



OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 9 • 650 EASTERN AVENUE • CHILLICOTHE, OHIO 45601 • (740) 773-2691

July 18, 2007

Ms. Gloria J. Addington
Jackson County Commissioners
275 Portsmouth Street
Jackson, Ohio 45640-1750

Re: Jackson County – Request for “No Engine Braking” signs on State Routes 124 & 327

Dear Ms. Addington:

Your letter to ODOT concerning a request to install “No Engine Braking” signs has been referred to this office for reply.

According to our policy we will install “No Engine Braking” signs on our state routes when a resolution has been passed by the County or Township pursuant to **Ohio Revised Code Sections 505.17(A) and 4513.22(E)(4)**. The ORC should be quoted on the resolution. In addition the County or Township is required to furnish the signs to ODOT. The signs shall be fabricated in accordance with ODOT design standards and material specifications. ODOT no longer uses engineering grade sign sheeting. All signs used on ODOT maintained highways are now required to be fabricated with high intensity sheeting. We will furnish the posts and necessary hardware to erect the signs.

A copy of our policy has been enclosed for your reference. Once you have the signs fabricated you will need to contact Mike Kinnison @ 740-286-2504 at our Jackson County facility to make arrangements to have the signs installed.

If you have questions concerning the policy you may contact me in our District Office at 888-819-8501, ext. 7748973.

Thank you for allowing us to address this issue for you.

Respectfully,

A handwritten signature in cursive script that reads "Richard D. Chaffin".

Richard D. Chaffin
Traffic Management Analyst

enclosure

c: J. Brushart, M. Kinnison, file

201-7 Signing for Engine Brake Restrictions (R16-H4, R16-H5, R16-H13, R16-H14)

An engine brake is a device used on vehicles, principally large trucks, that changes the timing of the exhaust valves to slow the vehicle. The engine brake is used instead of, or in addition to, the friction brakes and produces an audible "popping" noise that is sometimes perceived as objectionable.

The slang term "Jake Brake" is sometimes used to refer to engine brakes in general. However, this term is a registered trademark of **Jacobs Vehicle Systems**, a major manufacturer of engine brakes. Since this term actually refers to all of **Jacobs Vehicle Systems** retarding products and is brand specific, it should not be construed as being equivalent to "engine brake," and should not be used on highway signing.

The **Ohio Office of the Attorney General** has determined that, pursuant to **ORC Sections 505.17(A) and 4513.221(E)(4)**, a **Board of County Commissioners or Township Trustees** may enact a regulation prohibiting the use of engine brakes on vehicles within the unincorporated area of the **County or Township**. This includes **ODOT**-maintained highways within the boundary of the **County or Township**, as well as **County and Township Roads**.

Section 4917 of the United States Code is part of the **Noise Control Act of 1972**, and sets maximum noise emissions for motor carriers engaged in interstate commerce. According to an opinion issued by the **Ohio Office of the Attorney General**, local regulations restricting the use of engine brakes to control noise for motor carriers engaged in interstate commerce "may be inconsistent with federal law, and thus preempted and unenforceable." For this reason **ODOT** will not install **NO ENGINE BRAKE** signs (R16-H4) on the mainline and ramps of Interstate Routes.

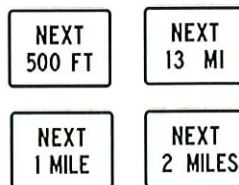
The **NO ENGINE BRAKE** sign (R16-H4) shall be used where the use of engine brakes has been restricted by the proper resolution per the **ORC**. The R16-H13 and R16-H14 auxiliary plates may be used to indicate specifics regarding when or where the restriction applies, and may be combined with the R16-H4 sign on a single panel. Sample legends for these plates are "6 PM - 6 AM" for the R16-H13 and "NEXT ½ MILE" or "NEXT 500 FT" for the R16-H14. The **END ENGINE BRAKE RESTRICTION** sign (R16-H5) may be used to indicate the terminus of the restriction.

For a **Township** restriction, typically only one **NO ENGINE BRAKE** sign (R16-H4) in each direction of travel within the **Township** should be installed on a state highway. More than one sign in each direction of travel may be needed for a countywide restriction, based on the length of the route within the **County**. The signs should be placed at strategic locations where the use of engine brakes has been a problem, such as at the beginning of a downgrade or an approach to an intersection. Alternatively, signs may be placed near where the state highway enters the **County or Township** or where a state highway begins within a **County or Township**. Overuse of signing should be avoided.

When a **County or Township** has passed a resolution restricting the use of engine brakes pursuant to **ORC Sections 505.17(A) and 4513.221(E)(4)**, **ODOT** will install signs on the rural state highway system indicating such a restriction. The **County or Township** is responsible for furnishing all signs to **ODOT**. The signs shall be fabricated in accordance with **ODOT** design standards and material specifications. **ODOT** will supply the sign supports and necessary hardware.



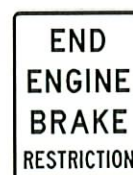
R16-H13



R16-H14



R16-H4



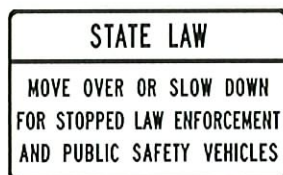
R16-H5

| Code No. | Route Type | Size Inches (millimeters) |
|----------------|--------------|------------------------------|
| R16-H4, R16-H5 | Conventional | 24 x 30 (600 x 750) |
| R16-H13 | | 24 x 8 (600 x 200) |
| R16-H14 | | 24 x 18 (600 x 450) |
| R16-H4, R16-H5 | Expressway | 36 x 48 (900 x 1200) |
| R16-H13 | | 36 x 12 (900 x 300) |
| R16-H14 | | 36 x 24 (900 x 600) |
| R16-H4, R16-H5 | Freeway | 48 x 60 (1200 x 1500) |
| R16-H13 | | 48 x 16 (1200 x 400) |
| R16-H14 | | 48 x 30 (1200 x 750) |

201-8 Move Over or Slow Down Signs (R16-H15)

R16-H15 signs were installed at 75 locations on ODOT-maintained highways in 2000. These signs were installed at the request of the **Ohio State Highway Patrol (OSHP)** to publicize the provisions in **House Bill 86** which enacted **ORC Section 4511.213**, requiring that a driver approaching a stationary public safety vehicle displaying its emergency flashers proceed with due caution and either move over or slow down.

The **OSHP** provided funding for initial sign fabrication, and the **Districts** provided the materials and labor for installation. However, no funding has been provided by **OSHP** to cover fabrication costs of signs needed for maintenance replacements. The **Districts** should order and install replacement signs as needed using established procedures.



R16-H15
120" x 60"
(3000 mm x 1500 mm)

201-9 Truck Restrictions in Municipal Corporations

A municipal corporation may restrict truck traffic on State or U.S. Routes through the municipal corporation only by regulating weight limits on the route, and only with the approval of the **Director of Transportation**.

A municipal corporation can regulate the use of its streets and can restrict the type of vehicles that travel over those streets pursuant to **ORC Section 4511.07**. However, **ORC Sections 4511.06 and 4513.33** restrict the use of that power for trucks traversing designated State or U.S. Routes. Thus, a municipal corporation may establish its own truck weight limits for streets and highways within its jurisdiction that differ from those established in **ORC Chapter 5577** and must post signs notifying the traveling public. However, when such weight limits involve an ODOT-maintained highway, **ORC 4513.33** requires the approval of the **Director** to alter them. Otherwise, the ordinance may conflict with **ORC Sections 4511.06 and 4513.33** and be found ineffective.