

SOUND TRANSIT

MOTION NO. M2005-51

A motion of the Board of the Central Puget Sound Regional Transit Authority directing legal counsel to appeal the administrative ruling that the City of Seattle can issue no more than one temporary noise variance for the construction work in downtown Seattle.

Background:

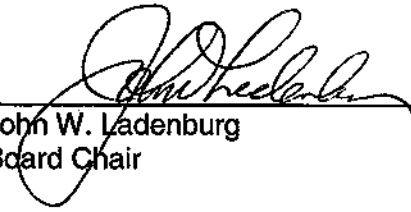
The City of Seattle Department of Planning and Development followed its longstanding practice and issued a number of temporary noise variances to Sound Transit in connection with its light-rail stub tunnel being constructed on Pine Street in downtown Seattle. Each of the seven variances issued in 2005 established permit conditions for the proposed work governed by the variance. The noise variances permitted Sound Transit's contractor to work after 10 p.m. in order to substantially accelerate the completion of the stub tunnel and tunnel retrofit so that the tunnel could be opened earlier and so that the construction on Pine Street could be completed in 2006 before the holiday shopping season.

On April 18, 2005, a hearing examiner ruled that no more than one temporary noise variance could be issued for the construction work. The ruling precludes construction work in downtown Seattle after 10 p.m. Construction work after 10 p.m. is required to maintain the desired construction schedule. This ruling acknowledges that it is inconsistent with the City's longstanding practice and interpretation of its ordinances. Sound Transit believes that the administrative decision is incorrect and should be appealed.

Motion:

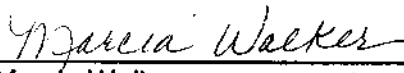
It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that legal counsel is directed to appeal the administrative ruling that the City of Seattle can issue no more than one temporary noise variance for the construction work in downtown Seattle.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on April 28, 2005.



John W. Ladenburg
Board Chair

ATTEST:



Marcia Walker
Board Administrator