

10-0-0790
(Do Not Write Above This Line)

AN ORDINANCE

BY: COUNCIL MEMBER KEISHA LANCE
BOTTOMS

AN ORDINANCE TO AMEND THE CITY OF
ATLANTA CODE OF ORDINANCES,
CHAPTER 74, ARTICLE IV, NOISE
CONTROL, TO PROVIDE FOR AN
EXEMPTION TO THE METROPOLITAN
ATLANTA RAPID TRANSIT AUTHORITY
(MARTA) FROM THE EXISTING NOISE
ORDINANCE FOR NOISES RESULTING
FROM CONSTRUCTION OF
IMPROVEMENTS, AND MAINTENANCE,
REPAIR OR RENOVATION ACTIVITIES
FOR THE MARTA RAIL OR BUS SYSTEM
FACILITIES; AND FOR OTHER PURPOSES.

ADOPTED BY

MAY 03 2010

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 4/19/10

Referred To: Public Safety

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee PSLA

Date 4/27/10

Chair

Action

(Fav, Adv, Hold (see rev. side))

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED
MAY 03 2010

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
MAY 03 2010
Municipal Clerk

MAYOR'S ACTION

APPROVED

MAY 11 2010
MAYOR



AN ORDINANCE

BY: COUNCILMEMBER KEISHA LANCE BOTTOMS

K. Bottoms
James Watson
C.T. Martin
Madrean

James Watson
M. Watson
Ch. Lee

John

AN ORDINANCE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES, CHAPTER 74, ARTICLE IV, NOISE CONTROL, TO PROVIDE FOR AN EXEMPTION TO THE METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY (MARTA) FROM THE EXISTING NOISE ORDINANCE FOR NOISES RESULTING FROM CONSTRUCTION OF IMPROVEMENTS, AND MAINTENANCE, REPAIR OR RENOVATION ACTIVITIES FOR THE MARTA RAIL OR BUS SYSTEM FACILITIES; AND FOR OTHER PURPOSES.

WHEREAS, new construction, maintenance, repair or renovation of the MARTA rail or bus system and facilities are conducted within MARTA's right of way or on MARTA property; and

WHEREAS, much of MARTA's systems and facilities have been in operation for more than twenty-five years, many of its system components or facilities have reached the end of their useful life service, and require maintenance, repair, or renovation to provide for the safe and effective continued operation of the bus and rail system; and

WHEREAS, MARTA has also planned for new construction for improved operation of the bus and rail system; and

WHEREAS, construction activities cannot be safely, effectively and efficiently performed during the daytime revenue service hours of the bus and rail system, as daytime construction, maintenance, repair and renovation can create unsafe conditions for patrons and cause unacceptable delays in revenue service and on-time performance; and

WHEREAS, the safety of MARTA patrons, the public. and construction and maintenance workers requires the performance of certain construction, maintenance, repair and renovation activities during off-peak nighttime hours; and

WHEREAS, "single tracking" (a mode of operation which requires trains to move in opposite directions, alternated on the same track) is necessary to provide for certain construction, maintenance, repair and renovation, and is only feasible during night-time hours from 9:00 p.m. to 5:00 a.m. when rail system utilization is low; and



WHEREAS, construction, maintenance, repair and renovation work on the MARTA system, trackways and adjacent system elements that fall within certain safety clearance limits can only be performed when there is no rail vehicle traffic on the track between the hours of 2:00 a.m. and 4:00 a.m.; and

WHEREAS, construction, maintenance, repair and renovation of the MARTA system must be performed without excessive impact to the level of on-time service provided to the traveling public to avoid an adverse economic and environmental impact to the community; and

WHEREAS, timely and cost effective construction, maintenance, repair and renovation of the MARTA system is deemed to be in the best interests of the community.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ATLANTA, GEORGIA, that

SECTION 1: Chapter 74, Article IV, Section 138 (o). Exemptions; which currently reads as follows:

(o) Any temporary noise arising out of maintenance, renovation or construction activities related to the Metropolitan Atlanta Rapid Transit Authority (MARTA) rail system shall be exempt from the provisions of this article. Said exemption will expire seven years after the effective date of this amendment.

be amended by striking the final sentence of the subsection so that it shall read as follows:

(o) Any temporary noise arising out of construction, maintenance, repair or renovation activities related to the Metropolitan Atlanta Rapid Transit Authority (MARTA) bus or rail system shall be exempt from the provisions of this Article.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Rhonda Douglas Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

MAY 03, 2010
MAY 11, 2010

RCS# 209
5/03/10
2:27 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 2

NV Smith	Y Archibong	Y Moore	B Bond
Y Hall	Y Wan	Y Martin	NV Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		05-03-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0393	36. 10-R-0642	76. 10-R-0682
2. 10-O-0492	37. 10-R-0651	77. 10-R-0683
3. 10-O-0598	38. 10-R-0783	78. 10-R-0684
4. 10-O-0595	39. 10-R-0789	79. 10-R-0685
5. 10-O-0782	40. 10-R-0724	80. 10-R-0686
6. 10-O-0790	41. 10-R-0725	81. 10-R-0687
7. 10-R-0652	42. 10-R-0726	82. 10-R-0688
8. 10-R-0749	43. 10-R-0771	83. 10-R-0689
9. 10-R-0750	44. 10-R-0736	84. 10-R-0690
10. 10-R-0753	45. 10-R-0737	85. 10-R-0691
11. 10-R-0754	46. 10-R-0738	86. 10-R-0692
12. 10-R-0755	47. 10-R-0653	87. 10-R-0693
13. 10-R-0756	48. 10-R-0654	88. 10-R-0694
14. 10-R-0757	49. 10-R-0655	89. 10-R-0695
15. 10-R-0758	50. 10-R-0656	90. 10-R-0696
16. 10-R-0759	51. 10-R-0657	91. 10-R-0697
17. 10-R-0770	52. 10-R-0658	92. 10-R-0698
19. 10-R-0775	53. 10-R-0659	93. 10-R-0699
20. 10-R-0781	54. 10-R-0660	94. 10-R-0700
21. 10-R-0786	55. 10-R-0661	95. 10-R-0701
22. 10-R-0787	56. 10-R-0662	96. 10-R-0702
23. 10-R-0797	57. 10-R-0663	97. 10-R-0703
24. 10-R-0799	58. 10-R-0664	98. 10-R-0704
25. 10-R-0800	59. 10-R-0665	99. 10-R-0705
26. 10-R-0620	60. 10-R-0666	100. 10-R-0706
27. 10-R-0621	61. 10-R-0667	101. 10-R-0707
28. 10-R-0622	62. 10-R-0668	102. 10-R-0708
29. 10-R-0625	63. 10-R-0669	103. 10-R-0709
30. 10-R-0626	64. 10-R-0670	104. 10-R-0710
31. 10-R-0637	65. 10-R-0671	105. 10-R-0711
32. 10-R-0752	66. 10-R-0672	106. 10-R-0712
33. 10-R-0496	67. 10-R-0673	107. 10-R-0713
34. 10-R-0640	68. 10-R-0674	108. 10-R-0714
35. 10-R-0641	69. 10-R-0675	109. 10-R-0715
	70. 10-R-0676	110. 10-R-0716
	71. 10-R-0677	111. 10-R-0717
	Items Adversed	112. 10-R-0718
	72. 10-R-0678	113. 10-R-0719
	73. 10-R-0679	114. 10-R-0720
	74. 10-R-0680	115. 10-R-0721
	75. 10-R-0681	116. 10-R-0722
		117. 10-R-0723