



**CITY COUNCIL Agenda Item #17-054**

**Date: February 8, 2017**

**Consent  Discussion  **Time Sensitive****   
**(outlined below)**

**SUBJECT:** 2017 Paving Project Related Waiver of Noise Ordinance for Night Time Construction.

**SUBMITTING DEPARTMENT:** Public Works

**RECOMMENDED ACTION:** Receive presentation from staff about recommended waiver of the Noise Control Ordinance, Chapter 11 – Police Regulations & Offenses, Article X – Noise Control. Open public hearing to accept comments about allowing night time construction within the downtown area which is restricted between the hours of 9:00 pm and 7:00 am and waiving Section 11-1001 “Prohibitions”, part (e) “Construction & Maintenance Sounds”. Approve as presented or set the date for a second public hearing if deemed appropriate due to public comment.

**RELATED COUNCIL GOAL/PRIOR ACTION:** G – Maintain a Steady State for Infrastructure (Implement Montpelier in Motion)

**EXPENDITURE REQUIRED:** Incidental to local share of construction costs

**SOURCE OF FUNDS:** CIP

**LEGAL REQUIREMENTS:** City Council authority to amend ordinances and waive prohibitions.

**BACKGROUND INFORMATION:** Waiver of Noise Ordinance: To permit the selected general contractor and sub-contractors to undertake the Route 12 and Business Route 2 paving and sidewalk project construction activity during the night time hours by waiving the above cited ordinance as described below. The Vermont Agency of Transportation (VTrans) has included “Noise Mitigation Considerations” as a notice to bidders in the contract special provisions (see attached). The mitigation standards include noise reduction measures by reference to a FHWA construction noise handbook with decibel level limits, and added other mitigation measures such as work sequencing, shielding, equipment idling limits, and specified the use of a “white noise” back-up alarm instead of the more common beeper.

Requested noise ordinance waiver locations and corresponding work times are as listed below. The waiver period shall be from the date the “notice to proceed” is issued by Vtrans to the date work is completed in the affected areas as determined by the resident project engineer (approximately mid-May to end of July, 2017):

- a) Main Street (Memorial Drive – northerly property line of Library): 9:00 pm – 7:00 am)
- b) Main Street (Library to and including roundabout): 9:00 pm – midnight
- c) Spring Street (roundabout to and including Elm Street intersection): 9:00 pm - midnight
- d) State Street (Main Street – 200’ westerly of Bailey Ave): 9:00 pm – 7:00 am
- e) Bailey Avenue (200’ either side of State Strtry intersection): 9:00 pm – 7:00 am
- f) Berlin Street/Memorial Drive/Main Street/ Northfield Street intersection to School Avenue on easterly side and to 100’ on other approaches: 9:00 pm – 7:00 am (note: this work may be deferred until spring 2018)

**SUPPORTING DOCUMENTS:** Map of project work time zones; notice (flyer) mailed to affected residents; excerpt from contract special provisions

**INTERESTED PARTIES:** Residents and property owners who may be impacted by construction noise, business owners in work zones, Montpelier Alive, Montpelier Business Association.

**CITY MANAGER’S APPROVAL:**



234+11.52. There will be a maximum work zone distance of 1 mile from Vt. Rte. 12 Sta. 69+00 through Sta. 234+11.52.

7:00 AM - 5:00 PM Work Zone - All of Taylor St. beginning at Sta. T0+00 and ending at T4+00.

18. NOTICE TO BIDDERS - REQUIREMENTS FOR NIGHTTIME WORK. Night work shall be performed in accordance with the National Cooperative Highway Research Program (NCHRP) Report 476 - "Guidelines for Design and Operation of Nighttime Traffic Control for Highway Maintenance and Construction". A copy of this guideline specification may be downloaded from the following website: [http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp\\_rpt\\_476.pdf](http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_476.pdf).

Prior to beginning night work, the Contractor shall design a lighting system and present it to the Engineer for approval. The Contractor shall not perform any night work or activities within the project limits until the lighting system has been fully approved and is in place on the project.

The designed lighting system shall be mobile, shall be mounted separately from other construction equipment, shall illuminate the entire work area to daylight intensity with minimal glare, and shall be a surrounding design that minimizes shadows in the work area as much as possible.

The locations at which Flaggers and/or Uniformed Traffic Officers are stationed, whether within, on the edge of, or outside of the work area, shall be separately illuminated to the same intensity, minimal glare, and minimal shadow requirements as the work area.

All costs associated with the lighting system will be considered incidental to Contract item 641.10 Traffic Control.

19. NOTICE TO BIDDERS - NIGHTTIME WORK RESTRICTIONS. The Contractor is hereby notified that ~~not~~<sup>limited</sup> work shall be performed between the hours of 11:00 PM and 7:00 AM on State St. (US Business Rte. 2) beginning at Sta. 15+00 and ending at 19+00. *Re: Capital Plaza*

20. NOTICE TO BIDDERS - NOISE MITIGATIONS CONSIDERATIONS. The Contractor should take measures to control the noise caused by its construction operations, including but not limited to noise generated by equipment used for drilling, concrete cutting, pneumatic tools, generating power for light, compaction, vibration, demolition, excavation, and hauling. Recommended measures for mitigation are outlined as follows:

Recommended Mitigation Measures:

Noise reduction mitigation measures as outlined in the FHWA Construction Noise Handbook ([http://www.fhwa.dot.gov/environment/noise/construction\\_noise/handbook/handbook07.cfm](http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook07.cfm)) shall be utilized by the Contractor and include the following:

- (a) Sequencing for concurrent operations of noisy activities, when possible.
- (b) Shield or insulate stationary equipment such as air compressors and light towers.
- (c) Properly maintain equipment with attention to lubrication, air intake, exhaust, and other aspects that impact noise.
- (d) Employ systems to prevent slamming tailgates on dump trucks.

(e) Minimize idling of equipment.

Required Mitigation Measures:

(a) Utilize broadband sound (ie "white-noise, whooshing sound") type of backup alarms or adjustable backup alarms that can be adjusted down for the ambient noise level.

21. NOTICE TO BIDDERS - NOISE LEVELS.

Overview of Noise Measurement: The decibel (dB) is the universal unit of sound measurement and is measured with ammeter that registers sound pressure and displays these readings on a sound level scale. Decibels are a logarithmic unit, which means that a noise measuring 30 decibels is actually 10 times louder than a noise registering at 20 decibels. Because in certain areas and at certain times of the day, the existing ambient noise level can be significant, the goals for limiting construction noise are relative to the existing ambient conditions.

22. NOTICE TO BIDDERS. All retroreflective sheeting on permanent signs (signs to remain after the project is completed) shall be at a minimum ASTM D 4956 Type III sheeting, unless otherwise shown on the Plans.

23. NOTICE TO BIDDERS - CONCURRENT CONSTRUCTION. The Contractor is made aware of the following VTrans construction project expected to be in progress within the area of this project during its construction.

Project	Contractor	Anticipated Contract Completion Date
Montpelier BO 1446(36) Cummings Rd. Bridge	TBD	TBD
Montpelier STP MMT(3) Multi-Modal Transit Center/bike path and pedestrian facility	TBD	TBD
Sewer project on Northfield St. beginning in Berlin at trailer park and running north along east side of Vt. Rte. 12 to Freedom Drive	E. Packard Construction	TBD

The Contractor shall coordinate construction schedules and traffic control with the work required for these projects.

There will be no extra compensation paid to the Contractor for any inconvenience caused by working around these or other projects.

24. ENVIRONMENTAL. This project shall be subject to Avoidance and Minimization Measures to protect the habitat and hibernacula of the northern long-eared bat. Measures applicable to this project include, Time-of-Year (TOY) restrictions for any potential impacts to suitable bat habitat, which include, but are not limited to trees greater than or equal to 3" and/or habitat features on bridge structures.

This project's design does not identify any tree cutting activities within the project limits as part of the work and therefore neither a



**MONTPELIER CITY COUNCIL  
TO DISCUSS  
2017 Construction  
FEBRUARY 8, 2017 @ 6:30 PM**

***All members of the Montpelier community  
are invited to the upcoming CITY COUNCIL MEETING  
to hear discussion and latest updates  
regarding the 2017 construction projects.***

**WHERE:** City Council Chambers and Memorial Room  
City Hall (39 Main Street)

**WHAT:** Discussion will include updates on:

- \* Final project plans.
- \* Timing of construction (day work vs night work).
- \* Detours planned to accommodate construction.
- \* Communications plan.
- \* Weekend Work

Impacted areas will include:

- Northfield Street (February 15<sup>th</sup> public meeting).
- Main Street and State Street.
- Route 12 from Spring Street out Elm Street to the City line.
- Taylor Street.
- Memorial Drive.

*City Council Action Items: Parking related ordinances,  
night construction, communication plan.*

**LANDLORDS, please inform your tenants about this upcoming meeting!**

Questions?

Contact Public Works Director, Tom McArdle at [tmcardle@montpelier-vt.org](mailto:tmcardle@montpelier-vt.org)  
or Assistant City Manager, Jessie Baker at [jbaker@montpelier-vt.org](mailto:jbaker@montpelier-vt.org).

# Work Zone Identification Map

**Legend**

- Downtown Resident Points
- Construction Times**
  - 7:00AM - 9:00 PM
  - 5:00PM - Midnight
  - 7:00PM - 7:00AM
  - 11:00PM Noise Restriction
- Road
- Parcels

0 500 1,000 2,000 Feet

