

SANDY ROBSON  
BIRCH BAY WA  
SJRRER2@YAHOO.COM

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WA State UTC Dec. 1, 2015 BNSF Valley View Rd. Closure proposal

As I am writing this comment I can hear a crude oil train traveling near my home in Birch Bay WA which is about a mile or so from the BP crude by rail logistics facility. For the record I believe there are more crude oil trains calling on BP refinery, and possibly the Phillips 66 refineries at Cherry Point ~~2~~ **THAN ALLOWED BY THE WHATCOM COUNTY PERMIT.**

I am opposed to the proposal by BNSF to close the portion of Valley View Rd. where the rail spur to Cherry Point crosses this county highway. If the closure were allowed this would increase rail capacity for both the BP, and the Phillips 66 refineries. Those two oil-by-rail logistics projects were permitted after an MDNS determination so there was no EIS conducted for either of those projects which involve transporting an extremely volatile commodity, crude oil. Transporting crude oil has already led to terrible accidents resulting in fatalities, injuries, environmental damage, and property damage throughout our country and Canada. There has already been one crude oil train derailment in the Cherry Point area, as well as one crude oil train on its way to the BP refinery that leaked oil onto land.

The permits granted by Whatcom County stipulated that there be no more than one crude oil train per day, annually. If there were to be more oil trains than stipulated, an EIS would then be required. I have been in contact with Whatcom County Planning Dept. for over a year and a half, requesting information as to the protocol or mechanism for keeping track of the number of oil trains traveling to the BP refinery, and more recently the Phillips 66 refinery. So far, there seems to be no protocol or mechanism to account for these oil train numbers to ensure that there are no more than the stipulated numbers allowed by the permit, and there seems to be a reluctance to even communicate with me on this issue by our county. Because of this, I feel my safety, and others, is imperiled by the negligence of Whatcom County to enforce the permit stipulations.

In applying for the permits needed for their crude by rail logistics facilities, BP and Phillips 66 both stated that their rail projects did not require any upgrades or expansions of the rail. So, there is no apparent need to now close Valley View Rd. so the Cherry Point rail spur can be used as a holding area for trains. If BNSF wants to close Valley View Rd, then an EIS should first be conducted to study the needs, concerns, and impacts for such a project.

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Additionally, it is probable that this road closure could be related to the anticipated Gateway Pacific Terminal (GPT) project. If this is correct, the Valley View road closure and change to a rail highway crossing should be included in the ongoing EIS SEPA process for GPT, and no permit decisions on this proposed Valley View Rd. closure project should be made until the EIS for the GPT project is completed, with an included analysis of this road closure.

A cumulative assessment is needed to fully assess this Valley View closure project in terms of the Cherry Point industries and BNSF projects being separately proposed, yet inherently interrelated.

Sandy Robson  
Birch Bay, WA  
sjrer2@icloud.com