



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

CHARLIE HALES, MAYOR

Amalia Alarcón de Morris, Bureau Director

Noise Control Program

1221 SW 4th Avenue, Room 110

Portland, Oregon 97204

Promoting a culture of civic engagement

Noise Review Board

January 13, 2016

Minutes

Present: Paul van Orden, Julie Greb, David Sweet, Carol Gossett, Melissa Stewart, Kerrie Standlee

Minutes: Kathy Couch

Call to Order: 5:59 pm

Review of request by Asphalt Pavement Association of Oregon, along with ODOT, to enact a pilot project for highway construction worker safety regarding spotters instead of back-up alarms

John Hickey, Executive Director, Asphalt Pavement Association

Mark Beeson, Oregon Department of Transportation

John Hickey says his understanding is that, in the City of Portland, a common noise permit condition, including Permits with ODOT, requires contractors disconnect back-up alarms. He is here to ask the Board to consider a pilot program, under which contractors would not disconnect alarms for mobile paving operations for the 2016 paving season. At that point, consider reassessing the pilot program.

He explained that for paving construction projects, disconnection of back up alarms creates a more dangerous work environment, spotters are ineffective in a noisy and quick-paced project such as a highway or major roadway. The Association is gravely concerned about worker safety. In 2015, there were 4 fatalities on roadway paving work zones, including a superintendent being backed over by a material transfer device. This is a critical issue for paving association members and for ODOT.

To summarize the packet provided, there is a description of a paving operation, vastly different from a stationary building work zone, where neighbors are affected for the entire work shift.

Pavement operations involve sites that cover a long area, with different pieces of equipment running at different times, different speeds, and other obstructions.

Steps include:

Traffic controls set up next to moving highway traffic with minimal barriers. Many pieces of equipment are involved; a grinder, sweeper, tack truck (bonds a glue layer) which puts glue sprayed on the surface, and delivery of hot asphalt, 3 different rollers moving at different speeds and patterns. Additionally, every paving project involves areas that can't be paved with equipment in all areas so laborers are used to manually placing asphalt, etc.

Roadway projects are unique from other kinds of construction projects. There is enough risk to workers to justify a yearlong pilot project.

Mark Beeson, ODOT project manager, who works closely with contractors, supervises a crew of 18 inspectors, who are also out on the road with asphalt contractors. He also plays a role as construction safety chair. He stated that ODOT strongly supports the Asphalt Pavement Association's request for the pilot project. High traffic volumes in Portland, pavers are forced to work nights during limited hours. With adjacent noise and traffic, smart alarms aren't that effective and spotters make it even more worse, with more people on the ground. It's already an unsafe work zone but backup alarms help significantly and national statistics prove it.

Per the research John did, OSHA (included in board packet and attached to minutes) says it's unadvisable practice to disconnect backup alarms for night paving work, and doesn't consider spotters as a viable option.

Paul van Orden states that, traditionally, when we have paving projects, the only problems he can recall about back up alarms was on Powell Blvd, due to close proximity to neighbors. There is not a record of complaints for paving operations, and feels that for these very specific types of work it makes logical sense.

After receiving questions from Carol Gossett, John indicates that he envisions paving projects don't include the condition regarding backup alarms, document any complaints, along with the response to the complaint and at the end of the year the board could look at it and reassess. He asks that, due to the dangers on all on major roadways next to traffic. John would suggest the Board consider the pilot program to be evaluated project by project and include more upfront work communicating with neighbors. He then clarifies a question raised by Melissa Stewart as to why smart alarms are not a viable option. He explains that smart alarm volumes adjust with background noise, but there is insufficient time for smart alarm to coordinate with background noise, and get to a sufficient volume and adjust to differences in sound levels.

Kerrie asks about last month's decisions that removed the condition about backup alarms for all 3 ODOT projects heard. David then explains that they adjusted the conditions after getting John's letter earlier in the month. Kerrie asks about the possibility of getting data on broadband versus tonal alarms types. He is told that data is available. They can provide data used on different types of equipment, and type of complaints. Possibly, Kerrie says, they can gather data on which type of alarm garners more complaints. He is informed by

Julie and John that the contractor has no ability to even know what type of alarm each delivery truck has.

There are contractors that don't bid when this condition is included. This means less competition and his association is here to promote competition and worker safety.

Julie asks if we need the pilot project.

David says that their work is figuring out what conditions they impose and they look at specific work at specific location and proximity, and isn't sure what they would learn from a pilot project. David is persuaded that, most especially on highways, it makes sense to allow backup alarms.

It makes sense on highway projects and they have to look carefully at each situation and adjust on a case-by-case basis.

Board is persuaded by argument.

Kerrie wants to know if we need to re- evaluate other previously granted permit.

Julie Greb proposes a resolution that the Noise Review Board no longer include disconnection of back up alarms for mobile paving operations from here on out and NRB takes it on a case by case basis instead.

Melissa Stewart seconds.

Resolution passes unanimously - 5-0

David informs Paul van Orden/Noise Office that "should ODOT or the Asphalt Pavers Association bring any previously issued variances to you that have not been constructed, you are authorized to make that change."

Hold for Noise Task Force

This did not happen

Discussion on the Noise Review Board work plan for 2016

General Open Public Testimony

Page Stockwell from the NorthWest District Association Board is here to support the study and possible code changes regarding garbage truck noise.

Gunnar Sacher from the Eliot Tower Homeowners Association is also here to support the NRB in looking at garbage truck noise. He also offers to help, and be a member of a subcommittee (If one is formed)

Paul van Orden gives a brief background on the issue, as follows:

Garbage truck dialogues first occurred in 1999 & 2000. Garbage noise issues were identified as a growing problem for Portland. It has only has gotten worse since then. When the problem was first identified, a Task Force worked for a year, went to Council with a set of recommendations. Although it was well received but Council was uncomfortable at that point with moving most of the recommendations forward (with exceptions of glass pick-up, and backup alarm limits). The concept of commercial franchises was looked at during this time. Council asked the NRB to look at the issue again later. Paul feels that this is a good opportunity to get more info and bring this back to Council.

Tonight's agenda item is to identify priorities and Paul recommends this one.

Gunnar Sacher

- It's hard to know where to get help as a citizen
- This issue keeps coming back
- Quality of living suffers with multiple pickups every night due to the different rules for residential, mixed use and commercial properties

Page Stockwell

- Every year, the NWDA Safety and Livability Committee passes a resolution dealing with garbage truck noise in their work plan. He feels this is one of the most frequent complaints he hears in the city.
- In 2008 NWDA sent a letter to Mayor Potter supporting a garbage franchise system. He also says that it makes sense from a non-noise standpoint, by reducing pollution and wear & tear on roads.
- NWDA recommended in 2014 that all residential and any mixed-use 100 feet from residential locations be limited to pick-up only between the hours of 7:00 am and 10:00 pm.

The Noise Review Board wants to study this again this year.

Next steps include:

- Inviting BPS staff to talk to NRB at an upcoming meeting to provide information as to how garbage issues are handled.
- Find out what other cities are doing. What are they actually enforcing?

- Collect policies, codes and the results of the previous task force study.
- Analysis of who the major players are, such as the Builders & Managers Association, Portland Business Alliance, Neighborhood Associations, and Business Associations.

Paul & David will get together to determine which cities to contact and how best to find the proper person in each city to obtain more details.

Kathy will send the Task Force Study link to NRB, along with Page & Gunnar tomorrow. She will also send the link to the Boards & Commissions application.

Approve minutes from the December 9, 2015 meeting of the Board

Kerrie Standlee has amendments and a recommendation that if there is no public testimony given, include in the minutes that no public testimony was received.

Amendments:

All conditions included by applicant (ODOT and BES, for example) shouldn't be cut and paste from their mitigation suggestions, and instead, be more tailored to the specific project. From now on remove areas not applicable to the project, instead of leaving them all intact as given.

Strike conditions I- and H from all 3 ODOT permits from January minutes.

He will approve the minutes with the understanding that changes be made that are not applicable in the specific project.

**Julie Greb makes a motion to approve minutes as corrected. Carol Gossett seconds.
Motion passes 5 - 0**

Adjournment: 7:30

Kerrie moves to adjourn

Carol Gossett seconds

Motion passes 5 - 0