



## Legislation Text

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**File #:** RES PH 13-117, **Version:** 1

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Approving the application, with conditions, of the Metropolitan Council for a sound level variance for the installation of an overhead cantenary (power) system along the Central Corridor Light Rail line from Emerald Street, along University Avenue West, Robert Street, 12<sup>th</sup> Street East, Cedar Street, and 4<sup>th</sup> Street East, ending at Broadway Street; from 10:00 p.m. to 7:00 a.m., Monday through Friday from June 5, 2013 through December 5, 2013.

### **Amended 6/5/13**

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 construction work for the installation of an overhead cantenary system to provide power for the light rail trains. Work will be along the Central Corridor Light Rail line from Emerald Street, along University Avenue West, Robert Street, 12<sup>th</sup> Street East, Cedar Street and 4<sup>th</sup> Street East ending at Broadway 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; 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, §293.09 (e) (4) provides that a variance may be granted subject to conditions; 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 will be from June 5, 2013 to ~~August 30~~ August 1, 2013 for the hours of 10:00 PM to 7:00 AM. The variance will be restricted to work related to the installation of the overhead cantenary (power) system wire on the Central Corridor Light Rail line, from Emerald Street, along University Avenue West, Robert Street, 12<sup>th</sup> Street East, and Cedar Street ~~and 4<sup>th</sup> Street East ending at Broadway Street.~~
2. Before work begins and before work starts or progresses to other locations, the Metropolitan Council must notify in writing, all property owners and/or occupants within 200' of any proposed work location within the area described in condition one (1). Notification must be a minimum of 72 hours prior to the start of the work. A copy of the property owner notification must also be sent to the Department of Safety and Inspections.

3. The Metropolitan Council property owner notification must include, but not be limited to, the specific date, time period, location, operation description and listing of expected noise sources such as generators, light plants, line trucks, bucket trucks, etc. that will be used during the extended work hours. Notices will also include the following statement: "Rental property owners must provide a copy of this notice to all renters or post a copy in a common area of the building so it can be viewed by the occupants."

4. 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.

5. The Contractors and Utility Companies working on the project must use best practicable methods for controlling noise. Construction activities must be scheduled to minimize noise as much as possible in the early morning hours. No jack hammering saw cutting or similarly loud activities will be allowed between 10:00 PM and 7:00 AM. When working around residentially used property, work crews will take extra care to prevent any disturbing noises. The use of vehicle backup alarms will be minimized. Backup up alarm alternatives must be considered, such as the use of alternative backup alarm technology or the use of observers/signal persons, when allowed by state/federal statutes, standards or regulations.

6. The Metropolitan Council must provide copies of the approved Sound Level Variance to all contractors and utility companies that will be working between 10:00 PM and 7:00 AM. Copies of the approved variance 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.

7. If the City receives significant complaints, the Department of Safety and Inspections may recommend to the City Councilmember(s) representing the area(s) affected, that this sound level variance be brought back before the City Council for possible changes to the conditions listed.

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 construction work for the installation of an overhead catenary system that will provide power for the light rail trains. Work will be along the Central Corridor Light Rail line from Emerald Street, along University Avenue West, Robert Street, 12<sup>th</sup> Street East, Cedar Street and 4<sup>th</sup> Street East ending at Broadway Street. The request is for overnight work, 10:00 p.m. to 7:00 a.m., Monday through Friday, beginning June 5, 2013 through December 5, 2013. The majority of the work is expected to be completed during the months of June and July. As one of the conditions, DSI is recommending that the variance end on August 30, 2013 instead of the requested December 5, 2013. Chapter 293.09 provides for the granting of variances, with conditions, from the sound level limitations contained in Chapter 293.07.

Was proper notice given? YES - See Attachments