

## Noise Variance – Nighttime Construction and Maintenance

### (1) Overview

Local governments have authority for noise control under state law. The only noise permit that WSDOT is likely to need is a variance from a local ordinance for nighttime construction or maintenance activities. The local jurisdiction may grant a variance with conditions based on types of equipment, nighttime activities, and WSDOT's justification of the need for nighttime work. Night work may be necessary because of issues related to worker, pedestrian or driver safety; traffic management; lack of feasible noise-control technology; or economic or physical factors.

If all alternatives to night work have been exhausted, WSDOT is responsible for obtaining the variance and including any conditions in the contract. If WSDOT does not specify nighttime work in the contract, the contractor is responsible in obtaining variances for working at night.

**Agency Issuing Permit** – Cities and counties.

**Statutory Authority** – [RCW 70.107](#); [WAC 173-60](#) (maximum noise levels); city and county ordinances.

**Regulated Activities** – Noise limits usually are in effect between 10 p.m. and 7 a.m., but vary by jurisdictions or type of land use adjoining the construction noise source.

**Exempt Activities** – In most jurisdictions, daytime noise from construction and maintenance activities are exempt from permit requirements. Construction and maintenance activities that do not exceed the property line noise level identified by regulations would be exempt. Noise caused during emergency work or to restore property following a public calamity is also exempt.

**Geographic Extent** – Cities and/or counties.

**Types of Permits** – Usually a variance or exemption from state or local maximum nighttime noise standards.

**Prerequisite Permits and Approvals** – Not applicable.

**Related Permits and Approvals** – SEPA requires state and local agencies to consider potential noise impacts of proposed projects. Local jurisdictions have the authority to place reasonable conditions on proposals to avoid, minimize or mitigate noise impacts.

**Interagency Agreements** – None applicable.

**Processing Time** – Varies by jurisdiction; approximately two to six months.

**Fees** – Vary by jurisdiction.

### (2) How to Apply

If nighttime work is necessary, WSDOT contacts the local jurisdiction to find out if there is a noise ordinance and how variances are processed. Local staff may simply ask for a letter informing them of the planned nighttime construction activities. However, they may ask WSDOT to adopt best management practices to reasonably reduce noise levels and restrict certain types of noisy activities during specified night hours.

It is essential that design and construction offices coordinate efforts in determining the necessary variance parameters, i.e., type of work, equipment expected to be used, and total number of nights required. The regional traffic section provides lane closure hours to help justify the night work.

**JARPA** – Not applicable.

**Preapplication Conference** – Not applicable.

**Special Information Requirements** – Plan sheets, equipment lists, justification for working at night, types of nighttime activities, total number of nights, and traffic information for construction work at night are necessary to support a request for a variance. Since the local health authority processes variances in many jurisdictions, the request should address the health, safety and welfare of the traveling public, project employees, and residents. The regional traffic section provides lane closure hours to help justify the night work. A separate package is required for each city or county jurisdiction.

**Public Notice** – Varies by jurisdiction.

**Submitting the Application** – Ten weeks prior to region PS&E review, the project design office should submit a written request for the variance to the WSDOT Air, Noise, and Energy Manager, including the supporting information listed above.

Project offices are discouraged from submitting variance requests directly, in an effort to ensure that best practices are used consistently throughout WSDOT's construction program.

**Agency and Public Review** – Varies by jurisdiction.

**Appeal Process** – Varies by jurisdiction.

**Post-Permitting Requirements** – None.

### **(3) For More Information**

Please refer to the Environmental Procedures Manual, [Chapter 446](#) - Noise, for information on environmental documentation initiated during the NEPA/SEPA process, including relevant statutes, interagency agreements, policy and technical guidance. See also [Chapter 620](#) - Construction

Some [local noise ordinances](#) are available online.

### **(4) Permit Assistance**

Before beginning work on this permit, contact the WSDOT Air, Noise, and Energy Manager for guidance. Local jurisdiction staff can also provide assistance.