



Legislation Text

File #: RES PH 14-39, **Version:** 1

Approving the application of Ames Construction for a sound level variance to allow for 24-hour per day road construction such as bridge demolition, bridge construction, ramp work, sound wall construction, and the addition of High Occupancy Vehicle (HOV) lanes along Interstate 35E, between Larpenteur Avenue and Maryland Avenue, from February 20, 2014 to November 1, 2014.

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, Ames Construction, represented by Alex Carlin, Project Manager, who has been designated as the responsible person on the application, has applied for a variance for construction work related to the weekend demolition of the Larpenteur Avenue, Wheelock Parkway, Arlington Avenue and Gateway Trail bridges, and to allow elevated sound levels 24-hour per day along Interstate 35E for activities such as bridge construction, ramp and northbound roadway work, sound wall construction and the addition of High Occupancy Vehicle (HOV) lanes; and

WHEREAS, in order to meet required Minnesota Department of Transportation (MnDOT) completion dates and to minimize disruption to traffic on Interstate 35E, area businesses, the public, adjoining residents and property owners, the applicant is seeking a variance from February 4, 2013 to November 1, 2013; and

WHEREAS, if applicant is not granted a variance, Ames Construction will not be able to operate general construction/demolition equipment and other heavy equipment and power tools needed to complete the demolition and road construction work on the Larpenteur Avenue, Wheelock Parkway, Arlington Avenue and Gateway Trail bridges and Interstate 35E ; and

WHEREAS, the Department of Safety and Inspections (DSI) 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 Ames Construction, subject to the following conditions:

1. The variance will be for construction and demolition work on or adjacent to, I-35E, between Larpenteur Avenue and Maryland Avenue, beginning Thursday, February 20, 2014, through Saturday, November 1, 2014.
2. The variance will include not more than four (4) bridge demolition work periods. Each bridge demolition work period will begin at 10:00 PM on Friday and end at 5:00 AM on the following Monday and will be used for the demolition of the Larpenteur Avenue, Wheelock Parkway, Arlington Avenue, and Gateway State Trail bridges over I-35E.
3. The variance will also include not more than thirty (30) overnight elevated noise shifts of 10:00 PM to 7:00 AM.

4. When bridge demolition work periods or overnight elevated noise shifts are needed, Ames Construction must submit an Extended Work Request (EWR) to the Department of Safety and Inspections (DSI).
5. The process for requesting an EWR shall be as follows:
 - A. Ames Construction must submit a EWR in writing to the Department of Safety and Inspections a minimum of four (4) work days before the start date of any bridge demolition work period or overnight elevated noise shift.
 - B. The request will include, but not be limited to, the specific date, time period, location, operation description and listing of expected noise sources.
 - C. The EWR 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 the request, the Department of Safety and Inspections, in consultation with the appropriate councilmember, shall review and approve or deny the specific request and forward the determination to Ames Construction.
 - E. If the request is approved, Ames Construction will notify in writing, all property owners/residents within 400 feet of proposed work location. Notification shall be a minimum of forty-eight (48) hours prior to the start of the work.
 - F. When a EWR is approved, DSI will provide Ames Construction with a list of property owners/residents within 400 feet of the work location that are to be notified.
 - G. The Ames Construction property owner work notification will include, but not be limited to, the specific date, time period, location, operation description and listing of expected noise sources.
6. 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, Ames Construction or its designee shall notify the Department of Safety and Inspections and make a good faith effort to inform property owners/residents within 400 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.
7. The Contractors working on the project will use best practicable methods for controlling noise such as, but not limited to, noise blankets, shields or portable sound barriers. Construction activities will be scheduled to minimize noise as much as possible in the late night and early morning hours. Jackhammers, pavement breakers, pile drivers and any similar type of equipment should be fitted with manufacturer's approved exhaust mufflers. Vehicles operating between 10:00 PM and 7:00 AM should be equipped with ambient sensitive back-up warning devices or similar devices. Back-up observers, in lieu of back-up warning devices, should be considered if allowed by Federal or State regulations. When practical, loud activities will be performed during the day. Requests for construction activities between 10:00 PM and 7:00 AM will only be done if there are no other reasonable alternatives.
8. The Ames Construction must provide a copy of the approved EWR to all contractors and utility companies that will be working during the approved times. Copies of the EWR must be maintained at the work location and be available for review by the City of Saint Paul Police or inspection personnel.

FURTHER RESOLVED, that any violations of the conditions set above may result in the cancellation of the variance for any remaining dates and in the denial of future requests for the granting of a sound level variance, in addition to any criminal citation which may be issued.

Ames Construction, represented by Alex Carlin, Project Manager, has requested an exemption from the sound level limitations in Chapter 293.07 for road construction work including bridge demolition, bridge construction, ramp work, sound wall construction and the addition of High Occupancy Vehicle (HOV) lanes on Interstate 35E between Larpenteur Avenue and Maryland Avenue from February 20, 2014 to November 1, 2014. 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