

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: C - 6
DATE: October 22, 2009
SUBJECT: WSDOT Noise Variance – Highway 2 Safety Project
CONTACT PERSON: Connie Dunn, Public Works Director

ISSUE:

The issue before the City Council is to authorize Mayor Eslick to sign the noise variance letter submitted by the Washington State Department of Transportation (WSDOT) for the safety project on US 2 in the proximity of 11th street in Sultan. Attachment A.

STAFF RECOMMENDATION:

Authorize the Mayor to sign the letter exempting the US 2 Safety Improvements from City of Sultan's Noise Ordinance. (Attachment B)

SUMMARY:

WSDOT is proposing a safety improvement project on US 2 adding a two way left turn lane between MilePost (MP) 222.86 to MP 23.06 by reconfiguring intersection at 11th Street and transit movements to the Park & Ride.

Some construction work will be performed during the day time. WSDOT is requiring that lane closures associated with this project occur at night. Single lane closures will occur Monday to Thursday nights between 8:00 pm and 5:00 am and between 10:00 pm and 5:00 am Sunday to Monday nights.

Construction is anticipated to start as early as April 1, 2010 and will end by December 31, 2010. The night work within the City limits of Sultan will be approximately 60 nights of the 180 nights for the entire US 2 Safety improvements planned from MP17.96 to MP 28.92.

FISCAL IMPACT:

Notifying property owners on Walbrun Road adjacent to the project.

RECOMMENDED ACTION:

Authorize Mayor Eslick to sign the letter recognizing the US 2 Safety Improvement exemption from the City of Sultan's noise ordinance.

COUNCIL ACTION:

ATTACHMENT A
ATTACHMENT B

October 9, 2009 WSDOT Noise Variance Request Letter
Noise Ordinance



Washington State
Department of Transportation

Paula J. Hammond
Secretary of Transportation

Northwest Region
15700 Dayton Avenue North
P.O. Box 330310
Seattle, WA 98133-9710

(206) 440-4000
TTY: 1-800-833-6388
www.wsdot.wa.gov

October 9, 2009

Connie Dunn
Public Works Director
City of Sultan
P.O.Box 1199
Sultan, WA 98294-1199

RE: Noise Variance Request
US 2 Safety Improvements
Milepost (MP) 21.42 to MP 24.44

Dear Ms. Dunn:

The Washington State Department of Transportation (WSDOT) is proposing a safety improvement project on US 2 by adding a Two Way Left Turn Lanes. WSDOT is requesting noise variance for 60 non-consecutive nights, from the City of Sultan based on Sultan's Municipal Code Chapter 8.04.50 allowing WSDOT contractors to work nights on US 2 between MP 17.94 and 28.92 to construct this improvement.

Project Description

This project will be adding Two Way Left Turn Lanes between 245th Ave SE and 153rd Place SE (MP 17.96 to MP 18.38). This project will extend the two way left turn to the 11th Street and re-configure intersection at 11th Street and transit movements to the Park & Ride MP 22.86 to MP 23.06 in City of Sultan. This project will also extend the two left turn lane to 17th Street MP 28.58 to MP 28.92 in Gold Bar. All work will be performed within WSDOT Right of Way.

Construction Schedule

Eventhough some work will be performed during the day time, WSDOT is requiring that lane closures associated with this project occur at night. Performing work at night will minimize the danger to workers and the traveling public through the construction zone. Single lane closures will occur Monday to Thursday nights between 8:00 pm and 5:00 am; and between 10:00 pm and 5:00 am Sunday to Monday nights.

The advertisement date for this project is March 9th 2010 with construction anticipated to start as early as April 1st 2010 and it will end by December 31st 2010. Based upon the preliminary construction schedule for this project, WSDOT will conduct night work for a total of 180 non-consecutive nights throughout the course of this project and 60 of the 180 nights will be in the City of Sultan.

Anticipated Construction Equipment for Night Work

Equipment that may be used includes, but are not limited to excavator, grader, paving machine milling machine street sweepers, dump trucks, asphalt distributor trucks, pavement striping machine compactors, generators and light plants, arrow boards, portable changeable message signs, trucks with back up alarms, and miscellaneous air tools.

Proposed Nighttime Noise Mitigation

WSDOT is committed to reducing the inconvenience felt by those living near this project and will make reasonable efforts to minimize sound levels caused by nighttime work. To that end, WSDOT will require the contractor to adhere to the following noise reduction measures:

1. All vehicles shall be equipped with ambient sensitive backup warning devices. The Contractor may use back-up observers in lieu of back-up warning devices for all equipment except dump trucks in compliance with WAC Chapter 296- 155-610 and 296- 155-615. The Contractor shall use back-up observers and back-up warning devices for dump trucks in compliance with WAC Chapter 296- 155-610.
2. Truck tailgate banging is prohibited. All trucks shall be secured to prevent excessive noise from banging;
3. All trucks performing export haul shall have well maintained bed liners as inspected and approved by the Engineer, or new rubber or aluminum bed liners.
4. A copy of noise variance or exemption shall be kept on the project site at all times.
5. Provide a WSDOT complaint number as well as a list of designated contact persons for the purpose of forwarding complaints;
6. The Contractor notifies residents, within 500 feet of the project corridor, of nighttime work activities at least 7 calendar days in advance of the proposed nighttime construction work.

The construction Project Engineer in charge of administering the contract is:

Janice Fahning, P.E.
9021 El Capitan Way
Everett, WA. 98208
(425) 225-8799
Fax (425) 225-8798

If your department receives a noise complaint, please help us resolve it by notifying the Project Engineer within 24 hours of the complaint.

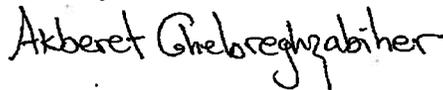
WSDOT requests that you indicate your recognition of this project's exemption from City of Sultan's nighttime noise restriction by signing here and returning this to us by fax at (206) 440-4805.

Connie Dunn
Public Works Director
City of Sultan
P.O.Box 1199
Sultan, WA 98294-1199

Date

Your attention to this matter is greatly appreciated. If you should have any questions, please call me at (206) 440-4547.

Sincerely,

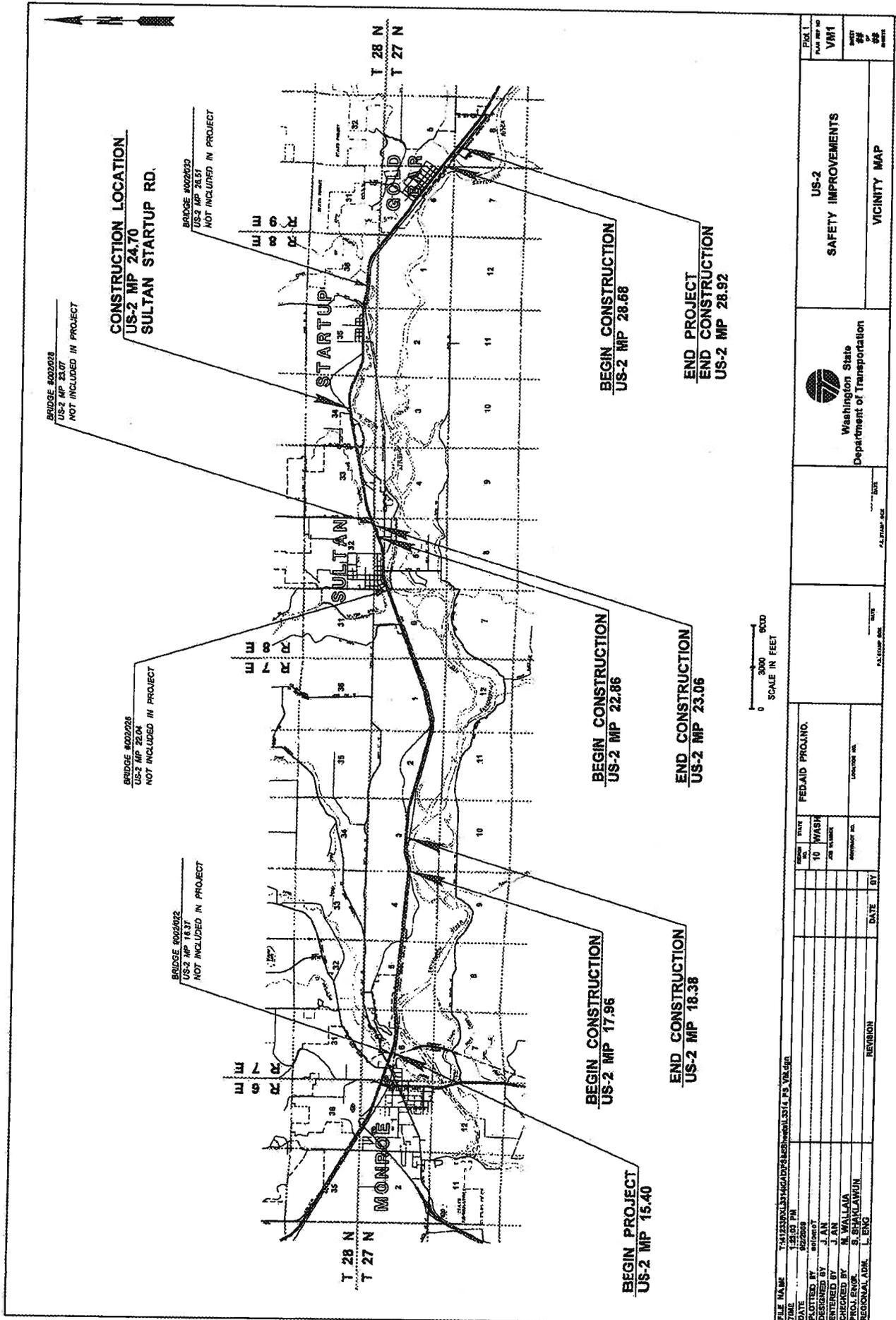


Akberet Ghebregzabier
Air Quality, Acoustics and Energy Specialist
206-440-4547
Ghebrea@wsdot.wa.gov

Attachments: Vicinity Map

cc: Sharif Shaklawun, P.E. MS NB82-144

File: US 2 Safety Improvements



FILE NAME: T:\PROJECTS\1374\GADP\1374\US2\1374_V1.dwg		DATE: 10/10/07		DRAWN BY: J.A.N.		CHECKED BY: M. WALLACE		PROJ. ENGR: S. SHANLAWUN		REGIONAL ADM. L. ENG		REVISION		DATE		BY	
SCALE: 1" = 3000'		FED-AID PROJ. NO. 10 WASH		JOB NUMBER		PROPERTY IN		LOCATION IN		DATE		BY		DATE		BY	
0 3000 6000 SCALE IN FEET		WASHINGTON STATE Department of Transportation		SAFETY IMPROVEMENTS		VICINITY MAP		US-2		VMT		PICK L.		PLAN NO.		SHEET NO.	

**Chapter 8.10
PUBLIC DISTURBANCE NOISE**

Sections:

8.10.010 Definitions.

8.10.020 Exemptions.

8.10.030 Infraction.

8.10.040 Enforcement.

8.10.050 Separate offenses.

8.10.060 Punishment.

8.10.070 Evidence in proceedings.

8.10.010 Definitions.

For the purposes of this chapter, the following definitions shall apply:

“Public disturbance noise” shall mean the following sources of sound:

A. Frequent, repetitive or continuous sound from any horn or siren attached to a motor vehicle except as a warning of danger or specifically permitted or required by law;

B. Frequent, repetitive or continuous sound in connection with the starting, operating, repairing, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine in any residential zone which unreasonably interferes with the peace, comfort and repose of owners or occupants of real property in the residential zone;

C. Loud or raucous sound from any activity which unreasonably interferes with the operation of any school, church, hospital, sanitarium or nursing or convalescent facility;

D. Frequent, repetitive or continuous sound which emanates from a building structure or property, and created by musical instrument, whistle, sound amplifier, stereo, jukebox, radio, television or other device capable of reproducing or creating sound, such as sounds originating from a band session, tavern operation or commercial sales lot which unreasonably interferes with the peace, comfort and repose of owners or occupants of nearby property;

E. Sound from a motor vehicle audio sound system, such as a radio, tape player or compact disc player, when the volume is such that the sound can be clearly heard by a person of normal hearing at a distance of more than 50 feet from the vehicle itself;

F. Sound from carried or transported portable audio sound equipment, such as a radio, tape player or compact disc player, when the volume is such that the sound can be clearly heard by a person of normal hearing at a distance of more than 50 feet from the source of the sound;

G. Frequent, repetitive or continuous sound which emanates from a residence, structure or property, and created by audio sound equipment, musical instruments or

social gatherings which unreasonably interferes with the peace, comfort and repose of owners or occupants of neighboring residential properties;

H. Sound from squealing or screeching of motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners except such sounds which arise from actions to avoid danger;

I. Sound originating from a motor vehicle on the public highway when the vehicle does not have a muffler in good working order or is otherwise not in compliance with applicable laws and regulations;

J. Sound from yelling, shouting, hooting, whistling or singing on or near the public streets occurring between the hours of 11:00 p.m. and 7:00 a.m. which unreasonably interferes with the peace, comfort and repose of owners or occupants of real property;

K. Sound originating from residential real property relating to temporary projects for the maintenance or repair of homes, grounds or appurtenances, including sounds from lawnmowers, power hand tools, snow removal equipment and the like when the same occurs between the hours of 10:00 p.m. and 7:00 a.m. weekdays and 10:00 p.m. and 9:00 a.m. on weekends;

L. Sounds originating from construction sites and activities, including but not limited to sounds from construction equipment, power tools and hammering between the hours of 10:00 p.m. and 7:00 a.m. weekdays and 10:00 p.m. and 9:00 a.m. on weekends except such sounds which arise from emergency construction work to protect public or personal health and safety. (Ord. 799-02)

8.10.020 Exemptions.

Though the following sources of sound may fall within the definitions of a "public disturbance noise" as defined in the previous section, the following sounds shall be exempt and shall not be a public disturbance noise:

A. Noise originating from aircraft in flight and sounds which originate in airports and are directly related to flight operations;

B. Noise created by safety and protective devices, such as relief valves where noise suppression would defeat the safety relief intent of the device;

C. Noise created by fire or security alarms, or noise created by emergency equipment;

D. Noise created by auxiliary equipment on motor vehicles used for highway maintenance;

E. Noise created by a special event so long as the event is in compliance with the terms and conditions of its special event permit;

F. Noise created by natural phenomenon;

G. Noise created by public utility facilities including electrical substations;

H. Noise created from local school marching bands while practicing;

I. Noise created by bells, chimes or carillon not operated for more than five minutes in any one hour from the hours of 7:00 a.m. to 10:00 p.m., but not including such noise as is artificially created and amplified and broadcast via loud speaker; and

J. Noise created by the operation of equipment or facilities of surface carriers engaged in commerce by railroad. (Ord. 799-02)

8.10.030 Infraction.

It is unlawful and a civil infraction for any person to cause or allow to be emitted a nonexempt public disturbance noise as defined by this chapter. (Ord. 799-02)

8.10.040 Enforcement.

Where the definition of "public disturbance noise" includes sound that unreasonably interferes with the peace, comfort and repose of owners or possessors of real property or neighboring property a civil infraction notice may only be issued after receipt of such a complaint. In all other instance a civil infraction notice may be issued without a complaint. (Ord. 799-02)

8.10.050 Separate offenses.

For enforcement purposes, sound emitted during separate days shall be deemed a separate violation. A day is a 24-hour period beginning with the first violation and infraction.. (Ord. 799-02)

8.10.060 Punishment.

A first violation and infraction of this chapter shall be punished with a penalty of \$100.00. A second violation and infraction of this chapter shall be punished with a penalty of \$500.00. A third and/or subsequent violation and infraction of this chapter is a misdemeanor and shall be punished with a fine of \$500.00 and/or incarceration in jail for a period not to exceed 30 days. (Ord. 799-02)

8.10.070 Evidence in proceedings.

In any proceeding under this chapter, evidence of sound level through the use of sound level meter readings shall not be necessary to establish the commission of the violation. (Ord. 799-02)