

# Some alarm clock—piledriver at 5:45

By DON HANNULA

Seven a.m. was bad enough.

But it kept getting earlier and earlier, Kevin Gorman said, until yesterday when the Piledriver of Northeast 45th Street wracked Gorman, his wife and their two small children out of bed at 5:45 a.m.

Gorman, who lives at 3026 N.E. Blakeley St., says the early-morning, wham-bam wake-ups have been driving him and some of his neighbors up the wall.

**SO HE DECIDED** to try to do something about it, which proved even more frustrating than trying to get a decent night's sleep.

Gorman called the police, the city's street-maintenance division, the contractor on the Northeast 45th Street viaduct-repair job, the Board of Public Works, the construction-contracts section of the Engineering Department, City Councilman Randy Revelle's office and the Department of Ecology's noise-control section.

What he learned was that state law allows construction projects to operate between the hours of 7 a.m. and 10 p.m.

But he also learned that Seattle's Board of Public Works, anxious to get the fire-damaged viaduct completed so traffic can get back to normal, granted a special variance allowing the Dale Mudden Construction Co. to bang away from 5:30 a.m. until 10 p.m.

Gorman wondered:

"How can the city allow them to break the state law?"

**GORMAN'S GRUMBLINGS**, plus one other complaint to the noise-control section of the Department of Ecology, finally set the legal-beagles scrambling for an answer on whether the city had any authority to grant such a variance.

Larry Ikenberry, head of the noise-control section, said the city has been notified of the complaints and he is waiting to hear whether it plans to rescind the variance.

City Engineer Paul Wiatrak said the complaints are being reviewed.

Corporation Counsel John Harris said the state law has an exception allowing construction projects to begin before 7 a.m. if it is necessary to "protect the public health and welfare."

The city could contend it granted the variance to allow piledriving at 5:30 a.m. in the area next to the University Village because the public's driving welfare is at stake. Traffic has had to be rerouted since the \$1 million project began in January.

Then the state's noise-control section would have to confer with its legal advisers to see if that's a legitimate reason.

**IN THE MEANTIME**, Gorman is worried about his health and welfare.

Wiatrak said: "We're getting about five times as many complaints about getting it finished than we are about noise."

Whether the flap had anything to do with it wasn't determined, but the piledriver didn't start up until 7 a.m. today.

If the state decides the city's variance shouldn't have been granted, it could order it rescinded.

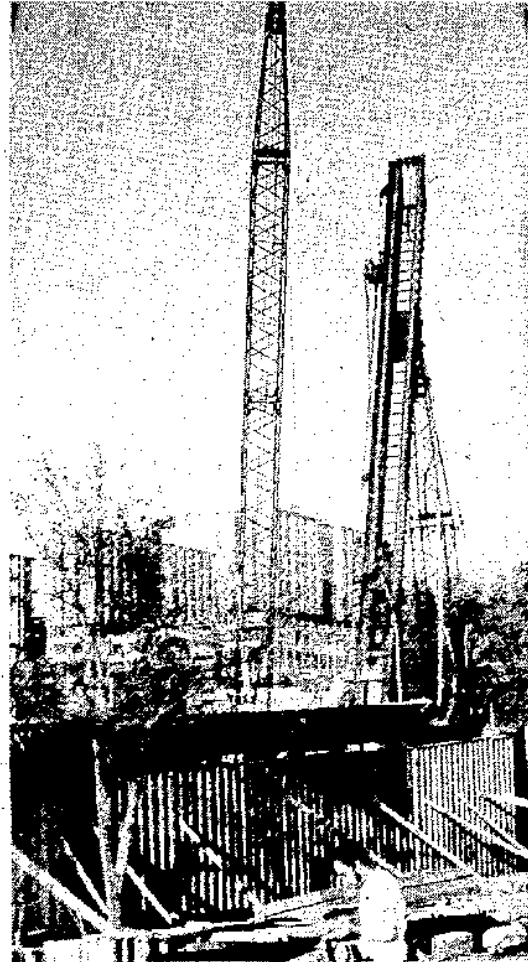
If the piledriver's noise exceeds a complicated allowable standard, which varies according to types of zoning, the state could fine the company \$100 a day.

Since the new state noise-control law became effective last September, there never has been a fine levied.

Everyone involved admitted there is a substantial vacuum in enforcement of the new noise-control law.

No one agrees more than Kevin Gorman, a commercial fisherman who longs for the quiet of a gillnetting night on Puget Sound. He said:

"If I was throwing a wild party and making that much noise at that time of the morning, the police would be here in a second."



The Northeast 45th Street piledriver at work today  
— Staff photo by Johnny Cross.