



November 24, 2014

Murry Wilson, Environmental Resource Specialist
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

RE: DRC2012-00095 - SANTA MARIA REFINERY RAIL SPUR EXTENSION
(RAIL PROJECT) DRAFT ENVIRONMENTAL IMPACT REPORT COMMENTS

Dear Mr. Wilson,

As a non-profit community organization that represents a diverse group of San Luis Obispo County residents committed to the safety, livability, and character of Santa Margarita, California and surrounding areas, we appreciate the County of San Luis Obispo's efforts in recirculation of the Draft Environmental Impact Report (DEIR) to broaden the width of impact areas associated with public safety.

The Rail Spur Extension Project introduces potentially significant far reaching off-site impacts to public safety. Since a rolling pipeline might best describe what is being proposed, the impacts need to be viewed from that perspective. There are numerous safety issues unidentified in the Revised DEIR that deserve identification and thorough analysis prior to completion of a Final EIR. As companies increasingly rely on trains instead of pipelines to transport oil to coastal markets, safety within communities bisected by rail lines should be the primary concern.

MP-01

Present Condition of Railroad Corridor and Tanker Cars

It does not appear that the present condition of the rail corridor and the antiquated tanker cars increasingly being brought back into service since 2009 has been adequately evaluated. In order to properly identify and analyze the severity of potential safety issues, the present condition of the railroad corridor and tanker car fleet should be part of the Final EIR. Without this initial step, the Revised DEIR lacks a baseline from which to accurately assess the potential safety impacts of increasing the transportation of crude by rail (CBR) on the specific corridor traveled.

MP-02

Rail condition should be determined by a Railroad Corridor Condition Assessment (RCCA) The RCCA should be conducted by a neutral third party (who is unaware of the identity of the specific project that data is being compiled for) and should include, but not be limited to:

1. Track condition
2. Railroad embankment conditions
3. Roadbed prism conditions
4. Mapping of any vegetation obstructing view of track material
5. Conditions and repair requirements of culverts
6. Conditions and repair requirements of bridges
7. Conditions and repair requirements for all public and private rail crossings

MP-02
cont

The Association of American Railroads (AAR) urged the U.S. Department of Transportation (DOT) to tighten federal tank car regulations for crude oil shipments and said 85% of tank cars, known as DOT-111's, currently in North American service are unsafe.¹ The recommendations provided by the AAR should be incorporated into mitigation measures.

MP-03

Cumulative Projects – Santa Margarita

The Cumulative Scenario and Methodology (Section 3.0) states; “Section 15130 of the California Environmental Quality Act (CEQA) Guidelines requires that an Environmental Impact Report (EIR) discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(c).

Section 15355 of the State CEQA Guidelines defines “cumulative impacts” as two or more individual effects that, when considered together, are either considerable or compound other environmental impacts.”

The Court of Appeal has stated that an improper cumulative impact analysis “avoids analyzing the severity of the problem and allows approval of projects, which when taken in isolation appear insignificant, but when viewed together, appear startling.”² The cumulative impacts analysis is one of the most essential elements of the EIR; its purpose is to prevent considering projects in a vacuum.³ The DEIR fails to adequately address cumulative hazards and safety impacts within many effected communities along the rail corridor. We will focus on concerns the close proximity of the rail corridor within Santa Margarita, California raises, but suggest that similar concerns are present in numerous other locations that would otherwise not experience these impacts if not for the introduction of the Santa Maria Refinery Rail Project.

MP-04

¹ *International Business Times*, Unsafe At Any Speed - January 12, 2014

² *Kings County Farm Bureau, supra*, 221 Cal.App.3d at pp 739-740

³ *Whitman vs. Board of Supervisors* (1979) 88 Cal.App.3d 397,408.

Table 3-1, Cumulative Projects, fails to identify a currently pending project that potentially creates significant hazards and safety impacts within Santa Margarita when viewed cumulatively with the Rail Spur Project.

MP-05

A FEIR has recently been completed for DRC2009-00025, a proposal for a large scale industrial hard rock quarry. Approval of the Las Pilitas LLC proposal as currently described would introduce an average of 273 double gravel trucks daily with up to 800 truck trips per day anticipated for emergencies. The proposed haul route utilizes the at grade Estrada Avenue crossing for every trip cycle generated.

The frequency of truck trips and industrial activities directly and indirectly associated with the Oster/Las Pilitas Quarry proposal considerably compounds any currently existing conditions and warrants detailed analysis as a Cumulative Project. Reasons include:

- Inadequate distance between the at grade rail crossing at Estrada Avenue and El Camino Real exists for the gravel hauling vehicles (that are up to 72' in length) to safely fit within if a full stop at El Camino Real is executed within the markings currently existing and that signage denotes. (See Attached Figures 01, 02, 03, 04, 05, and 08).
- There are two additional at grade crossings that exist within the town of Santa Margarita, the area identified as Segment 19 within Appendix H, at Encina and Wilhelmina Avenues. Both Encina Avenue and Wilhelmina Avenue also warrant being included in the analysis based on the reasonably foreseeable (trains or more than a few passenger vehicles already trigger this activity) tendency for increased passenger vehicle traffic, and potentially gravel hauling trucks and delivery vehicles routing to and from the Las Pilitas Quarry, to detour away from Estrada at H and I Streets when confronted with congestion associated with increased gravel rigs would create at Estrada. (See Attached Figures 02, 06 and 07)
- The distance between Wilhelmina Avenue and Estrada Avenue is approximately 4600', several hundred feet less than the roughly .9 mile overall length of the 80 tanker car trains the Rail Spur project proposes. The unit train length for the Rail Spur Project is defined as 4789'.⁴
- It is reasonably foreseeable that any delays, mechanical mishaps, or accidents could cause all crossings within Santa Margarita to be simultaneously blocked. Such an event would eliminate access to the entire south side of Santa Margarita and locations east (that typically utilize the Hwy. 58/Pozo Road corridor) from accessing El Camino Real.
- Among the concerns associated with restricting ingress and egress are impacts to fire and medical emergency vehicles and services, and access for law enforcement personnel.

MP-06

⁴ *Phillips SMR Rail Project - Public Draft EIR, pg. 4.12-21*

- Even without mishaps, the nearly one mile long freights would substantially increase activity at both the Wilhelmina and Estrada Avenue at grade crossings due to the tendency for all types of vehicles to re-route when confronted with increased levels of delay on Estrada Avenue.⁵

MP-06
cont

Additional areas of concern associated with introducing an increase in rail traffic transporting flammable materials that could potentially result in thermal radiation in conjunction with the Las Pilitas Quarry proposal include:

- The routine transportation of explosives to the proposed quarry project site due to the fact that no explosives will be stored on-site. The additional hazard that routine delivery of explosives to this Cumulative Project creates must be addressed as part of the analysis.
- The routine transportation of fuel for operations of the proposed quarry project due to the fact that “the project does not include on-site fuel storage; vehicle and equipment refueling will be conducted by service trucks”.⁶ The additional hazard that routine delivery of fuel to this Cumulative Project creates must be addressed as part of the analysis.

MP-07

Thank you for your careful consideration of our comments on this Revised DEIR and your ongoing commitment to public safety as part of the environmental review process.

Margarita Proud Board of Directors



Roy Reeves



Dave Ballantyne



Rayleen Wight, Secretary



Thomas Smith



Tamara Kleemann

Attached: Figure 01 through Figure 08

⁵ *Field Observation* - Photo and video documentation, 2011 thru 2013

⁶ *Final EIR* - Oster/Las Pilitas Quarry, November 2014, pg. 4.7-11



Figure 01 - Double gravel truck fouling rail crossing at Estrada Avenue in Santa Margarita, California.

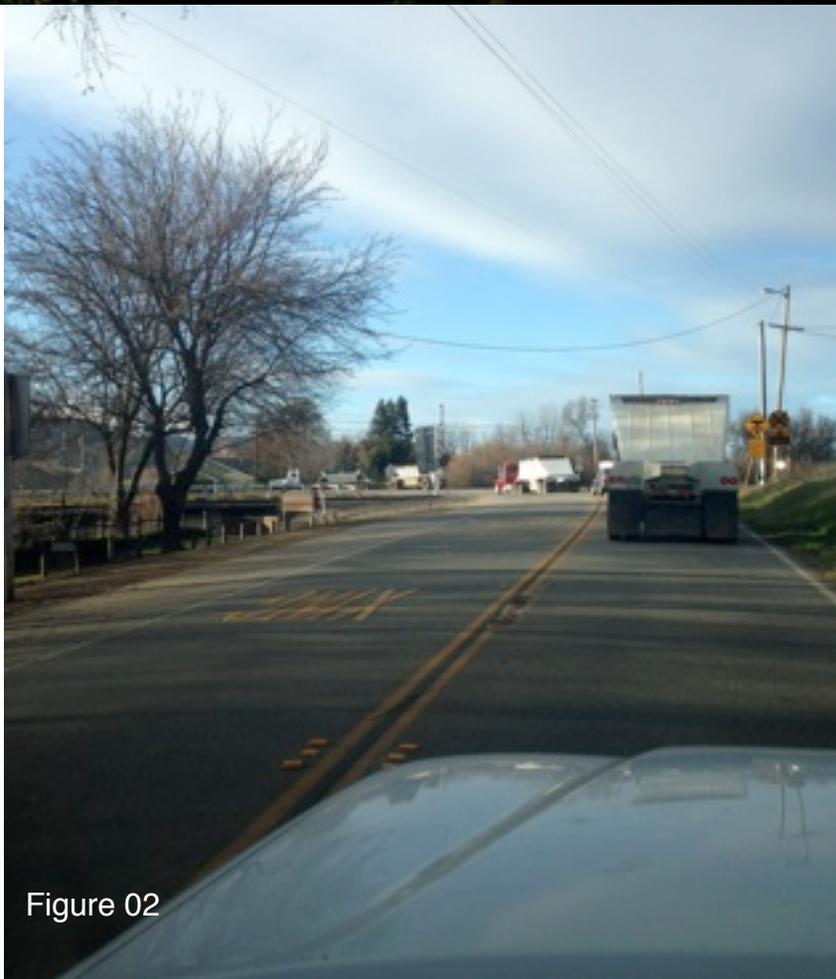


Figure 02 - Multiple gravel trucks in succession at Estrada Avenue rail crossing in Santa Margarita, California.

During construction of the Solar Projects on the Carrizo, events similar to what is pictured in this figure occurred with surprising frequency considering the distance from this crossing (more than 50 miles), and the relatively few truck trip cycles that were occurring as compared to the Las Pilitas Quarry proposal.



Figure 03



Figure 04

Figure 03 – Estrada Avenue at grade crossing viewed from south side of crossing.

Figure 04 – Estrada Avenue at grade crossing viewed from north side of crossing.



Figure 05

Figure 05 – Aerial view of Estrada Avenue at grade rail crossing in Santa Margarita, California (No. 15, Table 4.7.9, SMR DEIR). Red numbers indicate location of signage in Figure 03 and 04.



Figure 06 – Aerial view of Encina Avenue at grade crossing in Santa Margarita, California (No. 16, Table 4.7.9, SMR DEIR).



Figure 07 – Aerial view of Wilhelmina Avenue at grade crossing in Santa Margarita, California (No. 17, Table 4.7.9, SMR DEIR).

