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Date: 11/23/2014 11:12 AM  
Subject: Reject the Phillips 66 oil train proposal

Mr. Murry Wilson  
San Luis Obispo County Planning Department

Dear San Luis Obispo decision-makers,

I am writing to express deep concern about the proposed oil by rail project at the Phillips 66 Santa Maria Refinery. The Phillips 66 project puts communities throughout California at risk. This project presents significant and unacceptable risks to our communities across California.

First and foremost, emergency responders are not prepared for these heavy, dangerous trains and current safety standards will not protect the public. The recirculated draft EIR dangerously misinforms first responders because it does not adequately assess the risks of an oil train disaster.

In addition I think it is very important to back the demands of railroad unions to make sure that there are at least TWO engineers and other staffers on each train. Below is a piece from LABOR NOTES on this issue.

The draft EIR's analysis of potential accidents and spills is flawed because it only evaluates rail accident rates from 2003 to 2012 and spill release rates between 2005 and 2009, and omits important data about crude rail accident frequency and magnitude in 2013 and 2014. This is troubling because we know that more crude spilled from trains in 2013 than spilled during the past four decades. The EIR must look at recent data, including accident data from Canada which has also experienced increased crude by rail incidents. This data reflects the increased quantities of dangerous crude being transported in old and unsafe tank cars and will provide a more accurate assessment of accident risk and magnitude along the rail lines that would serve this project.

BED-01

Moreover, the EIR's worst case scenario spill analysis estimates a spill of approximately 180,000 gallons, that's approximately six tank cars of crude. This must be an error because we know that most crude trains are comprised of 100 or more tank cars. Indeed, a worst case scenario spill would be on the order of millions of gallons of crude. Such a spill could devastate our scarce water resources, property and our local economy, and would pose a significant threat to public health and safety. This project cannot be approved without analyzing and mitigating its true impacts.

Second, the toxic air emissions resulting from this problem pose an unacceptable risk to public health. The Phillips 66 project will create unacceptable levels of toxic air emissions that will impact my community. Volatile toxic chemicals leak out of tank cars into the air poisoning communities along rail routes. In its latest environmental review Phillips 66 admits that its proposed oil train facility will create "significant and unavoidable" levels of air pollution, including toxic sulfur dioxide and cancer-causing chemicals. The report cites increased health risks -- particularly for children and the elderly -- of cancer, heart disease, respiratory disease, and premature death.

BED-02

Third, the EIR must fully analyze the potential worst-case scenario of a spill near each of the many watersheds crossed en route to the Santa Maria refinery. The proposed rail route brings oil trains through the San Francisco Bay-Delta watershed and along California's treasured central coast. Each oil train carries more than three million gallons of explosive, toxic crude oil. A derailment near a river, stream, reservoir, or above a groundwater aquifer could contaminate drinking water for millions of Californians. During a time of extreme drought, SLO must not approve this project and create contamination risk for the rest of our state.

BED-03

Fourth, the planning department must examine the Santa Maria and Rodeo proposals as a single project. It is clear that Phillips 66 wants to bring toxic Canadian tar sands to California. The proposed oil train terminal in Santa Maria is linked by pipeline to the Phillips 66 refinery in Rodeo, CA. Phillips 66 is proposing to modify these facilities to allow it to refine the most toxic crude oil on Earth: Canadian tar sands. Transporting and refining tar sands will create more toxic air and water pollution for families along the rail line and near the Santa Maria refinery. San Luis Obispo cannot approve this project in isolation.

BED-04

Fifth, Phillips 66 must disclose crude quality information in order for decision makers to fully understand the climate impacts of the proposed rail project. Tar sands means more carbon pollution: At every stage of the mining, transportation, and refining process, Canadian tar sands are more carbon intensive than any other source of oil. Bringing tar sands to California will undermine the state's efforts to be a global leader addressing climate disruption.

BED-05

For all the aforementioned reasons, I urge the San Luis Obispo County Planning Commission and Board of Supervisors to reject the Phillips 66 proposed rail spur. This project creates significant, unavoidable, and unnecessary risks for our communities and our climate.

Dan Berman, Davis, Ca [danbermn@gmail.com](mailto:danbermn@gmail.com)

## Rail Workers Vote Down Single-Person Crews September 11, 2014 / Alexandra Bradbury

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Railroaders are racing to put the brakes on a secret deal between their union officers and Warren Buffett's railroad. It would allow huge freight trains to rumble through towns across the western U.S. with just an engineer onboard, no conductor. Photo: Spouses & Families Against One Man Crews.

Update: Members strongly rejected the proposed BNSF contract allowing one-person crews. The vote was announced by the union, SMART, on September 10.

August 15—"There's a real rank-and-file rebellion going on right now," says Jen Wallis, a Seattle switchman-conductor for Burlington Northern Santa Fe (BNSF) Railway. "People who've never been involved in the union, never went to a union meeting, they are showing up and they're joining Railroad Workers United in droves.

"People are saying, 'We have to take action now to stop it. We can't let our union officers do this to us.'"

What's all the fuss? On July 16, thousands of railroaders abruptly learned their union officers had held secret negotiations with BNSF, one of the country's biggest freight carriers, and reached a deal to allow single-person train crews: a safety disaster.

Ballots on the tentative agreement went out in early August, and are due back in early September. If the vote goes up, huge freight trains could rumble through towns across the western U.S. with just an engineer onboard, no conductor.

This would be a first on a major railway, and a foot in the door for the whole industry. BNSF is owned by Warren Buffett, one of the world's richest people.

"Members had no clue this was even coming," said John Paul Wright, a locomotive engineer working out of Louisville, Kentucky. "The membership is basically saying, 'What in the hell is going on? We never thought our own union would sell us out.'"

Wright is co-chair of the cross-union, rank-and-file group Railroad Workers United, which has been campaigning against the looming threat of single-person crews for a decade. With just weeks to go, its members are suddenly busy sending out "vote no" stickers and appealing to local labor councils to pass resolutions backing two-person crews.

"We weren't expecting it this soon," says Robert Hill, a BNSF engineer in Spokane, Washington. "We were expecting it."

Railroaders are seeking out RWU and a new Facebook group, "Spouses & Families Against One-Man Crews," to get information and coordinate the push for a "No" vote. Much of the opposition is being led by railroaders' family members.

Engineers and conductors are represented by separate unions. The conductors, members of SMART, are the ones voting on this contract.

"This vote will affect far more people than just the ones that vote on it," said James Wallace, a BNSF conductor in Lincoln, Nebraska, and RWU co-chair, "because it is going to set a precedent for all freight railroads in the U.S., and potentially endanger the job of every conductor in this country." A Strike against One-Person Crews

Till now it seemed the front line of the single-person train crews fight was a smaller freight carrier, Wheeling and Lake Erie Railway.

A hundred members of BLET Local 292 struck against W&LE last September, shutting down its operations in Ohio and Pennsylvania, when the company tried imposing single-person trains unilaterally. A federal temporary restraining order sent them back to work.

"With just 16 hours notice, we had 100 percent compliance [with the strike call]," Local Chairman Lonnie Swigert said. "And when we are 'released' we will do it again if we have to." Their bargaining remains deadlocked over the issue.

And a short-line carrier, Montreal, Maine and Atlantic Railway, made headlines last summer when a runaway train carrying crude oil exploded in the town of Lac Mégantic, Quebec, killing 47 people—just months after it had begun operating with a single-person crew.

The single engineer wasn't on board the train at the time of the disaster. He had parked on a steep grade for the night.

"The rail industry of course says there's no evidence to show if they'd had a conductor the train wouldn't have rolled away," Kaminkow says. "But one can surely speculate that if he'd had the ability to sit in the cab while a trainman went back and did the brake air test..."

Federal Law or Rule?

In the outcry that followed, two Maine Congressmembers proposed a bill to require two-person crews on all freight trains, H.R. 3040. The bill hasn't gotten much traction yet—but attention and online petition signatures for it have spiked since the BNSF deal came out.

And the Federal Railroad Administration is looking at making some kind of a rule requiring two-person crews on hazardous cargos like crude oil. (BNSF claims the new deal excludes these kinds of trains anyway, but there's nothing to hold the carrier to that promise.)

Railroaders point out, though, that the dangers of one-person crews aren't limited to explosive oil trains. The FRA rule might not cover the coal and grain trains that make up a lot of Buffett's bread and butter.

DOWN TO TWO

At its 20th-century peak, railroad employment totaled 2 million. Today it's 10 percent of that.

That's not because the country is shipping less freight. On the contrary, says Ron Kaminkow, RWU's general secretary and a working engineer in Nevada, "We're moving more tonnage than ever before."

But as feuding unions allowed new technologies to replace workers, rail freight crews dwindled from five to two. These days a train carries an engineer, who drives the train, and a conductor, who does everything else.

Here's an incomplete list of those activities: hopping off to throw the switch that moves the train to another track; adding and removing cars; updating the list of which cars have hazardous materials in them (crucial for first responders in case of a wreck); problem-solving if a busted air hose or some other mechanical problem stops the train; and conferring with the engineer about hazards, approaching speed restrictions, and pedestrian or road crossings coming up.

Crucially, the conductor also helps make sure the engineer is still awake and alert. If that sounds like it shouldn't be necessary, consider how freight railroaders are generally scheduled: on 12-hour shifts and on-call 24/7, with no predictable schedule.

"Sometimes you're up 48 hours at a time, with maybe five hours of sleep," says Wallis. "There have been times we're both hallucinating at 3 o'clock in the morning, trying to keep each other awake."

The conductor may also be teaching the engineer details of the complex job.

"It takes about two years to really learn what you're doing," Wallis said.

"It's this classroom in the cab. It's scary, you could have two people in the cab with six months' experience between them. But at least there's two of them."

And the conductor is on hand in case the engineer has, say, a heart attack while at the helm of a 15,000-ton train. As SMART Transportation Division President John Previsich pointed out in a memo opposing the BNSF deal, "No one would permit an airliner to fly with just one pilot, even though they can fly themselves."

A SAFETY DISASTER

The proposed pact would pull conductors off the trains, replacing several with a single "master conductor" who'd drive around in a van, on-call for radio dispatch to any train that might need assistance.

How many trains would one conductor cover? Four, eight? There's no limit—like much else in the deal, it's left to the carrier's discretion.

It's not hard to spot the risks in this plan. Freight tracks cross remote territory. The train might get stopped where there's no road for miles and miles. It could take the conductor a long time to arrive. And the engineer loses a second pair of eyes to help prevent accidents.

Part of the excuse for single-person crews is the coming of yet another new technology, positive train control, which Congress is mandating the rail carriers all adopt by 2015. This automated system will track trains' speed and position, and apply the brakes in certain situations.

Railroaders call this tech advance a good thing—but as an additional boost to safety, not something you'd want to rely on to replace a human. “The railroad unions have been asking for PTC to be implemented as a safety overlay, not in place of a crew member,” Wright says.

Even as companies have been lobbying to delay PTC because of its cost, they've also been eyeing it as an opportunity to cut labor costs.

They will save billions of dollars if they can implement one-person crews, says Kaminkow. “So for the occasional pedestrian who gets run over or car that gets hit, the railroad is willing to roll the dice.”

#### WORKING ALONE

“I haven't come across a single engineer who is for this at all,” says Wallace. “They would rather have someone there to keep them alert, to job-brief as situations change—and somebody just to keep them company.”

“We will often spend 12 or more hours on a train every day. At times when we're busy, we spend up to 70 hours a week on the train.

“It's going to be a large portion of engineers' lives they're going to be spending alone.” (For more on how working alone hurts solidarity, see this article).

However, engineers aren't voting on this deal. Conductors are, and the deal has sweeteners in it for them—a signing bonus, higher pay for the lucky few who become “master conductors,” and the promise of buyouts or layoffs with full pay.

But most, especially newer conductors, won't see those perks. Instead, they're likely slated to become engineers, whether that's their plan or not.

Though the unions are separate, most engineers are drawn from conductors' ranks. You can volunteer to go to engineer school, but you can also be forced into it, from the bottom of the seniority list, if more engineers are needed.

“Probably a lot of these conductors won't ever work under this contract,” Wallace said. “They'll end up as engineers, working alone in a cab by themselves.”

#### 'THE CRAFT WAR'

The secret pact is controversial even among leaders of SMART. But division leaders responsible for the contract are pushing it hard.

The Brotherhood of Locomotive Engineers and Trainmen, a Teamsters division, represents most engineers. Both SMART and the BLET formally oppose one-person crews, though they haven't exactly presented a strong united front.

The rivalry between the unions—and a fatalistic sense that the change is inevitable—have fueled a series of backstabbing deals. As crews dwindled, the rail unions mainly battled over who would represent the remaining workers.

“While the unions had been on and off paying lip service to the idea of a two-person crew and intolerance for single-person crews, they've also been hedging their bets, saying ‘Meanwhile we're going to cut whatever deal we need to make sure if there's going to be a last man standing, by God, it's going to be us,’” sighs Kaminkow.

“We call it the craft war. I'd much rather fight the class war.”  
Environmental Alliance

As it happens, the same week the union held its meeting in Seattle, climate change activists locked themselves down to the railroad tracks in nearby Anacortes, blocking a BNSF oil train for hours. They were protesting the proposal to build a big crude-oil-by-rail terminal at the Port of Vancouver.

Wallis, with deep roots in both worlds, is working hard to build a bridge between railroaders and environmentalists. They clearly have a common enemy in Buffett, who “controls an entire supply chain of oil and gas being shipped out of the U.S. for pennies on the dollar and burned in China and India,” she points out.

There’s suspicion on both sides—viewed one way, “it looks like they’re trying to take our jobs,” Wallis says. “But that’s not true. I think we can have both, jobs and the environment.”

A pair of activist projects just getting underway, Solutionary Rail and the Buffett Legacy Campaign, will push for green jobs, including high-speed passenger rail.

#### RAUCOUS MEETINGS

SMART leaders immediately launched a PR tour, taking a PowerPoint presentation on the road to promote the deal.

“A lot of the presentation and the campaign to get this is focused on fear,” Wallace said. “There’s a lot of fear that if we don’t accept this contract it’ll just be a lot worse down the road, that we won’t have any bargaining power to negotiate anything better.”

Among their first stops was Seattle, where they met with raucous opposition. “Once I found out about it I immediately created a Facebook event for the meeting, and invited everyone I know,” Wallis said.

That meant not just railroaders but also teachers, Teamsters, guitar players, environmentalists. After all, “one-person crews are not just dangerous for workers, but for the environment and the communities we live in,” she said.

Other railroaders, too, see the writing on the wall for them if this deal goes through. “I had four Union Pacific guys show up at my picket line,”

Wallis said. And since that night, “We’re getting emails every day from all over the country saying ‘We saw what you did. How do we do that?’”

The next night’s meeting in Spokane brought out 60 angry railroaders and their families. “A lot of people were in disbelief,” reports Hill. The touring officers started the PowerPoint, but “the president of Local 426 told them to shut it off, we weren’t interested in looking at their propaganda. We wanted to start asking questions.”

When the officers’ answers to their questions about contract specifics were “a lot of could or should or possibly,” Hill said, “it turned a little hostile... Everybody started getting pretty fired up.

“A lot of [members] were accusing [the officers] of taking buyouts, payouts. A lot of our leaders are close to retirement.”

A second Spokane meeting, planned for the next morning, was canceled.

And in Creston, Iowa, opponents of the deal aren’t waiting till the August 25 meeting—they’re holding rallies twice a day, all month.

Click here to hear engineer John Paul Wright sing "The One-Man Train Blues."

Alexandra Bradbury is co-editor of Labor [Notes.al@labornotes.org](mailto:Notes.al@labornotes.org)

- See more at:

<http://www.labornotes.org/2014/09/rail-workers-vote-down-single-person-crews#sthash.kO11yY4v.dpuf>

Respectfully yours, Dan Berman, Davis, CA