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SAN LUIS OBISPO COUNCIL OF GOVERNMENTS

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SAN LUIS OBISPO | SAN LUIS OBISPO COUNTY

November 24, 2014

Mr. Murry Wilson, Environmental Specialist
County of San Luis Obispo
Planning and Building Department
County Government Center, Room 310
San Luis Obispo, CA 93401

Re: Phillips 66 Company Rail Spur Extension Project Draft Environmental Impact Report (DEIR)

Dear Mr. Wilson;

Thank you for the opportunity to review this Draft EIR.

We have attached our initial letter date January 27th from the first circulation of this document. We appreciate your attention to our concerns in the revised document.

Overall we find the Transportation and Circulation chapter to be accurate and very well written.

We would simply like to take this opportunity to reiterate our key issue:

> **This document verifies that the impact of one new roundtrip train per day on the existing capacity of the line is *"less than significant."***

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We've been saying the same thing for 14 years.

As shown in the attached letter, since May, 2000, coastal transportation agencies have sought agreement from the railroad to access this section of railroad right-of-way without success. Any assistance the County or other permitting agencies could provide would be appreciated.

Sincerely,

Peter Rodgers
Administrative Director

Attachment: January 27th letter

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January 27, 2014

Mr. Murry Wilson, Environmental Specialist
County of San Luis Obispo
Planning and Building Department
County Government Center, Room 310
San Luis Obispo, CA 93401

Re: Phillips 66 Rail Spur Extension Project Draft Environmental Impact Report (DEIR)

Dear Mr. Wilson;

We have reviewed the Phillips 66 Rail Spur Extension Project Draft EIR and offer the following comments and suggestions. Our comments are generally limited to the transportation elements related to the proposed project.

Since the mid-1990's our agency has strongly advocated for increased passenger rail services both north and south of San Luis Obispo. We have achieved 2-roundtrips of *Pacific Surfliner* trains to the south and provided funding for new rail stations in the City of Paso Robles and City of Grover Beach. However, providing new passenger rail services to the north has been elusive. We would hope that if new Phillips 66 crude-oil trains are endorsed to serve this facility, a corridor-wide benefit of additional passenger service could be included.

General comments

1. **We agree the impact of one new train per day is less than significant**. We believe the analysis accurately concludes that the impact of one new-round trip on the Coast Rail line between San Luis Obispo and San Jose is "*less than significant*". As shown in the attached letter (Page 4), beginning in May 2000, Amtrak, Caltrans and the Coast Rail Coordinating Council have been seeking approval from Union Pacific Railroad (UPRR) for a new passenger train. This DEIR verifies our contention that the impact of one additional passenger train per day is insignificant.

2. **We appreciate the recommended mitigation measure for Public Transit.** We appreciate the attention paid to impacts on Public Transit in Chapter 4.12 Transportation and Circulation. In our specific comments we offer some modified language to the recommended mitigation measure (e.g. TR3a).

3. **The multi-regional impact of this project is an opportunity for improved access for people to see and visit the coast line**. In light of the corridor-wide cumulative impacts (noise, safety, transportation, air quality), we believe it is reasonable mitigation to request UPRR expedite the approval of a new passenger service on the corridor, without the substantial track improvements previously requested.

4. **Transportation by pipeline is preferred, but rail is the second best option.** As stated in our previous correspondence (September 6, 2014), the adopted 2010 Regional Transportation Plan recommends transportation of commodities by pipelines as an alternative to trucking and/or by rail. We understand this is not economically feasible based on the nature of the project, and the distances involved with the raw product. We support rail transportation verses the 168 trucks per day that would be required.

Specific comments

ES -3: We note in the project description that trains could arrive at the Phillips 66 site from the north or the south. The majority of the analysis of impacts in the Transportation and Circulation chapter assumes trains will arrive only from the north, and depart to the north. If this is not the case due to the market availability and demand for the crude oil, what is the recourse for commenting agencies? Would a supplemental EIR be prepared?

Page 2-11, 2.3.2: Please clarify the incoming train comes off the mainline track, and on to a siding to enter the facility. We believe the railroad switches to enter this siding are "hand-thrown" (not powered). It appears every train will be required to stop on the mainline, align the switch, and enter the rail spur. We suggest a state-of-the-art signal switch be installed to eliminate delays on the mainline.

Page 4-1: The existing language states the project "***may*** *be* preempted" and "***could*** *be* preempted" from State environmental regulations. In the Final EIR please clarify this ambiguity especially as it relates the type of materials being transported.

Page 4.12-23: While the *recommended* mitigation measure is helpful, we offer the following suggested modification:

> *"The Applicant shall work with UPRR railroad to schedule ~~the departure of~~ unit trains ~~from~~ serving the Santa Maria Refinery so that they do not interfere with passenger trains traveling ~~between the Santa Maria Refinery and the City of San Luis Obispo~~ the Coast Rail Route"*

Since the project description is vague about whether the trains arrive and/or depart to/from the south, we suggest the mitigation measure cover both scenarios.

Page 4.12-24: The summary of efforts for the *Coast Daylight* project is accurate and comprehensive. It is important to note the average freight train length used in the capacity modeling exercises is 7000 feet, versus the shorter 4789 feet assumed for these trains.

Page 4.12-27: The discussion summarizes the freight forecasts, specifically that the Coast Line will have additional 2-6 freight trains per day. In the analysis of impacts referenced in the 3 simulations, it is our understanding that CEQA (CEQA Guidelines §15064.7(a)) would require that the existing conditions be used as a baseline – not a future condition. For this reason, we believe it is not accurate to assume a higher baseline in freight volumes than exist today. The fact that these new trains are within the freight forecast is moot.

As noted in the attached letter, and referenced on page 4.12-24, the project is not pure speculation, but has been planned since 2000 (14 years) and is currently included in the 2014 State Fund Estimate for $21 million is FY 14/15.

Page 4.7.1: We recognize the rail industry has a very good safety record with respect to transportation hazardous materials. In light of the industry-wide increase in the volume of crude oil transported, and several recent catastrophes in the transportation of hazardous (and explosive) chemicals, please address why this won't happen in SLO County. In light of the recommendations from the National Transportation Safety Board, we look forward to the plan addressing new safety measures.

Page 5-4: Again, we support moving this commodity over the railroad system verses trucking the product to the facility.

In conclusion, we believe the Final EIR should take a very broad look at the transportation impacts of this project, and if possible, suggest mitigation measures that could benefit the entire corridor.

Sincerely,

Peter Rodgers
Administrative Director

C: Bruce Roberts, Caltrans Rail Program
Jennifer Bergner, LOSSAN Corridor Agency
Dave Potter, Chair, Coast Rail Coordinating Council
Cassidy Teufel, California Coastal Commission

Attachment: Letter to UPRR from Amtrak documenting that Caltrans formally requested Amtrak operate the service (May 2000)

Amtrak

Amtrak West Operations
810 North Alameda Street
Los Angeles, CA 90012

May 26, 2000

Mr. Jerome Kirzner
Director, Rail Services
CALTRAIN
1250 San Carlos Avenue
San Carlos, CA 94070

Mr. Tom Mulligan
NRPC Officer
Union Pacific Railroad
1416 Dodge Street
Omaha, NE 68179

Mr. David Solow
Chief Executive Officer
Southern California Regional Rail Authority
700 S. Flower Street, 26th Floor
Los Angeles, CA 90017

Dear Sirs,

For some time the California Department of Transportation (Caltrans), the Coast Rail Coordinating Council, and Amtrak have been discussing the operation of a State supported train between Los Angeles and San Francisco on the Coast Line. This service would be in addition to existing services including the existing Coast Starlight.

Amtrak has received a formal request from Caltrans to operate this service. The service would begin on October 1, 2001. As a result, this letter represents a request to operate said service on the attached schedule (Exhibit 1). The schedule was submitted by Caltrans and was developed by the Coast Rail Coordinating Council.

Per various phone conversations a meeting has been scheduled so that the various service providers involved in this train's operation can have an initial discussion on actions needed to implement this service. The meeting is scheduled as follows:

June 2, 2000 (Friday)
9:00 AM
Third Floor Conference Room
Los Angeles Union Station

We look forward to meeting with you to discuss this new service.

Sincerely,

Richard Phelps
Chief Operating Officer

SLOCOG-01	This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The comment is an introductory statement about the project and what the agency has done to educate themselves about the issues associated with crude by rail project. No further response is required.