



City of Seattle

Edward B. Murray, Mayor

Department of Construction and Inspections

Nathan Torgelson, Director

April 26, 2017

Via email and USPS

Julie Meredith

MeredJL@wsdot.wa.gov

WSDOT - SR-520 Program Director

999 3rd Avenue, Suite 2200

Seattle, WA 98104

RE: SR 520 Montlake Phase MPPCNV Application No. 3027364

Dear Ms. Meredith:

The Seattle Department of Construction and Inspections (SDCI) has finished our first review of WSDOT's MPPCNV (variance) application for Montlake Phase of the SR-520 I-5 to Medina Bridge Replacement and HOV Project ("the Project") and finds the application to be unacceptable and incomplete in its current form.

The first over-arching issue is the application does not substantively address how complying with applicable noise standards would "render the project economically or functionally unreasonable due to factors such as the financial cost of compliance or the impact of complying for the duration of the construction or reconstruction of the major public project." See SMC 25.08.655.A.2. It is inadequate, without analytic support, to state that "limiting construction to daytime hours would be unreasonable in light of public or worker safety and would render the Montlake Phase economically and functionally unreasonable."

The application must fully analyze and explain how public or worker safety would be impaired and transportation impacted by limiting work to daytime hours. Likewise, the application must fully analyze and explain how complying with applicable noise standards renders the project economically and functionally unreasonable. The application must also identify what additional costs would be incurred with each phase of the Project if the Project complied with the noise standards. Further, there is no analysis or explanation of why applying the noise standards would make the project functionally unreasonable.

The second over-arching issue is the initial application does not identify specific noise impact mitigation. Although this is a design/build project, SDCI must, in part, decide on this variance request based on the adequacy of specific mitigation measures to address noise impacts. This is consistent with MPPCNV applications SDCI has previously made decisions on.



City of Seattle, Department of Construction and Inspections

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More specifically:

- Zoning designations must be properly noted. A better zoning map for reference would be helpful. (p. 3) (page numbers refer to application pages)
- Designate if the activities are proposed to take place at nighttime, daytime, or both.
- Language stating "equipment used are likely to be similar" is insufficient. WSDOT must define the equipment to be used by the designer/builder for expected highway construction activities. (p.5)
- Impact noise must be modeled if the variance is requesting to allow impact noise past 5:00 p.m. (p. 9)
- The hourly LEQ and Lmax must be measured between 12:00 a.m. and 5:00 a.m. for each hour. Since this is the basis of the request for 6 dBA increase over ambient conditions, the actual date, and hourly measurement levels must be shown in a table. It must be noted whether WABN construction activities were running during each of the periods referenced in the ambient noise studies. (p. 11)
- The L1s for the data collected must be shown because the variance application states it is more reliable than Lmaxs. (p. 11)
- There must be a NMMP in the variance application. Although WSDOT does not have a designer/builder, there must be more detail as to how noise will be controlled at night, and any restrictions or limitations on noise, or specific construction activities, which WSDOT might propose to avoid, reduce, or mitigate construction-related noise impacts. More specific evening and overnight mitigation methods for specific activities and equipment must be provided. (p. 13)
- It is not clear where to find the construction activities and schedule referenced on page 13, first sentence, second paragraph. Clarification must be provided. (p. 13)
- This equipment list must show if the equipment will be used for daytime, evening, or overnight work. (p. 17)
- If impact equipment noise is requested past 5:00 p. m., the noise levels must be modeled with all equipment used during that time. Impact limit requirements of SMC 25.08.425.C shall apply unless clear justification based on modeling is provided. (p. 23)
- The listed "minimum mitigation measures" must be more fully developed. For example, lined-haul-truck beds, no compression brake use, no equipment left to idle for longer than 5 minutes, and shields or barriers for light plants or generators. It cannot be left for the designer/builder to decide whether specific mitigation measures will be implemented. (p. 27)
- Auger shaking is impact noise and can only take place during 8 a.m. to 5 p.m. weekdays, and from 9 a.m. to 5 p.m. weekends and within the limits of SMC 25.08.425.C. If a variance for auger shaking is being requested, the variance application should reflect this and specific noise impact mitigation identified. (p. 27)
- Most if not all "additional noise-control measures" must be added to "minimum noise-control measures." (p. 27)
- Noise monitoring must be online and accessible in real-time by SDCI. The variance application must reflect this. (p. 30)
- Since there were seven locations identified as representing nighttime noise-sensitive receivers, will there be seven monitors? Will the current WABN monitoring station be left in place? Information related to these questions must be included in the variance application. (p. 30)
- Use of construction staging and laydown areas by WSDOT or its contractors during evening and overnight hours must be identified in the variance application and modeled, even if the use is contingent.
- Consider adding an Appendix tabulating or plotting the measured hourly sound levels. (p. 11)
- The methodology by which the hourly L1 sound levels from construction activities were calculated must be specified. (p. 18, 20, 22, and 24)
- Verify the reported calculated hourly L1. The mitigated and unmitigated results may have been reversed at Sites 2 and 5. (p. 22)

- WSDOT requests impact work be allowed between 5 p.m. and 10 p.m., almost certainly exceeding the noise limits of SMC 25.08.410. These activities must be added to the scope of the variance application and modeling provided. (p. 9)
- Proposed noise limits for evening use of impact equipment must be identified. For example, WSDOT may propose noise limits equal to the limits of SMC 25.08.425.C, which normally apply only until 5 p.m. (p. 11)
- Calculations of sound levels from evening use of impact equipment, demonstrating that they meet the proposed variance evening noise limits must be provided. Otherwise, noise mitigation measures for these activities must be provided. (p. 18, 20, 22, and 24)
- The exhibits show resulting sound levels with the addition of temporary noise barriers. The model assumptions regarding heights, locations, extent in plan, surface mass, thickness, and sound-absorptive characteristics of the barriers must be provided. (p. 18, 20, and 22)
- The specifics of temporary barriers as minimum mitigation measures, with the option for the designer/builder to advance alternative mitigation methods providing equivalent sound attenuation must be listed. (p. 27)
- A detailed plan for monitoring performance, and enforcement of WSDOT/contractor compliance with the noise limits of the noise code and potential variance conditions must be provided. This topic was forwarded to WSDOT in the April 14, 2017 (11:09 a.m.) email from Dave Cordaro to Julie Meredith, Dave Becher, and Denise Cieri.
- Public comments received identified World Health Organization standards on the harmful health effects of sustained sound levels above 55 dB. Scientific-literature-based substantiation that the project will not have adverse health impacts, as proposed in the variance application, must be provided.
- Public comments have consistently referred to the proposed construction activity as generating 80 dBA 24 hours a day, 7 days a week for 7 years. A schedule must be provided that clarifies the most likely durations of high dBA levels and includes approximate timeframes, construction activities, and the equipment likely to be used.

WSDOT's application review started on April 6, 2017, the public comment meeting date. As provided for in Director's Rule 3-2009, Section F.1.C, the Administrator will issue a decision within 60 days of the public meeting. This timeframe may be extended for the period of days when an applicant is responding to a request from the Administrator, and any period of days requested by an applicant to supplement or revise an application.

By this letter, the 60-day period is extended 7 days for WSDOT to respond to the above comments. WSDOT may, at its discretion, request additional time to be added to this 67-day period.

As WSDOT prepares responses to these comments please contact SDCI Noise Abatement if there are questions. Finally, please let SDCI know how and in what timeframe WSDOT intends to proceed in response to this letter.

The SDCI Noise Abatement Team can be contacted through James Dasher, Noise Control Program Specialist, at 206-615-1190 or james.dasher@seattle.gov.

Sincerely,



Nathan Torgelson
Director

cc: Dave Cordaro, Construction Inspections Manager, SDCI
Kevin Shively, Sr. Policy Advisor, Mayor's Office