

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 4, 2013**

Item 20, Report No. 23, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 4, 2013.

**20 REQUEST FROM ONTARIO MINISTRY OF TRANSPORTATION FOR NOISE EXEMPTION  
HWY 400 ROAD MAINTENANCE**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Legal & Administrative Services and City Solicitor and the Acting Director of Enforcement Services, dated May 21, 2013:

**Recommendation**

The Commissioner of Legal & Administrative Services and City Solicitor and the Acting Director of Enforcement Services recommends that the Ontario Ministry of Transportation ("MTO") be granted an exemption to the Noise By-law 96-2006 for resurfacing of a portion of Highway 400 in Vaughan.

**Contribution to Sustainability**

Not applicable

**Economic Impact**

Not applicable

**Communications Plan**

The MTO has been instructed by the City to notify area residents and businesses in Vaughan of the proposed work schedule in advance of the commencement of the work and have provided a draft of such notice as part of their Application (Attachment No. 1).

**Purpose**

This report is to request Council approval of a request from MTO for a long term noise exemption to By-law 96-2006. As the delegated authority under the By-law is only for eleven days, this Application requires Council authorization for exemption from the By-law.

**Background - Analysis and Options**

The City of Vaughan Noise By-law 96-2006 delegates authority to grant noise exemptions for construction purposes up to eleven days to the Department Head of Enforcement Services.

The MTO has written to the City of Vaughan Enforcement Services Department requesting an exemption to the Noise By-law for the purposes of resurfacing Highway 400 Northbound in Maple (See Key Plan Map – Attachment No. 2), from approximately 0.6km south of Major Mackenzie Drive to approximately 1.0km north of King Road. This exemption would only be for that stretch of Highway 400 within the City of Vaughan's boundaries. Evening work is required to reduce the impact to travelers at peak periods that use that stretch of Highway 400. The contract to conduct this work will extend from July 8, 2013 through to September 30, 2013.

The scope of the work is to resurface, mill 90mm and pave 90mm on the mainline, mill 40mm and pave 40mm on the shoulders of Highway 400. In addition, repaving ramp loops and reinstating rumble strips will take place which will result in night lane and ramp closures.

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##### **Noise Mitigation**

Primary sources of noise during construction will include:

- Tandem trucks to haul material, including truck back-up horns;
- Generators, for night time lighting;
- Milling machine and sweepers;
- Asphalt paving machines;
- Rubber tire and steel drum rollers;
- Machines to construct the rumble strips; and
- Line paint truck.

The contractor(s) engaged by MTO will be required to minimize idling of construction vehicles and to maintain equipment in good working order (including muffling devices) to minimize noise impacts. MTO also advises that Ministry of Transportation and Ministry of the Environment construction noise protocols require that MTO monitor and investigate any complaints regarding construction noise. Violations of the noise protocols are enforced by MTO notifying the contractor to cease and propose a plan that mitigates noise and the impacts on the public. Non-compliance with these requests can result in conditions being imposed by MTO on the violators and/or penalties. In addition to the requirement to meet the Ministry of Transportation and Environment noise protocols, the MTO has agreed to notify the City of Vaughan's Enforcement Services Department of any such complaints.

The MTO Environmental Guide for Noise also provides for the following:

##### ***"10. CONSTRUCTION***

*The noise mitigation measures for construction activities are specified in design and included in the contract documents. During construction, these measures and a process to manage noise complaints are implemented and enforced.*

##### ***10.1 Construction Noise Complaint Process***

*Despite compliance with any noise control measures identified in the contract documents, a persistent complaint must require a field investigation to determine noise level emissions. If noise level emissions for the construction equipment in use exceed the sound level criteria for construction equipment contained in the MOE Model Municipal Noise Control Bylaw, MTO requires the contractor to comply with the sound level criteria where quieter alternative equipment is reasonably available."*

##### **Relationship to Vaughan Vision 2020/Strategic Plan**

This report is in keeping with the priorities previously established by Council.

##### **Regional Implications**

The work proposed to be carried out by MTO borders King Township and is in the Region of York. MTO has been advised to contact/notify both York Region and King Township as there may be noise exemption requirements under their jurisdiction as well.

##### **Conclusion**

This request for a noise exemption under By-law 96-2006 exceeds the delegated authority of the Director of Enforcement Services. Therefore, Council authorization for the exemption to the By-law is required to permit MTO to proceed as planned.

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**Attachments**

Attachment 1: Draft Letter to area Residents/Businesses

Attachment 2: Key Plan (map of construction area)

**Report prepared by:**

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Janice Heron, Office Coordinator

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)