



Legislation Text

File #: RES PH 11-1027, **Version:** 1

Allowing additional extended work periods at the request of Metropolitan Council as provided for by the sound level variance RES PH 11-967 in order to allow Central Corridor Light Rail construction between 10:00 PM and 7:00 AM from August 18, 2011 to August 31, 2011 along Cedar Street between 4th Street East and 7th Street East.

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 Cedar Street between 4th Street East and 7th Street East; and

WHEREAS, in order to met critical deadlines and to minimize disruption to businesses, the public and adjoining property owners, the applicant is seeking additional extended hour work periods as provided for by RES PH 11-967, the sound level variance for Cedar Street between 4th and 7th Streets; and

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

WHEREAS, the Department of Safety and Inspections has reviewed the application's request 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 14 additional extended work periods to the Metropolitan Council, subject to the following conditions:

- 1) The extended work periods shall be for work to be conducted from 10:00 PM to 1:30 AM from August 18, 2011 to August 31, 2011.
- 2) 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, such as, but not limited to, the limiting of deliveries to daytime hours, limiting equipment usage, and requiring no idling of equipment or vehicles at the location. Activities such as but not limited to jackhammering and saw cutting will be performed during the day.
- 3) If the City receives significant complaints and DSI verifies that the contractors are not using best practices and equipment or that they are not utilizing appropriate scheduling of work, then DSI will bring this matter before the City Council for further modifications of this and any future sound level variances that may be granted for this location.
- 4) The Metropolitan Council shall notify in writing, all property owners within 200' of proposed work. Notification shall be a minimum of 72 hours prior to the start of the work. If the work period is for an

extended number of consecutive evenings, notification is only needed for the whole period and not for individual evenings.

5) 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.

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 additional extended work periods as provided for by the sound level variance RES PH 11-967 in order to allow Central Corridor Light Rail construction between 10:00 PM and 1:30 AM from August 18, 2011 to August 31, 2011 along Cedar Street between 4th Street East and 7th Street East. 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