



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: October 20, 2020
TO: Christine Daniel, City Manager
FROM: Mary Grace Houlihan, Public Works Director
SUBJECT: Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To City Of Emeryville And Ghilotti Construction Company For Work Related To The Assembly And Placement Of A 230 Foot Long Steel Arch Span Across Union Pacific Railroad Track Yard Near Ohlone Way As Part Of Construction Of The South Bayfront Pedestrian Bicycle Bridge Project (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3))

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and thereafter approve the above-entitled resolution granting a waiver from the Noise Ordinance to allow work as follows:

- 1) Saturdays from 8 A.M. until 6:00 P.M. Beginning November 1, 2020 until January 16, 2021 to allow assembly of the 230 foot long Steel Arch Suspension Bridge within Horton Landing Park
- 2) Beginning on Friday, December 18, 2020, at 6:00 P.M. Through Monday, December 21, 2020, Until 7:00 A.M. and,
- 3) Beginning Friday, January 8, 2020, at 6:00P.M. Through Monday January 11, Until 7:00 A.M. to Lift, Move and Place a 230 foot long Steel Arch Span Structure across the Union Pacific Railroad Yard onto a permanent support near Ohlone Way on the West and on a permanent support within the future Horton Landing Park on the East.

BACKGROUND

On May 21, 2019 the City Council authorized the construction of the South Bayfront Pedestrian Bicycle Bridge Project by awarding a contract to Ghilotti Construction Company. Construction work began in January 2020.

This project builds a 230-foot-long Steel Arch Suspension Bridge spanning the Union Pacific Railroad (UPRR) tracks, as well as Horton Landing Park. The Bridge will span nine sets of mainline and rail yard tracks. The Bridge span was fabricated offsite but will be assembled in the Horton Landing Park project area into one piece which will then be lifted and moved from assembly pads to permanent reinforced concrete supports.

The lifting and placement of the span onto its final location on supports is a complex and time consuming task requiring significant preparation prior to the placement. The

placement itself is a continuous operation that cannot be completed in a single workday. The work and placement of the bridge requires encroachment onto UPRR track yard and blocking portions train tracks. UPRR and the California Public Utilities Commission (CPUC) have many conditions and restrictions that limit the construction window and method for placement of the bridge. Once started, the operation cannot be halted until the bridge is placed in its final position and equipment and materials used to perform the operation and protect UPRR tracks are removed and inspections complete to return the railroad to service.

UPRR granted the City and its contractor Ghilotti Construction 48 hours to access and encroach into their rail yard to allow cranes to move in, position the crane (holding the span) from the assembly location, within the Horton Landing Park area into the UPRR rail yard, then set the span onto permanent supports, then move out. In that time window the UPRR will also halt traffic on all their tracks in the project area for 4 hours.

The pick and set work is comprised of six major components:

- 1) Placement of crane mats over tracks,
- 2) Crane operations to lift the span,
- 3) Movement of the loaded crane over the mats into the rail yard,
- 4) set the span,
- 5) movement of the unloaded crane off of the mats back into Horton Landing Park,
- 6) then remove crane mats.

Work must be coordinated with UPRR as well as the Bay Street shopping center and Grifols. As the main railroad line is being shut down, UPRR coordination is essential. Work to be performed includes site work to install and remove crane mats then the necessary work to lift, move, set, the span.

The work required to assemble and prepare the bridge for lifting and placement will take several weeks after it arrives onsite and prior to the 48-hour window restricted by UPRR. The 48-hour window schedule with UPRR is fixed and cannot be adjusted at the last minute. This is due to the scheduling of freight operations on the railway that must be done at least 45 days in advance of the placement window. The preparatory work requires critical welding that can be impacted by weather. In order to ensure that welding is properly done, and quality control/quality insurance testing is complete prior to the bridge lift and placement, Saturday work may be required. Whereas all efforts will be made to minimize the Saturday work, the likelihood is that some Saturday work will be required to accommodate weather impacts and comply with all quality control requirements are met to the satisfaction of both the City and the railroad in order to meet the scheduling requirements for impacting freight operations. A final Saturday is anticipated for urgent work after the bridge placement should critical issues be experienced during the first week of rail operations after bridge placement.

DISCUSSION

Noise Ordinance Waiver Procedures

Chapter 13 of Title 5 of the Emeryville Municipal Code limits construction noise to 7:00 a.m. to 6:00 p.m. weekdays but allows a developer or contractor to ask the City Council for a waiver of the construction noise restrictions. Section 5-13.06 sets forth the procedures for a waiver. The applicant must submit a request, accompanied by the required fee, to the Planning Director, stating the hours and days of work requested, type of work to be conducted, type of equipment to be used, location on the property where work will take place, and reason(s) why a waiver is needed. The City Council then holds a noticed public hearing on the request and may grant the request by resolution and designate such conditions as it deems necessary. After granting the request, the City Council may revoke or modify the waiver if the applicant fails to comply with any of the conditions upon which the waiver was granted, or if complaints are received and not satisfactorily resolved.

Reason for Noise Waiver Request

As noted above, the Noise Ordinance limits construction noise to 11 hours per day, Monday through Friday. The procedure to lift and set the 230' arch span requires an effort that is expected to require normal workdays to move in and set up the crane. Once the clock is started two full days and nights will be needed to access into authorized temporary easement and perform the necessary work to set then tie the span to the supports then move out of the easement.

Conditions of Approval

Proposed conditions of approval, as listed in the attached resolution, include the following standard conditions for noise waivers:

1.
 - a. Saturdays from 8 A.M. until 6:00 P.M Beginning November 1, 2020 until December 27, 2020 to Assemble a 230-foot-long Steel Arch Suspension Bridge within Horton Landing Park; and
 - b. Beginning on Friday, December 18, 2020, at 6:00 P.M. Through Monday, December 21, 2020, Until 7:00 A.M. and,
 - c. Beginning Monday, January 8, 2020 Through Monday January 11, Until 7:00A.M. to Lift, Move and Place a 230 foot long Steel Arch Span Structure across the Union Pacific Railroad Yard onto a permanent support near Ohlone Way on the West and on a permanent support within the future Horton Landing Park on the East.
2. At least six signs shall be posted in the vicinity of the work being performed indicating the Contractor's name and telephone number for concerns or complaints. This telephone must be answered by a live person during construction hours (not by voice mail or answering machine). This person must

have the authority to stop work. These signs must be clearly legible from Horton Street, Ohlone Way and Christie Ave.

3. The contractor shall notify all neighbors within 300 feet of the site, and the Emeryville Police, Fire and Public Works departments, prior to commencing weekend or nighttime work.
4. The City Council may revoke or modify this approval if the applicant fails to comply with any of these conditions of approval, or if any complaints are received and not satisfactorily resolved.

ENVIRONMENTAL REVIEW

This noise waiver is exempt from the California Environmental Quality Act (CEQA) under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, as stated in Section 15061(b)(3) of the State CEQA Guidelines, and in this instance it can be seen with certainty that there is no possibility that the noise waiver will cause a significant effect on the environment.

FISCAL IMPACT

None.

STAFF COMMUNICATION WITH THE PUBLIC

As required by the Noise Ordinance, staff mailed notices to property owners and site addresses within 300 feet of the project site and published a legal advertisement in the Oakland Tribune.

It is expected that many people have noticed the construction of Span supports, stairs and ramps going to the bridge that has been underway since January 2020. There had been previous communications related to the removal and transport of contaminated soil from the project site as well as the phase of work where foundation piles were driven into the ground. The project has two signs showing the extent of the structures being built and their location. The City website has provided status updates about the project. The “pick and set” of the span is an unavoidable step to completing the project.

CONCLUSION

Staff recommends that the City Council conduct a public hearing and thereafter approve this noise waiver request, subject to the conditions of approval outlined in the draft resolution.

PREPARED BY: Todd Teachout, Project Manager, S. Bayfront Pedestrian Bicycle Bridge

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Christine Daniel, City Manager

ATTACHMENT

- Draft Resolution