



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

AMANDA FRITZ, COMMISSIONER

Amalia Alarcón de Morris, Bureau Director

Noise Control Program

1221 SW 4th Avenue, Room 110

Portland, Oregon 97204

Promoting a culture of civic engagement

FILE COPY **FINDINGS AND DECISION OF**
THE NOISE REVIEW BOARD

APPLICANT: ODOT REGION 1 *PAUL WIRFS*

REQUEST: ONE YEAR VARIANCE FOR CONSTRUCTION OF IMPROVEMENTS TO
ROADWAY MAINTENANCE ON ROSS ISLAND BRIDGE STRUCTURE
CONNECTIONS

VARIANCE NUMBER: 15-264982-000-00-NV

DECIDED: DECEMBER 9, 2015

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:

Paul Wirfs, representing Oregon Department of Transportation is requesting a noise variance for the OR43/Ross Island Interchange NB Connection Deck Overlay Project, which will construct improvements to the bridge structure connecting NB OR43 traffic to NB OR99W (Naito Parkway) as it passes under the Ross Island Bridge. The noise variance is to allow nighttime construction for the Project between August 7, 2016 and September 3, 2016.

The new structural overlay will be constructed and manhole lids modified to minimize water and debris. Project improvements will repair deck joints, replace joint seals, and pave roadway approaching bridge

deck (that crosses over I-405) will be paved in both directions of travel with guard rail replacement where needed and the impact attenuator relocated. The nighttime work will limit daytime traffic anticipated along this heavily traveled highway connection and bridge

FINDINGS:

- A. 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.
- B. The sound source does not predate receivers.
- C. 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? Although "benefit" usually refers to economic gain, the Board also includes the pleasure obtained from the viewing of an event, the fostering of interest in an activity, or the pride in one's city, which occurs via national exposure. In the present case the event is not only a well recognized community event, per se, but it also contributes to the national exposure of the City of Portland. The Noise Review Board finds that denying this event will not benefit the public good.

DECISION:

Motion was made by Kerrie Standlee to grant a variance for Paul Wirfs, representing ODOT, for nightwork to take place between August 7, 2016 and September 3, 2016 with the conditions below. Julie Greb seconded the motion. The motion passed unanimously, 5 – 0.

The Variance is approved with the following conditions:

Nighttime construction activities will comply with ORS 467, OAR 340-035, all other applicable laws and regulations, and to the extent feasible, the following construction noise abatement measures:

- No construction will be performed within 1,000 feet of an occupied dwelling on Sundays, legal holidays, or between the hours of 10:00 p.m. and 6:00a.m. on other days.
- Sound levels at any residential structure may not exceed a 75dBA Leq as measured for 15 minutes, with a Fast meter response.
- Equipment will use sound control devices no less effective than those provided on the original equipment. Equipment with un-muffled exhausts is prohibited.
- Equipment will comply with pertinent equipment noise standards of the EPA.

- No drive piling or blasting operations will be performed within 3,000 feet of an occupied dwelling on Sundays, legal holidays, or between the hours of 8:00p.m. and 8:00a.m. on other days.
- Saw cutting, grinding and jackhammer activity to occur before midnight (12:00 a.m.) and may not begin again until 6:00 a.m.
- In addition to the mitigation measures listed above, per requirements from the City of Portland Noise Review Board and the City of Portland Noise Control Officer, the contractor shall use "smart alarms" instead of standard reverse signal alarms between 6:00 p.m. and 7:00 a.m.
- There will be a 24-hour telephone response line (Hot Line) available. The Project Manager shall investigate complaints and develop information necessary to address complaints within 24 hours or before the next scheduled night work. Noise Control Officer must be notified of any complaints within 7 days of the complaint, including a report describing how the complaint was resolved

If a specific noise impact complaint is received, one or more of the following noise mitigation measures may be employed:

- Stationary construction equipment will be located as far from nearby noise sensitive properties as feasible.
 - Idling equipment will be shut off.
- Construction operations will be rescheduled to avoid periods of noise annoyance identified in the complaint.
- Nearby residents will be notified whenever extremely noisy work will be occurring.
- Temporary or portable acoustic barriers will be installed around stationary construction noise sources.
- Electric-powered equipment will be operated using line voltage power or solar power.

The applicant understands that this variance is subject to review upon complaint.

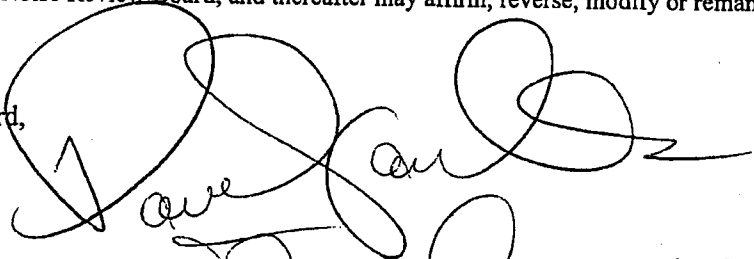
This decision becomes effective on December 9, 2015.

APPEAL PROCEDURES: PCC Section 18.14.020 (i) states that "A variance decision of the Noise Control Officer or the Noise Review Board may be appealed to the City Council as follows: (1) A variance decision may be appealed by the applicant, his legal representative, or by any person who has submitted oral or written testimony on the application. (2)

Notice of intent to appeal shall be submitted in writing to the City Auditor's Office within 10 day of the effective date of the decision. The notice shall identify the decision that is being appealed, and shall include the appellant's name, address and signature, phone number, relationship to the variance decision action, and a clear statement of the specific reason(s) for the appeal including alleged misapplication of City Codes.

(3) Upon receipt of such appeal, the Auditor shall then place the matter upon the Calendar of the City Council. At the time of hearing, the City Council may consider such new matters as it deems appropriate, as well as the record developed before the Noise Control Officer or the Noise Review Board, and thereafter may affirm, reverse, modify or remand the decision".

Paul van Orden,
for the Noise Review Board,
City of Portland



Paul van Orden
December 21, 2015