

September 3, 2023

To: Alan Rapplelea, Hearings Officer

Lisa Estrin, Senior Planner – Multnomah County Land Use Planning Division

From: Cathy Keathley, Vice Chair, Gresham-Barlow School Board

Subject: T-3-2022-16220 – Supplemental Testimony in Rebuttal to Ex. I-84, Pages 28 & 29.

Gresham-Barlow School Board remains opposed to the PWB Treatment Plant. On behalf of the Board, I am providing this response to Exhibit I.84 pages 28 & 29 to rebut the response of Global Transportation Engineering (GTE).

This memo includes not only a rebuttal to the comments from GTE, but also includes other concerns as previously reported by the Gresham-Barlow School Board that have yet to be addressed.

The Multnomah County Land Use Hearings Officer has the responsibility to make sure the applicant meets all land use requirements and that all the information provided is accurate. I have included several responses that are purposefully misleading and other areas that have never been addressed. I implore you to read this submittal in its entirety.

Rebuttal to specific comments from Exhibit I.84, page 28:

E.25 Keathley Comment #1 Summary Restated:

The concerns of the Gresham-Barlow School District as stated in the resolution were 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.

GTE Response to Comment:

Item 1: The roadways are designed to accommodate the type of traffic that the construction of the project will add to the transportation network. Roadways that are currently degraded or anticipated to degrade will be improved by the PWB contractor in a “fix it first” approach with additional conditions of approval to leave it like or better condition after construction. This is outlined in the Staff Report and Transportation Planning Comments and with the Water Bureau’s proposed additional details to the County recommended conditions outlined in Exhibit H.3 (Pre-Hearing Statement by the Application).

Keathley Response to GTE comment regarding Item 1:

GBSD’s Item 1 does not list the roadways as a specific area of concern. The issue of student and community safety is not the actual roadway, but how many more trucks will be sharing those small rural roads with our buses and a host of other safety concerns which were not addressed in this

response. However, their statement, “the roadways are designed to accommodate the type of traffic that the construction of the project will add to the transportation network” is false.

**Exhibit H.8** Technical Memorandum to the Hearings Officer from Michael Ard, which provides an analysis of the “Bull Run Filtration Facility – Construction Traffic impact Analysis, dated June 2, 2023, page 1, states, “The report addresses the existing condition of area roadways with an evaluation of pavement conditions. However, many of the impacted roadways were neither designed nor constructed with the intention to support high volumes of truck traffic. (Emphasis added).

Exhibit H.8 points out several areas of inaccurate analysis on the part of Global Transportation Engineering. The added truck traffic to roads that were neither designed nor constructed with the intention to support high volumes of truck traffic is a safety concern for our students when sharing those roadways in private cars and buses. GTE does not provide any evidence to dispute the statements made by Michael Ard.

GTE Response to Comment - 2) there are no specific plans to mitigate traffic concerns:

Item 2: The Construction TIA and subsequent TDMP identifies mitigation strategies. The Construction TIA is to identify issues and areas of concern and identify how those can be mitigated.

Keathley Response to Applicant Comment regarding Item 2:

The GTE responses states “mitigation strategies”. Which implies there are several strategies that address GBSD’s traffic concerns. This is misleading on the part of GTE. Page 18 of the Construction TIA list the following for mitigation strategies:

- Direct half of the commuter traffic to use Access B, which will redirect traffic from Dodge Park.....
- Provide a commuter shuttle
- Offset commuter arrivals to the Filtration Facility
- Develop a rideshare program
- Develop an incentive program to encourage carpooling

None of these strategies have anything to do with our schools, students, or buses. There is only one singular strategy (which is not on this list), which relates to schools. That strategy is to include a 20-minute delay before and after pick-up and drop-off at the four schools noted in the TIA. And that one strategy does not mitigate traffic concerns because it is inadequate and based on incomplete data.

Page 21 of the Construction TIA includes the statement, “Sam Barlow High School and West Orient Middle School are located along (or are shown to have vehicle queuing along) roadways that are likely to be impacted by construction traffic. As such, queueing observations were conducted at these schools.” However, the observations were done on only two days. One of which was a late start day, which was 10:05 at the middle school. Therefore, the analysis could not have registered an accurate traffic count. The Federal Highway Administration published a Traffic Data Computation Method Guide, Publication No. FHWA-PL-18-027 in August 2018. The objective of the guide is to “succinctly

provide computational methods for selected traffic data items.” In every example, the guides state multiple days are required to record accurate traffic patterns. Using one day’s data is not sufficient. Based on daily experiences of two parents on the GBSD Board, the traffic line typically extends 40 minutes before and after drop-off and pick-up of students. Given that the analysis was done for only one day and that we have daily personal experiences which refute the data, we do not accept the accuracy of the 20-minute window.

GTE Response to comment – Item 3) there are no specific plans for running buses while roads are torn open to lay pipe:

Item 3: This is addressed within the Construction TIA on page 20 and under the E.8 Response to comments.

Keathley Response to Applicant Comment regarding Item 3:

The lack of any review of our bus routes remains one of GBSD’s major concerns. To have GTE (and PWB previously) continue to dismiss the lack of review of the specific routes and how they will be impacted by road closures is unacceptable.

Page 20 of the Construction TIA has one single entry for the entire bus route system which states: “During all lane and full roadway closures, emergency vehicles access will be maintained. For school bus routes, PWB and the CM/GCs will coordinate with the schools and districts on schedules, bus routes that need to be maintained, and bus routes that can be temporarily modified.”

There has been no discussion with GBSD or First Student regarding any bus routes. No requests have been made for bus routes or to discuss the many concerns we have in order to evaluate the impact on operations or safety of our students and drivers. In fact, during the June 20, 2023, in person presentation to the GBSD Board, Dave Peters, Program Director for the PWB, stated at 43:31, “We don’t know a lot about the school bus routes because we haven’t gotten the routes from First Student.” This was on June 20, 2023, a mere 10 days before the Multnomah County Land Use Hearing. To clarify, PWB did not get the routes because they never asked for them.

Clearly, PWB purposely chose not to ask for, nor ever intended to address the bus routes. On page 26 of the Construction TIA, it states: “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.”

PWB implies that because the routes change, they don’t have to look at them. That is completely inadequate. Routes may have some changes year over year, but they are not substantial. PWB should have evaluated the existing routes, identified those routes that would be impacted, and developed a plan to address those routes. Bus routes must be analyzed first and only THEN could PWB work with

GBSD to make adjustments in the future. Additionally, it is not considered planning to say, “coordination will be done.” They are required to avoid impacts on public services. Saying they will do that without evaluating the impact with data that is readily available is not sufficient.

PWB has never had a meeting with the GBSD on any topic, especially regarding bus routes. Neither the District nor First Student has indicated there are any bus routes that can be temporarily modified.

The August 5<sup>th</sup> testimony from Tammy Rickman from First Student states, “We have compared our current school bus routes and the proposed construction road maps. We have identified hundreds of displaced students located down roads under contraction or are impassable for considerably long periods. EVERY road where construction will take place is a road we must travel to pick up/drop off students.” First Student took the responsible step and compared our bus routes to the construction road closures, which makes it clear how easily PWB could have conducted that analysis. They simply chose not to.

Exhibit B.16, Revised EP-2023-16844-PWB Transportation-Memo, page 4, number 7 (c) states: “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.” PWB has not taken any action to determine the impacts this project will have on our bus routes. They did not meet this condition.

E.25 Keathley Comment #2 Summary Restated:

“PWB said the roads would be shared with pedestrians, including our students. The roads are simply not big enough to accommodate construction and other traffic let alone pedestrians/students.”

GTE Response to Comment: This is incorrect. The Construction TIA on page 18 states under Pedestrian and Bicycle Accommodation During Construction that bikes will share the roadway as they do today. Pedestrians will be accommodated around the work zones via similar or better facilities.

Keathley Response to Applicant Comment #2:

GTE response is a complete misrepresentation, because the Construction TIA on page 18 states pedestrian and bicycle accommodation during construction will share the roadway ONLY (emphasis added) “through work zones where there are full roadway closures or one side of the road is closed; pedestrian access will remain open when there is ample room for passage around the work zone.” There is no data to suggest there will be ample room.

In fact, another paragraph on the same page confirms our initial concern. “One work zone is proposed for a full roadway closure for Project-related activities where no vehicular, pedestrian or bike access will be provided through the work zone. This is a full closure of SE Altman Road between SE Pipeline

Road and SE Oxbow Road for pipeline work. **This is due to limited or no shoulder area, ditches along the west side of the road, and drop-offs along the east side of the road. No worn pedestrian paths are present in the area and there are no site access points along this segment of SE Altman Road, so no pedestrian traffic is anticipated.** (Emphasis added.) As an option, if pedestrian or bike access is deemed necessary by Multnomah County, a shuttle may be provided that can shuttle pedestrians and bikes around the work zone.”

GTE indicates Multnomah County “may” provide a shuttle. That is not an adequate response to a safety concern for our students. The Construction TIA indicated they observed one student walking to school. The analysis was conducted on one day only, which again, is not adequate. Will the school be required to survey our students to see who walks regularly? What is the plan for pedestrians to get approval from Multnomah County to request a shuttle? Is it an application process? Will there be one employee staged at Multnomah County who makes those decisions? Clearly this “plan” is not adequate to mitigate the impact on pedestrians and bicycles.

E.25 Keathley Comment #3 Summary Restated:

“There was no discussion of the long-term impacts to the roads after years of accommodating the increase traffic of trucks with that type of tonnage. The estimate for just the 5+ year construction period is 308,000 heavy truck trips and over 700,000 workforce trips to these roads. That means a disruption to our students trying to get to school in private cars as well as buses.”

GTE Response to Comment #3:

This has been addressed under the H.8 response to Comments and earlier E.25 comments. Students getting to school in private cars are accounted for as part of the Construction TIA’s background traffic in the area. The Construction TIA finds that, with a TDM Plan in place, the area’s transportation network will operate at or above the County’s level of service requirement during the temporary construction period.

Keathley Response to Applicant Comment #3:

The sheer volume of additional truck traffic will have an impact on students getting to school both in private cars as well as buses. The TDM plan as outlined in the Construction TIA has nothing to do with school vehicles or our buses as noted in an earlier comment. The TDM lists detours (which will impact students in cars and buses), ride share (which is difficult at best in rural settings with neighbors being defined as many miles apart and also separated by road closures and delays); or shuttles (getting someone through a work zone but they won’t have their car when they get to the other side, so this is not a workable option). Even with these TDM strategies, our parents and buses will be sharing the road with loaded trucks which represent over 300,000 trips over the course of construction. The GTE response does not address this concern.

E.25 Keathley Comment #4 Summary Restated:

“The study was done on 2 separate days. Thursday, Feb 28<sup>th</sup> and Wednesday, March 15<sup>th</sup>. Both days the study was done from 7-9 am and 4-6 pm. Our schools are all out by 4 pm and most buses are done with routes by then, with the exception of a couple of middle school buses. That leaves only the 7-9 am time to assess school disruption and on Wednesdays the elementary and middle school do not start until 9:35 and 10:05. Additionally, the high school has activities through the evening, and most often, every evening.”

GTE Response to Comment #4:

The referenced study was a count of AM and PM peak hour trips, which is standard for traffic impact analysis. Schools let out typically in the afternoon prior to the PM peak. As the PM peak does not coincide with when school gets out in the afternoon, a separate analysis was conducted at the schools, noted on pages 20 to 23 of the Construction TIA to identify additional impacts to schools during drop-off and pick-up times. Events outside of drop-off and pick-up times will typically be less and would not create issues above any observed during the higher volume drop-off and pick-up times. Similarly, late start days that are outside of the AM peak hour would not create issues above any observed during the higher volume AM peak hour.

Keathley Response to Applicant Comment #4:

An AM and PM analysis may be standard, but reflecting data collected on only one day is not. See notes from Keathley response to prior comment regarding an FHA guide. Additionally, GTE notes that late start days are outside of the AM peak hour and therefore would not create issues above any observed during the higher volume AM peak hour. If that is true, then why does the Construction TIA on page 21 include the statement: “Sam Barlow High School and West Orient Middle School are located along (or are shown to have vehicle queuing along) roadways that are likely to be impacted by construction traffic. As such, queueing observations were conducted at these schools.” Either it is impacted by construction traffic and therefore requires a separate analysis, or it falls within the AM peak hour. And if it requires a separate analysis, then that analysis should reflect accurate data. This is a misrepresentation by GTE.

E.25 Keathley Comment #5 Summary Restated:

The highest volume intersections in regard to our schools were not assessed at all.

GTE Response to Comment:

The intersections required for analysis were coordinated with Multnomah County Transportation Planning. This considered schools within the project study area. Analyzing a broad selection of intersections, as was done in the Project TIA and Construction TIA, provides general information about the transportation system’s overall operations.

## Keathley Response to Applicant Comment #5:

Multnomah County has no reference to the traffic patterns created by our schools. We do not share information with the county, and they have no part in our planning process for traffic mitigation when it comes to our schools and Multnomah County roads. Therefore, intersections that are currently impacted by AM and PM school start and end times were not included but should have been. It was information that was readily available if PWB had made the effort to contact one of the major entities that will be impacted by this project, the Gresham-Barlow School District.

To say in a comment, "it was included" does not make it so. PWB should be required to prove that schools and subsequent traffic ques at specific intersections were in fact included in information for Multnomah County. And if they were not, the analysis is not accurate nor acceptable.

### Exhibit H.12: Paul Willis Testimony

I will respond to Paul Willis Testimony since it relates to GBSD. Willis testimony restated:

The School Board and bus personnel are concerned about the safety of students waiting on the side of the roads for pickup and drop-off when they often walk in front of the bus and possibly not being seen by construction vehicles. Exhibits show congestion at schools during student pick-up and drop-off. There are concerns about increased traffic and injuries.

GTE Response to Willis comment (summarized):

1. Traffic laws are in place requiring vehicles to stop for buses; school buses also have safety features that are designed to help children be seen and cross the roads; the increase in construction traffic does not change the laws or the need for children to be aware of potential traffic along roadways.
2. Congestion at schools is an existing condition and will not be increased by construction traffic. ORS 811 defines the rule of the road for drivers and allows for passage of trucks. Also states the requirements of ORS 811.550 (2) which prohibits stopping on the roadway unless certain conditions are met. ORS 811.550 (2) does not prohibit parking for parents to pick up children as long as passage for other vehicles is not inhibited.
3. Comment ignores text in the Construction TIA regarding delivery schedules are not scheduled during the 20-minute window before and after drop-off and pick-up.

Keathley Comments to GTE Response to Willis comment:

1. The traffic laws which require traffic to stop for buses and the safety features of buses are not in question. The point to consider is over 300,000 trips for loaded trucks that will now share the roadway with our buses. There is a documented increase in accidents (and more that result in fatalities) in rural areas with an increase in vehicle trips. It is the width and weight of the trucks in question, and sharing the small rural roadways with our buses that is the concern, and

one that has not been addressed in any plan. Simply saying that current laws and features of buses is sufficient does not address these concerns. I would also like to define the term “children”. In this case, our students’ range in age from a five-year-old kindergartener to an 18-year-old senior. It is exactly why Mr. Willis, Gresham-Barlow School District, and First Student continue to identify the added safety hazards that are caused by additional truck traffic. Our “children” deserve and expect GBSD and First Student to protect them.

2. ORS 811 does not take into consideration the impact of small, two-lane rural roads. Parent cars are not parking “along the roadway” to pick up children, which is allowed. There are no shoulders, so they are parking “in” the roadway. It is an existing system, but that will be seriously impacted by the 300,000 additional truck trips during construction. And I will point out again, these are not passenger vehicles. These are loaded trucks with an enormous tonnage on their axels.
3. The 20-minute window has been refuted throughout this rebuttal. Not only is it not enough time for the school traffic to dissipate, GTE (and therefore PWB) simply state trucks will not be scheduled during that 20 minutes window. Given PWB lack of commitment to talking to GBSD throughout this process, we do not have any trust they will keep that commitment or any other. Beyond that, it simply is not sufficient, and it will have significant impacts to our students arriving to school safely and on time.

#### Other Concerns Not Addressed:

GTE and PWB have been selective in what comments they respond to and what information is provided. GBSD has been clear about what our concerns are and has asked for specific action plans. Below I have noted the other issues that have never been addressed.

1. GBSD has grave concerns about the lack of communication from PWB. PWB did not reach out to us in any capacity to gather any of our concerns.

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.”*

Regarding GBSD, this is a false statement. Our bus routes have never been considered as part of a years-long project that will interrupt GBSD’s ability to serve our students. Our concerns were noted only after PWB made a presentation to GBSD on June 20, 2023, only 10 days prior to the land use public hearing. PWB has never made any effort to follow-up or submit any plan to GBSD. There is simply no way our concerns could have been included in any of PWBs planning. We have no

confidence that PWB will follow through with any commitment (legally required or not) to GBSD and the needs of our students and families.

2. GBSD is concerned about the interpretation of a policy by the Multnomah County Transportation staff.

Page 131 of the Multnomah County Staff Report, T3-2022-16220, dated June 22, 2023, includes a 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". They are taking the language literally, which cannot be an accurate representation of the policy. The purpose of the policy is to "require their review so they can determine their ability to provide the acceptable level of service with respect to the land use proposal."

The communication from GBSD specifically states, and First Student confirms, we will not be able to provide an acceptable level of service to our students. And staff states, "Policy met"? So, the policy is created so the agencies can confirm they will no longer be able to provide an acceptable level of service, and the project can continue?

3. There has been no response to GBSD's concern about incidences of chemical spills on the roadways. Any details provided regarding a chemical spill have been limited to the facility itself. The only response to a "roadway spill" is that Multnomah County Transportation has clearly stated chemicals on roadways are not in their purview. PWB states rules will be followed according to the applicable agencies, such as Federal EPA laws, etc. In fact, during the June 20, 2023, in person presentation to the GBSD Board, a representative for the PWB, stated at 27:03 when asked about a chemical spill on the road that would affect our buses and students, "...laws are baked in from other agencies for safety." If the laws are so established, it should be readily available to share with parties affected by this project. It does not instill

confidence in PWB. In fact, it implies they are relying on other agencies' rules, but they have not done any due diligence to know those laws and rules to be able to assure they are met. PWB has had the ability to respond to our concerns and request for details that would outline what happens in the event of a chemical spill on a roadway that will affect our students and buses. They have chosen not to do so.

There has been no evaluation of the impact on 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.

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 Conditional Use. Please deny this application.

Cathy Keathley

Vice-Chair

Gresham-Barlow School Board



---

**Case # T3-2022-16220 - GBSD Rebuttal to Exhibit I.84**

1 message

---

**Cathy Keathley** <keathley4@gresham.k12.or.us>  
To: LUP-comments@multco.us

Tue, Sep 5, 2023 at 10:47 PM



**External Sender** - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

Attached please find the Gresham-Barlow School Board's rebuttal to Exhibit I.84.

Cathy Keathley  
Vice Chair  
Gresham-Barlow School Board



**GBSD Rebuttal to Exhibit I.84.docx**  
32K