



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.<sup>1</sup> 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.”<sup>2</sup> The cumulative impacts analysis is one of the most essential elements of the EIR; its purpose is to prevent considering projects in a vacuum.<sup>3</sup> 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

<sup>1</sup> *International Business Times*, Unsafe At Any Speed - January 12, 2014

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

<sup>3</sup> *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 congestion 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'.<sup>4</sup>
- 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

---

<sup>4</sup> *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.<sup>5</sup>

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”.<sup>6</sup> 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

<sup>5</sup> *Field Observation* - Photo and video documentation, 2011 thru 2013

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



Figure 01

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

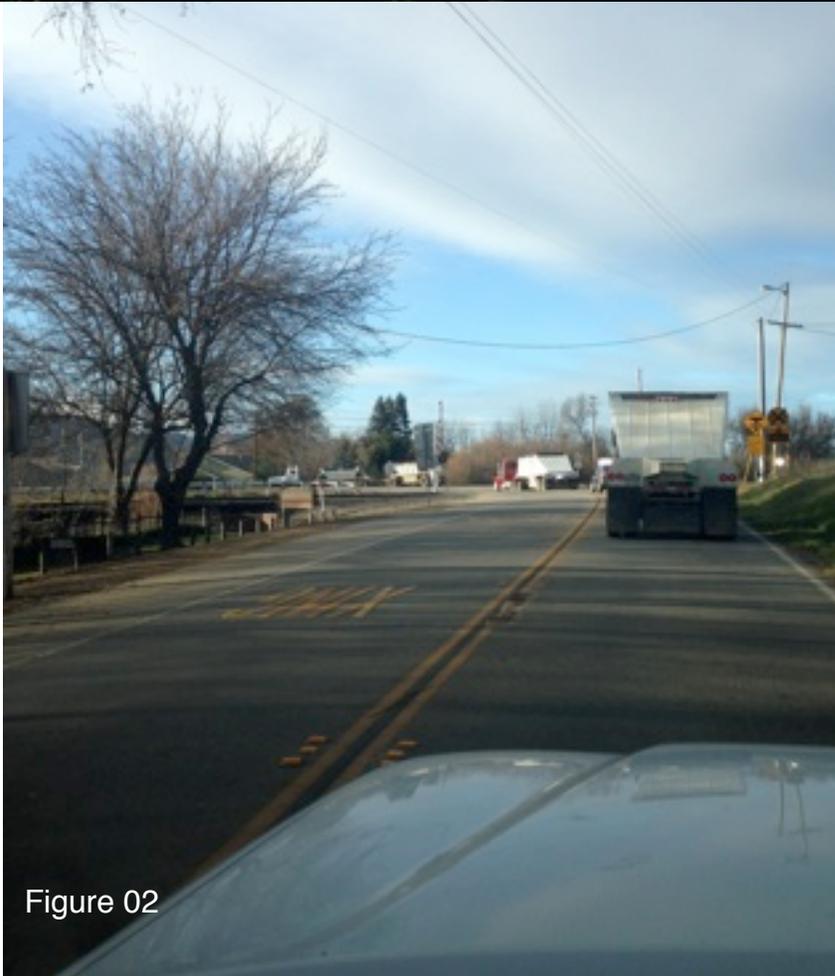


Figure 02

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 – 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 – 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).



**Responses to Margarita Proud Comments**

MP-01	<p>This comment does not identify a specific environmental analysis or CEQA issue relative to the EIR and compliance with CEQA. The commenter's concerns about the safety and environmental impacts of the project are included in the FEIR for the decision-makers' consideration as part of the County's deliberations on the proposed project.</p>
MP-02	<p>The derailment rates used in the RDEIR Quantitative Risk Analysis (QRA) are based on track conditions, inspection reports and accident history. Rail safety experts at the Rail Transportation and Engineering Center (RailTEC), Department of Civil and Environmental Engineering, University of Illinois at Urbana-Champaign maintain an extensive database on rail conditions and statistics. Staff at RailTEC prepared an accident rate analysis for the proposed routes, using detailed information for each segment of the routes.</p>
MP-03	<p>As noted in the RDEIR, the current DOT-111 tank cars have serious safety deficiencies that can lead to an unacceptable spill rate in the event of a train derailment. As a result, the RDEIR specifically included mitigation measure HM-2a, which requires only rail cars designed to Option 1: PHMSA and FRA Designed Tank Car as listed in Table 4.7.6, shall be allowed to unload crude oil at the Santa Maria Refinery. Even with the improved rail cars, the RDEIR found that the risk of a crude oil train accident and spill was considered a Significant and Unavoidable (Class I) impact.</p>
MP-04 through MP-07	<p>A cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR (CEQA Guidelines §15130(a)(1)). The Rail Spur Project would not add any vehicular traffic to the roads in the Santa Margarita area or to the roads that would be used by the Oster/Las Pilitas Quarry Project.</p> <p>The issue of inadequate distance between the at grade rail crossing at Estrada Avenue and El Camino Real is an existing road condition and would not be affected by the Rail Spur Project. As stated in the Oster/Las Pilitas Quarry Project FEIR, This stop sign-controlled intersection is complicated by its angular geometry, the super elevation of El Camino Real to handle higher speed traffic, and by the presence of the Union Pacific Railroad tracks. A sign on Estrada Avenue indicates that there is only 50 feet between the tracks and the highway; but the actual distance between the tracks and the line at the stop sign is about 75 feet. This distance is sufficient for trucks to stop between the tracks and El Camino Real without extending into the latter. This distance is not sufficient, however, to avoid meeting traffic Signal Warrant 9 for intersections adjacent to railroad crossings. The Rail Spur Project would not affect this road condition, and therefore, would not represent a cumulative impact issue.</p> <p>The issue of traffic diverting away from other intersections within Santa Margarita due to quarry truck traffic is not related to any impact associated with</p>

## Responses to Margarita Proud Comments

the Rail Spur Project, since the Rail Spur Project would not generate any truck traffic in this area. Therefore, from a vehicular traffic standpoint there is no cumulative impact. Also this proposed project was denied by the SLO County Board of Supervisors in May 2015, and therefore, would not be considered a cumulative project under CEQA.

The Rail Spur Project could impact traffic flow at three intersections within Santa Margarita that have at-grade crossings. The distance between the at grade crossings at Wilhelmina Avenue and Estrada Avenue is approximately 4,600 feet, and the length of the crude oil unit train would be about 5,190 feet. Unit trains passing through Santa Margarita would typically be traveling at 20 to 30 miles per hour. This would mean that the unit train would take between 3.7 and 5.6 minutes to travel past all three of the at grade intersections. For each of the at-grade crossings the traffic delay would be between 2.1 and 3.2 minutes. Unit Trains would be expected to travel through Santa Margarita twice per day, meaning a total delay at each intersection of between 4.2 and 6.4 minutes per day. Depending upon the time the crude oil train made the crossing it could affect delay times at an intersection. The greatest chance for this would be if a train crossed the at-grade crossing during the AM or PM peak hours. There is a 12 percent chance that a train would cross an intersection during the AM or PM peak hours. However, given that only one train would cross an at-grade crossing during the AM or PM peak hours, it would not affect the average delay time for the intersection over the peak three hour period.

Also the unit train would not affect any of the warrants for the Estrada Avenue and El Camino Real that were evaluated in the Oster/Las Pilitas Quarry Project FEIR. This intersection did not meet the peak-hour, four-hour or eight-hour warrants. As discussed in the Oster/Las Pilitas Quarry Project FEIR the signal warrants prepared by ATE found that the existing traffic volumes with and without the Oster/Las Pilitas Quarry Project are well below the warrant criteria.

The EIR in Section 4.7, Hazards and Hazardous Materials, examined the potential impacts of rail accidents along the entire rail route from the SMR to the California border. Figure 4.7-1 shows the rail routes and the segments that were examined, including a segment which includes Santa Margarita. Population densities along the rail route were addressed, including within Santa Margarita, and these were included in the assessment of accident risk. Risk levels were determined to be significant and unavoidable. Numerous other communities are analyzed in the same manner. Historical rail accidents were utilized to assess rail accident rates. Historical accidents are shown in Table 4.7.2 for each County along the routes, including SLO County, which includes Santa Margarita. The level of risk from rail accidents would not be affected by the Oster/Las Pilitas Quarry Project, so it would not represent a cumulative impact.

Section 4.11, Public Services and Utilities, addresses the impact of the Rail Spur Project on emergency services. The EIR found that in the event of a rail

## Responses to Margarita Proud Comments

---

accident that impacts to emergency services would be significant and unavoidable for rail movements along the mainline routes, including through Santa Margarita. This finding was passed upon lack of adequate emergency responses capabilities and access. As stated in the Oster/Las Pilitas Quarry Project FEIR, Laurie Donnelly, Battalion Chief/Fire Marshal for CalFire/San Luis Obispo County Fire Department, reported that: "From a strictly operational point of view, the proposed project does not present a significant concern relative to emergency vehicle response(s) upon Hwy 58 either east or west of the project site." Therefore, from an emergency response perspective the Oster/Las Pilitas Quarry Project would not be a cumulative project.

Hazards associated with the transportation of fuel and explosives related to the Oster/Las Pilitas Quarry Project were addressed in the EIR for the Oster/Las Pilitas Quarry Project. All of this transport would occur on roadways and not along the mainline rail routes. While the Oster/Las Pilitas Quarry Project EIR did not estimate the risk of an accident associated with the transportation of explosives, the truck accident rate for explosives was estimated to be 0.615 per million miles (Battelle 2001). Based upon the Oster/Las Pilitas Quarry Project FEIR, blasting would occur no more than 20 times per year. Assuming one truck delivery for each blasting operation, then 20 truck loads per year would need to be transported through Santa Margarita for a distance of about three miles. The probability of a truck accident transporting explosives would be less than once in every 27,000 years. This is orders of magnitude less than the risk of a crude oil train derailment developed as part of the EIR, and would not affect the cumulative risk that was estimated for crude oil unit trains in the Rail Spur EIR. In addition, the cumulative hazards associated with transporting crude by rail were found to be significant and unavoidable.