



Office of the Mayor

April 18, 2016

Mayor Elizabeth Patterson  
City Council Members Tom Campbell, Mark Hughes, Alan Schwartzman, Christina Strawbridge  
Principal Planner Amy Million  
City of Benicia  
Benicia, California

Dear Mayor Patterson; Council Members Campbell, Hughes, Schwartzman, Strawbridge; and Ms. Million:

I ask you to uphold the Benicia Planning Commission's decision to withhold certification from the Valero Refining Company's Crude-by-Rail project. I believe the risks of this dangerous rail spur far outweigh possible benefits.

I agree with Attorney General Kamala Harris and environmental and community groups and that the Interstate Commerce Commission Termination Act does not prevent the City from assessing the transportation and public-safety risks when considering the project under its land-use authority.<sup>[1]</sup> The issue is one of local land use not pre-empted by federal regulation.

Another chief reason for not approving the project is that the CEQA analysis did not assess all of the project's potential environmental impacts, including its impacts on other cities.<sup>[3]</sup> Allowing up to two 50-car trains of crude oil a day to come into the Valero refinery exposes Benicia and other communities to major safety risks, especially given the history of train derailment in recent times, both nationally and internationally.<sup>[2]</sup> An oil spill could be catastrophic to the local environment and waterways. Moreover, the transport of crude oil will emit toxic pollutants not adequately assessed in the environmental review, thus contaminating the air breathed by your residents and those of other communities as well.

The Berkeley City Council has reviewed the issue of transporting crude oil on the freight lines in the East Bay and has gone on record in unanimous opposition to such transport because of the unacceptable level of hazardous risk, including to Berkeley. The Union Pacific tracks are embedded in our West Berkeley community where people live, work and go to school.

I ask that you not approve this rail spur until the volatile organics are removed from these crude oil shipments and the railroads are upgraded to modern standards to handle such shipments.

Sincerely,

Tom Bates, Mayor

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<sup>[1]</sup> [http://beniciaindependent.com/wp-content/uploads/2016/04/AttyGenl\\_Kamala\\_Harris\\_Comments\\_Received\\_April\\_13-14\\_2016.pdf](http://beniciaindependent.com/wp-content/uploads/2016/04/AttyGenl_Kamala_Harris_Comments_Received_April_13-14_2016.pdf)

<sup>[3]</sup> <http://beniciaindependent.com/topics/final-draft-environmental-impact-report-feir/>

<sup>[2]</sup> <http://ww2.kqed.org/science/2014/07/11/benicia-extends-public-comment-period-on-bay-area-crude-by-rail/>