



CITY OF
PORTLAND, OREGON
OFFICE OF NEIGHBORHOOD INVOLVEMENT

CHLOE EUDALY, COMMISSIONER
Suk Rhee, Bureau Director
Noise Control Program
1221 SW 4th Avenue, Room 110
Portland, Oregon 97204

Promoting a culture of civic engagement

FINDINGS AND DECISION OF THE NOISE REVIEW BOARD

APPLICANT: OREGON DEPARTMENT OF TRANSPORTATION *DAVID ARENA*

REQUEST: ONE YEAR VARIANCE FOR INTERMITTENT PERIODS OF WORK ON I-405
FREMONT BRIDGE APPROACH RAMPS AND US 26 WEST BOUND
CONNECTION BRIDGE TO REPLACE AGAING JOINTS AND DECK SURFACES
BETWEEN MONTH DAY, 2019 THROUGH MONTH DAY, 2020

VARIANCE NUMBER: 18-160555-000-00-NV

DECIDED: JUNE 13, 2018

DECISION: APPROVED WITH CONDITIONS

BACKGROUND:

Title 18 establishes sound levels based on the zones of both the source and receivers of noise. Events that produce noise above permitted levels may be considered for variance from the code. The Noise Review Board is charged by code to review and act upon some of these applications. The review must consider the physical characteristics; times & duration of the emitted sound; the geography, zone and population density of the affected area; whether the public health, safety or welfare is impacted; whether the sound source predates the receiver(s); and whether compliance with the standard would produce hardship without equal or greater benefit to the public. The code does not preclude review of other factors, nor does it specify the weight to be given to each criterion.

REQUEST:

Request from David Arena, Oregon Department of Transportation to perform nighttime work on I-405 Fremont Bridge approach ramps and US-26 WB Connection Bridge to replace aging joints and deck surfaces that are failing, in poor condition, or do not meet current standards for the interstate highway system. 480 non-consecutive nights for work is requested to limit daytime traffic disruption anticipated along this heavily traveled section of I-405 and its on-and-off ramps.

FINDINGS:

- A. For the record, this permit was first reviewed at the May 9th. 2018 public hearing of the Noise Review Board. The Board was supportive of the request and indicated that they wanted the Board Chair Kerrie Standlee and the Noise Officer, Paul van Orden, to meet with applicant to explore more

specific noise mitigation and sound levels. The final variance decision was tabled to the June 13, 2018 Board hearing.

- B. The public's health, welfare and safety are not affected by the anticipated noise levels, except possible temporary interference with sleep at later hours and for closer-in properties.
- C. The sound source does not predate receivers.
- D. The last criterion in reviewing Noise Variances speaks to a sort of "balancing test", in which compliance/non-compliance is measured against the "public good." Will the denying of this application produce hardship without equal or greater benefit to the public? Based on the potential traffic disruptions that would occur without this variance, the Noise Review Board finds that denying this request will not benefit the public good.

DECISION:

Kerrie Standlee moved to approve the variance application as written with conditions. Michael Wallace seconded the motion.

The motion passes unanimously, 4 – 0 (Jamie Hurd and Destiny Wright were present and voting) (The absent member was Ernest Harris.)

The Variance is approved with the following conditions:

- 1) The permit was approved with the requested sound levels described and the number of nights and weekends from within the application.
- 2) The applicant shall more specifically be permitted to use the 480 nights requested in the following manner: The applicant shall have up to 15 Nights of work on each individual joint requiring repair. They shall be allowed up to 3 occasions total when they may use up to twice the number of nights on an individual joint, if they should run into a specific challenge on the joint.
- 3) All equipment used shall have sound control devices no less effective than those provided on the original equipment. No equipment shall have an unmuffled exhaust.
- 4) All haul trucks will meet or exceed the standards outlined in Chapter 34, Section 35 of the Oregon Administrative Rules, Oregon Department of Environmental Quality, April 1983.
- 5) All equipment shall comply with pertinent equipment noise standards of the U.S. EPA.
- 6) The contractor will be directed to install temporary or portable sound barriers around stationary construction noise sources should a specific noise impact complaint occur.
- 7) The contractor will have or portable noise meters on the job during night work activities for noise level spot checks on specific operations.