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Santa Lucia Chapter
P.O. Box 15755
San Luis Obispo, CA 93406
(805) 543-8717
www.santalucia.sierraclub.org

September 18, 2015

RE: REPORT REGARDING THE PHILLIPS 66 PROJECT AND RAIL TRAFFIC/ SAFETY IN GROVER BEACH

Dear Mayor Shoals and Councilmembers,

Thank you for taking up this issue. While we appreciate the concerns about safety identified in the staff report, we are obliged to point out that the Department of Transportation released its final rail tank car safety rule on May 1 of this year. Greatly weakened by industry lobbying, rather than immediately banning the most dangerous tank cars (DOT-111s) that are now in daily use to transport volatile Bakken and tar sands crude oil, the new standards call for a ten-year phase out. Four oil train accidents in the first three months of 2015 involved CPC-1232 cars, newer tank cars that are supposedly safer than the dangerous DOT-111s. But neither the upgraded cars or new cars built to the new standard will prevent an explosion if the train is moving at normal speeds.

While new cars will require thicker shells to reduce punctures and leaks, retrofit cars are subject to a less protective standard.

The new safety rule has gutted public notification requirements, leaving citizens and emergency responders in the dark about where these trains are running and when.

The rule doesn't impose adequate speed limits to ensure that oil trains run at safe speeds. A 40 mph speed limit has been set for "high threat urban areas," but very few cities have received that designation, certainly not Grover Beach or any other city in San Luis Obispo County. Forty miles per hour is more than twice the rated "puncture velocity" of even the new tank cars that the DOT will (in some cases) eventually require. That means that oil trains carrying millions of gallons of explosive crude will continue to travel at 50 mph across North America, except in a small number of those "high threat" urban areas. Even if the new 40 mph speed limit applied to us, three of the four explosive accidents that occurred in the first quarter of 2015 occurred at speeds below 35 mph. The derailment and explosion of an oil train outside Galena, Illinois, occurred at a speed of 23mph, demonstrating the inadequacy of the new speed limits.

It is worth noting that the League of California Cities' recommendations to the Department of Transportation urging that the new speed limit be mandated in all areas and that the new federal rule "quickly phase out unsafe tank cars" and "provide more information to first responders" were ignored and rejected when the new rule was finalized. Your staff's proposal to send a letter to the federal government "addressing the issues identified by the League of California Cities" would constitute chasing a train that has left the station, so to speak.

Likewise, the proposed letter “advising the County of San Luis Obispo that additional training and resources need to be provided to local jurisdictions by Union Pacific to better deal with the potential for hazardous material incidents” would be advising the County of something Union Pacific, not the County, should do. Due to federal preemption -- and the fact that Union Pacific is not the applicant – it is highly unlikely that the County could require the provision of such training and resources as a permit condition for the Phillips 66 rail spur project.

In addition to the likelihood that neither of the proposed letters will have any effect, the inadequacy of safety rules governing the rail transport of high-hazard volatile crude oils need only concern those communities in which such activity is currently taking place. Local concerns about the safety of this activity presupposes the approval by the County of the proposed Phillips 66 rail spur project, which would bring trains bearing high-hazard tar sands crude oil through Grover Beach, thereby raising concerns about rail safety.

An ounce of prevention is worth a pound of cure. Rather than writing to the federal government, the most efficacious way to address such concerns and protect your city, residents, economy and the environment from disaster would be for the City to do what forty other California cities, counties and school districts have done: Direct staff to prepare a letter to the San Luis Obispo County Planning Commission and Board of Supervisors requesting that they deny the project.

Thank you for your attention to this issue.

A handwritten signature in black ink, appearing to read "Andrew Christie". The signature is written in a cursive, flowing style.

Andrew Christie, Director
Santa Lucia Chapter of the Sierra Club
P.O. Box 15755
San Luis Obispo, CA 93406
(805) 543-8717