.”

Unmuffled engine brakes are an essential component in many large vehicles’ braking systems. They offer enhanced braking performance but do so at the cost of increased noise. Despite the noise, their role in ensuring the safety and reliability of large vehicles like trucks is undeniable.

I am available to discuss further, please contact me directly.

Best regards,

Commissioner Minoli

Wanda L. Minoli, Commissioner

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