

CONTINUED REGULAR MEETING OF THE  
BENICIA CITY COUNCIL

REPORTER'S TRANSCRIPT OF RECORDED PROCEEDINGS  
IN RE VALERO CRUDE BY RAIL PROJECT  
HEARING AND PUBLIC COMMENTS

Date and Time: Monday, April 4, 2016  
7:01 p.m. - 11:05 p.m.

Transcribed By: Annie Doezie, CSR No. 8478  
Certified Shorthand Reporter

Job No. 7298

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A P P E A R A N C E S

BENICIA CITY COUNCIL:

- MAYOR, Elizabeth Patterson
- VICE MAYOR, Mark C. Hughes
- COUNCILMEMBER, Tom Campbell
- COUNCILMEMBER, Alan M. Schwartzman
- COUNCILMEMBER, Christina Strawbridge
  
- CITY ATTORNEY, Heather McLaughlin
- CITY SPECIAL COUNSEL, Bradley R. Hogin
- CITY MANAGER, Brad L. Kilger
- PRINCIPAL PLANNER, Amy Million
- COMMUNITY DEVELOPMENT DIRECTOR, Christina Ratcliffe
- CHIEF OF POLICE, Erik Upson
- CITY CLERK, Lisa Wolfe

1 BENICIA, CALIFORNIA; MONDAY, APRIL 4, 2016; 7:01 P.M.

2

3 MAYOR PATTERSON: The Benicia City Council is  
4 called to order.

5 And may I have a roll call, please?

6 THE CLERK: Councilmembers Campbell?

7 COUNCILMEMBER CAMPBELL: Here.

8 THE CLERK: Hughes?

9 VICE MAYOR HUGHES: Here.

10 THE CLERK: Schwartzman?

11 COUNCILMEMBER SCHWARTZMAN: Here.

12 THE CLERK: Strawbridge?

13 COUNCILMEMBER STRAWBRIDGE: Here.

14 THE CLERK: And Mayor Patterson?

15 MAYOR PATTERSON: Here.

16 And can I have Chief Upson lead us in the  
17 Pledge of Allegiance, please.

18 (Pledge recited)

19 MAYOR PATTERSON: A plaque stating the  
20 fundamental rights of each member of the public is  
21 posted at the entrance to this meeting room,  
22 per Section 4.04.030 of the Benicia Open Government  
23 Ordinance.

24 Let me see.

25 If you require special assistance in order to

1 participate in any hearing or a distraction with the  
2 fans and the lights, could you let us -- one of the  
3 staff know, and we'll try to make reasonable  
4 accommodations tonight?

5           And then in the future, since we have other  
6 meetings scheduled for this particular project, let  
7 staff know ahead of time, and we'll make reasonable  
8 accommodations so that you have some level of  
9 participation in the meeting tonight.

10           So for announcements tonight, without  
11 objection, we are going to adjourn the meeting tonight  
12 for a young Benician, Nathan Smith, who was killed in  
13 a bicycle accident, a solo accident, riding his bike  
14 down a steep hill, and he ran into a pole. And it's  
15 really sad to lose one of our youth, at any time, for  
16 any reason. So we will adjourn in his memory.

17           We have no proclamations, appointments,  
18 presentations.

19           The next item is the adoption of the agenda.

20           Mr. Kilger?

21           MR. KILGER: Vote it be approved.

22           COUNCILMEMBER STRAWBRIDGE: Second.

23           MAYOR PATTERSON: Call the roll, please.

24           THE CLERK: Councilmembers Campbell?

25           COUNCILMEMBER CAMPBELL: Yes.

1 THE CLERK: Hughes?

2 VICE MAYOR HUGHES: Yes.

3 THE CLERK: Schwartzman?

4 COUNCILMEMBER SCHWARTZMAN: Yes.

5 THE CLERK: Strawbridge?

6 COUNCILMEMBER STRAWBRIDGE: Yes.

7 THE CLERK: And Mayor Patterson?

8 MAYOR PATTERSON: Yes.

9 The next item is the opportunity for public  
10 comment. This is the part of the agenda that you can  
11 comment on any item that is generally within the  
12 jurisdiction of the City of Benicia but not on the  
13 agenda.

14 We make this provision for you because we're  
15 eager and interested in what you have to say about  
16 other items that are not on the agenda.

17 We ask that you keep your comments to  
18 five minutes. You can take less time to make your  
19 point, and if somebody has said what you agree with,  
20 you can go ahead and simply say, "I agree."

21 We do ask that you not make personal attacks  
22 on councilmembers, staff, or members of the public or  
23 make comments which are slanderous or which may invade  
24 an individual's personal privacy.

25 And, frankly, I read this at every meeting,

1 and I have to say, this community is particularly  
2 noted for its civility. So I'm very proud of our  
3 community.

4 The -- for our written comments that we  
5 received -- you want me to read the ex parte first.

6 All right. We're going to talk about  
7 ex parte contacts.

8 So the City has adopted, through its  
9 Open Government Ordinance, an ex parte, which is  
10 essentially telling you -- giving you the transparency  
11 of who we've talked to, met with, given advice to, or  
12 listened about and received information that is not  
13 generally available to the public.

14 It's an honor system. We're -- after all,  
15 we're not a court hearing, and we don't have sworn  
16 witnesses. So based on that honor, we, each one of  
17 us, will say what ex parte contact we've had.

18 We have said at the first meeting on this,  
19 for the council, our ex parte contacts. We -- I will  
20 ask each of the councilmembers to provide any more  
21 recent contacts that we may have -- they have had or I  
22 have had. Items listed -- and we'll get to that when  
23 I actually open the item.

24 Items listed on the consent calendar are --  
25 argh. Sorry. That's -- I'm trying to get to the

1 written comments.

2 So what we try to do is after the packet is  
3 published and we receive comments that are pertinent  
4 to or have materials that are pertinent to tonight's  
5 meeting but came after the packet was released, we  
6 make that available over here on the table on my  
7 right, your left.

8 And I will tell you what is over on that  
9 table. We have a Natural Resources Defense Council  
10 letter; we have a letter from John Flynn, on behalf of  
11 Valero refinery; we have Belina Ingle (phonetic) --

12 COUNCILMEMBER STRAWBRIDGE: (Indicating.)

13 MS. McLAUGHLIN: Sorry. The ones -- the ones  
14 that you're reading right now are not available on the  
15 table. Those ones were already posted on the website.

16 MAYOR PATTERSON: Okay. They're -- all right.

17 And so I guess we don't have -- what -- I'm  
18 sorry. The -- the script is not particularly helpful.

19 MS. McLAUGHLIN: All right. So comments  
20 submitted between March 25th and April 1st, those were  
21 uploaded to the City's website, and we didn't make  
22 copies of those.

23 So those are the items Natural Resources  
24 Defense Council; John Flynn, on behalf of Valero;  
25 Belina Ingle (phonetic), Danny McNaughton (phonetic),

1 and Lynne Nittler.

2 And then comments submitted after that, these  
3 ones are new today. They haven't been uploaded but  
4 will be, and those ones are available on the table to  
5 the side.

6 And those are the "Superior Court of  
7 California Association of Irrigated Residents vs. Kern  
8 County Board of Supervisors" ruling; Adams, Broadwell,  
9 Joseph & Cardozo, on behalf of Safe Fuel and Energy  
10 Resources California; Charles Davidson;

11 League of Conservation Voters of the East Bay,  
12 Benicia Chamber of Commerce, Russell Hands (phonetic),  
13 Larney Fox (phonetic), Margaret Erickson, Jean  
14 Jackman, Madeline Koster, Michael Dimoto (phonetic).

15 And then the following form comments were  
16 submitted. A sample was included in the April 4th  
17 agenda packet. Those were also uploaded to the  
18 website as part of the 3/25 through 4/1 comments.

19 And those are the public comments regarding  
20 Valero Crude by Rail Project, Appeal Number -- Appeal  
21 Application No. 16PLN-0009 [sic]; date that those were  
22 received, on April 1st.

23 They said, "I support the Valero Crude by  
24 Rail Project." 27 were received saying, "I support  
25 the Valero Crude by Rail Project," on April 1st.

1           MAYOR PATTERSON: Okay. So my apologies.

2           We have a new computer system that organizes  
3 our agendas, and then there's a script that goes with  
4 it, and so some things are not always perfect on an  
5 unusual meeting.

6           We don't have a consent calendar tonight; is  
7 that correct?

8           MR. KILGER: That's correct.

9           MAYOR PATTERSON: Okay. So I will not read  
10 those comments about the consent calendar.

11           And the next item, then, is the public  
12 comment time, which is your opportunity to make a  
13 public comment about anything that's not on the  
14 agenda.

15           I have note cards, I believe, for the public  
16 comment.

17           COUNCILMEMBER SCHWARTZMAN: There was one.

18           MAYOR PATTERSON: There was one?

19           COUNCILMEMBER SCHWARTZMAN: These are in  
20 order. So --

21           MAYOR PATTERSON: So I have organized and --  
22 and -- so I don't have -- if anybody submitted a card  
23 for public comment about something that's not on the  
24 agenda, will you step forward, please.

25           Ms. Kerridge.

1 MS. KERRIDGE: I actually did not submit a  
2 card, but I have a really quick comment.

3 MAYOR PATTERSON: Okay. Fine.

4 MS. KERRIDGE: I just want to invite everyone  
5 to the Benicia Mini Maker Faire April 16th, and at  
6 that fair, there will be a clean transportation event  
7 featuring electric cars. You get a chance to see  
8 cars, talk to owners, and see the future.

9 Thank you.

10 MAYOR PATTERSON: Thank you.

11 Are there any questions of Ms. Kerridge?

12 Anybody else wishing to address the council  
13 on any item that's not on the agenda?

14 Yes?

15 MS. ZOVANI: Jovanna Centa Zovani (phonetic),  
16 and I have a public comment regarding the Farmers'  
17 Market that is going to be opening again very soon.

18 I have a store on 1st Street, and I'm really  
19 concerned about the traffic during the Farmers' Market  
20 days. There are people that are zooming down the  
21 street and not observing any of the posted signs,  
22 making U-turns where they're not allowed.

23 And I would really like to ask the police  
24 chief and you to please monitor, at least, the very  
25 first couple of weeks, so that people are aware that

1 we are monitoring the traffic.

2 I have often seen people stand in the  
3 intersection across from Sandoval and the capitol  
4 building and cars just zooming by and not stopping for  
5 pedestrians.

6 Maybe we should consider some of those flashy  
7 lights that are fancy by the -- that we now have near  
8 the fire station and put them in on the intersections  
9 that don't have stop signs.

10 I really, really do not want to see somebody  
11 hurt, and I really think that this is something that  
12 we need to address.

13 MAYOR PATTERSON: I thank you for your  
14 concern, and let's ask Chief Upson if he has made  
15 plans for and -- or will consider the request.

16 CHIEF UPSON: We do make plans for that event  
17 every year, and we will certainly consider increasing  
18 traffic enforcement, especially at the beginning of  
19 the event, so we can set the right tone.

20 MAYOR PATTERSON: Right. And it's certainly  
21 not the first time we've heard the concern. So I'm  
22 looking forward to being able to getting some control  
23 on that.

24 And you're pointing to me because the -- your  
25 light is on, Ms. Wolfe.

1 THE CLERK: There were a few cards that were  
2 submitted at the dias that -- there was one,  
3 definitely, that was for regular public comment. So  
4 they might be under the pile of papers that are there.

5 They were right by your script.

6 MAYOR PATTERSON: Well, I had some cards, and  
7 I gave whatever I had on my desk to Amy because she  
8 was the --

9 So do we know what happened to those cards?

10 MS. MILLION: My guess is that they went in  
11 under the "Individual."

12 MAYOR PATTERSON: Okay.

13 So if you submitted a card to speak at public  
14 comment time, consider yourself now and come forward.  
15 And I'm sorry about the cards have gotten into the  
16 whole stack here.

17 And if you stay around and I call your name,  
18 you can talk on the item, but right now, it's for any  
19 comment that you want to make on any item that's not  
20 on the agenda.

21 So would you like to come forward?

22 Okay. I'm not seeing anybody coming forward.

23 (Councilmember Schwartzman hands  
24 Mayor Patterson cards)

25 MAYOR PATTERSON: And we have two new cards,

1 which are individuals. Okay.

2 All right. Those are preliminary.

3 Seeing no one coming forward for additional  
4 public comment, we're going to close that and move  
5 into our business item.

6 And this is a "Request for continuance and  
7 process for appeal of the planning commission's  
8 decision to not certify the Final Impact Report [sic]  
9 and to deny the use permit for the Valero Crude by  
10 Rail Project."

11 So what we're going -- we have some choices  
12 here, and I'm going to make -- and we have a staff  
13 recommendation and some suggestions by staff.

14 I have to get my item up here.

15 And the first thing that we will do is open  
16 the public hearing and solicit public comment. And  
17 after public testimony at this meeting, we will add an  
18 additional date of April 18th, which is the next  
19 day -- the following Monday.

20 "At the following meetings, staff recommends  
21 that the city council continue to take public comment,  
22 consider all appropriate documents and testimony, and  
23 then consider the following actions."

24 So the consideration will be, not at this  
25 meeting, unless public comment is closed, but it

1 probably won't be, "Consider and reject the  
2 applicant's request for continuance; deny the appeal  
3 and uphold the planning commission's unanimous  
4 decision to deny certification of the EIR and to deny  
5 the use permit;

6 "Or decline to certify the EIR and provide  
7 specific comments on the deficiencies of the EIR and  
8 direction on what needs to be improved in the EIR and  
9 remand back to staff with direction to return to  
10 council with the EIR and use permit;

11 "Or uphold the appeal and adopt the  
12 Draft Resolution certifying the Final Environmental  
13 Impact Report, adopting CEQA findings for the project,  
14 and adopt the Statement of Overriding Considerations  
15 and the Mitigation Monitoring Reporting Program;

16 "And uphold the appeal and adopt the  
17 Draft Resolution approving the use permit for the  
18 Valero Crude by Rail Project, with the findings and  
19 conditions listed in the resolution."

20 So we have some clarification that we want to  
21 make on the process tonight, and what I want to do is,  
22 first of all, get clarifying questions from the  
23 council on the process tonight and then seek  
24 clarifying questions, only, from the public.

25 So from the council, the clarifying questions

1 are just that: They're questions. It's not a  
2 discussion or a debate. It's merely to get clarified  
3 what the process is. And the same goes for the  
4 public.

5 It is complicated. We recognize that. We're  
6 trying to provide as much clarity and reduce the  
7 confusion that exists, with good -- good reason.

8 So the first clarifying question we have is  
9 from Councilmember Schwartzman?

10 COUNCILMEMBER SCHWARTZMAN: Thank you.

11 In looking at these options, it just -- for  
12 better or for worse, it just seems like one additional  
13 option is not on here, and that's actually, "Consider  
14 and accept the applicant's request for a continuance."

15 And I'm not suggesting that should be the  
16 answer, but it just seems like it's something that's  
17 missing and --

18 MAYOR PATTERSON: Okay. Well, why don't we  
19 have the city attorney respond to that.

20 MS. McLAUGHLIN: Yes, that was certainly one  
21 of the options we thought about, but when we  
22 considered public testimony, we thought it would  
23 hard -- be hard for the public to separate out the two  
24 issues, "1" being the request for the continuance and  
25 "2" being the discussion on the EIR and the project

1     itself.

2             And since that would mean they would probably  
3     say the same reasons for why they didn't want the  
4     continuance as they would say for what they thought  
5     about the project and the EIR, they would have to hear  
6     the same testimony twice.

7             COUNCILMEMBER SCHWARTZMAN: I understand  
8     that, but I -- what I'm thinking is -- I mean, if  
9     we're going to go along with having a -- hearing  
10    public comment tonight, have an additional meeting,  
11    and at the following meetings, hear all the public  
12    comment on everything, and then after that, we --  
13    we're asked to make a decision about these things, one  
14    of those alternatives could be at that point, after  
15    all the public comment, "could be," okay, to accept  
16    the continuance.

17            Am I wrong here?

18            MS. McLAUGHLIN: That's true.

19            MAYOR PATTERSON: So the difficulty that we  
20    have, and we -- and -- and staff and I discussed this  
21    as we were setting up the agenda, is that many of us  
22    have experience in trying to separate out the public  
23    comment on the environmental document and the project  
24    itself, and it never works.

25            In fact, it was -- in the room, I think we

1 had well over 50 years of experience of trying to have  
2 the public only comment on the first thing, which is  
3 the environmental document, in that discussion, make a  
4 decision, and then go to the project.

5 We realized the same problem would exist with  
6 the question of the continuation. You all would want  
7 to talk -- I mean, many of you, I'm assuming, would  
8 want to talk about whether or not the project should  
9 be continued. Then you would sit down, we would  
10 discuss, maybe make a decision.

11 We could say, "Well, we don't have enough  
12 information. Got to finish the process of  
13 understanding the environmental issues."

14 So then we reopen the public comment for  
15 discussing the EIR and the use permit, and then -- and  
16 we would, by default, actually, reopen the discussion  
17 on continuation.

18 So for purposes -- and unless there's an  
19 objection from council, for purposes of making this  
20 work for everybody, to the best of our ability, we're  
21 saying you have your public comment time. You can  
22 comment on all three issues.

23 Now, we will take all of those comments under  
24 consideration when we then make a decision on whether  
25 or not to continue, and then whatever that decision is

1 will guide us forward for the other two actions.

2 Is that clear, Councilmember Schwartzman?

3 COUNCILMEMBER SCHWARTZMAN: I'm still missing  
4 the situation about if we're going to take testimony  
5 all along here, if we're going to be -- again, it  
6 doesn't make sense to me.

7 The public can talk about anything that has  
8 to do with the continuance, the EIR, okay, any of  
9 this. So I don't -- I -- I'm missing why, at the end  
10 of it, it wouldn't be an alternative.

11 Again, I'm not advocating for that  
12 alternative, other than the fact that I think it  
13 should be included. That's all.

14 MS. McLAUGHLIN: Right. So our staff report  
15 presents the staff's recommendation. It doesn't  
16 present every possible choice that you could make.

17 So it's staff's recommendation that you don't  
18 continue it. That's --

19 COUNCILMEMBER SCHWARTZMAN: I'm not  
20 suggesting that we do.

21 MS. McLAUGHLIN: -- certainly one of the  
22 options you could --

23 MAYOR PATTERSON: Yeah. So --

24 COUNCILMEMBER SCHWARTZMAN: I'm not  
25 suggesting that we do. I'm suggesting that we --

1           MAYOR PATTERSON: Here's the scenario that  
2 happens.

3           If we take testimony on the continuation  
4 request and then we finish that and close testimony on  
5 the continuation request, all of those who testified  
6 on the continuation request will then have an  
7 opportunity to comment on the Draft EI- -- or the  
8 Final EIR and the use permit.

9           So that's just doubling the comment.

10          COUNCILMEMBER SCHWARTZMAN: I understand, but  
11 did I not see something in here?

12          I thought staff was -- maybe I misread it,  
13 okay, about having comments, that they could comment  
14 on everything, okay, including the continuance.

15          MAYOR PATTERSON: That's what we're  
16 recommending, and that's what I'm hoping that, without  
17 objection, we do, is that this public comment period  
18 will be open for comments on all three decisions.

19          COUNCILMEMBER SCHWARTZMAN: Okay.

20          So then why isn't it an alternative at the  
21 end to make it -- for that to be an alternative?

22          MAYOR PATTERSON: It --

23          MS. McLAUGHLIN: It is.

24          MAYOR PATTERSON: -- it is.

25          MS. McLAUGHLIN: No. 1.

1 MAYOR PATTERSON: It's No. 1. Option 1.

2 MS. McLAUGHLIN: "Consider and reject."

3 COUNCILMEMBER SCHWARTZMAN: Well, but it's  
4 making it specific, "consider and reject." It's not  
5 saying "consider." And maybe that's -- maybe that's  
6 the parsing.

7 MAYOR PATTERSON: Okay.

8 Councilmember Campbell, clar- -- clarifying  
9 question?

10 COUNCILMEMBER CAMPBELL: Yeah.

11 So what you want to do is take public comment  
12 on everything, and at the end of all the public  
13 comment, then the first thing you want to do is  
14 consider whether to reject the applicant's request for  
15 a continuation as the first thing we do after all  
16 public comment, umpteen days of doing that?

17 MAYOR PATTERSON: Perfect.

18 COUNCILMEMBER CAMPBELL: Okay. Well, that  
19 is -- that is one option.

20 Another question for Mr. Hogin here, if I  
21 could, you know.

22 Okay. You know -- you know, we talked about  
23 this last time. There's two sort of nebulous points:  
24 you know, when, you know, the STB will give an opinion  
25 and what the opinion might be.

1           And then after that -- the latest I heard is  
2 now, whatever the opinion is, it can go to court; is  
3 that -- is that right?

4           MR. HOGIN: Uhm --

5           COUNCILMEMBER CAMPBELL: And the length of  
6 time --

7           MR. HOGIN: Okay.

8           COUNCILMEMBER CAMPBELL: -- we're talking  
9 about is --

10          MAYOR PATTERSON: Yeah. Mr. Hogin, I'm  
11 really going to run a tight ship here, and so that  
12 question is on the question of the continuation. It's  
13 not on a process question, in my opinion, humble as it  
14 may be.

15          COUNCILMEMBER CAMPBELL: Well, no, I'm making  
16 this point for an obvious reason.

17          If this STB, you know, come -- question comes  
18 back to us a year from now, which, you know, I assume  
19 might be long, but it's not unreasonable, then at that  
20 point, what?

21          Then we make a decision on that?

22          At that point, don't we have to decide is the  
23 EIR now dated and we have to run the whole process  
24 over again?

25          MAYOR PATTERSON: Right. So that's a

1 question of clarification on the appeal, on -- on the  
2 continuation request. It is not a question on the  
3 process, and I'm looking for --

4 COUNCILMEMBER CAMPBELL: It is very  
5 definitely a question on the process.

6 MAYOR PATTERSON: I'm looking for agreement  
7 that we take testimony tonight on all three issues  
8 before us.

9 And so is there a clarifying question on  
10 whether or not we should take testimony tonight on all  
11 three issues before us?

12 COUNCILMEMBER CAMPBELL: I'd like my question  
13 answered.

14 MAYOR PATTERSON: It -- it goes to the  
15 procedural question of the request for a continuation.

16 So, Mr. Hugin?

17 MR. HOGIN: I -- I'm going to look to the  
18 city attorney to -- for direction as to whether I  
19 should answer the question or not.

20 MS. McLAUGHLIN: (Inaudible.)

21 MR. HOGIN: Okay. I've been instructed that  
22 I can answer it.

23 Madam Mayor, I hope that that doesn't --

24 MAYOR PATTERSON: Yeah. I just --

25 MR. HOGIN: -- disrupt -- disrupt your --

1 your orderly proceeding.

2 Councilmember Campbell, the -- I have  
3 confirmed that the timing, generally, for the issuance  
4 of declaratory orders by the Surface Transportation  
5 Board, assuming they agree to issue a declaratory  
6 order, which they're not required to, but it -- it --  
7 the vast majority of cases, it resolved in three to  
8 six months.

9 COUNCILMEMBER CAMPBELL: Okay.

10 MR. HOGIN: I have also found that, frequently,  
11 a declaratory order might be directly appealed to a  
12 court. I haven't done a lot of research on whether  
13 courts typically find that the issue isn't right in --  
14 in some cases.

15 Typically, when that happens, the -- the  
16 issue is going to be otherwise right, and -- and by  
17 the time this matter goes to the Surface Transportation  
18 Board and then to a court, this matter might well be  
19 right as well, because probably by that time, the  
20 city council will decide one way or the other.

21 COUNCILMEMBER CAMPBELL: Okay.

22 MAYOR PATTERSON: Any other questions from  
23 the council, clarifying questions, on the process?

24 Vice Mayor Hughes?

25 VICE MAYOR HUGHES: Yeah, just -- just

1 clarification again, and -- and I think I'm good with  
2 where we are and what the staff recommendation is, but  
3 just to get clarification and confirmation.

4 It's to -- for staff to begin this with  
5 probably a brief overview of where we've been, where  
6 we are, and then will -- it will immediately open to  
7 public comment --

8 MAYOR PATTERSON: Right.

9 VICE MAYOR HUGHES: -- right?

10 MAYOR PATTERSON: We're going to get into  
11 that process.

12 VICE MAYOR HUGHES: Okay. Immediately open  
13 to public comment.

14 Councilmembers will --

15 MAYOR PATTERSON: Right --

16 VICE MAYOR HUGHES: -- not ask questions,  
17 but, instead, will be writing questions down,  
18 submitting them to staff?

19 MAYOR PATTERSON: No.

20 So I'm going to recommend that the council  
21 again ask clarifying questions of speakers but not  
22 have a discussion.

23 You -- if you have a question that you want  
24 expanded on, then take the time to write that out.  
25 But if you hear a speaker say something that's not

1 clear to you, then you should have the right, and as  
2 we've done, always, at council meetings, to ask that  
3 clarifying question.

4 I think that is fair to you, and I think it's  
5 fair to the speaker, to make sure they're -- they're  
6 understood.

7 VICE MAYOR HUGHES: Yeah.

8 Okay. I'm fine with that.

9 And then once the public comment is closed,  
10 whether -- well, not likely tonight, but whether it's  
11 the second meeting, third or fourth meeting, then  
12 we -- it will be brought back to the council, we will  
13 deliberate, and we will make a decision, or a vote, on  
14 the request for a continuance and then the EIR --  
15 certification of the EIR and the -- the use permit.

16 Correct?

17 MAYOR PATTERSON: Correct.

18 VICE MAYOR HUGHES: Okay.

19 MAYOR PATTERSON: Okay.

20 VICE MAYOR HUGHES: I'm fine with that.

21 MAYOR PATTERSON: Any other clarifying  
22 questions from council?

23 Okay. So you can see, it's not always easy  
24 to say, "Just ask a clarifying question," but this is  
25 my trust in the public process.

1 Does anybody have a clarifying question on  
2 the process that we just discussed?

3 All right. Seeing no one, I'm --

4 MR. McDONALD: I (inaudible).

5 MAYOR PATTERSON: I have one -- one person  
6 stepping forward.

7 This is only on the process.

8 MR. McDONALD: James McDonald, 274 Pebble Beach,  
9 Pittsburg, California.

10 I haven't read your agenda, but it must be  
11 agendized. The fact that you were going to do what  
12 you're proposing, if it's not on here, you have to  
13 give public notice ahead of time.

14 Thank you.

15 MAYOR PATTERSON: So -- thank you.

16 Could we have a comment from city attorney,  
17 please?

18 MS. McLAUGHLIN: I'm not sure I understood  
19 what his objection is.

20 On the agenda is stated the request -- the  
21 various actions that the council may take, in a  
22 roundabout form. So it could be continuance,  
23 noncontinuance.

24 MAYOR PATTERSON: Well, you probably hear a lot  
25 that I'm not an attorney, but I certainly agree with

1 that.

2 So we're going to move forward to the next  
3 item, and as was indicated on -- we don't -- this is  
4 advertised as public comment time. So some of us may  
5 not be through with asking questions of staff, but we  
6 want to make sure that -- you're here, that you have a  
7 chance to comment.

8 So we're sort of going to put those questions  
9 in the "parking lot" for a -- actually, "bike rack,"  
10 for a while.

11 But we are going to ask staff to just, very  
12 briefly, kind of, again, fill us in, as Vice Mayor Hughes  
13 was suggesting, about where we've been, where we're  
14 going and -- and proceed, then, and I'll begin then to  
15 call on the people who submitted cards.

16 Okay. Ms. Ratcliffe.

17 MS. RATCLIFFE: Great.

18 I did want to -- and I'll be very brief, in  
19 deference to all the folks here tonight.

20 We did make a recommendation in the staff  
21 report that the council consider allowing elected  
22 officials, government agency representatives or their  
23 staff, mayors, et cetera, speak first and then take  
24 public comment from the rest of the public and those  
25 representing groups within the public.

1           So I know a couple of people have asked about  
2 that. In addition, I've had a question, because a lot  
3 of folks have come by bus from Sacramento, and they  
4 have requested that they be allowed to speak first as  
5 well.

6           So I just wanted to pass that on to the  
7 council for consideration.

8           Real quick, if I can do a recap of where we are.

9           So March 15th, the appeal hearing started.  
10 There was a presentation by staff, a presentation from  
11 the chair of the planning commission. Council  
12 questioned staff and the planning commission.

13           There was the applicant's presentation, some  
14 questions of the council to the applicant, and then  
15 the applicant's request for continuance that we've  
16 already discussed, and so I'll skip over staff's  
17 recommendation.

18           But a recommendation for the order for this  
19 evening is that the council, as Vice Mayor Hughes  
20 said, hold their questions or write down their  
21 questions and give them to staff as they occur through  
22 these meetings, and that way staff can prepare a  
23 response to that.

24           And that also gives the public a chance to  
25 speak uninterrupted for however -- however many

1 meetings is required.

2 I also just wanted to note that on the agenda  
3 tonight was the coun- -- a request that the council  
4 approve an additional meeting of April 18th.

5 Just to be clear, that's in addition to  
6 April 6th, which is this Wednesday, and April 19th,  
7 which I believe is a Tuesday, and that that is on the  
8 agenda as well.

9 MAYOR PATTERSON: And you'll remind me before  
10 we adjourn the meeting that we take that action.

11 MS. RATCLIFFE: Okay. Correct.

12 MAYOR PATTERSON: All right.

13 MS. RATCLIFFE: I will -- I will -- I will  
14 remind you.

15 MAYOR PATTERSON: Okay.

16 So to -- let me -- let me check with the  
17 council and see if they want a little bit more about  
18 the --

19 MS. RATCLIFFE: Sure.

20 MAYOR PATTERSON: -- background, and then  
21 we'll get into the actual suggestion that you're  
22 making.

23 Any other deeper background? Everybody okay?  
24 Ready to move forward?

25 Okay. So our options are, and what we're

1 recommending, procedurally, is that we will call the  
2 elected members first or staffs to those elected  
3 members and state agencies.

4 Then we will have the organized opposition.  
5 So we do have some spokespeople that we -- that are  
6 affiliated with the organized opposition.

7 We have a request -- and this was not part of  
8 the staff report. We have a request from this bus,  
9 and the spokesperson, I believe, would be for the bus  
10 members.

11 Our problem that we have is, in recognizing  
12 the bus, which is they've made the effort to get here,  
13 we either take 25 individual testimonies or we allow  
14 one person to speak for them. So we need to make that  
15 decision.

16 And we may -- and then we would take the  
17 individual comments.

18 There are a number of people who are  
19 affiliated with organizations and support are in  
20 opposition, but they're not organized because you  
21 don't have organized support, according to our rules  
22 of procedure. So we will not recognize those for  
23 15-minute discussion, which is the qualifier here.

24 So, in short, what -- without objection, I'm  
25 recommending that we go ahead and call on the elected

1 officials, their staff or staffs to agencies, that we  
2 then call on the organized opposition as signified and  
3 that there's concurrence that we have --

4 (Councilmember Strawbridge hands  
5 Mayor Patterson a note)

6 MAYOR PATTERSON: -- people from -- the bus  
7 from Sacramento, that we have a spokesperson for those  
8 people.

9 And I'm not too sure what that means.

10 COUNCILMEMBER STRAWBRIDGE: In case you --

11 MAYOR PATTERSON: Oh, okay. Got it.

12 So without objection --

13 (Councilmember Schwartzman hands  
14 Mayor Patterson a note)

15 MAYOR PATTERSON: Okay. In the exact same  
16 order?

17 You're really expecting a lot, Ms. Million.

18 MS. MILLION: (Inaudible.)

19 MAYOR PATTERSON: For Amy. Okay.

20 All right. I hear no objection. So -- a  
21 question?

22 VICE MAYOR HUGHES: Well, a comment.

23 First of all, I really appreciate -- I'm not  
24 sure where all the folks from Sacramento are, but I  
25 appreciate you being down here and -- and being

1 willing to comment.

2 The issue I have with giving you priority to  
3 go first is that we also have a lot of Benicians here  
4 today that have waited a long, long time to comment.

5 And what I don't want to do is to have --  
6 give priority to some groups and then not allow our  
7 citizens time to speak, because there are some  
8 citizens, I'm guessing, this might be the only meeting  
9 that they can make. So while we -- while we have two  
10 or three more, this might be their only time.

11 So I'm not -- I -- I can't support having  
12 those from out of town given more priority to --

13 MAYOR PATTERSON: So understand what I was  
14 saying --

15 VICE MAYOR HUGHES: I understood. It was --

16 MAYOR PATTERSON: -- is that --

17 VICE MAYOR HUGHES: -- (inaudible) more than  
18 one.

19 MAYOR PATTERSON: -- it's organized  
20 opposition. They have -- and so under our rules that  
21 we recognize organized opposition, they have one --  
22 one crack at that. That's the 15 minutes.

23 And they can have multiples -- people --  
24 usually, we -- two that would speak to that, and so it  
25 would not be all 25. Otherwise, it would go into the

1 stack of individual commenters.

2 I personally think it's more efficient and  
3 effective to recognize that as organized opposition  
4 and have one or two spokespeople for the busload of  
5 opponents.

6 VICE MAYOR HUGHES: And how do we define  
7 "organized"?

8 MAYOR PATTERSON: That is an excellent  
9 question.

10 Ms. McLaughlin.

11 MS. McLAUGHLIN: Well, as you all know, we've  
12 struggled with that one many times on what is  
13 "organized opposition."

14 I think we get for both sides folks  
15 complaining that the other side has appointed a  
16 spokesperson, then every single member of their group  
17 gets up and speaks after that.

18 So we have no good solution to that problem,  
19 other than asking people to use their common courtesy  
20 and not get up and speak if they really aren't adding  
21 anything to the topic.

22 So there is no answer to that, and my  
23 recommendation to you is let everybody speak, because  
24 we'll spend more time arguing about it than actually  
25 hearing them.

1           MAYOR PATTERSON: All right. I think if I  
2 heard --

3           (Applause)

4           MAYOR PATTERSON: So we want to remind you  
5 that -- I hadn't gotten to that part in the agenda, is  
6 that we want to stop applauding, booing, hissing,  
7 laughing. And the reason for that is that it's  
8 actually very intimidating, and it's disruptive.

9           One of the things that we thought was really  
10 cool and that the planning commission started a long  
11 time ago, that is if you agree with something that you  
12 hear, you can raise your hand, and then it gives us  
13 some control.

14           To -- to be clear, what I just heard you say  
15 is that we will simply call the cards as I have  
16 indicated in the order, except for the bus, and the  
17 bus will just have to take their chances as the cards  
18 get called up.

19           Is that the collective consensus of the  
20 council?

21           COUNCILMEMBER SCHWARTZMAN: Do you have the  
22 cards for "Busses" in a separate pile?

23           MAYOR PATTERSON: I do. I believe. "Bus,"  
24 yes.

25           COUNCILMEMBER SCHWARTZMAN: So how are you

1 going to call them up since you --

2 MAYOR PATTERSON: Well, we -- we would put  
3 them back into the pile of the individuals --

4 COUNCILMEMBER SCHWARTMAN: What --

5 MAYOR PATTERSON: -- let them be -- well, how  
6 would you like to do that?

7 COUNCILMEMBER SCHWARTZMAN: I don't know. I  
8 don't think there's a fair way of putting them back in  
9 there.

10 MAYOR PATTERSON: Yeah. You could shuffle  
11 them. Um...

12 COUNCILMEMBER SCHWARTMAN: So --

13 MAYOR PATTERSON: I -- I need some -- I need  
14 some guidance on the order here. So --

15 COUNCILMEMBER SCHWARTMAN: I -- I --

16 MAYOR PATTERSON: -- I do have a packet of  
17 cards from -- we'll have all of them speak from the  
18 bus, or I can have them shuffled into the individuals  
19 so it's a fair process.

20 COUNCILMEMBER SCHWARTZMAN: Okay. So if we  
21 did allow them as an organized opposition, you have  
22 those cards separate. So when 15 minutes are up,  
23 that's it.

24 MAYOR PATTERSON: Right.

25 COUNCILMEMBER SCHWARTZMAN: Okay. I can live

1 with that.

2 MAYOR PATTERSON: Okay. I need -- I --

3 COUNCILMEMBER SCHWARTZMAN: I could live with  
4 that. That means they have to decide who's going to  
5 be the spokesperson, persons --

6 MAYOR PATTERSON: Right.

7 COUNCILMEMBER SCHWARTZMAN: -- whatever.  
8 They've got 15 minutes.

9 MAYOR PATTERSON: Right.

10 COUNCILMEMBER SCHWARTZMAN: And then when  
11 their 15 minutes is up, they're done.

12 MAYOR PATTERSON: Correct.

13 COUNCILMEMBER SCHWARTZMAN: I can live with  
14 that.

15 MAYOR PATTERSON: Correct.

16 Any objection to that?

17 VICE MAYOR HUGHES: No, that's fine.

18 MAYOR PATTERSON: Great.

19 VICE MAYOR HUGHES: I just want to -- let me  
20 quickly comment. It goes back to what the city  
21 attorney said.

22 And I'm not questioning the integrity of  
23 anyone in the audience, but how do we then not know  
24 that the other 25 get up and speak?

25 COUNCILMEMBER SCHWARTZMAN: Because we're

1 going to put their cards aside at the end of  
2 15 minutes.

3 MAYOR PATTERSON: That's what this is.  
4 That --

5 COUNCILMEMBER SCHWARTZMAN: That's their  
6 stack.

7 MAYOR PATTERSON: That's this. I won't call  
8 those names.

9 Okay? All right. Let's get started, as  
10 Councilmember Campbell says.

11 The first person I have is Don Saylor. I  
12 know he -- I saw him earlier.

13 Yes. Thank you.

14 MR. SAYLOR: Good evening, Mayor Patterson  
15 and Councilmembers and all the members of the Benicia  
16 community and all the others who are very interested  
17 in this item.

18 You find yourself at a -- at a crossroads of  
19 history here. I don't envy you the task that you're  
20 faced with. You have many competing issues that  
21 are -- that are drawing your attention.

22 And I'm sure as you look around as I have,  
23 you see many people whose -- whose opinions you value  
24 and respect. That's what you get when you're in local  
25 government.

1 I'm here representing the Yolo County Board  
2 of Supervisors, as well as the Sacramento Area Council  
3 of Governments' Board of Directors.

4 We continue to urge that as you consider this  
5 project proposal and Environmental Impact Report, that  
6 you exercise your local land use authority to require  
7 mitigation of up-rail risks as a condition, as an  
8 impact -- as a condition, a way to mitigate the  
9 impacts that your EIR has already identified.

10 So just as a way of background, Sacramento  
11 Area Council of Governments is a combination of what  
12 the Metropolitan Transportation Commission and the  
13 Association of Bay Area Governments does. So we have  
14 those two functions.

15 We represent six counties and the 22 cities  
16 within those -- those counties and a total of 31 members  
17 of our board, and we are in consensus on this, more  
18 than consensus, we're unanimous in the point of view  
19 that I'm expressing to you this evening.

20 We represent the Metropolitan Planning  
21 Organization for this six-county region that has a  
22 total population of 2.4 million people.

23 Our region has come together to look at the  
24 important issue that you're dealing with, frankly,  
25 solely from a public pers- -- public safety

1 perspective, and we -- we acknowledge that there is a  
2 key value for domestic energy production in our -- in  
3 our country.

4 We -- we acknowledge that we depend upon  
5 installations, like the Valero refinery here in  
6 Benicia, to provide energy to power our economy.

7 And we do also acknowledge that there are  
8 jobs at stake and families who -- who are supported by  
9 people who work in this -- in this industry. We  
10 understand that that's a value that you're working  
11 with.

12 We also understand that there is a -- and we  
13 appreciate the federal role in railroad regulation.  
14 However, we had provided you with legal framework that  
15 we'd hope that you'd consider that -- that points out  
16 your competing authority as a local land use  
17 decision-making body.

18 We have sent you three letters on the  
19 Environmental Impact Report for this project.

20 Our interest, again, is to ensure that all  
21 appropriate measures, based on -- upon a full  
22 investigation of the risks, are taken to protect the  
23 safety of the residents of the SACOG area and the  
24 Bay Area and to protect the businesses, communities,  
25 and property throughout both regions.

1           And our -- our three letters, the first in  
2 August 2014, in that letter we expressed grave concern  
3 that the Draft Environmental Impact Report concluded  
4 that crude oil -- crude oil shipments by rail pose no  
5 significant hazard to up-rail communities.

6           In that letter, we urged the City of Benicia  
7 to revise the Draft Environmental Impact Report to  
8 fully inform decision-makers and the public of the  
9 potential risks of the project.

10           And we also urged that you consider and  
11 address adequate mitigation measures to ensure the  
12 safety of our communities and the habitat and the  
13 creeks and rivers that the rails cross.

14           In August 2015, when the Draft Environmental  
15 Impact Report was revised, about a year after the  
16 first one, it conceded that rail shipments of crude  
17 oil through our region pose a substantial risk and  
18 that the shipments will result in crude oil spills,  
19 fires, and explosions, just as those that we've seen  
20 across -- around the country and in Canada.

21           However, this revised Draft Environmental  
22 Impact Report did not adopt a single mitigation  
23 measure to address the very significant impact to the  
24 project, and we commented on that.

25           In response to the revised Draft Environmental

1 Impact Report, our comment letter in October 2015  
2 cited the mandate in the California Environmental  
3 Quality Act to describe all mitigation measures that  
4 could, if implemented, minimize significant  
5 environmental effects.

6 We urge the City to adopt all feasible  
7 mitigation measures that will protect our communities,  
8 and all of our communities, before the catastrophic  
9 events of the Revised EIR occur.

10 The question is, what is the acceptable risk,  
11 who bears the risk, and who pays the cost of the risk?

12 We have previously noted that over a half  
13 million people in the Sacramento region, that  
14 six-county region, live within a half mile of the  
15 crude oil shipments. In fact, within a quarter mile  
16 of the rail line, 260,000 of our 2.4 million people  
17 reside, and 204,000 people work there.

18 As we think about working families, we need  
19 to acknowledge that many working members of our  
20 society work close to these railroads. 42 health  
21 facilities, 67 schools, and 28,000 students are within  
22 one quarter mile.

23 MAYOR PATTERSON: So, Supervisor Saylor, I  
24 need to have you wrap up.

25 MR. SAYLOR: All right.

1           Our last letter is dated -- and if I could  
2 have just about 30 seconds longer, I would --

3           MAYOR PATTERSON:   Okay.   30 seconds.

4           MR. SAYLOR:   Our last letter, dated  
5 February 4th, goes into more detail about some of the  
6 inadequacies of the -- inadequacies of the Final  
7 Environmental Impact Report, and it -- and it spells  
8 out a legal framework for you to -- to review.

9           Without repeating all of that here, we urge  
10 the City to -- to require that this city, this  
11 community, this refinery, this railroad can chart a  
12 new path, one that focuses on a shared commitment, not  
13 just to the economy, but to public safety and to  
14 environmental protection.

15           Failing that, the bodies that I represent are  
16 asking that you uphold the planning commission's  
17 appeal -- decision and deny the appeal before you,  
18 only if you can't solve it in another manner.

19           MAYOR PATTERSON:   Thank you for your  
20 comments.

21           Let's see if there are any questions of  
22 Supervisor Saylor.

23           MR. SAYLOR:   I truly appreciate your -- your  
24 willingness to let me speak just a second longer.

25           Thank you.

1           MAYOR PATTERSON: Thank you very much.

2           MR. SAYLOR: All right. Thank you.

3           MAYOR PATTERSON: No questions.

4           The next speaker I have is Matt Jones with a  
5 public agency. It doesn't state which public agency.

6           MR. JONES: Good evening. My name is  
7 Matt Jones, and I'm with the Yolo-Solano Air Quality  
8 Management District.

9           We represent the counties of Yolo and half of  
10 Solano County, but tonight I'm also here on behalf of  
11 the up-rail air districts: the Butte County Air  
12 Quality Management District, the Feather River Air  
13 Quality Management District, the Placer County Air  
14 Pollution Control District, the Sacramento  
15 Metropolitan Air Quality Management District, Shasta  
16 County, and my own air district.

17           The revised Draft EIR for the Valero Benicia  
18 Crude by Rail Project identified significant air  
19 quality impacts in multiple air districts as a result  
20 of emissions from additional locomotive trips as crude  
21 oil is transported via rail to the refinery.

22           These air districts currently do not meet  
23 state and/or federal air quality standards, primarily  
24 due to the emissions associated with multiple sources,  
25 including locomotives. In addition, these locomotives

1 are a significant source of air toxics in our local  
2 communities.

3 The revised Draft EIR does not suggest any  
4 mitigation for these well-documented impacts.

5 Instead, in the Revised EIR, the lead agency claimed  
6 that federal preemption prohibits the mitigation of  
7 project emissions, either directly from locomotives or  
8 indirectly through the purchase of emission offsets.

9 After the publication of the revised  
10 Draft EIR, local air districts representing the  
11 counties of Butte, Sutter, Placer, Sacramento, Shasta,  
12 Yolo, Solano, as well as the Bay Area Air Quality  
13 Management District, submitted a joint letter to the  
14 City.

15 In this joint letter, the air districts  
16 reiterated that mitigation was feasible and that there  
17 was no legal barrier preempting Valero from  
18 implementing an offset mitigation program in the  
19 affected air districts.

20 In the Final EIR for this project, the lead  
21 agency acknowledged the opinion of the air districts  
22 but did not commit to any new mitigation measures.

23 Off-site mitigation programs have been  
24 successfully implemented by other projects in air  
25 districts throughout California. Moreover, a project

1 very similar to the Valero project has committed to  
2 implementing just such a program.

3 The Phillips Santa Maria refinery in  
4 San Luis Obispo County filed an application for  
5 approval to extend the existing rail track and install  
6 equipment needed to enable rail delivery of  
7 North American crude oil.

8 The EIR for that project identified similar  
9 significant air quality impacts to this project. The  
10 EIR then proposed mitigation measures to reduce  
11 project emissions directly.

12 The EIR also proposed an off-site mitigation  
13 program to reduce any remaining emissions below the  
14 applicable significance threshold.

15 The language of Mitigation Measure AQ-3 in  
16 the Phillips Santa Maria Refinery Rail Project,  
17 FEIR -- Final EIR specifically reads, and now I'm  
18 quoting, "Prior to issuance of the Notice to Proceed,  
19 the applicant shall provide a mitigation, monitoring,  
20 and reporting plan.

21 "The plan shall investigate methods for  
22 reducing the locomotive emissions through contracting  
23 arrangements that require the use of Tier 4  
24 locomotives or equivalent emission levels.

25 "The plan shall indicate that on an annual

1 basis, if the mainline rail emissions of ROG and  
2 NOx" -- and those are the ozone precursors where a  
3 non- -- a nonattainment area for ozone.

4 "If ROG plus NOx emissions with the above  
5 mitigation shall exceed the applicable air district  
6 thresholds, the applicant shall secure emission  
7 reductions in ROG and NOx or contribute to new or  
8 existing programs within each applicable air district,  
9 similar to the emissions reductions program utilized  
10 by the San Luis -- San Luis Obispo Air Pollution  
11 Control District, to ensure that the mainline rail ROG  
12 and NOx emissions do not exceed the air district  
13 thresholds for the life of the project.

14 "The applicant shall provide documentation  
15 from each air district to the San Luis Obispo County  
16 Planning and Building Department that emission  
17 reductions have been secured for the life of the  
18 project prior to the issuance of the Notice to  
19 Proceed."

20 The air districts affected by this project  
21 urge the City of Benicia not to approve the Valero  
22 Benicia Crude by Rail Project or the Final EIR until  
23 the City incorporates an offset mitigation program,  
24 especially since such a program has been shown to be  
25 feasible for a similar project.

1           Considering the significant impacts on our  
2 air basin and acknowledging the mitigation proposed  
3 for a similar project, the affected air districts  
4 strongly recommend that the FEIR not be certified  
5 without mitigation that reduces emissions to a less  
6 than significant level within our respective air  
7 districts.

8           Thank you.

9           MAYOR PATTERSON: Thank you.

10          Let's see if there are any questions of Matt.

11          COUNCILMEMBER CAMPBELL: I have one.

12          MAYOR PATTERSON: Oh, Councilmember Campbell?

13          COUNCILMEMBER CAMPBELL: Was that, you know,  
14 imposed on the -- the refinery, or was that a  
15 volunteer -- voluntarily made by the refinery to do  
16 that up rail?

17          MR. JONES: In the case of -- for our -- for  
18 this project or for --

19          COUNCILMEMBER CAMPBELL: Yeah, for the  
20 San Luis Obispo project up rail.

21          MR. JONES: For the San Luis Obispo project,  
22 I believe it was voluntary, that they volunteered to  
23 do that.

24          COUNCILMEMBER CAMPBELL: They volunteered to  
25 do that?

1 MR. JONES: Uh-huh.

2 COUNCILMEMBER CAMPBELL: So the preemption  
3 issue did not occur in that particular instance?

4 MR. JONES: I believe that it was an issue,  
5 but they resolved it in that way --

6 COUNCILMEMBER CAMPBELL: Okay.

7 MR. JONES: -- in that particular case.

8 COUNCILMEMBER CAMPBELL: Thank you.

9 MAYOR PATTERSON: Are there any other  
10 questions?

11 Thank you very much.

12 MR. JONES: Thank you.

13 MAYOR PATTERSON: The next card I have is  
14 Eric Lee, with the City of Davis.

15 Welcome.

16 MR. LEE: Good evening, Madam Mayor. My name  
17 is Eric Lee. I am a planner with the City of Davis.  
18 I'm -- I'm here as a representative.

19 I would like to thank you for your  
20 consideration in allowing me to speak early tonight.  
21 So I'll keep my comments brief. But I'm here to  
22 express our concerns about the adequacy of the EIR  
23 that's been prepared for this project.

24 As one of the many up-rail communities that  
25 would be impacted by this proposal to ship crude oil

1 by rail, we are requesting that the city council deny  
2 the appeal and uphold the decision of your planning  
3 commission to deny the certification of the EIR.

4 The City of Davis has been following this  
5 project closely and has been involved since the  
6 Draft EIR was first released. Our primary concern is  
7 with the safety and welfare of our citizens.

8 So we have provided written comments  
9 throughout that CEQA process, out- -- outlining the  
10 significant impacts that this project would have from  
11 derailments and uploading accidents that could lead to  
12 hazardous material spills, fires, and explosions.

13 The EIR before you recognizes that these  
14 impacts are significant but concludes that they are  
15 unavoidable. That's based on the claim that Benicia  
16 is preempted by federal law and that providing  
17 mitigation would have the effect of managing and  
18 governing rail operations.

19 We do not agree with the pre- -- this  
20 preemption argument, and in our comment we have  
21 provided an analysis and detailed information, in  
22 consultation with our legal counsel, supporting our  
23 position. The State of California has also opined  
24 that local jurisdictions are not preempted.

25 We've also suggested mitigation measures that

1 would help to reduce the significance of the impacts.

2 An example of some of the measures include  
3 advanced notification to our emergency operations  
4 offices, consideration of alternatives to avoid  
5 heavily populated areas, support for training and  
6 equipment, as well as time limits on how long  
7 shipments may stop along the route. So...

8 However, the EIR does not adequately address  
9 our comments, and no mitigation to addressing these  
10 impacts are provided. The EIR does not provide any  
11 additional information or substantial evidence to  
12 explain why no mitigation is feasible.

13 And, in addition, the City has also joined in  
14 letters from the Sacramento Area Council of  
15 Governments addressing the up-rail impacts.

16 I would like to state that we are not seeking  
17 to prevent the transportation of crude oil to Benicia.  
18 We are simply committed to ensuring that all measures  
19 are taken to safeguard our community.

20 The City of Benicia does have the authority  
21 and the obligation to protect the public; therefore,  
22 we are requesting that the city council find that the  
23 EIR is inadequate and deny the applicant's appeal.

24 Before the project can be considered for  
25 potential approval, the EIR should be returned to

1 staff to fully analyze the impacts and mitigation and  
2 to incorporate all feasible mitigation measures.

3 Thank you.

4 MAYOR PATTERSON: Thank you very much.

5 Are there any questions of Mr. Lee?

6 All right. Thank you.

7 The next card -- I'm going to -- in the  
8 interest of time, I'm going to call out the names,  
9 since the staff and elected people know that they're  
10 here.

11 So Alex Pader, with the Office of Senator Wolke;  
12 Alejandro Soto Vigil, with Berkeley -- who's a  
13 Berkeley-elected official; and then Jesse Arreguin,  
14 who's an elected official from Berkeley.

15 So Alex Pader?

16 He must be off site. Here he comes.

17 MR. PADER: Sorry for the delay.

18 MAYOR PATTERSON: That's okay.

19 MR. PADER: Good evening, Madam Patterson --  
20 Madam -- Madam -- Mayor Patterson and Members of the  
21 Benicia City Council. My name is Alex Pader, and I  
22 work for Senator Lois Wolk.

23 Unfortunately, she couldn't be here today,  
24 but she asked me to read a letter that we submitted  
25 earlier this afternoon. For the purpose of time, I'm

1 going to summarize the letter but would encourage you  
2 to read the letter in full, at your convenience.

3 "Dear Mayor Patterson and the Benicia City  
4 Council, my district goes from Yolo County through  
5 Solano County along the railroad, and I continue to be  
6 concerned about the potential up-rail impacts  
7 throughout my district by the proposed Valero Benicia  
8 Crude by Rail Project.

9 "The EIR highlights emissions from the  
10 increased in-rail traffic in the area resulting from  
11 this project will have a significant and -- but  
12 avoidable effect on the air quality of the Sacramento  
13 basin.

14 "Given the risk from this -- from possible  
15 spills and accidents involving hazardous cargo and the  
16 project's anticipated effect on air quality, I urge  
17 the City of Benicia, Valero, Union Pacific to work  
18 with the community to implement the -- to implement  
19 extraordinary safety measures to guarantee the public  
20 safety in -- if this project is to move forward.

21 "In that regard, at a minimum, the measures  
22 to protect our region should include the following,"  
23 and for the purposes of time, I would encourage you to  
24 read that in the letter.

25 "I recognize that many of the measures will

1 require actions by the federal, state, and regional  
2 authorities; however, if these actions cannot be  
3 implemented or are moving forward, then the City of  
4 Benicia should not approve the Valero Crude by Rail  
5 Project.

6 "It should be noted that if there are many  
7 mitigation measures, that will indisputably and  
8 substantially reduce the impact of shipping crude by  
9 rail.

10 "Many of these measures are similar to the  
11 measures recommended by the California inter-rail --  
12 interagency Rail Safety Working Group in its report,  
13 'Oil by Rail Safety in California.'

14 "Specifically, that report concluded that the  
15 pro-regulatory environment does not address the risk  
16 of increased oil-by-rail transport.

17 "As a coincidence, this report recommended  
18 the following actions to address those deficiencies.  
19 A few of those include:

20 "Improve emergency response capabilities,  
21 request railroads to provide more information to  
22 affected communities, request the Department of  
23 Transportation to expedite and phase out older,  
24 riskier train cars;

25 "Update the California Public Utilities

1 Commission incident reporting requirements, and  
2 require railroads to provide -- require that the  
3 railroads provide the State of California with broader  
4 accident and injury data."

5 Please, I encourage you to read the rest of  
6 those when you have time.

7 "And, finally, as your State representative,  
8 I will continue to be your advocate to help ensure that  
9 the California Public Utilities Commission increases  
10 the number of rail inspectors, advocate for additional  
11 funding for local emergency first responders, and  
12 ensure that all trains are in compliance with the  
13 minimum crew requirements as outlined in SB 730,"  
14 offered in -- by Senator Wolk in 2015.

15 "The safety of the citizens of the -- the  
16 safety of the citizens of the city of Benicia, my  
17 district, and the citizens of the state of California  
18 is my highest priority, and as such, I would  
19 respectfully request that the City of Benicia Council  
20 strongly consider the concerns and the proposals  
21 outlined in this letter."

22 Thank you very much.

23 MAYOR PATTERSON: Thanks, Alex.

24 Are there any questions?

25 Seeing none, then, thank you very much.

1 MR. PADER: Fine.

2 MAYOR PATTERSON: The next one is  
3 Alejandro Soto Vigil. I hope I said that correctly.  
4 Close enough?

5 MR. SOTO VIGIL: Hi, everyone. Alejandro  
6 Soto Vigil from Berkeley, California.

7 I want to also congratulate you on getting  
8 Chief Upson. He was a fantastic officer in Berkeley.  
9 So you're lucky to have him.

10 I wanted to come today and, you know, request  
11 that you reaffirm the planning commission's  
12 determination and reject this project. I also want to  
13 request that you reject Valero's requested continuance.

14 The planning commission, as you know, you  
15 appoint them, and you rely upon their advice and  
16 expertise. So please follow their -- their points.

17 You know, this is a regional issue, and this  
18 region needs your leadership. We really do. We need  
19 you to stop this moving bomb that goes around from  
20 possibly blowing up parts of Benicia or, you know,  
21 wherever this crude comes from.

22 You know, I have 11 family members that live  
23 in Berkeley -- or I'm sorry, that live in Benicia;  
24 although, I live in Berkeley. I first came to Benicia  
25 as a kid. My grandmother lived here, and I fell in

1 love with this town.

2 In fact, me and my wife talked about moving  
3 to Benicia when we retire, and we definitely don't  
4 want some residue of a -- a crude train blowing up  
5 parts of Benicia. I mean, you know, that's definitely  
6 why we're all here.

7 You know, I understand why Valero really  
8 wants this project; we all do. The oil and gas  
9 industry are in the business of making profit. We  
10 understand that.

11 But there's also all the residents here of  
12 Benicia who oppose this project because they care  
13 about the environment. They care about their health  
14 and safety.

15 The government agencies that spoke before  
16 you, just a couple minutes ago, indicated how many  
17 schools could be impacted, how many health facilities,  
18 and how many communities and residents would be  
19 impacted if -- if some tragic incident happened.

20 I want you to think about how history will  
21 judge us, not just you, but all of us in this room,  
22 based on the decision that happens tonight.

23 Whether you're for it or you're against this  
24 project -- you know, a hundred years from now, they're  
25 going to say, you know, "This generation was starting

1 to create renewable energy at a whole new rate than  
2 ever before. Why would they want crude oil?" That's  
3 a totally reverse process from what we're going  
4 towards in the future.

5 I have two children, and my brother has two  
6 kids that live here, but -- you know, we have a rail  
7 in -- in Berkeley near where I live, and, you know, if  
8 you pass this project, maybe some day the crude will  
9 go through that area, and, you know, that's why I'm  
10 requesting your leadership here today.

11 So, please, follow your heart, follow your  
12 morals, and follow the science. The science is  
13 proven. You know, the California -- CEQA was designed  
14 for this particular project to be examined thoroughly.

15 So, please, follow your planning commission's  
16 recommendation.

17 Thank you for your time.

18 MAYOR PATTERSON: Thank you.

19 Are there any questions of Mr. Soto Vigil?

20 Seeing none, the next elected official is  
21 Jesse Arreguin.

22 Did I say that correctly? I'm going to be  
23 asking that a lot, apparently.

24 And the next two are Linda Maio and  
25 Ellen Co- -- Cochum -- Cochum [sic]?

1 All right.

2 MR. ARREGUIN: Good evening, Councilmembers.  
3 Thank you for this opportunity to address you, and  
4 thank you for your service.

5 As an elected official, I know we have to  
6 weigh competing interests, the need for jobs versus  
7 the need for public safety, but in the end, our  
8 principal responsibility is protecting the health and  
9 safety of our residents.

10 And it's for those reasons that I'm here  
11 today from Berkeley to strongly urge you to uphold the  
12 planning commission's recommendation and to deny the  
13 request for continuance because of the impacts that  
14 this application will have, not just on your residents,  
15 but residents throughout the entire East Bay and  
16 Solano County.

17 California has been a worldwide leader in  
18 combatting climate change. Our forward-thinking  
19 policies are creating a shift from fossil fuels to  
20 renewable energy.

21 And while we've accomplished so much in  
22 protecting our environment, why would we take a  
23 critical step back and allow for the expansion of  
24 fossil fuels in Benicia and in California?

25 Allowing crude by rail poses a great safety

1 threat to many communities that the trains travel  
2 through and the delicate ecosystem of the bay.

3 And as we've seen time and time again, the  
4 derailment of these cars would be a major disaster,  
5 not just for Benicia, but for the upstream and  
6 downstream communities that may be affected.

7 We heard about spills, fires, explosions, the  
8 potential risks that this kind of a -- of a project  
9 would enable and the fact that there are not adequate  
10 mitigations in the EIR, an adequate study of those  
11 impacts, and I think it's for those reasons that this  
12 project should not be approved at this time.

13 Trains delivering crude traveling through the  
14 Bay Area will follow routes adjacent to densely  
15 populated areas in the San Francisco Bay estuary.  
16 This poses a serious threat to our limited water  
17 supply and our ecosystem, which sustains a variety --  
18 you know, not only us, but a variety of species and is  
19 a treasured icon for millions of Bay Area residents.

20 My colleague will speak after me, but she'll  
21 note, certainly, as I'm noting, that the Berkeley  
22 City Council last -- in 2014, passed a resolution  
23 unanimously expressing our opposition to crude by rail  
24 throughout Berkeley and the East Bay, including  
25 potentially in Benicia.

1           This is an issue that affects all of us, not  
2 just Benicia, but the entire northern California  
3 because we know that these rail lines will not just go  
4 through Benicia, but through Berkeley and through  
5 poorer neighborhoods in our cities, the neighborhoods  
6 that are predominantly African-American and Latino.  
7 The same goes for locations for refineries.

8           And the reality is that environmental racism  
9 isn't just restricted to Flint, Michigan. It's right  
10 here in our communities. We must combat this by not  
11 allowing crude by rail. This will only exacerbate the  
12 health and environmental problems that plague all  
13 communities.

14           We need a broad coalition to address this,  
15 and that's why I'm here to speak with you. My  
16 counterparts in other cities throughout the region  
17 have also taken a stand against crude by rail, and  
18 adding Benicia to a list of cities in opposing this  
19 will send a strong message that we don't want big oil  
20 running our communities;

21           That we want to protect the health and  
22 safety of all residents, not just in Benicia, but in  
23 northern California, and we want to protect our -- our  
24 San Francisco Bay, our estuary, and all the communities,  
25 you know, along these routes.

1           So I strongly urge you to uphold the planning  
2 commission's decision, and thank you very much for  
3 your time.

4           MAYOR PATTERSON: Thank you.

5           Are there any questions of Councilmember --  
6 do I pronounce it "Ar-ray-gun?

7           MR. ARREGUIN: "Ar-ree-ghin."

8           MAYOR PATTERSON: "Ar-ree-ghin."

9           THE WITNESS: Yeah.

10          Thank you.

11          MAYOR PATTERSON: Great.

12          Seeing none, thank you so very much.

13          The next elected official is Linda Maio, and  
14 then following her is Ellen Cochrane. I think I  
15 finally got that right.

16          MS. MAIO: Thank you. Thank you for being so  
17 careful with your process, too.

18          My name is Linda Maio. I'm the vice mayor of  
19 the city of Berkeley, and I have been working on this  
20 with regard to the Santa Maria refinery.

21          Many of you know Berkeley. You've been  
22 there. You've visited 4th Street. You know that the  
23 rails go directly through places where there are  
24 children, businesses, shoppers, schools. We have a  
25 lot of people living -- living down there.

1           We are a down-rail community, as is  
2 Emeryville, Oakland, Albany, El Cerrito, Fremont,  
3 San Jose. We've been working with all those cities  
4 because we're very concerned about the health and  
5 safety of our citizens.

6           You all know that there have been accidents,  
7 accidents with volatile crude oil, hazardous crude  
8 oil, but we're also hearing, almost weekly, that there  
9 are accidents with passenger rails or other freight  
10 rails.

11           So our rail lines are absol- -- at this  
12 point, fairly fragile from years of neglect, but all  
13 of a sudden, they're very pertinent because this is  
14 the way to get the fracked oil to market, out to the  
15 coastlines.

16           But there's no other way at this point to do  
17 that except by using the rails, putting all of us at  
18 risk, which is why there's so much of an outcry all  
19 the way up and down the rails.

20           I'd like to address preemption.

21           We will be preempted from regulating anything  
22 that goes on our rail lines through our towns. We  
23 already are.

24           The Federal Government has jurisdiction  
25 there, and that's why we've seen, actually, that

1 they're -- they have not stepped up until recently to  
2 improve the safety on our rails, but we are preempted  
3 on those rail lines.

4 But I want to make it very clear that this  
5 city council, and every other city council, every  
6 other one, has the right to make its own land use  
7 decisions. You are not preempted from making a  
8 decision on this rail spur.

9 This is in your town, and you've been  
10 elected, as we all have, to really see to the health  
11 and safety of our citizens. It's our most paramount  
12 responsibility.

13 I'd like to read the -- some of the -- and  
14 I'd like to now, Madam Mayor, go to the EIR, since  
15 we're making this distinction, at your direction.

16 Your EIR has found significant on-site  
17 emissions of reactive organic gasses from railcar  
18 fugitive emissions.

19 It's found significant on-site emissions from  
20 a change in service, when you move the crude from one  
21 location to another; significant cancer, chronic and  
22 acute health impacts from benzene emitted from railcar  
23 fugitives. These go directly into the community;

24 Significant on-site injury and fatality  
25 impacts from on-site accidents, not the railcars that

1 are traveling through our city, but directly at the  
2 site.

3 And then you have you're in a floodplain, and  
4 so the design of this rail spur will actually cause  
5 the -- and it will cause flooding to be diverted to --  
6 to other areas of the community. I urge you to look  
7 at that when you look at the EIR.

8 And there's off-site injury and fatality impacts  
9 from off-site accidents caused by seismic shaking  
10 because also of our very fragile land formations.

11 So we'll be -- the Berkeley City Council will  
12 be discussing this tomorrow night. You'll be  
13 receiving a letter from us. I am sure we'll be  
14 working with our other cities that we've been working  
15 with on the Santa Maria railcar -- or rail spur  
16 expansion as well.

17 We are part of this community. Even though  
18 we're downwind, we're here in solidarity with Benicia  
19 and all of the other communities, from Yolo County all  
20 the way on down, that must not pay the price of  
21 transporting this volatile, hazardous, and explosive  
22 crude.

23 So we really urge you to uphold the planning  
24 commission's decision and to reject the appeal.

25 And thank you for your time.

1           MAYOR PATTERSON: Thank you.

2           Are there any questions of Councilmember Maio?

3           MS. MAIO: Thank you.

4           MAYOR PATTERSON: Seeing none, the next card  
5 is Ellen Cochran. That's -- it's -- there she is.

6           MS. LITTMAN: Hello. My name is Laurie Littman,  
7 and I'm speaking for Ellen Cochran, who's a school board  
8 trustee for Area 2 of the Sacramento City Unified  
9 School District. She apologizes that she couldn't  
10 make -- she couldn't make it today.

11                 "Dear Honorable Elizabeth Patterson and  
12 Benicia City Council, the Sacramento Unified School  
13 District is located in Sacramento County with two  
14 different railroad transport routes which are in  
15 proximity to 13,000 Sacramento Unified School District  
16 students, their parents, and our staff.

17                 "Our board is concerned with the increase in  
18 oil train traffic that passes through our district.  
19 We believe there is a risk to the school children  
20 along the railroad route. 17 of our schools are in  
21 the blast zone, the area designated as a potential  
22 impact and evacuation zone by the Department of  
23 Transportation.

24                 "Tonight, you have the power to protect  
25 school children and citizens in Sacramento. Any

1 accident or spill near SCUSD campuses would be  
2 devastating to the students and staff.

3 "Additionally, the diesel emissions from the  
4 operation of the trains generate toxic pollutant  
5 emissions that cause cancer, heart and respiratory  
6 disease and especially in the very young.

7 "I urge you to help protect Sacramentans and  
8 all citizens, young and old, and deny this route for  
9 the oil train traffic. Populated area -- areas cannot  
10 sustain such danger. And in particular, putting our  
11 youngest and most vulnerable at risk is unacceptable.

12 "Thank you for your consideration. Please  
13 vote 'No.' Respectfully, Ellen Cochrane."

14 MAYOR PATTERSON: Thank you very much.

15 Any questions? Seeing none, that ends the  
16 list that I have for elected officials.

17 I'm trying to keep them in order, Ms. Million.

18 Okay. So the next group are the  
19 spokespersons for organized opposition, and I have  
20 Marilyn Bardet, who will be speaking on behalf of the  
21 Benicia Safe Healthy Community Committee [sic], and  
22 that will be for 15 minutes.

23 And are you the only speaker for the group  
24 or are -- okay.

25 MS. BARDET: No.

1           MAYOR PATTERSON: Don't you want him to go  
2 first? Because last time at the planning commission,  
3 he didn't have as much time.

4           MR. SOTO: We worked it out.

5           MS. BARDET: We've worked that out.

6           MAYOR PATTERSON: Okay.

7           MS. BARDET: And there will be several  
8 assistants helping us, too, in a part of what we're  
9 doing.

10           Good evening, Mayor Patterson and  
11 Councilmembers. This city is now at a crucial  
12 juncture in a CEQA process as it relates to Valero's  
13 request for permit and the adequacy of the CEQA  
14 document, "the" critical juncture in the decision  
15 process, to allow or not allow the permit for the  
16 Crude by Rail Project.

17           Benicia is currently in a position to make  
18 final determinations. The State of California, as  
19 well as many municipalities across California, and the  
20 nation are watching closely, and it will be vitally  
21 concerned to review the kinds of -- the decisions you  
22 make and how you made them.

23           I believe Benicia, and this council in  
24 particular, has the means, the motivation, and ethical  
25 wherewithal to deliver a reasoned and supported

1 decision, no matter how difficult and complex the  
2 issues.

3 First, you must deny Valero's request for a  
4 delay of the appeal process. Input from the  
5 Surface Transportation Board would merely represent  
6 another written opinion on the EIR.

7 The STB is not the arbiter of preemption  
8 issues. This is a responsibility of the judiciary.  
9 As such, the opinion provided would -- would be of no  
10 value.

11 If Valero wanted the STB's opinion  
12 reviewed, Valero should have produced that --  
13 solicited it and obtained that opinion well before the  
14 close of the FEIR's comment period.

15 The public, and inclusive of all agencies,  
16 responded to the CEQA documents on time.

17 Approving this delay would serve Valero only,  
18 and that's -- an exception made for the STB is  
19 inappropriate and would create a special class of CEQA  
20 responder, with special privileges in the process.

21 Further, there is no guarantee the STB would  
22 provide a response, let alone provide one within a  
23 certain time frame. With the -- will the response be  
24 in three months, six months, or twelve months?

25 Throughout the CEQA process, Valero has

1 complained about the length of time to resolution.  
2 Now Valero, through this request, would create an  
3 indefinite delay. Why?

4 One significant impact of delay would be that  
5 new information provided to de novo would require a  
6 newly revised Draft EIR to be prepared and circulated  
7 for review. This equates to significant additional  
8 staff time and effort.

9 Why move future hearings beyond the election  
10 season? Perhaps to keep the issue out of public  
11 debate? Does the applicant really believe this?

12 Our planning commission made no snap -- snap  
13 decision. Commissioners finally deliberated after  
14 three years of studying the Draft EIR, the revised  
15 version and the Final EIR, listening to the public,  
16 and reading volumes of written comments.

17 Their unanimous vote signals hundreds of  
18 hours committed to understanding the project and its  
19 impacts as they were described and analyzed, or not,  
20 in those documents and as discussed by the public.

21 In their final deliberations, our commission  
22 upheld CEQA and its legal requirements and rightfully  
23 determined that the CEQA document was not certifiable.

24 The commission additionally voted to decline  
25 approving the project permit and, thereby, stood

1 firmly and ethically, voting to protect public health,  
2 safety, and the environment for sake of our own  
3 communities' protections, but, also, with respect for  
4 lives and locales, near and far, beyond Benicia.

5 They recognized that the risks and impacts  
6 posed by this project overall would exist in  
7 perpetuity.

8 We expect that each of you has read, reviewed,  
9 and analyzed the DEIR, the REIR, and the FEIR, as well  
10 as the vast amount of public testimony submitted on  
11 the failure of those documents to meet minimum CEQA  
12 requirements.

13 The comments of local and regional residents,  
14 elected officials, public agencies, refinery experts,  
15 environmental organizations, and our California  
16 Attorney General herself were ignored, dismissed, and  
17 avoided or refuted with repeated false, unsupported  
18 arguments and suspect analyses.

19 Comments made to the EIR remain unaddressed  
20 and uncorrected in the subsequent revisions.

21 Valero and UPR's -- UPRR's opinions on  
22 preemption and trade secret law are flawed, extreme in  
23 their breadth of interpretation, and -- and represent  
24 a significant threat to local authority. Their  
25 interpretation serves to divest the City of its

1 mandate to regulate land use on properties within its  
2 jurisdiction.

3 Certainly, Valero cannot neuter our city and  
4 preclude Benicia from exercising its lawful authority  
5 over land use development issues on nonrailroad-owned  
6 property within city limits.

7 The public, inclusive of professional  
8 engineers and refinery experts, have spoken to the  
9 exceptional hazards and the risks of locating a crude  
10 offloading rail terminal on Valero property, that its  
11 location poses a daily increased threat to the  
12 refinery itself as well as the industrial park,  
13 generally.

14 The Final EIR glosses concerns raised  
15 regarding the intensification of risks posed by siting  
16 the terminal adjacent to crude storage tanks,  
17 Sulpher Springs Creek, in a floodplain zone, an active  
18 fault zone;

19 And also directly across from Cockney's  
20 (sounds like) along East Channel Road, engaged in  
21 activities, often outdoors, involving heavy machining  
22 and arc welding, concrete fabrication and heavy diesel  
23 trucking, and gas and chemical supply, including  
24 gasses the refinery uses that (indecipherable).

25 I urge you, thoroughly, to examine the latest

1 89-page comment letter submitted by Phyllis Fox today,  
2 submitted on behalf of Safer California, on the  
3 failures of the qualitative risk analysis provided in  
4 the FEIR.

5 The Benicia Industrial Park must be protected  
6 from becoming a de facto Valero train rail yard and/or  
7 a sacrifice zone in the event of a catastrophic  
8 accident caused by a derailed crude-loaded train.

9 I have to say that if there was a derailment  
10 of a -- a train carrying Beard of Biagi (sounds like),  
11 we'd all go down for a keg party.

12 But I'm telling you if we had a train  
13 derailling with flammable crude oil, you could have a  
14 power keg and a lab explosion with a call for  
15 immediate evacuation.

16 Recall that derailments in the last couple of  
17 years have happened down in the industrial park,  
18 delaying for several hours, at least, at Park Road.

19 Each time I have spoken to the EIR, I have  
20 endeavored to provide scenarios not addressed in the  
21 EIR. Tonight, I will provide just one.

22 Within tight confines, it would be designated  
23 a rail-to-Meraux operations on Valero's eastern  
24 fence line. Two 50-car trains loaded with crude oil  
25 would be arriving and departing within a 24-hour

1 period. According to the DEIR, it would take 12 hours  
2 to offload a single 50-car train. That's in the DEIR.

3 So let's just say the schedule would be  
4 thrown off by at least a few minutes in each  
5 consecutive 24-hour period and more if there are  
6 problems moving two trains in and out of the rail  
7 terminal.

8 How many days would it take before two  
9 trains, one arriving, one departing, would be moving  
10 through the Park Road intersection and the industrial  
11 park, crossing private company driveways along  
12 Bayshore Road at rush hour? The DEIR didn't do the  
13 math and neither did the traffic study.

14 A second concern. For an indefinite  
15 interval, two 50-car trains would simultaneously be  
16 parked on Valero property, one loaded train idling on  
17 a sidetrack, ready to enter the terminal, and the  
18 other empty, but with residual gasses inside the  
19 tanks, getting ready to depart the terminal.

20 Thus, a total of a hundred tank cars could be  
21 parked on Valero property at any one time, along with  
22 as many as six diesel locomotives, presumably with  
23 engines firing up and idling, but not counting other  
24 tank cars that could be sidelined nearby.

25 This routine scenario would occur twice in a

1 24-hour cycle. The FEIR does not discuss this daily  
2 event and the potential additional hazards from  
3 fugitive emissions that represents cumulative or  
4 catastrophic when an ignition source is present.

5 You must be concerned by the quality and  
6 quantity of the crude oil process to be imported by  
7 rail. I'm going to let Greg Harris tell you about  
8 that, represented -- who represents Communities for a  
9 Better Environment.

10 I'm submitting these comments to you in  
11 writing so you will see the rest of my comments.

12 You must support the Benicia General Plan's  
13 call for sustainable development. This project is not  
14 sustainable, in any sense. It does not reflect the  
15 goals of AB 32, the California Global Warming  
16 Solutions Act.

17 Commissioners rightfully concluded that the  
18 Crude by Rail Project is, essentially, bad for  
19 Benicia, bad for people in places up rail, and bad for  
20 the planet.

21 I'm now turning this over to Andres.

22 MR. SOTO: Thank you.

23 Thank you, Marilyn.

24 My name is Andres Soto, and I'm also a member  
25 of Benicians for a Safe and Healthy Community, and we

1 are a group of community members who came together  
2 because of our concern about this project. We are all  
3 volunteers, and we've spent numerous hours for the  
4 last three years working to understand this.

5 And I believe you received a letter,  
6 council -- councilmembers, that I sent you, based on  
7 my own research on the Safety Transportation Board --  
8 the Surface Transportation Board and my discussion  
9 with one of their staff attorneys.

10 And so all I have to say about Valero's  
11 continuance request, it's the wrong question to the  
12 wrong agency at the wrong time. So deny the  
13 continuance.

14 Now, to get into the substance of the issue  
15 about the appeal, what we have seen over time is that,  
16 first, Valero tried to say, "Oh, hey. This is so  
17 minimal, you don't even need an Environmental Impact  
18 Report. Let's just do a Mitigated Negative  
19 Declaration, and -- and we'll all walk away happy."

20 Well, fortunately, we have CEQA, and with  
21 CEQA, that allowed the public to have input, to  
22 analyze this thing in fine detail. And once people  
23 analyzed this, then we were able to share this  
24 information with other people in the community.

25 That's what a democracy is all about, and we

1 are engaging in the democratic process.

2 And, you know, when we started examining  
3 issues, once again, we're confronted with Valero's  
4 continued misrepresentation of facts, the shading of  
5 facts.

6 And then when we get, finally, to the  
7 planning commission decision, what did we hear? We  
8 hear, "Look," from the consultants, backed up by the  
9 staff, that you guys ultimately -- well, the planning  
10 commission and the city council have no say-so.

11 "You have no authority. In fact, you're  
12 preempted by the Federal Government. So why are we  
13 even being here?" and that's the wrong way to look at  
14 this.

15 Now, frankly, I feel sorry for Valero. You  
16 know, they spent a lot of money hiring EAS to offer  
17 this Environmental Impact Report, and they got a lot  
18 of paper for it. A lot of trees died for this  
19 Environmental Impact Report.

20 But more importantly, it has done a  
21 disservice to Valero, who tried to present the  
22 best-case scenario for their project. It's so riddled  
23 with holes, it looks like Swiss cheese.

24 And so that's what we're here about.

25 And so one of the things that we have learned

1 is that when you go out and you educate the community,  
2 when you let people know the facts about this project,  
3 or any project, both the good and the bad, people are  
4 intelligent enough to make up their own mind when they  
5 have those facts, and that's what we've seen here in  
6 Benicia.

7           So what -- what did we do? We are the people  
8 in Benicia. We have mobilized. What we are seeing  
9 right here, this is a collection of signatures. We  
10 have gone out to the Benicia Farmers' Market and other  
11 places. We have worked with other organizations for  
12 our online petitions, and let me just give you a few  
13 numbers, what this represents.

14           There are 4,081 signatures of people who are  
15 opposing this project. Of those 4,081, 1204 of them  
16 are Benicia residents, and I believe anybody who  
17 observes Benicia politics would understand that that  
18 can mean the margin of victory in any election.

19           What we also have are a number of surrounding  
20 communities, and just in the neighboring communities,  
21 American Canyon, Vallejo-Fairfield, the delta communities,  
22 Suisun City, Vacaville, Napa, 1534 signatures. So  
23 this is a significant issue for all the region, as you  
24 have heard and you will continue to hear.

25           But just in closing, let me put it this way,

1 is that all these people who have been working at this  
2 have been looking at this and have examined this and  
3 put their concerns, as the nation's, first, and people  
4 who live along rail lines put their interests first.

5 They are calling upon you, the councilmembers,  
6 to do the right thing by Benicia, do the right thing  
7 by the region, do the right thing by the climate.

8 This project is not necessary. Valero is not  
9 going away. They have their representative coming  
10 here at the planning commission, saying, "We're not  
11 going to leave town if we don't get this project."

12 So, you know, that's off the table. Valero  
13 is going to continue to be here.

14 What they are doing is they are continuing to  
15 violate their district rules about emissions. They  
16 continue to get fined. They're suing the air district  
17 around those fines.

18 They want to process dirtier crude at this  
19 refinery. That's why they want to bring in tar sand,  
20 which will cause it to violate it even more.

21 And they're currently fighting an effort at  
22 the air district to try to get air -- all the fine --  
23 refineries to reduce their emissions to 1990 levels.

24 So these guys are kicking and screaming,  
25 trying to prevent our transition into a safe and

1 renewable economy that will benefit all of us.

2 So on behalf of Benicians for a Safe and  
3 Healthy Community and on behalf of all the people of  
4 Benicia and all the people who have signed these  
5 petitions are urging you to deny this project, deny  
6 the continuance, and let's build a better future  
7 together.

8 Thank you.

9 MAYOR PATTERSON: Okay.

10 Are there any questions for Ms. Bardet or  
11 Mr. Soto?

12 MR. SOTO: Oh, excuse me. I wanted to give  
13 you a hardcopy of all these signatures, for the  
14 record, all 4,081 of them.

15 MAYOR PATTERSON: Okay.

16 And then we have a question from  
17 Councilmember Campbell?

18 COUNCILMEMBER CAMPBELL: You know, this  
19 brings up something that I want to ask -- have staff  
20 answer later on.

21 Does that count, too?

22 MAYOR PATTERSON: Yeah, absolutely.

23 COUNCILMEMBER CAMPBELL: Okay.

24 The question about how long does it take to  
25 offload -- whoever is over there listening, you want

1 to just store this?

2 How long does it take to offload one of these  
3 trains? I heard "12 hours." I'd like that checked.

4 Another is when it comes to Valero's property  
5 line, is it close enough to the park crossing that it  
6 could trigger the guard to go up and down and still be  
7 on Valero's property? On the west side, I think,  
8 would be the side I'm looking at.

9 And you can get back to me on this some day.  
10 Soon.

11 MAYOR PATTERSON: Okay. Great. That's --  
12 that's well done.

13 So, Mr. Soto, you sort of made a mess of our  
14 chambers here.

15 MR. SOTO: Thank you very much.

16 (Laughter)

17 MAYOR PATTERSON: All right. The -- the next  
18 set of cards I have is the --

19 (Indiscernible chatter by audience members)

20 (Mayor rings cowbell)

21 MAYOR PATTERSON: I need to have you be  
22 quiet.

23 The next set of cards I have is the bus from  
24 Sacramento. You will have 15 minutes and -- with a  
25 spokesperson or two.

1           So I'm going to just call the first card out,  
2 and if that's a spokesperson, that's fine.

3           And it's Ryan Heater (phonetic), and this  
4 will be representing the bus. So this is your  
5 opportunity to speak on -- on their behalf.

6           MR. BROWN: I was expecting a bunch of other  
7 bus people. Please ask them to come on in.

8           MAYOR PATTERSON: So we have --  
9 (Indiscernible chatter by audience members)

10          MAYOR PATTERSON: We -- sorry.

11          (Continued chatter by audience members)

12          MAYOR PATTERSON: Mr. Brown?

13          MR. BROWN: Oh, sorry. My name is Mr. Brown.

14          MAYOR PATTERSON: Yeah. We --

15          MR. BROWN: Okay.

16          MAYOR PATTERSON: We have a problem with  
17 aisles and the corridors being packed.

18          MR. BROWN: Oh.

19          MAYOR PATTERSON: So we're going to take your  
20 virtual bus --

21          MR. BROWN: Okay.

22          MAYOR PATTERSON: -- and imagine it.

23          MR. BROWN: Well, this is --

24          MAYOR PATTERSON: And they can stand out --

25          MR. BROWN: This is -- okay. So --

1           MAYOR PATTERSON:  -- in the hallway, and we  
2 can see them through the doors.

3           AUDIENCE MEMBER:  (Inaudible.)

4           MAYOR PATTERSON:  It's -- it's because --

5           MR. BROWN:  (Inaudible.)

6           MAYOR PATTERSON:  -- for obvious reasons.

7           MR. BROWN:  All right.  So I am going to have  
8 to guess this, then.

9           (Indiscernible chatter by audience members)

10          MAYOR PATTERSON:  I need to have quiet.

11          Thank you.

12          MR. BROWN:  I want to, first of all, just  
13 thank you for making an effort to let us speak  
14 tonight.  So -- so that you understand, my next  
15 comment is not in any great objection because it's  
16 very nice of you.

17                 It's a long way to come.  We organized  
18 ourselves, but we have to go back because people have  
19 jobs in the morning; however, we didn't know we were  
20 going to have 15 minutes, and there's 30 of us.

21                 So what we're going to try and do is let  
22 people speak until we run out of our 15 minutes,  
23 because we didn't know we would have to organize for  
24 15 minutes, and that's why people want to come in is  
25 because I was just going to say a couple minutes of

1 introduction and turn it over. We'll lose a lot of  
2 time if people have to stream in and out.

3 Is there any way you can accommodate us?

4 MAYOR PATTERSON: I can call the numbers, and  
5 they can be ready, standing at the door on the  
6 outside.

7 Maura Metz, Dorothy Collison, I believe,  
8 Maria Cornejo-Gutierrez, and Laurie Littman.

9 AUDIENCE MEMBERS: Stop the clock. Stop the  
10 clock.

11 MR. BROWN: Or you could stop the clock  
12 briefly while I -- oh, yeah. It's going now.

13 We also have Jean Jackman -- let me just say  
14 the ones that definitely were going to speak.

15 Jean Jackman --

16 MAYOR PATTERSON: So, Mr. Brown --

17 MR. BROWN: Yeah.

18 MAYOR PATTERSON: -- I'm going to call the  
19 cards that I have in order.

20 MR. BROWN: Okay.

21 MAYOR PATTERSON: Okay?

22 MR. BROWN: Good enough.

23 MAYOR PATTERSON: And I'm going to start the  
24 clock, and thank you for the suggestion of stopping,  
25 but I'm not going to do it for more than 30 seconds.

1 MR. BROWN: Okay. Thank you.

2 MAYOR PATTERSON: You're welcome.

3 MR. BROWN: I appreciate that.

4 MAYOR PATTERSON: All right.

5 MR. BROWN: All right.

6 So we are a loose-knit coalition of people  
7 from Sacramento who have gathered together since the  
8 Lac-Megantic disaster of two years ago when it became  
9 obvious that putting Canadian tar sands and Bakken  
10 crude onto rail as an alternative to pipeline was a  
11 horrific decision that put many, many lives at risk,  
12 including those who live in the up-rail communities  
13 now that Valero is proposing to take these kinds of  
14 crude oil.

15 We understand under California environmental  
16 law that although you are a small city, you have  
17 the -- the basic legal and moral responsibility for  
18 everyone who is affected by this project.

19 And, thus, we come here tonight, 30 of us, on  
20 the bus from the cities of Carmichael, Dixon, Davis,  
21 Sacramento, and Fair Oaks to ask you to support your  
22 planning commission's rejection of this project.

23 We've come from groups that are neighborhood  
24 associations, from environmental groups, like  
25 350 Sacramento, from student groups, like the

1 Sacramento Oil Trains Coalition, and so collective  
2 ethnic and cultural groups in Sacramento. So a wide  
3 variety of people have gathered.

4 We recognize that more than 13,000 students  
5 in the city of Sacramento go to school every day, with  
6 their teachers, within a half a mile of these rail  
7 lines, that should an accident happen on the curve  
8 that's closest to the capitol -- the capitol of the  
9 State of California, once located here, would have to  
10 be evacuated.

11 It could cause billions of dollars of damage  
12 and thousands -- literally, tens of thousands of State  
13 workers may not go back to work for quite a long time,  
14 because these kinds of oils create accidents that take  
15 a long time to clean up.

16 In Kalamazoo, Michigan, a spill into a river  
17 is not cleaned up after seven years now -- six years,  
18 rather, in 2010, and more than a billion dollars spent  
19 trying to clean it up.

20 This is a huge potential disaster, and we ask  
21 you to vote with your planning commission.

22 Thank you very much.

23 MAYOR PATTERSON: Okay. So the next person I  
24 have is Maura Metz.

25 MS. METZ: Hello. I live in -- I live in

1 Davis, California. My grandchild and family live four  
2 blocks [sic], and I show you their picture because I  
3 want you all to have full consciousness of the impact  
4 that your decisions, one way or the other, have on the  
5 lives of these people that I love dearly.

6 And these are just three of many people who  
7 could be hurt if one of these trains blows up  
8 anywhere, anywhere around, and I will hold you  
9 responsible for the decisions you make regarding the  
10 Valero.

11 Thank you.

12 MAYOR PATTERSON: Thanks.

13 And then Dorothy Collison?

14 AUDIENCE MEMBER: Dorothy Collison is  
15 (inaudible).

16 MAYOR PATTERSON: And then following her is  
17 Maria Cornejo-Gutierrez, Laurie Littman, and then  
18 JoEllen Arnold.

19 MS. JACKMAN: Substituting for Dorothy,  
20 Jean Jackman from Davis.

21 I'm terrified of the prospect of 1.5 million  
22 gallons of oil rolling through Davis twice a day. The  
23 people of Benicia should be terrified, too. The air  
24 pollution will increase cancer death. There's noise  
25 pollution. Your water supply is at risk. Imagine the

1 result of an oil spill in the Sacramento River, your  
2 water source, our water source.

3 In 2010, a spill of crude from a pipeline  
4 into a small creek in Michigan that flowed into the  
5 Kalamazoo River resulted in such a mess, the river had  
6 to be closed for 25 miles, and they're still cleaning  
7 up the mess six years later.

8 The cost of cleanup was 1.2 billion, and if  
9 the company would have filed banked -- would have  
10 filed bankruptcy, as happens in spills, taxpayers  
11 would have paid.

12 Please, the trains go through Davis 50 feet  
13 from residents, they go past thousands of children in  
14 schools, they go through our densely populated  
15 neighborhoods, past UC Davis, Mondavi Performing Arts  
16 Center, the new Shrem Museum, and, yet, we have a  
17 dangerous, higher than average chance for a derailment  
18 because we've got a low-speed crossover, a 10-mile an  
19 hour crossover, right next to our Amtrak passenger  
20 depot, so dangerous that it's rated at 10 miles per hour.

21 Please deny the certification of the EIR.  
22 The economic benefits do not outweigh the unavoidable  
23 negative environmental impacts.

24 Consider the health of yourselves, consider  
25 the health of all of your neighbors upstream,

1 downstream, and our -- our livelihoods.

2 Thank you.

3 MAYOR PATTERSON: Okay. Can you -- hold it.  
4 Hold it.

5 First of all, we don't have -- we don't allow  
6 substitutions and just -- so you got away with that.

7 But could you state your name again, because  
8 I didn't quite get it.

9 MS. JACKMAN: Jean Jackman, Davis --

10 MAYOR PATTERSON: Yeah.

11 MS. JACKMAN: -- California.

12 MAYOR PATTERSON: Okay. Thank you so much.

13 And the next one I have is Maria  
14 Cornejo-Gutierrez and then Laurie Littman and then  
15 JoEllen Arnold.

16 Yes?

17 MS. GUTIERREZ: Hi. My name is  
18 Maria Cornejo-Gutierrez, and I believe, as you've  
19 heard repeatedly tonight, that the old trains pose a  
20 threat to health and safety for everyone in the area,  
21 to and fro.

22 I was raised in Dixon more than 40 years. I  
23 won't tell you how many, but I be- -- they go through  
24 right -- right through downtown Dixon. The trains go  
25 through downtown Davis. They don't go around. I

1 remember going over those railroad tracks all the  
2 time. It's just part of town.

3 And this would pose a serious threat to our  
4 health and our safety, but now I'm concerned about  
5 Benicia, and there's no science today saying, "This is  
6 good for Benicia."

7 "There will be more jobs." Are these really  
8 the kind of jobs you want for Benicia? Are they the  
9 kind of jobs you want for your friends and your  
10 neighbors? I personally think you deserve better.  
11 You really do.

12 They claim there will be more tax revenue,  
13 and, of course, my question is, at what price? What  
14 kind of tax revenue do you want?

15 At what risk to you, to your health, not just  
16 in the oil trains, but in the groundwater, in the air,  
17 in the quality of life? Your 27,000 population --  
18 people here in population deserve better.

19 In Dixon, we had the opportunity to have a  
20 racetrack many years ago. I don't know if you guys  
21 heard here in Benicia. We turned it down.

22 It was a long fight, but we were looking at  
23 the same kind of risk but with crime, with gambling,  
24 with alcohol and abuse, and we turned it down, and we  
25 have a wonderful little community in Dixon.

1 Don't do to Benicia what we almost did in  
2 Dixon. Keep it safe. Keep it safe for your  
3 neighbors. Keep it healthy. Think of long-term  
4 results and -- and deserve and ask for better.

5 Please, please, deny the appeal, deny the  
6 permit.

7 Thank you.

8 MAYOR PATTERSON: Thanks.

9 Laurie Littman, JoEllen Arnold, Jan Rein, and  
10 Rob Lang.

11 COUNCILMEMBER SCHWARTZMAN: Could I ask a  
12 question (inaudible)?

13 MAYOR PATTERSON: Sure.

14 COUNCILMEMBER SCHWARTZMAN: I guess I'm a  
15 little bit confused. This is supposedly the bus from  
16 Sacramento.

17 MAYOR PATTERSON: That's what it is, and it  
18 was announced by Mr. Brown that it consisted of  
19 several people from Davis --

20 COUNCILMEMBER SCHWARTZMAN: Oh, Davis.

21 MAYOR PATTERSON: -- Dixon and --

22 COUNCILMEMBER SCHWARTZMAN: I missed that  
23 part.

24 MAYOR PATTERSON: -- and other communities --

25 COUNCILMEMBER SCHWARTZMAN: Okay. Thank you.

1           MAYOR PATTERSON:  -- Carmichael and Fairfax  
2   [sic], I believe, was the list.

3           COUNCILMEMBER SCHWARTZMAN:  Okay.

4           MAYOR PATTERSON:  Councilmember Campbell, a  
5   question?

6           COUNCILMEMBER CAMPBELL:  Yeah.  A quick sort  
7   of follow-up on Councilman Schwartzman.

8           You know, they can -- you know, they've got  
9   15 minutes to talk as the group, but they can still  
10  talk individually; right?

11          MAYOR PATTERSON:  No.  That's it.

12          COUNCILMEMBER CAMPBELL:  They can't?

13          MAYOR PATTERSON:  Correct.  That's what I  
14  announced at the beginning.

15          COUNCILMEMBER SCHWARTZMAN:  Correct.

16          COUNCILMEMBER CAMPBELL:  Because they've got  
17  a right to address --

18          MAYOR PATTERSON:  They --

19          COUNCILMEMBER CAMPBELL:  -- their government,  
20  you know, on their -- as a person, aside from the  
21  organization, don't they?

22          MAYOR PATTERSON:  In the staff report, there  
23  was the explanation, and I can have the city attorney  
24  give it again, but that if you have an organized  
25  opposition, the members of that opposition group do

1 not speak again.

2 COUNCILMEMBER CAMPBELL: Oh.

3 MAYOR PATTERSON: I mean, they don't speak.  
4 They have spokespersons for them.

5 Ms. McLaughlin explained that it's hard to do  
6 that because we don't necessarily know the membership.  
7 So it's sort of an honor system. In this case, I have  
8 the cards of the Sacramento bus --

9 COUNCILMEMBER CAMPBELL: Okay.

10 MAYOR PATTERSON: -- and I will not call  
11 these names again.

12 COUNCILMEMBER CAMPBELL: Because I once  
13 remember, right before I got on council in 2001, when  
14 a lawyer was prevented from talking, and he was sort  
15 of part of a group, and I think we had to settle, I  
16 think it was, \$51,000 for not letting him talk for  
17 three minutes. So I'm just a little uncomfortable.

18 If, you know -- I mean, the group, you're  
19 right, you know, can talk for 15 minutes, but I think  
20 if someone wants to talk --

21 MAYOR PATTERSON: But --

22 COUNCILMEMBER CAMPBELL: -- as an  
23 individual --

24 MAYOR PATTERSON: -- the issue is completely  
25 different. That case was Mike Remy (phonetic),

1 actually a friend of mine, and he was the attorney for  
2 a group that we had in opposition to a project that  
3 was in the arsenal, and he was told he could not speak  
4 because he had a conflict of interest.

5 It is absolutely nothing to do with speaking  
6 of organized opposition.

7 COUNCILMEMBER SCHWARTZMAN: Can I just --  
8 okay. Go ahead.

9 MAYOR PATTERSON: And, Councilmember Schwartzman?

10 COUNCILMEMBER SCHWARTZMAN: Thank you.

11 So I -- I agree with you, that the ones that  
12 haven't spoken have a right to speak, but they'll have  
13 to wait their turn.

14 COUNCILMEMBER CAMPBELL: Yeah, that's  
15 (inaudible).

16 COUNCILMEMBER SCHWARTZMAN: Okay. They'll  
17 have to have their cards put back in and wait their  
18 turn.

19 MAYOR PATTERSON: That's not what we agreed.  
20 That is -- if you want to reopen this, that is not  
21 what we agreed.

22 We agreed that we --

23 COUNCILMEMBER SCHWARTZMAN: And you know  
24 what? That's fine. I get that part. I'm good.

25 MAYOR PATTERSON: Thank you.

1 COUNCILMEMBER SCHWARTZMAN: I'm good.

2 MAYOR PATTERSON: Thank you.

3 Do we have any other questions of  
4 clarification by council on the process?

5 MS. McLAUGHLIN: Do you want me to speak?

6 MAYOR PATTERSON: Yes.

7 MS. McLAUGHLIN: So, yes, I believe that was  
8 the agreement at the beginning, and part of the  
9 thought there was is they were coming down and we were  
10 giving them priority in speaking today since they were  
11 coming down on a bus.

12 If they want to come back later or after all  
13 the cards are done, they can speak again, and we're  
14 certainly not going to stop anybody because we're  
15 delighted to hear every comment from every person.

16 COUNCILMEMBER SCHWARTZMAN: And that's good  
17 enough for me. They have a right as individuals.

18 MAYOR PATTERSON: Okay. So we have -- I want  
19 to make the point that the request was to allow the  
20 group of people that had come down on a bus to speak  
21 so that they wouldn't have to come back again.

22 So I -- the entire request was they would  
23 like to speak so they didn't have to come back again.

24 COUNCILMEMBER CAMPBELL: We can argue about  
25 this probably infinitum.

1 I view it as they have a right to address  
2 their government, but this is sort of kind of throwing  
3 a monkey wrench into letting them talk right now.

4 So let them talk. If they want to come back  
5 on another day, I think they have a right to do that.

6 MAYOR PATTERSON: But everybody has a right,  
7 and muzzling people is not a good idea, in any  
8 situation.

9 JoEllen Arnold? Is it "Ian" or "Jan" Rein?  
10 I can't read the writing. Rob Lang?

11 Okay. And you are?

12 MS. WILLIAMS-FOSSDAHL: I'm speaking for  
13 Laurie Littman. My name is Kathleen --

14 MAYOR PATTERSON: That's --

15 MS. WILLIAMS-FOSSDAHL: -- Williams-Fossdahl  
16 from Davis.

17 MAYOR PATTERSON: So -- I called her name.  
18 Is she not here?

19 MS. WILLIAMS-FOSSDAHL: Laurie Littman asked  
20 me to speak for her.

21 MAYOR PATTERSON: Yeah, and I got through  
22 explaining that we don't allow substitutions.

23 MS. WILLIAMS-FOSSDAHL: Oh.

24 MAYOR PATTERSON: So I can call your name  
25 when it comes up, but if she can speak now or if

1 she's -- she can come back later on.

2 MS. WILLIAMS-FOSSDAHL: I see. So I -- I  
3 can't speak? You're saying I cannot speak?

4 MAYOR PATTERSON. Until I call your name.

5 MS. WILLIAMS-FOSSDAHL: Okay.

6 Are you going to call my name?

7 MAYOR PATTERSON: Are you -- no, not -- I  
8 have the order -- cards in order.

9 Ms. Littman?

10 MS. LITTMAN: Yes.

11 MAYOR PATTERSON: Okay.

12 MS. LITTMAN: I'm sorry. Since I spoke --  
13 since I read Ellen Cochrane's letter, I thought it  
14 best to let somebody else speak. But --

15 MAYOR PATTERSON: Completely understood.

16 MS. LITTMAN: -- I'm -- I'm here from  
17 350 Sacramento, and I just wanted to bring up the  
18 long -- one of the long-term effects of these fossil  
19 fuels and that is climate change.

20 If we allow these trains to keep coming and  
21 take these fossil fuels out of the ground, we're going  
22 to see a lot more drought, flooding, all of the  
23 terrible things that we're starting to see right now,  
24 and now is the time to stop this and start looking at  
25 renewables.

1 Thank you.

2 MAYOR PATTERSON: Thank you very much.

3 JoEllen Arnold, Jan Rein, and then Rob Lang.

4 MS. ARNOLD: Thank you for letting us speak.

5 So from -- from one count- -- city -- state  
6 capital to another, my name is JoEllen Arnold, and I  
7 live about, I'd say, 200 yards from a rail line and  
8 didn't think it was an issue when I bought my  
9 hundred-year-old house five years ago, but thinking  
10 about what could be passing by on that rail line is  
11 really, really frightening.

12 So I encourage you to listen to your planning  
13 commission and not let the trains pass through.

14 Thank you.

15 MAYOR PATTERSON: Thank you very much.

16 Jan Rein, Rob Lang.

17 MS. REIN: "Ryan" (phonetic).

18 MAYOR PATTERSON: Ryan?

19 MS. REIN: Whichever way you want to  
20 pronounce it.

21 MAYOR PATTERSON: But I'd like to pronounce  
22 it correctly.

23 MS. REIN: Well, thank you very much.

24 Good evening, Mayor and Members of the  
25 Council. I am from Sacramento. I live within the

1 blast zone. I do not want to be incinerated in my own  
2 home.

3 5,800 Californians lived -- live within the  
4 blast zone. This does not include the many people who  
5 are within feet, or even inches, of the rail lines as  
6 they go to work, shop, and dine.

7 17 Sacramento schools, 13,000 children,  
8 within the blast zone, and there is one school that is  
9 actually abutting the rail line.

10 It's only a matter of time before we have a  
11 massive blast in a densely populated area,  
12 incinerating thousands of innocent children and  
13 people, not to mention homes, property, et cetera.

14 We talk about first responders. I've spoken  
15 to several firepersons, and they all say that if we  
16 have a massive blast, there will be no first response.  
17 They'd have to just step back and watch it burn, which  
18 it will do for days, perhaps weeks.

19 It's -- your planning commission has  
20 unanimously warned you of the extreme risk this  
21 project inflicts on people and the environment. When  
22 a massive tragedy occurs, you won't be able to say  
23 that you were not warned.

24 This decision is about people's lives. How  
25 will you be able to face those people if you put

1 corporate profits over people?

2 Please do not play Russian roulette with our  
3 lives. We urge you to -- to deliberate as if your own  
4 children, your own grandchildren and loved ones were  
5 in the blast zone as these trains are coming through.

6 Thank you very much.

7 MAYOR PATTERSON: Thank you.

8 Rob Lang, Esteven Hernandez, I think, if I  
9 can read the last name, and so -- and then  
10 Jamie Gonzalez [sic] is probably the last one.

11 Okay?

12 MR. LANG: Hi. I'm Rob Lang. I came down  
13 from Sacramento on the bus. I'm going to be real  
14 brief.

15 The Valero oil train crude by rail I think is  
16 a bad idea. It's irresponsible, and it's dangerous,  
17 and, basically, it's trading short-term profit and  
18 some jobs for, you know, the possibility of long-term  
19 degradation and -- and -- and destruction.

20 It's not good for Benicia, it's not good for  
21 Sacramento, and it's not good for any up-rail or  
22 down-rail communities. These trains explode.

23 Thank you.

24 MAYOR PATTERSON: Thank you.

25 And then Mr. Hernandez and

1 Kathleen Williams-Fossdahl.

2 MR. HERNANDEZ: Hello. My name is  
3 Esteven Hernandez. I live in South Sacramento. I'm  
4 with the SOLE Collective, a board member of a  
5 community organization in South Sacramento, and the  
6 ANSWER Coalition.

7 We're here today to ask you and demand that  
8 you turn down this project. The oil trains are bad  
9 for the people of Sacramento. If this hearing had  
10 been in Sacramento, particularly in a community that's  
11 most affected by this, you would have a much bigger  
12 problem than the small problem you have at the door  
13 right now.

14 Thousands of people, I guarantee you, would  
15 be against this proposal, and they would be here  
16 tonight if this meeting wasn't very far away. So we  
17 came out here to share our opposition from Sacramento.

18 We're not anti-worker. If the -- if the  
19 people who are for this project are saying that it's  
20 going to provide jobs and money, I ask who really does  
21 it provide money for? A corporation? An industry?  
22 Very wealthy people perhaps?

23 But the people that we're concerned for and  
24 the people this would -- this would affect are poor  
25 workers and working people, working families, and as

1 the people have said, thousands of people who live in  
2 South Sacramento. They don't stand to gain anything  
3 from this but have a lot to lose.

4 So we ask you, we demand that please say "no"  
5 to this, because of the problems that it proposes to  
6 the community, because of the environmental harmful  
7 effects, and to take a stand.

8 Thank you.

9 MAYOR PATTERSON: Thank you very much.

10 Kathleen Williams-Fossdahl. You made it.

11 MS. WILLIAMS-FOSSDAHL: I did.

12 MAYOR PATTERSON: And then Jamie Gonzalez [sic].

13 MS. WILLIAMS-FOSSDAHL: Lucky.

14 MAYOR PATTERSON: And maybe Carol Warren.

15 MS. WILLIAMS-FOSSDAHL: Thank you.

16 My name Kathleen Williams-Fossdahl. I'm from  
17 Davis, and I owned 13 oil wells in Oklahoma for one  
18 and a half years, before the barrel price of oil went  
19 from \$65 a barrel to \$25 a barrel. So we sold most it.

20 In that year and a half that we had a very  
21 good business going, we hired an oil tanker, truck, to  
22 take our oil from our oil tanks. And we were very  
23 confident that those oil trucks were safe; they were  
24 certified.

25 These oil tankers, however, are not certified

1 for the highly flammable, dangerous crude oil that is  
2 going to be coming through.

3 Right now, about 10 of these oil tankers come  
4 through Davis a week, and Valero wants to have about  
5 700 of these uncertified, highly dangerous oil tankers  
6 go through a week, 10 to 700 a week.

7 And they -- I read in an article that these  
8 oil tankers will not begin to be phased out that are  
9 unsafe for this kind of crude oil until 2018.

10 So you're going to have 700 uncertified,  
11 dangerous oil tankers going through this area? It's  
12 unbelievable.

13 And all these bad oil tankers that are not  
14 certified for this flammable crude oil, they will not  
15 be taken out completely until 2029.

16 So you're going to let these unsafe train  
17 tankers go through, putting us all at risk. I'm just  
18 flabbergasted.

19 Thank you.

20 MAYOR PATTERSON: Thank you very much.

21 And I think this is the last card, and it  
22 will be Karen Warren -- Carol Warren.

23 MR. GONZALEZ: Jaime Gonzalez.

24 MAYOR PATTERSON: Oh, I'm sorry. Jamie  
25 Gonzalez [sic].

1 MR. GONZALEZ: Jaime Gonzales.

2 MAYOR PATTERSON: Very good. Thanks.

3 MR. GONZALEZ: Hello. Thank you very much  
4 for letting us come and speak to you tonight.

5 My name is Jaime Gonzalez. I'm a 24-year-old  
6 college student from Sacramento. I also sit on the  
7 board of directors for the California Student  
8 Sustainability Coalition.

9 I come testifying on behalf of students and  
10 youth in the Sacramento area who are confidently in  
11 opposition of the Valero expansion.

12 Schools, businesses, and residents all fall  
13 well within the blast zone of an oil train's  
14 derailment. I myself live within a hundred feet of  
15 the tracks.

16 Besides threatening our immediate safety, the  
17 expansion of this project stands to further  
18 proliferate fossil fuels, which continue to accelerate  
19 the global crisis of climate change.

20 I urge you all to consider that the weight of  
21 your decisions on this project will fall heaviest on  
22 the shoulders of my generation. Please make the right  
23 decision and put people over profit.

24 Thank you.

25 MAYOR PATTERSON: Thanks.

1           Okay. We have 15 seconds left for Carol Warren.

2           MS. WARREN: Hi. I'm Carol Warren. I won't  
3 say anything, but I want to show you a few photos that  
4 I sent in of where I live in Dixon.

5           This is my apartment complex. There are a  
6 hundred senior citizens that live in it. As you can  
7 see, we are maybe 50 yards from the tracks; church,  
8 you can see the tracks there; playground, where  
9 children play; the little power station right next to  
10 the tracks.

11           I know that the tracks don't come right  
12 through Benicia in this way, and I just wanted to show  
13 that this is the face of the people that are being  
14 endangered, and I urge you to accept the planning  
15 commission's decision.

16           Thank you.

17           MAYOR PATTERSON: Ms. Warren -- Ms. Warren, I  
18 have a question to ask you.

19           MS. WARREN: Sure.

20           MAYOR PATTERSON: So you're in Dixon; is that  
21 correct?

22           MS. WARREN: Uh-huh.

23           MAYOR PATTERSON: Have you had any discussion  
24 at your city council on this?

25           MS. WARREN: Not that I'm aware of.

1           MAYOR PATTERSON: I'm sort of curious because  
2 they're in Solano County and we've not gotten any  
3 communication. So I just wanted to get clarification  
4 on that.

5           MS. WARREN: I'm -- I'm not aware of it. I  
6 have been -- I've been working with a group in Davis.

7           MAYOR PATTERSON: Okay.

8           MS. WARREN: Okay.

9           MAYOR PATTERSON: Thanks.

10           So I have three remaining cards from  
11 Sacramento. I'm going -- according to what we agreed  
12 to, I'm going to put them in the stack, and so you're  
13 welcome to stay around, come back, or whatever you  
14 want to do.

15           I think this might be a good time for us to  
16 take a break and -- we've been sitting for a long  
17 time. So without objection.

18           And we'll do a 10-minute break.

19           (Recess taken from 8:51 p.m. to 9:01 p.m.)

20           MAYOR PATTERSON: The city council is called  
21 back to order.

22           (Indiscernible chatter by audience members)

23           MAYOR PATTERSON: Your courtesy is respected.

24           (Continued chatter by audience members)

25           MAYOR PATTERSON: It seems like most of the

1 people I know are talking.

2 Oh, that's so much better.

3 Okay. So we're going to have a -- I thought  
4 that went really well, mostly.

5 We're going to have a little bit of a  
6 clarification, just to help people.

7 First, we consulted -- staff and I consulted  
8 and that what we'd like to do is pretty much what was  
9 done with the planning commission is I will call five  
10 names ahead, and they're going to come in and line up  
11 in the back, as they did during the planning  
12 commission. Then that will speed things up a little bit.

13 And then the other thing that we're going to  
14 do is by noon tomorrow, we will be able to put up on  
15 the computer all the names of, A, people who spoke and  
16 also those who did not get a chance.

17 So for those -- for all of us -- I mean,  
18 there are people in Benicia who have to hire  
19 babysitters, too, in order to come. So, many  
20 Benicians are just as inconvenienced about having to  
21 come back to another meeting as some of the folks from  
22 out of town.

23 So we're -- as I said, our goal here is to  
24 make it as fair as possible, efficient, and give all  
25 of you an opportunity to speak.

1           So if there's a question of clarification and  
2 hopefully no objection --

3           COUNCILMEMBER SCHWARTZMAN: Tell them  
4 (inaudible) at 11 o'clock.

5           MAYOR PATTERSON: Yeah, and we do stop at  
6 11 o'clock. So that -- that's what we do.

7           Okay. Any questions of clarification?

8           MS. RATCLIFFE: Mayor Patterson?  
9 Mayor Patterson?

10          MAYOR PATTERSON: Yeah.

11          MS. RATCLIFFE: If I could just clarify.

12          Then the names of the folks who you have  
13 cards of who didn't get a chance to speak, then those  
14 would be the first called at the next meeting on the  
15 6th?

16          MAYOR PATTERSON: That's a good clarification.

17          MS. RATCLIFFE: Okay.

18          Is that correct?

19          MAYOR PATTERSON: Yeah.

20          MS. RATCLIFFE: Okay.

21          MAYOR PATTERSON: Thanks.

22          Okay. So here we go. These are the -- what  
23 we call the "individuals."

24          And, again, council will ask clarifying  
25 questions or even just a bigger question that they

1 then would expect staff to come back with an answer  
2 later on.

3 So the first five cards are Larry Fullington,  
4 Phyllis Dagonson, Richard McChesney, Theresa Ritts, if  
5 I can count here, and Stephen Hallett.

6 So Larry Fullington?

7 COUNCILMEMBER SCHWARTZMAN: I don't see him.

8 MAYOR PATTERSON: I don't see him. Okay.

9 Phyllis Dagonson?

10 And if I'm mispronouncing it and so then you  
11 don't recognize it, it's, I believe, D -- I'm sorry  
12 about the handwriting. I just -- it's just hard to  
13 read. It's "D-a-g" and it looks like maybe "o-s-o-n,"  
14 something like that.

15 Okay. Richard McCheesney -- Chesney.

16 COUNCILMEMBER SCHWARTZMAN: He's here.

17 MAYOR PATTERSON: Okay. So -- and then  
18 Teresa Ritts, Stephen Hallett, let's see, and  
19 Carol Thompson.

20 Rich -- Richard.

21 MR. McCHESNEY: Hi. I'm glad to say we  
22 finally get a green card. They've only just been pink  
23 cards so far.

24 So anyway, good evening, Councilmembers. I'm  
25 going to start with a comment that I have, and then

1 I'm going to read you from a letter I actually wrote  
2 to the planning commission.

3 So we have a tremendous thirst for oil  
4 products, all of us do, and as long as we have users  
5 that continue to buy and have the need for it, don't  
6 we have the responsibility to produce it safely and  
7 cleanly, not push it in somebody else's back yard? We  
8 have the responsibility, if we are users.

9 So I want to make that point.

10 And then I also want to say let's do it with  
11 experts. Let's do it with people who really know how  
12 to do it.

13 So I'm going to read you my letter. I'm  
14 speaking in favor of the Crude by Rail Project and the  
15 continuance. My comments are related to the safety,  
16 quality, integrity of Valero.

17 I work for Performance Mechanical, Incorporated.  
18 PMI has been involved in many projects at the Valero  
19 refinery since they purchased it in 2000. PMI has  
20 performed -- excuse me -- over 1.6 million man-hours  
21 on various projects and turnarounds, with the largest  
22 being the flue gas project.

23 I can tell you, firsthand, that Valero's  
24 highest concerns are the safety of its employees, the  
25 construction workers and the community and in the

1 quality and reliability of the refinery.

2 The VPP program, that's the "Voluntary  
3 Protection Program" accreditation, which teams with  
4 OSHA, (inaudible) in Valero is a byproduct of the  
5 seriousness that Valero takes in their safety program.

6 PMI knows this very well. It's no easy feat  
7 to achieve this and maintain it after receiving a VPP  
8 status at our shop in Gardena. When it comes to  
9 safety and quality, Valero is second to none.

10 Each time we are fortunate enough to enter  
11 the refinery to do work, we are utilizing the most  
12 skilled union craftsmen to install the best technology  
13 and materials available to ensure safe and reliable  
14 improvements to the refinery.

15 At a previous informational meeting, one of  
16 the -- one of the managers said, "You want Valero  
17 running this refinery." We, at PMI, are in agreement.

18 Keeping the refinery viable with projects,  
19 like Crude by Rail, enables maintenance and  
20 improvements to be planned and executed, employing our  
21 community and making it safer for the environment.

22 We're excited to be working with Valero on  
23 the Crude by Rail Project and look forward to its  
24 start and successful completion.

25 Please wait for the Surface Transportation

1 Board determination and follow that with an approval  
2 of this project.

3 Thank you.

4 MAYOR PATTERSON: Thank you.

5 Are there any questions of Mr. McChesney?

6 Thank you very much.

7 Theresa Ritts, Stephen Hallett, Carol Thompson,  
8 and Bart Sullivan.

9 MS. RITTS: My name is Theresa Ritts. My  
10 husband and I have been residents of Benicia for  
11 39 years.

12 We respectfully request the city council to  
13 deny the use permit for the Valero Crude by Rail  
14 Project. Please stand by the unanimous recommendation  
15 of the Benicia Planning Commission.

16 Thank you.

17 MAYOR PATTERSON: Thank you very much.

18 Stephen Hallett, Carol Thompson, Frances Burke,  
19 and Bart Sullivan.

20 COUNCILMEMBER SCHWARTZMAN: (Indicating.)

21 MR. HALLETT: Good evening, Mayor, Members of  
22 the Council, and all the people here. My name is  
23 Stephen Hallett. I'm a resident of Vallejo and a  
24 life-long resident of Solano County.

25 I've spent a lot of time in Benicia. It is

1 an amazing city, and I consider it like a second home.  
2 I have family here, friends here.

3 This is such a beautiful community, and it's  
4 been gaining such a wonderful reputation as an  
5 environmentally conscious city, and approving this  
6 project will absolutely destroy that.

7 This is one of the few things that you will  
8 do that will leave your legacy. It will define who  
9 you are for generations to come. 30, 40, 50 years  
10 from now, people are going to be asking your children  
11 and your grandchildren why you approved this, if you  
12 make that mistake.

13 But I ask that you not do that. I ask that  
14 you follow the unanimous, the unanimous, opinion of  
15 your planning commission, the people that this body  
16 put on there because they knew that they were the most  
17 qualified. That planning commission made the right  
18 decision.

19 And I see we have Commissioner Steve Young  
20 right here.

21 Thank you so much, Mr. Young, for denying  
22 this project.

23 And I hope that this decision is upheld.

24 You do not need an opinion from this body  
25 that they're asking for because that decision will be

1 litigated, regardless of what they say.

2 If they say that it's preempted, you're not  
3 just going to take that. It's going -- or if you  
4 approve the project, then the people opposed to it  
5 will not just take that. It will still go to court.

6 You don't need to wait for that, and waiting  
7 for it will consume more staff time and more City  
8 resources when too much have already been given to  
9 this.

10 And, also, there's an election coming up, and  
11 this needs to be decided before that election so that  
12 the residents of the city of Benicia may have their  
13 say on this, and if they're unhappy with your  
14 decision, they can state that at the ballot box.

15 I would encourage all the residents of  
16 Benicia and all the residents of Solano County, our  
17 supervisor seat, Supervisor District 2, which covers  
18 all of Benicia and a portion of Vallejo and a portion  
19 of Fairfield, is up this year.

20 I would encourage you to ask all of the  
21 candidates, "Where do you stand on the Crude by Rail?  
22 Do you support it? Yes or no?"

23 And I would encourage you to ask that of all  
24 the people running for city council, all of the people  
25 running for mayor, and hold them to the standard that

1 we want to keep Benicia safe, we want to keep Solano  
2 County safe, we want to keep our area safe for our  
3 future and for our children.

4 The minuscule, minuscule benefits that this  
5 will bring are nowhere, nowhere near what the  
6 catastrophic impacts will be.

7 I respectfully request that you deny this  
8 project and that you do not grant more time.

9 Thank you.

10 MAYOR PATTERSON: Thank you very much.

11 Carol Thompson, Frances Burke, Bart Sullivan,  
12 Jasmin Powell, and Elizabeth Lasensky.

13 MS. THOMPSON: Hi. Carol Thompson, a fairly  
14 new resident of Benicia.

15 I was here a week ago, and I read you a story  
16 about my family, the reasons I came to Benicia, the  
17 reasons why I'm afraid to be living here right now. I  
18 won't repeat that. I think this is on the record. If  
19 anybody wants to see what I wrote, it has been -- you  
20 can look online and find it.

21 I have a new grandson here, and that's why I  
22 moved from Vermont about 14 months ago. I walk with  
23 my grandson around town all the time, and I see the  
24 beautiful lawns, I see the beautiful houses, the  
25 waterfront. It's a -- it's a great town. I've fallen

1 in love with it in the short period of time that I've  
2 been here.

3 I am sort of afraid of what this decision is  
4 doing to the neighbors in this town. When I walk  
5 through and I see on one side of the street there's a  
6 "Support the Project" and on the other side of the  
7 street, it says, "No Oil Trains," and I think before  
8 this happened, these are probably friends who said  
9 "hello" to each other every morning.

10 And I go to the end of 9th Street, and  
11 there's a display with two skeletons out on their  
12 little benches, and it says, "No Oil Trains."

13 And I just find it very scary for me, for my  
14 grandson, to know that the oil, especially that's  
15 coming into this town, or wants to be brought into  
16 this town, has been transported thousands of miles on  
17 tracks that they couldn't even guarantee -- you know,  
18 when I came to the planning commission meeting, one of  
19 the railroad officials said that the tracks were sort  
20 of rated from a scale of 1 to 5, and "5" being they're  
21 in good shape, "1" being they're not in very good shape.

22 And somebody asked them, well, where were the  
23 tracks that weren't in very good shape, and he  
24 couldn't tell. And I don't know if he didn't know or  
25 if he was told by his -- the powers that be, "We can't

1 reveal that."

2 But just the thought of all these oil trains  
3 coming over tracks that even the train company would  
4 not certify was a little bit disconcerting.

5 Seeing pictures of the tar sands in Alberta,  
6 seeing pictures of the Bakken oil fields, it's a  
7 horrible, horrible mess.

8 It's destroying the -- the environment, it's  
9 destroying the communities that live there, and I  
10 don't see any reason whatsoever why any of that ray --  
11 that oil should be coming into our community,  
12 especially since the planning commission unanimously  
13 said "no."

14 And I would hope that you would take their  
15 advice and not let this question be like a sword over  
16 the heads of the people in this community any longer.  
17 It needs to be turned down. It's a bad idea, and I  
18 trust that you will make the proper decision.

19 Thank you.

20 MAYOR PATTERSON: Thank you.

21 So Frances Burke, Bart Sullivan, Jasmin Powell,  
22 Elizabeth Lasensky, and Lynne Nitt- -- Nittler.

23 MS. BURKE: Good evening. My name is  
24 Frances Burke. I am from the city of Davis in  
25 Yolo County, and as it has been brought to your

1 attention, Davis is an up-rail community.

2 Oil mega trains headed to the Valero refinery  
3 will pass through our downtown and past my house. I  
4 live in a UC Davis housing community within 200 feet  
5 of the Union Pacific rail track and next to the  
6 Mondavi Performing Arts Center. I can see and hear  
7 trains passing by all day and all night.

8 With the Valero refinery and the crude oil  
9 trains it will bring, I will feel, smell, and taste  
10 the additional fumes. I will breathe the additional  
11 particulate matter from the increased daily trains.

12 I will hear and feel the increased train  
13 traffic every time they signal at a crossing, and I am  
14 a potential victim of a deadly accident, explosion, or  
15 train derailment.

16 I have followed this project closely, and at  
17 every point available, I have submitted my concerns  
18 and made comments.

19 The FEIR still fails to address the up-rail  
20 impact of the project, and the FEIR still fails to  
21 adequately respond to our questions.

22 The FEIR has offered us no mitigation for  
23 impacts from the increased train traffic or answered  
24 the question of who is financially responsible for an  
25 accident.

1           The accident at Lac-Megantic in Quebec showed  
2 us that the cost of it can be as -- up in the billions  
3 of dollars.

4           The railroad's claimed federal preemption and  
5 the Final EIR simply advises us to contact our  
6 congressional representative. My only conclusion is  
7 that up-rail communities are considered collateral  
8 damage.

9           Your decision to approve or disapprove this  
10 project has consequences for millions of Californians,  
11 putting our lives, property and health at risk.

12           Fossil fuels are a dinosaur. I'm going to  
13 ask the council not to build your city's future on the  
14 dying fossil fuel industry. Please vote "no" on the  
15 Final EIR and "no" on the Valero refinery project.

16           It has failed to adequately address our  
17 concerns or offer mitigation for the project impact in  
18 our communities and for everyone from the state line  
19 to the Benicia city limits.

20           I think you've got a wonderful representation  
21 from your planning commission. The amount of time  
22 they put in was epic. The job they did was epic. I  
23 believe that their conclusion deserves your respect,  
24 and I ask you to please not issue the Final EIR or the  
25 permit.

1 Thank you.

2 MAYOR PATTERSON: Thank you very much.

3 Jasmin Powell, Elizabeth Lasensky --

4 COUNCILMEMBER SCHWARTZMAN: Bart Sullivan.

5 MAYOR PATTERSON: -- Lynne Nittler --

6 COUNCILMEMBER SCHWARTZMAN: Bart Sullivan.

7 MAYOR PATTERSON: Oh, Bart Sullivan.

8 I just put your card down, Bart. Sorry about  
9 that.

10 Thanks.

11 MR. SULLIVAN: Thank you very much for  
12 allowing me to speak.

13 Dear Honorable Mayor Patterson and City  
14 Councilmembers, my name is Bart Sullivan. My wife  
15 Susan and I have been members of Benicia since 1992.

16 I'm a patent agent, inventor, scientist,  
17 electrical engineer, law student, and now a new  
18 grandfather, with 15 years' experience in federal  
19 patent law and 30 years' experience in engineering.

20 My engineering experience includes working in  
21 the petroleum energy industry as an engineer; therefore,  
22 based on my background, I'm experienced in  
23 engineering, science and law, I believe that I am  
24 qualified, as an informed citizen, not an attorney, to  
25 comment about the Valero Crude Rail -- By Rail

1 Project.

2 In short, we urge you to reject the Valero  
3 project based on the overwhelming amount of local  
4 technical and safety issues involved in the project  
5 that have not been adequately addressed and will not  
6 only severely impact the health and safety of Benicia  
7 residents and our neighbors, it will also negatively  
8 impact bringing other businesses to our city.

9 Councilmembers, I'd like you to imagine  
10 three million gallons of crude oil being delivered  
11 into Benicia over land every day. I'd also like you  
12 to imagine our proximity to San Francisco and  
13 Silicon Valley.

14 I'd like you to -- I'd like you to place  
15 yourself in the shoes of a potential start-up company  
16 looking for a place to come that is more affordable in  
17 both business costs as well as housing.

18 Think of the hundreds of companies that are  
19 likely to come here in the near future, until they  
20 hear about the potential of danger and added pollution  
21 within the vicinity of where they would like to  
22 relocate.

23 I'd like you to imagine all the current  
24 businesses that support our city being put into harm's  
25 way, all for basically one business endeavor.

1           Oils -- oil delivery by rail is not the best  
2 and safest solution for delivering crude to Valero.  
3 There are feasible, nondiscriminatory alternatives.  
4 The proposed -- the proposed crude oil can be  
5 delivered by ship, the crud (phonetic) methodology, of  
6 course, by pipeline that currently exists.

7           Valero has apparently already received some  
8 crude by ship. So that shows the feasibility the  
9 delivery method is viable.

10           And I have several questions for Valero that  
11 have -- that do not seem to be addressed in any of the  
12 documentation.

13           First, pipeline delivery. Why doesn't Valero  
14 deliver the crude by pipeline, as mentioned by  
15 Commissioner Young?

16           Second, oil containment. There does seem to  
17 be an adequate containment -- an inadequate  
18 containment for a spill of three million gallons on  
19 the site of Valero.

20           As part of safety, when I worked at  
21 Chevron -- it seems imperative that if the council  
22 decides to approve the project, that a condition of  
23 placing the trains within the confines of an  
24 offloading containment basin would make sense, but I  
25 don't see that anywhere on the -- on any of the plans.

1 Chain reaction explosions within the refinery  
2 is my third item. If an explosion does occur during  
3 the offloading of the oil, how does Valero plan on  
4 mitigating the risk of explosion to adjacent field  
5 storage tanks, which are not very far away, only a few  
6 yards away, what I can tell?

7 And, four, why does Valero cause problems on  
8 Bayshore Road with this project? Why not go ahead and  
9 put an overpass or do something to mitigate those  
10 issues as well?

11 Terrorism. Terrorism is a real threat. Why  
12 has Valero not considered the possibility of a  
13 terrorist act using the crude-by-rail trains as a  
14 delivery for potential explosive devices into the  
15 refinery?

16 It seems logical that terrorists would  
17 employ the -- would enjoy the proximity of railcars to  
18 the refinery in the city in hopes of being able to do  
19 such a thing.

20 In fact, a car may stop along the way between  
21 here and there, along our neighbors' borders and such,  
22 and they may be easily approached, and such incendiary  
23 devices may be attached. So it seems like a pretty  
24 big concern.

25 I don't believe Valero has a -- is equipped

1 to handle a terrorist explosive attached to one of the  
2 railcars, especially since the explosion of just one  
3 car could lead to catastrophic explosions of many  
4 other cars and then the refinery itself.

5 Currently, ships seem to be much larger on  
6 how they monitor and seem to be a safer methodology.  
7 And pipeline, of course, is much safer. Underground  
8 pipelines are much safer.

9 And, six, why is Valero trying to reduce its  
10 tax base while saying this project will bring more  
11 taxes? That seems counterintuitive, to me, but I  
12 understand the business prospects behind it.

13 And then, finally -- I'm sorry. I left a  
14 minute for you -- federal preemption. In short,  
15 preemption is only invoked provided the rail lines are  
16 not precluded from delivering oil along the rail  
17 lines.

18 Preemption would not be invoked for land use  
19 refusal to allow a delivery by rail, as the rail lines  
20 are not being precluded from delivering any -- any  
21 goods via rail.

22 Simply put, the rail lines can go right into  
23 Valero, can go right up to the loading dock. They  
24 just can't be offloaded. They can have all the  
25 delivery they want, and they can also deliver to any

1 other part they want. The rail lines are not being  
2 precluded whatsoever.

3 So in this case, preemption does not  
4 invoke -- it's not invoked in the land use part of it.

5 Here, the rights of Valero to permit were not  
6 always allowed. Valero would like to sue under the --  
7 to permit were not allowed. I think the courts is the  
8 best place to go, because if Valero was denied the  
9 permit and such, it would just end up in the courts,  
10 and that's where it should be. It should end up going  
11 to the Supreme Court.

12 It should go to our courts, the Supreme Court  
13 eventually, and, basically, let the court system  
14 figure out this age-old preemption issue so that we  
15 can have a safer, more effective environment and also  
16 have probably a safer way of transportating [sic] oil  
17 through the -- for -- for Valero.

18 In conclusion, since there are non- -- there  
19 are feasible nondiscriminatory alternatives that may  
20 not be less expensive but are safer, not only for  
21 Valero and the energy industry, the rail lines are not  
22 being precluded from commerce.

23 And the fact that Valero is likely ill-equipped  
24 to handle potential acts of terrorism on its property  
25 that likely would increase, I would ask the commission

1 to deny the permit.

2 In doing so, the council would be protecting  
3 the citizens of Benicia and also allowing time for a  
4 more reasonable and safer crude oil delivery solution  
5 to materialize.

6 Thank you so much.

7 MAYOR PATTERSON: Okay. Thank you very much.

8 Jasmin Powell, Elizabeth Lasensky,  
9 Lynne Nittler, Berman Obaldia -- I know you'll correct  
10 that when you get up here.

11 Jasmin?

12 MS. POWELL: Good evening. My name is  
13 Jasmin Powell. I'm a resident of Benicia for  
14 44 years, business owner, and president of the Benicia  
15 Industrial Park Association.

16 I'm -- I'm going to read a letter that our  
17 group wrote for you.

18 "The Benicia Industrial Park is a vital  
19 economic segment of the city of Benicia. The park is  
20 the largest industrial park in Solano County and  
21 comprises over 600 businesses with varied focus,  
22 including warehousing and manufacturing,  
23 transportation, and oil refining.

24 Any business owner will tell you that in  
25 order to succeed, you must constantly strive to

1 increase revenue and decrease costs without affecting  
2 the quality of your product or risking the safety of  
3 your people. This is exactly what Valero, Benicia's  
4 largest business, is trying to do with their proposed  
5 Crude by Rail Project.

6 The Benicia Industrial Park Association is in  
7 favor of this project, based on the following:

8 One, it's a logistical change from ship to  
9 rail. Valero currently brings its crude in -- crude  
10 oil via ship from all over the world. This project  
11 would allow Valero the ability to bring in domestic  
12 crude oil from the U.S. via railcar.

13 This does not allow Valero to expand its  
14 operations. Its operations would remain constant.

15 Valero, like all businesses, needs to find  
16 ways to remain competitive. It's crucial that Valero  
17 be allowed to access new sources of crude oil and be  
18 allowed to transport the crude by rail, ensuring that  
19 Benicia's largest employer will remain competitive  
20 with nearby refineries.

21 I'd like to point out that Valero has an  
22 outstanding safety record. Valero has such a high  
23 safety history and safety standards that Valero has  
24 earned the Cal-OSHA VPP Star Site designation.

25 There's only two petroleum refineries in the

1 state that hold this designation, and there's only  
2 68 Star sites in the state of California. The other  
3 petroleum refinery that has a VPP designation is a  
4 Valero refinery located in southern California.

5 This is proof that Valero goes above and  
6 beyond when it comes to setting and maintaining a safe  
7 work environment for the company, the employees, and  
8 the community.

9 This commitment is further demonstrated by  
10 their commitment to use only improved designed  
11 railcars and not the legacy Dot-111 cars. Valero has  
12 proven that safety is of the utmost importance to them  
13 and their community.

14 With that, the Benicia Industrial Park  
15 supports the request for the continuance on the  
16 Crude by Rail Project and understand the local  
17 implications -- to allow you guys to understand the  
18 local implications of the Surface Transportation Board  
19 determination.

20 Thank you.

21 MAYOR PATTERSON: Thanks very much.

22 Let's see. Elizabeth Lasensky, Lynne Nittler,  
23 Berman -- oh, the name that I can't pronounce, but I  
24 will spell it, and then let me see, Rick Stierwalt,  
25 and Michael Wolf.

1 Elizabeth.

2 MS. LASENSKY: Yes. We're waiting for the...

3 Thank you. I'll start and then -- there.

4 I'm Elizabeth Lasensky from Davis,

5 California.

6 Literally, from Davis to Benicia, our lives are

7 on the line. Your project has listed 11 unavoidable

8 and significant issues that really pertain to us in

9 Davis.

10 Well, how -- well, here we have oil trains

11 passing near the Yolo bypass wildlife refuge and over

12 the refuge.

13 What is the Yolo bypass wildlife refuge?

14 Well, it is on Interstate 80, between Davis

15 and Sacramento. It covers 25 square miles. It is --

16 provides a direct path for Sacramento, and Feather

17 River flows to enter the Sacramento River delta. A

18 half a million residents of Contra Costa County

19 receive their water from the delta.

20 It supports 38 special status wildlife

21 species, and many more are locally rare or have

22 specialized habitat requirements for this area. There

23 are many other important facts about the wildlife

24 refuge but...

25 Davis. So Davis is about 10 square miles.

1 We have a population of about 66,000 people, and a lot  
2 of us live, work, or recreate within a half mile of  
3 the tracks, which includes Interstate 80, many senior  
4 and low-income -- many senior and low-income housing  
5 projects, a convalescent home;

6 The Davis Police Department, almost the  
7 entire of downtown Davis, a PG&E substation, a student  
8 housing at UC Davis, the Mondavi Performing Arts  
9 Center, and the new Shrem Museum.

10 All of these people and places have an  
11 increased exposure to oil and noise pollution from oil  
12 trains as well.

13 So Union Pacific tracks run right alongside  
14 Interstate 80 and through parts of populated Davis,  
15 and we have the -- the 10-mile-an-hour switch, we have  
16 a PG&E substation, we have all of downtown.

17 And this is putting the blast -- the  
18 Lac-Megantic blast zone image over downtown Davis, and  
19 you would see it would wipe out a good portion of  
20 downtown. And that's just the immediate blast area,  
21 not counting all the -- the fire and toxic scenario.

22 "Oil Train on Picnic Day," April 18th, last  
23 year. So Picnic Day in Davis is a big deal. It is  
24 believed to be the largest student-run event in the  
25 country. It attracts as many as 100,000 visitors to

1 UC Davis. The day's festivities begin with a parade  
2 from campus to downtown and back to campus.

3 Note -- well, note the oil train riding  
4 behind unsuspecting parade-goers last year.

5 All right. So the tracks run along  
6 Interstate 80. There's part of UC Davis campus,  
7 student housing, Mondavi Center, the UC Davis  
8 Arboretum headquarters, the new Shrem Museum.

9 So highly exposed.

10 So we had quotes -- you've heard from the  
11 City of Davis, Yolo County supervisors from SACOG.

12 You've heard a little bit from the staff  
13 recommendation on a similar project in San Luis  
14 Obispo, that they're literally, "There's a lack of  
15 special overriding economic, legal, social,  
16 technological, or other benefits of the project that  
17 outweigh the significant effects on the environment,  
18 as would be required to approve the project pursuant  
19 to Public Resources Code Section 21081."

20 Well, this is what we think in Davis of the  
21 oil trains. These are protestors last year.

22 We think that you should follow your planning  
23 commission's excellent recommendations. They spent a  
24 lot of time on that, and we came and we've -- we've  
25 given a lot of testimony. You should really respect

1 all that has been done before.

2 Thank you so much.

3 MAYOR PATTERSON: Thank you.

4 And then Lynne Nittler, also with a PowerPoint;  
5 Berman Obaldia, Rick Stierwalt, Michael Wolf.

6 MS. NITTLER: Good evening. I'm Lynne Nittler  
7 from Davis.

8 I'd like to speak, first, to the arduous and  
9 thorough work of your planning commission. Having  
10 participated in the three-year CEQA process through  
11 written and spoken testimony, I have observed the  
12 planning commission in action.

13 And I commend them, not just because I  
14 support the decisions they made, but because they read  
15 so much of the material presented to them, which was  
16 thousands of pages. They listened carefully, asked  
17 probing questions, thought deeply.

18 I urge you to appreciate and trust their  
19 three years of intensive study. The commission  
20 decision was informed by many sources from within  
21 Benicia, by many experts, by voices from neighbors in  
22 northern California, including governing bodies and  
23 agencies who took substantial time to prepare rigorous  
24 commentary for you.

25 The Benicia staff is now advising the city

1 council to simply overturn the planning commission  
2 decision, negating those three years of hard work.  
3 And I would urge you, from my perspective at least,  
4 instead, to value their judgment.

5 I prepared a slide show for you that I hope  
6 will be useful in providing a statewide perspective as  
7 I believe that your decision here in Benicia to allow  
8 Valero to introduce the daily transport of crude oil,  
9 which is a hazardous substance, through northern  
10 California cannot really be limited to the concerns of  
11 this city alone.

12 So the Oil By Rail Safety in California  
13 Report, released in June of 2014, was timed  
14 deliberately for your Draft EIR. It is included in  
15 the Valero Crude by Rail records. It highlights four  
16 crude by rail areas of concern, which we'll be talking  
17 about.

18 So you've got, this is where I look, high  
19 hazard areas, known geologic faults, sensitive  
20 species, and hazmat team locations. It boiled down to  
21 those areas.

22 Oh, good.

23 The report provides the final analysis. This  
24 was Governor Brown's interagency working group on the  
25 dangers of introducing crude-by-rail transport into

1 California. Sparked by the Benicia project and the  
2 San Luis Obispo projects, he called this task force  
3 into -- into operation.

4 You can see we have oil trains crossing the  
5 trestle bridge in the steep Feather River Canyon here,  
6 probably, at that time, bound for the Kinder Morgan  
7 port in Richmond, and then they re- -- reload it into  
8 trucks, back to Benicia for refining.

9 The interactive map of California shows all  
10 the rail lines, and then you pull down a little hand,  
11 and you can move all around on the map and zoom in and  
12 zoom out and enlarge it and check it out all over.

13 In my written testimony, you'll find the link  
14 to this map where you can play with it. These are  
15 frozen snapshots.

16 This is a -- a closer up now. These are the  
17 routes into northern California. The southern runs  
18 are similar. There is no route by rail into  
19 California that does not involve sections of bright  
20 red, which are high hazard areas.

21 There's no way to get into California without  
22 going through a high-risk area, and often, they also  
23 parallel or cross over critical rivers.

24 These are the three routes, and we'll talk  
25 about them in more detail and with larger maps, but,

1 basically, for northern California, which is what  
2 Valero most likely will use, you would be coming in  
3 from the north, Oregon through Dunsmuir, Redding and  
4 down. They all converge in Roseville.

5 You would be coming through the Feather River  
6 Canyon. They can enter from Oregon or from Nevada or  
7 across the Sierra Nevada mountains. So I've zoomed in  
8 to the entrance through Dunsmuir.

9 And I want to remind you that 15 tank cars  
10 derailed there back in 1991, spilling herbicides into  
11 the Sacramento River. It killed everything for 20 miles.  
12 It took a decade to recover.

13 The purple lines in the north are earthquake  
14 faults. The green areas are sensitive species or  
15 habitat occurrences. Blue indicates rivers and water  
16 crossings.

17 And I'm going to skip that because I told you  
18 those things.

19 The trains entering the Feather River Canyon  
20 route, which is quite steep, coming from Oregon -- oh,  
21 dear. Okay. I'm going to have to race ahead -- and  
22 the Sierra Nevada route through Donner Pass,  
23 obviously, problems there, and you can see the hazmat  
24 teams are marked by dots.

25 May I have, like, 10 seconds? I have just

1 one thing more to say.

2 MAYOR PATTERSON: 10 seconds. Granted.

3 MS. LASENSKY: Okay.

4 Here we go. Just this. Here's the area  
5 zeroing in on Sacramento and Benicia, and you can see  
6 there are more hazmat teams in this area with some  
7 sensitive species areas and some -- some markings,  
8 they don't show up well, but purple markings for  
9 earthquakes.

10 And my conclusion, this map alone is enough  
11 reason to deny the project, because there are a lot of  
12 problems with it.

13 Thank you.

14 MAYOR PATTERSON: Thank you very much.

15 Okay. The name that I don't do very well  
16 with.

17 You're going to correct me. I know you will.

18 MR. OBALDIA: Good evening. Berman Obaldia.

19 MAYOR PATTERSON: "Obaldia," that's easy.

20 MR. OBALDIA: So look at me. I'm bald,  
21 "Oh-bald-EE-ah."

22 MAYOR PATTERSON: So why don't you spell it?  
23 Obaldia.

24 MR. OBALDIA: And one day a year, I'm -- I'm  
25 Irish. So just a few weeks ago.

1 (Laughter)

2 MAYOR PATTERSON: Okay. Thanks.

3 MR. OBALDIA: Mayor, City Councilmembers, my  
4 name is Berman Obaldia. I'm with the Western States  
5 Petroleum Association. I'm also a resident of  
6 Sacramento, lovely Sacramento. I know a lot of my  
7 Sacramentans are here; however, I'm on the other side  
8 of this issue.

9 I'm here in support of the Crude by Rail  
10 Project at the Benicia refinery and applaud the city  
11 staff for recommending the approval of this critical  
12 project.

13 Valero's proposed rail project is good for --

14 MR. KILGER: Excuse me. Excuse me.

15 Mayor, I'm sorry to interrupt, but there are  
16 people commenting negatively to his comments, and they  
17 are disruptive.

18 MAYOR PATTERSON: So I did -- I actually just  
19 heard that, and thank you for letting me know, and I  
20 was also reminded by a councilmember, and that is  
21 something I've spoken to earlier this evening.

22 And I usually don't have to remind our  
23 audiences in Benicia, but I guess I will tonight, is  
24 that we don't make sounds and noises. Just remember  
25 Ms. Manners, "You don't make any noises," and that's

1 what we're asking for here.

2 And if you're having a hard time following  
3 that, you're welcome to go outside and hear the --  
4 hear the meeting outside; okay?

5 Thank you.

6 MR. OBALDIA: Thank you, Mayor.

7 Valero's proposed rail project is good for  
8 energy, but also for our region's economic vitality,  
9 which includes Sacramento and the areas that are --  
10 surrounding area.

11 According to a recent study, a Los Angeles  
12 Economic Development Corporation study, Bay Area  
13 refiners sustain a total of 88,000 jobs and provide  
14 \$18.9 billion in value-added and a total of --  
15 77 billion in the total impact on the community in  
16 this area.

17 The Bay Area refiners also make significant  
18 contributions in the form of state and local taxes, a  
19 total of 4.2 billion annually.

20 The tremendous revenue source provides  
21 critical funding for education, social services, and  
22 public safety. Without the rail project, we're  
23 putting not only our industry jobs at risk, but also  
24 many of the public services that many depend upon  
25 every day.

1           Rail transport has an excellent safety  
2 record. In 2012, North American Railroad safely  
3 delivered more than 2.4 -- 2.47 million car loads of  
4 hazardous materials.

5           Valero's partnership with Union Pacific, a  
6 very experienced transporter, will continue to provide  
7 a safe and proven mode of crude transportation in the  
8 Bay Area.

9           In addition to being safe, the project is  
10 environmentally responsible. The Draft EIR concludes  
11 that the project would not result in any increased  
12 emissions from crude oil processing and that in a net  
13 effect of the project would be to reduce emissions  
14 within the Bay Area basin.

15           Over the long-term, there would be beneficial  
16 impacts to air quality in the Bay Area and the Bay Area  
17 Air Quality Management District, up to 225,000 tons of  
18 reduction in greenhouse gasses emissions.

19           In other words, this project is safe,  
20 environmentally beneficial, and will create jobs and  
21 added revenue for the community.

22           With that, I respectfully urge the commission  
23 to -- to -- the city council to accept the staff's  
24 recommendation and approve Valero's vital Crude by  
25 Rail Project.

1 Thank you very much.

2 MAYOR PATTERSON: Thank you.

3 So up next we have Rick Stierwalt,  
4 Michael Wolf, David Jenkins, and Kathy Kerridge.

5 MR. STIERWALT: Mayor Elizabeth Patterson,  
6 City Council, thank you ever so much for coming here  
7 today, for witnessing what you're to see and hear.

8 I want to speak a minute about the safety  
9 issues. I have spoken about many of the same things  
10 to a different cast of people prior.

11 What I want to mention is that after all the  
12 planning commission has listened to, after all the  
13 thousands of pages of documents about the hazards of  
14 transporting crude by rail, why does this have to  
15 continue, with a unanimous vote of "no" by the  
16 planning commission?

17 There was a talk-to, also, about Valero and  
18 safety and -- and how efficient they are.

19 What the statement within Valero said was  
20 that once that train gets 20 feet out of their  
21 property line, it's not their problem at all.

22 So, you know, it doesn't matter if Valero had  
23 a billion hours of -- of when no one got harmed. That  
24 doesn't mean anything 20 feet past their property  
25 line, because it's not their fault. It's the -- it

1 would be the railroad's fault.

2 Now, why is this being appealed after so much  
3 negative testimony?

4 Now, why even think of accepting a federal  
5 railroad bridge inspection that won't happen about  
6 once every 100 to 110 years?

7 Within the railroad system, there's one  
8 federal bridge inspector for 11 western states; okay?  
9 So within California alone, there's 5,000 bridges, and  
10 they do, in fact, inspect about 250 bridges a year. So  
11 just to inspect California would take over 20 years.

12 That one federal bridge inspector also has to  
13 inspect all the federal bridges for 10 other western  
14 states. Does that make any sense? Does that sound  
15 logical?

16 You know, if you took it to Caltrans and they  
17 have to inspect the car bridges, just the car bridges  
18 in California alone, there are 200 inspectors for just  
19 California.

20 Why even think of transporting the energy of  
21 two million sticks of dynamite, which is the equal to  
22 one crude car, when, in fact, they derailed two  
23 railroad cars in the last four years?

24 But in their own documentation, they had  
25 stated that their guesstimate on what -- how often

1 they would have an accident was once every 111 years.

2 Valero has been in town since Year 2000.

3 They've -- that I know of, they have derailed two cars  
4 in 16 years. Now, my math is that's a lot closer to  
5 once every -- once every eight years, but they came up  
6 with once every 111 years.

7 Why doesn't Valero accept the fact that  
8 Vancouver, Washington, is in the process of shipping  
9 oil from Vancouver to Benicia. It would be  
10 transported from North Dakota to Vancouver,  
11 Washington, by rail and then bring it by ship, which  
12 is over a hundred times safer.

13 Where is the documentation that each citizen  
14 will be fairly compensated if a spill does, in fact,  
15 happen?

16 You know, what happens, historically, when  
17 these happen that you have -- the people get paid a  
18 small percentage, and they get paid about four or  
19 five years later. That's typically what happens.

20 Are we insured by our own existing property  
21 insurance if a spill happens?

22 Can each family unit sustain financially for  
23 five years before they get any compensation?

24 And if that, why is that compensation 5 percent  
25 of the actual damages, which is fairly typical?

1           Many of these railroad lines go bankrupt, and  
2 then you get a small percent- -- a small portion of it.

3           None of this makes any sense.

4           We are here today to bring about the real  
5 facts when and if a spill happens. We are here today  
6 to inform the city council what truly can and did  
7 happen to other cities and its population.

8           I need to conclude this.

9           There's several other things in -- about  
10 positive train control, about brakes that have been  
11 put -- pushed off and pushed off for decades.

12           I'm Rick Stierwalt. I vote "no." No crude  
13 by rail. It's unsafe, and it's unsafe in the  
14 industry.

15           Thank you.

16           MAYOR PATTERSON: Thank you.

17           Next is Michael Wolf and then David Jenkins  
18 and Kathy Kerridge and Deborah Tallyn, I believe is  
19 that name.

20           Okay.

21           MR. WOLF: Thank you for the opportunity to  
22 voice my support for this project.

23           My name is Michael Wolf. I'm senior  
24 vice president of Asian Energy Services. Asian Energy  
25 Services is the parent company of Brinderson and

1 Schultz. We are all California companies.

2 We provide engineering, construction,  
3 maintenance, and turnarounds services to -- primarily  
4 to the West Coast, to the oil and gas industry. We  
5 employ more than 2,000 individuals in California.  
6 They're members of the United Steelworkers and members  
7 of the building trades. They're all working safely.  
8 They keep plants working safely.

9 And like the gentleman said from PMI, I have  
10 every confidence in Valero's attention to safety, to  
11 the environment, to the community, and to -- to this  
12 project.

13 By way of background, I'm an engineer. I've  
14 worked more than 40 years in the oil industry. I've  
15 lived and worked in the United States, Canada, Europe,  
16 Russia, and the Middle East.

17 I've lived in California five times and  
18 currently live in California. I've maintained a  
19 residence in California for more than 30 years.

20 So why do I support this project, oil by  
21 rail? It reduces dependency on foreign oil. More  
22 than 50 percent of oil coming into California is from  
23 foreign sources. These countries include Russia,  
24 Iraq, Saudi Arabia, Venezuela, and pretty soon Iran  
25 will be added to that list.

1           The rest of the country imports 25 percent,  
2 with California in that -- in those numbers. And if  
3 you take Canada out of that 25 percent, the rest of  
4 the country imports 15 percent of their oil from  
5 foreign sources.

6           So as California production declines, much  
7 due to legislation, as Alaska oil declines, foreign  
8 oil coming into California is going to continue to  
9 increase while the rest of the country import of  
10 foreign oil continues to decrease.

11           So for every one barrel that isn't produced  
12 in California, isn't produced in Alaska and doesn't  
13 come in by rail, that's one more barrel of foreign  
14 oil.

15           There's 250,000 cars, railcars, moving oil  
16 around the country. Every day there's something like  
17 about 500,000 railcars in North America moving  
18 flammable substances.

19           So, again, why do I support this project?

20           California uses about 40 million gallons of  
21 gasoline, which is transported every day around the  
22 country, another 10 million gallons of diesel fuel.  
23 California pays a premium for that of somewhere around  
24 40 to \$50 million per day.

25           Every individual that's buying gasoline is

1 paying that premium, roughly 80 cents I think it is  
2 today.

3           So why are they doing that? One cause is  
4 there's reformulated gasoline -- car gasoline that has  
5 to be switched over twice -- twice a year; taxes; high  
6 consumption. Californians drive 30 billion miles per  
7 month, and they consume a lot of it, and if -- well,  
8 they want that product.

9           There's low gasoline inventories. I think in  
10 January, gasoline inventories for the state were  
11 something about 75 percent of what is normal.

12           So the forecast -- given all that, the  
13 forecast for the price of gasoline, it's going to  
14 continue to go up.

15           We have limited refining capacity, and  
16 California is basically an economic island when it  
17 comes to -- to the oil industry. There's limited  
18 infrastructure, what this project is addressing. So I  
19 believe the project is responsible.

20           And, lastly, by the way, I was in the state  
21 of Washington talking to a refiner up there, which has  
22 a crude terminal. They love it when the situation  
23 occurs here when refineries are not able to produce  
24 the product, because they happily bring it down and  
25 sell it for a higher margin, and the higher margin is

1 paid by the individuals here, the individuals in  
2 California.

3 So why do I support the project? I believe  
4 it's safe. I believe it addresses the environment. I  
5 think it's good for the California economy.

6 I recommend strongly that you proceed in the  
7 direction that Valero has asked for, and I give my  
8 support for the project.

9 Thank you.

10 MAYOR PATTERSON: Don't go away. I think we  
11 have a question from Vice Mayor Hughes.

12 VICE MAYOR HUGHES: We don't.

13 MAYOR PATTERSON: Oh, we don't.

14 VICE MAYOR HUGHES: I inadvertently  
15 (inaudible).

16 MAYOR PATTERSON: Inadvertently.

17 Well, shoot. I had a question, but I won't  
18 ask it now since he's not going to ask his question.

19 Thank you very much.

20 MR. WOLF: Thank you.

21 MAYOR PATTERSON: David Jenkins, Kathy Kerridge,  
22 Deborah Tallyn, and Nick Despota.

23 MR. JENKINS: Madam Mayor and Councilpersons,  
24 I thank you for the opportunity to be here.

25 My name is David Jenkins, and I'm from the

1 "incinerator zone" of the industrial park; that's what  
2 the EIR says. It says that in the worst-case  
3 scenario, the property that I own and the office that  
4 I occupy on a daily basis will be burnt to a crisp.

5 Now, I want you to consider that, if you  
6 would, please.

7 Bringing oil trains into Benicia will create  
8 unacceptable increases in toxic air pollution. It  
9 will not only do that, it could create unbelievable  
10 risks to the people who live here, not only to myself,  
11 but to many Benicians who live and enjoy this  
12 community.

13 Benzene, toxic chemicals, railcars that can  
14 explode due to the fact that they have small amounts  
15 of petroleum in them, and the relief valve doesn't  
16 release and it explodes.

17 We saw an example of this in Quebec, where a  
18 huge number of train cars exploded and then -- and a  
19 monstrous epidemic took place of life and health and  
20 pollution.

21 I would urge you, please, to consider your  
22 planning commission's denial of this EIR, that you,  
23 in fact, as councilpersons, have a duty and a  
24 responsibility to protect the citizens of this city  
25 and the businesses of this city, not only Valero, but

1 my little business and the other little businesses  
2 that exist down there.

3 It is not fair. It is not fair at all for  
4 some big giant conglomerate to be able to push through  
5 something that could cause such a tremendous hazard in  
6 our community. It's not fair.

7 I wish that -- I ask that God will bless you  
8 in your decision, and God bless America.

9 Thank you.

10 MAYOR PATTERSON: Thank you very much.

11 Kathy Kerridge, Deborah Tallyn, Nick Despota,  
12 Rodney Robinson, and then June -- it's M-e-j-i-a-s.

13 COUNCILMEMBER SCHWARTZMAN: "May-has."

14 MAYOR PATTERSON: "Mee-has"?

15 COUNCILMEMBER SCHWARTZMAN: "May-has."

16 MAYOR PATTERSON: "May-has." Thank you.

17 Kathy?

18 MS. KERRIDGE: Good evening. The time clock  
19 needs to be reset.

20 Oh, good.

21 I'm Kathy Kerridge, with Benicians for a Safe  
22 and Healthy Community. I've lived here for 30 years,  
23 and I've raised two children here.

24 I'm asking, first, that there not be a delay.  
25 The process here has been completed. The work is

1     tying up staff. They have other things to work on.

2             For the reasons why the Surface Transportation  
3 Board probably won't even review this, please be sure  
4 to read the letter submitted by Andres Soto.

5             Also, as someone who's practiced law for many  
6 years, I know that if you vote to turn down this  
7 project, you will want to make sure that you are  
8 represented at the Surface Transportation Board and  
9 that they don't only hear one side of the story, which  
10 is what will happen if you grant a delay and Valero is  
11 the only one that's there.

12             The Revised Environmental Impact Report  
13 should not be certified, but I think we should just  
14 save Valero, and everyone else, time and deny the  
15 project outright.

16             I want to talk about the local effects,  
17 because even though all major religions basically have  
18 a philosophy that boils down to "Do unto others as you  
19 would have them do unto you," the lawyers in this  
20 proceeding want you to ignore that.

21             They don't want you to think about having an  
22 oil train going down the middle of 1st Street, which  
23 is what it will do if Davis -- to Davis if this is  
24 approved.

25             They don't want you to think about

1 clear-cutting forests, since that's what hap- -- is  
2 happening with the tar sands in Alberta.

3 And they don't want you to think about highly  
4 flammable tank cars going through high hazard areas on  
5 the rail lines and the potential for fire and water  
6 pollution that a derailment could cause in a hundred  
7 other places.

8 We aren't supposed to think about others,  
9 only about ourselves. So let's do just that.

10 I occasionally attend budget meetings. Every  
11 year there's a slide that says Benicia is at risk  
12 financially because we are over-reliant on one  
13 company. That's Valero. That means we must diversify  
14 our tax base.

15 So one big question you have to ask yourself  
16 is this: If we approve this project, will we be  
17 working towards the goal of diversifying our tax base,  
18 or will we be moving in the opposite direction?

19 I believe this project takes us in the  
20 opposite direction and puts it at greater financial  
21 risk.

22 Put yourself in the shoes of a businesswoman  
23 that's interested in Benicia. Let's call her "Vicki."

24 Vicki's first taste of crude by rail is when  
25 she exits the freeway and is held up for 10 minutes on

1 the off-ramp. She's a little worried because she's  
2 sandwiched between two huge trucks and is hoping that  
3 the backup will not go onto the freeway and someone is  
4 rear-ended. She starts wondering about how often this  
5 happens.

6 With the approval of this project, the  
7 traffic in the industrial park will get worse, and  
8 there could be hold-ups at all times of the day or the  
9 night. Some places will not be accessible to  
10 emergency vehicles.

11 As Valero has pointed out over and over, once  
12 the project is approved, you have no say over any of  
13 this. You can't tell the trains what to do.

14 Traffic's one thing, but Vicki starts to  
15 think about what's in the trains. She does a little  
16 research and finds out that they are carrying the same  
17 crude oil that killed 47 people in Quebec and has  
18 exploded and burned on a regular basis ever since.

19 She drives down East Channel Road to see how  
20 close these tank cars carrying flammable cargo will be  
21 to the storage tanks at Valero.

22 She does more research and learns that the  
23 industrial park is in the blast zone. She reads some  
24 excerpt -- expert testimony and finds there is a risk  
25 that if a tank car explodes, it could cause a

1 cascading effect, and the refinery tanks, storage  
2 tanks, could also explode and catch on fire.

3 She starts to wonder if she buys property  
4 here, will she have to reveal all this if she sells  
5 her property. She's really starting to have second  
6 thoughts now.

7 She also learns that the kind of oil that  
8 will be refined will lead to more air pollution and  
9 more risks of accidents in the refinery. Vicki saw  
10 the Chevron fire, and she is concerned about that.

11 She learns that while Valero says there will  
12 be no more air pollution because the change in oil,  
13 that at the air -- Bay Area Air Quality Management  
14 District they were arguing that they want the  
15 pollution releases to be able to go up.

16 Well, Vicki decides to look elsewhere.

17 If I was a local businessperson, I would not  
18 want my business next to a potential explosive danger.  
19 There are a lot of other places I could locate that  
20 wouldn't make me face that much risk. If that  
21 happens, the city becomes -- the financial situation  
22 becomes more risky.

23 Chevron, after the fire, got a huge property  
24 tax reduction, and between that and the loss of  
25 business income, Richmond lost a lot of tax revenue.

1 Valero's already trying to reduce its property taxes.

2 What would it do if the refinery was severely  
3 damaged? What would happen to Benicia if our  
4 industrial park was down -- was dam- -- is damaged?  
5 We would totally lose our tax base.

6 For the economic health of Benicia, not to  
7 mention all the other things, you must reject this  
8 project.

9 MAYOR PATTERSON: Thank you very much.

10 Deborah Tallyn, Nick Despota, Rodney Robinson,  
11 and June Mejias.

12 MS. TALLYN: Madam Mayor and City Council,  
13 thank you so much for allowing me to speak, and I want  
14 to beg you to listen to your own political process.

15 You've gone through a very lengthy three-year  
16 process in which all of the parties have followed all  
17 of the rules.

18 Your own planning commission has denied this  
19 project after this lengthy procedure, based on input  
20 that they've gotten from experts in all categories.

21 Valero is now trying to stall this process.

22 You can make this decision. You have the  
23 jurisdiction and the legal right. This is a land use  
24 decision. Don't be led astray by other arguments.

25 You've worked hard to make Benicia the

1 beautiful, friendly small town it is. Please don't  
2 favor one corporation's greed over all the other  
3 businesses in town. You want businesses that are  
4 clean, safe, and sustainable, that are honest with you  
5 and honest with their own workers.

6 Valero has sought to downplay the risks that  
7 are involved. They will put -- pitch this as "jobs,"  
8 but they're not increasing the fruit put in their  
9 refinery. They're simply substituting one source of  
10 crude for another. There is not a larger tax base,  
11 and there are not more jobs.

12 But what will -- where will they be if  
13 something goes wrong?

14 The liability issues are unclear, and we all  
15 know the process would be lengthy for any kind of  
16 legal redress, if there is a catastrophic accident.

17 You want Benicia to be the town with the  
18 quaint downtown, views of the straits, great schools,  
19 and a sense of community. You don't want to be  
20 remembered as the toxic site that no one knows how to  
21 clean up or the source of the exploding train that  
22 ruined someone else's quaint and scenic downtown.  
23 Even one accident will likely be catastrophic.

24 This doesn't belong in Benicia. It doesn't  
25 belong in the Bay Area or in California.

1 I ask for your consideration of the safety of  
2 not just your town, but of all the towns and all the  
3 cities along the rail line that will live or die based  
4 on your decision.

5 This is your town. This is your community.  
6 You have the right to determine your own town and the  
7 legacy that you will leave to the people of California.

8 I ask that you consider your own legal  
9 process that you have very diligently followed and  
10 follow the advice of your own planning commission.

11 Thank you.

12 MAYOR PATTERSON: Thank you very much.

13 Nick Despota? Coming?

14 AUDIENCE MEMBER: He had to leave.

15 MAYOR PATTERSON: Okay. And -- thank you for  
16 that.

17 Rod- -- Rod- -- Rodney Robinson, June Mejias,  
18 and Pat Toth-Smith and Dan Broadwater.

19 MR. ROBINSON: I want to second the comments  
20 from the last speaker.

21 I think there have been quite a few  
22 well-spoken opponents to this project, and I will not  
23 repeat many of their comments, which I would agree  
24 with.

25 I urge you to unanimously support the

1 planning commission decision to reject this project.  
2 I think the Final EIR should not be certified, the  
3 project should be rejected, the permit should not be  
4 authorized.

5 With that -- I'm having a little bit of a  
6 throat problem, so I'll call it a day.

7 Thank you.

8 MAYOR PATTERSON: Thank you. You know,  
9 Rodney, I have that problem all the time. So --

10 MR. ROBINSON: Oh.

11 MAYOR PATTERSON: -- completely sympathetic  
12 to you.

13 June Mejias.

14 MS. MEJIAS: Good evening, Mayor Patterson  
15 and Councilmembers, and thank you for pronouncing my  
16 name correctly.

17 MAYOR PATTERSON: Well, I thank  
18 Councilmember Schwartzman for that.

19 MS. MEJIAS: Yes. Good.

20 My name is June Mejias. I'm a resident of  
21 Benicia, and I have a grandchild attending one of our  
22 Benicia schools.

23 (Mr. Wilson adjusts podium microphone)

24 MS. MEJIAS: Thank you.

25 MAYOR PATTERSON: Thank you, Mr. Wilson.

1 MR. WILSON: Thank you.

2 MS. MEJIAS: As a parent and now a  
3 grandparent, I can't help thinking how I'd never let  
4 my kids play with matches or a lighted -- lighted  
5 dynamite stick or otherwise be around explosive --

6 (Laughter)

7 MS. MEJIAS: -- materials --

8 So you kind of know where I'm going here,  
9 but...

10 (Laughter)

11 MS. MEJIAS: Then I wonder why, you know,  
12 really smart adults would ever entertain the idea of  
13 loading highly combustible materials on dozens of  
14 railway cars that would travel for miles and miles  
15 through cities and towns, residential neighborhoods,  
16 farming communities and forested areas, over tracks  
17 and bridges that could be aged and not regularly  
18 inspected for potentially hazardous conditions.

19 An accidental derailment can wipe out a town,  
20 kill thousands of innocent, unsuspecting citizens, and  
21 add damage that would poison the air, saturate the  
22 soil, and change -- sorry -- the entire environment  
23 for an unknown period of time.

24 We have already seen a number of rail  
25 explosions in Quebec, Canada, in a number of cities in

1 the U.S., and I urge you to respect the planning  
2 commission's findings and vote against this project.

3 And in the meantime, I thank you for your  
4 thoughtful consideration.

5 MAYOR PATTERSON: Thank you very much.

6 Pat Toth-Smith?

7 MS. TOTH-SMITH: Hi. Hi, Mayor and City  
8 Councilmembers. I'm Pat Toth-Smith, a Benicia  
9 resident, small business owner, RN, photographer, and  
10 a homeowner.

11 I am recommending that you take up Valero --  
12 Valero's appeal now and not push this back any  
13 further. Too much of our city's time and money has  
14 been taken up with this process.

15 I'm also asking that you deny the permit  
16 request and not certify the flawed Final Environmental  
17 Impact Report, FEIR, because there are serious  
18 inaccuracies contained within it, especially the  
19 limited traffic study, my unanswered questions, and  
20 the absence of many mitigation measures.

21 The flawed traffic study in the FEIR showed  
22 that the largest train car noted during the week-long  
23 study was a 35-car train, not a 50-car train.

24 50-car train time should have been included  
25 in the study, even if it was from another crossing,

1 because that is what the applicant is requesting four  
2 times a day.

3 The other areas of unanswered questions, the  
4 lack of mitigation measures has to do with the cars  
5 backing up the Bayshore Road exit onto I-680 from a  
6 train blocking the Park Avenue ins- -- intersection.

7 During the first DEIR meeting, Ed Rozell  
8 showed a picture in his video of cars backed up the  
9 Bayshore Road exit onto I-680 during a train crossing  
10 at the Park Avenue intersection.

11 I also saw a similar scene where cars had  
12 backed up onto the shoulder of I-80, waiting to get  
13 off the freeway onto Bayshore Road exit from I-680, a  
14 few months ago. Smartly, they had moved onto the  
15 shoulder to avoid getting hit as they waited.

16 I remember this clearly because as a  
17 photographer, I wanted to go back and take a picture,  
18 but only having my camera phone and not thinking I  
19 would need it, I didn't, and, boy, am I sorry I didn't  
20 because it would have been good -- good to have here.

21 So this is happening already without the  
22 50-car trains four times a day.

23 The unanswered question in the FEIR had to do  
24 with the backed up cars on the Bayshore Road exit and  
25 the potential to affect the I-780 East merge into the

1 I-680 North merge, and I'm going to explain it as I  
2 did to the planning commission.

3 Cars coming from I-780 East merge into one  
4 lane from two lanes and then merge into the main  
5 traffic of I-680 coming from the Benicia bridge. This  
6 merge lane becomes Bayshore Road exit lane, if you do  
7 not funnel into the I-680 bridge traffic.

8 The FEIR did not address my comments about  
9 this issue. They replied to my comments with the  
10 statement, and I did say this at the other meeting,  
11 "The Rozell video didn't show cars backed up onto the  
12 two main lines of the I-680 Freeway."

13 So they did not back up onto I-680.

14 The third merge lane, which turns into the  
15 Bayshore Road exit lane I cited previously, does not  
16 count in the FEIR reviewer's eyes as being part of  
17 I-680.

18 But, apparently, Caltrans thinks as I do,  
19 because they responded to this -- with this to a  
20 letter dated January 15th, 2016, about this issue as  
21 stated by Commissioner Young, behind me, at the first  
22 planing commission meeting for the FEIR.

23 "It is the opinion of Caltrans that queues  
24 would back up onto the main line of northbound 680 at  
25 Bayshore Road. We find these impacts to be

1 significant because the fourfold increase and  
2 frequency of queuing is anticipated to impede traffic  
3 while reducing the deceleration speeds for travelers  
4 as they approach the Bayshore Road off-ramp.

5 "This issue should have been evaluated in a  
6 traffic analysis to ensure sufficient mitigation of  
7 any adverse effects of the I-680/Bayshore off-ramp  
8 backup."

9 And as I said earlier, the whole issue was  
10 not addressed in the FEIR.

11 At the same time as cars are backed up the  
12 Bayshore Road exit, there are usually train cars  
13 blocking businesses, driveways, such as the  
14 Ironworkers Union and Ruszel Woodworks.

15 During the same FEIR planning commission  
16 meeting, as I referred to earlier, Commissioner Oakes  
17 asked Mr. Hutchison, a senior transportation engineer  
18 with ESA, the company that did the FEIR, a  
19 clarification question.

20 Commissioner Oakes stated, "My question has  
21 to do again with traffic but also in case of  
22 emergency. There are several businesses that are  
23 located on the other side of Park Road that have no  
24 access when the train goes by.

25 "What are we going to do to mitigate the

1 impact?"

2           And Mr. Hutchison replied, "In my personal  
3 opinion, you do not." I took that to mean that you do  
4 not mitigate that impact.

5           Hutchison went on to say, "It's a question of  
6 the," and he paused, "the frequency of the need for  
7 emergency access simultaneously occurring at the time  
8 of a crossing."

9           I understood this to mean that there is the  
10 potential for loss of life in the case of an  
11 industrial accident, heart attack, stroke, et cetera,  
12 and the potential for loss of property in the event of  
13 a fire if a train is blocked -- is blocking access to  
14 those businesses, which would increase exponentially  
15 with the 50-car trains coming in and out of Valero  
16 property four times a day.

17           The permit request should not be approved  
18 without mitigations measures when the consequences  
19 could be grave for the neighboring businesses --

20           MAYOR PATTERSON: You need to start wrapping  
21 up.

22           MS. TOTH-SMITH: Yeah, I am.

23           And as Mr. Hutchison stated, there is no  
24 mitigation measures. So this permit request should be  
25 denied.

1 Thank you.

2 MAYOR PATTERSON: Thank you very much.

3 Dan Broadwater, Bob Livesay, Bill Parnell,  
4 and Elsa Best [sic]?

5 MR. BROADWATER: Good evening, Councilmembers.  
6 My name is Dan Broadwater. I'm the business manager  
7 of IBEW Local 180 in Napa, California. I represent  
8 electricians, both union and nonunion, in Napa and  
9 Solano counties.

10 You know, I had prepared comments, and I had  
11 heard so many statements up here, that I just -- it --  
12 it brings me back to two or three of the planning  
13 commissions that I attended.

14 And there's a -- a hysteria, there's a -- a  
15 fear that has exuded from a lot of the speakers, and I  
16 think that it's -- you know, in their minds, it's  
17 warranted. The -- the accident that occurred in -- in  
18 Canada was -- it was a tragedy, but there was -- there  
19 was nobody running that train.

20 And I've -- I've worked at this refinery.  
21 I've had my men working there at that refinery there.  
22 Their safety culture out there would -- would never  
23 allow anything like that to happen.

24 So a lot of these incidences that occur, I  
25 believe if you would put it on the -- on the client,

1 on the owner, you know, they're professionals. My  
2 people are craftsmen. They're proud. They want to do  
3 the right thing. They don't ever want anything to go  
4 wrong.

5 If something is going down Funny Street,  
6 they've got processes. They point it out to one  
7 another. They're taken care of on-site. They take  
8 care of one another. When my people go to work at  
9 that refinery, I know that they're going to go home to  
10 their families at night.

11 The processes that they'll put in place for  
12 this project is going to make it a safe project.

13 You know, I just -- I can't, for the life of  
14 me, see why we've got people coming from out of state,  
15 we've got people coming from Santa Maria, we've got  
16 people coming from Lake Tahoe down here dictating to  
17 our planning commission and our council that you  
18 shouldn't pass a -- a project when you've got one of  
19 the best corporate citizens in -- in the area here  
20 telling you that they're going to mitigate all these  
21 issues.

22 And I just -- I -- I urge you to go ahead,  
23 listen to what the Surface Transportation Board has to  
24 say. It might make your decision for you; it may not.

25 But if -- if it does occur and it does work

1 out in the long run for the betterment of the city, it  
2 may save you a lot of money in litigation down the  
3 road.

4 So, please, I wish you would support the  
5 continuance.

6 Thank you.

7 MAYOR PATTERSON: All right. Thank you very  
8 much.

9 Bob Livesay, Bill Parnell, Elsa Best [sic],  
10 and Helmut Sass.

11 MR. LIVESAY: Good evening. Thank you. My  
12 named is Bob Livesay -- excuse me -- and I am a  
13 resident of Benicia, maybe one of the few that's  
14 commenting tonight.

15 What I'd like to say is that --

16 (Laughter)

17 MR. LIVESAY: Yeah, it is funny.

18 -- that I do understand and believe in the  
19 recommendation by the staff, which was to approve the  
20 EIR, certify it, and also then move forward with the  
21 permit. I agree with that.

22 I also agree that we should go ahead and give  
23 them the extra time so they can look at the Surface  
24 Transportation Board and what they're going to do.

25 I think that -- and I be- -- I'm a great

1 believer in that we must give everyone a fair  
2 opportunity to go out and make their case; 14th Amendment  
3 says that. And I think that we should do that, and I  
4 think we need to do that for this particular project.

5 We've heard a lot of things tonight. We've  
6 had, "Refinery, this one's been here for 50 years.  
7 Four over in Contra Costa County have been here for  
8 100 years."

9 Well, one of the things that bothered me  
10 tonight was the threat of politics that was brought  
11 into this. I think it has no place for this.

12 Sometime along the line, every one of you are  
13 going to be up for election. You were elected to make  
14 decisions. You're not elected to live by threats.

15 And I hope none of you will ever take that  
16 into consideration, to live by a threat. Somebody  
17 went as far as "1260 votes," I think it was, whatever  
18 it's at.

19 We don't need that. We need people to make  
20 decisions based upon what's good for this city and the  
21 surrounding areas.

22 I'm -- I'm a great believer that we must give  
23 due process, as I said earlier, and I think that we  
24 owe an obligation to everyone to do that, and I  
25 certainly hope that you will take into consideration

1 the whole situation on the EIR.

2 As we all know, the EIR did not stop  
3 crude-by-rail trains. They still can go down the  
4 Feather River Canyon, can still go over the Donner Summit,  
5 can still go down by Davis, and can still go over to  
6 Berkeley. It didn't stop them.

7 It may not stop into Benicia, but it could go  
8 across that bridge and could continue on to another  
9 destination. That was never stopped.

10 And I believe that we must consider all these  
11 things. We must consider our partner here, which the  
12 last time I heard they were called a good neighbor,  
13 and I -- I think that they still are a good neighbor,  
14 and I think you should take that into consideration,  
15 give them every single opportunity to bring their  
16 points up.

17 And it's been 40 months. It started in  
18 December of 2012. Here we are in April of 2016.  
19 Nothing has changed here tonight. Nothing has been  
20 accomplished. I've heard the same arguments that I've  
21 heard for the last 40 months.

22 And I certainly believe that we ought to  
23 consider this and take a very thorough look at it  
24 and -- excuse me -- and definitely give the Surface  
25 Transportation Board the opportunity to bring this

1 information before you to help you make a decision.

2 I don't know what decision you're going to  
3 make, but I've heard a lot of people here tonight say  
4 a lot of things about what -- you know, so why do they  
5 live here? Maybe we should all get up and move.

6 Why should we live in the Bay Area?

7 Well, we live here because it's a great area,  
8 and by the way, it's safe and it's clean. That's why  
9 we live here. I've lived around refineries my entire  
10 life. I understand them thoroughly. And I live here.

11 I didn't have to live here. I could have  
12 lived someplace else. But I understand the safety,  
13 and I understand that we do have a good neighbor that  
14 cares about us, cares about you.

15 And the one thing that I hope you will do and  
16 I hope that you will not be threatened by political  
17 comments that have been made here tonight because I  
18 think they're out of line, I think they're out of  
19 place, and I hope that you'll just not even think  
20 about that.

21 Because as I said earlier, somewhere along  
22 the line, every one of you are going to be up for  
23 election, or maybe you'll decide not to run again.  
24 That I don't know.

25 But I certainly do want you to go ahead and

1 follow staff's recommendation and go ahead and approve  
2 the EIR, grant the use permit, and move forward on  
3 giving Valero the extension. I think it's in the best  
4 interests of everybody in the decision that you're  
5 going to make.

6 And thank you very much.

7 MAYOR PATTERSON: So Bill Parnell and  
8 Elsa Best [sic] -- I think I'm saying that correct --  
9 Helmut Sass, and Greg Yuhas.

10 MR. PARNELL: Madam Mayor, Councilpeople,  
11 thank you for this opportunity to talk with you.

12 I work for Valero Refining Company. We moved  
13 to Benicia 36 years ago to start a small asphalt  
14 manufacturing plant down on Park Road to make roofing  
15 and road materials.

16 We picked Benicia because it had been a  
17 depressed area after the military was retired from the  
18 area, and the lifesaving, economy-saving grace was  
19 that Exxon built a refinery here.

20 And it was considered an industrial park, and  
21 Bud Plant was the manager of the industrial park  
22 business. We started an association. I was one of  
23 the original presidents of the Benicia Industrial Park  
24 Association.

25 And one of the things we realized very

1 significantly is the industrial park should contain --  
2 concentrate on bringing industrial-type businesses to  
3 support the heavy industry that you had here. It's a  
4 complementary thing from the standpoint of engineering  
5 people, a resource that you need for heavy industry.

6 It's -- it's -- it grows, and so it's --  
7 it -- Benicia is lucky to have a -- a great deal of  
8 people that live here that came from fine universities  
9 with engineers, petroleum engineers, chemical  
10 engineers.

11 So the -- you might say that the level of --  
12 of -- of education and living is very high in Benicia,  
13 but we're just regular people that worked hard and  
14 were lucky to join an industry that's very progressive,  
15 very safety-minded.

16 We've -- we went to a meeting in San Antonio  
17 a couple of weeks ago, and the main thing -- the  
18 executives -- the top executives from the company were  
19 there. Safety was what they talked about, "Safety,  
20 safety, safety."

21 And, "However, we want to reinvest. We've  
22 got the cash. We need to reinvest in our business,  
23 and so we want to find something that's safe,  
24 productive for our people."

25 And this -- this project, Crude by Rail, is

1 certainly straight in line with what the Industrial  
2 Park Association years ago hoped that we could do, and  
3 it's what our -- our business wants to do.

4 We want to stay here in Benicia, and we'll do  
5 a good job. It's -- if -- if -- if someone does  
6 something out of line safety-wise or mishandling or  
7 mistreating people, they won't work for Valero very  
8 long. So you couldn't ask for a more civil-conscious  
9 group of people for an industry.

10 And so it -- Valero -- I worked for Conoco  
11 26 years. That's a fine company from Oklahoma.  
12 You know, I was born in this business. My dad was in  
13 the oil business. And the lady that talked about the  
14 Oklahoma crude oil, transporting is very important.

15 My dad used to -- my dad would pump a tank of  
16 crude oil into a big -- a big vessel, and he'd hire a  
17 trucker to -- to haul it to the refinery or the --  
18 the -- the pipeline head, and he had an awful time.  
19 He'd hire his buddies, and they wouldn't show up  
20 sometimes; they didn't have good equipment.

21 The way he resolved it is to go to a company,  
22 Conoco, Continental Oil Company, a big company,  
23 well-founded, very well insured, with high standards  
24 of safety.

25 And I think the issue we have here is there's

1 a lot of -- a lot of press about accidents back East,  
2 and I think if you -- if they do a very thorough study  
3 on how many of those accidents were caused by  
4 equipment, large companies or was it small companies,  
5 like my dad worked with -- he hated to abandon his  
6 buddies, but he had to go to Conoco because they had  
7 the equipment and the safety standards.

8           They showed up when they were supposed to and  
9 did the job. We never had to worry about them, and  
10 Valero will do that for the city of Benicia.

11           Thank you.

12           MAYOR PATTERSON: Thank you very much.

13           Elsa Best [sic]?

14           MS. BEST: Good evening. My name is Eliza Best.  
15 I was -- I've lived in this town since I was born. I  
16 have two daughters I'm raising here, and I trust  
17 Valero.

18           I work for Valero, but, I mean, they're --  
19 they have a long-standing track record of making  
20 safety a top priority, extensive new rail safety  
21 regulations that have been implemented at the national  
22 and state levels since Valero initially applied for  
23 the project three years ago.

24           This is along with the voluntary steps that  
25 they were taken to ensure that shipments are handled

1 as safely as possible. Valero could not have worked  
2 any harder to make sure this project was safer.

3 A vote in favor of continuance is a vote in  
4 favor of Benicia.

5 Thank you.

6 MAYOR PATTERSON: Thank you very much.

7 Helmut Sass and then Greg Yuhas,  
8 Richard Crawford, Walt Quillin, Dean Lloyd.

9 MR. SASS: Good evening, City Councilmembers,  
10 and thank you for the opportunity to provide public  
11 comment tonight.

12 My name is Helmut Sass, and my -- and I am a  
13 20-year resident of Benicia.

14 I'm here to join my fellow Benicians in  
15 asking that you support the continuance for a Surface  
16 Transportation Board opinion. The -- this opinion is  
17 important in moving this critical project forward.

18 The Valero Benicia refinery is one of the  
19 newest and most advanced refineries in the nation.  
20 Valero has always gone above and beyond their -- in  
21 their design protocols and safety measures to ensure  
22 that they have no undue impact on our community.

23 Simple on-site infrastructure projects, such  
24 as these, create new jobs and generate millions of  
25 dollars in local tax revenue that help keep our

1 community, economy, and businesses running.

2 Thank you.

3 MAYOR PATTERSON: Thank you very much.

4 Greg Yuhas, Richard Crawford, Walt Quillin,  
5 and Dean Lloyd.

6 MR. YUHAS: Good evening, Mayor and  
7 Councilmen.

8 I want to start off by saying I don't envy  
9 you. You have to sort out what the fact is, what the  
10 fiction is, what the perception of risk is, and who's  
11 driven by "not in my back yard" philosophy.

12 I think the key issue here was enumerated by  
13 the planning commission when it refuted the findings  
14 of the staff and the lawyers that said, "Yes, you have  
15 done your job in informing the planning commission of  
16 the risks associated with the project there at Valero,  
17 not the risks or the mitigation factors, or anything  
18 else, of activities regulated by the Federal  
19 Government."

20 Now, people talk about the volatilities of  
21 these trains and how dangerous they are, but ask  
22 yourself, is crude oil any more dangerous than  
23 gasoline or propane, or a whole myriad of other  
24 hazardous materials which travel down the same tracks  
25 daily?

1           The Hazardous Materials Transportation Safety  
2 Act has a huge empire and burden of regulations in  
3 books this thick (indicating) that take everything  
4 from what is being put into those tanks to the right  
5 kind of containers to the right kind of car to the  
6 right kind of control, all through the rail process.

7           This was covered by the Constitution, okay,  
8 and by the Transportation Safety Act and by the  
9 particular board, the Surface Transportation Board,  
10 that rules on what happens in the rail.

11           Now, the planning commission seemed to take  
12 the position that the staff, the staff's attorney, the  
13 city attorneys, and others, didn't quite know what  
14 they were talking about when they said this is a case  
15 of preemption.

16           Even CEQA and the environmental impact  
17 statement was not required to address what happened  
18 up rail of Benicia. The permit application is for  
19 something that happens in Benicia.

20           The hazards that you make your decision on  
21 are supposed to be based on what's happening in  
22 Benicia, not what's happening somewhere else in the  
23 country.

24           Now, I know people want to throw themselves  
25 on the track, you know, and go down convinced that

1 this is the most dangerous thing in the world, but in  
2 reality, crude oil is not the most dangerous thing.

3 Sure, it has a volatile component; sure,  
4 there have been accidents, and I'm sure there will be  
5 more accidents that happen throughout the country,  
6 with all sorts of train things.

7 Yes, we need to improve the -- the  
8 infrastructure. The Federal Government is doing that.  
9 Just since this whole process began, they've changed  
10 the regulations governing the type of tank car that  
11 could be used to transport frack and crude oil.

12 The EIR makes clear that -- that processing  
13 this oil does not affect the outcome of the Valero  
14 refinery. That is, in fact, light, sweet crude. The  
15 oil coming in from Alaska is heavy, dark, sour crude.  
16 It clearly has more impurities and is likely to result  
17 in more emissions than this higher grade of crude  
18 coming from a domestic source.

19 But I'm a little concerned about the process  
20 today. I was reading the agenda, and I thought the  
21 purpose of today's discussion was to hear testimony on  
22 whether or not you should delay your actions on the  
23 appeal pending a request and decision by the Surface  
24 Transportation Board specific to the issue here in  
25 Benicia.

1 I personally don't think that the Surface  
2 Transportation Board is going to find any differently  
3 than it has in several previous decisions than during  
4 the EPA and California CEQA concerning other  
5 activities where it came back and said, "No, a  
6 municipality in the state does not have the right to  
7 place any kind of local rules or regulations that  
8 impact the operations of a railroad," and that term is  
9 verily -- very broadly defined.

10 Otherwise, you would have ended up with a  
11 patchwork of regulations from town to town across this  
12 country. That would interfere with commerce. That  
13 would interfere with the Commerce Clause of the  
14 Constitution.

15 There is a reason why we have process. It is  
16 a difficult thing to look at people who are sincerely  
17 concerned and believe they're going to be adversely  
18 harmed and say, "But we have process, but we have a  
19 rule of law."

20 But the point is, for all of us to get along,  
21 we have to follow by the rule of law. We have to make  
22 tough decisions, put emotion and perceptions aside.

23 And I think it is benevolent of Valero to  
24 come forward and say, "We will go to the Surface  
25 Transportation Board, explain the situation and

1 solicit a ruling."

2 They could just as easily keep their mouth  
3 shut and if you uphold the planning commission's  
4 decision, file suit. And it's the taxpayers, it's me,  
5 that will be paying for the cost of that suit, which I  
6 am firmly convinced you will lose.

7 So why not give them a chance to go ahead and  
8 ask the question? Then if you go forward and decide  
9 to shut the project down or to uphold the planning  
10 commission findings, at least you'll know you have to  
11 channel your decision to something that you really  
12 have purview on.

13 MAYOR PATTERSON: You need to wrap up.

14 MR. YUHAS: Thank you very much.

15 MAYOR PATTERSON: So you said a lot of things  
16 that I'm sure people would like to respond to, but the  
17 one thing that I want to clarify is the actual process  
18 that we have.

19 And maybe you missed the earlier discussion  
20 about why we are considering all three of the issues  
21 before us. And if you did, why don't you stay after  
22 the meeting and I'll re-explain it. I don't want to  
23 take time of everybody else.

24 All right?

25 MR. YUHAS: Okay. I just disagree with you.

1           MAYOR PATTERSON: Well, that's your choice.  
2           Richard Crawford, Walt Quillin, Dean Lloyd,  
3 and Patrick Costello, I believe?

4           All right. I'll call Walt Quillin.

5           Did I say that correctly? Q-u-i-l-l-i-n?

6           Okay. Dean Lloyd? Patrick Costello? All right.

7           Heather McLadd -- McLawn (phonetic)?

8           Katherine Black? Don Mooney?

9           COUNCILMEMBER SCHWARTZMAN: Is that  
10 Katherine?

11          MAYOR PATTERSON: Yeah, that's Katherine.

12          MS. BLACK: Am I next?

13          MAYOR PATTERSON: So Heather is -- is Heather  
14 here? Okay.

15          So then, Katherine, you're up, and --

16          COUNCILMEMBER SCHWARTZMAN: (Inaudible.)

17          MAYOR PATTERSON: Yeah.

18          And I'm sorry. Your name, sir?

19          MR. MOONEY: Don Mooney.

20          MAYOR PATTERSON: Don -- okay. You'll be  
21 after Katherine.

22          (Laughter)

23          MAYOR PATTERSON: You wanted to get some  
24 exercise anyway.

25          MR. MOONEY: I did.

1 MS. BLACK: Good evening, Madam Mayor and  
2 Members of the Council. My name is Katherine Black,  
3 and I am the chairperson for Benicians for a Safe and  
4 Healthy Community.

5 MAYOR PATTERSON: Just -- just -- hold on  
6 just a second.

7 MS. BLACK: Yes?

8 MAYOR PATTERSON: So I'll just explain that  
9 for some reason, the auditorium works in the opposite.  
10 I can hear all of you, and you all have a hard time  
11 hearing us.

12 So when you're talking out there, we're  
13 actually hearing it up here, and that's why I may seem  
14 a little harsh, but that's because we cannot hear the  
15 speaker when you're talking; okay?

16 Go ahead. Okay.

17 MS. BLACK: I have spoken on many occasions  
18 against this project before the planning commission on  
19 various topics. So my comments are already in the  
20 record.

21 I just wanted to read a list of  
22 organizations, public agencies, and public officials  
23 that have either had major concerns or have spoken out  
24 directly against the project.

25 This is a partial list and are in no

1 particular order. They are: Benicians for a Safe and  
2 Healthy Community, Solano County, the air pollution  
3 control and air quality management districts, which  
4 consists of the Bay Area Air Quality Management  
5 District, the Butte County Air Quality Management --  
6 Management District, the Feather River Air Quality  
7 Management District, the Placer County Air Quality --  
8 I'm sorry -- Air Pollution Control District, the  
9 Sacramento Metropolitan Air Quality Management  
10 District, the County of Shasta, and the Yolo-Solano  
11 Air Quality Management District.

12 To continue on the list.

13 The University of California, Davis;  
14 California Office of Spill Prevention and Response and  
15 the California Public Utilities Commission; the  
16 Capitol Corridor Joint Powers Authority, Amtrak; the  
17 California Department of Transportation;

18 Safe -- San Francisco Baykeeper, Safe Fuel  
19 and Energy Resources California; Fisher's  
20 Communication (phonetic), Cool Davis, 350 Sacramento,  
21 350 Bay Area, 350 Marin;

22 Communities for a Better Environment, both  
23 legally and technically; National Resources Defense  
24 Council, both legally and tech- -- technically;  
25 Phil Serna, Sacramento County Supervisor;

1 Ironworkers 378, who withheld support, which  
2 is significant because Valero had previously held  
3 their community forums at their venue;

4 Stand (sounds like), formerly known as  
5 For- -- as Forced Ethics; the -- the Sierra Club, the  
6 Center for Biological Diversity;

7 Sacramento Area Council of Governments, also  
8 known as SACOG and which is an association of local  
9 governments in the six-county Sacramento region.

10 Its members include the counties of  
11 El Dorado, Placer, Sacramento -- Sacramento, Sutter,  
12 Yolo, Yuba, and 22 cities within, which are:

13 Auburn, Citrus Heights, Colfax, Davis,  
14 El Dorado County, Elk Grove, Folsom, Galt, Isleton,  
15 Lincoln, Live Oaks, Loomis, Marysville, Placer County,  
16 Placerville, Rancho Cordova, Rocklin, Roseville,  
17 Sacramento, Sacramento County, Sutter County,  
18 West Sacramento, Wheatland, Winters, Woodland;

19 Yolo County, Yuba County, Yuba -- and Yuba  
20 City.

21 To continue with the list.

22 Yolo County Board of Supervisors, Martinez  
23 Environmental Group, Richmond Progressive Alliance,  
24 Global Community Monitor, expert Dr. Petra Pless from  
25 Pless Environmental, Inc.; Bay Localize, the City of

1 Albany, the City of Biggs, the City of Biggs Fire  
2 Department, the City of Gridley, the City of Gridley  
3 Fire Department;

4 The County of Nevada Community Development  
5 Agency, the town of Truckee, the city of West  
6 Sacramento, Shasta County Department of Resource  
7 Management, Community Science Institute;

8 Crockett-Rodeo United to Defend the  
9 Environment, also known as CRUDE; the City of Davis  
10 Foundation, the Sunflower Alliance, Pittsburg Defense  
11 Council; Greenaction for Health and the Environment- --  
12 I'm sorry -- Green- -- Greenaction for Health and  
13 Environmental Justice; Asian Pacific Environmental  
14 Network, Bay Area Refinery Corridor Coalition;

15 Attorney General Kamala Harris, other  
16 attorneys from five different organizations: NRDC,  
17 CBE, SF Baykeepers, Center for Biological Diversity,  
18 and the Sierra Club; expert Dr. Phyllis Fox;

19 Bay Area Air Quality Management, also known  
20 as BAAQMD, individually; Feather River Air Quality  
21 Management District, individually;

22 Sacramento Metropolitan Air Quality  
23 Management District, individually; Placer County Air  
24 Pollution Control District, individually; Yolo  
25 County -- Yolo-Solano County Air Quality Management

1 District, individually; the Goodman Group, Yolo  
2 Climate Action;

3 And we just heard from Jesse Arreguin,  
4 Berkeley City Council; Andres -- I'm -- I'm sorry --  
5 Alejandro Soto Vigil from Berkeley, Senator Lois Wolk,  
6 Vice Mayor Linda Maio from Berkeley; Ellen Cochrane,  
7 Sacramento School District Board; and, lastly, our own  
8 Benicia -- Benicia Planning Commission.

9 To add to that list, there are thousands and  
10 thousands of letters from individuals opposing the  
11 project that have been submitted as part of the  
12 record, which come from Benicians, neighboring cities,  
13 Californians, Americans, and even those concerned,  
14 literally, around the world.

15 Now, we also have the petition signatures.

16 I'm out of time. So I'm just going to say  
17 please do not grant Valero the delay, and please  
18 uphold the planning commission's decision to deny.  
19 Just deny this project.

20 MAYOR PATTERSON: Okay. Thank you very much.

21 Don Mooney?

22 MR. MOONEY: Hello. My name is Don Mooney.

23 I'm from Davis.

24 And there's been a couple folks who said they  
25 don't envy your -- your -- your decision here or

1 your -- your role here, and one of them was one of our  
2 supervisors from Yolo County, Don Saylor.

3 Well, I'd actually disagree with him. I do  
4 envy your opportunity here, because the world is  
5 changing. We have climate change, the Paris -- the  
6 Paris climate talks.

7 We are on the brink of having to make some  
8 really tough decisions, and I envy you folks because  
9 you get to be one of those bodies that makes a  
10 decision that can make a difference.

11 Climate change -- if we're going to address  
12 climate change, it's not going to be addressed by  
13 these big pronouncements from governments, from --  
14 from the Federal Government, from -- whether it be  
15 President Obama or President Sanders. It's going to  
16 be done in the local jurisdictions, like this.

17 Well, we're going to make these -- these,  
18 what are in many ways, big decisions for our local  
19 communities, but in the world, maybe smaller  
20 decisions, but that's where we're going to be  
21 addressing this.

22 The world's economy -- the world's energy and  
23 how we produce energy and use energy is changing, and  
24 you have -- I envy you because you have the  
25 opportunity to be a part of that change by saying "no"

1 to what is really an archaic mode of producing energy.

2 Now, we still use it, but that's not the  
3 direction we're going. And by approving a project  
4 like this, you're just saying, "We're going to go do  
5 what we've always done. We're going to take a step  
6 back."

7 And we're going to actually even take a  
8 step -- further steps back because the product is --  
9 has -- it is so dangerous in terms of the  
10 transportation and volatility of it, that we're even  
11 going to put additional people at risk by -- by taking  
12 those steps backwards.

13 But you have the opportunity to say "no."  
14 This is a new generation, this is a new time, and it  
15 is time for us to make these local decisions that  
16 affect not just us locally, but affleck -- affect the  
17 entire planet, that says, "This is the direction we're  
18 going to go."

19 And one of the examples I'll use, it was just  
20 in the news. Tesla announced their Model 3 car. In a  
21 couple of days -- I thought I got in early to put my  
22 thousand-dollar deposit down. I think I was like  
23 No. 250,000, in two days.

24 There's going -- there -- people know that  
25 there is this change coming. It is already coming,

1 and you have that opportunity, and I envy you that --  
2 envy that because you have that opportunity.

3 I'll also say -- I'll also comment that I'm a  
4 lawyer. I do environmental law. I represent citizen  
5 groups and environmental groups throughout the state,  
6 and I've been doing it for about 25 years.

7 I have probably participated in 200, 250,  
8 maybe 300, matters, projects -- you know, opposing  
9 projects, working on -- generally opposing projects or  
10 helping people, citizen groups, with projects.

11 I have never seen, in 25 years, a project  
12 where there's been such uniform opposition by  
13 environmental groups, politicians, public agencies,  
14 regulatory agencies that have all stood up for many --  
15 many of the same reasons, climate change reasons, the  
16 safety reasons.

17 But it is -- it is -- to me, it is  
18 unbelievable, it is almost unimaginable, from what  
19 I've seen in 25 years, that there is this much uniform  
20 opposition to this project and uniform opposition  
21 because they know the times are changing, and I just  
22 hope you folks take that opportunity to be part of  
23 that change.

24 Thank you.

25 MAYOR PATTERSON: Thank you very much.

1           Samantha McCarthy, Madeline Koster, Mike Regan,  
2           Leanne Cawley.

3           MS. MCCARTHY: Hello. I'm also from Davis.  
4           I happen to live very close by. I happen to go to the  
5           gym directly across the street from the train tracks.  
6           Our office is downtown, tenth of a mile, maybe, from  
7           the train tracks.

8           That's not what brought me here tonight.

9           What brought me here tonight is I have a  
10          teenage daughter. She's so excited. She just did a  
11          program in the Costa Rican rainforest on the cloud  
12          forest and climate change. She is changing. She  
13          wanted to be a politician. She now wants to do  
14          environmental policy.

15          She couldn't be here tonight. I'm here to  
16          speak for her because it's her future that I'm  
17          speaking for.

18          This is an archaic form of -- of energy.  
19          What we're looking at are these signs that the people  
20          are saying this is good for Benicia. It's not good  
21          for Benicia. It's not good for anyone. Benicia is  
22          not in a bubble.

23          Benicia is a small town, as are all the small  
24          towns that would be along the way, coming all the way  
25          from Canada. All those people, all their children,

1 everyone is affected. They're affected because times  
2 are changing, and this is not the way to go.

3 They're affected because -- someone mentioned  
4 that legislation -- "California is not producing this.  
5 We have to step up. We have to -- rules are coming,  
6 and we can't do any more."

7 We can't do any more because no one should be  
8 doing it anymore. This is a time to change. It  
9 starts here.

10 The rules, the regulations, are changing.  
11 It's not going to be being produced. There --  
12 alternative energies are coming in. It's the wave of  
13 the future. You're going to be doing what is  
14 economically bad for Benicia.

15 CEQA is very often looked at as an economic  
16 statute. It's looked at that way because those are  
17 the balances.

18 And when you look at it as being bad for  
19 Benicia, it's bad economically for Benicia, it's bad  
20 economically for the region, it's bad for small  
21 business people, it's bad for schools, it's bad for  
22 health, it's bad for just about everything that could  
23 possibly be considered, and it's not in a bubble.

24 And when you look at it and you look at the  
25 aging transportation system and infrastructure in this

1 city -- I mean, in this country, you're finding things  
2 like Flint, Michigan. You're finding horrible  
3 transportation problems.

4 Look at the funding issues in the country, in  
5 congress, in the state legislature. It's  
6 infrastructure, it's aging, it's decrepit, it's going  
7 away.

8 It's going away, it's aging, it's decrepit,  
9 mostly because it's based on an outdated system and  
10 outdated energy policies and outdated economics. It's  
11 time to change that. Benicia can start that. That is  
12 along the lines of CEQA.

13 And "due process," whatever that might mean.  
14 Well, it's been going on for years and years and years  
15 and years. The people of Benicia, the people in the  
16 surrounding counties, the legislatures, other people  
17 are in -- who have commented shouldn't have to wait  
18 any longer. There's no more time. It's gone on for  
19 years.

20 Listen to the planning commission. Deny the  
21 project. You can do it now. You should do it  
22 tonight.

23 MAYOR PATTERSON: Madeline Koster, Mike Regan,  
24 Leanne Crow -- Cawley, Bill Pinkham.

25 MS. KOSTER: Yes. Hello. I'm really glad I

1 stayed.

2 And someone also mentioned the Golden Rule;  
3 Kathy did, Kathy Kerridge. I was surprised. But we  
4 all know the Golden Rule, "Do unto others as you would  
5 have others do unto you."

6 And I have incredible respect and admiration  
7 for so many people here who have spoken in -- their  
8 concern about people up rail from Benicia and all of  
9 the possible horrible things that could happen.

10 But I have to admit that I'm here tonight for  
11 extremely selfish reasons, and that's because I live  
12 within 500 feet of the Valero refinery, and when I  
13 bought the house 31 years ago, although it took me all  
14 those years to pay for it, and I'm now a retired  
15 teacher, so I worked for this, you know, I knew where  
16 the house was.

17 But the thing is that the fugitive emissions  
18 from 180-foot tanks every 24 hours is a very, very  
19 serious thing.

20 At this time, Valero unloads one tank of  
21 crude oil, and so there's one opening and connection  
22 to the storage. And I don't know all the engineering  
23 facts about it. I'm -- I'm not a physicist. I've had  
24 some background in science, but I have to admit, I  
25 haven't really looked into all the actual details.

1           But I do know that even though Valero might  
2 be one of the best -- and, you know, I know a lot of  
3 the employees are very sincerely aligned to Valero;  
4 they want to continue working there -- there are  
5 accidents that occur.

6           And a few years ago, there was an accident.  
7 From my house, we saw a fire in the sky, and when I  
8 called the Bay Area quality board, they said there was  
9 a broken pipe.

10           Now, why would it bother me if instead of one  
11 tank of crude being opened every week, or even every  
12 day, there would be 100 tanks?

13           Because the chemicals that are put into the  
14 extra crude are -- they have to put an extreme number  
15 of chemicals in there in order to get them into the  
16 tanks. And many of those chemicals, like benzene, as  
17 was previously mentioned, are carcinogenic.

18           Now, on February 28th, if I have the date  
19 correct, it was the morning, I'd -- I guess it was  
20 warm enough because I had my bedroom window open, or  
21 the other windows across the hall from my bedroom, and  
22 I could smell this. I could smell something at  
23 6:30 a.m., which got me up and wondering.

24           And after a while, I did call the Bay Area  
25 quality management board, and it was simply the

1 five-year turnaround. But I could smell it for hours,  
2 and everyone in my neighborhood that I talked to could  
3 smell it.

4 So if something like that, which is, of  
5 course, a healthy thing that Valero is doing, then  
6 what if it was a carcinogenic chem- -- carcinogenic  
7 chemical coming from there? How long before we would  
8 all have cancer?

9 And, you know, I'm paying Kaiser a lot of  
10 money, but they still don't have the cure, and health  
11 is wealth.

12 So even if Valero does give more money to the  
13 city, what's the point?

14 Many of the city staff don't live here, and  
15 one of the city staff actually told me that, "Oh,  
16 this -- what's quoted in the DEIR," you know, "'The  
17 environmental analysis indicates there would be  
18 significant and unavoidable impact associated with air  
19 quality and greenhouse gas emissions, hazards, and  
20 hazardous materials,' "oh, that would be less from the  
21 trains than by the tank."

22 Well, if you figure that two trains would be  
23 about a mile and a half long and if those are  
24 traveling on the railroad from North Dakota to  
25 California, I mean, I'd have to calculate the number

1 of gallons per mile that that would take to pull a  
2 train, or, you know, the two trains, compared to the  
3 gasoline that it takes to pull a ship.

4 But nonetheless, the hazardous air quality  
5 that I'm concerned with is in my back yard, and  
6 actually in yours because it would eventually come  
7 down here, you know, even if you live along the water.

8 But, you know, it's -- maybe it's a  
9 working-class neighborhood up there, but we still paid  
10 to live in Benicia, and we still do love it.

11 Thank you.

12 MAYOR PATTERSON: Thanks very much.

13 These are the last two cards. Mike Regan and  
14 Leanne Cawley?

15 So I don't see Mike, but I see Leanne.

16 AUDIENCE MEMBERS: (Inaudible.)

17 MAYOR PATTERSON: Did I say "Bill Pinkham"?

18 AUDIENCE MEMBERS: No.

19 MAYOR PATTERSON: "No."

20 AUDIENCE MEMBERS: No.

21 MAYOR PATTERSON: So that's the last --

22 AUDIENCE MEMBERS: (Inaudible.)

23 MAYOR PATTERSON: I'm sorry. I can't hear  
24 when people are talking. One person at a time.

25 AUDIENCE MEMBER: (Inaudible.)

1           MAYOR PATTERSON:  So if I haven't called your  
2 name it's because this stack -- and we quit at 11:00,  
3 as announced, and we'll have another hearing on the  
4 6th.  So you'll have it -- we'll keep this in order,  
5 and you will be called in order.

6           COUNCILMEMBER SCHWARTZMAN:  (Indicating.)

7           MAYOR PATTERSON:  Okay?  Clear?

8           Last two cards.  Mike Regan?  Last call.  
9           Leanne.

10          AUDIENCE MEMBER:  I think she called him.

11          AUDIENCE MEMBER:  She called him.

12          Didn't you call "Bill Pinkham"?

13          MAYOR PATTERSON:  You know, I thought I did,  
14 and then I put it back down.  So are --

15          MR. PINKHAM:  I believe I was after  
16 (inaudible).

17          MAYOR PATTERSON:  Okay.  So we're close to  
18 11:00.  So unless there's an objection --

19          MR. PINKHAM:  Yeah.

20          MAYOR PATTERSON:  No, no, no, no, no.  I'm  
21 sorry.

22          MR. PINKHAM:  Yeah.

23          MAYOR PATTERSON:  Leanne is first --

24          MR. PINKHAM:  Oh, okay.

25          MAYOR PATTERSON:  -- and then Bill.  And Bill

1 will be the last one, and then I'll re-explain what  
2 the -- the process is, just so you can all leave with  
3 the same information.

4 Leanne?

5 MS. CAWLEY: Mayor Patterson --

6 MAYOR PATTERSON: It's all yours.

7 MS. CAWLEY: Mayor Patterson and City Council,  
8 my name is Leanne Cawley. I'm a 40-year resident of  
9 this fine city of Benicia and also a business owner,  
10 along with my husband Bill, of Benicia Plumbing.

11 I just want to take this opportunity to thank  
12 you for allowing me to speak in support of this  
13 project this evening.

14 I have lived in Benicia for more than  
15 40 years. I love this city, as everyone knows, and I  
16 like the feel, and I appreciate the tight-knit  
17 community that we all experience as Benicians.

18 Not only does Valero employ so many of our  
19 citizens, but the millions of dollars in tax revenue  
20 from Valero each year is vital to maintain the quality  
21 of life that we all know and love as Benicia  
22 residents.

23 If we want to continue to invest in the  
24 long-term prosperity of Benicia, we must support its  
25 largest industry and employer.

1           It is important that the city council review  
2 the opinion of the Surface Transportation Board to  
3 ensure that our city is protected from potential  
4 unnecessary costly litigation that could be -- that  
5 could alter our way of life.

6           Thank you.

7           MAYOR PATTERSON: Thank you, Leanne.

8           Okay. Bill, you're up, and you're the last,  
9 and then I'll just re- -- restate how we're going to  
10 do this process.

11          MR. PINKHAM: Sorry about the confusion.

12          Thanks very much, and thanks for hanging in  
13 there, Madam Mayor and Councilmembers.

14          I'm Bill Pinkham from Richmond, where we are  
15 no strangers to crude oil accidents. A fire and  
16 explosion at Chevron in 2012 sent 15,000 of my fellow  
17 citizens to the hospital.

18          National Chemical Safety Board found that  
19 Chevron was willfully negligent. So you can imagine  
20 that we're not totally confident in what some of the  
21 refineries say.

22          I'm also with the Sunflower Alliance and the  
23 Richmond Environmental Justice Coalition.

24          Now, of course, we have to worry about this  
25 big accident that everybody has been talking about.

1 Personally, I live within a quarter mile of the  
2 railroad tracks, and as you know, the blast zone is  
3 usually considered to be a mile in diameter.

4 Of course, a blast like that would pretty  
5 much level Benicia.

6 I'd just like to give you a few facts.

7 Of the 31 derailments of trains carrying  
8 ethanol or crude oil since 2013, about two thirds of  
9 those resulted in spills, fires and/or explosions.  
10 The U.S. Department of Transportation anticipates  
11 about 10 similar accidents per year for the  
12 foreseeable future.

13 Now, given the 18-fold in injuries in the  
14 number of oil trains from 2010 to 2014, there might  
15 just be a few more.

16 There are about 2,000 collisions between  
17 trains and motor vehicles at railroad crossings every  
18 year. The -- oh, the most recent was yesterday.

19 If you looked at your "Contra Costa Times," a  
20 train in Charl- -- in Chester, Pennsylvania, hit a  
21 backhoe, derailed. And, fortunately, it was an Amtrak  
22 train. Unfortunately, two people were killed, and a  
23 number of people went to the hospital.

24 The biggest cause of derailments, however, is  
25 track failure, about 59 percent of the cases. Most of

1 our rail network, as you probably know, is very old  
2 and suspect, and the repairs are mostly piecemeal.

3 Tank cars are especially heavy and cause  
4 faster deterioration of the rails. Each one of the  
5 Dot-111 cars, the common cars that carry oil, they  
6 carry a maximum of 34,500 gallons of crude. Average  
7 weight of a gallon of crude is seven pounds, and the  
8 average dry weight of a car is 65,000 pounds.

9 So a full car can weigh 306,500 pounds.

10 Oil unit trains are sometimes a hundred cars  
11 long, but these are -- supposedly, they're going to  
12 put 50-car trains, which means that train would --  
13 with the -- a section of track would have a train  
14 going over it that would weigh a total of  
15 15,325,000 pounds.

16 Last year in Richmond, we had a conference of  
17 railroad workers and concerned citizens. What the  
18 workers told us had our -- just had us shaking our  
19 heads.

20 Most trains -- we learned that most trains --  
21 almost all trains are run by two people. A number of  
22 the railroad companies want to reduce that to one.  
23 God help us if he has a heart attack.

24 And the one that really got me was when a --  
25 when an engineer brings a train in, let's say it's at

1 10 o'clock at night, and if they call him at 3:00 in  
2 the morning, and that happens, he has to take that  
3 train. Why? Because if he refuses twice, he's fired.

4 Unbelievable.

5 So anyway, I hope you'll consider these  
6 really scary facts and reject this very scary project.

7 Thank you.

8 MAYOR PATTERSON: Thank you very much.

9 So thank you very much. You've been great.  
10 Haven't had too many hiccups here.

11 Here's the stack of cards of the folks who  
12 didn't called. So if you put a card in and you  
13 weren't called, your -- your name is in the stack.

14 As I said earlier, the staff is going to work  
15 really hard to get these names typed up and then  
16 posted so that you will see the order, I guess, that  
17 they will be called.

18 Is that correct?

19 UNIDENTIFIED SPEAKER: Yes.

20 MAYOR PATTERSON: And the next meeting is on  
21 April 6th, which is Wednesday, and it starts at 7:00,  
22 and, again, we'll go until 11:00.

23 We may finish public comment. That's  
24 possible. We'll have -- we do have additional  
25 questions from council that we want to cover, and I

1 have -- I see an outstanding couple of questions.

2 If we don't finish public comment on the 6th,  
3 then we'll continue that until the 18th, at which time  
4 if we do close the public comment, we'll begin  
5 deliberations. If we don't necessarily finish our  
6 deliberations on the 18th, then we could go into the  
7 19th.

8 So questions on the process?

9 COUNCILMEMBER SCHWARTZMAN: I just wanted  
10 to -- to mention that even though there's just this  
11 stack of cards, it doesn't mean that more people can't  
12 come down to future meetings.

13 MAYOR PATTERSON: Good clarification.

14 Absolutely true. More people can come and  
15 submit cards. And then, also, even at the end of the  
16 card submittal, if there are people who wish to speak,  
17 then you may do so as well.

18 So, again, this is making every opportunity  
19 for public comment, to be as thorough as possible, and  
20 then also to give council an opportunity to ask their  
21 questions, that you can hear those questions, and then  
22 the answers will come back, either that same evening,  
23 not likely, but we could try that, or the following  
24 meeting.

25 All right?

1 We have a point of order question from --

2 UNIDENTIFIED SPEAKER: (Inaudible.)

3 MAYOR PATTERSON: Oh. And Vice Mayor Hughes.

4 Let me take Vice Mayor Hughes first and then  
5 the city attorney and then a point of order.

6 VICE MAYOR HUGHES: Okay. It -- it -- it may  
7 be the same.

8 I believe we have to vote on adding the  
9 April 18th meeting.

10 MAYOR PATTERSON: Thank you so much. You  
11 didn't -- you know, you should have raised your hand  
12 and waived it about and said, "You forgot. You  
13 forgot."

14 So, Ms. McLaughlin, was that your point?

15 MS. McLAUGHLIN: Well, that was partially my  
16 point, and my other point was we were thinking of  
17 releasing the consultants and Mr. Hogin to not attend  
18 on Wednesday so they can come back on the 18th or 19th  
19 to answer questions, since they can watch the hearing  
20 on the web.

21 MAYOR PATTERSON: Well, that seems reasonable,  
22 to me.

23 Is there any concern about that?

24 Councilmember --

25 COUNCILMEMBER SCHWARTZMAN: It looks like

1 your stack is big enough to -- it's going to take up  
2 at least one more night.

3 MAYOR PATTERSON: I think it will take up at  
4 least one more night. Besides, but she can watch it  
5 from afar; right?

6 VICE MAYOR HUGHES: With great -- with great  
7 interest.

8 MAYOR PATTERSON: Yeah.

9 (Laughter)

10 MAYOR PATTERSON: Any other thing?

11 MS. McLAUGHLIN: Thank you.

12 MAYOR PATTERSON: And then the --

13 VICE MAYOR HUGHES: (Inaudible.)

14 MAYOR PATTERSON. -- and then the point --  
15 point of order?

16 AUDIENCE MEMBER: Yes. We were wondering  
17 (inaudible) names called (inaudible).

18 MAYOR PATTERSON: Yeah. So good question.

19 Ms. Ratcliffe?

20 MS. RATCLIFFE: We were planning on posting  
21 it on the Crude by Rail website, on that section of  
22 the City's page, and then the Valero Crude by Rail  
23 website, the appeal of the city council.

24 Does that sound right?

25 MS. MILLION: (Nods head affirmatively.)

1 MS. RATCLIFFE: So those are there.

2 MAYOR PATTERSON: Okay.

3 MS. RATCLIFFE: Or anyone who has our e-mails  
4 can ask as well.

5 MAYOR PATTERSON: Any other questions, point  
6 of order?

7 Yes?

8 AUDIENCE MEMBER: I'm not going to be here  
9 the next time. So I can't --

10 MAYOR PATTERSON: (Indicating.)

11 AUDIENCE MEMBER: I mean, my name's on the  
12 list, but I'm not going to be able to be here the next  
13 two times. So I don't -- I didn't notice you call my  
14 name --

15 MAYOR PATTERSON: So -- I can't hear you  
16 because -- but I think I heard that part.

17 So after the meeting tonight, stay after and  
18 we'll work it out with staff; okay?

19 All right. So I'm looking for a motion to  
20 add the date.

21 VICE MAYOR HUGHES: So moved.

22 THE CLERK: What -- which date?

23 VICE MAYOR HUGHES: April 18th.

24 MAYOR PATTERSON: April 18th.

25 COUNCILMEMBER STRAWBRIDGE: Second.

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MAYOR PATTERSON: Call the roll, please.

THE CLERK: I'm sorry. Who made the motion?

MAYOR PATTERSON: Vice Mayor Hughes.

THE CLERK: Second by Strawbridge.

Councilmembers Campbell?

COUNCILMEMBER CAMPBELL: Yes.

THE CLERK: Hughes?

VICE MAYOR HUGHES: Yes.

THE CLERK: Schwartzman?

COUNCILMEMBER SCHWARTZMAN: Yes.

THE CLERK: Strawbridge?

COUNCILMEMBER STRAWBRIDGE: Yes.

THE CLERK: And Mayor Patterson?

MAYOR PATTERSON: Yes.

Without objection, we are adjourned.

(End of Reporter's Transcript of Recorded  
Proceedings)

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CERTIFICATE  
OF  
CERTIFIED SHORTHAND REPORTER

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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing recorded proceedings were furnished via digital medium, reported by me stenographically, and later transcribed into typewriting under my direction; that the foregoing is an accurate transcription of the recorded material.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney or any of the parties.

IN WITNESS WHEREOF, I have subscribed my name this date: April 18, 2016.

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ANNIE DOEZIE, CSR NO. 8478