



To: Alan Rappleyea, Hearings Officer
Lisa Estrin, Senior Planner-Multnomah County Land Use and Planning Division

From: Gresham Barlow School Board of Directors
Date: August 3, 2023
Subject: T-3-2022-16220 - Supplemental Testimony in Opposition

The Gresham-Barlow School Board (GBSD) is providing this supplemental testimony in opposition to the Portland Water Bureau's (PWB) proposed construction and operation of a water treatment and filtration plant.

Gresham-Barlow School District has the responsibility for the education of 11,500 students within our boundaries. We are not only responsible for the education they receive, but also their safety while getting to and from school. Our concerns about our student's safety have not been considered nor addressed through this process. We passed Resolution No. 2023-09 on March 1, 2023 which stated the District is opposed to the construction of a water treatment plant in our district due to our concerns about the safety of our students both during construction and also during the operation of the facility. The concerns of Gresham-Barlow School District as stated in the resolution were and continue to be: 1) there are no specific plans to ensure student and community safety; 2) there are no specific plans to mitigate traffic concerns, and 3) there are no specific plans for running buses while roads are torn open to lay pipe.

PWB did not seek GBSD's input about any portion of this project and the impact it would have on our ability to get students (see Multco. Transportation Division proposed condition of approval) to and from school on time and in a safe manner. This is particularly concerning since we are one of the single biggest entities that will be impacted.

GBSD concerns:

1. The initial Construction Transportation Impact Analysis (TIA) identified the peak hour as *"a one-hour period during the heaviest existing traffic use of area roadways which occurs between 7:00 am to 9:00 am and 4 pm to 6:00 pm."* GBSD was never consulted about our school start and end times, other activities beyond start and end times, or any information about congestion at specific intersections related to school zones. Therefore, one of the days the analysis was conducted was on a Wednesday, which is a late start day. All elementary and middle schools started after the traffic analysis was conducted, so the analysis on that day would not have included those start times. The report provided by Global Transportation Engineering, dated June 2, 2023, Exhibit A.230 only "summarizes the analysis conducted to identify impacts". In that report it includes the correct start time for the late starts, but the analysis was not redone, nor could it have been since school was then out for the summer.

To try to remedy the traffic impact simply by restricting truck traffic to 20 minutes before and after start times is not adequate. Nor is it reasonable to assume that a truck won't start working before a 10:05 start time. In that instance, a truck that has started a trip and finds itself near the school at 9:45 am will just pull over before they pass the school? What kind of traffic impact will that cause?

Additionally, Page 4 of the Applicant's Pre-Hearing Statement dated June 29, 2023, Transportation Planning Proposed Condition 4 assigns the offset arrival time oversight to the Construction Manager:

“The requested Transportation Demand Management (TDM) Plan is provided in Attachment 3 to this Pre-Hearing Statement. The plan identifies the PWB Construction Manager as the person responsible for coordinating the demand reduction strategies and provides a hierarchy of TDM strategies that will be implemented in order to ensure that the capacity threshold is not exceeded at any point during construction. Consistent with the suggestions in Proposed Condition 4 and the Construction TIA, those TDM strategies are use of the Bluff Road Access, offset arrival times, commuter shuttling, and rideshare/carpooling incentive programs.”

As stated, the Construction Manager is responsible not only for the offset arrival time, but for the entire Traffic Demand Management. This is presumably in addition to all the other duties assigned to a “Construction Manager”. It is inconceivable that a position with that oversight will be able to give the Traffic Demand Management, and particularly the offset arrival times given the number of trucks moving between different schools at different times of the day, sufficient time to adequately address the needs of GBSD.

Also, the traffic analysis did not evaluate the highest volume roads in our district as it relates to school traffic. It only reviewed the roads in front of the schools where cars cue to drop off and pick up students. The following is a list of the highest volume intersections in regards to our schools.

- 302nd at Dodge Park (this in the intersection that cars line up at to pick up from East Orient - EOES)
- Orient Dr. at Short Rd (directly in front of West Orient - WOMS)
- Orient Dr. at Bluff (the other side of West Orient and through traffic from EOES to WOMS)
- Lusted Road at 282nd (assuming trucks will be turning onto Lusted Rd at this intersection after either coming east on Powell or south on Troutdale Rd)
- Powell Rd at Kane (right next to Gordon Russell Middle School - GRMS. If trucks come up Kane this will interfere with traffic at GRMS and further down Powell trucks would also pass Powell Valley)
- Orient at Chase Rd (If trucks continue on Kane which turns into Orient they will interfere with buses leaving Kelly Creek from Chase Rd)..

Beyond the traffic at the schools of parents dropping off students and picking them up and buses arriving at the school, there has been zero analysis of our bus routes. In fact, page 7 of the staff report presented by Multnomah County, Case File: T3-2022-16220, Issue Date: June 22, 2023, states:

c. TCP(s) must demonstrate consultation/engagement with Agricultural businesses abutting the pipeline and detour routes and Gresham-Barlow School Districts, as recommended in the Construction TIA (Exhibit A.230) to ensure impacts on the local transportation network are known in advance.

And in the report provided by Global Transportation Engineering, dated June 2, 2023, Exhibit A.230, page 26, the only reference to bus routes is the following:

“School bus routes may vary over the course of construction based on changes in ridership. These routes are evaluated annually by the bussing companies. Coordination will be done to accommodate their routes and any adjustments needed within those routes.”

The TIA only states “coordination will be done to accommodate their routes and any adjustments needed within those routes.” That is completely inadequate. How can “adjustments” be made when there has been no analysis as to what routes are required to go through roads that are closed? Without prior adequate analysis of our bus routes, there may very well be no acceptable alternative for our students to get to school. This is a critical component to our concerns and since there has not been any analysis, this project should be denied.

3. GBSD continues to be concerned about our students’ safety when traveling to and from school through the project area. GBSD asked whether there was a commitment from Fire District 10 and Gresham Fire that adequate services were available. Page 121 of the Applicant’s Pre-hearing statement dated June 29, 2023, confirms there is not adequate fire services available. The letter from MWA Architects states:

“In response to the statement by Gresham Fire and Emergency Services that they are not able to deliver the requisite personnel and equipment to a major event within the standards of NFPA 1710 (which includes a stated eight minute response time), the Portland Water Bureau is providing the following overview of the Filtration Facility’s fire protection design and strategies that will provide building and site protection should an extended response time by Gresham Fire occur.”

Fire District 10 and Gresham Fire have stated they do not have the capacity to respond, which includes personnel and resources, not that they have adequate resources and just can’t get there in accordance with NFPA 1710 (8-minute response time). Therefore, the mitigation of design and strategies that will provide protection should an “extended response time” occur is irrelevant. Fire services will not arrive within 8 minutes, as they won’t be arriving at all.

It is concerning that the staff report presented by Multnomah County, Case File: T3-2022-16220, Issue Date: June 22, 2023, states on page 84 that “adequate fire protection public services are existing in the area”. Adequate emergency response must be available for our schools as well as to the buses that are transporting our students through that area. Until that is confirmed by Fire District 10 and Gresham Fire, this project should be denied.

4. PWB has provided no information about whether any of the chemicals would require evacuation in the event of a spill. Given that the Multnomah County Transportation Division stated: “County Transportation has no jurisdiction over the transportation of hazardous materials.” Whose responsibility will it be? If PWB, they must be required to identify every scenario and have a plan in place. If there is another agency, they also must be required to provide a plan for our review. There is nothing in the staff report nor any other document that addresses this concern. Since the trucks carrying these chemicals will be sharing the roads with our students, there must be a plan identified or this project should be denied.

5. PWB has implied they have conducted a “robust public outreach” campaign regarding this project. GBSD was not contacted by PWB for any feedback, input, or concerns regarding this project until May 2023. We sent GBSD staff to meet PWB last year because of our concerns, not at PWB’s request. PWB staff dismissed our concerns then and made no effort to reach out to us until they were required to as part of the land use planning process which did not occur until May 2023. However, that communication consisted only of a presentation delivered in May 2023 during which PWB told the board, “what” they would do. It did not include asking

for input or what our concerns were specifically. Even if they had, it was far too late to have any meaningful input.

PWB stated in the Applicants Pre-Hearing Statement dated June 29, 2023, page 8: *“Multiple public comments submitted into the record express construction-related concerns, particularly about safety and traffic. The Water Bureau has taken care to put safety first, for both the community and workers, and to limit community disruption during construction. These extensive efforts include robust and ongoing community outreach, honoring commitments in the Good Neighbor Agreement, identifying planned pipeline routes and community input, early engagement of an agricultural consultant, and extensive traffic analysis.”*

As stated, GBSD has never been asked what our concerns might be, nor were we included in any discussions as part of a “Good Neighbor Agreement.” The “extensive traffic analysis” did not take into consideration any operating procedures or specific issues from GBSD. The only action taken to mitigate the impact to GBSD and our students is the 20 minute window proposal, which was based on an inadequate traffic analysis. No other concerns of the GBSD were considered nor acted upon. GBSD has no confidence that PWB will abide by continuing a “robust” public outreach when they have not done so with the school district but have indicated they have. Based on PWB excluding GBSD from any public outreach and therefore our concerns not being adequately addressed, this project should be denied.

6. Page 131 of the staff report includes an inaccurate statement that a policy was met with regards to GBSD’s ability to provide a service:

Police, Fire and Emergency Response Facilities

Policy 11.17 As appropriate, include school districts, police and fire protection, and emergency response service providers in the land use process by requiring review of land use applications from these agencies regarding the agency’s ability to provide the acceptable level of service with respect to the land use proposal.

Staff: Fire District #10 has provided the service provider form at Exhibit A.130 and comments as Exhibit D.1. Multnomah County Sheriff has offered Will Serve forms for the Water Filtration Facility and the Intertie Site (Exhibit A.108 and A.110). The Gresham Barlow School District has provided written comments at Exhibits D.2 and D.3. Gresham Fire District has provided a written comment (Exhibit D.16).

Policy met.

The policy states “regarding the agency’s ability to provide an acceptable level of service with respect to the land use proposal”. The communication from GBSD specifically states we will not be able to provide an acceptable level of service to our students. There has been no evaluation of the impact to our bus routes, no analysis of the safety of the chemicals being transported and the potential need for evacuation, and no analysis of the safety of our students and buses who must access roads that are closed.

Based on the fact that the GBSD concerns have not been address nor adequate solutions identified such that it allows us to continue to provide an acceptable level of service, this project should be denied.

GBSD has a legal obligation to protect our students and do everything in our power to make sure they have safe and timely access to their schools. We cannot meet that obligation if this project is approved.

PWB's proposed project fails to meet the required criteria for a Conditional Use. Please deny this application.

Cathy Keathley
Vice Chair
Gresham-Barlow School Board