Legislation Details (With Text)

File #:	RES PH 12-94 **Version:** 1		
Type:	Resolution-Public Hearing	**Status:**	Passed
		In control:	City Council
		Final action:	4/4/2012

Title: Approving the application of Metropolitan Council for a sound level variance in order to allow Central Corridor Light Rail construction, with limitations, for up to 25 dates of overnight work, 10:00 PM to 7:00 AM, along Robert Street starting at University Avenue to 12th Street East, 12th Street East to Cedar Street, and Cedar Street East to 11th Street.

Sponsors: Dave Thune

Indexes:

Code sections:

Attachments: 1. LtRail Univ, Robert, Cedar SLV Application.pdf, 2. LtRail Univ, Robert, Cedar ENS.pdf, 3. LtRail Univ, Robert, Cedar Applicant Notification.pdf, 4. LtRail Univ, Robert, Cedar District Council 17 Notification.pdf, 5. LtRail_Univ_Robert_Cedar_Map.pdf, 6. LtRail PropOwnerList.pdf, 7. LTR Prop Owner Example.pdf

Date	Ver.	Action By	Action	Result
4/10/2012	1	Mayor's Office	Signed	
4/4/2012	1	City Council	Adopted	Pass

Approving the application of Metropolitan Council for a sound level variance in order to allow Central Corridor Light Rail construction, with limitations, for up to 25 dates of overnight work, 10:00 PM to 7:00 AM, along Robert Street starting at University Avenue to 12th Street East, 12th Street East to Cedar Street, and Cedar Street East to 11th Street.

WHEREAS, Chapter 293 of the Saint Paul Legislative Code was enacted to regulate the subject of noise in the City of Saint Paul; and

WHEREAS, §293.09 provides for the granting of variances from the sound level limitations contained in §293.07, upon a finding by the City Council that full compliance with Chapter 293 would constitute an unreasonable hardship on the applicant, other persons or on the community; and

WHEREAS, Kevin Ryan, Manager of Transitways Construction, Metropolitan Council, who has been designated as the responsible person on the application, has applied for a variance to allow Central Corridor Light Rail construction along Robert Street starting at University Avenue to 12th Street East, 12th Street East to Cedar Street and Cedar Street to 11th Street.; and

WHEREAS, in order to minimize disruption to businesses, the public and adjoining property owners, the applicant is seeking a variance for the hours of 10:00 PM to 7:00 AM for up to ten (25) occurrences; and

WHEREAS, if applicant is not granted a variance it will not be able to complete construction within a timeline that would minimize disruption to businesses, the public and adjoining property owners; and

WHEREAS, the Department of Safety and Inspections has reviewed the application and has made recommendations regarding conditions for the variance; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul hereby grants a variance to the Metropolitan Council, subject to the following conditions:

1) The variance shall be for up to twenty-five (25) extended work periods of 10:00 PM to 7:00 AM from April 5, 2012 to December 31, 2012 along Robert Street starting at University Avenue to 12th Street East, 12th Street East to Cedar Street and Cedar Street to 11th Street East.

2) The Council of the City of Saint Paul hereby grants the Department of Safety and Inspections the authority to approve extended work hours.

3) The Department of Safety and Inspections may approve up to twenty-five (25) extended work hour time periods requested by the Metropolitan Council during the time period set by this sound level variance. The hours of 10:00 PM to 7:00 AM shall be considered one extended work hour time period. If the Metropolitan Council finds that additional extended work periods are needed, the Metropolitan Council may request that City Council grant additional time periods without the need for a public hearing.

4) When the 10:00 PM to 7:00 AM work hours are needed, the Metropolitan Council shall submit an extended work hour request to the Department of Safety and Inspections (DSI).

5) The process for requesting work hours between 10:00 PM and 7:00 AM shall be as follows:

A. Metropolitan Council shall submit a request in writing to the Department of Safety and Inspections a minimum of two (2) work days before the property owner notification date in E.

B. The request shall include, but not be limited to, the specific date, time period, location, operation description and listing of expected noise sources such as generators, air compressors, jackhammers, excavators, skid loaders, etc. that will be used.

C. The extended work hour request shall also include the name and phone number of a specific contact person for the work being done.

D. Within two (2) working days of receiving an extended work hour request, the Department of Safety and Inspections, shall, in consultation with Department of Public Works and City Councilmember(s) representing the area(s) affected by the request, review and approve or deny the specific request and forward the determination to the Metropolitan Council.

E. If the request is approved, the Metropolitan Council shall notify in writing, all property owners within 200' of proposed work location. Notification shall be a minimum of 72 hours prior to the start of the work. A copy of the property owner notification shall also be sent to the Department of Safety and Inspections.

F. The Metropolitan Council property owner work notification shall include, but not be limited to, the specific date, time period, location, operation description and listing of expected noise sources such as generators, air compressors, jackhammers, excavators, skid loaders, etc. that will be part of extended work hours.

G. If there is an emergency, where immediate work is necessary to restore property to a safe condition or to protect persons or property from an imminent exposure to danger, the Metropolitan Council or its designee, shall notify the Department of Safety and Inspections and make a good faith effort to inform property owners within 200 feet of the work location. Notification of the Department of Safety and Inspections and property owners may be done after the work has begun or if possible, before the work has started.

6) The Contractors and Utility Companies working on the project shall use best practicable methods for controlling noise. Construction activities shall be scheduled to minimize noise as much as possible in the early morning hours. Requests for construction activities between 10:00 PM and 7:00 AM will only be done if there are no other reasonable alternatives.

7) The Metropolitan Council must provide copies of the approved Extended Work Hour Request to all contractors and utility companies that will be working between 10:00 PM and 7:00 AM. Copies of the approved request must be maintained at the work location and be available for review by the City of Saint Paul Police or inspection personnel during the time period approved. Failure to have a copy of the approved request available at the work location may result in a citation and/or shut down of work activities.

8) The Department of Safety and Inspections may, at its discretion, withdraw approval of any double shift hour or extended work hour request.

FURTHER RESOLVED, that any violations of the conditions set above may result in denial of future requests for the grant of a sound level variance, in addition to any criminal citation which might issue.

The Metropolitan Council, represented by Kevin Ryan, Manager of Transitways Construction, has requested an exemption from the sound level limitations in Chapter 293.07 in order to allow Central Corridor Light Rail construction for up to twenty-five (25) occurrences between 10:00 PM and 7:00 AM, from April 5, 2012 to December 31, 2012 on Cedar Street between 11th and 12th; 12th between Cedar and Robert; Robert between 12th and University Ave. A process is provided for requesting additional occurrences if needed. Chapter 293.09 provides for the granting of variances from the sound level limitations contained in Chapter 293.07.

Was proper notice given? YES - See Attachments