



## Legislation Text

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**File #:** RES PH 18-197, **Version:** 1

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Approving the application of Public Works Bridge Division for a sound level variance in order to perform overnight work for the construction/demolition project of westbound Kellogg Boulevard Bridge 62574 from Wednesday, August 1 through Sunday, September 30, 2018.

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, Public Works, represented by Brent Christensen, Project Engineer, has applied for a variance, at a requested sound level limit of a Max L10 80 dBA at 50 feet from the source, for construction work, including joint replacement and overnight mill and overlay construction work on Westbound Kellogg Blvd Bridge 62574 from the intersection of West 7<sup>th</sup> Street to Washington Street, and to allow elevated sound levels from 10:00 p.m. until 7:00 a.m. for activities such as use of pneumatic hammers, media blasting, power screed, surface removal, milling and asphalt rollers and paving, bobcat use, back up equipment with beepers, dump trucks, and street sweepers, and hand power tools; and

WHEREAS, in order to meet required repair criteria, strict date, temperature and weather requirements as mandated by the state, project completion and to minimize disruption to traffic on the described project areas, area businesses, the public, adjoining residents and property owners, the applicant is seeking a 10:00 p.m. until 7:00 a.m. overnight variance, to occur in duration of one-two days at a time, with maximum of four to eight days in total, at a sound level limit of a Max L10 80 dBA at 50 feet, during the period of Wednesday, August 1, 2018 until Sunday, September 30, 2018; and

WHEREAS, if applicant is not granted a variance, Public Works will not be able to operate general construction/demolition equipment and other repair and installation equipment and power tools needed to complete the required overnight joint replacement and mill and overlay construction work on Westbound Kellogg Blvd; 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 Public Works subject to the following conditions:

1. The variance will be for work activities such as use of pneumatic hammers, media blasting, power asphalt removal, milling and asphalt rollers and paving, bobcat use, back up equipment beeper use, dump trucks, street sweepers, and hand power tools, for joint replacement at night, and construction replacement on Westbound Kellogg Blvd, Bridge 62574 from the intersection of 7<sup>th</sup> Street West to Washington Street, during the period of Wednesday, August 1, 2018 until Sunday, September 30, 2018.

2. The variance will include project overnight work, with duration of one to two days at a time, with maximum of four to eight days in total with elevated sound levels from 10:00 p.m. until 7:00 a.m. during the period of

August 1, 2018 through September 30, 2018 to be at a Max L10 80 dBA at 50 feet from the sound source.

3. If the sound level variance is approved, Public Works will notify, in writing, all property owners/residents within 400 feet of the proposed work location. Notification shall be a minimum of forty-eight (48) hours prior to the start of the work.

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, Public Works, or its designee shall notify DSI and make a good faith effort to inform property owners/residents within 400 feet of the work location. Notification to DSI and property owners may be done after the work has begun or, if possible, before the work has started.

5. 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.

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.

Saint Paul Public Works Bridge Division, represented by Brent Christensen, Project Engineer, has requested an exemption from the sound level limitations in Chapter 293.07 for a Joint Replacement and Mill and Overlay Project, with use of pneumatic hammers, media blasting, power screed, surface removal, milling, asphalt rolling and paving, bobcat use, back up equipment with beeping devices, dump trucks, street sweepers and hand power tools, for overnight work during the period beginning Wednesday, August 1, 2018, through Sunday, September 30, 2018.

Was proper notice given? YES - See Attachments