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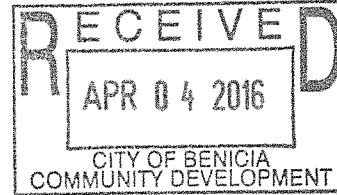
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California State Senate

SENATOR
LOIS WOLK
THIRD SENATE DISTRICT



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LEGISLATIVE BUDGET

April 4, 2016

Mayor Elizabeth Patterson and
Benicia City Council
City of Benicia
250 East L Street
Benicia, Ca 94510

Dear Mayor Patterson and Benicia City Council:

My district goes from Yolo County through Solano County along the railroad and I continue to be concerned about the potential uprail impacts throughout my district by the proposed Valero Benicia Crude-By-Rail Project. The project proposes improvements to Valero's Benicia Refinery that, if approved, will allow Valero to receive and process up to 100 tank cars of crude oil by railway per day from North American sources.

The community was wise to demand a DEIR for this project. I seriously question whether the EIR has adequately evaluated the true risk of an accident or an uprail spill involved with this project. Recently, there have been several major incidents across North America where rail accidents resulted in millions of gallons of spilled crude oil. Yet the DEIR estimates the risk of oil train spills between Roseville and Benicia would be about only once per 111 years? That defies logic and is a risky assumption based on recent experience. It only takes one minor mishap to cause a major accident or spill and potentially catastrophic impacts to the heavily populated communities through which these trains will run.

The EIR also highlights that emissions from the increase in rail traffic in the area resulting from this project will have a significant but avoidable effect on the air quality in the Sacramento basin. Given the risk from possible spills and accidents involving this hazardous cargo and the project's anticipated effect on air quality, I urge the City of Benicia, Valero, and Union Pacific to work



with the community to implement extraordinary safety measures to guarantee public safety if this project moves forward. In that regard, at a minimum, the measures to protect our region should include the following:

- Advance notification to county and city emergency operations offices of all crude oil shipments (to facilitate more rapid and appropriate public safety responses);
- Limitations on storage of crude oil tank cars in urbanized areas of any size, and appropriate security for all shipments;
- Support, including full cost funding, for training and outfitting emergency response crews;
- Utilization of freight cars with electronically controlled pneumatic brakes, rollover protection, and other features that mitigate to the extent feasible the risks associated with crude oil shipments;
- Funding for rail safety projects (e.g., replacement/upgrade of existing tracks, grade separations, Positive Train Control, etc.);
- Utilization of best available inspection equipment and protocols;
- Implementation of Positive Train Control to prioritize areas with crude oil shipments; and
- Prohibition on shipments of unstabilized crude oil that has not been stripped of the most volatile elements, including flammable natural gas liquids.

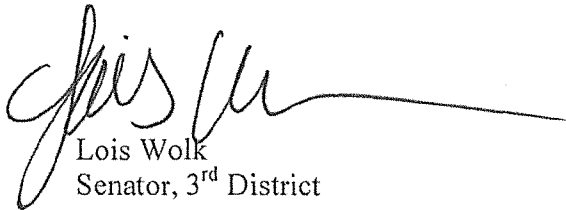
I recognize that many of these measures will require actions by the federal, state or regional authorities. However, if these actions are not implemented or moving forward, then the City of Benicia should not approve the Valero Crude-By-Rail Project. It should be noted that there are many mitigation measures that will, indisputably, substantially reduce the impacts of shipping crude oil by rail. Many of these measures are similar to the measures recommended by the California Interagency Rail Safety Working Group in its report, *Oil by Rail Safety in California* (June 14, 2014). Specifically, that report concluded that the current regulatory environment does not address the risks of increased oil by rail transport. As a consequence, the report recommended the following actions to address those deficiencies:

- Expand the Oil Spill Prevention & Response Program to cover inland oil spills
- Review and update of local, state and federal emergency response plans
- Improve emergency response capabilities
- Request improved guidance from United States Fire Administration on resources needed to respond to oil by rail incidents
- Increase emergency response training
- Request improved identifiers on tank placards for first responders
- Request railroads to provide real-time shipment information to emergency responders
- Request railroads provide more information to affected communities
- Develop and post interactive oil by rail map
- Request DOT to expedite phase out of older, riskier tank cars
- Accelerate implementation of new accident prevention technology
- Electronically-controlled pneumatic brakes
- Update California Public Utilities Commission incident reporting requirements
- Request railroads provide the State of California with broader accident and injury data

- Ensure compliance with industry voluntary agreement including, increased track inspections, break systems inspections, use of rail traffic routing technology, using lower speeds, increased trackside safety technology and ensure state agencies have adequate data.

Finally, as your state representative I will continue to be your advocate to help ensure that the California Public Utilities Commission increases the number of rail inspectors, advocate for additional funding for local emergency responders and ensure that all trains are in compliance with the minimum crew requirements as outlined in SB730 (Wolk 2015). The safety of the citizens of the City of Benicia, my district and the citizens of the State of California is my highest priority and as such, I would respectfully request that the Benicia City Council strongly consider the concerns and proposals outline in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lois Wolk", with a long horizontal flourish extending to the right.

Lois Wolk
Senator, 3rd District

LW: ap