

Poplar Grove Neighborhood Alliance
Barrio Álamo Arboleda Alianza



COMMUNITY
ORGANIZING

22 November 2019

DELIVERED ELECTRONIC MAIL

Commissioner Thad LeVar, Chairman
% Public Service Commission
160 East 300 South (Heber Wells Building 4th Floor)
Salt Lake City, Utah 84111

Re: Rocky Mountain Power -Beck Street Transmission Project ¹
Formal Complaint

Dear Chairman LeVar,

The Poplar Grove Neighborhood Alliance (PGNA),² respectfully submits this formal complaint against Rocky Mountain Power (RMP) for review by the Public Service Commission.

PROCEDURAL HISTORY:

On November 11, 2019, we filed an informal complaint with the Utah Division of Public Utilities.³

¹ See Rocky Mountain Power: Beck Street Transmission Line Project

² The Poplar Grove Neighborhood Alliance is a project of Crossroads Urban Center - Salt Lake City, Utah

³ See Poplar Grove Neighborhood Alliance Informal Complaint to Utah Division of Public Utilities 11/11/19

On November 14, 2019, we received an email from the Division of Public Utilities advising us of the following:

“The Division of Public Utilities has received your inquiry. You should receive a resolution/ response from Rocky Mountain Power within 5 business days.”

On November 22, 2019, we have received no written response from RMP. Nevertheless, we have received a response in the form of RMP moving forward with project. This week they started to the installation process for the industrial size utility poles.⁴ Accordingly, we are filing this formal complaint with the Public Service Commission.

INFORMAL REVIEW:

We would also request that the Commission review the informal complaint process as set forth in Rule 746:

A person who is unable to resolve a dispute with the utility concerning a matter subject to Public Service Commission jurisdiction may obtain informal review of the dispute by a designated employee within the Division of Public Utilities. This employee shall investigate the dispute, try to resolve it, and inform both the utility and the consumer of his findings within five business days from receipt of the informal review request. Upon receipt of a request for informal review, the Division employee shall, within one business day, notify the utility that an informal complaint has been filed. Absent unusual circumstances, the utility shall attempt to resolve the complaint within five business days. In no circumstances shall the utility fail to respond to the informal complaint within five business days. The response shall advise the complainant and the Division employee regarding the results of the utility's investigation and a proposed solution to the dispute or provide a timetable to complete any investigation and propose a solution....⁵

⁴ See Photo of 900 W. 400 N. drilling 11/20/19

⁵ See R746-200-8(A) Informal Review.

We are perplexed as to why the procedure set forth in this Rule do not apply to us. To our knowledge no informal review was conducted by a “*designated employee within the Division of Public Utilities*”. As of this writing, this aspect of the Rule has not been followed:

“This employee shall investigate the dispute, try to resolve it, and inform both the utility and the consumer of his findings within five business days from receipt of the informal review request”.

Moreover, this aspect of the Rule has also been violated:

“Absent unusual circumstances, the utility shall attempt to resolve the complaint within five business days. In no circumstances shall the utility fail to respond to the informal complaint within five business days”.

The manner in which the Division of Public Utilities has responded (or ignored) to our informal complaint is reminiscent of the language in one of our founding documents:

“In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.”⁶

To that end, on November 20, 2019, we did meet with State Representative Sandra Hollins and Angela Romero to see if they could help us determine why this State agency has failed us.⁷ At this point, it appears that the Division of Public Utilities is working in concert with RMP to ensure that installation of this project occurs in spite of the violations of the statutes that we cited in our informal complaint.

⁶ See United States Declaration of Independence

⁷ See Photo of State Representative Sandra Hollins and Angela Romero and Michael Clara 11/18/19

TEXT OF THE INFORMAL COMPLAINT:

We are opposed the Beck Street Transmission Project for the following reasons:

MUNICIPAL LEVEL

On April 24, 2019, I met with Travis Tanner of Rocky Mountain Power⁸ and Brad Shafer of Marathon Petroleum.⁹ They outlined the Beck Street Project in much the same way that it was described in a recent article: *“The Beck Street Transmission Project will replace and add new power lines and poles, some of them as much as 30 feet taller than existing ones, in an effort to increase capacity and improve electric service reliability, according to Rocky Mountain Power.”*¹⁰

After understanding the project details, I explained that members of Poplar Grove Neighborhood Alliance would be opposed to the project because we are working with local and state officials to obtain funding to build an overpass on 900 West at the South Temple railroad crossing, similar to the 5600 West overpass project.¹¹

I went on to explain that Union Pacific Railroad has a switching station on South Temple and trains stop and block the intersection at a rate of twice an hour which causes traffic to back up in both directions on 900 West. I also pointed out that in the fall 2017, the Salt Lake City Transportation Division implemented a Road Diet on 900 West that only served to exacerbate an already intolerable traffic situation. A neighbor described the 900 West Road Diet Debacle as follows:

⁸ Travis Tanner, Customer and Community Manager – Rocky Mountain Power

⁹ Brad Shafer, Senior Manager, Government and Public Relations – Marathon Petroleum Corporation

¹⁰ See West Side Resident Worry About the Impact A Rocky Mountain Power Project Could Have on Their Neighborhoods, Salt Lake Tribune 07/06/19

¹¹ See UDOT SR-172 5600 W. Railroad Crossing (Salt Lake County)

*Margaret Harmon, one of the residents he spoke to who lives on 900 West, said that the lane reduction has caused a lot of traffic congestion. "Traffic really piles up during rush hour...It is usually backed up for at least a block or more, going north and south," she said.*¹²

In my meeting with Mr. Tanner and Mr. Shafer, I described the situation in much the same way that we outlined it in an appeal letter to the State Records Committee the previous year:

*In our statement of facts, we believe that we have demonstrated that the Mayor's office is out of touch with issues facing westside communities in Salt Lake City. We have offered examples of social media postings to demonstrate that the Salt Lake City Transportation Division has created a dangerous situation for residents in Poplar Grove. Moreover, the Salt Lake City Transportation Department refuses to meet with residents and when they do communicate with us, they are not honest brokers of data relating to our community. Now the Mayor's office is covering for the Transportation Department at the expense of the community. As a result of the Salt Lake City Transportation Division's implementation of a poor road design, accidents on 900 West have significantly increased which is the opposite effect what they claimed the new design would do. The skyrocketing accidents on 900 West have become a community health crisis. Clearly, the Salt Lake City Transportation Division and the Mayor's office are indifferent to economic cost, in terms of vehicle damage and loss of days at work. Clearly, they are indifferent to the physical and emotional trauma they have subjected westside resident to. Moreover, they have demonstrated that they find it irrelevant that their indifference is contributing to the cycles of poverty within our community. No wonder that the Mayor's Chief of Staff concludes that the information we are seeking has no "public benefit".*¹³

¹² See Changes to 900 West Remain Contentious Topic in the Community, Westview 12/30/18

¹³ See GRAMA NOTICE OF APPEAL to the State Records Committee, 900 West Road Diet Fiasco 08/23/18

I should point out, that we were successful in obtaining the data we were seeking on the Road Diet, only after taking the Mayor's office to court.¹⁴ The data shows that the daily average vehicle traffic on 900 West exceeds the threshold to implement a successful Road Diet. Even if we do reach the point of resolution with the 900 West Road Diet Debacle, the Union Pacific trains blocking the street will remain an issue. Additionally, we have seen reports that the Salt Lake City Inland Port will cause an increase in train traffic through our community. Accordingly, it is essential to the health and safety of our community, that the installation of transmission line/utility poles (where none exist now) on 900 West, does not impede our ability to build an overpass on 900 West at the South Temple railroad crossing. To date, we have not received a response as to the compatibility of industrial size utility poles and an overpass on 900 West.

The neighborhoods to the north of us, are concerned about the removal of trees from their property as expressed in a recent article:

*Residents and business owners in a west side Salt Lake City neighborhood are frustrated over their perceived lack of involvement in an upcoming Rocky Mountain Power project they worry will uproot mature trees, decrease property values and give their largely residential neighborhood a more industrial feel.*¹⁵

Rocky Mountain Power states:

"Trees directly in line which may causes a safety hazard will have to be removed...Any trees that are removed will be removed by a professional arborist. The land where the tree is removed will be restored to a level condition with topsoil. A replacement tree will be provided to you for any tree that is removed. If a tree would benefit or preserve your view, a tree can be requested.

¹⁴ See Michael Clara v Salt Lake City Mayor's Office – Third District Court Case Number 190902861

¹⁵ See West Side Resident Worry About the Impact A Rocky Mountain Power Project Could Have on Their Neighborhoods, Salt Lake Tribune 07/06/19

*Trees can be requested by sending an email to vegetationmgmt@pacifiCorp.com with Beck Street Transmission Line in the subject field...Or request a tree voucher by mailing a request to Vegetation Management...Vouchers will be mailed to you and can be redeemed at most local nurseries.”*¹⁶

We find this aspect of the project troubling. According to the franchise agreement with Salt Lake City, Rocky Mountain Power is required to obtain permission from each property owner to remove or cut down any trees:

*Rocky Mountain Power or its contractor may prune all trees and vegetation which overhang the Public Ways, whether such trees or vegetation originate within or outside the Public Ways, if necessary to prevent the branches or limbs or other part of such trees or vegetation from interfering with Rocky Mountain Power's Electrical Facilities...Nothing contained in this Section shall prevent Rocky Mountain Power, when necessary and with the approval of the owner of the property on which they may be located, from cutting down and removing any trees which overhang streets. Rocky Mountain Power agrees to consult and cooperate, from time to time, with City's Forester on matters related to vegetation management.*¹⁷

We are aware that Rocky Mountain Power does not have the permission from property owners to remove the trees in front of their house because we have a petition signed by the majority of homeowners on 900 West and 400 North; explicitly stating that permission has not been granted to remove the trees.¹⁸

¹⁶ See Rocky Mountain Power: Beck Street Transmission Line Project

¹⁷ See Electric Utility Franchise Agreement, Section 11 - Council Staff Report 10/20/16

¹⁸ See Homeowners Petition prohibiting tree removal November 2019

We also believe that Salt Lake City should exercise its authority as set forth in the Franchise Agreement to ensure that the transmission lines are not subjecting resident's to hazardous levels of Electromagnetic Fields.¹⁹ The Franchise agreement states:

*In addition to the provision herein contained, the City reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Utah, the laws of Utah or City Ordinance.*²⁰

Additionally:

*The City reserves the right to require Rocky Mountain Power to relocate its Electric Facilities within the Public Ways in the interest of public convenience, necessity, health, safety or welfare at no cost to the City. Within a reasonable period of time after written notice...*²¹

It is our intent to petition Salt Lake City Planning Commission to exercise its authority under the conditional use process, to ensure that these provisions of the Franchise Agreement are adhered to.

We believe that issues of easements, electromagnetic field, line safety design, property values, alternative routes (going underground) etc... should be the subject of the Planning Commission review process.

COUNTY LEVEL

We believe that this Beck Street Transmission Project is in violation of the 2010 County plan, which has a section titled, Undesirable Locations for Transmission Lines:

¹⁹ See Electric and Magnetic Fields from Power Lines, U.S. Environmental Protection Agency

²⁰ See Electric Utility Franchise Agreement, Section 5 - Council Staff Report 10/20/16

²¹ See Electric Utility Franchise Agreement, Section 9- Council Staff Report 10/20/16

Avoid residential neighborhoods, schools, and elderly populations...Residential areas are the least desirable locations for new transmission lines due to impacts to the character of the neighborhood and viewsheds. Avoiding these areas will reduce community concern about perceived reduction of property values and health effects. ²²

A look at the most current census data reveals the following:

Census Tract 12026 (Poplar Grove) has the highest percentage of Hispanic residents at 52.9 percent. Census Tract 1006 (Fairpark) has the largest number of Hispanic residents (4,641 people) 1027.02 (Poplar Grove) has the highest percentage of foreign-born residents at 38 percent of census tracts that fall entirely within the city... ²³

The County document, previously cited, is explicit about projects not adversely impacting communities based on income and ethnicity:

Whenever possible, work to ensure that demographic or ethnic groups are not impacted unfairly. New transmission lines should be sited according to electrical supply needs and not within areas that may offer less public resistance. Be sensitive to low-income demographics in areas where property is cheaper and permitting requirements may be easier. ²⁴

Yet, Rocky Mountain Power has chosen the most diverse community in Salt Lake City, to bear the brunt of this industrialization project with it associated health hazards and negative impacts.

²² See Powering Our Future -Salt Lake County Electrical Plan September 2010

²³ See Salt Lake City Data Book 2017 – Kem Gardner Policy Institute

²⁴ *Ibid*

STATE LEVEL

We believe that the Beck Street Transmission Project is contrary to State law which states:

The Legislature finds that in many areas of the state, it is in the public interest to convert existing overhead electric and communication facilities to underground locations through the creation of an improvement district.

*The Legislature hereby declares that a public purpose will be served by providing a procedure to accomplish such conversion and that it is in the public interest to provide for such conversion by proceedings taken pursuant to this chapter whether such areas be within the limits of a city or town or within a county*²⁵

Why are we allowing Rocky Mountain Power to upgrade its transmission lines above ground with all of its associated, negative impacts, when state laws call for the exact opposite? In our research of this issue, we have noted the following benefits to underground conversion:

- Underground installations provide an improvement in aesthetics and may increase the assessment value of adjacent properties
- Burying utilities can reduce the potential for fatalities and injuries as well as outages as a result of contact with overhead conductors.
- In addition, burying utilities can eliminate the potential for fatalities and injuries as a result of collisions of vehicles with utility poles.

²⁵ See §54-8-2 Utah Code

- Underground utilities reduce the risk of accidents caused by lines, which are down by storms or by vehicle accidents caused by collision with poles.
- Undergrounding will also reduce the danger of fire. Contact between overhead conductors and trees or limbs can cause fires. Fires endanger both human life and personal property.
- Burying utilities can also reduce the public's exposure to electromagnetic fields (EMFs). Electric overhead conductors produce an Electric Magnetic Field (EMF) where electric and magnetic fields are interrelated.

REMEDY

In closing, we echo the declaration of our neighbor, Richard Holman, “...*we are opposed to the industrialization of our neighborhoods*” for the reasons set forth in this complaint. Moreover, we are troubled by the fact that Rocky Mountain Power is moving forward with this project in violation of City, County and State agreements, understandings, and law. We are not surprised by this behavior; we recently resolved a two-year battle wherein Rocky Mountain Power allowed T-Mobile to install an illegal cell tower in the heart of our community.²⁶ Once Rocky Mountain Power was placed on notice, they did nothing to resolve the issue.²⁷ Nevertheless, in the instance of the Beck Street Transmission Project we believe the solution is to require Rocky Mountain Power to go underground not expand its footprint above ground.

²⁶ See Illegal Cell Tower -Fact Sheet by Poplar Grove Neighborhood Alliance

²⁷ See Michael Clara email exchange with Travis Tanner and Chad Ambrose of Rocky Mountain Power 06/24/19

Sincerely,

Michael Clara

Michael Clara
Community Organizer
974 S. 1400 W.
Salt Lake City, Utah 84104
801-521-3223

cc:

Co-Founder Michael Cundick, Salt Lake City Air Protectors
Chairman Darin Mann, Environmental Caucus
Co-Chair Mike Harman, Poplar Grove Neighborhood Alliance
Co-Chair Cathy Hernandez, Poplar Grove Neighborhood Alliance
Co-Chair Richard Holman, Westside Coalition
Councilman James Rodgers, Salt Lake City Council - District 1
Councilman Andrew Johnston, Salt Lake City Council - District 2
Representative Sandra Hollins, Utah House of Representatives – District 23
Senator Luz Escamilla, Utah Senate - District 1
Senator Todd Weiler, Utah Senate - District 23
Manager Travis Tanner, Rocky Mountain Power