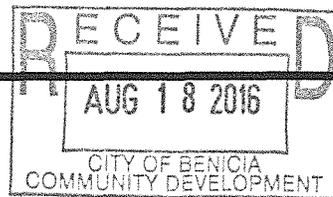


**Valero Crude by Rail Project
Public Comments received
July 20 - August 31, 2016**

Commenter	Date Received
Individual Comments	
Roger Straw	18-Aug-16

Amy Million



From: rogrmail@gmail.com
Sent: Thursday, August 18, 2016 9:21 AM
To: Amy Million
Cc: Elizabeth Patterson; Tom Campbell; Alan Schwartzman; Christina Strawbridge; Steve Salomon; Christina Ratcliffe; Mark Hughes; Heather McLaughlin
Subject: Comment on Valero Crude by Rail - FRA Update on Positive Train Control

For the record on Valero Crude by Rail:

In October 2015 I sent an email (below) citing a report by the Federal Railroad Administration that Union Pacific hadn't fully equipped ANY of its 6,532 locomotives.

A new report has just been released by the FRA, and the news is not good. According to an Associated Press report, "Progress varies considerably by railroad. For example, BNSF has equipped 4,309 of its 5,000 locomotives, but Union Pacific has equipped only 13 of its 5,656 locomotives." [See <http://www.recorder.com/Railroads-show-little-progress-on-key-safety-technology-4167711>]

I continue to be seriously concerned that a Benicia decision to permit Valero's proposal before PTC is in place would endanger workers in our Industrial Park, residents and school children nearby, and communities and open spaces all along the rail route.

There are considerable local impacts and failures of the environmental review sufficient to deny Valero's proposal. However, if Council chooses to permit the project, I would highly recommend that we impose a condition that PTC be fully implemented – on all tracks and all locomotives – before any shipments of crude by rail are received by Valero. I believe such a condition would be permissible despite federal preemption law, under Benicia's constitutionally guaranteed local police powers to protect the health and safety of Benicia residents and workers.

Roger Straw
Benicia, California

From: rogrmail@gmail.com [mailto:rogrmail@gmail.com]
Sent: Monday, October 26, 2015 10:33 AM
To: 'Amy Million'
Subject: Comment on Valero DEIR

By email from Roger Straw
Benicia, CA

To: Amy Million, Benicia Principal Planner, Benicia Community Development Department;
Benicia Planning Commissioners and City Council

Please submit my comment as follows for the record on Valero Crude By Rail's Revised DEIR and forward my comment on to Planning Commissioners and the City Council:

The RDEIR states (p. 2-92, PFD p. 104), "Most of the mainline routes between the Refinery and the stateline that would be used for the proposed project have been upgraded to include PTC [Positive Train Control]....etc. (Revised DEIR Appendix F, citing UPRR, 2014b)."

In my previous comment, I stated that I doubt this is true.

"I would like to see convincing detail and confirmation of that statement. The claim being made here does not square with national reports showing a widespread lack of progress toward implementation of PTC by the end of 2015 as required by law. There are significant railroad lobbying efforts to persuade Congress to extend the deadline, and I wouldn't be at all surprised to learn that UP has in fact NOT upgraded many segments of the rail routes being proposed."

A Washington Post article dated 10/25/2015, "Deadline for train safety technology undercut by industry lobbying," confirms my position (noted highlighted text):

"The railroads say they've already spent \$5.7 billion on PTC installation and are committed to finishing the job. None will meet the Dec. 31 deadline.

"'It doesn't matter how fast the bear is that's chasing you, if you're running as fast as you can, you can't run any faster,' said Frank Lonergo, vice president of the freight rail carrier CSX, which operates more than 21,000 miles of rail in 23 eastern states, Washington and two Canadian provinces.

"Some of the big railroads have made progress, while others lag far behind.

"One of the largest, the BNSF Railway, has made substantial progress. At the other end of the spectrum, Union Pacific hasn't fully equipped any of its 6,532 locomotives, according to a Federal Railroad Administration report released in August.

"'Union Pacific is pretending [the deadline] is not happening,' said one federal official who reviewed the report.

NOTE FOR EMPHASIS: According to the Federal Railroad Administration, "Union Pacific hasn't fully equipped ANY of it's 6,532 locomotives."

A good question might be, where did the City's consultant get its information to include such a blatantly false assertion in the DEIR? Did Union Pacific lie to our consultant? Did Valero? Did one or the other "parse" a statement with a seeming truth that covered the facts?

Over the years since 2008, railroad industry lobbyists and their employers, including executives at Union Pacific, have caused death and injury by failing to install the mandated Positive Train Control systems. With Valero's Crude By Rail proposal, human lives all along the rails and here in Benicia will continue to be at risk without the necessary safety controls.

Please enter the entire article into the public record [Reference:

https://www.washingtonpost.com/local/trafficandcommuting/deadline-for-train-safety-technology-undercut-by-industry-lobbying/2015/10/25/f893446a-2720-11e5-b77f-eb13a215f593_story.html]