



RESOLUTION 2012-036

A RESOLUTION APPROVING A REQUEST FROM THE STATE OF OREGON DEPARTMENT OF TRANSPORTATION FOR A NOISE VARIANCE TO PERFORM NIGHTTIME CONSTRUCTION ACTIVITY

WHEREAS, the State of Oregon Department of Transportation (ODOT) wishes to perform construction activity related to the repaving of Highway 99W between the northern City limits and Sunset Road; and

WHEREAS, the proposed construction activity is scheduled to occur daily between the nighttime hours of 7:00 p.m. and 7:00 a.m., within the period of March 1st, 2013 to September 30th, 2013; and

WHEREAS, the City Municipal Code Chapter 9.52—Prohibiting Noise provides a variance request process (Sections 9.52.080 thru 9.52.120) to allow activities that generate noise outside the allowed times; and

WHEREAS, ODOT wishes to comply with the City's Ordinances and perform construction activity in such a way as to minimize the negative impacts to traffic within the City limits, has submitted background documentation attached hereto and labeled Exhibit A in support of their request; and

WHEREAS, to meet these requirements and intent, City staff has reviewed the documentation for compliance with the City Code requirements, and recommends that City Council grant ODOT the noise variance request for the described project.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1: That City Council grants ODOT a noise variance in conformance with City Code Sections 9.52.080 thru 9.52.120, for the nighttime construction activity associated with repaving Highway 99W between the northern City limits and Sunset Road.

Section 2: That the noise variance is specific to the hours of 7:00 p.m. and 7:00 a.m., Monday through Sunday, within the period of March 1st, 2013 to September 30th, 2013.

Section 3: This Resolution is effective upon its adoption.

Duly passed by the City Council this 17th day of July 2012.


Keith S. Mays, Mayor

Attest:


Sylvia Murphy, CMC, City Recorder



Oregon
John A. Kitzhaber MD, Governor

Department of Transportation
Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8500
(503) 731.8531

June 5, 2012

Bob Galati, City Engineer
City of Sherwood
galatib@sherwoodoregon.gov
22560 SW Pine St.
Sherwood, OR 97140
503-925-2303

Re: Oregon Department of Transportation
OR99W: Tualatin River Bridge to Sherwood Pavement Preservation Project
Noise Variance Request

Dear Mr. Galati,

The Oregon Department of Transportation is requesting a Class B variance from the City of Sherwood Code 9.52.070. The variance request is to allow night time construction on OR99W (Pacific Highway West) from the north edge of the city limits to the intersection of SW Elwert Rd/Sunset Boulevard.

Work is expected to begin as early as March of 2013, although work could be delayed until as late as July of 2013, depending on weather. This variance request to complete night time work on the project within the above described limits is from March 1, 2013 to September 30, 2013.

The high traffic volumes on OR99W require that all lanes be open without restrictions during daytime hours. Closing the lanes during the day would create backups and serious safety concerns. Granting the variance will allow work activities that cannot be conducted during the day to be conducted at night. ODOT is requesting a noise variance from 7 p.m. to 7 a.m., 7 days a week for the duration of the project, although it is expected that only approximately 30 nights of work will be needed throughout the whole construction period within the above described limits of the City of Sherwood.

The following work will take place on this project:

- | | |
|---|---------------------------------|
| ➤ Pavement Overlay (paving machine) | 89 dBA at a distance of 50 feet |
| ➤ Material Removal (backhoe and dump truck) | 86 dBA at a distance of 50 feet |
| ➤ Concrete Demolition (jackhammer) | 87 dBA at a distance of 50 feet |
| ➤ Adjust Manholes/Inlets (jackhammer) | 87 dBA at a distance of 50 feet |
| ➤ Placing concrete | 87 dBA at a distance of 50 feet |
| ➤ Pavement saw cutting | 76 dBA at a distance of 50 feet |
| ➤ Pavement removal (grinding, jackhammer) | 87 dBA at a distance of 50 feet |

The property surrounding the project area is primarily residential. The following residences have been identified as possible receptors:

- HOUSE ON 20730 SW ROY ROGERS RD
- HOUSES ON SW GLENEAGLE DRIVE (16850, 16830, 16820)

- CREEKVIEW CROSSING APARTMENTS (21871 SW CEDAR BROOK WAY)
- HOUSES ON SW SMITH AVE (17273,17267)
- HOUSES ON SW ALEXANDER LANE (21820, 21816, 21814, 21810, 21808, 21804, 21802, 21760, 21758, 21754, 21752, 21750)
- HOUSES ON SW VINTNER LANE (21715, 21700)
- HOUSE ON 22065 SW PACIFIC HWY
- HOUSES ON SW DEWEY DR (22211, 22227, 22251, 22263, 22275, 22287, 22299)
- HOUSE ON 17548 SW PARKWAY CT)
- HOUSE ON 22211 SW PACIFIC HWY
- CONDOS ON SW FOREST CREEK DR (22802, 22804, 22806, 22808, 22810, 22831
- HOUSE ON 22770 SW ELWERT RD

All receptors will be given notice at least five days before night construction takes place. The notice will include a 24 hour phone number that can be called to reach an inspector on the project. The construction project is a moving project, thus impacts to a single receptor will be less than the twelve hour timeframe for which the variance is requested.

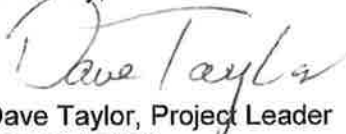
ODOT standard specifications (Attachment A) provide best practices to minimize the impacts from construction noise. ODOT will also direct the contractor to do the following:

- Use a "guide person" or "spotter" during overnight work hours in lieu of back-up alarms.
- Notify the ODOT Engineer at least 14 days in advance of any anticipated night work. This in turn allows ODOT to give the local jurisdiction and affected neighbors a 5-day notification prior to any anticipated night work that will be noise intensive. The notification will also include a phone number that will reach an on-site representative 24 hours a day for questions and complaint investigation. Complaints will be investigated and addressed within 24 hours or before the next scheduled night work.

A project website will remain current with project and schedule information.

Your consideration of this variance request is greatly appreciated. Please call me if you have any additional questions regarding this application.

Sincerely,



Dave Taylor, Project Leader
503-731-8809
david.g.taylor@odot.state.or.us

Cc: Ron Larson, ODOT Project Manager
Lili Boicourt, Community Affairs
Daniel Ohrn, Environmental Specialist

Appendix A
ODOT Standard Specifications
Standard Specifications for Noise Control

00290.32 Noise Control - Comply with ORS 467, OAR 340-035, all other applicable Laws, and the following construction noise abatement measures:

- Do not perform construction within 1,000 feet of an occupied dwelling on Sundays, legal holidays, or between the hours of 10:00 p.m. and 6:00 a.m. on other days, without the approval of the Engineer.
- Use equipment with sound control devices no less effective than those provided on the original equipment. Equipment with un-muffled exhausts is prohibited.
- Use equipment complying with pertinent equipment noise standards of the EPA.
- Do not drive piling or perform blasting operations within 3,000 feet of an occupied dwelling on Sundays, legal holidays, or between the hours of 8:00 p.m. and 8:00 a.m. on other days, without the approval of the Engineer.
- Mitigate the noise from rock crushing or screening operations performed within 3,000 feet of all occupied dwellings by placing material stockpiles between the operation and the affected dwellings, or by other means approved by the Engineer.

If a specific noise impact complaint occurs during the construction of the Project, one or more of the following noise mitigation measures may be required, at no additional cost to the Agency, as directed by the Engineer:

- Locate stationary construction equipment as far from nearby noise sensitive properties as feasible.
- Shut off idling equipment.
- Reschedule construction operations to avoid periods of noise annoyance identified in the complaint.
- Notify nearby residents whenever extremely noisy work will be occurring.
- Install temporary or portable acoustic barriers around stationary construction noise sources.
- Operate electric-powered equipment using line voltage power or solar power.