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Patricia O'Neill, President, MCPS School Board
Carver Educational Center
850 Hungerford Drive
Rockville Maryland 20850

Dear Mrs. O'Neill,

Many issues are swirling around the proposal to demolish Seven Locks School and build Kendale Road School. Please let me raise two matters I have not seen in the discussion, one involving student health, the other involving safety, both touching on tort liability.

* First, student health. Because the Kendale site is too small for the proposed new school, playfield space would be inadequate. Because Kendale Road itself is a very narrow subdivision road -- only 18 feet at its widest point, and lacking sidewalks -- MCPS would forbid students to walk to the proposed Kendale Road School.

Building a large new elementary school with inadequate playfields, and to which it is impossible to walk, flies in the face of growing national concerns over childhood obesity. The National Academy of Sciences declared in 2004 that "childhood obesity is becoming a national epidemic" and that "educators have an obligation to encourage outdoor recreation, walking and other active behaviors by children." [1]

Considering the growing national consensus that childhood obesity is a health threat and educators must play a role in the solution, it seems very poor policy for Montgomery County Public Schools to be planning a major new school that has inadequate playfield space and to which students can arrive solely in a passenger seat. From the school's opening day, the obesity-encouraging layout of the proposed Kendale Road School is

sure to be seen as poor planning; the school might become a national media example of how not to plan a school. And given the litigation climate, it is not out of the question that if MCPS constructs an obesity-encouraging major new school after being warned by the National Academy of Sciences about childhood obesity, legal liability could eventually result.

Returning to the previous plan of expanding and modernizing Seven Locks School avoids these problems because the site is much larger and has adequate playfield space. Also, though Seven Locks School is hardly an ideal location for walking owing to Seven Locks Road, Seven Locks School is accessible on foot from the large cul-de-sacs neighborhood behind it. Many Seven Locks School students safely walk to school daily.

* Next, safety as regards traffic on the substandard Kendale Road. Planning documents for Seven Locks School assume 10 percent of students will arrive by car, but this assumption is highly unrealistic. In actual practice about a third of students arrive by car, about half on rain days. If the new Kendale Road School has 550 students and a third regularly arrive by car, that puts 165 vehicles on a narrow subdivision road simultaneously twice a day. On rain days, the number may rise to 275 vehicles arriving simultaneously.

The planned entrance to Kendale Road School is about 1,200 feet from the intersection of Kendale Road and Kentsdale Drive, which is the intersection nearly all drivers are likely to use. (The only other possible intersection, Kendale and Bradley, is significantly farther away.) In traffic jams, the typical private vehicle occupies a minimum of 20 feet of linear space -- 15-16 feet for the vehicle and a bare-minimum of two feet beyond each bumper. This means about 60 cars or SUVs could line up on Kendale Road in the 1,200 feet from the intersection to the entrance of the school.

If 165 cars are arriving simultaneously -- this is the real-world assumption, not the planning fantasy -- and only 60 of them fit into Kendale Road, in the initial phase of the morning and afternoon school rush, about 100 cars will back up onto Kentsdale Drive. Kentsdale Drive is itself a fairly narrow road. One hundred cars backed up onto Kentsdale Drive will rapidly prove unmanageable, as well as a public safety hazard. On rain days, 200 cars may back up on Kentsdale.

But the real problem will come in the second phase of the morning and afternoon rushes, when half the cars have dropped off or picked up and are using Kendale Road to exit while the other half continue to approach. During this phase, Kendale Road will be bumper-to-bumper in both directions. If an emergency occurs at Kendale Road School during this phase, it will be physically impossible for police cars, ambulances and fire trucks to reach the school.

Examine the properties on the east and west sides of Kendale Road. All have many large trees, most have stoneworks. A police cruiser might be able to maneuver around these obstacles, using homeowners' lawns to bypass Kendale Road blockage and reach Kendale

Road School during an emergency. An ambulance probably could not, and a fire engine definitely could not.

If an emergency occurs at the proposed Kendale Road School during morning or afternoon gridlock, and if police, ambulances or fire engines cannot reach Kendale Road School in a timely manner owing to the school having been built on a substandard road, not only might there be tragedy: Montgomery County and the county school system could face substantial liability exposure. Because Kendale Road is so narrow and short, gridlock that prevents emergency response is reasonably foreseeable in liability-law terms. Also, the record will show that the county and the school board were warned about this risk. Waivers granted will be irrelevant to a jury: a jury will lock in on the facts that the danger was reasonably foreseeable and the county and school board were warned. An emergency that occurs in any home along Kendale Road during a school-caused gridlock that blocks emergency response units might also create exposure for the county and school system.

Kendale Road could be widened, but the cost would ruin all cost justifications for the Kendale Road School project. Widening Kendale Road would require the purchase or seizure by eminent domain of roughly five acres of buffer. Montgomery County assesses land in that neighborhood at about \$800,000 an acre, so the land cost would be about \$4 million, and then construction cost would be added. The project would go way over budget compared to renovating the existing Seven Locks School.

If MCPS were to return to its prior plan of renovating and expanding Seven Locks School, the problems spelled out in this letter are avoided. Adequate playfields are provided. Walking to school is possible at least for some students. Creation of narrow-road gridlock is avoided. Emergency access is assured at all times given Seven Locks School's location at an intersection of two major thoroughfares.

Montgomery County is a terrific place to live, in no small part because the county government and County Council do such a terrific job. Montgomery County public schools are terrific schools, in no small part because MCPS and its School Board do a terrific job. But even the best organizations make mistakes. The Kendale Road School plan is a mistake.

Right now the Kendale Road School mistake exists only on paper. There is still time to return to the prior and much better Seven Locks School expansion plan -- before the Kendale Road School mistake becomes a health threat, a safety threat and a liability issue.

Best regards,
Gregg Easterbrook

[1] Preventing Childhood Obesity: Health in the Balance. Washington, Institute of Medicine Press. 2004.