

**Valero Crude by Rail Project**  
**Public Comments received July 2- July 5, 2013**

Commenter	Date Received
California Public Utilities Commission	2-Jul-13
Cement Masons Local 400	2-Jul-13
Dan Smith	2-Jul-13
Heat and Frost Insulators and Allied Workers Local Union No. 16	5-Jul-13

## PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500  
LOS ANGELES, CA 90013  
(213) 576-7083



July 2, 2013

Charlie Knox  
City of Benicia  
250 E. L Street  
Benicia, California 94510

Dear Mr. Knox:

Re: SCH# 2013052074; Valero Crude Oil by Rail Project, Valero Benicia Refinery DMND

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires the Commission approval for construction or alteration of crossings and grants the Commission exclusive power on design, alteration, and/or closure of crossings in California. The Commission's Rail Crossings Engineering Section (RCES) has received a copy of the *draft Mitigated Negative Declaration (Land Use Permit Application)* from the State Clearinghouse for the proposed Valero Crude by Rail Project. The City of Benicia (City) is the lead agency.

According to the Land Use Permit Application, Valero Benicia Refinery proposes to construct two (2) offloading rail spurs, a parallel engine runaround track and a "wye connector" track on the refinery property to allow receipt of rail cars at the offloading racks. The traffic associated with the project would be two freight trains per day. These proposed tracks will be connected to the existing Union Pacific Railroad (UPRR) tracks.

The proposed project would affect the existing at-grade highway-rail crossing at Park Road (CPUC # 001-37.32-C) and near Bayshore Road. The potential project impacts on the existing and proposed at-grade crossings along the tracks which serve or are near the Valero Benicia Refinery should be identified, discussed and evaluated for necessary safety improvements and mitigations. This includes considering traffic queuing, weaving, emergency service response, pedestrian circulation patterns or destinations with respect to railroad right-of-way, and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad right-of-way. All identified crossings shall also comply with the requirements of California Manual on Uniform Traffic Control Devices.

The new tracks shall be constructed in accordance with the Commission General Order (GO) Nos. 26-D (Clearance on railroads and street railroads as to side and overhead structures, parallel tracks and crossings), 72-B (Construction and maintenance – standard

Charlie Knox  
Page 2 of 2  
July 2, 2013

types of pavement construction at railroad grade crossings) and 75-D (Warning devices for at-grade railroad crossings).

Construction of a new public crossing or modification of an existing public crossing requires authorization from the Commission, through the formal application or the General Order (GO) 88-B request processes, respectively. Prior to submission of a formal application or GO 88-B request, the City should arrange a diagnostic meeting with RCES and UPRR to discuss relevant safety issues and requirements for the Commission's authorization. While construction of private crossings may not need the Commission's authorization, compliance with the Commission's GO 26-D (Clearances on Railroads and Street Railroads as to Side and Overhead Structures, Parallel Tracks and Crossings) and GO 75-B (Regulations Governing Standards for Warning Devices for At-Grade Highway-Rail Crossing) standards are still required. RCES representatives are available for consultation on crossing safety matters. See the link for more information:  
<http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/index.htm>.

If you have any questions in this matter, please contact Ken Chiang at (213) 576-7076, [yen.chiang@cpuc.ca.gov](mailto:yen.chiang@cpuc.ca.gov), or Daniellia Fristoe at (916) 928-2108, [dvm@cpuc.ca.gov](mailto:dvm@cpuc.ca.gov).

Sincerely,



Ken Chiang, P.E.  
Utilities Engineer  
Rail Crossings Engineering Section  
Safety and Enforcement Division

C: State Clearinghouse  
Daniellia Fristoe

# CEMENT MASONS LOCAL 400

810 W. STADIUM  
SACRAMENTO, CA 95834



SAN JOSE, CA 95125  
2102 ALMADEN RD  
SUITE 118  
(408) 266-9160

STOCKTON, CA 95205  
2350 EAST MAIN ST  
(209) 466-0602

VALLEJO, CA 94590  
404 NEBRASKA ST  
(707) 644-8423

CHICO / REDDING  
818 WALL STREET  
CHICO, CA 95928  
(530) 342-7872

July 2, 2013



City of Benicia Community Development Department  
Ms. Amy Million  
250 East L Street  
Benicia, ca 94510

Dear Ms. Million,

The Cement Masons Local 400 is an active member of the Napa-Solano Building and Construction Trades Council. Our Council recently met with Valero to review the proposed Crude by Rail project at the Benicia Refinery. We believe this is a good project for our community and can provide continuing work opportunities for our members. We encourage your approval of the project.

Finally, we appreciate the effort Valero has taken to engage all the members of the Napa-Solano Building and Construction Trades Council on this job and we look forward to continuing our positive working relationship with Valero.

Respectfully,

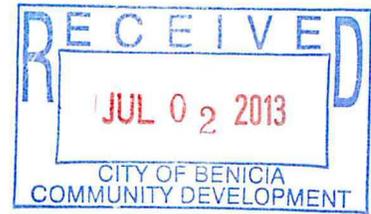
A handwritten signature in blue ink that reads "Ben Espinoza".

Ben Espinoza  
Senior Business Agent  
Cement Masons Local 400

## Amy Million - Fwd: letter re Valero proposal

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**From:** Brad Kilger  
**To:** Amy Million  
**Date:** 7/2/2013 11:44 AM  
**Subject:** Fwd: letter re Valero proposal



>>> SmithFamily <smithdandy@aol.com> 7/2/2013 9:56 AM >>>

Dear Brad,

I am writing out of concern for the Benicia Valero proposal for a rail terminal to bring crude to the refinery. I would like to know all we can about the possible environmental impacts of such a plan. Therefore, I do not believe a negative declaration is sufficient environmental review and strongly encourage that the city require an EIR for the project. One look at Valero's corporate bottom line tells you they can afford that much protection for Benicia residents.

Thanks for your time,

Dan Smith  
365 Military East

SmithFamily  
smithdandy@aol.com

# Heat and Frost Insulators and Allied Workers Local Union No. 16

AFFILIATED WITH THE AFL-CIO AND BUILDING AND CONSTRUCTION TRADES DEPARTMENT

3801 PARK ROAD  
BENICIA, CA 94510



(707) 748-1616  
FAX (707) 748-1620  
www.insulators16-wica.com

City of Benicia  
Attn: Brad Kilger, City Manager  
250 East L Street  
Benicia, CA 94510



July 3, 2013

RE: Valero Crude By Rail

Dear Mr. Kilger:

I am writing as a Benicia Industrial Park business and a strong supporter of the proposed project at Valero to bring in crude by railcar.

Our office staff, members and apprentice trainees commute to and from our facility daily and do not encounter excessive delays from railcar crossings in and around the industrial park.

We are excited to see both the city and local businesses investing in these types of infrastructure projects that will ultimately bring more growth and business opportunities to our area. The newly repaved area on Park road has given this area a badly needed facelift and we believe the Crude by Rail is another step forward in revitalizing the Industrial Park area which will bring prosperity to the city.

Should you have any questions, or would like to discuss the issue further, please contact me at the number listed above. You are also welcome to stop by our office and training facilities.

Thank you for your time and consideration in this matter.

Respectfully,

Melvin L. Breshears  
Business Manager