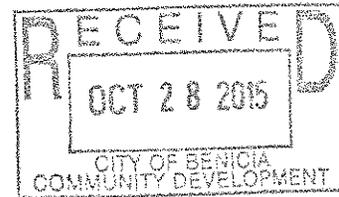


October 28, 2015

City of Benicia  
Community Development Department  
250 East L. Street  
Benicia, CA 94510



Re: RDEIR for the Valero Benicia Crude by Rail Project

Below are my comments regarding the RDEIR dtd. August 2015 for Use Permit Application 12PLN-00063:

- 1) **Summary of Transportation and Traffic Impacts (p. 2-140).** The DEIR addresses primarily the additional impacts of train crossings on the intersection of Park and Bayshore roads and the amount of train idling on Bayshore caused by the proposed project. However, it does not address cumulative impacts of all train traffic on those same areas and businesses as it relates to traffic and vehicle idling, crossing safety and emergency response/evacuation. This was mentioned several times in comments on the DEIR, but is not addressed in the RDEIR.

The final sentence in 2.16.2 (p. 2-140) RDEIR states, "less-than-significant with implementation of mitigation measures for all other significance criteria". Please clarify this statement in light of the potential inability to mitigate some measures due to the preemption declaration. ie. If Valero only accepts trains during nighttime hours and UPRR uses their own schedule for train delivery, what is likely to happen with trains that arrive before the acceptance hours. If the acceptance hours are likely to change, than this needs to be included in the analysis.

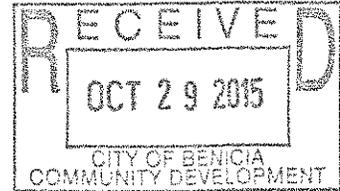
- 2) **Noise and Emissions.** The DEIR presents information on noise and train emissions concerning people living and working near the train tracks. Several comments to the DEIR concerned impacts of cumulative noise and emissions of all train traffic to other businesses within Benicia and the general area. Please readdress this cumulative impact caused by potential sustained vehicle and train idling to people living and working along the track in light of a potential change in timing of trains.
- 3) **Alternatives.** A few alternatives were presented by the public more than once. Please address these alternatives as to whether they are viable options even if they are not thoroughly evaluated through the environmental process. Two that were mentioned multiple times during scoping are a) unload trains at the Benicia marine terminal and use the shipping pipeline to the refinery and b) barge/ship crude from a rail unloading facility in another area.

Thank you,

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Radtke".

Elizabeth Radtke  
Benicia Planning Commissioner  
95 Carlisle Way  
Benicia, CA 94510



October 29, 2015

Ms. Amy Million  
Benicia Planning Department

Comments and Questions on Revised Draft Environmental Impact Report  
(RDEIR)

by Steve Young, Planning Commissioner

A handwritten signature in cursive script, appearing to read "Sy".

Here are my questions and comments that I hope to have answered in either the final EIR or at the hearing.

In general, I have attempted to group my questions and comments within subject areas instead of following the RDEIR chronologically.

Pg 2-20 states that the Refinery can process 165,000 barrels of oil per day, while the Project proposes to have 70,000 barrels delivered by train.

How does the Refinery propose to receive the balance of the oil used daily?

Rail Operations, Routes and Safety

Since the map shown on Figure 1-2 does not reflect UPRR having any rail lines serving the Bakken shale field, does the analysis for both GHG and hazardous materials examine other private rail lines such as BNSF that do serve the area and which, presumably, would provide some portion of the rail service from North Dakota to such point as unit trains could proceed on UPRR tracks?

Section 3.1.1.2 on Pg. 2-19, describes the Proposed Project as having no trains "scheduled to arrive or depart between 6 and 9 am and 4-6pm weekdays". Later, on P.2-22, the RDEIR acknowledges that operations "could occur at any time of day/7days per week/365 days per year."

How is it possible to make this claim about hours of train operation, given federal pre-emption of any restriction on train movements under which the City (and presumably UPRR clients) cannot interfere in any fashion regarding rail operations, including scheduling?

A train car fully loaded with oil weighs 385,000 pounds. Page 2-64 states that the maximum allowable gross weight rating is 315,000 pounds per car. Please clarify as to whether loaded oil trains would be below the gross weight rating of 315,000 pounds. Each unit train, according to the RDEIR (Pg. 2-49) weighs approximately 14,234 tons (28.5 million pounds). Among the concerns listed by the National Transportation Safety Board when discussing CBR is the condition of the nations rail tracks, and the ability of older tracks and bridges to handle the extreme weight of oil trains. Are all bridges within the UP system, upon which oil trains could conceivably run, able to handle weight listed for these trains (28.5 million pounds)?

Does the RDEIR consider the impact of rising waters due to climate change in the Suisun marsh, and the likely impact that might have on rail lines in close proximity to the existing shoreline? According to testimony received at the Sept. 29 Planning Commission meeting, 96% of the Donner Pass route is considered Class 3 track. Further, the State of California has designated the Donner Pass rail route as "high hazard". Will UPRR be utilizing the Donner Pass route to haul CBR despite being classified as "high hazard"? Has UPRR implemented Positive Train Controls as required by Congress? If not, are they challenging the implementation of that regulation?

Section 3.1.1.2 on Pg. 2-19, describes the Proposed Project as having no trains "scheduled to arrive or depart between 6 and 9 am and 4-6pm weekdays". Later, on P.2-22, the RDEIR acknowledges that operations "could occur at any time of day/7days per week/365 days per year."

How is it possible to make this claim about hours of train operation, given federal pre-emption of any restriction on train movements under which the City (and presumably UPRR clients) cannot interfere in any fashion regarding rail operations, including scheduling?

Emergency Notification-

In May, 2014, USDOT required all railroads transporting Bakken shale oil to notify the State Emergency Response Commission (California Governor's Office of Emergency Services) about the number of trains carrying such oil, the routes they are using, and the characteristics of the crude oil itself.

Do such notices to the State happen before or after the actual shipment occurs?

On Pg. 2-79 the RDEIR references a PHMSA and FRA emergency order concerning the shipment of Class 3 flammable liquids. Earlier, in the same chapter, Bakken is referenced as having to be shipped under Class 1 or Class 2 labeling.

Which is correct?

Tank Cars

The description of Tank Car Unloading and Transport (Section 3.4.2.1) describes the unjacketed 1232 tank cars proposed to be used in the project as being "bottom unload" cars valves with 4 inch hoses.

According to the National Transportation Safety Board, bottom outlet valves "which have been prone to failure in derailment accidents." During derailment, when a tank car skids along the ground, the bottom outlet valve's operating levers are bent and pulled, causing the valve to open, or the valve is sheared off altogether. In a 2009 ethanol train derailment in Illinois, for example, bottom outlet valves in three tank cars opened and released most of the ethanol from those cars.

The NTSB found that the bottom outlet valve handle breakaway design in use "has been shown to be of limited effectiveness in preventing product releases from bottom outlets" and that existing standards and regulations for the protection of bottom outlet valves on tank cars "are insufficient to ensure that the valves remain closed during accidents."

Other differences between the proposed 1232 cars and the safer DOT 117 or 117R cars include a full-height head shield in the 117 cars and an optional half height shield in the 1232 cars, as well as required steel jackets in the 117 cars, which are only optional in the 1232 cars. In addition, the safer 117 cars require thermal protection systems, while they are optional in the 1232 cars, and the required DP or EOT braking system in 117 cars is also optional in 1232 cars.

If Valero has not yet bought 1232 cars, why should they not voluntarily use the safer DOT 117R cars, since the unjacketed 1232 cars would have to be replaced by 2020 in any event?

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Which is correct?

Track Conditions-

Each unit train, according to the RDEIR (pg. 2-49) weighs approximately 14,234 tons (28.5 million pounds). According to testimony received at the Sept. 29 Planning Commission meeting, 96% of the Donner Pass route is considered Class 3 track. Further, the State of California has designated the Donner Pass rail route as "high hazard". Will UPRR be utilizing the Donner Pass route to haul CBR? Among the concerns listed by the National Transportation Safety Board when discussing CBR is the condition of the nations rail tracks and the ability of older tracks and bridges to handle the extreme weight of oil trains.

Are all bridges within the UPRR system upon which oil trains could conceivably run be able to handle weight listed for these trains (28.5 million pounds)?

Does the RDEIR consider the impact of rising waters due to climate change in the Suisun marsh, and the likely impact that might have on rail lines in close proximity to the existing shoreline?

Braking-

As of April. 2014, UPRR is required to equip all trains hauling more than 20 cars of oil to have either distributed power or two way telemetry end of train devices. (Pg. 2-77).

Has UPRR equipped all their trains with either of these braking systems?

Emergency Preparedness

Emergency Notification- In May, 2014, USDOT required all railroads transporting Bakken shale oil to notify the State Emergency Response Commission (California Governor's Office of Emergency Services) about the number of trains carrying such oil, the routes they are using, and the characteristics of the crude oil itself.

Do such notices to the State happen before or after the actual shipment occurs?

Other localities have experience in dealing with the explosive properties of fracked oil when shipped by rail. In a March 24, 2015 letter to Burlington Northern railroad, Wayne Senter, executive director of Washington Fire Chiefs, cited four tanker derailments in the last few years—including one last year under Seattle's Magnolia Bridge—as reason for concern.

"The WFC is well aware that even if an infinite amount of foam was available, we can only provide defensive firefighting," Senter wrote in the letter.

Senter went on to slam the oil transportation industry's lack of transparency as a clear public safety issue. "Normally we would be able to assess the hazard through right-to-know and other public documents; however, your industry has sought and gained exemptions to these sunshine laws," the letter reads. "This exemption does not mean that your industry is exempt from taking reasonable steps to ensure catastrophic incidents do not occur."

The letter continues: Specifically, we request the following information:

1. Your railroad's own calculated Worst Case Scenarios for a potential crude oil train emergency in urban and sensitive environmental locales. What is the potential impact of a crude oil disaster in Washington communities?
2. Evidence of the levels of catastrophic insurance coverage your railroad has purchased relevant for potential serious releases in Washington State. For what level of potential disaster is your railroad covered?
3. Your high hazard flammable train Comprehensive Emergency Response Plans, both generic and for specific locations in Washington, urban and rural. Is there any credible emergency response to crude oil train disasters except evacuation? Please provide such plans covering all counties with crude train routes.

This letter raises important public safety and emergency preparedness questions for the City of Benicia as well as the State of California. On Dec 30, 2013, there was a derailment and fire in Casselton, ND of a train of Bakken oil (using the newer 1232 cars). The oil tanker train belonged to BNSF Railway Co.

BNSF spokesman Steven Forsberg said, "A fire ensued, and quickly a number of the cars became engulfed," adding that firefighters had managed to detach 50 of the 104 cars but had to leave the rest before concluding, "They can't fight the fire due to the extremes of the explosion and high temperatures." Firefighters had to let the oil burn for 18 hours until foam was delivered.

Is the head of the Washington fire chiefs association and the BNSF spokesman correct when they say that only defensive firefighting is possible, and that in the vast majority of cases of derailments and explosions, the only option available to emergency responders is to let the fire burn itself out?

It is well known that fires involving Bakken shale oil cannot be fought with water because of the mix of fuels such as butane and propane within the oil. The Valero Fire Department says that it has 22,000 gallons of foam on site to use in case of a fire.

How many gallons of foam would be needed to attack a fire of 30,000 gallons of oil if only a single car derailed and the oil exploded and caught fire?

How much foam does the Benicia Fire Department have?  
 How much foam is available outside the refinery within Solano County?  
 How much foam is available in Counties up rail from Roseville?  
 How much foam does UPRR have on hand, and where is it stored?

The questions raised in the Washington Fire Chiefs letter is relevant in this case and should be addressed to UPRR:

A. Will all train cars be clearly labeled with contents information so that first responders know what they are dealing with?

On Pg 2-69 reference is made to the Federal Emergency Planning and Community Right to Know Act (EPCRA) under which businesses must retain a Material Safety Data Sheet (MSDS) for each hazardous chemical product. However, 49 CFR 174 requires only that rail cars have placards indicating the hazard classification of the contents, rather than the actual contents.

On Pg 2-91 it is stated that placards will alert emergency responders to the contents of each car.

Will the placards, in fact, list Bakken shale oil (for example) as the contents, with directions on how to fight any resultant fires, or will they simply list the type of contents?

Does Bakken shale oil qualify as a hazardous chemical product, and if so, does the MSDS required to be placed on each rail car (for the safety of first responders) clearly delineate the actual contents? (Indicating only the type of material in a rail car, rather than the actual contents, would appear to put first responders at a disadvantage if they did not know exactly what type of oil fire they were fighting.)

What is the UPRR Worst Case Scenario for a potential crude oil train emergency in both urban and rural locales?

What is the potential impact of a crude oil disaster in California communities?

Is there any credible emergency response for oil train explosions and fires other than evacuation and letting fires burn out?

### Liability and Insurance

As a common carrier, UPRR is "responsible for the loss of goods during transport." (pg. 2-85). Does that mean that UPRR is also responsible for damages incurred as a result of derailments, explosions and fires? Would Valero, as the owner of the oil, face any liability in the event of a derailment and fire?

What levels of catastrophic insurance coverage does UPRR and Valero carry for potential serious releases in California?

For what level of potential disaster (amount of coverage) is the railroad and applicant insured?

On Pg. 2-86 it states that oil transporters must have a Hazardous Material Emergency Response Plan. Please have UPRR provide a copy of that plan, and explain if it covers both generic and specific routes in California, both urban and rural.

### GHG and other emissions

Pg. 2-20 states that BAAQMD will consider tank car unloading emissions, but has lined out "locomotive emissions." Does the Air District in fact not consider locomotive emissions for both idling and delivery of train cars in its review of refinery operations and emissions?

Pg. 2-13 states that 50 train cars per day is not as environmentally superior as 100 cars per day "because the decrease in emissions associated with a 50% reduction in train trips would not offset emissions of the same pollutants from marine vessels".

If train deliveries are reduced by 50%, and therefore marine deliveries would also be decreased by 50% from existing levels, why would the marine deliveries not show a corresponding reduction in emissions?

Under impacts and mitigation measures- Table ES2, Impact 4.1-6, states that the Project "could expose sensitive receptors up rail from the Roseville Yard to substantial pollution concentrations associated with locomotive emissions" but labels this as "Less than Significant" impact.

Please explain.

On Pg. 2-55 the RDEIR states that the City of Benicia has determined that a 10,000 metric ton threshold for GHG emissions is "conservative and appropriate to assess the significance of Project Related Emissions."

Please provide a copy of this City determination as it seems to conflict with other policies and goals, including AB32 which requires a 90% reduction in GHG by 2050.

For construction emissions, the methodology adopted calls for amortizing the construction emissions, which will happen over a 25 week period, to be counted over a 30 year period (Pg. 2-56).

What public purpose is served by counting construction emissions happening in 2016 as emissions happening over the next 30 years, and is the use of amortizing emissions legal and justified?

In the analysis of alternatives section, under the No Project alternative, it is stated that GHG emissions would be greater than the proposed project because there would be no reduction associated with

elimination of marine vessel trips. Further, on Pg. 2-51, it is stated that diesel locomotives are "8 percent less efficient per ton per gallon of fuel than marine transport. "

Does the RDEIR argue that marine transport, while 8% more efficient than rail transport, somehow also produces more GHG from the same gallon of diesel fuel?

What evidence has been presented to document the assertion that marine deliveries result in greater GHG emissions than from the use of diesel locomotives?

Impact 4.1-1-Uprail Impacts.

Pg. 2-27 references a Significant and Unavoidable impact on air quality from trains crossing air districts between Benicia and the state border, and that "indirect" emissions were analyzed. Table 4.1-12 shows pollutant emissions between Oregon and Roseville. For NOx, pollution exceeds the significance threshold in every district by a factor of up to 19 times the allowable limit (Siskiyou County). Given that, why are the emissions analyzed considered "indirect"?

Emissions outside California not measured

Pg. 2-36 states that UPRR "could" (emphasis added) choose any route for any delivery and that, "Accordingly, any attempts to identify and quantify the impact of locomotive emissions on air quality outside California would be highly speculative."

According to the California Energy Commission, in 2013, 85% of all Crude by Rail coming into California came from North Dakota, and 12.5% came from Colorado. According to the US Energy Information Administration, of the CBR moving to the West Coast, 90% was from the Mid West (primarily Bakken).

Given that, it would not be speculative to calculate the GHG emissions from North Dakota to the California state line, and the consultant should be asked to make such calculations.

Since the map shown on Figure 1-2 does not reflect UPRR having any rail lines serving the Bakken shale field, does the analysis for both GHG and hazardous materials examine other private rail lines such as BNSF that do serve the area and which, presumably, would provide some portion of the rail service from North Dakota to such point as unit trains could proceed on UPRR tracks?

Mitigation of Emissions

Pg.2-38 includes ways that emissions could be reduced using cleaner diesel locomotives. described as Tier 4 locomotives. It speculated that "if UPRR were required not only to ensure that all switch locomotives used ...are ultra low emitting locomotives, but also use

exclusively Tier 4 related rail cars...then Project related locomotive emissions would be reduced substantially. "

Besides the fact that UPRR cannot be required to use ultra low emitting locomotives unless ordered by federal government (federal pre-emption), Tier 4 applies only to locomotives manufactured in 2015 or later. The California Air Resources Board estimates that the transition of the national locomotive fleet to Tier 4 standers will not be complete until 2045.

What percentage of UPRR locomotive stock, if any, are currently Tier 4 compliant?

Given the speculative nature of the discussion, how can it be considered as a type of mitigation?

Section 4.4 discusses whether or not the project will hurt or help energy conservation goals.

In section 4.4-1a (pg. 2-49 and 2-50), it is stated that each single unit train uses 60,000 gallons of diesel fuel in its round trip from the source of origin to Benicia. Over the course of a year, that totals nearly 22 million gallons of diesel burned. It then states that total diesel used by railroads nationally is 4 billion gallons per year. It then further minimizes the impact by contrasting the 22 million gallons of fuel burned for the project to the total fuel used in transportation nationwide. Under that formulation, they then conclude that the use of this much diesel would be less than significant.

It defies common sense to suggest that, in an analysis of energy conservation, the consumption of 22 million gallons per year can be considered less than significant. Using this logic, the impact of a 500 unit apartment building on First Street in Benicia could be considered less than significant when comparing 500 units to all the housing constructed in the US in a year.

Later, on P. 2-50, the document references increased annual demand for fuel of 4.3 million gallons. Given that each round trip train trip to the source is projected to use 60,000 gallons of diesel fuel, and one train trip will happen every day of the year, and that  $60,000 \times 365$  equals 22 million-how is the number of 4.3 million gallons per year arrived at?

#### Conflict with existing goals

On Pg. 2-61, it is stated that the Project would conflict with Executive Order S-3-05 which regulates emissions in the SF Bay Area, and calls for emissions to be reduced by 90% below current levels by 2050. Instead, the Project would increase GHG emissions and be Significant and Unavoidable.

In addition, the City of Benicia Climate Action Plan encourages the Refinery to reduce emissions. On Pg. 2-61, it is stated that while the Project "may result in an increase in GHG emissions...the Project would not directly conflict with the City's established strategies" to support the reduction of Refinery emissions.

Please explain this apparent discrepancy.

Further in the discussion on the same page, it states that the Refinery participates in the cap and trade program under which companies can pay for their excess emissions by selling their excess emissions to other corporations. The RDEIR states that "Any change in GHG emissions generated at the Refinery due to implementation of the Project would be accounted for in these programs."

The fact that the applicant can remove responsibility for generating emissions by participating in Cap and Trade does not eliminate the GHGs themselves, the need to count them for purposes of the DEIR, or the need to report on them to regulating agencies.

#### Project Baseline

On Page 2-86, it is stated that the project baseline is unchanged in the DEIR (2.12.2.5).

However, CEQA defines the baseline period as one ending with the publication of the Notice of Preparation (NOP) by the City.

For this project, the NOP was issued by the City in August, 2013, and using the same three year period used in the RDEIR, the proper baseline period should be August 2010-August 2013. Yet, throughout the RDEIR, the baseline period is described as both running from November, 2009 to November 2012 (DEIR) and December, 2009 to December, 2012 (RDEIR-Pg. 2-20).

Please re-calculate the data, including GHG emissions for marine delivery, using the proper baseline period as described above and as defined and required by CEQA.

#### Vapor Pressure under Shipping Conditions

Section 2.12.4 states that the section on Hazardous Properties of Crude Oil Shipped by Rail would not be changed, so the following comments relate to the original DEIR.

The original DEIR stated that "Crude oil produced from an oil well usually undergoes some processing, separation, or treatment near the well location prior to be loaded onto tank cars. Processing includes the separation of water and solids from the oil as well as the separation of light vapors from the liquid crude oil. Most of the hydrogen sulfide and vapors are removed from crude oil before it is loaded onto tank cars." Pg. 4-7-14

On Pg. 2-76 of the RDEIR, it states that the American Association of Railroads (AAR), an industry trade group, has recommended eliminating the option for rail shippers "to classify a flammable liquid with a flash point of between 100 and 140 degrees as a combustible liquid". A PHMSA safety alert noted that, because of

its low flash point and/or low boiling point, light sweet crudes such as Bakken should be assigned to Packing Groups I or II (pg. 2-77)

For shipping purposes, Bakken must be shipped as part of shipping groups 1 or 2 which are limited to oils with boiling points below 95 degrees, and a flash point below 73 degrees. However there are significant safety issues related to the volatility and explosiveness of this type of oil that is not reflected in the DEIR or RDEIR. Please explain what this means relative to Bakken shale with a flash point below 73 degrees?

Bakken Shale Oil has been shown to have higher vapor pressure and more "light ends" than other crude oils. Will the applicant or UPRR take any additional steps to reduce vapor pressure upon loading oil in North Dakota?

The following article from Reuters is instructive on this issue. WASHINGTON, March 31 (Reuters) - New regulations to cap vapor pressure of North Dakota crude fail to account for how it behaves in transit, according to industry experts, raising doubts about whether the state's much-anticipated rules will make oil train shipments safer. High vapor pressure has been identified as a possible factor in the fireball explosions witnessed after oil train derailments in Illinois and West Virginia in recent weeks.

For over a year, federal officials have warned that crude from North Dakota's Bakken shale oilfields contains a cocktail of explosive gas - known in the industry as 'light ends.'

The new rules, which take effect on April 1, aim to contain dangers by spot-checking the vapor pressure of crude before loading and capping it at 13.7 pounds per square inch (psi) - about normal atmospheric conditions.

The plan relies on a widely-used test for measuring pressure at the wellhead, but safety experts say gas levels can climb inside the nearly-full tankers, so the checks are a poor indicator of explosion risks for rail shipments.

It is "well-understood, basic physics" that crude oil will exert more pressure in a full container than in the test conditions North Dakota will use, said Dennis Sutton, executive director of the Crude Oil Quality Association, which studies how to safely handle fossil fuels. Ametek Inc, a leading manufacturer of testing equipment, has detected vapor pressure climbing from about 9 psi to over 30 psi - more than twice the new limit - while an oil tank is filled to near-capacity. About 70 percent of the roughly 1.2 million barrels of oil produced in North Dakota every day moves by rail to distant refineries and passes through hundreds of cities and towns along the way.

The state controls matter to those communities because there is no federal standard to curb explosive gases in oil trains.

North Dakota officials point out that the pressure limit is more stringent than the industry-accepted definition of "stable" crude oil. They also say that they lack jurisdiction over tank cars leaving the

state and that the pressure tests are just one of the measures to make oil trains safer.

"We're trying to achieve a set of operating practices that generates a safe, reliable crude oil," Lynn Helms, director of the North Dakota Department of Mineral Resources, has said. Helms has also said that test readings for near-full containers were less reliable.

The oil industry friendly blog BakkenShale.com describes Bakken shale as high quality, easy to refine, and easier to ignite. It states that "Additional safety measures need to be taken when hydrogen-sulfide or other flammable gases are dissolved in the oil. The oil needs to be degassified before transportation." The California Office of Emergency Services asked DOT to require petroleum producers to strip out flammable liquid gases that may be present in higher concentrations in Bakken crude. (SacBee 7/1/2014)

Will Valero or UPRR be degassifying Bakken shale and removing light ends before it is shipped?

Hazardous Materials

Impact 4.7.1 says that there is a Less than Significant Impact hazard to the public or environment from routine operation of the project. It references a Health Risk Assessment performed for the Project "including operations at the new unloading facility and along the UPRR mainline between Roseville and the refinery."

How was this assessment conducted if the trains are not yet running and the unloading facility not yet constructed or operational? Was it strictly a hypothetical model, and if so, is it proper to base an environmental finding on a hypothetical study?

Section 2.12.6 (Pg. 2-89) describes measures UPRR has taken to improve safety on unsecured trains and states that "trains carrying loads of hazardous oil will not be left unattended unless specifically authorized."

Who is authorized to waive this safety precaution?

It also states that UPRR has (will?) develop a "written plan that specifies locations and circumstances under which it is safe to leave unattended trains". SB861 signed into law in June 2014 requires an implementation of an approved California Oil Spill Contingency Plan.

Has such a plan been prepared and approved? Or does federal pre-emption exempt UPRR from complying with State law? If they are exempt from State law, are there Federal laws requiring UPRR to have a comprehensive Emergency Preparedness and Response Plan?

Please provide a copy of any such plans for public review, if available.

Pg. 2-91 states that UPRR has implemented the Rail Corridor Risk Management System routing protocol developed with the Dept. of Homeland Security and FRA to determine the safest and most secure routes for oil trains.

Has this protocol resulted in UPRR changing any routes used by CBR trains?

Effects on Water Quality and Noise

Page 2-115 describes oil, if released into water, as "typically floating on the water's surface".

While this may be true for most forms of crude oil, it is not true for Bitumin oil from Canadian Tar Sands, one of the oil types being considered for importing to the Refinery.

In 2010, the biggest oil spill in the continental US history (not including the BP oil spill in the Gulf of Mexico or the Exxon Valdez disaster in Alaska) occurred when a pipeline carrying tar sands oil spilled into the Kalamazoo river. That oil, being heavier than water, quickly sunk to the bottom of the river. The cleanup of the Kalamazoo river is on-going, with costs exceeding \$1 billion.

"Consideration of submerged oil in a flowing water environment would require different response action planning and response equipment to contain and recover submerged oil. Spills into waterways and infiltration into groundwater could impact sources of drinking water, threatening water supplies for local populations." (RDEIR pg. 2-115).

Sec.4.8.6 (Pg 2-125) describes the operation of the trains "under normal operating conditions" and concludes that, under those conditions, the trains "would not violate any water quality standards or substantially degrade water quality"

While it is expected that trains operating under normal operating conditions would not violate water quality standards, should not the RDEIR look at worst case scenarios related to train transport of hazardous materials, such as a potential derailment and spill of oil into waterways?

Given that one rail route from Oregon to Roseville is along the Feather River, and the route from Roseville to Benicia is largely along the Carquinez straits, what specialized equipment

does UPRR or first responders have to deal with a bitumen oil spill into a moving river?

Later in the same section (Pg. 2-116) it is stated that "compliance with applicable rules and response plans would reduce train derailments and improve emergency response in the event of an accident." Presumably, UPRR is already in compliance with applicable rules; how would simple compliance with existing rules "reduce train derailments and improve emergency response"?

The section also states that "depending on the location of an oil spill along the UPRR main line tracks, there may be no oil spill containment or cleanup equipment immediately available, and it could take some time for emergency response teams to mobilize adequate spill response equipment. Depending upon the location of the spill, this could allow enough time for the spill to affect local water resources."

It is stated that UPRR personnel in Roseville are responsible for incidents happening between Roseville and the Oregon border. If a spill were to happen in the Feather River near Dunsmuir, the site of a significant derailment in the past, how long would it take to have UPRR personnel and equipment on site to address the spill?

Impact 4.10-3a notes that the "addition of one train per day would cause neither a substantial nor a permanent increase in ambient noise level" and that the impact was less than significant. The project calls for two trains per day in each direction (four total), not one, and since trains would run 365 days per year, would that increase not be considered 'permanent'?

Section 2.15.1 (pg. 2-128) describes the alternatives of UPRR using either a 100 car unit train with four locomotives, or two 50 car trains with two locomotives on a daily basis from the California border to Roseville.

If two 50 car trains are used daily, traffic on the rail line would increase between 12 and 36%. Is this increase in train traffic reflected in data presented on emissions, noise, and emergency preparedness?

On the question of noise (Impact 4.10-1a), the following statement is made: "Because Project-related trains would be subject to compliance with existing federal regulations governing noise emissions, the Project would not expose people to or generate noise levels in excess of applicable standards." (pg. 2-129) and would therefore have No Impact.

The fact that an operation is subject to federal regulations in no way

guarantees that noise levels will not be exceeded.

Emergency Response-

Impact 4-7.8 deals with physical interference with an adopted emergency response or emergency evacuation plan, and states that it will be mitigated by Mitigation Measure 4.11.4 in the original DEIR. That measure calls for the Benicia Fire Department (BFD) to finalize an agreement with the Valero Fire Department so that BFD is informed of the schedule of train crossings, the installation of cameras within the Industrial Park and direct BFD to utilize East 2nd street instead of Park Road and Bayshore Road in the event of an emergency.

Is the agreement in place? If not, can it be used as a mitigating factor?

If an emergency call were made from a business near the intersection of Park and Bayshore Road, and that intersection were blocked by a train crossing for up to 8 1/2 minutes, how much additional time would be needed by BFD to reach the call utilizing East 2nd street?

Given the extra time needed by first responders to get to an emergency call in the Industrial Park with the tracks blocked, is it reasonable to conclude that the local impact on emergency services would be less than significant?

Traffic and Transportation

Section 4.11 of DEIR has not been substantially changed, and the conclusions are repeated in Section 2.17.4.3.11 on Pg. 2-165 of the RDEIR.

The following comments refer to the original DEIR and the traffic study done for it.

That study states that, under cumulative volume conditions, "vehicle queues associated with the 50 rail car crossing would extend back onto the NB I-680 off-ramp, but not onto the I-680 mainline."

On P. 2-168 the RDEIR states that "Project train crossings during the 9AM to 7PM period would generate queues on the west side of the tracks that would extend onto Bayshore Road and affect the operations of the I-680 ramp-terminal intersections, but would not extend back onto the I-680 mainline."

Table 2-6 of the original traffic study says traffic backups during train crossings would be 975 ft on I-680N off-ramp, about 7 times longer than without a train crossing, but since the ramp is 1300 ft long this won't be a hazard.

How was it determined that traffic backups would only reach 975 feet and not 1300 feet onto the mainline of I-680?

Given that the morning rush hour begins as early as 630 AM, and is heaviest in the 730-830 AM timeframes, why was a 9AM start time used instead of the more reasonable 730AM period?

Would the findings of "less than significant" impact be similar if a more accurate rush hour were utilized?

Although the applicant states that UPRR will not deliver trains during the day, it is already established that the federal pre-emption does not allow the Applicant to dictate times of delivery, and that it is possible that train deliveries will happen any time day or night for a variety of reasons relating to UPRR operations.

On Pg. 2-166 the following statement is made regarding vehicle delays: "The change in average vehicle delay at the Park Road crossing associated with the 8.3 minute duration when the Project's trains could block traffic at that crossing would increase the average vehicle delay in an hour by about 0.8 second, which is less than the 1 second threshold of significance when the train crossing currently operates at LOS F. The project impacts would be less than cumulatively significant. "

Please explain how this calculation and conclusion was arrived at, in laymen's terms.

The traffic study from Fehr and Peers is included in the Appendices of the DEIR. It describes traffic Level of Services (LOS) as going from A (no delays) to E (more than a 35-50 second delay) to F (more than 50 second delay with intersection capacity exceeded).

The Benicia General Plan calls for no worse than Level D (long traffic delay of 25 to 35 seconds) throughout the City, but does not have a standard for at-grade RR crossings as exist at Park and Bayshore Road. The traffic study says that LOS levels may not be appropriate to use in industrial park because people driving there "have a higher tolerance of delay with intermittent at grade rail activity".

Is this assumption about people's different tolerance for delays supported by any evidence? If so, please provide evidence used for that conclusion.

Because the estimated crossing of an oil train is 8 1/2 minutes, every crossing of an oil train at Park/Bayshore will, by definition, create a LOS F at that and surrounding intersections. According to the traffic study, "During periods of the day when traffic volumes are low, it is possible that an at-grade crossing will result in LOS F, with resulting vehicle queues accommodated within storage capacity provided at intersections. In that case, it is less likely at-grade crossings will adversely affect the transportation network."

Although the City doesn't have significance criteria for at-grade crossings, the traffic study recommends using the following criteria to determine if impacts are significant: "if train crossings cause vehicle backups that impede other traffic such as on to the mainline of 680 or other intersections not trying to cross intersections, and if the project would result in a change of traffic patterns or would it result in inadequate emergency access."

Table 3.1 and table 4.2 (cumulative intersection crossings) shows delays actually decreasing at all intersections with additional trains vs. no additional trains. The conclusion that delays decrease with more train crossings is counter-intuitive and needs to be supported by documentation.

As part of the traffic study, the traffic consultant set up a video camera in April, 2013 and recorded all train crossings for a one week period. The video study showed that the average train crossing on weekdays was under 3 minutes, with 86% of crossings taking under 5 minutes. Yet the traffic study assumes a baseline condition of 11 minutes 50 seconds (p.21 of traffic study), despite the fact that only 2 of 58 trains recorded in that week took that long to cross the intersection.

Why use a train crossing of nearly 12 minutes as the baseline if it only happens twice a week, and the average crossing was closer to 3 minutes?

On P. 1307 of the report it is stated that, if there are no train crossings at intersections, traffic is acceptable, but if there were train crossings of more than 5 minutes, conditions at intersections degraded to LOS F.

The study says there was, on average, one train per day that took over 8 minutes to cross. Table 3.1 shows LOS F at different intersections in off-peak hours and assumes a 8 1/2 minute train crossing for the oil trains. Table 3.2 of the traffic study compares the existing situation to the situation with proposed oil train crossings. Yet the study shows queue length of cars waiting to cross over the intersection to be shorter with oil trains than without the trains.

How would a train crossing of 8 1/2 minutes, 4 times/day, not worsen traffic delays at Park/Bayshore intersection?

Table 2.5 on p.22 of the traffic study shows that 5 intersections would degrade from LOS A to LOS F at times of train crossings, but assumes a nearly 12 minute train crossing as the baseline, despite an average train crossing of less than 3 minutes, (with 86% of all trains taking less than 5 minutes to cross). Using that one time exception as the baseline, the study then concludes that the delays caused by oil train crossings were less than significant.

Using this much higher baseline assumption instead of the existing documented reality of train crossings allows the study to make a conclusion that the intersections are already at LOS F, even though there are only two trains a week that actually take that long.

Using the assumption that those twice weekly events are normal (or baseline), the study then concludes that the addition of 4 trains a day (which would obviously mean LOS F) is not a change- and therefore represents a less than significant traffic impact.

This is important because a finding of a significant impact in a DEIR requires a mitigation of that impact, or explanation of why it cannot be mitigated. And the only real way to mitigate this particular impact of excessive traffic delays (as well as emergency services discussed above) is to either not have the extra crossings, or have a mitigating condition like the construction of an overpass or underpass to allow automobile traffic to pass unimpeded.

Mixing freight and commuter trains

Pg 2-140 of the RDEIR states that UPRR avoids disrupting Capitol

Corridor passenger trains by not dispatching freight trains during commute hours.

What are the commute hours during which freight trains are not dispatched? Does that mean freight trains are not on the tracks during those hours and Project trains would not be running during commute hours?

Under Section 2.17.2 (Pg. 2-142), there is discussion of Significant Irreversible Environmental Effects which describes the fuel used by either rail or ship in moving oil to the Refinery. The footnote at the bottom of the page has removed the 1500 mile distance used throughout the document as the approximate distance between the oil source and the refinery. However, at this point, the 1500 mile reference (which happens to coincide to the distance between the Bakken oil fields and Benicia) is replaced with "any number of miles along the North American freight rail routes".

Why was this change made, and does the applicant contend that the majority of oil to be transported by trains will come from areas other than the Bakken field?

#### Analysis of Alternatives

Pg 2-14 states that the "main issue to be resolved in the EIR is which among the alternatives would meet most of the basic project objectives with the least environmental impacts". While that may be the objective of the EIR and the applicant, it is not necessarily the City's obligation to meet the basic project objectives.

Rather, the City must decide whether this project as proposed, or amended, is worth the tradeoff between the significant environmental impacts identified in the RDEIR and the applicants objectives.

Table ES-1 lists one 50 car train as the environmentally superior alternative (Pg. 2-2)

What other alternatives were considered?

Pg. 2-8 it states that the No Project alternative would "have no effect on the Refinery's existing ability to process crude oil received via other existing, approved influmechanisms".

Pg 2-9 includes a discussion of environmentally superior alternatives states that "if the no project alternative is the environmentally

superior alternative, the EIR must also identify an environmentally superior alternative from other options."

If that is the case, and considering the significant environmental impacts that cannot be mitigated, is the no project alternative considered the environmentally superior alternative?

Pg 2-8 says the proposal is for 50-100 car unit trains. My understanding has always been that the proposal is for two 50 car unit trains per day.

Is there a proposal to now change that to 100 car trains?

Alternative One is described as the environmentally superior alternative, and calls for One train delivery per day. The RDEIR says that train would be delivered between 8pm and 5am. Since this cannot be assured because of federal pre-emption is this legally feasible?

Why is this described as the most environmentally superior alternative if it is not legally feasible?

Alternative 2 calls for two 50 car trains per day during nighttime. But that alternative is also legally infeasible because of federal pre-emption and UPRR's insistence that there cannot be any limitations on scheduling of their deliveries.

However, there are three other Alternatives which should be considered and analyzed.

As of October, 2014, according to the California Energy Commission, more Bakken oil was being delivered into California by barge than by train. Oil is shipped from the Pacific Northwest to California refineries, and two new barge terminals are being planned in the Northwest. At a previous hearing, Mr Hill of Valero acknowledged receiving Bakken crude by barge, although they did not say from where the barge originated.

If more Bakken can be moved by barge, the need for Crude by Rail in Benicia diminishes.

Having oil delivered to the applicant by barge or ship instead of by rail should be listed among the Project Alternatives.

There are several terminals proposed in the Northwest to receive Crude by Rail and then ship it to West Coast refineries. The latest

proposal, from Tesoro, is for a \$210 million terminal receiving four 100 car unit trains per day at the Port of Vancouver, Washington. Using this or other existing terminals in the Northwest would obviate the need for the CBR project at Benicia, as the applicant could continue to receive the same amount of crude by tanker or barge.

Alternative 3 calls for an off site unloading terminal.

In Table 5-1 (Pg. 2-147) is a description of other potential oil refinery projects that should be considered for cumulative effects. Among them is the WesPac project in Pittsburg on the opposite side of the Carquinez Straits. The WesPac project, when constructed, calls for the delivery of between 242,000 and 375,000 barrels of oil per day.

According to the RDEIR, "The WesPac Terminal would connect to two third-party common-carrier pipelines, including the KLM Pipeline (currently owned by Chevron) that currently provides crude oil to the Valero Benicia refinery and other Bay Area refineries."

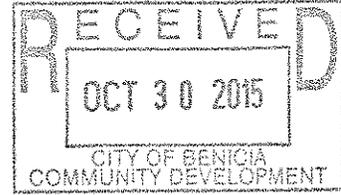
Given that a pipeline currently exists that can deliver oil to Valero, and that the WesPac project could potentially provide even larger volumes of oil to Valero, the delivery of oil by pipeline should be listed as an additional alternative to the Proposed Project.

Table ES-1 shows 11 areas analyzed for environmental impacts.

Of those 11, 8 show the No Project alternative as the Most Preferred.

Of the remaining three, the Greenhouse Gas emissions table states that the proposed project would have "significant and unavoidable impacts, and generate significant levels of GHG, and conflict with plans adopted to reduce GHG."

City of Benicia Community Development Dept.  
Attn: Amy Million  
250 East L Street  
Benicia, CA 94510



October 30, 2015

**RE: Comments on Valero Crude by Rail Project Revised Draft EIR**

Dear Ms. Million:

I am submitting the following comments on the Revised Draft EIR (RDEIR) for the Valero Crude by Rail Project.

**Alternatives**

The RDEIR states that Alternative 1 and Alternative 2 are legally infeasible (pages 2-8, 2-9). What is the rationale for continuing the analysis of these two alternatives if they are not legally feasible?

The RDEIR (pages 2-9, 2-10) discusses the merits of the project and alternatives, but does not state which is the Environmentally Superior Alternative. Is there an Environmentally Superior Alternative?

**Hazards and Hazardous Materials**

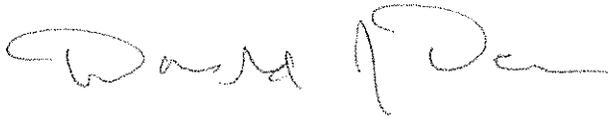
The RDEIR presents a list of recent train accidents on pages 2-74 and 2-75. Please update that list with any recent accidents for CBR trains since the RDEIR was released.

Figures 4.7-2 and several figures that follow it illustrate the risk associated with oil train transportation. Figure 4.7-2 indicates that the number of injuries would be "potentially significant" and the number of fatalities would be "significant." What is the correlation between injuries and fatalities? How is it that the number of fatalities can be significant, and the number of injuries only potentially significant. I would presume that in terms of numbers, fatalities would be a smaller subset of injuries. That is, the number of injuries is proportionally greater than fatalities. What is the explanation for this apparent discrepancy?

According to the Quantitative Risk Analysis (Appendix F, page 58), "The risk is primarily driven by the HTUA (Bay Area and Sacramento) since these are the locations where long stretches of track are in close proximity to heavily populated areas." The HTUA is calculated on population density per square mile. This does not seem to take into account the proximity of residential areas to the active rail corridor, but averages population over a larger area. Many of the up-rail cities have residential areas within a few hundred feet of the rails or closer. The possibility of worst case

thermal radiation hazards due to an incident at the Benicia refinery are discussed on pages 2-107 to 2-109 of the RDEIR. If the same thermal radiation hazard analysis was conducted for up-rail communities with the same radius of impact presented in Figure 4.7-8, which communities would have residential areas that would be affected?

Sincerely,

A handwritten signature in black ink, appearing to read "Donald J. Dean". The signature is fluid and cursive, with a large initial "D" and "J".

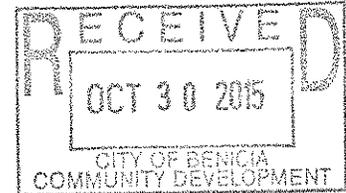
Donald J. Dean  
Benicia, CA



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3400 East Second Street • Benicia, California 94510-1097 • Telephone (707) 745-7011 • Facsimile (707) 745-7339

October 30, 2015

Valero Crude by Rail Project  
RDEIR Comments



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

Dear Ms. Million:

Valero appreciates the work and effort the City has directed and expended on Valero's Crude by Rail Project, especially addressing CEQA requirements and disclosure of information that may be considered required by CEQA. Since Valero had very little input in the Revised DEIR "RDEIR", we are offering the following comments and corrections to the RDEIR. In general, Valero is concerned that some of the City's risk assessments are speculative and for that reason overstated.

### **Fair Project Representation**

It is critical that the records the City prepares for this project provide a fair representation of the material developed for the project including the record of meetings related to the Project. Valero's comments on this topic have been submitted in a separate comment letter. Statements in that letter should be considered in conjunction with this comment letter.

### **Preemption of the Railroads**

The purpose, power, benefit, and legal basis for the Federal Preemption of the railroads as it relates to the CEQA EIR for this project is explained in detail in a letter to the City of Benicia from Mr. Flynn, Nossaman, LLP. Statements in Mr. Flynn's letter should be considered in conjunction with this comment letter.

### **Voluntary Mitigations**

Demonstrating Valero's commitment to the safety of this facility, our community, and rail safety, Valero has volunteered the following mitigation items, some of which are categorized as federally preempted.

- Utilize only CPC-1232 railcars to deliver crude to Benicia *prior to* any federal regulation that required this action. In addition to voluntarily offering to utilize only CPC-1232 tank cars, Valero will comply with all federal tank car regulations.
- Engaged with local agencies to address rail transportation safety, performed mock drills engaging coordinated efforts with Valero and local haz-mat responders *prior to* any federal regulation that required this action.
- Updated the Valero Refinery Fire Department and City of Benicia Fire Department Operational Aid Agreement, coordinating efforts between the City and Valero emergency response personnel.
- Provide communications equipment for city of Benicia emergency response vehicles.
- Provide real time Park Road traffic information to city of Benicia Dispatch.
- Request UPRR to schedule trains to avoid Park Road crossings during commute hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.

### **Project Benefits**

As stated in the project application and in the DEIR, there are many benefits from this project. They are restated and listed below:

- Decrease in local and global emissions.
- Economic benefits for the city of Benicia.
- At least 20 permanent local full-time jobs.
- Approximately 120 skilled craftsman jobs during construction.
- Increased use of domestic resources and associated domestic jobs.
- Opens a third transportation option for crude delivery, which provides Valero with flexibility in purchasing power of its primary raw material, maintaining refining facility competitiveness and ongoing viability.

### **Summary of Impacts and Mitigation Measures**

Our comments are limited to addressing clarifications and offering information that we believe is pertinent to the RDEIR. However, we would like to point out what appears to be an inconsistency in evaluating the potential impacts. The RDEIR concludes in several places that potential uprail impacts cannot be mitigated because of federal preemption. While the City cannot require specific mitigation measures, other governmental agencies have recently implemented many new measures which are tantamount to mitigation measures. It is not correct to suggest or imply that impacts of rail operations will not be mitigated because of federal preemption. Recent actions that the federal government and the State of California have undertaken *are* Mitigation Measures. These measures include a variety of safety orders, local and federal transportation regulations and actions related to rail transportation and tank car design, and enactment of California laws establishing improved communications, funding, training, and personnel to improve railroad safety and to more efficiently and effectively respond to incidents along the rail lines if they should occur. These address potentially significant environmental impacts related to the railroads, even if the imposition of such measures lie outside the City's discretion.

RDEIR Table ES-2 (DEIR Table 2-1) contains a summary of project impacts and mitigation measures. Items documented in this summary table that were listed as "Potentially Significant" *before* mitigation and then elevated to "Significant and Unavoidable" *after* mitigation may seem nonsensical to the average reader who may not be familiar with CEQA terminology. To that end, we believe the RDEIR Table ES-2 should refer the reader to the definitions set forth in DEIR Section 4.0.2.

#### **Table ES-1 – Proposed Project vs. Alternatives**

Table ES-1 is a new table introduced in the RDEIR that summarizes the environmental impacts of the proposed project vs. project alternatives. CEQA requires that the EIR address significant potential project-related environmental impacts within the project area. "Project area" historically referred to the local area or the local air district, depending on the impact type.

During the DEIR comment period some project commenters requested that the City address potential indirect project risks outside of the local project area and outside of California. The City therefore amended the DEIR to include uprail impacts – outside the local area for emissions and outside the state for greenhouse gas. Valero supports supplying such information to the public, but also notes the information provided goes beyond traditional CEQA requirements.

Table ES-1 preferentially summarizes out-of-area impacts for which there is no mitigation because of the federal preemption applicable to railroads. However, it unfairly excludes the recent actions the federal government and the State of California have undertaken to address rail safety and emergency preparedness, as well as the environmental *benefits* that the project brings to Benicia and to the Bay area.

It is Valero's position that a summary of the local benefits that the project provides to local air quality and other resource areas is relevant to the project. For example, the discussion of the Project compared to the No-Project Alternative in Table ES-1 relating to Air Quality primarily focuses on uprail emissions and disregards local emissions benefits.

- Local region emissions of criteria pollutants are *greater* with the no-project alternative when compared to the project. DEIR Table 4.1-5 shows emissions reductions for ALL categories of criteria pollutants within the Bay area air basin – ROG, NOx, CO, SOx, and PM – resulting from reduced marine vessel traffic in the Bay area. Therefore, the No-Project alternative should be designated as the "Least Preferred" for local region (Bay area) air quality.
- Uprail (outside local region) emissions of criteria pollutants are less with the no-project alternative when compared to the project. This is because emission offsets from marine vessels are not available for rail-related transportation traffic outside the Bay area. However, of all the criteria pollutants, only NOx exceeds the "Threshold of Significance" (Table 4.1-12 through Table 4.1-14) assigned by the Lead Agency or established by the respective Air District along routes analyzed. Importantly, in no

instance does the Cancer or Chronic Hazard Risk exceed the Significance Threshold for the more rigorous Health Risk Assessment along analyzed routes.

#### **Section 2.1.5.4 – Alternative 3 - Offsite Unloading Terminal**

We disagree that Alternative 3 would meet all objectives of the Project. The offsite unloading terminal is purely speculative. There is no existing offsite terminal that meets the specifications of this project. There is no identified suitable location that could meet the specifications of this project. Any new offsite facility would require acquiring land and adding refinery infrastructure to a location that is not now devoted to refinery infrastructure. In addition, such a configuration would still require construction of an unloading rack, pipeline, and developing refinery infrastructure. There would be no guarantee of a benefit to the local construction workers or the City of Benicia tax base. In addition, an offsite unloading terminal would require CEQA review and permitting for an entirely different project. Delivery of 70,000 bbls per day of crude oil is not a viable option via truck. It is a physical impossibility to offload 70,000 bbls per day by truck, and the current roadway infrastructure is insufficient to handle this concept. Emissions from trucks would be far greater than emissions from rail delivery. There is no existing pipeline infrastructure that would meet the volume requirement needed. Finally, short of knowing the configuration, it is only speculation that there would be *no preference* regarding the CEQA Resource Areas.

#### **Greenhouse Gas Emissions**

It is a fact that Valero's project *reduces* global greenhouse gas (GHG) emissions by over 200,000 tons/year based on the alternate mode of transportation. This is explained and supported in RDEIR Table 4.6-7. Information in that table is based on estimated train mileage from composite North American sources compared to estimated composite marine vessel mileage from worldwide sources. 200,000 tons/year is a significant reduction.

The GHG comparison presented in the RDEIR estimates the increase in locomotive emissions between Benicia and the northern California border (369 miles), and the decrease in marine vessel emissions between Benicia and a location just west of the Golden Gate (49.5 miles). Because this comparison utilizes only the distances traveled within California, project GHG emissions from locomotives using the CEQA methodology results in an *apparent* net project increase within California. An element of CEQA, as it relates to emissions, including GHG emissions, is that CEQA only quantifies emissions impacts within the local jurisdiction (the Bay Area) or the State of California. Such a perspective skews the comparison of GHG emissions, since GHG emissions are global in nature. Based on this perspective, the Proposed Project is "Most Preferred" compared to the other four alternatives for the GHG Resource Area. Since GHG emissions are reduced with the project, no mitigation is required.

#### **Biological Resources, Impact 4.2-10**

Trains currently travel with regular frequency along the North American rail lines. The corridor between Sacramento and the Bay Area currently handles 40+ trains per day. Adding between two to four trains per day along the rail route is less than a 10% increase in rail traffic. Similar arguments can be made for other main line rail routes in North America.

The RDEIR states that because trains currently operate with reasonable frequency, the wildlife under the baseline conditions have adapted. However, the RDEIR then goes on to state that trains can cause mortality through direct impacts with wildlife and with increased train activity the mortality is expected to increase proportionately. This argument does not follow logically because the animals along the rail lines have already adapted to rail traffic. Therefore, the increase in wildlife mortality would not be linear, as suggested by the RDEIR.

RDEIR excerpts, pages 2-44 – 2-45:

*“Under normal operating conditions, trains transporting Project-related crude oil would not have a substantial adverse effect on any riparian habitat or other sensitive natural community ...and would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites because the presence of any such habitat or community located within or along the tracks under baseline conditions demonstrates tolerance with trains passing via the tracks.”*

*“Wildlife species are expected to soon habituate to the more frequent noise. The increased frequency of trains per day would not substantially increase noise impacts to special status wildlife within the uprail study area beyond existing operations. Trains can cause mortality or injury of wildlife through direct impacts. With increased frequency of trains per day as a result of Project transportation needs, there is a directly related increase in potential for wildlife collisions along all the route lines. This threat is highest in sensitive habitats such as riparian corridors, wetlands, and marshes where a higher number of wildlife species are supported. Mortality or injury of special status wildlife or migratory birds would constitute a significant impact.”*

### **Qualitative Risk Analysis Report - Properties of Crude Oil Used for Consequence Modeling**

The properties of crude oil used for consequence modeling in the Qualitative Risk Analysis (QRA) Table 5.1 admittedly overstate the volatility of crudes that can be brought to Benicia by rail. Conservative and worst-case analysis does not require speculation or unfounded assumptions. Unreasonably overstating the crude volatility used in the risk modeling translates to an unreasonable overstatement of the risks of fires and explosions. This translates to an overstatement of risks in QRA Figures 5-5 through 5-10. Importantly, the results of Figures 5-5 through 5-10 are the basis for significance determinations in RDEIR and summarized in Tables ES-1 and ES-2.

The QRA states that the crude properties used in the spill modeling and outlined in Table 5.1 were “based upon a Bakken type crude due to its lighter properties and relatively higher volatility”. However, the report did not otherwise state where the properties utilized in its basis were obtained.

Utilizing crude properties that more closely resemble crudes that could reasonably be brought to Benicia would reduce the QRA risk results from the Consequence Modeling

conducted in the QRA utilizing the Santa Barbara methodology risk assessment methodology. It could affect project transportation risks, reducing the risk to "Insignificant" in Figures 5-5 through 5-10. Actual risks would be lower based on constraints discussed below.

Vapor Pressure: BAAQMD Regulation 8, Rule 5 - Storage of Organic Liquids, Section 8-5-301, limits the vapor pressure for materials stored in external floating roof tanks to less than 11 PSIA (75.8 kPa). Therefore, the maximum vapor pressure of crudes that can be transported by rail and stored at Benicia are limited to less than 75.8 kPa, rather than 90 kPa as is shown in RDEIR QRA listed in Table 5.1.

Marathon Oil Capline Pipeline unit ([www.caplinepipeline.com](http://www.caplinepipeline.com)) provides publicly available crude information based on recent assays. Marathon's most recent assay for North Dakota Sweet (Bakken) crude, which is one of the North American crudes that could be transported to Benicia, identify an API Gravity of 42 and a Vapor Pressure of 8.31 psi, both of which are less volatile than the crude properties in listed in Table 5.1.

API Gravity and Flash Point: The North Dakota Petroleum Council (NDPC) ([www.ndoil.org](http://www.ndoil.org)) also provides publicly available information on Bakken crude properties. Information on its web site identifies a Bakken crude API gravity ranging from 40 to 43, with an average of 42, consistent with the Marathon assay. NDPC published Bakken crude flash point of 73°F (23°C), which is less volatile than the 10°C listed in Table 5.1. The NDPC flash point is based on crude with a vapor pressure of 11.5 - 11.8 psi, which is higher than the vapor pressure of crudes that can compliantly be stored at Benicia. Therefore, the flash point for the model should certainly not be as low as 10°C.

Light Ends: The QRA states "*the modeling is sensitive to the initial percent of light ends*". Therefore, to accurately model risk, correctly specifying the following information used for modeling is important: 1) definition of light ends, and 2) volume percent of light ends in the North American crudes that can compliantly be stored at Benicia.

Because the crudes that Valero can accept at its Benicia facility have a lower vapor pressure, higher flash point, and lower percentage of light ends than the crude properties listed in Table 5.1 and used in the QRA consequence model, this translates to lower volatility. Therefore, the likelihood of incident of fire or explosion in the event of a derailment and loss of containment would also be lower than stated in the QRA modeling results prepared by MRS and the significance determinations and probability of adverse incident in RDEIR Tables ES-1 and ES-2 are also overstated.

### **Project Configuration and Emergency Response – Corrections**

Valero agrees that Impact 4.7-4 is properly characterized as "Less than Significant". We offer the following corrections and observations as it relates to the proposed project configuration, hazard presentation, probability of incident, and appropriate emergency response.

As per CEQA guidelines, the EIR is required to address environmental impacts as a result of probability of adverse incident based on *reasonable* worst-case scenarios. Since MRS based its conclusion on data that does not apply to our project, its conclusion is overstated.

First, it should be noted that the worst-case scenario selected - a catastrophic failure of the piping downstream from the project offloading pumps resulting in a 73,000 gallon spill - is a scenario that is highly unlikely to occur. Project piping operates at ambient temperature and low pressure. Project operating conditions fall significantly within the design conditions for piping components utilized. Check valves are in place to eliminate backflow in the pipeline. Because refinery equipment is routinely operated at elevated temperatures and pressures, hardware is selected to be robust, keeping the processes contained in its controlled environment, and 'in the pipes'. There is a vast quantity of piping infrastructure in the storage tank field area; the new equipment associated with the crude offloading operations is a minor addition to this existing piping infrastructure. Inspection and preventative maintenance programs are designed to avoid incidents. Equipment is routinely visually inspected each shift during unit operator rounds.

Refinery personnel are also trained to respond *appropriately* to an incident if it were to occur. Operations personnel and emergency responders are on site 24/7. The offloading facilities will be operated, manned and supervised by multiple personnel while offloading operations are in progress. Pipeline transfer operations are managed with on-site personnel and the control board operator. All pertinent operations personnel are in radio contact to enable prompt assistance with routine and non-routine operations. If a spill were to occur, spill management practices outlined in the facility's Spill Prevention and Control Countermeasure (SPCC) Plan would be initiated. Refinery personnel are trained in immediate and appropriate response, securing equipment and containing leaks if an issue should develop.

Therefore, the RDEIR's modeled worst-case spill of about 73,000 gallons of crude oil that contributes to a possible worst-case thermal radiation hazards scenario is extremely conservative, so much so that it does not represent *reasonable* worst-case spill scenario.

As a factual clarification, the RDEIR incorrectly states that the unloading facility and 16-inch pipeline would be monitored using multiple Programmable Logic Controllers. The crude oil pumping rate is controlled with two variable frequency pumps that together can pump up to approximately 6000 gpm. The Proposed Project will use neither multiple Programmable Logic Controllers nor a SCADA system which are used in applications where piping systems are in more remote locations. Valero has similar monitoring systems in place more appropriate to refinery operations. When the offloading facility is not in operation, equipment and valves are placed in their secure positions. In the unlikely event of a fire, appropriate fire suppressant techniques would be employed. This includes utilizing permanent facilities at the project site, as well as mobile equipment located within the refinery. Emergency response personnel are on site 24/7.

### Total Net Emissions

The total quantity of emissions from a global perspective is lower with the project. Though total project emissions from a global perspective are outside the City's jurisdiction to mitigate under CEQA, Table 4.1-16 provides an estimate of emissions from a global perspective for informational purposes. It compares locomotive emissions from an estimated composite North American origin to baseline emissions from a composite worldwide origin. This is a reasonable comparative scenario and factual compared to baseline. RDEIR page 2-37 incorrectly states "*The comparison indicates that the Project would reduce total net emissions from the crude oil's points of origin, unless all marine vessels came from Alaska*" The project baseline includes marine vessels from a composite global origin, as well as rail traffic from a composite North American origin. Therefore, it is not a reasonable scenario to compare only Alaskan marine vessel delivery with composite North American rail delivery.

Thank you for the opportunity to comment. If you have any questions or comments, please feel free to contact me or Susan Gustofson at 707-745-7011.

Sincerely,



Christopher W. Howe, Director  
Health, Safety, Environment &  
Governmental Affairs

CWH/SKG/tac

Copy via Email: [amillion@ci.benicia.ca.us](mailto:amillion@ci.benicia.ca.us)

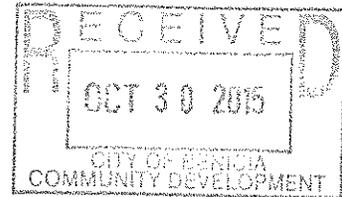


Benicia Refinery • Valero Refining Company - California  
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October 30, 2015

Valero Crude by Rail Project  
RDEIR Comments

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



Dear Ms. Million:

I am writing on behalf of the Valero Benicia Refinery to offer the following comments, corrections, and concerns regarding Valero's Crude by Rail project Revised Draft EIR (RDEIR) record. My comments and concerns are directed at a fair representation of the material developed for this project including the record of meetings related to the Project. It is critical that records posted to the City's website include all documents presented to the City for the Project and all minutes of meetings summarizing various proceedings, accurately and completely represent the presentations made. This is critical since many people seeking to be informed on this project may only utilize these records for information.

The Draft Meeting Minutes for the Special Meeting of Planning Commission provide a good example of a concern I have. Near the close of the public comment section of the meeting on September 29, 2015 (approximately 10:05 p.m.), I approached the podium and said that I was holding speaker cards from a dozen supporters who had planned to speak about the RDEIR at the meeting the following evening. I noted that out of respect for the length of the current meeting (and the possible cancellation of the following night's meeting), I would ask these supporters to submit their comments in writing instead. None of this dialogue related to one dozen additional local project supporters is included in the record.

Conversely, the draft meeting minutes for the September 29<sup>th</sup> meeting refer to multiple speakers providing comment in opposition to the RDEIR but the minutes don't acknowledge that those speakers never mentioned the RDEIR during their verbal

comments. These include Grant Cooke, James Macdonald, Dan Bundy, Anina Hutchison, Hadieh Elias, and Donna Rose.

The draft meeting minutes for the Benicia Planning Commission on September 29<sup>th</sup> also provide much more detailed descriptions of public comments from opponents of the project than of those from project supporters. In multiple descriptions, opponents of the Valero project received multi-sentence summaries while those in favor of the project received one-sentence summaries that lacked a meaningful description of the facts they provided.

For example, the meeting minutes summarize Mr. Cuffel's comments as follows:

***“Mr. Cuffel, Valero Environmental Department Manager, presented an overview of the project. He explained Valero’s intentions of the use permit to allow the refinery to receive crude oil by rail.”***

During his presentation, Mr. Cuffel highlighted the following additional information in his 15 minute presentation to the Commission:

- He asked that the commissioners discern facts from fiction and truth from campaigns of misinformation.
- He noted the decision for the Commission is on whether to grant a Use Permit for Valero to build and operate a crude unloading facility located entirely within the refinery. Up to 250 car trains per day will deliver North American crude with a maximum capacity of 70,000 barrels. There is no change in the refinery's process, and no change in the refinery's permitted capacities. The crude oil that will be brought in must fall within the existing specifications of the crude that Valero processes.
- He stated the project will reduce up to 82% of shipments of crude oil brought by marine tanker and delivering that same crude by rail results in significant reductions in global greenhouse gases and other pollutants.
- He noted the project is not a refinery expansion. Refinery operations will not change, with the sole exception of delivery method.
- He said Union Pacific can already complete this task within the parameters of federal law.
- Because there is no change in refinery operations the procedure significantly reduces greenhouse gas emissions, he said opponents have largely shifted their scrutiny toward railroad operations. He stated that railroad regulation falls entirely under the jurisdiction of the federal government and that the RDEIR cites these

preemption issues in many sections pointing out that there are no mitigations available. He noted the analysis has been done from a reporting perspective far exceeding the requirements of CEQA.

- He also noted that project opponents reject the petroleum industry in general, not based on the facts of the reports done on this project.
- Locomotive emissions are within the jurisdiction of the federal government. The fact is that locomotive emissions are no more dangerous than those of our cars.
- The city's analysis shows that in no case was the significance threshold reached for the cancer and chronic cancer risks from locomotive emissions.
- Because of Valero's excellence in safety management, they have been awarded OSHA Star Voluntary Protection Program certification 3 times. In fact, the only other VPP refinery in California is Valero's refinery in the LA Basin.
- To further demonstrate their commitment to rail safety, Valero volunteered to use only CPC-1232 cars PRIOR to any federal regulation that required that action. Furthermore, Valero has met with local agencies and fire departments to practice emergency preparedness in the event of an accident.
- It has been almost 3 years since Valero submitted its permit application in 2012.

In another example of unbalanced recording, the meeting minutes summarize Mr. Greg Yuhas's comments as:

***"Greg Yuhas, Benicia resident, commented on the CEQA guidelines."***

Mr. Yuhas did not just comment on CEQA guidelines, he stated that the DEIR and the RDEIR go above and beyond the CEQA guidelines. In addition, he noted the RDEIR is responsive to public comment. He expressed concern that CEQA is being misused in order to delay and stop the project.

In contrast, the meeting minutes describe the comments of Benicians for a Safe and Healthy Community as:

***"Marilyn Bardet and Andre Soto commented on behalf of Benicians for a Safe and Healthy Community. Ms. Bardet stated the organization's opposition to the RDEIR and the use permit for the rail uploading racks and the dangers, conflicting information in the DEIR, and particular land risks not included in the RDEIR. Mr. Soto commented on the environmental impacts of the project not included on the DEIR or RDEIR and expressed his opposition."***

Ms. Amy Million, City of Benicia

Page 4

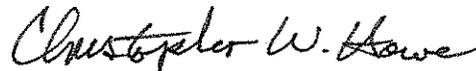
October 30, 2015

I recognize meeting minutes are not expected to be transcripts of each proceeding but they should provide an accurate and balanced record of any proceeding.

The presentation of information on the City's website related to support or opposition to the project also appears to not be balanced. During earlier periods of public comment, nearly 1,000 project supporters from the local area sent in cards of support for the project. Only a list of people who submitted a card of support and a reference to the card are posted online. Many of the project supporters' cards included additional written comments on their card which are not available for view. More recently the City has individually posted hundreds of e-mailed form letters sent from individuals from as far away as the states of Arkansas and Georgia and other locations outside of the U.S. opposing the project.

Both sides should be provided equal treatment in the posted record. The City should either summarize the names of those commenting and where they are from, with a sample of the correspondence or post everything for both supporters and those opposed to the project. Posting things differently for either side could be interpreted as unfair or preferential treatment and could result in unfairly biasing the ultimate decision of the Planning Commission or the City Council on the RDEIR and the Project.

Sincerely,

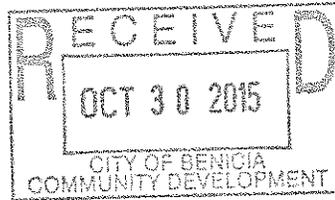


Christopher W. Howe, Director  
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Governmental Affairs

CWH/SKG/tac



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Refer To File #: 290396-0017

October 30, 2015

Amy Million, Principal Planner  
Community Development Department  
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amillion@ci.benicia.ca.us

**Re: Comments on Revised Draft Environmental Impact Report for the Valero Benicia Crude by Rail Project (SCH #2013052074); Use Permit Application 12PLN-00063**

Dear Ms. Million:

**1. Introduction.**

On behalf of Valero Refining Company – California ("Valero"), we submit the following comments on the Revised Draft Environmental Impact Report ("RDEIR") circulated for public comment by the City of Benicia ("City") regarding the Valero-Benicia Crude-by-Rail Project (SCH #2013052074) ("Project"). The Project involves the installation of rail spur tracks, a tank car unloading rack, pumps, connecting pipelines, and related infrastructure at Valero's Benicia Refinery. The Project would enable the Benicia Refinery to receive up to 70,000 barrels per day of crude oil by tank car. A fuller description of the Project is set forth in the June, 2014 Draft Environmental Impact Report ("DEIR").

This letter will deal primarily with certain legal issues implicated by the RDEIR. Valero will also submit on its own behalf a separate comment letter addressing matters of a more technical and factual nature, authored by Chris Howe, Director, Health, Safety, Environmental and Government Affairs.

Our office has previously submitted comments on behalf of Valero concerning the DEIR. We submitted that letter ("First Letter") on September 15, 2014. A copy is submitted herewith, for ease of reference. The comments set forth in our First Letter are incorporated in full into this comment letter on the RDEIR.

We would like to note at the outset, just as we did in our First Letter, that, despite the scope of federal preemption as discussed below, we have cooperated fully in the City's use permit process, and related CEQA review. Nevertheless, we do so with the reservation of our rights to invoke the full scope of federal preemption. Precisely because of the scope of

preemption, we can state with confidence that the City's DEIR and RDEIR go far above and beyond what the law requires, or even permits, for review of the Project.

The impacts of the City's expansion of the scope of the RDEIR to include rail operations, putting aside the enormous resulting delay, are pervasive, in many cases resulting in RDEIR identification of significant impacts due solely to rail operations (see, for example, but not by way of limitation, impacts on GHG emissions and on biological resources), and severely distorting the RDEIR's assessment of Project alternatives. The ultimate effect threatens to prejudice the reader, the public, and the City's decisionmakers in their consideration of the RDEIR and Valero's permit application. Valero has a right to a fair and impartial hearing of its application, free of irrelevant and prejudicial factors governed exclusively by federal law. The expansion of the scope of the RDEIR to include impacts of rail operations, ***with respect to which Valero is wholly committed to full compliance with applicable law***, presents a serious threat to that right.

Further, compliance with federal (and any lawful state) regulation of rail operations ensures that any claimed significant impacts will be mitigated to the extent legally feasible. Federal law (and lawful state) regulation constitutes mitigation. It is not correct to imply or suggest in the DEIR or the RDEIR, simply because the City is preempted, that the alleged impacts of rail operations will not be mitigated.

We would also like to briefly restate the introductory thoughts expressed in our First Letter:

Federal preemption as to rail operations has been unfortunately depicted by some as a negative factor, when in fact federal preemption has an entirely positive purpose, one that benefits all of us, regardless of where we live and do business. As we have stated in other contexts, we decided as a nation a long time ago that the movement of people and goods from place to place in the United States was so important that it could not be subject to a patchwork of laws that change from state to state, county to county, or city to city. In that obvious respect, railroads have been binding us together for many decades, and only because of federal preemption have we been able to achieve the goals for which the laws were intended.

It is certainly not the case, contrary to what some others have also implied, that federal preemption means that a kind of regulatory vacuum has been created, as if railroads can operate without accountability. Of course, nothing could be further from the truth: The federal government has led the way in the regulation of rail operations, including the safe operation of the rails, and continues to do so even now, as the DEIR and the RDEIR have affirmed.

As noted in an excellent letter submitted by Union Pacific Railroad ("UPRR"), specifically by Melissa B. Hagan, to the Sacramento Area Council of Governments ("SACOG"), Union Pacific is dedicated to rail safety, a dedication proven not only by its encouraging words, but by actions, programs, and significant investment. (As with our First Letter, a copy of UPRR's letter to SACOG is enclosed herewith.) Ms. Hagan's letter also does an excellent job of describing then recent federal regulatory action concerning the rail transport of hazardous materials, including crude oil. The RDEIR brings that description of federal regulatory activity up to date.

Having established the affirmative and beneficial purposes of federal preemption, we will in this letter elaborate on the scope of federal preemption. The safety of Benicia residents, residents of uprill communities and, of course, our employees is of the utmost concern to Valero. It is precisely because of these concerns that we are committed to full compliance with all federal laws and regulations governing the transportation of crude oil by rail.

## 2. Preemption.

As you know, with very few and narrow exceptions, none of which applies to Valero's proposed crude-by-rail ("CBR") project, the regulation of rail operations is preempted by federal law, especially the Interstate Commerce Commission Termination Act ("ICCTA"). The DEIR and RDEIR directly and indirectly reinforce the reality of federal preemption, correctly referring to federal notifications and regulatory initiatives that evidence both the preemptive scope of federal regulatory authority, and the federal government's intense engagement on the matter of crude transportation by rail.

As we demonstrated in our First Letter, federal preemption under the ICCTA is extremely broad. (See 49 U.S.C. 10501(b) ["Except as otherwise provided in this part, the remedies provided under this part, with respect to the regulation of rail transportation are exclusive and preempt the remedies provided under Federal and State law."] ) As one court explained with regard to the ICCTA, "[i]t is difficult to imagine a broader statement of Congress's intent to preempt state regulatory authority over railroad operations." (*CSX Transp. Inc. v. Georgia Pub. Serv. Comm'n* (N.D. Ga. 1996) 944 F.Supp. 1573, 1581; see also *Friberg v. Kan. City S. Ry. Co.* (5th Cir. 2001) 267 F.3d 439, 443 ["The regulation of railroad operations has long been a traditionally federal endeavor, to better establish uniformity in such operations and expediency in commerce, and it appears manifest that Congress intended the ICCTA to further that exclusively federal effort"].) Thus, it is not surprising that in implementing this Broad statutory preemption scheme, courts and the Surface Transportation Board ("STB") have held that "any form of state or local permitting or preclearance that, by its nature, could be used to deny a railroad the ability to conduct some part of its operations" is categorically preempted regardless of the context of the action. (*Adrian and Blissfield R.R. Co.* (6th Cir. 2008) 550 F.3d 533, 540, citations omitted.)

Here UPRR, as a rail carrier, will engage in the delivery of property – in this case crude oil – an activity well within the ICCTA's definition of "transportation by rail carrier." (See 49 U.S.C. § 10102(9).) Because UPRR's rail service to the Benicia plant is "transportation by rail carrier" and involves "operation of industrial tracks or facilities"(49 U.S.C. § 10501(b)), it falls within the STB's exclusive jurisdiction, as set forth in the ICCTA. Thus, any denial or delay of the permit applicable to the Benicia facility based on rail-related impacts is preempted, just as the imposition of any conditions that interfere with transportation by rail to the Benicia facility is preempted. As explained by the STB, states may not "engage in impermissible regulation of the interstate freight rail network under the guise of local regulations directed at the shippers who would use the network." (*Boston and Maine Corp. and Springfield Term. R.R. Co.–Petition for Declaratory Order*, FD 35749, slip op. at 5 (STB served July 19, 2013) [local zoning regulation of and prohibition on rail delivery to shipper's private track preempted].) Accordingly, the application of preemption includes state and local conditions and requirements imposed on Valero directly. (E.g., *Norfolk Southern Railway Corporation v. City of Alexandria* (4th Cir. 2010) 608 F.3d 150 [holding ordinance preempted when it placed limits on what products could be

hailed through the City, which routes the traffic could be moved, and days and times for hauling].)

There are two recent California state court cases of note that address the scope of the federal preemption: *Town of Atherton, et al., v. California High-Speed Rail Authority* (2014) 228 Cal.App.4th 314 (“*Atherton*”) and *Friends of Eel River v. North Coast Railroad Authority* (2014) 178 Cal. Rptr. 3d 752 (“*Eel River*”).<sup>1</sup> The STB has since reviewed both of these decisions in its judgment in *California High-Speed Rail Authority – Petition for Declaratory Order*, FD 35861, slip op. at 12 (STB served Dec. 12, 2014) (“*High-Speed Rail*”), and found that the court’s analysis in *Atherton* was incorrect. Further, the Board agreed with the court’s analysis and holding in *Eel River*, namely that CEQA qualifies as a state preclearance requirement and is therefore categorically preempted. (*Id.*) As the Board’s decision in *High-Speed Rail* was aimed at “assist[ing] in the resolution of the conflict between *Atherton* and *Eel River* on federal preemption of CEQA in a case involving rail line construction”(*id.* at p. 5), it is instructive on the application of CEQA remedies to the rail transportation at issue in Benicia.

Accordingly, any denial or delay of the permit applicable to the Benicia facility based on rail related impacts is preempted, just as the imposition of any conditions that interfere with transportation by rail to the Benicia facility is preempted. The states and localities cannot do indirectly by imposing conditions on rail shippers such as Valero what they cannot do directly if they were to impose these requirements on the railroads, as the net effect is the same, i.e., requirements that would interfere with rail transportation and thus are preempted.

### 3. Greenhouse Gas (“GHG”) Impacts.

In addition to the comments and recommendations concerning GHG impacts set forth in Mr. Howe’s letter, there are two specific points that require modification of the RDEIR.

First, the RDEIR assumes that all trains will travel on the longest route from Oregon to Roseville. (RDEIR, 2-58.) The RDEIR attempts to justify the assumption in an apparent attempt to be “conservative,” “[g]iven the uncertainty of the actual rail route or routes that would be used to transport Project-related crude oil,” and because if the other routes were used exclusively there would be no significant impact. (RDEIR, 2-58.) As a direct result of this assumption, which is not “conservative,” but speculative, the RDEIR concludes that the project will exceed the significance threshold of 10,000 metric tons per year of CO<sub>2</sub>e due to uprill impacts. (RDEIR 2-57, 2-58.) And, on that basis, the RDEIR concludes that the Project would generate direct and indirect GHG emissions that would not be consistent with the Executive Order S-3-05. (RDEIR, 2-58, 2-61.) There is, however, *no* basis on which to assume that all trains will travel on the longest route. Therefore, there is no substantial evidence basis for stating that the GHG impacts will be significant; the assumption really is no more than speculation.

Second, while the RDEIR analyzes the Project’s consistency with Executive Order S-3-05, the Executive Order should not, in our view, be relied upon by the City as a basis for CEQA

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<sup>1</sup> The California Supreme Court has granted a Petition for Review in *Eel River*. (See Case No. S222472 (Dec. 10, 2014) 339 P.3d 329.) A decision by the California Supreme Court on the scope of federal preemptive effect on CEQA will not bind the federal courts, or the STB.

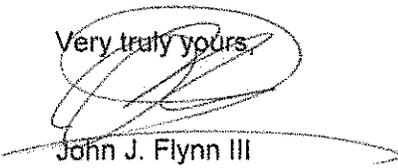
review. The relevance of the Executive Order is now pending before the California Supreme Court in *Cleveland National Forest Foundation v. San Diego Association of Governments* (California Supreme Court, Case No. S223603. As described in the Supreme Court's statement of the issues, "[t]he court limited review to the following issue: must the environmental impact report for a regional transportation plan include an analysis of the plan's consistency with the greenhouse gas emission reduction goals reflected in Executive Order No. S-3-05, so as to comply with the California Environmental Quality Act (Pub. Resources Code, §21000, et seq.)?" Briefing in the case is currently scheduled to close on November 13, 2015. No hearing date has been set for oral argument. Because the CEQA relevance of the Executive Order has not yet been determined by the Supreme Court, the EIR should describe the litigation, and state that the City has simply undertaken the analysis in an abundance of caution. It would also be appropriate for the City to state that if the California Supreme Court concludes that a consistency analysis is not required the language referring to such consistency analysis should be deemed stricken. In addition, the State of California enacted AB 32 to address the Executive Order and GHG and Valero complies with and intends to comply with this regulation, as Valero intends to comply with all regulations.

#### 4. Conclusion.

As stated above, the DEIR and RDEIR, in dealing with the effects of rail operations, go far above and beyond what the law requires and even permits, and Valero reserves all rights with respect to the City's having exceeded its obligation and authority in addressing the impacts of rail operations. The federal rail preemption also limits the City's ability to analyze the emissions and/or GHG impacts of rail operations. We have nevertheless addressed certain specific legal issues pertaining to the RDEIR's treatment of GHG impacts, reserving all rights to invoke the federal rail preemption as a bar to the City's consideration of such impacts, and all other impacts of rail operations, in the DEIR and RDEIR, and/or imposition of related mitigation measures.

Thank you very much for your consideration of our comments.

Very truly yours,

  
John J. Flynn III  
of Nossaman LLP

JJF:art

Enclosures



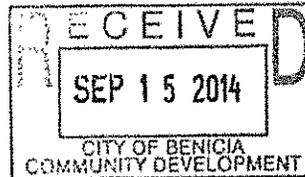
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Refer To File #: 290396-0017

VIA E-MAIL AND U.S. MAIL



September 15, 2014

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**Re: Comments on Draft Environmental Impact Report for the Valero Benicia Crude by Rail Project (SCH #2013052074)**

Dear Ms. Million:

**1. INTRODUCTION.**

On behalf of Valero Refining Co. - California ("Valero"), we submit the following comments on the draft environmental impact report ("DEIR") circulated for public comment by the City of Benicia ("City") regarding the Valero Benicia Crude-by-Rail Project (SCH #2013052074) ("Project"). The Project involves the installation of rail spur tracks, a tank car unloading rack, pumps, connecting pipelines, and related infrastructure. The Project would enable the Benicia refinery to receive up to 70,000 barrels per day of crude oil by tank car. A fuller description of the Project is set forth in the DEIR itself.

We would like to note at the outset that, despite the scope of federal preemption as discussed below, we have cooperated fully in the City's use permit process, and related CEQA review, because of the City's interest, an interest shared by Valero, in providing a vehicle for public disclosure and discussion of our Project and the effects of our Project. Nevertheless, we do so with the reservation of our rights to invoke the full scope of federal preemption. Precisely because of the scope of preemption, we can state with confidence that the City's draft EIR goes far above and beyond what the law requires for review of the Project.

Before we comment further, a few additional introductory thoughts on preemption are in order. First, federal preemption of rail operations has been unfortunately depicted by some as a merely negative reality, when in fact federal preemption has an entirely positive purpose, one that benefits all of us, regardless of where we live and do business. As we have stated in other contexts, we decided as a nation a long time ago that the movement of people and goods from place to place in the United States was so important that it could not be subject to a patchwork of laws that change from state to state, county to county, or city to city. In that obvious respect, railroads have been binding us together for many decades, and only because of federal preemption have we been able to achieve the goals for which the laws were intended.

Neither is it the case, contrary to what some others have also implied, that federal preemption means that a kind of regulatory vacuum has been created, as if railroads can operate without accountability. Of course, nothing could be further from the truth: The federal government has led the way in the regulation of rail safety, and continues to do so even now, as the DEIR itself reveals.

Having established the affirmative and beneficial purposes of federal preemption, we would like in this letter to also discuss in brief the scope of federal preemption, combined with a request that its scope be unqualifiedly acknowledged for all impacts of rail operations pertaining to the development and operation of the Project, for both direct and indirect effects.

As noted in an excellent letter recently submitted by Union Pacific Railroad ("UPRR"), specifically by Melissa B. Hagan, to the Sacramento Area Council of Governments ("SACOG"), Union Pacific is dedicated to rail safety, a dedication proven not only by its encouraging words, but by actions, programs, and significant investment. (A copy of UPRR's letter to SACOG is enclosed herewith.) The letter also does an excellent job of describing recent federal regulatory action concerning the rail transport of hazardous materials, including crude oil.

## **2. FEDERAL PREEMPTION OF STATE AND LOCAL RAILROAD REGULATIONS.**

### **A. Interstate Commerce Commission Termination Act of 1995.**

Under the United States Constitution, Congress has the power to regulate interstate commerce. U.S. Const. art. I, § 8, cl. 3. Pursuant to this power, Congress passed the Interstate Commerce Commission Termination Act of 1995, 49 U.S.C. § 701 et seq. ("ICCTA"). The ICCTA created the Surface Transportation Board ("STB"), which oversees the operation of railroads in the United States. The STB has broad authority to regulate railroad operations, including exclusive jurisdiction over "(1) transportation by rail carriers...and (2) the construction, acquisition, operation, abandonment, or discontinuation of...tracks, or facilities, even if the tracks are located or intended to be located, entirely in one State." 49 U.S.C. § 10501(b). The ICCTA contains an express preemption clause,<sup>1</sup> indicating Congress' intent to preempt all state and local regulation of railroad operations.

Referring to the scope of the federal preemption, one court has stated: "It is difficult to imagine a broader statement of Congress's intent to preempt state regulatory authority over railroad operations." *CSX Transp., Inc. v. Georgia Public Serv. Com'n* (N.D.Ga. 1996) 944 F.Supp. 1573, 1581 (CSX). The ICCTA also reflects congressional intent to continue the historical federal regulation of railroads. (*Fayard v. Northeast Vehicle Services, LLC* (1st Cir. 2008) 533 F.3d 42, 46; see *Chicago & N.W. Tr. Co. v. Kala Brick & Tile* (1981) 450 U.S. 311, 318 ("The Interstate Commerce Act is among the most pervasive and comprehensive of federal regulatory schemes.")).

Congress has stated that federal preemption of railroad regulation "is intended to address and encompass all such regulation and to be completely exclusive. Any other construction would undermine the uniformity standards and risk the balkanization and

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<sup>1</sup> 49 U.S.C. § 10501(b) states that "the remedies provided under this part with respect to regulation of rail transportation are exclusive and preempt the remedies provided under Federal or State law."

subversion of the Federal scheme of minimal regulation for this intrinsically interstate form of transportation." H.R. Rep. No 104-311, 104th Cong., 1st Sess., at 96 (1995).

As discussed further below, Congress has accordingly established federal preemption of rail operations by means of "diverse sources of statutory authority . . . with which to address rail safety issues," and therefore "preemption had to apply to regulations issued" under any of those sources, for "otherwise, the desired uniformity could not be attained." Brief for United States as Amicus Curiae at 6, *Public Util. Comm'n of Ohio v. CSX Transp., Inc.*, 498 U.S. 1066 (1991) (No. 90-95), available at <http://www.justice.gov/osg/briefs/1990/sg900560.txt>; see also H.R. Rep. No. 1194, 91st Cong., 2d Sess. 19 (1970) ("[S]uch a vital part of our interstate commerce as railroads should not be subject to [a] multiplicity of enforcement by various certifying States as well as the Federal Government.")

#### **B. Federal Railroad Safety Act.**

As already briefed by UPRR to SACOG, Congress directed in the Federal Railroad Safety Act ("FRSA") that "[l]aws, regulations, and orders related to railroad safety and laws, regulations, and orders related to railroad security shall be nationally uniform to the extent practicable." 49 U.S.C. § 20106(a)(1). To accomplish that objective, Congress provided that a State may no longer "adopt or continue in force a law, regulation, or order related to railroad safety" once the "Secretary of Transportation . . . prescribes a regulation or issues an order covering the subject matter of the State requirement." *Id.* at § 20106(a)(2). State or local hazardous material railroad transportation requirements may be preempted under the FRSA regardless of whether such state and local requirements might be consistent under the Federal hazmat law. *CSX Transportation, Inc. v. City of Tullahoma*, 705 F. Supp. 385 (E.D. Tenn. 1988); *CSX Transportation, Inc. v. Public Utilities Comm'n of Ohio*, 701 F. Supp. 608 (D. Ohio 1988), affirmed, 901 F.2d 497 (6th Cir. 1990), cert. denied 111 S.Ct. 781 (1991).

Section 20106(a)(2) compels the conclusion that DOT regulations and orders preempt state and local regulations relating to the same subject matter. Section 20106 states clearly that its terms govern the preemptive scope of all DOT regulations and orders relating to rail safety. DOT has acknowledged that "[t]hrough [the Federal Railroad Administration] and [the Pipeline and Hazardous Materials Safety Administration], DOT comprehensively and intentionally regulates the subject matter of the transportation of hazardous materials by rail . . . . These regulations leave no room for State . . . standards established by any means . . . dealing with the subject matter covered by the DOT regulations." 74 Fed. Reg. 1790 (Jan. 13, 2009).

#### **C. Pipeline Safety Improvement Act.**

The Pipeline Safety Improvement Act, which created the Pipeline and Hazardous Materials Safety Administration ("PHMSA"), expressly preempts any state or local agency purporting to regulate "the designing, manufacturing, fabricating, inspecting, marking, maintaining, reconditioning, repairing, or testing a package, container, or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce." 49 U.S.C. §5125. Accordingly, any project mitigation measure or condition of approval attempting to restrict or specify the type of equipment to be used in transporting crude-by-rail is expressly preempted.

**E. Federal Preemption of Rail Operations Applies to State and Local Environmental, Land Use and Tort Laws.**

The breadth of federal preemption under the ICCTA encompasses environmental laws such as CEQA. *City of Auburn v. United States*, 154 F.3d 1025 (9th Cir. 1998); *People v. Burlington N. Santa Fe R.R.*, 209 Cal.App.4th 1513, 1528 (Cal. Ct. App. 2012). In *City of Auburn*, the Burlington Northern and Santa Fe Railway (BNSF) sought to reacquire a segment of a rail line, make repairs and improvements, and reinstitute service. The Ninth Circuit held that BNSF's proposed project could not be subjected to environmental review pursuant to a Washington state statute that is similar to CEQA because the ICCTA precludes such review. *City of Auburn v. United States*, 154 F.3d at 1030.

Many other courts, and the STB itself, have added to the articulation of federal rail preemption. See *Norfolk S. R.R. Co. v. City of Austell*, 1997 WL 1113647, \*6 (N.D. Ga. 1997) ("ICCTA expresses Congress' unambiguous and clear intent to preempt [the local jurisdiction's] authority to regulate and govern the construction, development, and operation of the plaintiff's intermodal facility."); *Soo Line R.R. v. City of Minneapolis*, 38 F.Supp.2d 1096, 1101 (D. Minn. 1998) ("The Court concludes that the City's demolition permitting process upon which Defendant has relied to prevent [the railroad] from demolishing five buildings...that are related to the movement of property by rail is expressly preempted by [the ICCTA]"); *Village of Ridgefield Park v. N.Y., Susquehanna & W. R.R. Corp.*, 750 A.2d 57 (N.J. 2000) (complaints about rail operations under local nuisance law preempted); *Village of Big Lake v. BNSF*, 382 SW 3rd 125 (2012) (claim that BNSF's build-up of its railway bed violated floodplain management ordinance preempted by ICCTA); *City of Cace v. Norfolk Southern Ry. Co.*, 391 SC 395 (2011) (claim that Norfolk Southern Railway was allowing a public nuisance because of rust and graffiti on bridge preempted by ICCTA); *Ass'n of Am. R.Rs. v. S. Coast Air Quality Mgmt. Dist.*, 622 F.3d 1094, 1096 (9th Cir. 2010) (holding that ICCTA preempted South Coast Air Quality Management District rule requiring railroads to report emissions from idling trains); *Waubay Lake Farmers Ass'n v. BNSF Ry. Co.*, No. 12-4179-RAL, 2014 WL 4287086 (D.S.D. Aug. 28, 2014) (state-based tort claim preempted).

The STB itself has found that, for the proposed construction of a high-speed rail line, "state permitting and land use requirements that would apply to non-rail projects, such as [CEQA], will be preempted." *DesertXpress Enterprises, LLC – Petition for Declaratory Order* (STB, June 27, 2007, No. FD 34914) 20007 STB Lexis 343, p.11.

A recent CEQA decision by a California appellate court confirms the breadth of the ICCTA's preemption. See *Town of Atherton v. California High-Speed Rail Authority*, No. C070877, 2014 Cal. App. Lexis 670 (July 24, 2014). In *Town of Atherton*, the Court recognized two broad categories of state and local regulations that are categorically preempted by the ICCTA, regardless of the context in which the state seeks to apply the regulation: **(1) any form of state or local permitting or preclearance that, by its nature, could be used to deny a railroad the ability to conduct some part of its operations or to proceed with activities that the [STB] has authorized**, and **(2) state or local regulation of matter directly regulated by the [STB] – such as the construction, operation, and abandonment of rail lines; railroad mergers, line acquisitions, and other forms of consolidation; and railroad rates and service.**" *Id.* at 20 (emphasis added). Thus, it is clear that CEQA preclearance and environment permitting requirements are preempted by federal law and do not apply to railroad operations.

The ICCTA does allow states to regulate railroads pursuant to their traditional police powers, but this constitutes a very narrow and restricted exception to the ICCTA's preemptive effect. This is because states may regulate railroads only when the state regulations "are settled and defined, can be obeyed with reasonable certainty, entail no extended or open-ended delays, and can be approved (or rejected) without the exercise of discretion on subjective questions." *Green Mountain R.R. Corp. v. State of Vermont*, 404 F3d 643, 643 (2nd Cir. 2005). Environmental permitting and pre-clearances do not meet this test when "the railroad is restrained from development until a permit is issued; the requirements for the permit are not set forth in any schedule or regulation that the railroad can consult in order to assure compliance; and the issuance of the permit awaits and depends upon the discretionary ruling of a state or local agency." *Id.* Because CEQA by definition only applies when an agency is making a discretionary decision over whether to approve or disapprove a project, it does not meet this test, and it is federally preempted by the ICCTA. Cal.Code.Reg. tit. 14, §§ 15002(i)(2), 15357, 15378.

**F. California Recognizes That Federal Law Preempts the Regulation of Railroads.**

The State of California has long accepted that federal law preempts the application of state environmental regulations to rail carriers and rail operations. For example, instead of attempting to enforce California law, the California Air Resources Board has negotiated with the railroads for voluntary reductions in locomotive emissions and in emissions from rail yard activities. See Memorandum of Mutual Understandings and Agreements, South Coast Locomotive Fleet Average Emissions Program, July 2, 1998; ARB/Railroad Statewide Agreement, Particulate Emissions Reduction Program at California Rail Yards, June 2005, available at <http://www.arb.ca.gov/railyard/ryagreement/ryagreement.htm>. The 2005 agreement summarizes federal preemption as follows:

It has been widely recognized that railroads need consistent and uniform regulation and treatment to operate effectively. A typical line-haul locomotive is not confined to a single air basin and travels throughout California and into different states. The U.S. Congress has recognized the importance of interstate rail transportation for many years. The Federal Clean Air Act, the Federal Railroad Safety Act, the Federal Interstate Commerce Commission Act and many other laws establish a uniform federal system of equipment and operational requirements. The parties recognize that the courts have determined that a relatively broad federal preemption exists to ensure consistent and uniform regulation. Federal agencies have adopted major, broad railroad and locomotive regulatory programs under controlling federal legislation.

2005 ARB/Railroad Statewide Agreement, p. 25.

In the *Town of Atherton v. California High Speed Rail Authority* case referred to above, the California Attorney General asserted that the ICCTA preempts CEQA as applied to the California High-Speed Rail train system. The Attorney General stated:

Courts and the STB uniformly hold that the ICCTA preempts state environmental pre-clearance requirements, such as those in the California Environmental Quality Act (CEQA). The ICCTA preempts these requirements because they can be used to prevent or delay construction of new portions of the interstate rail network, which is exactly the sort of piecemeal regulation Congress intended to eliminate.

Supplemental Letter Brief filed August 9, 2013, in the matter of *Town of Atherton v. California High Speed Rail Authority*, Court of Appeal of the State of California, Third Appellate District, No. C070877, at p. 3.

**G. Federal Law Preempts Local Permitting Authority for Rail Car Unloading Facilities.**

As stated above, Valero shares fully in the City's interest in providing a procedural vehicle for disclosure and discussion related to Valero's crude-by-rail Project, and Valero has participated fully in the City's effort to provide such a vehicle, including cooperating in the City's permitting and CEQA review process. The benefits of the process cannot be denied. Nevertheless, the scope of federal preemption precludes not only City authority over mainline rail operations, but also over the unloading facilities to be located on the refinery property. Our participation in this process, it must be understood, is subject to a full reservation of rights under federal law.

Section 10102(9) of the ICCTA defines "transportation" broadly, so as to include not only a "locomotive, car, [or] vehicle," but a "property, facility, instrumentality, or equipment of any kind related to the movement of passengers or property, or both, by rail."

Accordingly, preemption also applies to local approval authority over facilities such as Valero's crude-by-rail Project, which receive goods moved by rail. In *Norfolk Southern Railroad Company v. City of Alexandria*, 608 F.3d 150 (2010), the City of Alexandria, in an attempt to regulate an ethanol transloading facility, the purpose of which was to transfer bulk shipments of ethanol from rail cars onto surface tanker trucks for local distribution and delivery, adopted an ordinance purporting to regulate the transportation of bulk materials, including ethanol, within the city. The city also unilaterally issued a permit to Norfolk Southern that purported to limit the materials that could be hauled, the routes, times of day, etc. The city argued that preemption should not apply because the ordinance and permit related to distribution of the cargo by trucks, rather than to the trains or the transloading operation.

The court rejected the city's argument, holding that the ordinance and permit were preempted because they "directly impact Norfolk Southern's ability to move goods shipped by rail." Because a limit on the number of trucks exiting the facility directly affected the number of rail cars that could be unloaded, which in turn could affect the movement of trains in Norfolk's yard, and throughout its rail system, the Fourth Circuit concluded that the conditions restricting ethanol distribution by truck "necessarily regulate the transloading operations." 608 F.3d at 159. The court further found that the ordinance and permit imposed an unreasonable burden on rail transportation because "the city has the power to halt or significantly diminish the transloading operations by declining to issue haul permits or by increasing the restrictions specified therein." *Id.* at 160.

**H. CEQA Does Not Apply to Rail Operations Because of the Federal Preemption.**

CEQA applies only to discretionary approvals. *San Diego Navy Broadway Complex Coalition v. City of San Diego*, 185 Cal.App.4th 924, 933-934 (2010); *Friends of Westwood, Inc. v. City of Los Angeles*, 191 Cal.App.3d 259, 266-267 (1987); *Mountain Lion Foundation v. Fish and Game Commission*, 16 Cal.4th 105, 117 (1997). Because of federal preemption, the City's discretion does not reach either mainline rail operations, or the unloading operations at the refinery site itself.

**3. COMMENTS RE DEIR ALTERNATIVES ANALYSIS.**

**Concerning Section 6.4.2.2, Alternative 2:** First, the alternative relates to impacts of train crossings at Park Road, a potential effect that is subject to federal preemption. Second, a condition restricting deliveries and departures to nighttime hours, because of the nature of the offloading procedure, the time consumed for both unloading and return of the rail cars, and the compressed time frame for two trains to arrive, offload and return, could have more significant effects on train crossings at Park Road than delivery of the rail cars without such nighttime restriction.

**4. CONCLUSION.**

The DEIR, as we have stated elsewhere, is one of which the City can be proud, going far above and beyond what the law requires, and even permits. We commend the City's efforts to promote disclosure and discussion related to the Project, and we have participated vigorously and openly in that process. Nevertheless, as stated above, we do so while reserving all rights under federal law.

Thank you very much for your consideration of our comments.

Very truly yours,

  
John J. Flynn III  
of Nossaman LLP

JJF:rg

Enclosure

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Mr. Mike McKeever  
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Re: Union Pacific – Valero Refinery Project

Dear Mr. McKeever:

Union Pacific Railroad Company (UP) appreciates this opportunity to comment on the draft Comment Letter on Valero Crude by Rail Project Environmental Impact Report, Item #14-8-4, which we understand will be considered by the Sacramento Area Council of Governments (SACOG) on August 21, 2014.

UP understands the concern about the risks associated with crude-by-rail and we take our responsibility to ship crude oil, as mandated by federal law, very seriously. UP follows the strictest safety practices and in many cases, exceed federal safety regulations. UP's goal is to have zero derailments and it works closely with the federal Department of Transportation (DOT), the Federal Railroad Administration (FRA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), the Association of American Railroads (AAR) and our customers to ensure it operates the safest railroad possible.

Safety is UP's top priority. The only effective way to ensure safety is through comprehensive federal regulation. A state-by-state, or town-by-town approach in which different rules apply to the beginning, middle, and end of a single rail journey, would not be effective. Congress agrees. Federal regulations completely preempt the application of the California Environmental Quality Act (CEQA) and the mitigation measures proposed in the comment letter drafted by SACOG staff. We encourage SACOG and its member agencies to participate in this rulemaking process.

**I. Union Pacific is working closely with other stakeholders to ensure the safety of crude transportation.**

Union Pacific is working diligently with federal, state and local authorities to prevent derailments or other accidents. UP spent more than \$21.6 billion in capital investments from 2007-2013 continuing to strengthen our infrastructure. By doing so, it is continuously improving safety for our employees, our communities and our customers.



Mike McKeever  
August 14, 2014  
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UP has decreased derailments 23% over the last 10 years, due in large part to our robust derailment prevention and risk reduction process. This process includes, among others, the following measures:

- Union Pacific uses lasers and ultrasound to identify rail imperfections.
- UP forecasts potential failures before they happen by tracking the acoustic vibration on wheels.
- UP performs a real-time analysis of every rail car moving on our system each time it passes a trackside sensor, equaling 20 million car evaluations per day.
- UP employees participate in rigorous safety training programs on a regular basis and are trained to identify and prevent potential derailments.

Union Pacific also reaches out to fire departments as well as other emergency responders along our lines to offer comprehensive training to hazmat first-responders in communities where we operate. Union Pacific annually trains approximately 2,500 local, state and federal first-responders on ways to minimize the impact of a derailment in their communities. UP has trained nearly 38,000 public responders and almost 7,500 private responders (shippers & contractors) since 2003. This includes classroom and hands-on training.

These efforts have paid off. The overall safety record of rail transportation, as measured by the FRA has been trending in the right direction for decades. In fact, based on the three most common rail safety measures, recent years have been the safest in rail history: the train accident rate in 2013 was down 79 percent from 1980 and down 42 percent from 2000; the employee injury rate was down 84 percent from 1980 and down 47 percent from 2000; and the grade crossing collision rate was down 81 percent from 1980 and down 42 percent from 2000.

## **II. The Federal Government is imposing more stringent requirements for safe transportation of crude oil.**

As federal rail authorities recently explained, DOT, through the FRA and PHMSA, “continue[s] to pursue a *comprehensive, all-of-the-above approach* in minimizing risk and ensuring the safe transport of crude oil by rail.” Department of Transportation, *Federal Railroad Administration’s Action Plan for Hazardous Materials Safety* at 1 (May 20, 2014), available at <http://www.fra.dot.gov/eLib/details/L04721>. These efforts include not only scores of regulations governing the safe transportation of hazardous materials, including oil products, found in 49 C.F.R. Parts 171 to 180, but also a host of equipment and operating rules promulgated by FRA, as well as voluntary agreements and Emergency Orders issued over the past year in response to oil spills.

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### Voluntary Agreement

On February 21, 2014, the nation's major freight railroads and the DOT agreed to a rail operations safety initiative that established new operating practices for moving crude oil by rail. Under the industry's voluntary efforts, railroads are:

- Increasing the frequency of track inspections using high-tech track geometry readers.
- Equipping crude trains with either distributed power or two-way telemetry end-of-train devices. These technologies allow train crews to apply emergency brakes from both ends of the train in order to stop the train faster.
- Using new rail traffic routing technology (the Rail Corridor Risk Management System (RCRMS)) to aid in the determination of the safest and most secure rail routes for trains with 20 or more cars of crude oil.
- Lowering speeds to no more than 40 miles-per-hour in the 46 federally-designated high-threat-urban areas and no more than 50 miles per hour in other areas.
- Working with communities to address location-specific concerns that communities may have.
- Increasing trackside safety technology by installing additional wayside wheel bearing detectors if they are not already in place every 40 miles along tracks with trains carrying 20 or more crude oil cars, as other safety factors allow.
- Increasing emergency response training and tuition assistance.
- Enhancing emergency response capability planning.

These voluntary actions are already being implemented.

### Emergency Orders

In a February 25, 2014 Emergency Order, the DOT ordered certain changes in the way petroleum crude oil is classified and labeled during shipment, emphasizing that "with regard to emergency responders, sufficient knowledge about the hazards of the materials being transported [is needed] so that if an accident occurs, they can respond appropriately." February 25, 2014 Emergency Order at 13. And in its May 7, 2014 Emergency Order, the DOT ordered railroads transporting large quantities of crude oil to notify state authorities of the estimated number of trains traveling through each county of the State, provide certain emergency response information required by federal regulations (49 C.F.R. Part 172, subpart G) and identify the route over which the oil will be transported.

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### Proposed Regulations

On July 23, 2014, the PHMSA proposed enhanced tank car standards, a classification and testing program for crude oil and new operational requirements for trains transporting such crude that include braking controls and speed restrictions. PHMSA proposes the phase out of older DOT 111 tank cars for the shipment flammable liquids, including most Bakken crude oil, unless the tank cars are retrofitted to comply with new tank car design standards. We encourage SACOG to participate in this rulemaking process.

The federal proposal includes:

- Better classification and characterization of mined gases and liquids
- Rail routing risk assessment
- Notification to State Emergency Response Commissions
- Reduced operating speeds
- Enhanced braking
- Enhanced standards for both new and existing tank cars

As the federal government's existing regulations, recent emergency orders, the voluntary agreements and the new regulatory proposals make abundantly clear, regulation of crude transportation is extremely detailed and complex. Union Pacific is actively participating in the efforts to finalize the new regulations and encourages SACOG and its member agencies to do the same. By jointly working to enhance safety we can ensure that the most effective regulations are adopted.

### **III. A uniform federal regulatory program is essential to ensure the safe transportation of crude oil.**

As the complex regulatory program described above illustrates, clear and uniform federal regulation is needed to ensure that crude oil continues to be transported safely. With respect to rail transportation, federal law preempts most state and local regulation of rail activities.

Uniform standards and rules for railroad operations allow the efficient movement of goods among the states. If each state or local community were allowed to impose its own regulations on railroad operations, rail transportation could grind to a halt, because train crews would need to apply different rules or perhaps use different equipment as they move from place to place.

As stated by the U.S. Congress:

Subjecting rail carriers to regulatory requirements that vary among the States would greatly undermine the industry's ability to provide the "seamless" service that is essential to its shippers and would weaken the industry's efficiency and competitive viability.

The U.S. Congress went on to state that

federal regulation of railroads is intended to address and encompass all such regulation and to be completely exclusive. Any other construction would undermine the uniformity of Federal standards and risk the balkanization and subversion of the Federal scheme of minimal regulation for this intrinsically interstate form of transportation.

Congress has therefore established federal preemption under several statutes governing rail transportation. As the U.S. Solicitor General has explained, Congress recognized that the federal government has "diverse sources of statutory authority . . . with which to address rail safety issues," and therefore "preemption had to apply to regulations issued" under any of those sources, for "otherwise, the desired uniformity could not be attained." Brief for United States as Amicus Curiae at 6, *Public Util. Comm'n of Ohio v. CSX Transp., Inc.*, 498 U.S. 1066 (1991) (No. 90-95), available at <http://www.justice.gov/osg/briefs/1990/sg900560.txt>; see also H.R. Rep. No. 1194, 91st Cong., 2d Sess. 19 (1970) ("[S]uch a vital part of our interstate commerce as railroads should not be subject to [a] multiplicity of enforcement by various certifying States as well as the Federal Government.")

#### Preemption under ICCTA

In 1996, Congress passed the Interstate Commerce Commission Termination Act (ICCTA), which broadened the preemptive effect of federal law and created the federal Surface Transportation Board ("STB"). The driving purpose behind ICCTA was to keep "bureaucracy and regulatory costs at the lowest possible level, consistent with affording remedies only where they are necessary and appropriate." H.R. Rep. No. 104-331, at 93, reprinted in 1995 U.S.C.C.A.N. 793, 805 (emphasis added).

Congress vested the STB with broad authority over railroad operations. Indeed, STB has "exclusive" jurisdiction over "(1) transportation by rail carriers . . . and (2) the construction, acquisition, operation, abandonment, or discontinuance of . . . tracks, or facilities." 49 U.S.C. § 10501(b).

"Transportation" by rail carriers broadly includes:

(A) a locomotive, car, vehicle, vessel, warehouse, wharf, pier, dock, yard, property, facility, instrumentality, or equipment of any kind related to the movement of passengers or property, or both, by rail, regardless of ownership or an agreement concerning use; and

(B) services related to that movement, including receipt, delivery, elevation, transfer in transit, refrigeration, icing, ventilation, storage, handling, and interchange of passengers and property. 49 U.S.C. § 10102(9)(emphasis added).

Further, ICCTA contains an express preemption clause: "the remedies provided under this part with respect to the regulation of rail transportation are exclusive and preempt the remedies provided under Federal and State law." 49 U.S.C. § 10501(b). "It is difficult to imagine a broader statement of Congress's intent to preempt state regulatory authority over railroad operations." (*CSX Transp., Inc. v. Georgia Public Serv. Com'n* (N.D.Ga. 1996) 944 F.Supp. 1573, 1581 (CSX).) This provision continues the historic extensive federal regulation of railroads. (*Fayard v. Northeast Vehicle Services, LLC* (1st Cir. 2008) 533 F.3d 42, 46; see *Chicago & N.W. Tr. Co. v. Kalo Brick & Tile* (1981) 450 U.S. 311, 318 ["The Interstate Commerce Act is among the most pervasive and comprehensive of federal regulatory schemes."].)

Over the years, many courts have addressed challenges by state and local authorities seeking to regulate some aspect of rail operations. The courts have consistently upheld Congress's intention that no such regulation can be allowed. As one court stated, "freeing the railroads from state and federal regulatory authority was the principal purpose of Congress" in adopting ICCTA. *Wisconsin Central Ltd. v. City of Marshfield*, 160 F.Supp.2d 1009, 1015 (W.D.Wis. 2000).

#### Preemption under the Federal Railroad Safety Act

Congress directed in the Federal Railroad Safety Act ("FRSA") that "[l]aws, regulations, and orders related to railroad safety and laws, regulations, and orders related to railroad security shall be nationally uniform to the extent practicable." 49 U.S.C. § 20106(a)(1). To accomplish that objective, Congress provided that a State may no longer "adopt or continue in force a law, regulation, or order related to railroad safety" once the "Secretary of Transportation . . . prescribes a regulation or issues an order covering the subject matter of the State requirement." *Id.* § 20106(a)(2). State or local hazardous material railroad transportation requirements may be preempted under the FRSA without consideration of whether they might be consistent under the Federal hazmat law. *CSX Transportation, Inc. v. City of Tallahoma*, No. 4-87-47 (E.D. Tenn. 1988); *CSX Transportation, Inc. v. Public Utilities Comm'n of Ohio*, 701 F. Supp. 608 (D. Ohio 1988), affirmed, 901 F.2d 497 (6th Cir. 1990), cert. denied 111 S.Ct. 781 (1991).

Under Section 20106(a)(2), these DOT regulations and orders preempt state and local regulations relating to the same subject matter. The text of § 20106 is unambiguous. It plainly states that the terms of § 20106 govern the preemptive force of all DOT regulations and orders related to rail safety. DOT has recognized that "[t]hrough [the Federal Railroad Administration] and [the Pipeline and Hazardous Materials Safety Administration], DOT comprehensively and intentionally regulates the subject matter of the transportation of hazardous materials by rail . . . .

These regulations leave no room for State . . . standards established by any means . . . dealing with the subject matter covered by the DOT regulations.” 74 Fed. Reg. 1790 (Jan. 13, 2009).

#### Preemption under the Pipeline Safety Improvement Act

The Pipeline Safety Improvement Act, which created the PHMSA, includes an express preemption provision prohibiting any state or local agency from regulating “the designing, manufacturing, fabricating, inspecting, marking, maintaining, reconditioning, repairing, or testing a package, container, or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.” 49 U.S.C. §5125. Thus, any mitigation measure restricting or specifying the type of equipment to be used in transporting crude by rail is expressly preempted.

DOT has stated that “[t]hrough [the Federal Railroad Administration] and [the Pipeline and Hazardous Materials Safety Administration], DOT comprehensively and intentionally regulates the subject matter of the transportation of hazardous materials by rail . . . . These regulations leave no room for State . . . standards established by any means . . . dealing with the subject matter covered by the DOT regulations.” 74 Fed. Reg. 1790 (Jan. 13, 2009).

#### **IV. Neither SACOG nor its member agencies has authority to impose the mitigation measures or conditions proposed in the draft Comment Letter on Valero Crude by Rail Project Environmental Impact Report.**

The courts have found that ICCTA preempts state and local environmental, land use and planning regulations. For example, in *City of Auburn*, the Ninth Circuit affirmed STB’s ruling that local environmental review regulations could not be required for BNSF’s proposal to reacquire and reactivate a rail line. 154 F.3d 1025, 1031 (9th Cir. 1998). The court found that the State of Washington’s environmental review statute – a statute that is similar to CEQA – could not be applied to a rail project. Similarly, the Second Circuit found that ICCTA preempted a state requirement for a railroad to obtain a pre-construction environmental permit for a transloading facility because it would give the local governmental body the ability to deny or delay the right to build the facility. *Green Mountain Railroad Corporation v. State of Vermont*, 404 F.3d 638, 641-45 (2d Cir. 2005). In effect, the court found that if a permit allowed the state or local agency to exercise discretion over the rail project, that permit requirement would be preempted.

The California Court of Appeal laid out this same logic in its recent decision in *Town of Atherton v. California High Speed Rail Authority* (filed July 24, 2014), stating:

[S]tate actions are ‘categorically’ or ‘facially’ preempted where they ‘would directly conflict with exclusive federal regulation of railroads.’ [Citations.] Courts and the STB have recognized ‘two broad categories of state and local actions’ that are categorically preempted regardless of the context of the action: (1) ‘any form of state or local permitting or preclearance that, by its nature, could be used to deny a railroad the ability

to conduct some part of its operations or to proceed with activities that the [STB] has authorized' and (2) 'state or local regulation of matters directly regulated by the [STB]—such as the construction, operation, and abandonment of rail lines; railroad mergers, line acquisitions, and other forms of consolidation; and railroad rates and service.' [Citations.] Because these categories of state regulation are 'per se unreasonable interference with interstate commerce,' 'the preemption analysis is addressed not to the reasonableness of the particular state or local action, but rather to the act of regulation itself.'

The California Attorney General endorsed this application of the law and specifically argued that "[c]ourts and the STB uniformly hold that the ICCTA preempts state environmental pre-clearance requirements such as those in the California Environmental Quality Act (CEQA)." Letter dated August 9, 2013 from Attorney General Kamala Harris to the Hon. Vance W. Raye, Presiding Justice, California Court of Appeal for the Third District at 3.

Additional cases and STB decisions that have struck down state and local environmental and land use regulations include: *Norfolk Southern Railway Company v. City of Austell*, 1997 WL 1113647, \*6 (N.D.Ga. 1997) ("ICCTA expresses Congress's unambiguous and clear intent to preempt [city's] authority to regulate and govern the construction, development, and operation of the plaintiff's intermodal facility"); *Soo Line R.R. v. City of Minneapolis*, 38 F.Supp.2d 1096, 1101 (D. Minn. 1998) ("The Court concludes that the City's demolition permitting process upon which Defendants have relied to prevent [the railroad] from demolishing five buildings . . . that are related to the movement of property by rail is expressly preempted by [ICCTA]."); *Norfolk S. Ry. v. City of Austell*, 1997 WL 1113647 (N.D. Ga. 1997) (local zoning and land use regulations preempted); *Village of Ridgefield Park v. New York, Susquehanna & W. Ry.*, 750 A.2d 57 (N.J. 2000) (complaints about rail operations under local nuisance law preempted); *Burlington Northern and Santa Fe Ry. v. City of Houston*, S.W.3d, 2005 WL 1118121 (Tex. App. 2005) (interpretations of state condemnation law that would prevent condemnation of city land required for construction of rail line preempted).

The *Atherton* court noted that state and local agencies may exercise authority over the development of railroad property to the extent that such regulations:

can be approved (or rejected) without the exercise of discretion on subjective questions. Electrical, plumbing and fire codes, direct environmental regulations enacted for the protection of the public health and safety, and other generally applicable, non-discriminatory regulations and permit requirements would seem to withstand preemption.

The limited exception for routine, non-discretionary permits to meet building and electrical codes is not relevant here. Instead, the cases have clearly established that state and local agencies have no authority to impose permitting or land use requirements that "would give the local governmental body the ability to deny or delay the right to build the facility."

Mike McKeever  
August 14, 2014  
Page 9 of 9

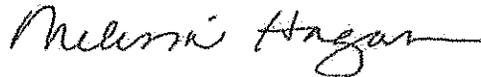
## V. Conclusion

Like the transloading facility in the *Green Mountain* case and the intermodal facility in the *Norfolk Southern* case, the proposed loading rack and tracks at the Valero Refinery are essential components of rail transportation. As noted above, "transportation" includes a "yard, property, facility, instrumentality, or equipment of any kind related to the movement of passengers or property, or both, by rail, regardless of ownership. . ." as well as "receipt, delivery, elevation, transfer in transit, . . . storage, [and] handling" of goods. Valero's proposed project falls squarely within the scope of this definition and the Congress and the courts have made it abundantly clear that "no state or local governmental agency may delay or deny the right to build" such a facility.

As noted above, Union Pacific supports the federal regulatory efforts to ensure that crude transportation is carried out safely. We encourage SACOG and its member agencies to participate in the rulemaking process. Neither SACOG nor its member agencies can go it alone—federal law and common sense demand that a uniform national approach be adopted and applied to ensure safety.

Regards,

UNION PACIFIC RAILROAD COMPANY



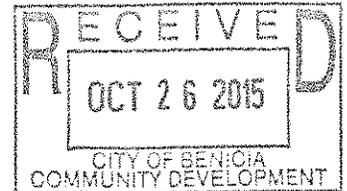
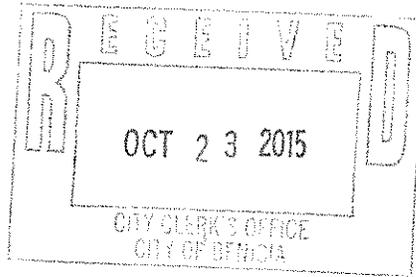
Melissa B. Hagan

cc: Ms. Amy Million, City of Benicia Planning Commission

October 23, 2015

DENNIS L. LOWRY

828 ROSE DRIVE • BENICIA, CA • 94510  
PHONE: 707-746-1285 • CELL: 707-246-2686  
EMAIL: DENNIS.LOWRY@COMCAST.NET



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

RE: Support of Valero Crude by Rail Project

I am writing this letter to serve two purposes; the first is to convey my support for the Valero Crude by Rail in the strongest possible terms. The second is to express my disappointment in the totally unprofessional way the City has treated Valero regarding this request and to provide my suggestions on how a fair and balanced decision can be reached.

Valero has complied with all reasonable and unreasonable requests in their efforts to obtain the necessary approvals for this project, without exception, this project is extremely good for Benicia in the following ways:

- It increases the value of Valero resulting in more tax revenue for the City.
- It creates 20 new regular full time jobs in addition to the hundreds of temporary jobs resulting in increased revenue to the City and the small businesses that support the industrial park.
- It commits significant capital (\$1.6 million) in annual funding to increasing the preparedness of Oil Spill Prevention and Response for any inland spills well outside the footprint of the refinery.
- It operates well above the standards set by the Federal, State and Local authorities regarding air quality, rail procedure and safety.
- The project reduces the total greenhouse gas emissions from marine transport helping Benicia and California achieve its climate goals.

The City of Benicia, City Staff, the Planning Commission and the City Council and many others outside of Benicia have used every possible tactic to delay this project. I have often stated that "delay is the worst form of denial" mainly because if the project were to be denied approval then the applicant has numerous options with which to pursue a more satisfactory remedy. It is my opinion that there are a significant number of decision makers within the City hierarchy that are opposed to this request not on its merits but because it is in conflict with their personal ideologies. I think it is very important for the City at all levels take a giant step back and address this request on its merits in a way that will avoid costly litigation. I believe this can be accomplished by doing the following:

- Identify those decision makers who are unable to separate their role in rendering a fair and balanced decision from adhering to their personal ideological beliefs thereby rendering an unbalanced decision. Those unable or unwilling to do so are in violation of their oath of office and demanding that they recuse themselves from the decision process is the only option to avoid litigation.
- Recognize the request for what it really is, a request to build railroad track sidings with a means to offload railroad tankers, The original EIR proved there were no appreciable impacts to the environment making the request an easy one to approve,
- Confirm to all City Staff, Committees and Council that the City's Scope of Authority (jurisdiction) resides within the boundaries of this City and one cannot take under consideration those factors outside this City as reasons for denying this request,

- Understand that the preponderance of respondents against this request cite issues and concerns outside the jurisdiction of the City of Benicia. While some claims/concerns are important to understand and remedy it must be done some authority other than the City of Benicia. However, none of them are of the nature to impact the decision of the Planning Commission or the City Council.
- Recognize that Valero has made an application based on a business case that may or may not come to reality, There are other agencies at the Area, County, State and National levels that have authority to regulate air quality, water quality, rail safety and interstate transport that may support or impede the success of Valero's business case, It is not Benicia's role to listen to or try to enforce its will on these agencies.
- Understand that Valero is a business whose success depends on its ability to be profitable. The business case was written 2-3 or more years ago when the price of crude was above \$100 a barrel. A barrel is now selling for \$45+ causing many providers to stop operations until the price is above \$80. That fact may or may not have an impact on whether crude is actually delivered to Valero by rail. Regardless, it should not be a factor impacting this decision.
- Whether a decision is made to approve or deny this request, I recommend that significant steps be taken to document what the City has done to ensure an impartial decision was reached and enumerate each of the reasons for the positive or negative vote in a way that will be helpful in litigation.

It is time for a decision to be made without any rationale for delay. Valero is an outstanding member of the Benicia community and deserves the dignity and respect to which it is entitled. It is my hope the project will be approved without further delay. I request that a copy of this letter be provided to the Planning Commission.

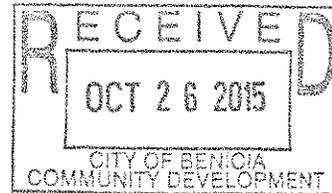


Dennis Lowry

cc: City Council, City Attorney, Valero

October 23, 2015

Amy Million, Principal Planner  
City of Benicia  
250 East L Street  
Benicia, CA 94510



RE: Valero Benicia Crude by Rail Project

Dear Amy Million;

My wife and I have lived in Benicia for more than 36 years and chose to raise our family here. We chose to live here based upon above average public schools, public safety and quality of life, among many other things. Benicia's Humble Oil, Exxon and now Valero have played a huge role in making Benicia what it is today. Valero is a very good neighbor and deserves our support as they seek to improve their facilities in order to remain competitive.

We understand that Valero applied for permits to build three railroad track extensions (sidings) and an unloading rack on their property. We are also quite certain that these permits would have been approved and construction would be underway if not for a small but vocal group opposed to anything related to fossil fuel. This group loses all credibility with us and most Benicians, as it exaggerates and uses scare tactics. They talk of "rickety tracks" and "train bombs" when referring to Valero's CBR. They warn Benicians of catastrophic disasters like the explosive train derailment that leveled the downtown of Lac-Megantic, Quebec, when they know there is ZERO chance of anything similar occurring here in Benicia.

We believe that the City of Benicia, Council and Planning Commission only have the authority to approve/disprove Valero's request. If the project adheres to the laws, building codes and the General Plan, then it should simply receive approval.

As far as what's carried on the tracks and in the tanker cars, that's not within the City's authority. All other outside issues should be taken up with the proper state and federal authorities, such as the Union Pacific Railroad, Department of Transportation, Environmental Protection Agency, Bay Area Air Quality Management District and possibly the U.S. Department of Homeland Security.

We can see the handwriting on the wall, if the City of Benicia does not approve Valero's application, then the expensive lawsuits will surely follow. Let the outside entities be the disapprovers as that is their authority.

We urge you to approve Valero's Crude by Rail Project.

Alan L. Thompson

Handwritten signature of Alan L. Thompson.

Sylvia T. Thompson

Handwritten signature of Sylvia T. Thompson.

## Amy Million

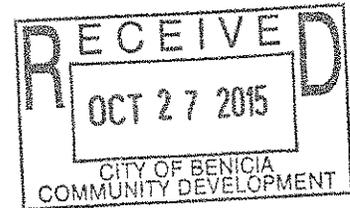
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**From:** Sue Kibbe <skibbe@wilsondaniels.com>  
**Sent:** Friday, October 23, 2015 5:16 PM  
**To:** Amy Million  
**Subject:** RDEIR Valero Benicia Crude-by-Rail Project  
**Attachments:** Letter re. Valero Crude-by-Rail to Planning Commission-October 2015.docx; Images of Crude Oil Extraction.pdf

Date: October 23, 2015

To: Benicia Planning Commission

Re. RDEIR for Valero Benicia Crude-by-Rail Project



As Grant Cooke said, "There is no historical basis to assume there will be no accident."  
*(September 29, 2015, Planning Commission public hearing)*

Double negatives give me pause, but this is so perfectly obvious. There will be accidents, always have been and always will be. Regardless of risk projections, reinforced tank cars, speed limits, track inspections and all good intentions — there will be human error, mechanical failure, bad weather, bad timing, bad luck, rock slides, earthquakes, wear and tear of tracks and trestles never built to carry 7,150 tons twice a day, day after day, year after year. There is the danger posed by "Local Safety Hazard Sites" along the proposed rail routes, with high frequencies of derailments. And there is any combination of these factors that can result in fire, destruction, air and habitat contamination, loss of life.

Not to suggest that we be paralyzed by fear of accidents, just that we acknowledge and weigh the risks against the benefits. So, are there any benefits to the city and citizens of Benicia?

Not to any business in the Industrial Park, where 730 trains per year will be spewing pollution -- NO<sub>x</sub> and carbon monoxide and particulate matter -- directly within the euphemistically named "Park." Where 8.3-minute estimated delays in traffic will be every-day, four-times-a-day aggravations. Where the risk of working in the Blast Zone will be highest. The Industrial Park, the "engine of Benicia," will find it difficult to attract and keep businesses and workers.

Certainly not to the homeowners of Benicia, who will see their property values decrease and their air pollution increase. Mark DeSaulnier (U.S. House of Representatives for Contra Costa County and a former member of the California Air Resources Board) recently wrote in the San Francisco Chronicle: "California already has the worst air quality in the nation, with 7,200 deaths a year associated with air pollution."

There are no benefits to up-rail communities, nor to wildlife, sensitive habitats, wetlands, water resources — essentially, the environment in all its natural beauty and diversity — as the RDEIR clearly documents. The negative impacts are, without exception, "Significant and unavoidable," with no mitigation available. CEQA's thresholds for greenhouse gas precursors (NO<sub>x</sub>) are exceeded in every up-rail county; this is illegal, unacceptable and unconscionable.

To deliberately disregard and violate California's air quality regulations is to endanger our neighbors to the north and bring shame upon our fair city. From these findings, it would appear that the RDEIR cuts a clear pathway to rejection of Valero's crude-by-rail project.

But not so fast. . . Valero contends that CEQA is preempted by sacrosanct interstate commerce and the federal government, specifically by the Interstate Commerce Commission Termination Act of 1995: “. . . *even if the City attempted to control railroad activity by controlling the Valero facility, such effort would be preempted*” (Appendix H-5). So has this DEIR been undertaken under false pretenses right from the start, merely to give the illusion of environmental concern?

I find it hypocritical that Valero selectively applies CEQA thresholds to this project when it is to the refinery's benefit. In calculating the air quality impact in the BAAQMA — the huge area surrounding the entire SF Bay, encompassing Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, Napa and southern Solano and Sonoma counties — Valero touts the “improvements” to air quality from the reduction in marine vessels traversing the Bay. As I described in my letter regarding the DEIR (August 13, 2014), this is a completely deceptive manipulation of the numbers. By reducing emissions in the vast BAAQMA, Valero can increase by 18,433 metric tons per year the emissions right here in Benicia. The selective use of CEQA should not be ignored -- abiding by the law when it allows the project to proceed with mitigation, but disavowing CEQA when air quality will be significantly degraded, with no available mitigation.

It is time for a moratorium on crude-by-rail in California. The cumulative impact of these hazardous rail shipments, the increase in greenhouse gases and pollution, and the violation of CEQA standards must be assessed by the state, not in piecemeal fashion from one refinery to the next. If the ICCTA (enacted long before crude-by-rail was a national safety concern) is invoked by Valero, the question of crude-by-rail through California should go to the Attorney General's office and the courts, as the repercussions are far reaching for the entire state and go beyond the boundaries and purview of our small, still lovely city by the Bay.

Finally, we cannot pretend that we are not participants in the devastation of the boreal forests of Alberta and the farmland of North Dakota if we allow crude-by-rail to continue. I ask that you view the attached aerial photographs to understand the impact that crude oil extraction has on North America. And I close with another quotation, this regarding global climate change, from the 2015 encyclical of Pope Francis:

*“We know that technology based on the use of highly polluting fossil fuels needs to be progressively replaced without delay. . . The natural environment is a collective good, the patrimony of all humanity and the responsibility of everyone. . . Many things have to change course, but it is we human beings above all who need to change. We lack an awareness of our common origin, of our mutual belonging and of a future to be shared with everyone.”*

Thank you,

Sue Kibbe  
22 Del Centro  
Benicia, CA

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Photo by Alex McLean: Oilsand mining operation at Syncrude in Alberta, Canada

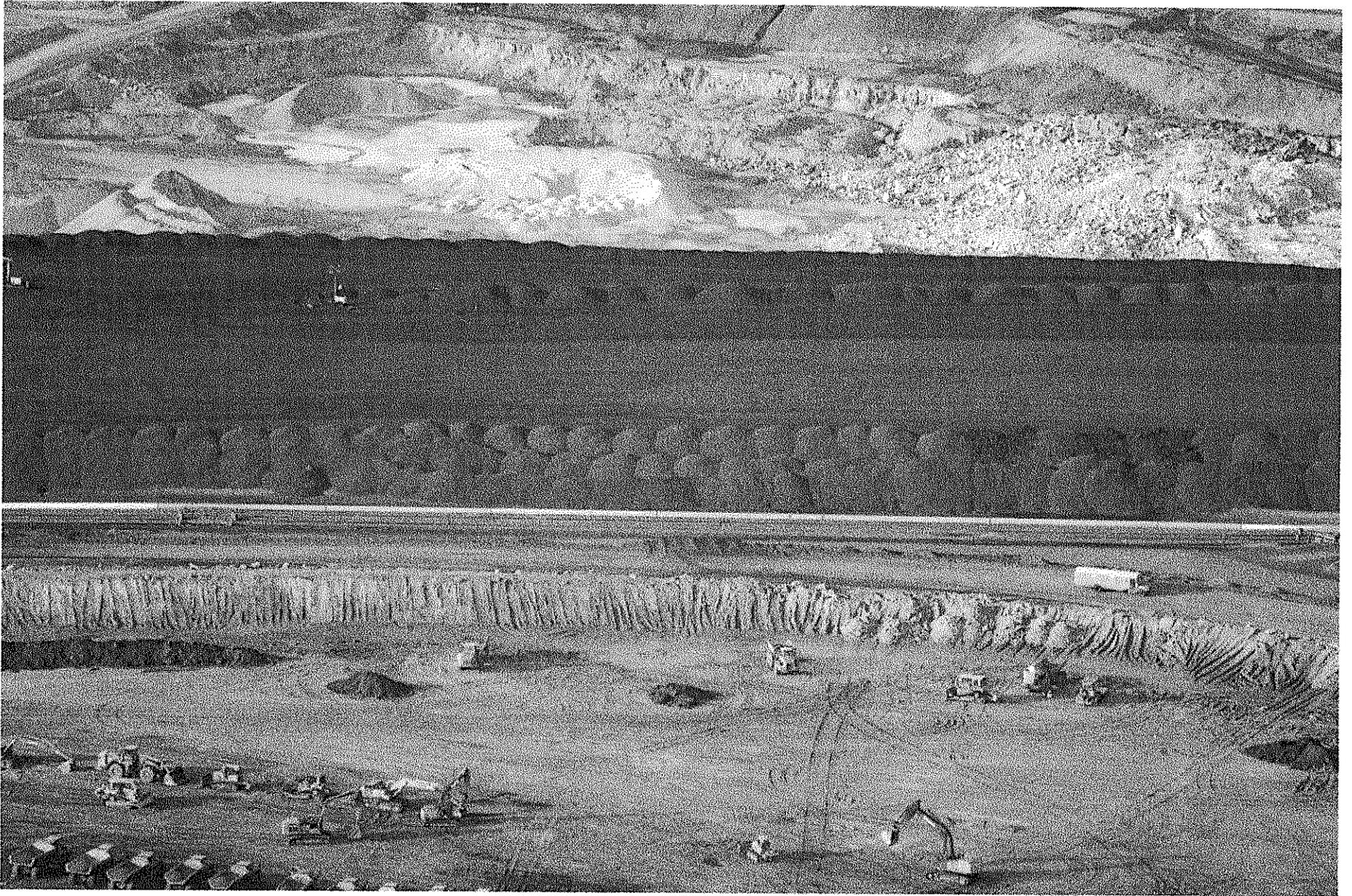


Photo by Alex McLean: Piles of uncovered petroleum coke, a by-product of upgrading tar sands oil to synthetic crude, Alberta, Canada



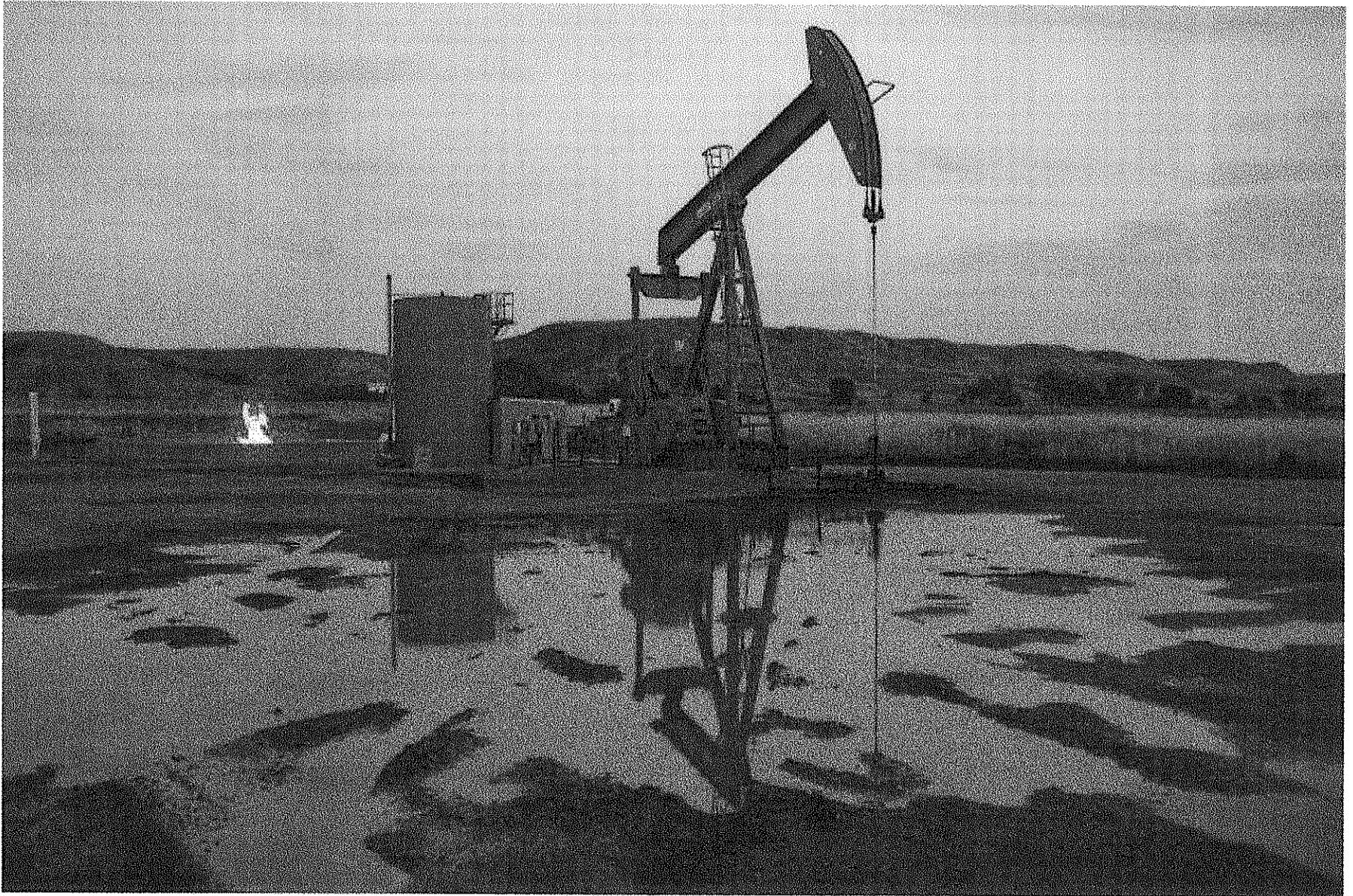
Photo by Alex McLean: Growing pyramids of sulfur, a by-product, at Mildred Lake, Alberta, Canada



Fracking pads in North Dakota



Canada's tar sands is the largest industrial project in the world



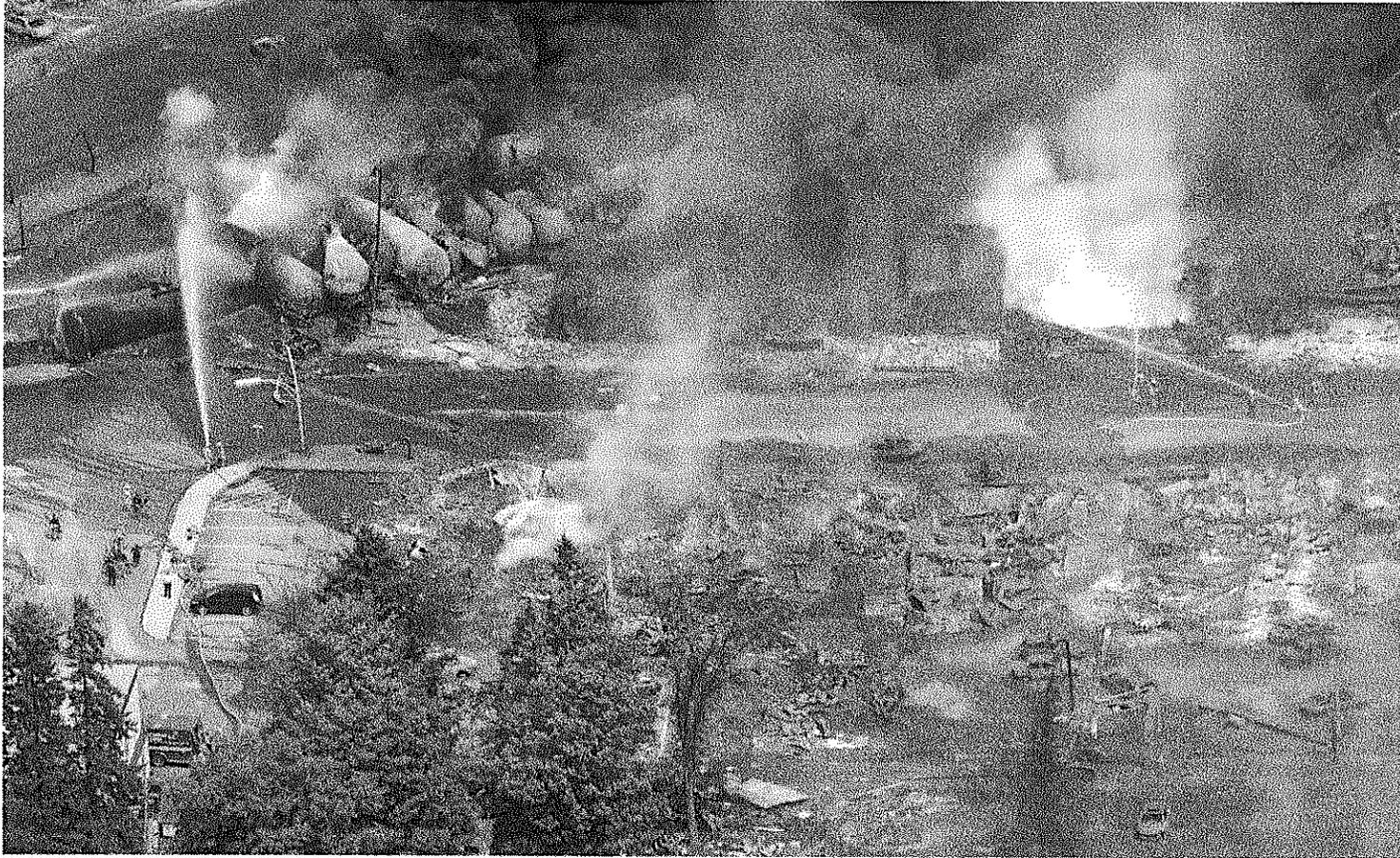
North Dakota fracking and water contamination



Crude-oil tank car derailment -- on a straight and level stretch of track



Explosion at Lac-Mégantic

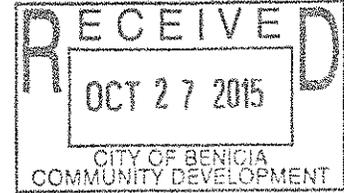


Explosion at Lac-Mégantic

## Amy Million

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**From:** Judi Hayward <jhayward@sbcglobal.net>  
**Sent:** Friday, October 23, 2015 6:49 PM  
**To:** Amy Million  
**Subject:** Valero crude by rail project



Benicia Planning Commissioners:

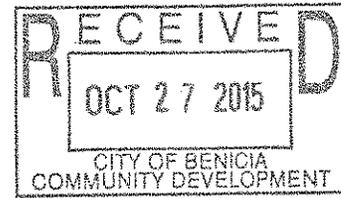
I am writing in support of Valero's crude by rail project. In the RDEIR, Valero and UPRR have agreed to a number of voluntary rail safety measures in addition to the many that have been implemented at both the federal and state levels since Valero applied for this project. Given these new regulations, and the fact that rail transportation is an issue that is preempted by federal law, I urge the city to approve this project and move forward without further delay.

Thank you,  
Bob and Judi Hayward

## Amy Million

---

**From:** Carol Warren <kaymoorsmum@gmail.com>  
**Sent:** Saturday, October 24, 2015 9:51 AM  
**To:** Amy Million  
**Subject:** Public moment on the Valero project



Amy Million  
Principal Planner, Benicia Community Development Department amillion@ci.benicia.ca.us

Dear Ms. Million:

With regard to the Valero Refinery request for bringing oil trains into Benicia, please add the following to the public comment record:

As a Catholic, I was very moved by the words of Pope Francis on his recent visit to the United States, and particularly his address to Congress. He spoke about government's responsibility in the pursuit of the common good, and our individual and communal responsibility for caring for each other and our earth.

So often in our country, I believe, we have come to concentrate heavily on what we think might benefit us, or our own region, while disregarding the common good and legitimate concerns of our fellow citizens. It strikes me that the city of Benicia is doing just that in continuing to support a project which so many of its uprail (and indeed downrail) neighbors vehemently oppose. Yes, a relatively negligible number of people in Benicia will be employed by the proposed facility, but those jobs are at the risk to life and health of thousands of other people in California. While downplaying the risk of explosion and environmental impacts in the EIR, Valero and the railroads certainly cannot guarantee that a damaging derailment and spill, or a catastrophic explosion, will not occur. Even if one chooses to completely discount the risks to other communities in the path of the trains, the emissions, dust, and presence of these volatile chemicals in the community endanger the health and safety of the citizens of Benicia itself. This aspect is given only cursory attention in the EIR.

At the upcoming climate change negotiations in Paris, it is hoped that world leaders will finally recognize the need for swift and decisive action to reduce the changes and degradation of quality of life already being experienced by many people. The extreme extraction methods being used to garner additional fossil fuels are the last gasp of a destructive monster that must finally be put to rest.

Isn't it perhaps time to look unselfishly at the larger picture? Jobs are important, yes. But at the risk of the well-being of so many of Benicia's neighbors? Wouldn't it be more appropriate for Benicia to stand on the side of the common good and look to a future of cleaner energy rather than aligning itself with the harmful extraction methods that will fade into the past?

Thank you for adding my comments.

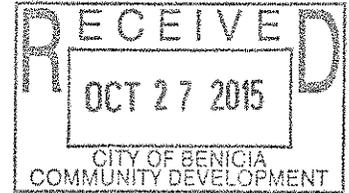
Carol Warren  
211 E D St, Apt 121  
Dixon, CA 95620  
707-693-5113

Sent from my iPad

## Amy Million

---

**From:** Jean Jackman <jeanjackman@gmail.com>  
**Sent:** Sunday, October 25, 2015 4:31 PM  
**To:** Amy Million  
**Subject:** Valerio Refinery



Amy Million  
Principal Planner,  
Benicia Community Development Department

Dear Ms. Million,

This letter is in regard to the request By Valerio to bring more oil trains into Benecia. I wish to comment for the record.

A Washington Post article was titled "Trains are carrying — and spilling — a record amount of oil."  
<http://www.washingtonpost.com/news/energy-environment/wp/2015/02/17/trains-are-carrying-and-spilling-a-record-amount-of-oil/>

It stated that "more than 141 unintentional releases were reported from railroad tankers i 2014...a nearly six-fold increase over the average of 25 spills per year during the period from 1975 to 2012 according to records of the federal Pipeline and Hazardous Materials Safety Record." Neighbors who witness 14 tanker cars derailed and exploded near Mount Carbon W.V. likened the fireball to a scene from the apocalypse. We are all familiar with the grizzly Canadian wreck that wiped out half a town.

I shudder at the thought of what a spill could do to our town of Davis, California, to the waters of the Sacramento River, to all towns and waterways. We know from this summer how hard even forest fires are to contain. Train fires with chemicals are a whole different story. And our train tracks, bridges and infrastructure are in pathetic condition.

I taught school for 14 years in Elmira, Vacaville, right along the railroad tracks. There are many schools along tracks.

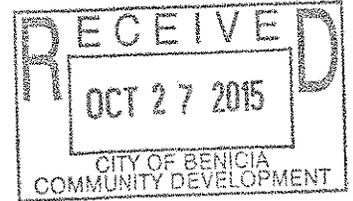
Yes jobs are needed. However, the risk to so many people does not make jobs attractive. How can you justify the risk to thousands of people to create some job?. Please make decisions that look to the common good and the long vision.

Thank you,  
Jean Jackman  
306 Del Oro Ave  
Davis, CA 95616

## Amy Million

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**From:** jan rein <janny007@sbcglobal.net>  
**Sent:** Sunday, October 25, 2015 6:08 PM  
**To:** Amy Million  
**Subject:** Protect Our Communities and Deny Valero's Rail Project



Dear Ms. Million,

I am alarmed about Valero's proposed oil train offloading facility in Benicia. This would create a great increase in the number of oil trains running through the populous city of Sacramento. There is a great risk that one or more of these trains could explode, putting at risk 17 schools and over 13,000 students and staff within a mile of the railroad tracks. The train route also puts vital waterways at risk. These highly flammable and toxic oils have caused fiery explosions that cannot be put out so they must be left to burn out, polluting our air and causing untold harm to the health of individuals living in the affected community and to the environment itself.

According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community, not to mention communities outside of California which will be impacted by the shipment of Canadian tar sands oil and Bakken crude to the Valero site.

Bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways. Neither Valero nor the city of Benicia should have to right to inflict all this harm on other communities.

The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

The oil and rail industry contemplate trains with 100 to 150 tanker cars filled with toxic oil. Oil trains this long are inherently more likely to tip over because the sheer weight of the cars, particularly those toward the end of the train create a whipsaw effect that can bring the entire train down. How can you justify subjecting the lives of millions of people in the blast zone to incineration, not to mention loss of homes and other property.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

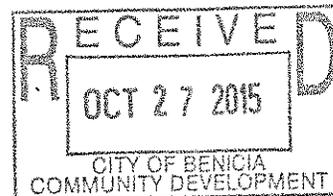
Sincerely,  
Jan Rein  
Sacramento, CA

jan rein  
2704 E street  
sacramento, CA 95816  
US

## Amy Million

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**From:** Ernest Pacheco <erniepacheco@cwa9412.org>  
**Sent:** Sunday, October 25, 2015 7:18 PM  
**To:** Amy Million  
**Subject:** RE: Public comment on Valero crude-by-rail project



Principal Planner, Benicia Community Development Department Amy Million,

Dear Mrs. Million,

I am writing to express deep concern over Valero's proposed oil train offloading facility in Benicia. According to the EIR, this project would create several "significant and unavoidable impacts" that could devastate my community.

Bringing oil trains into Benicia will create unacceptable increases in toxic air pollution for communities all along the rail route and near the refinery. The EIR identifies several significant and unavoidable air impacts from toxins and known carcinogens including increased pollution from NOx, sulfur dioxide, PM 2.5, and benzene.

According to the EIR, the cumulative risk of spills, explosions, and fires along the UPRR mainline "would be significant for all of the tank car designs," including the not-yet-built DOT-117 cars. Such a disaster could result in significant loss of life, long-term economic loss, and contamination of our precious wetlands and waterways. This level of risk is also unacceptable.

The EIR also assumes the "worst case" scenario is a spill of 8 tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Québec in July 2013 spilled over 1.6 million gallons of crude, or about 60 tanker cars. The EIR must assume a worst case scenario that reflects existing data on recent spills. Without an accurate worst case scenario analysis, this project can not be approved.

The revised EIR identifies "significant and unavoidable" climate impacts that conflict with California's existing climate law mandating the state move to an 80% reduction of greenhouse gas by 2050. At a time when wildfires are raging and the drought is more dire than ever, it is imperative we invest in safe, clean energy rather than extreme oil infrastructure.

In addition, analysis of census data demonstrates that a vast majority of people who will be impacted by this project live in EPA-designated environmental justice communities - primarily low-income and communities of color. Approving this project will only add to a legacy of environmental racism in communities living along the rail routes.

For all these reasons, I respectfully urge the Planning Commission and City Council to not certify this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

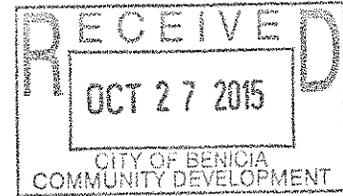
Ernest Pacheco  
22650 Main St  
Hayward, California 94541

<<http://click.actionnetwork.org/mpss/o/7wA/kLwXAA/t.1rl/N1XhczLIS2WtcHbX3mc5DA/o.gif>>

## Amy Million

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**From:** 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 Lonegro, 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](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) ]

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Deadline for train safety technology undercut by industry lobbying The Washington Post, By Ashley Halsey III and Michael Laris October 25 at 10:13 PM <[https://img.washingtonpost.com/rl/image\\_1484w/2010-2019/WashingtonPost/2015/10/25/National-Politics/Graphics/2300railmoney1026.jpg?uuid=WGXjdHtpEeWDeyw\\_JHhlfq](https://img.washingtonpost.com/rl/image_1484w/2010-2019/WashingtonPost/2015/10/25/National-Politics/Graphics/2300railmoney1026.jpg?uuid=WGXjdHtpEeWDeyw_JHhlfq)>

Until a train barreled off the tracks at 9:26 p.m. on May 12, it had been business as usual on Capitol Hill. Among the bills quietly making their way toward a final vote was one that would postpone by several years a multibillion-dollar safety-enhancement deadline facing the railroad industry.

A victory for the railroads, which maintain one of the most powerful lobbying efforts in Washington, seemed all but certain and likely to be little noticed outside of the industry.

But at that moment, an Amtrak train hurtling toward New York City derailed in Philadelphia, turning into a tangle of crushed metal that killed eight passengers and injured 200 more.

Everyone — including the railroad and federal investigators — agreed that the catastrophe could have been prevented by a single innovation called Positive Train Control (PTC). It's an automatic braking system that federal regulators call "the single-most important rail safety development in more than a century."

Now, after a period of reflection and several inquiries, Congress once more is on the brink of postponing the deadline for use of PTC. The proposed delay — until at least 2018 — comes in a new regulatory era for the railroads. Trains filled with volatile natural gas or oil have derailed seven times so far this year, and there is fear that one could cause catastrophic explosions as it passes through a city.

A mighty lobby

What has taken place since May provides insight into the influence that effective lobbyists wield in Washington and how ready access to members of Congress has helped one industry fend off a costly safety mandate. Seven years ago, Congress ordered railroads to have PTC installed by the end of 2015. It was an uncomfortable deadline for the industry, one it argued should be postponed. PTC technology was too complex, the railroads said, and the \$14.7 billion cost to equip freight and commuter lines was prohibitive. Federal economists put the cost-benefit ratio at about 20 to 1.

With their lobbyists in overdrive in 2008, the railroads might have persuaded Congress to delay the mandate. But in the middle of that debate, a head-on train collision in California killed 25 people and injured 102 others. The National Transportation Safety Board said PTC could have prevented the accident, and that moved lawmakers to settle on the Dec. 31, 2015, deadline.

The NTSB says it has investigated 145 rail accidents since 1969 that PTC could have prevented, with a toll of 288 people killed and 6,574 people injured.

In the years since Congress moved to finalize the deadline in 2008, the railroad industry has spent \$316 million, according to the Center for Responsive Politics (CRP), to maintain one of the most savvy lobbying teams in Washington. It also contributed more than \$24 million during the same period to the reelection efforts of members of Congress, targeting in particular the chairmen and members of key committees that govern its business.

In 2011, the chairman of the House subcommittee on railroads spoke out at a hearing, denouncing the PTC mandate as "an example of regulatory overreach." He said PTC would have "a very, very small cost-benefit ratio."

Since then, that chairman, Rep. Bill Shuster (R-Pa.), has risen to lead the full House Transportation Committee. Late last month, he introduced a bipartisan bill to extend the PTC deadline to at least 2018, and beyond if the "railroads demonstrate they are facing continued difficulties."

"Railroads must implement this important but complicated safety technology in a responsible manner, and we need to give them the necessary time to do so," Shuster said in a statement announcing the bill.

Since taking office in 2001, Shuster has received campaign contributions of \$446,079 from the railroad industry, according to the CRP, with \$141,484 of it coming in the 2013-2014 election cycle.

Money flows readily to the chairs of powerful committees, but other members of the House Transportation Committee also have benefited from railroad contributions. In the 2013-2014 election cycle, committee members received more than \$1.25 million in direct contributions to their campaigns. As of the end of September, the railroads had pitched another \$721,742 at the House committee members.

The Senate also has benefited from the railroad industry's largesse, according to the CRP, with 77 senators receiving nearly \$1.5 million in campaign contributions in 2013-2014.

Outside the Beltway, massive contributions may sound like the cost to buy a vote in Congress. But in this era of mega-money politics, campaign contributions win something almost as valuable for railroad lobbyists: face time with a member of the House or Senate.

"They call and they get a member meeting right away," said a senior Senate staff member familiar with the process. "They have a lot of access."

And that access brings into play what are described as some of the best lobbyists on Capitol Hill, including several dozen who once were staff members or lawmakers in Congress.

Rep. Peter A. DeFazio (Ore.), the ranking Democrat on the Transportation Committee and the recipient of more than \$70,000 in railroad campaign money since 2013, says it's the footwork of the lobbyists, not the campaign contributions, that wins the day.

"In these days, when you have one Wall Street billionaire spend a million bucks [on a campaign], getting a few thousand dollars from a railroad?" he said with a shrug. "The railroads invest a lot of time on the Hill, and they present a pretty good story for the most part."

Oil boom raises the stakes

Rail safety has never been a more pressing issue than it is today. So far, the people who have died in U.S. accidents that PTC could have prevented have generally been crew members or passengers. That could change in dramatic, catastrophic fashion.

The number of rail tank cars carrying flammable material in the United States has grown from 9,500 seven years ago to 493,126 last year, thanks to the boom in domestic oil produced in the Bakken oil fields.

Those trains rumble from the oil fields in Montana, North Dakota and Saskatchewan, Canada, to refineries on the East, West and Gulf coasts.

This year, seven trains have derailed, either leaking their contents or exploding. All of the U.S. explosions have come in remote rural areas where the erupting fireballs did little damage.

Canada was not so lucky.

In July 2013, a runaway freight train carrying 74 tank cars full of Bakken oil derailed in the town of Lac-Mégantic, setting off an inferno that destroyed 30 downtown buildings and killed 47 people.

Coastal states in the United States and the city of Chicago, the most important railroad hub in the nation, have come up with scenarios that depict the potential damage and death tolls should a train explode in different sections of their urban areas. Chicago, fearing that the plan's release could cause panic, has declined to make it public.

Sarah Feinberg, acting head of the Federal Railroad Administration, says that worries of a train exploding in the middle of a city have caused her sleepless nights.

"If PTC is not fully implemented by Jan. 1, 2016, we can and should expect there to be accidents in the months and years to follow that PTC could have prevented," she told the House subcommittee on railroads in June.

Bob Gildersleeve Sr., whose son Bob, a Maryland father of two, was killed in the May crash, said rail companies seem to be evading the mandate with an attitude of: "What are you going to do about it?"

"Is a deadline a deadline?" Gildersleeve asked. "We're talking about fixing things that will eventually save lives, and you guys haven't done it. Why?"

Many railroads far behind

The railroads' pitch for an extension — both loudly in the media and quietly to Congress — has been straightforward. Unless the deadline is postponed:

"Transportation of all goods over freight rail grinds to a halt; the U.S. economy loses \$30 billion; household incomes drop by \$17 billion; 700,000 Americans lose their jobs; millions of commuters are stranded."

That was the message Oct. 19 when officials from three commuter rail lines and Association of American Railroads President Ed Hamberger held a conference call with reporters to add their voices to a chorus calling for an extension of the PTC deadline.

"If the congressionally mandated deadline of Dec. 31 is not extended, there will be a transportation crisis in the country with severe economic consequences," said Michael Melaniphy, president of the American Public Transportation Association.

The call had an unintended subtext; all three of the commuter rail lines represented — Virginia Railway Express, Chicago's Metra system and California's San Joaquin Regional Rail Commission — said their installation of PTC would be substantially complete by the end of 2015. Amtrak also promises to have PTC operating in the Northeast Corridor rails that it owns by the current deadline.

But most passenger trains operate on track that's owned by the freight railroads, and the freight rail lines are far from ready to meet the deadline. The freight companies say that without an extension, all traffic on their lines must halt to comply with the law.

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 Lonegro, 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. Union Pacific spokesman Aaron Hunt says that "integrating these technologies into an interoperable system is very difficult," much like merging medical records into a computerized system, and that the company already has made a \$1.7 billion investment, including work on the bulk of its locomotives.

Lonegro's colleague, CSX spokesman Rob Doolittle, said railroad lobbyists have been telling Congress for years that a 2015 deadline wasn't realistic.

"In the early conversations, before the law was passed, the industry was identifying 2018 as a reasonable deadline that we thought we could achieve," he said.

A federal official familiar with those 2008 negotiations offered a different perspective.

"The railroads were in the room, and [Association of American Railroads] and those guys were the ones who said 2015 was doable. They did not embrace the deadline, but they said it was a fair bill," said the official, who spoke on the condition of anonymity because of involvement in the current negotiations.

"It certainly wasn't, 'Oh, we sprung it on the railroads at the last minute,' as they would like some to believe," said a staff member who was in the room while the deal was being struck.

When the final regulations were put in place nearly six years ago, federal officials tallied up the expected benefits of having the automatic braking system in place. The cost-benefit analysis put a price tag on crumpled locomotives, train delays, track damage, evacuation costs, the cleanup of hazardous spills and other consequences of the crashes that could be prevented.

Government economists also sought to calculate the human costs in injuries and deaths, using a figure of \$6 million for each life that was expected to be saved. Over 20 years, there would be \$269 million in savings, they figured, or the equivalent of 45 lives spared. There would be another \$200 million in prevented injury costs. In all, they projected \$674 million in safety benefits from the PTC system. It would cost \$13.2 billion over 20 years, including maintenance costs, to net those benefits, the economists calculated.

That came out to a cost-benefit ratio of about 20 to 1, a disconnect seized on by railroad executives, lobbyists and lawmakers sympathetic to their needs, such as Rep. John J. Duncan Jr. (R-Tenn.).

"Now, everybody has tremendous sympathy for those families that lost loved ones in the Amtrak accident, but my goodness, now we're going to be spending billions to make something that already is one of the safest things in the entire world [safer]?" Duncan, who has received \$303,250 in railroad campaign support during a 27-year career in the House, said at a June hearing. "And I'm thinking that we would be better off to spend those billions in many, many other ways — cancer research, and everything else."

But federal rail officials and some outside experts argue that the technology needed to prevent crashes ultimately can transform the future of railroading. More frequent trains, more efficiently deployed across the country, could move more goods while cutting down on expensive fuel costs, dramatically increasing potential benefits.

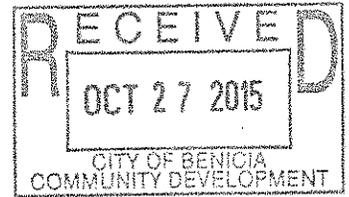
Some industry executives have embraced this future, while others have pushed back. In a conference call with Wall Street analysts just 19 days before the Amtrak derailment, Union Pacific's president and chief executive, Lance M. Fritz, predicted Congress would extend the deadline, adding that his company's lobbyists were "giving feedback and input into our thoughts to help navigate that process."

Dan Keating contributed to this report.

## Amy Million

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**From:** Alan Jackman <apjackman@gmail.com>  
**Sent:** Monday, October 26, 2015 12:01 PM  
**To:** Amy Million  
**Subject:** Valero RDEIR



Dear Ms Million

I am writing to express my grave concern about approval of the RDEIR for the Valero Crude By Rail Project. I live in Davis and some of the possible impacts are in our city. The RDEIR seems to minimize the risk of such transport. This seems to fly in the face of statistics regarding rail transport accidents. I bring your a attention to the recent Washington Post article titled "Trains are carrying — and spilling — a record amount of oil." ( <<http://www.washingtonpost.com/news/energy-environment/wp/2015/02/17/trains-are-carrying-and-spilling-a-record-amount-of-oil/>> <http://www.washingtonpost.com/news/energy-environment/wp/2015/02/17/trains-are-carrying-and-spilling-a-record-amount-of-oil/> ). The RDEIR's Table 4.7-3 shows that Union Pacific has experienced numerous recent derailments on routes over which crude would have to be transported. The risks are unacceptably great and the RDEIR should not be approved.

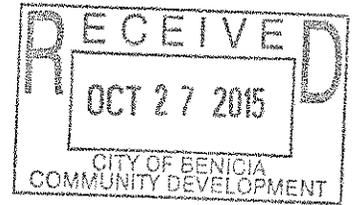
Sincerely

Alan Jackman  
306 Del Oro Ave  
Davis, CA 95616  
530-756-3484

## Amy Million

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**From:** paul brady <pbradyus@yahoo.com>  
**Sent:** Monday, October 26, 2015 4:53 PM  
**To:** Amy Million  
**Cc:** Paul Brady  
**Subject:** oil trains.



Dear Amy,

This oil from US oil fields in Bakken, etc., is cheaper than oil imported by tanker. Just check gasoline prices in this area vs those San Diego. And trains are safer than gasoline and oil coming in on our roads via truck tankers. Also Bakken oil provides jobs and taxes for Americans, our economy, etc.!

Best wishes, and thank you for considering my input. [In an earlier life I worked in the international oil business. It can be dangerous, but has an excellent safety record.]

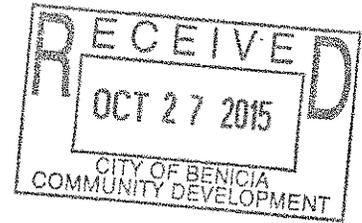
Paul Brady]

Dr. F. Paul Brady, Professor of Physics, UC Davis (retired) Principal, BPF Investments/Charitable Investments Office  
Ph: (530) 753-5929; Cell (530) 220-3593  
43182 West Oakside Pl, Davis, CA 95618

## Amy Million

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**From:** Brad Kilger  
**Sent:** Tuesday, October 27, 2015 9:43 AM  
**To:** Amy Million  
**Subject:** Fwd: Crude By Rail reference



Sent from the Samsung Galaxy Rugby Pro, an AT&T LTE smartphone

----- Original message -----

**From:** Mark <markabrett@yahoo.com>  
**Date:** 10/27/2015 10:57 AM (GMT-05:00)  
**To:** Brad Kilger <BKilger@ci.benicia.ca.us>  
**Subject:** Crude By Rail reference

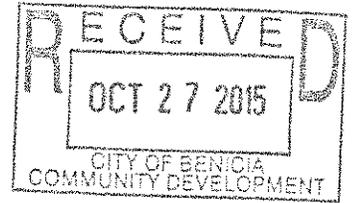
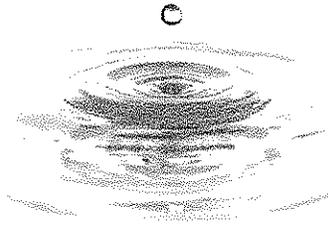
Good morning Mr. Kilger and Benicia city leaders,

I support Valero's Crude by Rail project and ask you to please approve it to move forward. The DEIR found that this project will reduce the likelihood of spill. The DEIR and RDEIR also found that the project will reduce global greenhouse gas emissions by replacing transport by ship with transport by rail. Moving crude by rail is an effective and efficient means of transport that will improve air quality.

Valero is an important member of this community and this project is vital to their continued success. Valero's success is Benicia's success, as this project will further increase the jobs, tax revenues and opportunities the refinery offers our community.

Thank you,

Mark Brett  
Project Supporter and Benicia tax payer  
Sent from my Verizon Wireless 4G LTE smartphone



October 27, 2015

TO: City of Benicia, Planning Commission

FROM: Jerri Curry, Ph.D., LMFT, CATC,

Re: Valero and rail/train implementation

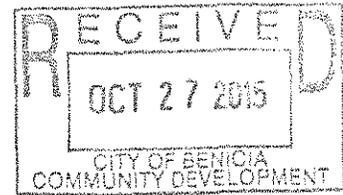
May this serve as my very strong objection to the City of Benicia Planning Commission giving approval to the Valero Refinery's request to transport oil via trains which will be endangering the citizens and the entire community. There were many comments made at the last hearing in the City Hall chambers. The comments in opposition to granting Valero Refinery for rail transport of oil were valid, factual and alarming. The train bombs have destroyed similar communities and Planning Commission cannot allow our lovely community to be placed in such a precarious and dangerous position.

I want to be notified of any future hearings, meetings or actions regarding this issue. Please keep me so informed. My contact information is: Dr. Jerri Curry, 77 Solano Square, #321, Benicia, CA 94510. My email address is [jerricurry5@yahoo.com](mailto:jerricurry5@yahoo.com)

Thank you.

FAX to: 707 747-1637

To: Benicia Planning Commission  
Re: Comments on RDEIR Valero Crude by Rail  
From: Theresa Ritts, Benicia Resident



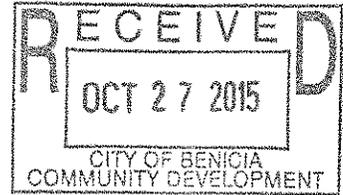
I am writing to declare my opposition to the use permit for Valero's Crude by Rail Project. I have the safety and well being of Benicians at heart when I say that I am against the approval of the permit which was addressed in the RDEIR.

There have been many Crude by Rail train derailments in the US and Canada, with resulting explosions, fires, and evacuations, and causing loss of life and property.

I don't want the risk of Crude by Rail train derailments with catastrophic consequences in Benicia or uprail from Benicia.

I have been a Benicia citizen for 38 years: in fact, I live very near to the Valero pipeline that abuts Francesca Terrace Park. As a Benician, I believe that the risks outweigh the benefits of Valero's permit proposal.

I respectfully ask the Benicia Planning Commission to reject the permit for Valero's Crude by Rail Project.



Elizabeth Crowley

481 Arguello Drive  
Benicia, CA 94510  
October 20, 2015

► **City of Benicia Planning Commissioners**

250 East L Street  
Benicia, CA 94510  
Attn: Amy Million

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**Dear Ms. Million,**

The beauty of the Bay Area is varied and complex and I have enjoyed it during my 28 years working and living here. I supported the Crude By Rail (CBR) project since its proposal because it improves national security, national energy independence, and economic sustainability of Bay Area and Northern California businesses.

I am an Environmental Health and Safety Professional with over 25 years experience, seven years as an environmental consultant for clients who are leaders in building and manufacturing.

My seven years as the Manager of Environmental, Health and Safety for C&H Sugar in Crockett (the bayside neighbor to Benicia) provided me with and in depth understanding of the dynamics of a small town with a big industrial resident.

I am an environmental engineer who maintains several environmental professional certifications (Registered Environmental Property Assessor, Hazardous Waste Emergency Response Operator, Certified Environmental and Safety Compliance Officer). I have worked in Benicia for eight years and have followed the CBR project closely for a few years. My education and experience tells me that Benicia enjoys a well-balanced mix of residential, commercial and industry that work together to for a friendly, safe and vital community, which is why my husband and I purchased a home in Benicia this year..

My informed assessment of the CBR project is that it has been thoroughly and carefully developed by experienced and qualified professionals. The project does not change how the refinery operates, it very simply allows the refinery the flexibility to transport its raw product

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Commission will continue to educate itself about the legal terms used within the process. That said, I appreciate that the additional investigation into up-rail operations points to well coordinated prevention and response plans that highlight the improvements this project will bring to the California Rail system.

The rail system is essential to national economy and projects like the Crude by Rail serve to review, refresh and upgrade this important national asset.

The benefit this entire process is that the City of Benicia and its citizens have participated in the dialogue to make the nation safer with improved rail cars, improved inspections, management and prevention/response planning.

I respectfully urge the Benicia Planning Commission and the City Council to **Certify the finalized EIR and approve Valero's proposed project.**

Respectfully,

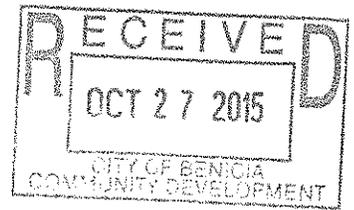


Elizabeth Crowley  
Benicia Resident

## Amy Million

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**From:** Peters, Robert <RPeters@dvc.edu>  
**Sent:** Tuesday, October 27, 2015 12:34 PM  
**To:** Amy Million  
**Subject:** Fw: Letter opposing the Valero Crude-by-rail proposal



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Subject: Letter opposing the Valero Crude-by-rail proposal

Ms. Amy Million:

I'm no scientist -- and couldn't add anything more to the data-fueled reasons and measurable metrics as to why this singular gamble from Valero Inc. is too dangerous, defiant and inimical to the town we have all worked in, shopped, played, bragged about and raised families in. Benicia is indeed a special jewel of a town that simply should not be in competition with other towns that seem so wedded to heavy industrial output that they soon become known and degraded primarily for that association: That simply is not the image, future and profile that Benicians could possibly want. Nor, on balance, is it a healthy, sustainable economic image for a town.

A few observations: We are in the midst of a flat, receding marketplace for petroleum products world wide; who would cringe when contemplating the inevitable growth of land, sea and air-borne pollutants and toxics and the enormous 24-7 risks inherent in shipping such combustible, toxic substances through both our town and our many neighboring communities;

and whenever we hear the crackled cough of a youngster or an elder who has asthma, we can afford to take Valero's proposal in a civil way -- but not at all in a serious way. Their's is merely a cheap, ugly and unproven method to fatten their monetary output -- benefiting a sliver of higher ups in the Texan conglomerate -- while putting all of us, our visitors, schools, parks and businesses and our neighbors along the route -- in permanent fear and disgust over their crude-oil fantasy trains.

I encourage you to utilize your considerable depth and breadth of knowledge of our town and its peoples, and hope you vote to refuse adoption of the Valero scheme; and rather, vote to safeguard the entire population of this town, young and old, and those populations adjacent to us.

Regards,

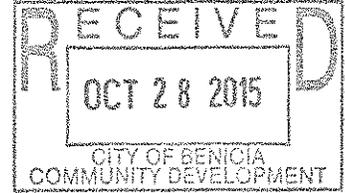
Rob Peters 560 Sandy Way, Benicia, CA. 94510

707 746-7422

## Amy Million

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**From:** Anne Syer <syer@omsoft.com>  
**Sent:** Tuesday, October 27, 2015 6:34 PM  
**To:** Amy Million  
**Subject:** No oil trains through Davis, CA



Dear Ms. Million,

We are very concerned about the plans to send two trains belonging to Valero Refinery through Davis every day. This is simply unsafe and irresponsible. Given the tragedies that have already happened and the poor condition of train tracks in California, it is just wrong to plan to bring these trains through such densely populated areas. Please find another way. We hope you will do the right thing.

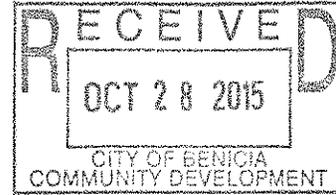
Sincerely, Anne and John Syer

Sent from my iPhone

## Amy Million

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**From:** Diane Simon <simonsez@sbcglobal.net>  
**Sent:** Wednesday, October 28, 2015 9:28 AM  
**To:** Amy Million  
**Subject:** Oil trains in Davis



Greetings Ms.Million:

I am appalled at the thought that trains carrying crude oil will soon be regularly passing through our very popular and populated downtown, and especially passing by several schools and UCD. Given the history of devastating crude oil-by-rail spills it is unfathomable to me--and many of us--that a proposal that would put an entire population at such risk is legal. I trust you will put the safety and well-being of thousands of people ahead of financial interest and do everything in your power to prevent the possibility of an oil train disaster here in our own backyard. Our fate is largely in your hands.

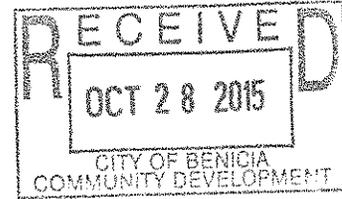
Thank you,  
Diane Simon

Sent from my iPhone

## Amy Million

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**From:** Marti Vinson <mvinson@omsoft.com>  
**Sent:** Wednesday, October 28, 2015 9:39 AM  
**To:** Amy Million  
**Subject:** Oil-by-Rail input



To the City Council of Benicia:

I am opposed to the transport of Bakken Crude Oil by train or other manner of transport through Davis to Benicia. A wreck, leak, or derailment of a train carrying this crude oil has the potential to destroy our environment and is far too dangerous to the people and to the towns and cities along its routes.

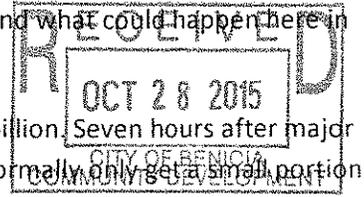
Trains carrying the Bakken crude oil will not only be coming through the town of Davis but many other towns and cities along the way. As you know, The trains are carrying and spilling record amounts of oil. More than 141 unintentional releases were reported from railroad tankers in 2014... a nearly six-fold increase over the average of 25 spills per year during the period from 1975 to 2012, according to records of the federal Pipeline and Hazardous Materials Safety Record.

The risk is not worth it to us. We have seen what happened in Lac-Megantic, a wreck that wiped out the downtown and killed 47 people. We have witnessed what happened when there was a derailment and explosion of 14 tank cars near Mount Carbon, WV. And we see what could happen in Davis, Benicia, and other towns as the trains go through our towns, our downtowns, past our schools, and our neighborhoods.

The potential exists for a disaster from a spill, a wreck, a derailment, or a collision. A potential explosion is ever present and not worth taking the risk of transporting this crude oil.

Marti Anna Vinson Feldman  
1506 Claremont Drive  
Davis, CA 95616

This is an extension of my earlier letter regarding what happened in Lac - Megantic Quebec and what could happen here in Benicia. The other facts of **Lac - Megantic Quebec** crash in 2013 included:



- 1) The RR line, MMA, was insured for \$25 million, the property damage alone was over \$1.2 billion. Seven hours after major lawsuits were filed, MMA declared bankruptcy. With bankruptcy, those who have sued will normally only get a small portion (something like 1-10%) of what is owed them.
- 2) Fires were spread outside the 3000' diameter blast zone when the common sanitary sewer system filled with crude oil, then caught on fire. Are you ready for this? Would the City of Benicia gladly start writing out checks for something like this?
- 3) There is an attorney who had his entire law firm leveled by fire in Lac - Megantic. He filed a lawsuit and is years away from receiving anything. The RR lines declared bankruptcy. How is crude by rail responsible to this man? How safe was crude by rail to this town?
- 4) Another HUGE question in the Lac - Megantic (pop. 6000) downtown area is that the crude oil (over 1.5 million gallons spilled of hazmat) some which didn't burn (it also rolled into the river) costs an astronomical amount to dispose of (the railroad co. went bankrupt -and the soil is deeply contaminated). So they still have to decide to cover this whole area in concrete or in some way fulfill the regulation laws. This 10 football fields in diameter area will be a forever giant reminder.
- 5) The 40th of 47 fatalities was finally identified 8 months later. Number 41 + 42 were after that. Fatalities 43-47 were vaporized, not one cell to check DNA.

Go ask a plumber for an estimate to remove + replace all the burned out sanitary sewer lines under a person's house still partially filled with hazmat crude oil. My guess is that it won't be cheap. When your waste lines are destroyed you can't use a shower, restroom, clothes washer, etc. at all. This was a common problem in Lac - Megantic, the one responsible went bankrupt.

Suppose the City of Benicia wrote a check to me for \$100,000 for devaluing my home. What happens to the other 5,000 Benicia people standing in line behind me who had their house devalued also?

3) Does your homeowners insurance cover crude by rail disasters? Insurance carriers won't cover "crude by rail", which are exclusions in the contract. If CRB happens who will pay for this greatly added cost for this extremely expensive crude by rail insurance? My guess is that your "mortgage payment" will double if you want crude by rail damage to be included in your property insurance.

4) **The citizens of Benicia need to know who will pay them for their losses if an accident happens.** Valero has said if an accident happens outside of its Benicia property, Valero is not responsible, the rail line is. It takes months and even decades to get even a small portion from the rail industry. For them it's "safe" to put off auto braking for 55 years, to have 14 of 18 railroad ties broken while carrying the energy of 100 million sticks of dynamite, to have ONE federal inspector for probably 30,000 RR bridges (who inspects 225-250 bridges/year). I find it incredibly foolish to join in with such an unsafe and irresponsible group of people.

Take the Martinez -Benicia bridge (even though this won't be crossed for Valero crude, there are hundreds of bridges like this) : This bridge was built in 1920. Did the design engineer in 1920 include the calcs of carrying 11 million lbs. twice a day after 95 years of continuous use. I doubt it.

So let me get the facts straight; your house is leveled, your property damage insurance excludes crude by rail oil damage and you still have monthly house or property payments and you're trying to get money from the rail line which went bankrupt. This happened. The defense attorney for the rail industry (Lac - Megantic) did in fact say, "the families should go out and search the woods for the five people who were "missing" (actually vaporized). You want Benicia to join in with these actual circumstances?

The value of any home untouched by damage is probably worth 25% more pre-blast/fire than post -blast/fire for any accident around Benicia..This happened to Richmond homes after their refinery fire. If CBR passes, my guess is that some Benicia people will move out.

You can almost guarantee running two trains a day will lead to very bad news. Look at this statistically: an accident happens about every 8 weeks. So an that's about 6 wrecks/accidents a year. There are 53 oil refineries in the US, most of which do not even have crude by rail yet. NOTHING HAS REALLY CHANGED to make things safer. On average our time would be up in 9 years (One accident per oil refinery -I think a conservative estimate). Outstanding lawsuits, 25% devalued homes, a giant 30 year scar for this wonderful city of Benicia.

There are so many people who think gaining 20 jobs for CBR is the answer, but that's nothing compared to what I've described.

It's FAR safer to have Valero wait for the Port of Vancouver Wash. rail/ship transfer station to be completed. Then Valero would rail the crude to Vancouver, WA., then transfer by ship to Benicia. Ship spills happen FAR less often.

Hard questions for Amy Million and staff: It will be YOUR decision if you vote YES on CBR.

1) Property insurance will probably cost 20+ times more to cover crude by rail accidents. Will the City of Benicia gladly pay this difference? If not, why not?

2) If an accident happens and my undamaged property is now devalued by \$100,000 will the City of Benicia gladly and readily pay this? If not, why not?

3) Does the City of Benicia have \$200 million in reserves set aside in their general funds for such a disaster if the City of Benicia approves CBR? If not, why not? The citizens are generally NOT covered by property damage insurance and the oil and rail industry have acted extremely slow and unfair when they had valid claims against them. If CBR passes, why would somebody want to move to Benicia, looking at the facts I've cited?

4) If CBR is passed, will there be a "No Parking allowed" signs within 2 miles of the RR tracks (like Lac - Megantic)? If so, where would the parking be for the Benicia Industrial Area?

Amy Million and staff: Would you please respond in writing to me, answering the above questions? I find it extremely foolish to vote YES for CBR and become a "team" with an unsafe and irresponsible partner, the oil and rail industry.

Thank You,

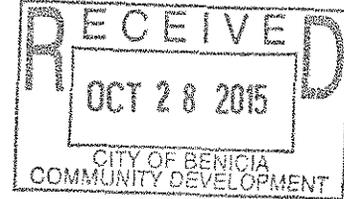
Rick Stierwalt, a concerned citizen in Benicia.

402 Plymouth Ct. - Benicia, CA

## Amy Million

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**From:** Nick Despota <nick@lumina-media.com>  
**Sent:** Wednesday, October 28, 2015 9:49 AM  
**To:** Amy Million  
**Subject:** Reject the Valero proposal.



As a resident of Richmond and one who frequently travels roads along the Carquinez Strait, I strongly oppose any project that would increase the environmental burdens already imposed on this region. The DEIR for the proposed Valero project identifies “significant and unavoidable impacts” that would result from its implementation. Knowing this, the Benicia Planning Department would be ignoring its responsibility to the public if it were to approve the project.

Specifically, I am concerned that the import and combustion of high-sulfur content crude stock—North Dakota Bakken and tar sands—would increase particulate matter and criteria air pollutants, consequently piling health impacts on residents who already suffer significantly higher than average rates of respiratory diseases and cancers.

As others have pointed out, the DEIR is deficient because it fails to specify the crude slate for the refinery, leaving the door open for an increase in greenhouse gases and criteria air pollutants. Claiming that exact specification is protected by industry trade secrets ignores the fact that industry engineers are well aware of the input/output parameters of refineries. The true reason for failing to disclose this is an attempt to suppress objections by the public to a project that can only increase cumulative air pollutants and greenhouse gas emissions in our region.

By now we all understand that we must decrease the combustion of fossil fuels in order to curb greenhouse gases as rapidly as possible. If approved, this project would continue along a path of business as usual. I believe we all have a moral obligation to ourselves and to future generations to reverse that direction.

By rejecting this project, the City of Benicia will contribute to a growing consensus that our cities lead the way in turning away from a fossil fuel economy, and accelerating the transition to a renewable energy economy.

I urge the Planning Commission and the City Council of Benicia to deny certification for this EIR and reject Valero’s proposed oil train terminal in Benicia.

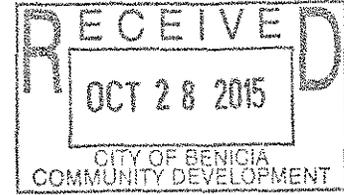
Sincerely,

Nick Despota  
633 Kern St  
Richmond CA 94805

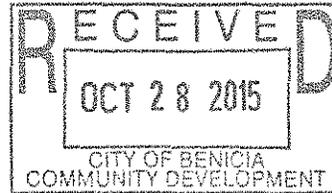
## Amy Million

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**From:** Nancy Hilden <nancy.hilden@yahoo.com>  
**Sent:** Wednesday, October 28, 2015 2:22 PM  
**To:** Amy Million  
**Cc:** Nadine Hilden; wh; louis\_hilden@yahoo.com  
**Subject:** Crude Oil through Davis



I'm aghast at the short sighted plans to transport highly flammable oil through highly populated cities, as my own, by Valero. The danger, witnessed in tragic fires in similar circumstances, and even the stupidity to a company's bottom line, is incomprehensible to aware people. Please stop this action. Nancy Hilden



Dear Benicia Officials,

As a resident of Benicia and someone who has raised their family in this community, I share the concern to ensure Benicia remains a safe, clean and healthy community. I have a master degree in Environment Management and have worked in the environmental field for almost 30 years. The last 10 years of my career I have spent working as an environmental engineer for Valero.

We have an enormous responsibility to operate a petroleum refinery in the San Francisco Bay estuary, one of the world's most ecologically complex waterways. I am one of two dozen environmental health & safety staff at Valero who's sole responsibility is to ensure that the refinery manages its business in an environmentally sound manner and with no harm to our employees and the people of our community.

Our corporate culture emphasizes community involvement, safety performance and strong environmental stewardship. In fact, only Valero facilities in California have been awarded the VPP Star Site recognition for exceeding Cal/OSHA standards for safety and preparedness procedures.

When looking at the RDEIR produced by the city, it can be seen that Benicia has both direct and indirect benefits from constructing the Valero crude by rail project. Implementing this project would create 120 construction and 20 permanent local jobs. The crude by rail project would increase economic activity in Benicia and help provide more to the tax base for the City to provide essential services to the community. Environmentally, it would reduce greenhouse gas emissions significantly and increase overall air quality of the bay area.

There are many who believe that the only tolerable risk is zero-risk; however nothing comes with zero-risk in life. There are so many things in everyday life that come with an associated amount of risk. For example, using power tools or storing chemicals and cleaners in the house, there is always the risk of an accident or a child gaining access to the chemicals. We do not simply go without using these things, rather, we mitigate the risks to the best of our abilities. Though many things come with risk, Valero has gone above and beyond to mitigate the associated risk with their project to the best of their ability.

As a Benicia resident, it is important to see local job and economic growth without harming the environment. With that said, I fully support this project and urge you to approve Valero's crude by rail proposal.

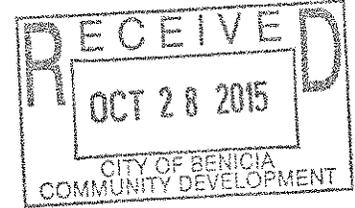
Thank you,  
John Lazorik

A handwritten signature in black ink that reads "John Lazorik" followed by the date "10/27/15".

## Amy Million

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**From:** Jamie Boston <jamieb@dcn.davis.ca.us>  
**Sent:** Wednesday, October 28, 2015 12:46 PM  
**To:** Amy Million  
**Subject:** Comment for the record - Valero Crude By Rail



I'm writing to register my opposition to Valero's Crude Oil by Rail project.

The Revised Draft EIR states that:

Potential train derailment would result in significant and unavoidable adverse effects to people and secondary effects to biological, cultural, and hydrological resources, and geology.

Impacts to air quality would be significant and unavoidable because the Project would contribute to an existing or projected air quality violation and result in a cumulatively considerable increase in ozone precursor emissions.

Impacts to greenhouse gas emissions would be significant and unavoidable because the Project would generate significant levels of GHG and conflict with plans adopted for reducing GHG emissions.

What more do you need to know?

There have been more crude-by-rail explosions and spills in the last two years than in the previous 40 years. The new crudes are demonstrably more hazardous than the crudes that have been processed in our community in the past, and have led to many horrendous accidents in other parts of North America. Accidents can and will happen.

The Revised Draft EIR states that Valero proposes to use non-jacketed Casualty Prevention Circular (CPC)-1232-compliant tank cars.

The National Transportation Safety Board has said that the CPC-1232 standard is only a minimal improvement over the older tank DOT-111s. NTSB officials say they are "not convinced that these modifications offer significant safety improvements."

There is overwhelming and passionate opposition to the project here in Davis. If there is a spill or an explosion and fire, I for one, do not want my community to be culpable. We need to show the state and the world that we stand for safety and environmental responsibility, even if it cuts into corporate profits and tax revenues.

The bottom line is that fossil fuels are going away, sooner or later, and we need to adapt, sooner or later. We would be responsible for putting environmentally sensitive areas at risk. We would be contributing to global warming and thus sea level rise, which poses a clear threat to our state and the rest of the world as well. We would be contributing to decimation of the old-growth forests in Northern Canada. It's up to us to guard our own welfare and to be responsible citizens of California, the USA and our fragile planet.

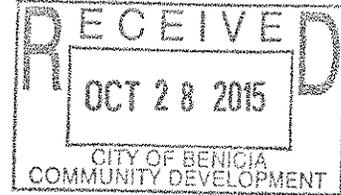
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***Jamie Boston***

## Amy Million

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**From:** Chuck Robbins <robbins.bluebird@gmail.com>  
**Sent:** Wednesday, October 28, 2015 1:02 PM  
**To:** Amy Million  
**Subject:** Crude Oil shipments through Davis



Dear Ms. Million,

I am writing to express my concern about the proposal to send two 50-car trains per day through Davis carrying crude oil. The proposed route passes directly through downtown business and residential areas, not to mention areas of the UC campus (e.g., the Mondavi Center) that frequently contain large numbers of people.

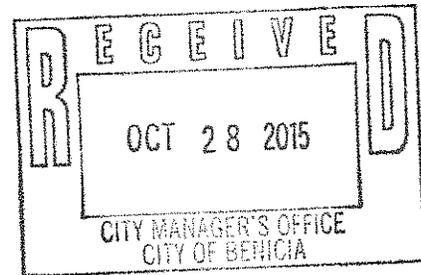
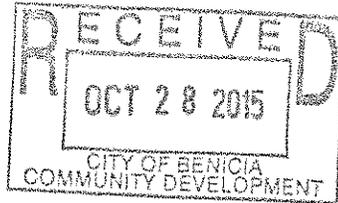
Consequences from any type of leak or accident could be significant. We have gotten by just fine without these shipments in the past. There is no reason to jeopardize safety and the environment at this point in time, especially when gas prices are so low. I would gladly pay a premium not to have these shipments transit our town.

Sincerely,

Christine Robbins

October 25, 2015

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



Statement In Opposition to Crude By Rail Proposal

Dear Mr. Kilger:

I have been a resident of this town for 26 years, and take great pride in this community. I see that we are being encouraged to take a great risk with the well-being of our families by allowing the transport of crude oil into this community. This proposal, if put into effect would provide a financial benefit to the local refinery.

However, we have seen many times just how the story ends.

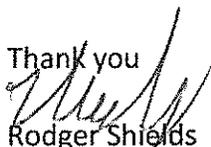
I have read the many news reports which describe the human and environmental losses which have been caused by the series of rail disasters involving oil trains. We know how the story ends; environmental disaster, lives lost, overwhelmed fire departments, or accidents in remote areas with no response possible.

I have ridden the train between here and Sacramento, and felt the train sway over the deteriorating road bed. I question any report that assures you of the safety of the local rails.

I am not aware of any fire departments outside of the refineries themselves which would be capable of adequately responding to a derailment in the Benicia to Sacramento corridor.

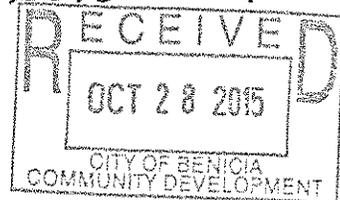
Please do not permit the oil trains in our community.

Thank you

  
Rodger Shields

167 Harbor Vista Court  
Benicia, CA 94510

Oct. 28, 2015



Dear Amy Million, Benicia City Planner,

Thank you for the opportunity to continue sharing concerns about the Benicia Valero Refinery Crude by Rail Project. After examining the RDEIR and Appendices, I found health and safety issues that were addressed in the DEIR and further delineated in this revised document remained unresolved, with some new uneasiness generated by what was and wasn't explored in the RDEIR. Although this document was more inclusive of 'uprail' concerns, even those were not reexamined with sufficient attention to the complaints presented by city governments and individuals from various locales in California through the DEIR responses. Critical omissions, along with deceptive statements, must be rectified in the Final DEIR in order to portray an honest depiction of this project. The topics of concern addressed in this letter do not cover all of the categories the RDEIR failed to reexamine fully from the DEIR. Only those that were most disturbing to me will be mentioned. These explore some of the deceptive, missing information contained in this review and the dismissive way in which Valero has responded to well-substantiated concerns about this project.

According to the RDEIR, "locomotives generate more emissions than marine vessels per mile, per 1,000,000 barrels of crude oil delivered each year." This assessment becomes more significant when comparing how GHG emissions between these two modes of transportation for oil delivery were calculated. As was discovered in the DEIR, marine vessel mileage is not as reliably determined as CBR due to the large variances in marine travel distances from point of origin, size of marine vessels used and amount of cargo being carried. Averaging only the number of miles of marine vessels travel does not delineate, percentage-wise, the locations from which Valero actually receives the foreign oil. This resulted in an inaccurate assessment for determining marine vessel GHG.

When looking at a pie graph depicting U.S. foreign oil imports, based on a "RealClear Energy Report" from April 2012, it was discovered "that almost 75% of U.S. imported oil comes from North and South America," dispelling the common illusion that we get most of our foreign oil from the Middle East. By evaluating proportionately how much is typically received from each foreign and domestic location, one can see the disadvantages of averaging mileage from the lump sum the RDEIR used for a median average of distances to determine a GHG estimate. For instance, the difference in mileage between receiving oil from Canada, (a foreign source from which we do receive large shipments of crude), or Alaska, (a domestic one), is quite different than it would be from Saudi Arabia. "38.8% of U.S. oil during this period came from domestic sources." Naturally these rates can vary, but one can assume due to the rise in the domestic North American crude industry, this latter percentage has probably increased since 2012. According to a February 2015 report from Energy Information Administration, (E.I.A.), statistics of which were not included in either the DEIR or the RDEIR, "U.S. dependency on foreign oil has decreased by 20% since 2008 and is continuing to decline" . . . further stating "it is at its lowest level since 1985."

One of Valero's main stated objectives for this project is to minimize dependency on foreign oil, frequently attributed by Valero as oil "from the Middle East." The way this project is being presented supports the common false assumption of U.S. reliance on foreign oil, specifically from the Middle East, which wasn't substantiated in either the DEIR or the RDEIR. Unfortunately an Oil Import Pie Chart of foreign and domestic sources from Valero on this subject was not included in the RDEIR, and although this information was sought by checking their web site, it was listed as "missing."

Some other questions on this subject of marine vessel GHG emissions have also not been clarified by the RDEIR. Is there is a difference between calculations of GHG dissipation on land and at sea? If so, what is

the comparison of detrimental effects for each locale? Is it the same? Are the effects different in regard to how GHG is being evaluated for the purposes of this CEQA review? Would marine vessel GHG have a lesser effect on the State of California than CBR or would it be the other way around? That appears to be an unanswered question for in this CEQA document review. Is the GHG emission rate based on what is emitted at the marine vessel dock or considered over the full length of the distance traveled? This wasn't stated clearly in the RDEIR. Having a more realistic marine vessel GHG emissions estimate may be an important factor when evaluating the pros and cons of GHG emissions from the various crude oil transport options available.

Continuing with emission issues, CBR emits the following pollutants that are considered to be above and beyond acceptable levels for certain air districts in the State of California. NOx emissions, (related to generation of ozone precursor), would have a "significant impact above acceptable levels in seven air districts along the Oregon to Roseville route, six air districts along the Nevada to Roseville, (northern) route, three jurisdictions in the Nevada to Roseville (southern) route of California," and according to this document, these emissions are unavoidable and unable to be mitigated. In addition to NOx emissions, "ROG, CO2, and PM10, and PM2.5," (Pet Coke), are also over the acceptable limits according to their respective air quality districts.

Other circumstances unable to be mitigated, according to the RDEIR, are the unpredictable and unavoidable accidents already encountered with unit trains carrying this highly flammable, combustible low flash point product. Although the RDEIR described various new railroad safety rulings and tank car safety improvements suggested by the Federal Government, the tank car designs being contemplated as replacements for current models have not been built. If new designs are finally accepted, it was stated that they wouldn't be available in sufficient numbers until 2020, five years from now. DOT has declared current tank cars to be unsafe. We do know what doesn't work. Approving the CBR project BEFORE safe vehicle/railroad transportation can be firmly established involves too many unacceptable risks in Benicia and 'uprail.'

Currently, and in the recent past, eruptions from often multiple punctured tank cars have resulted in fireball explosions that have to be left to burn themselves out. According to fire chiefs across the country, fire-fighting foam is NOT used to put out these kinds of fires. Spraying these types of fires with foam allows them to ignite elsewhere, increasing the risks involved. The RDEIR does NOT reveal this crucial information.

As to coping with a CBR-related fire, the RDEIR only speaks to Valero Refinery's protocol for using foam to control an oil fire from an oil leak at the base of a tank(s) at the site-specific tank off loading rack BEFORE an explosion occurs. It does not mention how Valero would respond to a fireball explosion, which could happen anywhere on site and along the UPRR mainline connected to the refinery. This topic is carefully avoided. Not including the various kinds of fires that can occur and how they would be dealt with is a serious flaw. Both this document and Valero have been misleading the public to believe that having several thousands of gallons of fire-fighting foam on site is the effective way to respond to all CBR fires.

Since most of these fireball explosions happened because of an unexpected derailment, it is important to keep in mind that at least three train derailments in the Benicia Industrial Park have happened in the past year. The possibility of a CBR derailment was not included in this report. No site-specific plans for dealing with a potential CBR derailment was brought up in the RDEIR, which is considered to be another oversight discounting the effect this project could have on the Industrial Park, which is referred to as "the economic engine" of our community.

The RDEIR claims these kinds of fireball accidents are an “unavoidable hazard,” yet stated these accidents to be “rare.” The latter estimation has been proven false by the growing number of CBR accidents that have occurred during the past three years. In the RDEIR, 13 CBR accidents of varying types and degrees of severity were discussed, which is only a sampling and not a thorough account of the derailments, explosions and oil spills that have occurred with CBR. Some have even happened since this RDEIR was written. A number of these accidents resulted in fireball explosions that take days to burn out, others also caused death, destruction of property, and/or oil spills, the latter of which have despoiled major waterways. Once the waterways have been altered by the mix of oil and toxic chemicals from the spills, these water sources cannot be returned to prior conditions, which can have a drastic effect on wildlife. Drinking water for the human population has also been tainted by CBR oil spills. Once this happens, the water cannot be returned to its prior state of being potable. The consequences of such oil spills are seen by the RDEIR to be “significant and unavoidable depending on the location and severity of the spill.”

Dealing with drought in California during these times of major climate change makes response to an oil spill more problematic due to what may be a limited water supply available to cope with such emergencies as well as presenting a more serious fire hazard due to drought conditions. The RDEIR does not acknowledge this fact and how this could affect clean up capabilities if an oil spill or other kind of accident should happen off-site of their refinery property. The RDEIR also offered no mitigations for preventing an oil spill and provided no clean up procedures for restoring a damaged area on land or in the waterways of California if a CBR oil spill occurs. This is seen as another RDEIR flaw of planning re: worst case scenarios of potential difficulties that have frequently been experienced recently elsewhere with CBR-oriented oil spills and other restoration activities necessary after an accident occurs. For a WCS, the RDEIR offers an example of a 30,000 gallon oil spill. This is an inappropriately small percentage of the total 35,000 barrels (each barrel holds 42 gallons equaling 1,470,000 gallons) per each 50 unit CBR train. Another example of Valero minimizing potential risks encountered with CBR.

Derailments of trains are not unusual and can have varying effects, even if no tank car punctures occur to cause fires and/or oil spills. Cargo being transported has a lot to do with the risks involved in a derailment. The products CBR trains are transporting are a highly combustible combination, traveling on tracks not designed to support the cumulative weight of fifty tank cars of the same highly flammable product. These tanks cars are known to derail for a variety of reasons, partially due to their weight, and often puncture when they do. Even when they don't puncture, traffic delays caused by the lengthy process required to up right and reconnect the tank cars can take several hours, causing major traffic jams. Factors such as being able to get the specialized equipment required to do the job to the site, the number of cars involved in the derailment as well as being dependent upon the expertise of those available on site to restore the tank cars to an upright and reconnected position, including cleaning up and/or repairing any mess that the derailment caused is an involved and time-consuming process. None of these possible scenarios or how to manage them were covered in the RDEIR.

During a derailment, blockage of the traffic pattern can leave other trains/cars at a standstill, interfering with any emergency vehicles that may need access through the area during such times. This and other local traffic issue weren't explored within and around the entrance to the Industrial Park. The topic of traffic concerns was an unfortunate oversight in the RDEIR.

In addition to these broader concerns, additional significant information was noted as not being included in the RDEIR. The rest of this letter will be focused on uncovering some of the undisclosed material that deserves our closer attention.

In RDEIR section covering schools located within ¼ of a mile of a UPRR mainline some crucial information was omitted. Due to the potential health impact of locomotive emission fumes from these High Hazard Flammable Trains, CEQA requires ALL schools located within ¼ mile range of railroad tracks used to transport HHFT's to be listed. Although over 100 schools were noted, none of those on Valero's designated Southern Nevada UPRR Route were included, which covers 191 miles of our state. This negligence fails to acknowledge a large number of school children who would be exposed to the toxic fumes. In the tally of schools, the number of students exposed to these pollutants is not listed, but when considering that the University of California, in Davis, is one of them, a sense of the large population that could be affected is noteworthy.

There is also no estimate offered in the RDEIR re: the number of other trains traveling these routes any given day which would contribute a cumulative effect of emissions to which the children would be exposed beyond what this project would produce. To have an accurate portrayal of the health risks this situation presents, one must take into consideration not only other freight/passenger trains on the mainline during school hours, but also the other refineries that may use these same tracks for their CBR projects. Valero's CBR project does not exist in a vacuum. Therefore, it's important to view it from the broader perspective in order to ascertain what the overall cumulative effects may be. With respect to sensitive receptors, this collective exposure could have an even more detrimental impact on their health, particularly for those with respiratory ailments, such as asthma, a disease more prevalent in areas known to have an excess of certain air pollutants. The city of Fairfield is particularly vulnerable in this regard. The UPRR tracks are within ¼ mile of three schools and within fifty feet of a housing development. This is significant when one realizes that the city of Fairfield leads Northern California in reported cases of asthma.

In reference to the ¼ mile limit for addressing proximity to HHFT's for health reasons and considering the potential accident danger involved, it's questionable why the distance isn't extended to a mile for safety, as that is predicted to be THE BLAST ZONE RADIUS for an HHFT accident that could result in a fire ball and/or oil spill. Increasing the distance would probably include even more schools that would need to be identified. Making this change in the buffer zone would provide a more realistic safety boundary when dealing with the unpredictable accidents of CBR. For example, in our town of Benicia, Robert Semple Elementary School is .88 of a mile from the Refinery/UPRR railroad tracks, so would definitely fall into the BLAST ZONE RADIUS, yet not be included in the ¼ mile designation for being affected by fumes from locomotive fuel emissions.

An attendant concern with this part of the document is that no Site-Related Evacuation and/or Emergency Plan(s) for various worst case scenarios that potentially could happen to these students as a result of an HHFT accident are described in this document. This is seen as a serious flaw. Schools have written plans for earthquake and fire preparedness including practice drills for these unanticipated events, yet nothing has been established for potential HHFT disasters.

One might further question why other public places in similar proximity to the UPRR mainline such as local, county, regional and state parks, historical sites, monuments, recreational areas and public campgrounds within the public domain were not noted as being vulnerable for the same reasons as our schools. Such areas belong to all of us. They contain many cherished and beautiful landscapes. These locales and the people who populate them face the same health and safety risks HHFT accidents could present. Lack of preparedness for handling an accident in any of these places can be seen as an oversight that could have devastating consequences. No Site-Specific Evacuation or Emergency Plans were indicated for such places.

A precedent for acknowledging these public areas is the recent National Environmental Protection Act, (NEPA), a federal equivalent of our state's CEQA. NEPA required Governor Brown's proposed High Speed Rail to list all city, county, regional, state parks and recreational areas that might be affected by High Speed Rail Trains within close proximity. In contrast, the RDEIR does not assess the impact on public places close to the HHFT's, the latter of which are potentially much more of a public hazard than the proposed High Speed Rail, assuming they are within the ¼ to one mile radius of these often treasured places. One such irreplaceable landmark is the park at Donner Lake commemorating "The Donner Party Expedition," portions of which reside alongside the UPRR's Donner Pass Route.

Businesses in the Benicia Industrial Park within a ¼ to 1 mile BLAST ZONE RADIUS were also not specifically listed. It would be just as important to list them in the RDEIR as it would be to make note of the schools for the same reasons. The Benicia Industrial Park may be the most vulnerable population to consider on a daily basis because many businesses are in close range of both the UPRR tracks and the refinery. Have these businesses been officially notified by the city or Valero with a risk analysis of how this CBR Project might impact their business?

How many businesses are in this defined area? And how many people would be affected or need to be re-routed in the case of a WCS in the Industrial Park? These general statistics would be valuable to know ahead of time in terms of disaster preparedness. None of this information was provided in the RDEIR.

Other issues concern HHFT railroad safety. The four UPRR routes chosen for the project are not equal in safety when one takes into account frequency of scheduled track maintenance, age of the tracks and bridges, the track's ability to handle the heavier loads 50 tank car unit trains CBR require, the steepness of the grades, curves, effect of train speed in more precarious areas, and the general local safety hazard sites, commonly referred to as LSHS's, that according to the RDEIR, account for a disproportionate number of repeated derailments in California.

The data available for derailments in the RDEIR only covered 2009-2013. During that time period, as stated in the RDEIR, "58 or 17% of derailments occurred on or near an LSHS." Even though these vulnerable locations are well known to the railroad, many have not been repaired. Being willing to operate a CBR program under this faulty system without any reliable mitigation suggested for this problem described in the RDEIR may be seen as a failure of the document to properly address this repetitive problem. Although Valero doesn't have control over the railroad due to preemption issues, they do have control over the choices they present to our city for transportation of the crude from point of origin to their refinery.

It is important to note that NO statistics on LSHS derailments were offered in the RDEIR from 2013 through 2015, which gives an incomplete analysis of the more current situation in which many CBR accidents have continued to occur throughout the U.S. and Canada.

Other railroad track issues are the class of UPRR tracks on the possible routes the Valero Refinery can use. Class 4 or 5 tracks are typical for long haul freight trains. Tracks under level four are not recommended for long haul heavy freight trains yet are still used for this purpose in areas where tracks have not been upgraded. As stated in the RDEIR, The UPRR mainline tracks for the proposed routes to be used by the Valero Refinery's CBR project are: "Roseville to the refinery portion of the trip has 80% class 4 or 5. The Roseville to Oregon portion has 98.1% class 4 or 5, BUT THE SOUTHERN NEVADA ROUTE HAS ONLY 3.5% OF ITS TRACKS CLASS 4 or 5." This is a very low rating for unit HHFT's carrying heavy loads. This route is also the most precarious one, with steep grades, dangerous curves, and high

6

bridges over pristine water sources, such as the Feather River Canyon, an area that recently experienced a major derailment where 20 tank cars derailed and punctured, falling into the Feather River with their contents. Fortunately these tank cars weren't HHFT's and the cargo was not toxic.

Another crucial piece of information the RDEIR did not divulge was the complicated terrain of this southern Nevada UPRR mainline. The other UPRR routes were described in detail, yet the uniqueness of this terrain was not disclosed. Large portions are mountainous, rural, and have no fire departments or are served by only volunteer fire fighters with no professional Hazmat Training or equipment. A majority of the High Hazard areas involved with this CBR project are in rural areas, which are the places considered to be the most vulnerable, being the weakest link in the chain for emergency response capability. The State of California has only has 60 Hazmat teams, operating at different levels of expertise, and most of them are located in urban areas. Although the RDEIR mentions rules for safe routing of HHFT's based on 27 criteria, this document fails to include this list. The absence of this information, considering the seriousness of the subject, is considered to be another major flaw.

One might ask why the Valero Benicia Refinery would even consider using the Southern Nevada Route, due to the safety issues involved. The RDEIR answers that query by defining it as the shortest option available by 110 to 170 miles. This factor makes it the most economically feasible choice. Since the goal of CBR and UPRR is to increase corporate profits, this would be one way to do that. Also, the GHG emissions would be lower. When and how often this route would be used would be at the discretion of UPRR.

Local issues were not addressed in the RDEIR, even though there was extensive public comment about the community's well substantiated complaints. The report's focus was on 'uprail' communities. In addition to concern about how CBR would affect the Industrial Park, comments were also presented about Valero's numerous air quality infractions. Since mentioning this in regard to the DEIR, Valero has not improved re: their continuous violating of air pollution regulations on a regular basis, according to the Bay Area Air Quality Municipal District (BAAQMD). The possibility of Valero bringing in daily loads of 35,000 barrels of crude per 50 tank car unit train with a maximum of two unit trains per day, (a total of 70,000 barrels), would introduce an even more toxic, dirtier crude slate. The RDEIR, like the DEIR, still provides no current baseline as a comparison for these newer domestic crudes, so there is no way of knowing how much more air pollution they may cause than is already being emitted by the refining process at the Valero Benicia Refinery. Providing a current baseline for new projects is a CEQA state requirement. Yet the RDEIR does not provide this. The RDEIR remains silent on these relevant issues.

More lack of transparency was revealed about this project during the final DEIR Planning Commission Meeting on September 11, 2014, when John Hill, who at the time was the General Manager of the Valero Benicia Refinery; admitted that the Valero Refinery had ALREADY been receiving "Bakken crude by barge from the north." The dishonesty of not disclosing this as an ALTERNATIVE to CBR in the DEIR and subsequently finding this fact missing in the RDEIR reveals a serious lack of disclosure re: CBR delivery options. This is another fatal flaw of this review.

It has been erroneous and duplicitous for Valero executives, such as spokesman, Chris Howe; to repeatedly assert "CBR is the only way we can get the domestic crude." This statement ignores domestic crude delivery by barge, marine vessel and pipeline which Valero is already doing. These alternatives were not disclosed or even admitted as being possible in the DEIR and RDEIR as delivery methods.

The pros and cons of EACH form of crude delivery needs to be fairly analyzed in a CEQA Review in order for the city to be able to make an informed decision as to how another alternative route for these

crudes would impact our city. In the case of CBR, this consideration also includes impact on 'uprail' cities.

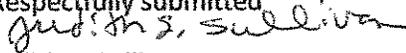
It is important to acknowledge that any city government's first and foremost concern and sacred obligation is the health and safety of their community. That overriding responsibility in this case requires full disclosure of ALL alternatives, reasonable risks and mitigations possible when evaluating this proposed CBR Project. The RDEIR did not successfully accomplish this task.

Furthermore, the decision of whether or not to accept the CBR Project does not fall into the jurisdiction of other forms of commerce within the city's boundaries. If project alternatives and mitigations for health and safety due to the project's actual or potential impact upon the city either aren't offered, or said to be infeasible for whatever reason, the city has no obligation to approve a project. This right is denied by the RDEIR via the smoke screen of preemptions. This is another fatal flaw of the RDEIR.

Preemption, broadly interpreted, is being used as a roadblock in the decision-making process of CBR, making it appear as though we have no choices. Our city DOES have choices. The constant deceptions, omissions and dismissive tactics being used by Valero surrounding preemption and the other concerns mentioned in the body of this letter must be called out, recognized and addressed. If properly done, the Final DEIR could provide another opportunity to better educate our city about this project's obvious and hidden intentions by uncovering what was carefully camouflaged or misconstrued as the purposes of this CBR project, one of which is to increase the flexibility of crude transportation options, by disregarding the harmful health and safety issues this method of transport would present in Benicia and 'uprail' throughout the State of California and beyond.

Since the content of this letter is a response to the proposed Benicia Valero CBR Project, other more broad-based concerns about domestic crude oil production are not included. Thank you for the opportunity of sharing these comments.

Respectfully submitted

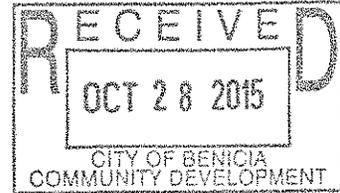
  
Judith S. Sullivan

36 year Benicia resident and member of "Benicians for a Safe and Healthy Community"

## Amy Million

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**From:** Betty Berteaux <birdtrax@dcn.org>  
**Sent:** Wednesday, October 28, 2015 3:25 PM  
**To:** Amy Million  
**Subject:** crude oil transport

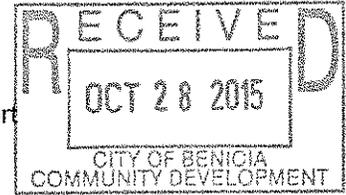


To Whom it May Concern, Transporting crude oil by rail to Benicia through the rather densely inhabited areas to the east and north of that city is a very bad idea. Indeed, it is an invitation to disaster. An oil leak that is nearly certain to happen, would be bad enough but an explosion could cause millions of dollars worth of damages that would be nearly impossible to repair, to say nothing of the human lives that would be affected. On transport trains, there have been increasingly frequent leaks and quite a few disasters. Please, do not allow this supremely bad idea to become reality. Thank you for your consideration of my opinion. sincerely, Elizabeth Berteaux, Davis. Ca.

## Amy Million

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**From:** Imazu, Gregory <Gregory.Imazu@valero.com>  
**Sent:** Wednesday, October 28, 2015 3:46 PM  
**To:** Amy Million  
**Cc:** Imazu, Gregory  
**Subject:** Valero Crude By Rail - Revised Draft Environmental Report



Dear Amy,

As a resident of Benicia I encourage you and the Planning Commission to expeditiously evaluate the Revised Draft Environmental Report (RDEIR) for Valero's proposed Crude By Rail project and consider Valero's strong safety record and contribution to the community.

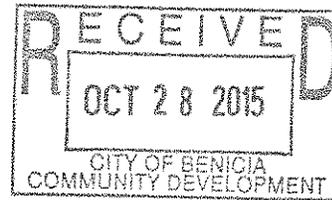
Regards, Greg Imazu

## Amy Million

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**From:** Regi Hamel <regihamel7960@gmail.com>  
**Sent:** Wednesday, October 28, 2015 4:47 PM  
**To:** Amy Million  
**Subject:** Oil-by-Rail Input...

**Importance:** High



Dear Amy,

My husband and I are quite concerned about the safety of the proposed oil-by-rail transports, bringing two 50-car trains, which would carry crude oil from North Dakota on a daily basis through Davis and other densely populated nearby communities, even the downtown areas.

We are located about half a mile from the railroad tracks and have lived in our home for fifteen years. In the last two years, we have noticed a huge increase in the number of trains going through because of the increased noise pollution from excessive whistle blowing, even in the deepest night. We do not know what **these** trains are carrying, probably often also dangerous cargo, and it seems that the railroad companies are doing their best to fight attempts by the public to find out what passes by their homes.

Recently we read an article from the McClatchy Washington Bureau in the Sacramento Bee concerning the oil train derailment in West Virginia. **“Two separate tests in the two months prior to a fiery oil train derailment in West Virginia this year showed the presence of a rail defect, according to a report on the incident. But neither the railroad nor its testing provider followed up on the test results in December 2014 and January 2015, and the rail broke under a 107-car CSX train loaded with Bakken crude oil. The Feb. 16 derailment near Mount Carbon, W. Va., led to explosions, fires and the evacuation of 1,100 nearby residents. On Friday, the Federal Railroad Administration said it had issued \$25,000 civil penalties against both CSX and Sperry Rail Service, the contractor that performed the rail tests.”**

Considering the severity of this disaster, the \$25,000 fee seems like a mere slap on the wrist. If existing problems are not rectified when they are known, what can we as residents expect in the future? It does not sound as if the railroad companies care about the welfare of the American people and that they can get away with way too much, just because they want to and their lobbyists are working hard for them.

**There have been far too frequent train accidents already. It seems premature, to say the least, to let the oil trains go ahead without far more safety measures. The safety issues absolutely need to be solved first.**

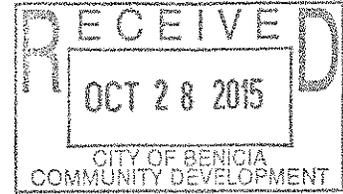
Sincerely,

Regina and John Hamel

## Amy Million

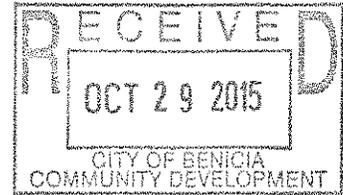
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**From:** Laura Zucker <bounce@list.credoaction.com>  
**Sent:** Wednesday, October 28, 2015 5:08 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



I urge the Planning Commission and the Benicia City Council to reject Valero's dangerous plan to build an oil trains terminal at its Benicia refinery. In light of the current drought and massive wildfires, we can't afford a project that would further global warming (by supporting fracking and tar sands extraction) and exposes communities along the rail route to the likelihood of an oil train derailment and explosion. Your decision has global dimensions; it doesn't just affect Benicia. Do the right thing and reject Valero's proposed crude by rail project.

Laura Zucker  
El Cerrito, CA



Benicia City Leaders:

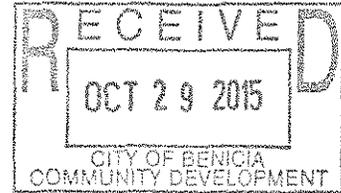
I want to express my support for Valero's crude by rail project. As a refinery employee and supervisor, I can attest to the strong prevention, preparedness and response measures in place as well as the significant emphasis on safety that guides everything that we do. While I appreciate the need for thorough analysis, we have let the NIMBY or "Not In My Backyard" folks go on for long enough. It's time to move forward with a project that is good for Benicia.

Thank you,  
David Frank

## Amy Million

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**From:** Larry the O <larrytheo@gmail.com>  
**Sent:** Thursday, October 29, 2015 3:11 PM  
**To:** Amy Million  
**Subject:** Comment on Valero RDEIR



Dear Ms. Million,

I am a resident of Vallejo and I want to urge that Valero's crude-by-rail plan in Benicia be rejected. I do not have my documentation together enough to cite statistics and studies, and, of course, I am not even a Benicia resident; perhaps that will invalidate this letter. Nevertheless, it is clear from abundant recent examples that safety and release of toxic substances from a rail accident are more likely than not when running such large quantities of trains carrying such large quantities of very dirty and volatile oil. Vallejo is not far enough from Benicia to protect it from the impact of a major train accident, thus I consider this proposal my business.

Beyond safety concerns, it is not clear to me that the economic benefits for Benicia come close to offsetting the impact on traffic, air quality, and even the rail infrastructure that Valero's project would impose. Given scant economic benefits, strong community opposition, and a plethora of negative outcomes, I am hoping it will be as obvious to you as it is to me that Valero's plan is just a plain old bad idea.

Cheers,

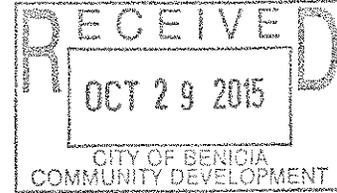
Larry Oppenheimer  
Louisiana Street  
Vallejo, CA

From:

10/15/2015 15:45

#223 P.002/002

ATTN: AMY MILLION  
FAX: 707 747 1637



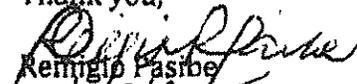
Benicia City Leaders:

Thank you for the opportunity to comment on Valero's proposed crude by rail project. I am writing in support of the project and to encourage the Planning Commission to approve the project without continued delay.

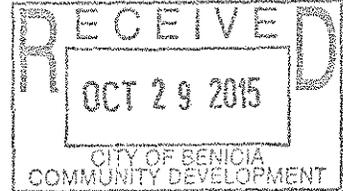
The Valero Benicia Refinery initially submitted plans for this project in 2012. Since then, significant advancements have been made at the state and federal levels regarding rail transportation regulation. As the RDEIR details, these many regulations include reduced speeds and better braking systems. Valero has also voluntarily agreed to use improved CPC-1232 rail cars in advance of federal regulations.

Valero is a dedicated member of this community. Refinery employees are our neighbors and friends and the refinery itself provides 25% of the city's General Fund revenue that funds our vital city services. It's time that we allow them to move forward with this infrastructure project.

Thank you,

  
Remigio Pasibe  
10/29/2015  
494 MILLS DRIVE  
BENICIA, CA 94510

ATTN: AMY MILLION;  
FAX: 707 747 1637



Benicia Planning Commissioners:

I am writing to express my strong support for Valero's proposed Crude by Rail project. As the president of the Pil-Am of Benicia, I am proud to call the refinery a conscientious neighbor. Valero is an important partner to the Benicia community and a vital contributor to the local and regional economy.

This project will help to ensure the refinery remains competitive in a changing marketplace while benefitting our environment - it is a win-win for Benicians.

Per the RDEIR, this project will reduce greenhouse gas emissions and improve air quality. It will also create additional jobs and tax revenues that fund vital local services.

Valero has a commendable safety record and has continuously earned the Cal/OSHA VPP Star Site designation since 2006 for going above and beyond Cal/OSHA safety standards. I am confident they will bring this same commitment to safety to this project.

I urge you to please approve this project to move forward without additional delay. This project is good for the economy, the environment and Benicia.

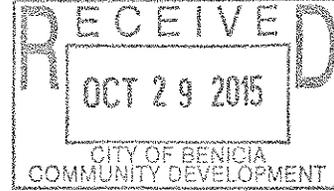
Thank you,  
*Sophie Paslbe*  
Sophie Paslbe  
10/29/15

494 MILLS DRIVE  
BENICIA, CA 94510

## Amy Million

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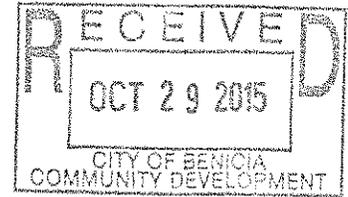
**From:** Gregory Swan <d.schwane@sbcglobal.net>  
**Sent:** Thursday, October 29, 2015 4:13 PM  
**To:** Amy Million  
**Subject:** Comment on Valero RDEIR



Just writing to add our voice to that of the many other Benicians who are very concerned about the possibility of trains rolling through our community carrying highly flammable and dirty crude oil. We are absolutely opposed to this disastrous plan! The danger to our community and the negative effect crude by rail will have on property values and our already compromised air quality (from Valero and other oil refineries in the area) are not worth the insignificant benefits trumpeted by the oil companies. A few jobs don't make up for the risks and costs of this ill-advised project. We will stand with our fellow informed Benicians and folks from other potentially affected communities to fight this terrible idea until it is dead and will be ever vigilant to ensure it is never resurrected.

Sincerely,  
Gregg & Leslie Swan

To: Benicia Planning Commission  
Re: Comments on RDEIR Valero Crude by Rail  
From: Theresa Ritts, Benicia Resident



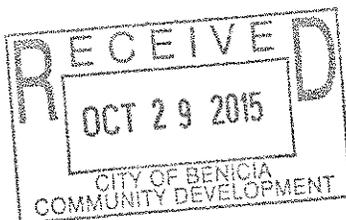
I am writing to declare my opposition to the use permit for Valero's Crude by Rail Project. I have the safety and well being of Benicians at heart when I say that I am against the approval of the permit which was addressed in the RDEIR.

There have been many Crude by Rail train derailments in the US and Canada, with resulting explosions, fires, and evacuations, and causing loss of life and property.

I don't want the risk of Crude by Rail train derailments with catastrophic consequences in Benicia or uprail from Benicia.

I have been a Benicia citizen for 38 years: in fact, I live very near to the Valero pipeline that abuts Francesca Terrace Park. As a Benician, I believe that the risks outweigh the benefits of Valero's permit proposal.

I respectfully ask the Benicia Planning Commission to reject the permit for Valero's Crude by Rail Project.



October 29, 2015

155 Corporate Place  
Vallejo, CA 94590  
United States of America  
Telephone: +1 707 642 2222  
Facsimile: +1 707 648 2719

**RE: Support of Valero's Crude by Rail Project**

**TO: Benicia City Leaders**

The Revised Draft EIR explained the many positive benefits of this project, including increased safety measures at the state and federal levels and Valero voluntarily upgrading their tank cars ahead of federal regulations. I believe the refinery will continue to operate safely and conscientiously as it has done for many years.

Valero's Crude by Rail Project is beneficial to our community. It reduces global greenhouse gas emissions, will bolster the city's finances and provides stable, high-paying jobs to members of our community. I fully support this project and ask that it be approved to move forward.

Thank you,

A handwritten signature in black ink, appearing to be "Ernie Abbott", enclosed within a hand-drawn oval.

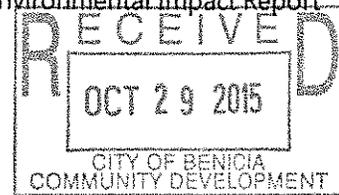
Ernie Abbott,

Account Manager, Transfield Services, Valero Benicia Refinery

## Amy Million

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**From:** Janet Johnson <electricista545@gmail.com>  
**Sent:** Thursday, October 29, 2015 12:22 PM  
**To:** Amy Million  
**Subject:** Public comment on the Valero Recirculated Draft Environmental Impact Report



Dear Ms. Million,

I am a resident of Richmond, and I live in the impact zone of potential harm from a spill, explosion or fire caused by the shipment of crude by rail. I am writing to share my grave apprehensions regarding the proposed oil train offloading facility at the Benicia Valero refinery.

The environmental impact report (EIR) states that the facility would create "significant and unavoidable impacts." I would like to bring your attention to several issues that pose unacceptable dangers to residents, our local economy, and the environment.

The EIR says that the risk of spills, explosions and fires along the Union Pacific rail line "would be significant for all of the tank car designs," even the planned DOT-117 cars, which will still only require a puncture resistance of only 18 mph; in most areas, current speed limits are 50 mph. A single accident is likely to cause injuries and deaths, economic damage, and long-term contamination of waterways and wetlands.

The EIR assumes a worst-case scenario of a spill of eight tanker cars, roughly 240,000 gallons. However, a more likely accidental spill or fire may involve a far greater quantity. Accidents in West Virginia (in which 14 tanker cars derailed and exploded; neighbors likened the fireball to a scene from the apocalypse), Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Is this what we want to invite into our communities? More than 141 "unintentional releases" were reported from railroad tankers in 2014, an all-time high and a nearly six-fold increase over the average of 25 spills per year during the period from 1975 to 2012, according to records of the federal Pipeline and Hazardous Materials Safety Administration.

Moreover, the EIR predicts an unacceptable increase in toxic air pollution. If oil trains are brought into Benicia, those living along the rail route and near the refinery—many of whom already suffer from diesel and refinery-related health issues—will be exposed to increased levels of nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Most of these residents live in EPA-designated environmental-justice communities.

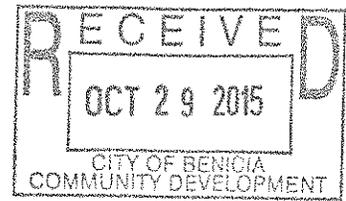
I am also gravely concerned about the "significant and unavoidable" climate impacts identified in the EIR. California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80

percent reduction of greenhouse gas emissions by 2050 is in direct contradiction with the increased GHGs that are produced by refining extreme crude. The urgency of our climate crisis compels us to move beyond dangerous oil infrastructure and invest in safe, clean energy.

I therefore urge the Planning Commission and City Council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Thank you for your consideration.

Janet Scoll Johnson  
510-331-3985



October 29, 2015

Amy Million, Principal Planner, Community Development Department  
City of Benicia  
250 East L Street  
Benicia, CA 94510

Dear Amy Million and Benicia Planning Commission:

I urge you to deny certification of the EIR and reject Valero's proposal to build a massive offloading crude oil train facility in Benicia. Its current use of ship delivery of crude is safer as all ships are required to be double hulled limiting potential large spills and toxic emissions in transit.

In contrast, transporting crude by rail is not safe. An Associated Press article reported earlier this year that a Department of Transportation analysis completed in July 2014 predicted that trains hauling crude oil or ethanol will derail an average of 10 times a year over the next two decades, causing more than \$4 billion in damage and possibly killing hundreds of people if an accident happens in a densely populated part of the U.S. The report further notes that if just one of those more severe accidents occurs in a high-population area, like Sacramento, Davis or Benicia, it could kill more than 200 people and cause roughly \$6 billion in damage.

As a Benicia citizen, what keeps me awake at night? It's not that a ship carrying crude to Valero will blow up in the Carquinez Straits. It's the prospect of two mile-long trains carrying explosive and toxic Bakken crude --a total of 100 unsafe rail tank cars-- arriving daily, 365 days a year, to Valero's new off loading crude oil train facility in Benicia. The existing tank cars, whether DOT 111 or DOT 1234, are not strong enough and lack effective braking systems and other safety improvements to carry these enormous volumes of volatile fuel.

Each tank holds 30,000 gallons of fuel or the energy equivalent to two million sticks of dynamite and/or the fuel in one wide body jet liner. Multiply these figures by fifty cars and each one mile long train holds the equivalent energy of 100 million sticks of dynamite or the fuel of 50 wide body jet liners. In addition, the million gallons of flammable fuel cargo carried by 100 cars emit toxic pollutants of nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particular matter. That's an unacceptable daily risk to health and safety to Benicia and all

uprail communities and to environmentally sensitive areas throughout California.

The transportation of hazardous substances such as crude oil, poses potential of fires, explosions and hazardous material releases. Bakken oil is highly flammable and easily ignited. Derailments can happen in many ways. A rail can break underneath a train. An axle can fail. A vehicle can block a crossing. Having a better tank car could reduce the odds of a tank car leaking or rupturing. The AP article pointed out, however, that Industry representatives say it could take a decade to retrofit and modify more than 50,000 tank cars. Existing unsafe tank cars will be with us for a decade. As per the revised DEIR: Potential train derailments would result in "significant and unavoidable" adverse effects to people, and secondary effects biological, cultural and hydrological resources and geology.

The revised DEIR also states:

Impacts to air quality would be "significant and unavoidable" because the project would generate significant levels of GHG and conflict with plans adopted for reducing GHG emissions.

In summary, transport of crude by rail is not safe. It is dangerous and places our lives, our communities, our wildlife, our land, our environment and sensitive waterways in daily peril.

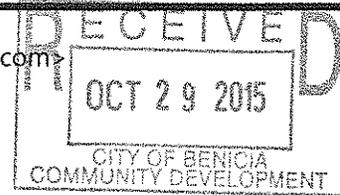
Again, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,  
Michele Rowe-Shields  
560 Capitol Drive  
Benicia, CA 94510

**Amy Million**

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**From:** Sgambati, Rebecca <Rebecca.Sgambati@valero.com>  
**Sent:** Thursday, October 29, 2015 11:43 AM  
**To:** Brad Kilger; Amy Million  
**Subject:** Support for Valero CBR Project



Dear Benicia City Officials,

I am writing in support of Valero's Crude by Rail Project. As the Technical Services Director at the Valero Benicia Refinery and a member of the Refinery Leadership Team, I am fully confident in our ability to operate this project in a manner consistent with our ongoing commitment to ensure the safety of our workers and the Benicia community at all times. This commitment is evidenced by the fact that we have continuously received the Cal/OSHA VPP Star Site designation since 2006 for exceeding federal safety standards.

The DEIR and RDEIR have found this project will have a number of positive impacts, including:

- **Improved air quality** by reducing greenhouse gas emissions in Benicia
- **Reduced likelihood of spill** when comparing transport of crude by rail versus crude by marine vessel
- **Increased revenue** for the City's General Fund, which supports vital city services
- **Additional full-time and construction jobs** for members of the Benicia community

With each month this project is delayed, the city is losing \$30,000 in foregone tax revenues. That equates to \$360,000 per year – enough to fund four police officers or two paramedics.

Thank you for your extensive study of this project. As the RDEIR has affirmed, this project is good for Benicia and good for the refinery. As City Officials, you can feel confident that Benicia has done everything necessary to evaluate this project including the development of a Mitigated Negative Declaration, Draft Environmental Impact Report and Recirculated Draft Environmental Impact Report. With the many benefits this project will provide, and the continued foregone tax revenues as a result of delays in approval, it's time to approve this project.

As an industry professional for more than 19 years and an employee of the refinery, I urge you to approve this project without further delay so that we can all begin realizing its many benefits.

Sincerely,

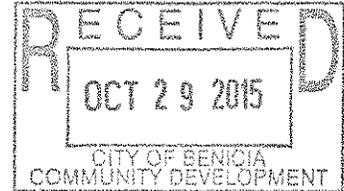
Rebecca Sgambati

## Amy Million

---

**From:** Brad Kilger  
**Sent:** Thursday, October 29, 2015 4:26 PM  
**To:** Amy Million  
**Subject:** Fwd: Valero running crude oil tankers on trains through the Sierra Mountains

Sent from the Samsung Galaxy Rugby Pro, an AT&T LTE smartphone



----- Original message -----

**From:** Dawn Cornell <dawncornell@gmail.com>  
**Date:** 10/29/2015 7:07 PM (GMT-05:00)  
**To:** Brad Kilger <BKilger@ci.benicia.ca.us>  
**Subject:** Valero running crude oil tankers on trains through the Sierra Mountains

Hello Brad,

I thank you for taking the time to read my email.

I live in Auburn, Ca. one block from the rail road tracks that Valero is proposing to transport crude oil in route to Benicia.

I am asking that you say no to this proposal.

These tracks run along homes, and right next to our high school.

They also run through our beautiful Sierra Mountains and along lakes and Bay Area vacation destination areas. The potential danger of having these train cars loaded with crude oil explode, potentially causing devastation to lives and landscape, is not worth the financial benefit to one company, Valero.

We need to think of the good of the whole, all the states that the train runs through and all the people who live along the train route, not just the finances of one company.

The health and well being of our citizens and our beautiful landscape needs to be the priority.

Valero needs to find a safer way for all to transport their oil or build a refining plant at the source.

Thank you for doing everything in your power to keep all of us safe from the high potential danger of trains running 100 cars of crude oil daily through our back yards.

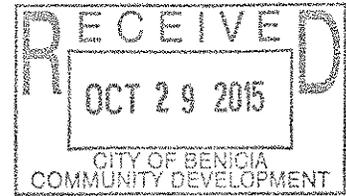
Best wishes to you and your family,

Dawn Cornell

## Amy Million

---

**From:** Brad Kilger  
**Sent:** Thursday, October 29, 2015 4:26 PM  
**To:** Amy Million  
**Subject:** Fwd: Proposed CBB project



Sent from the Samsung Galaxy Rugby Pro, an AT&T LTE smartphone

----- Original message -----

**From:** Michael K Murphy <mkmurphy@mkmurphy.com>  
**Date:** 10/29/2015 7:03 PM (GMT-05:00)  
**To:** Brad Kilger <BKilger@ci.benicia.ca.us>  
**Subject:** Proposed CBB project

Dear Mr. Kilger,

I live in Auburn Ca. one half block downhill from the Railroad and a main gas line that runs parallel to it. I understand you are in negotiations with Union Pacific to allow a large increase of crude oil to pass by my home. Placer High School borders the tracks and is also downhill. I think it would be very dangerous and an extremely bad idea to approve the CBB project! PLEASE do not allow this to happen!

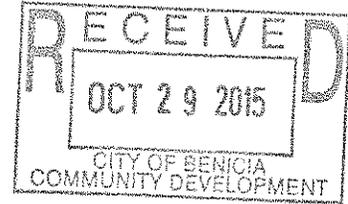
Thank you in advance for keeping big business out!

Kathleen Sailor  
180 Agard St.  
Auburn, Ca.  
95603

## Amy Million

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**From:** Joesph Martino <joesphmartino@yahoo.com>  
**Sent:** Thursday, October 29, 2015 5:14 PM  
**To:** Amy Million  
**Subject:** Comment on Valero RDEIR



Dear Ms. Amy Million

I have some work experience in the natural gas pipeline industry and various related railroad jobs.

Even though the rules and regulations of these of these companies are full of good intentions, the bottom line is profit.

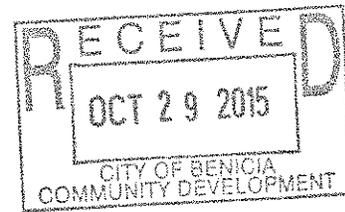
Add to that the unknowns of human error and the "sloshing effect" of volatile crude oil traveling by rail and the order of magnitude for disaster is increased.

Please take into thoughtful consideration all the concerns of residents, scientists, etal opposing Valero's proposal.

Sincerely,  
Joseph M. Martino

October 30, 2015

Amy Million,  
Principal Planner  
Community Development Department  
[amillion@ci.benicia.ca.us](mailto:amillion@ci.benicia.ca.us)



Re: Comments on the Valero Crude-By-Rail Project DEIR

Dear Ms. Million,

Please enter the following comments on the Benicia Valero Refinery Project RDEIR into the public record.

**2.5.1 DEIR Section 4.0.5 Geographic Scope of Analysis**

Importing Bakken crude and Tar Sands bitumen is far too dangerous to transport on the proposed routes into California.

The RDEIR establishes that the public cannot know the sources of the crude delivered to Valero as this critical information is “confidential.” In the second paragraph of this section, the text mentions the crude delivered “will be extracted from various sites within North America.” The next paragraph states, “*As indicated in Section 1.7, Confidential Business Information and Appendix D. discussion of Confidential Business Information, Valero considers the specific North American crudes that would be shipped to the Refinery to be confidential under Public Resources Code 21160.*”

Given the remarks above, any public discussion of the nature of the crude oil and its dangers in transport by rail through our land and communities is denied. Hidden behind the protection of “Confidentiality” lies the obvious truth that the crude will be primarily one of two highly flammable and dangerous forms of crude: North Dakota Bakken crude and Alberta tar sands bitumen, and in the future possibly tar sands from Utah. The Alberta tar sands are extracted at the expense of 125,000 square miles of boreal forest and the contamination of three watersheds to rivers that flow to the Arctic. The bitumen contains toxic heavy metals and is nearly impossible to clean up when it spills into waterways. The Bakken crude is notorious for its high volatility.

Such extreme hazardous materials have never before traveled on our CA rail system through our sensitive habitat, across our waterways, and right through the centers of small towns and large cities along the train route. The delivery of 70,000 barrels a day of highly hazardous crude oil puts irreplaceable habitat, sources of clean water, and lives constantly at risk. At the least, the topic, including the nature of the particular crude oil being transported, deserves open public scrutiny rather than being kept as a trade secret, as if only company profits are at stake.

It should be the public who decides if the benefits of refining the crude are worth the daily risks they are being forced to accept. Instead, if the Valero proposal is accepted, the public bears the substantial risks without even the assurance of insurance coverage in the event of a disaster. Clearly, the RDEIR proposes that two industries – Valero and UPRR - be able to pursue their project with few safeguards in place for the protection of the public, including its health and its lands.

Furthermore, while there are possible helpful mitigations, no offers of mitigation are included because the *federal preemption* of the railroads frees them from any regulations or responsibility. While the refineries claim confidentiality to avoid revealing what crude they are moving, and the railroads claim federal preemption to avoid all responsibility for mitigations, we the people and our lands must accept daily, life-threatening risks and share none of the financial gain. By any standards, this is unacceptable.

### **Section 2.5.1. On routes from the CA border to Roseville**

The document indicates the three northern routes to transport the crude from North America to the hub in Roseville. To evaluate them properly, we need to know what kinds of terrain each passes through. Such essential information is missing from the RDEIR. I offer a few details about each route below, but a thorough description of each route and the dangers each poses should be provided in the RDEIR in order to evaluate each route thoroughly.

In 2014, the Interagency Rail Safety Working Group under the Governor’s Office oversaw the creation of a detailed interactive map of “CA Crude by Rail Areas of Concern” you can explore here:

<http://sd27.senate.ca.gov/sites/sd27.senate.ca.gov/files/Oil%20By%20Rail%20Safety%20in%20California.pdf>

The cover photo shows an oil train on the trestle tracks over the Sacramento River! The map on the last page includes the rail system with high risk sections in red, the sparse placement of Hazmat teams (Types 1 & 2, 3, and non-certified Hazmat), earthquake faults, etc. (On the map, zoom in for increasing detail such as purple fault lines. Use the hand to navigate around the map. Be patient as layers come up slowly.) All rail routes are carefully coded to indicate high risk segments. All three of the routes named from the north contain significant stretches of rail marked as “high risk.” Furthermore, all three involve remote, mountainous, often winding sections of track.

The route from Oregon running south (297 miles) includes the treacherous section outside Dunsmuir where a train derailed spilling 19,000 gallons of herbicide that killed everything in the Upper Sacramento River for 38 miles in 1991. It took years to recover, and some say amphibians never did.

The “Nevada to Roseville” route (229 miles) being used presently for the twice-a-week oil trains headed to Kinder-Morgan follows the Feather River Canyon along a narrow canyon with high trestle bridges and steep canyon walls where 11 cars of corn spilled down to the river below on Nov. 14, 2014, causing much fearful speculation about what would have happened to our water supply had it been an oil train.

The third route over Donner Summit (119 miles) is well known for its treacherous route at high altitudes over the snowy mountains where storms can come up suddenly.

None of the three routes is easy or safe for 100 tank cars pulled by four locomotives and two buffer cars per train. The terrain is rough and remote in many sections. On winding, mountainous tracks, once one car derails, others are likely to follow.

The Office of Spill Prevention and Response (OSPR) has placed 14 hazmat teams strategically (including Type 1&2, 3, and uncertified teams in italics at the following locations: Redding, above Willows, *Willows*, Oroville, Marysville, Yuba City, *east of Marysville/Yuba City*, just inside CA border with Nevada on Feather River Canyon route, Roseville, 2 in Sacramento, W. Sacramento, *Davis*, and Fairfield), but obviously the chances of a spill or derailment happening at a team location along the miles of track are slim. If the recent years of oil train accidents are any indication, the derailed tank cars are likely to explode and catch fire, and in steep mountainous areas the chances of a hazmat team being able to even reach the site quickly are slim.

Tar sands dilbit must be captured immediately or it sinks with its heavy metals. The 2010 tar sands spill into the Kalamazoo River is still not restored! The 3 routes to Roseville follow rivers critical to the fresh water supplies for population centers and agriculture, and a spill would be devastating. Worse yet, in years of drought the trees and vegetation are dry and flammable themselves if a derailment starts a fire, as is often the case. We simply cannot afford the risk of dangerous trains moving at fast speeds (UPRR plans to go 50 mph) through equally dangerous terrain.

Note: Most of the previous oil train accidents happened on flat terrain, not the challenging landscape of these three routes! It is entirely possible the incidence of accidents will increase in the CA terrain.

It is also of concern that the RDEIR indicates there are 27 criteria that UPRR will use to determine which route they select for a given train. None of those criteria are listed for public review, but the state (its first responders, OSPR, its Cal Trans workers who know a lot about mountain conditions, etc.) are not involved in the decision-making. The public is left to worry that moving the trains as fast as possible might well be the main criteria rather than taking into account the climate or weather conditions or which route is least treacherous for highly flammable speeding oil trains. Or perhaps which route risks the fewest lives or crosses the least fresh water sources. It's high time the railroads learned to cooperate with knowledgeable

agencies within the states where they operate instead of claiming federal preemption, especially when safety is involved. The route in use so far for twice-a-week deliveries of tar sands to Kinder-Morgan is the Feather River Canyon route that crisscrosses the important river multiple times in the high, narrow canyon.

Recently, we have all seen that the railroad claim to “Federal Preemption” really means railroads get their own way. A point in case would be the federal law that positive train control be installed by 2015. After years of time to complete the implementation that will dramatically improve safety and save lives, the railroads are demanding an extension, as they have still **not** installed PTC. Can we believe the RDEIR when it states that UPRR has mostly installed PTC in CA, when we know from common news sources that nationwide that is not the case? We need solid proof in numbers to believe the claim.

Similarly, railroads have known for decades that the DOT111 tank cars are unsafe for most cargo, yet they have kept them in use. The public has little reason to trust that the railroads have public safety at heart.

**Note: Referencing DEIR 2.12** The OSPR interactive map marks earthquake faults throughout the state. The surprise 4.1 Napa quake in 2014 alerted us to previously unsuspected quake areas. The map shows fault lines along the UPRR lines from Fairfield to Benicia, so the two daily trains would be traveling regularly over seismically active ground. There are other parts of the three routes with earthquake faults overlapping the tracks as well. Who knows when another earthquake might strike and of what magnitude. Do we want the additional risk of oil trains in the picture?

**Part 2.6 DEIR Section 4.1 is entirely inadequate.**

The additional 100-car daily trains will contribute significantly to air pollution which our air quality management districts are striving to reduce to meet state standards. The RDEIR is truthful in admitting the trains passing through the various counties from the CA border to Roseville and on to Benicia will impact nearly all of them with “significant and unavoidable” air quality emissions increases, specifically Nitrous Oxide. However, table 4.1-16 is incomplete. It compares only the train option from North American sources through CA to Benicia against marine sources from Alaska, South America, and the Middle East. By this comparison, the train route reduces total emissions because of the huge distance the marine tankers must travel, even though marine tankers are more efficient mile by mile.

What is missing is the new Port of Vancouver USA rail entrance in Washington State. Valero can receive crude directly from Vancouver in marine shipments, which would be far less emissions than emissions from rail delivery through California! Arguably, Valero should return to marine deliveries and drop the idea of oil trains traveling over treacherous routes in Northern or southern CA.

The analysis is discouraging in terms of mitigations. The analysis carefully establishes that mitigations could include requiring the ultra low-emitting locomotives (the new Tier 4 interstate line haul locomotives) which would truly reduce emissions or compensation which could in turn be used to fund emission reduction of diesel vehicles by purchasing natural gas vehicles, such as the \$650,000 award made to the Sacramento Metropolitan Air Quality Management District just this week which will be used to replace three diesel-powered refuse trucks with natural gas-fueled vehicles, and to replace up to six non-road diesel-powered agricultural tractors with cleaner models. If we must endure more emissions, we could at least use the mitigations! But once again, federal preemption frees UPRR from any requirement to offer mitigations of either type. Mitigations are labeled “infeasible.”

Once again, the process we are being forced to accept clearly favors industry profits over the people’s health and welfare. Preemption has the effect of cutting off any discussion and options, leaving the public exposed to risks and impacts but with no recourse to much-needed mitigations to offset the additional air pollution. Yet mitigations were established to protect the public from just such projects as the Valero crude-by-rail proposal. How can railroads continue to get away with claims of federal preemption at the expense of the public good? Why would the Benicia Planning Commission or City Council approve a plan that submits Benicia and all uprail communities and lands to dangers and increased air pollution that could be mitigated but isn’t offset?

### **2.7, 2.7.1, and 2.7.2 Biological Resources Impacts**

While the RDEIR recognizes that the project could have a substantial adverse effect on candidate, sensitive, or special –status wildlife species or migratory birds, including injury or mortality to protected wildlife and migratory bird species resulting from collisions with trains along the North American freight rail lines as a result of increased frequency (high traffic volumes) of railcars, the railroad federal preemption once again makes any mitigation such as slowing near wetlands or near critical zones or areas “infeasible.” In every case, federal preemption allows railroads to ignore public needs or concerns and avoid responsibilities for their impact on public lands. This “free pass” granted to the railroads needs revision to favor our biological resources over industry. It is our duty to protect the biodiversity around us. It’s time for the railroads to lose their clout and for our federal government to regulate them tightly so they no longer take advantage of public concerns. Until then, the Benicia Planning Commission and City Council owe it to the public to deny the Valero Project request.

### **2.11 Greenhouse Gas Emissions**

California is working hard to reduce its greenhouse gas emissions in many arenas, and the Valero project takes us in the opposite direction. Worse, it offers no mitigations to offset the severity of the increase in emissions that will contribute to global warming which is the greatest threat civilization has ever faced. Once again, federal preemption allows UPRR to operate without the

payment of carbon emission offset fees other polluting industries must pay. That industry should profit over protection of the public and the health of the planet is inexcusable. Federal preemption was granted to the railroads, but it needs to be reevaluated in light of the public good.

**There is another critical factor in section 2.11.** The RDEIR neglects to mention the new Port of Vancouver USA rail entrance in Washington State. Right now, Valero can receive the same crude directly from Vancouver in marine shipments, which would be far less emissions than the carbon footprint from rail delivery through California!

The RDEIR assumes all marine deliveries come from Alaska (2,000 miles), South America (4,000 miles), and the Middle East (8,500 miles), thus they have high carbon footprints due to the huge distance they must transport the crude oil. Vancouver Washington is only 644 miles from the Bay Area. In the RDEIR, they calculated the baseline emissions using the project locomotive distance at 1,500 miles. Since Vancouver is less than half that distance, and marine travel emits less than rail travel, it follows that marine delivery from Vancouver would be at least half the greenhouse gas emission the project proposes in the RDEIR. Why is this option not explored in the DEIR? Other North American or Canadian ports may open as well. Arguably, Valero should return to marine deliveries and drop the idea of oil trains over treacherous routes in Northern or Southern CA.

**A final point on greenhouse gas emissions.** Before importing crude oil at all, we must ask the question whether we need to refine as much crude oil as in the past. In California in particular and in the US overall, oil consumption has been dropping since 2005, although it rose a little in 2014, perhaps due to the decline in gasoline price. Californians consumed 14.5 billion gallons of gas in 2012, but 14.57 billion gallons of gasoline in the fiscal year ending June 30, 2014 (both figures from the San Diego Tribune include aviation fuel). With programs under AB 32, CA is deliberately converting to more efficient and electric cars, improving transit, promoting carpooling, and creating bike and walk-friendly cities to decrease the use of individual car driving. It's working!

As our usage declines, so should the amount of extreme crude we refine, thus sparing the environmental damage at the point of extraction as well as the carbon emissions caused by transportation and refining! We're moving away from a fossil fuel economy and that should be reflected by downsizing the amount of crude processed at our refineries. The crude is best left in the ground so that precious resource can be used sparingly into the future even as we transition to clean, renewable energy. It is unethical to extract extreme crude and refine it for sale to foreign markets as fast as we can; the process exacerbates global warming for the sake of industry profits and undercuts the conservation efforts we are making to combat climate change.

## **2.12 Hazards and Hazardous Materials**

The content of tables 4.7-1 and 4.7-2 is enough to make anyone vote against allowing oil trains to travel through California or any other state. The possibilities for human error, equipment

failure, system or procedural failure, or external events are all too plausible, especially for the Valero project of a daily train of 100 cars on the tracks 365 days a year. Added to that is the sobering real data for train accidents in the nation and in California, grim data that does not yet even include data regarding 100-car trains of ethanol or crude oil, as very few such trains are coming into California yet. Presently, only 1-2 oil trains a week travel the Feather Canyon route through Roseville to the Kinder-Morgan terminal in Richmond, sometimes with fewer than 100 cars, making far less impact than the proposed seven 100-car trains a week for the Valero project.

It is easy to imagine that accidents may well increase as these long trains of heavy tank cars hauling highly flammable loads may experience more accidents, particularly since the three proposed routes into California each involve high hazard sections of track, as identified on table 4.7-3. This table mirrors the interactive map linked above (See 2.5.1) Altogether, 168.7 miles of track are considered “high risk” on the chosen routes for oil trains headed to Roseville! 17% of all derailments have occurred on these stretches of track in the past, highlighting the danger of bringing such excessively heavy and long trains on those same tracks.

The existence of risk management programs and federal regulations is small comfort. Most of the promises on Table 4.7-4 offer too little, too late.

For example:

- a) The recent more stringent regulations on tank car design do not take effect until 2020, and already some accidents involving those very designs (i.e. Lynchburg, Ap. 30, 2014) indicate the new designs are still prone to rupture.
- b) The speed limits of 50 mph are not slow enough to avoid serious accidents.
- c) The efforts of Congressman John Garamendi to have the Bakken crude “conditioned” (some of the gases removed) before the crude is shipped by rail, thus considerably reducing its high flammability, have been resisted.
- d) The public is not informed of the 27 safety and security factors that supposedly will contribute to the selection of a safe route, and thus we cannot tell how that critical decision is made. We do know that local experts on the terrain and climate (Cal-trans workers, hazmat team members, OSPR consultants, etc.) are not involved in decision-making.
- e) Railroads are not responsible to notify anyone of their plans to transport hazardous materials. Instead, State and/or regional centers and officials must contact the railroad to receive notification of hazardous materials moving through their jurisdictions! If they forget or don’t suspect such materials are coming, the railroads will **not** contact them! This is a completely backwards policy! Many towns have been taken by surprise to discover oil trains moving

through their communities because of this lack of notification. Ignorance of dangerous oil trains coming through communities could prove deadly.

f) Trains are not required to have life-saving, electronically controlled pneumatic braking systems until Jan. 2021!

2.12.3 DEIR Section 4.7.3 raises a number of Significant Criteria based on CEQA Guidelines. The list is examined item by item, and many admittedly may cause “significant and unavoidable risks.” It only takes one accident or spill to harm the environment or emit hazardous emissions, or expose people or structures to a significant risk of loss, injury or death involving wildland fires.

The number of secondary effects that are “significant and unavoidable” makes it impossible to consider recommending the project as it stands. There is too much to lose and, for uprail communities especially, nothing to gain. Even for Benicia, the potential dangers, the many disturbing unknowns and lack of control over the project (i.e. all the preemptions and confidential information, withheld information, etc.) make the project unacceptable.

**Conclusion:**

Considering the Alternatives to the Project, despite the RDEIR’s conclusions, the “No Project Alternative” is the superior choice based on all the evidence stated in the letter above. The project is too dangerous in many regards, and even one or two accidents or spills is more than we can afford to risk.

Thank you for accepting these comments to the RDEIR public review.

Lynne Nittler  
2441 Bucklebury Road, Davis, CA 95616

I have invited friends and neighbors to sign onto this letter with names and addresses listed below. There are 52 names collected in just 24 hours.

<b>First name</b>	<b>Last name</b>	<b>City</b>	<b>Zip</b>
Karen	Newton	Davis	95616
Guy	Turner	Davis, CA	95616
Akemi	Turner	Davis, CA	95616
Sandra	Duggan	Vacaville	95688
Chris	Brown	Sacramento	95817
Brent	Posey	Davis	95616
Jean	Jackman	Davis	95616
George	Farmer	Davis	95616
Saskia	Mills	Davis	95618

Jewel	Payne	Davis	95616
DaleB..	Haack	Davis	95618
Deanna E.	Haack	Davis	95618
Nancy	LeRoy	Davis	95616
Dale M.	Heckman	Davis	95616
Michael	Gass	Davis	95616
Carol	Gass	Davis	95616
Verena	Borton	Davis	95616
Ray	Borton	Davis, CA	95616
Hannah	Stein	Davis	95616
Sherman	Stein	Davis	95616
Sonja	Brodth	Davis	95616
Don	Shug	Davis	95616
Jean	Miller	Davis	95618
Eric	Miller	Davis	95618
Rita	Schupp	Davis	95618
Nancy	Price	Davis	95616
Don C.	Price	Davis	95616
Patrick	Ji	Davis	95616
Quan	Zeng	Davis	95616
Robin	Durston	Sacramento	95824
Jim	Neu	Eugene St.	97404
Elizabeth	Lasensky	Davis	95618
Claire Daughtry	Daughtry	Davis	95616
Charles G.	Yannacone	Davis	95616
Lourdes T.	Sadanaga	Davis	9616
Yeganeh H.	Farzin	UC Davis	95616
Petr	Janata	Davis	95616
Sharon	Knox	Davis	95616
Pam	Rhodes	Davis	95616
Julia	Menard-Warwick	Davis	95615
Barbara	Haff	Davis	95616
Marta	Beres	Davis	95616
Laurie	Litman	Sacramento	95816
Ryan	Heater	Sacramento	95816
Jaime	Gonzalez	Sacramento	95828
Ron	Clement	Davis	95616
Carla	Visha	Davis	95616
Nick	Buxton	Davis	95616
Marilyn	Schiffman	Davis	95616

Jan	Rein	Sacramento	95816
Clifford	Manous	Sacramento	95818
Heidi	Bekebrede	Davis	95616

f) Trains are not required to have life-saving, electronically controlled pneumatic braking systems until Jan. 2021!

2.12.3 DEIR Section 4.7.3 raises a number of Significant Criteria based on CEQA Guidelines. The list is examined item by item, and many admittedly may cause “significant and unavoidable risks.” It only takes one accident or spill to harm the environment or emit hazardous emissions, or expose people or structures to a significant risk of loss, injury or death involving wildland fires.

The number of secondary effects that are “significant and unavoidable” makes it impossible to consider recommending the project as it stands. There is too much to lose and, for uprail communities especially, nothing to gain. Even for Benicia, the potential dangers, the many disturbing unknowns and lack of control over the project (i.e. all the preemptions and confidential information, withheld information, etc.,) make the project unacceptable.

**Conclusion:**

Considering the Alternatives to the Project, despite the RDEIR’s conclusions, the “No Project Alternative” is the superior choice based on all the evidence stated in the letter above. The project is too dangerous in many regards, and even one or two accidents or spills is more than we can afford to risk.

Thank you for accepting these comments to the RDEIR.

Lynne Nittler  
2441 Bucklebury Road, Davis, CA 95616

I have invited friends and neighbors to sign onto this letter with names and addresses listed below. Please accept them as well.

First name	Last name	Address	City	Zip
Marti Anna	Vinson Feldman	1506 Claremont Drive	Davis	95616
Jay	Feldman	1506 Claremont Drive	Davis	95616

NOTE: ADDITIONAL NAMES ATTACHED

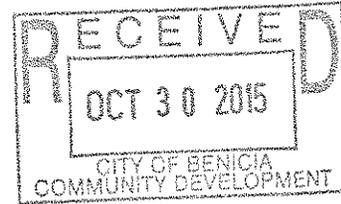


## Amy Million

---

**From:** Lynne Nittler <lnittler@sbcglobal.net>  
**Sent:** Friday, October 30, 2015 4:42 PM  
**To:** Amy Million  
**Subject:** a report to be added to the public record for RDEIR for the Valero crude-by-rail Project  
**Attachments:** Analysis of tank car punctures 2015 (1).pdf

October 30, 2015  
Amy Million,  
Principal Planner  
Community Development Department  
[amillion@ci.benicia.ca.us](mailto:amillion@ci.benicia.ca.us)



Re: Comments on the Valero Crude-By-Rail Project DEIR

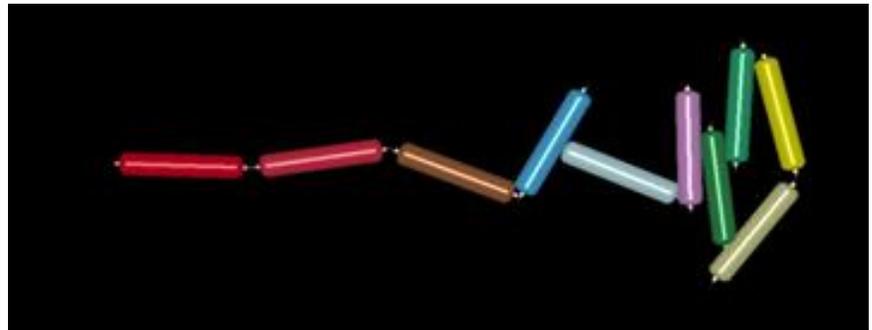
Dear Amy Million,  
Please enter the attached pdf. report entitled OBJECTIVE EVALUATION OF RISK REDUCTION FROM TANK CAR DESIGN & OPERATIONS IMPROVEMENTS – EXTENDED STUDY for the Benicia Valero Refinery Project RDEIR into the public record.

Thank you.

Lynne Nittler  
Davis, CA

# LETTER REPORT

## OBJECTIVE EVALUATION OF RISK REDUCTION FROM TANK CAR DESIGN & OPERATIONS IMPROVEMENTS – EXTENDED STUDY



### Submitted To



March 2015

## EXECUTIVE SUMMARY

Given the recent accident history associated with hazardous material transport, the tank car community has been focused on improving the performance of tank cars against the potential for puncture under derailment conditions. Proposed strategies for improving puncture performance have included design changes to tank cars, as well as operational considerations such as reduced speeds and improved braking performance. Since puncture hazards come in a variety of impactor sizes, shapes, speeds, etc., it has been difficult to quantify objectively and globally, the overall 'real-world' safety improvement resulting from any given proposed change.

Prior work on this topic was described in an earlier letter report on the subject [1]. This document describes the extension of this effort to include additional cases, additional speeds, and additional considerations for alternate brake systems. Much of the original descriptive language from [1] has been retained with the intent of making this document more complete.

This report describes a novel and objective methodology for quantifying and characterizing the reductions in risk (or reductions in puncture probabilities) that result from changes to tank car designs or the tank car operating environment. The methodology captures several parameters that are relevant to tank car derailment performance, including multiple derailment scenarios, derailment dynamics, impact load distributions, impactor sizes, operating conditions, tank car designs, etc., and combines them into a consistent probabilistic framework to estimate the relative merit of proposed mitigation strategies.

For example, the methodology estimates that the impact performance of a proposed tank car design with a 9/16" thick shell, 11-gage jacket and 1/2" full-height head shield is over 50% better than the performance of a base case DOT 111 tank car. Similarly, the analysis also estimates that reducing the operating speed from 40 mph to 30 mph offers a 42% reduction in puncture likelihood for the proposed design. The methodology further estimates that the use of Electronically Controlled Pneumatic (ECP) braking results in about 30% fewer punctures during a derailment.

Comparison of the estimates from this methodology to actual derailment data suggests that the gross dynamics of a tank car train derailment, and the resulting puncture performance of the tank cars, are captured well by this methodology. In addition, model estimates regarding the number of cars derailed and number of punctures, as a function of train speed, compare favorably with actual derailment data. Also, puncture risk reduction correlates well with engineering estimates corresponding to increased tank shell thickness and material strength. These validation efforts add further credibility to the efficacy of the methodology and the results derived from it.

# OBJECTIVE EVALUATION OF RISK REDUCTION FROM TANK CAR DESIGN & OPERATIONS IMPROVEMENTS – EXTENDED STUDY

## **1. BACKGROUND**

Given the recent accident history associated with hazardous material transport, the tank car community has focused on improving the puncture performance of tank cars under derailment conditions. As the shipment by rail of hazardous material, particularly crude oil, has gone up, this focus on safety improvements, either through changes in tank car design or train operations has further intensified.

Among other things, this safety effort has focused on improving the design of tank cars and/or limiting operating speeds, as methods to enhancing safety. As the tank car community reviews potential mitigating strategies/solutions for implementation, it becomes critical to have an objective measure of the expected improvements (i.e., reductions in risk or probability of puncture) that these solutions afford. While, the industry has made progress on analytical techniques for quantifying puncture resistance for specific designs and specific impactor sizes, objective mechanisms to translate these analyses into overall safety improvement do not currently exist.

Tank cars are exposed to a wide range of hazards during derailments, including a range of different impactor sizes, impactor shapes, impact speeds, etc., making it difficult to quantify, the overall, ‘real-world’ safety improvement from any given change. In order to objectively compare the overall effectiveness of a proposed mitigating strategy/solution, whether it is a thickness increase or an operational change, one needs a measure of how the solution is expected to perform in real life, against a variety of potential hazards. From a regulatory or a standards perspective, one needs to be able to answer questions such as:

- What is the overall reduction in risk (or reduction in the probability of puncture) afforded by increasing the minimum required shell thickness to “X” inches?
- What is the overall reduction in risk (or reduction in the probability of puncture) afforded by making a given operational change/speed restriction?

The research effort described here addresses this need through a methodology that ties together the load environment under impact conditions with analytical/test based measures of tank car puncture resistance capacity, further adapted for expected operating conditions, to calculate resultant puncture probabilities and risk reduction in an objective manner. While not intended to predict the precise results of a given accident, this methodology provides a basis for comparing the relative benefits or risk reduction resulting from various mitigation strategies.

Prior work on this effort was described through an earlier letter report [1]. This version documents additional work done on the topic, including the consideration of additional designs, additional operating speeds, and alternate braking systems.

## 2. OVERVIEW OF TECHNICAL APPROACH

The likelihood of a given tank car puncture during a derailment is affected by several variables and circumstances, among which are the:

- **The derailment scenario**, including the speed of derailment initiation, the surrounding terrain, etc. For example, higher derailment initiation speeds tend to lead to more cars derailling as well as higher magnitudes of forces, and thereby, a higher probability of puncture. The surrounding terrain can also have a significant effect on how the derailment unfolds and thus affect puncture probabilities
- **The derailment (impact) load spectrum** experienced by the tank during the event: the higher the load, the higher the probability of puncture
- **The distribution of impactor sizes**: the smaller the impactor, the higher the probability of puncture
- **The puncture resistance of the tank shell**: the thinner the tank shell, the higher the probability of puncture

The approach taken here melds together the above parameters and circumstances to evaluate the probability/likelihood that a certain number of tanks of a given design might experience puncture during a derailment event. Further, rather than focusing on specific values of the above parameters, the approach allows one to consider a nominal distribution of values for each given parameter to ensure that the method is not specific to or biased towards any particular event or circumstance. An overview of this approach is presented in Figure 1. Validation of the model against known historical derailment data is a critical element of the overall methodology.

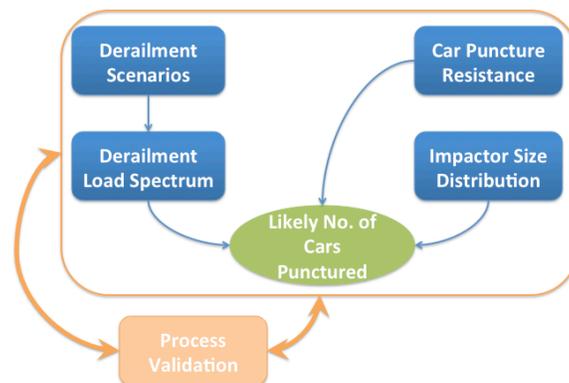


Figure 1. Overall concept of approach

## 3. DETAILED METHODOLOGY

The overall methodology outlined below was used to estimate the likely number of punctures for the base case, as well as for proposed mitigating strategies such as a thicker tank shell or reduced operating speeds:

- Develop a consistent measure of the load environment associated with nominal tank car derailments, through multiple derailment simulations to derive a histogram of 'nominal' impact forces
- Quantify the puncture resistance of given tank car designs for a nominal range of impactor sizes and impact forces, from past published research

- Combine the load environment histograms, the puncture resistance curves, and nominal impactor size distributions, to evaluate the safety performance or probability of puncture for a set of designs and operating conditions.
- Confirm the validity of the methodology through review of engineering expectations and comparisons to historical data

While all elements of the proposed methodology have not been previously combined to evaluate risk reduction, individual elements such as derailment dynamics modeling or tank puncture resistance modeling are established technical approaches [2, 3]. **Additionally, the car puncture resistance curves for several conventional designs have already been developed and published by the FRA [4], thereby lending higher confidence to the approach undertaken.** The following sub-sections below outline the methodology in more detail.

### 3a. Modeling the Derailment Scenarios

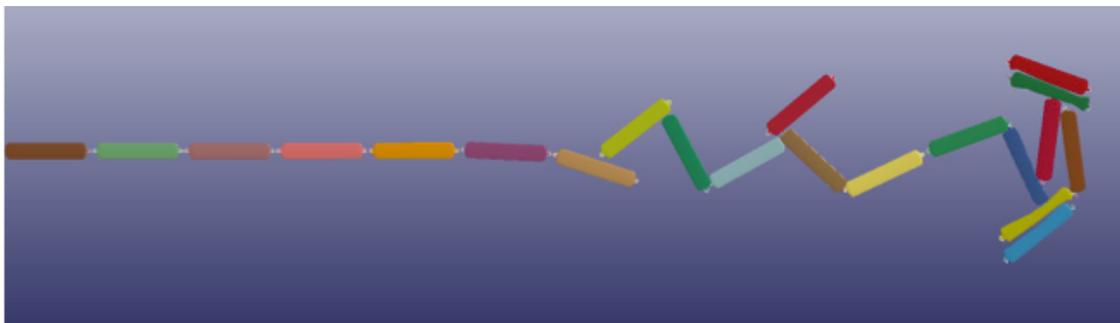
The load environment associated with derailments events is not easily quantified. While one can broadly infer the magnitude of forces involved in a derailment event after the event has occurred, there is little or no data available on the specific impact loads that are generated during a derailment event. Each derailment event generates not one, but a spectrum of forces, as each tank car is impacted by other tank cars in its vicinity, as well as by other objects in the vicinity of the derailment site. Given the lack of empirical (or other) data associated with derailment loads, this approach has estimated the forces generated during a derailment through detailed computer simulations of derailment events. These computer simulations have modeled the derailment dynamics of a tank car train operating at a given speed by initiating the derailment event through a brief, externally applied force on the leading car and then letting the derailment unfold, as defined by the physical circumstances of that derailment.

Simulation of derailments requires the use of a finite element modeling program with an explicit integration mechanism, and the capability to incorporate complex contact algorithms, nonlinear material models, and nonlinear dynamics. LS-DYNA3D [5] is an explicit finite element solver that meets these requirements and was used for all the derailment simulations reported here. Detailed derailment simulations are inherently computationally intensive, and in order to optimize computational efficiency without compromising the fidelity of the simulations, the following assumptions were made:

- The trains simulated were composed of up to 100 loaded (to 263,000 lb.) tank cars.
- The cars were individually modeled in three dimensions (3-D), with appropriate representation for the tank shells, tank heads, and stub sills. Shell elements with a Belytscko-Tsay formulation were used with a nominal element length of 12", with finer mesh densities where appropriate.
- Trucks and track were not explicitly modeled for this effort; instead, the car center plates were defined to move along the centerline of track through a lateral spring connection between the car and the ground, with the spring stiffness representing a measure of the lateral track

- stiffness; when the displacement of this spring exceeded a nominal 1", the truck was considered to have derailed and the center plate was subsequently free to move laterally.
- The cars were modeled with deformable TC128 material, and connected with discrete draft gear and coupler models. The coupler models allowed a 7° swing in each direction, with the knuckles modeled to resist rotation and fail when the rotation exceeds 13.5°, which is consistent with the coupler rotation limits defined for E-type couplers in the AAR Manual [6].
  - The tanks were free to move in any direction, while the bolsters and were constrained to move in a horizontal plane; i.e., the tanks were allowed to slide, but not roll over.

The derailment scenarios were simulated on level, tangent track, with the leading truck of the first car subjected to a brief lateral force to initiate the derailment. Upon initiation of derailment, a retarding force equivalent to an emergency brake application is imparted to all the cars, propagating from the front (point of derailment) to the rear of the train, for a train with conventional brakes. The retarding force applied was 13,255 lb per car which represents an emergency associated with a 12% Net Braking Ratio (NBR). A pneumatic emergency propagation rate of 950 ft/s was used with a 12 second build up time. In the case of trains equipped with 2-way End-Of-Train (2-EOT) devices, the brake signal propagation was initiated at both ends of the train. For trains with ECP, it was assumed that all cars would get the braking signal simultaneously. Figure 2 presents the results of one simulation, showing the post-derailment state of the cars, which is generally consistent with the 'accordion' type pile-ups observed in multiple real life derailments.



**Figure 2. Example of a pile-up resulting from a simulated derailment at 30 mph**

As noted earlier, the intent of this effort was to evaluate the effect of a given mitigating strategy in a 'global' sense, rather than being tied to a specific event or set of circumstances. A key goal was to make sure that the results of this effort could be applied broadly, and this required the development of a force spectrum that could be associated with a universal 'nominal' derailment, rather than a specific one. However, collision or derailment events are chaotic, and, depending on the specific circumstances of a given derailment, can unfold very differently. Among others, the specific sequence of events and impact loads associated with a derailment could vary depending upon:

- **The underlying terrain where the derailment occurs:** a derailment in the muddy soils of the southeastern US, could unfold quite differently compared to a derailment in the frozen ground (during winter) of the northern states.
- **The speed of derailment initiation:** the higher the speed at the point of derailment initiation, the higher the kinetic energies are, and thus, higher the forces and damage levels

- **The severity of derailment initiation:** this represents an 'initial condition' for the derailment and variations in whether the derailment was initiated by a 'gentle' wheel climb, or, a more abrupt event such as track/equipment failure, would result in different derailment sequences
- **The quality of track:** flexible track of poor quality could lead to more cars jumping rail once a derailment is initiated, compared to a higher quality, stiffer track, which can provide a higher level of lateral restraint.

In order to derive a 'nominal' force spectrum not from the simulation of a single derailment but rather, from a set of derailments that reasonably represent the variations in conditions outlined earlier, a series of simulations varying the following parameters were run:

- Three values of coefficient of friction between tank cars and ground, representing multiple terrain conditions: 0.27, 0.30, and 0.33. This range is consistent with nominal values for friction between steel and soil, which generally range from 0.2 to 0.4. Higher friction values, especially values that are near 1.0 are unrealistic and represent conditions that are closer to 'rubber-on-concrete', rather than 'steel-on-soil'. As an example, a friction level of 1.0 would result in a tank car traveling at 50 mph to decelerate to a stop in 84 ft (less than 1.5 car lengths); there is very little evidence of 50 mph derailments coming to a stop within 1.5 car lengths. Essentially, the range of friction factors used in the analysis is a reasonable blend that allows the relative performance of car designs or mitigating strategies to be evaluated consistently.
- Three initial train speeds: 30, 40 and 50 mph; these represent the speed of the train when the derailment was initiated, and not the relative velocity between impacting cars. This range of speeds is consistent with the speeds of several recent derailments, particularly, ones with a notable potential for damage.
- Three values of lateral force to initiate derailment: 50, 70 and 90 kips. These values represent a truck side L/V ratio of 0.76 to 1.06; a value of 0.6 is considered a safety limit for rail roll over and higher values would be needed to initiate a derailment, as used here.
- Two values of lateral track stiffness, representing variations in track quality: 30 and 40 kips/in; the 40 kips/in value would represent a truck side L/V ratio of 0.6 at 1 inch of lateral wheel movement, with the 30 kip/in value representing poorer quality track that was 25% more flexible.

In general, the assumptions made in setting up these and other similar simulations not only reflect physical conditions, but also the preferences of the analyst, as well as requirements for simulation efficiency and speed. This set of simulations is no different, and the authors acknowledge that other analysts and researchers may choose to make different assumptions. Nonetheless, the intent here is to effectively evaluate the relative performance of multiple designs and operating conditions, and it is expected that the assumptions made herein will allow for an effective comparison.

### 3b. Impact Load Spectrum

The permutations and combinations presented above represent 18 different derailment scenarios for each speed. In other words, rather than having a single derailment represent the dynamics and force distribution, the 'nominal' force distribution is an aggregation of forces from a 'family' of 18 derailments for each initiating speed.

Figure 3 presents, as an example, the final pile-up images for each of the 18 runs for the derailment initiation speeds of 30 mph. As evident from these images, this set of runs reflects a reasonable breadth of derailment scenarios, supporting the contention that this methodology generates a 'nominal' force histogram associated with a 'nominal' derailment.

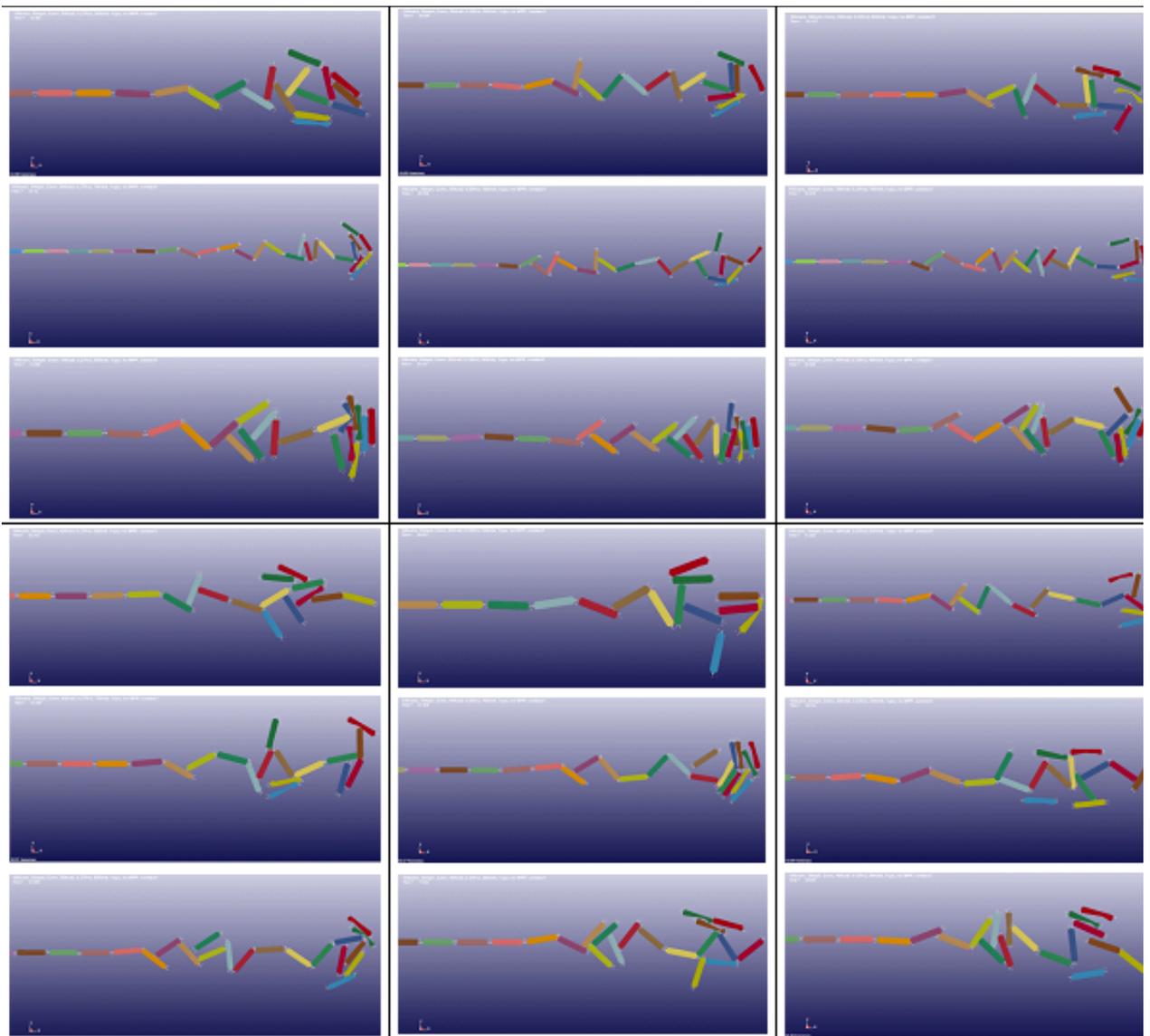
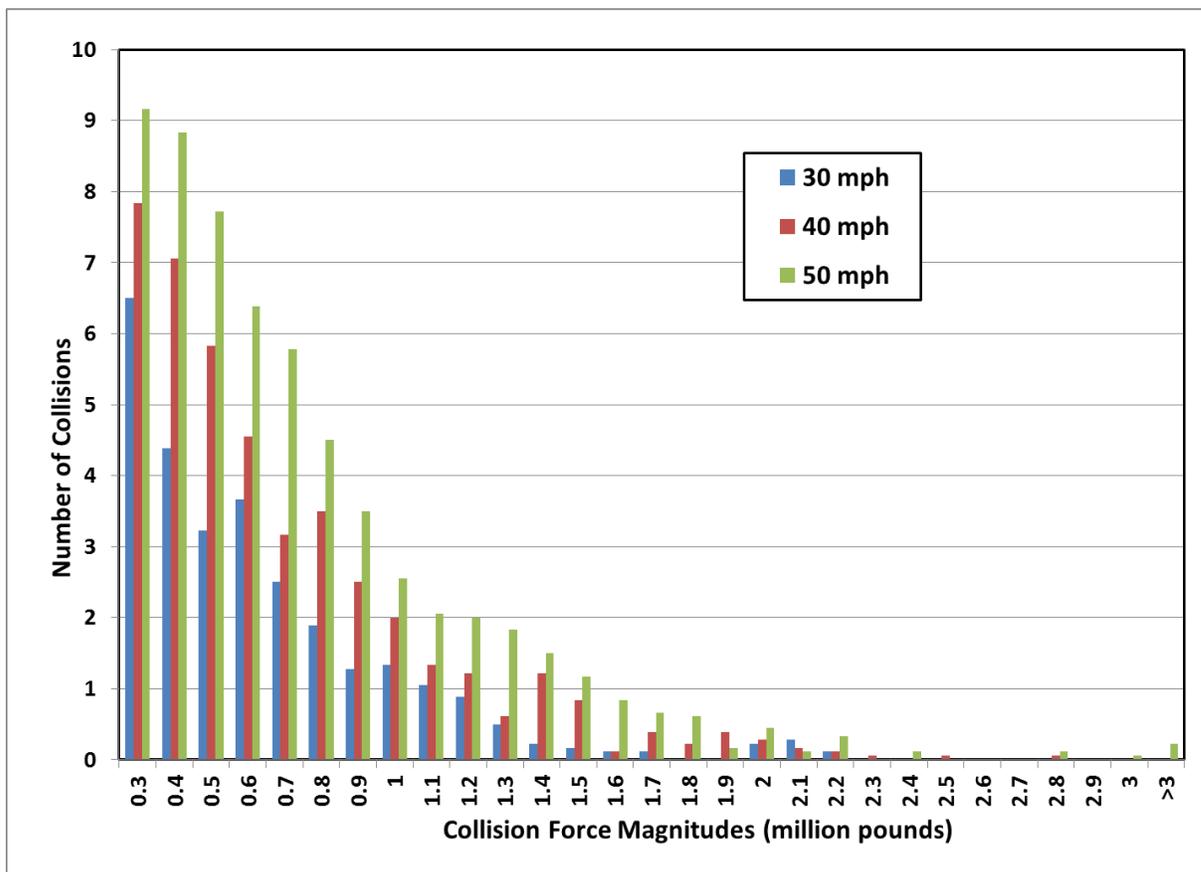


Figure 3. Distribution of derailments - Final pile-ups from 18 scenarios at 30 mph

Each simulation results in several impacts between the involved cars; on average, there were about 28 collisions in a 30 mph derailment, about 44 collisions in a 40 mph derailment, and about 61 collisions in a 50 mph derailment. The forces generated at each impact (between any two cars) are then analyzed to generate a histogram of forces associated with that derailment simulation. The histograms from all simulations were accumulated and then averaged over the 18 simulations at each speed to generate a histogram of impact forces that might be experienced during a 'nominal' 30 mph, 40 mph or 50 mph derailment. Figure 4 presents this 'nominal' force histogram. As observed, the histogram approximates a normal distribution with lower force impacts being more frequent and higher force impacts being less frequent. It can also be observed that the increased speeds result in more numerous impacts at all force levels as well as impacts of higher force (and thus consequence).



**Figure 4. Histogram of impact loads resulting from derailments  
Averaged from 18 scenarios per speed**

### 3c. Tank Car Puncture Resistance

The capacity of a given tank car design to resist impact is dependent on several elements of its design. For conventionally designed steel tank cars (which is the focus of the current effort), it is fundamentally based on the thicknesses of the key elements (shell, head, jacket, etc.), and the material properties of the steel used. The FRA (and industry) have sponsored several studies that have resulted in the development of detailed and reasonably validated models that have

characterized the capacity of a given tank car design to resist an applied impact force, considering the size of the impactor.

Consider the example chart presented in Figure 5 [4]. Such charts were developed to characterize the puncture resistance of different tank car designs, ranging from base-level DOT111 tanks to modern tank designs that are intended for carrying Poisonous-by-Inhalation (PIH) materials. The results are based on detailed finite element analyses of tank shells and tank heads, under a variety of puncture conditions, including various impactor sizes. A characteristic length that is the square root of the area of the impactor face defines these impactor sizes.

For a baseline DOT111 tank car (7/16" A-516-70 tank shell, no jacket), represented by the green line in Figure 5, a 3" impactor will puncture the tank at a little over 200,000 lb. A 6" impactor would not puncture the tank until the force levels approach 400,000 lb. Essentially, the chart defines the force level at which a given impactor would puncture the tank shell. Alternately said, the chart defines the impactor size that would result in tank puncture for a given force level.

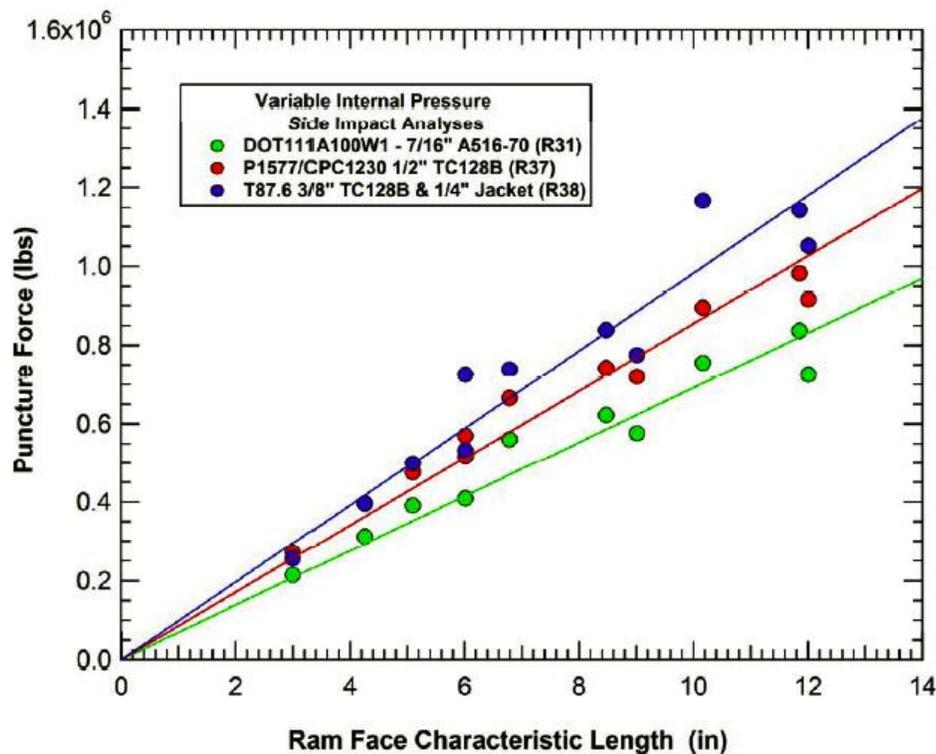
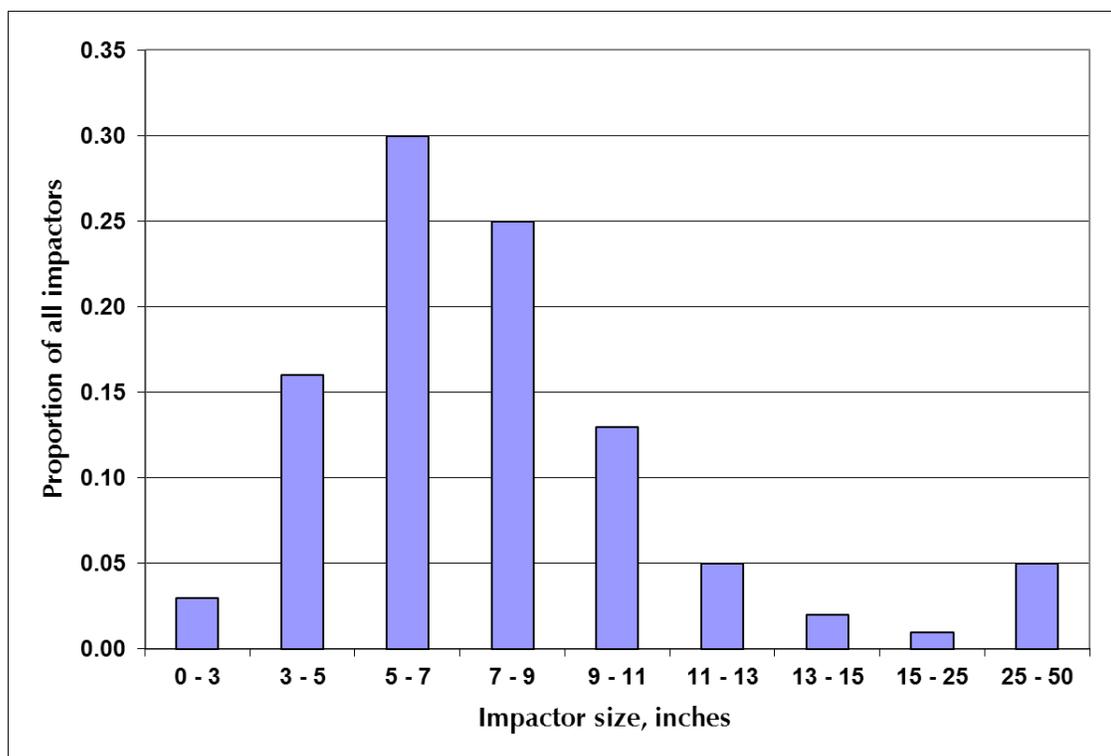


Figure 5. Capacity of tank car to withstand impact

### 3d. Impactor Distributions

Under derailment conditions, a given tank car may be subject to impacts from a variety of impactors, including broken rail, coupler heads and shanks, wheels/truck components, as well as blunt impact from other tanks. These impactors vary in size, ranging from less than 3" to more than 12", and it is difficult to gather consensus on what a 'nominal' impactor is. Given that smaller impactor sizes increase the chances for a tank shell puncture, assuming too small an impactor size

can lead to very conservative results, and assuming too large an impactor size can lead to risk underestimation. In this approach, the actual impactors are not explicitly modeled; rather, a distribution of impactor sizes is assumed. In reality, there is wide distribution of impactor sizes, and this was the approach adopted for this effort. For these analyses, the impactor distribution shown in Figure 6 was used. This distribution assumes that a large majority of impactors (about 71%) are in the range from 3” – 9”, with a small fraction of impactors (3%) being smaller, and the rest being larger. About 5% of the impactors were considered to be blunt (other tanks). While there is no hard basis for the specific sizes assumed herein, these assumptions are consistent with engineering expectations, and furthermore, appear to be consistent with real life observations.



**Figure 6. Assumed impactor distribution**

Prior external review of this work has suggested that the distribution presented above might be skewed towards smaller impactors. However, as noted by S. Kirkpatrick in page 2 of reference [4], when the combinations of complex impactor shapes (such as couplers and broken rail) and off-axis impactor orientations are considered, many objects will have the puncture potential of an impactor with a characteristic size that is less than 6 inches.

In addition, to ensure that the assumed impactor distribution does not skew the results (i.e., evaluation of relative merits), a sensitivity analysis of the impactor size distribution was conducted. This effort is described in Appendix A, and identified that the **relative performance** of tank car designs or operating conditions was not very sensitive to the impactor distribution assumed, lending additional confidence to the results developed from this effort.

### 3e. Distribution of Head vs. Shell Impacts

The puncture resistance of tank heads is generally quite different from that of the tank shell, due to differing thickness (presence of head shield) and curvature geometry. Typical tank head strengths have been characterized by the prior FRA work and are represented, in a manner similar to the curves illustrated in Figure 5, by varying slopes of puncture force as a function of impactor size. Knowing how the collisions in a derailment are distributed between head and shell impacts allows the methodology to take their differing puncture resistances into account. An analysis of the reported head and shell punctures from 16 hazmat release incidents (2006-2014) indicates that the distribution of impacts between head vs. shell is approximately 50% / 50%<sup>1</sup>.

### 3f. Likelihood of Puncture

With the load histograms, car capacities, and impactor distributions in place, the likely number of punctures for a given car design can be calculated. The process is as follows:

- For the car design being analyzed, the appropriate car capacity curves (one each for shell and head design) are selected. For example, the shell of a base case DOT111 car is represented by the green line in Figure 5.
- For each load magnitude (bin) in the load histogram, the impactor size that will result in car puncture is evaluated for each of the car capacity curves (head and shell).
- The proportion of impactors that fall below that size threshold, based on the distribution of impactors (Figure 6), represents the probability that a load of that magnitude will result in a car puncture.
- Probabilities are then weighted by the corresponding prevalence of the impact type (head or shell) and combined with the number of collisions in the corresponding magnitude bin.
- By accumulating this probability over all the load bins in the histogram, the probability of any specific number of punctures is calculated.
- The number of punctures with the highest probability (the most likely number of punctures) is a measure of the damage severity.

As an example, Table 1 (below) presents the results of such an analysis for two different car designs over two different derailment initiation speeds. The resultant comparisons across designs and across speeds, allows one to evaluate the relative merits of each mitigating strategy. As observed, the model is predicting that an alternate tank design with a 9/16" TC128 shell, 11 gauge jacket and full-height head shield will perform 52% better than a base DOT-111 car in a 40 mph derailment. The model also predicts that the same alternate car will be 42% more likely to survive if the derailment happened at 30 mph rather than 40 mph.

Results of the analysis for other designs, other speeds, and other braking configurations are presented in section 5.

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<sup>1</sup> FRA derailment data, as received in email from Karl Alexy on 3-Oct-2014.

**Table 1. Model Estimates for Likely Number of Punctures**

		Most Likely Number of Punctures		% Improvement Compared to Base Case		% Improvement Due to Speed Reduction
		30 mph	40 mph	30 mph	40 mph	40 to 30 mph
Base Case	7/16" A516-70 No Jacket No Head Shield	8.5	13.7	~	~	38%
Alternate	9/16" TC128B 11 Gauge Jacket 1/2" Head Shield	3.8	6.6	55%	52%	42%

### 3g. Summary

In summary, the methodology presented above estimates the relative merits of multiple strategies proposed to improve tank car safety, whether it is in the form of car design improvements or operational restrictions. The next challenge is to verify that the estimates are consistent with expectations from accident histories.

## 4. VALIDATION

To ensure the applicability of the results from any proposed methodology, a reasonable validation of the methodology is key. Naturally, the steps taken towards validation might take different forms depending upon the particular issue being studied, and importantly, the availability of accurate real life or test data against which a validation effort can be initiated.

In this case, a two-step validation effort was undertaken to evaluate whether the estimates and predictions made are consistent with historical data. The first step was to ensure that the dynamic derailment simulations were predicting reasonable and consistent results. The second step was to verify whether the estimates of likely numbers of punctures were consistent with observations.

### 4a. Dynamic Model Validation

There are no historical records of the force levels associated with tank car punctures under derailment conditions; however, data on the number of cars derailed in a given incident are available. Figure 7 compares the number of derailed cars vs. train speed for both derailment data from the FRA-RAIRS database as well as data from the derailment simulations conducted as part of this effort. As evident from the figure, the simulated predictions of number of cars derailed are consistent with the spread seen in actual derailment data.

Figure 8 presents a similar comparison only using data from recent major tank car derailments (presented in Table 2). Once again, the average of the predictions is in line with the observed data.

**Table 2. Recent Hazardous Material Derailments**

<b>Accident</b>	<b>Speed, mph</b>	<b>Total cars derailed</b>	<b>Total punctures</b>
LaSalle, CO - May, 2014	9	6	0
Lynchburg, VA - May, 2014	23	17	1
Vandergrift, PA - February, 2014	30	21	1
New Augusta, MS - January, 2014	45	20	5
Plaster Rock, NB - January, 2014	47	19	2
Casselton, ND - December, 2013	42	21	20
Aliceville, AL - November, 2013	38	26	25
Lac-Megantic, QC - July, 2013	65	64	59
Paulsboro, NJ - November, 2012	8	7	
Plevna, MT - August, 2012	25	18	2
Columbus, OH - July, 2012	23	17	1
Tiskilwa, IL - October, 2011	37	26	5
Arcadia, OH - February, 2011	46	33	29
Windham, CT - March, 2010	10	4	0
Cherry Valley, IL - June, 2009	36	19	13
Luther, OK - August, 2008	19	14	3
Painesville, OH - October, 2007	48	31	1
Oneida, NY - March, 2007	47	29	
Shepherdsville, KY - January, 2007	47	26	
Cambria, MN - November, 2006	23.5	7	
New Brighton, PA - October, 2006	37	23	14
Minot, ND - January, 2002	41	31	

These comparisons lend validity to the derailment simulations, confirming that the dynamics predicted by the simulations are consistent with real life observations. Critically, they also demonstrate that the simulations are not just a single point of reference; rather, that they represent a nominal and diverse variety of circumstances, lending credence to the notion that the resulting force histograms are also representative of a 'nominal' derailment.

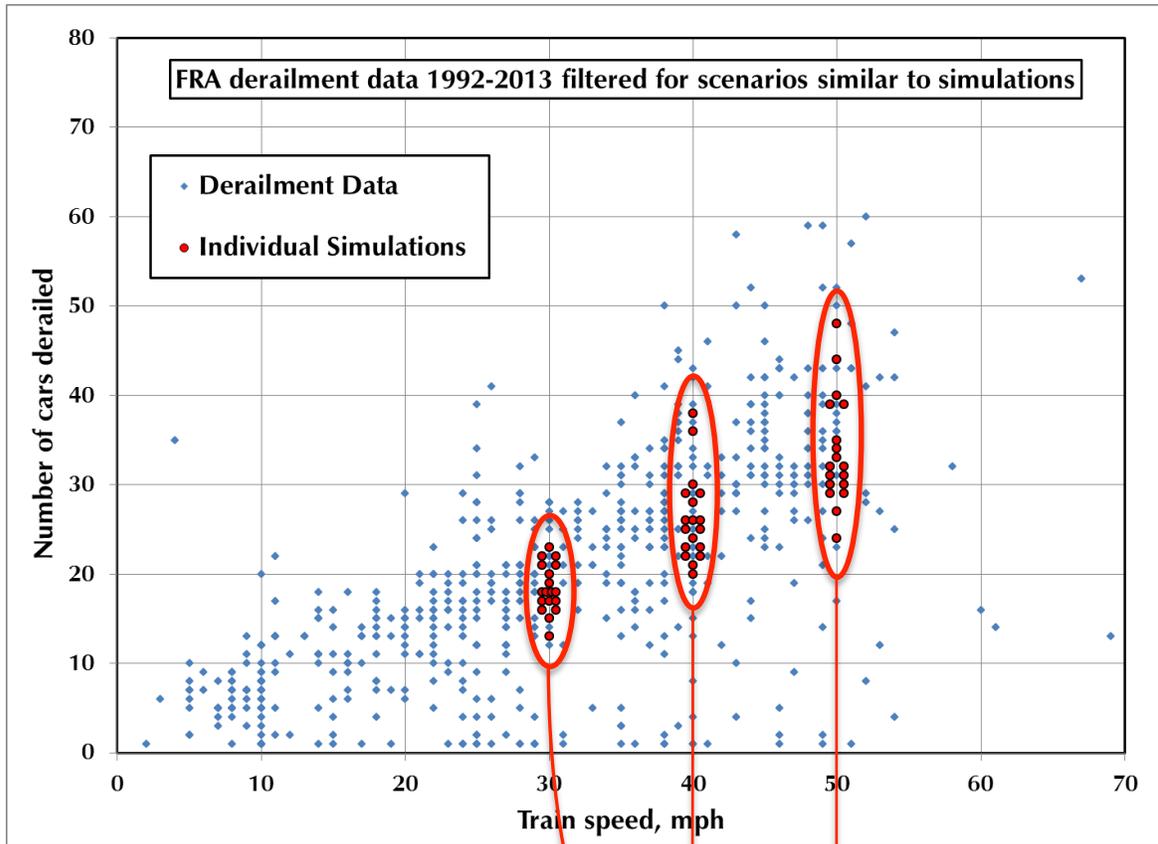


Figure 7. Number of cars derailed vs. Train speed – All derailments

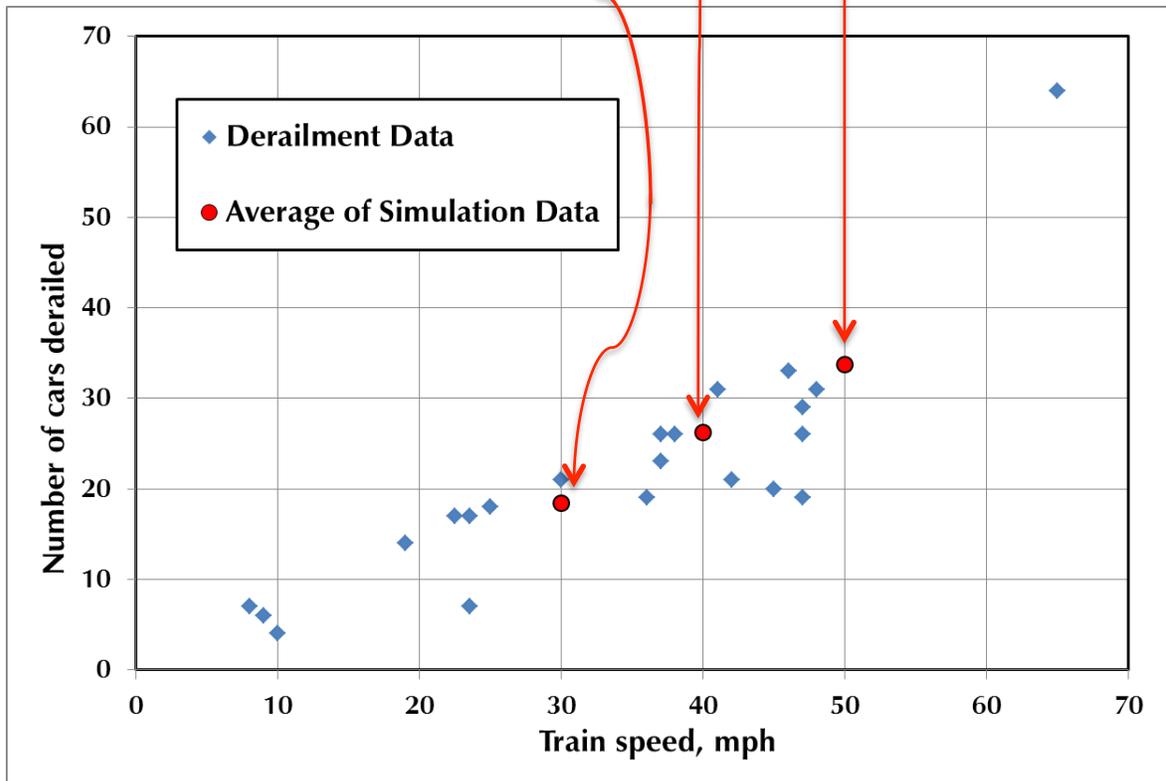


Figure 8. Number of cars derailed vs. Train speed – Hazmat derailments only (from Table 2)

#### 4b. Validation of Puncture Estimates

The validation described in Section 4a lent confidence to the force histogram data extracted from the derailment simulations. Next, the estimates of likely number of punctures were compared to actual derailment data. Figure 9 presents the model estimates compared to the number of punctures observed in the various derailments listed in Table 2 including several in which a long string of tank cars, similar to a unit train, were involved. As expected, the actual derailment data has a wide scatter band (which increases with increasing speed); however, the predictions of the model are well within the cluster of actual values.

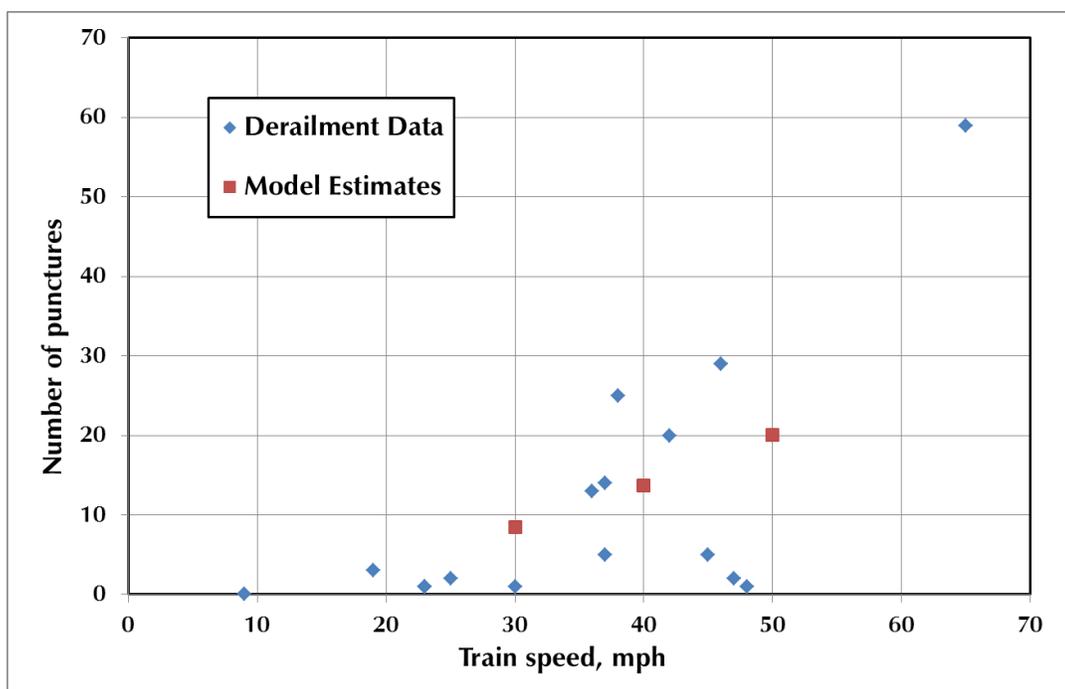


Figure 9. Estimates of likely punctures compared to derailment data

#### 5. Relative Performance of Mitigating Strategies

Once this objective methodology was established and validated, work continued on extending the effort to evaluate the relative performance of a larger variety of tank designs and train operating conditions. For the 100-car model, a matrix of simulations was established consisting of three initial speeds (30, 40 and 50 mph), four tank designs (base case and three stronger alternatives), and three braking systems (described below). Table 3 shows the most likely number of punctures calculated for each case of this matrix, as applied to a train of 100 cars in which the derailment occurs near the head end.

For each set of simulations, puncture probability was evaluated for the following tank designs, which are based on FRA proposed tank design standards.

- Base case: 7/16" thick A516-70 shell, no jacket, no head shield
- Alternative #1: 7/16" thick TC128 shell, 11 gauge jacket, 1/2" full-height head shield
- Alternative #2: 1/2" thick TC128 shell, 11 gauge jacket, 1/2" full-height head shield
- Alternative #3: 9/16" thick TC128 shell, 11 gauge jacket, 1/2" full-height head shield

**Table 3. Most Likely Number of Punctures: 100-Car Train, Derailment at Head End**

Tank Type		Speed, mph	Conventional Brakes	2-way EOT (DP: lead + rear)	ECP Brakes
Base Case	7/16" A516-70, no jacket, no head shield	30	8.5	7.2	6.1
		40	13.7	12.1	9.8
		50	20.1	16.3	14.9
Alternate 1	7/16" TC128, 11 gauge jacket, 1/2" full-height head shield	30	4.7	3.9	3.3
		40	8.0	7.1	5.3
		50	12.2	9.8	9.1
Alternate 2	1/2" TC128, 11 gauge jacket, 1/2" full-height head shield	30	4.3	3.6	2.9
		40	7.3	6.5	4.8
		50	11.2	9.0	8.3
Alternate 3	9/16" TC128, 11 gauge jacket, 1/2" full-height head shield	30	3.8	3.2	2.6
		40	6.6	5.9	4.3
		50	10.2	8.2	7.6

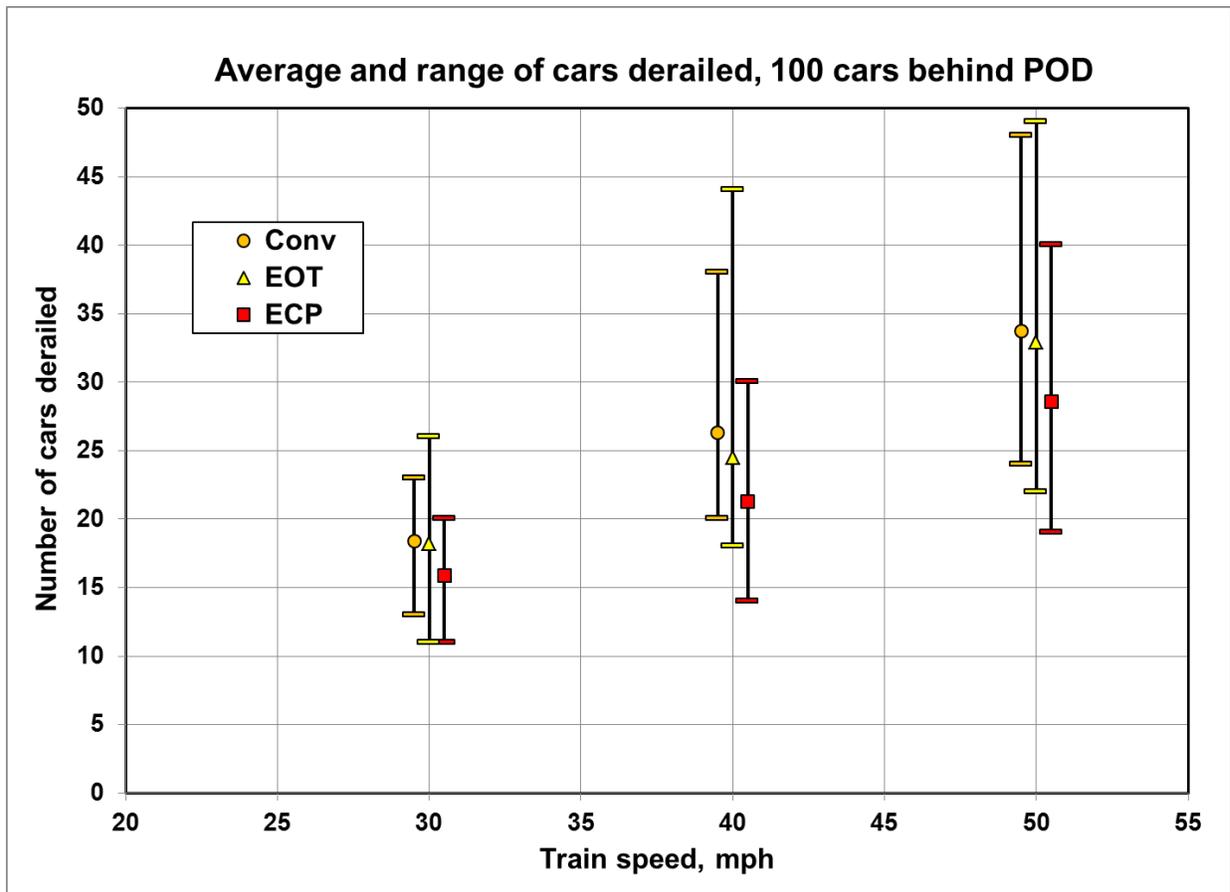
In addition to conventional pneumatic braking, derailment simulations using alternate braking systems were also conducted. Electronically Controlled Pneumatic (ECP) braking, where all cars are braked simultaneously, and End-of-Train (EOT) braking, in which the emergency brake signal is initiated simultaneously at both the front and rear of the train, were simulated. EOT braking can be accomplished with either a two-way EOT device or with a remote distributed power (DP) consist at the rear of the train. For the EOT simulations, since the derailment occurred near the front of the train, it was assumed that the lead locomotive immediately transmitted the emergency brake command to the rear of the train. The EOT simulation, in essence, treated the emergency brake signal as initiating from both ends of the train simultaneously and then propagating pneumatically from each end toward the center of the train.

Consideration of only those scenarios in which the derailment occurs near the front of the train **overstates the benefit of the EOT and DP brake systems** as compared to the benefit of an ECP brake system. **If the derailment occurs anywhere in the rear half of the train, the EOT/DP feature offers no advantage over a conventional brake system in a head-end only train**; most derailments result in a 'break-in-two' where the intact front segment of the train has clearly separated from the derailing rear segment of the train, and the front 'un-derailed' train segment does not participate in the braking of the rear 'derailed' segment. Thus, the brake response of the rear 'derailed' segment (the segment that is the focus of this effort) is identical to that of a conventional head-end only train because the entire portion of the train behind the point of

derailment (POD) has already begun braking before the emergency signal reaches the head end. Further, if/when the radio brake signal from the rear of the train does reach the head end any safety benefit imparted to the front 'un-derailed' segment is inconsequential to the rear 'derailing' segment, as the train has already separated. If we assume that the POD within the train is equally distributed along the length of the train (as suggested by other reviewers), EOT/DP systems would offer no benefit over conventional head-end only systems for fully one-half of the derailments, i.e., ones that are initiated in the second half of the train. For the other half of the derailments, the benefits would vary from the predicted peak benefits if the derailment was initiated at the front end, down to zero benefit if the derailment was initiated at the mid-point. Thus, if one assumes that the POD within the train is equally distributed along the length of the train, the effective benefit of EOT/DP systems would only be one-fourth of the predicted benefit calculated based on head end derailment initiation. Ideally, rather than making assumptions about the POD being equally distributed, benefit calculations could incorporate observed historical data about the location of derailment initiation to ensure that the benefits offered by advanced braking systems are effectively quantified.

Conversely, ECP brakes always offer an advantage (over conventional brakes) regardless of the derailment location in the train, though the magnitude of the performance benefit may vary. To investigate the effects of various train lengths on the methodology, and recognizing that derailments can initiate anywhere within a train, several sets of simulations (but not the complete matrix) were performed with trains of 80, 50, and 20 cars. Results of these simulations were submitted to DOT. Generally, for a given speed, tank design and brake type, shorter trains had fewer punctures. This is expected due to the lower overall kinetic energy in the train behind the POD. The relative benefit, however, of increased tank thickness and/or reduction of train speed is similar to the corresponding benefit seen for the 100-car train with derailment occurring near the front. The risk reduction benefits for alternate braking systems, in contrast, are most pronounced for long trains with many cars behind the POD. Since emergency brake signal propagation is very quick on short trains, especially if initiated at both ends simultaneously, the relative amount of puncture reduction due to the alternate braking systems EOT and ECP is diminished as the number of cars behind the POD decreases.

The effect of the alternate brake systems on the simulated derailment dynamics is indicated in Figure 10. For each combination of speed and brake type, the range of derailed cars (minimum and maximum) over the set of 18 simulations is shown as a vertical bar with the average value also indicated. The number of derailed cars generally increases with increasing speed, as expected. At any given speed, ECP braking shows a clear advantage over the other brake systems – both a lower average number of cars derailed and a narrower range, the latter possibly due to the reduced slack action associated with ECP braking.



**Figure 10. Average and range of cars derailed for various brake systems**

Tables 4 through 6 present the estimated risk reduction (percent improvement) associated with various mitigating measures (brake system employed, tank design, and train speed) for a train of 100 cars in which the derailment occurs near the head of the train. Depending on the train speed and tank design used, ECP brakes can be expected to provide about 30% reduction in the number of punctures. EOT brakes, at an average of 16% reduction, appear to offer about half the benefit of ECP. A tank designed according to the proposed FRA standard (9/16" thick TC128 shell with 11 gauge jacket and 1/2" full-height head shield) is estimated to cut the puncture risk in half (over 50% improvement) compared to the current base case design. The benefit due to speed reduction is more variable, but in general, a 10 mph reduction from 50 to 40 mph results in a 34% average reduction in punctures, while a 41% improvement is expected from 40 to 30 mph. Comparing the 100-car model performance with ECP to its performance without ECP at speeds from 30 to 50 mph, it appears that using ECP brakes could offer an 8 mph speed advantage; in other words, the risk exposure from derailing with ECP brakes at 40 mph is about the same as derailing with conventional brakes at 32 mph. Similarly, the risk exposure from derailing with ECP brakes at 50 mph is roughly equivalent to derailing with conventional brakes at 42 mph.

**Table 4. Risk Improvement Due to Braking System**

100 cars behind POD			Most Likely Number of Punctures			% Improvement due to brakes only		
	Tank Type	Speed, mph	Conventional Brakes	2-way EOT (DP: lead + rear)	ECP Brakes	Conventional Brakes	2-way EOT (DP: lead + rear)	ECP Brakes
Base Case	7/16" A516-70, no jacket, no head shield	30	8.5	7.2	6.1	0%	15%	28%
		40	13.7	12.1	9.8	0%	12%	28%
		50	20.1	16.3	14.9	0%	19%	26%
Alternate 1	7/16" TC128, 11 gauge jacket, 1/2" full-height head shield	30	4.7	3.9	3.3	0%	17%	30%
		40	8.0	7.1	5.3	0%	11%	34%
		50	12.2	9.8	9.1	0%	20%	25%
Alternate 2	1/2" TC128, 11 gauge jacket, 1/2" full-height head shield	30	4.3	3.6	2.9	0%	16%	33%
		40	7.3	6.5	4.8	0%	11%	34%
		50	11.2	9.0	8.3	0%	20%	26%
Alternate 3	9/16" TC128, 11 gauge jacket, 1/2" full-height head shield	30	3.8	3.2	2.6	0%	16%	32%
		40	6.6	5.9	4.3	0%	11%	35%
		50	10.2	8.2	7.6	0%	20%	25%
						<b>Average:</b>	<b>16%</b>	<b>30%</b>

**Table 5. Risk Improvement Due to Tank Construction**

100 cars behind POD			Most Likely Number of Punctures			% Improvement due to tank construction only		
	Tank Type	Speed, mph	Conventional Brakes	2-way EOT (DP: lead + rear)	ECP Brakes	Conventional Brakes	2-way EOT (DP: lead + rear)	ECP Brakes
Base Case	7/16" A516-70, no jacket, no head shield	30	8.5	7.2	6.1	0%	0%	0%
		40	13.7	12.1	9.8	0%	0%	0%
		50	20.1	16.3	14.9	0%	0%	0%
Alternate 1	7/16" TC128, 11 gauge jacket, 1/2" full-height head shield	30	4.7	3.9	3.3	45%	46%	46%
		40	8.0	7.1	5.3	42%	41%	46%
		50	12.2	9.8	9.1	39%	40%	39%
Alternate 2	1/2" TC128, 11 gauge jacket, 1/2" full-height head shield	30	4.3	3.6	2.9	49%	50%	52%
		40	7.3	6.5	4.8	47%	46%	51%
		50	11.2	9.0	8.3	44%	45%	44%
Alternate 3	9/16" TC128, 11 gauge jacket, 1/2" full-height head shield	30	3.8	3.2	2.6	55%	56%	57%
		40	6.6	5.9	4.3	52%	51%	56%
		50	10.2	8.2	7.6	49%	50%	49%
						<b>Average:</b>	<b>53%</b>	

**Table 6. Risk Improvement Due to Speed Reduction**

100 cars behind POD			Most Likely Number of Punctures			% Improvement due to 10 mph speed reduction only (50 to 40 mph, and 40 to 30 mph)			Speed (mph) advantage: amount that conventionally braked train must reduce speed to obtain equivalent risk		
	Tank Type	Speed, mph	Conventional Brakes	2-way EOT (DP: lead + rear)	ECP Brakes	Conventional Brakes	2-way EOT (DP: lead + rear)	ECP Brakes	Conventional Brakes	2-way EOT (DP: lead + rear)	ECP Brakes
Base Case	7/16" A516-70, no jacket, no head shield	30	8.5	7.2	6.1	38%	40%	38%	---	---	---
		40	13.7	12.1	9.8	32%	26%	34%	0.0	3.1	7.5
		50	20.1	16.3	14.9	---	---	---	0.0	5.9	8.1
Alternate 1	7/16" TC128, 11 gauge jacket, 1/2" full-height head shield	30	4.7	3.9	3.3	41%	45%	38%	---	---	---
		40	8.0	7.1	5.3	34%	28%	42%	0.0	2.7	8.2
		50	12.2	9.8	9.1	---	---	---	0.0	5.7	7.4
Alternate 2	1/2" TC128, 11 gauge jacket, 1/2" full-height head shield	30	4.3	3.6	2.9	41%	45%	40%	---	---	---
		40	7.3	6.5	4.8	35%	28%	42%	0.0	2.7	8.3
		50	11.2	9.0	8.3	---	---	---	0.0	5.6	7.4
Alternate 3	9/16" TC128, 11 gauge jacket, 1/2" full-height head shield	30	3.8	3.2	2.6	42%	46%	40%	---	---	---
		40	6.6	5.9	4.3	35%	28%	43%	0.0	2.5	8.2
		50	10.2	8.2	7.6	---	---	---	0.0	5.6	7.2
						Average, 40 to 30 mph	41%		Average:	4.2	7.8
						Average, 50 to 40 mph	34%				

**6. SUMMARY**

The methodology developed here allows one to estimate the relative performance benefits of changes in tank car designs, braking systems, or operating conditions under derailment conditions, focusing on the likelihood of a tank to puncture (and thus release hazardous materials). The results presented include expected relative performance of several proposed tank car designs (compared to a legacy DOT 111 car), the benefits of advanced braking systems (such as ECP brakes) over conventional systems, and the safety performance of lower operating speeds.

The methodology captures several elements/parameters relevant to derailment/puncture performance and their distributions, and combines them into a consistent probabilistic framework to estimate the relative merit of proposed mitigation strategies to improve tank car puncture performance. Comparison of the estimates from this methodology to actual derailment data suggests that the gross dynamics of a tank car train derailment, and the resulting puncture performance of the tank cars are captured well by this methodology. In addition, model estimates regarding the number of cars derailed and number of punctures, as a function of train speed, compare favorably with observed derailment data. Also, puncture risk reduction correlates well with engineering estimates corresponding to increased tank shell thickness and material strength. The validation effort provides confidence that the approach not only captures relative merits but also that the overall puncture probability predictions resulting from this approach are consistent with observed derailment performance.

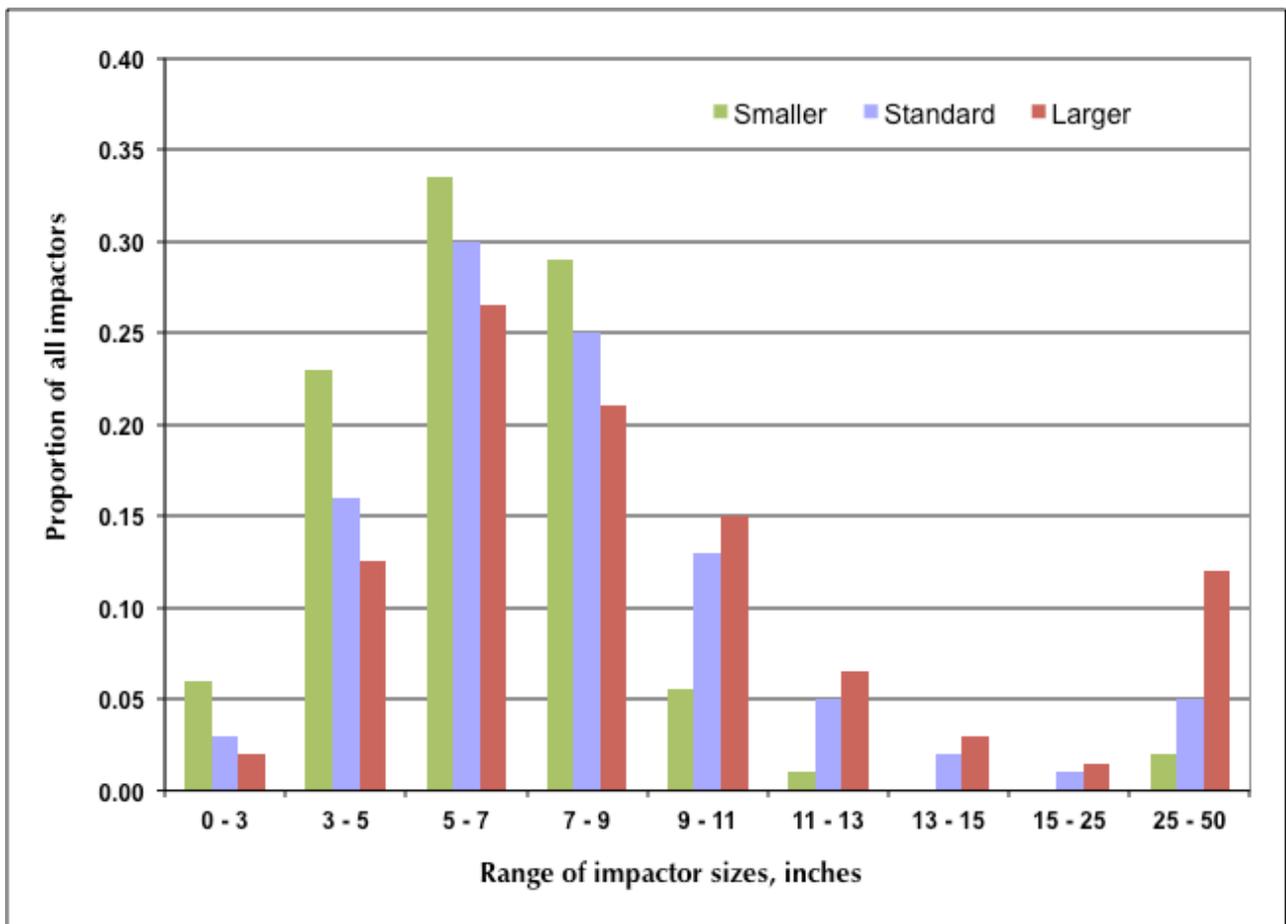
Overall, this methodology offers an objective approach to quantify and characterize the reductions in risk as measured by reductions in puncture probabilities that result from changes to tank car designs or tank car operating practices.

## 7. REFERENCES

1. Sharma & Associates, Inc., Letter Report to the USDOT/FRA titled "Objective Evaluation Of Risk Reduction From Tank Car Design & Operations Improvements", July 2014.
2. Yu, H., Tang, Y.H., Gordon, J.E., Jeong, D.Y., "Modeling the Effect of Fluid-Structure Interaction on the Impact Dynamics of Pressurized Tank Cars," Proceedings of the 2009 ASME International Mechanical Engineering Congress and Exposition, IMECE2009-11926, Lake Buena Vista, Florida, November 2009.
3. Kirkpatrick, S.W., Peterson, B.D., and MacNeill, R.A., "Finite Element Analysis of Train Derailments," ICrash2006. Proceedings of the International Crashworthiness Conference, July 4-7, 2006, Athens, Greece.
4. Kirkpatrick, S.W., "Detailed Puncture Analyses Tank Cars: Analysis of Different Impactor Threats and Impact Conditions," FRA Report No. DOT/FRA/ORD-13/17, Final Report, March 2013.
5. "LS-DYNA Keyword User's Manual," Livermore Software Technology Corporation, Version 971, May 2007.
6. AAR Manual of Standards and Recommended Practices, Section C-II, "Design, Fabrication & Construction of Freight Cars", Chapter II, 2011.

## APPENDIX A – STUDY OF IMPACTOR DISTRIBUTIONS

The key intent of this effort was to develop and validate a methodology that could be used to estimate the relative merit of proposed mitigation strategies to improve tank car puncture performance. One of the key elements and assumptions of this methodology was the distribution of impactor sizes, as this had the potential to significantly influence the results. To evaluate the sensitivity of the results to variations in impactor size distribution, two additional sets of impactor distributions, one skewed towards smaller impactor sizes and one skewed towards larger impactor sizes (compared to the standard distribution assumed, shown in figure 6) were also analyzed. Figure A1 displays the two distributions compared to the standard one used for the main analyses. The average impactor sizes for the three distributions are about 6.8”, 8.7”, and 11.3”, respectively, with the geometric mean of the averages of smaller and larger distributions being equal to the average of standard distribution. The standard distribution has an average size that is about 29% bigger than the smaller one and the larger distribution is about 29% bigger than the standard one.



**Figure A1. Impactor distributions used for sensitivity analysis**

The results of this evaluation are presented in Tables A.1, A.2 and A.3 below. Table A.1 shows the puncture performance of two different designs and two different brake systems for a 100-car train and a derailment initiation speed of 40 mph. As expected, smaller impactors result in more punctures and larger impactors result in fewer punctures. However, as seen in Tables A.2 and A.3,

the variation in relative performance values is far less significant, especially considering that the impactor distributions are significantly different.

**Table A.1 Number of Punctures – Variations by Impactor Size Distribution**

40 mph, 100 cars > POD			Most Likely Number of Punctures		
	Tank Type	Brakes	Smaller size impactors	Standard impactor distribution	Larger size impactors
Base Case	7/16" A516-70, No Jacket	Conv	15.1	13.0	11.4
		ECP	11.0	9.3	8.0
Alternate 3	9/16" TC128, 11 gauge Jacket	Conv	10.4	8.5	7.2
		ECP	7.1	5.6	4.7

**Table A.2 Relative Performance of ECP Brakes – Variations by Impactor Size Distribution**

40 mph, 100 cars behind POD		% Improvement ECP compared to Conventional Brakes		
	Tank Type	Smaller size impactors	Standard impactor distribution	Larger size impactors
Base Case	7/16" A516-70, No Jacket	27%	28%	30%
Alternate 3	9/16" TC128, 11 gauge Jacket	32%	34%	35%

**Table A.3 Relative Performance of Tank Designs – Variations by Impactor Size Distribution**

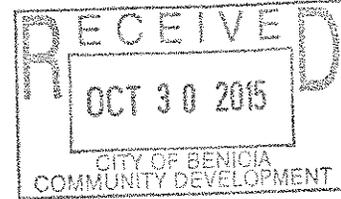
40 mph, 100 cars behind POD		% Improvement 9/16" shell compared to 7/16" shell		
Brake System		Smaller size impactors	Standard impactor distribution	Larger size impactors
Conventional		31%	35%	37%
ECP		35%	40%	41%

Again, the tables presented show that the relative performance of changes to tank car designs or operating conditions does not change significantly as a result of changes to the impactor size distribution. While the individual puncture values change notably (as they should), relative performance does not. It is also worth mentioning that the standard impactor size distribution assumed herein results in puncture values that are consistent with real-life observations, lending additional credence to using it for the main work reported here.

## Amy Million

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**From:** Rich Harley <rdharley@pacbell.net>  
**Sent:** Friday, October 30, 2015 3:58 PM  
**To:** Amy Million  
**Subject:** No Crude by rail!



Building a new oil train terminal now locks Benicia into decades of using some of the most carbon-intensive oil on the planet: Canadian tar sands and fracked North Dakota Bakken crude. At a time when wildfires are raging and the drought continues to worsen, our communities need to invest in safe, healthy, clean energy projects that build climate resilience.

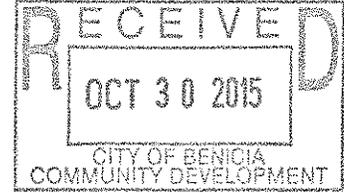
Rich Harley

157 E. F St.

## Amy Million

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**From:** Marisol Mendez <marisol.mendez54@gmail.com>  
**Sent:** Friday, October 30, 2015 9:00 AM  
**To:** Amy Million  
**Subject:** I Support the Valero Crude by Rail Project  
**Attachments:** 10-30-15\_Support to Benicia CBR.docx



Hello Amy:

Find attached my letter in support of the Valero Crude by Rail Project.

Thank you and the Planning Commission for this opportunity.

Best Regards,

Marisol Pacheco-Mendez  
404 Dalton Court, Benicia, CA 94510

----- Forwarded message -----

**From:** "Pacheco-Mendez, Marisol" <Marisol.Pacheco-Mendez@valero.com>  
**Date:** Oct 30, 2015 8:52 AM  
**Subject:** Support to CBR Project  
**To:** "Marisol Mendez" <Marisol.Mendez54@gmail.com>  
**Cc:**

Subject: I support the Valero Crude by Rail Project

I am writing to express my support for the Revised Draft Environmental Report (RDEIR) and for Valero's proposed Crude by Rail project. The City of Benicia and independent experts have spent nearly three years closely examining this project and developing a comprehensive Draft Environmental Impact Report and RDEIR. These analyses go well beyond California Environmental Quality Act (CEQA) requirements and illustrate the project's many benefits for Benicia.

According to the City's DEIR, RDEIR and economic analysis, this project will:

- Meet or exceed all federal standards regarding rail procedure and safety, including the extensive additional regulations now in place at the federal and state levels since Valero initially applied for the project in 2012.

- 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. Which I mentioned before in previously submitted comments.

- Operate under current air permits with the Bay Area Air Quality Management District (BAAQMD).

- Provide \$1.6 million in annual funding to the Office of Oil Spill Prevention and Response for inland spill preparedness.

- Provide an additional \$30,000 a month in property tax revenues to the City of Benicia to fund vital city services.

According the DEIR and RDEIR, this project will NOT:

- Create additional health risks associated with project emissions.

- Increase the amount of crude that can be processed.

- Change the type of crude the refinery processes.

- Increase process emissions.

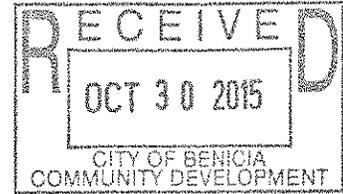
- Change refinery operations.

The reasons listed above are among the many reasons I continue to support Valero's Crude by Rail project. The Valero Benicia Refinery is a good neighbor to the community, a top employer and major benefactor to our region. I chose Benicia to live knowing that a refinery was operating safely and environmentally sound in this city. It is also one of only two refineries in the state recognized by Cal/OSHA for its exemplary safety performance. Since 2006 the Benicia Refinery has continuously earned the VPP STAR Site designation for going above and beyond Cal/OSHA safety standards. Please consider the facts and approve this worthy project without further delay

## Amy Million

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**From:** Mairead Byrne <maireadb@sbcglobal.net>  
**Sent:** Friday, October 30, 2015 10:03 AM  
**To:** Amy Million  
**Subject:** Comment on Valero RDEIR



Dear Amy....

My husband and I DO NOT WANT DANGEROUS TOXIC OIL TRAINS IN BENICIA. We live off first street and can already hear numerous trains across the strait and on the bridge. There is also an inordinate amount of dust in our house, black, unwholesome dust.....

In addition to the danger and pollution, we would be subjected to more noise pollution.

The oil comes in by ship, is it any more secure, I doubt it but leave well enough alone.

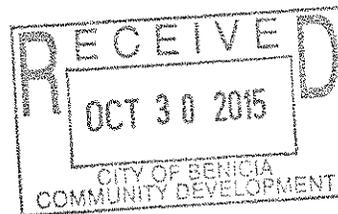
We strongly object to trains carrying crude to refineries in this area. Benicia is a nice town, and if you don't look to the left when on the pier, it's almost ideal.

So, please do not support Valero's attempt to make this an unpleasant place to live.

Thank you  
Mairead and Marcus Byrne

October 28, 2015

Myra Nissen  
454 East E Street  
Benicia, CA 94510



Amy Million, Principal Planner  
Community Development Department  
250 East L. Street  
Benicia, CA 94520

RE: The Revised DEIR, Valero Crude By Rail, I urge the City of Benicia to Reject the DEIR for the safety of residence, the City, community, and the environment.

Dear Ms. Million,

I cannot imagine why the City of Benicia is seriously entertaining the decision to allow Valero to bring in over 100 cars of volatile crude at this critical juncture where the recognition that climate change is real and that our carbon footprint is a major part of the problem. The City of Benicia should be taking positive steps to help solve the problem by looking to expand renewable energy. Instead, we are discussing destroying the environment and putting hundreds and thousand residence at risk to increase our carbon footprint. If approved, this plan would put at risk not just our City but the environment and people at risk all the way form the sites of the mining of the shale and tar sands all along the rail lines, along our Delta to Valero, which is almost at the mouth of the San Francisco Bay; so, yes the entire bay is at risk.

This project is in direct opposition to the US target to cut US climate pollution by 26-28 percent below 2005 levels and to make the best efforts to reduce pollution by 28%.<sup>i</sup> It is also in contradiction to California's Clean Energy and Reductions Act to generate half of our electricity from renewable sources by 2030, which was approved by the California Legislature on Sept. 11, 2015<sup>ii</sup>.

In fact, Table ES-2 Summary of Impacts and Mitigation measures for the Valero Benicia Crude By Rail Project states the risk of generation of direct and indirect Green House Gas (GHG) emissions are "significant and unavoidable." The summary of impacts also states that the project is in conflict with Executive order S-3-05 to reduce GHG emissions.<sup>iii</sup>

The Crude By Rail project is a situation where a corporation is putting its interest in front of the health and safety of individuals and the environment. It is reminiscent of the Volkswagon scandal earlier this month where U.S. Congressman Frank Pallone stated, "The US people are not crash test dummies and won't be treated as such..."<sup>iv</sup> The risks of the Valero Crude By Rail Project assumes the residents of Benicia and the land are expendable.

Global warming has already impacted Benicia. When I moved here about 15 years ago, my home was in Flood Zone X, a low risk zone. According to the new 2015 Federal Emergency Management Association maps<sup>v</sup>, my home is now in Zone A, with at least a 26% chance of flooding over a life of a 30-year mortgage. This is an example of climate change and global warming. The project will increase the likely hood of the flood risk to my home and others in the future, not help protect my home.

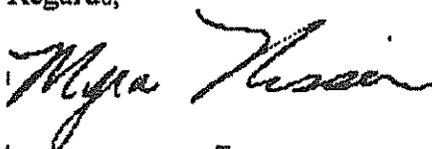
These new flood zone risks apply to the refinery too, along Sulphur Springs.<sup>vi</sup> Has there been any thought about mitigating spills and containment in the flood zone area?

This project will increase the likelihood of spills on land and in the waterways, from where the rail cars are loaded all along the train route until they are unloaded at Valero. For example, in 2004, 60,000 gallons of fuel was released from a broken pipeline into Suisun Marsh.<sup>vii</sup> Have there been any studies of the impacts and recovery from that spill? Have there been any steps made to provide pipeline maintenance or better containment to address less of an impact on future spills?

Table ES-2 Summary of Impacts and Mitigation measures for the Valero Benicia Crude By Rail Project lists about 20 and the majority are considered to be "significant and unavoidable."<sup>viii</sup> These risks are unacceptable. Has there been any study on the impact on property should any of these "significant and unavoidable" becomes a reality? If it this project goes through the City of Benicia would be consenting this it is OK for Valero to allow these risks to be imposed Benician's for the sake of a corporation's wealth, risking the entire bay area as Valero sits close to the mouth of the San Francisco Bay.

Ms. Million, I urge the City of Benicia to reject the Valero Crude by Rail Project. Thank you for your consideration.

Regards,



Myra Nissen, MĀ, CCH, RSHom(NA)  
Health Care Provider  
Masters Degree in Environmental Studies

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<sup>i</sup> 03/13/2015 The White House released a fact sheet called "US Reports its 2025 Emissions Targets on the The United Nations Framework Convention on Climate Change (UNFCCC) with a target to cut US climate pollution by 26-28 percent below 2005 levels and to make the best efforts to reduce by 28%.

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<sup>ii</sup> 2015 CA SB 350

<sup>iii</sup> <http://www.gov.ca.gov/news.php?id=1861> (Executive Order S-3-05 signed by Gov. Schwarzenegger, June 2005)

<sup>iv</sup> VW scandal: Volkswagen HQ raided by German prosecutors as US boss faces grilling by Senate, The Telegraph, U.K., Oct. 8, 2015,

<http://www.telegraph.co.uk/finance/newsbysector/industry/engineering/11918902/VW-scandal-Volkswagen-HQ-raided-by-German-prosecutors-as-US-boss-faces-grilling-by-Senate.html>

<sup>v</sup> FEMA Panel 641 preliminary flood maps for 2015

<sup>vi</sup> FEMA Panel 634 preliminary flood maps for 2015

<sup>vii</sup> <http://www.sfgate.com/bayarea/article/Pipeline-spills-60-000-gallons-of-fuel-into-2763137.php>

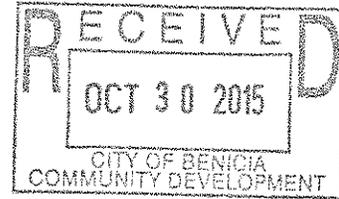
<sup>viii</sup> The 9 risks listed in the Re-DEIR listed as significant and unavoidable:

1. **Impact 4.1-1:** The Project could conflict with implementation of applicable air quality plans.
2. **Impact 4.1-5:** Operation of the Project could contribute to an existing or projected air quality violation uprail from the Roseville Yard.
3. **Impact 4.1-7:** The Project could result in cumulatively considerable net increases in ozone precursor emissions in uprail air districts.
4. **Impact 4.2-10:** The Project could have a substantial adverse effect on candidate, sensitive or special-status wildlife species or migratory birds, including injury or mortality resulting from collisions with trains along the North American freight rail lines as a result of increased frequency (high traffic volumes) of railcars.
5. **Impact 4.6-1:** The Project would generate direct and indirect GHG emissions.
6. **Impact 4.6-2:** The Project would conflict with Executive Order S-3-05.
7. **Impact 4.7-2:** The Project could pose significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
8. **Impact 4.7-6:** Train derailments and unloading accidents that lead to hazardous materials spills, fires, and explosions could result in substantial adverse secondary effects, including to Biological Resources, Cultural Resources, Geology and Soils, and Hydrology and Water Quality.
9. **Impact 4.7-89:** Operation of the Project could expose people or structures to significant risk, injury, or loss from wildland fires.

## Amy Million

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**From:** Peter Stanzler <stanzler@pacbell.net>  
**Sent:** Thursday, October 29, 2015 5:46 PM  
**To:** Amy Million  
**Subject:** Oil by rail



Ms Million,

I can't tell you how opposed I, along with members of our small community of Slatter's Court, am to the proposed oil trains that may come through Davis, CA. We live right along the tracks on the outside of the curve where the tracks go through downtown. A derailment of highly flammable light crude at this curve (we hear the brakes squeal as they take it) would completely destroy our community along with the adjoining mobile home parks and apartment buildings possibly killing hundreds of us. There will be no secrecy about these trains. We will see them, we will hear them, my own place will tremble as it has when other industrial trains roll through. Why should we sweat every time an oil train rolls through to satisfy the needs of Benecia and greedy oil companies?

Given the fact that there has already been many derailments, along with the one that destroyed Lac-Megantic, this is WAY TOO DANGEROUS and what for? Greed. You know and I know this oil isn't for us, it's meant for export. And please, don't tell us it "provides jobs". We call bullshit on that. For what, 50-100 people? They can get jobs mounting solar panels to help offset global warming due to the burning of fossil fuels instead.

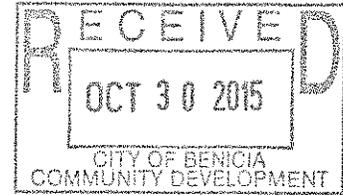
Sincerely,  
Peter Stanzler

P.S. You can anticipate people protesting in the streets of Davis if this goes through. I already know many many people who are interested.

## Amy Million

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**From:** Rick Donnelly <rjd9999@yahoo.com>  
**Sent:** Thursday, October 29, 2015 6:33 PM  
**To:** Amy Million  
**Subject:** Comment on Valero RDEIR



I have no idea why anyone, knowing what we know about climate change and the benefits of renewables, would even consider additional investment in fossil fuel projects such as this. It is wasteful, toxic, and environmentally unsound. When the potential risks of shipping highly explosive materials on stretches of dubious track and inadequate containment by rail cars are added to the equation, the entire project seems downright irresponsible to even consider.

Sure, there are profits to be made. Certainly, Valero has been a better corporate neighbor than most oil companies, but the costs to the health of the people and environment are just not worth pushing this through. The number of jobs created is minimal and the money will, mostly, not be spent in Benicia.

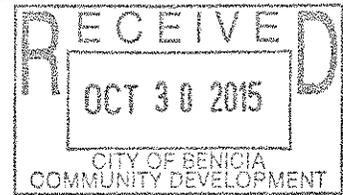
This project is ill-conceived, risky, and will simply add to the climate damage created by fossil fuels. Please do not allow this to continue.

Rick

## Amy Million

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**From:** Hutchcroft, Dennett C <dennett-hutchcroft@uiowa.edu>  
**Sent:** Thursday, October 29, 2015 6:49 PM  
**To:** Amy Million  
**Cc:** Pauley, Cynthia A (UI Health Care)  
**Subject:** Comment for the record - Valero Crude By Rail



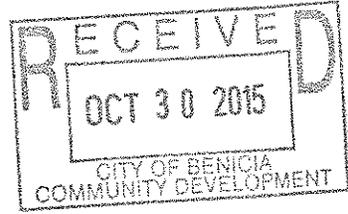
As new residents of Davis, CA, beginning mid-Jan., I can categorically state without reservation that had we known that trains carrying such dangerous cargo, 2 per day, were passing within close proximity to the house we purchased to move to after retiring, we would not have chosen to live there. No one in their right mind would choose to live near something that risky. Any of you that are considering allowing these trains to travel through populated areas need to pay close attention to the fears you feel for yourselves and your loved ones when faced with peril; that feeling is the same for all humans. Don't be a party to this; this train should not go through populated areas, period.

Thank you,  
Dennett Hutchcroft  
Cynthia Pauley

## Amy Million

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**From:** Catherine Chaney <cchaney06@sbcglobal.net>  
**Sent:** Thursday, October 29, 2015 9:24 PM  
**To:** Amy Million  
**Subject:** Comment on Valero RDEIR



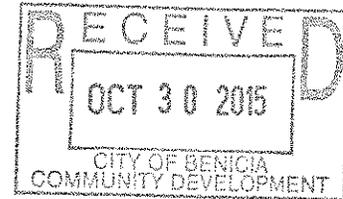
Please do not let these toxic dangerous trains enter our city. The reasons are obvious and consequences long ranging and environmentally hazardous. These tracks and trains are in no way prepared for the amount of crude proposed to be brought here. Plus it's just a dumb idea guys!!!!

Sent from my iPhone

## Amy Million

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**From:** Ronald Stein <rstein@PTSstaffing.com>  
**Sent:** Friday, October 30, 2015 6:04 AM  
**To:** Amy Million  
**Subject:** Comment for the record - Valero Crude By Rail



Ms. Amy Million,

I understand that the choice is with Californians to continue the ever increasing importation of crude oil from foreign countries into California ports, already at 52% of California needs, or to take advantage of the lower cost of crude oil from Canada and the Midwest which requires public approval of crude-by-rail projects to get that crude oil into California.

Thus, I am writing to express my support for the Revised Draft Environmental Report (RDEIR) and for Valero's proposed Crude by Rail project. The City of Benicia and independent experts have spent nearly three years closely examining this project and developing a comprehensive Draft Environmental Impact Report and RDEIR. These analyses go well beyond California Environmental Quality Act (CEQA) requirements and illustrate the project's many benefits for Benicia.

According to the City's DEIR, RDEIR and economic analysis, this project will:

- Meet or exceed all federal standards regarding rail procedure and safety, including the extensive additional regulations now in place at the federal and state levels since Valero initially applied for the project in 2012.
- 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).
- Provide \$1.6 million in annual funding to the Office of Oil Spill Prevention and Response for inland spill preparedness.
- Provide an additional \$30,000 a month in property tax revenues to the City of Benicia to fund vital city services.

According to the DEIR and RDEIR, this project will NOT:

- Create additional health risks associated with project emissions.
- Increase the amount of crude that can be processed.
- Change the type of crude the refinery processes.
- Increase process emissions.
- Change refinery operations.

The reasons listed above are among the many reasons I continue to support Valero's Crude by Rail project. The Valero Benicia Refinery is a good neighbor to the community, a top employer and major benefactor to our region. It is also one of only two refineries in the state recognized by Cal/OSHA for its exemplary safety performance. Since 2006 the Benicia Refinery has continuously earned the VPP STAR Site designation for going above and beyond Cal/OSHA safety standards. Please consider the facts and approve this worthy project without further delay.

*Ronald Stein, P.E.*

Founder  
[rstein@PTSstaffing.com](mailto:rstein@PTSstaffing.com)

**PTS Staffing Solutions**  
Engineering - IT - Professional

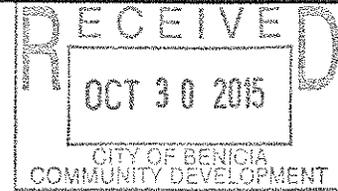
949-268-4023  
Fax 949-268-4040  
888-787-3711 Ext 23

[www.linkedin.com/in/ronaldstein](http://www.linkedin.com/in/ronaldstein)

## Amy Million

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**From:** rfree@sonic.net  
**Sent:** Thursday, October 29, 2015 11:28 PM  
**To:** Amy Million  
**Subject:** Valero



Dear Ms. Million: Please forward this message to the Planning Commissioners. Thank you.

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Dear Planning Commissioners:

I write in opposition to the proposed Valero refinery upgrade.

While not opposed to jobs, it is by now clear that even more jobs are (and will be) available as the renewable energy field expands (as it is rapidly doing in other countries). We are being asked to pit our literal survival against jobs, an untenable choice for all of us. But...this is what it has come down to, after 200 years of industrialization, and we are the ones alive at this pivotal moment in history, to decide which road we shall pursue.

It is a fact that the oil industry ALREADY has a glut of oil, and prices are very low as a result. That glut comes from unregulated and unstoppable drilling. Valero suggests that this is insufficient, and that more is required. But for what? Energy independence? The U.S. has not, nor has it indicated that it will cease, importing oil from the Middle East, so that is a red herring. On top of which, if approved, this project will permit the movement of more oil bomb trains through the Bay Area, which suggests reckless endangerment of the public by those officials in a position to prevent the possibility of train explosions. It is well known that both the oil and railroad industries are very barely regulated.

But what about future generations who will have to cope with increasing droughts, wildfires and flooding? We are seeing these already, and yet the industry remains stubbornly impervious to reality for the sake of a few more ill-gotten dollars, even with our literal survival at stake. Where are our family values in this discussion? Even the Pope has cautioned humanity of the danger we are courting.

I respectfully request that you reject ANY plan(s) to run more and/or higher sulfur content crude oil through the Valero refinery.

Very truly yours,

Richard Freeman  
Kensington, CA

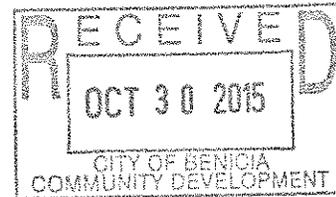
## Amy Million

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**From:** rogrmail@gmail.com  
**Sent:** Friday, October 30, 2015 8:07 AM  
**To:** Amy Million  
**Subject:** Valero Crude By Rail RDEIR - An Ethical Case Against Crude By Rail

Amy – Please include in the public record my comments below concerning the RDEIR (Chapter 1. Introduction, p. 1-1). Thanks.

Roger Straw  
Benicia



### An Ethical Case Against Crude By Rail

In June of 2013, I wrote a guest opinion for the Benicia Herald, “Do Benicians want tar-sands oil brought here?” I had just learned that the City of Benicia staff was proposing to give Valero Refinery a quick and easy pass to begin construction of an offloading rack for oil trains carrying “North American crude.” Valero was seeking permission to begin bringing in two 50-car Union Pacific trains every day, filled with a crude oil. Valero and the City would not disclose where the oil was coming from, but everyone knew of the boom in production in Canada (tar-sands crude) and North Dakota (Bakken crude).

At that time, my most pressing concern was that Benicia, my home town, not be the cause of destruction elsewhere. Tar-sands oil strip mining is the dirtiest, most energy-intensive and environmentally destructive oil production method in the world. It struck me then, and it still does, as a moral issue. Our beautiful small City on the Carquinez has a conscience. We have a global awareness and a responsibility to all who live uprail of our fair city. Our decisions have consequences beyond our border.

My article, and my conscience-driven concern, came BEFORE the massive and deadly oil train explosion in Lac-Mégantic, Quebec. That wreck and the many horrific explosions that followed involving Bakken crude oil and tar-sands “dilbit” (diluted bitumen) became the sad poster children of a movement to STOP crude by rail. It became all too easy for Benicians to base our opposition on a very legitimate self-protective fear. Not here. Not in our back yard. No explosions in OUR Industrial Park, in our town, on our pristine bit of coastal waters.

But fear mustn’t deaden our heart.

I was encouraged to read in the City’s recent Revised Draft EIR, that the document would analyze environmental impacts all the way to the train’s point of origin, including North Dakota and Canada:

*“In response to requests made in comments on the DEIR, the City is issuing this Revised DEIR for public input to consider potential impacts that could occur “uprail” of Roseville, California (i.e., between a crude oil train’s point of origin and the California State border, and from the border to Roseville) and to supplement the DEIR’s evaluation of the potential consequences of upsets or accidents involving crude oil trains based on new information that has become available since the DEIR was published.” [RDEIR Chapter 1, p. 1-1, emphasis added]*

Sadly, the City’s consultants never made good on their intention. Our moral obligation to those uprail of Benicia extends, according to the consultants, to our neighbors in Fairfield, Vacaville, Davis, Sacramento, Roseville and to the good folks and mountain treasures beyond, but ONLY TO CALIFORNIA’S BORDER. What happens at the source, in Canada where boreal forests and humans and wildlife are dying; what happens in North Dakota where the night is now

lit and the earth is polluted wholesale with oil fracking machinery – what happens there is of no concern to Benicians. Too far away to care. Their air, their land, their water is not our air, land and water. Evidently, according to our highly paid consultants, this is not, after all, one planet.

Or is it?

Our Planning Commissioners have more than a civic duty. They and we are called morally and ethically to understand our larger role in climate change and to protect the earth and its inhabitants. Our decision has consequences.

Together, we can STOP crude by rail.

**Roger D. Straw**  
Benicia, California

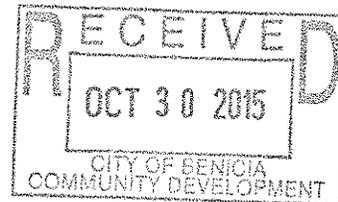
## Amy Million

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**From:** Marta Beres <marta.beres4@yahoo.com>  
**Sent:** Friday, October 30, 2015 7:35 AM  
**To:** Amy Million  
**Subject:** valero oil train

We are the protectors and keepers of this planet! Nature gives us and provides us plenty of warnings, and/or DISASTERS. Lets stop being the high and mighty ! It is time to think and protect our planet instead of creating havoc that is rooted in selfish gains. Are the minority so selfish that they "CUT OFF THEIR NOSES TO SPITE THEIR FACES"!

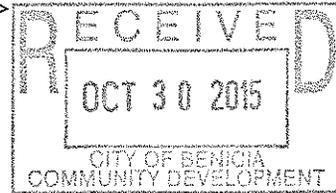
Marta Beres, a humble, caring citizen



## Amy Million

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**From:** Susan Gustofson <susan.gustofson@yahoo.com>  
**Sent:** Friday, October 30, 2015 9:28 AM  
**To:** Amy Million  
**Subject:** Crude by Rail RDEIR Comments



Dear Ms. Million and Benicia Planning Commission:

I support the Revised Draft Environmental Report (RDEIR) and Valero's proposed Crude by Rail project. The City of Benicia and independent experts have spent nearly three years closely examining this project and developing a comprehensive Draft Environmental Impact Report and RDEIR that go well beyond what CEQA traditionally requires. It illustrates the many benefits for Benicia, for the Bay Area, and for America.

The federal government manages the safe transport of all commodities by rail. Their actions continue to demonstrate that they are serious about maintaining safe rail transport. They have created and amended regulations and issued immediate safety orders to maintain safe rail transport based on facts and research. The State of California also recently passed a bill to enhance emergency preparedness and coordination between agencies that improves response to events of all kinds if they should occur. These actions are much broader and provide more impact than any local action could achieve.

I also believe that UPRR is serious about safety with the goods they transport on the rails. They have a high safety standards as a company, and have higher standards than governmental agencies for design and inspections for the facilities they own and operate.

According the DEIR and RDEIR, this project will NOT:

- Create additional health risks associated with project emissions.
- Increase the amount of crude that can be processed.
- Change the type of crude the refinery processes.
- Increase process emissions.
- Change refinery operations.

The reasons listed above are among the many reasons I continue to support Valero's Crude by Rail project. The Valero Benicia Refinery is a good neighbor to the community, a leader in industrial safety, a top employer and major benefactor to our region. It is also one of only two refineries in the state recognized by Cal/OSHA for its exemplary safety performance. Since 2006 the Benicia Refinery has continuously earned the VPP STAR Site designation for going above and beyond Cal/OSHA safety standards. Please consider the facts and approve this worthy project without further delay. I reside in Martinez, work for the Benicia Refinery, and am involved with this project. I am submitting my comments as an individual of my own volition.

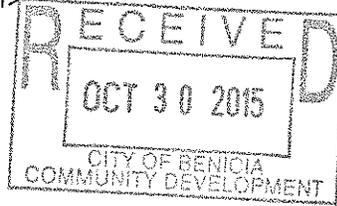
Respectfully,

Susan Gustofson  
Martinez, California

## Amy Million

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**From:** karen kingsolver <klkdavis2003@yahoo.com>  
**Sent:** Friday, October 30, 2015 10:21 AM  
**To:** Amy Million  
**Subject:** Oil by Rail



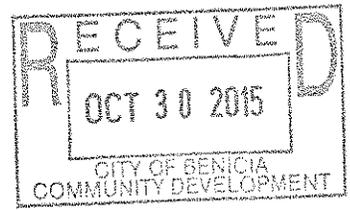
Hello,

As a concerned citizen of Davis, CA can you please count my vote against the Valero Refinery using our railroad to ship crude oil. Is there anyone else I can contact to vote against this?

Thank you,

Karen Kingsolver  
5011 Swingle Dr.  
Davis, Ca 95618

Comments and Questions by Michael Monasky  
Valero Crude By Rail Project  
Revised Draft Environmental Impact Report (RDEIR)



The air quality component of the Valero Crude By Rail Project RDEIR considers only the emissions from hauling the product from Roseville to Benicia. It never considers the scenario should the train derail and the contents ignite. Just how much energy would be released in the case of an explosion? There is discussion about 50 rail cars per train, but the tables refer to 100 or more rail cars per train. Please explain this discrepancy.

The health hazard appendix refers to the Maximum Exposed Individual Residence (MEIR) hazard index at 0.071 for six businesses at the terminus of the train's journey. Yet this report does not take into consideration the residences, schools, workplaces, and other social gathering places on the route which are closely traversed by the train. The report denies any risk to Dixon, Roseville, and Sacramento based only upon emissions from the locomotive that will pull the hazardous cargo; it does not address the volume of gases that would be emitted should the cargo spill and ignite, nor the health hazards to humans exposed to such gases and emissions from cargo ignition and conflagration. Have neighboring cities and counties been notified and their comments and questions been addressed? How has the scope of this RDEIR been expanded to include these other at-risk communities?

Furthermore, this report does not consider the issues with the food and liquid cars that have been modified to take on Bakken oil, which happens to contain extremely volatile mixtures of compressive gases to improve viscosity. Valero has declined to engage the city or its citizens, in this report, in a discussion about the cars used to transport this dangerously volatile bituminous by-product. The Roseville railyard exploded in 1973, when a boxcar brake overheated and ignited bombs being transported from Hawthorne, Nevada, to Concord's Port Chicago yards. Eighteen more boxcars exploded over the next day and a half, injuring 48 first responder-firefighters, completely demolishing the railyard in Roseville, causing multiple tens of millions of dollars of damage, from which the US government took years to recover. Such an accident could occur at the busy Roseville railyards, but this environmental impact report does not take such an occurrence into consideration. Why aren't accidents in other locations en-route from Roseville to Benicia included in the discussion of this environmental document? What is the status and count of converted food and other non-crude cars to oil cars, and what improvements, if any, have been made in the car technology of crude oil transport?

The applicant has rather arrogantly declared to the city that it can neither be compelled to cooperate with the city's request for further environmental review, nor required to pay for such study. Valero has even made a threat against the people, stating that the city cannot legally delay rail transport of its crude oil, due to the Interstate Commerce Commission Termination Act of 1995 (ICCTA.) What are the legal implications of these statements by Valero, and who is responsible for the cost of these extensive studies? How much has been spent so far in this environmental review, and by whom?

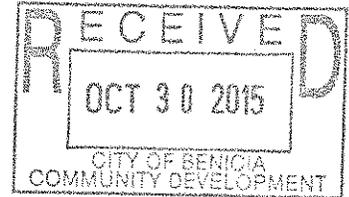
"The only effective way of ensuring safety is through comprehensive federal regulation. A state-by-state, or town-by-town approach in which different rules apply to the beginning, middle, and end of a single rail journey, would not be effective." So says the Union Pacific Rail Road, which is the carrier for Valero's fuel cars. And yet the applicant expects to implement a divided approach, splitting town from town, region from region, so that despite the long course of its oil trains, each jurisdiction is isolated in its enforcement of public health and safety rules. Does the City of Benicia have any interest in coordinating oil transport rules with other agencies, municipalities, and counties? If so, what are those efforts at coordination? Who pays for this coordination and how much is it?

Although this EIR might meet the strict letter of the law, its scope does not encompass the questions and concerns of human health and safety from neighboring communities. And this is a time during which global warming is an even broader concern challenging the very survival of human beings on this planet. When everyone should be reducing carbon combustion, the City of Benicia is studying further expansion of transporting, refining, marketing, and selling fossil fuels. What is Benicia's climate action plan, and how does it allow for expansion instead of contraction of carbon combustion?

There is always a bottom line perspective, even for cities. What is Benicia's fiscal bottom line? What does Benicia stand to profit by allowing Valero to run crude from Roseville? And at what cost to human health and safety, not only to the citizens of Benicia, but also the folks who live along the proposed route?

Respectfully submitted by Michael Monasky  
Friday, October 30, 2015  
Elk Grove, California

Kathy Kerridge  
771 West I Street  
Benicia, CA 94510



City of Benicia Community Development Department  
Attention: Amy Million  
250 East L Street  
Benicia, CA 94510

Dear Ms. Million,

The Crude by Rail Project is not only too dangerous for Benicia, it is too dangerous for California, the United States, and the planet. The project should be rejected.

The RDEIR continues to be insufficient. The RDEIR provides a Table listing 103 school sites that are located within 1/4 mile of one of the three UPRR mainline routes from the California border to the Benicia Refinery. These sites include the University of California at Davis, at least 22 high schools with the remainder being middle and elementary schools. These are on the routes claimed by the RDEIR that are most likely to be used by Valero's High Hazard Flammable Trains. However, the RDEIR states that "other routes" cannot be ruled out, such as the "Southern Route" into California from Nevada. No schools are listed that are located along that potential southern route. Of course the RDEIR leaves out entirely schools in other states that are between California and the source of the oil. There is no mention of schools in the Dakotas, Wyoming, Missouri, or any other states that the rail cars could potentially pass through. What are the cumulative risks to schools along the entire route of travel?

Although CEQA requires that potential impacts to school sites from trains carrying flammable gases (like LPG) be analyzed if a school is located within a radius of 1/4 mile from mainline tracks, new evidence from the catastrophic derailments and other accidents that have caused fires and/or spills of high hazard crude oil is showing that a 1/4 mile distance from the tracks would not be protective of children in the event of an emergency such as referenced in the RDEIR and types of accidents that are not discussed, but may cause a similar level of emergency. The RDEIR does not adequately address the multiple threats to safety and health of children attending school sites in close proximity to rail lines. In fact the RDEIR only looks specifically at schools in relationship to new construction or alteration of a facility. The RDEIR says that since there would be no new construction or change of the rail lines there is no significant impact on the schools. The RDEIR does not address the risk of fire or spills when it relates to schools in the same way that it addresses the risk of fire when it relates to wildlife. It does not seem to regard the transportation of these new types of crude oil on trains as a new way to handle hazardous materials.

What would happen if there were a fire on one of these high hazard flammable trains if it were near a school or university? As a former teacher, I am concerned that schools' historic evacuation plans may not address the risks that the Valero Project poses within a 1/2 mile or 1 mile radius of mainline

tracks. Schools have fire drills for a fire within the school, and shelter in place drills for the release of toxic gases, but what would happen in the event of a serious fire started by a crude oil train. We have seen how quickly fires can spread in drought conditions as evidenced by the Valley fire. A fire could be started by a derailment. How would a school get the students away from the area? This is not even touched on by the RDEIR. Do the schools near the track even know of the potential danger? Will they be informed? Will any plan be put in place? The RDEIR is silent.

The risks of these highly flammable trains is not well evaluated. When you read the descriptions of some of the accidents it seems that the train cars ignited even before there was a derailment. On p. 2-75 in the RDEIR there is a description of two train derailments, one Feb.14,2015 and one March 7, 2015, both in Ontario where the crew saw fire behind them, in one case described as a fireball, detached the locomotives and then the trains derailed. In one case the fire destroyed a steel bridge. The RDEIR does not seem to address this problem of igniting train cars at all. What is it about this crude that makes it so explosive? Can that problem be addressed or will it like so many other mitigations be beyond the city's ability to require? How will fires that may start on a train before it derailed or after it derailed impact schools near the tracks?

The RDEIR does not analyze where or not the crude that will be transported is inherently more dangerous than other types of crude. There are no comparisons between the derailment risk with crude oil and the derailment risk with other materials. When looking just at crude oil trains, not rail in general, what is the derailment risk? Has this risk decreased or increased? What is the risk for miles travelled for crude oil trains, not rail in general?

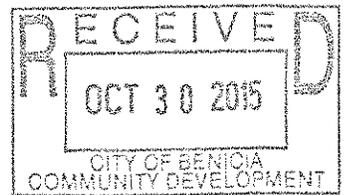
The RDEIR looks at averages for derailments and does not consider the risks of the routes that these trains will be taking. What is the risk of a derailment in Davis when we know there have been two derailments there in recent years? An average risk doesn't take into considerations specific risks in higher risk areas. That needs to be analyzed.

The risks of a derailment and spill of tar sands crude needs to be addressed. What will be used to clean up a tar sands spill? In Michigan over \$1 billion was spent and was not sufficient to clean up the spill of tar sands in the Kalamazoo River. What is a risk from this kind of spill? Who pays for the cleanup? What areas cannot be cleaned up? What new technologies have Valero and the railroads developed since the disaster at the Kalamazoo River? Why doesn't the RDEIR address tar sands, even if it is only to say that a spill can't be cleaned up and will have a disastrous impact wherever it may occur? What is a risk to wildlife with a tar sands spill? What happens with a tar sands spill in a drinking water source? The RDEIR is silent.

The RDEIR continues to be insufficient. Both it and the project should be rejected.

Sincerely,

Kathy Kerridge



**TO: Amy Million**

**SUBJECT: Vote NO on Valero's Crude by Rail proposal**

*Please add my comments to the public legal record on Valero's Crude By Rail Project and incorporate them as part of the review of the RDEIR.*

I strongly oppose Valero's proposal to bring Bakken Crude oil into Benicia by train. The environmental and human impact is highly negative, as proven by horrifying prior explosions. The means of transport is totally unsafe. All people, wildlife, nature in general are at risk anywhere around the path of these unsafe trains, tracks, and the volatile oil.

When we say Benicia is a "Main Street" City, I don't believe we imply a city that is overrun by the oil industry, putting all our lives at risk. I don't believe we mean a city that has very poor air quality, traffic jams due to oil trains, and again, constant danger to anyone living in or visiting our city. Why would people continue to want to move to or stay in Benicia for the good schools when the schools and the town as a whole, are in danger from derailed oil trains?

In short, Valero's proposal flies in the face of common sense, not to mention "derailing" compassion and commitment for the best interests of the people and environment of California and the U.S.

Sincerely,

A handwritten signature in cursive script that reads "Carole Sky".

146 Carlisle Court  
Benicia, CA 94510

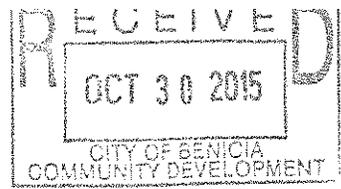
CC:

- 1.) Brad Kilger, City Manager: [bkilger@ci.benicia.ca.us](mailto:bkilger@ci.benicia.ca.us)
- 2.) Amy Million, Principal Planner, Community Development Department: [amillion@ci.benicia.ca.us](mailto:amillion@ci.benicia.ca.us).
- 3.) Planning Commissioners via Brad Kilger and Amy Million
- 4.) Mayor Elizabeth Patterson: [epatterson@ci.benicia.ca.us](mailto:epatterson@ci.benicia.ca.us)

Carole Sky

Page | 1

- 5.) Vice Mayor Tom Campbell: [tcampbell@ci.benicia.ca.us](mailto:tcampbell@ci.benicia.ca.us)
- 6.) Council Member Mark Hughes: [mhughes@ci.benicia.ca.us](mailto:mhughes@ci.benicia.ca.us)
- 7.) Council Member Alan Schwartzman: [aschwartzman@ci.benicia.ca.us](mailto:aschwartzman@ci.benicia.ca.us)
- 8.) Council Member Christina Strawbridge: [cstrawbridge@ci.benicia.ca.us](mailto:cstrawbridge@ci.benicia.ca.us)
- 9.) Benicia Herald Editor: [beniciaherald@gmail.com](mailto:beniciaherald@gmail.com)
- 10.) Vallejo Times Herald Editor: [opinion@timesheraldonline.com](mailto:opinion@timesheraldonline.com)



**TO: Amy Million**

**SUBJECT: Vote NO on Valero's Crude by Rail proposal**

*Please add my comments to the public legal record on Valero's Crude by Rail Project and incorporate them as part of the review of the RDEIR.*

I have been listening and reading both the pros and cons of the Valero's Crude by Rail proposal. There are always pros and cons to every project, but I don't see enough pros to overcome the cons!

NOW there is another con! The following is taken from an article in the Washington Post called "**Deadline for train safety technology undercut by industry lobbying**" By Ashley Halsey III and Michael Laris, October 25, 2015 at 10:13 PM.

*"Until a train barreled off the tracks at 9:26 p.m. on May 12, it had been business as usual on Capitol Hill. Among the bills quietly making their way toward a final vote was one that would postpone by several years a multibillion-dollar safety-enhancement deadline facing the railroad industry.*

*A victory for the railroads, which maintain one of the most powerful lobbying efforts in Washington, seemed all but certain and likely to be little noticed outside of the industry.*

*But at that moment, an Amtrak train hurtling toward New York City derailed in Philadelphia, turning into a tangle of crushed metal that killed eight passengers and injured 200 more.*

*Everyone — including the railroad and federal investigators — agreed that the catastrophe could have been prevented by a single innovation called Positive Train Control (PTC). It's an automatic braking system that federal regulators call "the single-most important rail safety development in more than a century."*

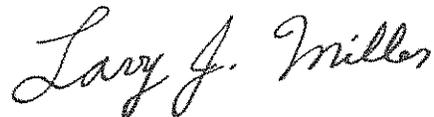
*Now, after a period of reflection and several inquiries, Congress once more is on the brink of postponing the deadline for use of PTC. The proposed delay — until at least 2018 — comes in a new regulatory era for the railroads. Trains filled with volatile natural gas or oil have derailed seven times so far this year, and there is fear that one could cause catastrophic explosions as it passes through a city."*

All over the country as cities find out the real deadly story about the trains transporting volatile crude oil, they are passing resolutions stating they do not want to be a part of it. But that is all they can do.

You can actually do more! We would hope that our representatives will be able to see through all the “smoke and mirrors” in this project and vote “NO” on the rail extension. That is a stronger statement than just a resolution.

Do you really want your legacy to be that you were the one who voted in the project that destroyed a large portion of the town of Benicia and killed some of its citizens? I would think not!

Vote “NO” on the Valero’s Crude by Rail proposal while we still have a town for you to help govern!



Larry J Miller  
146 Carlisle Court  
Benicia, CA 94510

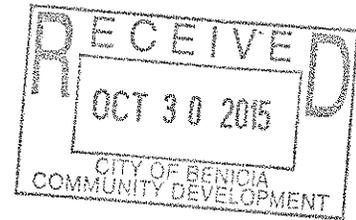
CC:

- 1.) Brad Kilger, City Manager: [bkilger@ci.benicia.ca.us](mailto:bkilger@ci.benicia.ca.us)
- 2.) Amy Million, Principal Planner, Community Development Department: [amillion@ci.benicia.ca.us](mailto:amillion@ci.benicia.ca.us).
- 3.) Planning Commissioners via Brad Kilger and Amy Million
- 4.) Mayor Elizabeth Patterson: [epatterson@ci.benicia.ca.us](mailto:epatterson@ci.benicia.ca.us)
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## Amy Million

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**From:** SmithFamily <smithdandy@aol.com>  
**Sent:** Friday, October 30, 2015 12:13 PM  
**To:** Amy Million  
**Subject:** Crude by rail DEIR comment



Dear Ms. Million,

My name is Dan Smith, and for 20 years my wife and I have owned and lived in a home at 365 Military East, just a couple of miles from the proposed rail terminal.

I strongly oppose the project because I believe history shows that the rail industry is not sufficiently prepared to handle the proposed increased in shipping crude oil by rail. The tanker cars currently in use derail far too often and have exploded more than once, sometimes resulting in loss of life.

Additionally, climate change necessitates that we decrease our dependency on fossil fuel. I admit that I drive a car and use said fuel, but I do not think we should accommodate increased usage and refining with such projects as this one and the proposed XL pipeline. I would rather take the bus.

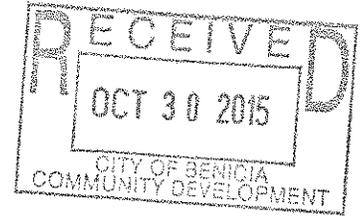
I served on the Benicia City Council and Economic Development Board and am well aware of our city's dependency on taxes from Valero. This does not mean, however, that we should increase the health risks posed by having a refinery in town, just to protect their profits and our tax base. Safety of our citizens should be the City's number one priority. If people believe we need this project to adequately fund our police and fire departments, perhaps we should consider contracting with the county for these public safety services, rather than taking unnecessary industrial risks.

Sincerely,

Dan Smith

SmithFamily  
smithdandy@aol.com

FRED MILLAR, Ph.D  
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ARLINGTON VA 22204



TEL: 703-979-9191 e-mail: fmillarfoe@gmail.com

No doubt because of strong criticisms commenters raised regarding the earlier Draft EIR, this Revised DEIR for the Benicia Valero Crude by Rail Project in fact **has remedied some of the most glaring defects** of the earlier document. But there are still several issues with the RDEIR's presentation of the validity and reliability of its Quantitative Risk Assessment [QRA, also known as PRA and in transportation as TRA] methodology that raise serious concerns for citizens and officials. The inherent and large uncertainties in the methodologies employed are great, but they get only pro forma and meager attention, the caboose to the speeding train of the current RDEIR presentation, so to speak.

First one should put in perspective that the whole QRA presentation in Appendix F and in the overall RDEIR is only one major component, although a key one, of the overall public comment and public official decision process involved in approving or not the Valero Crude by Rail [CBR] Project. Citizens and public officials must take make, on the basis of the information on major crude oil release accident consequences and probabilities, an overall calculation of costs and benefits of alternatives, and finally public officials must make a decision on what is termed in chemical risk discussions the "tolerability of the risk."

Even if the locality may not demand major changes in mainline rail operations because of federally preemptive laws protecting railroads' decision rights to operate as they will, **the locality has considerable leverage over approval** of the fixed facility for unloading the crude oil trains for refinery use. Most jurisdictions in the US, and in fact most nations, have no federal "risk tolerability" standards, although some in Europe are beginning to discuss these.

**The RDEIR's QRA presentation is clearly designed to impress** readers as if it were so wide in scope and technically sophisticated that its validity is beyond question.

In fact, however, there is a flood of **un-transparent engineering judgments and key assumptions** throughout the document which mainly remain out of sight and unacknowledged, so the authors' results are virtually unaccountable to any real scrutiny. The RDEIR, like the earlier document, relies on the MRS and Barkan consultants' "black box" proprietary risk models and proprietary data from industry sources, so it yields an analysis which is in key aspects un-transparent and unaccountable.

Citizens and officials need some way of evaluating the RDEIR's analysis and conclusions. Unfortunately the current document is difficult to assess, at least without one's own pricey consultant, but at least there are some useful sources that can assist citizens to appreciate **the need for an appropriate level of skepticism regarding the seemingly ultra-scientific RDEIR's QRA calculations and conclusions.**

All QRA practitioners surely know, even if local officials and agency professionals cannot be expected to, the blockbuster **2004 "Benchmark report" from the European Commission** that showed how different prominent QRA methodologies in use worldwide can lead to **astonishingly large differences** in accident risk estimates [key calculated risk results sometimes varying 10 times, 100 times, or 1000 times smaller or larger], and how a large range of uncertainties can impact such calculations. [See End Note 1]

The City's consultant Professor Christopher Barkan from the University of Illinois Urbana Champaign's RailTec Institute, is the leader of a virtual railroad industry research shop, whose graduate students and professors draw financial support and copious amounts of rail road data from BNSF Railroad and the Association of American Railroads, as they readily credit in their published reports. Barkan's report [Attachment 1 in Appendix F of the RDEIR] lists some caveats only pro forma, briefly and at the end of his report [p. 12], in part to blunt the critics who would doubt that his predictions of very low probability for Crude By Rail accidents can be true given the ongoing oil train accidents in 2015:

#### 4.5. Caveats

*The nature of risk analysis is that even if an event has a low likelihood of occurring, there is no guarantee that it will not. For example, even if the estimated probability of an event is 0.01, i.e. one in one hundred, corresponding to an expected interval between occurrences of 100 years, such an event could still happen in the near future, and in fact multiple events are possible within that time period. Such an occurrence would not mean that the risk analysis was incorrect, instead it may be due to two factors, the laws of chance, and uncertainty in the statistics. It is important that readers understand this and that statements to this effect be included in reports used to describe the results of analyses of this nature.*

From well-known American sources, since the RDEIR often cites the US chemical industry's Center for Chemical Process Safety at the American Institute of Chemical Engineers [CCPS and AIChE] <http://www.aiche.org/ccps> as the authoritative experts on the still-developing QRA methodologies, **we will cite some information and excerpts from the multi-year series of CCPS Guidelines books [for use by corporate and large chemical facility management] to underscore some of our concerns about the RDEIR.**

This review of CCPS guidance will also suggest that there are simpler and much less expensive risk assessment methodologies that the City could have chosen to assess the risks of the proposed project.

In fact, even US DOT's Pipeline and Hazardous Materials Safety Administration, in its 2014 Draft Regulatory Impact Analysis for its rulemaking on High Hazard Flammable Trains [crude oil and ethanol unit trains, HHFT] **explicitly chose not to use a full-blown QRA.** DOT used instead more of a semi-quantitative "consequence" approach -- based on a thorough analysis of recent Crude by Rail accidents, and not relying on overall rail accident rates for all freight traffic, since CBR is a different animal which has posed new disaster risks.

DOT's analysis nonetheless led to sober predictions of serious societal costs in likely future HHFT accidents and also usefully to DOT consideration of needed regulations for mitigations to reduce accident severity risks seen as significant.

See the DOT's Final Rule, the inadequacies of which the City's RDEIR does not take into account, at :

<https://www.transportation.gov/briefing-room/final-rule-on-safe-rail-transport-of-flammable-liquids>

**A. The City of Benicia in its RDEIR chose and leans heavily on a QRA method to evaluate Crude Oil Train release risks [assessing both consequences and probabilities] and seemingly feels the need to present this choice in exaggerated fashion, asserting that QRA represents some broadly accepted industry standards and government standards:**

1.

Regarding the City's assertion that QRA is some kind of state-of-the-art and widely used **government** standard for risk assessment, it seems true that there are several California jurisdictions that have used QRA methods to meet CEQA requirements to evaluate proposed high-risk projects, and arguably the City is legally free to use any method it chooses, namely in this case the same methods used in Santa Barbara:

***"4.0 Significance Criteria [Appendix F, p. 38]***

*As defined in California Environmental Quality Act (CEQA) Guidelines Appendix G (the Environmental Checklist Form), a project could result in a significant safety effect if it "create[s] a potential health hazard or involve[s] the use, production or disposal of materials which pose a hazard to people, animal or plant populations in the area affected." The purpose of this study is to address the first two items in the CEQA Guidelines checklist for hazards and hazardous materials. These two items are:*

*a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials;*

*b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;*

***California does not have a defined process to address these two items from the CEQA checklist. Santa Barbara County adopted Public Safety Thresholds in August 1999 which established quantitative risk-based criteria that have been utilized by various state and local agencies, including the California Coastal Commission, the California State Lands Commission, the County of San Luis Obispo, Los Angeles County, City of Carpentaria, City of Whittier, City of Huntington Beach, etc. Therefore, the Santa Barbara County thresholds have been applied.***

2. The City tries here to slip in an overall judgment of **risk tolerability [a separate decision outside the scope of the RDEIR]** into this technical discussion of what, in the technical Santa Barbara risk assessment methodology it has adopted [most likely without public discussion], might be considered a “significant” risk within the CEQA law’s mandate of which risks bear detailed analysis:

*“The thresholds provide specific zones (i.e., green, amber, and red) on a risk profile curve to guide the determination of significance or insignificance based on the estimated probability and consequence of an accident. In general, risk levels in the green area **would be less than significant and therefore acceptable**, while risk levels in the amber and red zones would be significant. Risk profiles plot the frequency of an event against the consequence in terms of fatalities or injuries; frequent events with high consequence have the highest risk level.*

*The criteria used in this analysis are based on the potential risk associated with the crude by rail operations (operations at Refinery and along the UPRR mainline routes). Therefore, **an impact would be considered significant** if any of the following were to occur:*

- *Be within the amber or red regions of the Santa Barbara County Safety Criteria;*
- or*
- *Non-compliance with any applicable design code, regulation, NFPA standard, or generally acceptable industry practice.”*

In fact, full QRAs are still not widely used in the US, in part because of very high costs. And tellingly, the lack of reliability of the QRA approach is illustrated in the fact that in the earlier Draft EIR, the City found key Crude by Rail safety risks to be “insignificant”, whereas now in the RDEIR these are characterized as “significant, but unavoidable” [for lack of identified risk mitigation measures that the City can order or create].

3. A full QRA, as the RDEIR states, has quite ambitious goals and wide scope:

*“The main objective of the QRA is to assess the risk of generating serious injuries or fatalities to members of the public, to assess the risks of spill events, and to develop mitigation measures that could reduce these risks. The development of the serious injury and fatality aspects of the QRA **involves five major tasks:***

- *Identifying release scenarios;*
- *Developing frequencies of occurrence for each release scenario;*
- *Determining consequences of each release scenario;*
- *Developing estimates of risk, including risk profiles;*
- *Compare the risk level to the significance criteria; and*
- *Developing risk-reducing mitigation measures.” [p. 39]*

In fact, it is extremely difficult to imagine responsible scientists doing all these kinds of sophisticated calculations **without even knowing exactly what kind of hazardous cargoes** one is dealing with. “Crude oil” is a federal classification term covering broadly differing kinds of mined oil which can still be shipped in the federally-approved [inadequate] DOT-111 tank car. Various crudes [Bakken, tar sands, etc] are apparently possible for future shipments to Benicia Valero.

The official US government position is that, at least as oil industry representatives gleefully characterize it in opposing new strong federal regulation of Crude by Rail, “the science is still out” on what are the exact chemical and physical compositions, properties and behavior of various types of crude oils in transportation. The Department of Energy’s Sandia National Labs just in 2015

issued a beginning survey of the literature and proposes a 10-year research program to get usable results:

*“The report represents the most comprehensive survey of existing, publicly held data and analysis on the chemical and physical properties of tight crude oils completed to date. This survey helps to inform understanding of these characteristics, and in doing so provide context for ongoing efforts to ensure the safety of crude oil transport. Here’s what we found:*

*The report confirms that while crude composition matters, no single chemical or physical variable -- be it flash point, boiling point, ignition temperature, vapor pressure or the circumstances of an accident -- has been proven to act as the sole variable to define the probability or severity of a combustion event. All variables matter.*

*There is some statistical evidence to suggest that Bakken crude has a higher true vapor pressure than other crude oils, however, the report identified a wide range of ways in which Bakken crude oil samples have been measured. Available analysis of tight crude oil does not provide the necessary data or conclusion to enable meaningful comparison with other crude oil. The report recommends additional research to identify the best way to collect and compare oil samples, while developing correlations between a particular property or set of properties and the likelihood or severity of rail transport-related combustion events.*

*The report is an important step in developing a more complete, science-based understanding of outstanding questions associated with the production, treatment, and transportation of crude oils. **We are also working on an experimental plan that should give us more information on the correlation between certain oil properties and transportation safety.**”*

<http://energy.gov/fe/articles/sandia-national-laboratories-releases-literature-survey-crude-oil-properties-relevant>

4. The City has also asserted that the QRA methodology adopted in the RDEIR [among the many possible QRA methods outlined in the CCPS Guidance books] is a “**commonly accepted industry standard**”, citing CCPS and HSE :

## **5.0 Risk Analysis [Appendix F, p. 39]**

*“The Project would result in the construction of new facilities that could lead to increased fire and explosion hazards at the Refinery and along the railroad routes to the Refinery. In assessing the level of public risk associated with these hazards a quantitative risk assessment (QRA) was conducted for both the new rail facilities at the Refinery as well as for the various mainline rail routes to the Refinery.*

*A QRA involves evaluating risks presented to the public by **a facility or transportation operation** in the form of hazardous materials releases resulting in explosions, flammable vapors, or toxic material impacts. A QRA was used to evaluate the risks associated with **the transport of crude by rail along the main rail lines** between the Refinery and the Roseville Yard and the three mainline routes to Oregon (1 route) and Nevada (2 routes), and for **the rail operations that would occur at the Refinery.***

*The QRA analyzes the risks of immediate human safety impacts presented by these operations on nearby populations. **The assessment follows commonly accepted industry standards including the recommendations of the Center for Chemical Process Safety (CCPS), and the Health and Safety Executive of the United Kingdom.**”*

But in Section 6.0 References, only one narrowly-focused UK HSE 2004 research report from an industry consultant [“Development of a method...” is grandiosely presented as an “industry standard”, and the “recommendations of the US AIChE CCPS” are cited as originating in five quite dated CCPS Guidance documents from the Last Century, the most recent being from 1996.

CCPS typically asserts its scores of “Guidelines” series books are efforts to pull together current data and information on various chemical industry safety risk topics, and their publisher Wiley says they are written by teams of experts and peer reviewed, but intended to create only “**a foundation document for industry development and application**” of e.g., **risk tolerance criteria** [“Guidelines for Developing Quantitative Safety Risk Criteria” August 2009].

**The CCPS books explicitly do not represent any formal industry standard** and often show how corporations or facility management might utilize many various

kinds of methodologies for assessing and reducing risks without adopting any [as if CCPS as a voluntary membership organization could do so] as an industry standard, not even those adopted by American Petroleum Institute or the National Fire Protection Association or the American Association of Railroads [AAR] as voluntary consensus standards.

“CCPS has set the following Goals, as stated in the 1993 CCPS annual report:

- **Establish and publish the latest scientific and engineering practices (not standards)** for prevention and mitigation of incidents involving toxic and/or reactive materials
- Encourage the use of such information by dissemination through publications, seminars...”

[CCPS “Guidelines for Chemical Transportation Risk Analysis”, 1995, no longer offered separately on CCPS website but which is augmented by the 2008 Guidelines book on transportation risks and available on that book’s accompanying CD-ROM] [See Endnote 2]

B.

While CCPS has in recent years been a strong proponent of QRA methodologies for corporate and facility management risk assessment in both facilities and transportation sectors, **CCPS also has regularly highlighted the limitations of the techniques and specifically that it has hardly been used at all in transportation.** This is seen most explicitly in the earlier CCPS Guidelines, but there is no indication in the later volumes that the situation has improved markedly.

The earlier 1995 CCPS “Guidelines for Chemical Transportation Risk Analysis”, [augmented only later by 2008 CCPS Guidelines for “Chemical Transportation Safety, Security, and Risk Management”]:

1. CCPS began its “Guidelines” series in 1985 focused on describing “qualitative tools for identifying, assessing and reducing process hazards.” [p. xi] and it later focused most effort on Quantitative Risk Analysis [QRA] as with its 1989 Guidelines fixed chemical facilities.

Reflecting widespread public and official concerns, in 1995 it turned some attention to chemical transportation ["hazmat"], in its "Guidelines for Chemical Transportation Risk Analysis" [TRAs]. The Preface clearly identifies three major approaches to measuring chemical risks: qualitative, semi-quantitative, and quantitative [p. xii], but emphasizes that it does not discuss how to evaluate the qualitative or quantitative risk results and how to determine if the risks are tolerable [to company management] or if improvements need to be made." Transportation risk estimates are only "one of the important pieces of data required to make decisions on management of the risks of hazardous materials transportation." [p. xii]

2. The 1995 Guidance highlights early on [pp. 28-29] some notable "limitations" of qualitative TRAs, but even more for quantitative TRAs. "[T]he major limitations of any TRA are related to uncertainty... Quantitative TRAs ... have uncertainties that can span one or two or more orders of magnitude." [i.e., the risk results estimated can be 10 times greater, or 100 times or 1000 times higher or lower.] [see Benchmark Report discussion in Endnote 1]

The TRA methodology itself [pp. 29, 31] is in its infancy regarding its use in the US:

***"[N]o systematic requirements for TRA currently exist in the US for the chemical process industry. Various communities are using TRA approached to understand risk levels or help with route restrictions, but as yet there are no equivalents to the risk management program requirements enacted by many states for fixed facilities" [more accurately, by a few states and nationally by the Clean Air Act Amendments of 1990, section 112 r and with US EPA implementing regulations.] ... [A] number of companies do conduct QRAs and a few have clear risk policies and targets... Only a very few large detailed studies have been published... but there is very little sharing of results...***

**Where TRA is applied quantitatively, there is no consensus at this time over the appropriate risks measure or measures to be used.**

3. ***“The overall role of uncertainty is very important to keep in mind, however, regardless of whether the TRA was qualitative or quantitative.”*** [p.34]
4. ***“Risk targets have been established by several governmental agencies and companies for in-plant risks; however there are very few such targets for transportation risks.”*** [p. 34] Some are only “proposed” [emphasis in original] for use in the UK by an advisory committee in 1991.
5. ***“A few companies are starting to work with targets for transportation risks”, but the potentials for risk reduction “can be difficult in transportation”, because of high costs*** [p. 34]. [One potential cost might be for signal systems installed, which sometimes can reduce human error.” [p. 66]
6. This CCPS Guidelines speaks directly to key data used in the RDEIR: rail accident reports and rail volumes by track class], in pointing to issues regarding “2.2.6 Confidence in Data” [pp. 72-74], for example: **“There is a high degree of uncertainty regarding the breakdown of railroad traffic volume (train and car-miles) by track class. Therefore accident rates by track class are highly uncertain.”** **“Many [railroad-supplied] reports of transportation releases are inadequate for risk assessment purposes.”**[p 113] .
7. CCPS documents emphasize the role of researchers’ key engineering **“judgments”** throughout the TRA process, e.g, for selection of possible spill scenarios [p. 118], ignition probabilities [p. 125] And key researcher **“assumptions”** are involved in calculating on-road populations and selection of route segmentation.[pp. 121-123], likelihood of an explosion [p.130], likelihood of a BLEVE [p. 136]

8. Ironically, given the complete pretense of regulation in the current US law that allows the railroads complete secrecy and flexibility in analyzing and selecting routes, the CCPS's case study of a Rail Risk Assessment [Section 7.3, pp. 273ff] focuses on using TRA as a way to select the least dangerous route for a chlorine tank car [only one in a train], so a company can use this "as one factor in considering which supplier to choose". CCPS mentions **no actual examples of any company using this kind of analysis**. Even if a few have been done, none is apparently available in the public domain. The QRA on routing "identified the significant contributors to [accident] risk", but CCPS says "[No company] decision is likely to be based on risk alone. Costs, reliability of supply,, and other factors will be important additional considerations." [ p. 284]

C.

**CCPS has been cautionary in highlighting the need to reserve full-scale QRA for "the toughest" [corporate or facility] management decisions [not the same as political decisions]:**

In Chapter 5 of the CCPS "Guidelines on QRA" [2008] on QRA [pp. 71-72], CCPS states:

*"[A]s is common industry practice, the escalation to a QRA should be used sparingly and only for the toughest risk management problems. Simpler techniques ... should be exhausted... to the fullest extent. [Some reasons for a company management to commission a full QRA include when] :*

- *Decisions cannot be made or there are unanswered questions/issues*
- ...
- *A cost-benefit analysis of the relative difference between options needs to be evaluated."* [pp. 71-72]

**CCPS [p. 75] underscores that QRAs are so complex that they "need to be conducted by risk professionals with experience in the methodology, consequence analysis, frequency analysis and interpretation and presentation of risk results."**

**“The risk analyst is dealing with risk estimates, and ... it is essential that the potential extent of uncertainty or key assumptions that are a major influence on the risk results be known and understood.”**

**Sharp “questions should be asked about the data, its availability, suitability, level of confidence, how the results will be interpreted, are the data detailed enough to justify predicting the desired consequence levels (e.g., fatalities, injuries, evacuations, environmental, economic)?” [p. 77]**

**...“If only generic accident data are available,. Pick them carefully and ensure that they apply reasonably well to the situation being analyzed.”[p. 78]... Consequences [of flammable releases] can include Vapor Cloud Explosion , BLEVEs, pool fire, jet fire, flash fire....[p. 81]**

**In section 3.1.4 Uncertainty [p. 91], CCPS again highlights uncertainties: “SRA results are determined using various likelihood databases, consequence models onsite and offsite population data, and other assumptions. Each of these inputs has limited accuracy, therefore, there is uncertainty associated with risk assessment results... All inputs and assumptions should be documented. Risk estimates should not be treated as exact measurements, but as a best estimate of the risk level.”**

**“The greatest value [of QRA] is in providing a relative risk comparison (for the corporation, business, or operation) so that priorities for action can be set.”**

**D.**

**The City asks the reader of the RDEIR to accept two major “Black Box” sets of calculations, in which key assumptions and calculation decisions are left unexamined, and in fact suspect, because they involve proprietary data unavailable in the public domain. One of the City’s consultants, Marine Research Specialists [MRS], uses its own proprietary software for consequence analyses, SuperChems TM model [pp. 15-16]**

**<http://www.ioiq.com/superchems/features.aspx>**

**which may be quite adequate relative to other models, but is proprietary:**

*“ A QRA computer model, developed by Marine Research Specialists, is used to calculate the risk profiles and, in conjunction with Geographic Information System software, to manage the data in accordance with CCPS guidelines for hazard assessments (CCPS 1989).”*

And City consultant Professor Barkan employs an even more interesting [and un-transparent] analysis tool. **Barkan touts his use of a “unique combination” of FRA data and proprietary Class I freight railroad information** which include all freight rail traffic instead of looking for crude by rail accident data specifically [which are sparse]:

*“APPENDIX A.1. Derailment Rate Analysis Database and Methodology The accident database used to develop the statistics for this risk analysis is comprised of a unique combination of Federal Railroad Administration and proprietary Class 1 freight railroad information. The data used to calculate the rates are not limited to trains shipping crude oil; instead they include traffic, infrastructure and accident data for all freight trains operating on U.S. Class 1 railroads. Proper estimation of train accident rates involves analysis of all reportable accidents, divided by the total amount of traffic. By accounting for specific physical and operational conditions where accidents occurred and the amount of rail traffic operating under these same conditions, more refined, accurate estimates of the derailment rate can be developed. The data and analytical method used provides a more robust, reliable database for estimating rail accidents and derailments than is possible using historical accident data for particular segments along an individual route. Following is a more detailed explanation of the data and methodology.” [p. 13]*

The RDEIR overtly overstates the validity of its models:

*“Performing state-of-the-art hazard assessment requires a combination of sophisticated analytical techniques and extensive professional experience. The consequence models used in this analysis are the result of more than two decades of development, and they have been validated using large-scale field*

*tests. While a large number of consequence models are available, only a few specific models were needed to assess the hazards identified as part of this study.”*

What this statement obscures is that an extensive search of relevant literature suggests that **none of these still-developing transportation risk models** have been used at all previously, much less “validated using large-scale field tests”, **regarding serious multi-car releases for Crude Oil by Rail unit train cargoes.** [See end note 3] And according to the most prominent North American rail car explosion expert, Dr. A.M. Birk at Queens University in Canada, **there have been no studies [not published or in the public domain on the consequences of such accidents [personal phone conversation, 2014].**

<http://me.queensu.ca/People/Birk/Research/ThermalHazards/bieve/>

[The one exception is a small and narrow, but useful study done – using only liquid flow models, not explosion/fire impact models] on the released burning crude oil liquid flows at Lac-Mégantic in July 2013, the “Rivers of Fire” reported by survivors which accounted for the fire damage observed in aerial photos. See End Note 4.]

- E. The RDEIR blithely ignores the **security issues** in CBR mainline rail transportation or in unloading facilities, even though this concern is completely mainstream in chemical industry and government circles.

See Endnote 2 below, citing the CCSB’s 2008 Guidelines for Chemical Transportation Safety, Security, and Risk Management, 2nd Edition, which has a new 30-pp. chapter. As part of its list of chemical transportation risk topics for industry professionals CCPS now includes:

- ***“Discusses considerations for transportation security, including threat and vulnerability assessments and potential countermeasures***
- ***Summarizes key transportation security regulations, guidelines and industry initiatives.”***

**Two security-related comments** seem most important:

- a. The Benicia-area refineries could be attractive targets for terrorism, as surely a key sector of the US strategic infrastructure in energy resources. And the California routes to those refineries are likewise, and perhaps even more insecurable and vulnerable to potential terrorist attack.
- b. Recent cases in California law [San Luis Obispo Mothers for Peace case] seem to indicate that a **demand that terrorism risks be considered in any serious DEIR process for a new high-risk facility** could be upheld as reasonable.

<http://www.pillsburylaw.com/siteFiles/Publications/839E98B17AA3C8E45D0ADA74928D1108.pdf>

#### END NOTES

1. European Commission Ispra/RISO Research Centers' 1989-2004 Benchmark research reports on Probabilistic Risk Assessment in chemical establishments:

<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.202.7900&rep=rep1&type=pdf> Risø-R-1344(EN)

Assessment of Uncertainties in Risk Analysis of Chemical Establishments  
The ASSURANCE project Final summary report

Kurt Lauridsen, Igor Kozine, Frank Markert Aniello Amendola, Michalis Christou, Monica Fiori May 2002

Authors are from major governmental risk agencies:

• Det Norske Veritas Limited, UK • INERIS, Fr • Health and Safety Executive, Major Hazards Assessment Unit, UK • NCSR DEMOKRITOS Systems Safety and Risk Assessment, GR • TNO, Dept. of Industrial Safety, NL • Università di Bologna, DICMA, IT • VTT Automation, FI • The Joint Research Centre, Ispra • Risø National Laboratory, DK

“Abstract This report summarises the results obtained in the ASSURANCE project (EU contract number ENV4-CT97-0627). Seven teams have performed risk analyses for the same chemical facility, an ammonia storage. The EC's Joint Research Centre at Ispra and Risø National Laboratory coordinated the exercise and led the comparison of results in order to reveal the causes for differences between the partners' results. The results of the project point to an increased awareness of the potential uncertainties in risk analyses and highlight a number of important sources of such uncertainties. In the hazard identification phase it was revealed that the ranking of hazardous scenarios by probabilistic and deterministic approaches could result in completely different conclusions. On the other hand, despite a large difference in frequency assessments of the same hazardous scenarios, there was good consensus on the ranking among the adherents of the probabilistic approach. Breaking down the modelling of both frequency and consequence assessments into suitably small elements and conducting case studies allowed identifying root causes of uncertainty in the final risk assessments. Large differences were found in both the frequency assessments and in the assessment of consequences. The report gives a qualitative assessment of the importance to the final calculated risk of uncertainties in assumptions made, in the data and the calculation methods used. This assessment can serve as a guide to areas where, in particular, caution must be taken when performing risk analyses.

...2 General notes on uncertainty in risk analysis Whereas Quantitative Risk Assessment (QRA) aims at the modelling of stochastic uncertainties associated with the occurrence and circumstances of a major accident, the process itself of carrying out a QRA is linked with several uncertainties. For the implementation of the risk assessment procedure a variety of techniques and models must be used, and uncertainties are introduced due to imperfect knowledge and expert judgement. As QRA is used as input in many decisions related to the control of major accident hazards and the need for accuracy in the results increases, the adequate management of these uncertainties gains increased importance. Risø-R-1344(EN) 5 An important source of differences in risk analysis is introduced by national philosophies underlying the analyst's effort. In addition, the application of different methods and methodologies will

**contribute to the total uncertainty/variability of the final outcome of a risk analysis.** The complexity of establishing a model for the systems derives from the large number of different components, the control equipment used in modern processes and the interactions between all components and equipment, and the human operator. Further, **uncertainty is introduced by the physical modelling tools, as they treat e.g. release and dispersion phenomena, according to the relevant meteorological and environmental conditions.** Uncertainty is also connected to dose-consequences relationships. Finally, there is **uncertainty resulting from the various judgements of the analysts during a risk analysis. This is an unavoidable part of the process, and depends very much on the background and the operational field of the experts.** Other practical constraints (e.g. time and resources) may also result in **different degrees of simplifications, which in turn add to the variability of the results."**

<http://aes.asia.edu.tw/Issues/AES2011/RoyPK2011.pdf>

[http://gnedenko-forum.org/Journal/2008/042008/RATA\\_4\\_2008-13.pdf](http://gnedenko-forum.org/Journal/2008/042008/RATA_4_2008-13.pdf)

5-page report

<http://www.hse.gov.uk/landuseplanning/hseriskanalysis.pdf>

2004 Final Report

2. The most relevant and up-to-date CCPS Guidelines books the City consultants should have cited [as guidance documents only] regarding facility and chemical transportation risks would have been:
  - a. Guidelines for Chemical Transportation Safety, Security, and Risk Management, 2nd Edition  
Published: August, 2008 ISBN: 978-0-471-78242-1 Pages: 166  
<http://www.aiche.org/ccps/publications/books/guidelines-chemical-transportation-safety-security-and-risk-management-2nd>  
*"This CCPS Guideline book outlines current transportation risk analysis software programs and demonstrates several available risk assessment programs for land transport by rail, truck, and pipeline for consequences that may affect the public or the environment.*
    - Provides introductory transport risk considerations for process engineers
    - Gives guidance on route selection, equipment factors and materials

- *Describes transportation security risk issues and industry practices to mitigate them*
- *Includes loading and unloading checklists for several transport modes*
- *Develops specific operating procedures and checklists to reduce human error*
- ***Discusses considerations for transportation security, including threat and vulnerability assessments and potential countermeasures***
- *Summarizes key transportation security regulations, guidelines and industry initiatives.”*

b. Guidelines for Developing Quantitative Safety Risk Criteria [2008]

<http://www.aiche.org/ccps/publications/books/guidelines-developing-quantitative-safety-risk-criteria>

Published: August, 2009 ISBN: 978-0-470-26140-8 Pages: 211

*Written by a committee of safety professionals, this book creates a foundation document for the development and application of risk tolerance criteria.*

- *Helps safety managers evaluate the frequency, severity and consequence of human injury*
- *Includes **examples of risk tolerance criteria** used by NASA, Earthquake Response teams and the International Maritime Organization, amongst others*
- *Helps achieve consistency in risk-based decision-making*
- *Reduces potential liabilities in the use of quantitative risk tolerance criteria through reference to an industry guidance document*

**3. On the unprecedented and unanticipated CBR accident risks of recent unit train operations:**

“When you begin to look at [CBR unit train] cars that are derailling at speeds of 30, 40 miles an hour, it’s very difficult, it’s a big ask, to expect that a tank car get hit [and] not be breached,” Karl Alexy, staff director of the Federal

Railroad Administration's Office of Safety, said in the April 22-23 2014 National Transportation Safety Board's Safety Forum on Rail Transportation of Crude Oil and Ethanol .

[http://ntsb.capitolconnection.org/042314/ntsb\\_archive\\_flv.htm](http://ntsb.capitolconnection.org/042314/ntsb_archive_flv.htm)

Former FRA Administrator Joseph Szabo has publicly stated that the transcontinental unit train movement of crude oil from North Dakota and other places is a "game changer," requiring the agency to **rethink everything it has done and known in the past about rail safety.**

**4. Proceedings of JRC2014 Joint Rail Conference**

April 2-4, 2014, Colorado Springs, CO, USA

Lac Megantic Consequence study UIUC 2014

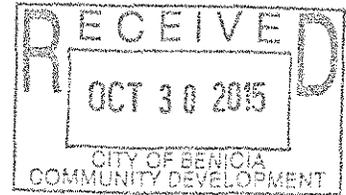
<http://ict.uiuc.edu/railroad/articles/Files/Conference%20Proceedings/2014/JRC2014-3851.pdf>

JRC2014-3851 DRAFT

FLAMMABLE LIQUID FIRE CONSEQUENCE MODELING

RE: Valero Crude by Rail Revised Draft Environmental Impact Report (RDEIR)

James Egan, MD  
836-B Southampton Road, #271  
Benicia, California 94510



October 30, 2015

Principal Planner, Benicia Community Development Amy Million  
City Manager Brad Kilger  
Planning Commissioners: Oakes, Birdseye, Grossman, Sherry, Dean, Young and Radtke  
Mayor Patterson, Vice-Mayor Hughes & Councilmembers Campbell, Schwartzman and Strawbridge  
City of Benicia, 250 East L Street, Benicia, CA 94510

**Subject:** Valero Crude by Rail Revised Draft Environmental Impact Report (RDEIR)

Dear Ms. Million, Mr. Kilger, Commissioners, Council Members and Madam Mayor;

Please accept this addition to the Public Comments on the Valero Crude by Rail (CBR) RDEIR. I am a Benician and this is not a form letter.

**Hazards and Hazardous Materials**

“The transportation of hazardous substances poses a potential for fires, explosions and hazardous materials releases.” (DEIR 4.7.2.2)

We are presented with a far more thorough analysis of the risks of crude transportation by rail in this document. It concludes that that the Project would pose a significant, unavoidable hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. This significance is maintained for 50 or 100 car trains composed of the type of tank car that the applicant has proposed to utilize, with both fatalities and injuries projected to achieve a level of significance. Furthermore, the new federally-mandated DOT 117 and 117R tank car designs were studied with the conclusion that “While the updated tank car design reduces the overall risk, the impact would remain significant.”

In the interim since this application was originally submitted to the Planning Commission, recurrent catastrophic accidents involving what are now defined by the Federal government as high-hazard flammable trains (HHFT) focused the attention of federal regulators on preventing similar disasters in the future. The United States Department of Transportation (USDOT) Final Rule on Enhanced Tank Car Standards and Operational Controls for High Hazard Flammable trains was published on May 1, 2015. A number of operational and structural safety improvements have been outlined. Unfortunately, many of these regulations will be phased in gradually over a long period of time. Existing CPC-1232 tank cars, such as those now proposed for use by Valero, will require modification to higher standards, but not until 2020. The use of electrically-controlled pneumatic (ECP) braking systems will not be required until May 1, 2023 for Packing Groups II or III. And then there is the issue of Positive Train Control (PTC).

In 2008 congress mandated the implementation of PTC by most of the U.S. rail network by December of this year. These systems, simply speaking, consist of two components, track monitoring hardware/software and on-board technology translating the transmitted rail information into safe stopping practices. A portion of RDEIR 2.12.6 Section 4.7.6 b (page 2-92) appears contrived to convince us that the Union Pacific Railroad (UPRR) has fulfilled their obligation to install this potentially life-saving technology with the following language: "As required by Federal law, UPRR has been installing Positive Train Control (PTC) on their main rail lines in California. Most of the main line routes between the Refinery and the stateline (sic) that would be used for the proposed project have been upgraded to include PTC." In reality, as reported by the Associated Press on August 8, 2015, "Union Pacific, the nation's largest freight railroad, hasn't equipped any of its 6,532 locomotives with the technology", according to a government report. This was confirmed in a letter to John Thune, Chairman of the Senate Committee on Commerce, Science and Transportation from the President and CEO of Union Pacific Corporation dated September 9, 2015 stating that "We have partially installed (phases one and two) PTC hardware on 4,500 locomotives, out of 6,500". He further estimated that PTC might be fully installed throughout their network by the end of 2018, but that additional time would then be required to test the system before it could be implemented. (And to give you an idea of what "additional time" might mean, consider the wireless Incremental Train Control System on Amtrak's Michigan Line, which was still not completely functional twelve years after it was funded.)

The language of this section of the RDEIR seems designed to mislead rather than inform, as the casual reader will not be aware that both the rail installations and the locomotive components are necessary to provide PTC. This seeming deception casts doubt on the credibility of the remainder of the document.

While I am on the topic of rail safety, none of us should forget that since the date that this Land Use Permit Application was filed UPRR has derailed five train cars and two locomotives in the Industrial Park. "Culture of Safety" is not the expression that comes to mind when contemplating these events.

The transportation of explosive substances is dangerous, and the potentially catastrophic results of derailment or collision of these high hazard trains cannot be ignored as this application is being considered. We should not facilitate the presence of explosive trains in our city until the risks of crude transportation have been reduced to the greatest degree possible. As discussed above, this may require many years.

"Safe" is better than "relatively safe". The later puts lives at risk unnecessarily for the sake of corporate profit. This, by itself, is reason enough to deny the Application.

#### **2.16 DEIR Section 4.11 Transportation and Traffic.**

The RDEIR is negligent in failing to reassess 4.11.3.1.

Every person responsible for evaluating the Project and all individuals making public comments about it should read and re-read Appendix L to the DEIR, the Union Pacific Railroad (UPRR) Statement re: Preemption. It states clearly and defends with relevant federal statutes that if this project is approved "Union Pacific will not agree to any limitation on the volume of product it ships or the frequency, route or configuration of such shipments." In other words, the City of Benicia will have no control over what is

shipped, how it is shipped or when it is shipped. Accordingly, it is recklessly naïve to base the traffic impact of the Project on a wishful thinking best case scenario wherein the trains do not cross Park Road during commuting hours. The applicant may “ask” UPRR to schedule its trains to avoid commuting hours but cannot require them to. Even if UPRR sincerely intends to attempt to honor this request, there is no guarantee that future contractual commitments by the railroad won’t preclude maintaining that schedule.

For this reason, the Significance Criteria should be assessed using the worst case circumstances, for there is no short or long term assurance nor legal prohibition against train crossings during commuting hours becoming standard operating procedure.

According to DEIR Supplemental Report “Draft Transportation Impact Analysis” a single 50 car train crossing Park Road during AM peak hour conditions would create level of service (LOS) declines to level E or F conditions at four of the five relevant nearby intersections. Traffic queuing during train crossings could be expected to back up along Bayshore Road, filling the Bayshore Road exit ramp of northbound I-680 and projecting another 300 feet into the I-680 mainline under worst-case conditions.

The authors of the Draft Transportation Impact Analysis conclude that rail crossing activity during AM Peak Hours would constitute a significant impact on traffic. They outline a single Mitigation Measure based on the project applicant “prohibiting train crossings during the morning periods when traffic volumes are the highest” which would be a violation of federal law. Therefore, the impact of the proposed project on local traffic should be found to be significant and without potential mitigation.

### III RDEIR 4.1: Air Quality

The RDEIR identifies three areas of negative air quality impact that are potentially significant and unavoidable.

The three most likely routes of crude transport from the California border cross nine different air districts. Project-related criteria pollutant emissions of gaseous nitrogen compounds (NO<sub>x</sub>) are projected to exceed thresholds in all of them, and by as much as 1,924% in the case of the Northern Sierra Air Quality Management District (AQMD). These gasses are ground level precursors to ozone, a respiratory irritant that can damage the lungs. Moreover, per Wikipedia, “Exposure to ozone and the pollutants that produce it is linked to premature death, asthma, bronchitis, heart attack, and other cardiopulmonary problems.”

Goal 4.10 of the Benicia General Plan of 1999 is to support improved regional air quality. The world has gotten smaller since 1999 as we have recognized that local actions may have wide-ranging environmental repercussions, and I believe that it is now appropriate to consider a definition of “regional” that exceeds the Bay Area Basin, in keeping with 4.10.A “Coordinate air quality planning efforts with other local, regional and State agencies”.

Approval of a project that has been predicted to have a significantly negative impact on air quality in nine up-rail air management districts would be contrary to the General Plan and should not be considered.

**Benicia General Plan Goal 4.9. To insure clean air for Benicia residents.**

The RDEIR fails to clearly address the local impact of toxic air contaminants released within the City limits that would result from the Project if approved. Section 4.1.5 of the DEIR states that 1.88 tons of reactive organic gasses would be emitted yearly from the new equipment installed at the refinery. These would include benzene, ethylbenzene, toluene, xylenes, hexane and hydrogen sulfide. Additionally, indirect emissions from the Project-related locomotives will release toxic air contaminants including Particulate Matter (PM). According to the World Health Organization "The health effects of PM 10 and PM 2.5 are well documented. *There is no evidence of a safe level of exposure or a threshold below which no adverse health effects occur.*" Those most likely to suffer the acute effects of the contaminants would likely be those closest to the equipment and trains, including refinery workers, employees of nearby businesses and motor vehicle passengers waiting for the trains to pass at the railway crossing. Section 4.1.2.4 defines proximity to emission sources and pre-existing health problems as a criteria for the designation as Sensitive Receptors, but shortly goes on to state that that "There are no Sensitive Receptors within 2,000 feet of any of the project components". These two statements are seemingly contradictory.

The DEIR and RDEIR also fail to take into account the contribution that motor vehicles idling at the train crossing would make to toxic emissions related to the Project. Note that in Table 4.1-3 vehicle exhaust is included in the analysis of air quality impacts during the construction phase, it should also be included in the analysis of the operational phase. Extrapolating the data from Table 3-3 of the Draft Transportation Impact Analysis, and assuming train arrival during peak AM hours (which has to be Assumed due to the UPRR Preemption), a worst case scenario could include a total of around 190 Vehicles idling for as long as the 8.3 minutes required for the train to pass. Expected emissions would include reactive organic gasses (ROG), carbon monoxide, gaseous nitrogen compounds, sulfur dioxide and Particulate Matter 10 and 2.5.

The DEIR and RDEIR fail to specifically address the potential impact of Project-related toxic air contaminants on Benicia and Benicians. By averaging out these emission over the 6000 square mile Bay Area Basin and adjusting for lesser maritime traffic the magnitude of this air pollution in Benicia is obscured. What of the refinery worker whose emphysema is aggravated by these chemicals, the nine-year old queued up at the rail crossing in his Mom's SUV whose asthma is triggered by Particulate Matter, or the business owner down the street whose heart disease is exacerbated by ground level ozone? This document does not speak to them.

Perhaps we can be forgiven for not caring whether the Project has a beneficial effect on the air quality in Gilroy if our eyes are burning in Benicia. In order to comprehensively evaluate this application and to assess whether it conforms to the General Plan, the Commission and Council should be fully educated as to how the project will affect local air quality. That information is not available in the DEIR or the RDEIR.

## Greenhouse Gasses (GHG)

### 2.11.2 RDEIR Section 4.6.5, Discussion of Impacts and Mitigation Measures

Impact 4.6-1: The Project would generate direct and indirect GHG emissions. (Significant and Unavoidable).

Objective IC-4 of the Benicia Climate Action Plan: “Encourage the Valero Refinery to Continue to Reduce Emissions”, is specifically directed at reducing carbon dioxide equivalence emissions. The City of Benicia Strategic Plan for FY2015-2017 also outlines a strategy to “Reduce Greenhouse gas emissions and energy consumption”. The proposed Project is predicted to accomplish the opposite. The project is therefore at variance with expressed environmental goals of the City.

## DEIR Section 5.3, Growth-Inducing Impacts

According to the DEIR and the RDEIR, CEQA Guidelines indicate that an EIR should review “the ways in which the Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment”.

It stands to reason that complete compliance with this Guideline would require an assessment of the net effect of the Project in these areas, assessing both the positive and negative potential outcomes.

The RDEIR again concludes that the small number of permanent, new jobs required by the Project would not be growth-inducing. (Note that the Land Use Permit Application filed by the applicant states that “The project would require up to two additional employees or contractors.”).

Notably absent from the Permit Application, the Project Description or either version of Section 5.3 is any discussion of potential civic economic growth attributable to the Project. Whereas it would have been completely reasonable for the applicant to point out new or enhanced sources of revenue for the City of Benicia attributable to the Project there is a void instead. This suggests that the Project is not expected to significantly increase income to the City, which makes perfect sense when one considers that the Project “will not increase the Refinery’s total crude oil output or result in an increase in the production of existing products or byproducts”(RDEIR2.1.1 ES-1).

In fact, it could be speculated that the Project would actually reduce tax income to the City if, by increasing their profit margin per unit of product as a result of the ability to receive crude by rail, Valero was able to reduce the unit cost of those products in order to better position themselves in the marketplace. (Insofar as sales tax income is generally based on the cost of goods sold, not profit.)

Other potentially adverse economic consequences to the City of Benicia have been brought to light during the process of receiving public comment on the DEIR and the RDEIR.

The State Department of Transportation has written a comment on the DEIR dated July 16, 2014 stating:

“We are particularly concerned with how your project will impact I-680/ Bayshore Road interchange. For instance, the Level of Service (LOS) on I-680 Northbound off ramp degrades

from LOS D to LOS F. Please find ways to mitigate impacts your project may have on this interchange. One possible mitigation measure is an at-grade rail separation at Bayshore Road”.

A Google search of Grade Separation is economically sobering. According to an online article by Mobility Investment Properties, “A project to construct a two-level interchange or overpass will typically cost in the range of \$10 to \$30 million, depending on the type of interchange being constructed”. A document from the Riverside County Transportation Commission in 2008 outlined plans for the construction of twenty grade separations with an estimated total Project Cost of \$980.5 million. I will have to plead ignorance as to whether the State of California has the authority to demand such construction and whether simpler, less expensive alternatives exist, but this potential has to be taken into account when weighing the pros and cons of the Project. It would seem likely that, at a minimum, the time frame for construction projects in the area already planned but not budgeted by the City will need to be accelerated.

Reparations to the up-rail air districts constitute an additional potential Project-related source of revenue loss for the City of Benicia. The RDEIR has identified significant negative air quality impacts in nine air districts between the refinery and the California border. Comments have been received from several of them. The Yolo-Solano Air Quality Management District wrote on July 14, 2014 that “...because the City of Benicia has no authority to impose emission controls on tanker car locomotives it is likely not feasible to mitigate the Project’s emissions directly. However, the City should also look at the possibility of offsetting the Project’s emissions by obtaining emissions reductions from elsewhere in the SFNA. Several regional programs are implemented in the SFNA to incentivize cleaner technologies that can accrue reductions of ozone precursor emissions. These programs could provide opportunities for the City to mitigate the overall impact of the Project in the SFNA.” The word “incentivize” here suggests to me a transfer of funds. Larry Greene of the Sacramento Metropolitan Air Quality Management District also broached the issue of possible off-site mitigation programs, suggesting that the City “require the project proponents to fund cost-effective mitigation to reduce the impact of the project to less than significant levels.” Unfortunately, according to the RDEIR (2-39) any attempt to require Valero to pay a mitigation fee or purchase emissions offsets would represent indirect regulation of UPRR’s rail operations and would be pre-empted by federal law. Does this leaves the City of Benicia, as the Lead Agency, holding the bag for any mitigation fees that result from air contamination of the up-rail air quality districts? The RDEIR, in analyzing the Sacramento Metropolitan AQD’s off-site mitigation fee program, concluded that “...there is no reason based on the plain language of the program why it could not apply to locomotive emissions or require the payment of a fee.” Letters of concern have also been received from the Feather River AQMD, Placer County Air Pollution Control District, Shasta County Air Quality Management District, and from the Town of Truckee. Is it possible that through mutual agreement or judiciary intervention the City could end up paying long-term reparations to all of the air districts that would be affected by approval of this application?

Another potentially negative result of approving plans for a 24/7/365 oil transfer station in the Industrial Park is its possible chilling effect on the City’s expressed desire to further develop the Industrial Park and the nearby open residential property as a means of increasing and diversifying future income streams. Benicia is a short distance from what has become the technological center of the country, if not the world, is it unimaginable that we could tap into that resource somehow? Beyond that, people are commuting to San Francisco from great distances. By car and ferry it is about 75 minutes from Benicia, and for an hour of that time you can work on your laptop, read the paper, or have a Bloody Mary if you have that sort of job. Housing produced by an environmentally sensitive developer should have appeal, as housing costs are rising and availability is falling progressively east of San

Francisco. But would any of these potential attributes to the local economy really want to settle themselves next to a noxious, toxin-emitting oil transfer station with fifty-car potentially explosive trains tying up local traffic twice daily? Approval of the Project application could conceivably limit the City's future options in the Industrial Park.

Before the ink had dried on Measure C, the City Finance Director presented a General Fund 10-Year Forecast predicting that the City's reserves could drop to only 5% of revenues in ten years, with budget deficits beginning in Fiscal Year 2019-2020. The added impact of expenses such as those posited above and impairment of future civic revenue sources would undoubtedly accelerate this process. The Commission and the Council should fully weigh these possibilities before acting on the Land Use Application.

### **Conclusions:**

The Commission and Council have before them a Land Use application which, if approved, may directly result in significant and unavoidable negative environmental impacts in at least four areas: Hazards and Hazardous Materials, Air Quality, Biological Resources and Greenhouse Gas Emissions. At the same time the Project would unnecessarily expose residents of the City of Benicia to the risk of immolation by exploding High Hazard Flammable Trains. Approval of such a plan would be contrary to the best interests of the City expressed in the Benicia General Plan and the Benicia Climate Action Plan and could propel us toward bankruptcy due to necessary infrastructure improvements, required reparations to up-rail air districts and compromise of the future commercial development of the Industrial Park.

Is there any possible reason that an objective person would favor approval of this application?

There is only one that I can see, and that is the possibility that the Refinery would close if the Project was not approved. That is the rarely voiced but omnipresent trump card for approving the Project, so it is reasonable to consider the likelihood of that event, although it is an uncomfortable area to broach.

### **Consider:**

- Valero leadership has never, to the best of my knowledge, publically stated that it will close down or sell its Benicia refinery if the Project cannot be completed, although officials of the company have had opportunities to respond to that question directly.
- Valero Energy and the Benicia Refinery are actually doing quite well within the status quo. As reported by the New York Times, Valero's refining segment generated \$2.2 billion in operating income in the second quarter of 2015, twice as much as same quarter in 2014. Operating income in the U.S. West Coast Region, which includes the Benicia and Wilmington refineries, was \$295 million, compared with \$24 million for 2014. The operating income per barrel was \$11.23, the highest of its four regions. I'm no economist but these don't look like the kind of numbers that would make you want to push away from the table.

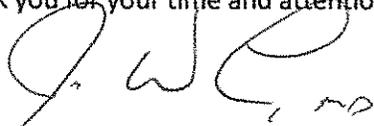
- Valero Energy recently announced that by the end of the year it will have five refineries processing 100% North American crude with the completion of the Endbridge Line 9B Pipeline project which will carry tar sands oil from Alberta to the Jean Gaulin refinery in Quebec. From the standpoint of the parent corporation, will this reduce the relative importance of rail delivery of North American crude to Benicia? (Admittedly this idea blurs the line between speculation and wishful thinking.)
- Valero Benicia recently held a thoroughly publicized (Front page above the fold!) groundbreaking for a new 42,210 square foot maintenance facility and a 15,700 square foot laboratory at the refinery site. This suggests an ongoing commitment by Valero Energy to the Benicia Refinery.

For these reasons and the fact that the refinery is favorably positioned geographically to continue supplying a substantial proportion of California's and the Bay Area's California Air Resources Board (CARB)-approved gasoline, in addition to its other products, I believe the likelihood of Valero Energy Corporation abandoning its Benicia Refinery to be extremely low, regardless of the outcome of its application before the Planning Commission. The possibility of sale of the facility to another energy corporation cannot be ignored, but would not be expected to produce the negative economic consequences of an abandonment.

Therefore, I believe that the application should be judged completely on its own merit or lack thereof.

Please vote to deny the Land Use Permit Application Crude by Rail Project.

Thank you for your time and attention,

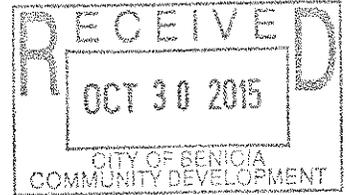


James Egan, MD.

## Amy Million

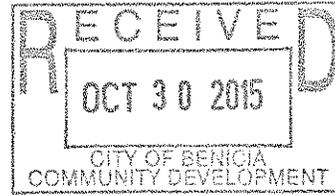
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**From:** Robert Segerdell <bsegerdell@gmail.com>  
**Sent:** Friday, October 30, 2015 12:31 PM  
**To:** Amy Million  
**Subject:** Valero



We fully support the Valero transportation issue. It is the only way that makes sense.

Via email to:  
Amy Million, Principal Planner  
Community Development Department  
250 East L Street  
Benicia, CA 94510  
[amillion@ci.benicia.ca.us](mailto:amillion@ci.benicia.ca.us)



From: Charles Davidson. Hercules CA 94547

Re: The City of Benicia's Revised Draft Environmental Impact Report for the Valero Benicia Crude-by-Rail Project

Dear Ms. Million,

I oppose the Valero Crude by Rail Project and their Revised Draft EIR for the following reasons, submitted below. Outstanding is Valero's use of the term "Alaska North Slope look-alike", which is to hide and obscure the unusual and extreme qualities of crude that Valero desires to bring to Benicia.

I will quote Communities for a Better Environment's statement and a previous legal outcome about processing heavy crudes, because its has direct implications for the intentional obfuscation of crude oil quality presented in the Benicia Valero Crude by Rail Project Revised Draft Environmental Impact Report (EIR):

"In *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, the First District Court of Appeal specifically rejected an EIR for a refinery project that failed to disclose detailed information about the crude slate that a refinery was already processing compared to the crude slate it would process if the project under consideration were approved. The court stated that "the EIR fails as an informational document because the EIR's project description is inconsistent and obscure as to whether the Project enables the Refinery to process heavier crude".

According to Valero, the North American crude mixtures that they plan to process will be "Alaskan North Slope (ANS) look-alikes or sweeter," and will replace similar crudes that are currently delivered by ship. In a similar vein, Valero claims that they will blend crude imports to stay within "the yellow box in Figure 3-8" of the Draft EIR, which demarcates the ranges of sulfur content and API gravity permitted under Valero's BAAQMD permit. (Draft EIR at 3-13 to 3-14.)

Specifically, the Valero Crude by Rail project RDEIR declared that: "Valero has publicly stated that, when the Project is constructed and operational, Valero plans to purchase relatively light sweet North American crudes." This light sweet crude, however, is only half of the feedstock that Valero plans to import, while the other half will be such heavy and sulfurous crudes that would singularly be the heaviest

and sourest of all global crudes.

Thus, Valero is stating that its Benicia CBR Project is to bring in by train North American Crudes, that can only be either or both very heavy solvent-diluted Canadian tar sands bitumen (DilBit) or very lightweight Bakken North Dakota crude oil. Thus, the Alaska North Slope (ANS) "look-alikes", would conceivably exist within a narrow weight and sulfur range and still be some mixture of DilBit and Bakken crude. These two North American crudes, at exactly the opposite ends of the weight and sulfur spectrum, could be and would be the only crude by rail (CBR) deliveries to Northern California that could be delivered in significant amounts, as intended by Valero. This prospect also rules out, for Valero, authentic ANS and foreign crudes are delivered by ship and California crude can be delivered by pipelines to certain refineries.

Most importantly, Valero's proposed ANS "look-alike" terminology obscures the profound chemistry differences between Alaska North Slope crude, on one hand and their special mixture of tar sands DilBit and Bakken crude, on the other. This is the crux of my critique of the Valero CBR Project:

In contrast to Alaska North Slope Crudes, DilBit has much higher proportions of toxic heavy metals and petroleum coke precursors. Thus, if DilBit and Bakken crude were combined in approximately a 50%/50% (1:1) mixture, the heavy metal content and petcoke production levels would still far exceed ANS crude levels of these, although the API density and sulfur content could conceivably be similar to ANS crude. In other words, the mixture might look and smell like ANS crude, but its complex chemistry will be far different, with numerous ramifications and potential negative consequences.

These negative ramifications of using Valero's proposed ANS "look-alike" crude, composed of a DilBit/Bakken mixture are several-fold and listed below:

- 1) Petroleum coke, i.e. PetCoke, is produced in abundance when refining bitumen or DilBit. PetCoke is composed of very high molecular weight complex hydrocarbons, called asphaltenes, which are highly adhesive and make DilBit very difficult to process into gasoline. This complicates refining bitumen and translates directly into a significant increase in refinery greenhouse gasses due to the extreme processing for breaking down asphaltenes into smaller molecules, like gasoline.

These extreme processing needs requires Valero to produce a) extra refinery-produced hydrogen, that was increased by over 10% in the Valero Improvement Project, in addition to b) higher furnace temperatures (that are needed to liquefy and then thermally break down the asphaltene molecules). Thus, the Valero CBR Project and the Valero Improvement Project, when combined, will significantly increase Valero's refinery GHG production. The refinery will also be using an increase throughput of natural gas to accommodate these aspects of bitumen refining.

2) Bitumen, having an API weight of 8, is nearly a solid without the addition of either a) greater amounts of heat or b) significant dilution with lightweight hydrocarbon solvents. It is this high molecular weight bitumen that will still be processed at Valero if the CBR project is approved, despite its being dissolved first into DilBit. Valero's CBR imports of lightweight Bakken crude will also be used to function as a DilBit solvent in order to create their so-called ANS "look-alike" that is nothing like ANS crude. To understand bitumen weight and density in perspective to ANS crude, the comparison is described below:

Unconventional oil, defined in Section 3, can be produced from three distinct resources. First are the heavy oil/extra heavy oil reservoirs like the Kern River Field in California and the large fields on the North Slope of Alaska. Most of the heavy oil being produced from these reservoirs has an API gravity between 10°-20°. Second are the oil sand reservoirs like the Athabasca region in Alberta, Canada and the Uinta and Paradox Basins in Utah. The bitumen associated with oil sands typically has API gravities of 10° or lower. Third are the oil shale deposits, which are located predominantly in the western United States. The kerogen impregnated in the shale has an API gravity of less than 10°.

**P. 78. A Technical, Economic, and Legal Assessment of North American Heavy Oil, Oil Sands, and Oil Shale Resources In Response To Energy Policy Act of 2005 Section 369(p)** Work Performed Under DE-FC-06NT15569. Prepared for U.S. Department of Energy Office of Fossil Energy and National Energy Technology Laboratory

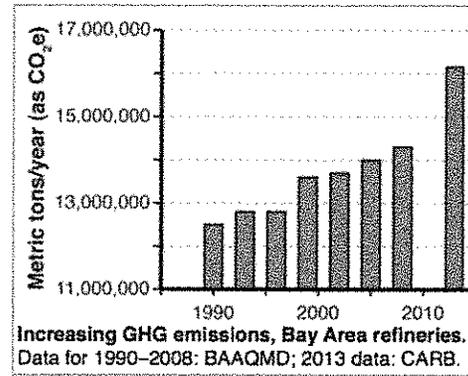
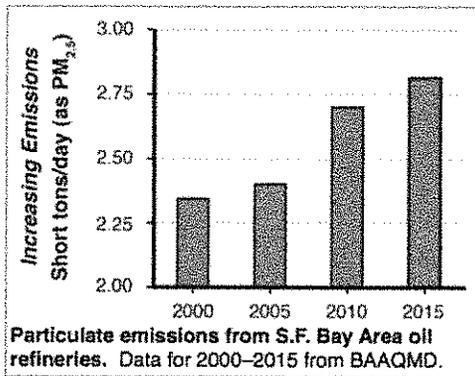
Thus, kerogen-derived bitumen will always be present at Valero should the CBR project proceed, despite any amount of dilution. It should be added that other extra heavy crudes, such as Venezuelan, though almost as high in sulfur and weight like Canadian tar sands, has much less bitumen, is far less adhesive and produces a much lower GHG footprint when refining.

3) The very large, high molecular weight *asphaltene* molecules, combined with the lightweight solvents present in DilBit, make spill remediation impossible under a number of circumstances, such as the 2010 Enbridge Kalamazoo River spill in Michigan, which was essentially indelible despite over one billion dollars spent to date on cleanup. The reason was that DilBit deeply enters the soil, then after the light solvent evaporated, the heavy bitumen remained deeply embedded. There should be great concern that Valero plans to import crude by rail which would possibly transverse the Feather River Canyon or the Delta, two water sources highly critical towards California's water needs.

4) The high sulfur, heavy metal and naphthenic acid content of DilBit and the increased temperatures required to process bitumen will tend to speed up the sulfidic corrosion of refinery machinery, that could cause a refinery catastrophe, such as the fire at Chevron in Richmond in 2012, as determined by the U.S Chemical Safety Board. Moreover, the adhesive properties of bitumen will tend to plug machinery, which could cause an event similar to last year's solvent deasphalter emergency flaring at Chevron. Such events are a safety threat to both the nearby

community and the refinery workers themselves.

5) As the refineries in the Bay Area have been more intensively processing crudes, generally and using heavier crude slates within the past decade and a half, greenhouse gas and particulate matter (PM) have steadily increased in parallel. These linked GHG-PM increases have occurred despite progress made in reducing such pollutants as sulfur dioxide. These GHG and co-pollutant PM increase data are derived by CBE from data from the State's California Air Resources Board (CARB) and the nine-county Bay Area Air Quality Management District (BAAQMD, which is under the auspices of CARB). Particulate matter increases are a public health concern, such as regarding asthma, which would be aggravated by the increased local processing of bitumen. I have included this data as attached graphs, below:



\* Raw agency data compiled by CBE.

6) The importation of Bakken crude by rail is a major public safety concern, such as occurred at the 2013 Lac Megantic disaster in Quebec. While similarly lightweight Texas shale oil crudes are stripped of propane and butane (liquid petroleum gas or LPG) before transport, in a process called "stabilization", this is not being done for Bakken North Dakota crude, ostensibly for both economic and transportation reasons.

Texas, but not ND, has an established pipeline infrastructure due to pipeline vapor pressure limits of 9 pounds per square inch (PSI). However, the stated 13.5 PSI limit in ND for Bakken crude railroad tanker cars is 50% higher than the Texas pipeline limit of 9 PSI. The ND limit vastly understates the safety threat of transporting unstabilized crude.

A recent study by Ametek and Sandia National Laboratories found that during the summer months, in a full tanker car containing Bakken crude, the vapor pressure can exponentially jump to well over 30 PSI. Between ND and California, during the summer months, temperatures within the tanker cars could easily exceed 100 degrees. The vast disparity between the 9 PSI for Texas crude transport and the

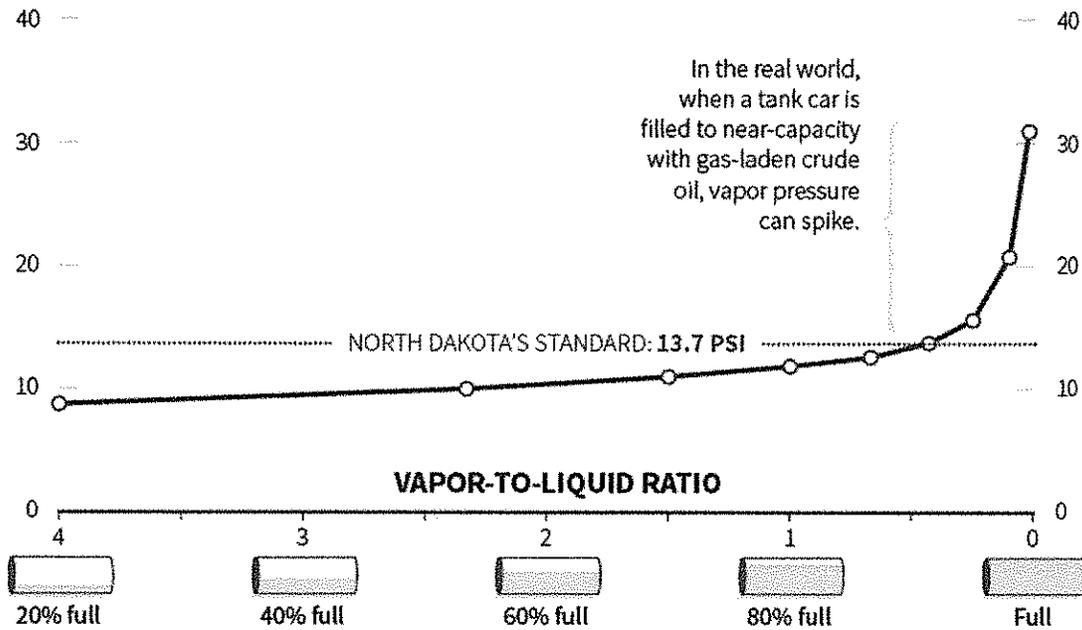
actual Bakken 30-Plus PSI is for about one third of the year and is entirely due to the fact that LPG is allowed to remain within Bakken crude. This LPG inclusion in Bakken crude oil is despite widespread public protestations against this practice and a failed attempt at Congressionally-mandated regulation by Rep. Garamendi (D-CA).

## Vapor pressure in oil trains

North Dakota's standard will detect vapor pressure using a mostly-empty container but tank cars are practically fully-loaded when they move from field to refinery. Vapor pressure can rise significantly above the state's 13.7 psi threshold in real-world conditions.

### VAPOR PRESSURE OF CRUDE OIL

Pound per square inch (psi)

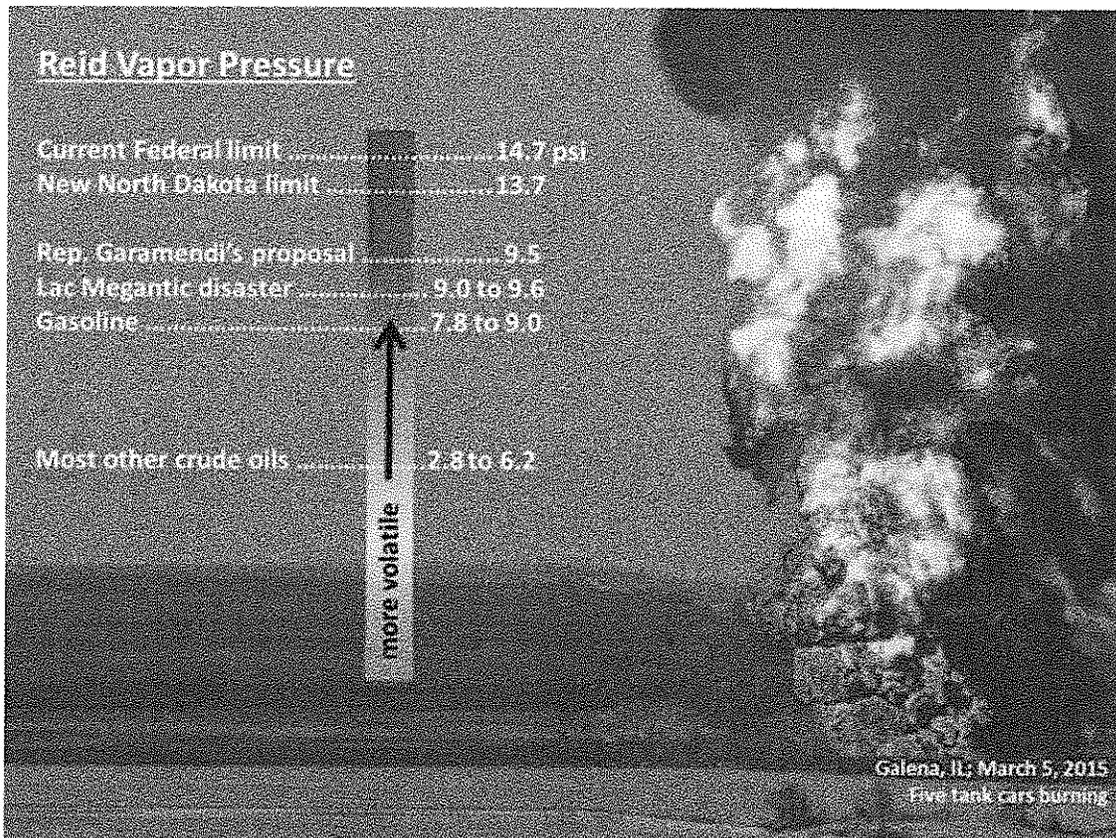


Note: Chart reflects vapor pressure readings of crude oil at different fill levels at 37.8°C/100°F.

Sources: Ametek; Reuters.

C. Chan, P. Rucker, 26/03/2015

REUTERS



As a testament to Bakken's extreme flammability, the dramatic fireball displays in films of the 2013 Casselton ND train derailment and fire were of 250 foot fireballs that rose in a solid 600 foot column of fire, for each tanker car. Moreover, both the Lac Megantic and Casselton fires occurs during the winter months at very low temperatures, suggesting that the heat and sparks from metal-on-metal derailment event will likely ignite the released propane and butane first, rapidly followed by the other crude fractions.

The gravity of a Bakken crude by rail fire would have profound and catastrophic public safety consequences in Benecia, in numerous California rail line communities and possibly anywhere between ND and Benecia.

In a Letter to the BNSF Railroad CEO, in regards to the limited ability to extinguish a Bakken CBR derailment fire, the Washington Fire Chiefs association Executive Director Wayne Senter stated:

The WFC is well aware that even if an infinite amount of foam was available, we can only provide *defensive firefighting*. [Emphasis mine] This assumption is based on the guidance from the US Department of Transportation [DOT] Emergency Response Guidebook [Guide 127 and 128 on ethanol and crude oil, respectively] recommending a 1/2 mile evacuation zone if only one tank car of these

combustibles/flammables is involved in a fire.

7) Another consequence of Bakken's high vapor pressure is that the pressure will tend to drive out of solution, into the environment, much more toxic hydrocarbon vapors, such as highly carcinogenic benzene. (See above, Bakken crude PSI data from Amatek and Sandia National Laboratories.)

8) The Carnegie Endowment study entitled: *Know Your Oil: Creating a Global Climate Oil Index*, which compared the overall well-to-wheel GHG footprint of 30 global crudes found that both DilBit and Bakken crude are at the top of the list of GHG polluters. The extremely high GHG's from DilBit are due to the GHGs produced at both the levels of refining bitumen and extracting (bituminous) kerogen. The high GHGs from Bakken crude is primarily at the extraction level, regarding the lack of adequate methane containment protocols in ND. There the intentional flaring of methane can be seen from outer space, in addition to the fugitive release of unburned methane, that itself has a huge global warming potential.

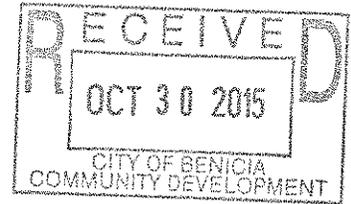
9) The transport of crude by rail to California refineries from Valero and other refineries, that has not occurred for many decades and only then at smaller levels, is an unacceptable infringement upon the public health, safety and quality of life of millions of Californians, not for the least reason being the additional diesel pollution and road congestion that would ensue near homes, schools and businesses.

For these nine reasons, I implore the City of Benicia to reject the Valero Crude by Rail Project Revised Draft EIR.

Charles Davidson  
Hercules CA 94547

Brian Stone  
554 Cooper Drive  
Benicia, CA 94510

Phone: 707 748-5660



30 October 2015

Benicia Planning Commission

Attn: Amy Million, Principal Planner

250 East L Street,  
Benicia, CA 94510

Dear Benicia Officials,

After examining the RDEIR for myself, I support Valero's crude by rail expansion because:

- Crude by rail will reduce emissions, replacing up to 82% of the previously used marine method.
- Accessing domestic sources of crude decreases the influence of price spikes and energy shortages from foreign sources. Continuing to pursue American sources of energy is another step closer to energy independence.
- Jobs are created and maintained not only generally in the US, but here locally in Benicia, CA.

Valero is the only recipient in California to receive the VPP Star Site recognition for preparedness and preventative procedures that go above Cal/OSHA standards. Valero has one of the best safety records in the refining business, but continues to innovate in safety, prevention and other technologies.

It is important to note the implications of simply changing the method of transporting crude when it comes to preventing accidents. Prevention of accidents and mitigation of any accident is a lot easier and limited in impact compared to marine bound ships. Rail shipments use existing infrastructure and would lead to better maintenance and improvements. This would allow Valero to better control and mitigate existing risk when shipping crude by rail to their Benicia facility.

A agree with the majority of Benicians and hope you approve the Valero crude by rail project.

I have also enclosed a copy of my previous letter from 15 September 2014, supporting this project.

Sincerely,

/s/ Brian E. Stone

A handwritten signature in black ink, appearing to read "Brian Stone".

Brian Stone  
Retired Forester

Enclosure

Brian Stone  
554 Cooper Drive  
Benicia, CA 94510

Phone: 707 748-5660

15 September 2014

Benicia Planning Commission ([a.million@ci.benicia.ca.us](mailto:a.million@ci.benicia.ca.us), [bkilger@ci.benicia.ca.us](mailto:bkilger@ci.benicia.ca.us))

re: Valero's Crude Oil by Rail Project

I support Valero's proposal to bring in crude oil from the Midwest by rail.

Reasons I support proposal:

Rail is less polluting than ship (current method). Shipping distances are considerable less.  
Crude oil from the Midwest keeps capital in the US (versus current practice).  
Jobs are created and maintained in the US (an improvement over current situation).

Volumes could be written - I don't have the time.

Replacing imported crude oil with domestically produced crude oil is a no-brainer.

Prevention of accidents and mitigation of any accidents is a lot easier and limited in impact when compared to ships and the affected environments.

Rail shipments use existing infrastructure and would lead to better maintenance and improvements. Perhaps pipelines could replace some of the rail shipments in the future.

Valero's proposed activity occurs largely in the Benicia Industrial Park where traffic impacts, noise, and other related activities that might occur should be accepted as a normal situation.  
(Worrying about how long a rail crossing is used or impact on other businesses in the Park is bogus. If such businesses have a concern they should consider relocating, and other routes avoiding congested rail crossing can be used.)

The EIR process mandated by CEQA for documenting impacts and mitigation measures and should not be the tool to coerce change on how society uses energy and maintains itself.

It is unfortunate that those that abuse CEQA causing delays and additional expenses can not be held accountable, but such blame must be assigned to politicians.

Sincerely,

/s/ Brian E. Stone

Brian Stone  
Retired Forester

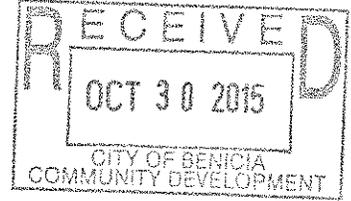
ps: Public Access TV of the Thursday, Sept 11, Planning Commission Hearing was excellent, and many others made my concerns more eloquently.

cc: [info@beniciaCBR.com](mailto:info@beniciaCBR.com)

## Amy Million

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**From:** Martin MacKerel <martin.mackerel@gmail.com>  
**Sent:** Friday, October 30, 2015 1:14 PM  
**To:** Amy Million  
**Subject:** public comment on Valero crude-by-rail RDEIR



In 2015 it is inexcusable to even be considering a new fossil-fuel infrastructure project. Recent research[1] shows that supply-side restriction can be effective, so projects cannot be defended on the incorrect notions that demand is a given and that supply "leakage" is inevitable.

In any case, despite low oil prices, state demand for gasoline and diesel has been dropping and is certainly going to drop more as electric vehicles become more popular. There simply is no good economic or social reason to approve this project and plenty of good reasons to reject it.

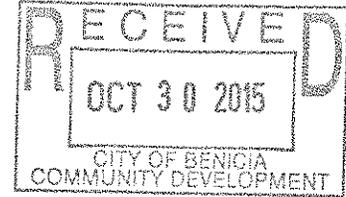
Martin MacKerel  
1647 McAllister St. #6  
San Francisco, CA 94115

1. <http://www.sei-international.org/publications?pid=2835>

## Amy Million

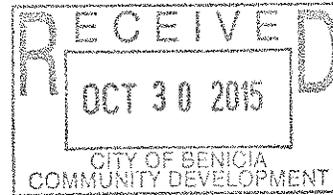
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**From:** Diane (Dee) Merrick <petsnplantsdee@yahoo.com>  
**Sent:** Friday, October 30, 2015 1:27 PM  
**To:** Amy Million  
**Subject:** Comment on Valero RDEIR



I live in Vallejo not Benicia, but we frequently get the clouds of nasty smelling stuff from the refineries nearby. I really don't want to think about the "bomb trains" running all through the densely populated Bay Area at all. There is no evidence whatsoever that these trains are or will become safe methods of transport for these volatile materials. Please do not consider endangering all of us to appease the big money, greedy oil corporations.  
Sincerely, Diane Merrick

Lisa Reinertson  
1329 W. L St.  
Benicia, CA 94510



October 30, 2015

Dear City of Benicia Planning Commission,

We are at a time in which the crisis of Climate Change, caused primarily by our dependence upon Fossil Fuels has reached such a threatening and destructive level that both our Federal Government and our State Government have issued laws specifically intended to curb our carbon emissions and to shift our infrastructures to cleaner and more sustainable sources of energy.

While it may be unclear if the Federal Climate Action Plan and the State's Climate Change Laws specifically outlaw Valero's proposed project, this Crude by Rail Project certainly goes against all of the goals of these Climate laws. We have agreed as a State and a Country to targeted goals of Co2 reduction, and supporting a project that is intended to increase our production, and use, and exports of the dirtiest of fuels is completely at odds with these goals set by our State and Federal governments.

Our City is being threatened by Valero and the by the Railroad Companies in all possible directions. We are certainly being threatened by the project itself. The Revised DEIR lists the many ways in which air pollution will increase, our safety will be put at risk by dangerously volatile train cars, our rivers and natural ecosystems will be threatened by potential spills of crude oil, and on... The risks listed in this DEIR are not acceptable. We are not in dire need of this project, but we are in dire need of protecting the health of our planet for future generations. But when hundreds of citizens cry out to stop this, what is the reaction of Valero and the Railroad? To threaten to sue us. To sue our City, our community, for not allowing them to make their profit at our expense.

They say only the federal government can tell the railroads what to do. We can't even require which rail cars they use for their risky endeavor. Then, at our last meeting, a railroad spokesperson said that the railroads are so powerless that they are required to ship anything anyone asks them to. Their lawyer claimed that ultimately, if our City does not approve of Valero's off-loading facility, we are obstructing the Railways and we will be sued. It's a bit of catch-22.

I would argue that if we do not approve the facility, then Valero cannot ask the Railroad to provide service for them in the first place. We will not be obstructing something that Valero cannot ask of them.

The Revised Draft EIR cleverly said that we can only consider the impact of the local facility in our decision. More catch-22 entrapment. Interestingly, this RDEIR left out any of the local traffic impacts that were addressed quite thoroughly by local citizens, it also minimized the impacts of increased local air pollution, and worse case scenario danger of train derailments, spills and explosive fires. It also failed to address the negative impacts to all of the businesses in the Industrial Park.

My family has a business in the Industrial Park that has been there for over 25 years. We pay good taxes to the City and donate generously to many local organizations. If this project is approved it will have many negative impacts upon us as a business. As the

tracks run right in front of our driveway and our only access in and out, the increased train traffic will make the deliveries/shipping of products much more problematic and unpredictable. Once this project is approved, the city ultimately will have no say in the number of trains and the hours they come and go and whether they need to back up and switch tracks, etc. in front of our business. All of the driveways on our side of Bayshore Rd. will be impacted by this same unpredictable train blockage. Employees and customers not only may have difficulty coming and going, but if there is any kind of emergency could be trapped for a dangerously unpredictable amount of time. If there were to be an explosive derailment, spill, and or fire, hundreds of people could be trapped and could die. Despite all of our local firefighter's enthusiastic willingness to be trained for such events, the truth is they can do nothing but watch and wait when these trains explode. And they do. And they have been since these Crude Oil trains have been arriving on our railroad infrastructure that was never built to handle this kind of heavy and volatile cargo.

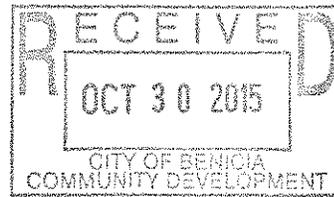
I not only have family members, loved ones, who will be surrounded by these trains, but all our employees who also have families and loved ones will be threatened by this. And for those who think our concerns about train derailments and explosions are overblown, it is certain that there will be a measurable and unacceptable increase in air pollution that those who work in the Industrial Park will be subjected to. Not only will the City of Benicia find it difficult to attract more businesses to the Industrial Park under these conditions, but those of us already there might be inclined to look elsewhere to run our businesses. Unfortunately for us, the property values will most likely decrease in the event that we become the staging ground for the Crude by Rail infrastructure.

It is hard for me to understand why, at this juncture in time, when we know what we know about the environmental and health impacts of our Fossil Fuel economy; when our state and federal governments are acknowledging the crisis of climate change this has caused and are drafting laws to reverse this; when our local citizens and citizens up the rails and throughout our state are writing to our City to please not allow this Crude by Rail project, why we would possibly give this the go ahead.

Does Valero own our City? Are we going to continue to sacrifice the health of our children and our planet because the oil and rail companies threaten us? Or are we going to be heroes and take a stand and put our energies towards a clean and healthy and sustainable future. We could invest in clean energy right here in Benicia and have long-term financial rewards. I am proud of the people in this community who, for no profit or gain, have taken the time to write these letters and go to these meetings and fight for a better future. That is the kind of community people want to live in, be happy to have children and grandchildren in, and family businesses in. Not a dirty oil town exporting the last, dirtiest oil to the rest of the world.

We should not allow ourselves to be bullied by the threats of litigation. The time has come that our State and Federal governments are on board with fighting Climate Change and we certainly have an argument to support that by denying Valero's Crude by Rail project, we are supporting the greater mandate of our State Climate Change and Federal Climate Action Plan's targeted goals.

Sincerely,  
Lisa Reinertson



## RDEIR for Valero's Crude by Rail Project

Environmental Impact Reports. What was created with the intention of protecting people and the environment from the potential detrimental consequences of human projects, has been turned into a farce; a document filled with manipulated constructions of "facts" that lawyers, hired by those who are to benefit from the project, have put together in an intentionally confusing and misleading manner, in order not to shed light and truth on the matter, but to deceptively hide the truth to their own ends.

I am very grateful for the lawyers from the National Resource Defense Council, The Sierra Club, Communities for a Better Environment, San Francisco Baykeeper, and the Center for Biological Diversity for providing the legal insight to confront this misleading and deceptive document and to shed light on the many issues truly at stake for our community with Valero's proposed project. The thorough letter from Benicians for a Safe and Healthy Community is also right on target.

I concur with their evaluations of the RDEIR and the issues that need to be properly addressed. Please read these letters thoroughly and thoughtfully and address all of the issues that they bring up.

Thank you,

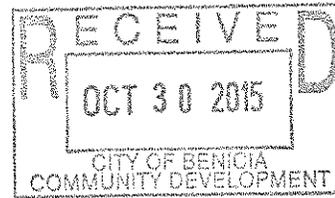
Lisa Reinertson  
Benicia

Amy Million, Principal Planner  
Community Development Department  
250 East L Street  
Benicia, CA 94510

October 30, 2015

**RE: Valero Benicia Crude by Rail**

Dear Ms. Million:



The Valero crude by rail project is likely to result in gridlock in many parts of the industrial park, resulting in a net loss of business and income to the city.

Currently, Benicia industrial park is serviced by union pacific railroad with a fairly low volume of rail traffic being moved through the park, as witnessed by the 1 week train crossing study. pp.1343- 1349 show a total of 427 railcars crossing the ironworker's driveway in one week, or an average 61 rail cars per day.

The project would add 200 crossings a day.

The transportation impact analysis does not consider the consequence of this 427% increase in rail volume blocking access to many businesses.

Because the transportation impact analysis assumes perfect just-in time operations, and no buffer trains or additional volume, it did not address the likely scenario where union pacific railroad will store additional crude trains on sidings throughout the industrial park and shunt them back and forth across park road, industrial way and numerous driveways. This will increase the number of crossings exponentially. The analysis does not paint an accurate picture of what life will be like for us trying to run a business in the middle of a full-on rail yard. The EIR must address the likely impacts of this project.

Valero is touting 20 new jobs. Has the loss of businesses and jobs caused by the congestion in the industrial park been analyzed? No additional income will come to the city because of this project. Has the city considered the likely outcome of this project causing a loss of jobs and tax revenues?

My business and the 7 others that have the rail easement across our driveways will be heavily affected. Egress from Bayshore Rd. across the tracks for shipping and receiving, employee and student access, and emergency vehicles will be obstructed by moving or stalled rail traffic. And yet, there was no attempt in the transportation impact analysis to recognize or mitigate the impact.

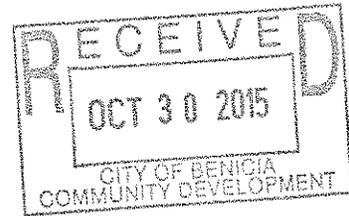
If the city planers really feel that this project is good for the city, then the industrial park should be reconfigured to build a safe and efficient rail yard, capable of handling the true extent of what is coming down the tracks.

These are all significant impacts that are not addressed in the deir.  
The EIR must be rejected.

Sincerely,  
Jack Ruszel  
Ruszel Woodworks  
2980 Bayshore Rd.

Amy Million, Principal Planner  
Community Development Department  
250 East L Street  
Benicia, CA 94510

September 11, 2014



**RE: Valero Benicia Crude by Rail**

Dear Ms. Million:

The DEIR describes mitigation measures to be implemented to minimize the Valero Project's effect on public safety, however I saw no discussion or statistics about the ability of fire crews to extinguish a crude oil tank car.

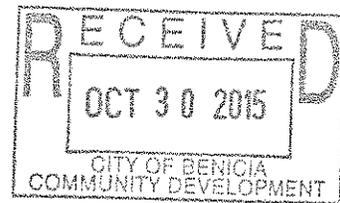
My understanding is that once one of these tank cars ignite, the only thing fire crews can do is cool nearby cars and allow the tank to burn out. Is this correct?

What are the potential effects of a crude by rail fire in the Benicia industrial park, both in dollars and human life?

Sincerely,  
Jack Ruszel  
Ruszel Woodworks  
2980 Bayshore Rd.

Amy Million, Principal Planner  
Community Development Department  
250 East L Street  
Benicia, CA 94510

October 30, 2015



**RE: Valero Benicia Crude by Rail**

Dear Ms. Million:

Because the Traffic impact analysis was so closely focused on the immediate area around the Park Rd. crossing, significant impacts just outside the study area were ignored. These issues also impact health and safety.

The rail spur that feeds the refinery crosses 3 driveways just to the south of Park Rd. Currently the driveways are blocked by short trains on average of twice a day for 1 to 4 minutes. The project would block all 3 driveways at least 4 times a day for a minimum of 8 ½ minutes every time. (based on 50 car trains running at 10 mph. with no slowing or stopping.)

The Traffic impact analysis does not consider the 8 businesses and as many as 200 people, on the east side of Bayshore rd. and the disruption to commerce the rail traffic will cause. The volume of rail traffic crossing these driveways will block Bayshore rd. in both directions, causing gridlock, and blocking egress to the businesses on the opposite side of the road also.

This is a significant impact.

The traffic impact analysis must address this.

Emergency access – the transportation impact analysis ignores the 8 businesses and as many as 200 people that will have absolutely no access when a crude train is blocking all three driveways on Bayshore rd. In an emergency situation it currently takes about 7 minutes for help to arrive, with the project, that response time is likely to be 7 minutes plus 8 ½ minutes – waiting for a train to pass - 15 ½ minutes.

The EIR must address the very likely scenario where a crude train is stalled blocking egress to all 8 businesses. Last year, a minor derailment near park road blocked the park road crossing for over 2 hours. If that happened to be a crude train, over 200 people on the east side of Bayshoer rd. would be trapped for hours. There is no other way out.

Additionally no emergency crews would have access in the case of a medical emergency, fire or natural disaster. The EIR must address this issue, with actual mitigations that will protect the people here in harm's way.

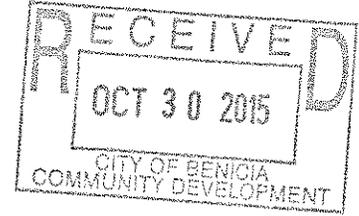
These are all significant impacts that are not addressed in the RDEIR.

The EIR must be rejected.

Sincerely,  
Jack Ruszel  
Ruszel Woodworks  
2980 Bayshore Rd.

Amy Million, Principal Planner  
Community Development Department  
250 East L Street  
Benicia, CA 94510

October 30, 2015



**RE: Valero Benicia Crude by Rail**

Dear Ms. Million:

The transportation impact analysis ignores the process of switching large trains off the mainline, which requires crossing the driveway at the Amport car lot. The train must be moved off the mainline across a short spur and onto the track that leads to the refinery. As this is happening, the train will block the driveway, the back end of the train will continue well past the driveway, and must come to a complete stop after the engines clear the switch, the switch must be changed, and the train may re-start in the other direction. This is a slow process. And will block access to the amport driveway for a period of time. We don't know how long this operation will take, because the transportation impact analysis considers this outside the project area.

Currently trains of this length are not operating in the Benicia industrial park.

This is a significant impact.

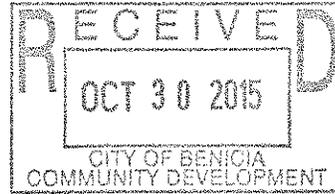
The DEIR must address this.

Thank you,

Jack Ruszel

Amy Million, Principal Planner  
Community Development Department  
250 East L Street  
Benicia, CA 94510

October 30, 2015



**RE: Valero Benicia Crude by Rail**

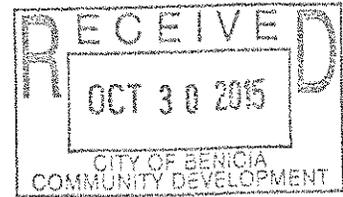
Dear Ms. Million:

I would like to know why, given the mitigation requirement from the previous Valero improvement project to provide air monitoring, there is no local baseline information on air quality?

Where is the air-monitoring system and the information that is needed to address the current project?

Sincerely,  
Jack Ruszel  
Ruszel Woodworks  
2980 Bayshore Rd.

City of Benicia Planning Commission and City Council  
October 29, 2015



I have spoken in front of the planning commission twice and wrote a letter on July 14 outlining my opposition to the Valero plan to bring two 100 car trains to their facilities, filled with explosive crude oil.

I asked questions about the safety of the tracks and bridges on the routes and especially the safety record of the bridge between Martinez and Benicia

I asked about Valero's claim the the air quality in the entire San Francisco basin would improve but no study was provided regarding the air quality in Benicia and our immediate neighbors. We already have more cases of asthma than other parts of the Bay Area and our children are greatly impacted by the air quality in our town

I asked about insurance that Valero has to carry to assure our community that they will be there to cover us in case there is an accident

None of these questions have been answered in the revised RDEIR

The only question that seemed to be addressed in the RDEIR was the question of train safety from the oil fields to the hub in Roseville. The only answer that Valero could provide is that they have no control over train safety because that is the responsibility of the railroads and the Federal Government. Their justification is that they have done their due diligence and therefore we should approve their project.

This seems ridiculous. Supposing your child came to you and asked permission to participate in an activity that poses excessive risk to their health and wellbeing as well as the health and well being of their friends and community, but expected you to give them that permission because they have no control over that risk. As an adult and the decision maker you would have to deny them that permission.

The RDEIR was clear that all the rail routes to Roseville provided excessive levels of risk to the environment and excessive increase in poor air quality therefore negatively influencing the health of people up track from Benicia. It's obvious that the same unacceptable risks would also effect us here in Benicia.

This decision has nothing to do with Valero's good safety record nor with their participation in the community or the money that they bring to our city coffers. This decision has to do with the safety of the project and the future of our entire community and our planet.

As I said at the last planning commission public forum: this is a very crucial time on our "Planet Earth". It is obvious that we must change to alternative sources of energy in order to leave a habitable planet for our children and their children. We have started doing this by having the chance to select a power company that provides electricity that is generated by solar and wind power. We must move towards alternative ways to power our cars too and we must leave the oil in the ground especially the oil that is so highly explosive.

This is the chance for you, as leaders in our community, to speak for us and for our grandchildren to show them that you have their future foremost in your mind as you vote NO on approving this project.

Don't let our grandchildren's children say "what were you thinking" when they have to face a hot and crowded planet. Our community can be a leader in solving the climate change problem and our descendants will say "thank you for thinking of our future"

A handwritten signature in cursive script that reads "Giovanna Sensi-Isolani". The signature is written in black ink and is positioned above the printed name.

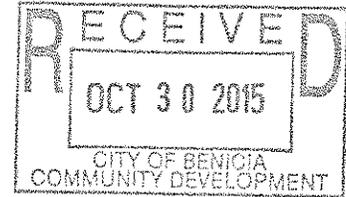
Giovanna Sensi-Isolani

Benicia resident

## Amy Million

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**From:** JAN ELLEN REIN <janny007@sbcglobal.net>  
**Sent:** Friday, October 30, 2015 2:03 PM  
**To:** Amy Million  
**Cc:** Inittler@sbcglobal.net  
**Subject:** Comments re DEIR/ Benicia Valero Refinery Project



Dear Ms. Million:

Both Clifford Manous and I have read the comment below and agree with it in its entirety. Please accept these comments as our own and add them to the record.

Very truly yours,  
Jan Ellen Rein  
Clifford Manous  
(addresses below)

October 30, 2015  
Amy Million,  
Principal Planner  
Community Development Department  
amillion@ci.benicia.ca.us

Re: Comments on the Valero Crude-By-Rail Project DEIR Dear Ms. Million, Please enter the following comments on the Benicia Valero Refinery Project RDEIR into the public record.

2.5.1 DEIR Section 4.0.5 Geographic Scope of Analysis Importing Bakken crude and Tar Sands bitumen is far too dangerous to transport on the proposed routes into California.

The RDEIR establishes that the public cannot know the sources of the crude delivered to Valero as this critical information is "confidential." In the second paragraph of this section, the text mentions the crude delivered "will be extracted from various sites within North America." The next paragraph states, "As indicated in Section 1.7, Confidential Business Information and Appendix D. discussion of Confidential Business Information, Valero considers the specific North American crudes that would be shipped to the Refinery to be confidential under Public Resources Code 21160. "

Given the remarks above, any public discussion of the nature of the crude oil and its dangers in transport by rail through our land and communities is denied. Hidden behind the protection of "Confidentiality" lies the obvious truth that the crude will be primarily one of two highly flammable and dangerous forms of crude: North Dakota Bakken crude and Alberta tar sands bitumen, and in the future possibly tar sands from Utah. The Alberta tar sands are extracted at the expense of 125,000 square miles of boreal forest and the contamination of three watersheds to rivers that flow to the Arctic. The bitumen contains toxic heavy metals and is nearly impossible to clean up when it spills into waterways. The Bakken crude is notorious for its high volatility.

Such extreme hazardous materials have never before traveled on our CA rail system through our sensitive habitat, across our waterways, and right through the centers of small towns and large cities along the train route. The delivery of 70,000 barrels a day of highly hazardous crude oil puts irreplaceable habitat, sources of clean water, and lives constantly at risk. At the least, the topic, including the nature of the particular crude oil being transported, deserves open public scrutiny rather than being kept as a trade secret, as if only company profits are at stake.

It should be the public who decides if the benefits of refining the crude are worth the daily risks they are being forced to accept. Instead, if the Valero proposal is accepted, the public bears the substantial risks without even the assurance of insurance coverage in the event of a disaster. Clearly, the RDEIR proposes that two industries – Valero and UPRR - be able to pursue their project with few safeguards in place for the protection of the public, including its health and its lands.

Furthermore, while there are possible helpful mitigations, no offers of mitigation are included because the federal preemption of the railroads frees them from any regulations or responsibility. While the refineries claim confidentiality to avoid revealing what crude they are moving, and the railroads claim federal preemption to avoid all responsibility for mitigations, we the people and our lands must accept daily, life-threatening risks and share none of the financial gain. By any standards, this is unacceptable.

#### Section 2.5.1. On routes from the CA border to Roseville

The document indicates the three northern routes to transport the crude from North America to the hub in Roseville. To evaluate them properly, we need to know what kinds of terrain each passes through. Such essential information is missing from the RDEIR. I offer a few details about each route below, but a thorough description of each route and the dangers each poses should be provided in the RDEIR in order to evaluate each route thoroughly.

In 2014, the Interagency Rail Safety Working Group under the Governor's Office oversaw the creation of a detailed interactive map of "CA Crude by Rail Areas of Concern" you can explore here:

<http://sd27.senate.ca.gov/sites/sd27.senate.ca.gov/files/Oil%20By%20Rail%20Safety%20in%20California.pdf>

The cover photo shows an oil train on the trestle tracks over the Sacramento River! The map on the last page includes the rail system with high risk sections in red, the sparse placement of Hazmat teams (Types 1 & 2, 3, and non-certified Hazmat), earthquake faults, etc. (On the map, zoom in for increasing detail such as purple fault lines. Use the hand to navigate around the map. Be patient as layers come up slowly.) All rail routes are carefully coded to indicate high risk segments. All three of the routes named from the north contain significant stretches of rail marked as "high risk." Furthermore, all three involve remote, mountainous, often winding sections of track.

The route from Oregon running south (297 miles) includes the treacherous section outside Dunsmuir where a train derailed spilling 19,000 gallons of herbicide that killed everything in the Upper Sacramento River for 38 miles in 1991. It took years to recover, and some say amphibians never did.

The "Nevada to Roseville" route (229 miles) being used presently for the twice-a-week oil trains headed to Kinder-Morgan follows the Feather River Canyon along a narrow canyon with high trestle bridges and steep canyon walls where 11 cars of corn spilled down to the river below on Nov. 14, 2014, causing much fearful speculation about what would have happened to our water supply had it been an oil train.

The third route over Donner Summit (119 miles) is well known for its treacherous route at high altitudes over the snowy mountains where storms can come up suddenly.

None of the three routes is easy or safe for 100 tank cars pulled by four locomotives and two buffer cars per train. The terrain is rough and remote in many sections. On winding, mountainous tracks, once one car derails, others are likely to follow.

The Office of Spill Prevention and Response (OSPR) has placed 14 hazmat teams strategically (including Type 1&2, 3, and uncertified teams in italics at the following locations: Redding, above Willows, Willows, Oroville, Marysville, Yuba City, east of Marysville/Yuba City, just inside CA border with Nevada on Feather River Canyon route, Roseville, 2 in Sacramento, W. Sacramento, Davis, and Fairfield), but obviously the chances of a spill or derailment happening at a team location along the miles of track are slim. If the recent years of oil train accidents are any indication, the derailed tank cars are likely to explode and catch fire, and in steep mountainous areas the chances of a hazmat team being able to even reach the site quickly are slim.

Tar sands dilbit must be captured immediately or it sinks with its heavy metals. The 2010 tar sands spill into the Kalamazoo River is still not restored! The 3 routes to Roseville follow rivers critical to the fresh water supplies for population centers and agriculture, and a spill would be devastating. Worse yet, in years of drought the trees and vegetation are dry and flammable themselves if a derailment starts a fire, as is often the case. We simply cannot afford the risk of dangerous trains moving at fast speeds (UPRR plans to go 50 mph) through equally dangerous terrain.

Note: Most of the previous oil train accidents happened on flat terrain, not the challenging landscape of these three routes! It is entirely possible the incidence of accidents will increase in the CA terrain.

It is also of concern that the RDEIR indicates there are 27 criteria that UPRR will use to determine which route they select for a given train. None of those criteria are listed for public review, but the state (its first responders, OSPR, its Cal Trans workers who know a lot about mountain conditions, etc.) are not involved in the decision-making. The public is left to worry that moving the trains as fast as possible might well be the main criteria rather than taking into account the climate or weather conditions or which route is least treacherous for highly flammable speeding oil trains. Or perhaps which route risks the fewest lives or crosses the least fresh water sources. It's high time the railroads learned to cooperate with knowledgeable agencies within the states where they operate instead of claiming federal preemption, especially when safety is involved. The route in use so far

for twice-a-week deliveries of tar sands to Kinder-Morgan is the Feather River Canyon route that crisscrosses the important river multiple times in the high, narrow canyon.

Recently, we have all seen that the railroad claim to "Federal Preemption" really means railroads get their own way. A point in case would be the federal law that positive train control be installed by 2015. After years of time to complete the implementation that will dramatically improve safety and save lives, the railroads are demanding an extension, as they have still not installed PTC. Can we believe the RDEIR when it states that UPRR has mostly installed PTC in CA, when we know from common news sources that nationwide that is not the case? We need solid proof in numbers to believe the claim.

Similarly, railroads have known for decades that the DOT111 tank cars are unsafe for most cargo, yet they have kept them in use. The public has little reason to trust that the railroads have public safety at heart.

Note: Referencing DEIR 2.12 The OSPR interactive map marks earthquake faults throughout the state. The surprise 4.1 Napa quake in 2014 alerted us to previously unsuspected quake areas. The map shows fault lines along the UPRR lines from Fairfield to Benicia, so the two daily trains would be traveling regularly over seismically active ground. There are other parts of the three routes with earthquake faults overlapping the tracks as well. Who knows when another earthquake might strike and of what magnitude. Do we want the additional risk of oil trains in the picture?

Part 2.6 DEIR Section 4.1 is entirely inadequate.

The additional 100-car daily trains will contribute significantly to air pollution which our air quality management districts are striving to reduce to meet state standards. The RDEIR is truthful in admitting the trains passing through the various counties from the CA border to Roseville and on to Benicia will impact nearly all of them with "significant and unavoidable" air quality emissions increases, specifically Nitrous Oxide. However, table 4.1-16 is incomplete. It compares only the train option from North American sources through CA to Benicia against marine sources from Alaska, South America, and the Middle East. By this comparison, the train route reduces total emissions because of the huge distance the marine tankers must travel, even though marine tankers are more efficient mile by mile.

What is missing is the new Port of Vancouver USA rail entrance in Washington State. Valero can receive crude directly from Vancouver in marine shipments, which would be far less emissions than emissions from rail delivery through California! Arguably, Valero should return to marine deliveries and drop the idea of oil trains traveling over treacherous routes in Northern or southern CA.

The analysis is discouraging in terms of mitigations. The analysis carefully establishes that mitigations could include requiring the ultra low-emitting locomotives (the new Tier 4 interstate line haul locomotives) which would truly reduce emissions or compensation which could in turn be used to fund emission reduction of diesel vehicles by purchasing natural gas vehicles, such as the \$650,000 award made to the Sacramento Metropolitan Air Quality Management District just this week which will be used to replace three diesel-powered refuse trucks with natural gas-fueled vehicles, and to replace up to six non-road diesel-powered agricultural tractors with cleaner models. If we must endure more emissions, we could at least use the mitigations! But once again, federal preemption frees UPRR from any requirement to offer mitigations of either type. Mitigations are labeled "infeasible."

Once again, the process we are being forced to accept clearly favors industry profits over the people's health and welfare. Preemption has the effect of cutting off any discussion and options, leaving the public exposed to risks and impacts but with no recourse to much-needed mitigations to offset the additional air pollution. Yet mitigations were established to protect the public from just such projects as the Valero crude-by-rail proposal. How can railroads continue to get away with claims of federal preemption at the expense of the public good? Why would the Benicia Planning Commission or City Council approve a plan that submits Benicia and all uprail communities and lands to dangers and increased air pollution that could be mitigated but isn't offset?

2.7, 2.7.1, and 2.7.2 Biological Resources Impacts While the RDEIR recognizes that the project could have a substantial adverse effect on candidate, sensitive, or special-status wildlife species or migratory birds, including injury or mortality to protected wildlife and migratory bird species resulting from collisions with trains along the North American freight rail lines as a result of increased frequency (high traffic volumes) of railcars, the railroad federal preemption once again makes any mitigation such as slowing near wetlands or near critical zones or areas "infeasible." In every case, federal preemption allows railroads to ignore public needs or concerns and avoid responsibilities for their impact on public lands. This "free pass" granted to the railroads needs revision to favor our biological resources over industry. It is our duty to protect the biodiversity around us. It's time for the railroads to lose their clout and for our federal government to regulate them tightly so they no longer take advantage of public concerns. Until then, the Benicia Planning Commission and City Council owe it to the public to deny the Valero Project request.

2.11 Greenhouse Gas Emissions

California is working hard to reduce its greenhouse gas emissions in many arenas, and the Valero project takes us in the opposite direction. Worse, it offers no mitigations to offset the severity of the increase in emissions that will contribute to global warming which is the greatest threat civilization has ever faced. Once again, federal preemption allows UPRR to operate without the payment of carbon emission offset fees other polluting industries must pay. That industry should profit over protection of the public and the health of the planet is inexcusable. Federal preemption was granted to the railroads, but it needs to be reevaluated in light of the public good.

There is another critical factor in section 2.11. The RDEIR neglects to mention the new Port of Vancouver USA rail entrance in Washington State. Right now, Valero can receive the same crude directly from Vancouver in marine shipments, which would be far less emissions than the carbon footprint from rail delivery through California!

The RDEIR assumes all marine deliveries come from Alaska (2,000 miles), South America (4,000 miles), and the Middle East (8,500 miles), thus they have high carbon footprints due to the huge distance they must transport the crude oil. Vancouver Washington is only 644 miles from the Bay Area. In the RDEIR, they calculated the baseline emissions using the project locomotive distance at 1,500 miles. Since Vancouver is less than half that distance, and marine travel emits less than rail travel, it follows that marine delivery from Vancouver would be at least half the greenhouse gas emission the project proposes in the RDEIR. Why is this option not explored in the DEIR? Other North American or Canadian ports may open as well. Arguably, Valero should return to marine deliveries and drop the idea of oil trains over treacherous routes in Northern or Southern CA.

A final point on greenhouse gas emissions. Before importing crude oil at all, we must ask the question whether we need to refine as much crude oil as in the past. In California in particular and in the US overall, oil consumption has been dropping since 2005, although it rose a little in 2014, perhaps due to the decline in gasoline price. Californians consumed 14.5 billion gallons of gas in 2012, but 14.57 billion gallons of gasoline in the fiscal year ending June 30, 2014 (both figures from the San Diego Tribune include aviation fuel). With programs under AB 32, CA is deliberately converting to more efficient and electric cars, improving transit, promoting carpooling, and creating bike and walk-friendly cities to decrease the use of individual car driving. It's working! As our usage declines, so should the amount of extreme crude we refine, thus sparing the environmental damage at the point of extraction as well as the carbon emissions caused by transportation and refining! We're moving away from a fossil fuel economy and that should be reflected in downsizing the amount of crude processed at our refineries. The crude is best left in the ground so that precious resource can be used sparingly into the future even as we transition to clean, renewable energy. It is unethical to extract extreme crude and refine it for sale to foreign markets as fast as we can; the process exacerbates global warming for the sake of industry profits and undercuts the conservation efforts we are making to combat climate change.

#### 2.12 Hazards and Hazardous Materials

The content of tables 4.7-1 and 4.7-2 is enough to make anyone vote against allowing oil trains to travel through California or any other state. The possibilities for human error, equipment failure, system or procedural failure, or external events are all too plausible, especially for the Valero project of a daily train of 100 cars on the tracks 365 days a year. Added to that is the sobering real data for train accidents in the nation and in California, grim data that does not yet even include data regarding 100-car trains of ethanol or crude oil, as very few such trains are coming into California yet. Presently, only two oil trains a week travel the Feather Canyon route through Roseville to Kinder-Morgan, sometimes with far fewer than 100 cars, making far less impact than the proposed seven 100-car trains a week for the Valero project.

It is easy to imagine that accidents may well increase as these long trains of heavy tank cars hauling highly flammable loads may experience more accidents, particularly since the three proposed routes into California each involve high hazard sections of track, as identified on table 4.7-3. This table mirrors the OSPR interactive map (See attached/referenced above map) submitted as evidence for the DEIR comment period. Altogether, 168.7 miles of track are considered "high risk" on the chosen routes for oil trains headed to Roseville! 17% of all derailments have occurred on these stretches of track in the past, highlighting the danger of bringing such excessively heavy and long trains on those same tracks.

The existence of risk management programs and federal regulations is small comfort. Most of the promises on Table 4.7-4 offer too little, too late.

For example:

- a) The recent more stringent regulations on tank car design do not take effect until 2020, and already some accidents involving those very designs (i.e. Lynchburg, Ap. 30, 2014) indicate the new designs are still prone to rupture.
- b) The speed limits of 50 mph are not slow enough to avoid serious accidents.

- c) The efforts of Congressman John Garamendi to have the Bakken crude "conditioned" (some of the gases removed) before the crude is shipped by rail, thus considerably reducing its high flammability, have been resisted.
  - d) The public is not informed of the 27 safety and security factors that supposedly will contribute to the selection of a safe route, and thus we cannot tell how that critical decision is made. We do know that local experts on the terrain and climate (Cal-trans workers, hazmat team members, OSPR consultants, etc.) are not involved in decision-making.
  - e) Railroads are not responsible to notify anyone of their plans to transport hazardous materials. Instead, State and/or regional centers and officials must contact the railroad to receive notification of hazardous materials moving through their jurisdictions! If they forget or don't suspect such materials are coming, the railroads will not contact them! This is a completely backwards policy! Many towns have been taken by surprise to discover oil trains moving through their communities because of this lack of notification. Ignorance of dangerous oil trains coming through communities could prove deadly.
  - f) Trains are not required to have life-saving, electronically controlled pneumatic braking systems until Jan. 2021!
- 2.12.3 DEIR Section 4.7.3 raises a number of Significant Criteria based on CEQA Guidelines. The list is examined item by item, and many admittedly may cause "significant and unavoidable risks." It only takes one accident or spill to harm the environment or emit hazardous emissions, or expose people or structures to a significant risk of loss, injury or death involving wildland fires.

The number of secondary effects that are "significant and unavoidable" makes it impossible to consider recommending the project as it stands. There is too much to lose and, for uprail communities especially, nothing to gain. Even for Benicia, the potential dangers, the many disturbing unknowns and lack of control over the project (i.e. all the preemptions and confidential information, withheld information, etc.,) make the project unacceptable.

Conclusion:

Considering the Alternatives to the Project, despite the RDEIR's conclusions, the "No Project Alternative" is the superior choice based on all the evidence stated in the letter above. The project is too dangerous in many regards, and even one or two accidents or spills is more than we can afford to risk.

Thank you for accepting these comments to the RDEIR.

Lynne Nittler

2441 Bucklebury Road, Davis, CA 95616

I have invited friends and neighbors to sign onto this letter with names and addresses listed below. Please accept them as well.

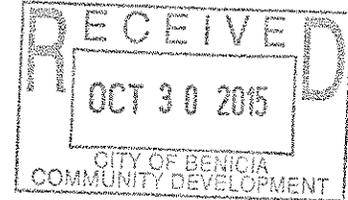
First name	Last name	Address	City	Zip
Jan	Rein	2704 E. Street	Sacramento	95816
Clifford	Manous	2015 1\2 5th St.	Sacramento	95818

## Amy Million

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**From:** JAN ELLEN REIN <janny007@sbcglobal.net>  
**Sent:** Friday, October 30, 2015 2:55 PM  
**To:** Amy Million  
**Cc:** Chris Brown; Ryan Heater  
**Subject:** COMMENTS RE DEIR/ Benicia Valero Refinery Project

October 30, 2015  
Amy Million  
Principal Planner  
Community Development Department



Re: Comments on the Valero Crude-by- Rail Project RDEIR

Dear Ms. Million:

Please enter the following comments on the Benicia Valero Refinery Project RDEIR into the public record.

The RDEIR suggests, without providing any evidence, that the "CP-1232" tank car that Valero is promising to purchase would be safe enough to carry flammable Bakken oil. This is simply not true! It only takes one accident of a "High Hazard Flammable Train" to upset the RDEIR's assumptions about rail safety in relation to the use of 1232s. At Lynchburg, Virginia on May 1st, 2014, several 1232s punctured and ruptured, releasing 30,000 gallons of flammable Bakken oil into the James River and causing an enormous fire. Other derailments and accidents have involved 1232s. What more "proof" do we need that 1232's are not safe for carrying flammable crude oil?

On May 1st, 2015, the U.S. Dept. of Transportation ["DOT"] released its new rule governing rail safety that calls for a new, stronger tank car design for carrying "High Hazard" flammable crude oil. DOT calls the type of train carrying more than 20 tank cars loaded with flammable liquids as "High Hazard Flammable Trains." The new rule states that the "117" tank car design will be the required standard by 2020 for all tank cars in operation, and that railroad companies must replace all older tank cars, (the DOT-111s and 1232s) that have not been upgraded to that new standard. The RDEIR does not say whether Valero would switch from use of CP-1232s to the safer "117" tank car before 2020. Why not, considering how Valero crows about its concern for public safety?

There is huge concern being expressed by communities all across the country that DOT's new rule doesn't go far enough to provide a level of rail safety that would best protect communities and the environment from the increased risk posed by more "High Hazard" freight, including Bakken oil, passing through cities and rural areas. The new rule says that railroad companies must choose the "safest route" for "High Hazard Flammable Trains" based on a minimum of 27 criteria. However, the REDEIR does not name or describe the 27 criteria, so the public cannot assess the RDEIR's claims regarding the degree of risks and severity of potentially significant impacts associated to Union Pacific's use of any of the 4 rail routes cited in the RDEIR that would likely be used by High Hazard Flammable Trains enroute to the Valero refinery.

The RDEIR's Table 4.7-3, called "Local Safety Hazard Sites in California," lists all the mainline rail routes in California, the track lengths in miles and the number of derailments that have occurred on each route between the years 2009 and 2013. The 3 Union Pacific-owned northern routes that the RDEIR says Valero's High Hazard Flammable Trains would most likely take to get to UP's Roseville rail hub from the California border, have had a total of 9 derailments from 2009 to 2013. The RDEIR admits that Union Pacific's "southern route" might also be used. That route from Nevada, through Bakersfield to Roseville, has had 10 derailments in the same period. What happened on these 4 Union Pacific routes in 2014 and 2015? What other accidents besides derailments have occurred that may not have been reported? The RDEIR does not say. This means the public is left in the

dark regarding the scope of potential risks that these rail routes pose, considering that an increased number of High Hazard Flammable Trains will be traveling on them.

Why are Union Pacific's mainline routes into California so poorly described and vaguely characterized by the RDEIR? Minimizing description and characterization of potential hazards and risks, the RDEIR fails to provide basic information that affects the public's ability to fairly assess claims regarding potential impacts and the severity of threat posed by High Hazard Flammable Trains passing through vast stretches of rural, scenic California and urban centers. The RDEIR has a map showing Union Pacific's three mainline rail routes in northern California that Valero's Project trains would likely use to get to UP's Roseville rail hub. One of the routes follows I-5 from the California border, past Shasta and Dunsmuir; the second threads through the Feather River Canyon, following State Route 70, and the third follows I-80, from Reno to Truckee then over Donner Pass to Auburn, thus following I-80 into Roseville. But the RDEIR fails to describe the particular landscape features and urban and rural population centers the trains would pass through, nor the specific hazards – such as 100-yr old bridges, snow tunnels, sharp curves – that each route poses, where those hazards are located, and the severity of risk posed by those conditions. The names "Donner Summit" or "Donner Pass," which are so well known as landmark sites, are not used in the document. The map shows Union Pacific's southern route into California through Bakersfield to Roseville. But the RDEIR provides no description of that route, about its particular conditions and potential risks.

The RDEIR attempts to suggest that Union Pacific's established emergency response protocols would be adequate to deal with any "uprail" train accident—whether a catastrophic derailment involving explosion and fire in rural or urban environments, and/or crude oil spill in a city neighborhood, a river or marsh. Since 2013 disastrous accidents involving ruptured tank cars carrying Bakken oil have caused enormous fires that emergency responders have had to let burn out over many hours, even days, calling for evacuations, such as in Casselton, North Dakota, one mile from a catastrophic derailment and conflagration on Dec 30th, 2013, when ruptured tank cars full of Bakken oil ignited in fiery explosions, spilling 400,000 gallons of oil. Plumes of toxic smoke could be seen for miles. The RDEIR does not discuss the environmental impacts of letting such fires burn out, nor identify the types and quantities of emissions that would potentially be released during such a catastrophic event that would affect people living within 1/2 to 1 mile from such a fire.

The state's Updated Gap Analysis for Rail in California, published March 13, 2015, which includes a map of all rail routes, is pertinent to evaluation of emergency response preparedness and the time it takes to provide response by state and regional fire rescue agencies. The report is referenced in the RDEIR. [http://www.caloes.ca.gov/FireRescueSite/Documents/Updated\\_Gap\\_Analysis\\_for\\_Rail\\_in\\_California-20150313.pdf](http://www.caloes.ca.gov/FireRescueSite/Documents/Updated_Gap_Analysis_for_Rail_in_California-20150313.pdf) The RDEIR's discussions that reference the Gap Analysis are not adequate, since the danger zones of four actual rail routes that are likely to be used are not described, nor are the particular hazards each route poses. The question arises: why does the RDEIR suggest that emergency response would be able to handle a major rail disaster involving High Hazard Flammable Trains in High Hazard areas?

The RDEIR does not describe the environmentally destructive methods by which the likely types of crude oil intended to be delivered to Valero by rail are extracted. To understand the magnitude and scope of environmental consequences of promoting delivery by rail or ship of either Bakken oil or tar sands, the reader must be informed of the full scope of consequences to regional environments and the climate. The RDEIR would have the reader believe in the apparent benefit of accessing domestic crude sources that would eliminate dependence on foreign oil. The worst environmental problem that arises from the rush to exploit North Dakota's Bakken fields or Alberta Canada's tar sands, is the impact on climate of the accelerating rise of Green House Gases in the upper atmosphere from the combustion of fossil fuels. The decimation of boreal forest in Alberta represents a loss of carbon-sequestering forest. The RDEIR's claims for GHG reductions do not factor the huge energy consumption required to extract one barrel of either Bakken or tar sands, nor the enormous environmental destruction contributing to global warming effects. Why are GHGs not accounted for "from the crude source?"

The RDEIR's calculations for GHG emissions are highly deceptive. Recently, in the last months, a ribbon-cutting ceremony was held to inaugurate a new "USA rail" terminal at the port of Vancouver, Washington,. Ribbon cutting celebrates new Port of Vancouver USA rail entrance - Port of Vancouver USA Crude Oil - Port of Vancouver USA. The Port of Vancouver will access tar sands "dilbits" from Canada and Bakken oil from North Dakota and transport crude from rail to ships for marine delivery of crude oil to Bay Area and So-CAL refineries.

Tesoro Corporation is heavily invested. The calculations for GHG reductions produced for the RDEIR may be moot, if Valero opts to have crude delivered by ship from the new Vancouver terminal. The alleged 'benefit' cited for using rail over ships lacks disclosure of key information regarding the new rail terminal at the port of Vancouver for marine shipments of "North American-sourced crude oil" to Valero.

It's clear from the discussion of Alternatives to the Project, that despite the RDEIR's conclusions, the "No Project Alternative" is also the Environmentally Superior Alternative. It doesn't take rocket science or more than common sense to make that evaluation, based on the numbers of "significant and unavoidable impacts" cited in the RDEIR's summary of impacts. There are noise impacts and traffic impacts that the RDEIR does not consider significant, but the document's assertions are based on speculation and assumptions, for example, of noise impacts on the behavior of wildlife, which the RDEIR believes "will adapt" to increases in the number of 50 or 100 car trains passing through their habitat under already stressed conditions.

Government employees and agencies are supposed to work for the benefit of the public which pays for their salaries and operations.

It is not the proper role of government to increase the profits of mega corporations like big oil companies at the expense of the environment and the health and safety of 'we the people' who are the ultimate sovereigns. Approval of the Valero Project would be a clear breach of the public trust.

Please put these comments on the public record and give them the consideration they deserve.

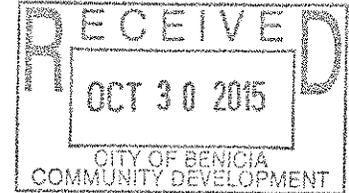
Very truly yours,  
Jan ellen Rein  
2704 E. ST.  
Sacramento, CA 95816

Clifford Manous  
2015 1\2 5th Street  
Sacramento, CA 95818

Rev. Mary Susan Gast

766 West J Street • Benicia, CA 94510

30 October 2015



TO: Amy Million, Community Development Department and  
Members of the Planning Commission

RE: Comments for the public legal record on Valero's Crude By Rail Project to be  
incorporated as part of the review of its Revised DEIR

Over and over the Revised Draft EIR fails to properly analyze, disclose, and posit mitigation for the Project's impacts on air quality, water quality, hazards, potential disasters, biological resources, and public health. The RDEIR inappropriately limits the geographic scope of the impacts it does consider, and makes no reference at all to possibly disproportionate impact of the Project on low-income communities of color. Those who are scientific and legal experts will have supplied details on these concerns. I write as a citizen and an ethicist.

Particularly troubling to me are the RDEIR's arguments regarding the safety of rail transport, including the assumption that only CPC-1232 tank cars will be used for the Project, when (a.) use of these improved tank cars will not be legally mandated for years to come and (b.) the CPC-1232s, while improved, still explode. Coupled with its assertion that no mitigation of risk factors arising from the condition of railroad tracks or tank car standards can be addressed because those are matters of federal regulation, the RDEIR violates the ethical principal of veracity.

Veracity is truth-telling. Veracity can be violated either by deliberately conveying erroneous information, by withholding portions of the truth, or by spinning information in ways that are misleading. [See Regis University, "Ethics At A Glance," <http://rhchp.regis.edu/hce/ethicsataglance/Veracity/Veracity.pdf>] Adherence to medical ethics for example, precludes a surgeon from saying, "This procedure I perform is successful with 97% of patients, but I can't talk about about the risks from anesthesia, I'm only responsible for the surgery." Part of the truth about the impact of crude by rail is being withheld when the RDEIR cordons off part of the information regarding risk by limiting itself to consideration of what occurs within the Valero refinery property, and dismissing the possibility of the City's ability or responsibility to limit the number of tank cars that can be unloaded per day or otherwise set railroad measures that are necessary to eliminate a local safety hazard. (49 U.S.C. 20106(a)(2)).

There is always public commentary about Valero's excellent safety record, what a good employer Valero is, and how thoroughly Valero trusts the Union Pacific Railroad. I have no reason to doubt that these assertions are genuine. But, the scope and impact of the proposed crude by rail project encompasses more than is measured by the current safety and emissions standards which Valero has met. Despite Valero's goodwill to its employees and to the community, the risks of this proposed project must be outweighed by possible benefits. The prospect of maybe 20 new highly technical permanent jobs pales in the light of the train derailment in Lac-Mégantic, population 5900, where in one fiery instant tank cars exploded, 47 residents died, and 800 jobs, (and the town's once delightful waterfront) were lost. Nor can we

(707) 373 6825 • msgast45@gmail.com

afford to ignore the almost monthly derailments of tank cars in the United States and Canada over the past two years, or the state of the railroad bridges and tracks that will be transporting Bakken crude into Benicia if Valero's plan is approved.

I encourage the Planning Commission, in assessing the RDEIR and in determining whether to give a go-ahead to the Proposal, to be guided by two ethical principles: nonmaleficence and beneficence.

Beneficence refers to actions that promote the wellbeing of others. Nonmaleficence is the "do no harm" principle. This includes avoiding even the risk of harm, whether intentionally or unintentionally. Ethical dilemmas commonly arise in the balancing of beneficence and non-maleficence, because most every course of action involves some risk. However, in order to be ethical, the potential benefits of any intervention must outweigh the risks. "You don't have to intend harm to violate this principle. In fact, you don't even have to cause harm. If you have knowingly or unknowingly subjected [others] to unnecessary risk you have violated this principle." ["Ethics At A Glance," <http://rhchp.regis.edu/hce/ethicsataglance/Nonmaleficence/Nonmaleficence.pdf>]

Nonmaleficence and beneficence are the route to what's really good for Benicia.

Thank you so much for your diligence,

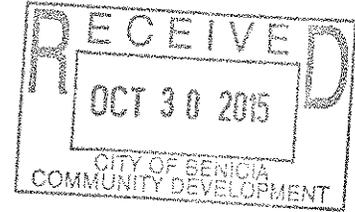
A handwritten signature in black ink, appearing to read "Mary Susan Gast". The signature is fluid and cursive, with the first name "Mary" and last name "Gast" being the most prominent parts.

Rev. Dr. Mary Susan Gast

## Amy Million

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**From:** Carole Sky <carolesky@gmail.com>  
**Sent:** Friday, October 30, 2015 2:59 PM  
**To:** Amy Million  
**Subject:** Vote NO on Valero's Crude by Rail proposal



*"Please add my comments to the public legal record on Valero's Crude By Rail Project and incorporate them as part of the review of the RDEIR."*

*Please forward to the Planning Committee Committee members!*

I strongly oppose Valero's proposal to bring Bakken Crude oil into Benicia by train. The environmental and human impact is highly negative, as proven by horrifying prior explosions. The means of transport is totally unsafe. All people, wildlife, nature in general are at risk anywhere around the path of these unsafe trains, tracks, and the volatile oil.

When we say Benicia is a "Main Street" City, I don't believe we imply a city that is overrun by the oil industry, putting all our lives at risk. I don't believe we mean a city that has very poor air quality, traffic jams due to oil trains, and again, constant danger to anyone living in or visiting our city. Why would people continue to want to move to or stay in Benicia for the good schools when the schools and the town as a whole, are in danger from derailed oil trains?

In short, Valero's proposal flies in the face of common sense, not to mention "derailing" compassion and commitment for the best interests of the people and environment of California and the U.S.

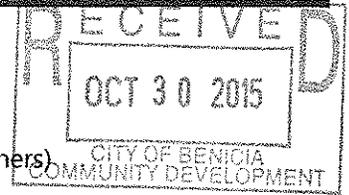
Sincerely,

Carole Sky

146 Carlisle Court  
Benicia, CA 94510

**Amy Million**

**From:** Eleanor Prouty <epbandbiz@att.net>  
**Sent:** Friday, October 30, 2015 1:53 PM  
**To:** Amy Million  
**Subject:** Valero Revised DEIR (please share with Planning Commissioners)



*Please add my comments to the public legal record on Valero's Crude By Rail Project and incorporate them as part of the review of the RDEIR.*

Dear Ms. Million and Benicia Planning Commissioners,

I am writing to express deep concern over Valero's proposed oil train offloading facility in Benicia. According to the EIR, this project would create several "significant and unavoidable impacts" on our city.

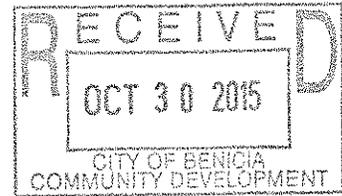
I moved to Benicia in 2002 because of its combination of scenic beauty, great people, quality public schools and strong sense of community. Benicia has come to be a special community based on the choices of prior city leaders - planning commissioners, city council, and city staff. It is not by accident but by careful planning and choices that such communities are created and maintained.

I ask you all to do your part to continue this legacy and protect the city's long term and short term interests. For Benicia's sake alone, the many risks of this project for our residents and businesses, are not worth the benefit to one multinational corporation. These risks are more than sufficient reason to decline to certify this EIR.

I want to add that this proposed project also calls upon our city government to be responsible stewards for the health, air and water quality for all of Northern California. The risks of bringing Baken Crude Oil overland via train must not be ignored. The critical drought we are enduring means risks to our water of the magnitude represented by a crude oil spill along this rail line are unacceptable and economically foolish.

For all these reasons, I respectfully urge the Planning Commission and City Council to not certify this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,  
Eleanor Prouty



Amy Million

Principle Planner

City of Benicia

Re: Valero Crude by Rail Project

I am writing to comment on the DEIR and the RDEIR for the Valero Crude by Rail Project.

Fatal flaws are made in the following sections;

4.6 Greenhouse Gas Emissions

4.7 Hazards and Hazardous Materials

4.11 Transportation and Traffic

Approval of the project and the construction of the rail unloading facility does not guaranty a reduction in ship traffic. It is very possible that the use of the rail unloading terminal increases shipping by sea for export of oil and or other petroleum products. As the applicant states, this is just a logistics project and it give the refinery another oil delivery option. No claims for Greenhouse Gas reduction can be made on "optional" or possible reduction in ship deliveries.

The documents do not address the vulnerability of rail road tank cars outside of the refinery to threats from vandals and or terrorists.

The RDEIR reinforces the applicant's argument that Federal Preemption of Rail Road's traffic prevents any regulation of train movements. The protection these regulations provide the railroads make it highly likely that train movement for the Crude by Rail Project will not happen as predicted or promised.

The traffic study also needs to consider movement of crude trains being shunted onto sidings outside of the refinery, which could lead to additional delays at the Park Rd at grade crossing.

The power point presentation I made before the Planning Commission in August, 2014 gave photographic evidence of traffic stopped on the Bayshore RD off-ramp from North bound Highway 680 due to train traffic blocking Park Rd. There will be significant additional delays caused by this project. Caltrans commented on the DEIR stating that the project may not cause traffic to back up onto the Freeway. How will this be prevented?

The determination of less than significant impact for traffic delays (Impact 4.11-4) is unsupported as repeatedly stated in the Federal Rail Preemption. The applicant and the City do not have the authority to control rail movement. Pretending they do, as presented in the documents, is insulting and laughable.

For all the above reasons and for many more I strongly feel that the DEIR and the RDEIR are inaccurate and should be revised or rejected.

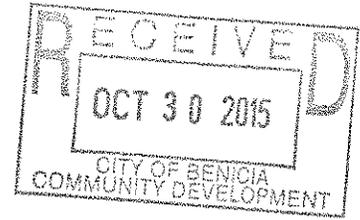
Sincerely

Ed Ruszel

## Amy Million

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**From:** Shoshana Wechsler <swechs@sonic.net>  
**Sent:** Friday, October 30, 2015 3:52 PM  
**To:** Amy Million  
**Subject:** Valero Crude-by-Rail Project



Dear Ms. Million,

The City of Benicia has by now received reams of scrupulously researched and detailed technical analysis of the Recirculated Draft Environmental Impact Report on the Valero Benicia Crude-by-Rail Project. I have read much of that commentary, as well the critiques of the original DEIR that first convinced me this project is an abomination. That conviction has only deepened.

In appreciation of the eye strain that inevitably follows so much reading, I will keep my own remarks short. I am a native of Solano County and have a profoundly sentimental attachment to this gentle, rolling landscape and the communities that populate it. Like many others, I am grieved by the very possibility that a project such as this one, known to cause "significant and irreversible impacts" of the highest magnitude, might be set loose upon us all.

The RDEIR you have before you is inadequate. It hides the real dimensions of the negative impacts it declares, as if to merely suggest and then soundly deny them in the same breath. It begs the central questions which cry out for honest examination—what crude will be processed? What are the actual, cumulative consequences?—before an informed decision can be made. I implore you not to approve this project on the basis of this document.

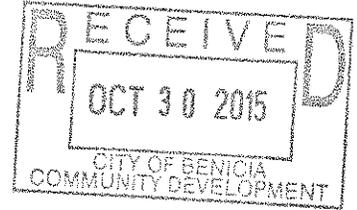
Sincerely yours,

Shoshana Wechsler

## Amy Million

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**From:** Marialee Neighbours <mlneighbours@gmail.com>  
**Sent:** Friday, October 30, 2015 4:26 PM  
**To:** Amy Million  
**Subject:** Opposition to Valero Shipment of Crude Oil-Benicia



I am strongly opposed to the shipment of extremely explosive crude oil and tar sands to Benicia . The dangers these kind of shipments pose has previously been recorded by other opponents of the measure. I won't repeat them.

As a native California whose ancestors were here prior to California becoming a state, I believe towns like Benicia need to be cherished and preserved. And no amount of profit can possibly outweigh the need for caution in protecting the lives of Benicia's public, including its children.

Promises about safety are easily made before a destructive incident. It is far better to avoid a dangerous enterprise before that incident occurs.

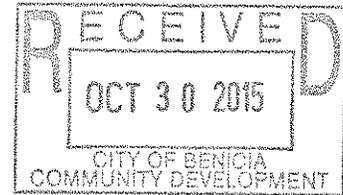
I hope you will reach the conclusion that the proposed project is inherently unsafe. Thank you for your consideration of these comments.

Sincerely,  
Marialee Neighbours  
115 East G. Street  
Benicia, CA 94510

## Amy Million

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**From:** Beate Brühl <beabruhl@pacbell.net>  
**Sent:** Friday, October 30, 2015 4:31 PM  
**To:** Amy Million  
**Subject:** Comment for the record - Valero Crude By Rail

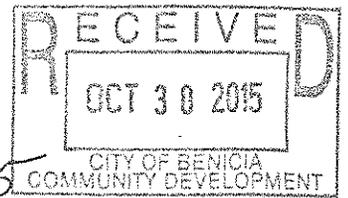


Dear amy Million,  
after studying all the information about Valero's dangerous crude by rail project, I am writing to voice my fear and concern for our town, it's citizen, and our lifestyle. Many experts and informed citizens have given their articulate comments, and I don't feel the need to repeat, but:

This year I have noticed an increase tourists visiting Benicia (I meet a tour bus of seniors from Oakland recently). Our town has been put on the map by newspapers recently, touting our safe, peaceful lifestyle. The impact of the Valero project, identified in the EIR as going to have a "significant and unavoidable impact", and possible disastrous accidents, stand in stark contrast to the bucolic image Benicia presents. I urge you to reject the proposal, and give us all peace of mind.

Thank you,  
Beate Brühl  
530 East L Street  
Benicia, CA 94510

Madeline Koster  
25Corte Dorado  
Benicia, CA, 94510



Dear Planning Commission,

Thank you for hearing public comment on the Valero Crude by Rail Project. Also,  
Thank you very much for your Public Notice of the RDEIR and Public Hearing.

Benicia Saving Water Starts With You ! I reiterate this because it seems likely to me that Valero has not reduced it's use of water, while the rest of us have gone down by 20 to 30 percent.

(So, would it be correct to say that Valero now uses 20% more water than the rest of all Benicia citizens combined?)

As you know, refining the Bakken Crude and the Tar Sands Crude would require far more water than the conventional crude oil requires. If Valero were to go UP another 20-50% on their use of water- would the well run dry?? How would this affect the people of Benicia?

In particular, I want to thank you for quoting the RDEIR (as it was previously in the DEIR) that the Crude by Rail Project, if completed, "would be a significant and unavoidable impact associated with air quality and greenhouse gas emissions, hazards and hazardous materials and biological resources." As a resident of the part of Benicia that was once called the Highlands, adjacent to Valero property, I am extremely concerned about cancer. Bakken crude is extracted with several hundred different types of toxic chemicals, many of which are known carcinogens. Another crude, Bitumen, which is extracted from Alberta's Boreal Forest, has to be upgraded with many other partly refined petroleum products to make it flow in pipelines and in and out of rail cars. Chemicals like benzene (a highly carcinogenic substance) and other toxic /carcinogenic chemicals are added and evaporate on contact with air. Currently, only one tank from a ship of crude is unloaded each week. If the Crude by Rail trains are allowed to unload in Benicia, 100 tanks would be opened each day or night. I wonder if anyone in my neighborhood would live. Then again, if we live, what about our property values? I may need to do a reverse mortgage some day. I am a retired teacher and I have worked most of my life to pay for this house. If and when people were to become aware that Crude by Rail was in the near by Corporation Yard, would they consider paying to live in this neighborhood?

Last but not least is the issue of the noise of 2 trains- 50 tanks each- every day or night. We all know the benefit of Sound. [ "In the beginning was the Word, and the Word was God."] Just as music can be healing and rejuvenating, music and other noise can be extremely irritating and unhealthy. A Valero employ ( who happens to live in my neighborhood) told me, that before the train leaves the yard

– after unloading, every 80 foot long tank car would have to be knocked against the one next to it, so that the engineer would know that they are all connected. So – every day or night- we would hear 100 tank cars knocking together- in addition to the rumbling sound of trains arriving and moving through the Industrial Yard.

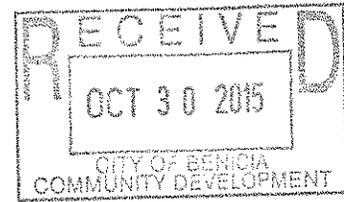
Thank you so much for your time. If something is “ significant and unavoidably hazardous” – like Fire Crackers – or Street Drugs- JUST SAY NO!!!! Make it illegal. PLEASE!!

*Madeleine Koster*

## Amy Million

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**From:** Susan Jones <asjones07@yahoo.com>  
**Sent:** Friday, October 30, 2015 4:40 PM  
**To:** Amy Million  
**Subject:** Support for Valero's Crude by Rail Project



Dear Ms. Amy Million,

Please count us as Benicia residents and environmentally-minded folks who are strong supporters of the Valero Crude by Rail Project.

When we moved to Benicia in 2002, we knew it was a refinery town, so we fully expected activities related to transporting crude oil and refined products in and around the community. We also expected other activities related to the other businesses of Benicia and the surrounding area, because the town is nested near a major waterway, a railroad, two freeways and an industrial park.

We would venture a guess that many materials classified as hazardous are safely transported and/or stored in the vicinity of Benicia every day by law abiding businesses, like Valero.

Knowing that business activities in California are highly regulated, with a keen eye on safety and public health, we are not at all concerned that Valero's project calls for a third method of delivery of its crude. (The other two are pipeline and ships) In fact, transporting crude by train will reduce greenhouse gas emissions when compared to shipping the crude from across the seas.

It is important to note that Valero is not increasing its production, rather it simply wants flexibility in how crude is delivered to its facility.

Valero is in the business of managing risks every day to produce the fuels that keep this great city and its people moving forward, and they manage this quite well. This is demonstrated by the recognition that Cal/OSHA has awarded the refinery for its focus on safety.

Please, don't hamstring Valero and other businesses from providing for Benicia's economic recovery. The city, schools and citizens like us depend on a strong business community.

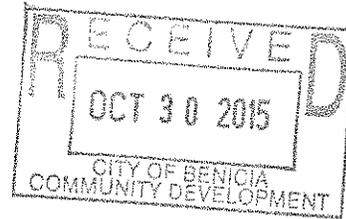
It's time to accept the Revised Draft Environmental Impact Report and approve Valero's request for a Use Permit. It's time to support our business community.

Sincerely,

Mr. & Mrs. Addison Jones  
ASJones07@Yahoo.com

Benicia, CA 94510  
October 29, 2014

City of Benicia  
250 East L Street  
Benicia, CA 94510



Attention: The Benicia Planning Commission

Subject: Valero Benicia Crude by Rail Project  
Revised Draft Environmental Impact Report Review – Use Permit 12PLN-00063  
Public Comment

Honorable Commissioners:

Benicia is a bright and unique city to enjoy - a family-oriented community where the quality of life issues matter. An important quality of life issue is having the simple pleasure of breathing non-toxic air. The City's good neighbor, Valero Energy Corporation, has recently agreed to a civil penalty settlement with the Bay Area Air Quality Management District for air quality violations – twenty-three incidents resulting from 2012.<sup>1</sup> I am not sure why there was such a delay in settling the penalties. Moving forward with Valero's proposed crude-by-rail project - revised draft environmental report (DEIR), I am wondering if this was worth the expense... The term, "North American Crude", is being used again. Is this term a euphemism for the highly-volatile Bakken crude from North Dakota? I am commenting on legislation that would provide governance to transporting highly flammable crude products as there are many risks associated with the proposed crude by rail project.

Recently, there was a House of Representatives bill crafted in alignment to the special interests of the railroad industry and their customers/shippers that provided emergency response assistance for railcar derailments as the current legislation expired on 10/29/2015. Here are the interesting nuances of the "crafted language" of the proposed bill:

"The House bill would give the secretary of transportation the power to decide what information would not be disclosed to the public. The secretary would have discretion to withhold anything proprietary or security sensitive, as well as 'specific response resources and tactical resource deployment plans' and 'the specific amount and location of worst-case discharges, including the process by which a railroad carrier determines the worst-case discharge'.<sup>2</sup>

My letter addressed to this commission expressing my opposition to the first DEIR questioned the term "blast zone" and the impact(s). Now, I am using the term "worst-case discharge". What is a "worst-case discharge"? It is noted that the bill defines "worst-case discharge" as the largest foreseeable release of oil in an accident or incident<sup>2</sup> – this would be defined/determined by the railroad carrier.

References:

- 1) Borrmann, Ralph, Contact. "Air District Settles Case with Valero" 10/29/2015. Access Date: 10/30/2015 <[www.BAAQMD.gov](http://www.BAAQMD.gov)>
- 2) Tate, Curtis. "House Bill could Shield Oil Train Spill Response Plans from Disclosure", October 16, 2015 and "House Panel Adds 3-Year Delay on Rail Safety System to 3-Week Highway Bill", October 26, 2015. Access Date: 10/29/2015 <[www.McClatchyDC.com](http://www.McClatchyDC.com)>

On 10/27/2015, The House of Representatives approved the Surface Transportation Extension Act of 2015 (H.R. 3819) which provided funding and extended the authorization for federal highway and transit programs through 11/20/2015.<sup>3</sup> This stop-gap measure embraces the new rail safety technology referred to as Positive Train Control (PTC). There is a three-year extension for the PTC implementation to be completed by 12/31/2018. This is good news; safety experts are stating that this technology will prevent speeding trains, derailments, and perhaps prevent a fifty "tank bomb" explosion (i.e., at the very least, this worst-case discharge would have a process in place as defined by Union Pacific Railroad and a tactical resource deployment plan that would be held in confidence by the Secretary of Transportation). I am sharing a high-level overview; the next step is that this bill will be introduced to the Senate for consideration.

The governance to safely transport crude products via railroad carriers is in the early stages of development as evident by this illustration of the new legislation being created. Transporting highly flammable crude product using "tank bombs" (i.e., Valero's leased and/or owned rail tank cars) via the public rail system at a speed of 50 miles per hour and the fact that UPRR would turn over the operation of the trains for off-loading presents too many risks. Honorable Commissioners - I am hoping that you will move forward with the rejection of the use permit. Thank you for the opportunity to express my opposition.

Sincerely,

Karen Berndt

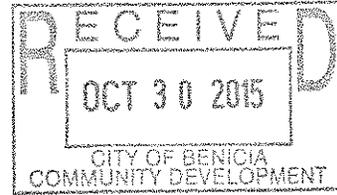
References:

- 3) Morgan, David. "House Approves Transportation Bill with Rail Safety Extension" 10/27/2015. Access Date: 10/29/2015 <[www.Reuters.com](http://www.Reuters.com)>

## Amy Million

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**From:** Parisa LoBianco <info@starlightschool.com>  
**Sent:** Friday, October 30, 2015 4:57 PM  
**To:** Amy Million  
**Subject:** Valero Crude Oil



To Whom It May Concern:

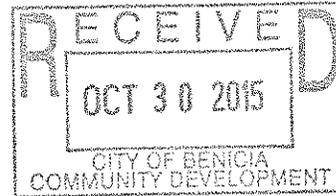
I'd like to express my objection to the Valero Crude Oil Project to go through. I am a home and business owner in Benicia and I believe it is a great mistake. It is dangerous for the people of this town as well as all others that are in the path. It is an environmental hazard with very little sustainability zero profit for the town of Benicia.

Thank you for your time,

Parisa LoBianco

Craig Snider  
793 Carsten Circle  
Benicia, CA 94510

Amy Million, Principal Planner  
Community Development Department  
250 East L Street  
Benicia, CA 94510



Dear Ms. Million,

Thank you for considering my comments concerning the Valero Benicia Crude by Rail Project Revised Draft Environmental Impact Report. This project poses a significant risk to the safety and well-being of Benicians as well as other communities and lands “uprail” of the project.

According to the City Manager, the Benicia Industrial Park is the “Engine of Benicia” and the best way to maintain and enhance revenue from the industrial park is to “diversify” the suite of businesses in the Park. In fact, according to Benicia Strategic Plan, Issue #3 – “Strengthening Economic and Fiscal Conditions”, strategies include “Strengthen Industrial Park Competitiveness” and “Retain and Attract Business”. As such, it would seem imperative that any thoughtful analysis of impacts associated with Valero’s proposal to site their crude oil racking facility in the middle of the Industrial Park would include an in-depth analysis of the effects on traffic, air quality, noise, and most importantly – safety. Further, there should be serious consideration of how these impacts will combine to affect other businesses in the Industrial Park.

As such, I was disappointed that the RDEIR did not address this issue at all. For example, the DEIR concludes that Valero’s proposal merely doubles the current traffic congestion/delays caused by existing railroad traffic, so that’s not significant. However, when those delays are combined with the added noise, objectionable odors, reduced air quality, and the inherent hazard associated with an explosion; there is a significant cumulative impact on quality and attractiveness of the Industrial Park as a whole.

Ask yourself this: If you wanted to locate your business in an Industrial Park, are you more likely to choose one where 730 trains per year will be spewing pollution — NOx and carbon monoxide and particulate matter — in the middle of that Park? Where 8.3-minute estimated delays in traffic will be every-day, four-times-a-day aggravations (realistically delays will be longer since volatile shale oil MUST be handled carefully and slowly). Where the risk of working in the Blast Zone of a Bakken Crude accident will be highest? Finally, would your customers be

comfortable in the presence of such a hazard or would they take their business elsewhere?

How can the project move forward without such an assessment being considered? How can the responsible officials, or the public, know the true impacts of the Crude by Rail proposal without a serious assessment of impacts on business in our Industrial Park?

Valero claims that despite chronic violations of air quality, they place a high value on safety. But remember, Valero's responsibility and control of High Hazard Flammable Trains (HHFTs) begins and ends at the refinery gate. Valero has repeatedly attempted to distance itself from any responsibility for rail shipments of crude. They have cited state and federal law in an effort to wash their hands of any responsibility for accidents that occur beyond their gates. (See Revised Draft Environmental Impact Report (RDEIR) appendix H). Yet, the freight railroad business remains virtually unregulated and their safety practices are largely secret. In fact, the Federal Railroad Administration doesn't know how many rail bridges there are because there is no public inventory of them. Railroads inspect and maintain their own tracks and determine what condition to keep them in, but keep that information secret. And, when state or local emergency managers get information from railroads about oil trains, the railroads ask the government agencies to promise to keep the information from the public. Why would we want 100 tank cars of highly flammable (and explosive) crude oil rolling through our town each day with no analysis or transparency regarding the safety systems employed by the railroad?

Any reasonable analysis of safety impacts of the proposal must include a close look at the safety mechanisms employed by the railroad. Alternatives, like Positive Train Control, should be considered and detailed in the proposal. This is OUR community. State and federal regulators don't live here. Freight train operators don't live here. Railroad companies don't live here. The people that live HERE must have a say-so in how these trains operate in OUR town. If the regulators, railroad and oil company want to hide behind rules regarding "preemption" – fine. However, they should build their racking facilities in another town, where rail safety of HHFTs is not a concern – not in Benicia.

Maybe it's inevitable that the city will approve the project. Given the horrible track record of tar sand and shale oil extraction and transport - shame on us if we do. But if it must be done, the best solution is Alternative 3: Offsite Unloading Terminal. Alternative 3 keeps HHFTs out of Benicia, while allowing Valero to get their crude by rail. We need to diversify the Industrial Park and make it more (not less) attractive to other businesses. We want an inviting community, not one whose safety is compromised by ill-conceived means of procuring crude oil. It's one thing to live in the shadow of an oil refinery with it's own inherent hazards and pollutants. Why up the ante when we don't have to?

C. Snider – Crude by Rail RDEIR Comments

October 30, 2015

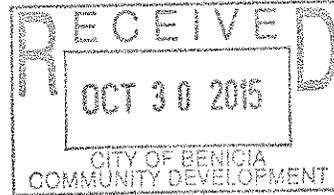
Sincerely,

/s/ Craig B. Snider  
CRAIG B. SNIDER

Alan C. Miller  
PO Box 747  
Davis, CA 95617

October 30, 2015

To: Amy Million, Principle Planner  
250 East L Street  
Benicia, CA 94510



Subject: Valero Refinery - City of Benicia Draft EIR on Oil by Rail

Dear Ms. Million:

The rail safety portion of Benicia's recirculated EIR is at least an improvement over the previous EIR. However, improved numbers and description of threat continue to fail to focus on the specific nature of the rail line that will be carrying that oil. Safety at any particular location is unique, not a set of averages from a risk table. A rail line is only as safe as its weakest link.

The Union Pacific line between Sacramento and Benicia has a fatal flaw. Should a train derail there, the term "fatal" could be quite literal, as has been seen in numerous unit-oil-train derailments where the tanks are punctured and the contents ignite in a massive fireball. One such Fireball killed 47 persons when a speeding oil train derailed on a curve on a wye adjacent to the downtown of the small town of La Magentic in eastern Canada. Davis' downtown is also adjacent to a curve on a wye.

The curve, while an increased threat relative to a straight stretch of rail, is not the fatal flaw. The fatal flaw lies a few hundred feet east of the Davis curve and Davis Amtrak passenger platform, adjacent to and parallel to 2<sup>nd</sup> Street between L Street and K Street in Davis. This feature is a left-hand, low-speed crossover between Main Line #1 and Main Line #2.

This crossover is only accessible to a train that is travelling left-handed. This would have been impossible when the tracks were a right-hand, single-direction pair using ABS signals. However, in the early 1990's, the track was upgraded for Capital Corridor service and trains could now travel on either track in either direction and cross over between tracks at crossover points, all of which were installed for 45 m.p.h. operation and protected by bi-directional CTC signaling.

However, the crossover switch in Davis was a legacy item, originally installed to allow trains coming off the West Valley line to reach the right-hand running mainline to travel east. Since trains coming off the West Valley line were already coming around a slow curve, this slow switch presented little safety hazard.

Now, however, mainline freight trains coming from the east on Track #2 at full speed can travel on the left-hand track and enter this switch to cross over to the other track. As well, trains from the west on Track #1 coming around the curve may enter this switch from curve speed and cross over to the other main track. Freight speeds east of Davis vary from about 50 – 65 mph, while curve speed is 30 mph. **The aforementioned crossover is posted at 10mph!**

The reason this crossover is so dangerous is the extreme difference in speed between the mainline and the crossover, even from the west, where the mainline is posted at three times faster. This is compounded by the fact that engineers see a “red-over-green” aspect that shows a crossover, but still gives the green “go” signal, not a yellow “slow” signal. As well, most other modern installations of crossovers are rated at 45 mph, so engineers, sometimes lulled into the hypnotized rhythm of mainline rail operations, must remember that this crossover is the exception, the exception that is posted at 22% the speed of the other crossovers!

Remembering this is a 10 mph crossover is an engineer’s job, but that doesn’t mean they will always remember. About 10,000 freight trains pass through Davis each year, and if oil trains run, there will be over 1000 more. If only 1% of trains pass through this crossover, and 1% of engineers forget this crossover, which would be one train per year that blows through at full speed.

This threat is hardly unknown. Google “crossover rail excessive speed” and you will find numerous rail accidents that happened due to this scenario. The most recent similar accident may be the February 26, 2012 accident in Ontario, Canada that killed three-crew and injured 35 passengers. Safety board officials called into question the practice of having low-speed crossovers between higher-speed mainline tracks. While the Davis crossover is used for relatively few trains, the crossover in Ontario similarly was used relatively rarely. This was actually cited as a contributing factor in the accident, as it was speculated that the train crew might have simply forgotten the speed of the crossover.

Trains passing through the crossover at excessive speed in Davis are not theory. In 2006, I witnessed a westbound unit liquid-petroleum-gas train pass through the 10 mph crossover at 47 mph. The scene was terrifying, with the engine and tank cars whipping side to side on their wheel trucks, screeching metal and swinging headlight. Thankfully, the train did not derail. I’d thought I’d witnessed a once-in-a-lifetime event. But, in 2009, an eastbound train passed through the 10mph crossover at mainline speed, I’d estimate 30-35mph, and ground to a halt, swaying back and forth on its wheel trucks. That train also carried LPG cars. In neither case did the train derail, but a rail track engineer told me that either train easily could have. How many more trains have nearly derailed here that I did not witness? Without a derailment, the crew could continue on and not report the incident, as the event recorders are only checked if there is an accident or suspicion of misconduct.

Positive Train Control, due to be implemented by December 31 of this year, would have prevented such near-disasters as those I witnessed above. However, the implementation of Positive Train Control has been delayed three years, at least. The technology is simply not ready.

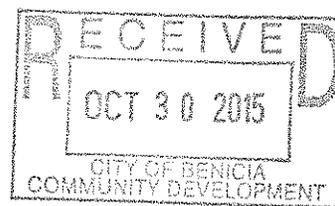
To run oil trains through Davis with this fatal flaw would be the height of brazen corporate stupidity. This crossover must be modernized upgraded to 45 mph standards if oil trains are to run before Positive Train Control is installed.

This is not optional. This is a disaster waiting to happen, even now.

Submitted in Safety and Sincerity,

Alan C. Miller, Davis  
530-312-7320

Jackie Zaneri



## October 15, 2015 Comment to the City of Benicia Planning Commission

### **Introduction**

Members of the City Planning Commission,

I am a law student at the University of California, Berkeley School of Law and have analyzed the impact of the Valero Benicia Crude by Rail Project on the residents of the nearby city of Richmond, California. Based on this analysis, I urge you to block this project. First, the Revised Draft Environmental Impact Report (RDEIR) for the project is inadequate because it does not comply with the requirements of the California Environmental Quality Act (CEQA) by informing the public about the full scope of the project, associated impacts, and any feasible alternatives. The CEQA requirements are in place to ensure that the public is adequately informed about the risks of a project that will affect their health and safety, and so that they receive adequate information to participate in the public comment process. Thwarting that process with incomplete information places already vulnerable communities at risk, asks them to continue to bear a greater burden of environmental harms, and negates their right to self-determination. Next, the project imposes high environmental burdens on these already pollution-impacted communities. Finally, the project has discriminatory effects that amount to serious civil rights violations. These violations open the City of Benicia up to potential litigation. Given the failures of the RDEIR as well as the real risks that the project will expose the Richmond community to, I ask the members of the commission to deny Valero refinery's use permit for their crude by rail project.

### **Community Overview: Richmond, California**

The city of Richmond, California, which is located in the San Francisco Bay Area, has close to 104,000 residents. Its population is comprised of a majority of people of color, and the two largest racial and ethnic groups are Hispanics or Latinos (39.5%) and Blacks or African Americans (25.9%).<sup>1</sup> At its current baseline, the city's residents already suffer high levels of environmental hazards related to industrial processes and hazardous waste. For example, the California Department of Toxic Substances Control currently identifies 128 cleanup sites within the city.<sup>2</sup> Most notably, the community faces severe environmental hazards from the oil refining and related activities of the Chevron Richmond Refinery, which is located in the Richmond.

The rail lines that are intended to carry the oil trains to the proposed Valero Benicia Refinery wrap around the city of Richmond on its western border and cut through the eastern

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<sup>1</sup> 2010 U.S. Census.

<sup>2</sup> Envirostor search for Richmond, California, *available at* [http://www.envirostor.dtsc.ca.gov/public/mapfull.asp?global\\_id=&x=-119&y=37&z=18&ms=640.480&mt=m&findaddress=True&city=Richmond.%20California&zip=&county=&federal\\_superfund=true&state\\_response=true&voluntary\\_cleanup=true&school\\_cleanup=true&ca\\_site=true&tiered\\_permit=true&evaluation=true&military\\_evaluation=true&school\\_investigation=true&operating=true&post\\_closure=true&non\\_operating=true](http://www.envirostor.dtsc.ca.gov/public/mapfull.asp?global_id=&x=-119&y=37&z=18&ms=640.480&mt=m&findaddress=True&city=Richmond.%20California&zip=&county=&federal_superfund=true&state_response=true&voluntary_cleanup=true&school_cleanup=true&ca_site=true&tiered_permit=true&evaluation=true&military_evaluation=true&school_investigation=true&operating=true&post_closure=true&non_operating=true)

half of the city.<sup>3</sup> This placement means that most of the city's residents live within the one-mile "blast zone" that extends from either side of the rail lines. This blast zone is an area that the Department of Transportation has identified as an evacuation zone in the case of an oil train derailment, spill, and fire or explosion. In Richmond, the blast zone contains schools, churches, and large residential areas. There are no buffer zones.

Many of the Richmond residents within the blast zone live in communities that have been identified as environmental justice communities. By one empirical definition, environmental justice communities are census groups where either more than 25% of residents are people of color, median household income is less than the statewide 65th percentile, or more than 25% of households are linguistically isolated with no English speakers older than 14 – all social vulnerabilities that mean that these populations feel the effects of environmental degradation more strongly than other communities.<sup>4</sup> More broadly, environmental justice communities are communities which have historically borne disproportionate environmental harms and burdens and which are economically and socially disadvantaged and therefore impacted more severely by environmental degradation. These are often communities of color.

The racial makeup of Richmond communities that are within the blast zone and outside of it present a stark contrast. Within the blast zone, residents are 51% Hispanic/Latino, 28% Black, 11% White, 8% Asian, and 2% Other. In contrast, outside of the blast zone but within the Richmond city limits, the racial breakdown of residents is 30% White, 27% Latino, 19% Black, 19% Asian, and 5% Other. Overall, the population living within the Richmond blast zone is 89% people of color, and the residents outside of it are composed of 70% people of color. As compared to residents within the Richmond city limits but outside of the blast zone, those within the blast zone have a much larger percentage of Latino and Black residents, and those outside the zone have a greater amount of White and Asian residents.

Within the blast zone in the City of Richmond, there are five different census tracts which Cal EnviroScreen, a California Environmental Protection Agency tool that is used to identify the California communities that are most burdened by pollution and vulnerable to its effects, has identified as part of the top 20% most disadvantaged communities in California. This screening method takes into account socioeconomic characteristics and underlying health status in a community.

One of those disadvantaged tracts is Census Tract 6013365002, a location that carries both a high relative pollution burden and a high percentile score for vulnerable population characteristics. Of especial concern in this census tract are toxic releases, groundwater threats, impaired water, and solid waste, which are all among the top 20% worst in the state. Tract 6013365002 is also in the 99<sup>th</sup> percentile statewide for the worst hazardous waste and for cleanup sites. This area also has high levels of linguistic isolation, poverty in the 81<sup>st</sup> percentile, unemployment in the 89<sup>th</sup> percentile, and asthma in the 98<sup>th</sup> percentile for the state.

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<sup>3</sup> *Crude Injustice on the Rails*, June 2015, available at <http://www.forestethics.org/news/crude-injustice-rails-california>, at 18.

<sup>4</sup> *Crude Injustice on the Rails* at 3.

At a baseline, this community currently suffers extreme effects of environmental degradation. It is also at risk of adverse health effects due to its unique social stressors such as high levels of poverty and unemployment. Therefore, as indicated by the community's population characteristics, this particular community is more vulnerable to the effects of environmental degradation because of the particular economic and social vulnerabilities that they already face, and because they already suffer from environmental hazards. These social vulnerability factors affect both individuals and communities as a whole.

Finally, while this analysis has up until now focused on residents within the blast zone, it is important to note that while communities within the blast zone are mostly likely to be strongly impacted by the proposed crude by rail project, areas beyond the blast zone are also at risk. This is evidenced by the 2013 oil train accident near Casselton, ND, which required a five-mile evacuation zone downwind of the accident.<sup>5</sup> Both because there is not enough information about the dangers of this project and due to the real dangers presented by examples such as the Casselton accident, the oil train project is of concern to the entire City of Richmond, all of which lies within five miles of the rail lines intended to transport the oil trains.

### **The RDEIR's Project Description is Incomplete Because it Does Not Adequately Describe the Refinery's Change in Crude Slate**

As per CEQA Guidelines, a project is "the whole of an action" requiring environmental review.<sup>6</sup> The scope of a project will influence the analysis performed in an EIR, including the assessment of impacts, appropriate mitigation measures, and alternatives to the project. An accurate project description is necessary in order for an EIR to fulfill the purpose of CEQA, which is to fully inform communities about the risks and benefits of proposed projects. Only through a thorough EIR process can the City make an informed decision about the project and can communities participate meaningfully in making a decision that will affect their health and safety.

The project description put forth in the RDEIR is inadequate to fully inform the communities affected by the project because it is incomplete. According to the RDEIR, the project's purpose is to allow the Valero Benicia Refinery to replace some of the crude oil feedstock it currently receives by marine vessel with similar feedstocks delivered by rail car. One of the objectives of the project is to implement the project without altering Refinery process operations. In particular, the RDEIR claims that the crude slate delivered to the Valero refinery by rail will not change the makeup of refinery's overall crude slate, as its average blended slate must stay within certain parameters for processing at the refinery. Therefore, it reasons, no analysis of changes in crude slate as a result of the crude by rail project is necessary.

However, as explained by environmental engineering expert Phyllis Fox, the oil trains project will foreseeably bring about a significant change in the refinery's crude slate.<sup>7</sup> These changes might include changes to the API specific gravity, or weight of the crude oil, as well as

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<sup>5</sup> *Crude Injustice on the Rails* at 3.

<sup>6</sup> 14 CCR § 15378(a).

<sup>7</sup> Fox Report on the Draft EIR at 4-6.

its sulfur content.<sup>8</sup> Further, even if those two parameters remained relatively constant, the project might allow Valero to change other components of the chemical composition of the crude slate. Finally, the RDEIR does not discuss whether or not the Project will enable the refinery to begin refining large amount of tar sands and Bakken crudes, which are crude oils with uniquely polluting and hazardous characteristics.

The RDEIR's own statements regarding the refinery's crude slate makeup are contradictory. On one hand, it states that the project will allow the Valero refinery to receive crudes with "limited accessibility," and claims that the composition of the Valero crude stock is "based on a range of variables that can change over time."<sup>9</sup> While it does not provide those variables, it does find that "the project could foreseeably result in Valero's purchase of any of the crudes that might become available."<sup>10</sup>

At the same time, the RDEIR dismisses the idea that there will be a significant changes in crude composition by stating that since Valero blends its crude feedstocks to fit within a particular pre-processing range, the type of feedstocks that Valero can purchase is limited. It also places emphasis on the fact that the average sulfur content and specific gravity of the refinery's crude oil feedstocks "over any given period of time must remain relatively constant."<sup>11</sup> Due to this, it does not explore any potential health impacts related to changes in crude slate.

As the Fox Report shows, the RDEIR's characterization of the future Valero refinery crude slate is both misleading and omits several important factors. First, contrary to the RDEIR, it is possible that under the proposed project the Valero refinery's crude slate will change in a way that will have significant health impacts.<sup>12</sup> Next, it is also possible that the crude slate will shift toward heavier and sourer crudes in a significant way.<sup>13</sup> Finally, even keeping specific gravity and sulfur content within a specified range could mean a "gradual creep within that range" whose impacts might be significant.<sup>14</sup>

Because the project description is inadequate, the RDEIR does not adequately inform either the public or policymakers about the risks associated with the Valero Benicia Crude by Rail Project, and therefore does not adequately allow the communities that will be affected to protect their own health and safety and to have informed participation in the public process.

### **The Project Description Does Not Include All Essential Activities Associated with the Project**

CEQA guidelines state that a project description must encompass the entire project and avoid parceling off necessary components for separate analysis. Therefore, if an action is necessary to the accomplishment of a project, its impacts must be analyzed as part of that project and cannot be sectioned off for separate review.<sup>15</sup>

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<sup>8</sup> Id.

<sup>9</sup> Revised Draft Environmental Impact Report at 7.

<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> Fox Report at 4-6.

<sup>13</sup> Id. at 5.

<sup>14</sup> Id. at 5-6.

<sup>15</sup> See *Laurel Heights v. Regents of University of California*.

In this case, the RDEIR describes the project as include the building of new railroad track and associated infrastructure within the boundaries of the Valero refinery property, as well as the construction of new loading stations and a short pipeline to transport crude oil to and from the refinery. However, those parts of the project interact with the rail line outside of the refinery, and must necessarily do so for the project to succeed in its objectives. Therefore, the use of rail lines throughout California is essential to the other aspects of the project, and those impacts, alternatives, and mitigation measures should be provided. Nonetheless, it is not discussed within the scope of the project. Similar to the inadequate project description, this piecemealing means that the public is grossly under informed about the effects of the project.

### **Because the Project Description is Inadequate, the Impacts Listed in the EIR are Inadequate**

Because the project description from the RDEIR does not contemplate all potential aspects of the project, so too the impacts listed in the RDEIR are not sufficient to describe all of the potential impacts that will affect the rail line communities of the city of Richmond, as well as all 5.5 million blast zone residents in California.

First, the fact that the RDEIR does not disclose or analyze potential changes in crude slate made possible by the project leads to the vast undercounting of air emissions and other hazards associated with these different crudes, both along the rail line and in the refining process. The refining of heavier crudes is more energy intensive, which releases more greenhouse and co-pollutants. Similarly, ‘sour’ crudes, which have a higher sulfur content, carry their own unique risks: they result in increased emissions of sulfur dioxide and are extremely corrosive, which made spills, explosions, and fires more likely.<sup>16</sup> For example, the Chevron Richmond Refinery fire of 2012, which sent 15,000 people, occurred in part due to a shift in crude slate towards sourer crudes.<sup>17</sup> Finally, due to differences within the individual compositions of crudes, even crude slates with similar sulfur content and API specific gravities might have “dramatically different ROG and TAC emissions” that will affect air emissions differently, as well as different amounts of energy and hydrogen required for refining.<sup>18</sup>

In particular, the RDEIR is silent on whether the oil trains project will allow the Valero facility to refine tar sands and Bakken crudes. Tar sands are heavier crudes with a high sulfur content. In order to ready them for rail transport, tar sands are mixed with diluents to form ‘dilbits,’ which are extremely volatile, corrosive, and flammable, and which require higher amounts of energy to process into finished petroleum products.<sup>19</sup> Due to the chemical make-up of tar sands, even if the refinery’s crude slate stayed within its currently specified parameters, there would be a greater risk of accidents like fires.<sup>20</sup> Next, the makeup of this mixture prepared for shipping is undisclosed, which means that the residents along the rail lines cannot be sure of all of the types of emissions that they might be exposed to. Finally, the refining of tar sands also increases toxic air contaminants and particulate matter.

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<sup>16</sup> Fox Report at 7.

<sup>17</sup> Id.

<sup>18</sup> Id. at 6.

<sup>19</sup> *Crude Injustice on the Rails* at 23.

<sup>20</sup> Id. at 6

Bakken crudes are light, “sweet” (low-sulfur) crudes with a unique chemical composition that makes them produce more toxic air emissions and highly volatile.<sup>21</sup> These crude oils have been linked to numerous accidents and explosions. Whether or not the Valero refinery will ship and refine Bakken crudes or tar sands is not listed in the project impacts.

The RDEIR also fails to take into account all reasonably foreseeable cumulative impacts experienced by communities along the rail line such as Richmond. The most important of these is that Richmond already has oil trains permitted to carry a capacity of 70,000 barrels per day through and into the city.<sup>22</sup> Therefore, the impacts of the Valero Crude by Rail Project would compound and exacerbate a number of similar adverse environmental impacts that Richmond residents already experience, such as polluting emissions and risk of fires and explosions.

### **The Mitigation Measure Listed in the Report are Inadequate**

CEQA requires that project proponents mitigate project-related impacts in order to reduce the associated harms. Despite identifying serious impacts of the project, the RDEIR fails to recommend mitigation procedures. While the project identifies numerous serious and potentially serious impacts, including in the areas of air quality, biological resources, and greenhouse gas emissions, it classifies most of these impacts as unavoidable – with no potential mitigation measures.

One possible mitigation measure which the RDEIR fails to identify is the use of tank cars with improved technology. Under the current plan, the unpressurized DOT-111 car and 1232 Tank cars used to transport the crude oil will release carcinogens and toxic gases into the atmosphere near rail line communities on their trips.<sup>23</sup>

Beyond the tank cars, the RDEIR does not even attempt to proposed mitigation measures for the Project’s most serious impacts. Instead, it declares project goals of not changing the refinery’s process operations and complying with AB 32, the Global Warming Solutions Act, without explaining how it will accomplish this. The RDEIR cannot comply with CEQA by simply stating a goal without providing specific mitigation measures necessary to achieve this.<sup>24</sup> Otherwise, affected communities such as Richmond have no guarantee that such measures will actually take place.

### **The RDEIR’s Proposed Alternatives to the Project are Inadequate**

CEQA requires that the EIR include and analyze potential alternatives to a project. However, the RDEIR does not consider the most environmentally superior option of all, which is a decreased reliance on non-renewable source of fuel. Statewide sales of gasoline are declining, while use of alternative fuels are on the rise.<sup>25</sup> Rather than permitting and encouraging the use of a highly polluting energy source, the City of Benicia might instead figure out how to prioritize and direct resources towards energy efficiency and renewable energy sources.

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<sup>21</sup> Id. at 12.

<sup>22</sup> Crude Injustice on the Rails at 26.

<sup>23</sup> Id. at 23.

<sup>24</sup> *Communities for a Better Environment v. City of Richmond*, 184 Cal. App. 4th 70, 91-92 (2010).

<sup>25</sup> Crude Injustice on the Rails at 26.

## **The RDEIR Fails to Accurately Account for and Mitigate GHG Emissions**

As residents of environmental justice communities, many Richmond residents are among the most impacted residents in the country by the effects of climate change. As per the RDEIR, one of the goals of the project is for the Valero Refinery to continue to meet rules and regulations related to oil refining, including AB 32, the Global Warming Solutions Act of 2006, which set the goal of a 25% statewide reduction in greenhouse gases by 2020 and set caps on individual emissions sources. However, if the refinery's crude slate changes and the Benicia facility is allowed to use tar sands, those emissions will not meet that standard. Similarly, the RDEIR identifies the foreseeable significant impact of increased greenhouse gas emissions due to rail line traffic, but does not name any proposed mitigation measures. This means the project will contribute to the serious environmental and safety hazard of climate change, which will disproportionately harm residents of the city of Richmond.

## **The Proposed Project Violates Several Civil Rights Statutes and Exposes the City of Benicia to Litigation and Potential Withholding of Government Funding**

Both the impacts of the project listed in the RDEIR and the foreseeable impacts that the RDEIR fails to account for are serious consequences that will affect the health and safety of many Richmond residents. As demonstrated previously, these effects will fall disproportionately on residents of color and other groups that are already overburdened with pollution. The project therefore has serious civil rights implications and conflicts with both state and federal civil rights statutes.

As per California Government Code Section 11135, any program or activity that receives federal funding cannot discriminate on the basis of race, national origin, or disability. The statute also defines discrimination as site selection or permitting that has the purpose or effect of subjecting people to discrimination under any program or activity.<sup>26</sup>

Within the City of Richmond, the Benicia Crude by Rail Project does have discriminatory effects. As compared to those census tracts outside of the blast zone, those within it are composed of substantially more people of color, people with asthma, and monolingual speakers. This discriminatory effect is also seen more broadly statewide, where people of color are more likely to live in the blast zone than white people.<sup>27</sup> Given this effect, any private citizen so impacted has the right to sue the City of Benicia so that they are not discriminated against by being subjected to greater environmental hazards.

In addition to being a violation of the California Government Code, the disparate impact of the residents within and outside of the blast zone is a violation of Title VI of the 1964 Civil Rights Act, Section 602. This statute mandates that government entities forbid recipients of government funding from “utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin.”

The history of environmental impacts in the United States betray a long pattern of intentionally and unintentionally discriminatory permitting decisions by government agencies.

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<sup>26</sup> 22 CCR § 98101(j).

<sup>27</sup> *Crude Injustice on the Rails* at 3.

Some of those discriminatory decisions are the product of implicit bias, by which decision makers unconsciously decide policies and permitting decisions in ways that benefit their in-group members and burden outside groups, most often people of color. Other decisions are the product of intentional political calculations to place environmental hazards in places where there will be presumably less organized resistance.<sup>28</sup> The city of Richmond and other environmentally overburdened communities are places where such decisions have historically been made.

As the City of Benicia is an entity which receives government funding, it is subject to the provisions of the Civil Rights Act. Therefore, going forward with this project and its discriminatory impacts could subject the City of Benicia to a Title VI complaint and an investigation. That investigation could lead to a withdrawal of funding for the city.<sup>29</sup>

More broadly, the Planning Commission should strive to have its permitting decisions be non-discriminatory and to recognize the disproportionate harms that are already placed on overburdened communities.

### **The Project is Against the Principles of Environmental Justice**

Studies that show low-income people and communities of color take on a disproportionate amount of environmental hazards and associated health effects. In turn, these can cause other harmful effects such as decreased property values, placing a stigma on affected residents, and the psychological stress of exposure to toxics, all of which affect the health, safety, and well-being of both individuals communities.

Environmental justice is a set of principles that recognize this disproportionate impact and the right of these communities to self-determination and freedom from further environmental harms. This concept was recognized in California law by the Governor's 1994 Executive Order on Environmental Justice, which states that it is the job of the government to implement environmental justice policies as much as practicable. As such, many statewide agencies have adopted principles of environmental justice into their practices.

We ask that the Planning Commission also consider environmental justice factors when making its permitting decisions by necessary information, including cumulative impacts, recognizing the right of communities to self-determination, and prohibiting all forms of discrimination against marginalized groups. That way, it can avoid continuing the pattern of a disparate concentration of environmental health hazards in environmental justice communities.

### **Proposed Remedies**

The community demands a permitting process that complies with the following principles of environmental justice:

- 1) The right of all people to be protected from environmental degradation;
- 2) Permitting that is based on the precautionary principle, which means that if it is not yet known whether or how a project will harm a community, a permit shall be denied;

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<sup>28</sup> Cerrell Associates, Inc., Political Difficulties Facing Waste-to-Energy Conversion Plant Siting (1984).

<sup>29</sup> For example, in the past the Federal Transit Authority has withheld funding from Bay Area Rapid Transit because of a Title VI complaint.

- 3) Public policy that is based on mutual respect for all people, free of discrimination and bias;
- 4) The fundamental right of all peoples to political, economic, cultural, and environmental self-determination; and
- 5) The right of affected residents to participate as equal partners at every level of decision making.

In order to implement these principles, the Commission should listen to impacted residents and reject the Valero permit.

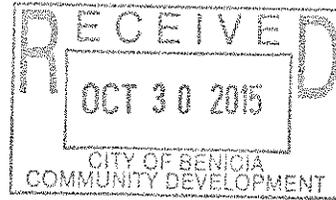
### **The Commission Must Reject the Permit**

The CEQA process is meant to determine whether the economic, technological, and social benefits of a project outweigh its burdens and unavoidable adverse environmental effects. By Valero's own description, the Valero Benicia Refinery Crude by Rail Project is only intended to allow Valero to change their delivery method for their feedstock. Despite this, it has serious environmental and health consequences which would affect millions of Californians, including the already environmentally burdened City of Richmond. In recognition that affected communities like the City of Richmond already take on a disproportionate burden of environmental harms, and that it is unjust and dangerous to expose them to further hazards, I ask the Planning Commission to deny the permit.

## Amy Million

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**From:** Diane Hill <dianehill9@gmail.com>  
**Sent:** Friday, October 30, 2015 4:39 PM  
**To:** Amy Million  
**Subject:** Comment on Valero RDEIR



Benicia City Council,

I used to own a condo in this town but sold it to move to Moraga. But I came back this year.

I came back for the quality of life in Benicia. The fact that it still has a main street with businesses and restaurants, that breathes on the waterfront. It is quickly becoming a unique place, recalling the California I love and grew up in, fast disappearing under a cross of commercialism, land development, and environmental degradation.

The Benicia City Council **must not allow** Valero to ship crude oil to its refinery here.

Why would the City Council ever see benefit to in this scheme? Crude oil is a retrograde approach to the country's energy needs and oil industry seeks to export American oil. Why should we sacrifice what is best about living in Benicia for Valero's profit margin that is **unsustainable and placing in harm's way so many other communities** whether they lie in the Dakotas or the Alberta tar sand regions and all shipping points to Benicia should there be a spill. The EIR is clear. The incidents of train derailment are facts. For **WHAT** do you place Benicia and other people at risk if you consent to this horrible idea? It could only be short-term greed, lack of vision, and relinquishing your stewardship of Benicia's future and its children's best interests.

**I implore you to vote AGAINST Valero's plan to ship crude oil here.**

Thank you for your consideration.

Sincerely,  
Diane E. Hill, Ph.D.  
456 Turner Drive  
Benicia

**Valero Crude by Rail Project  
Public Comments received Revised DEIR Public Review Period**

**Identical Comments  
"Protect Our Communities and Deny Valero's Rail Project"**

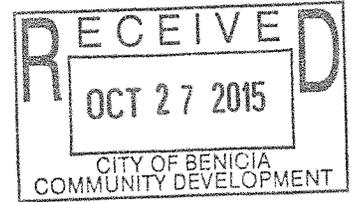
<b>Commenter</b>	<b>Date Received</b>	<b>Commenter</b>	<b>Date Received</b>
<b>Individuals</b>		<b>Individuals</b>	
Iris Chynoweth	27-Oct-15	Steven Barry	27-Oct-15
Nando A.	27-Oct-15	Jack McClain	27-Oct-15
Annette Purther	27-Oct-15	Pat Toth-Smith	27-Oct-15
Julia Stancliffe	27-Oct-15	Eileen Winderlich	27-Oct-15
Mark Janzaruk	27-Oct-15	Phyllis Hartzell	27-Oct-15
Maurene Drew	27-Oct-15	Bronwen Walters	27-Oct-15
Julie Jones	27-Oct-15	Phyllis Ingerson	27-Oct-15
Lisa Reynolds	27-Oct-15	Dennis Tratolatis	27-Oct-15
Caryl Casden	27-Oct-15	Monica Leavitt	27-Oct-15
Erin Crompton	27-Oct-15	Cathy Bennett	27-Oct-15
Cathleen Dorinson	27-Oct-15	Aimee Durfee	27-Oct-15
Kate Schmidt	27-Oct-15	N. Carey	27-Oct-15
Kathleen Maddox	27-Oct-15	Harriette Jensen	27-Oct-15
Maryellen Roulette	27-Oct-15	Janet Kinneberg	27-Oct-15
Suneet Srivastava	27-Oct-15	Karen LaRiviere	27-Oct-15
Cynthia Goin	27-Oct-15	Jan Evans	27-Oct-15
John Sodrel	27-Oct-15	Henry Cox	27-Oct-15
Stephan Clifford	27-Oct-15	Silvia Bertano	27-Oct-15
Elizabeth Conner	27-Oct-15	Isabel Cervera	27-Oct-15
Jose Ovidio Perez Morel	27-Oct-15	Elliot Helman	27-Oct-15
Cynthia Wiesser	27-Oct-15	Suzy Karasik	27-Oct-15
Tammy Pierson	27-Oct-15	Jolene Foley	27-Oct-15
Gregory Wiesser	27-Oct-15	Phillip Wagner	27-Oct-15
Stephanie Adrian	27-Oct-15	Lesa Urban	27-Oct-15
Gerladine Pfau	27-Oct-15	Adam Packer	27-Oct-15
Denise Hasler	27-Oct-15	Elizabeth Ferguson	27-Oct-15
John Robertson	27-Oct-15	Colin Murphy	27-Oct-15
Liam Robertson	27-Oct-15	Sheila Clyatt	27-Oct-15
Dawn Allan	27-Oct-15	Susanne Bader	27-Oct-15
Marc Leclerc	27-Oct-15	Tobi Braley-Melvin	27-Oct-15
Desanka Sandulovic	27-Oct-15	Kristen Fera	27-Oct-15
Janet Petermann	27-Oct-15	Joseph Gray	27-Oct-15
Grey Issel	27-Oct-15	Linda Lustig	27-Oct-15
J R	27-Oct-15	Genevieve Giblin	27-Oct-15
Jan Cox Golovich	27-Oct-15	Marilyn Harrison	27-Oct-15
Jackie Bonnette	27-Oct-15	Mary Alden	27-Oct-15
Kimberly Wiley	27-Oct-15	Ann Puntch	27-Oct-15

Barbara Gaman	27-Oct-15	Kathryn Callaway	29-Oct-15
Sabrina Boone	27-Oct-15	Jeff Snell	29-Oct-15
Slywia Zielinska	27-Oct-15	Jamileh Stroman	29-Oct-15
Helen Cochems	27-Oct-15	Cooper Wright	29-Oct-15
John Scott	27-Oct-15	Cindy Loomis	29-Oct-15
Beverly Freudiger	27-Oct-15	Judith Sheppard	29-Oct-15
Jean Walker	27-Oct-15	Betty Westman	29-Oct-15
Donna Wapner	27-Oct-15	Richard O'Hara	29-Oct-15
Deborah Carlton	27-Oct-15	Cheryl Costigan	29-Oct-15
Scarlett Manning	28-Oct-15	Lynette Tudorache	29-Oct-15
Tammy Ashba	28-Oct-15	Gina Guzzo	29-Oct-15
Valerie Ve Romero-Lopez	28-Oct-15	Mauricio Carvajal	29-Oct-15
Lisa Reinertson	28-Oct-15	Myra Nissen	30-Oct-15
Eric Torres	28-Oct-15	Leslie Greaves	30-Oct-15
Misa Joo	28-Oct-15	Sandra Stanley	30-Oct-15
Toni Mandara	28-Oct-15	Forest Frasier	30-Oct-15
Rosa Fallon	28-Oct-15	Jana Williams	30-Oct-15
Beverly Edmonds	28-Oct-15	Patricia Meyer	30-Oct-15
Bob Thawley	28-Oct-15	Barbara Williams	30-Oct-15
Michaela Kenney	28-Oct-15	Rachael Rocamora	30-Oct-15
Steven Nadel	28-Oct-15	Sharman Saffier Willis	30-Oct-15
Twila Souers	28-Oct-15	Vard Vilensky	30-Oct-15
Gemini Stone	28-Oct-15	Stefi Burkhard	30-Oct-15
Neil Maclean	28-Oct-15	Anita Barzman	30-Oct-15
Xan Joi	28-Oct-15	Deborah Landowne	30-Oct-15
Diane Daily	28-Oct-15	Rosemary Rodriguez	30-Oct-15
Mary Puthoff	28-Oct-15	Jake Davis	30-Oct-15
L Chappell	28-Oct-15	Lourdes Gonzaga	30-Oct-15
Jacequeline Genovese	28-Oct-15	Jan Kirk	30-Oct-15
Margaret Hunter	28-Oct-15	Norden Cheatham	30-Oct-15
Tabitha Didrickson	28-Oct-15	Anthony Iaconelli	30-Oct-15
William Reick	28-Oct-15	Silvano Preciado	30-Oct-15
Sharon Fritsch	28-Oct-15	Iren Suhami	30-Oct-15
John Kolkebeck	28-Oct-15		
Jan Davenport	28-Oct-15		
Shannon Long	28-Oct-15		
Eddie Cleveland	28-Oct-15		
Lydia Houston	28-Oct-15		
Susan McLean	29-Oct-15		
Susan Lathrop	29-Oct-15		
Jaymie Wright	29-Oct-15		
Cheryl Reynolds	29-Oct-15		
Krystal Willis	29-Oct-15		
Jennifer McConnell	29-Oct-15		
Dr. Joseph Herlovsky	29-Oct-15		

**Amy Million**

**\*\*EXAMPLE\*\***

**From:** Iris Chynoweth <iris@sti.net>  
**Sent:** Friday, October 23, 2015 8:29 PM  
**To:** Amy Million  
**Subject:** Protect Our Communities and Deny Valero's Rail Project



Dear Ms. Million,

I am writing with serious concern about Valero's proposed oil train offloading facility in Benicia. According to the environmental impact report (EIR), this project would create several "significant and unavoidable impacts" that could harm my community.

For one, bringing oil trains into Benicia is expected to create unacceptable increases in toxic air pollution to towns along the rail route and near the refinery. Specifically the EIR identifies increases in nitric oxide, nitrogen dioxide, sulfur dioxide, benzene and fine particulate matter (PM 2.5). Oil trains of this size typically have three diesel engines emitting the equivalent pollution of 1,500 cars each, or 4,500 per train.

According to the EIR, the cumulative risk of spills, explosions and fires along the Union Pacific mainline "would be significant for all of the tank car designs." This includes the not-yet-built DOT-117 cars, which require a puncture resistance of only 18 mph even while current speed limits are set to 50 mph in most areas. Just one accident could result in significant loss of life, long-term economic damage and contamination of our precious wetlands and waterways.

The EIR also wrongly assumes the "worst case" scenario is a spill of just eight tanker cars, or about 240,000 gallons. The train that incinerated Lac-Mégantic, Quebec in July 2013 spilled more than 1.6 million gallons of crude (about 60 tanker cars), and accidents in West Virginia, Alabama and North Dakota have also resulted in 20 or more tanker cars catching fire. Without an accurate worst-case-scenario analysis that reflects existing data on recent spills, this project cannot be approved.

The revised EIR also identifies "significant and unavoidable" climate impacts that conflict with California's existing law to reduce greenhouse gas pollution by 80 percent below 1990 levels and move to an 80 percent reduction of greenhouse gas emissions by 2050. At a time of extreme drought and intense heat waves, we must invest in safe, clean energy rather than dangerous oil infrastructure.

And finally, an analysis of census data has shown that a vast majority of people who will be harmed by this project live in EPA-designated environmental-justice communities -- primarily low-income and of color. Approving this project will only add to a legacy of environmental injustice.

For all these reasons, I urge you, the planning commission and city council to deny certification for this EIR and reject Valero's proposed oil train terminal in Benicia.

Sincerely,

Iris Chynoweth  
4954 Ponderosa Way  
Midpines, CA 95345  
US

**Valero Crude by Rail Project  
Public Comments received Revised DEIR Public Review Period**

**Identical Comments  
"I support the Valero Crude by Rail project"**

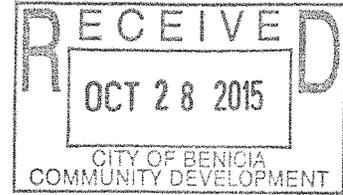
<b>Commenter</b>	<b>Date Received</b>	<b>Commenter</b>	<b>Date Received</b>
<b>Individuals</b>		<b>Individuals</b>	
Faye E Withers	28-Oct-15	Lauren Carpenter	28-Oct-15
Jeanne Hudock	28-Oct-15	Gary and Virginia Cady	28-Oct-15
William Retz	28-Oct-15	Tom Anderson	28-Oct-15
Terrill Leavitt	28-Oct-15	Addison Jones	28-Oct-15
Thomas Cepernich	28-Oct-15	Art Jeffery	28-Oct-15
Judith Hayward	28-Oct-15	William Thompson	28-Oct-15
Sarah Harlan	28-Oct-15	Sam J. Boykin	28-Oct-15
Thomas Atkinson III	28-Oct-15	Gary Armstrong	28-Oct-15
David Schallon	28-Oct-15	Linda Sanderson	28-Oct-15
Rich Milland	28-Oct-15	Robert Livesay	28-Oct-15
Gerry Patten	28-Oct-15	Eliza Best	28-Oct-15
Gordon Theilvoldt	28-Oct-15	Carol Boykin	28-Oct-15
Robert S. Hayward	28-Oct-15	Judith Crippen	28-Oct-15
Bill Mahley	28-Oct-15	Suzanne Kleiman	28-Oct-15
Gerry McKay	28-Oct-15	Brad Stephens	28-Oct-15
Don Wilson	28-Oct-15	Pierre Bidou	28-Oct-15
Bob DeMers	28-Oct-15	Judith Anderson	28-Oct-15
Rudy Grisham	28-Oct-15	David Frank	28-Oct-15
Robert Hayward Jr.	28-Oct-15	Benjamin LaFountain	28-Oct-15
Elizabeth Lujan	28-Oct-15	Mike Evans	28-Oct-15
Rudy Holthuis	28-Oct-15	Paul Stone	28-Oct-15
Paul Cushing	28-Oct-15	Krik Allen	28-Oct-15
Stacey Lynch	28-Oct-15	Greg Kuzyk	29-Oct-15
Chad Rollans	28-Oct-15	John Brovelli	29-Oct-15
Patrick Hagan	28-Oct-15	David Tobin	29-Oct-15
John McGuire	28-Oct-15	Sbayne Strasser	29-Oct-15
Rick Dillion	28-Oct-15	Stephen Penny	29-Oct-15
Jack Bell	28-Oct-15	Cathy Villarreal	29-Oct-15
William Lee	28-Oct-15	Tom and Maureen Carroll	29-Oct-15
Donna Wilson	28-Oct-15	Joshua Cross	29-Oct-15
Harvey "Chris" Atkinson	28-Oct-15	Lori Mathews	29-Oct-15
Kenneth C. Hill	28-Oct-15	Jason Wilde	29-Oct-15
Paul Brady	28-Oct-15	S. Sierras	29-Oct-15
Bill Mooney	28-Oct-15	Robert Gustavsen	29-Oct-15
Augustus Ejercito	28-Oct-15	Mary Gustavsen	29-Oct-15
Curtis Eggleston	28-Oct-15	William Bekkedahl	29-Oct-15
Traci Jacobsen	28-Oct-15	Mike Sierras	29-Oct-15

Verlon Ceslini	29-Oct-15	Carlton Purviance	30-Oct-15
Garry Goetz	29-Oct-15	Emily Goode	30-Oct-15
Chris Riley	29-Oct-15	Jeff Sutton	30-Oct-15
Laurie Riley	29-Oct-15	Carol B Jones	30-Oct-15
Linda Ormond	29-Oct-15	Maria Villarreal	30-Oct-15
Michael Petrellese	29-Oct-15	Rob Villarreal	30-Oct-15
Anthony Laconelli	29-Oct-15	Mark Salazar	30-Oct-15
Paul Jones	29-Oct-15	Devin Versace	30-Oct-15
Chris Meldner	29-Oct-15	Audrey Fry	30-Oct-15
David Villec	29-Oct-15	Brigit Versace	30-Oct-15
Teresa Salvador	29-Oct-15	Pete Gonzales	30-Oct-15
Josh Glaser	29-Oct-15		
Terry Schulte	29-Oct-15		
JC Dunne	29-Oct-15		
Russell Beck	29-Oct-15		
John Sakamoto	29-Oct-15		
Brian Wilson	29-Oct-15		
Aaron Bytheway	29-Oct-15		
Scott Fortner	29-Oct-15		
Adam Van Name	29-Oct-15		
Rebecca Sgambati	29-Oct-15		
David Sgambati	29-Oct-15		
Matt Abell	29-Oct-15		
Dom Toledo	29-Oct-15		
Jason Haley	29-Oct-15		
Brian Baker	29-Oct-15		
Robert Cline	29-Oct-15		
Jim Ponder	30-Oct-15		
Samuel T. Haines Sr.	30-Oct-15		
Lynette Munson	30-Oct-15		
Darren Brown	30-Oct-15		
Elizabeth Trego	30-Oct-15		
Christina Wilson	30-Oct-15		
Chris Simmons	30-Oct-15		
Ken Miller	30-Oct-15		
Zachary Malcolm Kaylor	30-Oct-15		
Billie Bowden	30-Oct-15		
Jasmin Powell	30-Oct-15		
Inderjeet Singh	30-Oct-15		
Rich McChesney	30-Oct-15		
Errol Dely	30-Oct-15		
Josh Schmidt	30-Oct-15		
Dustin Moore	30-Oct-15		
Ray Castro Jr.	30-Oct-15		
Brian E. Stone	30-Oct-15		

**Amy Million**

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**From:** Faye Withers <fayewithers@hotmail.com>  
**Sent:** Wednesday, October 28, 2015 8:37 AM  
**To:** Amy Million  
**Subject:** I support the Valero Crude by Rail project



Dear Ms. Million,

I am writing to express my support for the Revised Draft Environmental Report (RDEIR) and for Valero's proposed Crude by Rail project. The City of Benicia and independent experts have spent nearly three years closely examining this project and developing a comprehensive Draft Environmental Impact Report and RDEIR. These analyses go well beyond California Environmental Quality Act (CEQA) requirements and illustrate the project's many benefits for Benicia.

According to the City's DEIR, RDEIR and economic analysis, this project will:

- Meet or exceed all federal standards regarding rail procedure and safety, including the extensive additional regulations now in place at the federal and state levels since Valero initially applied for the project in 2012.
- 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).
- Provide \$1.6 million in annual funding to the Office of Oil Spill Prevention and Response for inland spill preparedness.
- Provide an additional \$30,000 a month in property tax revenues to the City of Benicia to fund vital city services.

According to the DEIR and RDEIR, this project will NOT:

- Create additional health risks associated with project emissions.
- Increase the amount of crude that can be processed.
- Change the type of crude the refinery processes.
- Increase process emissions.
- Change refinery operations.

The reasons listed above are among the many reasons I continue to support Valero's Crude by Rail project. The Valero Benicia Refinery is a good neighbor to the community, a top employer and major benefactor to our region. It is also one of only two refineries in the state recognized by Cal/OSHA for its exemplary safety performance. Since 2006 the Benicia Refinery has continuously earned the VPP STAR Site designation for going above and beyond Cal/OSHA safety standards. Please consider the facts and approve this worthy project without further delay.

Sincerely,

Faye E Withers  
479 Gallagher Dr  
Benicia, CA 94510

**Valero Crude by Rail Project  
Public Comments received Revised DEIR Public Review Period**

**Identical Comments  
"Reject Valero's dangerous oil trains project"**

<b>Commenter</b>	<b>Date Received</b>	<b>Commenter</b>	<b>Date Received</b>
<b>Individuals</b>		<b>Individuals</b>	
Louise Lang	27-Oct-15	Neil Ferguson	27-Oct-15
Karl Danz	27-Oct-15	Ivette Maruri	27-Oct-15
Robert Hanson	27-Oct-15	Sarah Beserra	27-Oct-15
Scott Johnson	27-Oct-15	Rondi Saslow	27-Oct-15
Stephanie Dennis	27-Oct-15	E Waller	27-Oct-15
Jon Bradley	27-Oct-15	Elizabeth Ferguson	27-Oct-15
Cynthia Gecas	27-Oct-15	Sally Maier	27-Oct-15
Donna Horn	27-Oct-15	Tom Simonian	27-Oct-15
Pam & Robert Robert Burns-Clair	27-Oct-15	Jeffrey C Bolt	27-Oct-15
Nancy Sidebotham	27-Oct-15	Gemma Geluz	27-Oct-15
Ron Molina	27-Oct-15	Richard Gray	27-Oct-15
Thomas Conlin	27-Oct-15	Laurie Kay Senter	27-Oct-15
Tauny Kasuya	27-Oct-15	Karen Schlumpp	27-Oct-15
Sheilah Fish	27-Oct-15	Kelly Wilkinson	27-Oct-15
June Hunt	27-Oct-15	Jessica Fielden	27-Oct-15
Alexandra Mummery	27-Oct-15	Jan Warren	27-Oct-15
Don C Waller	27-Oct-15	Charlie Toledo	27-Oct-15
Douglas M Busch	27-Oct-15	Marsha Fabian	27-Oct-15
Jordon Krueger	27-Oct-15	David Parkinson	27-Oct-15
Jennie Richards	27-Oct-15	Jay Colbe	27-Oct-15
Lisa Ridge	27-Oct-15	Amanda Rosenberg	27-Oct-15
Julie Litwin	27-Oct-15	Jeremy Cantor	27-Oct-15
Mr. Darryl Bell	27-Oct-15	Michael Wright	27-Oct-15
Gary Robert	27-Oct-15	Claire McDowell	27-Oct-15
Mary McNulrty	27-Oct-15	Nora A McGuinness	27-Oct-15
D Kaye Hall	27-Oct-15	Sandra Portillo-Robins	27-Oct-15
Dore Sandoval	27-Oct-15	Linda Pierce	27-Oct-15
Gregory Harris	27-Oct-15	Patricia Reed	27-Oct-15
Hail Hammer	27-Oct-15	Aubrie Armstrong	27-Oct-15
Kai Petersen	27-Oct-15	Alex Ovsienko	27-Oct-15
Patti Rich	27-Oct-15	Patricia Lopez	27-Oct-15
Cheryl Weiden	27-Oct-15	Gerald Bukosky	27-Oct-15
Melanie Clark	27-Oct-15	Marie Jeanson	27-Oct-15
Chuck Sturtevant	27-Oct-15	Patty Harrison	27-Oct-15
Jacqueline Meyer	27-Oct-15	Marilyn P Sanders	27-Oct-15
Jane C Hall	27-Oct-15	Judy A Finch	27-Oct-15
William J Cussen	27-Oct-15	Joanne Thompson	27-Oct-15

Robert Fulton	27-Oct-15	Susan Susan Love	27-Oct-15
Jean Charles St Pierre	27-Oct-15	Thomas Michael Cunniff	27-Oct-15
Jill Stone	27-Oct-15	Mike Hoey	27-Oct-15
Debbie Yoon	27-Oct-15	JW CW	27-Oct-15
Wendy Derner	27-Oct-15	Patricia M	27-Oct-15
Sylvia Hopkins	27-Oct-15	Dana and Cindi Lund	27-Oct-15
Kristy Gray	27-Oct-15	Sharyn Barthes	27-Oct-15
Betsy Schulz	27-Oct-15	MMG	27-Oct-15
Fernando Castrillon	27-Oct-15	Kevin Price	27-Oct-15
Terry Young	27-Oct-15	Robin Howlett	27-Oct-15
Ken Burke	27-Oct-15	Charesa Harper	27-Oct-15
Jenny Ward	27-Oct-15	Leslie Hassberg	27-Oct-15
Rebecca A Paulson	27-Oct-15	Paul Paul Bell-Tull	27-Oct-15
John Seto	27-Oct-15	Jodee Markovich	27-Oct-15
Rafael J Gonzalez	27-Oct-15	Mona Milford	27-Oct-15
Dolores Gonzalez	27-Oct-15	Peter Kirkup	27-Oct-15
Carol Abi Bass	27-Oct-15	Edward B Yarbrough	27-Oct-15
William Moore	27-Oct-15	Margaret Langston	27-Oct-15
Dorothy Varellas	27-Oct-15	Lyra Halprin	27-Oct-15
Alicia McQuillen	27-Oct-15	Paul H Ray	27-Oct-15
John Asprey	27-Oct-15	Sam Hopstone	27-Oct-15
Elizabeth Schulz	27-Oct-15	Joe Haughee	27-Oct-15
Tony Suh	27-Oct-15	Brandy Anderson	27-Oct-15
Susan Lynn	27-Oct-15	Sara Atkins	27-Oct-15
Lisa Peccetti	27-Oct-15	Debra Lurie	27-Oct-15
Ann Rovere	27-Oct-15	Lisa Steele	27-Oct-15
Karen Cross	27-Oct-15	K R	27-Oct-15
Edward Guthmann	27-Oct-15	Denise Hamilton	27-Oct-15
Susan G Sullivan	27-Oct-15	Janet Sluis	27-Oct-15
Kate Ashley	27-Oct-15	Jan Burnham	27-Oct-15
Jack Vanderryn	27-Oct-15	Gordon Miller	27-Oct-15
Robyn Cleaves	27-Oct-15	Don D Harley	27-Oct-15
Jean Dascher	27-Oct-15	Linda Oqvist	27-Oct-15
Sarah Dorrance	27-Oct-15	Kevin Milhoan	27-Oct-15
Arthur G Lopez	27-Oct-15	Kevin McNamara	27-Oct-15
Jeannine Etter	27-Oct-15	Rob Tidmore	27-Oct-15
Sam R Sheppard	27-Oct-15	Mardi Kildebeck	27-Oct-15
Ingrid A Martin	27-Oct-15	Greg Bryan	27-Oct-15
Gita Dev	27-Oct-15	Lorrie Norby	27-Oct-15
Kelly Elizabeth Nordstrom	27-Oct-15	A Sparks	27-Oct-15
Margaret Copeland	27-Oct-15	Shirley Eglinton	27-Oct-15
Inez Hiller	27-Oct-15	Jim Hausken	27-Oct-15
Natasha Gubert	27-Oct-15	Emelie Mahdavian	27-Oct-15
Dennis Presson	27-Oct-15	Mary McCarty	27-Oct-15
Dr Dianne M Winnie	27-Oct-15	Beth Purrinson	27-Oct-15

Susan Brewer	27-Oct-15	Arthur Chan	27-Oct-15
Linda Matheson	27-Oct-15	Lawrence J Polon	27-Oct-15
Judith Butts	27-Oct-15	Janine Sanders	27-Oct-15
James MacDonald	27-Oct-15	Aaron Steward	27-Oct-15
Deborah Mulvaney	27-Oct-15	Richard Bahr	27-Oct-15
Donna Pedroza	27-Oct-15	Nicoletta Spedalieri	27-Oct-15
Jo-Ellen Ellen Spencer	27-Oct-15	Lani Jaconson	27-Oct-15
Margaret Rossoff	27-Oct-15	Tamara Williams	27-Oct-15
Chris Hendrix-Chupa	27-Oct-15	Heather Conrad	27-Oct-15
Kathleen Young	27-Oct-15	Barbara Israel	27-Oct-15
Ashley Coover	27-Oct-15	Jim Cartwright	27-Oct-15
Janet Sluis	27-Oct-15	Vicki De Vore	27-Oct-15
Aislinn McCarthy	27-Oct-15	Joy Lerner	27-Oct-15
Ben Martin	27-Oct-15	Lydia Aletraris	27-Oct-15
Bert Collins	27-Oct-15	Steven Brown	27-Oct-15
Kathleen Mikulin	27-Oct-15	Kristen Villalobos	27-Oct-15
Sudia Paloma Paloma	27-Oct-15	Mike Gosbee	27-Oct-15
Brad Smith	27-Oct-15	Natalie McMahan	27-Oct-15
Roberta Gleeson	27-Oct-15	Tim Rantala	27-Oct-15
Julie Hernandez	27-Oct-15	Diane Pearl	27-Oct-15
Gwen L Wright	27-Oct-15	Roberta Wong	27-Oct-15
Matt Holmes	27-Oct-15	Tamar Carson	27-Oct-15
Robert Anker	27-Oct-15	Thomasin Alyxander	27-Oct-15
Amy Pitt	27-Oct-15	Elizabeth Murphy	27-Oct-15
Patrick Granvold	27-Oct-15	Daniel Steinberg	27-Oct-15
Dorothy Bowden Hill	27-Oct-15	Susan Covey	27-Oct-15
Marijane Anthony	27-Oct-15	Jason McGuire	27-Oct-15
Leesa Evans	27-Oct-15	Marilyn White	27-Oct-15
Gretchen Whisenand	27-Oct-15	Sean Corfield	27-Oct-15
Michael Lorden	27-Oct-15	Laurie Rolfe	27-Oct-15
William Sanjour	27-Oct-15	Mari Matsumoto	27-Oct-15
Mary McVey Gill	27-Oct-15	Debora C Templeton-Harika	27-Oct-15
Colleen Kenyon	27-Oct-15	Jamie S	27-Oct-15
Marjorie Tye	27-Oct-15	Philip Cravens	27-Oct-15
Donald R Johnson	27-Oct-15	Sheila Silan	27-Oct-15
Cathie Serleticine	27-Oct-15	Aaron Brynen	27-Oct-15
Virginia Roberts	27-Oct-15	Laurel	27-Oct-15
Neil Thompson	27-Oct-15	John Edman	27-Oct-15
Faye Straus	27-Oct-15	Wendy Stock	27-Oct-15
Alexander Draffan Jr.	27-Oct-15	Eileen M Marrington	27-Oct-15
Maxine Jacobsen	27-Oct-15	Jeffrey Smith	27-Oct-15
Anita Mitchell-Duisberg	27-Oct-15	Narayan Rajan	27-Oct-15
Robert Meyers	27-Oct-15	Jennifer Malawey	27-Oct-15
Eleanor Yapundich Yapundich	27-Oct-15	Pete Keay	27-Oct-15
Diane Dow	27-Oct-15	Jane Armbuster	27-Oct-15

Marilyn Jensen	27-Oct-15	Michael Dockery	27-Oct-15
Phyllis GliffordPhyllis Lee Gifford	27-Oct-15	Richie Unterberger	27-Oct-15
L Hurd	27-Oct-15	Patricia M Hacker	27-Oct-15
Daniel Safran	27-Oct-15	Enio Ximenes	27-Oct-15
Darlene Ross	27-Oct-15	Doug Musick	27-Oct-15
John Rigney	27-Oct-15	Jane Maxwell	27-Oct-15
Marshall Dinowitz	27-Oct-15	Judy Jacobson	27-Oct-15
Vincent Bausano	27-Oct-15	Enio Ximenes	27-Oct-15
Hill Blackett Blackett III	27-Oct-15	Jennifer Doob	27-Oct-15
Byron Brown	27-Oct-15	Fred Winik	27-Oct-15
Lori Leigh	27-Oct-15	Robert C Brixner	27-Oct-15
Rob Rosenthal	27-Oct-15	Ryron Edelen	27-Oct-15
Michael Davidson	27-Oct-15	Ed Taylor	27-Oct-15
Darlene Brown	27-Oct-15	Shirley L Harned	27-Oct-15
David Donnenfield	27-Oct-15	Anne B Bailey	27-Oct-15
Jonathan Hall	27-Oct-15	Jane Wenger	27-Oct-15
Heather Rodriguez	27-Oct-15	Chris G Higgins	27-Oct-15
Emily Wright	27-Oct-15	Estelle Leppanen	27-Oct-15
Eileen Cohen	27-Oct-15	Rita Soto	27-Oct-15
Gerald R Anderson	27-Oct-15	Jill Herbert	27-Oct-15
Richard Freeman	27-Oct-15	Adelaide Nye	27-Oct-15
Billy Jones	27-Oct-15	Cynthia Bartholomew	27-Oct-15
Valentina Bettencourt	27-Oct-15	Diane Alabaster	27-Oct-15
Jody Weisenfeld	27-Oct-15	Erica Heimberg	27-Oct-15
Nicole Kemeny	27-Oct-15	Lucille Hamilton	27-Oct-15
Keith A Ellis	27-Oct-15	Renetta Ann Trujillo	27-Oct-15
Jacqueline Swan	27-Oct-15	Laurie D Alaoui Lachgar	27-Oct-15
Nancy Hoagland	27-Oct-15	Susan G Richard	27-Oct-15
Kashyap Ramesh Puranik	27-Oct-15	Lisa Reinertson	27-Oct-15
Peggy Kennedy	27-Oct-15	Leslie Firestone	27-Oct-15
Susan Shapira	27-Oct-15	Len Gensburg	27-Oct-15
Lindsay Whiting	27-Oct-15	Tim Burns	27-Oct-15
Lisa Kearney	27-Oct-15	Michael Penuelas	27-Oct-15
Lena Radford	27-Oct-15	Gretchen Elliott	27-Oct-15
Rowland R Coad	27-Oct-15	Janis Sanders	27-Oct-15
Catherine Griffice	27-Oct-15	Jerry M Horner	27-Oct-15
Mist L Reif	27-Oct-15	Anne Politeo	27-Oct-15
Paula DeFelice	27-Oct-15	Warren Linney	27-Oct-15
Thierry Tondusson	27-Oct-15	Lou Dematteis	27-Oct-15
Verona Fonte	27-Oct-15	Mary M Mathieu-Ruiz	27-Oct-15
Bruce Gowdy	27-Oct-15	Anne Wallace	27-Oct-15
Francie Maguire	27-Oct-15	Jon Morris	27-Oct-15
Erica Rutherford	27-Oct-15	Dan J Finkle	27-Oct-15
Roberto Reyes	27-Oct-15	Robert McClellan	27-Oct-15
Rouben Amirbekian	27-Oct-15	Keri Stokes	27-Oct-15

Anne Smith	27-Oct-15	Tes Welborn	27-Oct-15
Maia de Raat	27-Oct-15	Darlene Norwood	27-Oct-15
Debbie Casagrande	27-Oct-15	Ray Reynolds	27-Oct-15
Marin Camille Hood	27-Oct-15	Nicole Heslip	27-Oct-15
Marilyn Standley	27-Oct-15	Carol Greener	27-Oct-15
Linda Takemori	27-Oct-15	Denise Berezonsky	27-Oct-15
Laurie Pejuhesh	27-Oct-15	Clair Brown	27-Oct-15
Berly Laakmann	27-Oct-15	Britt Ascher	27-Oct-15
Thomas Lipkis	27-Oct-15	Tay Carpenter	27-Oct-15
Angie Klein	27-Oct-15	Pattie Heisser	27-Oct-15
J Holley Taylor	27-Oct-15	Marilyn Jasper	27-Oct-15
Richard Peters	27-Oct-15	Leticia Landeros	27-Oct-15
Bruce Chapman	27-Oct-15	Mary Lou Maher	27-Oct-15
Maureen R Pisani	27-Oct-15	John Bilorusky Western Bilorusky SR	27-Oct-15
Jacquelyn A Cafasso	27-Oct-15	Aashika Jain	27-Oct-15
William Van Iden	27-Oct-15	Khoi N Bui	27-Oct-15
Kristina Pappas	27-Oct-15	Sheila O'Donnell	27-Oct-15
Antoinette Mailliard	27-Oct-15	Glenn Copeland	27-Oct-15
Cambria S Lawand	27-Oct-15	Marc Pilisuk	27-Oct-15
Julie Wertz	27-Oct-15	Mary P Magill	27-Oct-15
Elizabeth Robinson	27-Oct-15	Stefan Greene	27-Oct-15
Brad Wickes	27-Oct-15	Ravinder Sappal	27-Oct-15
Laura Jean Britto	27-Oct-15	Lynda McDaniel	27-Oct-15
Francisca Pass	27-Oct-15	Diane Bosc	27-Oct-15
Dr Heather Folsom MD	27-Oct-15	Kathryn Lemlow	27-Oct-15
Maeve Murphy	27-Oct-15	Danielle Douglas	27-Oct-15
Russell Medeiros	27-Oct-15	Carol Kuelper	27-Oct-15
Anne Marie Lebas	27-Oct-15	Dennis Scheffer	27-Oct-15
Carol Gage	27-Oct-15	Faith K Boucher	27-Oct-15
Sharon Elders-Hutlas	27-Oct-15	Gary Klehr	27-Oct-15
Sara Orrick	27-Oct-15	Nancy Donald	27-Oct-15
Britt Clemm	27-Oct-15	CPA Michael Kevin McRae	27-Oct-15
Julie Lyons	27-Oct-15	Art McGarr	27-Oct-15
Betty Winter	27-Oct-15	Suzanne Stanley	27-Oct-15
Yasi Ayat	27-Oct-15	William A O'Daly	27-Oct-15
Raymond Keane	27-Oct-15	Nancy Bekus	27-Oct-15
Molly Hale	27-Oct-15	Idajane Dalpino	27-Oct-15
Lisa Zure	27-Oct-15	Miles Robinson	27-Oct-15
Henry Martinez	27-Oct-15	David Karlson	27-Oct-15
Isabelle Magidson	27-Oct-15	Kristin Olnes	27-Oct-15
Christopher Concolino	27-Oct-15	Gene Kostruba	27-Oct-15
Linda Riebel	27-Oct-15	Sarah Al-Kassab	27-Oct-15
Tim Moran	27-Oct-15	Mrs Jacqueline Grubb	27-Oct-15
Jennifer Martinez	27-Oct-15	Susan Daly Freeman	27-Oct-15
Eric Gillman	27-Oct-15	Paul Donald	27-Oct-15

Judith M Weber	27-Oct-15	Chris Baral	27-Oct-15
Paul Durbin	27-Oct-15	Chris J Shaeffer	27-Oct-15
Jack Everitt	27-Oct-15	Randy Grant	27-Oct-15
Judith Kirk	27-Oct-15	Thomas R Hardey	27-Oct-15
Sandra Slater	27-Oct-15	Chris Schoeneman	27-Oct-15
Elaine Ng	27-Oct-15	Graham Carter	27-Oct-15
Rebecca Smith	27-Oct-15	Paul Last Greenberg	27-Oct-15
Lary Heath	27-Oct-15	George Cornell	27-Oct-15
Sophie Hall	27-Oct-15	Scott Rudner	27-Oct-15
Kathleen Haynie	27-Oct-15	Edith Draper-Beard	27-Oct-15
Jesus Hernandez	27-Oct-15	Gina Willis	27-Oct-15
Angela Orr	27-Oct-15	Alberto Ramon	27-Oct-15
Ursela Rabe	27-Oct-15	Steven Tupper	27-Oct-15
Katherine O'Tolole	27-Oct-15	Crystal Casanave	27-Oct-15
Lynette Ridder	27-Oct-15	Diane Merrill	27-Oct-15
Jan Adams	27-Oct-15	Mari Doming	27-Oct-15
Roger Stoll	27-Oct-15	Carol Sue Richardson	27-Oct-15
Douglas Searson	27-Oct-15	Yvette Irwin	27-Oct-15
Steven W Russell	27-Oct-15	Lawrence H Thompson	27-Oct-15
Gabrielle Rae Travis	27-Oct-15	Jaime Robles	27-Oct-15
Joan Tauzer	27-Oct-15	Richard Walker	27-Oct-15
Linda Martin	27-Oct-15	Diana C Carpenter	27-Oct-15
David Karlson	27-Oct-15	Diane Himes	27-Oct-15
John McDonough	27-Oct-15	Diane Whitmire	27-Oct-15
Shirley Powers	27-Oct-15	Sharon Lewis	27-Oct-15
Rosanne Ratkiewich	27-Oct-15	Melanie Caruso	27-Oct-15
Victoria Armigo	27-Oct-15	Carol Olson	27-Oct-15
Edward Jackson	27-Oct-15	Joanne and De Phillips MD, MPH	27-Oct-15
Burton Segall	27-Oct-15	Barbara Doe	27-Oct-15
Brenda Beal	27-Oct-15	Deborah W Trotter	27-Oct-15
Ruth Kalter	27-Oct-15	Bill Appledorf	27-Oct-15
John Van Straalen	27-Oct-15	Tanya Wildlife	27-Oct-15
Bhaskar Annamalai	27-Oct-15	Sue Habegger	27-Oct-15
Carol Vieira	27-Oct-15	Andrea Bryck	27-Oct-15
Peter Kerr	27-Oct-15	Julie Dashe	27-Oct-15
Bill Andrade	27-Oct-15	Darin Layman	27-Oct-15
Dave Drum	27-Oct-15	Daphne Powell	27-Oct-15
Carol Robeck	27-Oct-15	Cheryl Hawes	27-Oct-15
Molly Lai	27-Oct-15	Thomas McEvoy	27-Oct-15
Gary Richmond	27-Oct-15	Martin Aronson	27-Oct-15
Susan Green	27-Oct-15	Sabine Ellis-Brown	27-Oct-15
Sandra Humphries	27-Oct-15	Patrick Russell	27-Oct-15
J Scott	27-Oct-15	Kay White	27-Oct-15
Laura Herrera	27-Oct-15	Charles Calhoun	27-Oct-15
Roger J Robles Jr	27-Oct-15	Walter Stephen Linsley	27-Oct-15

Steven Collins	27-Oct-15	Kristen M Leising	27-Oct-15
Patric Kearns	27-Oct-15	Diane Caudillo	27-Oct-15
Sophie de Vries	27-Oct-15	Fred Markham	27-Oct-15
Pat Smith	27-Oct-15	Walter Pelton	27-Oct-15
Cindy Unruh	27-Oct-15	Cindy Darling	27-Oct-15
Mariel Gravina	27-Oct-15	Henrietta S Currier	27-Oct-15
Talida Nechifor	27-Oct-15	George F Haver	27-Oct-15
Cathy Hall	27-Oct-15	Arden Hamilton	27-Oct-15
Maryann Tekverk	27-Oct-15	Luke Breit	27-Oct-15
Thom Phillipel	27-Oct-15	Judith Commons	27-Oct-15
Debra Nevin	27-Oct-15	Robert R Holgate	27-Oct-15
Laini Katheiser	27-Oct-15	Charles P Harrington	27-Oct-15
Susie Smith	27-Oct-15	David Wilermath II	27-Oct-15
Margaret Keelan	27-Oct-15	Richard Odom MD	27-Oct-15
David Blair	27-Oct-15	Janice Foss	27-Oct-15
Beth Weinberger	27-Oct-15	Judith Sullivan	27-Oct-15
Georgiana White	27-Oct-15	Mike Dennison	27-Oct-15
Jennifer Swift	27-Oct-15	Jacki Fox Ruby	27-Oct-15
Joan J Antonuccio	27-Oct-15	Nanci Clifton	27-Oct-15
David F DeSante	27-Oct-15	Maurice Lee III	27-Oct-15
Ashley Lewis	27-Oct-15	Jeremy DeCristo	27-Oct-15
Kathy Melton	27-Oct-15	Claudia Stone	27-Oct-15
Muh-Ching Yee	27-Oct-15	Paula M Black	27-Oct-15
Jay Hipps	27-Oct-15	Sandra La Framboise	27-Oct-15
David lewbin	27-Oct-15	Elena Berman	27-Oct-15
David H Jainis	27-Oct-15	Seth Seibel	27-Oct-15
Ann Walker	27-Oct-15	Kristin Dodds	27-Oct-15
Paul Mehling	27-Oct-15	Kevin CW Mulvey	27-Oct-15
Serge Abend	27-Oct-15	Steven Fitzgerald	27-Oct-15
Thomas H Brown	27-Oct-15	John Maxwell	27-Oct-15
Sabina Ubell	27-Oct-15	Maree McGuire	27-Oct-15
Carolyn Couls	27-Oct-15	Suzanne Wertheim	27-Oct-15
Judeana Davidson	27-Oct-15	Roberta O'Neill	27-Oct-15
Julianne Balmain	27-Oct-15	Barbara Whipperman	27-Oct-15
Caroline Wood	27-Oct-15	Betty Lawler	27-Oct-15
Naomi Saunders	27-Oct-15	Charles Hoffmann	27-Oct-15
Omar Chacon	27-Oct-15	Christopher Welch	27-Oct-15
Eva Thomas	27-Oct-15	Jennifer Miller	27-Oct-15
Linda Schmid	27-Oct-15	Karen G Pitts	27-Oct-15
William T Castle	27-Oct-15	Karl Schmitt	27-Oct-15
John Beck PhD	27-Oct-15	Bitia Edwards	27-Oct-15
Sean Donnelly	27-Oct-15	Barbara Idso	27-Oct-15
Architect Ron Bogley	27-Oct-15	Marjorie P Lasky	27-Oct-15
Pete Perez	27-Oct-15	Claudia Tomaso	27-Oct-15
Brian Gygi	27-Oct-15	Karen Gates	27-Oct-15

Jennifer Miller	27-Oct-15	Lupe Sesma	27-Oct-15
Chimey Lee	27-Oct-15	Carol R Treacy	27-Oct-15
Sheila Tarbet	27-Oct-15	Tracy Roseberg	27-Oct-15
Marta Induni Jr	27-Oct-15	Donald Beck	27-Oct-15
Gabriel Graubner	27-Oct-15	Christopher Stahl	27-Oct-15
Susan Griffin	27-Oct-15	Matthew Snope	27-Oct-15
Robert Parsons	27-Oct-15	Lupe Sesma	27-Oct-15
Selina Williams	27-Oct-15	Hunter Wallof	27-Oct-15
Deborah Dashow ruth	27-Oct-15	Trevor E Twist	27-Oct-15
Jeff Hooper	27-Oct-15	Frank Lahorgue	27-Oct-15
Rick Sanders	27-Oct-15	Eh Estes	27-Oct-15
Susan Sargis	27-Oct-15	Arthur R Boone	27-Oct-15
Helen Pellegrin	27-Oct-15	Michelle Carter	27-Oct-15
Gerri Battistessa	27-Oct-15	Mary Reder	27-Oct-15
Jeffrey Golden	27-Oct-15	Randy Schwartz	27-Oct-15
Dorothy Hoadley	27-Oct-15	Laurie Ordin	27-Oct-15
Nancy J Harlander	27-Oct-15	Susan Harris	27-Oct-15
Pat Colburn	27-Oct-15	Lelia Straw	27-Oct-15
Sue Miller McCasey	27-Oct-15	Kate Lange	27-Oct-15
Joanne Phillipello	27-Oct-15	Ken Preston	27-Oct-15
Kent Lennox	27-Oct-15	Trevor E Twist	27-Oct-15
Anna Haase	27-Oct-15	Patricia Rom	27-Oct-15
Ken Niehoff	27-Oct-15	Rocky Schnaath	27-Oct-15
James Brendan Madden	27-Oct-15	Carolyn M Ranusch	27-Oct-15
Dave Bonelli	27-Oct-15	Shirley Lucier	27-Oct-15
Patricia Jones	27-Oct-15	Jess Dervin Dervin-Ackerman	27-Oct-15
Roxana Labrador	27-Oct-15	Larry Brown	27-Oct-15
Barb Evans	27-Oct-15	Sarah BM	27-Oct-15
Jimmy Sylvia	27-Oct-15	Elsa Schafer	27-Oct-15
Alejandro Moreno Moreno	27-Oct-15	Loma Whipple	27-Oct-15
Elizabeth Karan	27-Oct-15	Mavis Poole	27-Oct-15
Jason Wilson	27-Oct-15	Bob Schildgen	27-Oct-15
Crys Carithers	27-Oct-15	Damien Shulock	27-Oct-15
Marilyn Ledox	27-Oct-15	Gregory Gregory Coyle	27-Oct-15
Susan Schacher	27-Oct-15	Craig Kitamata	27-Oct-15
Mike Dennison	27-Oct-15	Allen Kanner	27-Oct-15
Michael Chin	27-Oct-15	Malcolm Williams	27-Oct-15
Tracy T Nguyen	27-Oct-15	Matthew Iribarne	27-Oct-15
Bob Harless	27-Oct-15	Barbara Balestreri	27-Oct-15
Richard Duchene	27-Oct-15	Frank Kiernan	27-Oct-15
Sherry Davis	27-Oct-15	David L Mandel	27-Oct-15
Maris Bennett	27-Oct-15	Adele O'Neill	27-Oct-15
Tom Young	27-Oct-15	Tony Mihanovich	27-Oct-15
Melissa M Reading	27-Oct-15	Kenny Soles	27-Oct-15
Sandra Barlow	27-Oct-15	Darcy Williams	27-Oct-15

Wilma Reichard	27-Oct-15	Anna M Korn	27-Oct-15
Margit S Sherman	27-Oct-15	Luisa Delgado Agostini	27-Oct-15
Darrel Whipple	27-Oct-15	Joyce Kear Kearney	27-Oct-15
Joseph Brulenski	27-Oct-15	John Cain	27-Oct-15
Bryan Coffland	27-Oct-15	Sharyn Loshakoff	27-Oct-15
Dr Diane M Powell PhD	27-Oct-15	Michael Hunter	27-Oct-15
Jolene Edwards	27-Oct-15	William E Rader	27-Oct-15
Constance McKee	27-Oct-15	Elaine David	27-Oct-15
Georgia Carver	27-Oct-15	Julie Stinchcomb	27-Oct-15
Ayris Hatton	27-Oct-15	Mark Whisler	27-Oct-15
Geraldine L Roe	27-Oct-15	Lisel Schwarzenbach	27-Oct-15
Jeri Barnhill	27-Oct-15	Sheila Jordan Jordan	27-Oct-15
Linda Akiyama	27-Oct-15	Earl T Shimaoka	27-Oct-15
NB	27-Oct-15	David urman	27-Oct-15
Maya Moiseyev	27-Oct-15	Paul Jones	27-Oct-15
James Masi	27-Oct-15	Aida Brenneis	27-Oct-15
Kate Schmidt	27-Oct-15	Cassie Barr	27-Oct-15
Denise Villegas	27-Oct-15	Vincent Fungina	27-Oct-15
Betsy Wood	27-Oct-15	Patrick Turney	27-Oct-15
Alan R McCauley	27-Oct-15	Fran Carbonaro	27-Oct-15
Nancy E Bardoff	27-Oct-15	Carolyn Mahoney	27-Oct-15
Ann M Garrison	27-Oct-15	Guillermo Acevedo	27-Oct-15
Robert Nelson	27-Oct-15	Dr Stephen Weitz	27-Oct-15
Sue Collins	27-Oct-15	Cari Gundee	27-Oct-15
Martha Booz	27-Oct-15	Mary Rocca	27-Oct-15
Yi-Shan Shan Chen	27-Oct-15	Robert and Bodil D Platt	27-Oct-15
T Peterson	27-Oct-15	Nancy L Finkle	27-Oct-15
Raymond Diodis	27-Oct-15	Helen L Bersie	27-Oct-15
Betsy B Blondin	27-Oct-15	Gina V Ness	27-Oct-15
Glen Deardorff	27-Oct-15	Paul Chin	27-Oct-15
Katye Sims	27-Oct-15	JA Compton	27-Oct-15
Richard N Lohman	27-Oct-15	Joni Grisham	27-Oct-15
Scott Mize	27-Oct-15	Ericka Davis	27-Oct-15
Linda Harrington	27-Oct-15	Joann Kersten	27-Oct-15
Steven Fitzgerald	27-Oct-15	Jeanette Sacco Sacco-Belli	27-Oct-15
Steve Murtaugh	27-Oct-15	Julie Mascarenhas	27-Oct-15
Kathleen Dunphy	27-Oct-15	Cynthia Byrd	27-Oct-15
Michael Park	27-Oct-15	Kartthik Raghunathan	27-Oct-15
MEG	27-Oct-15	Lynn Schardt	27-Oct-15
Cathy Adams	27-Oct-15	Mary Kreger	27-Oct-15
Mary Engle	27-Oct-15	Anthony Oghoghorie	27-Oct-15
Barbra Bergstrom	27-Oct-15	Lynda Hilton	27-Oct-15
Susun Olson	27-Oct-15	Esther Vela	27-Oct-15
Valeri M Hood	27-Oct-15	Aldo Borzoni	27-Oct-15
Meribeth Kinnaman	27-Oct-15	Dale Knight	27-Oct-15

Jeff Parker	27-Oct-15	Thomas A Tripp Jr	27-Oct-15
Chelsea Stafford	27-Oct-15	Mark Grossman	27-Oct-15
Janna Burt	27-Oct-15	Mrs Hons Diana Jim and Prola	27-Oct-15
Joseph Metz	27-Oct-15	Charlotte B Acharya	27-Oct-15
Nan Parks	27-Oct-15	Isabella Lardizabal	27-Oct-15
Clark Sullivan	27-Oct-15	Catherine Johnston	27-Oct-15
Karen Lerner	27-Oct-15	Judy Loring	27-Oct-15
Elizabeth Grace	27-Oct-15	Mariano Espinosa	27-Oct-15
Janet Clark	27-Oct-15	Bob Sahni	27-Oct-15
Ilene Malt	27-Oct-15	Lynn Jones	27-Oct-15
Melissa Patterson	27-Oct-15	Linda Thompson	27-Oct-15
Jason Daniel Patent	27-Oct-15	Karen Lassen	27-Oct-15
Lisa Steele	27-Oct-15	Kimberly Ventre	27-Oct-15
Dorothy Nirenstein	27-Oct-15	Dorothy Gottberg	27-Oct-15
Dawn Welden	27-Oct-15	Jean Tom Pauline	27-Oct-15
Anna Ling	27-Oct-15	Ginger Armstrong	27-Oct-15
Rock Woodson	27-Oct-15	Paul Szczepanski	27-Oct-15
Joan M Kelly	27-Oct-15	Mary Lu Kennelly	27-Oct-15
Rosie Bachand	27-Oct-15	Michael Burdette	27-Oct-15
Willa O'Connor	27-Oct-15	Gail Bedinger	27-Oct-15
Jennifer Heggie	27-Oct-15	Letty Van	27-Oct-15
Jade English	27-Oct-15	Jacqueline Hanna	27-Oct-15
Patricia Hatfield	27-Oct-15	Daniel Dunn	27-Oct-15
Dan Scharlin	27-Oct-15	Kip H Howard	27-Oct-15
Colin M	27-Oct-15	Marylia Kelley	27-Oct-15
Celeste johansson	27-Oct-15	Merri Gelbard	27-Oct-15
Susan Chandler	27-Oct-15	Joyce Seubert	27-Oct-15
Eloise Hill	27-Oct-15	Bob Alou	27-Oct-15
Donna Campbell	27-Oct-15	Paula Kren	27-Oct-15
Joanne Barnes	27-Oct-15	Phillip Simon	27-Oct-15
Jim Lyons	27-Oct-15	Laurence Koross	27-Oct-15
Stan & Kiyomi A Hutchings	27-Oct-15	Diane Amarillas	27-Oct-15
Adrienna Plasse	27-Oct-15	Natalie Cho	27-Oct-15
Katherine McNeil	27-Oct-15	Vincent Webb	27-Oct-15
Sherard L Wood	27-Oct-15	Don M Saito	27-Oct-15
Arleen L Wattel	27-Oct-15	Julia Dahl	27-Oct-15
Lorraine Phillips	27-Oct-15	Cheryl Higgins	27-Oct-15
Ronald Woolford	27-Oct-15	Stephen M Boni	27-Oct-15
Carole Champion	27-Oct-15	Donna Koppa	27-Oct-15
Larry	27-Oct-15	Chris Anderf	27-Oct-15
Lynn Axelrod	27-Oct-15	Susan Lee	27-Oct-15
Ruth Block	27-Oct-15	Dennis Sousa	27-Oct-15
Vicki A Green PhD	27-Oct-15	Patrice Young	27-Oct-15
Robert Robert Davisson	27-Oct-15	Lisa Breslauer	27-Oct-15
Timothy Johnston	27-Oct-15	Carolyn McSonough	27-Oct-15

Susan E Bremmer	27-Oct-15	Carol J Taggart	27-Oct-15
Francesca Prada	27-Oct-15	Vincenza J Baldino	27-Oct-15
Casey Weber	27-Oct-15	Richard Johnson	27-Oct-15
Mary Scibek	27-Oct-15	Paula Foster	27-Oct-15
Shawn Maxwell	27-Oct-15	Eric Thrasher	27-Oct-15
Mrs Christine Oda	27-Oct-15	Dale S	27-Oct-15
Sharon Prell	27-Oct-15	Sue Dunson-Dunson-Reggio	27-Oct-15
Gina Matteucci	27-Oct-15	Karen Reggio	27-Oct-15
Teresa Bright	27-Oct-15	Karen A Dunson	27-Oct-15
Constance Roberts	27-Oct-15	Nancy L Anderson	27-Oct-15
Julianne Fountain	27-Oct-15	VR Sansone MD	27-Oct-15
R Roquero	27-Oct-15	Linda Jean Edwards	27-Oct-15
Sarah Tae	27-Oct-15	Ann Kircher	27-Oct-15
Ariann Thomas	27-Oct-15	Eleanor Thomas	27-Oct-15
Jeannine Brown	27-Oct-15	Billie Sue Rogers Callahan	27-Oct-15
Michael A Higgins	27-Oct-15	Patricia L Speier MD	27-Oct-15
Chris Hodgkinson	27-Oct-15	Ekaterina Tulchinsky	27-Oct-15
Susan Harman	27-Oct-15	Deanna Hough	27-Oct-15
Julia Bazar	27-Oct-15	Gerald Haslam	27-Oct-15
Gisele Gemus	27-Oct-15	Chrstine Hersey	27-Oct-15
Maria Muschio	27-Oct-15	Maria Nowicki	27-Oct-15
Susan C Firestone	27-Oct-15	Miki Nakamura	27-Oct-15
Jane Kravitz	27-Oct-15	Susan Ford	27-Oct-15
Robert Sheardy	27-Oct-15	Carol B	27-Oct-15
Mr Fred Waldsmith	27-Oct-15	Johanna Simmons	27-Oct-15
Sherry Handy	27-Oct-15	Jackie Ruth Thompson	27-Oct-15
Mary Jane Ryan	27-Oct-15	Juliana S Navarro	27-Oct-15
Clifford J Liehe	27-Oct-15	Juli Stewart	27-Oct-15
James Kemp	27-Oct-15	Joe Ercolani	27-Oct-15
Donald Kiehn	27-Oct-15	Juliana S Navarro	27-Oct-15
Michelle Foy	27-Oct-15	B Sandow	27-Oct-15
Marcia Kassuba	27-Oct-15	J Dean	27-Oct-15
Lori Wilson-Hopkins	27-Oct-15	Greg Dunnington	27-Oct-15
Scott Bartlett	27-Oct-15	Jan Buckwalk	27-Oct-15
Chanda Unmack	27-Oct-15	Angelica R Vallin	27-Oct-15
Rich Martini	27-Oct-15	Martha Grimson	27-Oct-15
Paula Foster	27-Oct-15	EA A Jennings	27-Oct-15
Lauren Coodley	27-Oct-15	Locke McCorkle	27-Oct-15
Tiffani Parrish	27-Oct-15	Robert Gaynor	27-Oct-15
Nancy Lyle Bennett	27-Oct-15	Oona Kumataka	27-Oct-15
Summer Brenner	27-Oct-15	James Lum	27-Oct-15
Craig and Paula Lee Scherfenberg	27-Oct-15	Ana Paula Fonseca	27-Oct-15
Rosa Martinez Guidos	27-Oct-15	Donald Schnepf	27-Oct-15
Fran Collier	27-Oct-15	Pati Jio	27-Oct-15
Freddie Sumilhig	27-Oct-15	Brad Newsham	27-Oct-15

Dr Peter Havel	27-Oct-15	Daren S Garshelis	27-Oct-15
Bill Lindner	27-Oct-15	Kimyn Braithwaite	27-Oct-15
Gwyn Murray	27-Oct-15	Esther Franklin	27-Oct-15
George Bolanis	27-Oct-15	Ted M Jones	27-Oct-15
Mary Beck	27-Oct-15	Lucy Taylor	27-Oct-15
Marge Johnson	27-Oct-15	Linda Getson	27-Oct-15
Nancy Beam	27-Oct-15	Dr James mcFadden	27-Oct-15
Pamela Crawford	27-Oct-15	Dr Marya Thomas	27-Oct-15
Wendy Constantine	27-Oct-15	Barbara L Stannard	27-Oct-15
Judith Stone	27-Oct-15	Deborah J McElroy Pool	27-Oct-15
Dan Berger	27-Oct-15	Jonathan H Rousell	27-Oct-15
Stephen School-Buckwald	27-Oct-15	Judy Walker	27-Oct-15
A Viola	27-Oct-15	John Larson	27-Oct-15
Kate Beck	27-Oct-15	Shirley Eglington	27-Oct-15
Barbara Hopkins	27-Oct-15	Pat Turney	27-Oct-15
Diane Di Vittorio	27-Oct-15	Jack McClain	27-Oct-15
Rev John Fernandes	27-Oct-15	Valerie Campbell	27-Oct-15
Welda Graybeal	27-Oct-15	Nancy Slinger	27-Oct-15
Rw Shaff	27-Oct-15	Rosalie Webb	27-Oct-15
Fred Marschner	27-Oct-15	Diane Douglas	27-Oct-15
Derek Anthony Mcdown	27-Oct-15	Diana Kostka	27-Oct-15
Magaly Fernandez	27-Oct-15	Kathy Anne Woodruff	27-Oct-15
Phyllis Debois	27-Oct-15	Shannon Weil	27-Oct-15
Sherry Coll	27-Oct-15	Molly Boggs	27-Oct-15
Risa I Wallach	27-Oct-15	Tina Arnold	27-Oct-15
John Van Eyck	27-Oct-15	Janet Drew	27-Oct-15
Mayra Baez	27-Oct-15	Heather Grigsby	27-Oct-15
Peter Growin	27-Oct-15	Ernest Isaacs	27-Oct-15
Karen Cappa	27-Oct-15	Ashley Miller	27-Oct-15
Cornelius Dykema	27-Oct-15	Steve Rose	27-Oct-15
Greg Brockbank	27-Oct-15	Edward J White	27-Oct-15
Thomas Reynolds	27-Oct-15	Alana Nur	27-Oct-15
Maggin Sullivan Godman	27-Oct-15	Trudy McMahon	27-Oct-15
E Midori	27-Oct-15	Stacey Mangni	27-Oct-15
Rene G Castle	27-Oct-15	Frank Seewester	27-Oct-15
Richard Mazzarisi	27-Oct-15	Mr Ed Brounstein	27-Oct-15
Tony White	27-Oct-15	Peter R Corkey	27-Oct-15
Jocelyn Whipple	27-Oct-15	Richard Dirrenberger	27-Oct-15
K Richards	27-Oct-15	Richard Cannon	27-Oct-15
Dr Steve J Tefee	27-Oct-15	Monica Smith-Braun	27-Oct-15
Katherine Osterioh	27-Oct-15	C O	27-Oct-15
Shannon Ten Broeck	27-Oct-15	Sally Ross	27-Oct-15
Amy Johnson	27-Oct-15	Nancy Candee	27-Oct-15
Patrik Rousselot	27-Oct-15	Irma M Grieve	27-Oct-15
George E Massey	27-Oct-15	Paul Engstrom	27-Oct-15

Kathy Lemmon	27-Oct-15	William Weaver	27-Oct-15
Claudia Anderon	27-Oct-15	Shar Legenza	27-Oct-15
Cindy Cary	27-Oct-15	Mahasin Abdul-Musawwir	27-Oct-15
Paula Brutocao	27-Oct-15	Scott Scherman	27-Oct-15
Shirley Sheffield	27-Oct-15	Ray Staar	27-Oct-15
Rita Hays	27-Oct-15	James Haig	27-Oct-15
Steve Ongerth	27-Oct-15	Dennis Pocekay	27-Oct-15
Robert H Cruzon	27-Oct-15	Margaret Elliott	27-Oct-15
Louise Anderson	27-Oct-15	Hazel Cheilek	27-Oct-15
Ralph Wayne Henderson	27-Oct-15	Elise Torres	27-Oct-15
Margaret Mary Gaffney	27-Oct-15	Karla Mason-Cohen	27-Oct-15
Susan Leihy	27-Oct-15	Linda Emme	27-Oct-15
Mike Welsh	27-Oct-15	Lillian Hom	27-Oct-15
Scott Allen	27-Oct-15	Louise Lipsey	27-Oct-15
Marc Passen	27-Oct-15	Janet Vail	27-Oct-15
Gar Smith	27-Oct-15	Mary Ellen Stanke	27-Oct-15
Peter John Roodhuyzen	27-Oct-15	Gregory B Bailey	27-Oct-15
Patricia Locks	27-Oct-15	Patricia M Berumen	27-Oct-15
Michael Massoff	27-Oct-15	Sam Parsons	27-Oct-15
Beth Milne	27-Oct-15	John McNally	27-Oct-15
Marcia Dale-LeWinter	27-Oct-15	Gaetano Bonfiglio	27-Oct-15
Wayne Akagi	27-Oct-15	Mary McMurray Hoell	27-Oct-15
Donna Moffat	27-Oct-15	Heather Vollstedt	27-Oct-15
Frances Aubrey	27-Oct-15	Catherine Hourcade	27-Oct-15
Mark Bradley	27-Oct-15	Madeline D D'Andrea	27-Oct-15
Melitta von Abele	27-Oct-15	Gina Hall	27-Oct-15
Edythe Briggs	27-Oct-15	Jordana Welles	27-Oct-15
Michael Maharry	27-Oct-15	Sharon Giglio	27-Oct-15
Olivia Lim	27-Oct-15	Anne Arredondo	27-Oct-15
Krista Fechner	27-Oct-15	Pamela Shwayka	27-Oct-15
Sharma Gaponoff	27-Oct-15	Janet Bindas	27-Oct-15
Paula Dodd Aaiello	27-Oct-15	John Zibell	27-Oct-15
Marilyn Ehrenreich	27-Oct-15	Sylvia Karalius	27-Oct-15
B Sheryl Geddes	27-Oct-15	Rende Lazure	27-Oct-15
Jane W Fox	27-Oct-15	Sandra Hiser	27-Oct-15
George Dedekian	27-Oct-15	Anna LeRoux	27-Oct-15
Lisa Hill	27-Oct-15	Mary Frances Kelly-Poh	27-Oct-15
S Steinberg	27-Oct-15	Dan Eloff	27-Oct-15
Renee Nelson	27-Oct-15	JV Amato	27-Oct-15
Patricia J McTaggart	27-Oct-15	Melanie Schrader	27-Oct-15
Jeffrey Grinnell	27-Oct-15	Nancy E Gotthart	27-Oct-15
Brian Ballek	27-Oct-15	Richard Ries	27-Oct-15
Karen Grace	27-Oct-15	Karen Jacob	27-Oct-15
Norma Smith	27-Oct-15	Ardis jackson	27-Oct-15
Josette M Maury	27-Oct-15	Phyllis Freeman	27-Oct-15

Kathi Whalin	27-Oct-15	William Mertely	27-Oct-15
Valerie Robbins	27-Oct-15	Juan Edith Vargas and Williams	27-Oct-15
Terry Ortega	27-Oct-15	Irma Zuckermann	27-Oct-15
Edith Wells Cacciatore	27-Oct-15	Greg Booth	27-Oct-15
Peter F Jardine	27-Oct-15	Logan Berrian	27-Oct-15
Sam Stevens	27-Oct-15	Rani Fischer	27-Oct-15
Simone St Clare	27-Oct-15	Lisa Hirayama	27-Oct-15
Mary Lonergan	27-Oct-15	Jessica Terwilliger	27-Oct-15
Josh G Jones	27-Oct-15	Emma Gold	27-Oct-15
Richard Tomach	27-Oct-15	Joan Hebert	27-Oct-15
Patricia Harmon	27-Oct-15	Sandra Love	27-Oct-15
Ms Jared Greer	27-Oct-15	Dr K King	27-Oct-15
Edith Taylor	27-Oct-15	Margaret Vickers	28-Oct-15
Nancy Hffman	27-Oct-15	Allure Nobell	28-Oct-15
Yefim Maizel	27-Oct-15	Christine Riley	28-Oct-15
Ellen Sennewald	27-Oct-15	Henry Tasto	28-Oct-15
Eileen Kennedy	27-Oct-15	Loretta Mathieu	28-Oct-15
Joyce H King	27-Oct-15	Cynthia Cosulich	28-Oct-15
K S	27-Oct-15	Candice Schott	28-Oct-15
Anthony Pasqua	27-Oct-15	Phillip Torres	28-Oct-15
Staci A Evans	27-Oct-15	Mary Shirey	28-Oct-15
Daniel Joseph	27-Oct-15	Nicole Moorhouse	28-Oct-15
Kathleen Bungarz	27-Oct-15	Dorothy Callison	28-Oct-15
Alice Neuman	27-Oct-15	Diane B. Rooney	28-Oct-15
Marianne Middleton Ewing	27-Oct-15	Suzanne Lovell PhD	28-Oct-15
Kathleen Gonzalez	27-Oct-15	Maria USA military Aid to Gastelumendi	28-Oct-15
Judy Burle	27-Oct-15	Tracy Weir	28-Oct-15
Eric Kahan	27-Oct-15	Nikki Doyle	28-Oct-15
Blake Caraska	27-Oct-15	Carla Jaeger	28-Oct-15
Jenifer Schoenberger	27-Oct-15	Susan Sherk	28-Oct-15
Gulick Elisabeth	27-Oct-15	April Garcia	28-Oct-15
Ardath Lee	27-Oct-15	Lindsay Imai Hong	28-Oct-15
Avila Lowrance	27-Oct-15	Joshua Castillo Alagon	28-Oct-15
Brent Hokanson	27-Oct-15	Mary Norris-Ransohoff	28-Oct-15
Deborah & Joe Santone	27-Oct-15	Leabah H. Winter	28-Oct-15
Barbara Hagel	27-Oct-15	Robert C Piggott	28-Oct-15
Shelly Keller	27-Oct-15	Simon Sharp	28-Oct-15
Ed Noonon	27-Oct-15	Anita Vandenberg	28-Oct-15
D Alley Wyly	27-Oct-15	Arielle Llewellyn	28-Oct-15
Mark Goodwin	27-Oct-15	Tyler Price	28-Oct-15
Kathleen Martin	27-Oct-15	Craig Ketcham	28-Oct-15
Michael E Strand	27-Oct-15	Oliver Mellan	28-Oct-15
Gerard A Ehrmann	27-Oct-15	Evelyn Mickevicius	28-Oct-15
Melissa Murphy	27-Oct-15	Colkeen Bednarz	28-Oct-15
Annette Mears	27-Oct-15	Barry Hottle	28-Oct-15

Kyle Czimbak	28-Oct-15	William Crist	28-Oct-15
Margot M Anderson	28-Oct-15	Marcia Molina	28-Oct-15
Janet Benson	28-Oct-15	Arlene J. William son	28-Oct-15
Kathy Gay	28-Oct-15	Peter Anderson	28-Oct-15
Richard O'Connor	28-Oct-15	Anatasia Fiandaca	28-Oct-15
Michael Quinn	28-Oct-15	Claude Richard Hopkins	28-Oct-15
Judith Van Herik	28-Oct-15	Susan K. Browne	28-Oct-15
Linda Gilbert	28-Oct-15	Melissa Mandel	28-Oct-15
Marian Chmielecki	28-Oct-15	Emily Thompson	28-Oct-15
Jack & Marilyn Kates	28-Oct-15	Melissa Black	28-Oct-15
Michael C. Lee	28-Oct-15	Diane Anglin	28-Oct-15
Heidi Page	28-Oct-15	Suzy Forwood	28-Oct-15
Albert is Ujcic	28-Oct-15	Sarah Abrams	28-Oct-15
Scott Harris	28-Oct-15	Alireza Rezapour	28-Oct-15
Laura H Williams	28-Oct-15	John Larsen	28-Oct-15
Joshua Stein	28-Oct-15	Blasé Hents	28-Oct-15
Cathy Wallace	28-Oct-15	Monica Leavitt	28-Oct-15
Jeanne Keja	28-Oct-15	Joanne Dean	28-Oct-15
Ryan Hilles	28-Oct-15	Alice Bradshaw	28-Oct-15
P J Basso	28-Oct-15	Robin Goodfellow	28-Oct-15
Jennifer Hanson	28-Oct-15	Tom Helm	28-Oct-15
Paul Szczepanski	28-Oct-15	Alma Prins	28-Oct-15
Robert Sodervick	28-Oct-15	Chet Yee	28-Oct-15
Sandra Schmaier	28-Oct-15	Christopher Mortweet	28-Oct-15
Jan Boyd	28-Oct-15	Mary Miller	28-Oct-15
Martha Quinn	28-Oct-15	Helene Robertson	28-Oct-15
Suzette L Davidson	28-Oct-15	Grace Huenemann	28-Oct-15
Margaret Spak	28-Oct-15	Ruth Bright	28-Oct-15
Krista A Dana	28-Oct-15	Arturo Giraldez	28-Oct-15
Susan Green	28-Oct-15	Dennis St. Pierre	28-Oct-15
Bruce Fairbanks	28-Oct-15	Simma Chester	28-Oct-15
Barbara Britton	28-Oct-15	Margaret Raynor	28-Oct-15
Sharon M Haase	28-Oct-15	Jolene Enns	28-Oct-15
Angela Schwartz	28-Oct-15	Ruth Bauman Britton	28-Oct-15
Maggie Hottle	28-Oct-15	Marjorie Xavier	28-Oct-15
Kenlyn Moore	28-Oct-15	Andrea Simms	28-Oct-15
Lindsay Britton	28-Oct-15	Joan Plastiino	28-Oct-15
Allan Sklove	28-Oct-15	Patricia Kinney	28-Oct-15
Peggy Wong	28-Oct-15	Cyndi Houck	28-Oct-15
Alexis Babyan	28-Oct-15	Ernest Ivan Hopkinson	28-Oct-15
Katherine Leahy	28-Oct-15	David Mundstock	28-Oct-15
Dahlia Sharon	28-Oct-15	Barbara Jaspersen	28-Oct-15
Patricia Scanlan	28-Oct-15	Dianna L Nicholson	28-Oct-15
Abby DeNicasio	28-Oct-15	Susan Kirn	28-Oct-15
Donald Kunkel	28-Oct-15	Roberta Lewis	28-Oct-15

Mary E. Joslin	28-Oct-15	Jamila Garrecht	28-Oct-15
Lucy Kataoka	28-Oct-15	Elizabeth Cutter	28-Oct-15
Cheryl LaBrecque	28-Oct-15	Pam Bigelow	28-Oct-15
Ann Joseph	28-Oct-15	Glen Bigelow	28-Oct-15
Jean Porter	28-Oct-15	Dorothea Stephan	28-Oct-15
Annie Stuart	28-Oct-15	Avi Clarence Klammer & Reese	28-Oct-15
Dan Gonzales	28-Oct-15	Heike-Feldmann	28-Oct-15
Judy Rocchio	28-Oct-15	Florante Pascual	28-Oct-15
Bill Kaslow	28-Oct-15	Lucy Hsu	28-Oct-15
Tess Pender	28-Oct-15	Hunter Hintz	28-Oct-15
Dennis Smith	28-Oct-15	Berneice Moore	28-Oct-15
Vanessa Mielezsko	28-Oct-15	Michelle Frink	28-Oct-15
Aaron Feigelman	28-Oct-15	Patricia Walsh	28-Oct-15
Allyce Dowling Von Weidlich	28-Oct-15	Zulmira Gamito	28-Oct-15
Alex Schiefer	28-Oct-15	Scott Morrison	28-Oct-15
Shan Magnuson	28-Oct-15	Ana Monteiro	28-Oct-15
John Lukas	28-Oct-15	Paul MacDonald	28-Oct-15
Eric G.	28-Oct-15	Vivek Krishnappa	28-Oct-15
Larry Smith	28-Oct-15	Jamie Greenblatt	28-Oct-15
David Cottle	28-Oct-15	Lynne Thomson	28-Oct-15
Debbie Mendelson	28-Oct-15	Jonathan Darrel McGee	28-Oct-15
John Hornall	28-Oct-15	Colleen Evans	28-Oct-15
Michael S. Peterson	28-Oct-15	Chris Baskerville	28-Oct-15
Katherine Leahy	28-Oct-15	Jacob Gordon	28-Oct-15
Dave Grant Depew	28-Oct-15	Colleen Cabot	28-Oct-15
Edward G. Cavasian	28-Oct-15	Donna Farvard	28-Oct-15
John Wagoner	28-Oct-15	Lance Parker	28-Oct-15
Bob Lastiri	28-Oct-15	Paul Shimazaki	28-Oct-15
Naomi I Lidicker	28-Oct-15	Angie Sanchez Franck	28-Oct-15
Carol S. Bostick	28-Oct-15	Radha Patel	28-Oct-15
Annie Boddum	28-Oct-15	Virginia C. Haradon	28-Oct-15
Kathryn Nunes	28-Oct-15	Richard Higgins	28-Oct-15
Henry Tang	28-Oct-15	Debroah Sullivan	28-Oct-15
Diane Wilson	28-Oct-15	Lydia Oey	28-Oct-15
Robert Rusky	28-Oct-15	Lynn Prime	28-Oct-15
P Shontz	28-Oct-15	Seann Lindstrom	28-Oct-15
Elaine Kellett	28-Oct-15	Judith Curtis Levine	28-Oct-15
Brian Bullard	28-Oct-15	Kate Henke	28-Oct-15
Sharon Rogers	28-Oct-15	Martha C. Muntzel	28-Oct-15
Julisa Newcomb	28-Oct-15	Patricia Wilburn	28-Oct-15
Beth A. Tessler	28-Oct-15	L Diaz	28-Oct-15
Peter Altman	28-Oct-15	Laurel Lindsey	28-Oct-15
Barbara Curry-Kaufman	28-Oct-15	Vernon R. Sanders	28-Oct-15
Jan Dungan	28-Oct-15	John K	28-Oct-15
Jesse Freeman	28-Oct-15	Dr. Helen Londe MD	28-Oct-15

Gerald Tenret	28-Oct-15	Patricia Thornton	28-Oct-15
Christi Tenret	28-Oct-15	Angela M Schilz	28-Oct-15
Anne Spesick	28-Oct-15	Howard Davidson	28-Oct-15
Ron Boeck	28-Oct-15	R. Major	28-Oct-15
Judy Schultz	28-Oct-15	Jean Fraschina	28-Oct-15
Michael Hair	28-Oct-15	Mike Baldwin	28-Oct-15
Norma Jacobs	28-Oct-15	Colleen Stanturf	28-Oct-15
Kris Skow	28-Oct-15	Philip Logan	28-Oct-15
Brad Squires	28-Oct-15	Mario Balestrieri	28-Oct-15
Carlo Calabi	28-Oct-15	Margaret Copi	28-Oct-15
Marc Jonathan Lorán	28-Oct-15	James Volberding	28-Oct-15
Corazon Amada	28-Oct-15	Yuh-Lin A. Yang	28-Oct-15
Melissa Roberts	28-Oct-15	Shellee Davis	28-Oct-15
John Beyer	28-Oct-15	Donna Campbell	28-Oct-15
Dorothy Freidel	28-Oct-15	Pacia Dewald	28-Oct-15
Eric Colon	28-Oct-15	Kimberly Aikawa-Olin	28-Oct-15
Lawrence G. McKey	28-Oct-15	Sandra Booth	28-Oct-15
Caitlin Strom-Martin	28-Oct-15	Mitchell Colbert	28-Oct-15
Brandon Owens	28-Oct-15	S B	28-Oct-15
Maxine Pohan	28-Oct-15	Rick Cullen	28-Oct-15
Daniel Adel	28-Oct-15	Sean J Sandhu	28-Oct-15
Nancy L. Parker	28-Oct-15	Karen Case	28-Oct-15
Karen L. Black	28-Oct-15	N L Parker	28-Oct-15
Lavinia Turner	28-Oct-15	Anne Petty	28-Oct-15
Sarah Swaney	28-Oct-15	F Hammer	28-Oct-15
Ellen Sue Wood	28-Oct-15	Judi Lewis	28-Oct-15
Bruce Higgins	28-Oct-15	Frank Burton	28-Oct-15
Dan Allison	28-Oct-15	Nancy Steele	28-Oct-15
Barbara Fredericks	28-Oct-15	Kathy Green	28-Oct-15
Shenny Cruces	28-Oct-15	Misty McIntyre	28-Oct-15
Jeffrey Whittle	28-Oct-15	Guy Gargiullo	28-Oct-15
Jan Sanderson	28-Oct-15	Michael Aaron Safyan	28-Oct-15
Joanna Bonnheim	28-Oct-15	Lowell Richardson	28-Oct-15
Jorge Belloso-Curiel	28-Oct-15	Joan Wagerj	28-Oct-15
Calnin Harrell Sr.	28-Oct-15	Michael F. Cooper	28-Oct-15
Harold Whitmore	28-Oct-15	Alexandra Kirby	28-Oct-15
Erika Crider	28-Oct-15	Dipal Gandhi	28-Oct-15
Dr. Janice L. Kirsch	28-Oct-15	Diane Williams	28-Oct-15
Michael Dvorak	28-Oct-15	susan Geisler	28-Oct-15
Ruth K. Koolish	28-Oct-15	Ian Reddoch	28-Oct-15
Joan Weir	28-Oct-15	Irene Brown	28-Oct-15
Jennifer Carriere	28-Oct-15	Li Kelly	28-Oct-15
Susannah Barley	28-Oct-15	Lorenzo Kristov	28-Oct-15
Ethan Huetter	28-Oct-15	Anuradha Advani	28-Oct-15
Robert Kessler	28-Oct-15	Brett Sklove	28-Oct-15

Gloria Chambers	28-Oct-15	Susan Carlson	28-Oct-15
Rachel Joseph	28-Oct-15	Lee Blackburn	28-Oct-15
Rick Bettis	28-Oct-15	Daniel L. Egolf	28-Oct-15
Eve Abramowitz	28-Oct-15	Jo Jenson	28-Oct-15
Mollie Edwards Baker	28-Oct-15	Nikita Metelica	28-Oct-15
Denise Johnston	28-Oct-15	Pamela Britton	28-Oct-15
Jeanette Ertel	28-Oct-15	Tyson Ayers	28-Oct-15
Elizabeth Forrest	28-Oct-15	Marle Ide Vane	28-Oct-15
Stan Gold	28-Oct-15	Jo Ann Jex	28-Oct-15
Susan Medrano	28-Oct-15	Carlton Lowe	28-Oct-15
Andrew Prince	28-Oct-15	Paul Pieri	28-Oct-15
Karin Hiolle	28-Oct-15	Laura Condominas	28-Oct-15
Rob Geyer	28-Oct-15	Nicholas Remelman	28-Oct-15
Jennifer O'Leary	28-Oct-15	Stephen Miller	28-Oct-15
Kristen Olotka	28-Oct-15	Sam Sinclair	28-Oct-15
Janet S Johnson	28-Oct-15	Wilma Bass	28-Oct-15
Sally Abrams	28-Oct-15	Valerie D. Face	28-Oct-15
Carol Lee Meinhold	28-Oct-15	Lawrence Daniell	28-Oct-15
Jessica Powers	28-Oct-15	Marilyn Ichioka	28-Oct-15
Joan Sallee	28-Oct-15	Lorretta Marcel	28-Oct-15
Paul Meyer	28-Oct-15	Barbara Simons	28-Oct-15
Stanley Dawson	28-Oct-15	Shirley Shelangoski	28-Oct-15
Lauren Schiffman	28-Oct-15	Francisco Diaz	28-Oct-15
Jared Rosen	28-Oct-15	Patty Grogan	28-Oct-15
J Val	28-Oct-15	Mary E. Jennings	28-Oct-15
Mark Bauman	28-Oct-15	Beverly Eden	28-Oct-15
Claudia North	28-Oct-15	Paul D. Pierce	28-Oct-15
Kay Ritter	28-Oct-15	Rollin Odell	28-Oct-15
Darci Andresen	28-Oct-15	James Neu	28-Oct-15
Wedny Caesar	28-Oct-15	Dale Freeman	28-Oct-15
Dona Walling	28-Oct-15	Susan Bunch	28-Oct-15
Judy Depenau	28-Oct-15	Mary Lunbeck	28-Oct-15
Ian Hua	28-Oct-15	Gary Gilfix	28-Oct-15
Kay E Tealer	28-Oct-15	Suzanne Taylor	28-Oct-15
Fran Friend	28-Oct-15	Sarah Townsend	28-Oct-15
Carole Chicoine	28-Oct-15	Judith Light	28-Oct-15
Randy Cardona	28-Oct-15	Debra Avanche	28-Oct-15
Small Helen	28-Oct-15	John Hailey	28-Oct-15
Sally Skanderup	28-Oct-15	Carri Woolsey	28-Oct-15
Cm Bled	28-Oct-15	Shi G	28-Oct-15
Kenneth E. Vanstory	28-Oct-15	Matthew Heath	28-Oct-15
Kathleen Schumacher	28-Oct-15	Kathy Ushiba	28-Oct-15
Denisa Saez	28-Oct-15	Valerie Niemann	28-Oct-15
Carl Stein	28-Oct-15	Kathryn Hall	28-Oct-15
Antonette Shellen	28-Oct-15	Kevin Aungle	28-Oct-15

Anna Spooner	28-Oct-15	Sid Waxman	28-Oct-15
Barbara Holifield	28-Oct-15	Dixie Keith	28-Oct-15
Elizabeth Sullivan	28-Oct-15	Susan Sachs	28-Oct-15
Wen-Chi Wang	28-Oct-15	Gracie MacKenzie	28-Oct-15
Thryn Cornell	28-Oct-15	Cathy Russo	28-Oct-15
Armelle Holt	28-Oct-15	M Pritchett	28-Oct-15
Nancy Tieburg	28-Oct-15	Ilona Ireland	28-Oct-15
Mark Lawlor	28-Oct-15	Clayton Coate	28-Oct-15
Pete Martineau	28-Oct-15	Gayla Reiter	28-Oct-15
Isabel Bauer	28-Oct-15	Tim Shulepov	28-Oct-15
Vallabhaneni M Meenakshi	28-Oct-15	Denise Scott	28-Oct-15
Al Knickerbocker	28-Oct-15	Mary Wynne	28-Oct-15
C McDonnell	28-Oct-15	Phyllis Kusama	28-Oct-15
Charlotte Helen Williams	28-Oct-15	Linda Morgan	28-Oct-15
Lynn Schwartz	28-Oct-15	Lucia Jacobs	28-Oct-15
Alice DeLaurier	28-Oct-15	Bob Depillis	28-Oct-15
Michael Stock	28-Oct-15	Fanchon Suzan Almirol	28-Oct-15
Joy Wagner	28-Oct-15	Bernadine Deckard	28-Oct-15
J Angell	28-Oct-15	Linda Jean Edwards	28-Oct-15
Myrna Seto	28-Oct-15	Julianna Johnson	28-Oct-15
Dcady Sarahchild	28-Oct-15	Karl Dinwiddie	28-Oct-15
Jennifer Marin	28-Oct-15	Mary Dreifuss	28-Oct-15
Laura LeTellier	28-Oct-15	Larry Dorshkind	28-Oct-15
Alison K. Massa	28-Oct-15	Chris A. Brazis	28-Oct-15
Jubilith Moore	28-Oct-15	Laura Scott	28-Oct-15
Gina Damerell	28-Oct-15	Mark D Butler	28-Oct-15
Sally Alcala	28-Oct-15	Mattie Dibble	28-Oct-15
Sophie B. Tramel	28-Oct-15	Trudy E Denney	28-Oct-15
Perry Hall	28-Oct-15	Rebecca Fuller	28-Oct-15
Leland Roberts	28-Oct-15	Tim Dufka	28-Oct-15
William Bexton	28-Oct-15	Kate Bolton	28-Oct-15
Tobias Puente	28-Oct-15	Pat Kelly	28-Oct-15
Timothy Martin	28-Oct-15	Nancy P. Hanson	28-Oct-15
Lori Merish	28-Oct-15	Gina Williams	28-Oct-15
Oona Martine Mourier	28-Oct-15	Michael Kessler	28-Oct-15
David Schulter	28-Oct-15	Cathy Carr	28-Oct-15
Kristina Wolf	28-Oct-15	Marguerite Etemad	28-Oct-15
Susan Smith	28-Oct-15	Nathan Harling	28-Oct-15
Green Greenwald	28-Oct-15	Lisa Sambora	28-Oct-15
Jill Jacoby	28-Oct-15	Victoria Brill	28-Oct-15
Donna Giddens	28-Oct-15	Elke Savala	28-Oct-15
Dave Brast	28-Oct-15	Jenny Eva Borris	28-Oct-15
Judith Ciani Smith	28-Oct-15	Recharad F Reynolds	28-Oct-15
Robert Thomas	28-Oct-15	Raymond Carroll	28-Oct-15
Skot McDaniel	28-Oct-15	Adrienne Korchmaros	28-Oct-15

Charles James English	28-Oct-15	Sue Hammond	28-Oct-15
Susan Weidenbach	28-Oct-15	Laura Brash	28-Oct-15
Ben Delany	28-Oct-15	J B	28-Oct-15
Barbara Jordan	28-Oct-15	Anitra Mehl	28-Oct-15
Michael J Terry	28-Oct-15	Theresa Ruscitti	28-Oct-15
Taline Hovsepian	28-Oct-15	Patty Nyquist	28-Oct-15
Jim Eaton	28-Oct-15	Corinne Lambden	28-Oct-15
Mark Gouveia	28-Oct-15	Arleen Whitmore	28-Oct-15
Diedra D Booker	28-Oct-15	Pam Dewitt	28-Oct-15
Sharon Kocher	28-Oct-15	Ken Hawk	28-Oct-15
Maria Caturray	28-Oct-15	Carol Dalton	28-Oct-15
Dakota Kyber	28-Oct-15	Sharon Paul	28-Oct-15
Sharie Lesniak	28-Oct-15	B Pais	28-Oct-15
Rebekah L. Elowyn	28-Oct-15	Johnathan VanCoops	28-Oct-15
Joseph H. White	28-Oct-15	Suzanne M Rogalin	28-Oct-15
Gen Guracar	28-Oct-15	Theresa Shiels	28-Oct-15
Kathleen Kimberling	28-Oct-15	Yehudit Lieberman	28-Oct-15
Edward Brick	28-Oct-15	Terry Cruz	28-Oct-15
Sharon Lindner	28-Oct-15	Yana Ross	28-Oct-15
Rory Alden	28-Oct-15	Martin Bronk	28-Oct-15
Christina Power	28-Oct-15	Bill Mania	28-Oct-15
Lynelle Hanson	28-Oct-15	Sally Mancini	28-Oct-15
A Hansen	28-Oct-15	Dore Sandoval	28-Oct-15
Johnathan Lee	28-Oct-15	Barbara Segerdell	29-Oct-15
Sandra Taylor	28-Oct-15	Jannick Pitot	29-Oct-15
Judy Jackson	28-Oct-15	Bradley Heller	29-Oct-15
Mary E. White	28-Oct-15	Marla Stuart	29-Oct-15
Carolyn J Mone	28-Oct-15	Clara S. Stern	29-Oct-15
Mayumi Takarabe	28-Oct-15	Linda Tesser	29-Oct-15
Christopher Boucher	28-Oct-15	Rath Chim	29-Oct-15
Laurie Bramlage	28-Oct-15	Michaela Coyne	29-Oct-15
Dave Barnes	28-Oct-15	Kathleen Cridge	29-Oct-15
Anne Offord	28-Oct-15	Milo Vella	29-Oct-15
Jane Callaway	28-Oct-15	Joy Amulya	29-Oct-15
Wendy L Anderson	28-Oct-15	Linda Toy	29-Oct-15
Karen Robison	28-Oct-15	Valerie Klein	29-Oct-15
Elisse Diane De Sio	28-Oct-15	Gabriella Barbosa	29-Oct-15
Lucia Tallchief Mele	28-Oct-15	Marianna Riser	29-Oct-15
Reed Hamilton	28-Oct-15	Mark Dittmer	29-Oct-15
Celia Mayo	28-Oct-15	Winnie Chin	29-Oct-15
Sarah Brandt	28-Oct-15	Hayden Jacobsen-Vida	29-Oct-15
Ellen Frazen	28-Oct-15	Karen Keefer	29-Oct-15
N Davis	28-Oct-15	F. Michael Montgomery	29-Oct-15
Eve Hershcopf	28-Oct-15	Jacob Ben-Poorat	29-Oct-15
Joseph Jones	28-Oct-15	Dorothy Ann Wiley	29-Oct-15

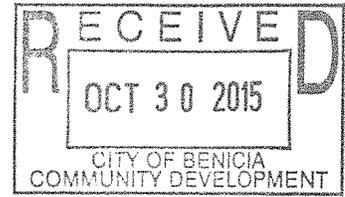
Rosemary Robinson	29-Oct-15	Bill Pezick	29-Oct-15
Glen Feigelman	29-Oct-15	Susan F. Duling	29-Oct-15
Saundra Hodges	29-Oct-15	Mary Gentry	29-Oct-15
Arlyne London-Kessler	29-Oct-15	Blake Rothschild	29-Oct-15
Liam O'Connor	29-Oct-15	Gerri Baesemann	29-Oct-15
Catherine Reed-Beaudouin	29-Oct-15	Judith Schuchmann	29-Oct-15
Victor Jenkins	29-Oct-15	Thomas K & Roxanna S Trutner	29-Oct-15
Joanie Moshier	29-Oct-15	Marcus Perry	29-Oct-15
Debra Frankin	29-Oct-15	Mark Jeffries	29-Oct-15
Vaiva Griskaite	29-Oct-15	Patricia Kriz	29-Oct-15
Diane Hume	29-Oct-15	Richard Cullinen	29-Oct-15
Rev Jeffrey Womble	29-Oct-15	Wendy Hoffman	29-Oct-15
Judy Balmain	29-Oct-15	Ronald W. Miller	29-Oct-15
M.S. Mary Rooney	29-Oct-15	Paula M. Rainey	29-Oct-15
Nadia De La Torre	29-Oct-15	Rhoda Neimand	29-Oct-15
Katherine Harband	29-Oct-15	Mary Litell	29-Oct-15
Katie Furuyama	29-Oct-15	Caroline Bering	29-Oct-15
Terese Eckhart	29-Oct-15	Eileen Gambrill	29-Oct-15
Laureen Felton	29-Oct-15	Emilty A Demmin	29-Oct-15
Margaret Jackson	29-Oct-15	Sherman & Denise Nelson	29-Oct-15
Eduardo Martinez	29-Oct-15	Melinda Pyle	29-Oct-15
Jady Montgomery	29-Oct-15	Tiffany Duncan	29-Oct-15
Cathy Duenas	29-Oct-15	Joyce A Daniels	29-Oct-15
Chelsea Sammel	29-Oct-15	Lisa Roth	29-Oct-15
Willetta Clark	29-Oct-15	John Anderson	29-Oct-15
Daniel Stephenson	29-Oct-15	R Roquero	29-Oct-15
T L Rosenberg	29-Oct-15	Vic De Angelo	29-Oct-15
Aruthur E Stern	29-Oct-15	William Hadwen	29-Oct-15
Caryl Callsen	29-Oct-15	Lorrie Perry	29-Oct-15
RN Katherine McStravick	29-Oct-15	Stephanie Jones	29-Oct-15
Sonya Wood	29-Oct-15	Terrie Spenst	29-Oct-15
Dee Davis	29-Oct-15	Barbara J Williams	29-Oct-15
Michael E. Strand	29-Oct-15	Carole O'Gara	29-Oct-15
Barry Weinzveg	29-Oct-15	Cunthia L. Clark	29-Oct-15
Steve M	29-Oct-15	Lisa R. Prochello	29-Oct-15
Trounn Siversind	29-Oct-15	Sheila Steinberg	30-Oct-15
C Renee Enteen	29-Oct-15	Frederck Johnson	30-Oct-15
Paul Strecker	29-Oct-15	Joe Maydak	30-Oct-15
Ruth Gerechter	29-Oct-15	Shauna Pickett-Gordon	30-Oct-15
Julie Kramer	29-Oct-15	Norene Griffin	30-Oct-15
Laura Fenster	29-Oct-15	Margo Frank	30-Oct-15
Townsley Schwab	29-Oct-15	Louise Herschelle	30-Oct-15
Jan Boynton	29-Oct-15	Pan Haskins	30-Oct-15
Emma Bean	29-Oct-15	Will Harnage	30-Oct-15
David J. Piscariello	29-Oct-15	Nan Noonan	30-Oct-15



**Amy Million**

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**From:** Martin MacKerel <bounce@list.credoaction.com>  
**Sent:** Friday, October 30, 2015 12:57 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Martin MacKerel  
San Francisco, CA

**Valero Crude by Rail Project  
Public Comments received Revised DEIR Public Review Period**

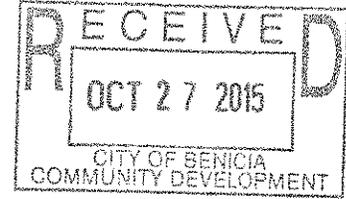
**Identical Comments - with Modifications  
"Reject Valero's dangerous oil trains project"**

<b>Commenter</b>	<b>Date Received</b>	<b>Commenter</b>	<b>Date Received</b>
<b>Individuals</b>		<b>Individuals</b>	
Linda Staaf	27-Oct-15	Nancy Thym	28-Oct-15
Tim Ault	27-Oct-15	Endee Wei	28-Oct-15
Debbie Notkin	27-Oct-15	Richard Casias	28-Oct-15
Frank J Ackerman	27-Oct-15	Robert Means	28-Oct-15
Tessa Noriega	27-Oct-15	Gloria Purcell	28-Oct-15
Gordon McCarter	27-Oct-15	Markin Whitman	28-Oct-15
Marla Bodi	27-Oct-15	Virginia Wenslaff	28-Oct-15
Rachel Kaplan	27-Oct-15	David Pittle	28-Oct-15
Carolyn Scarr	27-Oct-15	Ben Schiffman	28-Oct-15
Judy Baker	27-Oct-15	Carol Ciavonne	28-Oct-15
Mary Shays	27-Oct-15	Judith E Kahle	28-Oct-15
Marilyn Campbell	27-Oct-15	Ellen Joe Frank and Majer	28-Oct-15
Deborah LePage	27-Oct-15	Tonya Parnak	28-Oct-15
Naomi Schiff	27-Oct-15	Jannie Anna-Lise Lauenroth	28-Oct-15
Victoria R Ryan	27-Oct-15	Dale T. Steele	28-Oct-15
Robert Blankenship	27-Oct-15	Pamela Osgood	28-Oct-15
Jane M Husman	27-Oct-15	Bonnie L. Carpenter	29-Oct-15
Heather Marie Levin	27-Oct-15	Deb Jones	29-Oct-15
Alicia Bright	27-Oct-15		
Suzanne Dods	27-Oct-15		
Carol Warren	27-Oct-15		
Mernie Buchanan	27-Oct-15		
Judith Humburg	27-Oct-15		
Linda Baumann	27-Oct-15		
Martin Adelman	27-Oct-15		
Dianne M Buoncristiani	27-Oct-15		
Aggie Lukaszewski	27-Oct-15		
John Burke	27-Oct-15		
Brant Olson	27-Oct-15		
Yvon O. Heckscher	27-Oct-15		
Mary Rose Kaczorowski	27-Oct-15		
Brenda Balanda	27-Oct-15		
Christine Rosen	27-Oct-15		
Damina Lopez	27-Oct-15		
David Gates	27-Oct-15		
John Vias	27-Oct-15		
Anne Wolf	27-Oct-15		

**Amy Million**

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**From:** Linda Staaf <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 4:46 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



**DON'T BE DUPPED AGAIN BY BIG OIL. THIS HAS TO BE STOPPED SO THAT IT DOESN'T MAKE THE AREA UNLIVABLE!!**

Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

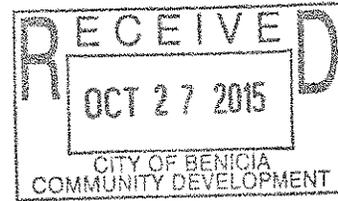
I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Linda Staaf  
LAFAYETTE, CA

## Amy Million

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**From:** Tim Ault <tault@hotmail.com>  
**Sent:** Tuesday, October 27, 2015 5:24 PM  
**To:** Amy Million; Brad Kilger  
**Cc:** Lucy Ma  
**Subject:** Support -Valero Crude by Rail Project



Dear City of Benicia Representatives,

I am writing to express my **support** the Valero Crude by Rail Project. I could cite a number of economic reasons why I support the project but I am sure that you are familiar with them. Instead, I would like to point out that I vote in every election and even though you are not elected officials, the direction of city government is influenced by the popular vote. The city government and its polices must reflect the citizens needs. Benicia and the Bay Area need Valero's contribution to the economy and to vital resources. Valero has demonstrated itself to be an honest and sincere member of the community and I am certain that this project will be completed and operated in a safe and responsible manner.

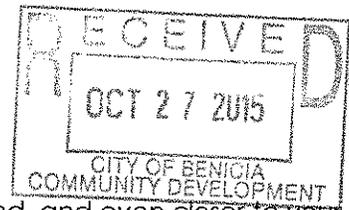
In conclusion I would like to reiterate my **support** for the crude by rail project.

Tim Ault  
Professional Geologist  
Benicia, California resident 26 years and counting!

## Amy Million

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**From:** Debbie Notkin <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:20 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Oil trains kill people. An oil trains terminal in Benicia is far too close to me in Oakland, and even closer to your families and neighbors.

Please don't make our air quality worse and make us wait for the inevitable catastrophic derailment. Please don't do anything that will make our state more, rather than less, dependent on oil, and especially fracking during an anticipate decade-long drought.

Please reject Valero's dangerous plan. I am counting on you to do the right thing.

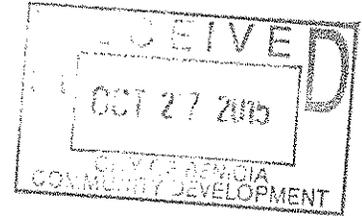
Debbie Notkin  
Oakland, CA

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## Amy Million

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**From:** Frank J. Ackerman <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:15 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

Don't Pollute and poison the residents of Benicia!

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

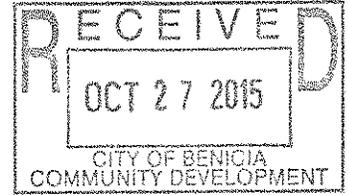
Frank J. Ackerman  
WALNUT CREEK, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7Royre4737RxpptRhSOVh-2ByrJ4iOzSiCfOPsfGSEHwCGZSqVYSg6U5pGd2-2BMXKB8vM2G2eXgi47KS4KNmf56KOl8ekGYf9TZ8kzMc44H5cxX-2BD7tX-2FZfe9RrpaqwKlrKa42zgFA5SDZAJOI1TAouRaj6r-2F7uOVCD8NZHe0tU0W8BisHITiMnTql-2FjTOAxNjizsl-2B8-3D>>

## Amy Million

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**From:** Tessa Noriega <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:12 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

This proposed terminal is fraught with negatives galore - say no to this Texas company's effort to turn San Pablo Bay and the air we breathe into a toxic toilet bowl!

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

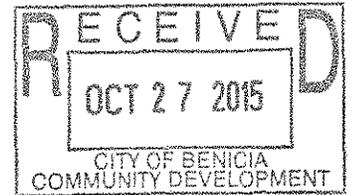
Tessa Noriega  
San Carlos, CA

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## Amy Million

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**From:** Gordon McCarter <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 3:26 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



In 2010 Valero tried to weaken California clean air laws to improve its bottom line. Valero is a bad actor and an immoral company. Please do NOT cave into this new request for us to sacrifice our health for their corporate profits. I work in Vallejo and have a vested interest.

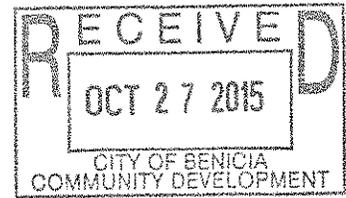
I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Gordon McCarter  
Albany, CA

## Amy Million

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**From:** Marla Bodi <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 3:19 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

In addition, it would inhibit --probably very seriously-- the reason most people live in and visit Benicia ...it's artist community/shops and the quaint village atmosphere. People are much better informed now and would not willingly spend time (or money) in a place that believes it's okay to toxify its land, residents, and visitors. PLEASE seriously reconsider this greedy/money-based nonsensical decision!

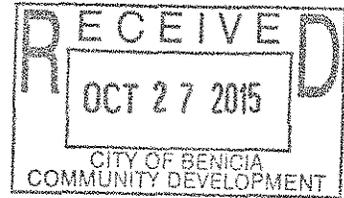
I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Marla Bodi  
San Leandro, CA

## Amy Million

---

**From:** Rachel Kaplan <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 3:45 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

this is an area of high population density. this is an extremely inappropriate place for such a stupid and misguided fossil fuel extraction transport scheme. why don't you folks take all the money you are wasting destroying the planet and get to work healing the harm you've caused, rather than continuing to plunder whatever's left.

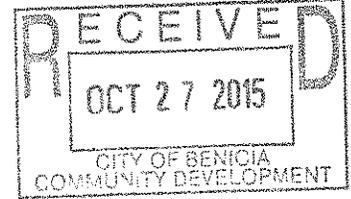
I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Rachel Kaplan  
Petaluma, CA

## Amy Million

---

**From:** Carolyn Scarr <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:30 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

As someone who breathes Bay Area air, I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

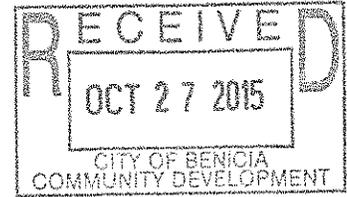
Carolyn Scarr  
Berkeley, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0slE-2FBOz9K3ji-2FCH7yrNbce2N6g7Rox0m33-2FnHESdw-2BkT8tCI5-2F0irblM4JpgUO1ZMpzGzEBXbgJV9a24C2lMYODerES6nXYwwP8kbeiTD4XGFy11zGZcEnckl5ibLiz3rT20NmWIXiQM0j0-2F77DjuOZ6fZO4iDo1QzHPRpdb4ey-2Fw7NrZ0oo-2FYPDAGpgD5iZ5Wexj6C8H2EWU5vTLrmfj-2FDYB-2Fjwo-3D>>

## Amy Million

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**From:** Judy Baker <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:30 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



NO. No. No. Way too dangerous and fracking should be outlawed.

Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

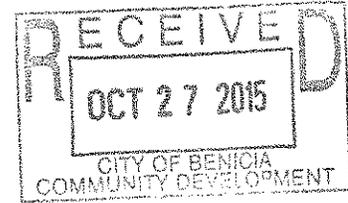
Judy Baker  
Los Altos, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RownxwJqznmJkuPUwNkluYhCGXwM9bZ0STzuqauffhtkHcieTudEdtvnSqPEZNpx-2BEyPYE-2BVY3A3-2FbkYjGCUseJAKmiUWI9AB-2BefiJuMpEogyM4XLs42QufsGwDzdFDyGpl-2BjlWXIbCnW8INUFpYk-2F7XDfXlozRymWbelAA-2FyDcUQZAwYHrJzdSitqPaJIPizyQ-3D>>

## Amy Million

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**From:** Mary Shays <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:28 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Protect the people who live in and visit Benicia! Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route. The route is too close to the water and major interstate bridges. Environmental degradation, if not disaster, awaits.

Fossil fuels are an outmoded energy source. Put the wrong headed effort to build and transport the icky tar sands and fracked oil into clean energy. Our grandchildren will thank you.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

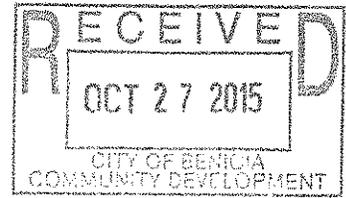
Mary Shays  
Dublin, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7Roylxqy-2Bj57T04K52ckr9ufBc3-2Fme5e4NTbT67ANWhXLDsqc3SFzDwsdtfBJdu4jZ17gRfBJVc1avkgguuXoqJk84vTfYs4ePtNWVkvRfGPir8HmGkbzsRXdSbFNci-2BVXESd7m7h7nanHcaseMZu9VzB0rEn6C5ffqMl4EX8xWwQWPBY-2BsgUaVKCVpCfeE35vQk-3D>>

## Amy Million

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**From:** Marilyn Campbell <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:23 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

This is of GRAVE CONCERN with all East Bay residents, businesses and travelers through this area. We see these trains parked along Hwy 80 between Richmond and Berkeley which is along our route to work and near where our son works.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

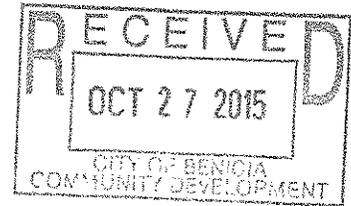
Marilyn Campbell  
Walnut Creek, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RoxNaKQH4H37b-2FlwG04ESbOBcZUive-2FortD82xFK6YGN4DV3gPsTxHJIR-2BoKxHLWTXdhoV1U4PpLAW5lgJQUA9pBW1S-2FTKvKl6Kw0-2FxKxVTklegXDU3HDIXub4yxv65EghNbrK94lUcBYn9x4-2Blif32hC5t-2FX6UqvRiVzC8PTqn8Rtyt-2BxcLAjMLQNZ-2B2m7eJKU-3D>>

## Amy Million

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**From:** Deborah LePage <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:23 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

The infrastructure on train rails has not been suitably kept up over the decades. Moving such toxic substances over a system that has been consistently shortchange on its upkeep is like playing Russian roulette but periodically adding extra bullets.

Pressure Congress into keeping up infrastructure and maybe those very real dangers of a train jumping its tracks and dumping its toxic loads where people do not want it.

Additionally tracking is sustainably a poor choice. It damages tectonic plate stability.

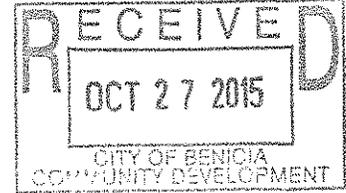
Deborah LePage  
STOCKTON, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RowB45YdalLl6R2g4eNWH6p3O57FO33Y5eFdRgsO7bflJh7tRGtokr-2BBsAWWbmPHoQJlnNq1HBB5b3l8MjuQEd7Th8KN05JJ4s-2B0umaVW6YpFp28dasz3g10vfvU8aJqvQbkV-2FqBSDgeGslr-2F0iLP0lxvPH0AkI9uGtU6gEcjHR-2BcYzl0f4covsGABKfgMu5ecU-3D>>

## Amy Million

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**From:** Naomi Schiff <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:18 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Please do not allow Valero to build an oil trains terminal at its refinery in Benicia! It threatens the health and safety of people all along the rail route. I love Benicia and hate to see it be the cause of polluting the bay area, endangering its neighbors, and contributing to the pollution of our planet.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

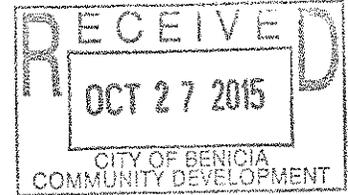
Naomi Schiff  
Oakland, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7Rox1KS26mdbRIVt25SkspmQt0fDy9zdaMn2zsZPIG0sgjY0Uam-2B6kxjRj7ei2OdDlG2YpbOH3WhOgMRcZcPkXv46es6arCWIEwKYujDilhSSrCeUxjqgblibXr3RmsdpIjNCM7LqfHzhTfCu5O9iP3B4JufN2AEbB3JYe6qKkr-2FpeQxb9OAZLgFdESJ7V05zzU-3D>>

## Amy Million

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**From:** Victoria R Ryan <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:19 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



I live in Port Costa and feel alarmed at Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia. This is a threat to the health and safety of people all along the rail route and on the Straits.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

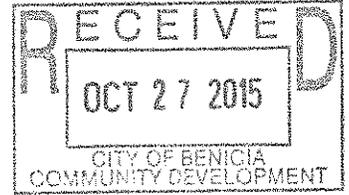
Victoria R Ryan  
Port Costa, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0stE-2FBOz9K3ji-2FCH7yrNbce2N6g7RozeNuVozwhcRvgr0MPcKEplqvw2ez47T8jpUzFBuoPgDQKLdopilzKHx6sh6xzZB5XO4pWLWxchumy01AVxZiIRQu6f8nxu6MSo5M-2BTaH5kX6Sga0PdEh0J5OWLscwA4OzNppKSor9-2FvlpEYCOgNLmGWby-2FEqblfqdCihNAb0EaHusQy4Y-2FymUUj-2BEWw82cm78-3D>>

**Amy Million**

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**From:** Robert Blankenship <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:52 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Putting toxic trains on rusty old infrastructure equals disaster.

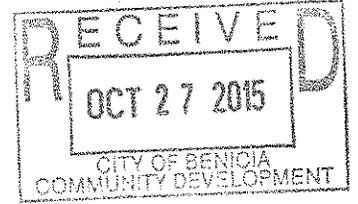
Robert Blankenship  
Richmond, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RoxqoF3JloUvh1nx27oSv7aY56XVvsCZqAkYSKyyaYa7AzncnHQgAxfJF8Kc7bXLIWmCNCBfF3-2FHzWIKSLZtP9kgs8UJ4PLNVLaZcPOT6Z7zTCERCzmdcx-2F7c1e2PmnUwRRCRfpZc0fi2s-2BqjF0mS6uf-2FI4IE-2BilFsrpYgDx1m7WVn8SJdbIV9olxowmsZXEZg-3D>>

## Amy Million

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**From:** Jane M Husman <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:42 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route, and ultimately, as well as all the people on this planet! All of this can be avoided if the Benicia City Council rejects this reckless and dirty proposal from Valero. I hope that the members of the City Council have taken the time to thoroughly study what is involved in the "Fracking" process. There is no amount of money that can justify taking the risks that this proposal suggests. We elected the City Council to represent THE PEOPLE! And the Council needs to remember that they are there to preserve and protect the people. The Council is responsible for decisions that will put thousands of people in danger. The proposal will also delay the change-over to renewable energy sources. We have already delayed converting to safe and renewable energy for far too long. We may have delayed beyond the point where we can save our planet from destruction. I urge the Council to heed the scientists, educators, physicians, and other experts who overwhelmingly support the switch to renewables. Any action that postpones or delays our conversion to renewable energy is just plain dangerous and WRONG! Please help preserve our Mother Earth; we will not survive without our Mother.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

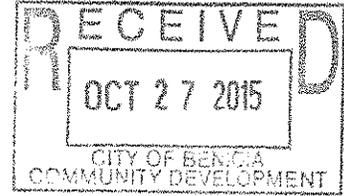
Jane M Husman  
Santa Clara, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RoyucW1cQZ5Wa4BVX9r3ULD2NpKJxkCpDnc0IJqLm-2Bc8CdG-2BQrHC-2F1wBWDSrRL22fh88RtlxH3yVA73V7buazvw37g9XI4BfJfCxJE-2F0roZZSfG6QOP6REAsdCIblZ59nl-2FL9ogySd2GjnjAponv-2FpBXnkHs-2FLBRGnQv9H-2F9ITB79ioGw9IqNsU2FfHixZuGjeM-3D>>

## Amy Million

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**From:** Heather Marie Levin <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:50 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



it is time to start rethinking energy.

Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

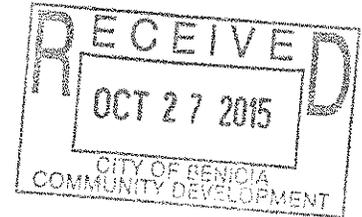
Heather Marie Levin  
Roseville, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RowsDgbiwdDS7lvWiwyoivLTmCbT2x68DHXkmdkBN3PYORj24H-2BlpurSyqGVMjh-2F3dEfl7GRgz0hQqczrTcwDwbTzG-2FnPb3nK94NYiWLBKRhH5fc4Qce7NsDEr4LchaLu3tOAuXhodX3Jy-2Bnht9sEyzKIBvlhYYYYX04POyTjwj1GQ3s2HKSJwjqWstSIaYfd20-3D>>

## Amy Million

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**From:** Alicia bright <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:50 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



This is a public health and safety issue. As a nurse and nurse educator, I must protest the establishment of this station in the Bay Aea.

Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

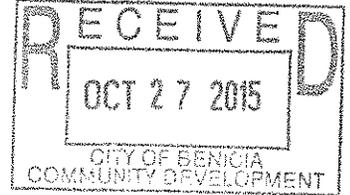
Alicia bright  
BELVEDERE TIBURON, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RoxvrPgmSBdoiJRxTmlMah-2BH3-2FHjVyN4ZMsv9Rwf63bk0oYHR3iJYELbVykADvZTTd2EleVFMjUKjkovSSVi-2BDvwF1jhUN2GW80L5GzejSQ0UbfuqptWpwnxOWakb7VzapC5ErCIZjulEgyAgfM0-2FlxFpBaTC9aUb3puiuyBeXghgqOi42hE5nns2N-2Bs8jPjRI-3D>>

## Amy Million

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**From:** Suzanne Dods <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:56 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction. This is NOT necessary and far too dangerous to be doing in a quake prone area

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

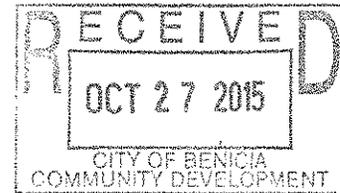
Suzanne Dods  
San Rafael, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7Roxq8pGGkXBR08XAHxKajql5gY8RGQQk0hfE6j9qBnR0P65-2FCqKJ3fvIBIV7IO2uPrSdo7FiaBdARY6BASuNgAsfncJvNVdhFSP3RDuM8IWYkFYRbYObAoaAUeKnQVOXoapG6iUT7WWbU7aT1I5vkvuAEyY112mdPq0Gxu59sCVY4Gd4RQsiKg4C1kBwesq6wE-3D>>

## Amy Million

---

**From:** Carol Warren <kaymoorsmum@gmail.com>  
**Sent:** Tuesday, October 27, 2015 12:56 PM  
**To:** Amy Million  
**Subject:** Public Comment on Valero Project



Dear Ms. Million,

Please enter the following comments on the Benicia Valero Refinery Project RDEIR into the public record.

The RDEIR raises many environmental and human health concerns, but then repeatedly lapses into "federal pre-emption." This is tantamount to admitting that the city of Benicia and Valero essentially have no control over these aspects of the project. Instead of using this "pre-emption" as reason to approve the project "as is," a responsible Planning Commission would see this lack of control and ability to regulate various aspects of the project as a reason for rejecting it. It is difficult to imagine why citizens would want a dangerous project in their midst over which they cannot have any real oversight.

It is even more difficult to imagine how the Planning Commission and City could approve a project with admittedly "potentially significant" environmental impacts and "unmitigatable" hazards to human life. These hazards and impacts are not described in any detail in the RDEIR, either as to their nature or what might conceivably be done to address them if they do occur. There are very hazardous sections of track uprail, through the Sierra, and through the city of Sacramento. What effects would a spill into rivers or onto mountain passes have? How could such a spill possibly be cleaned up? A spill could ruin sensitive natural areas and/or poison the drinking water of thousands of people, yet there is no program in place to at least try to address a spill. Most fires from oil train explosions around the country have had to simply be left to "burn out." Is that really a possibility if there were an accident in Sacramento? And what about accidents in the refinery loading area itself? Could the citizens in the area be exposed for days to the hazards and toxic emissions of a fireball burning out? Should the public be forced to accept that such accidents are just "unmitigatable" and that the possibility must therefore be ignored?

The RDEIR also states that the main routes to be used between the refinery and the state line have been upgraded to include Positive Trail Control (PTC). However, citizens have been given no details or confirmation that this has indeed been done. National reports show a widespread lack of effort and progress in implementing PTC by the end of 2015. In fact, there are currently railroad lobbying efforts to extend the deadline. The public should have written description and confirmation that Union Pacific has actually upgraded the routes concerned to include PTC.

The safety of the rail tank cars themselves is not adequately addressed in the RDEIR, either. It does not specify whether or not Valero and Union Pacific will upgrade the cars by 2020 to the new 117 tank car designed for "high hazard" flammable crude. But that may not be significant in light of the fact that the RDEIR states that although "the updated tank car designs reduce the overall risk, the impact [of an accident] would remain significant." In other words, Valero admits there is absolutely no way proven safe to transport this crude oil.

Thank you for including these comments in the public record.

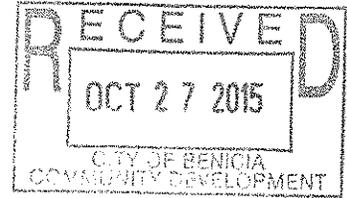
Sincerely,  
Carol Warren  
211 E D St, Apt. 121  
Dixon, CA 95620

Sent from my iPad

## Amy Million

---

**From:** Mernie Buchanan <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:45 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



I sincerely urge Benicia's Planning Commission and the City Council to reject Valero's dangerous plan.

I would also like to thank Valero for their continued support of the arts in Benicia's community and suggest the company become a leader in exploring a shift towards sustainable energy. The argument for these dangerous trains is to 'create jobs'. Brilliant young scientists are going to Europe where there are opportunities to build green energy systems. If Valero were to think long term and put their resources into leading this shift, their example would gain respect and acclaim worldwide. Many more important jobs would be created and the risk to be on the environmental disaster list with BP and Exxon would disappear.

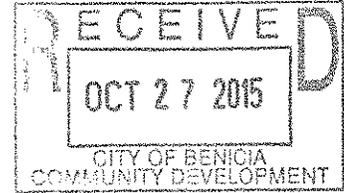
Mernie Buchanan  
Benicia, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RozQcGxIXKYOY5I3Qyi8824TsjqLI6efr3RuF7zuwqcZWoszcWefGIPapP27ZrRImgh9WH-2FnML1IkE4UT0NdqKnjpmKqo80ONRVBVGHRgUwARISDgU7KneQYevedv8f2fhuW8mX-2FWP9PIWrqTXNtkcvgKOUA29jNs2xYehpfGrrRHYITRKd-2FVV3SOJhLgPeYyvk-3D>>

## Amy Million

---

**From:** Judith Humburg <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:45 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Even realizing local jobs are at stake, the risk in such a densely populated region is too great. We must raise the bar on our current decisions in order to create a healthier future for all.

Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

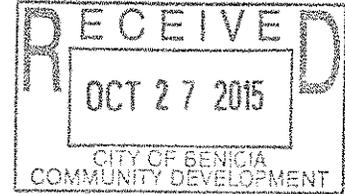
Judith Humburg  
MENLO PARK, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RozLrUe1936kpXhmbYh-2F0TEGZ7jf5suKxQi10Dmgt4tw74BKdsog9p-2BsHPpVP6a7JyPD5Wz8oDqXhKOTR-2BILbv-2BMSnCCIEHis2przM4FzUKknaGcYa17LmOQMRThaet9VXBLFAqZeCHGJ2jm6ztIE3DkGsdqVWYewRGgubna48381cubiluQNfiY-2FBGr2auyLbo-3D>>

## Amy Million

---

**From:** Linda Baumann <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:46 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



I live in Davis, CA, where the oil train route passes through downtown Davis and adjacent to the University of California, Davis, campus with nearly 28,000 students. We don't need a U.S. Lac-Megantic.

Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

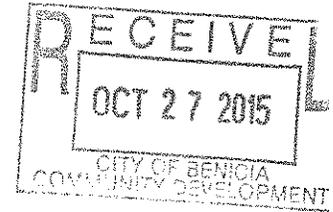
Linda Baumann  
Davis, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RoxbRGTKrv83kRbqoNrTb7iNfhkHlsy-2BRQE3YhcknXbwfRTC6KsJwUuqx8cHk4ap2SQNQehevAuoSaiCwopb-2Bozf6t0IKgZelrE9aNZ0oJhDSGeH0GS1RAnjGLGMWvAvxPvGaPBaVPsAlhqJhA1QmbzF14U9hEttbiWeh-2FbEyAiY3h-2BGNtY64mtZbHVf0ALCvFY-3D>>

## Amy Million

---

**From:** Martin Adelman <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:46 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

If you think the bridge was harmed in the WWII munitions explosion, consider the farther reaching and significantly more devastating effects of a scaled up self feeding bomb waiting for a moment of lax attention paid by some underpaid employee, or worse.

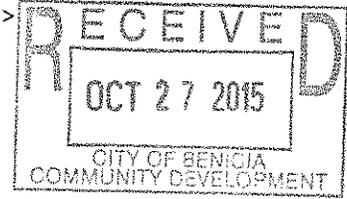
Martin Adelman  
Hercules, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RoxexgGZvwhyjllUNG8-2BhC03PLmM1m7HBgr-2B9OzcMilQO-2BG8N7ewVUHxJEUKTxFPzJSAURClroxGLjL2ssBCAp4O0HQLEnRPNHeH-2Bb7nwSt6dl8kjCRmd3M6t3NxurXARzP25LKaoqMA3lSlrw886VRO1ttj6BJ5LLCBgq3y2JxftXGd8f6Lj27klaP4IKj5Tgw-3D>>

## Amy Million

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**From:** Dianne M Buoncristiani <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 1:01 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



I urge the Planning Commission and the City Council to reject Valero's dangerous plan to build the oil train terminal in Benica.

Oil transport via rail will remain extremely dangerous until (and maybe even after) crude oil train tankers are made more safe.

Please vote against the oil train terminal.

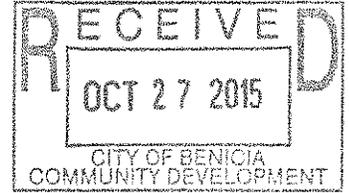
Dianne M Buoncristiani  
Rohnert Park, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RowXsIHV-2BqAEQyNDOabsrFGlc62gvnlQMTbfn8Sk7dXuyivVQgdnrkVI5-2BEyhrKw5iaC158zEUZARCNfM4cXZKnlpMHC1VoUpJEYJygWNhm8OPKndhX3yDoDaVQbUiQEmBKjrrhn4pUY44kFNnvKafux1ySEkwy-2BE6LYspDtXKePRzx-2FbBLOglMW6mW29jp5sr8-3D>>

## Amy Million

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**From:** Aggie Lukaszewski <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 1:19 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction. Diluted Bitumen, the form in which this 'stuff' is able to move, is not 'crude', it's 'crud'.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

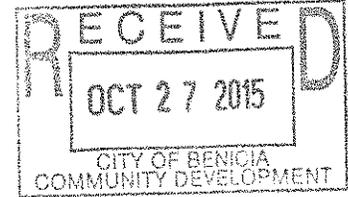
Aggie Lukaszewski  
Oakland, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RowszHq4NSeTmZhkmW-2BDrM-2FMM-2BgXzEqolC27F1ohqOz008x-2BfFHekhU7-2Fdk70LhF1vWnc1USeOOFBvYb6YpUxBqRo0TcmrzwXQ9wPAiMhY1XalTwZyvzWB-2F-2FCETnR5kJvcDJJWfnT-2Fq30IXBGwQvy2NNG1YgG3mb41S5WhGn7W-2BqQ63tQhC9ULE2v86VYmsKf0-3D>>

## Amy Million

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**From:** john burke <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:09 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

When I worked on the Southern Pacific we had a saying: Up hill slow, down hill fast, revenue first and safety last. It's crazy to put lives and safety and environmental health at the mercy of a railroad corporation. Don't do it.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

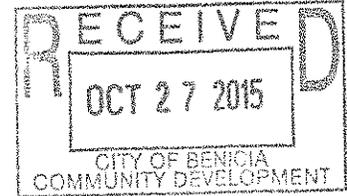
john burke  
san francisco, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RowuV1eFuLrNSpjB6myzIR-2BqFNdLeG8ZJYuE-2B-2BLYkGnAzx2ouDW0dYZ-2FNccpCcMJYtPwheU3UYkuxfgbXUzwa8qR-2FGUeW7chVNIA8rw4n8PR8NUTW-2B0hEHuQ9oCJ90KJ-2Fecccvyp957IReJctiiyQZVkaOlucGVOeOeD2GUT3s78rP7SQcxBqAz0k3IvRvPILUg-3D>>

## Amy Million

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**From:** Brant Olson <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 12:08 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



There's no need for this facility in Benicia. Valero's financial outlook is just fine. Please don't risk the danger of 50-car crude-filled trains moving through our area

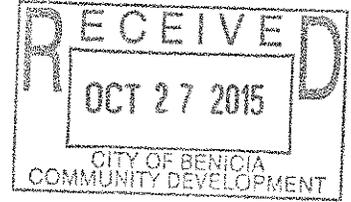
Brant Olson  
San Rafael, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RowDITLQsMntRO-2B5jTY5TISoZfchWYhY7PBh-2Fw0Ro3j-2BcttWELQ-2B4Y5E2CrsPtrNpQAZdpLgEfaK4RiluNxsRv93NYuvrv9YNIORDTZODjXMa0mhUCn0MXJjVa4EcXqAb-2FnZL-2FKylikd-2B2wNus4hyvP8lrf8cn2qnDFLexycxcRgc8pTnjF0EkCYUL5FsdmtY-3D>>

## Amy Million

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**From:** Yvon O. Heckscher <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 1:36 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



We do not need to invite another Lac-Mégantic type disaster in Benicia or anywhere leading up to it. Having personally followed day after day the discovery of a wide swath of destruction, the horror of maimed, charred and incinerated beyond identification of the remains of many of the victims, I probably have a better idea than most Californians what the derailment of a major oil train can mean for populated centers along the line tracks.

The building of a massive oil train terminal in Benicia by itself alone is an invitation to a re-enactment, in Benicia or many other, equally vulnerable California communities, of Lac Mégantic's or any of the other nine major oil train explosions in the US since 2013 and many more abroad. It is not a matter of if but when.

Besides, does the Council really want Benicia to become known, statewide and internationally, as the California City most encouraging to toxic polluters?

Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction, which contaminates the product with dangerous toxic chemicals, fouling not only the air by their fumes but the soil itself they impregnate.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

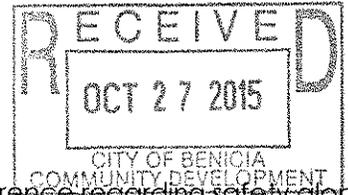
Yvon O. Heckscher  
Sebastopol, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7Roy0nNKW4dsp6leEOoauozdrnvCEWyFFW5K5eQVxODoTXjZsBv-2FQJWXolRbmhmGfFiMP1vg1-2F1NE5yG7GHt4dIlmoiXbkD88ynOPRQnSrGrpf46-2BuigMooKvpueLyZpuhd9WIACmSvsWUAgL2145TraxiNwx9n5L2Hwx2vv-2Fe4GY7anztIhJCn-2F1W4dlKITLjQE-3D>>

## Amy Million

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**From:** Mary Rose Kaczorowski <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 1:57 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



The Benicia City Council has an opportunity to do the right thing and make a difference regarding safety along all the rail routes.

Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

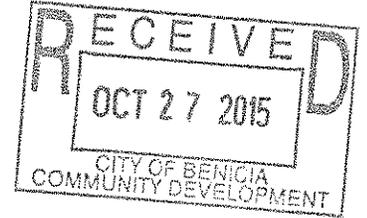
Mary Rose Kaczorowski  
Berkeley, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RoxDMs2MnN6Le6o6xW-2Bb-2BGZ-2Bf2jlWkJpq3tD85k6Z7BM-2FMAN4ZRktDngt2fSkIS8OMH82Bb41ZNNqcObtBjoRzc17nFj0BP11ezd19H3QfwcEjMS3hhR0Emfn3nxH8o0Zwcu-2B-2FNRf2u5SvV84pHMfvi7FQuDgoQkkfjv9u1wdymjZQrSJJIZUGFFFeFk5ifHZDE-3D>>

## Amy Million

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**From:** Brenda Balanda <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 2:03 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan. Obviously, this is not the direction you want for your community, since it would be a suicidal move -- you could get blown right off the map when the Hayward Fault rips apart, not to mention the daily exposure to toxins by your populace. Gee, what kind of future would that provide? Think of the long-term consequences for your town, and many other communities, rather than any short-term perks Valero may be offering you. There is too much at stake to make the wrong, foolish decision.

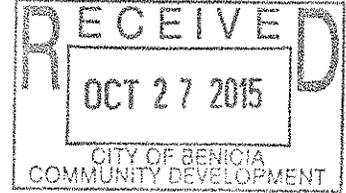
Brenda Balanda  
Inverness, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RoxxVfykAOKCnAupjT18kdgRn8aa1ViQfHTSqV6xTK4Zszd9nxqEU-2F6-2FAI-2FCAFHvPfEIVYeyYnxtkdNFjiTVaEgxdCabJkUUCiY4lwIWczdulpoQWujHa9A7hqDexfySYdw00DPXAjC8m-2Fciezs23nSd9aJLYrasrw0pspw90XnN4UPGvi3-2B-2FYuiRIBw18-2Fy-2Bb0-3D>>

## Amy Million

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**From:** Christine Rosen <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 2:11 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



I urge the Benicia Planning Commission and City Council to reject Valero's dangerous plan to build an oil train terminal at its refinery in Benicia.

This proposal threatens the health and safety of people all along the rail route. If Benicia allows the plan to go forward, the terminal will increase local air pollution in Benicia. Even worse, it, expose it and the other communities along the route to the the risk of a catastrophic oil train derailment and explosion,. It will also worsen climate change by encouraging fracking and tar sands extraction.

Please vote against Valero's dangerous plan.

Or - if you truly feel that the benefits to Benicia of allowing Valero to refine refining fracked oil brought in by rail would outweigh the costs and risk, please, in the interest of protecting your people from unacceptable danger, REFUSE to give your approval until AFTER the railroads have made all the upgrades to their cars and systems needed to eliminate your city's exposure to catastrophic crashes and explosions.

Do the real cost benefit analysis. Don't let Valero bamboozle you into doing anything less than what is truly in your city's best interest.

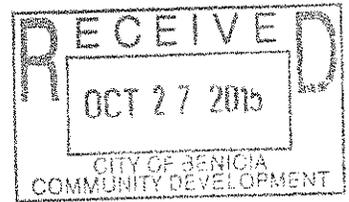
Christine Rosen  
Berkeley, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RoznOVx-2FotGHXFJ8aVstl4p3zhZ4N5S8L5WyR3cYLiqLyyTEgf1DaBwH2gIbdpivxAF0NnpGHQINJgUen-2FEckgA-2F1rePu1xiGY53dhlaSINMHIBf16RYIt9DJ4hZd5SGS1I-2B-2FOcHpwvZp4F37QMtCahhAabl3wrVmjSp75qI-No6fEH8tzqEQJmPoLHPn8LpExqI-3D>>

## Amy Million

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**From:** Damian Lopez <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 2:32 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



No explosions or pollution in beautiful Benicia no more oil no more Exxon!!!

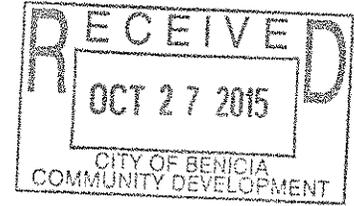
Damian Lopez  
Sacramento, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0slE-2FBOz9K3jj-2FCH7yrNbce2N6g7RozrVxUaTuv6FTOCysl8OFXkcL77PNf-2F3xHrbVfzcpy-2BvW-2FRY8-2FpOoX8XhAf6yJZP2TcOgbUFh6WHe-2B0tjKXUdHD0Dh7duVZNh3dilRV3f5Mbl8S4VvLTB23ceNhHGUhIwrcyrCt3jzD00TD1x8WMIeg53cWk2CJ8kDujv5emDj2nLU0VTFNBNUbfQLDSes-2Bp00-3D>>

## Amy Million

---

**From:** David Gates <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 2:35 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Plain and simple: NO.

Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

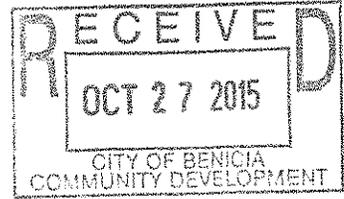
David Gates  
Hayward, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7RowZq579itm79r8TpK-2BUH-2BMSC7Q1YUQy-2BJkSdk7BNhMyBMPvWlb2XsBmXRJD5BXYctfwhhNpX1a5wiJLSim2MijqBd5mUMKkpY2Y-2FN7VA53yenwQZFY8Pv3MKmU6xJPIVceO8tzRXhOia2YMrvEatxR1g7nSMUpuZsbr99NBM5DossmJPb06SC7R2ZgRUK8hbvU-3D>>

## Amy Million

---

**From:** John Vias <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 2:33 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



The last thing we need is more infrastructure to support nonrenewable energy and endanger the public.

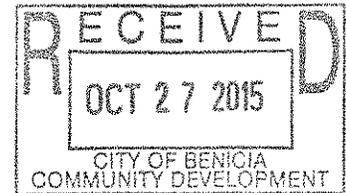
John Vias  
Berkeley, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3jj-2FCH7yrNbce2N6g7RoziCAvM7hcf1bnd1D4CSIDm-2FKvNtbiVEGNFiKowCd09zUVG8wMeWn7AE9She2UuH8T-2F2F0KHLMVV-2FLG9KKHXhifKukTMyYXE091vHrr2-2B0zgdT-2FQsTwZKpx-2FIOQgSzJcxl7iL29cV7blcDgMWiSH9gqjA-2FaaOZ7B9Kbr8O3B8tV0czQJ5eK52Q8k5ysVg5wabE-3D>>

## Amy Million

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**From:** Anne Wolf <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 2:55 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



California and the rest of the nation is experiencing first hand the results of global warming. The oil and gas industry does not care what damage is being done to our climate, homes and businesses as long as they meet their profit goals. It is time that all of us stand together and tell them no. No more expansion whether it be the building of a terminal or more fracking. They have know for decades that fossil fuels are causing global warming and now it is time for them to use their resources to transition our economy to clean energy. The transition will need to happen at some point and the sooner the better.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan and give all of us hope for a future.a

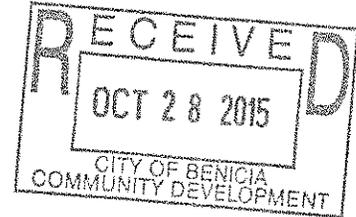
Anne Wolf  
SANTA ROSA, CA

<<http://list.credoaction.com/wf/open?upn=3SVphUTHDheb0sIE-2FBOz9K3ji-2FCH7yrNbce2N6g7Rox7MGub8Ap-2FuxUZbBoUPpe0tNnCMC1-2BfOv6gRHPkYS1dCL2P46V6fkxCs3CFk0UUwpho4WCuO6kLNm22vspiUZLNglUz5GC3dY5K2pDPsdtGrAY986-2FBNcTQShzGH6BxSmzsxtLrat-2FKF-2F6a52SfaDHP3Dm4jxsYQoLuOuR73ehuJBD3DfSvGYNupzetYs3B5A-3D>>

## Amy Million

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**From:** Nancy Thym <bounce@list.credoaction.com>  
**Sent:** Wednesday, October 28, 2015 1:01 AM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Dear Benicia Planning Commission and City Council. When you decide on the issue of Valero's proposal to build an oil trains terminal at its refinery in Benicia, please remember that you are not only deciding for the city of Benicia. You are making a decision which affects the lives, safety and environment of all of us who live directly along the train route.

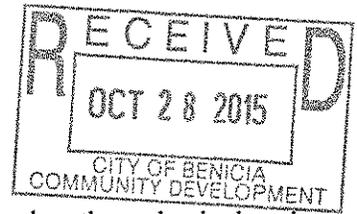
Besides, this land is our heritage. The train route travels through some of the most spectacular landscape in the world and we no not have the right to destroy it with the chance of a train derailment, oil spill or explosion. Please reject Valero's dangerous plan.

Nancy Thym  
Auburn, CA

## Amy Million

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**From:** Endee Wei <bounce@list.credoaction.com>  
**Sent:** Wednesday, October 28, 2015 12:40 AM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Let's not have history repeat itself. Any boom in our area should be metaphorical, rather than physical and audible, and contain the words "tech" or "housing."

Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

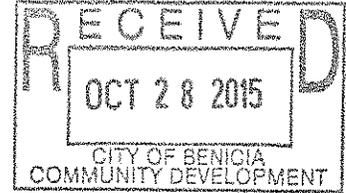
I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Endee Wei  
San Ramon, CA

## Amy Million

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**From:** Richard Casias <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 11:15 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



I am against Valero's proposal to build an oil train terminal at its refinery in Benicia as it threatens the health and safety of people of Benicia and all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging tar sands extraction.

I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

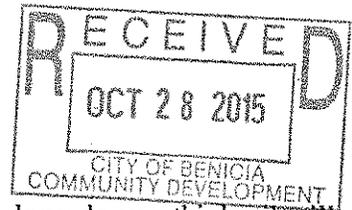
If the Council does not reject the Application, please require the Valero facility to only accept oil trains that are equipped with the most safe and updated rail cars and crews. Also, require the Valero facility to pay the City for the cost of expert enforcement inspectors and Benicia Firefighter training. Also, require very strict and costly enforcement penalties to ensure they NEVER violate the trust of the City Council.

Richard Casias  
Davis, CA

## Amy Million

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**From:** Robert Means <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 11:02 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Given the impact of global climate disruption, and the huge part played by oil, how long do you think oil will continue receiving subsidies that make this oil trains approach will remain economically viable? Now, cut that estimate in half because various fees (whether cap & trade, fee & dividend, or just a pollution tax) will quickly follow the cutting of subsidies.

Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

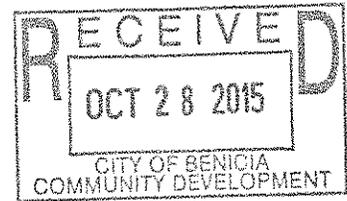
I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Robert Means  
Milpitas, CA

## Amy Million

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**From:** Gloria Purcell <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 11:17 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

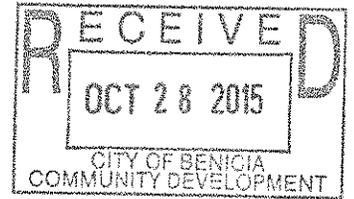
I urge the Planning Commission and the City Council to reject Valero's dangerous plan. PLEASE! My asthma, and my grand-daughter's asthma, are already worsening from the bad air in the Bay Area. And we all need WATER, not OIL!

Gloria Purcell  
Belmont, CA

## Amy Million

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**From:** Markin Whitman <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 9:25 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



You have the power to act on a local level. As a fellow North Bay resident, I ask you to think about our long-term future and the gift that this part of the world gives us.

Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

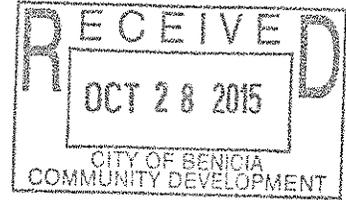
I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Markin Whitman  
Sebastopol, CA

## Amy Million

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**From:** Virginia Wenslaff <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 8:53 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



I don't live in Benicia, but this concerns me because I live in Sacramento not far from where the oil trains will run.

Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people (like me) all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

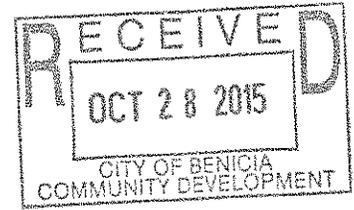
I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Virginia Wenslaff  
Sacramento, CA

**Amy Million**

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**From:** David Pittle <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 6:08 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



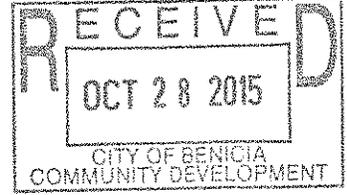
San Rafael

David Pittle  
SAN RAFAEL, CA

## Amy Million

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**From:** Ben Schiffman <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 5:50 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Please do not approve Valero's plan and subject our communities to the dangerous risk of a 50-car oil train derailment or other explosive accident.

Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

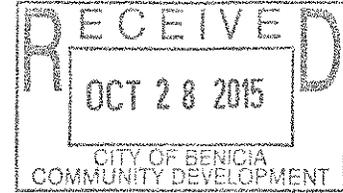
I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Ben Schiffman  
Davis, CA

## Amy Million

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**From:** Carol Ciavonne <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 5:37 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



It's always easier to see the mistakes we make in hindsight, but if those mistakes end up polluting our living space and killing our neighbors, and we know about it in advance, they become intractable problems, and we are left with not just regret, but tragedy. Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

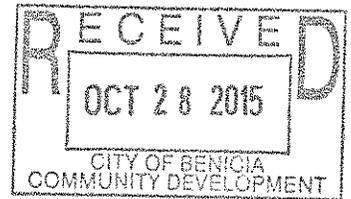
I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Carol Ciavonne  
Santa Rosa, CA

## Amy Million

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**From:** Judith E Kahle <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 7:44 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

I don't live in Benicia, but I DO live in Fairfield, and that line would go right through the Suisun Fairfield area putting our communities and all others along the route in serious danger.

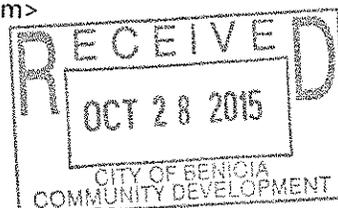
I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Judith E Kahle  
Fairfield, CA

## Amy Million

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**From:** Ellen Joe Frank and Majer <bounce@list.credoaction.com>  
**Sent:** Tuesday, October 27, 2015 5:37 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



I, my friends and family are worried about pollution in the Bay Area and global warming. Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route. It is going in the wrong direction considering the dire state of our planet. We need renewable energy not more oil.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

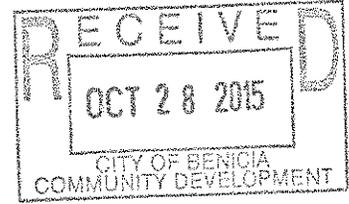
I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Ellen Joe Frank and Majer  
San Francisco, CA

## Amy Million

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**From:** Tonya Parnak <bounce@list.credoaction.com>  
**Sent:** Wednesday, October 28, 2015 9:42 AM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



A new study from the Harvard School of Public Health finds that carbon dioxide (CO2) has a direct and negative impact on human cognition and decision-making (10-26-15). Do you want your children, grandchildren and yourself, for that matter, living under the negative impacts of more CO2 in the already polluted poor air in the area? (I lived in Vallejo for many years, so I'm familiar with the air in the area.) Any newly-built fossil fuel infrastructure locks in the extraction and transport of the dirty fuel for the next 20, 30, 50 years when we direly need to be going in the opposite direction.

Valero's "short-sighted" proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

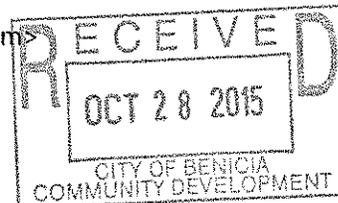
I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Tonya Parnak  
Menlo Park, CA

## Amy Million

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**From:** Jannie Anna-Lise Lauenroth <bounce@list.credoaction.com>  
**Sent:** Wednesday, October 28, 2015 8:40 AM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



There is a densely populated neighborhood adjacent to the Valero refinery. Vine Hill. I have lived there and have good friends there. The rail cars pose to great a risk and would be parked within a stones throw. I am a former researcher for the Antioch Dunes NWR. This poses a high risk to the wetlands and shoreline! Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

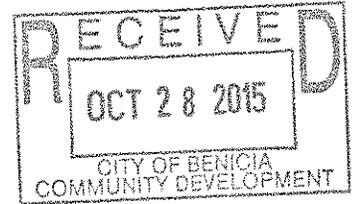
I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Jannie Anna-Lise Lauenroth  
Martinez, CA

## Amy Million

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**From:** Dale T Steele <bounce@list.credoaction.com>  
**Sent:** Wednesday, October 28, 2015 1:08 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



I live very near the tracks along the route for this proposed project and don't want the increased risks from shipping these volatile petrochemicals along with the air quality impacts and other problems that will come with it. My grandchildren regularly play in parks that are also right along this rail route and would be exposed to these same risks. This is not necessary or acceptable. Please reconsider or FULLY MITIGATE for all risks and potential risks from the proposed project.

Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

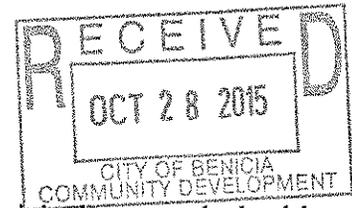
I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Dale T Steele  
Sacramento, CA

## Amy Million

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**From:** Pamela Osgood <bounce@list.credoaction.com>  
**Sent:** Wednesday, October 28, 2015 3:57 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

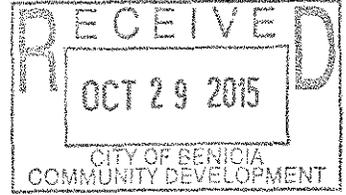
I urge the Planning Commission and the City Council to reject Valero's dangerous plan for an oil trains terminal at the refinery in Benicia.. It is just too dangerous.

Pamela Osgood  
Grass Valley, CA

## Amy Million

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**From:** Bonnie L Carpenter <bounce@list.credoaction.com>  
**Sent:** Wednesday, October 28, 2015 9:16 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Valero is owned by the Koch Brothers who have demonstrated over and over that they value power, money over safety, integrity and safety. I have lived in this beautiful Bay area since 1968 and do not want to see these ugly dangerous oil trains coming into California and having a terminal in beautiful Benicia. NO NO NO NO Toxic, exploding polluting oil trains.  
Oh MY God PLEASE don't do it.

Valero's outrageous proposal to build an oil trains terminal at its refinery in Benicia threatens the health and safety of people all along the rail route.

If approved by the Benicia City Council, the terminal would exacerbate local air pollution in Benicia and in communities along the rail route, expose those communities to the catastrophic danger of an oil train derailment and explosion, and fuel the climate crisis by encouraging fracking and tar sands extraction.

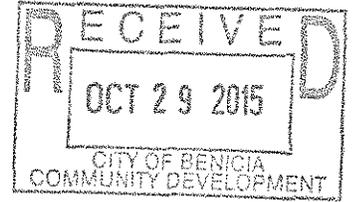
I urge the Planning Commission and the City Council to reject Valero's dangerous plan.

Bonnie L Carpenter  
Emeryville, CA

**Amy Million**

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**From:** Deb Jones <bounce@list.credoaction.com>  
**Sent:** Wednesday, October 28, 2015 9:09 PM  
**To:** Amy Million  
**Subject:** Reject Valero's dangerous oil trains project



Please, don't put the Bay and California at risk.

Deb Jones  
Elverta, CA