



**Fw: Phillips 66 Rail Spur Extension and Crude Unloading Project Final EIR**

**County of SLO Planning Dept.** to: Ryan Hostetter

01/19/2016 11:02 AM

Sent by: **Alex Rosen**

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Subject: Phillips 66 Rail Spur Extension and Crude Unloading Project Final EIR

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San Luis Obispo County Planning Dept.,

Thank you for the opportunity to respond to the Phillips 66 Santa Maria Refinery (SMR) Rail Spur Extension Final Environmental Impact Report. Since my November 24, 2014 response to the SMR Draft EIR, I have moved from the San Francisco Bay Area to Eugene, Oregon. Unfortunately, the approval of this project would have an effect on me and many other residents here in Eugene as well as across the Pacific Northwest that are up rail of this proposed hazardous fossil fuel refining project.

The Final EIR confirms eleven Class 1 impacts including air and health quality, risk of fire and explosions, and toxic Greenhouse Gas and Volatile Organic Compound emissions from locomotives in the vicinity of populated areas that would effect communities all along the rail routes. Health risks such as cancer, heart disease, respiratory illnesses and premature death are listed as impacts of this study. The expected increase of crude oil unit trains from the Athabasca Tar Sands of Alberta Canada and Bakken crude oil from North Dakota for this SMR Project and the Valero Refinery Rail Expansion Project in Benicia, Ca. would cumulatively increase rail traffic tenfold through up rail communities from Canada, the upper Midwest and through Washington and into Oregon as well as California.

These unit trains would pass through high hazard rail sections of track along the Colombia River Gorge, the difficult Dunsmuir grade along the Sacramento River in Northern Ca. as well as the Feather River Canyon and Donner Pass in the Sierras and the Carquinez Straits of the Bay Area.

Athabasca Tar Sand Oil is the dirtiest of fossil fuels composed of heavy bitumen (dilbit) and is almost impossible to clean up as it sinks into waterways. The July, 2010 Canadian Tar Sand oil spill into the Michigan Kalamazoo River is still being cleaned of 25 miles of shoreline at a cost of \$785 million thus far. Consider the impact a train derailment and oil spill into any of the waterways mentioned above would have on the vegetation, wildlife and drinking water for human populations.

The Office of Spill Prevention and Response (OSPR) maps in Oregon and California reveal earthquake faults; Cascadia Subduction Zone, Hayward, Rogers Creek, Green Valley, and the San Andreas Faults, all effecting rail routes from Canada to San Luis Obispo. These agencies have stated they do not have all the resources to clean up spills or fight fires from these unit

trains.

Phillips 66 and their designated carrier Union Pacific Railway have not proven sufficient liability to cover worse case scenarios of accidents or spills. In past oil train disasters such as at Lac Megantic Canada, the burden of clean up and rebuilding has fallen on the local jurisdictions, not the oil company, their shipper or the railway. There is a failure to list how a spill or explosion damages would be paid, the financial ability of the responsible party to make damaged parties whole, and to identify all parties who may not be whole and left to absorb catastrophic losses such as cities, towns, counties and private individuals.

There is an outdated US Dept. of Transportation regulatory framework recommended for changes with recently initiated proposed new rule making on rail safety which has not yet been enforced or resolved. The Rail Safety Act of 2008 requires Class 1 railroads to install Positive Train Control (PTC) on tracks that carry poison or toxic products by the end of 2015. This has not been done and largely ignored by the railway companies. There are no current protections for communities and the environment from the rail hazards and extraordinary risks posed by the transport of dangerous volatile unconventional crude oils with Federal Preemption granted to UPRR denying local, regional, or state jurisdictions the means to mitigate rail risks in communities.

The failure of the railways, Union Pacific and Burlington Northern / Santa Fe, to implement the Federal Government's Rail Safety Act of 2008 regulations to improve rail track monitoring and rail car safety improvement safeguards should be a deal breaker for this project to move forward until the regulations and safeguards have been put into effect and completed. New CPC 1232 tank cars have not proven to be effective in reducing punctures and explosions, Positive Train Control (PTC) and Electronically Controlled Pneumatic Brake (ECP) Monitors installed every 40 miles were ignored by the railway industry and have not been installed.

This Final Environmental Impact Report is an incomplete document because it fails to list the impacts to ALL up rail communities that the proposed train routes would effect. It does not address the cumulative effect it will have on local communities or up rail communities and it fails to address the back end of this project which is the 250 mile pipeline connection to the Phillips 66 Rodeo Refinery where there is a proposed Propane Recovery Project which includes a rail spur extension and loading facility.

Considering the Federal Railway Administration and the Department of Transportation failed to get compliance by Union Pacific Railway and Burlington Northern/ Santa Fe Railway to meet guidelines and deadlines for safer operating procedures, I urge you to deny this project until the points mentioned in the text above are addressed and the railways comply with The Rail Safety Act of 2008.

Thank you for your time in this matter.

Respectfully,

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Sent from my iPad