

**PLANNING COMMISSION CHAIRPERSON'S MEETING GUIDE**

Gavel. Good morning and welcome to the *March 11<sup>th</sup> 2016* meeting of the San Luis Obispo County Planning Commission.

**ROLL CALL:** Madame Secretary (Ramona Hedges ~~of~~ Nicole Ventana) would you please call roll.

**FLAG SALUTE AND PLEDGE:** Please stand for the Pledge of Allegiance.

**PUBLIC COMMENT PERIOD:**

1. At this time we are open for public comments on items NOT on today's agenda. So that speakers can be properly identified for the record, please complete a request to speak form which is available in back of the room, and hand it in to the Commission Secretary. When you testify, please state your name. The Commission requests that you also state your place of residence, but this is solely at your option and is not required. Please limit your comments to 3 minutes.

**CLOSE PUBLIC COMMENT.**

**COMMISSION BUSINESS**

PLANNING COMMISSION

AGENDA ITEM: 3  
DATE: 3/11/16

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**PLANNING STAFF UPDATES:**

Ellen Carroll, Bill Robeson, Trevor Keith or other management staff

**CONSENT AGENDA:**

1. Prior minutes

**PUBLIC HEARINGS:**

Ramona please introduce this hearing item

*Be sure stip's effect of power*

**EX-PARTE** Before we begin, do any members of the commission have any further Ex-Parte contacts to report?

**STAFF REPORT:**

**COMMISSIONER QUESTIONS FOR STAFF: LIMITED**

**APPLICANT PRESENTATION: 15 MINUTES ALLOWED BUT USUALLY 10 MINUTES ON TIMERS.**

**COMMISSIONER QUESTIONS FOR APPLICANT**

**OPEN PUBLIC COMMENT:** At this point I will OPEN the hearing Public Comment: Anyone wishing to testify on this item should bill out a request to speak form and hand it to the Commission Secretary. When you testify, please state your name. The Commission requests that you also state your place of residence, but this is solely at your option and is not required.

**CLOSE PUBLIC COMMENT**

**STAFF ADDRESSES ISSUES RAISED DURING PUBLIC COMMENT**

**APPLICANT REBUTTAL: 10 MINUTES**

**STAFF ADDRESSES ISSUES RAISED DURING APPLICANT REBUTTAL**

**COMMISSION DELIBERATIONS-**

**CHAIR ENTERTAINS MOTION**

**MOTION: SECOND: DISCUSSION: RAMONA CALLS THE ROLL. MOTION PASSES/FAILS**

**NEXT PUBLIC HEARINGS:**

**MOTION TO TAKE ALL TESTIMONY AND DOCUMENTS INTO THE RECORD. SECOND. ALL IN FAVOR/OPPOSED (VOICE VOTE)**

**MOTION TO ADJOURN THIS MEETING UNTIL THE NEXT MEETING ON SECOND. ALL IN FAVOR/OPPOSED (VOICE VOTE)**

**GAVEL MEETING ADJOURNED. THANK YOU ALL AND GOOD DAY.**

145. Project Approval Would Renounce The Pledges

Made By Our Government To SLO County Citizens (1:30):

Speaker: \_\_\_\_\_

Cynthia Brown

PLANNING COMMISSION

AGENDA ITEM: \_\_\_\_\_

3

DATE: \_\_\_\_\_

3/11/16

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Hello, I'm Cynthia Brown and I live in Pismo Beach.

Approving the Phillips crude-by-rail project would renounce the pledges made by our County officials to its citizens.

SLO County's government Website affirms its primary Vision as having "a responsible and caring community - safe, resilient and healthy."

This is confirmed by the government's written primary Mission - to "ensure that safety and basic human needs are met for the people of San Luis Obispo County."

And the headline on the cover of a recent SLO County Annual Report states that "San Luis Obispo County is a safe, healthy, livable, prosperous, and well-governed community."

The annual report also indicates - "We assume responsibility for our actions and follow through on our commitments."

If the Phillips rail terminal project is approved, thereby endorsing the delivery of a half-billion gallons of volatile crude oil by rail each year, those pledges will have been violated and renounced.

The citizens of SLO County would be subject to a reversal of "safety", "health" and "caring." A Pandora's box of potential disasters and pollution would have been let loose in our county.

And then, we would be facing the task of "mitigating" and paying for the outcomes that should never have been introduced in the first place. Our citizens are counting on County leaders to live up to the pledges they've made in black and white to protect our health, safety and human needs.

(Hand one copy of your statement to each commissioner + three copies to the clerk)

Source: SLO County 2013 Annual Report

**Statement to SLO County Planning Commission, Phillips 66 Rail Spur  
Proposal 3/11/2016  
Richmond CA City Council Member Jovanka Beckles**

As a member of the Richmond City Council, I speak for many of our city's residents in urging you to deny the permit for Phillips 66 to build a rail spur connecting California's main coastal railroad line with its Nipomo refinery.

First, of course, we are extremely concerned about the plan to ship crude oil from Canada's tar sands on rail lines through our community. The rise in shipping crude by rail in the last few years has resulted in an alarming increase in derailments, leaks, fires, and explosions. A tar sands oil leak is a disaster – the oil is so heavy it's impossible to clean up, and it contains much higher levels of toxic chemicals than other crude oil. More frightening, the volatile chemicals used to dilute tar sands crude for shipping are potentially explosive.

In Richmond, as in many cities, the rail lines pass through low-income neighborhoods and communities of color, adding to the environmental injustice perpetrated by the oil industry. The coastal rail line also runs alongside many bodies of water and through other environmentally sensitive areas, posing a serious threat to our wildlife and to your county's tourism and vineyard industries.

The Environmental Impact Review of the Phillips 66 proposal also leaves out an important area of potential harm: the health consequences of refining tar sands. In Richmond we unfortunately have a lot of experience with damage caused by refinery emissions: high rates of asthma, cancer, heart disease, and other health problems. Because of its higher levels of toxic contaminants, tar sands crude would worsen all these effects. Residents of Richmond and West Contra Costa County, as well as San Luis Obispo, would suffer these effects, since Phillips 66 plans to process the tar sands oil first at Nipomo, then ship it by pipeline to be refined in our neighboring town of Rodeo.

Moreover, tar sands oil contains high levels of sulfur. Sulfur corrosion of refinery pipes was found to be the principal cause of the 2012 fire and explosion at the Richmond Chevron refinery, which sent 15,000 people to hospitals seeking medical treatment.

AGENDA ITEM: \_\_\_\_\_  
DATE: \_\_\_\_\_ 3/11/16

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Statement to the Planning Commission, Phillips 66 Refill Station  
Proposed 3411010  
Richmond City Council Member, Council Services

As a member of the Richmond City Council, I speak for many of our city's residents in urging you to deny the permit for Phillips 66 to build a fill station connecting California's main coastal railroad line with its Mexico railway. First of course, we are extremely concerned about the plan to strip out oil from Canada's tar sands on fill lines through our community. This has in the past decade by itself in the last few years has resulted in an alarming increase in accidents, leaks, fires, and explosions. A tar sands oil leak is a disaster - the oil is so heavy, it's impossible to clean up, and it contains much higher levels of toxic chemicals than other crude oil. More frightening, the volatile chemicals need to be used in a wide range of applications, including potentially explosive applications. In Richmond, as in many other cities, the fill lines have been built in residential neighborhoods and commercial areas, adding to the environmental injustice perpetrated by the oil industry. The constant fill lines also create many problems of water and through other environmental activities, posing a serious threat to our wildlife and to your county's tourism and industry. The Environmental Impact Review of the Phillips 66 Refill Station leaves out an important area of potential harm, the health consequences of drilling tar sands. In Richmond we and other cities have a lot of experience with damage caused by refinery emissions, high rates of asthma, cancer, heart disease, and other health problems. Because of its higher levels of toxic contaminants, tar sands crude would worsen all these effects. Residents of Richmond and West Contra Costa County, as well as San Luis Obispo, would suffer these effects since Phillips 66 plans to process the tar sands oil first at Richmond, then ship it by pipeline to be refined in our neighboring town of Hobbs. Moreover, tar sands oil contains high levels of sulfur. Sulfur content of refinery gases was found to be the principal cause of the 2012 fire and explosion at the Richmond Chevron refinery, which sent 18,000 people to hospitals seeking medical treatment.

AGENDA ITEM: \_\_\_\_\_  
DATE: \_\_\_\_\_

## 163. Phillips' Shipments Of Tar Sands Are As Explosive As Shipments Of Bakken (2:52):

AGENDA ITEM: 3  
DATE: 3/11/16

Speaker: \_\_\_\_\_

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I'm \_\_\_\_\_. I live in \_\_\_\_\_.

One of the most dangerous pieces of misinformation Phillips is feeding this Commission, is that shipping tar sands to SLO County will be safe ... that it will not be as flammable as Bakken crude. The truth -- trains carrying diluted tar sands are blowing up, and any videos you've seen regarding trains exploding in West Virginia and elsewhere, are perfectly representative of what's happening.

In fact, there have been two recent disasters involving diluted tar sands from the same Northern Alberta source Phillips would ship here.

First -- on February 14, 2015 -- a train carrying diluted tar sands derailed near Timmins, Ontario. They hauled the newer tankers, CPC-1232s, which were traveling slower than the speed limit. Twenty-nine derailed. After the initial explosion, the fire cooked off other tankers. Over the 4-day fire, 19 tankers breached, and spilled 264,000 gallons of tar sands.

The train had been inspected for problems just 20 miles before the derailment, and the tracks had been inspected the same day.

Then, on March 7, 2015, a second tar sands train blew up near Gogama, Ontario, a major area for outdoor tourism. Thirty-nine newer tankers went off the rails. Initially, seven caught fire, but it then spread to others, with far more explosions. It all burned for three days. Three tankers landed in a river. Residents were warned to stay inside, avoid the smoke's toxins, and not drink the water.

Residents said: "People were feeling the affects of the toxins in the air - they could feel it in their chests and their breathing. It's frightening and nerve-wracking."

A local official reported -- "The cars involved in this incident are new models, compliant with the latest federal regulations, yet they still failed."

The director of the Crude Oil Quality Association commented on shipping diluted tar sands - "I think there are people in the industry who believed (the problem) was unique to Bakken crude. (But) I don't believe that."

The very same thing was pointed out in the industry journal, *Railway Age*. They stated that the diluent added to tar sands prior to shipping, makes trains highly flammable. Quote -- "The widespread belief that (tar sands) is far safer to transport by rail than Bakken, is for all intents and purposes dead wrong." End quote.

So when Phillips tells you they've taken Bakken off the table, they're correct. But they're not telling you that bringing tar sands here, as stated in the FEIR, is just as dangerous as Bakken!

http://www.tsb.gc.ca/eng/medias-media/communiques/rail/2015/r15h0013-20150223.asp  
http://www.tsb.gc.ca/eng/medias-media/communiques/rail/2015/r15h0021-20150317.asp  
https://www.youtube.com/watch?v=UM0jtD\_OWLU  
http://ecowatch.com/2015/03/09/oil-bomb-train-explosion-gogama/  
http://ecowatch.com/2015/02/17/2-more-bomb-train-explosions/  
http://www.cbc.ca/news/canada/sudbury/oil-pooling-at-creek-near-gogama-train-derailment-environment-ministry-1.2959886  
http://www.theglobeandmail.com/news/national/train-derailments-raise-concerns-about-volatility-of-alberta-crude/article23401662/  
http://www.theglobeandmail.com/news/national/crews-battle-blaze-after-train-derails-in-northern-ontario/article23351305/  
https://railroaded.wordpress.com/2015/02/17/major-canadian-national-railway-crude-oil-train-derailment-and-fire/  
http://www.railroad.net/forums/viewtopic.php?f=50&t=158901&start=0  
http://www.cbc.ca/news/canada/sudbury/transportation-safety-board-probes-cn-derailment-1.2958601  
http://www.railwayage.com/index.php/safety/why-bitumen-isnt-necessarily-safer-than-bakken.html

## 176. Importing Crude-by-Rail Would Strand Local Crude (2:45):

Speaker: Cynthia Alvarez Grenz

AGENDA ITEM: 3  
DATE: 3/11/16

I'm Cynthia Grenz. I live in Nipomo

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Mr. Chairman, I'd like to read an excerpt from the Final EIR:

"There are a number of... oil development projects in Northern Santa Barbara County that plan to move oil... to the Santa Maria Refinery...

"Depending upon the volume of crude oil received by rail, some of this [local] oil could be displaced and might have to be trucked to other refinery destinations...

"If [offshore] crude was displaced [by imported crude], then Phillips 66 could reverse the Sisquoc (note: *pronounced SIS-kwahk*) Pipeline allowing local producers to ship their crude oil via pipeline to Los Angeles.

"If the Sisquoc Pipeline is not reversed... then as much as 23,000 barrels of crude might have to be trucked to refineries in the Los Angeles Basin. This would equate to about 120 round trips per day..." (UNQUOTE)

What does this really mean?

FIRST - Santa Maria Refinery doesn't have the capacity to process both imported crude-by-rail and crude produced by local oilfields.

SECOND - Whenever a crude oil train arrives here, local oil production is stranded. Local oilfields must either ship their oil to Los Angeles refineries, or curtail production.

THIRD - Phillips 66 must reverse the flow in its Sisquoc pipeline for local oilfields to move their crude to LA, via Kern County pipelines. That's another project to be approved and constructed - and of course local oilfields will have to pay Phillips and other downstream pipeline owners for the privilege.

FOURTH - Without a flow reversal project, local oilfields would have to truck their stranded crude to LA. Of course they would have to pay for trucking too - but they'll also need lots of good luck to get up to 120 tanker trips a day approved through several counties.

Every time a train rolls into the refinery, local producers are out - of - luck. They can either shut down production, or pay more to move their product to market.

The Santa Maria Refinery was built here expressly to support local oil production. The rail spur project is a deal-breaker...

... and it's a potential oilfield job killer, which can put an economically important local industry on the ropes - and give a multinational corporation a powerful tool to influence local decisions.

We were told this is a choice between rail OR trucks - but the project would bring us rail PLUS trucks.

Mr. Chairman, please deny this project.

SOURCE: Phillips 66 Rail Spur Project, Final EIR, Section 4.4.5 "Cumulative Impacts", page 4.4-62

## 165. There's Sufficient California Crude Oil For The Nipomo Refinery (2-51):

AGENDA ITEM: 3DATE: 3/11/16

Speaker: \_\_\_\_\_

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Hello, I'm \_\_\_\_\_ and I live in \_\_\_\_\_.

Phillips' basic premise for demanding crude oil trains is that they're running out of California crude to process. But please - do you recall any evidence they've offered ... any evidence at all demonstrating that there's a lack of crude from sources here on the Central Coast? You can't, because they haven't presented that evidence, and their claim is not true.

Here's what's happening regarding sources on the Central Coast specifically ...

1. In Santa Barbara ... like it or not, oil companies like Chevron recently won the right to expand fracking to generate even more crude.
2. Three oil companies have already done research and testing that shows there are still plenty of reserves in both East and West Cat Canyon. That field, with hundreds of wells, produces the heavy crude Phillips requires.
3. Phillips has gained approval for two new pipeline connector projects in the Price and Cat Canyon fields to expand production.
4. There have been proposals to add 350 more wells to Price Canyon.
5. In Orcutt, 136 new wells have been authorized along with a pipeline connector to the Nipomo refinery.
6. Also in Orcutt, the Pacific Coast Energy company proposes to expand its operations in the Orcutt Hill area by 96 wells.
7. In the last decade, California's overall crude oil production declined by 10%. However, that's not the case here on the Central Coast in Oil and Gas District #3. Here, crude oil production has nearly doubled over the same period. The increase is true even after excluding production from the San Ardo oil field, which is not refined here in Nipomo<sup>1</sup>.
8. And output from the Nipomo refinery has grown steadily via traditional pipeline delivery over the five-year period up through early 2015. There was no sign of decline until the Refugio oil spill.<sup>2</sup> And once the industry fixes its pipelines, the refinery will be back to capacity.

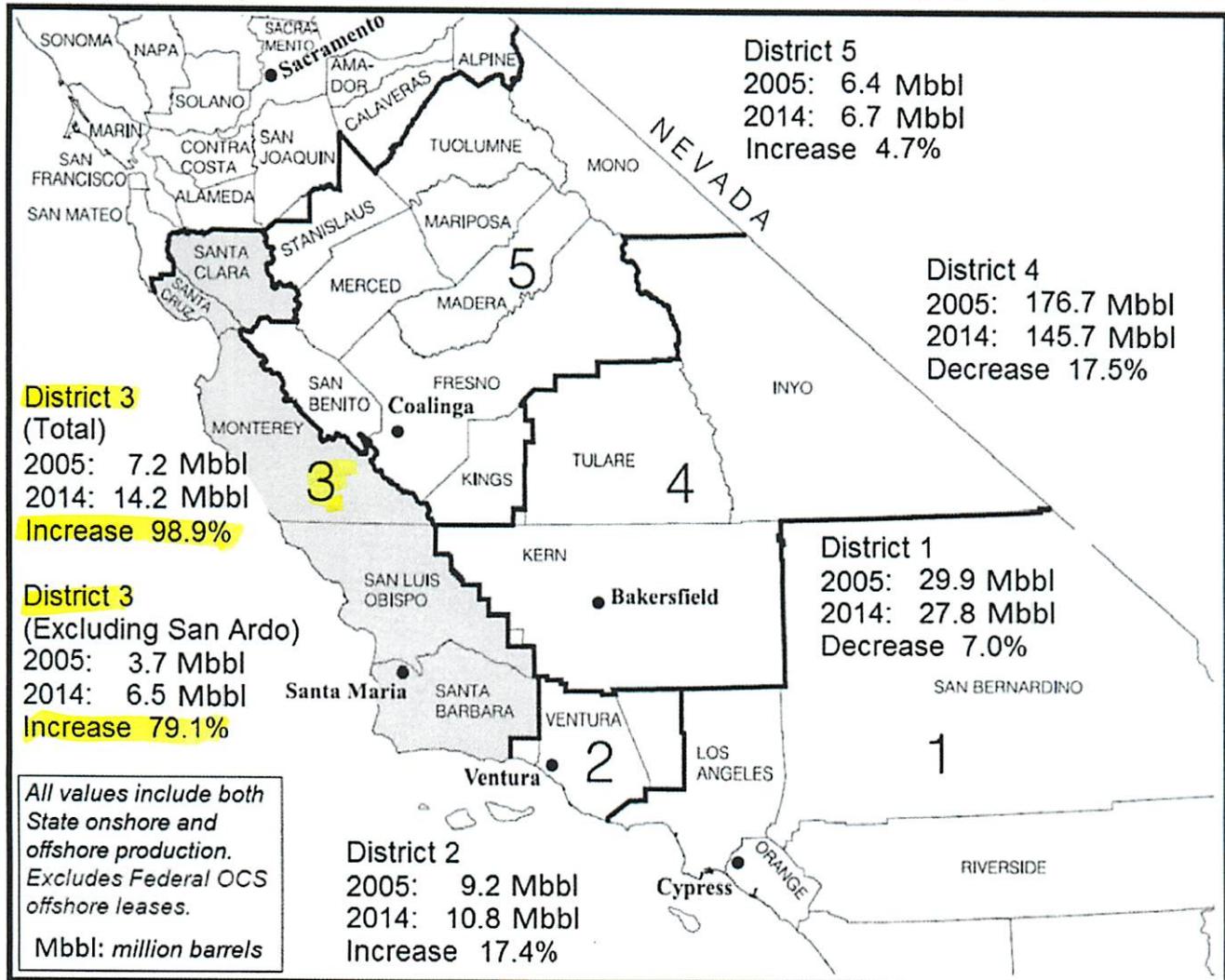
And to cap it off -- the Final EIR clearly agrees. It states -- "There is adequate crude supply for the Santa Maria Refinery even without the Rail Spur Project." It also points out -- "If these (new) projects are approved, about 23,000 barrels per day of new crude oil could be available for the refinery."

So the crude Phillips needs is here on the Central Coast ... today and into the future. But to cause you to consider their rail plan, they're telling you the opposite -- that crude is "diminishing" in California overall. However, that's just not the case here on the Central Coast.

<http://www.scp.org/news/2014/11/05/47869/fracking-bans-pass-in-2-counties-fail-in-santa-bar/>  
<http://ergcalifornia.com/cat-canyon>  
<http://www.santamariasun.com/news/12940/county-approves-erg-oil-pipeline-along-foxen-canyon-road/>  
<http://www.slocounty.ca.gov/planning/environmental/EnvironmentalNotices/PXP.htm?>  
<http://www.slocounty.ca.gov/Assets/PL/negative+decs/2014+-+Reports/09+September/09-25->  
<http://www.sbcountyplanning.org/energy/projects/WestCatCanyon.asp>  
<http://www.sbcountyplanning.org/energy/projects/ERGFoxen.asp>  
FEIR - 12/15

1. Annual Reports of the State Oil and Gas Supervisor (Final 2009 report and Preliminary 2013 reports): [http://www.conservation.ca.gov/dog/pubs\\_stats/annual\\_reports/Pages/annual\\_reports.aspx](http://www.conservation.ca.gov/dog/pubs_stats/annual_reports/Pages/annual_reports.aspx)
2. SMR Output over 5 year: October 2014 Recirculated DEIR Section 2.7 pg. 2-35
3. Price Canyon Oilfield Project production increase: <http://www.slocounty.ca.gov/planning/environmental/EnvironmentalNotices/PXP.htm>
4. ERG West Cat Canyon Revitalization Plan production increase: <http://www.sbcountyplanning.org/energy/projects/WestCatCanyon.asp>
5. Santa Maria Energy Oil Drilling and Production Project, Orcutt Oil Field: <http://santamariaenergy.com/current-project/project-overview/>  
<http://sbcountyplanning.org/projects/12DVP-00008SMEnergy/Documents/Board%20Action%20Letter.pdf>
6. Plan to explore 7,700 potential oil drilling locations: <http://www.pacbiztimes.com/2014/01/10/114m-slanted-to-fuel-santa-maria-energy-operations/>

**CALIFORNIA STATE OIL PRODUCTION 10-YEAR HISTORY 2005 - 2014**  
**OVERALL STATE PRODUCTION DECLINED ABOUT 10.5%**  
**HOWEVER, CENTRAL COAST REGION PRODUCTION INCREASED 98.9%**



From: Annual and Preliminary Annual Reports 2005 through 2014 California Oil and Gas Production Statistics, Published by California Department of Conservation, Division of Oil, Gas, and Geothermal Resources

171. The U.S. Department Of Commerce Is Opposed To The Phillips Project (2:45):

PLANNING COMMISSION

AGENDA ITEM: \_\_\_\_\_

DATE: \_\_\_\_\_

3  
3/11/16

Speaker: \_\_\_\_\_

DO NOT REMOVE FROM FILE

I'm \_\_\_\_\_. I live in \_\_\_\_\_.

So far, you've received official letters of opposition from 6 California counties, 27 cities and towns, 7 other governmental organizations, 13 educational districts and related entities, and 8 unions ... not to mention tens of thousands of California citizens here in the County and throughout the state ... all of whom would be affected by Phillips' crude oil trains and rail yard.

But on February 3, 2016 you received official notification from a far different group -- the federal government ... more specifically The United States Department of Commerce.

They specifically pointed out that spills from Phillips' crude oil trains would severely damage an invaluable waterway just north of here ... the federally protected Elkhorn Slough (*pronounced "slew"*) in adjacent Monterey County. Here are excerpts from the department's letter. Quote ...

"The rail line through Elkhorn Slough rests upon an earth and gravel dike just a few feet above low water. During high flood tides, portions of the railway are covered with water. Trains often operate under such conditions. (And) the risk will grow as rising sea levels exacerbate flooding of the train tracks in the slough.

"The Union Pacific segment presents the highest risk of hazardous materials spill, with immediately significant environmental consequences. Several million gallons per week of crude will pass through. The transport of crude oil will markedly increase the risk of harm.

"The sanctuary is home to endangered sea otters (which are) particularly sensitive to oiling. Harbor seals breed in the slough. Many key fish species (are) within the sanctuary. (And) migratory birds must feed in the slough before continuing their journeys.

"A spill from even one tank car could be disastrous. (Tides) are very strong and a spill would be quickly transported into marshes and tide flats. Since some oil would sink in the water, there would be no effective cleanup remedy. A spill would create significant long-term impacts.

"Although this aspect of the proposed project lies outside San Luis Obispo County, (the) rail project will have potentially significant impacts upon marine habitat and species protected by federal law.

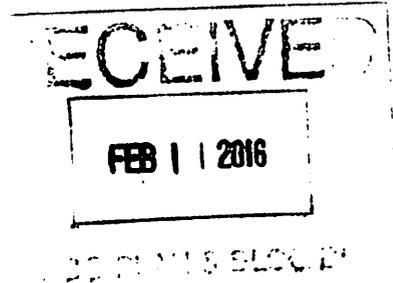
"If the county denies the rail spur project, the potential impacts would not materialize." End quote.

So, now the U.S. Department of Commerce is standing up and saying that California's waterways are in severe danger of irreparable damage if you allow Phillips' rail terminal to be built. What should this commission do? You should follow the admonition of the federal Department of Commerce. Deny this project.



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE  
Monterey Bay National Marine Sanctuary  
99 Pacific Street, Bldg 455a  
Monterey, CA 93940

February 3, 2016



Mr. Don Campbell, Chairman  
San Luis Obispo County Planning Commission  
976 Osos Street, Room 300  
San Luis Obispo, California 93408

Dear Chairman Campbell and Planning Commissioners,

I wish to comment on the proposed project to construct a rail spur and oil transfer terminal at the Phillips 66 Santa Maria refinery near Nipomo in San Luis Obispo County.

My office manages Monterey Bay National Marine Sanctuary, a 6,094 square-mile federal marine protected area stretching along the central California coast from Cambria to the Marin Headlands. It is the largest marine sanctuary in the continental United States and protects a dynamic marine ecosystem, teeming with marine life and diverse habitats. The most sensitive of those habitats is Elkhorn Slough, a seasonal estuary in the center of the sanctuary with the second-largest emergent marsh in northern California.

If the proposed oil transfer terminal at the Santa Maria refinery is completed, a significant portion of the several million gallons/week of heavy sour crude oil shipped to the facility will likely pass by rail through the length of Elkhorn Slough, based upon information in the final environmental impact report for the project. Although this aspect of the proposed project lies outside San Luis Obispo County, the full scope of environmental impacts from this project must be documented either through the California Environmental Quality Act or the National Environmental Policy Act (NEPA), including impacts from mainline rail transport. We firmly believe this rail project will have potentially significant environmental impacts upon marine habitat and species protected by federal law and, if the county does not review these impacts, certainly the federal agency with primary oversight for the rail shipment plan should complete such environmental documentation under NEPA.

The Union Pacific rail line through Elkhorn Slough rests upon an earth and gravel dike just a few feet above mean low water. During certain high flood tides, portions of the railway are routinely covered with water. Trains often continue to operate along the line under such conditions, at reduced speeds. The Union Pacific rail segment through Elkhorn Slough presents the highest risk of a hazardous materials spill with immediately significant environmental consequences for the sanctuary. The added routine transport of millions of gallons of heavy sour crude oil through this corridor will markedly increase the risk of harm to the sanctuary's most sensitive habitat and a multitude of protected marine species within the estuary. Furthermore, that risk will grow over the lifetime of the project, as rising sea levels exacerbate flooding of the train tracks in the slough.



A spill of high-sulfur crude oil into Elkhorn Slough from even one 29,000-gallon tank car could be disastrous. Tidal fluctuations in the slough are very strong and a spill into the central channel that abuts the rail line would be quickly transported into the emergent marshes and tide flats ringing the channel. Marshes are the most sensitive of all habitats to lasting damage by oil spills. Crude oil is very persistent, heavy, and contains many contaminants. Since some crude oil fractions would sink in water, while others would float, a spill into this part of the sanctuary would impact the entire water column, and there would be no effective cleanup remedy.

Booming would be largely ineffective due to strong tidal currents in the slough. Mechanical extraction (e.g. skimming) would not be an effective response strategy due to unacceptable collateral damage to marsh infrastructure from heavy equipment and trampling. The slough is too shallow and still for use of dispersants, and in-situ burning would irreparably damage root systems of marsh flora, destroy scores of fauna, and pollute the air. Heavy oil fractions would sink into the mud bottom, making its extraction impractical.

In short, a crude oil spill in the Elkhorn Slough would quickly inundate the tide flats, marsh habitat, and mud floor with toxic matter and create significant long-term environmental impacts, particularly if it occurred during peak winter migration or spring/summer reproduction cycles. Throughout the year, this part of the sanctuary is home to dozens of endangered sea otters, an animal particularly sensitive to oiling. Harbor seals rest and breed in the slough, with young dispersed along its mud flats, an area that would be heavily fouled by an oil spill. The slough provides primary nursery habitat for many key fish species within the marine sanctuary. And though it is essential habitat for dozens of bird species year-round, a winter spill would have wide-reaching effects. The slough boasts one of the most diverse winter bird counts in the country. It is an essential stop along the Pacific flyway for migratory birds, which must feed extensively in the slough before continuing on their journeys. In addition to being part of the national marine sanctuary, the slough is a state marine reserve, a national estuarine research reserve, and a state wildlife area.

We acknowledge that if the county were to deny the proposed rail spur project for the reasons recommended by the county planning staff, and that denial were sustained, the potential impacts described above would not materialize.

Sincerely,



Paul Michel  
Superintendent

Cc: B. Douros, ONMS WCR  
D. Feliz, ESNERR  
J. Urrutia, USCG  
C. Haffner, CDFW OSPR  
V. Rutson, USDOT STB



173. Three Train Alternative Retains Ten Class 1 Impacts - Stanford Law's Response (2:33)

PLANNING COMMISSION  
AGENDA ITEM: 3  
DATE: 3/11/16

Speaker: \_\_\_\_\_

Hello, I'm \_\_\_\_\_ and I live in \_\_\_\_\_.

DO NOT REMOVE FROM FILE

Mr. Chairman... on the first day of these Hearings, the Phillips 66 spokesperson told us that the three-train-per-week reduced delivery alternative, would eliminate all 11 Class 1 impacts identified in the EIR.

Your Commission would simply define away these 11 impacts that cannot be mitigated, and thereby eliminate the need for a "Statement of Overriding Considerations."

Under their approach, you would declare that federal preemption of railroads prevents impacts from being evaluated anywhere along the mainline. You just assume a very broad scope of preemption - one which encircles the entire region around the tracks and Santa Maria Refinery property.

On the contrary, the Stanford Environmental Law Clinic has concluded in its comment letter to you - and I'll quote:

"The project proponents assert that the refinery's desire to install [a] new rail spur constrains the County's discretion to review, approve, condition, or deny the proposed project, simply by virtue of the fact that [it] connects with an existing rail line...

"This argument reflects a fundamental misunderstanding of the federal law...

"Congress was clear that it did not intend to preempt a state or local government's exercise of traditional land use authority to protect the health, safety, and welfare of its residents."

The Stanford Law comments go on to say:

"In short, [federal preemption under the Interstate Commerce Commission] Termination Act is legally irrelevant to the local permitting process for the Project." End quote.

Phillips 66 hasn't effectively provided support nor justification that would controvert the findings of the EIR... or the EIR's identified impacts along the mainline, and both on-site and off-site at the refinery.

The Draft and Final EIR identify the same 11 Class 1 impacts with the five-train-per-week project - and 10 of those continue to be Class 1 impacts with the three-train alternative.

There is no supportable scenario for project approval that eliminates the need for a "Statement of Overriding Considerations."

And, given the documented abundance of local crude oil sources, there is no rational way to create - out of thin air - the needed, quote - "substantial evidence of record" - end quote.

Mr. Chairman, I urge you to deny this project.

Source: Mills Legal Clinic, Stanford Law School - comment letter to SLO County Planning Commission of 2/3/16.

170. What Officials Should Take Away From These Proceedings (2:55): PLANNING COMMISSION

Speaker: 89

AGENDA ITEM: 3  
DATE: 3/11/16

I'm Carol Strong I live in Yupona.

DO NOT REMOVE FROM FILE

I'd like to offer these 15 "takeaways" after so many days of misinformation ...

1. There are many sources of California crude for Phillips to access by pipeline ... running out of crude is a falsehood.
2. Phillips won't say the plant will close, because it's not true. What they desire is to increase profits by obtaining cheaper, imported crude by rail.
3. Phillips' trains would dramatically change SLO County ... their very presence and the potential for derailments puts thousands of jobs at risk. It makes our homes and businesses far less healthy, safe and desirable.
4. Whether they bring 300 or 500 trains here each year, their plan generates almost a dozen class I unavoidable impacts.
5. Their plant has been safe, with crude-by-pipeline. But with zero experience operating a far more hazardous rail facility, their safety record doesn't count.
6. They'll remove almost the entire buffer with our local communities. The land transforms from passive fields and dunes into a highly active, intensive rail yard.
7. Though the buffer would be reduced by 60%, they say residents won't hear or see their 25 acre rail terminal. That's ridiculous. The screeching, clanging, blaring, vibrations and flood lights will be heard and seen far beyond their rail yard.
8. The air on the Mesa is already unhealthy ... yet Phillips would add huge amounts of poisonous emissions.
9. They tell us we mustn't fear crude by rail ... they tell us to ignore the documented reality of derailments, spills, explosions, injuries and deaths. But you, our officials, have heard and seen the videos and a survivor during these hearings.
10. Phillips' tankers do not meet government specs. Yet, they'd have into the next decade to make them safer.
11. They would ship diluted tar sands here, not raw, thick tar sands ... and that makes it highly flammable. Two such trains have already blown up. And that crude is NOT the same as the San Ardo crude that passes by here.
12. They already produce a mountain of petcoke dust, fail to cover it up, and it blows into our homes. Yet they'll bring tar sands here to generate even higher amounts.

(continued)

13. Our emergency services are unprepared and underfunded for the disasters Phillips will bring. They simply can't handle it.
14. Phillips tells us how much they care about us ... then shove preemption in our faces, saying we can't do a thing about their incredible array of horrors.
15. Lastly – there's no defensible reason to grant a statement of overriding consideration. There's no reason to vote yes other than Phillips' corporate executives want their crude-by-rail optionality.

Those are the takeaways. You know that except for those making money off of Phillips 66, this is a horrible, irreversible proposal for everyone else in our County.

167. There Is No Evidence That Phillips Would Close The Nipomo Refinery (2159)

DATE: \_\_\_\_\_

3  
3/11/16

Speaker: \_\_\_\_\_

DO NOT REMOVE FROM FILE

Hello, I'm \_\_\_\_\_ and I live in \_\_\_\_\_.

During the February 25th Public Hearing, two Phillips' managers gave their rationale for crude by rail. One said - "We need it for operational flexibility for changing conditions." The other said "We need it for flexibility of delivery of oil." And at a different meeting, Phillips CFO said they need it for "optionality" ... that is, to employ whenever it helps maximize profits.

Never once has anyone in authority said they need rail because the Nipomo plant is in danger of shutting down. In fact, let's look at the record of what those in authority at Phillips have said:

- Their corporate spokesman, Dennis Nuss, granted an interview to New Times magazine. The publication then reported -- "When asked if Phillips has ever considered shutting the refinery if the rail spur wasn't approved, Nuss said such discussions hadn't occurred."
- On the Dave Congalton radio show, Maintenance Superintendent Jim Anderson was repeatedly pressed about whether they were going to reduce production or close the plant if the rail terminal was denied. All he would say -- "We just need to be sure we can maintain the supply of crude." He wouldn't say there would be significant layoffs, because it's not in their game plan.
- At a public meeting in SLO, Phillips' Regional Manager for Government Affairs, Stephanie Williams, was asked to answer "Yes" or "No" regarding whether the plant would be closed if the rail terminal was denied. Her response - "No ... no-one said we'd shut down."

So that's three executives who've all said the same thing. Or more accurately, they've all stayed far away from mentioning a plant closure or firings. Nevertheless, they let their workers plead for their jobs.

- Here's another reason the plant won't close -- it's half of a larger refinery. The crude refined here is piped to Phillips' Rodeo plant. So - closing the Nipomo plant would cut off Rodeo's supply of crude, and Phillips would never do that.
- Plus -- Phillips' refining business generates enormous profits. During one 90-day period in 2015, their operations earned \$604 million. So it makes no sense to close a facility, even if one pipeline is temporarily shut down. Phillips plays the long, not the short game.

What should we learn from all this? It's that the threat of plant closure which Phillips allows to hang over these proceeding, is bogus. It's meant to deceive everyone ... that if they don't get their way, jobs will be lost. It's the standard ploy of a profits-at-any-cost corporation, pulling strings 1,700 miles away.

But we ask that you don't fall for their ploy. All they truly want is the "flexibility" and "optionality" to make even more money, any way possible. Respectfully - don't get suckered by their ruse of plant closure.

(Hand ten copies of your statement to the Secretary and then begin reading your statement.)

<http://www.newtimeslo.com/cover/11850/a-crude-proposal-the-pros-and-cons-of-a-controversial-phillips-66-oil-by-rail-project/>  
<http://www.phillips66.com/EN/about/our-businesses/refining/Pages/western-pacific.aspx>  
<http://m.examiner-enterprise.com/business/p66-reports-earnings-1b>  
 Dave Congalton Show, 5/6/15 - <http://920kvec.com/dave-congalton-podcasts/>  
 \*SLO Democratic Club, October 13, 2015  
<http://kcbx.org/post/passions-running-high-over-phillips-66-rail-spur-plan>

168. Phillips' Mystery Bus Ride For Steelworkers (2:40):

PLANNING COMMISSION

Speaker: \_\_\_\_\_

AGENDA ITEM: 3  
DATE: 3/11/16

I'm \_\_\_\_\_. I live in \_\_\_\_\_.

DO NOT REMOVE FROM FILE

(Hand each of the commissioners a copy of the sheet "USW Local Mystery Action".)

These Hearings have shown repeatedly that Phillips plan would impact people and businesses throughout SLO County and California.

Everyone living, working or going to school within a couple of miles of the tracks would be personally affected. So after they became educated, they came here legitimately to ask you to deny this project.

Then again, there are people who aren't affected by Phillips' plan, who don't live in this County, and who had no idea what these Hearing are about. Yet they filled these Chambers and spoke at this podium.

I've just handed you an announcement that appeared online, just prior to the February 25th Hearings. It appeared on the United Steelworkers' website. It has drawings of two buses, and it's promoting a "Mystery Bus Ride." It says ...

"Brothers and sisters, it's time for another Mystery Action! February 25th. 4:30AM to 7PM. Where to meet the bus - Carson, CA. Breakfast and lunch will be provided."

Interestingly - this says nothing about why they're being called to action, where they're going, nor what they'll be asked to do. After all, it's a "mystery"!

What it turned out to be was Phillips having a group from Los Angeles pack these Chambers and waste your time, without the workers ever knowing about the issues. And it worked! They stood along the walls, held up signs, and pleaded for you to protect jobs.

How much they influenced you and the media, we don't know. But everyone needs to see through this hoax. It's yet another example of the misdirection and misinformation Phillips has spread about this project for years.

We respect people who work hard and are union members. But we don't respect Phillips's attempts to mislead you by putting together mystery bus rides for supposed supporters ... those who had no idea what they were supporting until they stepped on the bus.

Speaking of unions. There could be buses filled with union members who oppose Phillips' plan. But they would be educated about the issues and have already stated their opposition. They include The California Federation of Teachers, The California Teachers Assn., The National Education Assn., The Lucia Mar Teachers Assn., and The California Nurses Association. They have millions of members.

It would be fun to see how many buses they'd fill -- the line would be far longer than Phillips' oil trains. Don't worry - they're not coming ... today. But rest assured -- those union members are legitimately opposed to what Phillips intends to bring down on our heads.

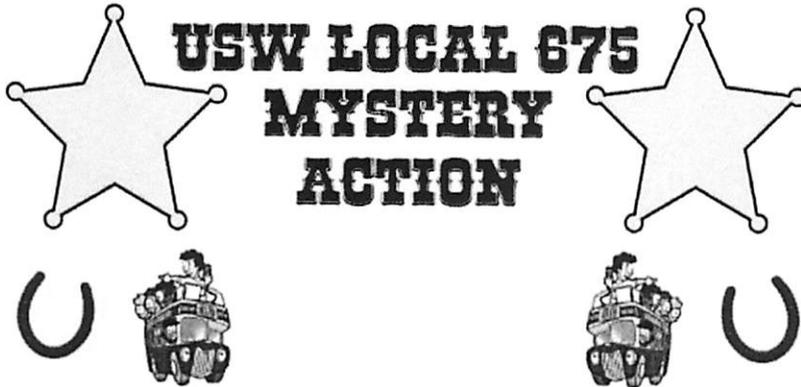


BY USW675 ON 22 FEBRUARY 2016  
IN UNCATEGORIZED



MESSAGE FROM S/T DAVE CAMPBELL

## MYSTERY ACTION!



**BROTHERS AND SISTERS IT'S THAT TIME  
FOR ANOTHER MYSTERY ACTION!**

**WHEN: THURSDAY, FEBRUARY 25TH**

**TIME: 4:30AM - 7:00PM**

**WHERE: MEET AT USW LOCAL 675 HALL 4:30 AM**  
1200 E 220TH ST.  
CARSON, CA 90745

**BREAKFAST AND LUNCH WILL BE PROVIDED**

**TO RSVP PLEASE CALL DIANA AT THE HALL 310-522-2277**



It's that time again brothers and sisters! We are having another mystery action this Thursday, February 25th. We will be meeting at our Carson hall at 4:00AM and leaving in a bus to our destination shortly after. It will be an all day event, we will return to the hall at 7:00PM. Breakfast and lunch will be provided.

To RSVP please call Diana at our Carson hall (310) 522-2277

## Why We're On Strike Against Tesoro



Dangerous conditions at refineries across the country ignored by the oil industry have led to

three explosions this year alone, including last month's blast at the ExxonMobil refinery in Torrance. That accident, currently under federal investigation, injured four workers, spewed toxic ash into the sky, shook homes miles away and rattled members of the community.

[Read More](#)

## GET SOCIAL



## STRIKE RESOURCES

**6 Ways to Get Help if You're on Strike**

The USW Local 675 members are on strike. Here is help available. Here are six things you can do to get assistance for you and your family to take you care.

- Find A One-Stop-Shop from the USW:**
  - Members are able to apply to receive \$128 as a weekly base + \$19 in heat and fuel and \$60 in gasoline upon the first day of the strike.
  - Members with health issues, medical emergencies or other pressing needs are eligible for additional funds as a membership benefit.
  - Members for health, members need \$200 a month for assistance form and schedule an appointment. Please call David at 310-522-2277.
- 211 Los Angeles County Assistance:**
  - 211 is a local service in the Call Center Program, affiliated with the United Department of Assistance Program (UDAP).
  - Foodbank assistance.
  - Local-CAL or medical coverage. See assistance form below.
  - Medical care or help for aging parents.
  - Health and mental health services.
  - Legal aid.
  - Help with utility.
- United Way:**
  - The United Way community assistance fund is offered by the United Way Food Bank.
  - The United Way can:
    - provide food and emergency services.
    - provide food and clothing through the W. Walter Health Center.
    - and to provide financial assistance.
  - Help with financial assistance.
  - Help with utility.
  - Help with food.
  - Help with child support. The California Department of Child Support Services can be reached by dialing 916-221-1111.

Click on image above to download flyer

March 11, 2016

Re: PG&E Rail Extension Proposal

To: San Luis Obispo Planning Commission

From: Marcia A. Johnson

PLANNING COMMISSION

AGENDA ITEM: 3

DATE: 3/11/16

DO NOT REMOVE FROM FILE

I am a resident of Nipomo and live within sight, sound, and smelling distance of the PG&E Refinery. Most of the time they are good neighbors, although on occasion, they have emitted noxious odors to our neighborhood.

The reality of the PG&E Rail Extension Project is that it is essentially a plan <sup>to</sup> create a large scale Industrial Train Terminal in close proximity to residential neighborhoods, agricultural fields, recreational and also environmentally sensitive Oso Flaco Lake wildlife preserve. This proposed enlarged terminal would not only bring more noise, light, & air pollution, but is going to bring the added danger of the risk of explosive rail accidents to occur in our neighborhood & neighborhoods all along the train's route.

The 3 or 5 mile-long oil trains will be

arriving & leaving the Nipomo Refinery on a weekly basis. For me, this is equivalent to allowing a herd of diesel spewing elephants to trample in and out of our Nipomo Mesa on a non-stop weekly basis. This will force us to live with all the hazardous consequences that would certainly result.

I strongly plead with you to reject P66's Rail Extension Project. The scale of this project is just too large to be allowed in our "Backyard" and our County.

Thank you for your consideration,  
Best regards.

Marcia A. Johnson

Marcia A. Johnson

[REDACTED]

DO NOT REMOVE EVIDENCE

DATE:

AGENDA ITEM

2/1/10  
3

PLANNING COMMISSION



## PLANNING COMMISSION APPEARANCE REQUEST FORM

The San Luis Obispo County Planning Commission Welcomes  
Your Comments for the Phillips 66 Rail Spur Hearing

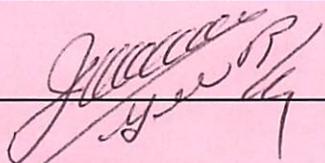
March 11, 2016

**\*Please submit this completed form to the staff table in the lobby by 10 AM\***

Speaker numbers will be called in numerical order. Please keep apprised of the speakers/numbers as your number will be called. If you miss your turn to speak, you will not be able to speak however you can submit comments in writing to the Commission. Please note that you will be granted one opportunity to speak per person on this Planning Commission Hearing Item.

Public Comment remarks should be directed to the Chairman and the Commission as a whole and not to any individual thereof. No person will be permitted to make slanderous or profane remarks against any individual.

NAME (print): JOSE G. MONTES

SIGNATURE:  DATE: 03/11/2016

### IMPORTANT INFORMATION:

- If the Hearing Chambers are full, and if your number is not within approximately 20 of the current speaker, we ask that you wait outside of the Chambers in our overflow areas where the hearing will be streaming for you to view. Staff will be available to help with any logistical questions. The hearing room can only hold 160 people for safety.
- If you wish to submit digital information such as a PowerPoint or digital photos, please put a sticker with your speaker number on a flash drive or disk and submit to the staff table by 10AM. Stickers will be available in the lobby with our staff. The flash drive will not be returned as the information will need to be retained for the record.
- Overflow viewing will be located in Conference Room 161/162 outside the hearing Chambers as well as the lobby area. The hearing will be streaming for viewing at these locations. The hearing can also be viewed online at <http://www.slocounty.ca.gov/planning/meetings.htm>
- If you need assistance with a language translator (Spanish) please notify one of our staff with your speaker number handy in advance.

PLANNING COMMISSION

AGENDA ITEM: 3  
DATE: 3/11/16

# Speaker Number 38

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## Valid on March 11, 2016 Only

**The Rail Project EIR is Missing a Vital Element – ANSI/API RP 3000 “Classifying and Loading Crude Oil into Rail Tank Cars” (Timing: 2:45)**

Chairman Campbell, Planning Commissioners... I'm Larry Versaw, and I live in Arroyo Grande. I'm a Registered Professional Engineer, and President of the Mesa Community Alliance, a non-profit Public Service Corporation serving Nipomo Mesa.

The new D.O.T. High-Hazard Flammable Train Rules greatly strengthen requirements for sampling and testing of crude oil before it's shipped, and mandate strict procedures for loading tank cars.

While developing the new regulations, the Pipeline and Hazardous Materials Safety Administration, and Federal Railroad Administration conducted audits of crude oil loading facilities to see if they were correctly classifying hazardous materials for shipment by rail.

The audits showed that refined petroleum products were generally well handled, but they exposed widespread neglect and sloppy procedures where it came to shipping unrefined crude oil.

The auditors found that information for crude oil...

- usually came from outdated and generic Safety Data Sheets (SDS)...
- didn't correctly identify the physical and chemical properties
- often gave a wide range of values for a limited number of material properties ...

... showed critical values for flash point and boiling point as “not available” or given in ranges that crossed hazard classification boundaries – making it hard to identify the hazard class or “Packing Group”.

The new HHFT train regulations are written to fix these problems. They're covered in Part 173 of the Code of Federal Regulations, with some provisions scattered in other sections of the Code.

To help the oil and rail industries comply with the new rules, the American National Standards Institute, and American Petroleum Institute published a joint “Recommended Practice” – ANSI/API RP 3000, “Classifying and Loading of Crude Oil into Rail Tank Cars.”

Unfortunately, the Final EIR doesn't incorporate, or even mention this important publication.

Hazard classification of crude oil for assignment of a Packing Group, and correct tank car loading procedure is accomplished at the crude oil's supply point, and is paramount to safety in route and at delivery.

If this controversial project were to be approved, and high-hazard flammable trains started making crude oil deliveries, only Phillips 66 would be able to ensure regulatory compliance by its suppliers through contractual obligations, and on-site compliance inspection at upstream loading facilities.

Because any decision here can be appealed, the Final EIR should be revised to incorporate the ANSI/API Recommended Practice... and a mitigating measure added that makes Phillips 66 accountable for monitoring its suppliers to safeguard compliance.

PLANNING COMMISSION  
AGENDA ITEM: 3  
DATE: 3/11/16  
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Example from ANSI/API RP 3000 "Classifying and Loading Crude Oil into Rail Tank Cars". In the past, outdated Safety Data Sheets and vapor pressure reading on the tank car were used for hazard classification. Today, crude oil must be sampled and tested for assignment of a Packing Group.

## Annex A (informative)

### Sampling and Testing Program Example<sup>9</sup>

The crude oil testing program should take into account both initial and ongoing testing. Testing of crude oil should include all tests necessary to ensure the proper characterization for the purpose of determining the proper Packing Group (3.21) and package.

Testing should be conducted prior to offering the crude oil for rail transportation. An ongoing testing program should periodically test parameters when there is reason to believe, or where historical data indicate, the characterization of the crude oil may change the assignment of Packing Group. The program should identify if the Packing Group has changed, and if it has, a re-evaluation of the transportation requirements shall be conducted. Sampling frequency should be adjusted based on the variability of test results.

Sampling should ensure that when a composite sample is obtained, it is representative of the crude oil to be loaded. Samples can either be obtained manually (per API *MPMS* Ch. 8.1) or automatically (per API *MPMS* Ch. 8.2). The preferred method for collecting representative samples of crude oil are those obtained via a flow-proportional auto in-line sampler that conforms to the requirements of API *MPMS* Ch. 8.2.

The number of samples obtained should take into consideration how the crude oil is loaded and the number of rail tank cars to be loaded. The trains may be as large as unit trains (trains containing a single commodity originating at a single origin and terminating at a single destination), or as small as a single manifest rail tank car.

When loading from a single storage tank (assuming that the crude oil is mixed), one sample per unit train may be sufficient as the same product is being loaded into all rail tank cars. This sample could be taken directly from the tank, provided there is no means to introduce a new product into a rail tank car from another source. The same principle applies when loading the volume of smaller tanks into fewer rail tank cars. In summary, if the storage tank volume exceeds the rail tank car volume, then only one sample may be taken.

If a unit train is being filled by more than one tank, then samples from each storage tank should be taken. These samples may be obtained at the tank outlet as long as the crude is mixed and no means are available to introduce a new material. A record for which rail tank car is filled from which storage tank(s) should be created and retained. If the characteristics of the crude oil vary, each rail tank car may be sampled since the rail tank car may be filled by as many as 3 to 4 trucks. In these cases, the crude oil type is generally classified as the same due to being produced from the same geographical/geological field. However, the origin of the crude oil may be from several different independent sources or geographic locations. Therefore, the testing program may include taking samples of either the rail tank car or taking samples from multiple trucks offloading product. If trucks are the basis of testing, the most conservative result should be used for classification and packing group determination.

It does not matter if the loading is conducted from single or multiple sources (storage tanks or trucks) as long as no other petroleum crude oil is introduced downstream of the auto in-line sampler.

Testing at unloading is generally not required. If testing at the rail tank car unloading point is desired, caution should be exercised to ensure the rail tank car has not stratified during transport.

<sup>9</sup> The example given above is merely for illustration purposes only. Each company should develop its own approach. It is not to be considered exclusive or exhaustive in nature. API makes no warranties, express or implied for reliance on or any omissions from the information contained in this document.

141. Lighting Impacts At The Rail Terminal Cannot Be Mitigated (1:42):

Hello, I'm Sandra Merrill and I live in Nipomo.

New industrial floodlights are proposed throughout the rail terminal, illuminating an area that has never been lit before. This source will create an intense light nuisance.

Floodlights would be on 15-foot tall poles every 300 feet, and operate 7 to 9 hours each day, perhaps more if they're concerned about facility security.

The closest residents would be only one-half to one mile away ... well within sight during evening hours.

To mitigate this light pollution, Phillips proposes an earthen berm 10 - 20 feet high. Yet the floodlights will be 15-feet high, making some of them potentially higher than the berm. Therefore, the impact of the lights will still be visible from many points in Trilogy.

We're told the new lights would be pointed downward. But they'd obviously illuminate the rail terminal beneath them. Those surfaces will be lit up to help employees go about their dangerous work.

The result – residents would see the bright glow of the reflected light from the entire facility and everything that's reflective, including the tracks, locomotives, tank cars, unloading station, and new pipelines. Before them would be a brightly lit movie set, with all the machinery and characters in motion. And residents, who live at a much higher elevation than the rail terminal, would have a front row seat.

Put another way - imagine an aerial shot of a baseball stadium at night, with its high intensity stadium lights pointing downward. The entire playing field and crowd are fully visible from that elevated position and cannot be hidden. Likewise, the Phillips "playing field" would be visible to residents.

Clearly, the rail terminal with the extreme light will be an intrusive nuisance for the surrounding neighbors. Please give this project a definite 'No Vote'.

(Hand one copy of your statement to each commissioner + three copies to the clerk)

FEIR; 12/15

PLANNING COMMISSION  
AGENDA ITEM: 3  
DATE: 3/11/10  
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166. Phillips Safety Record Does Not Count When It Comes To Crude-By-Rail (21500) COMMISSION

Speaker: \_\_\_\_\_

AGENDA ITEM: 3

DATE: 3/11/10

Hello, I'm \_\_\_\_\_ and I live in \_\_\_\_\_.

DO NOT REMOVE FROM FILE

Phillips keeps repeating how safe their plant has been. But, I hope you've been listening carefully. What have they said about their ability to safely handle crude-by-RAIL here in Nipomo? In fact, what track record have they offered about handling crude by rail at ALL, at this refinery?

For the first time ever - they're asking to bring in and exit 300 to 500, mile-long crude oil trains each year. Those that arrive will be filled with flammable, diluted tar sands. And those that leave will contain crude oil vapors ... vapors which fire chiefs say are just as flammable.

They'd begin operating an elaborate set of tracks onsite for trains of enormous size and length, and a complex, highly dangerous crude oil offloading facility.

So how prepared is Phillips for this? What experience do they have? Have they sent employees for special training on crude-by-rail? Or doesn't that require any special skills? Or, perhaps they plan to replace the workers they now have, with those who have far more practice with oil trains filled with flammable liquids and vapors?

Let me ask a question. Do you think there will any difference between operating a pipeline-based refinery handling benign California crude, versus a rail-based facility handling flammable, diluted tar sands which are specified as "Packing Group I" ... that is, they're specified as raising the red flag symbolizing "Great Danger"?

Well, the difference is likely the same as fooling around with a cap pistol and fooling around with a live hand grenade.

And it's the difference between piloting a Piper Cub aircraft, and piloting a stealth bomber.

These are not the same things. Piloting a stealth bomber requires a far different level of training and experience. And when you mess up, the consequences are far more disastrous.

Shipping oil by pipeline is the minor leagues compared to shipments by rail. There have been dozens of related rail accidents in recent years, spilling millions of gallons with devastating results. Yes, pipelines have their issues, but they happen far less frequently and the impacts are far less disastrous.

Therefore, regardless of how safe their Nipomo plant has been ... they have zero experience operating a crude oil rail facility with flammable, diluted tar sands. So, their safety record doesn't count. All of that goes out the window when it comes to crude-by-rail.

Phillips' past safety record should not be taken into account when you make your decision. What they're asking for is an entirely different ballgame. So any past safety records do not predict future performance.

164. Visuals Of Tar Sands Crude Oil Train Derailments (3:00):

Speaker: \_\_\_\_\_

AGENDA ITEM: 3

DATE: 7/11/16

DO NOT REMOVE FROM FILE

(Give the staff the flash drive labeled "Tar Sands Derailments")

I'm \_\_\_\_\_. I live in \_\_\_\_\_.

It's been documented that shipments of diluted tar sands are as flammable as shipments of Bakken crude. But to drive that point home, let's look at some visuals.

First is a 30-second, raw footage video taken during a tar sands derailment in Gogama, Ontario, on March 7, 2015.

Second, are photos taken from that disaster, and another tar sands derailment that occurred outside Timmins, Ontario, on February 14, 2015. These show the aftermath of both accidents.

First, please play the "Gogama Tar Sands Derailment Video."

(After the video finishes ...)

And now please show the slides labeled "Aftermath Of Tar Sands Train Derailments." Please show each slide for three seconds.

(With the final slide)

And as stated by the leading railroad journal -- "The widespread belief that (tar sands) is far safer to transport by rail than Bakken, is for all intents and purposes dead wrong."

Just so there's no doubt -- shipments of diluted tar sands, such as those Phillips would bring here, are extremely flammable. They've already exploded. Why would we ever voluntarily allow them to be brought to SLO County?

<https://www.youtube.com/watch?v=95zKoSQCbos>

<http://www.railwayage.com/index.php/safety/why-bitumen-isnt-necessarily-safer-than-bakken.html>

153. Lack Of Reasons For A Statement Of Overriding Considerations (2:35)

PLANNING COMMISSION

Speaker: \_\_\_\_\_

AGENDA ITEM: 3  
DATE: 3/11/16

Hello, I'm \_\_\_\_\_ and I live in \_\_\_\_\_.

DO NOT REMOVE FROM FILE

As this Planning Commission is aware, it must under CEQA, provide a Statement of Overriding Considerations should it somehow decide to approve this project. Such a statement would have to be based on the Final EIR or other "substantial evidence in the record", that would balance the merits of approving this project even despite its environmental damage. "Substantial evidence" is fact-based and non-argumentative, it is not speculative nor based upon unsupportable opinion, nor is it based simply on the Applicant's desire for the project.

The Final EIR states that "... adequate crude currently exists for the SMR". It further states that "...it would be speculative at best to estimate when the local crude supply would not be sufficient to support further operation of the SMR without the proposed Rail Spur Project."

The claim that Phillips has been making from day one is that it needs this project to remain "viable". All of Phillips' publicly stated reasons for this project are related, directly or indirectly, to this singular proposition. Specifically, the claims that jobs would be at risk and the refinery would be forced to close all relate back to the issue of the availability of local crude feedstock.

But since that claim is a non-starter to begin with, as clearly stated in the FEIR, this Commission would have no basis whatsoever, even if it were so inclined, for a Statement of Overriding Considerations. That's because Phillips has presented no proof whatsoever that they need this project to remain "viable".

The uncontroverted fact is that, regardless of whether analyzed under the 5-train or 3-train per week scenario, there are and will continue to be Class 1 impacts resulting from this project. Even after all mitigation measures have been employed, impacts will remain which are "significant" and "unavoidable."

In essence, this Commission is charged with doing a balancing act. On one hand it must weigh the Class 1 impacts. On the other hand it must weigh what??? There's nothing to weigh! Since Phillips has provided no facts relating to environmental, legal, technical, social, and/or economic factors that could be placed on the other side of the scale, what truly does that leave this Commission with? The answer is nothing. There is nothing at all on the other side of the scale, save for the very real fact that Phillips WANTS this project to go forward.

Merely WANTING a project to go forward does not meet the burden of "substantial evidence" required by CEQA. Therefore, even if this Commission decided to approve this project, it would have no basis to provide a Statement of Overriding Considerations.

41. Dozens Of Crude Oil & Hazmat Trains Have Derailed In Recent Years (2:10):

Speaker: Kept Frisske #86

Hello, I'm \_\_\_\_\_ and I live in Nipomo.

Phillips says it's rare for trains to derail -- that nothing happens during 99.9% of deliveries. But here's an actual roll call of where 53 trains carrying tankers with hazmat materials, derailed and what they were carrying.

In 2013 ...

- Parkers Prairie Minnesota: Crude oil.
- Lac-Megantic Canada: Crude oil.
- Alberta Canada: Crude oil and liquified gas.
- Aliceville Alabama: Crude oil.
- Casselton North Dakota: Crude oil.

PLANNING COMMISSION

AGENDA ITEM: 3  
DATE: 3/11/16

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In 2014 ...

- New Brunswick Canada: Crude oil and liquified gas.
- Plaster Rock Canada: Propane gas and crude oil.
- Santa Rosa County Florida: Phosphoric acid.
- Philadelphia Pennsylvania: Crude oil.
- New Augusta Mississippi: Flammable ethanol.
- Vandergrift Pennsylvania: Crude oil.
- Albany New York: Crude oil.
- Western Minnesota: Crude oil.
- Lynchburg Virginia: Crude oil.
- LaSalle Colorado: Crude oil.
- Denver Colorado: Benzene.
- McKeesport Pennsylvania: Crude oil.
- Seattle Washington: Crude oil.
- Slinger Wisconsin: Diesel fuel.
- Alberta Canada: Crude oil and methanol.
- Brockville Canada: Fuel residue.
- Hoxie Arkansas: Toxic chemicals.
- Mer Rouge Louisiana: Argon gas.
- Saskatchewan Canada: Petroleum distillates.
- Moncton New Brunswick: Crude oil.
- Casselton North Dakota: 12 empty crude oil tankers.
- Pensacola Florida: Phosphoric acid.

(continued)

#### 41. Dozens Of Crude Oil & Hazmat Trains Have Derailed In Recent Years, cont.

In 2015 ...

- Antelope California: The crude oil chemical Toluene.
- Allendale South Carolina: Hydrochloride.
- Nipigon Ontario: Propane.
- Richmond Hill Toronto: Sulfuric acid.
- Philadelphia PA: Crude oil.
- Dubuque Iowa: Ethanol.
- Galena IL: Crude oil.
- Gogama Canada: Diluted tar sands.
- Timmins Ontario (near Gogama): Diluted tar sands.
- Mount Carbon W. VA: Crude oil
- Valley Mills, Texas: Methanol.
- Trenton, South Carolina: Anhydrous ammonia.
- Colorado Springs Colorado: Dry ammonia.
- Calgary Canada: Ammonium nitrate.
- Heimdal North Dakota: Crude oil
- Addis, Louisiana: Chemicals including lye.
- Maryville, Tenn.: A chemical containing cyanide when burning.
- Culbertson, Montana: Crude oil.
- Barwick, Canada: Petroleum distillates.
- Scotland, South Dakota: Ethanol.
- Alma Wisconsin: Ethanol.
- Watertown Wisconsin: Crude oil.
- Upper Merion Pennsylvania: Crude oil.

And in 2016 ...

- Martinez, California: Sulfuric acid.
- Brewster, Ohio: Butane.
- Edmonton, Canada: Propane.

And Phillips' plan will vastly increase the odds of our County's name being on the list.

(Hand ten copies of your statement to the Secretary and then begin reading your statement.)

## 41. Dozens Of Crude Oil & Hazmat Trains Have Derailed In Recent Years, cont.

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[http://usnews.nbcnews.com/\\_news/2014/01/31/22524183-50-evacuated-after-chemical-train-derailment-in-mississippi](http://usnews.nbcnews.com/_news/2014/01/31/22524183-50-evacuated-after-chemical-train-derailment-in-mississippi)  
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<http://www.krcr.com/subject/news/train-derailment-north-of-dubuque-20150204>  
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<http://matinegazette.com/archives/24339>  
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<http://www.rcb.ca/news/business/cp-scotford-yard-remote-control-accident-1.3432528>

88. The EIR States That The Impact On Emergency Response Services Would Be Significant And Unavoidable (1:57)AGENDA ITEM: 3  
DATE: 3/11/16Speaker: Natalie Fossum #85

DO NOT REMOVE FROM FILE

I'm \_\_\_\_\_ and I live in Nipomo.If a serious oil train accident occurred, how prepared is SLO County? Let me read six quotes from the Final EIR, and you determine the answer ...

1. "The Office of Emergency Services indicates that fire and emergency responders lack resources, training and information in order to adequately respond to a crude oil train incident along the mainline tracks."
2. "The impacts of a release of crude oil or fire along the mainline could have significant impacts on fire protection and emergency response ... their response time could be hours."
3. "The Nipomo Mesa has thousands of homes in the response area. A significant event at the rail unloading facility could overwhelm first responders. The impacts of a release of crude oil or fire could have significant impacts."
4. "The County may be preempted by federal law from implementing (mitigation) measures because they might impact interstate commerce."
5. The Final EIR wraps it all up with: Therefore, "Oil spill impacts to fire protection and emergency response services along the mainline would be significant and unavoidable - a class 1 impact."

Additionally, the OES has also stated - "San Luis Obispo contains 'non-certified' haz-mat teams ... teams that have not applied to be certified by the state as meeting standards for training and equipment." Certainly, when it comes to fighting oil fires, we need the highest-level certified teams.

What's the rail industry's response? California has passed legislation causing railroads to improve their prevention and response plan. The reply of Union Pacific and others ... they sued our state to stop the law from being implemented. Fortunately they lost.

So how prepared is SLO County to deal with the outcomes of Phillips' plan? Honestly we aren't.

I'd like to submit a map showing the certified hazmat team is in central Santa Barbara County.

(Hand one copy of your statement/supporting material to each commissioner + three copies to the clerk)

Source: FEIR, 12/15, section 4.11

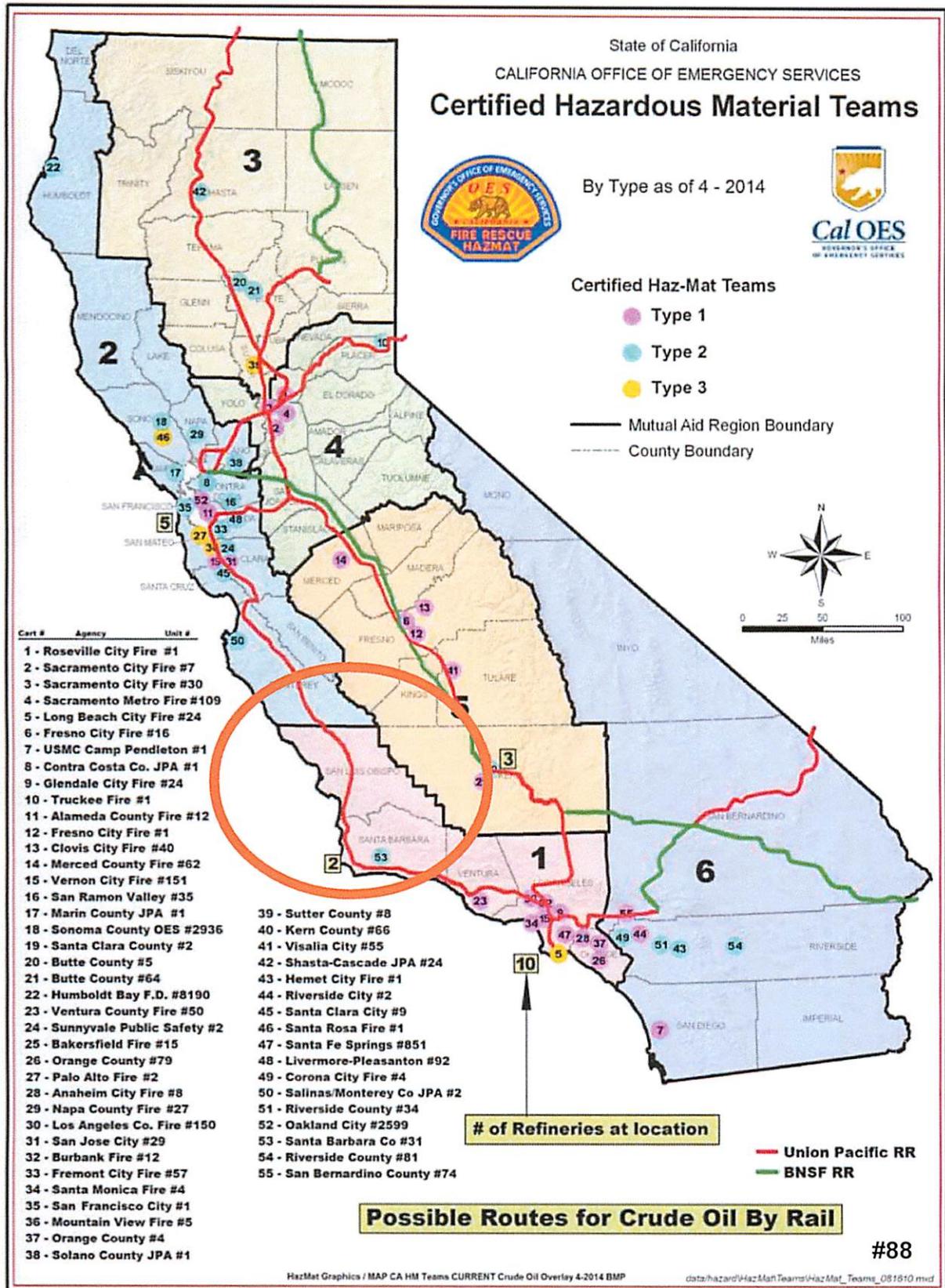
[http://www.caloes.ca.gov/FireRescueSite/Documents/Updated\\_Gap\\_Analysis\\_for\\_Rail\\_in\\_California-20150313.pdf](http://www.caloes.ca.gov/FireRescueSite/Documents/Updated_Gap_Analysis_for_Rail_in_California-20150313.pdf)

<http://www.kfbk.com/articles/kfbk-news-461777/two-railroad-companies-sue-california-over-12843814>

<http://www.theolympian.com/news/local/article26221717.html>

# The Nearest Certified Hazmat Team To SLO County Is Located In Central Santa Barbara County

(see #53 in the circle below)





## PLANNING COMMISSION APPEARANCE REQUEST FORM

The San Luis Obispo County Planning Commission Welcomes  
Your Comments for the Phillips 66 Rail Spur Hearing

March 11, 2016

**\*Please submit this completed form to the staff table in the lobby by 10 AM\***

Speaker numbers will be called in numerical order. Please keep apprised of the speakers/numbers as your number will be called. If you miss your turn to speak, you will not be able to speak however you can submit comments in writing to the Commission. Please note that you will be granted one opportunity to speak per person on this Planning Commission Hearing Item.

Public Comment remarks should be directed to the Chairman and the Commission as a whole and not to any individual thereof. No person will be permitted to make slanderous or profane remarks against any individual.

NAME (print):

Phyllis Davis

SIGNATURE:

*Phyllis Davis*

DATE:

3/11/16

### IMPORTANT INFORMATION:

- If the Hearing Chambers are full, and if your number is not within approximately 20 of the current speaker, we ask that you wait outside of the Chambers in our overflow areas where the hearing will be streaming for you to view. Staff will be available to help with any logistical questions. The hearing room can only hold 160 people for safety.
- If you wish to submit digital information such as a PowerPoint or digital photos, please put a sticker with your speaker number on a flash drive or disk and submit to the staff table by 10AM. Stickers will be available in the lobby with our staff. The flash drive will not be returned as the information will need to be retained for the record.
- Overflow viewing will be located in Conference Room 161/162 outside the hearing Chambers as well as the lobby area. The hearing will be streaming for viewing at these locations. The hearing can also be viewed online at <http://www.slocounty.ca.gov/planning/meetings.htm>
- If you need assistance with a language translator (Spanish) please notify one of our staff with your speaker number handy in advance.

PLANNING COMMISSION

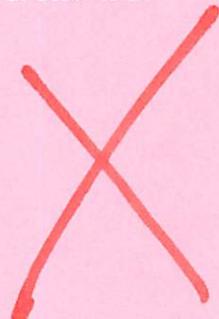
AGENDA ITEM: 3

DATE: 3/11/16

Speaker Number 92

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Valid on March 11, 2016 Only



I am against

the oil trains!

Thank you!

A handwritten signature in black ink, enclosed within a large, hand-drawn oval. The signature is stylized and appears to consist of several overlapping loops and lines.

PLANNING COMMISSION

AGENDA ITEM \_\_\_\_\_

DATE \_\_\_\_\_

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169. Video - Spike In Crude Oil Rail Accidents (3:15):

Speaker: \_\_\_\_\_

Please play the video labeled "Spike In Crude Oil Rail Accidents." It takes 3 minutes, 15 seconds.

<https://www.youtube.com/watch?v=sN8KEWjx41U>

PLANNING COMMISSION

AGENDA ITEM: 3  
DATE: 3/11/16

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Has an  
accompanying  
flash drive.

Pink #  
6

**169. Video - Spike In Crude Oil Rail Accidents (3:15):**

**Speaker:** \_\_\_\_\_

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