

Dear Mr. Wilson,

According to the latest EIR a contract between Phillips 66 and the Railroad would prevent any use of the locomotive horn during night time unloading operations. This is in direct conflict with Federal Regulation Title 49 Part 222 that states:

a locomotive engineer may sound the locomotive horn to provide a warning to animals, vehicle operators, pedestrians, trespassers or crews on other trains in an emergency situation if, in the locomotive engineer's sole judgement, such action is appropriate in order to prevent imminent injury, death, or property damage

John Phipps
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Nipomo, Ca 93444

PHJ-01

From: John Phipps <phipps.john@verizon.net>
To: phipps.john@verizon.net, p66-railspur-comments@co.slo.ca.us
Date: 11/25/2014 11:08 AM
Subject: Re: EIR comment-Piecemeal Review

Dear Mr. Wilson,

Piecemeal review of projects under CEQA is not allowed. The California Supreme Court has a test to define piecemeal review as follows:

"that an EIR must include an analysis of the environmental effects of future expansion or other action if : (1) it is a reasonably foreseeable consequence of the initial project: and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or it's environmental effects"

PHJ-02

The EIR for increasing the thru put for Phillips 66 and this EIR are the same project. This EIR indicates that a train source is needed to supplement a declining local supply of crude, therefore the EIR for a thru put increase is not sustainable without a train supplied source of crude oil.

This EIR (Rail Spur Expansion) must be combined with the EIR for increased thru put for this EIR (Rail Spur Expansion) to be legal under the laws of California.

Sincerely,

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343-5107

From: John Phipps <phipps.john@verizon.net>
To: phipps.john@verizon.net, p66-railspur-comments@co.slo.ca.us
Date: 11/25/2014 11:08 AM
Subject: Re:EIR Comment-Noise

Dear Mr. Wilson,

The current EIR noise study is insufficient to allow anyone not involved in the noise study field to evaluate the increase in noise levels, so residents close to the area impacted by the noise do not understand what the impacts of increased noise will have on their life. The evaluation of the increases in noise levels as put forth in Table 4.9.9 of the Draft EIR as Significant or Not Significant are completely arbitrary, as there are no standards that define what is or is not significant noise level increases at a given site.

PHJ-03

Therefore I am requesting that the EIR include another noise study that all residents close to the rail project can understand. The current EIR indicates that locomotive horns can be used and will be used for emergency situations, which are the same rules railroads have been following for the past 150 years. To evaluate the effects of this type of impulsive noise another type of noise test is required. The test would require a locomotive to be placed at the existing Phillips 66 rail spur at approximately 10:00 pm in the evening. That locomotive would have a horn that would be tested for the proper noise level output, it would then sound the horn 5 seconds every 30 seconds for 5 minutes. The local residents would be informed of the test by mail (local residents do not reside in Los Osos!). The mailing would contain an evaluation sheet for comments to return to the county planning department. This is a better way to evaluate the effects of increased noise at the Phillips 66 site.

PHJ-04

Having a contract to limit the use of locomotive horns is in violation of federal rules and would be unenforceable, locomotive horns have been used for 150 years for emergency and safety situations. The county needs to evaluate the use of the horns in the real world of Nipomo , CA. A proper test is in order.

PHJ-05

Sincerely,
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