

Date: May 14, 2014  
To: Portland Noise Review Board  
From: Michael Dowd, 0753 SW Miles St., Portland OR 97219  
Re: Sellwood Bridge Project noise

**My reason for being here:**

--noise in my neighborhood has certainly been nothing compared to what closer neighborhoods face, but the attitude, knowledge and responsiveness of the project team have been so bad that I'm requesting that the Board help the project team to understand that it must improve its performance, for the protection of all the projects' neighbors

**Background/timeline:**

--if you look at the noise variance, you'll wonder why someone so far from the construction activity described by the project is here. The reason is that the variance completely misrepresents the scope and location of the project's work:

- the Miles neighborhood is entirely left out of the application
- work on the rail r.o.w., or of using it for access and staging for bridge work, including variance-related work, is not mentioned or shown on maps
- it states nearest residence to noise is a houseboat 400' from the bridge, versus houses on Miles that are within literally 10' of the work

--because the work in our neighborhood was excluded from the application, the NRB was not given accurate information on which to judge the variance, and I and my neighbors were cheated out of the opportunity to testify

--additionally, since the project has always considered work in our neighborhood as being unrelated to the variance (their application proves that) the project has never bothered with meeting any of its conditions/responsibilities in our neighborhood, even though many construction activities there relate directly to the variance

--work in our neighborhood started last summer, with creating the access road and staging area

--noise was an issue from early on, as well as other illegal impacts related to street use, blocking the street and driveways for hours without notice, etc.

--my first noise complaints to Noise Control was in regard to Sunday, August 18 (using the whole street from my house to Macadam from 10 to 10:30 PM to deliver and unload several pieces of heavy equipment)

--project dismissed that with saying it was a subcontractor, and didn't acknowledge violated the noise code, or that the code applied

--project followed that up 2 days later with Tuesday, August 20<sup>th</sup> loading and moving a huge crane directly in front of my house from 4:45 AM to about 5:30 AM

--I complained to project that it was violating City's noise and street use regulations, and spent the next several WEEKS trying to get them to understand that the noise regulations applied to them. They first cited irrelevant cited irrelevant code sections, and when I persisted they cut off communication with me (without telling me there were). When I wrote more emails because I was getting no responses, they replied I was writing too many emails.

--Finally, we had a meeting on September 21 to which they invited Paul Van Orden without telling me. Fortunately, Paul Van Orden explained to them with crystal clarity:

--no, they were not exempt from construction noise regulations

--yes, the incidents I reported were all violations

--yes, the terms of the variance did require them to report noise complaints to him (which they had denied, so had not done)

--project's response to that meeting was to write meeting minutes to the County so cryptic that I had to write my own minutes to the Commissioner to explain what had happened

--the next morning, the project started up equipment outside my house well before 7 AM!

--Overall, I'd spent dozens of hours over several weeks simply trying to get the project simply to comply with the noise regulations, and during that time, they apparently never once contacted Paul Van Orden for clarification

**Situation since then--project has learned nothing:**

--when I brought up the problems with noise (and safety issues) at the project's April 14 pre-construction meeting with my neighborhood Mike Pullen dismissed those concerns with "That's your version (of what happened)" and would not respond further

--the result? Last Tuesday, only the second day of digging on Miles Place, the project worked loudly with two excavators and dump trucks in front of my neighbors' houses until about 8 PM

--when I told Mike Pullen, he said to call the Water Bureau if I had a concern--this work was not the County's nor the County's contractor's responsibility

--the Water Bureau told me they were unaware of noise regulations, and worked that late to be sure to be on schedule for a job the following week in another neighborhood (although they only worked part-time here the rest of that week). The late work was intentional, with no emergency, so was not exempt.

--obviously I'm sure my complaint was never reported by the County to Noise Control, since the County takes no responsibility for the current work

--I know several neighbors who've said they've complained about noise and other construction problems, and been given the impression they're the only ones who complained

--the communication of the County's "project manager" was so bad that the Commissioner's office told me to stop bothering to try to communicate with them

--there has yet to have been a single email or other communication to my knowledge from the County to the neighborhood that mentions noise regulations, the noise variance, or that the project has ever once violated any regulation

## **THREE DAYS WITH THE PEARL PILE DRIVER**

Day One (May 8):	Day Two (May 9):	Day Three (May 12)
7:45 - 8:10	8:18 - 8:31	8:30 - 8:59
8:25 - 8:45	8:58 - 9:04	9:12 - 9:28
9:00 - 9:18	9:20 - 9:25	9:52 - 10:06
9:30 - 9:34	9:42 - 9:48	10:24 - 10:39
9:55 - 10:17	10:06 - 10:12	11:02 - 11:28
10:30 - 10:54	10:31 - 10:47	11:41 - 11:48
10:58 - 11:30	11:07 - 11:21	Lunch Break
Lunch Break	11:41 - 11:52	12:41 - 12:56
12:19 - 12:30	Lunch Break	1:26 - 1:41
12:35 - 1:05	1:04 - 1:17	1:47 - 2:11
1:20 - 1:35	1:30 - 1:47	2:22 - 2:40
1:52 - 1:58	2:11 - 2:26	3:03 - 3:22
2:12 - 2:16		3:35 - 3:53
2:29 - 2:39		

**Day One:**

Total Episodes: 13

Total: 221m (3.6hr)

Mean Length: 17m

**Day Two:**

Total Episodes: 11

Total: 121M (2hr)

Mean Length: 11m

**Day Three:**

Total Episodes: 12

Time: 178m (3hr)

Mean Length: 15m

Total Intervals: 11

Total: 143m (2.4hr)

Mean Length: 13m

Total Intervals: 9

Total: 145m (2.4hr)

Mean Length: 16.1m

Total Intervals: 11

Total: 155m (2.6hr)

Mean Length: 14m

**THREE DAYS:**

Total Episodes: 36

Total Time: 520min (8.7hrs)

Mean Length: 14.4min

Total Intervals: 31

Total Time: 443min (7.4hrs)

Mean Length: 14.3min

