



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*

**FINDINGS AND DECISION OF  
THE NOISE REVIEW BOARD- REVISED**

FILE COPY

VARIANCE NUMBER: 3550714-002

APPLICANT: Oregon Department of Transportation  
Wayne Statler  
3700 SE 92<sup>nd</sup> Avenue  
Portland, Oregon 97266

REQUEST: Nighttime construction work for the Oregon Highway OR 213: Cascade Highway North (also known as SE 82<sup>nd</sup> Avenue) at selected intersections between SE Division Street and NE Couch Street, SE Duke Street and SE Sandy Boulevard. Intersections to be included are:

- SE Division Street
- SE Mill Street
- SE Washington Street
- SE Stark Street
- SE Yamhill Street
- E Burnside Street

DECIDED: February 11, 2015 **REVISED July 26, 2017**

***DECISION: APPROVED FOR ROADWAY CONSTRUCTION, BETWEEN SEPTEMBER 1, 2015 to OCTOBER 31, 2016), WITH CONDITIONS REVISED JULY 26, 2017 FOR DATE EXTENSION BETWEEN AUGUST 15, 2017 THROUGH SEPTEMBER 30, 2017***

**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:

A variance was requested for:

- Installation of new signal poles
- Concrete work for Americans with Disabilities Act (ADA)-compliant intersection ramps
- Grinding, paving, and striping
- Replacement of signal poles
- Manhole adjustments
- Drilling to install new signal conduits

The requested dates and times are as follows:

Nighttime is anticipated to be between 5 and 24 nights at each intersection, depending on the work anticipated at each intersection. The work is expected to be completed between September 1, 2015 and October 31, 2016 (from 6:00 pm to 7:00 am on the days where nighttime work would be performed)

**Revised July 26, 2017 for date extension for nighttime work between August 15, 2017 and September 30, 2017.**

## FINDINGS:

- A. The sound consists of a variety of pieces of construction equipment that will be utilized during nighttime hours. The project-affected intersections are in the top 5% of the Safety Priority Index System (SPIS) Sites. The SPIS is a method originally developed in 1986 by ODOT, for identifying potential safety problems on state highways. Accident histories at these intersections are mostly related to rear-end collisions, turning movements, pedestrian crossing and non-compliant ADA facilities. The signal equipment and signal controllers are outdated and in need of replacement.
- 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? 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.