

From: John Phipps <phipps.john@verizon.net>
To: phipps.john@verizon.net, p66-railspur-comments@co.slo.ca.us,
ssyw1@verizon.net
Date: 01/07/2014 01:05 PM
Subject: Re: EIR Comment-Noise

Added my address and phone

On 01/07/14, John Phipps<phipps.john@verizon.net> wrote:

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.

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.

Sincerely,
John Phipps
1149 Tyler Court
Nipomo, CA 93444
343-5107

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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"

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,

John Phipps
1149 Tyler Court
Nipomo, CA 93444
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