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Date: 01/27/2014 04:15 PM  
Subject: Re: PHILLIPS 66 "BOMB TRAIN" RAIL PROJECT DRAFT EIR

> On Jan 27, 2014, at 12:26 PM, Paul Garratt <[paul.garratt@gmail.com](mailto:paul.garratt@gmail.com)>  
wrote:

>  
> After reviewing the Draft EIR for a rail project at the Phillips 66  
Refinery in Nipomo, California, I have prepared the following comments. I live  
adjacent to this project. I am sending my comments to the legislative delegation  
representing Nipomo, to the Editorial Boards of the Los Angeles Times, the  
Sacramento Bee, the San Jose Mercury-News, and the San Luis Obispo Tribune since  
their circulation areas will be largely affected by this project on a daily  
basis, and to the League of California Cities and the California State  
Association of Counties for their information and input.

>  
> 1. BOMB TRAINS A SAFETY THREAT TO ENTIRE STATE OF CALIFORNIA

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> It was recently documented (NPR & LA Times) that the train engineers  
> who  
operate the highly volatile Bakken crude oil trains out of North Dakota and a  
widely respected former chair of the National Transportation Safety Board refer  
to the trains as Bomb Trains --- because of the horrific damage that has already  
occurred in Canada (47 people incinerated) and the US and the potential for even  
more collision and derailments of the Bakken oil trains.

The LA Times story goes on: "Hauling crude into California involves traversing  
some of the most challenging mountain passes in the nation. And though runaway  
freight trains are rare events, they have the potential to cause big damage".  
Donner Summit above Sacramento, the Grapevine above Los Angeles and Cuesta Grade  
above San Luis Obispo all come to mind as challenging mountain passes the Bomb  
Trains would have to cross on a daily basis.

>  
> To differentiate between bullet trains, Amtrak trains and regular  
> cargo  
trains, I am going to use the term the actual train engineers routinely use while  
transporting the highly volatile Bakken oil: Bomb Trains.

>  
> 2. RECENT PHILLIPS 66 NEWSLETTER RE IMPORT OF BAKKEN OIL TO THE  
> NIPOMO  
REFINERY

>  
> In a carefully worded newsletter just mailed to adjacent property  
> owners

GAP-1

GAP-2

of the refinery regarding the use of Bakken oil, Phillips 66 states: "Our refinery does not have the type of process equipment necessary to refine SIGNIFICANT quantities of light, sweet crude. Our plans are to continue processing PRIMARILY heavy, sour crude oil." In other words, the refinery with their incoming Bomb Trains will be playing a form of Russian Roulette --- some may have the highly volatile Bakken oil (sweet crude) and some may not.

GAP-2

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> 3. SINGLE TRACK MAINLINE IN SLO COUNTY AND RESULTING BOMB TRAIN INTERFACE WITH AMTRAK TRAINS

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> According to the Draft EIR, the Bomb Trains will each contain 84 cars  
> (2 locomotives, 2 buffer cars and 80 tanker cars containing over 2.2 million gallons of crude oil) entering SLO County 5 days per week on a Union Pacific single track mainline. On that same single track mainline, the Amtrak Coast Starlight between Los Angeles and Seattle operates twice per day and the Amtrak Pacific Surfliner between SLO and San Diego operates 12 times per day. Some of the Amtrak trains can carry up to 800 passengers.

GAP-3

Because Amtrak trains operate at all hours due to delays in their system, the interface between Amtrak passenger trains and Bomb Trains is obvious. (One train will have to pull over at a siding while the other train passes.) The former chair of the NTSB raised the obvious specter of a terrorist event involving the Bomb Trains.

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> 4. RECENT WALL STREET JOURNAL ARTICLES RE BOMB TRAIN ISSUES

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> The Wall Street Journal is hardly known as a champion of consumer and environmental causes but a sample of recent headlines gives some insight into their thinking regarding the Bomb Trains. From a Jan. 14 headline: "Cities Grapple With Oil Train Safety: Recent Derailments Raise Concern Over North Dakota Crude Traveling By Rail Through Cities". From a Jan. 21 headline: "Fiery Oil Train Accidents Raise Railroad Insurance Worries". From a Jan. 21 article: "New US Tank Car Rules Won't Come Until 2015".

GAP-4

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> 5. LACK OF ECONOMIC BENEFIT TO SLO COUNTY

>  
> According to the Draft EIR, the rail project would result in the creation of only 4 to 6 new permanent positions at the refinery in addition to some temporary construction jobs. This begs the obvious question: What is the economic benefit to SLO County and the State of California given the substantial public safety and environmental threats from the Bomb Trains? The Texas-based oil company will be a big winner selling the refined oil to Asian interests as will the Nebraska-based railroad transporting the oil. Is the creation of only 4 to 6 new refinery jobs commensurate with the public safety and environmental threats to SLO County?

GAP-5

Phillips 66 likes to say they were the first large business on the Mesa dating back to the 1950's. That is true in their current form. However, by importing oil via rail versus pipeline, adding a 50 acre rail yard and processing a new type of crude oil creates a whole new type of refinery. The developer of the Woodlands, across Highway 1 from the refinery, has had a luxury

hotel site in their Master Plan for at least 20 years. This site looks directly over the proposed rail yard and on to the ocean. The developer is currently clearing trees for a third golf course and preparing the hotel site for prospective operators to evaluate. The reality is there is not a hotel operator in the world that would touch that site overlooking a working crude oil rail yard. This will deprive the South County of it's only luxury hotel, transient occupancy taxes and all of the associated entry level jobs and businesses associated with this type of hotel. Again, the Draft EIR states that the rail project will only create 4 to 6 permanent jobs.

GAP-5

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> 6. NEGATIVE IMPACT ON AIR QUALITY

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> The CalFire Station #22 air quality monitoring station on Highway 1  
> near

Willow Road (adjacent to the refinery) is in violation of State air quality standards 90 days a year (or once every four days) because of dust emitted by the nearby off-road vehicles operating on the dunes. Adding three diesel locomotive engines operating every day at the refinery, plus all of the construction dust, will only exacerbate this problem since they emit the same hazardous fine particulate matter as the off-road vehicles.

GAP-6

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> 7. PROPOSED NEW BEACH ACCESS ROAD FOR OFF-ROAD VEHICLES USING  
> REFINERY  
> PROPERTY

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> On paper, new beach access for the general public usually is a  
> positive  
development. However, in this case it is illogical and nonsensical at best. The proposed access road for off-road vehicle access is on refinery property and next to the rail project. It is not requested by the refinery for obvious security reasons. The access road would cross the railroad mainline at a non-signalized at-grade crossing. Federal Homeland Security is requiring that the Bomb Trains only be protected by a barb wire fence per the Draft EIR. Again, a possible terrorist threat is obvious.

>  
> I have talked to hundreds of off-road vehicle enthusiasts at adjacent  
> Oso

Flaco State Beach and always ask them where they stock up on supplies for their SUV's when camping on the dunes with off-road vehicle trailers. For the great majority, they drive over from the Central Valley (usually Fresno or Bakersfield) and stock up on food supplies at their local Walmart or Costco. The only thing they purchase in SLO County is gasoline for the return trip home.

GAP-7

>  
> They also need a gas station here to refill the air in their SUV's  
> tires

which they have to deflate to ride on the sand dunes. Willow Road has no gas stations between the 101 Freeway and Highway 1 nor is there any zoning for a gas station. Also, a beach access road for beach goers is not needed at this site for the simple reason that regular beach goers do not use the off-road vehicle beach area between Grand Avenue in Grover Beach and Oso Flaco Beach because of significant public safety issues. I have witnessed on-leash dogs run over and

young kids playing in the surf nearly run over by out-of-control, unlicensed 10 year olds driving over 50 mph in the surf on off-road motorcycles in this area. A couple of years ago a young female was run over and killed by an airborne off-road vehicle while she was sunbathing in the dunes. Locals know that you take your life in your own hands if you walk out there --- a beach access road is not necessary at this site.

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> SUMMARY

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> Like the ill-fated Nuclear Rod Trains that were planned to travel from SLO's Diablo Canyon to Nevada's Yucca Mountain, the Bakken Oil Bomb Trains are an ill-advised idea that I believe California's cities and counties will resist once they learn of the significant public safety and environmental consequences as outlined in this Draft EIR.

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> Thank you for your consideration,

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> Paul Garratt

> Nipomo, CA

GAP-7