



For the Record: Written Notes of Rail Spur Testimony Given on March 11

W David Conn to: rhostetter

03/21/2016 04:33 PM

Hi, Mr. Hostetter: For the record, here are notes of the testimony I gave the Planning Commission at its hearing on the Phillips Rail Spur proposal on March 11.

- I am giving this testimony as a professor of planning for more than 40 years (at UCLA, Virginia Tech, and Cal Poly) specializing in, among other things, the management of hazardous materials and disaster mitigation. I speak for myself alone.
- I wish to focus on the risks of spills, fires, and explosions on the rail lines leading to the refinery.
- We know that, if an accident occurs, the consequences may be very serious.
- The likelihood of an accident happening is addressed in a quantitative risk assessment in the EIR.
- I don't dismiss such a risk assessment entirely. I certainly believe in looking systematically at the evidence we have available, especially if it is demonstrably scientifically valid.
- The problem is that we don't have a lot of objective evidence allowing us to predict the future with much confidence.
- Risk assessment has the appearance of being scientific and objective - seductively so - but inevitably it is built on subjective assumptions by so-called experts.
- Furthermore, risk assessment is dehumanizing. It allows one to overlook the real people and the real environmental components that lie behind the numbers and will actually suffer the consequences.
- The reality is that, even with the proposed mitigations, we have to expect accidents to occur.
- Despite the federal government's tentative steps to tighten up safety regulations in the face of overwhelming evidence that they are currently inadequate to handle the huge increase in oil train traffic:
 - The tank cars are inadequate and will remain inadequate for several more years;
 - The trains are still allowed to move at speeds at which the tanks are likely to be punctured in an accident;
 - The trains are extremely long and heavy, increasing the likelihood of a derailment;
 - There is inadequate hazmat response capacity in many of the communities along the rail lines;
 - Not to be overlooked, especially here in California, is the possibility of a "natech" or "natural hazard causing a technological accident." We need to be especially worried about an earthquake causing an oil train accident. This is particularly germane today (March 11), the fifth anniversary of the 2011 earthquake, tsunami, and nuclear disaster in Japan.
- Finally, there is a huge concern that federal regulatory preemption will prevent you (the Planning Commission) from requiring even the currently proposed mitigations outside the refinery. And if they are not required, in all likelihood they won't be implemented.

Thank you for your attention. Sincerely, David Conn

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