



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

AMANDA FRITZ, COMMISSIONER
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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**

FILE COPY

APPLICANT: MULTNOMAH COUNTY DIVISION OF TRANSPORTATION - BRIDGES *CLAY JORDAN*

REQUEST: ONE-YEAR, VARIANCE FOR BROADWAY BRIDGE RALL WHEEL REPLACEMENT PROJECT. DEGRADATION AND SURFACE MATERIAL FAILURE HAS OCCURRED OVER TIME AND THE ASSEMBLY REQUIRES REPLACEMENT. MAJOR PROJECT ELEMENTS INCLUDE RALL WHEEL, BEARINGS, AXLES AND TRACK REPLACEMENTS AT ALL FOUR BRIDGE LOCATIONS.

VARIANCE NUMBER: 16-232120-000-00-NV

DECIDED: OCTOBER 19, 2016

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 Clay Jordan, representing Multnomah County; Division of Transportation – Bridges, for a 1-year duration construction project to repair the Rall Wheels on the Broadway Bridge. The requested

time is between February 1, 2017 and November 30, 2017, for up to 50 nights, and the requested hours are between 6 p.m. and 7:00 am.

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 50 nights of work with the conditions below. Melissa Stewart seconded the motion. The motion passed unanimously, 4 - 0. Jamie Hurd was absent.

The Variance is approved with the following conditions:

- A. Variance shall be for up to 50 nights of nighttime work between the hours of 6:00 pm – 7:00 am
- B. All equipment will comply with US Environmental Protection Agency noise standards
- C. Reduce truck movements at night
- D. Use silent "smart alarms" instead of reverse signal beep alarms on vehicles at night
- E. Sound measurements will be made on the nearest building to the bridge on McCormick Pier Apartments on the NE building. The level there shall not exceed 70 dBA L10 hourly with L1 shall not exceed 75 dBA, measured in 15 minute increments.
- F. Noise limits at The Yards shall not exceed an L10 of 65dBA or an L1 of 70 dBA, as measured using 15 minute measurement periods. ho
- G. Build containment structures to help muffle construction noise
- H. Replacement Rall Wheels shall be barged in during daytime construction hours
- I. Maintain a 24-hour telephone response line for noise complaints
- J. Address complaints within 24 hours before scheduled night work

- K. The applicant will notify the Noise Control Office of any complaints related to the Event. A mitigation plan will be formulated with the Noise Office.

- L. Noise measurements will be monitored and recorded during the event. The sound level measurements will be supplied to the Noise Control Office within 2 weeks, 14 calendar days, following the event. Readings will also be made available upon request of the Noise Office during the event.

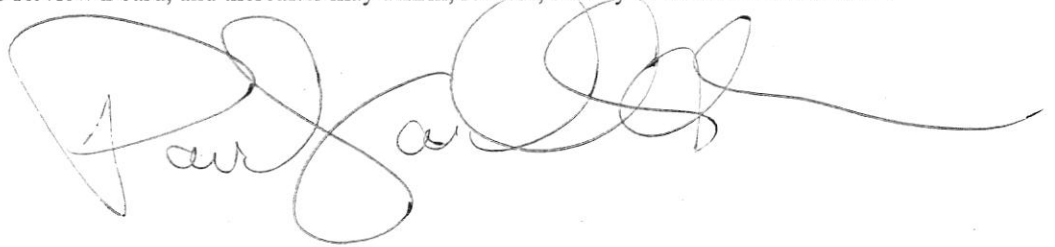
The applicant understands that this variance is subject to review upon complaint.

This decision becomes effective on October 19, 2016.

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

A handwritten signature in black ink, appearing to read "Paul van Orden", written in a cursive style. The signature is positioned to the right of the typed name and title.