



PLANNING COMMISSION APPEARANCE REQUEST FORM

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

In the interest of time, three (3) minutes will be reserved for your presentation. Please submit this completed form to the Clerk of the Planning Commission when it is your turn to speak. YOU MUST HAVE THIS FORM WITH YOUR NUMBER TO SPEAK, 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 opportunity to speak, you must request a new number. Please note that you will be granted one 3 minute opportunity to speak per person (we are digitally recording speakers).

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, profane or personal remarks against any individual

NAME (print):

Jacquelyn Crane

(SLO)

SIGNATURE:

Jacquelyn Crane

DATE:

2/25/16

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 within your 3 minute presentation, please put a sticker with your speaker number on a flash drive and submit to the clerk when it is your turn to speak. 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.

AGENDA ITEM:

DATE:

PLANNING COMMISSION

3
2/25/16

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Speaker Number 170



PLANNING COMMISSION APPEARANCE REQUEST FORM

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

I have heard repeatedly from project supporters that we have trains coming through SLO now carrying crude and other hazardous materials. This unfortunate fact already presents a great risk to public safety and property. Why would we want to increase that risk? Does the existing danger and potential disaster justify increasing that risk to cataclysmic levels as what is being proposed? Absolutely not!

In the interest of time, three (3) minutes will be reserved for your presentation. Please submit this completed form to the Clerk of the Planning Commission when it is your turn to speak. YOU MUST HAVE THIS FORM WITH YOUR NUMBER TO SPEAK, speaker numbers will be called in numerical order. Please keep apprised of the speakers/numbers as your number will be called. A few comments regarding Risk Assessment.

If you miss your opportunity to speak, you must request a new number. Please note that you will have one (1) opportunity to speak per person (we are digitally recording speakers). Does Phillips have insurance for this train?

Then Phillips' insurance carrier knows very precisely the risk. What is the insurance carrier? Public in the insurance should be directed to the Chairman and the Commission as a whole and not to any individual. No person will be permitted to make slanderous, profane or personal remarks against any individual. If Phillips has no insurance for this train, are they self insured? Phillips' lawyers will insulate Phillips from financial liability either by

- 1 Bankruptcy of a shell corporation like the Casmalia toxic waste dump; and/or
- 2 Litigating the cases for many years. Thousands of lawsuits would take years to litigate

NAME (printed) Jackie Crane
SIGNATURE: Jackie Crane DATE: 2/25/2010

Remember 30% of SLO county residents live within the blast zone (a mile or less from the track). IMPORTANT INFORMATION:

We have heard many pleas from current employees who are, apparently, being threatened of the Chamber's loss of jobs over the project. There is no evidence that staff will be laid off. The hearing will be streaming for the public. The existing jobs are not in jeopardy. Phillips 66 is using to intimidate their employees. They will still continue to receive work by pipeline and will continue to be profitable. And if the jobs were in fact threatened, saving 200 jobs is not justifying endangering every community along the rail line? Absolutely not!

The flash drive will not be returned as the information will need to be retained for the record. The pragmatic overlying fact is that oil is a dying resource. It is not inexhaustible, it is limited. In addition, we now know that continuing to rely on oil for future energy demands is suicidal for this planet. We must begin to transition and this project presents an opportunity to do so. Job creation lies in clean energy jobs for our future and oil related corporations must be encouraged to begin to shift and prepare their employees for this new future. Why should we take on this level of risk to protect a dying industry? We simply cannot. Please do the right thing for SLO's citizens and all of the California communities along the rail line-

Deny this project!

Speaker Number 497

Please see reverse

I wish to highlight several points and concerns regarding Phillips'66 proposal.

I have heard repeatedly from project supporters that we have trains coming through SLO now carrying crude and other hazardous materials. This unfortunate fact already presents a great risk to public safety and property. Why would we want to increase that risk? Does the existing danger and potential disaster justify increasing that risk to cataclysmic levels as what is being proposed? Absolutely not!

A few comments regarding Risk Assessment:

We are assured that there is virtually no risk of an accident.

How are we to know the risk?

Does Phillips have insurance for this train?

Then Phillips' insurance carrier knows very precisely the risk.

What is the insurance carrier's assessment of the risk?

Also, what are Phillips' policy limits for this train?

If Phillips has no insurance for this train, are they self insured?

Phillips' lawyers will insulate Phillips from financial liability either by

- 1 Bankruptcy of a shell corporation like the Casmalia toxic waste dump; and/or
- 2 Litigating the cases for many years. Thousands of lawsuits would take years to litigate and would overwhelm our court system.

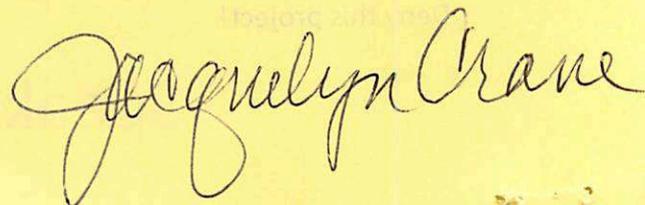
Phillips should post a multi billion dollar bond for the potential losses. If this train is safe, the bond will be inexpensive.

These are important questions which must be answered.

Remember 30% of SLO county residents live within the blast zone (a mile or less from the tracks).

We have heard many pleas from current employees who are, apparently, being threatened that they may lose their jobs if this project is not approved. There is no evidence that states that the plant cannot continue at its current level thus maintaining these existing jobs. This seems to be a scare tactic that Phillips 66 is using to intimidate their employees. They will still continue to receive crude by pipeline and will continue to be profitable. And if the jobs were, in fact, threatened- does saving 200 jobs justify endangering every community along the rail line? Absolutely not!

The pragmatic overlying fact is that oil is a dying resource. It is not inexhaustible, it is limited. In addition, we now know that continuing to rely on oil for future energy demands is suicidal for this planet. We must begin to transition and this project presents an opportunity to do so. Job creation lies in clean energy jobs for our future and oil related corporations must be encouraged to begin to shift and prepare their employees for this new future. Why should we take on this level of risk to protect a dying industry? We simply cannot. Please do the right thing for SLO's citizens and all of the California communities along the rail line- Deny this project!



PLANNING COMMISSION

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I would like to ask the board to consider their responsibility to the people living on the Mesa. At one point in time, when Conoco Phillips first arrived on the Mesa, the area was considered very rural, with a very low population of people, but a high population of animals and eucalyptus trees. There were very few homes and the area was covered with trees. At that time, a project such as what is being proposed would have impacted the animals residing in the area, but the trees could possibly have absorbed some of the pollution. With the majority of Nipomo residents living in the lower part of Nipomo they may not have been impacted so greatly by the light, air and noise pollution that will be a part of this project. Of course an accident occurring such as the ones that have occurred in North Dakota and Canada with the volatile products that are being carried in the inadequately prepared rail cars would have probably still created damage to the center of Nipomo and damaged the environment to the extent that people would not have been able to live there in the same way, so some people would have been dramatically impacted.

However, at some point in time the planning board and the people of Nipomo decided that they did not want to remain a rural community and plans were proposed and passed by the planning board to allow the Mesa area to develop into a residential area. This change may have occurred to increase the tax revenues for the community and to expand the services that were able to be provided to the people living in Nipomo and the surrounding areas. For whatever reason, the board has approved the building of homes that has allowed the population of Nipomo to increase 80.24% since 1990. That would indicate that in 1965 or when Phillips Conoco plant was built, there were very few people living in the area of the plant. Population wise it may have been similar to the area of North Dakota where the explosion occurred from the rail carrying fuel products.

There are many developments, such as Black Lake, Cypress and Trilogy that were allowed to be built with great plans of expanding the area to include more golf courses, hotels, and to become an area which is considered a great place to retire and a place of destination. More individual homes were built with the blessing of the planning board. The median home value increased from \$189,000 in 2000 to \$561,000 in 2011. That represents a large increase in the tax coffers to be used for the betterment of Nipomo and surrounding areas. Many of those homes that have increased the value of this area are situated on or near the Mesa. People have made the decision to move to this area based on the idea that the planning board of the community had wanted this change to occur and that they would be overseeing and protecting the property and the lives of the people that they have encouraged to live in Nipomo.

I am hoping that this helps you to recognize the responsibility that you have to assure that what happens in the area will not destroy the value, the environment, and the great plan for the future of this area, the plan that was determined by your committee to go forward many years

ago that would change this area from eucalyptus trees to residences. Needless to say, you have a responsibility to assure that people living in the area are safe from being attacked by large corporations sending pollutants and setting up a dangerous environmental hazard in their back yards that would terminate any plans for future life.

I urge you to take this matter seriously. If you read about what has happened recently you will realize that other people who had similar decisions to make did not recognize the full extent of their decisions and many people have suffered and much damage has been done to the environment.

Eileen Lussier, Ph.D.
Nipomo Mesa Resident

94. Fire Chiefs Educate Us On Why Oil-By-Rail Threats Have Accelerated (1:30):

Speaker: _____

Hello, I'm _____ and I live in _____.

The International Association of Fire Chiefs represents 11,000 chiefs. Their mission is to support emergency response leaders, so they can protect people and the environment from the occurrence and results of fires.

The organization recently issued a safety brief to its members. It discussed the trend in crude-by-rail and related accidents. One of the key issues was the topic of why oil-by-rail threats have accelerated. It said ...

"In the past, traditional crude (oil) emergency incidents were considered a low probability, since the majority (of oil) was transported through the pipeline system.

"Now, more crude is being transported by rail. Hence, crude oil emergency incidents have now become a higher probability, high consequence event."

What does that mean? They're telling us that with the exceptional increase in the quantity of crude oil trains, there's a higher likelihood of crude oil train accidents. And, when those accidents occur, they result in far more devastating damage to communities than a pipeline spill. Rail accidents may not happen every day, but when crude oil trains go off the rails, you can expect the worst case scenarios.

Please note that this is being told to us by knowledgable, experienced professionals. They're not railroad and oil industry employees, or those paid by those organizations, trying to placate us and tell us not to worry.

These independent fire chiefs, these seasoned leaders and experts, know what they're talking about. And they're telling us that switching from pipeline to rail vastly increases the odds of accidents and catastrophes. Hopefully you'll listen to them.

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

<https://www.iafc.org/safetyBriefBakkenoil>
<http://www.iafc.org/onScene/article.cfm?ItemNumber=8243>
http://www.iafc.org/files/1ASSOC/assoc_constitutionBylawsIAFC.pdf

PLANNING COMMISSION

AGENDA ITEM: _____

DATE: _____

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158. Benicia's Planning Commission Has Told Big Oil To Keep Their ^{PLANNING COMMISSION} Trains Out Of The City (2:40):

Speaker: _____

AGENDA ITEM: 3
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Hello, I'm _____ and I live in _____.

DO NOT REMOVE FROM FILE

The Benicia city planning commissioners were recently faced with deciding whether to approve Valero Refining's proposal to build a crude oil rail terminal. The request had dragged on for three years -- about the same length as Phillips' request for their own rail terminal here in SLO County.

Valero currently receives its crude oil via pipeline and ships, but wanted to begin rail shipments. Their reason -- to remain "competitive."

On February 11, 2016, after the public hearing was closed, the planning commissioners voted unanimously to turn down Valero's proposal.

Although Valero is Benicia's largest employer, commissioners put the citizens' health and safety far ahead of the company's business interests. According to the Sacramento Bee -- "Several commissioners said they were highly uncomfortable with the plan, based on an analysis that says the trains pose a significant, unavoidable health hazard to humans and other environmental risks along the route to the Benicia refinery."

And here's a special note -- the commission's staff pointed out the issue of federal preemption, which prohibits local governments from regulating trains on the mainline. Regardless, the commissioners stood tall and told Valero they couldn't endanger their citizens.

The commission's chair said, regarding preemption -- "That doesn't make sense from a human point of view."

One of the commissioners stated -- "I don't want to be the planning commissioner in the one city that said screw you to up-rail cities (i.e., the sister California cities the trains would travel through)."

And another commissioner remarked -- "I don't want to be complicit with what has become a social nightmare across the country. What we are talking about is additional profit for a couple of companies."

The commission then issued a resolution about the project which included:

"The proposed location and conditions under which it would be operated would not be consistent with the General Plan as it would be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood, or to the general welfare of the city, as well as uprail communities.

"The finding cannot be made for the Project due to the potential significant on and off-site impacts associated with the project and rail operations, the need for further evaluation of the environmental impacts, the economic purposes of the project, and the conflicting interpretations of preemption."

So, we ask that SLO County's officials also have courage. Stand up to Big Oil regardless of their thinly disguised attempts to intimidate you and our citizens.

<http://www.sacbee.com/news/local/transportation/article59969201.html>

<http://beniciaindependent.com/topics/benicia-planning-commission/>

http://beniciaindependent.com/wp-content/uploads/2016/02/PC_Resolution_No_16-1-OCR-page-numbers.pdf

RESOLUTION NO. 16- 1 (PC)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA DENYING CERTIFICATION OF THE EIR AND DENYING A USE PERMIT FOR THE VALERO CRUDE BY RAIL PROJECT AT 3400 EAST SECOND STREET (12PLN-00063)

WHEREAS, on December 21, 2012, Valero Refinery requested use permit approval for the Valero Crude by Rail (CBR) Project at 3400 East Second Street; and

WHEREAS, the City of Benicia, as the Lead Agency, prepared an Initial Study/Mitigated Negative Declaration to determine if the Valero CBR Project could have a significant impact on the environment, in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the Guidelines for the Implementation of the California Environmental Quality Act (14 CCR Section 15000 et seq.), and the City of Benicia Guidelines pursuant thereto; and

WHEREAS, the Initial Study/Mitigated Negative Declaration was circulated for a 30-day comment period between May 30, 2013 through July 1, 2013; and

WHEREAS, a Draft Environmental Impact Report (Draft EIR) was prepared for the Valero CBR Project and circulated for a 90-day comment period between June 17, 2014 through September 15, 2014; and

WHEREAS, a Notice of Completion of the Draft EIR was filed with the Office of Planning and Research (OPR) on June 17, 2014, and a public notice of the availability of the Draft EIR was published in the Benicia Herald and Vallejo Time Herald on June 17, 2014; and

WHEREAS, copies of the Draft EIR were provided to the State Clearinghouse (State Clearinghouse No. 2013052074) and to those public agencies that have jurisdiction by law with respect to the project, and a Notice of Availability to other interested persons and agencies, and the comments of such persons and agencies were sought for a 90-day comment period between the dates of June 17 through September 15, 2014; and

WHEREAS, the Planning Commission held a public hearing and accepted testimony on the Draft EIR on July 10, 2014, August 14, 2014 and September 11, 2014, and the City accepted written comments on the Draft EIR through September 15, 2014; and

WHEREAS, a Revised DEIR was prepared for the Valero CBR Project and circulated for a 60-day comment period between August 31, 2015 through October 30, 2015; and

WHEREAS, a Notice of Completion of the Revised Draft EIR was filed with OPR

on August 31, 2015, and a public notice of the availability of the Revised Draft EIR was published in the Benicia Herald and Vallejo Times Herald on August 31, 2015; and

WHEREAS, copies of the Revised Draft EIR were provided to the State Clearinghouse (State Clearinghouse No. 2013052074) and to those public agencies that have jurisdiction by law with respect to the project, and a Notice of Availability to other interested persons and agencies, and the comments of such persons and agencies were sought for a 60-day comment period between the dates of August 31, 2015 through October 30, 2015; and

WHEREAS, the Planning Commission held a public hearing and accepted testimony on the Revised Draft EIR on September 29, 2015, September 30, 2015, October 1, 2015 and October 8, 2015, and the City accepted written comments on the Revised Draft EIR through October 30, 2015; and

WHEREAS, 287 written communications were received regarding the Draft EIR, 3,822 written communications were received regarding the Revised Draft EIR and these are included, along with responses, in the Final EIR; and

WHEREAS, the Final EIR document consisting of the Initial Study/Mitigated Negative Declaration, Draft EIR, Revised Draft EIR and the Response to Comments; and said Response to Comments incorporated all written comments received, all oral comments made at the Planning Commission public hearings, the responses to those written and oral comments, and the necessary corrections to the Draft EIR; and

WHEREAS, the Response to Comments document was circulated for public information and provided to the Planning Commission on January 5, 2016; and

WHEREAS, agencies and persons commenting on the Draft EIR and Revised Draft EIR were provided with copies of the Response to Comments document or the City's proposed responses to their specific comments on January 5, 2016; and

WHEREAS, a Mitigation Monitoring and Reporting Program was prepared to ensure that the mitigation measures identified in the EIR are implemented; and

WHEREAS, the various documents and other materials related to the Project constitute the Record of Proceedings upon which the City bases its findings and decisions contained herein. Those documents and materials are located in the offices of the custodian of records for the documents and materials, who is the Community Development Director, City Hall, 250 East L Street, Benicia, California; and

WHEREAS, the Planning Commission held public hearings on February 8, 9, 10 and 11, 2016, at which it considered and discussed the Final EIR, the Mitigation Monitoring and Reporting Program, the staff report, and the proposed use permit with conditions of approval for the CBR Project, and heard testimony from members of the public regarding the documents and the proposed use permit; and

WHEREAS, per Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, CEQA does not apply to projects that a public agency disapproves, but the Planning Commission determined it was necessary to provide findings per CEQA Sections 15090 and 15091, and to deny certification of the EIR and identified the following deficiencies in the EIR:

1. The EIR does not express the independent judgment of the City as required by CEQA.
2. Staff's interpretation of preemption is too broad and the EIR should consider including mitigation measures to offset the significant and unavoidable impacts associated with rail operations, such as air pollution emissions, improved rail car requirements, additional funding for emergency responders and degasifying the oil before transport.
3. The application's objectives are not the City's objectives and the City's objectives were never stated or evaluated.
4. The EIR never discussed or evaluated the City's need for the project.
5. The project is located in the 100-year floodplain, which could increase the hazards related to an accidental spill on the property.
6. The size of the project is too big and would result in traffic and train backups which would negatively affect access to businesses in the Benicia Industrial Park.
7. The project's benefits such as the local employment and economic benefits were not thoroughly examined in the EIR and would not outweigh the significant effects on the environment.
8. The project could potentially have negative biological impacts on Sulphur Springs Creek and the marsh area between the Benicia Industrial Park and the Carquinez Strait.
9. The traffic, air quality, and greenhouse gas emissions analyses are insufficient.
10. The EIR does not evaluate a sufficient number of project alternatives that are feasible.
11. The EIR does not evaluate mitigations to uprail communities and how each potential mitigation is or is not preempted.
12. The EIR's infeasibility determinations are incorrect for Alternative 1 (1, 50-car train) and Alternative 3 (off-site terminal).
13. The response to comments in the FEIR are found to be inadequate, non-responsive and dismissive including, but not limited to, the following specific comment letters:
 - a. Sacramento Area Council of Government: unfunded obligations on communities related to first responders, no evidence of mitigation measures to address transporting crude by rail, no evidence that mitigation measures for the significant and unavoidable impacts are infeasible due to preemption; and insufficient evaluation of potential alternatives including how preemption is applicable.
 - b. State of California Attorney General: insufficient evaluation of air quality impacts and an overly broad interpretation of trade secrets.
 - c. Bay Area Air Quality Management District: insufficient consideration of their recommended mitigation measures for offsetting rail impacts, the

analysis does not accurately characterize air emissions or health impacts, including an insufficient evaluation of PM2.5.

14. The EIR does not disclose all information necessary for complete evaluation of the air quality impacts of the project including the makeup of the crude oil associated with this project, which is based on an overly-broad interpretation of what constitutes trade secrets.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Benicia denies certification of the EIR and denies the use permit and makes the following finding based on the Valero Crude by Rail Project application, the staff report, and related documents, and information presented at the public hearings on February 8, 9, 10 and 11, 2016:

1. *That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained would not be consistent with the General Plan as it would be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of the use, or to the general welfare of the city, as well as uprail communities.*

The project is inconsistent with the General Plan including Goals 2.5, 4.8, and 4.9 due to the direct and indirect impacts of the proposed project which will not maintain the City's health, safety and quality of life. The negative impacts of the project such as impacts to the traffic in the industrial park, freeway, the community's ability to travel in and out of the industrial park and economic impacts to adjacent businesses would not maintain the City's health, safety, and quality of life. The potential for negative environmental impacts would dissuade businesses from staying in the Benicia Industrial Park and dissuade new businesses from locating in the Benicia Industrial Park. There is no provision for clean-up in case of a spill or accident and local jurisdictions, including Benicia would bear the economic burden of such a clean-up. In addition, the design of the unloading rack, its location in the 100-year flood zone, and the size of the facility creates issues with traffic and emergency access. The project would limit access for emergency response; especially access to Sulphur Springs Creek including the potential for rail cars to fall into Sulphur Springs Creek.

The Planning Commission finds that the project would be inconsistent with the General Plan in that it would place Benicia residents and uprail communities at risk. There is not sufficient technology currently available to make the rail cars safe. In addition, the project creates significant environmental concerns surrounding the project's impact on Sulphur Springs Creek and the bay, potential increases in the cost of insurance coverage for the community, liability risks for property damages and cleanup costs associated with on-site and off-site impacts of the transport of crude by rail.

As set forth above, the finding cannot be made for the Project due to the potential

significant on- and off-site impacts associated with the project and the associated rail operations, the need for further evaluation of the environmental impacts, the economic purposes of the project and the conflicting interpretations of preemption.

* * * * *

On motion of Commissioner Young, seconded by Commissioner Birdseye, the above Resolution was adopted at a special meeting of the Planning Commission on February 11, 2016, by the following vote:

Ayes:	Commissioners Birdseye, Cohen-Grossman, Oakes, Radtke, Young and Chair Dean
Noes:	None
Absent:	Commissioner Sherry
Abstain:	None



Don Dean
Planning Commission Chair

105. The Impacts Could Devastate The Reputation Of SLO County's Agricultural Businesses (1:51):

Speaker: _____

Hello, I'm _____ and I live in _____.

As you all know, agriculture is a primary driver of our local economy. It provides over 20,000 jobs. And during 2013, the value of our ag products was a record high - \$960 million. But the Phillips project contains impacts that can devastate our ag business and the esteem it's created for itself. The Final EIR warns of a Class 1, unavoidable impact caused by crude oil trains derailing along the mainline. It says ...

- "The addition of up to five round-trips per week on the mainline would increase the potential for spills or fire-related impacts on adjacent agricultural soils."
- "(It) could result in effects that impair adjacent agricultural uses, including the generation of contaminated air emissions, soil and water contamination, and increased risk of fire, which have the potential to adversely affect agricultural areas."
- "A fire could spread substantially beyond the areas directly adjacent to tracks. The mainline passes through numerous prime, statewide or local important farm lands. All of these could be impacted. In the event of an oil spill, there could be a complete loss of the agricultural resources."

Phillips' plan would add hundreds of mile-long trains to our County. That's why the EIR classifies the above threats as a "Class 1" unavoidable impacts. There would be no way to prevent potential derailments and all of the outcomes.

Such spoilage of agricultural resources will also result in a destruction of our County's reputation for growing wine, strawberries, and other crops vital to tourism and our economy. Is this what we wish for our farmers and everyone else who depends on our agricultural enterprises, simply to satisfy Phillips desire for greater profits?

The rail terminal project should be rejected. If there is no terminal, there will be no impact on our billion-dollar agricultural enterprises.

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

Source: FEIR, 12/15, Section 4.2
2013 Annual Report; SLO Dept. of Agricultural Weights & Measures
Economic Contributions of SLO County Agriculture; Crop Report Plus

PLANNING COMMISSION

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81. What Would Phillips Do After A Crude-Oil-Train Disaster? (1:20):

Speaker: _____

Hello, I'm _____ and I live in _____.

Phillips tells us repeatedly how safe their 80-car trains are going to be.

But let's just suppose that their tankers had a problem when they move through our County ... problems such as an oil spill, fire, explosion, toxic fumes, ruined crops, property damage, injuries, deaths, etc.

If they had that kind of problem, you'd think they'd stand by our citizens and first responders. You'd think they'd accept responsibility and jump in to set things right. You'd think they'd be first on the scene and open up their pocketbooks wide, to turn things around.

Not so fast. Phillips issued the following statement to Central Coast News ...

- "The Union Pacific Railroad will be responsible for delivering the crude oil rail cars to and from the Santa Maria refinery. Phillips 66 doesn't have control over how Union Pacific routes the trains."

So, what would Phillips do if their tankers caused a major problem? What would be their reaction? Would they blame the railroad? Would they pay for cleanups? Would they pay to rebuild our communities? Would they compensate businesses for lost sales ... compensate people for having to evacuate their homes ... compensate citizens who couldn't work because they're injured or lost their jobs?

Phillips claims to be a "good neighbor" ... so what will they do? Or, will they say it's Union Pacific's problem, and walk away?

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

<http://www.keyt.com/news/derailment-draws-attention-to-phillips-refinery-rail-project/31330564>

PLANNING COMMISSION

AGENDA ITEM: _____³
DATE: _____^{2/25/16}

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162. Stand Our Ground Against Preemption (2:35):

PLANNING COMMISSION

Speaker: _____

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I'm _____. I live in _____.

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A protagonist is standing before us and brandishing a weapon.

It isn't only Phillips 66. It can be any industry that our nation encourages, under regulatory guidance, to serve our country and citizens.

The weapon being brandished is Federal preemption of railroads. However, preemption isn't the all-powerful, uncompromising instrument we're being asked to believe it is.

If we cower at Phillips' project, we're telling industry it can build anything it wants on private property, anywhere it wants, and import any kind of raw materials it wants. That is, as long as it arrives by preempted rail, local governments have no say at all.

Certainly, we need our industries for the goods and services they provide, the jobs they create, and for our economy. And we need the oil industry. It's the biggest component in our nation's energy budget. That likely won't be true forever, but it's true now.

We want Phillips 66 to be productive and profitable, as they've been for six decades. But their success doesn't depend on this project. The Final EIR says that unmistakably and with specific evidence.

However, something bigger is at stake here. Something our county hasn't seen much of.

Phillips 66 is essentially telling us that that separation of powers enshrined in our Constitution doesn't apply to their project. They're saying that what local government desires for its people doesn't count at all.

But your fellow citizens say otherwise. And a huge number of them, right here in these Chambers, have asked you to stand our ground.

If Phillips 66 wants to pursue their project, make them convince the Surface Transportation Board and the courts that they can circumvent our General Plan and its vision for our county's future.

Your Commission isn't likely to have the last word on this project, but you have the first word. You can give future decision makers the backbone they need by handing them a unanimous denial here. You're not just five fellow citizens - there's power behind you.

Our sister counties and cities have been and will be with you. Our educators have been and will be with you. And it's the same with our health care community, respected professional organizations, religious leaders, elected officials and especially individual citizens. They're the foundation of the opposition, and "we the people" are giving you the power to say no. All of these organizations and all the people will be with you and support you in every way they can.

So embrace this power -- use it. Let's stand our ground. Mr. Chairman, members of the commission -- act together. Deny this project unanimously.

83. Almost Half The Bridges Crossed By Oil Trains Are At Risk Of Failure (1:52):

Speaker: HOWARD MORRIS

Hello, I'm _____ and I live in NIPOMO MESA

A "waterkeeper" organization is a nonprofit, public advocate for healthy waterways. In November of 2015 a network of those organizations released a report entitled "DEADLY CROSSING: Neglected Bridges & Exploding Oil Trains." The report was created in response to the enormous increase in oil train traffic. Of course, these trains constantly cross bridges over our precious waterways.

The authors personally examined 250 U.S. railway bridges in 15 states, all of which carry or may carry crude oil trains.

- The investigation revealed that one of every two bridges in our nation - 46% - shows "signs of significant stress and decay, such as rotted, cracked, or crumbling foundations, and loose or broken beams." These were not "cosmetic" issues.
- Those who did the investigation saw that when crude oil trains passed, some bridges flexed and slumped, with vibrations causing concrete to crumble.
- The report also stated that these heavy trains "increase the likelihood of a bridge defect, leading to an oil train derailment, spill, explosion and fire."

Right here in SLO County, we already have at least one railway bridge problem. In July 2015, the Coastal San Luis Conservation District pointed out that Union Pacific's bridge across the Arroyo Grande Creek near Oceano "has condition issues." This was supported with multiple photos detailing deep cracks in the foundation.

Simply put, the infrastructure of our country's railroads, especially when it comes to carrying extremely heavy crude oil trains, is outdated ... and this includes both tracks and bridges. It's just by sheer luck that we haven't had an oil train accident in SLO County. Adding hundreds of Phillips' trains to the tracks and bridges, year after year, will bring about a disaster far sooner.

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

<http://waterkeeper.org/cms/assets/uploads/2015/11/Deadly-Crossing-Web-Version.pdf>
<http://www.forestethics.org/news/new-investigative-report-documents-threat-oil-trains-nation's-neglected-rail-infrastructure>
http://www.al.com/news/index.ssf/2015/11/oil_train_bridge_safety.html

PLANNING COMMISSION

AGENDA ITEM: 3
DATE: 2/25/16

DO NOT REMOVE FROM FILE

Public statement of Weston Williams before the San Luis Obispo Planning Commission regarding Phillips 66 Proposed Rail Project

Good morning Mr. Chairman and Commissioners. My name is Weston Williams and I am a resident of Nipomo. Let me preface my remarks by saying that I have spent over 40 years of my career in the energy industry, both as an engineer and as a manager. As such, I clearly recognize the need for energy to power our homes, industries and transportation systems. I also strongly support the development of sustainable energy resources in a responsible manner. However, I do not view the proposal before you as responsible development. As pointed out by your staff after careful study and consideration, if approved this proposal would result in significant adverse impacts to our environment and our population. It would also carry the risk of exposing the public to catastrophic consequences if an accident were to occur. The burden of the eleven Class 1 impacts, as well as all of the other adverse impacts, would fall on our environment, on the residents near the proposed project and along the route throughout California and beyond, to tourists and visitors to our area. Among others, the burden falls to the thousands of children attending schools along the route and to the young people and our future leaders attending CalPoly. To offset and balance these significant, long lasting and potentially catastrophic impacts, we would have no increase in our energy supplies and only the financial gain of a few. For these reasons, I respectfully request that you accept the recommendation of your staff and deny Phillips' request for approval of this irresponsible project. Thank you.

PLANNING COMMISSION

AGENDA ITEM: 3
DATE: 2/25/16

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91. SLO County's Sheriff And Police Chief Discuss Preparedness For Crude Oil Train Derailments
(1:50)

Speaker: _____

Hello, I'm _____ and I live in _____.

At a town hall meeting in 2015, SLO County Sheriff Ian Parkinson was asked about his department's preparation for crude oil train derailments. Here's what he said ...

- "Law enforcement and the Sheriff's office have no expertise or training for derailments. CalFire has primary (responsibility). They give the Sheriff's office instructions.
- "We have general spill plans, but nothing to the magnitude (of a train derailment). If (the rail terminal) happens, there will have to be more training. (Our ability to respond) wouldn't matter if we had 30 officers. The danger is still present. We couldn't have an adequate response. (Citizens) do have a real concern now, let alone what would be coming."

And in 2015 Grover Beach Police Chief John Peters wrote to his city's manager about Phillips' plan for crude-by-rail. In the Chief's words ...

- "More trains mean more chances of something happening. We are pretty much at the mercy of the railroad companies. If (they) fail to maintain proper transport cars, then we could see a release of material when a derailment happens.
- "Our officers need to have additional training on how to respond to toxic chemical releases. We need to equip officers with modern chemical masks that will protect them.
- "We need to practice our emergency evacuation routes.
- "(In the event of a derailment) "we will be taxed beyond our capabilities. If the derailment is a large scale disaster, our recovery as a department and a city may take quite some time.
- "(And) we need additional funding. We do not have a budget for training or equipment."

These remarks from law enforcement hit at the heart of the issue. If some or all of our emergency teams are underfunded, unprepared, undertrained, under-equipped and preempted from controlling shipments of crude and activities on the mainline, then our officials should never approve Phillips' request for a rail terminal.

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

<http://www.mesarefinerywatch.com/newsletters-docs2.html>

PLANNING COMMISSION

AGENDA ITEM: 3
DATE: 2/25/10

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159. Ten Class I Impacts Remain Even With Phillips Reduced Rail Alternative Plan (2:05):

Speaker: _____

Hello, I'm _____ and I live in _____.

Phillips has claimed that with their reduced train alternative, all Class I impacts at the refinery disappear, even while all Class I threats on the mainline remain in place. I'd like to read what the Final EIR actually says about all of those impacts under this alternative plan ... especially those at the refinery.

1. **Operational Emissions In SLO County, Which Includes The Santa Maria Refinery Site:**

"Operational activities associated with the Rail Spur Project within SLO County -- i.e., on the project site Santa Maria Refinery -- and on the mainline within SLO County, would generate criteria pollutant emissions that exceed SLO County Air Pollution Control District thresholds*. Would remain a Class I impact."

2. **GHG Greenhouse Gas Emissions:** "Operational activities associated with the Rail Spur Project would generate GHG emissions that exceed SLO County Air Pollution Control District thresholds.* Would remain a significant Class I impact." I would like you to note that the GHG emissions include those both at the refinery and along the mainline.

3. **UPRR Mainline Emissions:** "Would remain a Class I impact."

4. **Mainline Rail Toxic Emissions:** "Would remain the same as the Rail Spur Project, Class I."

5. **Hazards And Hazardous Materials:** "Risk of spill/fire on the UPRR Mainline would remain Class I."

6. **Increased Demand For Fire Protection And Emergency Response Along The Mainline:** "Would remain significant, Class I."

7. **UPRR Mainline Spills:** "Would remain Class I."

8. **Water Resources:** "UPRR Mainline Spills Would Remain Class I."

9. **Biological Resources:** "UPRR Mainline Spills would remain Class I."

10. **Cultural Resources:** UPRR Mainline Spills would remain Class I."

Therefore, 91%, or 10 of the 11 Class I impacts under their original plan, remain with the reduced rail alternative ... including most of those at the refinery. And our Planning Commission of course, has direct decision making power regarding the threats Phillips' plan would generate at the refinery.

And as the commission's staff concluded -- "there are insufficient benefits of the Project to override its significant unavoidable environmental impacts."

These are yet additional, logical, defensible reasons to vote No Project.

PLANNING COMMISSION

Source: Pages 5-51 through 5-63; Final EIR, 12/15

*Page 5-71, Final EIR, 12/15

AGENDA ITEM: _____

DATE: _____

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Don RUTHERFORD

I'm here because I have worked in the Tar Sands and I have probably come closer to being killed by them than anyone here today.

In the summer of 1961 I worked in the Northern Alberta in the Athabasca Tar Sands, a source of the tar sands crude oil that Phillips 66 wishes to transport by rail. My employer was a major international oil company that was experimenting to find a practical method of extracting the crude oil from the asphalt-like deposits several hundred feet below the surface.

One of the experiments involved igniting the tar sands several hundred feet below the surface to see if the heat generated would make the crude viscous enough to flow leaving the sand behind and if the pressure created could drive the crude up a number of wells drilled around the periphery.

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Along with several other final year engineering students we took shifts and monitored and recorded a large number of measuring devices at the site around the clock.

In the middle of the second night of the underground fire, the engineer on duty got a whiff of hydrogen sulphide, the rotten egg smell that comes from burning sulphur. This particular engineer, unlike me and the others, was in chemical engineering and knew that hydrogen sulphide in lethal concentration was odorless. He immediately left the

site, woke up the camp and the experiment was promptly shut down. The next morning it was discovered that the gasses from the fire had worked their way up through the several hundred feet of overburden and were venting above ground. The gas measuring devices and a large number of dead ground animals confirmed that we had a major hydrogen sulfide leak of lethal concentration.

I have always been thankful that a chemical engineering student named Gerald Moreau was on duty that night because he was the only one of our little group who knew the danger of the gas. Had it been me I might not have left until it was too late and I wouldn't be here today.

Tar sands crude contains about 10 times more Sulphur than more common crude oils, along with numerous other contaminants. A major incident with tank cars burning will produce deadly gasses, in the case of hydrogen sulphide a gas that hangs on the surface and does not dissipate upwards. This odorless gas can kill any living creature it reaches in the surrounding areas.

What is my point? Why am I telling this story? It is a statistical certainty that an incident will occur whereby tank cars containing tar sands crude spill and catch fire. The only unknown is when and where. My point is simply that I cannot imagine that anyone with the public interest at heart could approve a project that imposes this kind of risk, no matter how small, on the population along the railway tracks. And for what reason? For profits to the owners of a refinery?

You cannot trade public risk for private profit and that is exactly what approval of this project would be doing. I can only strongly encourage you to deny any proposal to move any amount of tar sands crude by rail!

DO NOT REMOVE FROM FILE

On February 4 and 5 you heard, not only from your own Planning Department, but from hundreds of people, whose quality of life, health, safety, and life savings will be threatened by approval of this proposed Railroad terminal on the west side of Highway One, risks that can not be mitigated as the County has neither the capability to lessen the risks nor the ultimate authority to do so. These people (prospective neighbors of the terminal and the rail lines that will transport these dangerous fuel-laden tankers through the centers of their towns, past schools, homes, municipal centers) as well as legislators and city officials and first responders, all gave you facts, statistics, specifics, why you should recommend denial, and you made *no* decision although the only argument *for* the project seemed to be a loss of jobs that don't yet exist but might if the project were approved in spite of its potentially deadly impact.

Yet we learn the recent "compromise" bill to finance the US government also lifted a decades-old ban on exporting oil, which will make more oil billionaires, not fewer, as they race to fill the worldwide demand, and any job loss will be dictated by Phillips' "bottom line" and could come regardless of approval or denial of this project.

You are our neighbors and fellow citizens. Do not betray us and everyone we cherish and everything we own to "support business no matter the cost to others." Such a heartless choice cannot and *will not* be forgotten. If you value those of us here and at home, those men, women and children who live in the communities near the

19. Phillips Proposes Such Dramatic Changes, That The Decision Should Be Compared To That Of New Applicant In SLO County (1:42)

PLANNING COMMISSION

Speaker: _____

AGENDA ITEM: 3
DATE: 2/25/16

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Hello, I'm _____ and I live in _____.

Phillips' proposes to change their business model in SLO County in dramatic ways ...

- They propose to move from benign delivery of crude by pipeline to delivery of crude by rail, shipped into a brand new rail terminal.
- They propose to have 500, mile-long trains enter and leave SLO County every year.
- They propose changing the use of their land from passive to highly active.
- They propose, for the first time, to emit diesel pollution throughout the County.
- They propose to introduce diesel pollution to South County, which already violates state and federal air quality standards. However, Phillips says they don't have to do anything about it.
- They propose making SLO County a super-site for tar sands and petcoke.
- And they propose to dramatically increase the potential for crude oil train derailments, oil spills, fires and explosions ... in the face of emergency services that are totally underfunded and unprepared to handle it all.

Therefore, our officials should look at the Phillips proposal as a zero-based decision ... i.e., starting from scratch and taking it on its own merits. It should not be based on Phillips' history, personal relationships and safety record at the plant.

If a new company that had never conducted business in SLO County came to our officials tomorrow, with the same business model and risks, we're certain it would be rejected. You'd shake your heads like the Aflak duck and say -- "*You must be kidding!*" The safety and well-being of our citizens trumps the new direction in which Phillips intends to take us all. Our officials must vote No Project.

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

62. The Argument Of "All Life Has Risks", Makes No Sense (1:58):Speaker: Dr. Karen StevesAGENDA ITEM: 3DATE: 2/25/10Hello, I'm Karen and I live in Nipomo.

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Here's a recurring theme of those who support the Phillips plan -- "All of life has risks." "You can't avoid risks." "You risk your life every time you get in a car." And based on that theme, the conclusion is that we shouldn't mind the introduction of Phillips' highly volatile crude oil trains into our communities.

But let's examine that premise more closely. How do our citizens and government officials typically react to increased risks for our communities?

- When crime increases, do they call for more or less police protection, or ignore the increased risks?
- When the threat of terrorism grows, do they call for more or fewer safeguards, or ignore the increased risks?
- When there are more drug dealers near our schools, do they call for intervention, or ignore the increased risks?
- When products are proven to be unsafe, do we take them off the shelves, or ignore the risks?

And speaking of cars ...

- Do we buckle our seat belts in order to avoid injuries, or ignore the risks?
- Do we stop our cars at stop signs to avoid accidents, or ignore the risks?
- Do we halt our cars when there are pedestrians in a crosswalk, or ignore the risks?

Yes, there are many risks in life. But we're sane about approaching them. We don't willfully turn a blind eye towards them and simply say "let's roll the dice!" Instead we think about the issues rationally, and work to minimize the risks. The safety and health of our citizens is meaningful.

The former chief of the federal agency that sets rail tank car standards remarked -- "I hear people say, it happens, they derail. I think that's an untenable position. I don't think you can ever say, things blow up or things crash." he said.

So the argument of "all life has risks" and therefore let's welcome more polluting and explosive oil trains into our midst, simply doesn't make sense. Every risk comes with a cost. And the costs that Phillips has in mind for us are far too high to embrace.

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

156. The Reality Of Crude Oil Train Derailments -- Mount Carbon, West Virginia (3:00):

Speaker: _____

Hello, I'm _____ and I live in _____.

(Ask the staff to insert the flash drive labeled "West Virginia Derailment" and be prepared to play it.)

When speaker after speaker discusses the explosiveness of modern day crude oil trains, they're not discussing ancient history. They're discussing what has been happening just over the last few years.

Here's the video evidence of the actual threat that Phillips wants to introduce into SLO County and California's Central Coast. Please play the video labeled "West Virginia Derailment."

<https://www.youtube.com/watch?v=zo7kz5CZfU4>

PLANNING COMMISSION

AGENDA ITEM: 3
DATE: 2/25/16

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Good morning, I am Eileen Lussier, a Nipomo Mesa Resident:

Several months ago I was listening to a New York radio station when they announced the area with the worst air quality in the United States was Nipomo CA. This is part of the impetus for my talk. The other part is that I am a psychologist and I work at a **local cancer center**.

I am not a scientist, we have heard from others how the pollutants could increase the risk of cancer. The environmental study recognizes that the rail project has the probability to bring about increases in cancer, heart disease, respiratory disease, premature death in the elderly and the very young. They even quantify the possibility in a general population and it seems to not sound unusually high to an ear that is not truly involved or concerned.

However, I believe further air pollution, of our community is not adequately addressed by the study to represent the impact on the lives of the residents of this area. Particulate matter doesn't stop at the refinery boundaries, --- it is blown by the wind into the air we breathe, the water we drink and onto and into the plants and animals we eat.

I would like to present my concerns regarding the probability that cancer would increase even by a "seemingly small" amount due to this project. In doing so, I would like to give those seemingly insignificant numbers,--- faces for you to envision. I invite you to sit with an 18 year old who is saying how he was concerned about how his mother and father will be after he dies; or a 36 year old women who has worked, while being a loving mother and wife; while she and her family are told that she will die soon and she would not be around to care for her children of ages 6, and 12; she won't be there to guide them and see them grow into young women;--- or the man, due to his lung disease who will no longer be able to support--- and soon will not be around **for his** family which includes 2 teenagers;--- or the retired couple who had worked hard all their lives and planned to have a good retirement spending time together with their grandchildren, but suddenly one has been given a diagnosis that told them that their time together was very short. I would like to present the large number of our young people, 26 year old, 32 year old, 36 year old, 40 year olds who are suddenly developing cancers in the prime of their lives. Unable to work, ---needing assistance. These are real people in our community--- not just numbers.

This board has the unique opportunity to make a decision that will impact the health and safety of 25 million Americans that the Sierra Club estimates would be in the "blast zone" of an environmental disaster from a potential oil spill.--- You are **also** making a decision regarding the ongoing health of your family and mine, your neighbors and mine, and your friends and my friends.

The oil companies want to use train cars that have proven are not secure to transport crude-- on rails that are old and troubled; they are not worried about how they will pollute our air, water and food, and how that will impact our health. They want to transport these dangerous products from Canada to Nipomo polluting the air along the way with their diesel and risking lives when they carry dangerous toxins through some of our most highly populated areas; through Silicon Valley; San Luis Obispo; near your house and mine; just so that the large corporations can increase their profits. Are we just collateral damage to them? How important is your health and the health of your loved ones to you?

Thank you for giving me the opportunity to express my concerns,-- Please make the right decision.

Eileen Lussier, Ph.D.

PLANNING COMMISSION

AGENDA ITEM: 3
DATE: 2/25/16

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137. Let's Listen To The Noise That Will Be Generated By Phillips' Rail Terminal (2:00):

Speaker: JERRY KANDEL

Hello, I'm JERRY KANDEL and I live in TRILOGY NIPOMO

Phillips believes that the thousands of residents living adjacent to their new rail terminal wouldn't be annoyed by the noise from hundreds of trains moving around their property, and the metal cars constantly coupling and uncoupling. I'll let you judge how annoying it will be. Please listen to what a typical crude oil rail terminal sounds like ...

I have a 30-45 second sound bite

(Play the audio that should already be geared up on a smartphone -- hold the phone very close to the microphone. Set the volume on high. Play it for approximately 1 min. 30 seconds.)

http://www.nj.com/union/index.ssf/2015/01/overnight_linden_oil_train_noises_out_of_city_officials_hands.html

PLANNING COMMISSION

AGENDA ITEM: 3
DATE: 2/25/16

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138. Visual Impacts Throughout SLO County Cannot Be Mitigated (1:53):

PLANNING COMMISSION

Speaker: _____

AGENDA ITEM: 3

DATE: 2/25/16

DO NOT REMOVE FROM FILE

Hello, I'm _____ and I live in _____.

Please consider the visual impacts Phillips' crude oil trains will have on people throughout SLO County. And I'm talking about citizens, shoppers and tourists.

Have you ever watched a crude oil train go by? One that's a mile long? Even if it were going 40 miles an hour, it would still take a few minutes or more. You couldn't see the beginning or end. And you'd try to guess how long it would take to pass.

Sometimes the trains go slower, due to dangerous rail conditions or crossings. Then each takes far longer to go by. In fact, they'll often idle at the 24 grade crossings in our towns based on traffic issues ... spewing even more pollution, clogging up roadways and causing traffic jams.

In addition, graffiti artists will have a field day with the slate black cars ... so we can look forward to enjoying their grotesque artwork.

These trains might be interesting to watch once or twice. But if Phillips has their way, it will happen 500 times every year, forever, as trains arrive and depart our County.

It's estimated that if those trains were linked together, they'd be 500 miles long. Imagine what that looks like ... 500 miles of huge, jet-black cylinders built to haul hazardous materials.

That visual would become SLO County's new icon. Forget about the Morro Rock, Bubblegum Alley, bountiful vineyards or the Pismo Beach Pier.

Our new icon, seen by everyone all year long, will be ugly oil tankers. And heaven forbid ... if a serious accident occurred, the videos of derailments, oil spills and fires would also become our icons ... just as they have for Casselton North Dakota, West Virginia and elsewhere.

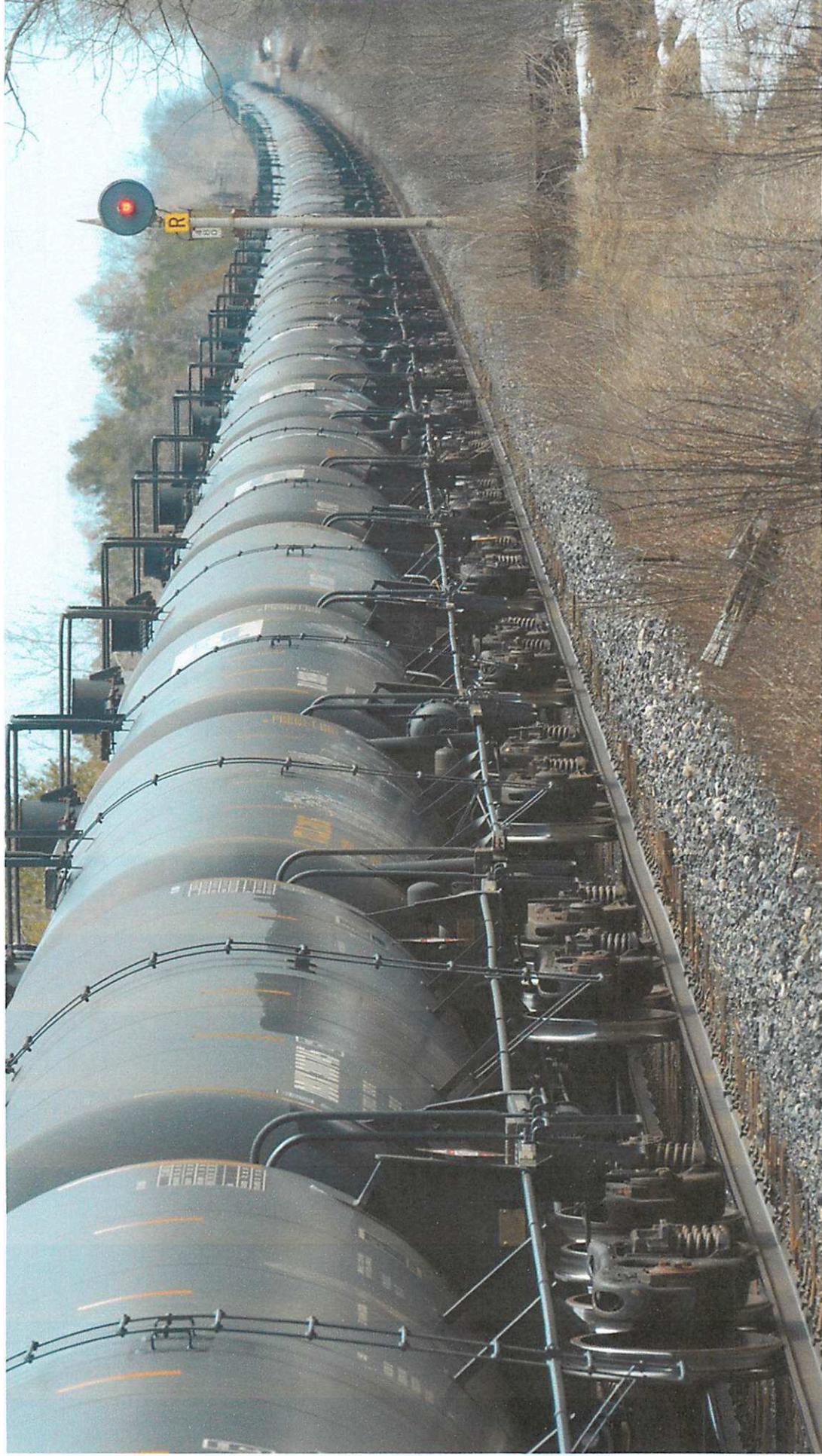
Oil trains coming through SLO County would be our new normal. It would be our new brand. Then, citizens, businesspeople and tourists will shake their heads and say, "How could they have let this happen?"

But you can prevent this visual eyesore. Vote yes and the trains will come forever. Vote no, and we'll be in your debt forever.

I'd like to submit photos of what these trains would look like in SLO County.

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

**SLO County's New Icon:
1.0 Mile-Long Crude Oil Trains
Crisscrossing Our Landscape**



**SLO County's New Icon:
1.0 Mile-Long Crude Oil Trains
Crisscrossing Our Landscape**



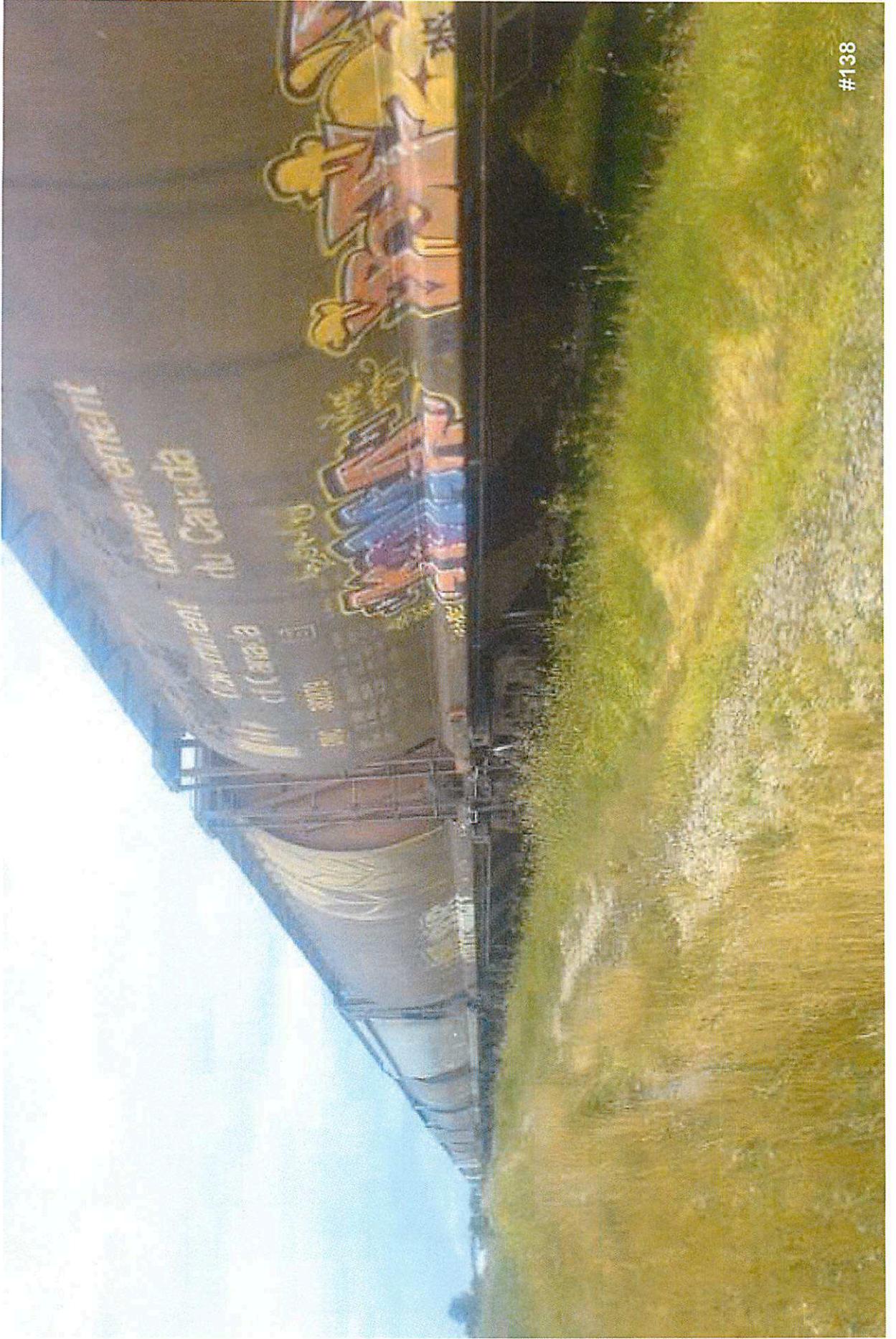
**SLO County's New Icon:
1.0 Mile-Long Crude Oil Trains
Crisscrossing Our Landscape**



**Graffiti-Laden Crude Oil Trains
Would Become SLO County's New Icon!**



**Graffiti-Laden Crude Oil Trains
Would Become SLO County's New Icon!**



**Graffiti-Laden Crude Oil Trains
Would Become SLO County's New Icon!**



**Graffiti-Laden Crude Oil Trains
Would Become SLO County's New Icon!**



2. The Legacy Of SLO County Officials Will Be Determined Based On "Crude-By-Rail" (2:49): 3AGENDA ITEM:
DATE: 2/25/16Speaker: Nora LeeHello, I'm _____ and I live in Alipoma

DO NOT REMOVE FROM FILE

I'd like to tell you about the cynicism I've heard regarding what our officials will base their decision on, regarding the rail terminal.

The logical arguments are so overwhelming, that rejecting crude-by-rail should be a no-brainer. The most relevant issues are health, security and quality-of-life, and the negative impact on our farmers, retailers, tradespeople and hospitality professionals.

But word on the street is that the decision won't be logical -- that it's a foregone conclusion based on the clout of Phillips 66. People are saying it will be based on relationships with good-old-boys, political ideology about the sanctity of business, political IOUs, and of course, money. If that's true, Phillips' trains will invade us forever, with horribly negative results.

I'm not being overly dramatic. Their plan is an irreversible disaster. The effects will be felt instantly with poisonous air pollution ... the Final EIR guarantees it. And longer-term there will be an accident ... the EIR warns us repeatedly. Then, we'll be like other towns after their oil train disasters, scraping ourselves off the ground, physically and economically.

You, our officials, are part of an historical moment. To use an old phrase -- "*The whole world is watching.*" Your decision will be transformative, for both SLO County and California.

Vote for the project, and our lives will be significantly degraded. But if you stand up and be accountable to the people ... that is, if you vote No, you'll be remembered as having truly represented them. This must not be a political decision. It's one of principal, about who comes first ... profits or the people.

Your choice will also shape your long-term legacy. You'll be remembered by generations to come. The verdict is that momentous. Allow Phillips to bring their trains, and people will think of you 500 times a year, as miles worth of tankers drag back and forth through our towns, with locomotives blasting whistles, spewing poisonous exhaust into our air, and as we wait for a derailment and disaster to follow. That would be your legacy.

Truly, only Phillips benefits with the terminal. Allow them to switch from their historical passive to a far more active use of land, and our citizens and businesses will be nothing but collateral damage.

We're not asking for the refinery to close. And if you believe that denying the terminal means it will go away and jobs will be lost, that's a major misjudgment.

SLO County has been called "paradise." And it's been true. But please don't allow this generation of officials to be those who allowed our County to become "paradise lost."

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

58. Union Pacific - Lagging Well Behind On Adopting Safety Requirements (140) PLANNING COMMISSION

Speaker: William L. Brown

AGENDA ITEM: 3
DATE: 2/25/16

Hello, I'm Bill Snow and I live in ARROYO GRANDE DO NOT REMOVE FROM FILE

In 2008 Congress gave railroads seven years, until December 2015, to install new safety technology. It's called "positive train control", or PTC, and would stop or slow trains in danger of derailing or colliding with other trains.

Interestingly, despite knowing PTC will be required, the DOT remains pessimistic about the future safety of crude-by-rail. It still expects trains hauling crude oil or ethanol to derail an average of 10 times each year over the next two decades. Simply put, there are too many other causes of train accidents that PTC doesn't control.

In any case, as ABC News reported in August -- "Only a handful of railroads are close to meeting (the PTC) deadline. Some are lagging far behind. Union Pacific, the nation's largest freight railroad, hasn't equipped any of its 6,532 locomotives with the technology."

In fact, ABC said, "railroads have been urging Congress to delay the (seven year) deadline." In July, the Senate passed a bill that would give railroads yet another three years to install the technology, shifting the "deadline" to at least December, 2018. And some are asking for years of additional research to confirm the value of new braking systems. (The rail industry claims the brakes are unnecessary, will cost \$3 billion, and jeopardize safety.)

Union Pacific has told us that safety is their highest priority. Based on their turtle-like compliance with 2008 government safety regulations, we must remain extremely skeptical of their commitment to doing what's right, and skeptical of what they're saying.

And one more thing -- in August 2015, Union Pacific announced hundreds of firings of supervisory jobs. That fact alone makes it highly dubious that they'll now invest heavily in safer operations anytime soon.

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

<http://abcnews.go.com/Politics/wireStory/railroads-meet-deadline-safety-technology-32945711>

http://www.huffingtonpost.com/2015/02/23/ap-exclusive-fuel-haulin_n_6730476.html

<http://wsau.com/news/articles/2015/jul/14/buffett-may-benefit-as-train-lobby-bids-to-weaken-safety-rule/>

http://www.omaha.com/money/union-pacific-to-cut-several-hundred-management-jobs-in-omaha/article_3a1de250-413e-11e5-8e3d-87bb56d2f5ec.html

AGENDA ITEM: 3
DATE: 2/25/16

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**Resolution to oppose the Phillips 66 Rail Spur Project
and request for denial by the
San Luis Obispo County Planning Commission**

Nov. 11, SLO County Democratic Central Committee

Whereas, the proposed Phillips 66 Rail Spur Environmental Impact Report (EIR) includes more than 10 "Class 1" negative health and safety impacts that cannot be mitigated to "insignificant" levels; and that dozens of public and private pre-schools, K-12 schools, a college and a large university in San Luis Obispo County are either in or sited within a mile of the "blast zone," and would suffer disastrous consequences in the event of a rail disaster caused by oil trains serving the Santa Maria Refinery on the Nipomo Mesa; and that teachers – while on the job – are state-mandated disaster workers and have not been trained or equipped to deal with the consequences of a potential disaster; and that Phillips 66 has not provided funding for – nor pledged future funding for – training and new equipment for emergency responders in San Luis Obispo County in the event of a disaster caused by oil trains serving the Santa Maria Refinery on the Nipomo Mesa;

And whereas, according to the draft EIR, depending on the location of an oil spill, there may be no oil spill containment or cleanup equipment immediately available; and that due to the nature of the toxic and volatile tar sands crude carried on mile-long, 80-tanker trains, a derailment and spill would pose irreversible negative impacts to sensitive plant species, sensitive animal species, streams and rivers, wetlands and sensitive environmental habitats along the route; and that the severity and expansive radius of such a spill impact would be impossible to completely clean up and would have a vast and significant impact on the ecosystem for years, with cleanup costs in the untold millions of dollars; and that this project would pose unacceptable risks to the health and safety of school and hospital communities, towns and villages along the proposed rail route along the coastal and capital corridors and throughout the State of California;

And whereas, this project brings negligible public benefit compared to incalculable long-term risks to the health and safety of San Luis Obispo

County residents and their habitable environment; and that this project is proposed for the sole benefit and profit of one multinational oil company, Phillips 66; and that the Santa Maria Refinery on the Nipomo Mesa will not be shut down if this project is denied, inasmuch as this possibility has never been publicly stated or acknowledged by any Phillips 66 executive management team member;

Now, therefore, be it resolved: The San Luis Obispo County Democratic Central Committee OPPOSES the Phillips 66 rail spur project and requests that the San Luis Obispo County Planning Commission DENY the project application.

Be it further resolved: Phillips 66 should withdraw the proposal for this unnecessary and dangerous rail project and work with the community toward alternative clean energy solutions that will protect the health, safety and welfare of San Luis Obispo County residents, and Phillips 66 should develop and promote clean energy solutions to enhance the economic viability of San Luis Obispo County, leverage the resources of its diverse population and educational institutions, and serve as a focal point for local companies to lead the nation in clean energy with a mosaic of support industries.

California Oil Train - A Dangerous Choice!

PLANNING COMMISSION

Fiona Cogan (Los Osos Resident)

AGENDA ITEM: 3
DATE: 2/25/16

Public Comment on Proposed Phillips 66 Oil Trains

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February 4, 2016

California Oil Train - America's Softest Terrorist Target?

I currently live in Los Osos in San Luis Obispo County, but I grew up in Greater London, England and the first 5 years of my technology career were in the City of London during The Irish Republican Army's (The IRA's) reign of terror! I experienced bombs detonating behind me as I left a railway station and have been evacuated along a subway tunnel carefully avoiding the still "live" 3rd rail due to an IRA bomb threat.

In the United Kingdom Railway lines are most inaccessible, secured by high fences and deep culverts and the ever present "CCTV" observation, whereas here in California I have observed how very accessible the railway tracks are to both pedestrian and vehicular access, one would not even need an explosive device to easily engineer a derailment with dramatically terrible consequences in the case of a Phillips 66 Oil Train being derailed!

With the number of "High Value" Terrorist Targets along the proposed Oil Train route (the City of Paso Robles, Camp Roberts, CalPoly State University, SLO - the happiest City in America, etc) and the "bonus" of using the american greed for oil against America I believe this misguided proposal will create very attractive and very soft terrorist target.

Stop this foolishness NOW unless Phillips 66 is willing to completely secure every inch of track as a prerequisite of proceeding!