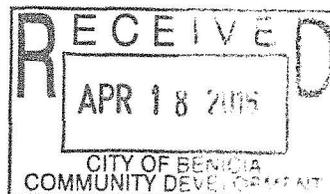
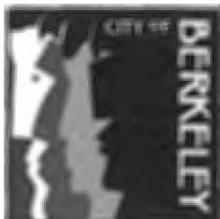


**Valero Crude by Rail Project
Public Comments received
April 15-18, 2016**

| Commenter | Date Received |
|--|---------------|
| Agencies | |
| City of Berkeley | 18-Apr-16 |
| Organizations | |
| City of Benicia Staff response to Benicians for a Safe and Healthy Community letter received April 7, 2016 | 18-Apr-16 |
| Individual Comments | |
| Marilyn Bardet | 15-Apr-16 |
| Jim Church | 15-Apr-16 |
| Giovanna Isolari | 15-Apr-16 |
| Janette Wolf | 15-Apr-16 |
| Jan Cox-Golovich | 18-Apr-16 |
| David and Jeanette Hayes | 18-Apr-16 |
| Amy Holden | 18-Apr-16 |
| Karen Jaques | 18-Apr-16 |
| Anne Petty | 18-Apr-16 |
| Richard Slizeski | 18-Apr-16 |
| Roger Straw | 18-Apr-16 |
| Maria Streifer | 18-Apr-16 |
| C. Bart Sullivan | 18-Apr-16 |
| Idential Comments | |
| "I support the Valero Crude by Rail Project" | |
| Catherine Dugger (sample attached) | 18-Apr-16 |
| Michael Wilkinson | 18-Apr-16 |
| Eddie Pereira | 18-Apr-16 |
| Todd Peteres | 18-Apr-16 |
| Joseph Rizzi | 18-Apr-16 |
| David Frank | 18-Apr-16 |
| Michael Petrellese | 18-Apr-16 |
| Rudy Grisham | 18-Apr-16 |
| Leann Cawley | 18-Apr-16 |
| Mr & Mrs Ed Yarbrough | 18-Apr-16 |
| Duayne Weiler | 18-Apr-16 |



Office of the Mayor

April 18, 2016

Mayor Elizabeth Patterson
City Council Members Tom Campbell, Mark Hughes, Alan Schwartzman, Christina Strawbridge
Principal Planner Amy Million
City of Benicia
Benicia, California

Dear Mayor Patterson; Council Members Campbell, Hughes, Schwartzman, Strawbridge; and Ms. Million:

I ask you to uphold the Benicia Planning Commission's decision to withhold certification from the Valero Refining Company's Crude-by-Rail project. I believe the risks of this dangerous rail spur far outweigh possible benefits.

I agree with Attorney General Kamala Harris and environmental and community groups and that the Interstate Commerce Commission Termination Act does not prevent the City from assessing the transportation and public-safety risks when considering the project under its land-use authority.^[1] The issue is one of local land use not pre-empted by federal regulation.

Another chief reason for not approving the project is that the CEQA analysis did not assess all of the project's potential environmental impacts, including its impacts on other cities.^[3] Allowing up to two 50-car trains of crude oil a day to come into the Valero refinery exposes Benicia and other communities to major safety risks, especially given the history of train derailment in recent times, both nationally and internationally.^[2] An oil spill could be catastrophic to the local environment and waterways. Moreover, the transport of crude oil will emit toxic pollutants not adequately assessed in the environmental review, thus contaminating the air breathed by your residents and those of other communities as well.

The Berkeley City Council has reviewed the issue of transporting crude oil on the freight lines in the East Bay and has gone on record in unanimous opposition to such transport because of the unacceptable level of hazardous risk, including to Berkeley. The Union Pacific tracks are embedded in our West Berkeley community where people live, work and go to school.

I ask that you not approve this rail spur until the volatile organics are removed from these crude oil shipments and the railroads are upgraded to modern standards to handle such shipments.

Sincerely,

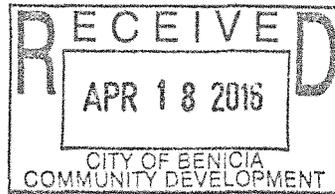
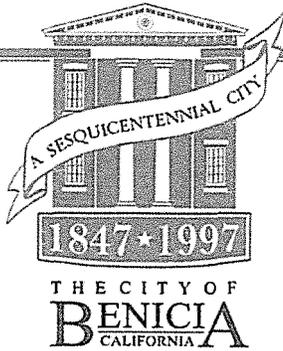
A handwritten signature in cursive that reads "Tom Bates".

Tom Bates, Mayor

^[1] http://beniciaindependent.com/wp-content/uploads/2016/04/AttyGenl_Kamala_Harris_Comments_Received_April_13-14_2016.pdf

^[3] <http://beniciaindependent.com/topics/final-draft-environmental-impact-report-feir/>

^[2] <http://ww2.kqed.org/science/2014/07/11/benicia-extends-public-comment-period-on-bay-area-crude-by-rail/>



April 18, 2016

Katherine Black,
Steering Committee Chair
Benicians for a Safe and Healthy Community
P.O. Box 622
Benicia, CA 94510

Dear Ms. Black,

Thank you for your patience. I am responding to your letter of April 6, 2016 regarding the scroll of signed petitions shown during the public comment period on April 4, 2016.

I want to apologize for any misunderstanding that staff was calling the integrity of BSHC into question. This was not our intent. We are all cognizant of the amount of time and dedication BSHC has shown since this project began.

Let me start by explaining that everything anyone submits to Council at a public hearing on any subject becomes part of the public record. The record consists of all testimony or comment presented at the hearing and all documents or exhibits that have been submitted in connection with the matter being considered.

This includes the typed document you submitted, as well as the petition and Roger Straw's note. The unrolling of the scroll at the public hearing showing the signatures was meant to make a powerful point, and it did. It was submitted for Council review, and should be included in the public record.

It does not matter who submitted the petition; BSHC, Valero, or anyone else. It is part of the public record. That is why the City Attorney and I tried to carefully pick up the scroll at the Council meeting, so that it could be included.

The staff memo that is included in the public record that we were not permitted to take the petition was correct. That we could not say whether the typed version was the same as the petition is also correct. Roger's note submitted at the meeting said that the typed list "...included the names on the petition..." It was later clarified that the typed list contained many more names from folks both in and outside of Benicia.

I do not have any doubt that the scroll is signed by 1,204 Benicians as you stated. The memo from staff serves to clarify why the signed petition is not included in the public record, and that BSHC states that the names are a part of the typed list that was submitted, in addition to names from outside of Benicia.

You have requested that we remove both Roger Straw's note and staff's memo from the public record. We cannot remove items from the public record. Both the note from Roger Straw and the email from staff will remain. However, both your letter and this response will also be include and, I hope serve to clarify both BSHC and staff's actions.

Finally, I want to address your comments that staff's intent was to discredit BSHC and show bias in favor of Valero. This is not the case. As stated above, our actions would have been the same regardless of who submitted the petition.

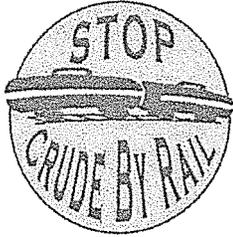
I understand that BSHC does not agree with staff's recommendation to the Council in this matter, but hope that we can communicate our differing views with mutual respect and courtesy.

If you have questions or would like to discuss this matter further, please let me know.

Kindest Regards,

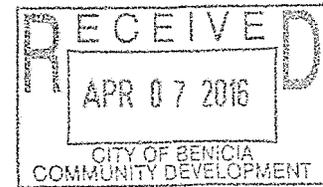


Christina Ratcliffe, AICP
Community Development Director
707-746-4277



**BENICIANS FOR A SAFE AND
HEALTHY COMMUNITY**

P.O. Box 622
Benicia, CA 94510
(707) 742-3597
info@safebenicia.org
SafeBenicia.org



April 6, 2016

Christina Ratcliffe, AICP
Community Development Director
City Hall
250 East L Street,
Benicia, California 94510

Re: Submission of Petition Signatures In
Opposition to Valero's Crude by Rail Project

Dear Ms. Ratcliffe:

I am the Steering Committee Chairperson with *Benicians for a Safe and Healthy Community* ("BSHC"). On Monday, April 4, 2016, during the City Council hearing to receive public comment on Valero's proposed crude by rail project, BSHC presented petition signatures for all of the signatures we gathered during the pendency of this process. As everyone saw, we had previously taped together the pages of signatures that were handwritten, put them on a roll ("Scroll Version") and then unfurled that roll during BSHC's portion of the public comment. At the same time, we submitted a typewritten version for the record ("Typed Version").

Directly after that, not understanding that we had submitted the Typed Version for the record, City Staff presumed the Scroll Version was what we were going to submit, and attempted to physically pick-up the Scroll Version which was on the floor. Roger Straw from BSHC and City staff both attempted to retrieve it at the same time, resulting in a minor struggle for possession. Roger explained what was intended to be submitted and what wasn't. Staff argued with him but eventually gave back the Scroll Version. The City's presumption and resulting misunderstanding caused a minor disturbance during the City Council meeting which BSHC regrets.

Yesterday, the Typed Version was uploaded to the City's website. However, on the cover it included the attached memorandum from City staff which states:

A scroll of signed petitions was shown during the presentation which the representatives for Benicians for a Safe and Healthy Community refused to submit for the record. In its place, they submitted the following typed document and note for the record. Due to the fact that we could not examine the scroll, we cannot verify if the lists are the same.

BSHC considers this memo to reflect a serious prejudice by staff against BSHC and a continuing bias in favor of Valero. It misrepresents our intentions and the legitimacy of the document itself. Staff has no right to include their thoughts about the document or how we wanted it to be presented for the record as a prelude to the submitted document itself.

BSHC's submission, given to staff at the conclusion of our formal verbal presentation, included all legible and confirmed signatures from our local petition along with the extensive list of additional persons who oppose Valero Crude by Rail, gathered from four different online petition signature campaigns.

That extensive list of 4,081 names was itself carefully culled to remove duplicates and formatted for presentation to our City Council representatives. It includes 1,204 Benicia citizens, many of whom are well-known and respected leaders of our community. The Scroll Version only consisted of the handwritten signatures. It would have taken a lot longer than 15 minutes if we were to have printed out and unfurled ALL 4,081 signatures. Everything was merged into the Typed Version which we submitted.

We understand that it could have just been a misunderstanding, and once staff realized that we had another document that was easier to read, more inclusive and more concise, that should have been the end of it. A scroll is not easy to put into the record, or post on line for that matter. It was for demonstration purposes **ONLY**. Council chambers is not a courtroom. City staff has no right to choose what we want to submit and what we don't, nor to make derogatory comments such as, "...refused to submit for the record." What we submit is our choice only, and to interfere with that process impedes the democratic process of the Council hearings.

If the intent of staff's memo is to discredit the submission, that is clearly wrong and completely inappropriate. We have spent three years gathering signatures, and with a brush of a pen, the staff memo puts a shadow on the legitimacy of the entire document. It is not only inappropriate, it is insulting to BSHC and to all of the petition signors, all 4,081 of them. Valero has submitted similar typewritten lists without back-up material. Why wasn't Valero's submission given the same critique?

To remedy this matter, BSHC requests that staff's April 5, 2016 memo on top of the petition signatures be removed from the on-line version and from the record entirely, along with Roger Straw's handwritten note of explanation, as it has no bearing as to the submitted document. The Typed Version submission of 4,081 names should stand on its own, highlighting the broad opposition to Valero's proposal, with no comments regarding the scroll, the document's legitimacy or the inappropriate comments regarding our intentions, "...refusal to submit it for the record."

Please respond to me regarding this matter as soon as possible.

Thank you,



Katherine Black
Steering Committee Chair
Benicians for a Safe and Healthy Community

CC: Mayor Elizabeth Patterson
Vice Mayor Mark Hughes
Council Member Tom Campbell
Council Member Alan Schwartzman
Council Member Christina Strawbridge
City Manager Brad Kilger
City Attorney Heather McLaughlin

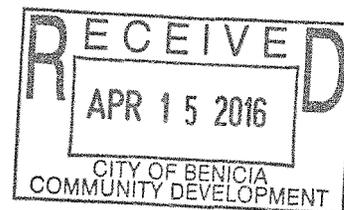
Amy Million

From: Marilyn Bardet <mjbardet@comcast.net>
Sent: Thursday, April 14, 2016 7:21 PM
To: Amy Million
Subject: Fwd: Comment Letter, regarding the Attorney General's Letter
Attachments: 2016-04-14 Valero Benicia CBR Project - AGO Comment Letter.pdf; ATT00001.htm

Hi Amy,

Please include my letter, forwarded below, as part of the public record and comment on Valero's Appeal.

Thank you,
Marilyn



Begin forwarded message:

From: Marilyn Bardet <mjbardet@comcast.net>
Subject: Comment Letter, regarding the Attorney General's Letter
Date: April 14, 2016 at 7:07:17 PM PDT
To: Elizabeth Patterson <epatterson@ci.benicia.ca.us>, Mark Hughes <Mark.Hughes@ci.benicia.ca.us>, Christina.Strawbridge@ci.benicia.ca.us, Alan Schwartzman <Alan.Schwartzman@ci.benicia.ca.us>, Tom Campbell <Tom.Campbell@ci.benicia.ca.us>

Dear Mayor Patterson and Councilmembers Hughs, Strawbridge, Schwartzman and Campbell,

The April 18th Staff Report, for the upcoming hearing on the 18th, was published before the City had received the California Attorney General's latest letter, dated today, April 14th. In case you haven't yet seen it as posted on the City's website, I've attached the pdf below.

The AG's letter upholds the legality of the Planning Commission's decision to deny the FEIR's certification and spells out fundamental reasons why the FEIR cannot and should not be certified on the basis of extreme claims for preemption's scope and authority. The letter also states the limited role of the STB, suggesting the reason to deny Valero's request for delay.

Most pertinent to your deliberations is the letter's footnote # 3: *"To the extent that the Final EIR has not addressed the deficiencies outlined in this Office's previous comment letter, we reiterate the objections to the adequacy of the City's analysis."* [my italics].

I believe that with the the clear and reasoned views of the Attorney General's letter, you may take courage to vote unanimously to deny Valero's appeal, and unanimously uphold the Planning Commission's decisions to deny the FEIR's certification and deny the permit for the Crude By Rail Project. The myriad reasons previously and repeatedly cited in public comments, inclusive of professional experts and attorneys for recognized environmental organizations, should also give you strength for a just consensus decision.

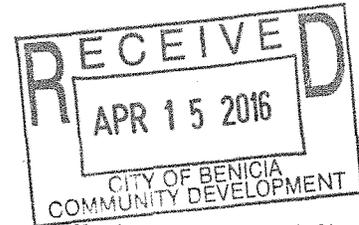
Thank you very much for your consideration.

Most respectfully,

Marilyn Bardet
707-745-9094
333 East K Street
Benicia

Amy Million

From: jchurchster@gmail.com on behalf of James Church <jchurch@library.berkeley.edu>
Sent: Friday, April 15, 2016 12:19 PM
To: Amy Million
Subject: Crude by Rail Comments



Amy,

My family and I have lived in Benicia for 14 years. The last thing we want are polluting and potentially exploding oil trains in our back yard. Please exercise your authority to deny a land permit for Valero's Proposed Crude by Rail facility. The State Attorney General's opinion seems clear: "it would be a prejudicial abuse of discretion for that agency not to consider all of the project's foreseeable impacts in exercising its authority."

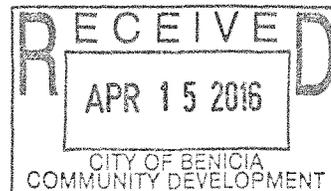
I am very concerned the damage the Valerao facility will incur to the reputation and quality of life in the City, not to mention the price of real estate, if it goes forward. My fear is people will leave Benicia and the city will become the environmental pariah of the Bay Area.

Sincerely,

Jim Church

--

Jim Church
Librarian for Economics, Development Studies, Political Economy
and International and Foreign Government Information
University of California, Berkeley
212 Doe Library
Berkeley, CA 94720 USA
Tel: (510) 768-7611
Email: jchurch@library.berkeley.edu



To: Benicia City Council

April 14, 2016

Thank you for letting me speak in front of the Council on April 6. As I told you I have lived in Benicia since 1993, I taught science in a local High school for 27 years and I now have a small business on First Street.

I diligently attended the meeting of the Planning Commission dealing with Valero's request for a permit to build a railway spur to receive trains that will carry volatile crude oil from the fields in North America, through aging tracks and delicate environments, into the Benicia refinery. I heard an overwhelming outcry in opposition to this dangerous project, not only from the good citizens of Benicia, but from a great number of up-rail communities as well government representatives throughout Northern California.

The Planning Commission did an outstanding job listening to all the evidence presented to them and they unanimously voted to not authorize the EIR and to deny the permit for this project. In their careful comments, before their vote, they each outlined their opposition emphasizing why this project is NOT good for Benicia.

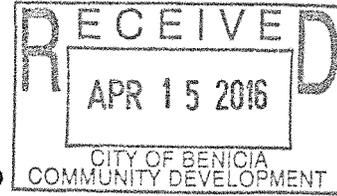
I agree with the unanimous decision of the planning commission and I urge you to not delay in making the decision to deny this permit. You now also have the backing of the Attorney General who said that the Planning Commission and the City Council has every right to deny a land use permit for Valero's proposed Crude by Rail offloading rack.

This project is NOT good for the health and safety of the citizens of Benicia. Fossil fuels are not good for the future of our community and our planet. We must invest in sustainable energy resources, and we are so lucky to live in an area that can provide us with power from the sun, wind and even the water.

As you vote please remember the young people of our community who will have to live with your decision for many years to come. This is a turning point in the future of our planet and you are so lucky to be the leaders who can make a decision that can move us towards a more sustainable future.

Sincerely
Giovanna Sena-Istoric
63 Buena Vista

April 6, 2016



City Council Meeting re: Valero

My name is Janette Wolf, and I'm a Benicia resident. I don't normally get involved in political causes, but I'm here because I feel passionately about our earth and our environment.

As you [the City Council] know, the people of Benicia are paying very close attention to you around this issue, especially right now. Based on the sheer number of public comments, a large majority of Benicia's citizens are opposed to this project, as are scores of individuals and groups outside of Benicia. As you know, Valero's proposed project does not just impact Benicia. It has major impacts throughout the state and beyond. If you choose to go against the will of a clear majority of Benicians, it will be very clear to me who owns this town. Not We the People, but Big Oil.

The Planning Commission heard days of testimony from Benicia's citizens and others, including scientists and environmental experts. Most were united in saying that this project is an environmental catastrophe waiting to happen. I'm not an expert myself; I'm a writer and a teacher. But I care deeply about our beautiful Earth. Haven't we defiled it enough? We should be looking for ways to make it cleaner for future generations, not adding another way to defile it. Rather than looking for new ways to gather and transport oil, Valero and other oil companies should be investing resources into renewable sources of energy for the future. Based on the impacts on our planet of processing, transporting, and burning oil, it's clear that it should stay in the earth.

How do you want history to remember you, as a governing body? Do you want to be remembered as the Benicia City Council who had an opportunity to make significant positive change for our community, our environment, and our world but failed to do so, thus adversely impacting millions?

If you care about the future of our beautiful planet and the will of the people of Benicia, you have a moral imperative to honor the Planning Commission's decision.

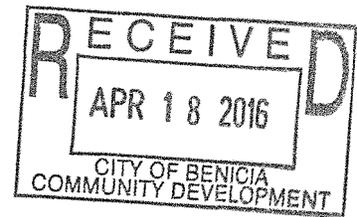
Thank you.

Please add this San Francisco Chronicle Editorial to the Public Record

Jan Cox Golovich <janlcg@gmail.com>

Sat 4/16/2016 10:13 AM

To: Amy Million <AMillion@ci.benicia.ca.us>;



Stopping oil trains is right thing for Benicia and planet

Stopping oil trains is right thing for Benicia and planet

Like the battle in Oakland to keep a port developer from shipping trainloads of Utah coal to China, the Benicia ...

San Francisco Chronicle Editorial Stop the Trains 16 April 2016



**San Francisco Chronicle Editorial
Stop the Trains 16 April 2016**

<http://www.sfchronicle.com/opinion/editorials/article/Stopping-oil-trains-is-right-thing-for-Benicia-7252031.php>

Stopping the trains is the right thing to do for Benicia -- and the Planet

California's efforts to lead on global climate change will come down to a local decision next week. Will the Benicia City Council allow 100-car oil tanker trains a day to roll into the Valero Refinery? The council should vote no to keep the state — and the world — on track toward reducing climate-warming fossil fuels.

Like the battle in Oakland to keep a port developer from shipping trainloads of Utah coal to China, the Benicia battle is emotional, divisive and very, very local. Since discussions between the city and refinery began in 2013, townspeople have packed the City Council chambers for each crucial vote in the permitting process.

Valero's refinery, its stacks and cooling towers visible for miles, spreads across the northern edge of Benicia, a riverside town of 28,000 in Solano County. Valero is the source of jobs and a significant portion of the city's tax base. Yet, drive through the streets and you will see "Stop Crude by Rail" signs everywhere.

This local decision counts because Benicia is a link in the global oil market. Oil trains would transport crude from the Bakken oil shale in North Dakota, as there are no pipelines from that region to deliver petroleum to refineries. Currently, Valero brings in most of the crude it refines via oceangoing tanker, which will continue regardless of the vote on the permit to retrofit the refinery for rail delivery.

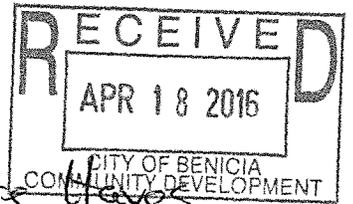
Because of the small city's important role in addressing global climate change, California Attorney General Kamala Harris has interceded twice in the permitting process. In 2014, at the urging of mayors of

California cities along the rail lines, she required the city to redraft the environmental impact report to address rail safety and environmental impacts.

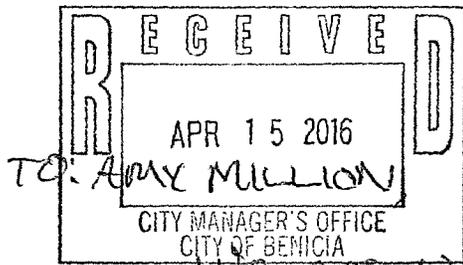
Last week, in a letter to the city, she disagreed with Valero's view (also held by city consultants and staff) that Benicia was legally prohibited from denying the permit because federal rail transport law preempts local authority. Not so, the AG said: Federal law applies to railroads, not refineries. "Under federal law, the City retains its authority to take discretionary action to approve or deny Valero's Project."

The City Council must use its legal authority to do the right thing for Benicia — and the planet. Deny the permit.

Thank you,
Jan Cox Golovich



David + Jeanette Hayes
Box 394
San Geronimo CA 94463
4-13-16



We are writing to express our opposition to the Phillips 66 oil train proposal.

We must stop the fossil fuel corporations from exporting all of their filthy products from any western U.S. ports, particularly California ports. Trains full of high polluting tar sands and Bakken crude oil, as well as coal, should not be rolling through California ever.

We must continue to insist on renewables and the lowest polluting fuels available. Exporting any fossil fuels through California should be prohibited.

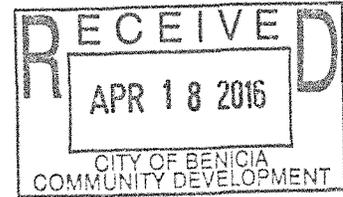
Sincerely,

David + Jeanette Hayes

Public Comment re Valero Crude by Rail Project - Appeal Application No. 16PLN-00009

KnowWho Services <noreply@knowwho.services>

Sun 4/17/2016 7:14 PM



To: Amy Million <AMillion@ci.benicia.ca.us>;

Dear Benicia City Council,

I'm writing to urge the Benicia City Council to back the Planning Commission's unanimous decision to reject Valero's proposal to transport explosive crude oil by rail through California communities to its refinery in Benicia, and to reject Valero's attempts to delay a final decision on this project.

The Planning Commission rightfully rejected this dangerous project because it "would be detrimental to the public health, safety, or welfare" of Benicians and communities along the oil train routes. The project's impacts include increased air pollution from refinery emissions (which could disproportionately affect low-income communities and communities of color) and oil spills during the offloading process (which could harm the Sulphur Springs Creek riparian corridor).

Furthermore, increases in the transportation of crude by rail has corresponded with an alarming increase in the number of derailments, spills, and explosions. More than five million Californians live in the blast zones of oil train routes, and this project would significantly increase the number of unsafe oil trains rolling through our communities.

As Attorney General Kamala Harris pointed out, the U.S. Department of Transportation found that rail shipments of highly volatile crude oil represent an "imminent hazard," such that a "substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur." I agree with regulators, elected officials, local residents, nurses, and the many thousands of Californians who have sounded the alarm about the unacceptable risks posed by this project.

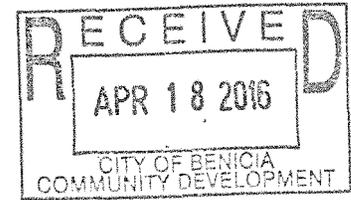
For these reasons, I again urge the City Council to reject Valero's oil train project, as well as its attempts to delay resolution of this issue.

Thank you for your consideration.

Sincerely,

Amy Holden
124 Quartz Hill Rd
Redding, CA 96003-
amy.93.holden@gmail.com
(530) 209-7467

Adopt Benicia Planning Commission's Recommendation to Deny Valero Project



Karen Jacques <threegables1819@gmail.com> on behalf of
Karen Jacques <threegables@macnexus.org>

Sun 4/17/2016 6:21 PM

To: Amy Million <AMillion@ci.benicia.ca.us>;

Amy Million

Principal Planner

Benicia Community Development Department

250 East L Street

Benicia Ca, 94510

Re: Adopt Planning Commission Recommendation and Deny Valero Expansion/Oil Trains

Dear Ms. Million

I am one of the many people who came by bus from Sacramento to express our support for the Benicia Planning Commission's unanimous recommendation to deny the Valero expansion. If approved, that expansion will result in two fifty car oil trains coming through a large portion our city every day. I was not able to speak at the hearing due to time limitations so I am sending you my written comments to forward to the City Council.

My husband and I both live and work in what will become the 'blast zone' if the Valero expansion is approved, as do thousands of other people along the train route, including residents of Benicia. In the city of Sacramento alone, thirteen thousand children attend schools located within the 'blast zone'. The oil trains that Valero wants to send through our city and through so many other cities and towns, not to mention across rivers that supply drinking water, will carry bakken shale oil and tar sands, the most volatile, dirty and dangerous of all fossil fuels. Trains will travel in DOT 111 cars which the Federal Department of Transportation has admitted are unsafe, but declined to regulate adequately. They will travel on tracks that are old, many of which have not been inspected for years. The record of spills, derailments and explosions that have already occurred, including Lac Megantic in Quebec where forty seven people were incinerated and the town center was destroyed, have been horrifying. In Sacramento, the trains will run through the middle of our central city where cars currently back up for blocks waiting for trains to pass. Depending on the time of day and amount of traffic there will literally be no way for anyone in the 'blast zone' to escape.

Approval of the Valero project has been framed as a land use issue. But in reality, it is a profound moral and ethical issue about whether anyone, including any City Council, has the right to approve (and remember that State Attorney General Kamila Harris has said that the decision belongs to the Benicia City Council and is not pre-empted by federal law) a project that has the potential to kill and injure so many people, destroy so much property, poison waterways and cause massive and likely irreparable damage to the environment. Even if a given location is lucky enough not to experience an accident, these trains and their deadly cargo will emit toxins that will significantly impact air quality and the health of humans and other species on a daily basis. If members of the City Council approve this project and there is an accident, they will be directly responsible for the for the death and destruction that results from that approval. They will also be responsible for increasing air pollution and the negative health effects of such pollution. The Planning Commission voted unanimously to oppose Valero because its members did not feel that they had the ethical or moral right to put others at that kind of risk. Given what is at stake, it is imperative that the council follow their example.

In addition to all of the above, the City Council also needs to make its decision in light of climate change. Scientists have told us that we are running out of time and that we must keep at least eight percent of known fossil fuel reserves in the ground if we are to have any chance of averting the worst effects of climate change. California's drought is a daily reminder of the damage climate change is doing and will do. The last thing our planet needs is more fossil fuel infrastructure to allow the extraction of still more fossil fuels and that is exactly what the proposed Valero expansion will create. In making a decision, I ask that council members remember that they have a moral and ethical responsibility not just to all of us who are alive today (including non-human species) and are the potential victims of a train accident, but especially to young people and future generations.

Thank-you for this opportunity to comment.

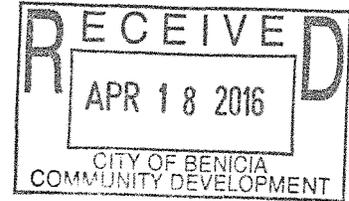
Sincerely,

Karen Jacques,

Blast Zone Resident and Potential Victim

Teresa Olson

From: Kate Gibbs
Sent: Monday, April 18, 2016 2:41 PM
To: Teresa Olson
Subject: FW: Tonight's vote on the "Oil train".



Teresa,
I'm forwarding this to you only and putting copies in the councils' mailboxes here.

-----Original Message-----

From: Anne Petty [mailto:anne.petty692@gmail.com]
Sent: Monday, April 18, 2016 1:18 PM
To: Kate Gibbs
Subject: Tonight's vote on the "Oil train".

Dear Kate,

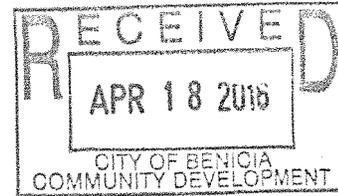
Please forward my message to Council members Hughes, Strawbridge, Campbell and Schwartzman and Mayor Patterson.

Message: Please vote No on the Valero Crude Oil Train.

Thanks,

Anne Petty, Benicia voter

April 17, 2016



Benicia City Council
Benicia City Hall
250 East L Street,
Benicia, CA 94510

Re: Opposition to Valero's Crude by Rail Project

Dear Mayor and City Council:

I urge you to vote no on Valero's CBR project and to not certify the flawed EIR.

Valero has asserted that its CBR project will utilize domestic energy, increase tax revenues and create more jobs. Each of these assertions is false.

Valero stated that it needs to bring in crude by rail to replace Alaskan North Slope crude, i.e., a domestic source of crude. What Valero has not acknowledged is that it plans to bring in by rail Canadian tar sands crude. Valero will be bringing in Canadian tar sands crude because its refinery is designed to process heavy crude and Canadian tar sands fits that description. Valero wants to switch to Canadian tar sands crude because it is being sold at a significant discount due to the lack of a pipeline infrastructure to bring it to market. Valero's goal is to thus increase its profit margin and not to develop domestic energy sources.

The promise of increased tax revenues is also not true. If past history is any guide, you can be certain that Valero would vigorously challenge any increase in the assessment of the value of its refinery for property tax purposes resulting from the construction of improvements to bring in the CBR. Moreover, the traffic delays and increased noise and air pollution resulting from the CBR project will most likely negatively impact property values in Benicia generally and accordingly reduce property tax revenues for the city in the long run.

The claim of more jobs coming about because of the CBR project is also a myth. The economic study Valero commissioned promises the project will result in hundreds of new jobs due to a multiplier effect. This study is unworthy of credence, as it is based on little more than wishful thinking. Additionally, the study failed to account for the negative impact the project will have on the quality of life in Benicia overall. Those negative impacts include traffic delays from running two fifty-car trains in and out of the city every day. Moreover, the refining of Canadian tar sands crude, with its heavy sulfur content, will cause noxious odors. Simply put, Valero's CBR project will make Benicia

a less desirable place to live, visit or work and will ultimately hurt the city's economy as well.

Besides these concerns, the CBR project will put at risk the lives of all those who live anywhere near the rail lines on which the highly explosive crude will be shipped. It will likely introduce additional carcinogens into the atmosphere of our city. Finally, by bringing in Canadian tar sands crude, it will cause increased greenhouse gas emissions.

Importing Canadian tar sands will allow development of the dirtiest source of crude oil on the planet and the one with the most adverse impact on global warming.

Dr. James Hanson, the former director of the NASA Goddard Institute for Space Studies, and the preeminent climate scientist in the United States, stated that if Canada is able to develop the oil in its tar sands reserves, "it will game over for the climate." *New York Times*, May 9, 2012, Op-Ed; <http://www.nytimes.com/2012/05/10/opinion/game-over-for-the-climate.html>.

According to Dr. Hanson:

Canada's tar sands, deposits of sand saturated with bitumen, contain twice the amount of carbon dioxide emitted by global oil use in our entire history. If we were to fully exploit this new oil source, and continue to burn our conventional oil, gas and coal supplies, concentrations of carbon dioxide in the atmosphere eventually would reach levels higher than in the Pliocene era, more than 2.5 million years ago, when sea level was at least 50 feet higher than it is now. That level of heat-trapping gases would assure that the disintegration of the ice sheets would accelerate out of control. Sea levels would rise and destroy coastal cities. Global temperatures would become intolerable. Twenty to 50 percent of the planet's species would be driven to extinction. Civilization would be at risk.

To put additional context of how dire the climate change scenario is, consider these numbers derived from Bill McKibben's July 19, 2012 article in *Rolling Stone*, "Global Warming's Terrifying New Math." <http://www.rollingstone.com/politics/news/global-warmings-terrifying-new-math-20120719.html>. The consensus among climate scientists is that to avoid the worst catastrophes resulting from climate change, global temperature increases have to be kept below 2 degrees Celsius (3.6 degrees Fahrenheit). To have a reasonable hope of staying below that target, the world can only add 565 gigatons of carbon dioxide to the atmosphere prior to midcentury. However, the proven current oil, gas and coal reserves in the portfolios of the fossil fuel companies total nearly 2,800 gigatons of carbon. In sum, if we are to stay below the 2 degree target, nearly 80% of the proven fossil fuels will have to remain in the ground.

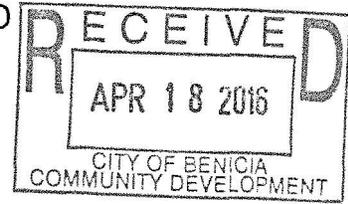
Nor is climate change a problem that can be left to future generations to deal with. As you may know, 2015 was by far the warmest year on record in history, and 15 of the 16 warmest years have occurred in this century. Climate change is apparent in the number of natural disasters we are now experiencing, such as wildfires, floods and droughts. As recently as the 1970s there were just 660 such events. However, in the 2000s, there were 3,332 of them, a five-fold increase.

In sum, I ask the City Council to vote against a project that is based on false promises, will hurt the quality of life in Benicia and will contribute to global warming, the most dire environmental hazard that we face.

Sincerely,

Richard Slizeski
363 West Seaview Drive
Benicia

Railroad/Valero liability in a worst case scenario



rogmail@gmail.com

Sat 4/16/2016 4:53 PM

To: Alan Schwartzman <ams@advancedmtg.com>; Alan Schwartzman <ASchwartzman@ci.benicia.ca.us>; Amy Million <AMillion@ci.benicia.ca.us>; Anne Cardwell <ACardwell@ci.benicia.ca.us>; Brad Kilger <BKilger@ci.benicia.ca.us>; Christina Strawbridge <CStrawbridge@ci.benicia.ca.us>; Christina Strawbridge <fashfun@aol.com>; Elizabeth Patterson <elopato29@gmail.com>; Heather McLaughlin <HMclaughlin@ci.benicia.ca.us>; Mark Hughes <MHughes@ci.benicia.ca.us>; Mark Hughes <MxH3@pge.com>; Elizabeth Patterson <EPatterson@ci.benicia.ca.us>; Tom Campbell <bullwinkle94510@aol.com>; Tom Campbell <TCampbell@ci.benicia.ca.us>; Christina Ratcliffe <CRatcliffe@ci.benicia.ca.us>;

For the public record, Valero Crude by Rail

Council members – There might be a few good questions and concerns here on potential financial impacts of Valero's proposal. This article focuses on Washington State, but it mentions California regulations, and shows an interesting formula for expectable costs in a worst case scenario. – Roger Straw

WHAT WASHINGTON'S NEW OIL-BY-RAIL RULES WILL TELL US

Taxpayers are on the hook for expensive oil train risks.



Lac Megantic Burning by [Sûreté du Québec](#)

(license)

Author: **Samir Junejo**
and **Eric de Place**

On April 13, 2016 at 6:30 am

This article is part of the series [What Do Oil Train Explosions Cost?](#)

A new rule will allow us to see just how much financial risk oil trains are foisting onto the taxpayers.

Shipping crude oil by train is an extraordinarily dangerous enterprise. Notoriously prone to leaks and spills, recent history has shown that railcars can explode catastrophically when the fuel comes in contact with an ignition source. The damages can be profound. To make matters worse, the railroads that run the oil trains—and that are legally liable for damaging incidents—are chronically and severely underinsured

. In fact, Sightline has documented extensively for the public what is something of an open secret in the industry: that even the biggest railroads do not carry insurance proportional to the risks of their cargo.

In the worst oil train incident to date, a July 2013 derailment in Quebec, the resulting inferno killed 47 people and did roughly \$3 billion in damage to the small town. The railroad responsible, the Montreal, Maine and Atlantic Railway, which carried a scant \$25 million in insurance, filed for bankruptcy almost immediately, sticking Canadian taxpayers with the tab. It's a risk that looms large for the public in states like Washington, which host to oil trains every day. But now, a new rule will at least allow us to see just how much financial risk oil trains are foisting onto the taxpayers.

Defining a “reasonable worst case spill”

Following on the heels of an oil transport safety bill signed by Governor Inslee in May 2015, the Washington Utilities and Transportation Commission (UTC) adopted new rules in early 2016 to increase the safety of oil train transportation. The rules also require that any railroad transporting crude oil in the state must include financial information in their annual reports to the UTC to show that the company could pay the costs of cleaning up a “reasonable worst case spill.”

But what does it mean to prepare for a “reasonable worst case spill”? The new rules require oil-hauling railroads to show that they can pay the costs, whether through insurance, reserve accounts, letters of credit, or other financial instruments or resources on which the company might rely. But to know how much that might cost, one first must define a “reasonable worst case spill.”

The worst case is widely considered to be a real-life event: the Quebec derailment that, along with killing dozens of people, spilled 1.6 million gallons of oil. That was a starting point for the UTC's estimates, but the commission scaled down its estimates from there, looking to states like California that have adopted similar rules and also a similar analysis done by the US Pipeline and Hazardous Materials Safety Administration (PHMSA), the federal regulatory agency that

oversees oil train safety standards. California, for example, defines a “reasonable worst case spill” as the loss of 20 percent of the oil cargo that a railroad can transport on a single train. The UTC took its cues from a scaled-down methodology created by PHMSA.

Cleanup calculations

To calculate the “reasonable worst case” amount of oil that might spill, the UTC proposed a simple mathematical formula: take the top speed in miles per hour of oil trains operated by the railroad, divide by 65 mph (the speed of the train when it derailed in Quebec), and then square that number to factor in kinetic energy. For example, a railroad that operates oil trains at a maximum speed of 45 mph would divide that speed by 65 and then square the result to conclude that a “reasonable worst case” derailment could result in spilling 48 percent of the oil cargo on a single train.

The next step is to calculate the cost of cleaning up a reasonable worst case spill. The UTC set the minimum cost at of cleanup at \$400 per gallon. So to come up with the cost one would multiply \$400 by the reasonable worst case spill percentage (calculated on the largest oil train the railroad moved in the past year).

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Let’s do the math. Some oil trains have as many as 120 cars, and each car usually carries about 30,000 gallons of oil, so a 120-car train could carry up to 3.6 million gallons of oil. Assuming a top speed of 45 mph, a railroad should be prepared to clean up 48 percent of its cargo, or 1.73 million gallons of oil. At \$400 per gallon, the railroad should be able to pay for \$691 million in cleanup costs.

Still not enough—by a long shot

Yet even these hundreds of millions of dollars in potential damages are far too low, as the UTC acknowledges. It does not take into account loss of human life, property damage, or other factors. In fact, the UTC admits that the \$400 per gallon cost does not capture the “full comprehensive societal damage” that results from an oil train crash. The costs of the Quebec derailment, hardly a theoretical exercise, were more than four times as high.

By contrast, the Genesee and Wyoming railroad that serves Grays Harbor, Washington—and that aspired to host as many as 17 oil trains each week to proposed port terminals—carries at most \$500 million in insurance. Tacoma Rail, which delivers 4 oil trains each week through Tacoma’s busy industrial port, has less than \$100 million in coverage.

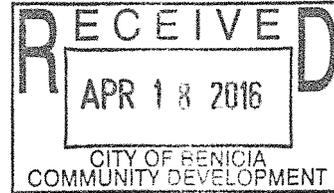
And what can the UTC do with the financial responsibility information when rail companies’ first reports arrive to them next month? Not a lot. The same bill that enabled the UTC to write the rules also prohibited the agency from using the information as a basis for economic regulation or

penalization of the railroad.

The new rules will provide state taxpayers with valuable information: for the first time we'll be able to see just how exposed we are to the financial risks foisted upon us by oil trains.

Teresa Olson

From: Kate Gibbs
Sent: Monday, April 18, 2016 12:48 PM
To: Teresa Olson
Subject: FW: Statement for City Council



Teresa: I am sending this only to you.
I will make copies for the council's mailbox slots.

-----Original Message-----

From: Maria Streifer [mailto:mstreifer@sbcglobal.net]
Sent: Monday, April 18, 2016 12:47 PM
To: Kate Gibbs
Subject: Statement for City Council

Hello Kate,
Thank you for distributing my statement to the City Council members for this evening's session, since I am unable to attend.

To: Benicia City Council
From: Maria Streifer, resident
Re: Valero Proposal

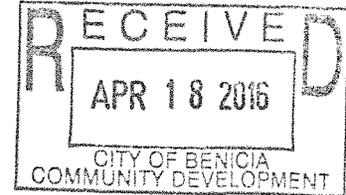
I am writing to express my opposition to the Valero Crude by Rail proposal. As a 34-year resident of Benicia, I am convinced, after reading all the details of the proposal and its EIR, that it is an environmentally dangerous project.

Therefore, I encourage you all to vote No on the Valero Crude by Rail proposal and support the extensive investigation and unanimous conclusion of your Planning Commission members! It is without doubt totally in the best interests of all city residents' physical and emotional wellbeing--whose interests you are sworn to represent unequivocally--that you vote No!

Sincerely,
Maria Streifer
513 Sargent Ct.
Benicia, CA

April 16, 2016

Mayor Patterson, City Council Members, and Staff
City of Benicia
250 L Street
Benicia, CA 94510



Re: Valero Crude by rail project

Dear Honorable Major Patterson, City Council Members, Staff, Valero workers, and Project Supporters,

It appears there are two fundamental choices to make. One choice is to deny the project and then attempt to mitigate any financial repercussions that such a denial would have on the city and community. The other choice is approve the project and deal with unmitigable health and safety factors that will affect not only the Benicia community, but will affect hundreds and thousands of people living near the crude by rail delivery routes throughout California and beyond.

With regard to the first choice, I believe we can work together as a community to help the city remain financially solvent and growing. For example, I would be happy to help find additional businesses to locate here, work with current businesses, and do whatever I can to help broaden the financial base of the city.

With regard to the second choice, because this hearing is on the record, and since a decision to approve this crude by rail project will forever affect hundreds of thousands of people here and all along the rail lines in California and beyond, and will adversely affect other opposition efforts concerning crude by rail in the state, please ponder the following questions:

Benicia City Council members: For those council members that decide to approve the project, **are you concerned** about the fact that your name is and will be inexorably tied forever to any disaster that befalls this project and **How will you respond** when someone is killed or injured and society, and the victim's family, look to you as being culpable for allowing the project to proceed without mitigating local health and safety issues you have jurisdiction to control?

Moreover, **how will you respond** when someone is injured or killed due to this project and the community and society ask you why you **did not uphold your fiduciary duty** by heeding our California Attorney General's legal directive that "[i]n fact, for Benicia to turn a blind eye to the most serious of the Project's environmental impacts, merely because they flow from federally-regulated rail operations, would be contrary to both state and federal law ..." and "[w]here, as here, an oil company proposes a project that is not subject to STB regulation and over which a public agency retains discretionary permitting authority, it would be a prejudicial abuse of discretion for that agency not to consider all of the project's foreseeable impacts in exercising its authority."

Benicia Staff, **are you concerned** about the fact that your name is and will be inexorably tied forever to any disaster that befalls this project if it is approved, and **how will you respond** when someone is killed or injured and the victim's family and society looks to you as being culpable simply to support a revenue stream that could be replaced and/or supplemented without endangering lives?

Benicia City Attorney and attorney contract staff, are you concerned about the fact that your name is and will be inexorably tied forever to any disaster that befalls this project if it is approved, and **how will you respond** when someone is killed or injured and society, and the victim's family, look to you as being culpable for allowing the project to proceed without deferring to the legal advice from our **California Attorney General**, who stipulates that "the City's denial of Valero's Use Permit is not categorically preempted, because it would neither (1) deny Union Pacific the ability to conduct its operations or proceed with activities the SIB has authorized; nor (2) regulate matters directly regulated by the STB. The City's action with respect to Valero's Project does not "regulate" Union Pacific or interfere with STB-authorized activities or STB-regulated operations."

Moreover, **how will you respond** when a disaster occurs and you could have helped to prevent the disaster by working more closely with the California Attorney General's office, other cities, agencies, and attorneys to mount a cohesive defense against potential litigation that will likely arise?

Supporters of the project, are you concerned about the fact that your name is and will be inexorably tied forever to any disaster that befalls this project if it is approved, and **how will you respond** when someone is killed or injured and society, and the victim's family, look to you as being culpable when your support seems to show a lack of concern for the health and safety of others, including those outside our community, all to support one business endeavor?

Valero workers, especially project engineers and management, are you concerned about the fact that your name is and will be inexorably tied to any disaster that befalls this project forever if it is approved here in Benicia and beyond, and **how will you respond** when someone is killed or injured and society, and the victim's family, look to you as being culpable when you could have designed a safer project, or looked to safer alternatives such as expanding ship operations and using and/or adding additional crude delivery by pipeline?

Valero workers, especially design engineers who designed this project, are you concerned about the fact that your name is and will be inexorably tied forever to any disaster that befalls this project if it is approved, and **how will you respond** when someone is killed or injured and society, and the victim's family, look to you as designing a dangerous transloading facility when safer alternatives are currently available.

In addition, **how will you respond** when people learn too late that you designed a transloading facility that does not comply with safe industry practices by building in too small a space thereby increasing the risk of chain reaction explosions, which could kill or injure hundreds, if not thousands, of Benicia residents and children?

Moreover, **how will you respond** when people learn too late that the design does not include adequate oil spill containment increasing the risk of environmental disasters, is not flood or earthquake safe, and includes rail switching changes that will interrupt the free flow of services and traffic to many businesses in the industrial park on a daily basis?

Reflecting on the above questions, the issues concerning the EIR, and testimony from dozens of individuals, experts, agencies, and the California Attorney General, I personally believe that the Valero crude by rail project is a flawed design, which if approved poses a safety risk and negative fiscal impact on our community and businesses.

Moreover, I believe that based on the sheer amount of design issues on the record pointed out by experts in the field such as setbacks, loss of safety access, increased potential for chain reaction explosions due to infrastructure overcrowding, flooding, impacts on community health and safety, and the preservation of wildlife points to the fact that the current design should be abandoned and safer alternatives proposed.

If the city council denies the project, I further urge the Benicia city Attorney and staff to reach out and work with **other attorneys, agencies, and the California Attorney General's Office** to provide a unified front against potential litigation.

I also ask and encourage the **California Attorney General's Office** and **all attorneys, agencies** interested in preserving their community's health and well being to reach out to help Benicia legal staff and the city legally defend against litigation if the need arises.

Please keep in mind that Valero has said on the record that they **do not need this project today**, as they already have means to deliver the crude oil by ship and pipeline. They are asking for a **third delivery alternative**, if and when needed, for the future. This means that denial of the project will not affect Valero in the present, which means that **we have time to work with Valero** to find better solutions for not only this project, but to help them remain a strong and viable part of our community.

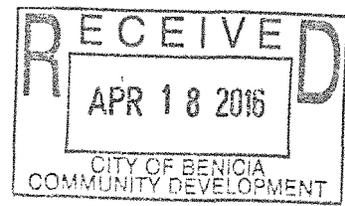
I believe there are many ways we as a community and city can work together with Valero. For instance, I believe that we can perhaps use our business resources and community ties to help Valero negotiate a better price for the crude oil to be delivered by ship; We can work with Valero to redesign the project to lessen or eliminate the impact on local business in the industrial park; We can work with Valero to help utilize pipelines to deliver the oil more safely, etc.

Therefore, due to the serious impact on business and the health and welfare of our citizens, and since this is **not a critical project need for today**, I urge the Benicia City Council to affirm the planning commission's ruling and deny this project.

I firmly believe as a community we can work together with Valero to help them design better safer alternatives and help them find ways to remain competitive without unnecessarily endangering the citizens of Benicia and beyond.

Sincerely,

C. Bart Sullivan
1543 Sherman Drive
Benicia, CA 94510



I support the Valero Crude by Rail project

Tue 4/12/2016 2:10 PM

To: Amy Million <AMillion@ci.benicia.ca.us>;

Dear Ms. Million,

I write today urging City Council to stand with Benicians in support of Valero's Crude by Rail Project. Simple on-site infrastructure projects such as these create new jobs and generate millions of dollars in local tax revenues that help keep our community, economy and business running.

I am also writing to support the continuance for a Surface Transportation Board opinion.

An opinion from the STB should:

- provide City Councilmembers with clear legal guidance on federal railroad operation preemption laws.
- protect our City from potential, unnecessary, costly litigation.

The City of Benicia and independent experts have spent more than three years closely reviewing this project and developing a comprehensive Final Environmental Impact Report (FEIR). These analyses go well beyond California Environmental Quality Act (CEQA) requirements. Most of the analyses concerned rail activity which the railroad already has the legal authority to provide. In addition, the analyses illustrated the project's many benefits for Benicia.

According to the DEIR, RDEIR, FEIR and economic analyses, this project WILL:

- Create 20 permanent, local, well-paying jobs and require an additional 120 skilled craftsman jobs during construction;
- Improve air quality and help California and the Bay Area achieve its climate goals by reducing greenhouse gas emissions by 225,000 metric tons per year;
- Operate under current air permits with the Bay Area Air Quality Management District (BAAQMD);
- Protects home values. Benicia's median home value is higher than those of neighboring communities including Vallejo and Martinez; Benicia's home values increased by 6% last year and are projected to grow even further in 2016. The Refinery supports Benicia's higher median home value by providing significant funding for improved local services and facilities.

Importantly, according to these analyses this project:

- Will not create additional health risks associated with project emissions;
- Will not change the type or amount of crude that the refinery processes;
- Will not increase process emissions;
- Will not change refinery operations.

Projects like these are economic drivers that help to make our community the best it can possibly be, and I strongly urge City Councilmembers to stand with Benicians in supporting the well-being of our City.

Sincerely,

Catherine Dugger
432 Hawthorne Ln
Benicia, CA 94510

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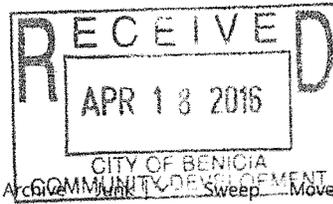
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Last week

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Duayne Weiler

I support the Valero Crude by Rail project

Thu 4/14

Dear Ms. Million, I write today urging City Council to ...

Mr. & Mrs. Ed Yarbrough

I support the Valero Crude by Rail project

Wed 4/13

Dear Ms. Million, I write today urging City Council to ...

Leeann Cawley

I support the Valero Crude by Rail project

Wed 4/13

Dear Ms. Million, I write today urging City Council to ...

Rudy Grisham

I support the Valero Crude by Rail project

Wed 4/13

Dear Ms. Million, I write today urging City Council to ...

Michael Petrellese

I support the Valero Crude by Rail project

Wed 4/13

Dear Ms. Million, I write today urging City Council to ...

David Frank

I support the Valero Crude by Rail project

Tue 4/12

Dear Ms. Million, I write today urging City Council to ...

Joseph Rizzi

I support the Valero Crude by Rail project

Tue 4/12

Dear Ms. Million, I write today urging City Council to ...

todd peters

I support the Valero Crude by Rail project

Tue 4/12

Dear Ms. Million, I write today urging City Council to ...

Eddie Pereira

I support the Valero Crude by Rail project

Tue 4/12

Dear Ms. Million, I write today urging City Council to ...

Michael Wilkinson

I support the Valero Crude by Rail project

Tue 4/12

Dear Ms. Million, I write today urging City Council to ...

Catherine Dugger

I support the Valero Crude by Rail project

Tue 4/12

Dear Ms. Million, I write today urging City Council to ...

Two weeks ago

Justin Blecharczyk

I support the Valero Crude by Rail project

4/5/2016

Dear Ms. Million, I write today urging City Council to ...

Paul Cushing, III

I support the Valero Crude by Rail project

4/4/2016

Dear Ms. Million, I write today urging City Council to ...

Sam Boykin

I support the Valero Crude by Rail project

4/4/2016

RG Rudy Grisham

To: Amy Million; v

Dear Ms. Million,

I write today urging Rail Project. Simple generate millions of and business runnin I am also writing to

An opinion from the
• provide City C preemption laws.
• protect our Cit

The City of Benicia a reviewing this proje (FEIR). These analys requirements. Most the legal authority t benefits for Benicia.

According to the DE
• Create 20 per craftsman jobs durin
• Improve air qu reducing greenhous
• Operate under (BAAQMD);
• Protects home neighboring commu by 6% last year and Benicia's higher mer services and facilitie

Importantly, accordi
• Will not create
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Projects like these a possibly be, and I st supporting the well-

Sincerely,

G.R.(Rudy) Grisham, 368 Piercy Dr Benicia, CA 94510