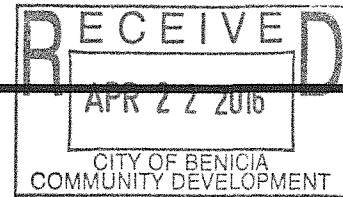


**Valero Crude by Rail Project
Public Comments received
April 21-22, 2016**

Commenter	Date Received
Individual Comments	
Marilyn Bardet	22-Apr-16
Larry Lauber	22-Apr-16

Amy Million



From: Marilyn Bardet <mjbardet@comcast.net>
Sent: Friday, April 22, 2016 11:43 AM
To: Amy Million
Cc: Heather McLaughlin; Brad Kilger; Christina Ratcliffe; Jim Lydon; Elizabeth Patterson; Mark Hughes; Christina Strawbridge; Alan Schwartzman; Tom Campbell; Ed Ruszel; Roger Straw
Subject: Fwd: I-680 incident on 4/20/16 - attn Nick Sestanovich, attn Elizabeth Warnimont

Good morning, Amy,

Would you please enter into the CEQA record on the CBR Project, the following email thread, including this message, concerning the multi-vehicle traffic accident, which occurred April 20th on the I-680 Bayshore Rd off ramp, resulting in traffic backing up onto I-680. As Ed Ruszel, of Ruszel Woodworks, observed and reported to Fire Chief Lydon and others concerned, (providing photos of the offramp when CHP and emergency med van was present) the accidents had apparently happened when a UP freight train was moving through the Park Rd intersection. As Ed reported, one car was demolished.

In my view, it's disturbing that Chief Lydon in responding to Ed, in which he directs him to seek the full accident report from CHP, does not offer any assurance that he also would be seeking the report on behalf of the City. (see Chief Lydon's email message below). While Ed could seek the report, as any other citizen could do for that matter, it would appear remiss if the City fails to procure the CHP report for the public record, since it would provide independent and impartial evidence pertinent to the City's responsibility to oversee the accuracy and completeness of the Fehr & Peers' "Draft Transportation Impact Analysis Report VALERO BENICIA REFINERY CRUDE BY RAIL PROJECT" – the study prepared for Valero Energy Corporation [and] ERM" dated May 2013, and provided to the City to support the then recommended IS/MND.

As Ed Ruszel in particular has devoted enormous amounts of time and energy evaluating, and many public comments have echoed, and as the planning commissioners queried about, with findings: obviously, there were major gaps and flaws in Fehr & Peers' study. In contrast to the traffic study's conclusions of "less than significant traffic impacts", public comments and the planning commissioners in oral and written testimony have attested that CBR Project trains running along Bayshore Rd and through Park Rd RR crossing, *even running at non-peak hours*, would pose dangerous traffic conditions on the Bayshore off-ramp and I-680, as was proven on April 20th's accident.

Please advise as to the City's responsibility in procuring the full CHP report. In my view, that report should be published as part of the CEQA record, in regard Fehr & Peers' flawed study, and with respect to CalTrans comment letter rec'd by the City on the CBR Project.

Thank you,

Marilyn

Begin forwarded message:

From: Marilyn Bardet <mjbardet@comcast.net>

Subject: Re: I-680 incident on 4/20/16 - attn Nick Sestanovich, attn Elizabeth Warnimont

Date: April 21, 2016 at 11:32:45 AM PDT

To: Ed Ruszel <eruzzel@ruszelwoodworks.com>

Cc: Roger Straw <rogmail@gmail.com>, Marc Ethier <beniciaherald@gmail.com>, eupson@ci.benicia.ca.us, Elizabeth Patterson <epatterson@ci.benicia.ca.us>, Brad Kilger <BKilger@ci.benicia.ca.us>, Pat Toth-Smith <pattothsmith@aol.com>

Ed,

You or the City or both, need to request a full report from CHP and also from UPRR, considering that train movements at that time were stopping traffic at Park Rd RR crossing, as you observed.

A full account of the incident, with CHP and UPRR reports/responses, should be entered into the CEQA record with respect to the Fehrs & Peers traffic study.

Thank you for your diligence in alerting the public.

:) Marilyn

On Apr 21, 2016, at 10:03 AM, Ed Ruszel <eruzzel@ruszelwoodworks.com> wrote:

I spoke with CHP Officer Griess this morning, he investigated the the accident and confirmed that traffic was backed up on the offramp. I gave him information about the train movement at the same time, he may or may not have known about that.

The causes of the accident has not been determined and will not be available to the public as we were not involved.

There must be some way to get the report, a FOIA request.

Pictures of skidmarks coming.

ed

From: rogmail@gmail.com [<mailto:rogmail@gmail.com>]

Sent: Wednesday, April 20, 2016 7:39 PM

To: Benicia Herald

Cc: 'Ed Ruszel'

Subject: I-680 incident on 4/20/16 - attn Nick Sestanovich, attn Elizabeth Warnimont

Hi Nick and Elizabeth – below you will find an email from Ed Ruszel of Ruszel Woodworks in our Benicia Industrial Park to Benicia Fire Chief Jim Lydon, and Chief Lydon's reply. You will note that the call and dispatch times disclosed by Lydon confirm the account given by Ed Ruszel. You might want to look into this further. The issue of dangerous backups on the offramp at I680 and Bayshore Road has been raised by Ed and others in regard to Valero's Crude by Rail proposal. – Roger Straw, Benicia

From: Jim Lydon [<mailto:JLydon@ci.benicia.ca.us>]

Sent: Wednesday, April 20, 2016 4:17 PM

To: Ed Ruszel

Subject: RE: I-680 incident

Ed

Dispatch received the call at 13:15:42 and we were dispatched at 13:17:44. Our first unit was on scene at 13:21:56. You would need to contact the Solano CHP Office to request a copy of the report.

Jim

Jim Lydon
Fire Chief
Benicia Fire Department

From: Ed Ruszel [mailto:eruzel@ruszelwoodworks.com]

Sent: Wednesday, April 20, 2016 3:44 PM

To: Jim Lydon <JLydon@ci.benicia.ca.us>; Erik Upson <EUpson@ci.benicia.ca.us>

Cc: mjbardet@comcast.net; rogrmail@gmail.com; Tracemelissa@yahoo.com; john47bunch@gmail.com; 'Julia Allenby' <jallenby@cooklady.com>; benheral@pacbell.net;

Elizabeth Patterson <EPatterson@ci.benicia.ca.us>; Brad Kilger

<BKilger@ci.benicia.ca.us>; Amy Million <AMillion@ci.benicia.ca.us>; Christina Ratcliffe <CRatcliffe@ci.benicia.ca.us>

Subject: FW: I-680 incident

Chief Lydon,

Can you please provide me with information on the multi car/truck accident today on ebound 680 at/ on the Bayshore rd off ramp.

We were observing train movements in and out of the refinery that caused Park Rd to be blocked for well in excess of 7 minutes. This was shortly after 1pm.

About ten minutes later Tom Ruszel and I drove down Bayshore to investigate. The train was pushing cars back into the refinery and Park Rd was clearing.

A few minutes late we saw traffic stopped on the Benicia bridge.

The train was shunting cars out the refinery, switching to proceed back into the refiner/UPRR sidings along Industrial Way to hook up box cars Making a manifest train that was pull out at about 2:30.

What time was the accident called in?

How can we get a full CHP incident report.

This may have been just a coincidence but the timing seems to be consistent with a backup caused by train movements across Park Rd.

Photos by Tom Ruszel

Thank you

Ed Ruszel



2980 Bayshore Rd.
Benicia, CA. 94510
Office: (707)745.6979
Cell: (707)853.9397

Amy Million

From: LarryL <llauber@sonic.net>
Sent: Friday, April 22, 2016 3:26 PM
To: Brad Kilger; Amy Million
Subject: Crude by Rail Volubility to Lawsuits

I see a traffic accident Wednesday, 20 April 2016, may have been caused by a Valero Benicia Refinery train backing up traffic onto I-680 at 1:15 p.m.

If "Crude by Rail" project is approved by the City, won't that make the City, vulnerable to lawsuits in the future?

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Regards,
Larry Lauber

