



# Request for Decision City Council



Type of Decision									
Meeting Date	October 11, 2006				Report Date	October 5, 2006			
Decision Requested	X	Yes		No	Priority	X	High		Low
	Direction Only				Type of Meeting	X	Open		Closed


Report Title
<b>Noise By-law Exemption - Pioneer Construction, Contract 2006-16 Kingsway Four Laning</b>

Budget Impact / Policy Implication	Recommendation
<div> <div>This report has been reviewed by the Finance Division and the funding source has been identified.</div> <div> <p><b><u>Policy Implication:</u></b></p> <p>Pioneer Construction has requested an exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law).</p> <p><b><u>Budget Impact:</u></b></p> <p>There is no financial impact associated with this Request for Decision.</p> </div> </div>	<p>THAT Staff supports Pioneer's request for an exemption to the Noise By-law to permit a 24/7 operation as described in this and the earlier report, all in accordance with the report from the General Manager of Infrastructure and Emergency Services dated October 5, 2006.</p>
<div>X</div> <div>Background Attached</div>	<div></div> <div>Recommendation Continued</div>

Recommended by the Department	Recommended by the C.A.O.
 Alan Stephen General Manager, Infrastructure & Emergency Services	 Mark Mieto Chief Administrative Officer

Date: October 5, 2006

---

Report Prepared By	Division Review
 R. G. (Greg) Clausen, P. Eng. City Engineer	

## BACKGROUND

At the September 27, 2006 Council meeting, Council deferred this request and asked the City Engineer to obtain additional information from Pioneer Construction. A copy of the initial report is attached as **Appendix I**.

Staff met with Mr. Ken Edwards, Vice-President, Operations, of Pioneer Construction and obtained the following additional information.

The current road contract requires that the five lane section of the Kingsway project between Falconbridge Road and Levesque Street be completed by September 30, 2007.

The contractor is advising that if he receives permission to work 24/7, this section of roadway will be completed by July 15, 2007. This would complete this section of roadway construction approximately 10 weeks earlier and would significantly reduce the impact on tourist traffic through this corridor. There would be similar benefit to all local residents by having this phase of the project completed earlier.

The Contractor proposes to shut down all construction work between December 22, 2006 and January 8, 2007. Therefore, there will be no disruption to local traffic during the Christmas period.

The contractor proposes to carry out night time road building operations including excavation and hauling of either excavated or blasted materials, building of road bases including culvert installations and base lift of roadway asphalt.

All blasting activities and final paving will be done during daylight working hours for safety and quality control reasons.

As part of this project, the Contractor will be recycling the existing roadway asphalt and granular sub-base materials. These materials will be removed from the work site and hauled to their industrial mall project located at the southwest corner of the Kingsway and the Provincial SE By-Pass intersection. The excavated materials will be crushed and processed on the mall site on a 24/7 basis then returned to the road project site as road sub-base fill materials.

... 3

**Date: October 5, 2006**

---

Pioneer is also proposing to provide granular materials on this project from rock crushed from their industrial mill project. They are also requesting permission from the City to operate this rock crusher 24/7 only while providing materials for this road project. They have applied to the Ministry of Natural Resources for a quarries exemption permit for this phase of the project.

Because of noise concerns raised by abutting residents, Pioneer has agreed to install and regularly monitor additional noise monitoring equipment adjacent to all residential areas. If any elevated noise recordings are obtained above acceptable standards from the crushing operations, the operation will be immediately shut down until remedial action can be implemented.

### **RECOMMENDATION**

The advantages to the community, including local tourism activities, in having this phase of the project completed by July 15, 2007 instead of September 30, 2007 are significant. We are confident that the impact on local residences will be minimal and believe that Pioneer's proposed remedial contingency plans should address the residents' concerns.

Staff supports Pioneer's request for an exemption to the Noise By-law to permit a 24/7 operation as described in this and the earlier report.



# Request for Decision City Council



Type of Decision									
Meeting Date	September 27, 2006				Report Date	September 21, 2006			
Decision Requested	X	Yes		No	Priority	X	High		Low
	Direction Only				Type of Meeting	X	Open		Closed

Report Title
<b>NOISE BY-LAW EXEMPTION - PIONEER CONSTRUCTION CONTRACT 2006-16 KINGSWAY FOUR LANING</b>

Budget Impact & Policy Implication	Recommendation
<p>This report has been reviewed by the Finance Division and the funding source has been identified.</p> <p><b>Policy Implication:</b></p> <p>Pioneer Construction has requested an exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law).</p> <p><b>Budget Impact:</b></p> <p>There is no financial impact associated with this Request for Decision.</p>	<p>THAT this Council has no objection to the granting of an exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law) to Pioneer Construction for Contract 2006-16 Kingsway Four Laning, which involves the excavation of earth and rock, crushing, pulverizing, granular placement and asphalt pavement;</p> <p>AND THAT exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law) be granted for 24 hours per day, 7 days per week from September 28, 2006 to July 15, 2007;</p> <p>AND THAT Pioneer Construction advise the City of Greater Sudbury when paving will commence;</p> <p>AND THAT approval of this exemption be subject to Pioneer Construction providing public notice of this construction activity.</p>
<p>X Background Attached</p>	<p>Recommendation Continued</p>

Recommended by the Department	Recommended by the C.A.O.
<p>Caroline Hallsworth Executive Director of Administrative Services</p> 	<p>Mark Mieto Chief Administrative Officer</p> 

Date: September 21, 2006

**Report Prepared By**



Corrie-Jo Caporale  
Council Secretary

**Division Review**



Angie Haché  
City Clerk

**Background:**

A letter dated September 1, 2006 was received from Mr. K. Edwards, Vice-President, Operations, Pioneer Construction requesting an exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law) for Contract 2006-16 Kingsway Four Laning.

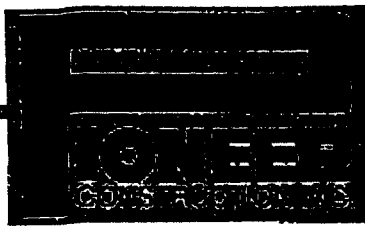
Pioneer Construction is requesting permission to work 24 hours per day, 7 days per week on the above project from September 28, 2006 to July 15, 2007. This would include earth and rock excavation, crushing pulverizing, granular placement and asphalt pavement and would be constructed at night as well as 24 hours per day, when safe to do so, to efficiently expedite the job and reduce the impact of the construction on the travelling public.

This request has been circulated to the Executive Officer to the Chief of Police, the City Solicitor, the Manager of By-law Enforcement Services, and the City Engineer. No comments or conditions have been received.

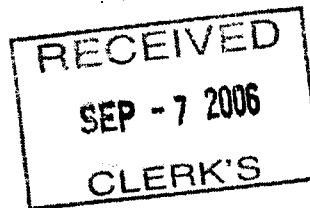
Attach.

- 1) Letter dated September 1, 2006, Pioneer Construction

**BGC** SEP 07 2006  
cc Bob F  
Ange - for CC - Sept 2



- ROAD BUILDERS
- MINING, PIPELINE & RAILWAY CONTRACTORS
- AGGREGATE & ASPHALT PRODUCERS



HEAD OFFICE  
P.O. BAG 3000  
COPPER CLIFF, ONTARIO  
P0M 1N0

TELEPHONE - OFFICE (705) 560-7200  
OFFICE FAX (705) 560-8263  
SHOP (705) 560-7204  
SHOP FAX (705) 560-8042  
www.pioneerconstruction.ca

September 1, 2006

City of Greater Sudbury  
P.O. Box 5000, Station 'A'  
Sudbury, Ontario P3A 5P3

Attn: Greg Clausen

Dear Sir,

**RE: Contract 2006-16 Kingsway Four Laning Falconbridge Hwy to S/E By-Pass**

The purpose of this letter is a request for permission to work 24 hours per day, 7 days per week on the above project. Some of the operations including earth and rock excavation, crushing, pulverizing, granular placement and asphalt pavement when safe to do so would be constructed at night as well as 24 hours per day to efficiently expedite the job. This will also reduce the impact of the construction on the traveling public.

Other components of the work such as trenching and pipe placement, drilling and blasting would be done daytime only due to safety concerns.

Trusting this is in order and awaiting your response, we remain,

Yours truly,

Ken Edwards, V.P., Operations.

CC: John Bulfon  
Kevin Shaw

**RECEIVED**  
SEP - 1 2006

CITY OF GREATER SUDBURY ENGINEERING

*Alaine*