



CITY OF  
**PORTLAND, OREGON**  
OFFICE OF NEIGHBORHOOD INVOLVEMENT

CHLOE EUDALY, 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- REVISED**

APPLICANT: OREGON DEPARTMENT OF TRANSPORTATION \*MATT FREITAG\*

REQUEST: ONE-YEAR VARIANCE FOR CONSTRUCTION OF TRAFFIC  
MANAGEMENT SYSTEM

VARIANCE NUMBER: 15-264976-000-01-NV

DECIDED: DECEMBER 9, 2015 (July 12, 2017, a request was made for an additional 2  
nights, bringing the total number of nighttime work from 66 to 68)

***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:**

Matt Freitag, representing Oregon Department of Transportation is requesting a noise variance for 2 major freeway corridors in the Portland area: US26 from OR 217 to I-405, and I-84 from I-5 to I-205. The noise variance is to allow nighttime construction for the Regional Active Traffic Management (ATM) project taking place for up to 68 nights between August 31, 2016 and December 31, 2017. Removal and replacement of signs will require closure of travel lanes at night to allow placement of boom trucks to remove and replace signs. These activities will be short duration and could be performed in progression at various locations within traffic control areas. Construction of new sign bridges or new cantilever sign supports will require extended night work activities for placement of new sign bases and installation of signs and supports over travel lanes. These activities will require extended lane closures at night and, in the case of a cantilever sign or sign bridge

12/18/2015



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span replacement over all travel lanes, intermittent closures of all travel lanes will be required, due to safety concerns.

**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 Julie Greb to grant a variance for Matt Freitag, representing ODOT, for 66 nights to take place between August 31, 2016 and December 31, 2017 with the conditions below. Melissa Stewart seconded the motion. The motion passed unanimously, 5 – 0. July 12, 2017, a request was made for an additional 2 nights, bringing the total number of nighttime work from 66 to 68**

**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:

- A. Any concrete cutting shall take place when the shift starts, prior to midnight. Between the hours of 10:00 pm and 12:00 am, all concrete cutting shall include sound barriers.

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