

November 17, 2015

**CORPORATE SERVICES REPORT –
LEGISLATIVE SERVICES 2015-25**

TO: Committee of the Whole

SUBJECT: *VivaNext Bus Rapid Transit Y3.2 Yonge Street (Noise By-law Exemption)*

ORIGIN: Director, Legislative Services/Town Clerk & Supervisor, By-law Enforcement

RECOMMENDATIONS

THAT Corporate Services Report – Legislative Services 2015-25 dated November 17, 2015 regarding vivaNext Bus Rapid Transit Y3.2 Yonge Street Project Request for Exemption from the Noise By-law be received and the following recommendations be adopted:

- 1. THAT the request from RapidLINK for a noise exemption to perform necessary works for the vivaNext Bus Rapid Transit Y3.2 project between the hours of 9:00 pm to 7:00 am from December 7, 2015 until December 31, 2016, be approved; excluding the following:**

Year 2015	Year 2016
December 25, 2015 (Christmas Day)	January 1, 2016(New Year's Day)
December 26, 2015 (Boxing Day)	December 25, 2016 (Christmas Day)
	December 26, 2016 (Boxing Day)

- 2. AND THAT this approval is subject to ongoing staff supervision and community impact assessment and revocation if community impact is deemed excessive by staff or Council.**

COMMENTS

This report is to seek Council's approval of request for an exemption from the Noise By-law (By-law 2004-94) from RapidLINK in regarding to the vivaNext Bus Rapid Transit Y3.2 project located approximately 200m south of Sawmill Valley Drive to 200m north of Davis Drive along the Yonge Street corridor. Appendix A includes a letter of request from Habib Gailan, Senior Quality Control Administrator, RapidLINK. The request relates to various works to be performed for the vivaNext Bus Rapid Transit Y3.2 project. The work is to take place from December 7, 2015 to December 31, 2016.

Attachment "A" outlines details to the request.

The Region's request is to undertake the work at non-peak hours being (9 p.m. through 7 a.m.) when the traffic is less congested so as to minimize disruption to businesses and residents

The Noise By-law restricts the operation of construction equipment or the conduct of any alteration or repair of any building between the 8 p.m. and 7 a.m. Monday through Friday and 8 p.m. to 9 p.m. on Saturdays, Sundays and holidays.

The York Region Rapid transit Corporation's Liaison Specialists will coordinate advanced communication and notification with the public.

Similar noise exemption requests have been granted by Council since January 2013.

Given the context for the process required to be undertaken, staff recommends approval of the exemption request to the Noise By-law during the hours requested.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report relates to the "Well Equipped and Managed" link of the Town's community vision implementing policy and processes that reflect sound, accountable governance.

HUMAN RESOURCE CONSIDERATION


There are no human resources considerations related to this report.

BUDGET IMPACT (CURRENT AND FUTURE)


There are no budget impacts related to this report.

CONTACT

For more information on this report, please contact Lesley Long, Supervisor of Bylaws at llong@newmarket.ca or at 905 953-5300, ext. 2222



Lesley Long, Supervisor of Bylaw Enforcement



Andrew Brouwer, Director, Legislative Services /Town Clerk



Anita Moore, Commissioner of Corporate Services

October 27, 2015

To Ms. Lesley Long - Supervisor, Bylaw Enforcement Legislative Services at Town of Newmarket

From **Habib Gailan, P.Eng.**
EMAIL habib.gailan@ca.crh.com

Subject: REQUEST FOR EXEMPTION FROM THE TOWN OF NEWMARKET'S NOISE BYLAW (2004-94)
VIVA NEXT BUS RAPID TRANSIT Y3.2 - YONGE STREET FROM SAWMILL VALLEY DRIVE TO DAVIS DRIVE

This request is submitted on behalf of the RapidLINK design-build team retained by York Region Rapid Transit Commission (YRRTC) to construct the Yonge Street VIVA Next BRT project. To complete work in the Y3.2 segment, RapidLINK's civil work will take place from approximately 200m south of Sawmill Valley Drive northerly to 200m north of Davis Drive within the Town of Newmarket. We propose to carry out several civil activities work during the evening/night and to do so, RapidLINK will require an exemption from the Town's Noise by-law.

Civil work activities in the evening/night will:

- Avoid conflicts with the construction currently on-going on Davis Drive;
- Minimize traffic congestion at the Yonge Street and Davis Drive intersection;
- Be less disruptive to the local businesses along Yonge Street;
- Reduce interaction with the public (questions from passer byers) and disruption to pedestrian traffic; and
- Reduce user delays; and
- Result in fewer complaints from the public and businesses along this section of Yonge Street.

It is understood the Town requires project specific information to prepare a Request for Exemption from the Town's noise by-law, which will be subsequently presented to the Town of Newmarket Council for approval.

The work carried out by RapidLINK will include routine civil work activities along the roadway and boulevards of Yonge Street within the limits referenced above. The civil work activities will include the following:

- Mainline Paving
- Reinstatement of driveways
- Concrete curb installation
- Watermain shutdowns and maintenance
- Storm and Sanitary sewer works
- Hydrovac and utility installations
- Drilling and caisson installation
- Private Property works
- Transformer relocations
- Excavation and trucking of materials
- Traffic closures
- Sidewalk closures

The requested exemption is a time-sensitive issue as we anticipate our civil work activities will commence immediately and will be completed by December 2016. During this period, we are requesting exemption of the Noise By-Law between the hours of 19:00 and 07:00.

Please note that all public notification/communication to be carried out through Community Liaison at York Region Rapid Transit Commission "YRRTC".

We trust this provides the Town with the required information to process the Request for Exemption. If you have any questions or concerns, please feel free to contact our office.

Sincerely,



Habib Gallan, P.Eng.
Sr. Quality Control Administrator
York RapidLINK Constructors

Cc:

Jeff Fellman, Project Manager, York RapidLINK Constructors

Linda Gregatto, Deputy Project Manager, York RapidLINK Constructors