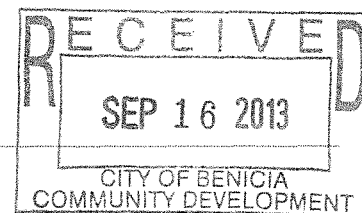


**Valero Crude by Rail Project  
Public Comments received  
September 16 - January 8, 2014**

[illegible]

**Amy Million - Fwd: urgent message about Benicia Tar Sands - you can make a difference**

**From:** Steve Nyholm <stevenyholm@gmail.com>  
**To:** "amillion@ci.benicia.ca.us" <amillion@ci.benicia.ca.us>  
**Date:** 9/13/2013 11:29 PM  
**Subject:** Fwd: urgent message about Benicia Tar Sands - you can make a difference  
**CC:** Lynne Nittler <lnittler@sbcglobal.net>, Milton Kalish <milton@miltonkali...



Amy,

I am a resident of Davis and live "up rail" from Benicia. I am concerned about the public health risks of tar sands oil being transported using the railway system through my hometown of Davis, CA. Please take our city into your EIR considerations and formally notify our counsel and community.

Thank you,  
 Steve Nyholm, Davis resident

Begin forwarded message:

**From:** Lynne Nittler <lnittler@sbcglobal.net>  
**Date:** September 13, 2013, 3:31:17 PM PDT  
**To:** Matt Biers-Ariel <ariel@dcn.org>, Judy Moores <JEMoores@aol.com>, Lynne Nittler <lnittler@sbcglobal.net>, Nick Buxton <nicks@tnti.org>, Chris Granger <cgranger@dcn.org>, Reeda Palmer <reedajpalmer@aol.com>, Jerry Igelsrud <gilbertigelsrud@yahoo.com>, Elisabeth Robbins <robbinse13@gmail.com>, Milton Kalish <milton@miltonkalish.com>, Michael Russell <MRussell@Aakenlabs.com>, Jean Jackman <jeanjackman@gmail.com>, Rodney Robinson <Rodney@cal.net>, Tom Cronin <tcronin06@gmail.com>, Steve Nyholm <steve@nyholmsolutions.com>, Robin Kozloff <Rkozloff@cal.net>, George Galamba <ggalamba@gmail.com>, Tomomi Yoshida <tufty\_tail@hotmail.com>, Vashek Cervinka <vac@dcn.org>, Gary Slizeski <slizeski@cal.net>, Dale Heckman <akadlnk@yahoo.com>, Sandy Weaver <veggiesandy@yahoo.com>, Kristen Olotka <kolotkal@gmail.com>  
**Subject:** urgent message about Benicia Tar Sands - you can make a difference  
**Reply-To:** Lynne Nittler <lnittler@sbcglobal.net>

Hi everyone,  
 We have until 5:00 tonight to send letters to be on record for the Scoping of Valero's EIR.  
 Then Valero could have to formally notify our city of its intentions! Read below.  
 Lynne

----- Forwarded Message -----

**From:** "roqrmall@gmail.com" <roqrmall@gmail.com>  
**To:** 'Lynne Nittler' <lnittler@sbcglobal.net>  
**Cc:** 'Milton Kalish' <milton@miltonkalish.com>  
**Sent:** Friday, September 13, 2013 11:13 AM  
**Subject:** Thanks to Davis friends for support for us in Benicia

Hi Lynne – thanks for your support, and for the good links. I especially appreciated the link to the [forestethics report](#), and the Association of American Railroads report on "Moving Crude Oil by Rail."

Many of us have been sounding the alarm about the far-reaching environmental and safety impacts of our decision here in little Benicia for several months. You might want to see some of our work at [www.BeniciaIndependent.com](http://www.BeniciaIndependent.com).

The quick update is that Valero's Crude by Rail proposal is now undergoing a full EIR, thanks to our local efforts and the incredible, unsought appearance of experts from the Natural Resources Defense Council. Last night's Scoping Meeting at the Benicia Planning Commission went quite well, I thought. Lots of us were present to voice our continuing concerns and calls for stricter investigation through the EIR ... and really NO voices were heard from the public in support for Valero. Kind of surprising to me. We will need to remain vigilant throughout the EIR process.

I have been pressing the City of Benicia, its consultant (ESA) and Valero to formally notify all "down-wind and up-rail" communities in advance of our local decision. I have my doubts whether this will be done, and your voice could help make the case. Comments can still be sent until 5pm today to be on record for the Scoping of Valero's EIR. Send to Principal Planner Amy Million, Benicia Community Development Department, [amillion@ci.benicia.ca.us](mailto:amillion@ci.benicia.ca.us).

Stay tuned – Benicia is in the crosshairs of a major global transition, whether to pursue a last gasp strategy in extracting fossil fuels at great cost to human health and safety and that of the creatures and the earth itself.

**Roger Straw**  
 Benicia Independent  
[www.BeniciaIndependent.com](http://www.BeniciaIndependent.com)

**From:** Lynne Nittler [mailto:lnittler@sbcglobal.net]  
**Sent:** Thursday, September 12, 2013 10:45 PM  
**To:** Milton Kalish; Roger Straw; Kathy Kerridge  
**Subject:** Re: "Valero Crude by Rail Project, to Amy Million, Principal Planner, Community Development Department, City of Benicia,

Dear folks in Benicia,  
 I read Milton's letter to you, and I thought I would offer you a report I came across that lays out some of the dangers of refining the tar sands oil. The sulfur dioxide pollution is a health hazard to breath, and it tends to corrode the train tankers and the refinery pipes as well. It may have been part of what caused the Richmond fire a year ago.

I also read that there are increasing numbers of train oil spill accidents, more than pipeline accidents.

It's unconscionable that Valero is claiming it doesn't need any environmental reviews to use the railroad!

The best articles I found so far are the Contra Costa Times and the Forest Ethics! These are essential reads. One is largely about the Valero proposal!

<http://forestethics.org/sites/forestethics.huang.radicaldesigns.org/files/ForestEthics-Refineries-Report-Sept2012.pdf> Sobering report on the impact of refineries that process Tar Sands with an excellent map. The Benicia Valero plant is in the top five refineries in the US for producing high sulphur dioxide. Martinez Tesoro and Richmond Chevron are already processing the Canadian tar sands. Valero is planning the train deliveries of two trains of 50 cars each every night between 10pm and 4 am beginning as soon as 2014. That's the rail line that will move through Davis!

[http://www.mercurynews.com/ci\\_23366256/canadian-tar-sands-crude-heads-bay-area-refineries](http://www.mercurynews.com/ci_23366256/canadian-tar-sands-crude-heads-bay-area-refineries)

[http://www.contracostatimes.com/ci\\_23366257/canadian-tar-sands-crude-heads-bay-area-refineries](http://www.contracostatimes.com/ci_23366257/canadian-tar-sands-crude-heads-bay-area-refineries)

These articles were less useful.

<http://ecowatch.com/2013/bay-area-battles-chevrons-tar-sands-refinery/>

<http://www.eastbayexpress.com/oakland/activists-to-protest-tar-sands-oil-refinery/Content?oid=3669394>

[www.aar.org/keyissues/Documents/Background-Papers/Crude-oil-by-rail.pdf](http://www.aar.org/keyissues/Documents/Background-Papers/Crude-oil-by-rail.pdf)

<http://roseville-ca.patch.com/groups/politics-and-elections/p/will-canadian-tar-sands-oil-ride-the-rails-through-roseville> two tankers a day from Roseville through Davis to Benicia as soon as 2014

I hope these are helpful.

Good luck!

Lynne

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**From:** Milton Kalish <milton@miltonkalish.com>  
**To:** Roger Straw <rogrmail@gmail.com>; Kathy Kerridge <kkerridge@sbcglobal.net>  
**Cc:** Belinda Smith <bsmitgo@hotmail.com>; Don Dean <donaiddidean@sbcglobal.net>; George Oakes <oakes@earthlink.net>; Stephen Young <escazuyoung@gmail.com>; Susan Cohen Grossman <susancg@pacbell.net>; Suzanne Sprague <Suzanne@solanolawgroup.com>; Lynne Nittler <lnittler@sbcglobal.net>; Jean Jackman <jeanjackman@gmail.com>; Elisabeth Robbins <robbinse13@gmail.com>; seve Nyholm <steve@nyholmsolutions.com>  
**Sent:** Thursday, September 12, 2013 6:09 PM  
**Subject:** Re: "Valero Crude by Rail Project, to Amy Million, Principal Planner, Community Development Department, City of Benicia,

corrected copy

To whom it may concern

I am Milton Kalish of Davis California, writing as a citizen of Davis and as co-coordinator of Yolando Climate Action. The Vallejo Good Neighbor Steering Committee has invited me to speak at tonight's meeting concerning railroad shipments of crude oil through Davis to Benicia. I am writing because I am unable to attend the meeting due to a family emergency.

We in Davis are just becoming aware that crude oil is being shipped by through our city, and of the associated risks to public safety and health, especially in light of the disastrous loss of life and property in Lac-Megantic, Quebec on July 6. We are taking this very seriously.

**We urge the city of Benicia to put public safety and health as the top priorities in any decisions involving shipment of crude oil.**

Please feel free to contact me for further information, or if you wish to discuss this matter further.

Respectfully submitted,  
Milton Kalish, LCSW

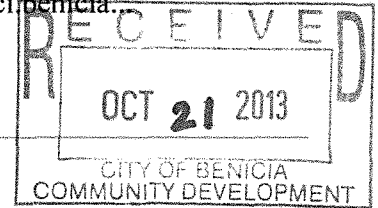
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**Amy Million - Pet Coke: product of processing dirty crudes, tar sands especially**

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**From:** Marilyn Bardet <mjbardet@comcast.net>  
**To:** Brad Kilger <bkilger@ci.benicia.ca.us>, Amy Million <amillion@ci.benicia.ca.us>  
**Date:** 10/20/2013 9:18 PM  
**Subject:** Pet Coke: product of processing dirty crudes, tar sands especially  
**Attachments:** petcokechicago\_0.jpg



Hello again, Brad and Amy,

Please add this article to my official scoping comments for the Valero Crude-by-Rail Project. The article demonstrates the threat of increased pet coke production which we may anticipate at Valero refinery from processing greater percentages of dirty crude, especially tar sands.

The DEIR must provide statistics of how much pet coke Valero produces now, and how much they have stored in, and shipped from, Port of Benicia, in the last year and previous years; but also, please investigate how much, if any, they have sent to Pittsburg for use as a fuel at PG&E power station there, either historically or currently. What is Valero's relation to pet coke terminal operations in Pittsburg now or in the past or anticipated in the future? I have some recent knowledge from informed source...

Thank you,  
Marilyn

## **Koch Brothers' Petcoke Piling Up in Chicago**

**The by-product of tar sands production already caused outrage in Detroit; now, the dusty menace grows in Chicago**

- Andrea Germanos, staff writer



A pile of petcoke sits next to the Calumet River in Chicago. (Photo: Josh Mogerman/cc/flickr)

The tar sands refining by-product petroleum coke, known as petcoke, gained attention earlier this year when piles of the toxic substance stored along Detroit's riverfront were mounding up and causing high-carbon, high-sulfur clouds to blanket neighborhoods. Now toxic mounds of the substance are piling up in Chicago, specifically on the city's southeast side along the Calumet River.

Like the ones in Detroit, Chicago's black piles of petcoke are thanks to the Alberta tar sands and the Koch Brothers, and local residents are sounding the alarm about the coal-like substance's health and environmental impacts.

As Oil Change International explains,

Petcoke is a refining byproduct of tar sands oil, and when burned is substantially dirtier than coal and contributes significantly to greenhouse gas pollution.

The petcoke starts off in a BP refining facility in Whiting, Indiana. Then, the Chicago Tribune reports,

All of the petcoke from Whiting eventually is sent by train, truck or barge to sites on Chicago's Southeast Side owned by KCBX Terminals. The company is controlled by Charles and David Koch, wealthy conservative industrialists who back groups that challenge the science behind climate change and oppose many environmental regulations.

Last year, KCBX bought the larger of the two sites — between 108th and 111th streets on the east side of the Calumet River — from a subsidiary of Detroit-based DTE Energy. As part of the deal, the company obtained exclusive rights to store petcoke from the nearby BP refinery. The other storage site is across the river just south of 100th Street.

The problem is likely to get worse, as BP has plans to triple the amount stored in the city by the end of the year.

Kari Lydersen reports in Midwest Energy News:

Locals say the amount of petcoke has skyrocketed as BP Whiting's refinery

just across the border in Indiana nears completion of a \$3.8 billion upgrade to process more tar sands oil. Still in the works is the refinery's new coker, which will be the second largest in the world and process 102,000 barrels of oil per day, creating petcoke as the tar sands are heated to 900 degrees F. "It's growing by leaps and bounds," said Southeast Environmental Task Force member Tom Shepherd, gazing at the piles from the 106<sup>th</sup> Street bridge on a recent afternoon. "It's coming at a breathtaking rate."

It's not just the locals' perception. The *Chicago Tribune* continues:

The amount of petcoke generated by Whiting and other U.S. refineries has steadily increased during the past decade as the industry processes more Canadian oil that is thicker and dirtier than many other grades. BP will produce more than 2.2 million tons of petcoke a year at Whiting, up from about 700,000 tons before the refinery was overhauled to process oil from the tar sands region of Alberta.

Writing in NRDC's *Switchboard* blog, Henry Henderson asks:

Is this the vision Big Oil has for the cities of the Great Lakes? Is this the transformation that Chicago city officials have in mind when they talk about a revitalized river system and investments in our port—a step back to the worst messes of our town's industrial past? Make no mistake, this is a problem. And it is one that will be growing quickly as region's tar sands refinery expansion projects come online.

A report issued this summer from Oil Change International warned that because of the production of petcoke as a result of tar sands refining, the impact of the Keystone XL is much more disastrous for the planet than previously thought, putting a "strong nail in the coffin of any rational argument for the further exploitation of the tar sands." WTTW has video, which includes shots of a recent dust storm that sent huge clouds of dust from the petcoke into the air:

This work is licensed u

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**Amy Million - "Fireball Hits Sky as Train Carrying Crude Oil, Gas Derails" -- Edmonton, Alberta**

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**From:** Marilyn Bardet <mjbardet@comcast.net>  
**To:** Brad Kilger <bkilger@ci.benicia.ca.us>, Amy Million <amillion@ci.benicia...>  
**Date:** 10/20/2013 11:24 AM  
**Subject:** "Fireball Hits Sky as Train Carrying Crude Oil, Gas Derails" -- Edmonton, Alberta  
**Attachments:** gainford.jpg

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Brad and Amy,  
Please add yet another article to my official scoping comments, pertinent to DEIR review of Valero Crude-by-Rail Project.

Thank you,  
Marilyn

## **Fireball Hits Sky as Train Carrying Crude Oil, Gas Derails**

### **13 cars derail near Edmonton, workers continue to fight flames, explosion**

**- Andrea Germanos, staff writer**

Emergency workers continue to battle a fire on Saturday after a Canadian National tanker train carrying crude oil and liquefied petroleum gas (LPG) derailed near Edmonton, forcing the evacuation of an entire town and sending a fireball into the sky.

The derailment happened around 1 AM in the town of Gainford, Alberta, which lies about 50 miles west of the province's capital city. The train was traveling from Edmonton to Vancouver, British Columbia.

CTV News reports:

At least one of the 13 cars that came off the track exploded, and officials are warning of further explosions as three of the cars remain on fire.

Nine of the cars were carrying LPG, and four were carrying crude oil, according to Canada's Transportation Safety Board.



Photo: RCMP via Parkland County Facebook page

"We have cars on fire right now and there was an explosion earlier this morning. The major priority right now for our guys out in the field is containing these fires," said Carson Mills, a spokesman for Parkland County, which includes Gainford.

One resident told the Associated Press he heard crashes before seeing a fireball hit the sky. "The fireball was so big, it shot across both lanes of the Yellowhead [Highway] and now both lanes of the Yellowhead are closed and there's fire on both sides," said the man identified as Duane.



Jim Phelan, fire chief of Parkland County, told a news conference that residents within miles saw and heard a "large fireball."

All of Gainford's roughly 100 residents have been evacuated, and there are no injuries being reported at this time.

The risks of transporting fossil fuels by rail gained attention in July when a runaway train carrying oil from the Bakken oil field in North Dakota derailed and exploded in Lac-Mégantic, Quebec, killing 47 people, causing still-to-be-determined environmental damage, and offering a tragic reminder of the high cost of fossil fuel dependency.

Unless safety standards are updated, Greenpeace Canada says another disaster is sure to come.

Despite the accident, movement of oil-by-rail shows no sign of abating.

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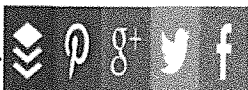
**Amy Million - News about VALero Wilmington refinery and tar sands import by train. Please add this article to my official Scoping Comments.**

**From:** Marilyn Bardet <mjbardet@comcast.net>  
**To:** Brad Kilger <bkilger@ci.benicia.ca.us>, Amy Million <amillion@ci.benicia...>  
**Date:** 10/20/2013 11:12 AM  
**Subject:** News about VALero Wilmington refinery and tar sands import by train. Please add this article to my official Scoping Comments.  
**Attachments:** Jack-Eidt-photo1-e1360799725803.jpg

## Valero Moves to Ship Tar Sands By Rail into LA Harbor

By Jack Eidt

Please share...



☒ Valero Energy Corp intends to construct a rail terminal in LA Harbor to import for processing 60,000 barrels of diluted bitumen (dilbit) per day from Canada's tar sands, without public comment or environmental review. Photo By Christina House in the LA Times.

Valero Energy Corp intends to construct a rail terminal in LA Harbor to import for processing 60,000 barrels of diluted bitumen (dilbit) per day from Canada's tar sands, without public comment or environmental review. Photo By Christina House in the LA Times.

**V**alero Energy Corp intends to construct a 50-car rail unloading system to import 60,000 barrels of tar sands diluted bitumen (dilbit) per day into their Ultramar Wilmington Refinery in the Harbor Area of LA. This proposal would potentially exchange more than 76% of its refinery input from conventional crude to dilbit.

repost

A coalition of climate, environmental and social justice activists led by Tar Sands

Action SoCal, are petitioning that AQMD conduct an open and transparent process on the Valero project, with public participation in an environmental review process.

The Natural Resources Defense Council (NRDC) and Communities for a Better Environment requested in April 2013 an inquiry as to the impacts from refineries already processing the semi-solid form of oil have increased their noxious emissions and raised risks of accidental spills and accidents. They called upon the Southern California Air Quality Management District (AQMD) to evaluate the effects on health, air quality, safety and the climate of refining the heavy Canadian crude, which requires intensive processing to remove higher levels of sulfur to meet U.S. standards. Now that the application has been released [albeit redacted to protect their "trade secrets"], the community must be brought to the table.

### Impacts of Transporting, Refining and Burning Tar Sands

This local battle is part of the larger campaign against heavy Canadian crude that has stalled the Keystone XL pipeline project, which would carry tar sands oil to the Gulf of Mexico. In fact, the delays in approvals of the KXL, based on the unprecedented protest against this form of climate-disrupting and ecosystem-threatening unconventional fossil fuel, has led the oil industry to explore numerous avenues to bringing their toxic product to market.

The Athabasca Tar Sands of Alberta, Canada. These deposits of sand saturated with bitumen, contain twice the amount of carbon dioxide emitted by global oil use in our entire history. Photography By Garth Lenz

**Accidents.** Given the highly corrosive nature of sulfur-rich bitumen, accidents have become more common. The dangers of hauling a toxic and flammable product through winding mountain passes compounds the dangers. Consider the horrific

☒ The Athabasca Tar Sands of Alberta, Canada. These deposits of sand saturated with bitumen, contain twice the amount of carbon dioxide emitted by global oil use in our entire history. Photography By Garth Lenz

The Athabasca Tar Sands of Alberta, Canada. These deposits of sand saturated with bitumen, contain twice the amount of carbon dioxide emitted by global oil use in our entire history. Photography By Garth Lenz

explosion of an oil train in Canada's Lac-Mégantic, Quebec, where 42 people were killed. In March 2013, a train derailed in Minnesota, spilling 15,000 gallons of Canadian tar sands crude. What about last year's pipe failure in at the Chevron Richmond Refinery that sent more than 15,000 local residents to area hospitals. Significantly increasing supplies into the refinery could make corrosion-related accidents more likely and pose a unique set of pollution and safety related risks to both local communities and refinery workers.

**Air Quality.** Los Angeles communities experience higher rates of asthma, because they breathe some of the most polluted air in the country. Of particular concern is the low-income community of Wilmington, an LA Harbor suburb surrounded by five oil refineries and long decried by social justice groups as a "sacrifice zone" of commerce and toxic pollution. Many studies have found that refining dilbit releases into the air greater concentrations of pollutants such as sulfur dioxide, various heavy metals, and other harmful pollutants.

The main danger is that tar sands refineries emit significantly higher amounts of sulfur dioxide, which is linked to wheezing, chest tightness, overall reduced lung function, cardiovascular issues, and respiratory weakness. Sulfur dioxide is especially dangerous for people who have preexisting heart and lung conditions. — ForestEthics

In addition to Valero, Phillips 66 Co. and Tesoro Corp also have announced plans to use rail cars to bring in more Canadian tar sands, with as yet no public process to evaluate the impacts of this move.

**Climate Disruption.** Refining and burning tar sands also produces more greenhouse gases than liquid crude, and will have implications in further destabilizing the climate. As former NASA scientist Dr. James Hansen famously stated, the planned quadrupling of tar sands oil extraction in Canada would mean "game over for the climate." Moreover, regional increases in carbon pollution will make it harder for Southern California to meet requirements of the state's global warming law, AB 32, which seeks to reduce emission levels by creating a market that puts a price on greenhouse gas emissions. Owners of power plants and factories buy and sell permits to release the gases into the atmosphere, but oil companies are not required to announce the sources of their crude.

**Petcoke.** The coal-like waste product produced in high volumes from tar sands refining, petroleum coke causes significant issues with toxic dust for already environmentally-compromised communities. The issue of petcoke hit the national media spotlight when piles appeared along the Detroit River after a similar expansion of tar sands refining began at the nearby Marathon refinery. BP's Whiting refinery produces 6,000 tons per day, which is being dumped in massive piles near homes on Chicago's southeast side. Moreover, new regulatory documents point to similar issues in Lima and Toledo, Ohio (the Detroit piles ended up somewhere in Ohio...nobody is saying exactly where).

Petcoke can be used as a cheap fuel for coal-fired power plants, yet it releases 53.6 percent more CO<sub>2</sub>. "Petcoke is the coal hiding in the tar sands," said Lorne Stockman, research director for Oil Change International.

### Environmental Review with Full Disclosure and Public Participation

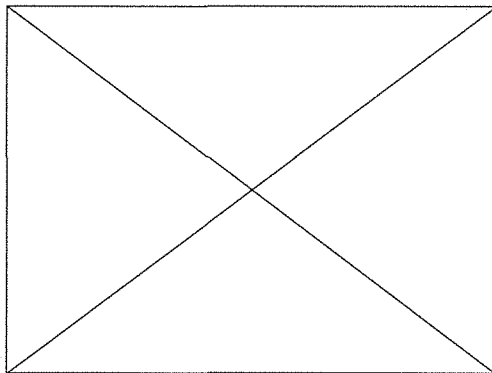
Any proposed changes to the refineries that could significantly increase pollution should be evaluated carefully through an open process that encourages public participation.

The Air District has the authority to conduct a public comment period on permits that could result in significantly higher levels of air pollution. Tar Sands Action SoCal and their coalition encourage the district to do the following:

- Conduct an open and transparent evaluation process, including accepting public comment on the proposed crude-by-rail facility,
- Increase public participation by widely publicizing the public comment period, and
- Release all relevant information related to the project for public review.

While AQMD has been chosen as the lead agency, the City of Los Angeles must get involved, and accelerate the process for doing a publicly transparent California Environmental Quality Act impact analysis, despite Valero's payment of a 50 percent surcharge for an expedited review.

**No Public Input.** To date, there has been no public input in the process. Valero's application indicates a



request to start construction by February 1, 2014. Valero indicated on their application that their maximum throughput, refinery equipment, and energy demand would not change from the proposed project. Furthermore, they claim no increase in combustion emissions, which emit less than 30 pounds of volatile organic compounds per day. Yet, these claims must be evaluated through objective study. Yet, Valero has maintained that all other correspondence, supplemental reports and documentation, and other information vital for analysis of potential impacts of the facility, should remain confidential.



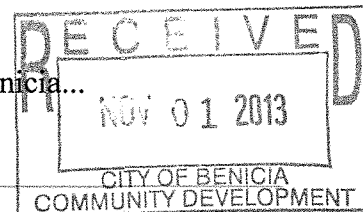
**T** it is imperative that the public be allowed to evaluate this project's effects on health, air quality, safety and the climate. In the coming weeks, Tar Sands Action will be taking the petition to AQMD, which includes a letter signed by a coalition of national, regional, and local environmental and community organizations.

**Jack Eidt**  
**Wildertopia**

Friday, 18 October 2013

**Amy Million - Additional article: crude train derailment in Alberta October 19, 2013**

**From:** Marilyn Bardet <mjbardet@comcast.net>  
**To:** Amy Million <amillion@ci.benicia.ca.us>, Brad Kilger <bkilger@ci.benicia.ca.us>  
**Date:** 10/31/2013 8:57 PM  
**Subject:** Additional article: crude train derailment in Alberta October 19, 2013



Hi Amy and Brad,

Please add the following article in its entirety to my original scoping comments for the DEIR. The evidence is mounting that crude train derailments are not rare, given the recent history in Canada. Please note that a portion of the track that may have been cause of the Gainford Alberta derailment lay "over a bog." Think of our extensive marsh area, flooded regularly in winter, where the UP track lies...

Quotes from the article below:

The Gainford accident comes less than a week after a pro-fossil fuel industry working committee of the Alberta and British Columbia governments threatened to fast-track a plan for shipment of oil-by-train (tar sands bitumen) from Alberta to the BC coast. A consortium including CN Rail and the Chinese, state-owned tar sands company Nexen says it could transport the equivalent of Northern Gateway to an export terminal to be built in Prince Rupert on the northern BC coast using seven, 100-wagon trains per day. The plan was revealed last month by Greenpeace Canada researcher Keith Stewart using access to information procedure. This plan would use the very track on which the accident that occurred at Gainford....."

The issue of the safety of the class of railway wagons carrying the majority of ethanol, chemicals and petroleum products in North America has come to the fore following the Lac Mégantic disaster. Known as DOT 111, they are single hulled and can be too easily breached when they are involved in a crash or derailment. According to the Railway Association of Canada, there are some 240,000 DOT 111 wagons operating in North American Railroads, of which half have received some kind of modification to improve their safety.

That appears to contradict a recent report by NBC News that has the American Railway Association saying about 32,000 DOT 111 wagons carry crude oil in the U.S. and only one quarter of those have undergone modifications. The report also says that according to the Renewable Fuels Association, 63,000 DOT 111 wagons carry ethanol in the U.S. and most have received no modifications.

Arguments are made by some, including in the environmental movement, that the vast fleet should be replaced with double-hulled wagons. Rail companies have resisted that call for many years because of the cost involved (according to some news sources, more than \$1 billion). Meanwhile, the U.S. and Canadian governments have bowed to industry pressure to not legislate on the matter."

Thank you,  
 Marilyn  
 745-9094

## **Damage Control: Oil Train Derailment in Alberta and Gas Fracking Protest in New Brunswick**

By Roger Annis  
 Global Research, October 30, 2013  
 Region: Canada  
 Theme: Environment, Oil and Energy  
 0 5 1

36

*Another oil train derailment and explosion in Canada has sent nearby residents fleeing from their homes in the middle of the night. It happened at 1 a.m. on Saturday, October 19 on a CN Rail line outside the hamlet of Gainford, Alberta, 85 km west of Edmonton. The accident coincides with new steps by the Canadian government to extend oil and other resource extraction into the Arctic.*



The CN Rail derailment at Gainford, Alberta on October 19, 2013.

A portion of a long, mixed-cargo CN Rail train traveling westbound derailed. Nine of the derailed wagons were carrying liquid petroleum gas (propane) and four contained crude oil. Three of the propane wagons exploded into flames. A fourth was breached. The accident closed the adjoining Trans-Canada Highway for days. Fortunately, no lives were lost or serious injuries sustained in the conflagration.

The 125 residents of Gainford were evacuated from their homes and a state of emergency was declared in the surrounding area. Some residents evacuated their homes with only the sleeping clothes they were wearing. A [CBC News report](#) provided home video footage of the fire burning soon after the derailment.

### Local Residents

Gainford resident Denise Anderson said her family received notice to leave at 3 a.m. "Two fire and rescue guys came and banged on the door and [they] tell me I had to evacuate because there was a train derailment," she said. "They told me to get dressed and I had to go."

Taxidermist Jeanette Hall lives right across the highway from the derailment and she told CBC News, "I woke up to something that sounded like an airplane landing on Highway 16 and the next thing you know you hear the boom-boom-boom of the train falling apart."

"Everything lit up. Next thing you know, the curtains melted to the window and we took off running downstairs. I thought 'we gotta get to the basement – everything's gonna blow up' – and then we happened to look outside and the entire front yard is on fire."

"We should have died in that – and we didn't. I can't explain how the house and everything didn't get burned down," she said. "It was hell. It was absolute, utter hell."

The evacuation lasted four days because the fires consuming the three propane wagons could not be safely extinguished. Emergency officials and local firefighters, the latter equipped with little more than water hoses, decided to leave the wagons to burn. The danger of the six other propane wagons exploding was settled by a combination of venting the fuel and setting explosive charges to set them on fire.

CN managed to drag the four oil wagons away from the fire. The worst damage to nearby homes was the melting of vinyl siding.

## Fossil Fuel Industry Damage Control

This accident happened on the main CN Rail line that connects western Canada to the British Columbia coast at Prince Rupert and Vancouver. It wasn't supposed to be possible. CN says the line receives the very best inspections and preventive maintenance that it can provide, including ultrasonic examination of the rail, visual inspection of the rail bed and visual and electronic surveillance of the moving train. The train was inspected upon leaving Edmonton and was traveling at 35 km/hr.

One local resident told CBC that he and his neighbours believe the stretch of rail bed in the area is inherently unsafe because it was laid overtop of a bog.

This was the third train derailment in western Canada in as many weeks. Just two days prior, four CN rail wagons carrying anhydrous ammonia left the rails in Sexsmith, Alberta, forcing residents from their homes. In Landis, Saskatchewan, 17 CN rail wagons derailed on September 25. Three were carrying lubricating oil and one carried ethanol. Authorities rushed to evacuate a nearby primary school.

Just down the Trans-Canada highway from Gainford is the site of an infamous CN derailment in 2005 that dumped 700,000 liters of Bunker C fuel and 88,000 liters of pole-treating oil into and around Wabamun Lake. A Transportation Safety Board investigation found that the train derailed when the rail beneath it broke due to defects. CN pleaded guilty to three charges under provincial and federal environmental legislation and was fined \$1.4 million.

The Gainford accident comes less than a week after a pro-fossil fuel industry working committee of the Alberta and British Columbia governments threatened to fast-track a plan for shipment of oil-by-train (tar sands bitumen) from Alberta to the BC coast. A consortium including CN Rail and the Chinese, state-owned tar sands company Nexen says it could transport the equivalent of Northern Gateway to an export terminal to be built in Prince Rupert on the northern BC coast using seven, 100-wagon trains per day. The plan was revealed last month by Greenpeace Canada researcher Keith Stewart using access to information procedure. This plan would use the very track on which the accident that occurred at Gainford.

The oil-by-train threat is prompted by the ongoing 'wall of opposition' in BC to the Northern Gateway tar sands pipeline to Kitimat (south of Prince Rupert) that Enbridge Inc says it wants to build. The menace was reported as front page news in Vancouver on October 16. Needless to say, the more the number of train accidents grows, the harder it will be to sell such a plan. Opposition to tar sands pipelines and ocean-going tankers is so strong that the BC government has been obliged to posture as an ardent defender of strict 'environmental safety standards' on any pipeline movement of oil or bitumen (all the while working furiously behind the scenes, out of public scrutiny, to realize the project).

## Safety and Oil-by-Rail – Like Mixing Oil and Water

The notion that the movement of oil by rail can be made safe is a steady theme of the fossil fuel-promoting efforts of the federal, Alberta and BC governments. As the black clouds from the propane fires were billowing over Gainford on October 19, federal Minister of Transport Lisa Raitt was telling the Globe and Mail that the rail transport system is safe. "Over 99.9 per cent of the time, the

dangerous good makes it to its final destination."

But she couldn't avoid the shadow that looms over all present and future talk of oil train safety in North America – the July 6 oil train disaster in Lac Mégantic, Quebec that killed 47 of the town's residents. Raitt said, "But all that being said, we still lost 47 people and it's up to us to ensure that if there are mitigating things we can do, that we can learn from, that's what we should be doing." Raitt was assigned as transport minister three months ago. She is a lawyer by training.

Alberta's Minister of Environment and Sustainable Resource Development, Diana McQueen, told the same edition of the *Globe*, "This weekend is absolutely very, very unfortunate. But when we look over all at some of the statistics on rail ... about 99 per cent of all dangerous goods rail shipments reach their destination safely."

Minister of Natural Resources Joe Oliver, the chief shill for the federal government's fossil fuel promotion, including its recent 'pipeline or else rail' theme, told the *Globe* on September 25 that the "overall" safety record of the railways "has been a very good one."

The federal government says it is "taking action" for better rail safety, repeating that message in last week's speech opening a new session of Parliament. It put on quite a show for the speech by inviting the mayor of Lac Mégantic to sit in as a special guest.

But the government is refusing a key demand of provincial and municipal governments – that they be informed in advance of the movement of dangerous rail cargo through their jurisdictions. It has failed to act upon safety recommendations by its own railway agencies in recent years. And it continued and extended the policies of previous Liberal governments of devolving the responsibility for rail safety to the companies themselves in the respective industries.

When a *Toronto Star* reporter asked CN for the name of the shipper of the wagons that derailed in Gainford, the answer was 'no', because such information is protected by "client privilege."

Bruce Campbell, executive-director of the Canadian Center for Policy Alternatives, has just published a study on the systematic erosion of railway safety that contributed to the tragedy at Lac-Mégantic. It's titled, *The Lac-Mégantic Disaster: Where Does the Buck Stop?*

CN is currently fighting an unjust dismissal lawsuit by a whistleblower employee from its Memphis, Tennessee yard. He says the company covered up reporting of minor derailments and falsified its performance numbers for freight delivery in order to boost executive bonuses and shareholder value.

The issue of the safety of the class of railway wagons carrying the majority of ethanol, chemicals and petroleum products in North America has come to the fore following the Lac Mégantic disaster. Known as DOT 111, they are single hulled and can be too easily breached when they are involved in a crash or derailment. According to the Railway Association of Canada, there are some 240,000 DOT 111 wagons operating in North American Railroads, of which half have received some kind of modification to improve their safety.

That appears to contradict a recent report by NBC News that has the American Railway Association saying about 32,000 DOT 111 wagons carry crude oil in the U.S. and only one quarter of those have undergone modifications. The report also says that according to the Renewable Fuels Association, 63,000 DOT 111 wagons carry ethanol in the U.S. and most have received no modifications.

Arguments are made by some, including in the environmental movement, that the vast fleet should be replaced with double-hulled wagons. Rail companies have resisted that call for many years because of the cost involved (according to some news sources, more than \$1 billion). Meanwhile, the U.S. and Canadian governments have bowed to industry pressure to not legislate on the matter. Since Lac Mégantic, the opposition New Democratic Party in Ottawa has focused its critique of oil train movement on calls for greater safety measures. MP Olivia Chow accuses the federal government of only making vague promises to improve rail safety. She says train and rail line inspections need to be increased and automatic braking systems should be required on all trains. Coincidentally, CBC News is reporting that Transportation Safety Board inspectors say a malfunctioning of an automatic brake system may have caused the Gainford crash.

NDP MP for Edmonton Strathcona Linda Duncan says, "I want this rail shipping to be slowed down until we get a real picture of how safe it is." She reportedly owns a cabin at Wabamun Lake, near where the 2005 CN derailment occurred.

Regardless of the safety record, the profits in railway operations are impressive. CN Rail's financial results for the third quarter of 2013 were issued on October 23 and they show record revenues of \$2.7 billion and net profit of \$705 million, up from \$664 million in the same quarter a year ago. The other half of Canada's railway duopoly, CP Rail, is also reporting a record share price and profits – \$331 million in the same quarter, on earnings of \$1.5 billion. Both railways have extensive operations in the U.S. and are cashing in on the oil-by-rail boom.



## Extends Into the North

The threat of oil trains extends into Canada's north. There is intense commercial pressure to open Arctic waters for fossil fuel extraction and transport. Meanwhile, Denver-based Omnitrax has come up with a scheme to ship oil from the Bakken field in North Dakota and Saskatchewan along the old, former CN-owned line to Churchill, Manitoba, on Hudson Bay. A new export terminal would be built, and from there the product would be transported by oil tanker through sub-Arctic waters to the Atlantic Ocean.

Omnitrax owns the 1,300 km of line that connects The Pas, Manitoba to Churchill. Much of the line is overtop of permafrost peat that is beginning to break down due to global warming. The company's oil-by-rail proposal has met a cool reception from the NDP government of Manitoba and was hotly contested at recent town hall meetings in three locales in the province.

But this bizarre rail scheme would fit with the 'vision' that Canada's Conservative government has been pushing for the Canadian north and Arctic ever since it first came to power in 2006. That is to open up the vast and fragile region to fossil fuel and mineral extraction, and to open Arctic waters for ocean transport. Fittingly, and in a dire premonition of the fate of the Arctic Ocean, the first traversing of the Northwest Passage by a cargo ship occurred last month, consisting of a load of coal mined in BC and bound for Denmark.

The government has a unique opening to advance its vision by virtue of its chairmanship for the next two years of the eight-country Arctic Council. It says it will use its two years at the helm of the organization to push for "resource" development. The Council began a three-day meeting on October 21 in Whitehorse, Yukon and its new chairperson, Environment Minister and Nunavut MP Leona Aglukkaq, says, "Our overarching theme for Canada's chairmanship is development for the people of the North." For her, that means "development" of natural resources, "safe shipping" through Arctic waters and "sustainable communities" whose livelihoods and social services will become dependent on resource extraction revenues.

This vision is sharply opposed by most of the Aboriginal peoples of the Arctic and sub-Arctic. Five months ago, an historic statement signed by most of the Aboriginal peoples who live there was signed in Sweden. It calls for a moratorium on oil drilling and other exploration activity in the Arctic and says any resource extraction should be conditional upon Aboriginal consent. The statement was signed by two of the six permanent members of the Arctic Council – the Arctic Athabaskan Council and the Russian Association of Indigenous Peoples of the North.

At the time, Aglukkaq expressed "disappointment" with the statement. Her government's Aboriginal business allies in the North challenged the legitimacy of the Inuit signatories.

In a surprising and revealing development at the meeting in Whitehorse, senior U.S. official for Arctic affairs, Julia Gourley, says she is concerned that the Canadian government may be diminishing the importance of scientific research in the Arctic. "Certainly, the United States would never allow any threats to science work at the council, so we would defend it. That might be something that's a little different between Canada and the U.S. ...."

She also says her government opposes opening the Northwest Passage to commercial shipping unless and until an international agreement is reached. Canada claims sovereignty over those waters.

A representative of the Arctic Athabaskan Council at the meeting, Chief Gary Harrison of the Chickaloon Village Athabaskan Nation in Alaska, is concerned about the Council's focus on responsible resource development, reports the Globe and Mail. "Resource extraction is not development," he said. He doesn't want the council to evolve "from an environmental body to an extractive body."

Member countries of the Arctic Council are Canada, the United States, Russia, Denmark, Finland, Iceland, Norway and Sweden.

## Fossil Fuel Opponents Score Victories

The latest train derailment in Alberta is a blow to the fossil fuel agenda of the federal government and fossil fuel industry, joining with other recent setbacks they have suffered.

In New Brunswick, the anti-natural gas fracking movement in the province has emerged strengthened following a violent assault against it by the RCMP on October 17. On that day, the federal police force attacked a weeks-long protest against exploratory drilling and seismic testing being conducted by a Houston-based company contracted by the province's Irving Oil conglomerate.

The attack completely backfired. Within hours, large protests in solidarity with the movement erupted across Canada, in the United States and further internationally. Protests actions at the site continued in the days following, and a community-wide consultation on October 20 drew hundreds of people. The exploratory testing has been halted and pressure is now stronger than ever on the Conservative Party government of the province to declare a moratorium.

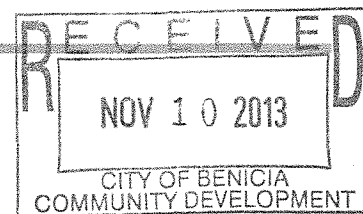
Similar problems for the industry were encountered by Enbridge Inc in Montreal and Toronto during recent hearings of the National Energy Board into the company's proposal to begin shipping Alberta crude oil and tar sands bitumen through its existing Line 9 pipeline across southern Ontario to Montreal. The last day of the hearings in Toronto on October 19 where Enbridge was to present its concluding remarks ended abruptly when the company bolted for the doors rather than face its critics.

With questions surrounding oil transport by rail, gas fracking, Arctic development and the safety of the Enbridge Line 9 pipeline, it has been a difficult time for the fossil fuel industry. But as Canada tries to accelerate its natural resources development under Prime Minister Harper's economic plan, more negative publicity can be expected. Public outcry is growing. Can it derail the madcap rush into expanding fossil fuel extraction fast enough to make a real difference to the looming climate dangers that scientists are warning against? •

**Roger Annis** is a writer in Vancouver BC and member of the recently-formed Vancouver Ecosocialist Group. He publishes a website at [A Socialist in Canada](#) and can be reached at [rogerannis@hotmail.com](mailto:rogerannis@hotmail.com). This article first published in the [Vancouver Observer](#), October 24, 2013.

## Amy Million - Fwd: Re: Benicia: Three Valero refinery rail cars filled with coke derail By Matthias Gafni Contra Costa Times

**From:** Brad Kilger  
**To:** Amy Million; Heather McLaughlin; Kat Wellman; Mario Giuliani  
**Date:** 11/10/2013 7:39 PM  
**Subject:** Fwd: Re: Benicia: Three Valero refinery rail cars filled with coke derail By Matthias Gafni Contra Costa Times



>>> Marilyn Bardet <mjbardet@comcast.net> 11/9/2013 8:27 AM >>>

I would like to add here that Matthias Gafni had it in his article in CC Times that there were 3 hopper cars that derailed, while our local news report and that of Times Herald told that there was only one car that jumped the rail. Ed Ruszel, who was on the scene at the time of the incident and took pictures said that it was "the third car from the front" that derailed. Perhaps there was some confusion on Matthias' part, if he heard "3rd car" and thought "3 cars?" Or, could it be that the initial reports were inaccurate?

I'd also like to know exactly what happened. I do know, from my having gone to Bayshore Rd and Park Rd the next day around 2 pm that there were 3 pet coke hopper cars from the derailed train that had been moved east, out of the Park Rd intersection and train crossing from the previous day's accident. About an hour later, while I was standing in front of Ruszel Woodworks, a 30+ car train slowly pulled through, lurching, stopping and starting at least 5 times at very slow speed, and finally it passed through, apparently coupling the 3 abandoned pet coke hopper cars and taking them somewhere. Ed said that's how UP can move train cars around, using other trains to serve as temporary engines to relocate stray cars. I'm picturing how the industrial park in the vicinity of the bottle neck intersection of Park and Bayshore, could become like a train yard--

It took about 1/2 hour for the 30+ car train to pass by Ed's building. I saw one employee, while the train was stopped, step over a coupling between cars to get to the street. Obviously, vehicles (cars and delivery trucks) were blocked from entering or leaving the driveway while the train sat there. A UP crew member told me that the trains were run remotely and wouldn't be able "to see" anyone wandering in front or behind or between cars....

UP's tracks along Bayshore and up to the intersection of Park Rd look spiffy and newly railed and/or cleaned up. However, the tracks within the immediate vicinity of the intersection on Valero property do not look up to UP standard of latest upgrades, etc. Perhaps Valero is waiting to find out if their project is approved before they attend to their tracks? This is a good question to raise, since the coke trains, according to Ed, are getting bigger: I'd heard that the one that derailed was 10 hopper cars--but I'd like that number confirmed. Ed said that there are routinely 2 coke trains each day that leave Valero for the port. Whether or not the crude-by-rail project is approved, the tracks used by coke trains ought to be up to a standard of upgrade commensurate with what UP is doing for their tracks within the industrial park generally-- the big one, the most important one, leading along Bayshore Rd from refinery, obviously serving the proposed project.

Marilyn

On Nov 7, 2013, at 1:26 PM, CONSTANCE BEUTEL wrote:

Mike, from your article about the train derailment in Benicia

How does anyone (the community) know that:

"Through the collaborative efforts of the agencies that responded to this incident, the scene was rendered safe, and in a short amount of time, the clearing of the roadway and reopening to vehicular traffic was done quickly and efficiently," Hartig said.

Does the police, fire, Valero, Union Pacific have monitoring equipment that tests the area for any hazards?

Thank you

Constance Beutel

Commissioner, Community Sustainability Commission, Benicia, CA

**Amy Million - Please add this article to my scoping comments on Valero Crude-By-Rail**

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**From:** Marilyn Bardet <mjbardet@comcast.net>  
**To:** Amy Million <amillion@ci.benicia.ca.us>, Brad Kilger <bkilger@ci.benicia...>  
**Date:** 11/10/2013 7:13 PM  
**Subject:** Please add this article to my scoping comments on Valero Crude-By-Rail  
**Attachments:** la-na-nn-train-alabama-oil-20131109-001.jpg

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Hello Amy and Brad,

Please add this article's evidence regarding extreme hazards of "pipelines on wheels" carrying crude oil into our community and beyond....

Thank you,

Marilyn

745-9094

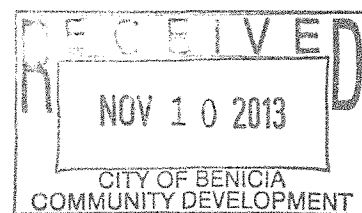
[300 Foot Flames as Crude Oil Train Derails and Explodes in Rural Alabama | Common Dreams](#)

*Published on Sunday, November 10, 2013 by Common Dreams*

## **300 Foot Flames as Crude Oil Train Derails and Explodes in Rural Alabama**

**Green groups say accident, reminiscent of Lac Mégantic tragedy, highlights 'intolerable dangers of fossil fuels'**

- Sarah Lazare, staff writer





A tanker train that derailed and caught fire in western Alabama outside Aliceville on November 8 (Photo: Bill Castle / Associated Press)

A train carrying 2.7 million gallons of crude oil derailed near Aliceville in rural Alabama on Friday in a fiery explosion that green groups say illustrates the danger of fossil fuels.

The accident, the cause of which is unknown, appears to be the most severe of its kind within the United States since transportation of crude oil by train increased three years ago with the U.S. fracking boom, *Reuters* reports.

Bill Jasper, president of the rail company Genesee & Wyoming, said each of the train's 90 cars was carrying 30,000 gallons of crude oil when approximately 25 cars and two locomotives derailed. The crash and explosion shot 300-foot flames into the sky, *Reuters* reports. No immediate injuries were reported, but the company still does not know how much oil has been spilled or what the long-term effects will be.

A local official told *Reuters* that the crude oil came from the North Dakota Bakken Shale where oil is extracted through the controversial process of fracking.

This means it may have been carrying the same fracked oil transported by the train that sparked the Lac Mégantic tragedy this summer when it derailed in this Quebec town and killed nearly fifty people.

Green groups say this latest accident exposes the dangers of crude oil, whether transported by pipeline or rail.

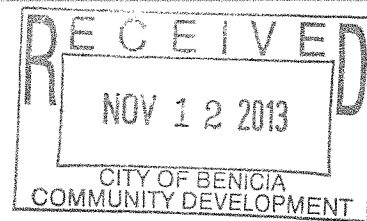
"This train derailment will no doubt become part of the debate over pipelines. We can't allow the oil industry to pose the choice as one between pipelines and rail," wrote 350 Maine in a statement emailed to *Common Dreams*.

**Amy Million - crude by rail project in Benicia**

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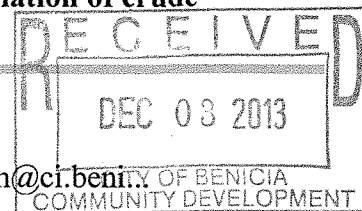
**From:** Andy Smith & Pat Toth-Smith <pattothsmith@aol.com>  
**To:** <amillion@ci.benicia.ca.us.>  
**Date:** 11/12/2013 7:43 AM  
**Subject:** crude by rail project in Benicia  
**BC:** Amy Million

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Hi Amy, I am a Benicia resident and am very alarmed about the most recent derailment that occurred in Benicia.. Even though they said it was minor and there was no contamination; it showed me how unsafe the crude by rail project can be. I don't want to put my family and other family's at risk with another potential derailment with a spill containing the type of crude they want to ship to Benicia. Please protect our quaint city and the people from an unnecessary risk and also the risk to other areas as they barrel through those areas to get to the refinery. Their is a safer alternative, the one they are doing now. Thanks, Pat Toth-Smith

**Amy Million - Lac-Mégantic train derailment catastrophe and lax US regulation of crude transport by rail.**



**From:** Marilyn Bardet <mjbardet@sbcglobal.net>  
**To:** Brad Kilger <bkilger@ci.benicia.ca.us>, Amy Million <Amy.Million@ci.benicia.ca.us>  
**Date:** 12/3/2013 2:08 PM  
**Subject:** Lac-Mégantic train derailment catastrophe and lax US regulation of crude transport by rail.  
**CC:** Elizabeth Patterson <Elizabeth.Patterson@ci.benicia.ca.us>, Tom Campbell...

Hello Brad and Amy,

I'm forwarding a truly revelatory article on the on-going investigation of the Lac-Mégantic train derailment catastrophe by Toronto's highly respected newspaper, the Globe & Mail.

The research into the Lac-Mégantic accident exposes the extraordinary laxity of both TransCanada and the US Department of Transportation in regulating the transport of crude oil by rail. This article bears mightily on the upcoming CEQA review of the Valero Crude-By-Rail project. Please add this article to my scoping comments and my hope is that the issues brought to light by this investigation will be referenced and thoroughly addressed in the DEIR and in all deliberations on the project's potential impacts, both direct and indirect, on public health and safety.

Please take the time to read this article and view the informative videos created by the Globe & Mail investigative team: all about Bakken fields and transport by rail out of the mining operations...

I do not have the email addresses for Planning Commissioners Susan Grossman, Suzanne Sprague or George Oakes. Could you please forward this message to them? I would have cc'd them as well.

Thank you,  
 Marilyn Bardet  
 745-9094

<http://m.theglobeandmail.com/news/national/a-pipeline-on-wheels-how-a-changing-industry-brought-disaster-to-lac-megantic/article15711624/?service=mobile>

Dec 3, 2013

## Inside the oil-shipping free-for-all that brought disaster to Lac-Mégantic

*An investigation into the disaster and its causes.*

- **Part 1:** [Last moments of Musi-Café \(ebook free for subscribers\)](#)
- **Part 2:** [How a flawed pipeline on wheels brought disaster](#)
- **Now:** [The oil was known to be deadly](#)
- **Wednesday:** Why railways can do as they please in Canada

[Complete coverage of Lac-Mégantic.](#)



Long before disaster struck, the 5,900 residents of Lac-Mégantic had grown accustomed to the sight of large oil tankers rolling through their small, tightly knit community in the Eastern Townships of Quebec.

A shortage of oil pipelines in North America had created a new kind of railway industry traversing the continent. In just a few years, tankers carrying crude oil from the resource-rich West had grown from a mere 8,000 in 2009 to nearly 400,000, and Lac-Mégantic is located along one of the main routes to refineries in the East.

Despite this extraordinary boom in oil shipments, there was no change in regulatory oversight, or added safety measures, governing these veritable pipelines on wheels passing through hundreds of small towns across the country.

**Related video:** [From the U.S. to Lac-Mégantic: Inside the massive growth of oil by rail](#)

There were no new rules affecting the chain of 72 crude-laden tankers that barrelled toward the Quebec town on the night of July 6 – the same train that would explode in the worst rail disaster in modern Canadian history. The railway was not required to formulate a plan to deal with catastrophe, in the event the crude train derailed.

Such strategies, known as Emergency Response Assistance Plans, are the primary safeguard against materials designated as dangerous that move through communities. Though these plans are required for shipping everything from chlorine to gasoline, they do not apply to crude – even though regulators had ample opportunity to make that change. For years, Ottawa never saw crude, even in mass quantities, as such a dangerous product.

There were also no rules determining how much crude could be placed on one load, or how many tankers could be strung together without creating the risk of large explosions. There were no regulations requiring railways to place buffer cars periodically through these hazardous loads to help minimize the danger of an explosion. The number of inspectors designed to oversee the industry, meanwhile, had dropped from one for every 14 tanker cars on the rails to just one for every 4,000. In this specific instance, the paperwork relating to the cargo was wrong, underestimating the volatility of the oil, and there are serious concerns about whether the contents were properly tested prior to shipment.

In the four months since the Lac-Mégantic derailment, which killed 47 people and devastated the town, The Globe and Mail has investigated how the oil-by-rail industry came to exist, and what safeguards were put in place by government and regulators to ensure that moving vast quantities of oil on trains didn't expose the public to undue risks.

The investigation, which included gaining exclusive access to the site in North Dakota where the ill-fated Lac-Mégantic train was loaded, has uncovered serious questions about the practices employed by railways and oil companies, and what little they know about the volatility of the oil they ship by rail. Although Transport Canada officials have been reserved on the specifics of the disaster until the government completes its investigation into the Lac-Mégantic derailment, two high-ranking former hazardous materials inspectors in the U.S. agreed to take The Globe inside this new and murky world of crude by rail.

The newspaper conducted dozens of interviews with industry insiders, including railway officials, oil shippers, chemical analysts, inspectors and regulators, and obtained documents through Access to Information laws. What emerges is a disturbing picture of regulatory loopholes, government indifference and systemic failures in oversight that have, in a relatively short period of time, allowed

railways to operate without close scrutiny on their way to making significant new revenue on oil shipments.

But who allowed this to happen? As more than 80,000 barrels of oil per shipment began to move on rails designed more than a century ago for shipping less volatile cargo such as lumber, coal or grain, minimal checks and balances were put in place. When the decision was made to begin shipping such huge amounts of oil by rail, the industry required no approval from government or regulators to proceed, even though documents obtained by The Globe show that U.S. government officials knew that moving such a “high concentration of hazardous materials” was inherently more risky.

“This was the worst accident in my 40 years of rail experience with hazardous materials, killing that many people,” Ed Pritchard a former senior hazardous materials inspector for the Federal Railroad Administration in Washington, said of the Lac-Mégantic derailment. “I don’t recall oil shipments ever being a problem. Now all of a sudden they’re running 100-car trains of oil.”

And this oil, it turns out, was a particularly volatile form of crude.

As Mr. Pritchard knows from his years of inspecting railways, and sharing insight with other inspectors, not all crude is the same.

“Some of it, I was told, it’s damn near close to gasoline,” he said.

### **High risk, low oversight**

Before the oil boom, state legislators in North Dakota faced a tough decision: what to do with miles and miles of useless and decaying railway tracks. The rails were becoming too expensive to maintain, but they were no use to a dwindling industry that was shipping fewer loads of grain every year, and had all but abandoned the line.

Lacking a better solution, the state decided to turn the track into a bike path.

Had that plan been put in place, history might be much different. But before the old rail lines could be torn from the ground, something happened: North Dakota struck oil – so much that there were not enough pipelines to move it. And rail suddenly became popular again.

In fact, the roots of the Lac-Mégantic derailment were planted five years ago, by an offshoot of Enron Corp., the failed energy giant. Enron Oil and Gas, or EOG Resources as it is now known, was among the first energy producers to begin exploiting the rich Bakken oil reserves that straddle much of North Dakota and parts of southern Manitoba and Saskatchewan.

But EOG had a problem: It needed a way to get that oil to refineries.

New pipelines took years to build, but trains were a relatively quick and easy solution. The tracks were already in place and the railroad companies were eager for new business. Although oil had never been shipped in large quantities by rail – in 2008 not a single barrel of oil produced in North Dakota left by train – there was no reason it couldn’t be, EOG believed.

In the early 1900s, the railway industry came up with a new concept to move large quantities of grain, called the unit train. These were trains of 80 to 100 cars, comprised entirely of the same product, which travelled on an express route from prairie to port as a way to speed up commerce. Although unit trains

were historically used primarily for non-hazardous materials, EOG saw no reason why it couldn't move 100 cars of oil quickly down the tracks. Regulators saw no problem with it either.

EOG needed a way to fill the trains quickly, though, since loading 100 cars of oil could take days or weeks if done car-by-car. The company spent 2008 building a vast crude loading facility the size of 26 football fields on the vacant North Dakota prairie, where tanker cars were filled with oil using more than a dozen pumps working in tandem, then sent quickly on their way.

Speed was the key ingredient. According to an internal management presentation obtained by The Globe, EOG had invented a way to fill 100 rail tankers in about half a day. On Jan. 31, 2008, the first unit train of oil rolled out of North Dakota on its way to Oklahoma, and the industry changed forever.

"EOG was the godfather of this industry," said a senior industry official who spoke on condition his name not be used, fearing for his job in the wake of the Lac-Mégantic disaster. "Before that, we hadn't shipped very much crude by rail at all."

EOG's business boomed and other companies rushed to build similar loading facilities. By 2012, more than a dozen of them were in operation or slated to be built. But to move this much oil, neither the railways nor the oil companies needed to ask permission.

According to interviews with rail industry personnel and former hazardous materials inspectors, neither Transport Canada nor the U.S. Department of Transportation differentiated between the danger of moving a single car filled with crude oil, and moving a train carrying 100 cars of oil. The industry changed, but the rules overseeing it didn't, said a former top rail inspector.

Alan Roberts spent 43 years at the U.S. Department of Transportation investigating rail accidents, and oversaw the hazardous materials department, based in Washington, from 1975 up until his retirement at the turn of the century. He said Canadian and U.S. regulators have effectively left railways in charge of themselves when it comes to shipping oil, aside from some rudimentary rules governing track usage and restrictions on how fast a train can travel based on its weight.

"The whole distribution configuration has changed," Mr. Roberts said. Yet "there is virtually no regulation that I'm aware of" for moving large amounts of oil.

Meanwhile, the railways were racing ahead and banking unprecedented revenue from moving oil. Not surprisingly, they began to fight fiercely over the unit train business. Glossy brochures sent by railways to oil companies tell of a booming new industry, focusing on the speed of moving oil down the tracks.

A single unit train "can haul 81,000 barrels of crude," says a brochure sent to oil companies by Burlington Northern Santa Fe, the largest oil shipping railway in North America. The brochure captures the boom-time feel of the sector. "BNSF moved 100 million barrels of crude in 2012, and is ready to ship significantly more in the years ahead."

But inside the industry, railways and regulators knew of the possible danger of transporting such vast quantities of crude.

Internal U.S. government documents probing tanker car explosions in 2012 show the Washington-based National Transportation Safety Board was not only aware of potential problems, but concerned about the possibility of a major accident caused by oil unit trains. And if such a derailment were to occur, the board feared the consequences could be exponentially bigger, given the amount of crude being

transported.

With the “increasing number of unit train shipments” happening in North America, “the risks are greater because of high concentrations of hazardous materials,” warned the documents, which were part of an internal report. “Existing standards and regulations [are] insufficient.”

### **No limits on crude**

On the night the oil train exploded in Lac-Mégantic, several things went catastrophically wrong. As has been well documented in the months since the crash, the train, operated by Montreal, Maine & Atlantic, was parked for the night and left unattended, and began to roll down a hill towards the town after the brakes had been improperly applied, picking up speed as it went. When the train crashed, the crude tankers erupted in a series of devastating blasts.

While much of that can be chalked up to human error, the retired inspectors who agreed to speak to The Globe say there is a bigger picture that governments and regulators need to address. Had a unit train comprised of grain, coal or lumber rolled down the same hill, the cars would have still derailed, but the results would not have been nearly as deadly. Oil is different. Eyewitnesses report seeing multiple explosions coming from the 72-car Lac-Mégantic oil train within seconds of the crash, as the crude began to catch fire. Numerous people reported seeing mushroom clouds in the night sky.

But even though oil unit trains are different, and more hazardous, than typical trains, Transport Canada and U.S. regulators did not draw up extra safeguards as the industry began to experience rapid growth. The Globe investigated the rules governing how railroads can ship oil and found most of the operating procedures are set by the railways themselves.

For example, there are no restrictions on how many cars of oil a railway can transport, even though stringing together dozens of cars of oil can create a bigger danger of explosion. The only limit on how much oil can move on the tracks, and ultimately through cities and towns, is dictated by the length of sidings the company has on its line.

The sidings, which are tracks that run parallel to the main line, allow trains to pull over so that another can pass. Currently, the largest sidings in North America allow for 120-car trains. But there is already talk within the industry of constructing longer sidings so that railways can ship up to 140 cars, or more, using unit trains of oil. It amounts to self-regulation: At present, Transport Canada has no rules to regulate the amount of crude riding on the rails.

There are also no rules telling railways how they should assemble their oil trains, including where in the load to place buffer cars, which could help keep fires from spreading, and possibly prevent explosions in the event of a crash.

Many of the rules for shipping hazardous materials were written for trains comprised of mixed goods, called manifest trains, where smaller shipments of dangerous cargo are interspersed with other loads.

The rapidly growing oil-by-rail industry is governed by safety measures that never contemplated kilometre-long shipments of crude.

“There are, in the regulations, car placement requirements,” said Mr. Pritchard, who retired as a U.S. Department of Transportation safety inspector in 2010. “You can’t have a [hazardous materials] tank car next to a shiftable load, like a car carrying steel girders or telephone poles.” The rules also state that

hazardous materials must be six cars away from the caboose.

But those rules are out of touch with modern railway practices. For one thing, the railway industry stopped using cabooses in the 1980s. The guidelines haven't been updated.

The only fixed rule that oil unit trains must follow when they assemble their cars is to place a buffer car, which is either empty or full of a non-hazardous material such as gravel, between the locomotives and the first tanker car. In that regard, the train that exploded at Lac-Mégantic was fully compliant with current regulations.

But the use of buffer cars throughout the train could help prevent fires and explosions from spreading, or lessen their impact by parcelling up the shipment. However, this would cost the railways money since they'd have to run more empty cars.

"If you have 100 cars of hazardous materials, all you have to have is at least one buffer car – that's it," Mr. Pritchard said. Although the industry has morphed into something new, the rules and oversight have not kept pace. "The same rules I just described to you have been in place since I started my hazmat training back in the 1960s."

### **No emergency plan**

The facility where the Lac-Mégantic train was loaded with crude sits on the south side of New Town, N.D., a frontier boomtown on the prairies that can't grow fast enough to supply sufficient hotels and restaurants to accommodate the influx of rig workers.

Last summer The Globe gained exclusive access to the site, which is where Miami-based World Fuel Services buys oil from drilling companies for shipment to refineries.

The site, with dual tracks for loading oil, is a testament to efficiency, but also an example of the greater risks created by this new era of oil trains. Each day, or every other day, a Canadian Pacific train backs about 40 empty tanker cars onto each track for filling. Large tanks holding Bakken crude drilled nearby dispense oil into the tanker cars. At the end of the process, engines hook up both 40-car loads and depart as an 80-car unit train. This is how the Lac-Mégantic train began its journey.

The amount of time it takes for crude to be pumped from the ground and loaded onto a train for shipping can be as little as three or four hours.

The reality is that not all crude is checked for critical characteristics such as flashpoint or boiling point, which provide insight into its explosiveness. The introduction of unit trains for oil has created an industry that is sometimes moving too quickly for careful inspection or testing.

But Mr. Pritchard has been to sites where the shippers knew they didn't have to do extensive testing, because of the loose regulations.

"They didn't have to," Mr. Pritchard said. "If they said it was a flammable liquid, and they pretty much knew it was a flammable liquid, that's all they had to say."

The reason for such lax scrutiny stems from the government's general lack of concern about shipping oil in general. For years, Ottawa never saw crude, even in mass quantities, as a more dangerous product.

In 2006, when internal auditors at Transport Canada began examining weaknesses in the department's handling of disaster preparedness, they zeroed in on the little-known Emergency Response Assistance Plans system. These plans, which help first responders such as fire crews deal with emergencies involving hazardous materials, ensure critical equipment – such as specialized foam trucks for extinguishing flames and other hazmat gear – is kept at stops along the route to deal with an accident.

Any company that wants to ship dangerous goods must have an ERAP in place. But when the internal auditors probed how the system worked, according to federal documents, they found troubling weaknesses.

Of the 926 ERAPs the government had approved for hazardous materials shipping, 453 of them were issued with interim approval, requiring followup. However, Transport Canada failed to follow up on roughly half of those interim approvals. In one instance, “one company transported shipments of at least 3,000 litres of flammable propane gas for over 13 years with only interim approval of its plan,” the internal audit says.

Another weakness was what the program omitted. Although ERAPs were required for shipping everything from chlorine to gasoline, no emergency plan was needed for moving crude oil. The government did not see oil as potentially dangerous.

The auditors ordered an extensive review, and in 2008 Transport Canada pledged to fix the gaps in its ERAP system. Over the next five years, the department retrained staff and rewrote several of its policies. In April of this year, Transport Canada declared the job complete, and oil was left out of the program.

Three months later, 6.5 million litres of crude spilled from the train in Lac-Mégantic and erupted in a series of major explosions. The fire burned for days as emergency crews struggled to get the blaze under control, using equipment borrowed from nearby towns.

Responding to The Globe's revelations of questionable testing standards by oil shippers, Minister of Transport Lisa Raitt announced last week that the federal government is stepping up its oversight, and is working with U.S. regulators to deploy inspectors to oil-loading facilities to scrutinize crude being shipped to Canada by rail.

Calling the situation “unacceptable,” Ms. Raitt said dealing with the matter “is a very high priority.”

Yet even with that change, oil is still not part of the ERAP system, so there is still no requirement that shippers put in place an emergency response plan for crude that could save lives.

Claude Dauphin, the mayor of Lachine, Que., and the president of the Federation of Canadian Municipalities, said that problem shouldn't be allowed to continue.

“With what happened at Lac-Mégantic, and what could happen anywhere else in North America, I think we should have the same rules for crude oil. The same thing,” Mr. Dauphin said.

### **No special measures**

The investigation into how oil is classified exposes probably the most significant weakness in the system that is supposed to oversee the booming oil-by-rail industry.

Even if the oil on the Lac-Mégantic train had been correctly identified, it would not have changed how the railway operated, known among engineers as “train handling.”

Although oil is supposedly tested for volatility, that information is primarily of use to emergency responders so they know the type of hazardous materials they are dealing with, and can set evacuation zones accordingly. It has no bearing on how oil cars are handled while in transit. Crude is shipped in standard tankers known as DOT-111 cars, which have been criticized for being susceptible to corrosion and ruptures. One of the biggest gaps in oversight is that the birth of oil unit trains hasn't required railways or shippers to take any special measures to ship the oil.

The tankers that left North Dakota travelled on a CPR train before being passed off to the MM&A railway for the trip through Lac-Mégantic. But in the only statement it has given since the Lac-Mégantic explosions, World Fuel Services conceded to The Globe that regardless of how the oil was classified at the source, it “would not have changed the manner in which it was handled, transported, routed or responded to by emergency personnel upon MM&A's derailment,” said a spokesman for the company.

Nor was the disaster in Quebec a freak, one-time accident. On Nov. 8, a unit train carrying 90 tankers of crude oil from the Bakken fields of North Dakota derailed in Alabama, causing huge explosions. Witnesses said the flames rose 90 feet in the air. Much like the Lac-Mégantic derailment, observers were surprised crude oil would cause such a fire.

When companies began moving the first giant oil unit trains out of North Dakota and into Canada, Transport Canada and the U.S. Department of Transportation took no steps to require companies to handle the potentially explosive cargo any differently than if it were lumber or grain, even though inside the railway industry there was acknowledgment this new practice was much more risky.

In Canada, oil refiner Ultramar knew the risks. Ultramar began using a smaller version of the hazardous materials unit train in 1996 that shipped gasoline and heating oil from a refinery near Quebec City to ports outside Montreal. But after six derailments in eight years, including a 1999 collision that killed two people, the company decided to build a pipeline instead. Ultramar president Jean Bernier called the pipeline a “safer” option.

There have been other instances of unit trains carrying hazardous materials, though they are limited. Illinois Central railway decided to run a unit train of hazardous materials from Louisiana to Michigan in the 1970s, carrying chemicals from plants in the southern U.S. to factories in the Great Lakes region. Because the train was unusual, it was treated with special care: The cars went through a rigorous examination before departing, and the train never stopped for long periods of time – and was certainly never left unattended.

“They gave it a really good inspection before it departed the yards, and they expedited the movement. They didn't have it hanging around different yards, and they weren't running it every day,” Mr. Pritchard said.

Fast forward to this summer, and the practices governing the MM&A train were much different. Not only had the struggling railway been granted permission by Transport Canada to operate with only a single crewman – which is exceedingly rare – in order to save costs, but there were few rules governing how the oil train must move.

The Globe learned through its investigation that as the train was making its way into Canada from the

U.S., the locomotive was visibly sparking due to a broken piston in the engine. Even though this caused smoke in the cabin, the engineer pressed on. Despite carrying 72 cars of potentially explosive cargo, there are no federal rules to dictate how a hazardous materials train must be handled in such a situation, only a railway's own internal guidelines, which are not made public and are impossible to independently scrutinize.

It was only after the Lac-Mégantic derailment that Transport Canada ruled hazardous materials trains could no longer be operated by a single crewman, and that trains could not be left unattended on a main track.

Until that point, the railway sector had been anxious to convince government that its rules were fine, and that nothing needed changing. According to the federal lobbyist registry, the Railway Association of Canada requested in January of this year to meet with government officials "to assure them that current regulations for dangerous goods transportation are sufficient." The same request was made again in June.

But on July 8, two days after the Lac-Mégantic derailment, the railway association submitted a new version of its request for meetings. This time, the line about current regulations being "sufficient" was conspicuously absent.

### **Desensitized to risk**

Not only did railways not have to seek clearance to start running full trains of crude through cities and towns, governments and regulators have failed to keep pace with the growth of the industry. The trains operate in an environment where there are fewer and fewer inspectors to ensure safety.

This allows railways to operate with very little scrutiny, in an industry where things go wrong with trains all the time – and the Lac-Mégantic train was no different. The Globe has learned that after the train left North Dakota, being pulled by Canadian Pacific, it was actually carrying 78 oil tankers. However, before the train was handed off to MM&A, six cars were removed from the train. When asked about the problem by The Globe, the railway said the cars were removed for unspecified mechanical problems, but refused to elaborate on the reason. The railways are not required to provide greater detail to the public.

The oversight of trains on the rails has diminished dramatically in recent years amid federal cost-cutting and deregulation, including the significant drop in the number of inspectors since the oil unit trains began to roll, said Bruce Campbell, executive director of the Canadian Centre for Policy Alternatives.

"Why did Transport Canada not strengthen enforcement of its dangerous goods regulatory system to handle the spectacular increase of oil transport by rail that has occurred in the last five years?" Mr. Campbell said.

But the shift to fewer regulations has pervaded the sector since 2001, when changes were made to the federal Railway Act that gave the railways control over their own safety management systems rather than having protocol prescribed by the government, which Transport Canada thought would be a more efficient and less-costly system. The plans cover everything from track maintenance to safety and security training.

While railways submit these plans to Transport Canada for scrutiny, they are not closely watched to see if companies are complying after the fact, according to a November report by the Auditor General. As a



result, Transport Canada and its inspectors can't have a clear picture of what railways like MM&A are doing. Much of the time, the railways are regulating themselves.

Lax federal oversight in Canada and the U.S. – the rules are kept closely aligned to expedite trade and commerce – has meant trains can pass through cities and towns carrying what they want.

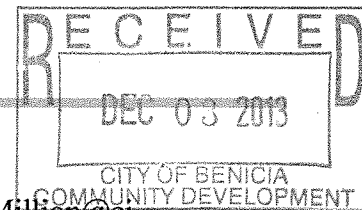
Asked if regulators have any say in the rise of oil unit trains, Nate Moulton, the head of railways for the Maine Department of Transportation, said “not that I’m aware of.” Maine is one of the states that North Dakota oil trains pass through. “It’s allowed,” he said of the oil train boom. “But is it good practice? Fuels are something that have always been moved. Just not in these quantities.”

In the wake of the Lac-Mégantic disaster, the railway industry has quoted statistics stating that more than 99.9 per cent of oil shipments by rail arrive at their destination without incident. Railway proponents have also argued that, in many places, towns grew up around the tracks and therefore inherit the risks associated with being located near rails. A century ago, however, when many of the laws that govern the rail system were originally formulated, trains were moving much safer goods, not 100 cars of volatile crude.

Steve Vachon is among those still trying to make sense of what happened in Lac-Mégantic, where he grew up. His father was an engineer who ran trains down those same tracks in Quebec. Back then, oil was never shipped in such huge quantities. There was no such thing as an oil unit train.

“I think we’ve become desensitized [to risk],” Mr. Vachon said. “You see the oil come through – you see it all the time, there’s a lot of it – and you just kind of convince yourself that it’s safe.”

Sent from my iPhone



## Amy Million - Positive Train Control - important mitigation or condition

**From:** <rogmail@gmail.com>  
**To:** "Brad Kilger" <BKilger@ci.benicia.ca.us>, "Amy Million" <AMillion@ci...>  
**Date:** 12/3/2013 2:45 PM  
**Subject:** Positive Train Control - important mitigation or condition  
**Attachments:** image001.jpg

Brad and Amy - I was watching KPIX this morning and saw a report on their CBS This Morning segment (see highlighted portion of the online version of the report below, followed an excerpt from another CBS posting). "Positive Train Control" would be an important mitigation or condition to insist on for Valero Crude by Rail. How can we find out if Positive Train Control is now in place (or scheduled for activation) in Northern California, and most particularly in Benicia? Please look into this, and add my questions and this report to Valero Crude by Rail scoping comments and the CEQA study going forward.

I have been in touch with Representative Mike Thompson on issues having to do with interstate rail transport, and will be sending this important message to him as well.

Thanks.

**Roger Straw**

766 West J Street, Benicia, CA 94510  
 707.373.6826

CBS/AP December 3, 2013, 3: 49 AM

## Could Metro-North train crash have been avoided with federally-mandated positive train control system?

<http://www.cbsnews.com/news/new-york-metro-north-train-crash-positive-train-control/>

An Amtrak train, top, traveling on an unaffected track, passes a derailed Metro-North commuter train, Dec. 1, 2013 in the Bronx borough of New York. **AP**

**YONKERS, N.Y.** -- The revelation that a New York City commuter train derailed while barreling into a sharp curve at nearly three times the speed limit is fueling questions about whether automated crash-avoidance technology could have prevented the deadly disaster.

National Transportation Safety Board member Earl Weener said Monday that the Metro-North Railroad train was going 82 mph as it entered a 30 mph turn and derailed Sunday. Four people were killed and more than 60 others were injured.

Investigators haven't determined whether the cause was human error or mechanical trouble. The train's engineer, William Rockefeller, a 20-year MTA veteran, told first responders at the scene he hit the brakes as he was approaching the curve, but they didn't work. However Earl Weener with the NTSB said: "This train made nine stops prior to derailling. At this point we are not aware of any problems or anomalies with the brakes."

Still, some safety experts say the tragedy might not have happened if Metro-North had what's called positive

train control (PTC) technology.

The wreck came just two years before the federal government's deadline for Metro-North and other railroads to install the automatic-slowdown technology, which is designed to prevent catastrophic accidents. CBS News correspondent Ben Tracy reports Congress ordered the system be installed across the country after a commuter train slammed head-on into a freight train in Chatsworth, California, in 2008, killing 25 people in one of the deadliest train wrecks in that state's history.

Congress passed measures requiring PTC be installed on 60,000 miles of rail lines in the U.S. at a total cost of about \$10 billion. Jeff Lustgarten with Metrolink in California told CBS News the "life saving technology" is worth it. He described it as "a very elaborate state of the art GPS-based technology, which allows our trains to be controlled remotely."

Every train is linked to a central system. Thousands of antennas on tracks and signals on trains monitor precise location and speed. If a train is on course to collide with another train or is going the wrong way or is going too fast into a curve such as the train in New York, the system warns the conductor, showing exactly how long it will take to slow down and avoid an accident.

"If that engineer for whatever reason does not reduce the speed of the train the system will do it for him," Lustgarten said.

But with the cause of Sunday's wreck still unknown, it was not clear whether the technology would have made a difference.

Metro-North's parent agency and other railroads have pressed the government to extend the deadline a few years because of the cost and complexity of PTC technology.

"Assuming the braking system was working normally, this crash would not have happened" if a PTC system had been in place, said Grayd Cothen, a former safety official with the Federal Railroad Administration.

He said the system would probably have alerted the engineer to the speed of the train and the approaching curve, and if the engineer had failed to brake manually, the PTC would likely have forced the train to stop.

Another former FRA official, Steve Ditmeyer, echoed those remarks to NPR, telling the radio network "a properly installed PTC system would have prevented this train from crashing."

"If the engineer would not have taken control of slowing the train down, the PTC system would have," Ditmeyer told NPR.

#### Metro-North crash survivor: "The scariest moments of my life"

The NTSB has been urging railroads for decades to install the technology. Congress in 2008 required dozens of railroads, including Metro-North, to install the PTC systems by 2015.

The Metropolitan Transportation Authority, which runs Metro-North, awarded \$428 million in contracts in September to develop the system for Metro-North and its sister Long Island Rail Road. But the MTA has asked for an extension on the deadline to 2018, saying it faces technological and other hurdles in installing such a system across more than 1,000 rail cars and 1,200 miles of track.

MTA and other railroad entities who are behind in implementing PTC blame the cost and size of the project.

"Thousands and thousands of pieces of equipment that must be retrofitted and thousands of miles of railroad all over the country to roll out at one time," said Kathy Waters with the American Public Transportation Association.

Many are asking Congress for a three-year extension. Mark Rosenker, former chairman of the NTSB, says that's a mistake.

"We run the risk of seeing during that period a number of accidents which could have been prevented," Rosenker said. "That's why it's so important to make sure we hold their feet to the fire."

Sen. Richard Blumenthal of Connecticut, which is also served by Metro-North, said he agreed with Rosenker.

"This incident, if anything, heightens the importance of additional safety measures, like that one," Blumenthal said. "And speaking for myself, I'd be very loath to be more flexible or grant more time."

Margie Anders, a spokeswoman for Metro-North's parent, the Metropolitan Transportation Authority, said that the agency began planning for a PTC system as soon as the law was put into effect.

"It's not a simple, off-the-shelf solution," she said.

CBS/AP

And these paragraphs came from a more general report on the NY crash:

CBS/AP December 2, 2013, 4: 31 PM

## **Metro North train going 82 mph as it approached 30-mph curve before wreck, NTSB says**

<http://www.cbsnews.com/news/metro-north-train-going-82-mph-approaching-30-mph-curve-before-deadly-wreck-ntsb-says/>

*[excerpt]* ...The wreck came two years before the federal government's deadline for Metro-North and other railroads to install automatic-slowdown technology designed to prevent catastrophic accidents. But with the cause of Sunday's wreck unknown, it was not clear whether the technology would have made a difference.

Metro-North's parent agency and other railroads have pressed the government to extend the deadline a few years because of the cost and complexity of the Positive Train Control technology, which uses GPS, wireless radio and computers to monitor locomotives' position and speed and stop trains from colliding, derailing or going the wrong way.

"Assuming the braking system was working normally, this crash would not have happened" if a PTC system had been in place, said Grayd Cothen, a former safety official with the Federal Railroad Administration.

He said the system would probably have alerted the engineer to the speed of the train and the approaching curve, and if the engineer had failed to brake manually, the PTC would have probably forced the train to stop.

"This incident, if anything, heightens the importance of additional safety measures, like that one," said Sen. Richard Blumenthal of Connecticut, which is also served by Metro-North. "And speaking for myself, I'd be very loath to be more flexible or grant more time."

Margie Anders, a spokeswoman for Metro-North's parent, the Metropolitan Transportation Authority, said that the agency began planning for a PTC system as soon as the law was put into effect.

"It's not a simple, off-the-shelf solution," she said. The engineer, William Rockefeller, was injured and "is totally traumatized by everything that has happened," said Anthony Bottalico, executive director of the rail employees union. He said Rockefeller, 46, was cooperating fully with investigators.

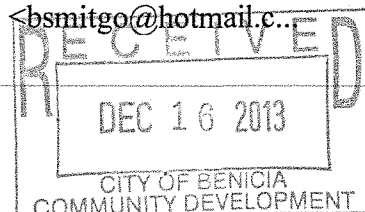
"He's a sincere human being with an impeccable record that I know of. He's diligent and competent," Bottalico said. Rockefeller has been an engineer for about 11 years and a Metro-North employee for about 20, he said.

The NTSB has been urging railroads for decades to install technology that can stop wrecks caused by excessive speed or other problems. Congress in 2008 required dozens of railroads, including Metro-North, to install the "positive train control" systems by 2015.

The Metropolitan Transportation Authority, which runs Metro-North, awarded \$428 million in contracts in September to develop the system for Metro-North and its sister Long Island Rail Road. But the MTA has asked for an extension on the deadline to 2018, saying it faces technological and other hurdles in installing such a system across more than 1,000 rail cars and 1,200 miles of track.

**Amy Million - Letter from CBE – additional Scoping Comments for DEIR on Valero project**

**From:** Marilyn Bardet <mjbardet@comcast.net>  
**To:** Brad Kilger <bkilger@ci.benicia.ca.us>, Amy Million <amillion@ci.benicia...>  
**Date:** 12/15/2013 11:12 AM  
**Subject:** Letter from CBE – additional Scoping Comments for DEIR on Valero project  
**CC:** Rod Sherry <rsherry@csa-engineers.com>, Belinda Smith <bsmitgo@hotmail.c...>  
**Attachments:** CBE LP12-2073 Appeal Supp A 121213.pdf



Hello Brad and Amy,

I am forwarding a letter to add to my original scoping comments for preparation of the Valero Crude-By-Rail DEIR. The letter with attachments was submitted by Communities for a Better Environment (CBE) as supplemental evidence and commentary for appeal on Phillips66 "Propane Recovery Project" EIR and Land Use Permit. The CBE letter includes in attachment a letter from the Governor's Office of Planning and Research (OPR) entitled "WesPac Pittsburg Energy Infrastructure Project, Tar Sands."

As the CBE letter states:

OPR is California's comprehensive state planning agency. The WesPac proposal would be located in Contra Costa County and transfer oils received by train and boat to nearby refineries via means including a pipeline connected to the Rodeo facility. It is thus a potential new source of San Francisco Refinery (SFR) oil feedstock. This new feedstock source "may impact planning for greenhouse gas emission reduction and infrastructure" as OPR correctly notes. Feedstock and products are key process variables that are fundamentally interrelated. Propane and butane (LPG) are among the products of processing oil feedstock. Therefore, the OPR comment is relevant to environmental review of the Phillips 66 SFR "Propane Recovery Project" at Rodeo.

The OPR letter as well as CBE's letter of appeal on the Phillips66's EIR and Land Use Permit is relevant to review of the Valero Project with regard to "planning for greenhouse gas emissions reduction and infrastructure." It is relevant as well to discussion of the likelihood that tar sands dilbits would be imported by Valero in the future as a feedstock, either by rail as Valero's project portends, or by importation by pipeline from WesPac-Pittsburg's Energy Project.

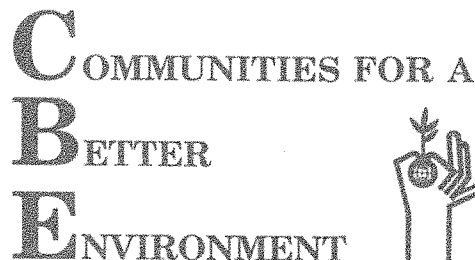
Both CBE's letter and the OPR letter are relevant to the necessary discussion and calculations of potential "cumulatively considerable" direct and indirect air emissions impacts from Valero's project together with existing and future projects of similar scope in the region. (WesPac-Pittsburg, Phillips66-Rodeo, Chevron-Richmond).

I certainly appreciate the amount of time involved for all involved – staff and commissioners – in the upcoming review of the Valero proposal. Thank you for apprising us that the DEIR will be available in January.

BY ELECTRONIC MAIL  
(Please confirm receipt to roger@cbeccal.org)

12 December 2013

Clerk of the Board  
Contra Costa County Board of Supervisors  
651 Pine Street, Room 106  
Martinez, CA 94553



Attention: Tiffany Lennear (Tiffany.Lennear@cob.cccounty.us)

**Appeal of Environmental Impact Report and Land Use Permit Filed 2 Dec 2013:**

**Phillips 66 Company Propane Recovery Project, Environmental Impact Report (EIR) and Land Use Permit, EIR SCH #2012072046, County File LP12-2073;**

**Communities for a Better Environment (CBE) Supplemental Evidence—A**

Dear Clerk of the Board,

In support of our appeal, CBE respectfully submits the 3 December 2013 comment of the Governor's Office of Planning and Research (OPR) entitled "WesPac Pittsburg Energy Infrastructure Project, Tar Sands." This new evidence is appended hereto as Attachment 1.

OPR is California's comprehensive state planning agency. The WesPac proposal would be located in Contra Costa County and transfer oils received by train and boat to nearby refineries via means including a pipeline connected to the Rodeo facility.<sup>1</sup> It is thus a potential new source of San Francisco Refinery (SFR) oil feedstock.<sup>2</sup> This new feedstock source "may impact planning for greenhouse gas emission reduction and infrastructure" as OPR correctly notes. Feedstock and products are key process variables that are fundamentally interrelated. Propane and butane (LPG) are among the products of processing oil feedstock. Therefore, the OPR comment is relevant to environmental review of the Phillips 66 SFR "Propane Recovery Project" at Rodeo.

Refinery oil feedstock quality has been reported publicly by individual facilities and can, in any case, be estimated for individual facilities by independent experts—and thus by competing oil companies—using public data.<sup>3</sup>

<sup>1</sup> WesPac RDEIR SCH #2011072053. See Executive Summary and Section 2.0.

<sup>2</sup> Other new sources of oil, e.g., the Phillips 66 SFR Rodeo wharf throughput and Santa Maria rail expansions, are documented and addressed elsewhere in CBE's and others' comments.

<sup>3</sup> See table submitted to CalEPA on 16 October 2013; appended hereto as Attachment 2.

CBE seeks an adequate environmental review that, among other things, resolves the EIR's failure to include information on the sources, types, or quality of Rodeo facility oil feedstock now, or after implementation of the proposed project.<sup>4</sup> Failing to include this information, the EIR fails to answer even the most straightforward questions about whether tar sands oils could be a new feedstock, what changes in oil feedstock are anticipated, potential environmental impacts of those changes, and how those impacts will be addressed. Attachment I clearly states OPR's authoritative opinion that these questions "should be answered in the course of review" under the state's Environmental Quality Act. This new evidence further strongly supports CBE's appeal.

Respectfully Submitted,



Roger Lin  
Staff Attorney

Attachments: 1. Comments of Ken Alex, Director, State of California Governor's Office of Planning and Research, to Kristin Pollot, Associate Planner, City of Pittsburg Planning Department, *Re: WesPac Pittsburg Energy Infrastructure Project, Tar Sands*; 3 December 2013.

2. Table submitted to CalEPA on 16 October 2013 supporting Refinery Action Collaborative recommendations on the Governor's Interagency Working Group draft report.

Copy: Ken Alex, Director, Governor's Office of Planning and Research  
Lashun Cross, Principal Planner, Department of Conservation and Development  
Diane Bailey, Senior Scientist, Natural Resources Defense Council  
Laurel L. Impett, AICP, Urban Planner, Shute, Mihaly & Weinberger LLP  
Interested Organizations and Individuals

---

<sup>4</sup> The EIR admits it does not include this information, arguing against disclosure. Its argument, that LPG production has no relationship to feedstock, fails on four independent grounds: (1) It suffers from the logical fallacy that products are unrelated to feedstock. (2) It is improperly based on a conclusory statement supported by no evidence or data. (3) It is contradicted by substantial evidence that baseline feedstock processing makes insufficient LPG to implement the project. (4) It ignores capacity to make more LPG from lower quality oils, e.g., tar sands "dilbits," via concurrent SFR wharf, rail, and process throughput expansions. See comments, expert reports, and appeals of CBE, Rodeo Citizens Association, for supporting evidence and details of these points.





EDMOND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX  
DIRECTOR

December 3, 2013

Kristin Pollot, Associate Planner  
City of Pittsburg, Planning Department  
65 Civic Avenue  
Pittsburg, CA 94565  
[kpollot@ci.pittsburg.ca.us](mailto:kpollot@ci.pittsburg.ca.us)

Re: WesPac Pittsburg Energy Infrastructure Project, Tar Sands

Dear Ms. Pollot:

The public comment period for the Recirculated Draft Environmental Impact Report for the WesPac Pittsburg Energy Infrastructure Project closed on September 13, 2013. We apologize for missing that deadline, but ask that this letter be included in the record before the City Council at the time the WesPac project comes before the Council.

The Governor's Office of Planning and Research (OPR) is California's comprehensive state planning agency and serves the Governor and his Cabinet as staff for long-range planning and research. The RDEIR includes the following information:

1. WesPac proposes to modernize and reactivate the existing oil storage and transfer facilities located at the NRG Energy, Inc. Pittsburg Generating Station. The proposed Terminal "would be designed to receive crude oil and partially refined crude oil from trains, marine vessels, and pipelines, store oil in existing or new storage tanks, and then transfer oil to nearby refineries."
2. The total annual throughput for the Terminal would be approximately 88.3 million barrels of crude oil or partially refined crude oil per year.

The WesPac project may impact planning for greenhouse gas emission reduction and infrastructure and is therefore of interest to OPR. As a result, we pose three straight-forward questions that we believe should be answered in the course of review of the project:

1. Can the WesPac project receive, store, or transfer crude oil or partially refined crude oil from tar sands?
2. What are the anticipated sources of crude oil or partially refined crude oil that WesPac will receive, store, or transfer?
3. If the anticipated sources of crude change, who makes that decision, and if the crude mix change results in increased environmental impacts, how will those impacts be addressed?

Kristin Pollot, Associate Planner  
Page 2

Many thanks for your consideration of these issues.

Sincerely,

--S--

Ken Alex  
Director

Cc Members of the Pittsburg City Council

**Refinery crude feed quality has been reported publicly by individual facilities and can, in any case, be estimated for individual facilities by independent experts *and* competing oil companies using public data—examples:**

Reporting for	Every plant	Richmond	Santa Maria	Each in BA <sup>4</sup>	Each in BA <sup>5</sup>
Reported for:	Import slate	Total slate	Total slate	Total slate	Total slate
Parameters reported:	Density, sulfur, and volume	Density, sulfur, and volume	Density, sulfur, and volume	Density, sulfur, and volume	Selenium, volume, [ <i>and See note<sup>5</sup></i> ]
Oils reported:	By country	By name	By field	By country, stream or name	
Averaging:	Monthly	Annual	Annual	Annual	Annual
Data source:	EIA <sup>1</sup>	Chevron <sup>2</sup>	Phillips 66 <sup>3</sup>	UCS, CBE <sup>4</sup>	CBE <sup>5</sup>

**Table by CBE (9/25/13). Data referenced and notes:**

<sup>1</sup> Reports by each individual U.S. plant from U.S. Energy Information Administration, various dates to present. *Company Level Imports* (<http://www.eia.gov/petroleum/imports/companylevel>).

<sup>2</sup> EIR SCH#2005072117. See City of Richmond Planning Department; 10 April 2008 Planning Commission Agenda Report Attachment 6. Response to CBE comment and Lead Agency information request by Robert Chamberlin, Chevron. April 2008.

<sup>3</sup> EIR SCH #20081010111. See *Phillips 66 Santa Maria Refinery Throughput Increase Project Final Environmental Impact Report*; pp. 2-5 through 2-10. October 2012.

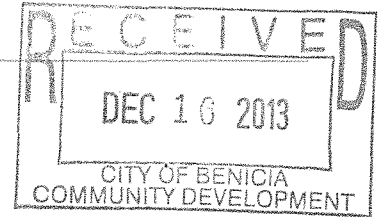
<sup>4</sup> Estimates for each individual San Francisco Bay Area refinery including Chevron-Richmond (1994–2012) and Phillips-Rodeo, Shell-Martinez, Tesoro-Avon, and Valero-Benicia (2008). See UCS, 2011. *Oil refinery CO<sub>2</sub> performance measurement*. Technical analysis prepared for the Union of Concerned Scientists by Communities for a Better Environment. See esp. Table 2-7. ([www.ucsusa.org/assets/documents/global\\_warming/oil-refinery-CO2-performance.pdf](http://www.ucsusa.org/assets/documents/global_warming/oil-refinery-CO2-performance.pdf)); and CBE, 2013. *Documentation of sulfur in crude refined at Richmond, California*. Memorandum to Daniel Horowitz, Managing Director, U.S. Chemical Safety Board, from Greg Karras, Senior Scientist, Communities for a Better Environment. 9 April 2013.

<sup>5</sup> Estimates for each individual San Francisco Bay Area refinery. See CBE, 1994. *Dirty Crude: The first oil industry-wide analysis of selenium discharge trends impacting San Francisco Bay*; CBE Report No. 94–1. See also Chevron, 1992. *Response to the RWQCB request for information regarding the WSPA selenium proposal*; Cal. Reg. Water Quality Control Board, San Francisco Bay Region. [*Oil density/sulfur notes; reported crude density and sulfur content was used as secondary supporting data for this report's analysis focused on and reporting on selenium (Se).*]

## Amy Million - Oil by ship - readiness here in Benicia

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**From:** <rogrmail@gmail.com>  
**To:** "Amy Million" <AMillion@ci.benicia.ca.us>, "Brad Kilger" <BKilger@ci...  
**Date:** 12/15/2013 12:11 PM  
**Subject:** Oil by ship - readiness here in Benicia



Comment for the record, Valero Crude by Rail:

The PRINT edition of the 15 December 2013 Benicia Herald front page story (below) includes a photo of a ship at dock with caption, "LOCALLY, Bay Area Ship Services does some oil spill containment off the East Fifth Street pier."

In text from the story, we read:

"The company's Benicia operation is dedicated to Average Most Probable Discharge coverage during cargo oil transfers, not only in the Carquinez Strait but also in San Francisco.

It also uses the East Fifth Street pier as a secure staging area and decontamination."

It would be of interest to know more about what spills have occurred in the Carquinez Strait during cargo oil transfers, how frequently they occur, methods of coverage (what is "Average Most Probable Discharge coverage), readiness (i.e., how much time passes between a spill in the Strait and response/containment), what is involved in "decontamination," etc., etc.

AND MOST IMPORTANTLY, it would be interesting to compare this spill history and spill readiness with anything proposed for VALERO CRUDE BY RAIL.

### Roger Straw

766 West J Street, Benicia, CA 94510  
707.373.6826

## East Fifth Street pier lease extension mulled

*By Donna Beth Weilenman*

*Staff Reporter*

<http://beniciaherald.me/2013/12/15/east-fifth-street-pier-lease-extension-mulled/>

Benicia City Council will consider Tuesday whether to extend its lease with Bay Area Ship Services, which uses the East Fifth Street pier for some of its oil spill containment operations.

Economic Development Manager Mario Giuliani wrote in a Dec. 9 report that the contract extension continues the arrangement between the city and the company, and would give the city \$38,400 in revenue during 2014.

The lease includes a 3-percent increase in rent, to \$3,200 a month for the first year, and another 3-percent increase that

becomes effective in 2016, he wrote.

The company currently uses two boats; if its fleet increases, the monthly license rate would increase by \$600 a boat.

The lease extension also gives the company responsibility for property maintenance and water access to the site, Giuliani wrote.

Bay Area Ship Services, also called So Cal Ship Services, has leased the pier since 2006, Giuliani wrote. He described the company as a maritime industry service provider that runs boats for spill response, shuttles and boarding safety.

In addition to Benicia, the company also has locations at the Los Angeles Port and Long Beach harbors and in Ventura, according to its website.

The company provides a variety of marine services, and has maintained its Oil Spill Response Organization rating from the U.S. Coast Guard and the state of California since 1991.

Its personnel and equipment can be deployed in case of oil spills or other emergencies, and have handled such incidents up and down the California coast as well as other areas in the world.

Among its tools are the long booming that traps and contains oil spills from ships at berth or at anchor. Those booms also provide shoreline protection from spills.

The company's Benicia operation is dedicated to Average Most Probable Discharge coverage during cargo oil transfers, not only in the Carquinez Strait but also in San Francisco.

It also uses the East Fifth Street pier as a secure staging area and decontamination.

The East Fifth Street pier the company leases has a long history that dates to the earliest days of Benicia, said Jerry Hayes, president of the Benicia Historical Society.

A ferry, traveling from the pier south to Martinez, linked Sacramento with San Jose almost a century before a bridge linked Benicia and Martinez, he said.

"It was the only way across the Bay, except for the Carquinez Bridge," Hayes said.

Instead of Interstate 680, the two cities had California State Highway 21 that went through Cordelia to Benicia, then picked up in Martinez near Alhambra Avenue and on south to San Ramon, he said.

"The Benicia-Martinez ferry was the connector to Contra Costa County," he said.

The Historic Marker Database calls the Benicia-Martinez Ferry the "Gateway to the Gold Fields."

It was founded by Dr. Robert Semple in 1847, who promoted his "Ferry at Francisca" in his own newspaper, The California, which at the time was the sole newspaper in the state.

Semple's Benicia-Martinez ferry would become the first and longest-operating ferry service in the San Francisco Bay Area.

The city's name would change later to Benicia, to avoid confusion with San Francisco, and ferries would improve from small, wind-powered scows to steam vessels, prompted in part by the demand generated by the Gold Rush.

Semple's ferry service expanded so it could carry the passengers and teams of two wagons with each crossing. Even so, at times 200 wagons were lined up, waiting to travel north across the Carquinez Strait to gold country, according to information provided by East Bay Parks.

By 1850, Oliver Coffin had taken over the operation, purchasing a ferry called "The Carquinez."

J.P. Munro-Frasier, in his "History of Contra Costa County," wrote that Coffin charged \$1 per man, \$2 per horse, mule, or ox, \$2.50 for man with a horse, \$5 per wagon, \$4 per carriage and 50 cents for each sheep or hog.

"The Carquinez" also carried Pony Express riders and horses between Benicia and Martinez, Munro-Frasier wrote.

In 1854, Coffin began using the double-ended, dual-paddle wheeler "Carquinez."

During World War II, Benicia experimented with a ferry stop at the Arsenal pier, Hayes said.

But worries that passenger disembarking at the Arsenal couldn't be controlled ended that leg of the operation after a short time, he said.

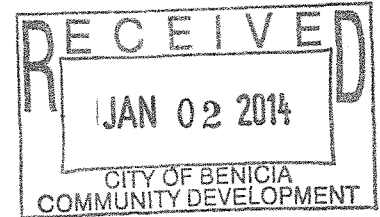
The ferry ended its operations Sept. 14, 1962, with the opening of the George A. Miller Memorial Bridge that connects Benicia to Martinez.

"The last boat, the 'Carquinez,' was a small boat, not like the ones I used to ride," Hayes said.

The Council will meet in a closed session at 6:15 p.m. Tuesday for a conference about leasing the Commanding Officer's Quarters at 1 Commandant's Lane.

The regular meeting will start at 7 p.m. Tuesday in the Council Chamber of City Hall, 250 East L St.

**From:** <DO-NOT-REPLY@govtsystems.com>  
**To:** "swilliams@ci.benicia.ca.us" <swilliams@ci.benicia.ca.us>  
**Date:** 12/29/2013 10:19 PM  
**Subject:** Request Partner Email



Sharon Williams,

The Request ID 29877 was just assigned to you.  
The details of the request are presented below.

\*\*\*\*\*  
Request Form Name: Comments, Suggestions & Concerns  
Request Form Description: Submit comments or concerns  
\*\*\*\*\*

First Name:  
Last Name:  
Email:  
Telephone:  
Address1:  
Address2:  
City:  
State:  
Zip Code:  
Language Preference:  
Preferred Method of Response: US Mail  
Request Entry Method: Anon Online

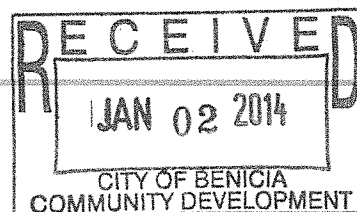
What is your comment or concern?:

As an interested observer outside the city of Benicia I'd like to make a few comments regarding the crude oil by rail project by Valero. There is a lot of misinformation out there about crude oil by rail. It might surprise people in Martinez, Dixon and Davis that oil trains have operated through these towns in the past. From about 1974 to about 1985 the Southern Pacific Railroads ran a unit train of crude oil from the Salt Lake City, UT area to the Chevron refinery in Richmond. The loaded train ran once or twice a week depending on the needs of Chevron. There was NEVER a derailment while this train operated...it passed through Reno, Truckee, Auburn, Roseville, Sacramento, Davis and Martinez on it's way to Richmond. The Southern Pacific also ran a DAILY crude oil train, starting in late 1983, from Bakersfield to the Shell Oil refinery in Wilmington, near Long Beach, CA. The route included the grueling climb up the Tehachapi Mountains on a 2.3% grade with many curves, some as sharp as 10 degrees. The train operated all those years (until the mid-1990's) with just one derailment, in Lancaster, caused by a drunk driver that ended up on the track at a spot where there was no crossing. Today, as many as 5 crude oil trains leave daily from the Chicago area going to the east coast via railroads CSX and NS. Most of these trains are from the Bakken region of North Dakota. It should be noted that the two major crude oil train derailments involving railroads in 2013 (Quebec and Alabama) occurred on "short line" or "regional" railroads, not on the major railroads (UP, BNSF, NS, CSX). This little item has been discounted by the news media. It shouldn't have been..."short line" and "regional" railroads are usually well run but the question is whether the "short line" and "regionals" have spent the proper amount of money to upgrade the ties, rails, ect. to move the oil safely. This is NOT an issue with the large railroads. I support the Valero rail project!

Would you like a response?:  
Yes

If yes, please indicate method of response below (we will need an e-mail address or your phone number):

Amy Million - Fwd: Latest crude train disaster-fire and explosion in ND, Dec 30th



**From:** Marilyn Bardet <mjbardet@comcast.net>  
**To:** Brad Kilger <bkilger@ci.benicia.ca.us>, Amy Million <amillion@ci.benicia...>  
**Date:** 12/31/2013 11:47 AM  
**Subject:** Fwd: Latest crude train disaster-fire and explosion in ND, Dec 30th  
**CC:** George Oakes <oakes@earthlink.net>, Belinda Smith <bsmitgo@hotmail.com>, ...  
**Attachments:** AP\_north\_dakota\_train\_explosion\_jef\_131231\_16x9\_992.jpg; 15159961\_h26265913-7cace4a83d40f6186421b714341bdf635957f2c-s40-c85.jpeg; ap718282325711\_wide-6e3a602c1f0f1b547890d15014de1268adb29e40-s40-c85.jpeg

Brad and Amy,

I'm adding an ABC video here that more fully explains the North Dakota train disaster. The plumes of toxic smoke emanating from the explosion have now triggered the evacuation of the whole town of Casselton ND. Please review this video and include it in the public record for Valero's Crude-By-Rail Project. Thank you, again.

Marilyn

Casselton, ND, Residents Urged to Evacuate After Oil Train Collision - ABC News

## Casselton, ND, Residents Urged to Evacuate After Oil Train Collision



Officials are urging residents of a small North Dakota town to evacuate after a mile-long train carrying crude oil collided with another train, triggering a series of thunderous explosions and sending toxic fumes into the air.

About 2,400 people live in Casselton, a mile from Monday's fiery derailment. The Cass County Sheriff's Office is "strongly recommending" an evacuation of the city of Casselton and anyone residing five miles to the south and east of the town.

The main concern for residents' safety is related to the fumes from the fire, Cass County Sheriff's spokeswoman Sgt. Tara Morris said. There's a high-pressure system coming in that is expected to push the plume of smoke into town.

### Freight Train Derails, Fiery Wreckage Captured on Video

Cass County Sheriff Paul Laney said, "Our job right now is to protect the citizens of Casselton and the surrounding area and that's what we intend to do."

About 65 percent of residents had evacuated the area as of Monday night, according to the Cass County Sheriff's Office.

People who have respiratory conditions such as asthma, emphysema or bronchitis are urged to stay inside if they have not already evacuated.

Share

Comment

4



"Crude oil, as it burns, has a lot of particulate matter in it, lot of fumes and other bad things that are really bad for people, especially those with respiratory illnesses," Dr. John Baird of Fargo-Cass Public Health said.

No injuries have been reported.

Authorities will let the fires burn, hoping some of the oil will burn off and make the job for firefighters easier in this morning, Sheriff's spokeswoman Morris said.

#### Sudden Explosion After Baltimore Train Derailment

Officials don't expect any more explosions even though 18 cars were still burning today as of 1:30 a.m. ET, she added.

Authorities hadn't yet been able to untangle what exactly caused the derailment, but an investigation is underway. A train carrying grain derailed first, and then knocked several cars of its crude oil train off adjoining tracks, BNSF Railway Co. spokeswoman Amy McBeth said.

Video taken three quarters of a mile away captured the moment one of the train cars exploded. A mushroom cloud of fire blasted into the sky and then black smoke smothered the surrounding area as the wreckage continued to burn. The flames created dark clouds that could be seen for 15 miles.

"It was almost like nighttime," eyewitness Loren Parks said. "It was just dark. The entire sky is just blacked out, you can't see anything."

There were 112 cars in the westbound grain train and 106 cars in the eastbound crude oil train, according to BNSF. The majority of train cars were not derailed and pulled away from the derailment location.

Only 20 people have gathered at a middle school in Fargo, which has been turned into a shelter, Sheriff's spokeswoman Morris said. Evacuations for residents of Casselton will remain voluntary, she added.

This explosion is the third accident in the past six months involving trains transporting North Dakota crude oil. No injuries or deaths were reported when a 90-car train derailed in rural Alabama in November, but the aftermath is still being cleaned up.

In July, an oil train derailment in Quebec killed nearly 50 people.

Casselton, ND, Residents Urged to Evacuate After Oil Train Collision - ABC News

Begin forwarded message:

**From:** Marilyn Bardet <mjbardet@comcast.net>  
**Date:** December 31, 2013 11:06:14 AM PST  
**To:** Brad Kilger <bkilger@ci.benicia.ca.us>, Amy Million <amillion@ci.benicia.ca.us>  
**Cc:** George Oakes <oakes@earthlink.net>, Belinda Smith <bsmitgo@hotmail.com>, Rod Sherry <rsherry@csa-engineers.com>, Suzanne Sprague <suzanne@solanolawgroup.com>, Don Dean <donaiddjean@sbcglobal.net>, Steve Goetz <sgoet@sbcglobal.net>, Stephen Young <escazyoungs@gmail.com>, Susan Cohen Grossman <susancg@pacbell.net>  
**Bcc:** Elizabeth Patterson <elopato@comcast.net>, Kathy Kerridge <kkerridge@sbcglobal.net>, Constance Beutel <cmbeutel@sbcglobal.net>, Jan Cox-Golovich <janlccg@gmail.com>, Mary Frances Kelly Poh <mfpoh@pacbell.net>, Will Gregory <wgreg10@sbcglobal.net>, Roger Straw <rogrmail@gmail.com>, Shoshana Wechsler <swechs@sonic.net>, Katy Polony <katypolony@gmail.com>, Nancy Rieser <gofindnancy@yahoo.com>, Lyana Monterrey <gmonterrey@comcast.net>, Charles Davidson <charlesdavidson@me.com>, Greg Karras <gkatche@gmail.com>, Diane Bailey <dbailey@nrdc.org>, Brant Olson <bolson@nrdc.org>, Milton Kalish <milton@miltonkalish.com>, Kalli Graham <kallig33@gmail.com>, Denny Larson <denny@gcmonitor.org>, Jessica Hendricks <jmalonehendricks@gmail.com>, Jess Dervin-Ackerman <jess.dervin-ackerman@sierraclub.org>, Teagan Clive <teaganclive@me.com>, Abigail Sterling <asterling@kpix.cbs.com>, Dana Dean <dana@danadean.com>, Lois Kazakoff <LKazakoff@sfcronicle.com>  
**Subject:** Latest crude train disaster-fire and explosion in ND, Dec 30th

Hello Brad and Amy, and Planning Commissioners,

As we ring out the old year, there's been yet another crude train disaster yesterday, this time in North Dakota – latest evidence of the huge risks of transporting crude-by-rail. Please include these articles in my comments as part of the on-going, developing public record for review of Valero's Crude-By-Rail Project.

We must face facts: the CBR project can hardly be defined as a "logistics operation" alone, but a matter for growing deep concern, up rail and down, for Benicia and cities all along the UP (and BSNF) routes, for public health and safety as well as environmental protection.

Please add these several articles to my comments for the DEIR.

Thank you,  
 :) Marilyn

\* \* \* \*

Train Derailment In North Dakota Causes Explosion, Fire : The Two-Way : NPR

## Train Derailment In North Dakota Causes Explosion, Fire

by SCOTT NEUMAN

December 30, 2013, 7:26 pm



A plume of smoke rises from scene of a derailed train near Casselton, N.D., on Monday

A dozen oil tanker rail cars burst into flames after two trains collided in eastern North Dakota on Monday.

No one was hurt during the derailment or fire, but thick black smoke was rolling off the wreckage after five explosions rocked the town of Casselton, about 10 miles west of Fargo.

The collision occurred after a westbound train carrying soybeans derailed, and an eastbound train hauling crude oil ran into it, Cecily Fong, the public information officer with the North Dakota Department of Emergency Services, tells Reuters.

"The last 50 oil-tank cars have been decoupled from the train, but another 56 cars remain in danger, she said. The collision destroyed both engines on the oil train. Both trains were operated by BNSF Railway Co, which is owned by Warren Buffett's [Berkshire] Hathaway Inc."

The Associated Press quotes Casselton City Auditor Sheila Klevegard as saying one blast shook the windows of City Hall.

"Klevogard said she looked out to see a huge plume and fireball about a mile from town.

"No one has been reported hurt in the derailment or fire. By late Monday afternoon, the smoke plume was diminishing and was staying mostly away from town."

### Update at 8:50 p.m. ET. Sheriff Urges Residents To Evacuate Town:

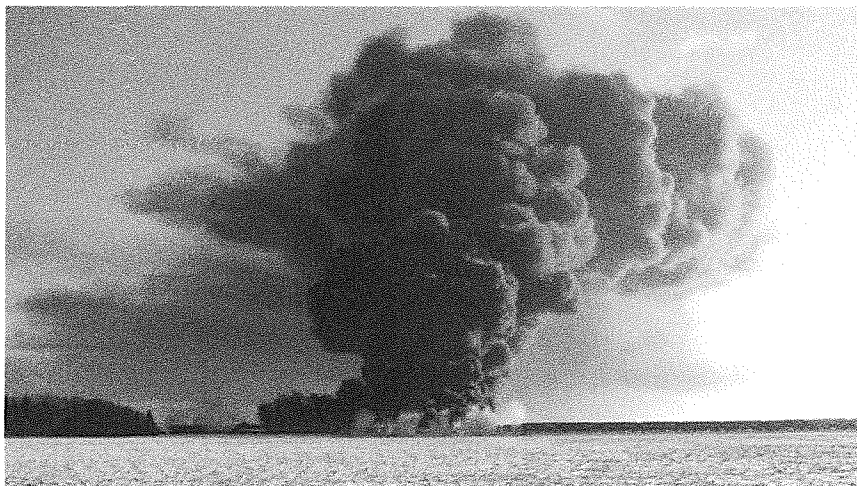
The Associated Press reports that the sheriff's office is urging residents of Casselton to evacuate after the derailment.

Residents Flee Toxic Smoke Following N.D. Train Derailment : The Two-Way : NPR

## Residents Flee Toxic Smoke Following N.D. Train Derailment

by BILL CHAPPELL

December 31, 2013 1:15 PM



A fire burns west of Casselton, N.D., Monday, after oil tanker cars exploded following a train derailment. No one has been reported hurt in the derailment or fire. But officials are recommending residents of the town to stay away from the potentially toxic smoke.

train derailments

One day after a train carrying crude oil derailed and sparked explosions near a small North Dakota town, officials are warning of a cloud of toxic fumes. Many of the 2,400 residents of Casselton, N.D., have followed evacuation orders.

A fire sparked by the derailment burned through the night, with thick smoke complicating a search of the crash scene just outside Casselton's city limits. As of Tuesday morning, investigators had not determined what had caused the derailment.

From Prairie Public, Dave Thompson reports for our Newscast unit:

"Twenty-one cars of the 106-car oil train caught fire when another train on a parallel track derailed and struck the tankers. At least two of the tankers exploded — sending balls of fire hundreds of feet into the air.

"About two-thirds of the city heeded the call for a voluntary evacuation. Officials were concerned about a toxic cloud from the fires.

"The danger is subsiding. And Cass County Sheriff Paul Laney says it was a combination of preparation — and luck.

"If you look, and that thing happened a half-mile into town, we'd be looking at a very different discussion here today," he says. "So a lot of things went right."

"No injuries were reported. One person was treated for a minor respiratory problem."

This morning, Casselton officials urged businesses to remain closed for at least part of the day. And they said that at a news conference scheduled for today, "We hope to hear information as to when life in our community will return to normal."

Officials are also citing fears that shifting winds could send the dangerous clouds of smoke toward populated areas.

The crash has led Casselton's mayor, Ed McConnell, to say it's time to "have a conversation" about alternatives to shipping crude oil through the town.

That's according to the *Bismarck Tribune*, which cites McConnell as saying that as many as 100 people might have died if the derailment had occurred inside the city. Casselton "dodged a bullet," McConnell told the newspaper.

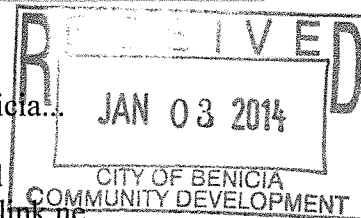
The train was carrying crude from North Dakota's Bakken oilfields, which were also the source of oil that exploded after a train derailed in Quebec this past July. The ensuing calamity claimed 47 lives.

Oil from the Bakken fields was also on a train in Alabama that derailed and exploded in November, as the *Globe and Mail* reported.

The newspaper added, "Questions are being raised about the growing practice of moving oil by rail, particularly from the Bakken region, where the crude is thought to be more explosive than transporters and oil producers previously believed."

**Amy Million - Fwd: More crude-by-rail news regarding safety hazards, for public record**

**From:** Marilyn Bardet <mjbardet@sbcglobal.net>  
**To:** Amy Million <amillion@ci.benicia.ca.us>, Brad Kilger <bkilger@ci.benicia.ca.us>  
**Date:** 1/3/2014 10:10 PM  
**Subject:** Fwd: More crude-by-rail news regarding safety hazards, for public record  
**CC:** Rod Sherry <rsherry@csa-engineers.com>, George Oakes <oakes@earthlink.net>



Hello Brad and Amy,

I'm forwarding the following article to be submitted into the legal record and for the DEIR on the public safety hazards of transporting highly flammable Bakken crude oil from North Dakota's Bakken shale formation's extraction mines in existing DOT-111 tanker cars. The article makes clear that no changes have been made to these tanker cars that offer no protection against rising gases within them at elevated temperatures above 73 degrees and also, that the cars themselves, as has been reported for several decades, are reported to easily puncture on impact during a derailment, of which there have been many, including those unit trains carrying Bakken crude through the towns Lac-Megantic, Quebec, and in the local environs of the town of Casselton ND reported this past week.

In no way is such dangerous rail transport of crude oil acceptable here, especially under the lack of federal policy to address those obvious dangers. Period.

Thank you,  
 Marilyn

Begin forwarded message:

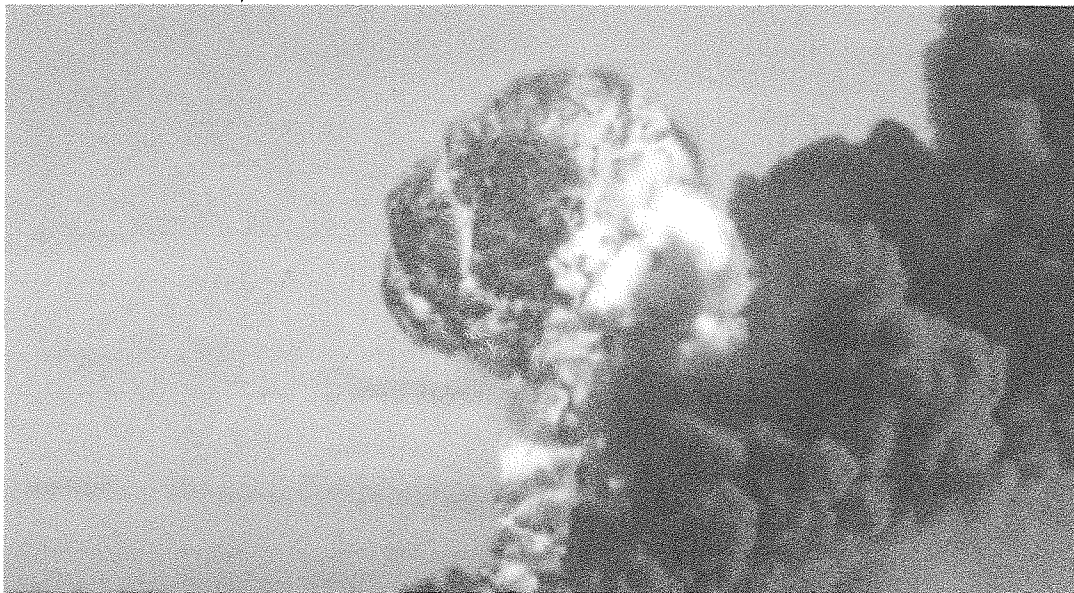
**From:** William Gregory <wgreg10@sbcglobal.net>  
**Date:** January 3, 2014 9:54:03 PM PST  
**To:** Elizabeth Patterson <elopato@comcast.net>, dave ernst <davernst@earthlink.net>, Bonnie Weidel <bweidel@att.net>, Constance Beutel <cmbeutel@sbcglobal.net>, Peter Bray <petrbray@aol.com>, Tom Campbell <bullwinkle94510@aol.com>, MARILYN BARDET <mjbardet@sbcglobal.net>, JAN COX-GOLOVICH <janlco@gmail.com>, Jon Vanlandshoot <jonvanland@yahoo.com>, jerry hayes <jerryhayes@earthlink.net>, Linda Seifert <ljsjd@aol.com>, Roger Straw <rogrmail@gmail.com>, susan street <sustreet@pacbell.net>, sabina yates <redfoxred@earthlink.net>, sylvia <sylstage411@sbcglobal.net>, Norma Fox <normafox@hotmail.com>  
**Subject:** More crude-by-rail news the community can use...WG-  
**Reply-To:** William Gregory <wgreg10@sbcglobal.net>

Published on Friday, January 3, 2014 by Common Dreams

## **In Wake of Explosive Derailments, Warnings Issued on Crude by Rail**

## Crude oil from 'Bakken region may be more flammable than traditional heavy crude oil,' and may be transported in the 'Ford Pintos' of railcars

- Andrea Germanos, staff writer



A fireball and smoke are seen after a train carrying crude derailed in Casselton, North Dakota.

Following a series of explosive disasters when trains carrying crude oil from the Bakken shale fields of North Dakota derailed, the federal government has issued a warning saying that this type of crude is "more flammable than traditional heavy crude oil."

The safety alert comes just days after a BNSF derailment near Casselton, North Dakota shot a fireball and black smoke into the sky, and amidst a booming oil-by-rail business that critics have warned is a surefire plan for more accidents.

From the statement issued Thursday:

The Pipeline and Hazardous Materials Safety Administration (PHMSA) is issuing this safety alert to notify the general public, emergency responders and shippers and carriers that recent derailments and resulting fires indicate that the type of crude oil being transported from the Bakken region may be more flammable than traditional heavy crude oil.

Based upon preliminary inspections conducted after recent rail derailments in North Dakota, Alabama and Lac-Megantic, Quebec involving Bakken crude oil, PHMSA is reinforcing the requirement to properly test, characterize, classify, and where appropriate sufficiently degasify hazardous materials prior to and during transportation. [...]

PHMSA stresses to offerors the importance of appropriate classification and packing group (PG) assignment of crude oil shipments, whether the shipment is in a cargo tank, rail tank car or other mode of transportation. Emergency responders should remember that light sweet crude oil, such as that coming from the Bakken region, is typically assigned a packing group I or II. The PGs mean that the material's flashpoint is below 73 degrees Fahrenheit and, for packing group I materials, the boiling point is below 95 degrees Fahrenheit. This means the materials pose significant fire risk if released from the package in an accident

In addition to the dangers the crude holds, McClatchy reports on how problems with the rail tank cars themselves contribute to accidents, yet the tank cars continue to operate, despite evidence of safety problems going back years. Curtis Tate writes:

The rail industry supports tougher safety requirements for new and existing tank cars,

including thicker shells, puncture-resistant shields and stronger valve fittings to prevent spills and fires if the cars should derail. But new rules have been delayed amid concern about the estimated \$1 billion cost of making the changes and the time it would take amid a surge in profitable shipments.

The Railway Supply Institute, an industry group, last month proposed a 10-year timeline for retrofitting the entire tanker fleet.

Tate goes on to describe the DOT-111 tank cars, dubbed by one Chicago suburb village president as the "Ford Pinto" of railcars, and responsible for three rail accidents in 2013.

Eight U.S. incidents involving DOT-111 tank cars in the seven years before Lac-Mégantic could have warned federal regulators that the cars weren't up to the task. The NTSB expressed concern about the integrity of the DOT-111 cars as far back as 1991, and regulators had proposed studying whether the fleet could be improved at least a decade before that.

**Amy Million - Fwd: More crude-by-rail news the community can use...WG-**

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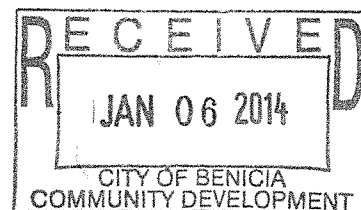
**From:** Marilyn Bardet <mjbardet@comcast.net>  
**To:** Amy Million <amillion@ci.benicia.ca.us>, Brad Kilger <bkilger@ci.benicia...>  
**Date:** 1/6/2014 11:55 AM  
**Subject:** Fwd: More crude-by-rail news the community can use...WG-  
**CC:** Rod Sherry <rsherry@csa-engineers.com>, George Oakes <oakes@earthlink.ne...

---

Hello Amy and Brad,

Please add the following article to the public legal record on Valero's Crude-By-Rail Project for review. The article contains current and historical information about the dangers of transporting Bakken crude from Bakken Shale in North Dakota, with recent evidence from the Casselton ND train derailment disaster involving a 100-car unit train carrying Bakken.

Thank you,  
 Marilyn  
 745-9094



Begin forwarded message:

**From:** William Gregory <wgreg10@sbcglobal.net>  
**Date:** January 6, 2014 8:39:52 AM PST  
**To:** Elizabeth Patterson <elopato@comcast.net>, dave ernst <davernst@earthlink.net>, D R <dmrubay@yahoo.com>, JAN COX-GOLOVICH <janlcg@gmail.com>, Jon Vanlandshoot <jonvanland@yahoo.com>, jerry hayes <jerryhayes@earthlink.net>, Linda Seifert <ljsjd@aol.com>, Roger Straw <rogrmail@gmail.com>, susan street <sustreet@pacbell.net>, sabina yates <redfoxred@earthlink.net>, MARILYN BARDET <mjbardet@sbcglobal.net>, Bonnie Weidel <bweidel@att.net>, Constance Beutel <cmbeutel@sbcglobal.net>, Tom Campbell <bullwinkle94510@aol.com>, Peter Bray <petrbray@aol.com>  
**Subject:** More crude-by-rail news the community can use...WG-  
**Reply-To:** William Gregory <wgreg10@sbcglobal.net>

## **Exclusive: Permit Shows Bakken Shale Oil in Casselton Train Explosion Contained High Levels of Volatile Chemicals**

Key quote to contemplate:

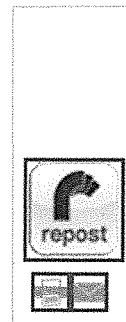
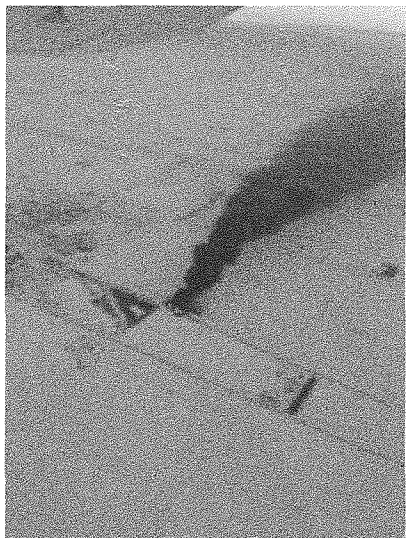
"We must work to better understand the risks involved with the transportation of unconventional crude oil, whether diluted bitumen or Bakken fracked oil," Smith told *DeSmogBlog*.

"It all starts with scientifically and transparently understanding exactly what is in these crude oils,



and working to set new safety standards to protect human lives and all waterways, wetlands, marshes and sensitive ecosystems."

It may be the dead of winter in North Dakota, but the Casselton explosion has shined a bright light on the myriad serious threats of Bakken oil rolling down the tracks through the backyards of thousands of Americans. The industry's secrecy about the explosiveness of this oil just went up in flames."



On January 2, the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a major safety alert, declaring oil obtained via hydraulic fracturing ("fracking") in the Bakken Shale may be more chemically explosive than the agency or industry previously admitted publicly.

This alert came three days after the massive Casselton, ND explosion of a freight rail train owned by Warren Buffett's Burlington Northern Santa Fe (BNSF) and was the first time the U.S. Department of Transportation agency ever made such a statement about Bakken crude. In July 2013, another freight train carrying Bakken crude exploded in Lac-Mégantic, vaporizing and killing 47 people.

Yet, an exclusive *DeSmogBlog* investigation reveals the company receiving that oil downstream from BNSF — Marquis Missouri Terminal LLC, incorporated in April 2012 by Marquis Energy — already admitted as much in a September 2012 permit application to the Missouri Department of Natural Resources (DNR).

The BNSF Direct "bomb train" that exploded in Casselton was destined for Marquis' terminal in Hayti, Missouri, according to Reuters. Hayti is a city of 2,939 located along the Mississippi River. From there, Marquis barges the oil southward along the Mississippi, where Platts reported the oil may eventually be refined in a Memphis, Tennessee-based Valero refinery.

According to Marquis' website, its Hayti, Missouri terminal receives seven of BNSF Direct's 118-unit cars per week, with an on-site holding terminal capacity of 550,000 barrels of oil.

Marquis was one of many companies in attendance at a major industry conference in Houston, Texas in February 2013, called "Upgrading Crude By Rail Capacity." Its September 2012 Missouri DNR permit application lends additional insight into how and why BNSF's freight train erupted so intensely in Casselton.

## "Special Conditions"

Rather than a normal permit, Marquis was given a "special conditions" permit because the Bakken oil it receives from BNSF contains high levels of volatile organic compounds (VOCs), the same threat PHMSA noted in its recent safety alert.

Among the most crucial of the special conditions: Marquis must flare off the VOCs before barging the oil down the Mississippi River. (Flaring is already a highly controversial practice in the Bakken Shale region, where gas is flared off at rates comparable to Nigeria.)

It's a tacit admission that the Bakken Shale oil aboard the exploded BNSF train in Casselton, ND is prone to such an eruption.

"Hazardous Air Pollutant (HAP) emissions are expected from the proposed equipment," explains the Marquis permit. "There will be evaporative losses of Toluene, Xylene, Hexane, and Benzene from the crude oil handled by the installation."

Benzene is a carcinogen, while toluene, xylene and hexane are dangerous volatiles that can cause severe illnesses or even death at high levels of exposure.

## Scientific Vindication

In a December 31 Google Hangout conversation between actor Mark Ruffalo, founder of Water Defense, and the group's chief scientist Scott Smith, Mr. Smith discussed the oil samples he collected on a previous visit to North Dakota's Bakken Shale.

"What I know from the testing I've done on my own — I went out to the Bakken oil fields and pumped oil from the well — I know there are unprecedented levels of these explosive volatiles: benzene, toluene, xylene;" said Smith.

"And from the data that I've gotten from third parties and tested myself, 30 to 40 percent of what's going into those rail cars are explosive volatiles, again that are not in typical oils."

In an interview with *DeSmogBlog*, Smith said Marquis Energy's Missouri DNR permit application is in line with his own scientific findings, a vindication of sorts in the aftermath of the Casselton explosion.

"We must work to better understand the risks involved with the transportation of unconventional crude oil, whether diluted bitumen or Bakken fracked oil," Smith told *DeSmogBlog*.

"It all starts with scientifically and transparently understanding exactly what is in these crude oils,

and working to set new safety standards to protect human lives and all waterways, wetlands, marshes and sensitive ecosystems."

It may be the dead of winter in North Dakota, but the Casselton explosion has shined a bright light on the myriad serious threats of Bakken oil rolling down the tracks through the backyards of thousands of Americans. The industry's secrecy about the explosiveness of this oil just went up in flames.

But how will the public react to the news that industry knew this could happen all along? With the Dec. 30 explosion in Casselton, and the deadly Bakken oil train explosion in Lac Megantic, Quebec last July, all North Americans ought to question the wisdom of extracting and transporting this highly dangerous oil.

**Amy Million - New crude-by-rail derailment, explosion, fire in New Brunswick, Canada, Jan 7th**

**From:** Marilyn Bardet <mjbardet@sbcglobal.net>  
**To:** Amy Million <amillion@ci.benicia.ca.us>, Brad Kilger <bkilger@ci.benicia...>  
**Date:** 1/8/2014 8:03 AM  
**Subject:** New crude-by-rail derailment, explosion, fire in New Brunswick, Canada, Jan 7th  
**CC:** Rod Sherry <rsherry@csa-engineers.com>, George Oakes <oakes@earthlink.ne...

Good morning, Amy and Brad,

Yet another report of a derailment, explosion and fire of a 122 unit car train carrying crude oil in New Brunswick, Canada. The train had originated in Toronto. The train was also carrying propane.

Please add this report to the public legal record on review of Valero Crude-By-Rail project.

Thank you,  
 Marilyn  
 745-9094

Begin forwarded message:

**From:** William Gregory <wgreg10@sbcglobal.net>  
**Date:** January 8, 2014 7:31:55 AM PST  
**To:** Elizabeth Patterson <elopato@comcast.net>, dave ernst <davernst@earthlink.net>, Bonnie Weidel <bweidel@att.net>, Constance Beutel <cmbeutel@sbcglobal.net>, Peter Bray <petrbray@aol.com>, Tom Campbell <bullwinkle94510@aol.com>, MARILYN BARDET <mjbardet@sbcglobal.net>, D R <dmrubay@yahoo.com>, JAN COX-GOLOVICH <janlcg@gmail.com>, Jon Vanlandshoot <jonvanland@yahoo.com>, jerry hayes <jerryhayes@earthlink.net>, Linda Seifert <ljsjd@aol.com>, Roger Straw <rogrmail@gmail.com>, susan street <sustreet@pacbell.net>, sabina yates <redfoxred@earthlink.net>, Norma Fox <normafox@hotmail.com>  
**Subject:** More crude -by- rail news the community can use...WG-  
**Reply-To:** William Gregory <wgreg10@sbcglobal.net>

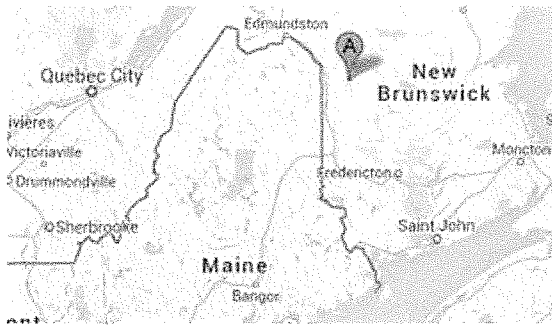
Published on Wednesday, January 8, 2014 by Common Dreams

## Another Fiery Derailment Hits Booming Crude-by-Rail Business

### Latest accident strikes in New Brunswick

- Andrea Germanos, staff writer

*Developing...*



A CN train carrying crude oil and propane derailed and caught fire in New Brunswick on Tuesday, the latest in series of fiery accidents to hit the booming crude-by-rail industry.

The train originated in Toronto and was headed eastward towards Moncton, New Brunswick when 16 of the 122 cars derailed around 7 PM near the village of Plaster Rock in northwestern New Brunswick.

The fire burned throughout the night and into the morning.

"The biggest concern is the propane cars," Plaster Rock Fire Chief Tim Corbin told *CBC News*. "That's our biggest concern because if they happen to explode, we're looking at major damage."

Homes were evacuated in the immediate area, and officials are reporting no injuries at this time.

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## Comments

**Amy Million - CBC News - CN Rail investigated for unreported derailments...**

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**From:** Marilyn Bardet <mjbardet@sbcglobal.net>  
**To:** Amy Million <amillion@ci.benicia.ca.us>, Brad Kilger <bkilger@ci.benicia...>  
**Date:** 1/8/2014 8:25 AM  
**Subject:** CBC News - CN Rail investigated for unreported derailments...  
**CC:** Rod Sherry <rsherry@csa-engineers.com>, George Oakes <oakes@earthlink.ne...>

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Hello Amy and Brad,

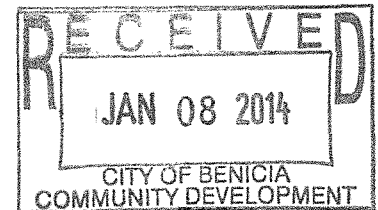
The Canadian Broadcasting Co is doing a major investigation of rail safety in Canada, with historical record from Canada's Transportation Safety Board on the incredible number of unreported train derailments on main lines involving dangerous cargo, including crude and propane.

The railroad industry, as deregulated or under-regulated, in both Canada and the US, is clearly out of control, with little or no concern for public safety, public health and environmental protection. Please add this to the legal record on Valero Crude-By-Rail Project.

[Train derailments - News - CBC Player](#)

[MAP: 44 train derailments on main tracks not reported by CN - Interactive - CBC.ca](#)

Thank you,  
Marilyn  
745-9094



# MAP: 44 train derailments on main tracks not reported by CN

## Transportation authorities noticed in 2005

CBC News

**Last Updated: Dec. 4, 2013**

CBC News has discovered that CN Rail did not report hundreds of accidents to authorities, including several dozen derailments on main tracks.

In 2005 the Transportation Safety Board's director of rail investigations says that he noticed discrepancies in CN's derailment statistics compared to other companies.

The TSB says it discovered more than 1,800 unreported accidents from 2001 until 2007. CN said it resulted from a disagreement over the rules for reporting minor derailments which leave it up to companies to determine whether the accident "affects safe operations." CN says the issue has been resolved to the TSB's satisfaction.

**Amy Million - Bakken crude's character like gasoline**

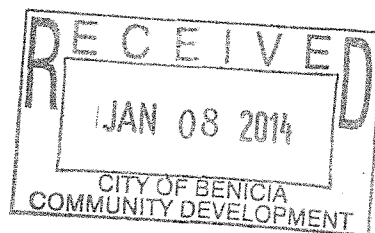
**From:** Marilyn Bardet <mjbardet@comcast.net>  
**To:** Amy Million <amillion@ci.benicia.ca.us>, Brad Kilger <bkilger@ci.benicia...>  
**Date:** 1/8/2014 8:40 AM  
**Subject:** Bakken crude's character like gasoline  
**CC:** Rod Sherry <rsherry@csa-engineers.com>, George Oakes <oakes@earthlink.ne...>  
**Attachments:** web-bakken31nw1.jpg; Megantic-faces.jpg; Video:+Lac-Megantic+disaster+chosen+Canadian+News+Story+of+the+Year.jpeg; web-bakken31nw1.jpg

Amy and Brad,

Please add this report from Canada's Globe and Mail on Bakken Crude, which has been compared to gasoline, with regard to the dangers of its transport by rail especially. This report describes the constituency of Bakken to be like "Miller Lite" apparently, one of the jokes in North Dakota. Because we need to know what products that the Valero Crude-By-Rail Project intends to import, and because Valero spokespeople have said that Bakken would be one of the types imported among "North American-sourced crudes," knowing the MSDS properties of Bakken must be part of the record. Public safety, public health and the environment must be protected.

Thank you,  
 Marilyn  
 745-9094

**THE GLOBE AND MAIL** 



## North Dakota's explosive Bakken oil: The story behind a troubling crude

GRANT ROBERTSON

The Globe and Mail

Published Tuesday, Dec. 31 2013, 11:36 PM EST

Last updated Tuesday, Dec. 31 2013, 11:40 PM EST



109 comments



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The massive columns of smoke in North Dakota this week turned the afternoon sky to midnight, and the ground shook with each blast.

In November, an explosion in rural Alabama sent a huge ball of fire 100 metres into the sky, and scorched the swampy earth around it.

And in July, emergency crews battled four days to extinguish the flames in Lac-Mégantic, Que. It would take longer for the dead to be counted.

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#### MORE RELATED TO THIS STORY

**INVESTIGATION** Inside the oil-shipping free-for-all that brought disaster to Lac-Mégantic

**LAC-MÉGANTIC** Last moments of Lac-Mégantic: Survivors share their stories

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Video: How oil from the U.S. Bakken formation decimated Lac-Mégantic



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Video: Raw footage of fiery video of North Dakota train derailment



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Video: Lac-Mégantic disaster chosen Canadian News Story of the Year

Each of these accidents shared a key ingredient: Trains carrying hundreds of thousands of barrels of crude oil from North Dakota derailed on their way to refineries in Canada and the United States, and the cargo exploded in ways that no one had previously thought possible.

Until Lac-Mégantic, crude oil was known to be flammable. But no one – not government regulators or oil shippers – thought it was explosive.

Until Alabama, the Lac-Mégantic disaster was thought to have been a freak accident that would likely not reoccur.

And before Monday's fiery derailment of an oil train near Casselton, N.D., which caused the evacuation of nearly 3,000 people, the North Dakota government was commissioning a study that would show it was safe to move massive amounts of oil on 100-car trains. The report, when finished, would try to dispel the negative press the state's oil industry was getting since 47 people were killed in Lac-Mégantic.

With the practice of moving crude oil by rail now under scrutiny, North Dakota has a lot at stake. The state sits squarely atop one of the biggest oil booms North America has seen in recent memory. The Bakken formation, a layer of oil that lies beneath North Dakota and parts of Manitoba and Saskatchewan, is rich with crude.

Billions of dollars' worth of oil is now being pulled from the ground each year. There are jobs. Impoverished reservations now have money. They all have the oil to thank.

However, Bakken crude is not like other oil.

It's not the kind of crude most people associate with the movies or TV: the licorice-coloured bubblin' crude that seeped from the ground during the opening credits of *The Beverly Hillbillies*.

Before I ever set eyes on Bakken crude for the first time, I was warned it would look different.

Soon after the oil train explosion in Lac-Mégantic, I travelled to heart of North Dakota's oil boom to see where the oil that erupted so violently came from.

After driving an hour and a half from Minot, N.D., into the barren prairie, I

pulled a rental car to a stop at a plywood cabin, a makeshift office that had been hastily constructed to serve as a headquarters for one of the many oil companies flocking to the Bakken in search of profit. Pump jacks dotted the horizon in every direction, pulling oil from three kilometres beneath the earth.

A man in a white hard hat and steel-toed boots greeted me and, after a few pleasantries, ducked into another room. He returned carrying a Mason jar and placed it on the table. As far as crude oil goes, the stuff in the jar was fresh – right out of the ground.

If most oil looks like a pint of Guinness when it comes out of the earth, people say Bakken oil is more like Miller Lite. It's a joke people in these parts like to tell.

But it's true: the crude looks more like gasoline than it does oil. This is also where it gets its explosive properties.

Heavy oil, like the tarry bitumen mined in Northern Alberta, is filled with solids that must be refined out of the oil to make it usable. Bakken crude lives at the other end of the spectrum: it is so-called "light oil." It takes minimal refining, which is what makes it so attractive to oil companies. This stuff is as close to gasoline as you're going to get.

"Some guys around here," the man in the hard hat tells me. "Pour it directly in their trucks."

That sounds apocryphal. He insists it's true. I am reluctant to experiment with the rental car.

The man has asked that I not use his name or identify him in any way. Letting a reporter inside to see this oil could very well cost him his job. After all, Bakken oil is now at the heart of an international investigation, as regulators from Canada and the United States try to figure out whether the oil is safe to transport by rail. In the wake of the Lac-Mégantic explosions, Canada's Transportation Safety Board simply said the way the crude blew up was "unusual."

Dozens of samples of Bakken oil like this are now an exhibit in the multibillion-dollar lawsuits expected to flow from the Lac-Mégantic disaster.

On close examination, the oil has a chameleon-like quality.

Hold it up to the light and yellow-green hues emerge. In the shadows it appears dusty brown. Stick a finger in it, and it emerges orange.

The oil is many things to many people. Those in Lac-Mégantic know it as a killer. It is the crude that burned their town, killed their neighbours, and has seeped into the ground leaving dangerous residues such as benzene

and other contaminants behind, that will threaten water, air quality and soil for years to come.

In North Dakota, Bakken crude means new life for a state that was in tatters a decade ago. Even in the immediate aftermath of the Lac-Mégantic disaster, locals fret about what will happen if the oil stops moving.

As recently as 2002, the state's population was in decline, unemployment was rising and vast tracts of land were being abandoned as the farming economy withered. Things were so dire that, in 2003, a geographer named Frank Popper proposed turning vast sections of North Dakota land back over to the buffalo, as a way to revive the bison herd.

The idea never caught on, but it showed how worthless much of North Dakota's rural real estate was. By 2006, railway traffic through the state dwindled to the point that local government began preparing to tear up track beds and replace them with bike paths.

Then everything changed for North Dakota. An oil boom happened. Suddenly, those same rail lines were needed to ship oil to market because pipelines were in short supply.

But with this week's train derailment in Casselton, N.D., has again changed the narrative.

The danger of moving Bakken crude by rail has now landed on North Dakota's doorstep. It is no longer a problem in far-off Quebec or Alabama.

Before handing the Mason jar of oil back to the man in the white hard hat, I held it up to my nose and took a breath. Seeing me do this, he joked: smells like gasoline, doesn't it?

It did. Which is why Bakken crude is now under closer investigation.

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#### MORE RELATED TO THIS STORY

**NORTH DAKOTA** Booming North Dakota takes latest oil-train wreck in stride

**DERAILMENT** Fiery North Dakota train derailment fuels oil-shipping fears

**LAC-MÉGANTIC** Lac-Mégantic library aims for 2014 reopening after outpour of donations

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RAIL Lac-Mégantic has a reluctant rebirth as first trains roll through town

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TOPICS: Lac-Mégantic, Quebec | Quebec Train Explosion | Energy | Casselton, North Dakota | North Dakota

