



Oregon

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Department of Transportation

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August 30, 2016

Portland City Council
City Commissioners

On behalf of the Oregon Department of Transportation (ODOT), Region 1, I would like to provide comment on the impact of the proposed Noise Variance Fee Increases.

Each year ODOT has many road and bridge construction and repair projects underway within the city limits of Portland, usually 15-20. For public safety and to keep traffic moving during the day and not cause major gridlock, ODOT contractors work at night when traffic volumes are lower. ODOT applies for Noise Variances for these projects. Since each project is different, the duration can last a few months or, in some cases, interstate and highway projects (I-5, I-205, I-405 I-84 and US 26, 82nd, Powell, Lombard and 99E) can require several years to complete.

We reviewed the proposed noise variance fee increase and provided comment in May to the Office of Neighborhood Involvement. While we are pleased with the rollback of the proposed fees, we want to share with you the impact of these increases on ODOT projects, as another tax payer funded public agency.

To address our commitment to providing safe infrastructure to the public, we propose that the City consider a separate fee structure for public agencies, including other City Bureaus, Multnomah County and ODOT. All of these partner agencies use taxpayer dollars to maintain and improve services for the public within the City of Portland. Requiring the same permit and fee structure for this public work, as for private development, is inappropriate and counter to our shared mission. Should the City be interested in such a fee structure, we would be happy to participate in a process with the City and other public agency stakeholders to determine an equitable fee structure for public works.

Comments on the fee amounts:

- The proposed fee increase is 15% over the current fees and is more reasonable than the original proposal. However, we are concerned about the possibility of further large increases in the coming years.
- The noise variance fee for one project taking more than 2 years to complete now is \$3,463 and a 15% increase would bring the total to about \$4,000.
- These increases will have adverse effects on transportation infrastructure projects within the City of Portland. Project funding is always a challenge. We may need to make trade-offs in projects including reducing the footprint or

eliminating project elements to accommodate this new fee, which will provide less benefit to the public.

- ODOT would not want the added fees to compromise our ability to provide the public with safe roads or pedestrian and cycling facilities.

Other aspects of this proposed Fee Schedule are not clear. We just received the notice of the revised proposal and process on Friday, August 26, 2016. We have not had sufficient time to get questions answered in order to determine the full cost impact in comparison to the original proposal. We could not do an adequate comparison to the Office of Neighborhood Involvement's original proposal given this very short notice. This is not sufficient notification.

ODOT has always been responsible about minimizing the impact of construction noise and has responded promptly to any complaints about noise.

- For each ODOT project requiring a noise variance, we set up a noise hotline—a special phone number that people can call 24/7 and share their complaint with a live person. Complaints are something we expect on our projects, but we also are very thorough and responsive to listen to concerns and make adjustments when we can.
- We also have a stellar comprehensive public outreach process where we use a number of tactics to reach a variety of audiences prior to construction to make them aware of the potential noise and the hotline they can use for complaints.

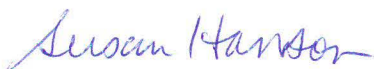
Comparisons to other local jurisdictions:

ODOT Region 1 serves 4 counties and the many cities within those counties. Each jurisdiction has either no noise variance fees or much lower ones.

This proposal would make night work more expensive which would, in turn, potentially cause more daytime work. This would increase congestion to all modes of transportation, increase construction time and increase hazardous working conditions for the public, ODOT, and its contractors due to high traffic volumes, especially on our local interstates.

ODOT enjoys a good professional working relationship with the office of Noise Control. Paul VanOrden, the City's Noise Officer and his staff are great assets to the City and provide a wealth of information to help ODOT to acquire the necessary noise variances to facilitate moving our projects forward in the construction phases. We ask that you take our feedback into consideration when implementing fee increases and other changes to the process of acquiring a noise variance.

Thank you,



Susan Hanson
Community Affairs Manager
Oregon Department of Transportation

Cc: Rian Windsheimer, ODOT Region 1 Manager

City of Portland
Office of Neighborhood Involvement
Noise Variance and Other Fees Schedule

Effective Date: July 1, 2014 October 7, 2016

| REVIEW FEES - 10 or more business days prior to date of event | | |
|--|---|-----------------|
| | <u>Current Fees</u> | <u>New Fees</u> |
| High Noise Impact Events | \$366 | <u>\$421</u> |
| Construction <u>-Projects</u> | | |
| <u>First Week</u> | \$510 | <u>\$587</u> |
| <u>Additional Weeks</u> More than one week in duration— | \$510 for the first week, plus \$170 for each | <u>\$195</u> |
| <u>Maximum per 12 months</u> | —additional week up to a total maximum | <u>\$978</u> |
| | —of \$850 per 12 month period. | |
| Motor Vehicle Racing | \$2,613 for the first year, plus \$850 | |
| | —per additional year of request. | |
| Noise Review Board Variances <u>& Motor Vehicle Racing</u> | \$2,613 plus \$850 per additional— | |
| <u>First Year</u> | —year of request | <u>\$3,005</u> |
| <u>Additional Years</u> | | <u>\$978</u> |
| All Other Applications | \$83 | <u>\$95</u> |
| ACCELERATED REVIEW FEES - Less than 10 business days prior to the date of the event * | | |
| High Noise Impact Events | \$733 | <u>\$843</u> |
| Construction | | |
| <u>First Week</u> One week in duration— | \$681 | <u>\$783</u> |
| <u>Additional Weeks</u> | | <u>\$380</u> |
| <u>Maximum for 12 months</u> | | <u>\$1,956</u> |
| More than one week in duration— | \$681 for the first week, plus \$339 for each | |
| | —additional week up to a total maximum | |
| | —of \$1,701 per 12 month period. | |
| Motor Vehicle Racing | \$5,227 for the first year, plus \$1,701 | |
| | —per additional year of request. | |
| Noise Review Board Variances <u>& Motor Vehicle Racing</u> | \$5,227 plus \$1,701 per additional— | |
| <u>First Year</u> | —year of request | <u>\$6,011</u> |
| <u>Additional Years</u> | | <u>\$1,956</u> |
| All Other Applications | \$166 | <u>\$191</u> |
| *Variance applications submitted less than four business days prior to the date of the noise variance event, shall be charged a review fee equal to one and a half times the accelerated review fees listed above. | | |
| ADDITIONAL FEES AFTER INITIAL APPROVAL | | |
| Scope of Work Revision | | |
| All Other Applications | \$41 | <u>\$47</u> |
| High Noise Impact Events | \$80 | <u>\$92</u> |
| Construction, Motor Vehicle Racing | \$166 | <u>\$191</u> |
| Noise Review Board Variances | \$414 | <u>\$476</u> |
| Date Change Only | | |
| All Other Applications, High Noise Impact Events | \$41 | <u>\$47</u> |
| Construction, Motor Vehicle Racing | \$83 | <u>\$92</u> |
| Noise Review Board Variances | \$166 | <u>\$191</u> |
| ADDITIONAL FEES | | |
| Administrative Review Fee | \$110 | <u>\$250</u> |
| Administrative Review Appeal Fee | \$500 | |
| County Recording Fee | Equal to the cost of recording charges | |