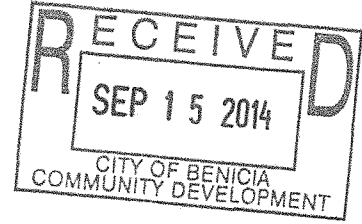




September 15, 2014

Amy Million
Principal Planner
City of Benicia
Community Development Department
250 East L Street
Benicia, CA 94510



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SUBJECT: Draft Environmental Impact Report for the Valero Crude by Rail Project

Dear Ms. Million:

On behalf of the Capitol Corridor Joint Powers Authority (CCJPA), the managing agency for the Capitol Corridor (Auburn-Sacramento-Oakland-San Jose) intercity passenger trains, I am submitting comments on the Draft Environmental Impact Report (DEIR) for the Valero Benicia Crude by Rail Project (Project).

First, I would like to provide you with an overview of the Capitol Corridor passenger railroad operations and their relation to the Project through the CCJPA's 15-year business relationship with our host railroad, the Union Pacific Railroad (UPRR), who owns the track infrastructure and dispatches and controls the movement (and operational performance) of the Capitol Corridor trains. Together the UPRR and the CCJPA have invested several hundred million dollars along the rail route.

1. Capacity Expansion: Service levels have increased to 30 weekday Capitol Corridor trains (nearly hourly service) adjacent to the Project site between Oakland and Sacramento through strategic investments in UPRR's infrastructure;
2. Reduced Travel Times: Targeted investments have ensured that the Capitol Corridor trains are now travel-time competitive with automobiles traveling along the U.S. I-80/I-680/I-880 highway corridor;
3. Annual Track Upgrades: Capitol Corridor reliability (i.e., on-time performance [OTP]) has steadily improved over the last 10 years so that the trains are now the most reliable trains in the Amtrak system years and are at the number one spot again this year with an OTP of 96%; and
4. Safety Improvement Programs: The CCJPA is committed to the safe operation of the Capitol Corridor trains and the safety of the communities along the rail route. Working with UPRR, we have jointly funded a state of good repair program for UPRR track and infrastructure and the trainsets used on the Capitol Corridor trains now are equipped to operate with the UPRR's pending installation of the state-of-the-art Positive Train Control collision-avoidance signal system.

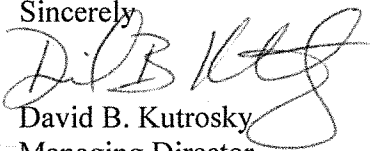
With this historical background, the CCJPA would like to submit the following comments on the Project DEIR:

- The CCJPA never received any type of communication or any formal communications with respect to the release and availability of the Notice of Preparation for the EIR. Since CCJPA is a stakeholder whose operations may be impacted by the proposed project, the project sponsor should have notified the CCJPA.
- The Final Transportation Impact Analysis, dated October 2013, accompanying the DEIR only evaluates impacts on the surrounding roadway network and does not include an evaluation or any findings relating to the impact of the Project on the performance of the Capitol Corridor and other passenger train services on the UPRR network. The Final Transportation Impact Analysis does not include an analysis of anticipated impacts on the transportation facilities UPRR shares with other transportation providers and lacks proper scoping of the DEIR's evaluation and the validity of its conclusions as to anticipated impacts.
- The UPRR Hazardous Materials Response Plan (HMRP) attached to the DEIR as Appendix H is UPRR's general, systemwide protocol and does not address the specific hazards associated with the proposed service to the Valero refinery. The HMRP is dated October 1, 2009, and predates the current extraordinary increase in crude oil by rail shipments, which have increased nationwide by seventy fold between 2008 and 2014. The DEIR does not contain sufficient analysis to determine whether (a) the response measures described in UPRR's 2009 document are applicable for an incident involving sweet light Bakken crude oil, which is more volatile than other forms of crude oil, and (b) whether specific emergency response measures are necessary on the UPRR corridor which includes CCJPA and Amtrak services.
- The DEIR does not address the potentially significant impacts of collision, derailment, explosion, or release of hazardous materials that may result from an incident involving the delivery of crude oil to the refinery by rail. The DEIR does not provide any supporting documentation for the assertions at Table 2.1, Impacts 4.7-2 and 4.7-3 that, even with mitigation, the effects will be "less than significant". The DEIR must take into account the increased risk of any incidents in the vicinity of the project site or along the rail route for trains which travel through the heavily-populated San Francisco Bay Area-Silicon Valley-Sacramento Megaregion and have the potential to significantly impact the operation of the Capitol Corridor and Amtrak's passenger trains, which carry over 2 million passengers annually.
- The CCJPA is currently conducting a joint analysis with the Bay Conservation and Development Commission (BCDC) of the impact of both general sea level rise and discrete inundation events due to climate change on the rail route currently used by the Capitol Corridor trains. Our initial findings have identified that the rail route used by the Capitol Corridor trains that would also be serving and adjacent to the Project are expected to be impacted; however, the DEIR does not include any discussion of the potential impact of climate change-induced sea level rise and episodic inundation on the Project. More specifically, DEIR does not identify any design features at the facility, and to/from the facility, that are protected against the effects of future sea level rise coupled with inundation events (rainfall, waves, tides, etc.) that can, on top of sea level rise, raise water levels and water energy levels that can disrupt the functions of the project facility and the adjacent UPRR track infrastructure.

- The federal Pipeline and Hazardous Materials Administration (PHMSA) has recently released a Notice of Proposed Rulemaking (NPRM) that seeks to revise design standards for oil rail tank cars. The CCJPA supports such updated design specifications for the manufacturing of new rail tank cars and the phasing out of the older existing tank cars. To that end, the CCJPA requests that shippers to the project site phase-in these newer more robust, safer oil rail tank cars as early as possible. The replacement of these older tank cars will help ensure the safer transport of the crude by rail thereby enhancing the safety of the UPRR train crews, the communities along the route, and the Capitol Corridor crews and passengers.
- The CCJPA requests that crude oil being transported to and from the project site via rail go through a processing that is currently practiced and used for oil transported in pipelines in Texas where volatile, explosive gases or other unstable components in the oil are removed prior to being transported. This degasification process will ensure a safer transport of crude oil by train along the heavily populated rail route to and from the project site.

The CCJPA appreciates the opportunity to submit comments on the Draft EIR for the Valero Crude by Rail Project and looks forward to working with the City, the project sponsor and UPRR on this project to ensure that the safety of the passengers and train employees and the superior operational performance of the Capitol Corridor trains are considered and not jeopardized in the development of this project.

Sincerely,



David B. Kutrosky
Managing Director

cc: CCJPA Board of Directors

The Honorable Brian Kelly, Secretary – California State Transportation Agency
Jerry Wilmoth, Union Pacific Railroad
Liisa Stark, Union Pacific Railroad