

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 20, 2015

Item 28, Report No. 35, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 20, 2015.

**28 NOISE EXEMPTION REQUEST – D.M. WILLIS ASSOCIATES LIMITED
HIGHWAY 400 PAVEMENT REHABILITATION
WARDS 3 & 4**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Interim Commissioner of Legal & Administrative Services/City Solicitor and the Director of By-law & Compliance, dated October 7, 2015:

Recommendation

The Interim Commissioner of Legal & Administrative Services/City Solicitor and the Director of By-law & Compliance recommend:

- 1) That the D.M. Willis Associates Limited, on behalf of the Ministry of Transportation be granted a noise exemption, in accordance with the City's Noise By-law #96-2006, for the purposes of pavement rehabilitation on Highway 400 between Steeles Avenue and just north of Highway 7 for the period of January 2, 2016 through January 31, 2017.
- 2) That this request for noise exemption be granted with the following conditions:
 - a) That notice of the impending work be provided to surrounding residents and business owners within a minimum 60 metre radius;
 - b) That public notification of the proposed work be placed in Vaughan local newspapers;
 - c) That the notice to residents and business owners include contact information for D.M. Willis Associates Limited and/or contractors conducting the work;
 - d) That no construction take place on Sundays or statutory holidays; and
 - e) That noise mitigation measures be implemented by ensuring that:
 - unnecessary noise related to equipment be minimized where possible;
 - there be no unnecessary idling of vehicles; and

Contribution to Sustainability

The initiatives outlined in the request for Noise Exemption for the purposes of pavement rehabilitation on Highway 400 contribute to the City's Community Sustainability Plan by supporting transportation infrastructure.

Economic Impact

Adoption of this Report has no adverse economic impact.

Communications Plan

The Applicant has published a Notice of Detail Design Commencement Notification in the North York Mirror on May 28, 2015 and L'Express newspaper in French on May 26, 2015 and additionally to surrounding businesses and potentially affected local services in letter form (Attachment 1).

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 20, 2015

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The Applicant has been instructed by the City to provide further public notification of the proposed work in Vaughan local newspapers and again in letter form to surrounding businesses/residents within Vaughan and to those local services that may be affected by the construction activities of this project.

Purpose

The purpose of this Report is to seek Council's approval in support of an Application for Exemption to the City's Noise By-law #96-2006 from D.M. Wills Associates Limited (the Applicant), on behalf of The Ministry of Transportation, in support of the necessary road works proposed to take place from January 2, 2016 through January 31, 2017. As this request exceeds staff's delegated authority of a maximum of 11 calendar days, authorization for this exemption requires the approval of City Council.

Background - Analysis and Options

The City of Vaughan Noise By-law #96-2006 prohibits noise created from the use of "construction equipment" as defined, between the hours of 7:00pm of one day to 7:00am the following day and on Sundays or statutory holidays.

Any noise created by construction activity during these prescribed hours requires an exemption to the provisions of the By-law. Exemption requests for construction noise are governed by the provisions of Section 19, Exemption – Construction.

The Applicant submitted a written request to the City of Vaughan By-law & Compliance Department requesting an exemption to the Noise By-law for the purposes of pavement rehabilitation on Highway 400.

The specific location and activities of the construction include:

- Pavement rehabilitation on Highway 400 northbound from Steeles Avenue West to Regional Road 7;
- Pavement rehabilitation on Highway 400 southbound from north of Steeles Avenue West south of Vaughan's border;
- Pavement rehabilitation on miscellaneous ramps and portions of Steeles Avenue West within the Ministry's right-of-way;
- Traffic signal improvements;
- Replacement of affected vehicle detection and counting loops.

The construction activities will include, but are not limited to, the use of the following equipment:

- Tandem and triaxle trucks;
- Asphalt pavers;
- Milling machines;
- Rubber tire rollers;
- Steel rollers;
- Excavators; and
- Other heavy equipment as required

As described within the Application documents, construction activity is required during prohibited evening hours to minimize traffic disruption and public inconvenience.

The Applicant will ensure that standard noise mitigation measures will be specified in the tender contract package, such as: the contractor will be required to keep idling of construction equipment to a minimum and maintain equipment in good working condition in order to reduce noise from construction activities.

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A written Notification of Road Construction will be provided to surrounding area residents and businesses within a minimum 60 metre radius prior to the commencement of construction in addition to being printed in Vaughan local newspapers.

Relationship to Vaughan Vision 2020/Strategic Plan

This Report is in keeping with the priorities previously established by Council to plan and manage growth and economic viability.

Regional Implications

The work proposed to be carried out is required as necessary municipal work, and will be carried on as part of a tendered contract overseen by D.M. Wills Associates Limited, The Ministry of Transportation's consultant.

Conclusion

This request for a noise exemption pursuant to the City of Vaughan Noise By-law #96-2006 exceeds the delegated authority of the Director of By-law & Compliance. Therefore, Council authorization for the exemption to the By-law is required to permit the Applicant to proceed with the required work as planned.

Staff believes that the road rehabilitation project is necessary municipal work and the request received for a noise exemption should be endorsed by Council pursuant to the recommendations set out in this Report.

Attachments

Attachment 1: Previous Notice of Detail Design Commencement

Attachment 2: Construction Area Map

Report prepared by:

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.)

COMMITTEE OF THE WHOLE – OCTOBER 7, 2015

NOISE EXEMPTION REQUEST – D.M. WILLIS ASSOCIATES LIMITED HIGHWAY 400 PAVEMENT REHABILITATION WARDS 3 & 4

Recommendation

The Interim Commissioner of Legal & Administrative Services/City Solicitor and the Director of By-law & Compliance recommend:

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Contribution to Sustainability

The initiatives outlined in the request for Noise Exemption for the purposes of pavement rehabilitation on Highway 400 contribute to the City's Community Sustainability Plan by supporting transportation infrastructure.

Economic Impact

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Communications Plan

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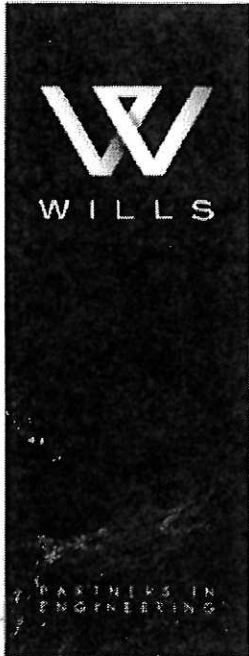
Report prepared by:

Janice Heron, Office Coordinator

Respectfully submitted,

Heather Wilson
Interim Commissioner of Legal & Administrative Services/
City Solicitor

Gus Michaels
Director, By-law & Compliance



May 20, 2015

«Position»
«Organization»
«Street»
«City», «Province» «Postal_Code»

Attention: «Title» «First_Name» «Last_Name»

Dear «Title» «Last_Name»,

**Re: Detailed Design and Preparation of Two (2) Contract Packages for
Pavement Rehabilitation for Highway 400, Central Region
G.W.P. 2038-13-00 and 2050-14-00
D.M. Wills Project No. 14-4526**

D.M. Wills Associates Limited (Wills) has been retained by the Ministry of Transportation (Ministry / MTO) to undertake the detailed design and preparation of two (2) contract packages for pavement rehabilitation on Highway 400 between Highway 401 and north of Regional Road 7 (see attached key map). Wills is also undertaking the environmental planning and natural sciences assessments including fisheries, wildlife, vegetation and Species at Risk.

Specifically, the project involves the following activities, which will require night work and lane closures:

Contract Package 1:

- Pavement rehabilitation on Highway 400 Northbound from 1.5 km north of Highway 401 to Regional Road 7.
- Pavement rehabilitation on Highway 400 Southbound from north of Steeles Avenue West to Finch Avenue West E-S ramp bullnose.
- Pavement rehabilitation on miscellaneous ramps and portions of Finch Avenue West and Steeles Avenue West within the Ministry's right-of-way.
- Traffic signal improvements.
- Replacement of affected vehicle detection and counting loops.



«Title» «First_Name» «Last_Name»

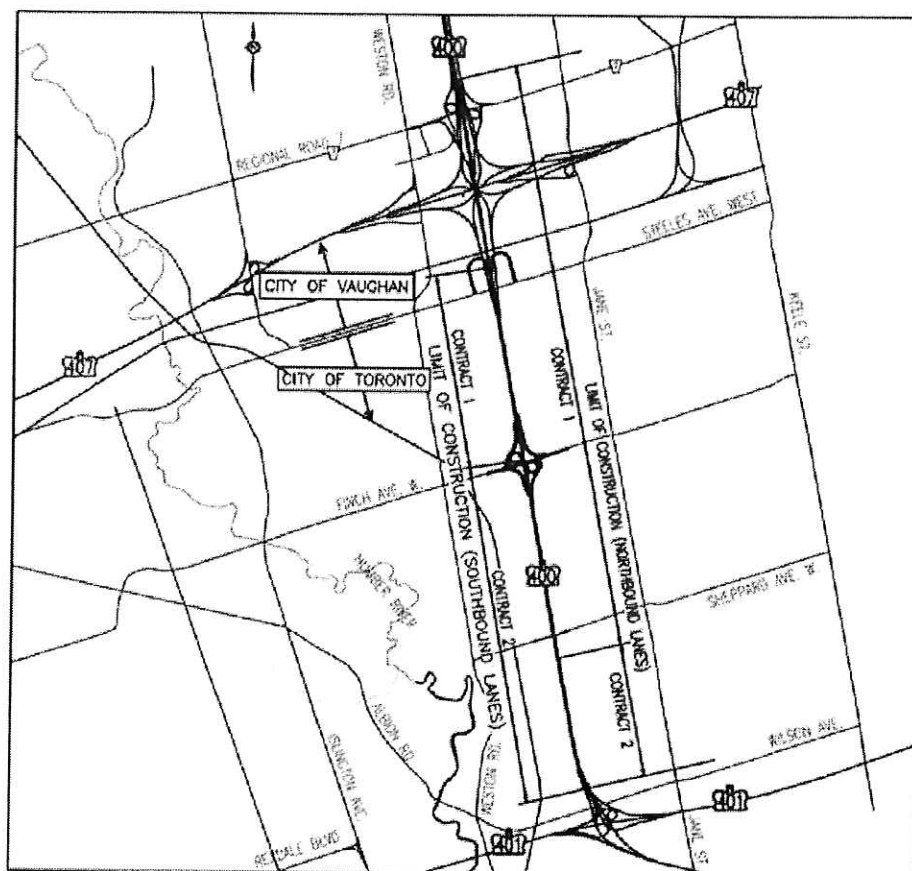
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Contract Package 2:

- Pavement rehabilitation on Highway 400 Northbound from Highway 401 to 1.5 km north, including concrete base repairs.
- Pavement rehabilitation on Highway 400 Southbound from Highway 401 to 1.5 km north, including concrete base repairs.
- Pavement rehabilitation on Highway 400 Southbound from Finch Ave. West E-S ramp bullnose to Highway 400 / 401.
- Pavement rehabilitation on miscellaneous ramps.
- Replacement of affected vehicle detection and counting loops.

— This detailed design project is following the approved planning process for a Group 'C' project under the *Class Environmental Assessment for Provincial Transportation Facilities* (2000). Through this process, an Environmental Screening Document will be prepared for each contract. Activities that will be undertaken include documenting the existing conditions of the study areas, determining the potential impacts / changes, designing and evaluating alternatives where applicable, and recommending appropriate mitigation.



Key Map

To obtain additional information or provide comments, please contact a member of the Project Team:

Mr. Michael Lang, P.Eng.
 Project Manager
 D.M. Wills Associates Ltd.
 150 Jameson Dr.
 Peterborough, ON K9J 0B9
 Telephone: (705) 742-2297 x 241
 Fax: (705) 741-3568
 E-mail: mlang@dmwills.com

or Ms. Sabina Mérey, P.Eng.
 Project Manager
 Ministry of Transportation
 Building D, 4th Floor
 1201 Wilson Ave.
 Downsview, ON M3M 1J8
 Telephone: (416) 235-4876
 Fax: (416) 235-3576
 Email: sabina.merey@ontario.ca



«Title» «First_Name» «Last_Name»

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Throughout this process, there are opportunities for interested persons to provide comments and information regarding the study to the Project Team. This information is being collected to obtain information and identify concerns in accordance with the *Environmental Assessment Act*. The collection of comments and information will be conducted in accordance with the *Freedom of Information and Protection of Privacy Act*. Comments will be maintained on file for use during the Study and may be included in the Study documentation. With the exception of personal information, all comments will become part of the public record.

The purpose of this letter is to notify your office of the project start-up. The enclosed Notice of Detail Design Commencement will appear in the North York Mirror on May 28, 2015. The notice will also appear in the *L'Express* newspaper in French on May 26, 2015. We encourage you to contact the Ministry of Transportation or D.M. Wills Associates Ltd. Project Team at any time if you have questions or concerns about this project.

Thank you in advance for your assistance and cooperation.

Sincerely,

A handwritten signature in cursive script that reads 'Kelly Murphy'.

Kelly Murphy, P.Eng., EP., P.Ag.
Manager, Environmental Engineering

SJT/srm

cc. Sabina Mérey, MTO Project Manager
Katrina Lalor, MTO Environmental Planner
Michael Lang, D.M. Wills Associates Ltd.

ATTACHMENT No. 2

