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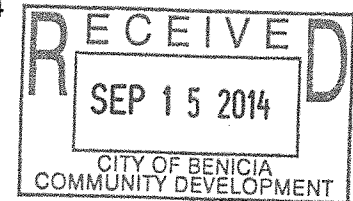
SANTA BARBARA • SANTA CRUZ

KARL MOHR
Senior Associate Vice Chancellor

CAMPUS PLANNING, FACILITIES AND SAFETY
ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8686

September 14, 2014

PRINCIPAL PLANNER AMY MILLION
City of Benicia, Community Development Department
250 East L Street
Benicia, CA 94510



RE: City of Benicia Valero Crude by Rail Project Draft Environmental Impact Report

Dear Ms. Million:

UC Davis appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the City of Benicia Valero Crude by Rail Project. The proposed project would result in extensive new operations of rail cars transporting crude oil from Roseville through UC Davis in order to reach Benicia.

UC Davis is a major teaching and research university with extensive residential, recreational, open space, academic facilities and support facilities along the Union Pacific Railroad tracks. The railroad tracks bisect approximately 9,000 linear feet of campus land. Campus residential land uses are directly along the railroad right-of-way and major visitor facilities such as the Robert and Margrit Mondavi Center for the Performing Arts (within 600 feet of the railroad) and the UC Davis Conference Center (within 200 feet of the railroad).

The existing rail operational noise (train horn noise, vibration, and locomotive/rail car noise) are known to impact campus residents living in the Solano Park student housing area and the Aggie Village staff and faculty neighborhood. Residents in these neighborhoods have previously complained to the UC Davis Office of Environmental Stewardship and Sustainability that the rail noise is disruptive to indoor activities during nighttime sleeping hours and disruptive to outdoor activities during daytime activities. As family housing areas, these residential sites provide housing for residents engaged in typical university studying activity and also provide housing and outdoor play areas for young children.

In reviewing the DEIR, the Office of Environmental Stewardship and Sustainability has focused our review and comments on the following subjects: hazards and hazardous materials, and noise, impacts.

Hazards and Hazardous Materials

With regard to hazards and hazardous materials, the proposed project would increase the risk of a catastrophic accident along UC Davis property. The UC Davis fire department currently provides fire protection services to UC Davis. In order to meet the increased risk from the proposed project

the fire department and emergency management department seeks to provide an increased level of preparedness.

The particular flammability characteristics of Bakken crude, aging rail tank cars, the potential for human error, and the characteristics of train volumes, seismic activity, variable weather and visibility, and the significant track curvature near UC Davis land all present a unique combination of risk factors. The DEIR should clarify whether the risk analysis includes all of these factors. In combination, these risk factors could multiply the potential likelihood of a catastrophic incident and given the relatively short history of large volumes of Bakken crude by rail shipments, the campus views this risk as uncertain and unacceptable given the current level of preparedness.

In order to meet the increased level of risk the campus fire department would need additional training and equipment in order to provide adequate first response capability for the expected volumes of shipments. The campus emergency manager would also have to provide additional training to other departments with response roles to ensure the community was appropriately warned of an accident and protected. The City of Benicia should review the current level of preparedness, the comments contained herein, and approve the proposed project only if adequate training and equipment have been incorporated and guaranteed into the proposed project. While the Valero Corporation may desire an immediate approval process, the City of Benicia is able to approve the proposed project on a timeline that matches adequate preparedness to meet the expected level of risk. In particular, the City of Benicia should not implement the project until the safer rail cars (known as 1232 cars) are guaranteed to operate during all periods of the project.

Noise

With regard to train noise, the DEIR mistakenly characterizes the project as having an indirect impact rather than a direct impact on noise along the rail corridor and has conflicting information regarding the threshold of significance being used in the DEIR. The minimal explanation for this distinction is not an appropriate and thorough impact analysis of the expected noise impacts that will result from the project. The noise impact analysis is so unclear that the campus is unable to ascertain whether the City of Benicia is attempting to characterize the potential impacts to UC Davis as significant or less than significant. Therefore, UC Davis requests that the City of Benicia revise the analysis and provide a new comment period for the DEIR.

For the noise analysis section, Section 4.10.2 of the DEIR provides background information related to noise impact analysis. However, this section fails to provide the reader with information that is relevant to the proposed project. For instance, Figure 4.10-1 contains indoor and outdoor noise level information that is intended to provide the reader with contextual information related to the noise impacts of the proposed project. The primary noise sources that will result from the proposed project are train noise (train horns, at-grade crossing warning bells, locomotive engine and hydraulic noise, and rail car braking noise and track noise). While Figure 4.10-1 provides information about noise from jets, lawn mowers, and dishwashers, the section fails to provide background information for the reader to understand the noise levels expected from train operations.

For a noise threshold of significance, Impact 4.10-1 states that the noise performance standards established by the City of Benicia General Plan and listed in Table 4.10-2 of the DEIR are directly applicable to the operation of the project. The referenced table contains explanatory notes that include the following:

- *The above standards do not apply to safety signals or warning devices*
- *For noise sources that occur on an infrequent basis and are considered to be safety equipment (such as flaring or pressure relief valves), a maximum level of 75dB is acceptable as measured from the receiver's property line. Noise levels that are projected to exceed this maximum are considered a significant environmental impact.*

Based on these explanatory notes, the DEIR should examine the train noise expected at UC Davis along the railroad tracks and explain whether the proposed project would result in a significant or less-than-significant impact as compared to the 75dB threshold. One option might be to consider both the overall operational hourly/daily average noise increase from the project and also analyze the 75dB maximum level threshold for safety equipment (train horns and at-grade warning bells) provided in the City of Benicia thresholds quoted above. The DEIR fails to provide such an analysis and mistakenly mentions that the nearest receptor would be 3,400 feet from the project (UC Davis uses are immediately adjacent to the railroad) and the DEIR mistakenly uses a one-hour average threshold (at the bottom of page 4.10-13) rather than the 75dB maximum threshold. The DEIR further fails in the analysis by mistakenly characterizing the impacts outside of Benicia along the rail corridor as indirect impacts and (with no explanation) applying a 10% with a 3dBA increase threshold. The DEIR is unclear in explaining whether the current analysis includes just train horn noise or is intended to consider overall rail operations (train horns, at-grade crossing warning bells, locomotive engine and hydraulic noise, and rail car braking noise and track noise).

In summary, the thresholds are not explained and conflict within the noise analysis in the DEIR. The DEIR does not provide adequate analysis at UC Davis (or other communities) and does not consider the entire composition of railroad noise. Based on these failings, the potential impacts cannot be determined.

With regard to ground borne vibration from the rail cars, the DEIR again fails to consider the direct impacts of the project and mistakenly states on page 4.10-15 that the nearest residential use would be more than 200 feet from the project. In fact, elsewhere in the document (page 4.10-14), the DEIR identified that residential receptors (within the City of Fairfield) are as close as 50 feet from the railroad. UC Davis residential receptors are within 150 feet. Given the incorrect analysis and the directly conflicting information presented in DEIR, the campus requests that new analysis address the inconsistency and reexamine the issue of ground borne vibration to residential occupants.

While the City of Benicia may view indirect impacts as requiring less analysis than direct impacts, the proposed project is unique in that the geographic distance from Benicia does not provide a logical opportunity to classify certain noise or vibration impacts as indirect rather than direct. The proposed project would increase rail car operations and the noise implications from that increase are a direct impact of the project and should be analyzed as such. The DEIR analyzed Greenhouse Gas impacts and Hazardous and Hazardous Materials as direct impacts along the rail corridor and did not attempt to distinguish impacts within Benicia as direct and those outside of Benicia as indirect. The attempted treatment of noise impacts along the rail corridor as indirect impacts is inconsistent with the approach in the Greenhouse Gas and Hazardous Materials Sections. This inconsistency appears to be an attempt to deflect responsibility for the noise

Principal Planner Million
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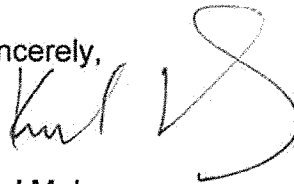
impacts and avoid the appropriate application of project impact thresholds that would result from the direct impacts. Even if the City of Benicia desires to distinguish direct from indirect impacts, the DEIR must adequately analyze the potential impacts in relation to the existing baseline conditions and the stated impact thresholds.

Summary

The campus has reviewed comment letters from Yolo County, the City of Davis, and SACOG for the DEIR, agrees with the comments provided by other agencies. In particular, the DEIR concludes that certain air quality impacts would be significant and unavoidable but the DEIR does not examine potential mitigation measures for the significant and unavoidable impacts. This air quality issue is one additional example of an item that should be addressed in a revised DEIR. Given the importance of the rail corridor and the potential for hazardous conditions related to the proposed project, the campus appreciates the opportunity to have reviewed the DEIR. Please include my office on all future notices for the project:

Thank you for the opportunity to comment on the DEIR.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl Mohr', with a large, stylized flourish at the end.

Karl Mohr
Senior Associate Vice Chancellor
Campus Planning, Facilities and Safety

/rjw