

VALLEY VIEW ROAD CLOSURE PUBLIC HEARING

I urge the Washington Utilities and Transportation Commission to deny BNSF's disingenuous request to close Valley View Road. BNSF is fraudulently framing this as nothing more than a simple request for closure of an at-grade railroad crossing. As BNSF tells it in the SEPA Environmental Checklist - Valley View Road would close, 90 vehicles per day would use alternate roads and everything else would be exactly the same. But the truth is, that what BNSF is actually requesting is to significantly increase the number and frequency of trains travelling, idling, polluting and increasing safety risks in our county. BNSF's failure to provide honest, accurate essential SEPA information to the UTC is sufficient reason to deny BNSF's request to close Valley View Road. BNSF has provided misleading, inaccurate and contradictory information in its request to close Valley View Road. Please note the following examples:

- In response to SEPA's request to **"Describe in detail the reasons for closing the crossing"**, BNSF states, "BNSF is petitioning to close this crossing to address the proposed extensions of both sides of the existing siding track on the south approach to the east toward the Intalco Wye, which will *allow existing customers in the Cherry Point industrial area to receive and depart full length trains without blocking the main line switches or roads.*" (italics added) But BNSF is contradicting itself and statements it made in previous project proposal requests – specifically the current permits for oil-by-rail facilities at BP and Phillips 66 refineries that clearly state that no railway upgrades or expansions were needed for their oil trains. If the BNSF and Conoco Phillips oil-by-rail projects required this new proposed siding extension and Valley View Road closure, then BNSF should have included this request with these previous projects. Submitting this request now for review separately and independently from the previous project is piecemealing and in violation of State Environmental Policy Act. If BNSF's current proposal is actually needed as part of the proposed GPT coal export terminal then this should have been submitted as part of that proposal. BNSF's failure to fully and truthfully provide the reason for needing to close Valley View Road is sufficient basis for the UTC to deny BNSF's request.
- The SEPA environmental checklist asks in section 2a. **Air, "What types of emissions to the air would result from the proposal during construction and when the project is complete? If any, generally describe and give approximate quantities if known."** BNSF misleadingly and inaccurately answers that, "Following completion of the project, emissions from the site will be limited to diesel train exhaust which is pre-existing to the project." BNSF fails to describe the multiple hazardous components of diesel emissions and BNSF completely fails to report the other known significant emissions such as coal dust that would result from this project. Additionally and most importantly, BNSF fails

to report the significant increase in diesel emissions that would result following completion of the project.

- BNSF admits in responses to SEPA section 3. **Water** that this project area includes water flowing in California Creek and four of California Creek tributaries that are part of the Drayton Harbor watershed; and in SEPA Section 5. **Animals** that this project site is known to have four endangered species including Chinook Salmon, Steelhead Trout, Bull Trout, and Marbled murrelet; and in SEPA Section 8 **Land and Shoreline Use** that this site has been classified as an “environmentally sensitive” area by Whatcom County. This proposed project undermines the extensive ongoing efforts being made by local and state governments and private businesses and individuals to clean-up Drayton Harbor, restore salmon habitat, and protect ground and surface waters. By risking waterways and wetlands this project likely is in violation of the Clean Water Act.
- SEPA question 7 asks, “**Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosions, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.**” BNSF’s statement, “No environmental health hazards are anticipated as a result of the project construction, and continued and ongoing railroad operations will be consistent with applicable Hazardous Waste Transport rules and regulations” provides false information and does not answer SEPA’s question. BNSF does not list and describe the multiple hazards that could occur as a result of this project. BNSF does not state the risk of exposure to toxic chemicals; BNSF does not state the risk of fire and explosions; BNSF does not state the risk of spills and hazardous waste that all could occur as a result of this proposal.
- In response to SEPA 7a1, “**Describe special emergency services that might be required**”, BNSF callously and falsely answers: “BNSF does not anticipate that special emergency services will be required. Following construction, BNSF is responsible and equipped to respond to emergencies. BNSF personnel are required to comply with BNSF’s existing health and safety plan.” BNSF fails to provide the requested information and carelessly brushes-off the obvious truth that if a BNSF crude oil or toxic chemical train explodes, all the public’s emergency equipment and personnel would be required to respond.
- BNSF ignores and minimizes the traffic impacts including that the Whatcom Fire Marshall and more than 200 local physicians have already expressed concerns about delays to emergency first responders. BNSF’s estimate of 90 vehicles per day using the Valley View Road crossing is also not borne out by Whatcom County’s assessment of the 350 vehicles per day using the Valley View Road crossing. Also of significant note is that three Custer Elementary School buses per day would be forced to take more time and consume more fuel on alternate routes if Valley View Road is closed. I submit that the children and families in the Custer Elementary School District are already subjected to unacceptable health and safety risks due to the fact that Custer Elementary School is

only about 1200' from BNSF track and the beginning of the Custer Spur where trains sit idling and polluting. It is unconscionable to subject these same children and their families to additional noise pollution, toxic pollution and risk of catastrophic accidents.

- SEPA asks, **“What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis. Indicate what hours noise would come from the site.”** BNSF evasively and misleadingly replies, “Following construction, normal background noise levels typical of the existing mainline railroad and switch yard will continue to occur.” The fact is that this project would result in a significant increase in noise and it would occur 24/7, 365 days a year disturbing the sleep of residents for miles around. My home in Birch Bay is approximately five miles from the nearest railroad track, and my neighbors and I already are awakened especially in the summer when our windows are open, by noise from heavy coal and oil freight trains; we cannot tolerate the increase of noise levels and frequency that would result from this project.

In sum, I request that the UTC deny BNSF's request for closure of Valley View Road because BNSF has not truthfully and completely provided the UTC with the information necessary to make a decision and because the likely significant and serious risks that this project would entail must be carefully assessed before any determination can be made as to whether or not to proceed.

Sincerely,

Paula Rotondi
Birch Bay, WA