

WASCO COUNTY PLANNING COMMISSION

Application for Conditional Use

Union Pacific Case File PLASAR 15-01-0004

September 6, 2016

1 CHAIRMAN HARGRAVE: This is the Wasco County
2 Planning Commission and I'm Russ Hargrave, the
3 chairman. I'll open tonight's hearing. This is an
4 application for conditional use approval to expand
5 an existing railroad siding with 4.02 miles of new
6 second mainline track, realigning existing track,
7 replace five equipment shelters, and make related
8 improvements. The applicant is the Union Pacific
9 Railroad, and the case file number is PLASAR
10 15-01-0004.

11 This is a quasi-judicial proceeding and the
12 hearing will proceed as follows: The County staff will
13 present the staff report, including identifying
14 applicable criteria, summarize the proposed request
15 and staff recommendation.

16 The Applicant or Applicant's representatives will
17 then have an opportunity to testify to explain the
18 proposal, to respond to County staff and submit any new
19 evidence or ask questions.

20 Next, persons wishing to speak in favor may testify;
21 and after that, persons wishing to testify in
22 opposition or who are uncertain or just have
23 questions may testify. The Applicant will then have
24 an opportunity to present any rebuttal, but no
25 new evidence at that time. Staff will have an

1 opportunity to make final comments, but no new evidence.

2 The applicable criteria for this application are
3 set out in the staff report and recommendation.

4 Angie Brewer, the planning director -- Angie Brewer,
5 the planning director, will provide the staff report.

6 So, before we begin the proceeding, let's do roll
7 call.

8 MS. ERICKSON: Lynne Erickson from The Dalles.

9 MR. HANDLEY: Jeff Handley from The Dalles.

10 MR. MYERS: Andrew Myers, The Dalles.

11 MR. DEHART: Brad DeHart, from The Dalles.

12 MS. ASHLEY: Vicki Ashley, Bakeoven.

13 CHAIRMAN HARGRAVE: Russ Hargrave, Mosier.

14 MR. SCHANNO: Chris Schanno, Dufur.

15 CHAIRMAN HARGRAVE: There really are a lot of people
16 here, and we appreciate that. And it's important for us
17 to hear from as many as possible. Therefore, we will not
18 permit disruptive demonstrations, applause, questions or
19 comments from the audience or other disruptions, as these
20 take up valuable time from persons who are waiting to
21 be heard. If you want to be heard, we welcome that.
22 Make sure you sign up on one of the sign-up lists.

23 The County tonight is represented at this hearing by
24 Kristen Campbell, the County's legal counsel. And, in
25 addition, the County is represented by Dan Olsen.

1 Mr. Olsen will assist me in conducting the meeting and
2 advising on any procedural matters that may arise and
3 he will call the witnesses to testify. This will be
4 the only opportunity for oral testimony before the
5 Planning Commission. We also will provide additional
6 time for submitting written comments. Accordingly, I
7 first will ask for a motion from the commission to
8 adopt the following process for this hearing: Each
9 person will have three minutes. Time spent responding
10 to commission questions will not count against the
11 three-minute time limit. No one may transfer time to
12 another person. Oral testimony will be limited to four
13 hours after the staff report. Total time for the
14 Applicant and those speaking in favor will be two
15 hours. However, if all testimony from proponents is
16 heard before the two hours are up, all remaining time
17 may be used by those in opposition or those who are
18 neutral. The Applicant will have 15 minutes after the
19 oral testimony period for final rebuttal. No evidence
20 is permitted during rebuttal.

21 Do I have a motion to this effect?

22 UNIDENTIFIED SPEAKER: I so move.

23 UNIDENTIFIED SPEAKER: Second.

24 CHAIRMAN HARGRAVE: Okay. All in favor, say aye.

25 GROUP RESPONSE. Aye.

1 CHAIRMAN HARGRAVE: All opposed? So carried.

2 (Pause in proceedings)

3 CHAIRMAN HARGRAVE: So, please note that these time
4 limits will be strictly enforced. Testimony is limited
5 to the applicable criteria. We will not accept testimony
6 that is irrelevant, repetitious, abusive, or disruptive.
7 Note that you may also submit written comments, either
8 in addition to or instead of testifying orally. You
9 are not required to testify to be considered a party to
10 this proceeding as long as you sign up on one of the
11 sign-up sheets.

12 So, if you haven't signed up already and you want
13 to be a party, please do so. Please sign up.

14 State law provides that failure to raise an issue
15 orally or in writing before the close of the record
16 with enough specificity that the Planning Commission is
17 able to respond may preclude you from raising that
18 issue in a later appeal.

19 State law also provides that failure of the
20 Applicant to raise constitutional or other issues
21 relating to proposed conditions of approval with
22 sufficient specificity to allow the County or its
23 designee to respond to the issue may preclude an
24 action for damages in Circuit Court.

25 At the conclusion of testimony I will ask for a

1 motion to keep the written record open until five
2 o'clock on September 13th. Any new evidence or argument
3 may be provided until that time. Written responses to any
4 comments may be received until five o'clock on
5 September 21st. This is limited to arguments based on
6 the record. No new evidence is permitted. Well, no
7 new evidence is permitted after September 13th. All
8 comments must actually be received by the Planning
9 Department by the deadline. This meeting will be
10 continued to September 26th for Planning Commission
11 deliberations and either a tentative or final decision
12 at that time. If necessary, that meeting may be
13 continued to October 3rd for a final decision and
14 adoption of findings.

15 Before proceeding further, I ask the members of
16 the Planning Commission to disclose if they have any
17 conflicts of interest regarding this matter.

18 UNIDENTIFIED SPEAKER: I'd just like to mention
19 that I work for the Oregon Department of Transportation,
20 but I haven't been involved with any review or processes.
21 I haven't been doing review of application and I don't
22 feel like I have any conflict.

23 CHAIRMAN HARGRAVE: Okay. So that does not sound
24 like a conflict. Thanks.

25 UNIDENTIFIED SPEAKER: I have one. During the train

1 derailment in Mosier, I'm part of the Facebook group
2 Friends of The Dalles -- The Dalles -- and I get my
3 news update from that Facebook post. And then in terms
4 of discussing this application, at this time I
5 discontinued looking at that web page any further.

6 UNIDENTIFIED SPEAKER: Could you say that louder?

7 CHAIRMAN HARGRAVE: Okay. So no conflicts of
8 interest noted.

9 Note for the record that all the Planning Commission
10 members have seen the site while driving by on the highway.

11 Does any member of the Planning Commission have any
12 ex parte contacts to disclose, including any visit to
13 the site for the purpose of evaluating the application?

14 UNIDENTIFIED SPEAKER: I'm part of the Facebook group
15 The Dalles Community Members. During the derailment in
16 Mosier I was getting my new information from that site.
17 When that site started talking about upcoming proceedings,
18 I turned off the notification of that site to my Facebook
19 account. I then discontinued reviewing that information.

20 CHAIRMAN HARGRAVE: Okay. Thanks.

21 Any other ex parte contact or visits to the site
22 other than driving by?

23 I have an ex parte contact to report. I met with Kathy
24 Fitzpatrick, the Mosier city manager. She and I had a
25 conversation where she said that council members have

1 become more interested after the derailment. She said
2 that it seemed that most council members were concerned,
3 not in favor of the proposal. She mentioned a couple
4 council members whose names I can't recall. She also
5 mentioned Arlene, who is the Mayor. And I asked what the
6 concern was and she said the main concern was safety, so
7 that was the conversation.

8 Any other ex parte contact?

9 Okay. Does anyone in attendance have any objection to
10 jurisdiction of the Planning Commission to hearing this
11 matter, any procedural objections or to ask about any
12 of the ex parte contacts that have been disclosed?

13 Okay. Hearing none. So, with that, we will hear the
14 staff report. And you are going to project it, right?
15 We are going to look.

16 MS. BREWER: All right. Good afternoon, everyone. My
17 name is Angie Brewer. I'm the planning director for Wasco
18 County. I am going to walk you through a PowerPoint
19 presentation that attempts to summarize a 120-page staff
20 report in a brief, concise presentation for you all.

21 So I want to make sure you know that the entire
22 document is located on our website. And the URL is on
23 the bottom of the screen and that will be on the last slide
24 as well. You can go ahead and check it out there.

25 I also want to make sure you know the complete record

1 is online and available. You can see all the comments,
2 letters, and all of the agency (inaudible) and other subject
3 documents that we will review in this hearing.

4 So, for starters, I am going to let you all know that
5 we received this application from the Union Pacific
6 Railroad on January 11, 2015. We worked with them for
7 quite some time on (inaudible), back and forth with
8 recommendations, proposals, survey requirements, and the
9 application became complete on November 17th, 2015.

10 As you have probably heard or seen in the media, this
11 hearing has been rescheduled multiple times, and I just
12 want to point out the reasons for why that is. The
13 first time was due to a lack of feedback from our
14 partner agency. Wasco County staff felt uncomfortable
15 moving forward without hearing from some of our partner
16 agencies, who provide us with very important technical
17 assistance for resource protection in this area. We
18 felt we needed more time for that and the Applicant
19 allowed us to move forward on that.

20 The second time was because when we finally received
21 some feedback, which was -- which was very helpful, it
22 took us some time to evaluate it and really analyze it for
23 what it meant for this proposal.

24 The third time was a request from the Applicant due
25 to the derailment again, making sure that they were able

1 to send their staff and responded to that (inaudible)
2 ahead of time to do both at once. So that's how we got
3 here today. It's been a long time coming.

4 We've been working on this since January, with the
5 pre-application process in 2014 for this. This
6 conversation has been going a long time at Wasco County,
7 but also with our partner agency and the State of Oregon
8 as well.

9 So on that note, there's one other thing I'd like to
10 make you all aware of, is that the staff report was
11 published and posted online August 30th. We received
12 quite a bit more comments since August 30th that were not
13 available to us at the time of preparing this analysis
14 and recommendation.

15 I have a summarized list of that information in this
16 presentation and all of those comment letters will be
17 available online. I just want to make sure everyone is
18 aware of that part of the packet.

19 All right. With that said, it is important to start
20 with a list of what they are asking for. Union Pacific
21 Railroad is specifically asking for expanding an existing
22 railroad site near Mosier to create 4.02 miles of second
23 mainline tracks. They would like to replace five
24 equipment buildings and associated equipment. Those
25 buildings are in existence today. They are not

1 proposing new buildings in similar locations, and it is
2 a similar siding. (Inaudible)

3 It will be an installation and in some cases removal
4 of drainage structures like culverts and ditches, filling
5 wetlands and removing vegetation to construct new railroad
6 ballast. It includes blasting out an existing rock
7 wall, which we'll have a photo of later on in this
8 presentation. And in areas where blasting will occur,
9 to stabilize that cut face, they are proposing a rather
10 large concrete retaining wall that will be stamped to
11 appear as though it is naturally occurring rock, basalt.

12 It includes 12 new station lights, requires safety
13 signage, removal of existing telephone poles, five new
14 monopole wireless communication poles, modification of
15 existing utilities, clearing of vegetation for
16 construction of temporary landing zone, the improvement
17 of a couple of existing access roads that are described
18 as "new" in the application, but as you watch the
19 analysis, you realize they are actually there. Some of
20 them are existing road shoulders. They just need to be
21 regraded and graveled. Some of them are existing
22 gravel roads that just need to be brought up to a
23 little bit higher standards than they use for
24 construction.

25 They don't propose to pave them. They propose to

1 gravel them, just so you know. And then there is a
2 rather substantial offsite wetland mitigation proposal
3 that will create a new wetland feature offsite closer
4 to the downtown (inaudible).

5 So the location and zoning of the project is critical.
6 It is important for us to note that Wasco County Planning
7 only has the jurisdictional authority to review both
8 portions of the project located outside of the City of
9 Mosier urban area because the rules we're applying are the
10 National Scenic Area rules and the National Scenic Area
11 ordinance.

12 Our rules do not apply inside the City of
13 Mosier and they don't apply inside the urban area. They
14 are physically exempt by the Scenic Area Act. So I'll
15 show you a map in just a minute. Just know there is a
16 large portion of this project that occurs inside the
17 city that this analysis does not cover. Just making
18 sure.

19 The zoning of the proposed development portions
20 of the project will occur in what is known as the
21 General Management Area of the National Scenic Area;
22 other portions will occur in the Special Management
23 portions of the Scenic Area, and a handful in different
24 zones, including large-scale and small-scale
25 agriculture, open space, and water and Special

1 Management Area public recreation, agriculture, and open
2 space.

3 So, as you can see on this map -- I'm kind of
4 scared to touch this map (inaudible).

5 As you can see on this map, the City of Mosier
6 urban area is this line right here. The portions of
7 the project that we're able to review is this Segment 1
8 right here on the county line to the urban area line
9 and then a piece of the project from the urban area
10 line where the project terminates Hoodway through
11 Memaloose State Park. Just keep in mind that this piece
12 right here (inaudible).

13 Before I leave that slide, it is also important
14 to note that there is an existing siding in much of
15 this area that is proposed to be expanded out in either
16 direction east and west.

17 All right. So applicable rules for this project.
18 It's required to be consistent with the Management Plan
19 for the Columbia Gorge National Scenic Area, Management
20 Plan implemented by Wasco County to our National Scenic
21 Area ordinance, which has been reviewed and confirmed by
22 the Columbia River Forest Commission and U.S. Forest
23 Service National Scenic Area Office and Secretary of
24 Agriculture.

25 The URL for our website is on that slide, if you

1 would like to jot it down, and the chapters that apply
2 are as well. So introductory provisions, Chapter 1;
3 Development and Approval Procedure, Chapter 2; Basic
4 Zoning Requirements, Chapter 3; and Chapter 5 includes
5 Conditional Use Provisions.

6 Chapter 6 are Drafted Variances; and Chapter 11
7 address Fire Safety Standards, and Chapter 14 includes
8 all of the Scenic Area Review, which is further broken
9 down by scenic, scenic resources, natural resources,
10 cultural resources, recreation resources, tree rights,
11 so that (inaudible) from National Scenic Area.

12 So this is just a quick table to help illustrate
13 what the current rules allow. It's important to note
14 that the railroad has been in existence before our rules
15 were written. The plan anticipates railroad development;
16 at the very least, railroad maintenance and minor
17 expansion where necessary.

18 So, as you know, as you'll see in our rules, in
19 each of the zones where this is proposed, the rules
20 actually allow railroad development subject to a
21 full review and it doesn't necessarily mean that the
22 light is green. Don't get me wrong. I don't want to
23 say that, but it is allowed where it is appropriate in
24 the landscape (inaudible), where it does not harm or
25 cause adverse effects to resources, and where it can be

1 conditional (inaudible).

2 But it is important to know that the plan does
3 include this kind of development. It is a humongous
4 infrastructure in the Columbia River Gorge and it is
5 anticipated that at some point it will be maintained,
6 prepared, and modified. (Inaudible).

7 So, with that, I'll jump into conditional use criteria.
8 The conditional use criteria is a pretty significant
9 component of our ordinance. And I'm just going to read
10 through this, because I think it's worth touching on
11 each of these things.

12 And, Planning Commissioner, I'm not going into
13 humongous detail because it is in that report. If
14 anyone has any questions, please let me know.

15 The conditional use criteria require a new
16 proposal to be consistent with the Scenic Area
17 ordinance, require it to be compatible with the
18 surrounding area. Use must not significantly burden
19 public service, including fire and emergency services.
20 It must not impair traffic flow or safety. It must
21 minimize noise, dust, and odor in all cases; must not
22 reduce or impair sensitive habitat or cause erosion;
23 must not adversely affect air, water, or land; must not
24 detract from the visual character; should never destroy
25 historic value, and -- excuse me -- must preserve the

1 historic value and cultural significance; must be
2 compatible with agriculture; must not significantly
3 increase fire hazard suppression costs or risk to
4 personnel.

5 But I want to point out the bottom screen, you
6 might not be able to see, is that a failure to comply
7 with any conditions of approval, consistent with the
8 conditions of this criteria, is a failure of your
9 permit and so it's a mandatory revocation of the
10 permit.

11 So, staff recommend going through analysis.
12 And please note we did struggle to get feedback from
13 our technical resource partner on some of these items.
14 Based on the best available information we have, staff
15 recommends the following conditions of approval to
16 address these criteria: We are recommending that coal
17 cars be covered; that Federal Rail Administration
18 safety standards, including any safety improvements
19 that are optional, be required; that the existing range
20 of 20 to 30 trains per day be maintained and no
21 significant increase in rail traffic; that a Spill
22 Response Plan be prepared prior to construction; that
23 training be provided to Gorge fire departments included
24 in the Hood-Columbia Five County Mutual Aid Agreement;
25 that Union Pacific Railroad solicit feedback about

1 local needs for combatting railroad-related fire
2 incidents and make a good-faith effort to assist in
3 meeting those needs; to comply with agriculture
4 resource protection; to ensure that any temporary
5 traffic impact is coordinated with the Department of
6 Transportation, Wasco County Public Works Department,
7 Oregon Parks and Recreation Department; and the
8 requirement that grading, excavation, and vegetation
9 removal be minimized wherever possible and that
10 revegetation happens as soon as possible; and that best
11 management practices are used throughout the
12 construction, and I let them know that also.

13 Chapter 6 addresses variances. The Applicant is
14 requesting several Planning Commission variances. In
15 order for a request to be considered -- a Planning
16 Commission variance means they're requesting more
17 than a 50 percent variance. So what they are asking
18 for is a variance from the Columbia River development
19 setback standards, the Scenic Travel Corridor, the
20 Interstate 84 Corridor Setback Standards, Wetlands buffer
21 standards, as well as the Sensitive plant buffer zones.

22 There are some very specific criteria in our
23 ordinance in order for a variance to be granted.
24 However, there are some situations that are not
25 anticipated by plans, and the staff feels that this may

1 be one of them.

2 The railroad occurs immediately adjacent to the
3 river and is sandwiched in by Interstate 84 in both
4 locations. And you are almost always going to be in
5 the buffer when you do anything on the railroad.

6 So given that the ordinance anticipates railroad
7 development, allows maintenance and a use to occur
8 without any kind of -- excuse me, maintenance and
9 repair to occur without any kind of review and
10 requirements, and the fact that there is an
11 unavoidable buffer in every single location along the
12 railroad, staff does recommend granting a variance, as
13 long as all of the other mitigation proposals are
14 implemented prior to construction and all the
15 anticipated impacts are addressed upfront.

16 Chapter 11 addresses fire safety standards. Our
17 ordinance requires a self-certification checklist to
18 be completed for every application that was submitted
19 for completeness. Up until, I believe, August 31st we
20 had not heard any concern expressed by local or regional
21 fire or emergency services during staff consultations.

22 A condition -- based on what staff learned and not
23 based on any feedback, we're recommending a condition
24 of approval, and that's neither here nor there, but a
25 condition of approval to require the development of a

1 Spill Response Plan, regular training to Gorge fire
2 departments included in the regional Mutual Aid
3 Agreement, and that Union Pacific Railroad would
4 solicit feedback from the local departments about what
5 -- to make sure they have capacity to respond to
6 emergencies in their community.

7 Chapter 14, Scenic Area Review. And, as I
8 mentioned before, it runs through what we call the SCNR,
9 the scenic, cultural, natural and recreation resources.
10 It also addresses treaty rights. And I just want to note
11 that the General Management Area and Special Management
12 Area rules are addressed here as well.

13 So, for scenic resources, the important things to
14 note here are the key viewing areas designated as
15 public points and scenic resources protected by our
16 ordinance are Interstate 84, State Route 14, Columbia
17 River, and the Historic Columbia River Highway.

18 The project will be visible intermittently from
19 the foreground, middleground, and background view, and
20 that the scenic standards that apply to this project are
21 based on the zoning. Some of the zoning requires that
22 standard of visually subordinate, which means it's not
23 the first thing you see, but it does blend with the
24 surrounding landscape and not visually evident in
25 special imagery. Essentially it means you should not be

1 able to see it. This is not (inaudible).

2 Those terms are defined in our ordinance, if anyone
3 is looking for the definition.

4 Landscape settings that apply (inaudible). And
5 this is partly due to the fact that it is such a long,
6 linear project across (inaudible) and many landscape
7 settings. You will find that the vegetation changes
8 from one end to the other (inaudible).

9 So we have pastoral landscape setting in the
10 General Area, the Oak Pine Woodland Landscape Setting
11 in the Special Management Area, River Bottomlands
12 Landscape Setting in the General Management Area and
13 the Special Management Area, Gorge Walls and Canyonlands
14 and Wildlands Landscape Settings in the General
15 Management Area.

16 And, finally, scenic travel corridors. The proposed
17 development will occur within the scenic travel
18 corridors of Interstate 84 and the Historic Columbia
19 River Highway.

20 I have a couple of images that I hope will show up.

21 Okay. This is one of these views the staff feels
22 will be most impacted by the proposed development. And it
23 is the rock base that is proposed to be blasted for
24 expansion. So, you're looking from the State Route 14.
25 Keep in mind that you are traveling west and probably

1 driving 60 miles an hour. So this is the view from SR14.
2 And it is also visible from the Columbia River, obviously,
3 but it is not directly visible from Interstate 84 in any
4 way the staff could reasonably achieve and it did not
5 appear to be visible from the east side of the Historic
6 Columbia River Highway, which is only open to pedestrians,
7 but was visible from the Memaloose overlook from the
8 Historic Columbia River Highway gravel road portion
9 from the other side.

10 This area right here is one of the landing zones
11 proposed to be cleared for development. And there will be
12 (inaudible). The proposed development includes clearing
13 these trees. There is not a lot of screen topography.

14 What I want to point out is that you -- you make
15 (inaudible) rocks coming out here, but because this
16 intervenes with the existing topography, there is
17 unlikely to be a huge visible cut of the rock inside of
18 this canyon that would be visible. The proposed
19 retaining wall will be just back here, where there is
20 some screening vegetation and with the right stamp and
21 color combination, (inaudible) over here.

22 Staff is recommending a condition of approval to
23 prohibit this clearing that all of the rock blasted
24 from this area be removed from the site and crushed in
25 a different location outside of the main area.

1 The other visual aid that we have -- and you can
2 (inaudible) from here, Commissioner -- is from
3 Interstate 84 in the foreground. And I just want to
4 show that there is existing railroad infrastructure
5 there now. There is not a whole heck of a lot of
6 vegetation that needs to be cut out to further expand
7 it and there's no blasting approval in this area.

8 So visual -- although you will be able to see it
9 in the immediate foreground, the visual impact with
10 the expanded rail will not (inaudible) be a significant
11 detriment to the visual resources in this particular
12 area.

13 We spent plenty of time on the Columbia River
14 Highway and (inaudible) impacted the existing
15 development, and I just want to make sure you all know
16 that.

17 So that said, the recommended conditions of
18 approval staff made for you is that you prohibit the
19 clearing of these 6.62-acre open space site east of
20 rock blasting, scenic and natural resources in that
21 area; that you retain all of the vegetation to the
22 maximum extent practicable; that rock blasting occurs
23 in the natural appearing area with a pattern to it that
24 will emulate the natural cut face. The retaining wall
25 must be a basalt rock pattern and color to blend with

1 the surrounding rock wall colors to comply with the
2 pattern; that all disturbed areas are rededicated
3 immediately with native seed mixes; that all new
4 structures, buildings, and signage comply with
5 color material requirements of the Interstate 84
6 Corridor Strategy, which is a plan that was developed
7 for infrastructure along the Columbia River Gorge, I
8 believe in the '90s, which is applicable to interstate
9 bridges along the highway and all of the signage that
10 support utilities along the way.

11 So, just for the record, that does not include the
12 dark earth tone requirement and low-reflective
13 requirement.

14 We recommend a condition that the small six-by-ten
15 and eight-by-eight equipment buildings be treated with a
16 material to have a non or low-reflective finish; and
17 that new lighting not cause any visual light pollution
18 or create a hazard to drivers, and that any guardrail
19 replacement that has to occur, we go back and rail
20 in-kind to ensure a continuity with the I-84 Corridor
21 Strategy.

22 Cultural resources. In the Gorge there are
23 three types of them: Archeological, traditional
24 cultural properties, and historic resources. An
25 extensive survey was prepared and shared with

1 (inaudible) tribes, and the state preservation office
2 as well as national parks. It was amended multiple
3 times based on feedback and questions and requests from
4 those entities. As a result of that complication,
5 there were no anticipated impacts to cultural resources,
6 and the conditions of approval we included are to make
7 sure that any new resources discovered during
8 construction cause the project to stop until the
9 resources can be evaluated and (inaudible) to be
10 identified.

11 Natural wildlife resources. The Scenic
12 Area ordinance addresses categories of wildlife,
13 habitat, rare plants, Special Management Area Priority
14 Habitats. As you can see in the application materials
15 and the extensive wetland mitigation proposal, quite a
16 few wetlands will be impacted by the proposed
17 development. Part of that is because the railroad
18 created quite a few water bodies when the ballast was
19 constructed in the late 1800s. So there are quite a
20 few little lakes and wetlands that nestle right up
21 against the existing ballast that will be impacted when
22 the ballast is expanded to create the width and length
23 for the double track.

24 So I will get into the mitigation strategy in a little
25 bit, but I -- just so the public knows, the mitigation

1 plan was approved by the Army Corps of Engineers, the
2 National Marine Fisheries Service, National Fish and
3 Wildlife, Oregon Department of Fish and Wildlife, and the
4 Forest Service National Scenic Area office. (Inaudible)
5 coordination also went into the creation of that document
6 to ensure that all of the mitigation ratios required by the
7 Scenic Area were met.

8 The mitigating ratios in the National Scenic Area are
9 more expensive and higher than the Corps of Engineers
10 requires or any of the other federal agencies or state
11 agencies listed in this list, and so it took quite a bit
12 of land to be able to mitigate in a way appropriate to
13 make sure that the kind of habitat that would be
14 considered appropriate for the kinds of habitat that will
15 be mitigated directly.

16 Wildlife habitat proposed to be affected includes
17 deer, turkey range, shallow water habitat, and the
18 mitigation plan was approved. Some of it (inaudible) but
19 there is a separate habitat mitigation plan that was
20 approved through the Oregon Department of Fish and Wildlife.

21 There are several rare plant populations, three species
22 that will be affected. (Inaudible) The Oregon Biodiversity
23 Information Center in our natural (inaudible) program
24 testified in the same set of rules, they reviewed the
25 proposal to mitigate the impact that will occur, and they

1 confirmed that they are comfortable with the level of
2 impact and the techniques that will be used to mitigate
3 them.

4 The Special Management Area Priority Habitats were
5 reviewed by the Forest Service, and the Forest Service
6 National Scenic Area provided two comment letters
7 expressing concerns about the impacts, particularly
8 (inaudible) the staff recommending prohibiting (inaudible).

9 The Forest Service also recommended a condition of
10 approval to have the Oregon white oaks replaced at a ratio
11 of 8 to 1, which is required for critical habitat area, and
12 staff recommends adding that to the staff report, based
13 on things that do not get caught in the original
14 conditions of approval. With a correction.

15 This is just a clip from the application for
16 those of you that have not seen it. The Applicant
17 provided an extensive table of the wetlands that
18 were identified in their surveys, the kinds of
19 impacts that are likely to occur and whether or not
20 they would be temporary or permanent impact. So
21 for those of you that haven't seen it, there is a
22 survey and table impact in there.

23 This is an image -- and I don't know how well
24 you can see it with the lighting, but the upper
25 photo is a picture of the lake called Thompsons

1 Lake. It's a larger lake near Memaloose State Park
2 that is supposed to be partially filled to allow
3 for the new ballast to be constructed there.

4 The image below is a Google Earth snapshot that
5 shows the general location of where the offsite
6 mitigation will occur. I don't know if you can see
7 that, but it says "Tooley Lake" and it is on the
8 bend of Interstate 84 as you are coming into The
9 Dalles near the Discovery Center. There is a
10 couple of lower elevation agricultural properties
11 down there. It's proposed to a current landfill.
12 One of those farms in that location -- you can kind
13 of see this -- this did translate here. That
14 (inaudible) wetland feature.

15 And the reason it's so far away, part of the
16 extensive review process we went through to try to
17 find an appropriate location is that there is not
18 much of this habitat in the Gorge. There are not
19 many wetlands to add to or modify in a way that
20 would have been directly applicable to what is
21 being proposed here.

22 So in order to mitigate, they had to create,
23 which is a higher ratio, and at the end of the
24 complication it was felt strongly by the resource
25 agencies that creation of new habitat of a

1 high-quality level would not necessarily be a bad
2 thing because we are lacking it in some different
3 parts of the Gorge.

4 We asked them to look far and wide, including
5 the entire Columbia River Gorge watershed, which is
6 allowed by our organization. They looked as far as
7 the Sandy River and the Deschutes and also looked
8 in Washington (inaudible) where this kind of
9 wetlands mitigation can occur.

10 That said, I will -- I do want to note that the
11 City of Mosier is going through a process to
12 identify wetlands mitigation projects in the city
13 or near the city (inaudible). That was not brought
14 to staff's attention until after the (inaudible),
15 but it was generally discussed that there were
16 simply no locations that could meet the needs on a
17 scale that we were requiring for the ordinance.

18 So that is not meant to seem as though we
19 don't encourage that mitigation to happen past the
20 city of Mosier. That's up to the City of Mosier to
21 inquire to (inaudible) support that. This proposal
22 was considered to be the best fit for what the
23 impact was at the outset to the city and required
24 by the city.

25 So natural resource conditions of approval

1 recommended by staff, they include prohibiting that
2 open space clearing, specifically the big open
3 space clearing that is (inaudible); implementing
4 the Tooley Lake Wetland Mitigation Plan;
5 implementing the Sensitive Species and Wildlife
6 Habitat Protection and Rehabilitation Plan; removing
7 blasted materials for off-site crushing; avoiding
8 areas of identified special-status plant
9 populations, priority habitats, sensitive wildlife
10 and plant areas, and their buffer areas to the
11 maximum extent practicable; implementing
12 micro-siting of development during construction to
13 avoid habitat where practicable.

14 What that means is when they're actually doing
15 the construction, there are options available to
16 them to minimize (inaudible) on the ground to
17 (inaudible).

18 Removing and conserve, and immediately
19 plant -- replant plants that will be directly
20 affected; implement weed control procedures to
21 ensure the containment of any noxious weeds; and to
22 require the SMA Oregon white oak replacement ratio
23 of 8:1. This would be a correction to our
24 recommendation.

25 Recreation Resources, Chapter 14. I'm sure

1 that most of you know that not only state parks is
2 included in this proposed project, Oregon state
3 parks is one of the affected landowners and
4 they -- I'll show you a map in just a few minutes
5 of the property that would be affected by this
6 proposed development.

7 The Historic Columbia River Highway is located
8 closer to Segment 1 on the east side where you will
9 be able to see the development from the Historic
10 Highway, but it will not occur on the Oregon state
11 parkland in that area.

12 We did receive comments from Oregon State Parks
13 Department citing impacts from noise, disconnection
14 from park properties, and resource impact concerns
15 at Memaloose State Park as well as the Columbia
16 River Gorge region of the state park properties.

17 And in our conversations with them, what they
18 are referring to is that the railroad cuts through
19 most of the park properties along the river because
20 they own property on either side, and there were
21 concerns about if the proposal did include more
22 rail traffic, then access should be discussed and
23 there should be an effort to minimize conflict
24 wherever possible and that is to include the
25 relationship that resulted in (inaudible) if there

1 was going to be increased rail traffic, what does
2 that mean for the enjoyment of their user as well
3 as -- let's see, resource impact during development
4 occurring within the vicinity of this affected
5 plant property, wildlife (inaudible) had their own
6 process for protecting resources on the property.

7 The recommended conditions of approval of
8 staff, after consultation with Oregon State Parks,
9 (inaudible) the Columbia River Access Feasibility
10 Study to ensure long-term impacts of the railroad
11 do not impact established recreation uses or sites,
12 and that improved access from State Parks
13 properties to the Columbia River shall be the
14 outcome of the study and resulting action items.

15 The second recommendation of approval we had
16 for recreation, to minimize impacts of construction
17 on recreation users. There is a shared road
18 between -- on that map there, this is the Memaloose
19 State Park overnight camping. There is not a lot
20 of day use at this park, but there is some
21 (inaudible). There are some informal trails that
22 come right down toward the bottom, but there is no
23 formal access to this park property on this side of
24 the track.

25 This is the railroad track. The rest stop on

1 Interstate 84 is over here and the Memaloose
2 Overlook is on the right side of the highway. So
3 the proximity of this stretch is pretty clear.

4 The rock blasting area will be in this general
5 vicinity. The larger clearing that we're
6 recommending including is right here, and there is
7 a smaller clearing here in the area that's pretty
8 heavily disturbed already that is proposed in that
9 area.

10 There is an existing access road down and it
11 actually leaves park property and goes on through
12 this property in this general vicinity.

13 Treaty Rights is Chapter 14. We received
14 several comments from the Confederated Tribes of
15 the Umatilla Indian Reservation regarding fisherman
16 access and river access and safety while crossing
17 the tracks.

18 We received comments about natural resource
19 impact associated with potential disaster and the
20 effects of particular coal trains.

21 Then there is also concerns of impact of
22 cultural resources. It's important to note that
23 the treaty rights that have been entered into with
24 government complication are included in here. I
25 have an outside (inaudible) Wasco County process,

1 but they didn't keep us in the loop. So we have
2 been following that conversation, but that is a
3 separate conversation than what we have been
4 (inaudible).

5 The anticipated impacts based on these comments
6 and the application materials is that there could
7 be an issue of safety in crossing the track. If
8 the track -- if the trains don't have to stop to
9 pass each other, then hypothetically the result
10 would be you wouldn't want to cross because the
11 trains are not running. So -- it is not a
12 designated safe crossing. So it's important to
13 note.

14 We also want to point out that when it comes to
15 treaty rights, the National Scenic Area (inaudible)
16 do not allow us to move forward with a project that
17 would have any impact on tree growth, so these
18 conditions of approval, the conditions of approval
19 that I'm about to list to you, would be required,
20 are not optional. If for some reason you didn't
21 want to include them in the final decision, we
22 would not be able to approve the decision.

23 So we are requesting or recommending that you
24 include conditions of approval to require at least
25 two new state crossings for traveling fishermen on

1 either side of the project area. The location of
2 the crossings should be developed in the process
3 with Union Pacific Railroad and the Umatillia
4 Indian Tribes to make sure that the location is
5 feasible, but that, most importantly, it addresses
6 the treaty right impacts on their site; and that
7 that -- I just want to point out that that doesn't
8 necessarily have to happen in Wasco County. It can
9 happen anywhere in the Columbia River Gorge as long
10 as it addresses treaty rights and (inaudible).
11 That would be something that would happen after the
12 (inaudible) issues.

13 All right. Chapter 23, Sign Provisions. This
14 is more of a correction and I just want to get it
15 on the record. We advertised the proposed project
16 as being subject to compliance with Chapter 23,
17 which is our sign provisions chapter. After
18 (inaudible) the staff in our office and going
19 through some of the other presentations, we
20 realized that that chapter doesn't actually apply
21 because the kinds of signage that are proposed are
22 required signage for safety and required by the
23 Federal Rail Administration.

24 One sign qualifies for being a match, such as
25 (inaudible) required for safety standards. There

1 is a provision that allows that to occur without
2 any kind of review, but they do require them to
3 have -- to adhere to the color (inaudible)
4 requirements.

5 So we are still recommending the condition of
6 approval that the signs all comply with the
7 Interstate 84 strategy, which would (inaudible)
8 single-sided sign (inaudible). But I just want to
9 make sure the Chapter 23 does not actually project
10 (inaudible).

11 All right. So, as promised, I have a slide
12 summarizing (inaudible). I'll just read through
13 this very quickly. We have received many more
14 public comments and concerns. You will receive
15 them. You have most of them in front of you, but
16 we continued to receive them this past weekend.

17 We received a letter from the Mosier Volunteer
18 Fire Department citing capacity concerns,
19 requesting clarifications of risk, and a fire
20 mitigation plan.

21 We received a letter from the Mosier City
22 Council opposing the project for public health and
23 safety reasons, river access concerns, noise, and
24 wetland impacts.

25 We received a letter from Oregon Department of

1 Transportation requesting structural analysis for
2 seismic stability and expressing support for
3 improved recreation access condition of approval.

4 We received a second letter from the Oregon
5 State Parks and Recreation describing regional
6 context of recreation disconnection, noise and
7 resource impact concerns.

8 And we received a letter from the Columbia
9 River Gorge Windsurfing Association expressing
10 opposition.

11 We also received a second letter from the
12 Confederated Tribes of the Umatilla requesting a
13 new study to analyze the impacts on tribal fishing.
14 And just to note, this, again, would be a required
15 condition of approval if you were to move forward.

16 And then we received several large items from
17 the Friends of the Gorge. Some of them touch on
18 safety and its impact (inaudible) very large.

19 All right. So that concludes my staff
20 presentation. And I'm going to have time
21 (inaudible).

22 Dan, would you like me to start the next
23 PowerPoint presentation, or did you want to have
24 them ask questions?

25 CHAIRMAN HARGRAVE: They can ask questions.

1 MS. BREWER: Okay.

2 UNIDENTIFIED SPEAKER: Is this being recorded?

3 MS. BREWER: Yes, this is being recorded.

4 UNIDENTIFIED SPEAKER: On the internet?

5 MS. BREWER: The audio recording will be
6 available on the internet hopefully by tomorrow.

7 UNIDENTIFIED SPEAKER: Thank you.

8 CHAIRMAN HARGRAVE: Are you going to sit down?

9 MS. BREWER: Union Pacific has a couple of
10 short slides as well, so I'm not sure --

11 UNIDENTIFIED SPEAKER: I have one question for
12 you. What was the ratio on the wetland creation to
13 the wetland (inaudible)?

14 MS. BREWER: Sure. I have that. (Inaudible).

15 So, for creation, it's 3:1; enhancement would
16 be 4:1; and reparation is 2:1.

17 UNIDENTIFIED SPEAKER: So in this case it was
18 3:1?

19 MS. BREWER: Right.

20 UNIDENTIFIED SPEAKER: With the recommended
21 site?

22 MS. BREWER: Correct. And we did -- we did try
23 to block the enhancement opportunities that might
24 be (inaudible).

25 CHAIRMAN HARGRAVE: Any commissioners have

1 questions at this time? Okay. (Inaudible) Let's
2 catch up to where we are in the program.

3 UNIDENTIFIED SPEAKER: Catch up to where we are at with
4 this program.

5 UNIDENTIFIED SPEAKER: Do we have the ability to get
6 any light in here yet?

7 UNIDENTIFIED MALE: I think still somewhere slides.
8 So at this time we'll take public testimony and...

9 (Multiple voices)

10 CHAIRMAN HARGRAVE: Okay. We will now hear from those
11 in attendance. And at this time I'm going to turn the
12 microphone over to one of our attorneys, Mr. Olsen, to
13 call the names of people who signed up on the sheet.
14 If you have not signed up, you're still welcome to do
15 so. Can you hear me out there?

16 GROUP RESPONSE: No.

17 MR. OLSEN: Thank you, Mr. Chairman.

18 How's that?

19 GROUP RESPONSE: That's better.

20 MR. OLSEN: Thank you. We will first hear from the
21 Applicant. After hearing from the Applicant, I will call
22 persons generally to testify in the order on the sign-up
23 sheet as I have them, but first after the Applicant we
24 will first hear from elected or public or tribal
25 officials who wish to testify may have other public

1 meetings or public business to attend to. If you have
2 not yet signed up on the sign-up sheet and wish to
3 testify or be noted on record as a party, please do so.
4 There's still sign-up sheets at the door. If time
5 permits at the conclusion of public testimony, the
6 Chairman will ask any persons who have not signed up
7 who wish to testify.

8 As the Chairman stated, to provide time for as many
9 people to speak as possible, please refrain from
10 applause, calling out from the audience, demonstrations,
11 or other actions that may interfere with speakers.
12 I will call the speaker and two additional names.
13 If you hear your name, please come to the on-deck area
14 right there where the staffer is waving and wait
15 there so we can proceed efficiently. There is going
16 to be a lot of people shuffling around, coming and
17 going to their seats.

18 If you signed up and decide not to speak, please
19 do so state. Please avoid repetitious testimony. If
20 an earlier speaker has made your point, you're urged
21 to just state that you agree with that earlier
22 speaker. Again, please note you don't all need to
23 testify orally to be considered a party.
24 Signing a sheet or submitting written comments is
25 sufficient and all written comments reviewed.

1 Testimony must be relevant to the applicable land use
2 criteria, those indicated by staff or criteria that
3 you believe staff have met. The relevant testimony
4 may be ruled out of order. There is a time clock and
5 we will try to give you notice when one minute remains
6 of your time. The three-minute time limits are being
7 strictly enforced so we can let as many people speak
8 as possible.

9 When you come to the microphone, please state your
10 name and address for the record. If you have written
11 material to submit, please hand it to the hearings
12 reporter right there in the corner either before or
13 after you testify. The hearings reporter will mark it
14 with a case and exhibit number and that way it will
15 become part of the official record. And just for your
16 information, the staff report, the application, and all
17 the comments received to this point are included in
18 the record.

19 And with that, we're going to go ahead and start
20 calling names. As I indicated, we're going to start
21 with the Applicant, and the three names that I have for
22 the Applicant are Aaron Hunt, Clint Schelbitzki, and
23 Wes Lujan.

24 MR. HUNT: Yes, my name is Aaron Hunt. I am Director
25 of Public Affairs for the Union Pacific Railroad here in Oregon.

1 And I'd like to start by introducing the Union Pacific team that
2 is here today. So you just called Clint Schelbitzki's name, he's
3 with our networking planning team; Wes Lujan, also from Public
4 Affairs. We also have Linnea Eng, who is our permitting consultant.
5 We have Luke Baatz, here from our engineering. He is our
6 department manager from the engineering side of this project.

7 We have our in-house counsel Ty Wyman with Dunn Carney.
8 And we have Phillip Houk, our risk manager representative,
9 and also our media relations director, Justin Jacobs.

10 I represent the Union Pacific team here today.

11 We appreciate each member of the Commission. We
12 understand that this is a lot of work. The staff, everyone
13 that put in many, many hours, obviously, to bring this
14 together today, and we appreciate that. We thank you for
15 your time.

16 It seems appropriate that I should start by
17 reiterating our apology for the incident in Mosier on
18 June 3rd. And we understand that that was an unfortunate
19 incident, a severe, a severe incident. And we are sincerely
20 sorry for that and every employee at UP works constantly to
21 avoid incidents like that. We were very appreciative of the
22 collaboration that we had from the emergency responders, from
23 hazmat professionals, from public employees who helped us
24 respond, who helped us in Mosier and throughout the Gorge.
25 And we understand that we have to continue to work together

1 as we continue to operate in the Gorge.

2 So with that, we appreciate, again, the Commission.

3 And I'm going to hand it off to my colleague Clint Schelbitzki
4 to walk through some of the technical details of the project.

5 MR. SCHELBITZKI: Thanks, Aaron.

6 First of all, on behalf of Union Pacific Railroad, I'm
7 happy to be part of this. I'll try to shy away from a lot of
8 the technical details. I think Angie did an excellent job
9 going through the finer points of the project, but I would
10 like to spend a little bit of time talking about the lot, why
11 we need to build this project.

12 Essentially what we have in Mosier today is just
13 over a mile of double track. When we have trains moving
14 both in both directions, both east and west, this section of
15 double track functions as a place where we can meet and pass
16 trains. Essentially, today when you have that scenario with
17 trains moving in each direction, one of the trains is going
18 to have to go into that second double track and stop and wait,
19 for the other one to be able to pass it before it can
20 proceed on forward. That, for us, represents where the
21 inefficiencies are. What we're attempting to do is extend
22 that the double track segment so in that scenario I just
23 mentioned, when we have a train moving eastward, eastbound
24 and westbound it can reach that segment of double track, a
25 five-mile segment of double track, and continue on, proceed

1 on without having to stop. That's where the efficiencies
2 are gained with this project. That is driving the need for
3 the project. I should also note the existing siding is just
4 over a mile long. We have trains that are longer than that
5 today. They couldn't even use the siding as a place to meet
6 and pass. Those trains are held out in The Dalles while they
7 are waiting to go bound longer than they need to be. So this
8 project will essentially eliminate a lot of that unnecessary
9 idling that is occurring with the trains that are stopped
10 and waiting to be able to proceed forward.

11 We also -- we also see that there will be a net
12 reduction in wait associated with this project, because the
13 stopped trains, they're idling, you have locomotive noise
14 coming from that and also there a policy from us when you're
15 passing a stationary train, the train that's stationary has
16 to sound their horn before they start up again. So, if you --
17 if you have both trains continuously moving, you reduce or
18 eliminate that additional noise. I just want to point out
19 that this project is not about increased trains either.
20 This is purely for efficiency, validity of the network that
21 we operate today. Our traffic frequencies are dictated
22 largely by market, general market, the U.S.
23 economy and global market. The fact that we're extending
24 this segment of double track isn't necessarily going to create
25 any market demand that is going to warrant an increase or

1 decrease in train traffic over time. Only markets can do that.

2 But conversely, if the project's not built, that doesn't
3 mean there's going to be less trains over time. If the
4 project's not built, what that means is there's an increase
5 in the U.S. economy and more train traffic is warranted; as a
6 result, that additional train traffic will continue to move in.
7 It will continue to move over the network that's less
8 efficient than it could be, less fluid, and that ultimately
9 will create more congestion throughout the Gorge communities,
10 and that's not good for any of us, that's not good for us,
11 it's not good for our customers, it's certainly not good
12 for those to live in the Gorge.

13 Thank you. Wes Lujan.

14 MR. LUJAN: I'm from Union Pacific. I'm based out of
15 Rosewood. I've been spending a lot of time in the Gorge, so you
16 know. I just want to touch on my leadership and basically there's
17 a lot of speculation of what we do. And one of the things I
18 just want to say is on August 26th our chairman met with a
19 number of officials from the Gorge community's elected
20 officials, City of Mosier, Friends of the Gorge, Columbia River
21 (inaudible) attended the meeting as well as tribal interest.
22 One of the things we are committed to is making sure we're
23 transparent. So this applies to illustrate how we move in
24 and out of the Pacific Northwest, and how over 1600 employees
25 serve the economy of Oregon. So this is a breakdown:

1 61 percent of our product is moving in and out on our line
2 here are inner mobile. Inner mobile basically as a direct
3 containment, like a truck on a train. Those double-stack
4 mobile containers you have seen move up and down the Gorge,
5 that's the equivalent, one of those containers is the
6 equivalent of a truck with a diesel engine attached to a power
7 unit. So one train is equivalent of about 280 of those
8 trucks moving up and down I-84. That's a pretty important
9 statistic to look at when you look at domestic interval service
10 provided in and out of the PNW and into the overall economy
11 of America.

12 Ag products, servicing a lot of different
13 commodities that are grown here in Oregon, from the port,
14 both Washington and Oregon and move inland, east/west.
15 Industrial products, aggregate, rock, soda ash, you name it.
16 Steel is coming in and out servicing the economy of the
17 Northwest here.

18 Chemicals, a lot of the 12 percent chemicals here.
19 A large majority of those are tied to agriculture industry,
20 in terms of fertilizers, it is my understanding. I just want to
21 stress here that less than one percent of what we haul is crude
22 by rail in this Gorge area. We started hauling that commodity
23 through Union trains, in December, less than one percent.
24 I just want to reiterate that, less than one percent we haul.
25 Autos, three percent. Obviously, we do a lot of work with Toyota,

1 a lot of automotive manufacturers coming inbound and outbound
2 to your area. I also have a breakdown of some of those other
3 commodity groups moving import and export. I just want to
4 stress we have had a relationship with your community since the
5 1880s. We've been serving the economy of your region since that time.
6 We want to grow going forward another 150-plus years and beyond
7 and this is project is critical to be able to facilitate and
8 serve your economy, your future and grow with you. So thank you
9 for your time.

10 CHAIRMAN HARGRAVE: That's it for the formal UP comments.
11 They will accept questions.

12 MR. OLSEN: Next the site Commission would like to hear from
13 any elected public or tribal officials that may be present,
14 regardless of whether you are speaking in favor or opposed.

15 (Pause in proceedings)

16 UNIDENTIFIED SPEAKER: Okay. I have a question:

17 MR. WYMAN: Let me introduce myself. Todd Wyman as introduced
18 by Mr. (inaudible) as outside counsel for the railroad. We want
19 to stress, we have submitted a great deal of documentation
20 (inaudible). We are here to answer your questions. So please
21 fire away. I'd like to not personally (inaudible).

22 UNIDENTIFIED SPEAKER: First question: How much of this
23 project is occurring outside the Mosier urban area? Is it four
24 miles?

25 UNIDENTIFIED SPEAKER: 3.57 miles.

1 UNIDENTIFIED SPEAKER: 3.57 miles.

2 UNIDENTIFIED SPEAKER: And my second question is what's
3 your feeling on the, quote, conditions of approval? I'd like
4 to know if you guys can meet those approval (inaudible)?

5 MR. WYMAN: Excellent question. Thank you very much.

6 And so we've only had the staff report for about a week,
7 we certainly recognize the staff, which again, I have worked
8 with the staff in the past, just trying to strike a balance
9 there clearly. There's another factor in the balance. There's
10 another factor in the balance for us, which is that we have
11 a common carrier obligation.

12 And, Clint, I don't know, maybe you could, you could nod
13 or shake your head, you'd be in the best position to state.
14 I could try. The common carrier obligation is basically if
15 someone gives us a load that is properly contained, we must
16 ship it. And that, as well as Clint's comment about the
17 status of the American economy, is what will drive -- is what
18 drives the train traffic, but that common carrier obligation
19 comes from -- comes from that fact. (Inaudible) So we have to
20 comply with that. What we would like to do here vis-a-vis conditions
21 is just go through them and there's a good chance we'd
22 recommend revisions to them, but we absolutely want to work
23 toward the balance (inaudible).

24 Do you have any more questions?

25 UNIDENTIFIED SPEAKER: Do you have any say on how these

1 truck/railcars are loaded?

2 UNIDENTIFIED SPEAKER: Can't hear you.

3 UNIDENTIFIED SPEAKER: Does Union Pacific have any say on
4 how railcars are loaded or what rail cars (inaudible) or is it
5 dictated by federal law?

6 MR. WYMAN: Dictated by federal law, to some extent.
7 Basically just like dropping a parcel off at the post office or
8 UPS, you're giving that parcel or that product to the postal
9 service for delivery and as long as it is packaged properly and
10 you pay your billing, the post office accepting it and it's really
11 no different than our situation. The way it's explained to me
12 to (inaudible) that shipper, you know owns that car, owns that
13 railcar, so as long as he meets the appropriate federal standards,
14 meets the requirements, that's in good order, meets all the
15 requirements, we are obligated to ship it. (inaudible)

16 UNIDENTIFIED SPEAKER: Can you dictate higher standard to
17 your customers?

18 UNIDENTIFIED SPEAKER: You know, it's really a function of
19 the Requirements (inaudible). So it's all set by a series of
20 federal regulations.

21 MR. OLSEN: Do other commissioners have questions of
22 the Applicant?

23 UNIDENTIFIED SPEAKER: Can you come to the microphone so we
24 can hear you.

25 UNIDENTIFIED SPEAKER: Since there are no other questions,

1 thank you very much.

2 If you think of questions during the other testimonies, I will
3 return for (inaudible). Thank you.

4 UNIDENTIFIED SPEAKER: We will now start.

5 Correct, we will have our first public official. If you
6 could state your name and address for the record because I don't
7 have a separate list of officials to cross you off the list.

8 CHIEF APPLETON: Good afternoon. I'm Jim Appleton, Fire
9 Chief of Mosier. As noted, there is a letter submitted and rather
10 than go through that, I'd direct folks to see it online, on
11 the website, Mosierfire.com. I do want to summarize a couple of
12 our points, mainly fire safety, wildfires, and other causes of
13 noted fires have been one of our historically largest sources
14 of fires in the Mosier Fire District.

15 Let me back up. We have your (inaudible). Your entire
16 project is in the Mosier Fire District. So, we will be
17 responding agency for life safety, fire, hazmat, etc., first
18 line of defense, so that's why we're here.

19 The basic issue that we have is that the number of trains
20 is undefined, increase of trains is undefined and the impact
21 that has been on the fire and hazmat. So I guess with reference
22 to the conditions, it would be -- if they're verifiable and
23 enforceable conditions that limits the trains, that would be
24 acceptable to us, but it still can affect public safety. The
25 elephant in the room is really hazmat.

1 And, Wes, I appreciate your comment that one percent of
2 your traffic is oil, but one percent was too much on June 3rd.
3 The fact that it happened again in the same place or worst place,
4 or with worse conditions really is our main concern, but we
5 have no clue. Nothing in that plan that indicates how the
6 mitigation of a hazmat incident, given we were overwhelmed
7 with the best-case scenario on June 3rd. We need to know how --
8 how we deal with the worst-case scenario moving forward.
9 There's more that I can say, but I think I want to yield time
10 back. Thank you very much.

11 UNIDENTIFIED SPEAKER: Can I ask you one quick question?

12 CHIEF APPLETON: Sure.

13 UNIDENTIFIED SPEAKER: How many fires in the last years --
14 created by Union Pacific in the last year?

15 CHIEF APPLETON: In the last year?

16 UNIDENTIFIED SPEAKER: In the last year.

17 CHIEF APPLETON: Well, one big one, as you heard, that we
18 had, but going back at least two years there's been at least a
19 couple of others.

20 Route 66 fire was a railroad-related fire. We had a
21 train that was on fire that didn't -- I am answering your
22 question. I am out of time. We had a train that was on fire
23 that didn't cause a wildfire land fire.

24 Going back, you kind of stumped me, but
25 1988 was the locomotive-caused fire that started it

1 was several dozen fires between The Dalles and Mosier.

2 (inaudible) Something like 45 acres, two houses lost, and our
3 only to date firefighter lost in the line of duty, who was a
4 fellow who had a heart attack. So some big ones went back in
5 the past year.

6 UNIDENTIFIED SPEAKER: So one this year and possibly four
7 or five off the top of your head in the last five years?

8 CHIEF APPLETON: Going back further than five years, yeah,
9 there have been some, yes.

10 UNIDENTIFIED SPEAKER: All right. Is there more dangerous
11 items that create a more significant risk to your department
12 (inaudible) than just a train? What I am getting at:
13 Is there things on those trains being transported that are
14 more dangerous than crude oil?

15 CHIEF APPLETON: Undoubtably. I mean, however, the law
16 of averages with the (inaudible) the more of those you run,
17 the more oil moves through the district, and it's again, it's
18 a matter of time. So, I'm not an expert on rail safety, but I
19 can tell you that there are (inaudible) train, thank goodness,
20 and if there's a need for it, a commercial need for it, I
21 think you'd see people up in arms about that as well.

22 UNIDENTIFIED SPEAKER: Okay. Thank you.

23 UNIDENTIFIED SPEAKER: Thank you. Jim, three minutes are
24 up. Thank you.

25 (Pause in proceedings)

1 MAYOR BLACKBURN: My name is Paul Blackburn.
2 I'm the mayor of Hood River. 4011 South. I decided to venture
3 this far east today, because this is very important to my
4 city. In the weeks after the derailment we achieved a very
5 impressive thing: We got three mayors to agree to the same
6 letter and we will publish in The Oregonian and I will read
7 that to you briefly. But also I would just like to comment
8 on something UP said, that they've been in our community
9 since 1880 and are a very important and valuable partner.
10 I would agree with that. I was very struck to learn that
11 they just started hauling oil in December, so that they had
12 136 years of good partnership and then it only took them
13 six months to almost burn us down.

14 And I understand that they're a common carrier and
15 obligated, but I will invite them, as I've invited them
16 before, to lobby with us to change those rules, because
17 when you go to the post office, you don't get to send
18 whatever you want. If it's lithium batteries, they say you may
19 not send it.

20 UNIDENTIFIED SPEAKER: We asked you to cut the applause
21 because it does make it harder for us to hear and it does
22 take time.

23 MAYOR BLACKBURN: Here is The Oregonian letter.
24 "This week the cities in the Columbia River Gorge joined
25 a growing list of cities that find themselves in the line of

1 fire, the fire of an oil train derailment. Two of us dodged
2 the bullet, but our neighbors in Mosier took a pretty solid
3 hit. Through dumb luck, no one was killed, none of the children
4 in the nearby school were burned, and only a small sheen of
5 oil surged through the sewer plant into our mighty
6 Columbia River and easily could have been much worse. The
7 UP Railroad operators are professionals. They know how to
8 move freight by rail, take standard precautions and keep
9 things rolling, but they could not and cannot ensure our
10 safety. Derailments and fires from oil trains are simply
11 a mathematical certainty. The risk analysis is not rocket
12 science, nor is it disputable. These are now regular
13 occurrences predicted to occur monthly, on average.
14 They're going to happen again and again.

15 We collectively call upon our federal leaders to end
16 oil train traffic through the Columbia River Gorge. Congress
17 acted once again -- once to name this area the nation's largest
18 National Scenic Area. Let them act again before an oil train burns
19 another town. I have had it explained to me many, many times that
20 we cities don't have the authority to stop oil trains
21 through our cities. We have as a council passed a
22 resolution objecting to them, but our best strategy
23 is to make noise about it. So here I am making noise
24 to you all."

25 Thank you.

1 MAYOR BURNS: I'm Arlene Burns, the Mayor
2 of Mosier. And our City Council met on behalf of our
3 constituents and recently we have been, as you know,
4 severely impacted by this derailment, and we request
5 the denial of this project. We know that what you guys
6 are talking about is out of the jurisdiction of the
7 City of Mosier. And we are affected more than anyone
8 by this -- this expansion. It will cover the entirety
9 of our town, and our wetlands will not be mitigated by
10 this either.

11 We also have big issues with access as it is.
12 We have seasonal access under the Rock Creek railroad
13 bridge and no access on the Mosier Creek side. So
14 people are right now jumping over the tracks to get
15 from one trail to another trail. So double tracks would
16 be something that we feel in no way benefits the
17 community and all that we've worked for, for a long time
18 to make it a livable place.

19 And I wanted to reiterate what Chief Appleton said
20 with regards to the safety issue our town is still
21 traumatized and we know we dodged a bullet. We've enjoyed
22 an incredible winter skiing season this summer. And if
23 this incident on June 3rd had happened on a windy day,
24 it would be an entirely different story as we're sitting
25 here. And whether it's chance or fate or dumb luck, this

1 is not the normal weather for the Gorge. So we feel that
2 as long as these dangerous materials are carried on
3 train and there's not a way to stop this material, there's
4 no way that we can get behind the increase in traffic.

5 MS. REED: Emily Reed, resident and Mosier Council.
6 Why would anyone come to Mosier? This is what we've been
7 working on at the council ever since I joined about four
8 years ago. How to attract families and businesses and
9 visitors to those businesses and how do you keep our water
10 system going with enough people to pay for that and a
11 coffee shop, keep that going.

12 We've done a lot of things in that time, we've
13 changed ordinances. We've painted a mural. We have
14 planted flowers. We put in benches. We did a lot of
15 grants in the County. And we're really trying to really
16 grow a very strong Mosier economy. And sometimes we
17 actually think we have some headway there. And I think
18 we're really moving, but it is tough, because why would
19 people come to Mosier? Originally, the Native Americans
20 came to Mosier for hunting. We know they didn't live there,
21 but used it as a hunting ground. Even Lewis and Clark may
22 have glanced our way (inaudible) as they passed along.
23 Mr. Mosier started with the extraction of trees, logging,
24 and when the ferries opened up, they brought a lot of
25 people to the orchard. Right?

1 But today our economy is very much built around the
2 natural resources, but in a very different way, thanks to
3 the National Scenic Act. I want to read that real quick,
4 because it says "To protect, support the economy of Columbia
5 River Gorge or Gorge (inaudible) Act, by encouraging growth to
6 occur in existing urban areas, and by allowing future
7 economic development in a manner that is consistent with
8 the enhancement of the scenic, cultural, recreational,
9 and natural resources."

10 We, in Mosier, are concerned that the second track
11 puts this future in question for us in a number of ways,
12 a number of ways that I already mentioned, including fire
13 and safety. But I just wanted to just touch really
14 briefly on the economy and the business.

15 I want you to imagine yourself sitting in -- wrapped
16 in cloth -- in downtown Mosier with a beer in your hand
17 or in the Thirsty Woman. You're sitting outside on a
18 beautiful day or maybe you have ice cream at the totem
19 area and a train comes by. Have you been there when a
20 train comes by? And it's not the -- it's not the horn.
21 When a train comes by, all conversation must stop until
22 it passes. It is not -- it is noisy. It is not a
23 conducive area. And instead of looking at the beauty
24 of the river and the trees and surroundings, you're
25 looking at industrial metal going by and you're hearing

1 a lot of noise. The potential for increasing the number
2 of cars going by really concerns us and that would be
3 -- why would you come to Mosier when there's -- instead
4 of looking at beauty, you're hearing a lot of not very
5 beautiful, loud trains come by. It really concerns our
6 ability to grow our downtown.

7 There's also the access block, the
8 thought of having a nice walk to the river is dead.
9 If we have that many trains, it absolutely blocks our town.

10 So, why would a family move to Mosier if
11 there's safety concerns? We're all in this together
12 in Wasco County. A strong Mosier economy absolutely
13 enhances the economy of Wasco County. Our children
14 can go to a good strong school instead of being flooded
15 in the Gorge. And our people who have moved
16 to our area increases your tax base in a way that
17 enhances Wasco County. So, in summary, in today's
18 economy people come to Mosier for its beauty.

19 Instead of industrial extraction, it's for the beauty
20 of those resources. The Scenic Act protects us and we
21 hope it does Wasco County.

22 PRESIDENT MCBRIDE: Hi. My name is Kate
23 McBride. I'm City Council President for Hood River,
24 The City of Hood River.

25 Thank you for listening to all the

1 testimony and reading that exhaustive packet of information.
2 I went through it. It's very (inaudible).

3 My family has a personal history of fires that
4 started on the railroad tracks in the Mosier area.
5 Twice fires started below the tracks below my
6 great-grandparents' house, 8530 Highway 30, just east
7 of Mosier. It burned within up to 200 yards of the
8 house and one of the fires burned down their barn.
9 So I'm very familiar with fires and railroads over
10 another generation now.

11 As much as Union Pacific says all they want
12 is a safe as possible train system, it's inherently
13 unsafe. The June 3rd derailment fire and oil spill
14 with the subsequent investigation that deemed that
15 Union Pacific was negligent with unsafe track are the
16 reasons to deny this proposal to protect the
17 citizens of your county and Hood River County.

18 I'm submitting into the record today
19 Resolutions 2012-15 and 2014-22 from the City of Hood
20 River. Both resolutions oppose increased rail
21 traffic to our city. Adding another track will
22 increase rail traffic, which will allow
23 additional transportation of coal or oil. The City
24 of Hood River cites many reasons for imposing
25 additional train traffic. First and foremost, is

1 the safety of our citizens that live there. We
2 do not want our town and its citizens to be
3 collateral damage for a particular industry or
4 transportation hazard.

5 The FAA has strict standards for planes.
6 The Department of Transportation has strict
7 guidelines for roads, but the railroad commission,
8 apparently, does not have rules strict enough,
9 fines large enough, or the capacity to enforce
10 these in a safer rail system. I wish they were
11 stricter rules, but they're not. So we have to
12 protect our citizens by using common sense to
13 limit these extreme dangers when we have criteria
14 in our code that will allow that protection.

15 Please deny this application. It will just
16 add more disasters on the rail line. It is like
17 having more bullets in the gun when in Russian
18 roulette. Will it be the Dalles, Hood River, or
19 the Columbia River that gets hit next?

20 I was working in Lyle with a crew here to
21 reduce tall grass for fire prevention on the morning
22 that the Mosier derailment happened and I drove back
23 to Hood River on Highway 14 and I could see the black
24 smoke rising close to Mosier, And then I saw the
25 unit train stretching out to the east. And I got a

1 sick feeling in my stomach.

2 I was thinking, what if it was in the heart of
3 Hood River? It could have been right next to the old
4 Diamond Fruit building. That's where it would have been
5 if it was in Hood River, and that's where my daughter works.
6 Your daughter may not work within a hundred feet of the
7 actual rail line, but all of your citizens deserve
8 protection when we have the ability to make a
9 situation safer or at least not add bullets to that gun.
10 Thank you.

11 MR. NELSON: I am John Nelson. I am school board
12 director for Wasco County Schools.

13 (Pause in proceedings)

14 MR. NELSON: John Nelson. I would -- most of
15 my comments have to do with the recommendations from
16 the Planning Department of Wasco County. I would
17 just like to first say -- to commend the Wasco County
18 Planning Department for doing due diligence and
19 providing a thorough review of Union Pacific's proposal.
20 I was very impressed by that review.

21 However, on the day of the derailment I
22 was in Hood River. And one of the things I
23 noticed that the derailment affected was the ability
24 to transport yourself on I-84. You could not get from
25 Hood River to The Dalles during that derailment. I --

1 you could on back roads, but that's what I would
2 like to mention.

3 The -- I really see the need out of this to --
4 for Wasco County to look at improving the road -- the
5 secondary road systems to serve the public when I-84
6 is closed because of a train derailment or any
7 other or a fire or any other such thing, it was very
8 obvious.

9 I'm not going to say a whole lot, because
10 I'm handing this thing in, so, but I do have some
11 questions about points that were raised about -- by
12 the Wasco County Planning Department and their
13 conditions.

14 Mainly what I saw was that when you are
15 addressing wetland proposals or sensitive plant and
16 animal areas, that kind of thing, there's a lot of
17 conditions that have to do with providing timely
18 reports as to how that's transpiring by being
19 specific, what they have to attend to, but there
20 is -- there's no -- there's no condition for having
21 somebody on the ground to monitor what's going on,
22 which I feel is critical. Because if they're doing
23 the job which is not okay, it's too late after the
24 fact of getting a report a year later. And we feel
25 like you can't undo damage done.

1 So, I would criticize or at least think about
2 getting some sort of (inaudible). That also goes for
3 the Cultural Heritage case. You know, if there's
4 archeology artifacts that are found there that are
5 important or human remains, who's to know whether
6 that's important or not. And would -- would it
7 -- would you be, in all honesty, if they uncover a
8 skull, report that, because that would mean the whole
9 project would be shut down so --

10 MR. OLSEN: Your three minutes are up.

11 MR. NELSON: Thank you very much.

12 MS. BUSDIEKER: All right. Well, you
13 guys are way more formal than we are in Cascade
14 Locks. My name is Deanna Busdieker. I am a City
15 Council member in Cascade Lodge. And so, I'm not
16 here officially on behalf of the City or the
17 Council.

18 We did unanimously pass Resolution 1359
19 on June 13th following the Mosier accident opposing
20 further oil trains through Cascade Locks.

21 The derailment in Mosier should have been
22 the canary in the coal mine. Those of us who live
23 in the river town have always known it was never a
24 matter of if, but when. Mosier was so lucky. It
25 could have been a lot worse. And Cascade Locks is

1 largely in the same situation, so we really relate
2 to that.

3 My first point, as your (inaudible)
4 criteria is that, you know, we cannot
5 significantly -- we cannot significantly reduce the
6 fire hazard. I've seen firsthand that Union Pacific
7 cares more about their profit than our safety. They
8 may say safety is their top priority, but I think we
9 all know by now it's just words. They didn't
10 maintain their tracks properly and only gave minor
11 tweaks to their inspection system to make it look
12 like they are doing something.

13 The first thing said to Mosier by the
14 Union Pacific's spokesman was "Sorry for the
15 inconvenience." You call that fire an inconvenience?
16 I would not have been nearly as gracious as Mayor
17 Burns if that had happened in Cascade Locks, if I
18 survived at all, because my house is only four blocks
19 away from the tracks.

20 So many, many broken light bulbs that the ODOT
21 investigation found were broken on the rusted end,
22 which means they had been broken for a long time
23 before the accident. Union Pacific led us to
24 believe it was only a handful. They do everything
25 they can to avoid the costs of making their train

1 safer than the absolute minimum requirement and
2 fight tooth and nail to keep from being required to
3 implement anything further. Oil is not the only
4 hazardous material moving through our towns. They
5 also carry chlorine, anhydrous ammonia, and propane.
6 An accident with any one of these would be
7 devastating with a great human and habitat cost.

8 Our towns received no financial benefit
9 from these deals but we bear all the costs of
10 accidents in both lives and property. They may be
11 safer, but they will never be safe, and the risk is
12 unacceptable to our communities.

13 I also wanted to quickly talk about the
14 treaty tribes. I work closely with many of the
15 traditional fishing people on their water issues.
16 And I fully support them and our obligation to
17 honor their treaties. Like I said before, I don't
18 believe the trains could ever be made safe and then
19 we are not honoring the treaties.

20 UNIDENTIFIED SPEAKER: Are there double tracks
21 through Cascade Locks?

22 MS. BUSDIEKER: Yes. Actually, I have heard
23 from the Port that they're pushing to try to get more.

24 UNIDENTIFIED SPEAKER: Does your community
25 continue to grow double tracked?

1 MS. BUSDIEKER: Pardon?

2 UNIDENTIFIED SPEAKER: Does your community
3 continue to grow using that double tracks? Is
4 Cascade Locks getting bigger?

5 MS. BUSDIEKER: Well, yeah, it is.

6 UNIDENTIFIED SPEAKER: Okay.

7 MS. BUSDIEKER: But the trains have nothing to do
8 with that.

9 MR. HOGAN: Thank you for accepting public
10 comment. My name is Nick Hogan and I live in
11 Stevenson, Washington. That's right across from Cascade
12 Locks. It's on the sunny side of the river.

13 Mayor Cox couldn't be here today, so he asked me
14 to step in on his behalf and make a few comments.

15 The City of Stevenson Council passed two
16 resolutions over the past couple of years opposing
17 transporting crude oil through the Gorge, and it
18 stressed concerns about potential adverse impact of
19 increased rail train through the Gorge like many
20 other cities have done.

21 These resolutions highlight many concerns, and
22 I'll just list a couple of things real quick: Train
23 whistles and poor-managed traffic; train traffic impacting
24 the recreational use of the Columbia River waterfront,
25 which is a key component of the tourism industry in

1 many of our cities, including Hood River, Stevenson;
2 and it affects the citizens' general quality of life.

3 The number of oil train cars moving through the
4 Gorge is projected to increase dramatically in the next
5 few years. Derailment poses a significant threat to both
6 specific emergency response plan, including training
7 and equipment to handle such an event. And the city
8 insists that the railroad and barge transportation of
9 crude oil be fully insured against risk of catastrophic
10 fire and explosion, loss of life, environmental
11 destruction, and (inaudible) any other harm that comes
12 with derailment. Complete copies -- I think copies of both
13 resolutions are available on the City of Stevenson
14 website as well as the (inaudible) record. The
15 Stevenson City Council opposes any rail expansion
16 through the Columbia River Gorge. Thank you.

17 MR. CORNELISON: Hello. My name is Peter
18 Cornelison. I'm a Hood River City Council person. And
19 I live at 1003 5th Street, Hood River. Union Pacific
20 has a very poor track and safety record and the June
21 incident in Mosier was a direct result of poorly
22 maintained tracks. The Federal Rail Administration
23 issued those findings.

24 Railroad experts refused Union Pacific's
25 contention that this project would only allow five

1 to seven more trains a day through Wasco and Hood
2 River Counties. Many more dangerous oil trains are
3 likely to pass through the County and my city of Hood
4 River if this project is approved. Not all those
5 trains that pass through Hood River, The Dalles,
6 Mosier will do so safely. We've already seen the
7 result of that. There are dozens of areas
8 where the Union Pacific's double tracking proposal
9 does not meet legal criteria. You already have
10 those examples in the testimony you received in writing.
11 I ask that the County deny the application on many
12 legal grounds that you already have. Thank you.

13 MR. OLSEN: All right. So, now we will
14 hear from those who have signed in favor of the
15 application, and the first one I have is Jill Parker.

16 Oh, okay. Wrong.

17 How about Loren -- Loren Clark,
18 perhaps from The Dalles?

19 MR. CLARK: I will decline to speak at
20 this time. Thanks.

21 MR. OLSEN: All right. Mr. Chairman,
22 moving now into those who are opposed. As I
23 indicated before, I'm going to call three names and
24 ask (inaudible) people on deck. Mary Lester. I
25 have Steve McCoy, Lauren Goldberg, and Gary Cox.

1 MR. MCCOY: I am Steven McCoy, President
2 of Friends of the Columbia Gorge. Since 1980
3 Friends have been working to protect the scenic,
4 natural, and recreational and cultural resources in
5 the Columbia Gorge. We have about 6,000 members,
6 many who live, work, and play in the Gorge, including
7 in Wasco County and in Mosier itself. Tonight we will
8 be testifying with our friends and colleagues from
9 Columbia Brewery and thank you for being given the
10 opportunity to testify.

11 In its application, UP said that it was
12 seeking this permit voluntarily and asserts that there
13 is federal jurisdiction over this permitting process.
14 I think it's important for you to know that your work
15 here is extremely important and is not prohibited;
16 without public review, the application cannot be lawfully
17 approved and (inaudible). We would like to highlight
18 some of the conditions of approval that we think move
19 things in the right direction and are not permitted.

20 First, there is the grants and effects of
21 the Interstate Commerce Commission Termination Act
22 of 1995 where it picked up. It states that the
23 jurisdiction of a service transportation board over
24 transportation by rail carriers is exclusive. Yes,
25 that's pretty broad.

1 However, due to constitutional principles, courts
2 have repeatedly ruled dicta is not intended to
3 interfere with the role of state and local agencies,
4 including any federal environmental statutes.

5 Of course, the Columbia River Gorge National Scenic
6 Area Act is a federal departmental statute and the
7 early '90s ordinance that implements it.

8 So that means, first of all, that UP needs this
9 permit to proceed. That is extremely important.

10 (Inaudible) that is what is principal to one of
11 the conditions of approval (inaudible).

12 Ms. Brewer mentioned in the 6.62 acres
13 of woodlands that the applicant has proposed to
14 grade and turn into a rock crushing and staging area.
15 This is not permitted under Wasco County's Land Use
16 and Development ordinance conditions 24, 32 and
17 34 prevent this and are not permitted under
18 (inaudible).

19 Another federal law is the Federal Railroad
20 Safety Act, which also has a preemption branch and
21 clause. It, however, is more of an exception to
22 preemption than actual preemption. It says
23 local governments can adopt conditions that are
24 necessary to eliminate or refuse local safety or security
25 hazards.

1 So condition 15 limits UP train traffic increases
2 today. In its application and statements, UP has said the
3 proposed project is for operational efficiency
4 rather than to increase the number of trains through
5 the Gorge. Condition 15 limits UP to what it applied for.
6 UP gets what it sought then they (inaudible) applied
7 for not a restraint (inaudible). Under County ordinance
8 the application should be denied. However, if it's approved,
9 the conditional approval is critically important to
10 protect the Gorge and her residents. Thank you.

11 Thank you.

12 MS. GOLDBERG: Thank you. My name is Lauren
13 Goldberg. I'm a staff attorney with Columbia Riverkeeper.
14 Columbia Riverkeeper has approximately 13,000
15 members and we have several thousand members that
16 live in Wasco County and the Columbia River Gorge.
17 Our organization opposes the UP project.

18 Looking at the law and the facts
19 presented in Union Pacific's application, the
20 Applicant failed to do its job. Union Pacific is
21 the nation's largest railroad with incredible
22 financial resources at its disposal. It is Union
23 Pacific's job, not Wasco County's, to demonstrate that
24 this project complies with the law, and it has not.

25 Friends of the Columbia River Gorge coalition

1 of public health and conservation organizations, in
2 detailing a number of legal flaws in the Union
3 Pacific's application, we are urging the Commission
4 to carefully consider this testimony and deny this
5 project.

6 Tonight I'm going to focus on needs for
7 the impact on the Columbia River and wetlands. As
8 many of you know, our region and nation has invested
9 billions of dollars in recovering salmon, strong
10 salmon runs for Columbia River communities,
11 including those in Wasco County. We need to protect
12 our investment and this project undercuts that
13 investment.

14 Union Pacific's double track impacts
15 specifically three wetlands, nine buffer zones,
16 (inaudible) Columbia River, but it's more than that,
17 it's about increasing rail traffic and risk to the
18 Columbia River, specifically spills. This has been
19 an issue that's been up front and center in the
20 news, the June 3rd derailment and the nation's
21 largest oil by rail terminal proposed just across the
22 river in Vancouver.

23 What's important to recognize, this is a hot
24 commodity right now. Once this double track project
25 is in place, it will exist for decades, if not

1 centuries to come. And so one question to
2 consider is the risk that it will place on
3 the Gorge and the Columbia River Act for many
4 generations to come with a project of this size and
5 scale. As Union Pacific explained, this project was
6 about improving efficiencies to their system. This
7 is about a private company that wants to pay its
8 shareholders.

9 We are a community in the Gorge, but we
10 are also a community here in the Columbia River.
11 And this project undercuts our investment in a
12 strong Columbia River, in a strong Columbia River
13 community. They have very diverse economies.
14 Economies that depend on the rail line, depend on
15 other factors as well, including clean water and clean
16 air.

17 I, again, encourage you to consider the
18 detailed legal and technical comments in evidence
19 filed by Friends of Columbia River Gorge and deny
20 this application. Thank you for your time.

21 MR. Kahn: My name is Gary Kahn. I am an
22 attorney with Reeves, Kahn & Hennesy in Portland.
23 I'm here on behalf of Friends of Columbia Gorge.
24 I have been involved with legal issues in the National
25 Scenic Area since 1986. Since that time I have seen

1 literally thousands of development applications
2 submitted to the Gorge Commission, the Forest Service,
3 in five counties. Of all of those thousands of
4 applications I believe the safety ramifications and
5 possibility of (inaudible) and property damage if this
6 application is approved is enormous. It is more so than
7 any other application that I've seen. I think it is
8 inevitable that there will be a problem. There is a problem --
9 (inaudible). Now I would like to address specifics.

10 In 2009 the Oregon Supreme Court reached
11 a decision in a case arising in the National Scenic
12 Area that requires the counties to evaluate the
13 punitive impact of projects, including past,
14 present and likely future actions and actions that
15 are individually significant, but cumulatively significant.
16 The management plan has recently been amended to include the
17 requirements. If cumulatively adverse impacts are identified,
18 the counties must require the avoidance of those impacts
19 or the application must be denied. That's the law.

20 In short, this analysis is a requirement
21 of the act, but the application here falls far short
22 of what is required. I'm going to give you a couple
23 examples.

24 One requirement is that all sensitive plant
25 species be protected and surrounded by an undisturbed

1 200-foot buffer zone. (Inaudible) The railroad has
2 acknowledged this buffer zone will not be met and
3 thus has requested a variance. To receive a
4 variance the Applicant must prove that there are no
5 practicable alternatives and all adverse effects
6 would be fully mitigated. Again, right out of the
7 ordinance.

8 The UP has not completed an adequate practical
9 alternatives test as part of application, it has not
10 considered other reasonable alternatives, nor has it
11 applied the test on a parcel-by-parcel basis as is
12 required by a plain reading of the county ordinance.
13 Rather than meeting the legal requirements for protection
14 of the resources, the 200-foot buffer zone, or the legal
15 criteria for the variance, the applicant merely
16 proposes to, quote: avoid sensitive species and
17 priority habitats to the extent practical.
18 The application cannot be approved in its form.

19 Second example, the ordinance requires
20 that projects must maintain, protect, and enhance the
21 integrity and function of priority habitat, this
22 must include the consideration of the human impacts.
23 As an example of what the application includes,
24 rather than protecting this oak woodland, UP proposes
25 to cut down all the trees, grade the area and set up a

1 rock crushing point of operation on it on 6.62 acres.
2 That does not meet the legal criteria, nor does it
3 meet criteria for a variance. We strongly urge that
4 the application should be denied. Thank you.

5 MR. OLSEN: All right. Next we have
6 Jordan Sector, Nathan Baker, and Ryan Rittenhouse.

7 MR. SECTER: Hello. My name is Jordan Sector.
8 I'm a landscape architect and departmental planner.

9 UNIDENTIFIED SPEAKER: Speak up.

10 MR. SECTER: Sorry. Thank you.

11 My name is Jordan Sector. I'm with WHPacific.
12 I'm a departmental planner, senior resource specialist.
13 I have been asked here today to discuss the visibility
14 and scenic criteria that was proposed in the
15 Applicant process in their plan.

16 It's our professional opinion that the
17 Applicant's analysis of the visual impacts provided
18 is inadequate and their findings are not supported by
19 the information provided. Five specific key points that
20 I'd like to discuss are the potential visibility for key
21 viewing areas is understated using available
22 methods, and is incomplete; project features, particularly
23 rock preservation areas are not well described, mapped, or
24 analyzed. They are just diagrammed in the plan. Views
25 from the Columbia River, from the water back to the

1 project are accounted for as a proponent of the recreation
2 or industrial experience, river base experience.
3 Mitigation measures and simulation showing the
4 reduction of potential impacts were not included in
5 the report. And the analysis fails to address or
6 describe effective environments and impact to visual
7 character and how the project relates to change to
8 the existing features.

9 As the Planning Commission report
10 describes, the potential visual impacts is
11 significantly understated. The visual quality
12 objective standards for scenic quality in the
13 special management portion of the CGNSA
14 are mostly not visually evident. Meaning no obvious
15 change or contrast in visual subordination, which
16 limits the visual change or contrast within the
17 study area.

18 There is high potential for this project.
19 That as proposed will not meet either standard.
20 Particularly the east end of the cut-through, the
21 rock mesa, as viewed from one or more of the key
22 viewing areas. While it is possible that the design
23 and mitigation, visual mitigation, could reduce
24 impacts within the scenic area, it's impossible to
25 know without more analysis.

1 Within our report, which I want to go
2 through now, we've identified some key figures and
3 additional information will need to be added so that
4 we can provide -- so we can provide more analysis
5 and standards.

6 That said, the additional analysis should
7 include a GIS basis, a GIS base assessment for
8 potential visibility of the project for key viewing
9 areas within at least five miles -- within a
10 five-mile radius. Key viewing areas should be
11 considered from the Columbia River and I-84 and viewing
12 areas above the mesa. A more detailed description
13 of the mapping identified -- identifying proposed
14 staging areas regarding their impacts to the visual
15 condition and provide visual simulations for key
16 viewing areas and potential for visual impacts.

17 One last point on the visual simulations.
18 In following the traditional methodologies for
19 visual -- for addressing scenic impacts, it's important
20 to understand and to look at the simulations to
21 understand what the proposed project will look like
22 in its proposed condition from their view analysis
23 and great contrast provide (inaudible) the report.

24 And secondly, from there develop visual
25 mitigation options and re-simulate those options and

1 to see if we're meeting those visual quality
2 objectives. Without those we're not going to be able
3 to (inaudible). Thank you.

4 MR. BAKER: Good afternoon. My name is
5 Nathan Baker. I'm a senior staff attorney with
6 Friends of Columbia Gorge. I thank you for allowing
7 us to speak to you this afternoon.

8 On a procedural note, I just want to
9 support the idea of keeping the record open for
10 seven days after this hearing; the chairman
11 mentioned that. There will be a motion to support
12 that and we do plan on submitting further comments
13 in writing after that during that time period.

14 Ms. Brewer, I'm generally going to speak
15 about the scenic impacts of the project.

16 Ms. Brewer described the two scenic
17 standards that applies to this project, which are
18 visual subordinates and not visually evident.

19 Visual subordinates mean that a project must
20 blend in with the surroundings. And not visually
21 evident means that the observer can see it. And that's
22 a fair characterization of the standard, we would agree
23 with that.

24 Now the latter standard, not visually
25 evident, applies in the special management areas

1 portions of the project, which is a very
2 strict standard. Like I said, we can't see the
3 project.

4 And, yet, the Applicant has not submitted any
5 landscaping plans, has not proposed any new screening
6 trees to screen the development from key viewing areas,
7 none at all. And the application does not explain how
8 much of this project would actually be visible from the
9 key viewing areas. And that is a requirement of the
10 ordinance. The ordinance requires the findings
11 to address, quote, the amount of area of the
12 building site exposed to key viewing areas. So
13 there's no way around it. It must be done. And
14 that information has not been supplied by the
15 Applicant.

16 So, we don't know -- I mean, this is a
17 large project, one of the largest projects ever
18 proposed in the Scenic Area. There will be a lot of
19 development exposed to key viewing areas and yet,
20 there's no estimate as to how much that will be.

21 The proposed conditions of approval do
22 require existing screening trees in the few areas
23 that are screening to be retained, but there
24 is no identification of those screening trees. And
25 there's no requirement to replace any dead or dying

1 trees.

2 There is a -- there is a setback from the Columbia
3 River, a 100-foot setback, required for clean-up reasons.
4 The Applicant has requested a variance from that
5 setback. In order to get a variance, the Applicant
6 would have to show that without the variance the project
7 site would be "unbuildable." Well, obviously the
8 site is buildable and useable. It's being used right now
9 and will continue to be used if this application is denied.

10 We will follow up in writing with
11 additional comments but in general, there's simply
12 not enough information or evidence in the record and
13 in the application to justify approving this
14 application and in some areas the evidence that is
15 submitted, the standard will not be met.
16 Particularly, in special management areas
17 the standard is not visually evident.

18 Thank you.

19 MR. RITTENHOUSE: Good afternoon. My name
20 is Ryan Rittenhouse. I work with Friends of the
21 Columbia Gorge. I thank you again for this
22 opportunity to speak to all of you. I will be
23 addressing the cultural impacts, specifically that
24 County approval of this proposed double tracking
25 must ensure that community adverse impacts on cultural

1 resources in a natural scenic area are prevented.
2 Unfortunately, the cultural survey that was
3 completed by the railroad's contractor was
4 incomplete. The railroad already has acknowledged
5 that it failed to survey large areas. Why? Because of
6 blackberries, brambles, and poison oak.

7 When it became inconvenient to survey for cultural
8 artifacts, the railroad simply stopped surveying.

9 The area that was not surveyed has been identified
10 as having a high likelihood of having historic recontact
11 artifacts by the Oregon Parks and Recreation Department.

12 Staff of OPRD has called for additional survey work
13 in this area for cultural resources, and we concur that
14 this is necessary. Under the adjudicated decision handed
15 down in the Eagle Ridge decision, this survey work must
16 be done before the County approves the application.
17 Deferring this work for additional approval is not
18 legally adequate.

19 In addition, due to potentially increased
20 train traffic, the tribes have identified health and
21 safety issues and interference with their treaty
22 rights as well. So due to the likely impacts on
23 cultural resources and the National Scenic Area, we
24 ask you to deny this permit.

25 How many minutes do I have?

1 MR. OLSEN: About a minute and a half.

2 MR. RITTENHOUSE: Oh, great. Can I get a quick
3 show of hands of everybody who is opposed to this rail --

4 MR. OLSEN: I am sorry, it's impossible for
5 us to capture it that way.

6 (Pause in Proceedings)

7 MR. OLSEN: Kevin Gorman, Michael Lang, Dan Serres.

8 MR. GORMAN: Thank you. My name is Kevin Gorman.
9 I'm the executive director at Friends of the Columbia
10 Gorge. And before I start, I wanted to thank, really on
11 behalf of the entire organization, the County staff.
12 We know it's a lot of work, and it's a tough issue. And
13 I take partial responsibility for several of the large
14 items that you are receiving.

15 We've all heard that this is a National Scenic
16 Area, you know, the two purposes of the Act. And our
17 take here is that this proposal really is in contrast
18 with both purposes of the act, not only the protection of
19 the resources, but the protection of the community.

20 My focus here is to really touch on the
21 recreation side. And your County codes require that
22 recreation sites be protected from adjacent uses that
23 would detract from their use and enjoyment.

24 Now, this project proposal includes rock
25 crushing, road building, collapsing, grading and

1 ttrack destruction on land adjacent to Memaloose State
2 Park. The Applicant even concedes in its application
3 that there would be adverse effects on the recreational
4 resources, yet it did not propose the legally
5 required mitigation measures.

6 Further permanent degradation of this
7 recreation resource, the state park, would also
8 likely occur due to more frequent train traffic
9 waking campers and detracting from the experience at
10 Memaloose State Park.

11 In addition, the applicants want a land
12 transfer that would make Memaloose State Park
13 smaller and for a new track to be constructed adjacent
14 to the camping area. Now, reducing the size of the park
15 as UP proposed would unlawfully result in
16 displacement of existing recreation resources.

17 Now, the Oregon State Parks Commission,
18 after a lot of public outcry, decided not to complete
19 the land transfer on portions of Memaloose that the railroad
20 said in its application was necessary to meet federal
21 safety laws. So, if the land transfer took place,
22 the application would need to be denied because it
23 would harm current recreation resources. If the
24 land transfer did not take place, then the proposed
25 project cannot be completed as proposed and a new

1 application should be submitted. Either way, due to
2 the adverse effect on recreation, the application
3 cannot be lawfully approved in its current form.
4 Thank you.

5 MR. LANG: Good evening. My name is Michael
6 Lang. I'm conservation director for Friends of the
7 Columbia Gorge. Before I get started on my prepared
8 testimony, I'd just like to take an issue with one of
9 the statements made earlier, that oil trains started
10 moving through the Gorge on the UP line last December.
11 Actually it was April of 2014, to our knowledge, when the
12 first unit train went through the Gorge. We took
13 pictures of it, and they were published in the Oregonian.
14 There were several articles about it too, so just wanted
15 to clarify that.

16 I'd like to talk about issues that are
17 included in the conditional use criteria. I also took a few
18 notes on the facts.

19 First of all, the project would result in
20 significant increases in rail traffic through the
21 Gorge and the entire region. We wanted really to
22 take a close look at this, so we hired two experts,
23 Terry Whiteside and also Gerald Fauth, to perform
24 independent analysis of the rail traffic increases
25 and impacts on this. They have extensive experience

1 in working with the railroads for many years on
2 these issues. They determined that because of this
3 particular location of the proposed project that
4 this would increase the operational or practical
5 capacity up to 75 to 100 trains per day. So that's
6 just capacity. And also with the lifting of the
7 crude oil export ban, there are a lot of proposals for
8 oil by rail terminals. Our experts determined that
9 with all of the upgrades that Union Pacific is making,
10 the timing is inescapable that they have their eye on
11 serving these oil and possible export terminals.

12 According to Union Pacific, 25 to 30 trains per
13 day currently move through Mosier. The Union Pacific
14 planned that this could increase five to seven trains
15 per day. Our experts, and this is submitted into the
16 record, found that the current capacity is 30 to 48
17 trains per day at the current configuration. So what
18 that would mean is that they could accommodate their
19 current increases without this project being approved
20 just with the current single line.

21 I wanted to also address that Union
22 Pacific was at fault and they have admitted that
23 for the Mosier derailment. The Federal Railroad
24 Administration released a report in June finding
25 that Union Pacific was at fault for that accident.

1 They didn't follow safety procedures.

2 Also, overall, the Federal Railroad
3 Administration reports that Union Pacific has more
4 accident statistics compared with their peers. For
5 example, in 2014 they experienced 3.17 accidents per
6 one million miles of road -- of track travel. The
7 industry average is 2.59 accidents per one million
8 miles. If Union Pacific operated all the trains
9 on tracks in the U.S., we would have experienced
10 2,576 more accidents in 2015 than is currently
11 occurring.

12 So, I'd just like to conclude, yeah, I'd
13 just like to wrap it up here, including the likely
14 increases in rail traffic, coupled with the poor safety
15 record, would result to harm to Gorge resources, harm
16 to its economy, and harm to its communities, and fails
17 to comport with the required criteria of the ordinance
18 and should be denied. Thank you.

19 Mr. SERRES: My name is Dan Serres. I am
20 the conservation director for Columbia Riverkeepers.
21 Thank you for your attention to this hearing.

22 You'll hear a lot during public testimony
23 about oil and coal trains. And that testimony is
24 very relevant to the Wasco County code that applies
25 to this project. Particularly as Michael Lang

1 pointed out, conditional use criteria (inaudible) oil
2 and coal train by any passage of water to air safety.
3 The staff report didn't have the benefit of all of the
4 testimony we've already heard today, which included
5 testimony from Mosier. And they clearly point out that,
6 for instance, the conditional use criteria holds
7 public safety as one of those standards. And their
8 testimony indicates that increased oil train traffic
9 from this project would have impact on Mosier's public
10 safety, on the ability of firefighters to address that
11 issue.

12 Oil trains pose a huge risk (inaudible).
13 Best-case scenario. An accident nearly wiped out the town.
14 And what we see in a case of this kind of track extension
15 would be a dramatic increase in not just oil trains, but
16 also coal trains that release coal at such a high volume
17 they (inaudible) the tracks and create safety risks for other
18 trains on the tracks.

19 So putting these things together, what you
20 will hear from many people in the community, see so many
21 people have packed this room, and maybe not a
22 single person from the public in favor of this
23 project is the fact that oil trains are an
24 overwhelming risk.

25 The Union Pacific has come here to ask

1 our permission to facilitate a dramatic increase in
2 oil train capacity. We don't know by the fact that
3 this will all be the same, the traffic will be the
4 same, regardless of the fact (inaudible). Instead it
5 asked permission to allow more oil trains over the
6 Columbia River Gorge. That means you have
7 the right to deny their permission. You are here
8 with the responsibility to protect public safety, to
9 protect wildlife and another conditional use standards,
10 to protect wildlife.

11 Right now Mosier's dealing with groundwater
12 that's contaminated with high levels of benzene
13 from the type of oil train accident that will be the
14 predictable result of increased oil train traffic.
15 What happened in Mosier wasn't an accident. It
16 wasn't something far from our imagination.
17 It was something we were expecting, we were overdue for
18 based on the amount of oil train traffic you see coming
19 through the Columbia River Gorge.

20 You have the ability here today to send a message
21 to make to make a statement, to apply your rules
22 the State asked you to apply and deny this project.
23 Thank you.

24 MR. OLSEN: All right. Next up we have
25 Paul Beefstock, Michael Early, and Judy Parker --

1 excuse me, Jill Parker.

2 UNIDENTIFIED SPEAKER: He had to leave. Paul left.

3 MR. OLSEN: All right. Then let's see, next after
4 that would be Richard Hodgkin from Seattle.

5 MR. HODGIN: My name is Richard Hodgkin. And
6 I'm at 6524 26th Avenue Northeast, in Seattle, Washington.
7 I belong to many organizations, but I'm here to
8 speak for myself today.

9 I am a person of faith. My faith
10 requires me to speak out on moral issues regarding
11 protecting our environment. My faith community teaches us
12 we are on Earth to heal ourselves, our communities,
13 and our world. We have a healing prayer that
14 includes two lines and they read: Help us find the
15 courage to make our lives a blessing. You might
16 note it doesn't say "Give us the courage." We're
17 individually challenged to open our hearts and make
18 our lives a blessing.

19 This last week we saw that we have a new
20 person in the Catholic Church that's a saint. I
21 want you to know I already submitted the name of Jim
22 Appleton. And let me say that he found the courage
23 to make his life a blessing. And I quote from OPS.
24 You said there that in the past you tried to reassure
25 this town that the Union Pacific Railroad had a

1 great safety record and that the accidents are rare.
2 After a long night with hazard material teams and
3 firefighters from across the Northwest,
4 Appleton no longer believes shipping oil by rail is
5 safe. "I hope that" -- this is his quote. "I hope this will
6 become the death knell of this mode of shipping this
7 cargo. I think it's insane."

8 I grew up in the state of Washington.
9 And I've spent many a beautiful day down here in
10 Oregon. We're all neighbors. We're only divided by
11 a river.

12 In 1966, I was a senior in high school at
13 Mount Vernon High School and I was in the choir.
14 We were wearing white shirts, dress shirts, and green
15 cummerbunds and we traveled to the state legislature
16 in Olympia to passionately sing our state song
17 "Washington. My home."

18 MR. OLSEN: Sir, I need to have you wrap
19 up.

20 MR. HODGIN: I'll do that. Thank you.

21 Let me say because of my neighborly
22 feelings, here is the refrain from that song:
23 "Oregon, my home, wherever I may roam, this is my
24 land, my native land. Washington, my home, our
25 fervent forest green, caressed by silvery streams,

1 from mountain peaks to hills of wheat, Oregon, my
2 home". I want this state to protect my home and all
3 the homes along the Columbia Gorge.

4 Thank you very much.

5 MS. BARKER: Hello. My name is Jill
6 Barker and I live in Mosier, Oregon, P.O. Box 572.
7 And I'm here to ask the Planning Commission to deny
8 this request. I have so many objections to this
9 project that it's hard to focus and narrow it down
10 for this hearing.

11 It would be a very huge increase in rail
12 traffic in the Gorge. And I believe this would be a
13 huge danger to the environment and to the community
14 in the Columbia River Gorge.

15 Hello? These dangerous bomb trains, the
16 bomb train, which people are calling them, they
17 literally are bomb trains, are a huge danger to the
18 Gorge. And one of the things I haven't heard anybody
19 say before this hearing, or even discuss, is that
20 these trains are not only derailed because of faulty
21 tracks or faulty trains, they're very often the
22 temperature, high temperatures will cause
23 spontaneous combustion which makes the train
24 explode and that causes the derailment and the
25 subsequent fires. So, that hasn't even been

1 discussed.

2 We all know in the Gorge in the summer we
3 often get triple digits temperature wise. And I
4 think that this hasn't even been addressed. So,
5 I think it was in West Virginia where one of the
6 trains derailed carrying explosive oil was -- would
7 do the same thing, I think, spontaneous combustion.

8 I think it's obvious that the Union
9 Pacific doesn't care about the research of the
10 safety of the communities in the Gorge. They --
11 especially after the derailment in Mosier on June 3rd,
12 coal trains were going through and oil trains are
13 going through just two days after the derailment and
14 the safety issues weren't even resolved or the
15 clean-up wasn't completed.

16 The other issue is the devastating wildfires that
17 occur. This will not only affect the City of Mosier, but
18 the environment all around Mosier. And we know that
19 that's one of the problems in the Gorge in the summertime,
20 it's unstoppable. Once a fire starts, it can incinerate the
21 whole area.

22 MR. OLSEN: I need you to wrap up, ma'am.

23 MS. BARKER: And this is all for the
24 benefit of Union Pacific foreign oil market. It doesn't
25 benefit the local communities whatsoever. It's

1 profit margin abuse. Union Pacific is concerned about
2 shareholders and it's completely arrogant and unthinkable.
3 Thank you.

4 MR. OLSEN: Thank you.

5 MS. BARKER: Thank you.

6 Regina Merritt, Dr. Theodore Tsongas, and Dr. Nancy
7 Crumpacker.

8 MS. MERRITT: Good afternoon. My name is
9 Regina Merritt. I'm here representing the Oregon
10 Physicians for Social Responsibility. On behalf of our
11 2500 medical professionals and public health advocates, I
12 ask you to deny this application. Most of our substantive
13 comments are included in a letter I submitted to you in
14 August. So today I'm going to read you testimony from
15 my friend and colleague who cannot be here, because she
16 is with her patients this afternoon.

17 "My name is Maria McCormick and I appreciate
18 the opportunity to have my comments read before the
19 Wasco County Planning Commission. I am a mother. I am a
20 farmer's wife and a family physician. And my family
21 farm is in Mosier. We also grow grapes and have a
22 winery with our extended family right along the
23 Columbia River along the BNSF lines in Washington.
24 You all know what happened in Mosier on June 3rd.
25 That oil train derailed and caught on fire 600 feet

1 from Mosier Community School.

2 "Three months ago when the oil train crashed,
3 we didn't know what was going to happen to our town.
4 My husband and I were particularly fearful that day,
5 not just because of the environmental
6 disaster that was happening in our small town, but
7 we recall that in the mid '80s a passenger train
8 on the UP line sparked a fire that (inaudible) in
9 downtown Mosier. That quick-spreading fire
10 destroyed the family home on what is now our land.
11 Accidents can happen, and that one was devastating.
12 There are (inaudible) traveling our tracks now.
13 We cannot describe what happened in Mosier on June
14 3rd or any other oil by rail derailment as an accident.
15 These are predictable catastrophes and there will be
16 more and more, like the one in (inaudible) that killed 47
17 and displaced 2,000 people and destroyed much of the
18 downtown of that town.

19 "It will be that way until we stop them bringing
20 oil by rail. The risk of another catastrophic oil
21 catastrophe in Mosier or anywhere along the UP line
22 means the life of our children, it means our
23 livelihoods, it means the lives of my patients
24 and thier families.

25 "In Planning Commission documents prepared

1 for today UP reports that line traffic is not
2 expected to increase in the Gorge as a result of
3 the rail extension in Mosier.

4 "That people rely on foxes to report (inaudible)
5 chickens (inaudible). Of course traffic will increase, and
6 that means more oil going through the Gorge putting the health
7 and safety of all of us at risk. Please vote no on allowing
8 expansion of the UP line through Mosier.

9 Thank you. Dr. Maureen McCormick."

10 DR. TSONGAS: Hi. I am Dr. Theodore Tsongas.
11 7224 Southeast Madison in Portland. I am an environmental
12 health scientist. I am a member of the Environmental
13 Health Work Group of Oregon Physicians for Social
14 Responsibility and a member of the Multnomah County
15 Emergency Planning Committee. I'm going to talk today
16 about fire safety standards.

17 Since the project will be reviewed for
18 conditional use under the National Scenic Act, it
19 must comply with the fire safety standards, in Chapter
20 11. The project application does not address the fire
21 safety standards in Chapter 11.

22 Given the history of wildfires started by
23 railroads in the Gorge, this omission is
24 particularly glaring and requires denial of the
25 application.

1 Also, the new track would allow longer,
2 faster, and more frequent trains bearing highly
3 volatile crude oil. The failure of the Applicant
4 to address Chapter 11 is a basis to deny the
5 application. The additional trains that will be
6 enabled by the efficiency improvement proposed by
7 the Applicant, no matter the train content, could have
8 impacts on the National Scenic Area. The Rowena
9 Plan describes the fire conditions to this stretch
10 of track. Given the (inaudible) flashy fuel load,
11 the predominant wind patterns and wild land urban
12 interface, any fire within the planning area between
13 late May and late October is potentially significant.

14 Light flashy fuel, such as (inaudible) grass, coupled
15 with heat flow and strong west winds, combine to generate
16 explosive fire behavior characterized by rapid rates
17 of spread. Such fire behavior within the wildland
18 urban interface generates significant public and
19 firefighter safety concerns. The Rowena Plan
20 also describes the incidence of wildfires in only
21 this small part of National Scenic Area. Fire
22 statistics from 1992 to 2004 indicates itself 34
23 fires burned in the planning area within that
24 time period. These fires were all human caused
25 and range in source from fireworks and cigarettes to

1 railroad, farm equipment, and power lines. Of these 34
2 fires, nine fires will be classified as significant
3 based on size and complexity.

4 The new facilities proposed by the
5 Union Pacific Railroad would allow five to seven
6 longer trains to pass through this National Scenic
7 Area per day. This would necessarily result in more
8 fires started to this National Scenic Area. Fires
9 often result in degradation of the scenic, natural,
10 cultural, and recreation resources of the National
11 Scenic Area and damage to property. A permit can't
12 be lawfully issued without taking these adverse
13 effects on protected resources of the Columbia River
14 Gorge National Scenic Area into account.

15 Thank you.

16 MR. OLSEN: All right. Next we have Don
17 Steinke, Alana Steinke, and Jane (inaudible).

18 DR. CRUMPACKER: My name is Dr. Nancy
19 Crumpacker. I am a retired physician. I live in
20 Portland.

21 I oppose Union Pacific Railroad's
22 application (inaudible) the increasing number and speed
23 of trains cause significant risk to the health of the
24 residents of Mosier and other Gorge communities and
25 also worsening air pollution.

1 Coal dust and the dangers of oil explosions has
2 certainly already been mentioned. Coal dust inhalation
3 can cause permanent lung disease as well as (inaudible).
4 It contains brain-disrupting minerals like Mercury and
5 lead and cancer-causing chemicals. These train engines
6 burn diesel fuel. The exhaust contains cancer-causing
7 particles and diesel exhaust is related to asthma in
8 children and heart and lung diseases in adults.

9 The Columbia River Gorge National Scenic
10 Area is currently impacted by air pollution. A
11 2005 study by the U.S. Forest Service and National Park
12 Service of 12 federally managed areas found the Columbia
13 River Gorge, NSA, National Scenic Area, and our national
14 park had the worst annual standard of visual ranges.

15 A year 2000 U.S. Forest Service study air quality
16 in 39 federally -- federal visibility protected areas
17 found the Gorge had the highest level of haze and
18 the sixth worst visibility pollution. Residents
19 and future visitors should hope for improved air
20 quality to promote visual enjoyment and health.
21 This is a National Scenic Area.

22 So I urge the Wasco County Planning Department
23 to reject the application. Thank you for your time.

24 MR. STEINKE: Hello, I'm Don,
25 S-T-E-I-N-K-E. 4833 Northeast 238th Avenue, Vancouver.

1 My City Council is officially opposed to
2 oil trains; same way with Spokane, Hood River, Stevenson,
3 Seattle, and Cascade Locks and Mosier. You may not
4 think this is about oil and ethanol trains, but it
5 very likely could be.

6 The staff recommends that the proposed
7 rail expansion be improved only with certain
8 conditions. But once the rail expansion is complete,
9 how do you control it?

10 You have no control over the railroads.

11 One year ago the City of Los Angeles
12 voted 15 to zero to oppose a project involving five
13 oil trains per week. You already nearly have that
14 many and White Salmon has 15 per week. If all the
15 crude by rail projects such as in Vancouver and
16 north are approved, that would be 40 more oil trains
17 per week coming through the Gorge. The City of
18 Los Angeles doesn't want five.

19 If the coal terminal in Longview is
20 approved, there will be 56 more coal trains coming
21 through the Gorge per week. If you think the city
22 doesn't like a condition they will say, "Sorry,
23 federal law preempts local authority."

24 Declare your conditions, but don't give your approval.

25 By the time you are invited to dinner, you will

1 recognize you are on the menu.

2 For example, a month ago the Spokane City Council
3 tried to ban oil trains and uncovered coal trains.
4 BNSF took out a full-page ad to condemn the Spokane
5 City Council for that. A couple days later the City
6 Council reversed course. Even if no more oil trains
7 ever come through Wasco County, a rail expansion seems
8 inconsistent with the Gorge National Scenic Act.

9 According to the National Transportation Safety
10 Board, ethanol trains are just as dangerous as crude
11 oil trains. And ethanol is already being shipped through
12 the Gorge and an ethanol terminal is being proposed in
13 Vancouver.

14 There was an ethanol train fire in
15 Portland in early May of 2011. A log fell off the
16 train, causing the ethanol tank car to be ruptured.
17 Papers were ignited. When the firefighters ran out
18 of water, they had to run for cover. Rough terrain
19 made radio communication difficult. There are places in the
20 Gorge where firefighters can't even get to the train
21 tracks.

22 MR. OLSEN: Sorry, sir, we need to have you wrap up,
23 please.

24 MR. STEINKE: Don't approve this project unless the
25 tribes approve and unless your neighboring cities

1 approve. Thank you.

2 MS. STEINKE: Good afternoon. My name is
3 Alana Steinke. I'm from Vancouver, Washington. There are so
4 many reasons to deny this rail expansion. One reason is
5 that, according to rail traffic experts, there will be
6 a tenfold increase in train traffic along the
7 Columbia River.

8 As a retired RN and someone who has
9 asthma, I'm concerned about the effects of this on
10 our health. The World Health Organization reported
11 that air pollution killed 7 million people in 2012.
12 This study confirmed air pollution is now the world's
13 greatest single environmental health risk. One in
14 every eight deaths is linked to it.

15 Dr. Kirk Straif, head of the
16 International Agency for Research on Cancer, said
17 that we now know that outdoor air pollution is not
18 only a risk to health in general, but it's also a
19 a leading environmental cause to cancer and one of
20 the greatest contributors to outdoor air pollution is
21 diesel exhaust.

22 Diesel exhaust contains more than 40
23 toxic air pollutants. And each coal and oil train
24 has three to four diesel locomotives. I saw them
25 this morning on my way here. Some of those

1 pollutants have been named before: nitrogen oxide,
2 sulfur dioxide, aromatic hydrocarbons. The exhaust
3 also contains cancer-causing agents, including
4 formaldehyde, benzene, and nickel. One of the most
5 dangerous pollutants is particulate matter,
6 especially PM 2.5. These are microscopic particles
7 that can get into the lungs and then into the
8 bloodstream, resulting in heart attack, stroke,
9 cancer.

10 Particulate matter can also enter the
11 placenta, resulting in increased incidents of autism
12 spectrum disorder, lower IQ, and increase behavioral
13 symptoms of anxiety, depression, social problems, and
14 aggression.

15 A Columbia River Gorge air quality report
16 in 2008 indicated the Columbia River Gorge is home
17 to the worst haze in the Western United States. The
18 Washington State Department of Ecology says that air
19 pollution in Vancouver is already so high that they
20 fail to meet Federal Air Quality Standards, and that
21 nearly happened last year. Clark County is already
22 on a maintenance program for the past month compliance.
23 Since you plan to put conditions on the project,
24 here's one more you should include: Insist that the
25 railroad use only Tier 4 locomotives. Better yet,

1 deny this project to protect the health of every person
2 in each community along the railroad. Don't allow us
3 to be sacrificed to the rail and fossil fuel
4 corporations.

5 MS. ELKIN: Hello. My name is Jane Elkin and I
6 live in Mosier, Oregon. I've worked in first Wasco
7 County for over 25 years. So first I will object.
8 Thank you very much. And I support -- I'm fortunate that
9 most of the facts -- I'm a rehabilitation therapist, so
10 I don't come armed with this many facts, like everyone
11 else. What I do come in with is just to ask for you --
12 for us to take a look at human nature and the nature
13 of business. The best way that we can ensure, number
14 one, safety; number two, Scenic Area noise, is to
15 deny this proposal. There are rules at many levels.

16 I'm a mother of a teenager and the best way to ensure
17 that, you know, my son does not take out a brand-new Jeep
18 with a beer is not to give it to them. And so, we know who the
19 Applicant -- I mean, I drive a car. I, actually, you know,
20 sometimes hear trains go through my town in a very nice
21 rumble. Most of the time I cannot open my window. So,
22 I mean, we have trains, but where do we want to go?
23 We've got one of the most beautiful areas in the entire
24 country. There isn't the need for this. There's other
25 areas. If we say no, with your help, expansion will happen

1 in other more appropriate areas. Everybody will get their
2 goods and it could be a win-win plan. I would ask you to
3 look at all the information as would a jury and that
4 be sure that with -- without a shadow of a doubt that this
5 is good for not only Wasco County, the entire Gorge, the
6 entire country. Thank you very much.

7 MR. HARGRAVE: Okay. We're going to take a pause
8 in the testimony. We're going to take a five-minute break
9 and then we'll reconvene. Thank you.

10 MR. OLSEN: Just so the people know, the next
11 people up are Gregory Monahan, Bonnie McKinlay, and
12 Elizabeth Dietz.

13 (Recess.)

14 CHAIRMAN HARGRAVE: Okay. Thanks for your attention.
15 At this time, we'll resume the public testimony.

16 MR. OLSEN: All right. Chairman, first of
17 all, the next speakers that I called were Gregory
18 Monahan, Bonnie McKinlay, and Elizabeth Dietz.

19 A lot of people have asked about how many
20 people are left on the list. Some people have left,
21 others have signed on, so I don't have a totally
22 accurate count, but I'm guessing somewhere between
23 65 and 70 more speakers, so just one more reason to
24 keep your comments as short as possible so we can
25 get through with this.

1 Sign-up sheets got a little confused. I'm doing
2 the best we can. In terms of the order, I did have one
3 person with young kids here. If they could raise their
4 hands. (inaudible).

5 All right. If you want to line up next,
6 we'll take you next. All right. I think we're
7 ready to go.

8 DR. MONAHAN: My name is Dr. Gregory Monahan.
9 I'm a resident of Portland, Oregon at 7225 South
10 13th Avenue. I'm here speaking on behalf of the
11 Oregon Chapter of the Sierra Club, where I am
12 the chair of the (inaudible) gas and oil team.
13 The area chapter of the Sierra Club is
14 strongly opposed to granting of this permit for
15 this project for all the reasons listed in our
16 original submitted comments. Should the Planning
17 Commission decide to allow this project to proceed,
18 we fully support the project limitations and the
19 staff recommendations (inaudible). We ask that a method of
20 monitoring and enforcing the traffic volume be (inaudible)
21 permit if you decide to grant one. Perhaps you
22 requiring Union Pacific to furnish certified monthly
23 reports of traffic through the permit area would be
24 a solution for monitoring. I cannot imagine how you
25 could enforce the limitations.

1 Lastly, if you determine that you cannot
2 impose and enforce a limit on rail traffic as the
3 railroad seems to suggest, we ask that you deny this
4 permit. Thank you for your time.

5 MS. MCKINLAY: I am Bonnie McKinlay from Portland.
6 Thank you for the opportunity to express my concerns
7 about granting the Union Pacific rail extension. More
8 oil by rail traffic is not beneficial to the Pacific
9 Northwest treasures that is the Columbia River Gorge,
10 its people, its wildlife.

11 Every June for 30 years as an elementary teacher I
12 joined my students in the giggling joy of the last few
13 days of school. Students and teachers share memories
14 of the past school year and eagerly look forward to
15 the summer ahead. Summer, that vast magical unknown
16 adventures land, free of (inaudible) free of due
17 dates, of grades, of school complete. We did this together;
18 we celebrate together.

19 Six days after the oil train derailment
20 on June 9th I came to the Mosier Community School
21 not to see the delight of children wiggle with
22 the thrill of imminent vacation, but to join a
23 solemn assembly of the Northwest Tribal Leader
24 officials and understandably exhausted community
25 members speak of oil trains and their fierce

1 conviction to oppose them. On that day the school
2 building was not a happy, youth-supporting center,
3 but an efficient disaster operations site with
4 hardworking members of state and federal agencies
5 addressing the derailment clean-up.

6 Because of the oil train derailment, the
7 students of the Mosier Community School were denied
8 those last auspicious days of school. Of course, the
9 unfortunate outcome is nothing compared to the
10 unthinkable tragedy that could have unfolded in this
11 community without the grace of that unusual windless
12 Gorge day of June 3, 2016. I say "unthinkable"
13 because I don't want to think of it; none of us do.

14 To stop these terrifying thoughts we have
15 stopped the free rein of oil industry to put school
16 children and their loving parents at perpetual risk.
17 In Oregon alone, 284 schools containing over 101,000
18 students are within the mile-wide radius of an oil
19 by rail blast zone. To the long list of reasons to
20 deny Union Pacifics application, which includes
21 maintaining air quality, honoring tribal fishing rights,
22 preservation of the Columbia River Gorge National
23 Scenic Area, please add the protection of our
24 school children.

25 MS. DEED: Elizabeth Deed, (inaudible),

1 Washington. I live in the Gorge and I agree with
2 everybody who has spoken before me. All the reasons
3 that have been brought up are all good reasons, but
4 if you look out and you see hundreds of people have
5 spoken against this. Nobody has spoken in favor of
6 it. So if you go ahead and accept this proposal,
7 then you are not representing the people who elected
8 you. You're not representing the people of the Gorge.
9 I don't know who you're representing. You have to
10 decide that who you're representing.

11 JENNIFER: Hello, my name is
12 Jennifer (inaudible) and I am here on
13 behalf of all the children in the Columbia River Gorge.

14 On June 3rd in Mosier an oil train derailed, 250
15 (inaudible). It was full of oil. We were evacuated and
16 not allowed back in for a full week because that (inaudible)
17 was filled with some toxic in there. Oddly, enough no
18 one was injured. The children, no one wanted to know
19 what they thought. So, I set up interviews with the kids
20 and families and asked them to talk about how they felt.
21 Now the families, many of them are here. However, even
22 more strongly than that, it was really apparent that they
23 trusted the adults in charge to make the right decision for
24 them. They honestly believed the teachers, the principals,
25 their parents, you, would do the best for them no matter what.

1 Transporting oil by rail is not safe. Expanding the ability
2 for Union Pacific to transport such a volatile commodity is
3 reckless. Kids are not collateral damage for greed.
4 It is not okay to save money for my well-being. Kids of the
5 Columbia Gorge are trusting you with our safety. We are
6 trusting you to be responsible with our future, with my future.
7 Please say no to the Union Pacific Expansion request. Please
8 do not let us down.

9 CHAIRMAN HARGRAVE: I have a few questions for you.
10 How old are you?

11 JENNIFER: I am 11.

12 CHAIRMAN HARGRAVE: And where do you live?

13 JENNIFER: I live, technically, I live out in Hooddle
14 of nowhere. The closest town to me is White Salmon.

15 CHAIRMAN HARGRAVE: Okay. Where do you go to school?

16 JENNIFER: I am home schooled.

17 CHAIRMAN HARGRAVE: Thank you very much.

18 JENNIFER: You are welcome.

19 MR. OLSEN: Anyone else --

20 KELSEY: My name is Kelsey.(inaudible)

21 MS. DEMALIES: I'm Kelsey's mom, Marty.

22 MR. OLSEN: Last name?

23 MS. DEMALIES: (Inaudible).

24 I live at 204 Wilson Street, Mosier, Oregon.

25 You guys have an awesome responsibility right now.

1 You don't get to make the decisions because of how we
2 feel or what we say, you have to look at the law.
3 And I get it, but a lot of brilliant people have brought
4 a lot of great law to you to allow you to say no.

5 My daughter was at Mosier school on
6 June 3rd. I work in town. I saw that train
7 explode. I wasn't going to bring that up tonight.
8 More tracks are going to mean more trouble. You
9 guys are doing your job. I get it. You don't live
10 in Mosier near the trains every day. Do you realize
11 how much more traffic is going through town? Do you
12 realize the disruption it causes in the school?
13 We are a town of 430 people. We're not just an easy place
14 to run tracks through because you thought we would ignore
15 it. (Inaudible).

16 You made a statement in June that brought a
17 lot of attention to your lack of standards in maintaining
18 your tracks. You weren't maintaining them. You admitted
19 on your own you were not maintaining them. So why in the
20 world would we allow you to put a second track through
21 our town, our county, our community, our Gorge?

22 I thank you all for your time and the very difficult
23 position you're put in, in finding the rule of law that allows
24 you to say no. And I thank you for the time of speaking
25 and allowing my daughter to speak.

1 MR. OLSEN: Please use the silent clapping.
2 After this young lady we have Cedar Croppingham, Chris
3 Turner, and Dave Berger.

4 MR. BOONSTRAY: Hello. My name is Charlie Boonstray.
5 18 years old. I am from Hood River, Oregon. Cascade Avenue.
6 I'm here today to make it very clear that I stand in
7 utmost opposition to Union Pacific Rail traffic expansion.
8 I am so blessed, like many others, to call this place my
9 home, but the Gorge is changing. In fact, the world is
10 changing. Climate change has altered the Earth in ways
11 we cannot even fathom. It is because of us. We are
12 burning so much fossil fuel that is fundamentally
13 changing our world. Out of the four and a half billion
14 years as the Earth has existed we have managed to force
15 the extinction of one-quarter of the Earth's animals
16 due to climate change in just a few thousand years. We
17 have managed to create more intense storms and drought
18 in just a few thousand years.

19 Do you enjoy being outside? Do you enjoy taking
20 your children to the park on weekends, looking at the
21 grand trees and the flowing rivers? Imagine it gone.
22 That's the exact trajectory we are headed in. This expansion
23 of the railroad track to get more oil and coal that is
24 killing my future. It's wrong. It's immoral.

25 Unlike many who are older than me, I have

1 grown up with fear that the planet might not be
2 habitable for my children or my grandchildren or my
3 favorite animals. I cannot urge you any more
4 strongly to reject this project with pride. Please
5 take steps to help your grandchildren not have to fight
6 quite as hard to save our planet when they get older.
7 Thank you.

8 MR. OLSEN: Peter Brogensten, Chris Turner, and Dave
9 Berger.

10 MR. TURNER: Okay. Well, thank you for your time.
11 I'm against this project because of safety issues. I
12 live in the flat area. And I want to talk real quickly
13 about (inaudible). I oppose this train for safety reasons.
14 Trains are statistically more likely to have accidents
15 if there's more tracks, and we've already had accidents.
16 Earthquakes should be added into the site, because
17 remember from Hiroshima there's also an addition of
18 another possible accidents occurring. Train speeds need
19 to be reduced. Trains now are ripping through Lyle at
20 speeds like I've never seen with 100 cars or more and oil
21 attached to them. We need to look at the communal impact
22 of the trains regarding air emissions and impacts on water. We
23 have to look at toxic loadings of all these things in the
24 air and the water as well. And as far as -- we also
25 need to get background data on what's in the air

1 and water right now so you can compare things to the future.

2 As far as efficiency is concerned, which is what that
3 is all about, why don't we have the two corporations on
4 each side of the river talk about running the trains
5 in one direction one way and the other direction in
6 another; then we don't need to keep expanding tracks.

7 You're looking at blowing up a wall to
8 create, you know, more space for tracks. And if you blow up
9 that wall, you got to look at noise and because, in fact,
10 walls reflect noise, and that's going to cause a greater
11 impact everywhere.

12 So you need to have accoustical consultants to look
13 at the impact. You need to treat the trains like you
14 treated me when I put up my solar panels; they made me
15 look at three options for mitigation, just for my solar
16 panels. And then they asked me to put up trees in front of
17 my solar panels. So I want the trains to be treated like me.
18 You guys are surrogates of the Gorge Commission.
19 You need to do the Gorge Commission best.

20 And the insanity of it relates to the burning of
21 fossil fuel. So if we are going to look at the burning of
22 the fossil fuel and we are going to ship stuff overseas,
23 we need to think about well, the coal in the ground could
24 be beneficial to the American people. The oil could be
25 beneficial to the American people. We need a national

1 energy standard. The Gorge Commission which you, again,
2 are a surrogate of, should be pressing for priorities
3 and how we extract energy, what we do with energy, how
4 we create jobs of energy, and whether we're sending any of
5 this stuff, including coal, overseas.

6 So I really appreciate your efforts up to now.
7 The covering of the trains is a huge difference, but
8 we can't stop these things from exploding. If you want
9 to add another thing, add a standard about how fast the
10 trains can go through towns and add a standard of about
11 how protective these trains should be based on speed,
12 and it can't be 15 miles an hour. They don't go 15 miles an
13 hour. We need a kind of train -- a train with brakes
14 would be very nice.

15 MR. OLSEN: I call Peter Brodgenton and Chris Turner.

16 MR. TURNER: All right. My name is Chris Turner.
17 I live in Cowlitz County. I have never seen a region in
18 this country that is so hell-bent on destroying the
19 beautiful land and scenery that matches the Pacific
20 Northwest, especially in the Columbia Gorge and Columbia
21 River.

22 In going to all of these hearings, one of the things
23 the railroad companies have always stressed to us is that
24 they
25 have plenty of infrastructure to be able to deal with any

1 of the proposals that are being put in application for
2 the Columbia Gorge. They say they don't need any more
3 infrastructure improvement.

4 This project should be considered new construction.
5 And the reason I'm saying that is because of all the
6 things that it's going to do. You try to (inaudible) 50
7 percent variances in your rules. You're messing with plant
8 and wildlife habitat. Destruction is going to increase,
9 increased train traffic, of above 20 or 30 trains a day
10 that you have, maybe by two times that amount.

11 You're going to be encroaching on buffer zones
12 in the Columbia River. You're going to be encroaching on
13 setbacks that are set. You're going to be blasting
14 hillsides down. You are going to be stressing the
15 fireability of the Gorge. You're going to be clearing
16 hillsides. (Inaudible). This sounds like what the Wasco
17 County residents felt was a minor repair, maintenance,
18 or even slight expansion of the railroad system.

19 his should be considered new construction. The proposed
20 project is being created to make a parking
21 lot, a train yard switching area right next to the
22 Columbia River. Who wants to see trains that are sitting
23 right next to the Columbia River? And we -- on both
24 sides of the Gorge, either before or after the Gorge,
25 not be parking them in the middle of it.

1 I would suggest that to the Planning
2 Commission that you deny this for concerns of public
3 health and safety. And all the ordinances, rules, and
4 codes you have in place that this is going to violate.

5 And as far as Union Pacific, please spend more time
6 and money in maintaining your own tracks that you already
7 have that apparently you have not been maintaining.
8 Thank you.

9 MR. OLSEN: Next we have Deborah Porschersky,
10 Georgia Opherin, and Craig Cumberland. Any of those
11 people, Deborah Porschersky, Georgia Opherin and
12 Craig Cumberland. Thank you.

13 MS. POSCHERSKY: Hi my name is Deborah
14 Poschersky. It's a tough one. Don't worry about it.
15 I won't ask you to spell it.

16 Hello, members of the council, the Commission,
17 whatever. I'm sorry, I do not hear so well, but I
18 live in Portland, Oregon. My address is 16005 East
19 Burnside. I am in the edge of what you call the last
20 evacuation zone of the railroad tracks on the
21 Columbia River. I border Northeast, East Portland,
22 and Gresham. The Portland Metro contains right
23 now 700,000 people, so if you're looking at who
24 might all be affected in the blast zone, you're
25 talking about several hundred thousand people, not

1 only in Portland, but there are all communities
2 that go up and down the beautiful Columbia River
3 and the Columbia River Gorge.

4 I watched your graphics and saw how you said
5 out of the northwest corner of Oregon we import
6 and export 12 to 20 percent of the chemicals on
7 the rails. I couldn't see oil, so I am assuming
8 you put oil as chemicals. I'm only assuming that.
9 I have a big, big issue with chemicals, as many
10 of the people who talked about air pollution,
11 water pollution, soil pollution, and, of course,
12 our beautiful scenic and river pollution.

13 I was disabled at a very early age. My
14 body was poisoned by five chemicals. I am what
15 they call the canary in the coal mine. People
16 who respond very sensitively and terribly to
17 chemicals, to poisonous chemicals. Mercury,
18 arsenic, and hexavalent, chromium, hexium chromate
19 are just some of them.

20 Our locomotives in the United States are
21 outdated. They're not even (inaudible)-- compared
22 to some of the rest of the world. They deposit
23 and emit into our air, our soil, and our water.

24 Union Pacific will be greatly served to update
25 and enhance their safety protocols, their locomotives

1 be a model for the United States. Be a model for
2 Oregon. Be a model for the world.

3 We talked about renewable energy for the
4 country, but yet we keep and keep and keep putting
5 into fossil fuels.

6 If one life is of no value, then no lives
7 are of value. Whose lives is it okay to -- whose
8 life is it okay to incinerate?

9 I can't work one to three jobs anymore to support
10 my family and I have very low-wage job due to my
11 disability due to chemicals in our environment. I
12 moved to the Northwest because I love it, because
13 there's some trees left. Trees clean the air, as do
14 rivers and oceans.

15 I heard of Mosier, Oregon back in the
16 Eastern United States. I read about the cherry
17 trees. I read about Fruit Loop -- I read about the gateway to
18 the Willamette Valley. The Willamette Valley is one of the only
19 places in the world that grows almost every kind of
20 berry. They're the best in the world. This is a special
21 place. Rivers are a special place. People are special.

22 MR. OLSEN: Thank you, ma'am.

23 MS. POSCHERSKY: My time I... thank you for all
24 your considerations for all the wonderful people who
25 showed up.

1 MR. OLSEN: Next up after this speaker are
2 Lauren Picard, Kathy Samson Cruise, and Charlenev Amoda.

3 MR. HEVERLY: My name is Craig Heverly. I
4 live in Portland, down river. I am a retired priest.
5 I am grandfather of three. It is in their name I am
6 coming here tonight to talk to you.

7 I grew up in Western New York and the native
8 folks in that part of the world have this
9 wonderful tradition, or wise practice of when they
10 were having to decide something important, as you
11 are about to decide something important, they said
12 what effect is this going to have on seven
13 generations down the road? And it served them
14 wonderfully well for centuries. It seems to me that
15 if you look at seven generations down the road,
16 fossil fuels are going to be dead, either because in
17 our wisdom we were able to stop this rush and
18 keep them in the ground and develop the
19 sustainable energy sources or because you kept on
20 doing what you are doing and you became totally
21 devoid of any more fossil fuels. They are all gone.

22 So I am asking you to play the (inaudible).
23 I am asking you to turn this down. I don't know if
24 it's possible for us to think in terms of seven
25 generations, but I am asking you to think at least

1 in terms of three generations for my grandchildren.
2 So in the name of Viola and Dixon and Fula, I am asking
3 you to turn this down. Thank you.

4 MR. PICARD: Good evening. My name is
5 Mark Picard. I served on Hood River City Council for
6 ten years and I've been a firefighter professionally
7 for 20 years. I live at 701 Hazel Avenue, Hood River.
8 Thanks for listening to us tonight.

9 In the last five years, we've seen numerous train
10 derailments, spills, and fires nationwide. Most recently,
11 despite Union Pacific's assurances that they operate
12 safely, then we see a derailment in Mosier on June 3rd,
13 which could have blown up that town and killed many
14 people.

15 And the Federal Railroad Administration
16 determined this derailment was caused by Union Pacific's
17 negligence. So, I must admit on a state of disbelief
18 that Union Pacific would have the audacity to ask
19 you approval for more track when we know for a fact
20 that their existing track is unsafe.

21 I agree with the former National Transportation
22 Safety Board Chair Jim Hall, who wrote in the
23 Oregonian a few days after derailment. And I quote,
24 "We need to phase out rail shipments of crude oil
25 and we need to begin in our nation's most sensitive

1 regions like the Columbia River Gorge before the
2 next accident devastates this America treasure".

3 Section 1.030 the NSA Land Use, Development
4 Ordinances states as one of the purpose is to promote
5 safety from fire and national disaster. If you allow
6 this additional track, which will facilitate more
7 oil train traffic through our region, you'll be
8 doing exactly the opposite of this purpose.

9 In 2014 the City of Hood River surveyed
10 all four area fire departments on their readiness
11 for derailment and all said they were unprepared
12 for such an event. Our regional fire departments
13 have minimal foam and they have no significant moving
14 materials. Although the railroad seems to have
15 millions of dollars available to lobby federal
16 officials to delay things like safer tank cars,
17 and advance braking system and to preserve their
18 common carrier status, they refuse to provide
19 adequate training and equipment, equipment necessary
20 for our local responders to safely and effectively
21 deal with oil train derailments. There is no teeth in
22 the staff recommendation to ensure they do so.

23 You rely solely on the good faith of the Union
24 Pacific, who have already demonstrated their
25 negligence and incompetence. To let it burn, is

1 the railroad's strategy with oil train fires. With
2 the high winds, you all know what would happen if
3 they let it burn. The fire would spread to
4 surrounding hills and we would have a wildland
5 conflagration of cataclysmic portions.

6 We were lucky Mosier happened on a windless day.

7 Two of the criteria for this conditional
8 use review requires a determination of proposed use
9 will not burden fire facilities and available services,
10 nor significantly increase fire hazard, fire
11 suppression cost, or risks to fire suppression
12 personnel. In my professional opinion and after
13 years of studying this issue, there is no way the
14 safety requirements can be met.

15 I ask you to please deny this project on
16 these ground and help protect Gorge residents and
17 first responders from dangerous increasing oil
18 train traffic that this additional track will
19 bring to our communities. Thank you.

20 CHAIRMAN HARGRAVE: Laurent, one question:
21 You said in your professional opinion? What is your
22 profession?

23 MR. PICARD: I have been a special firefighter for
24 20 years. Currently fire lieutenant.

25 CHAIRMAN HARGRAVE: Thank you.

1 MR. OLSEN: Kathy Samson-Kruse and Charlene
2 Immoda.

3 CHAIRMAN HARGRAVE: What were those three names,
4 please.

5 MR. OLSEN: Kathy Samson-Kruse and Charlene
6 Immoda. That's it.

7 MS. KRUSE: Kathy Samson-Kruse. I come
8 from a long line of keepers, since, 1855. For those
9 of you that don't know, my father is (inaudible)
10 chief of the (inaudible). He can't be here today.
11 He is (inaudible) with (inaudible) of the treaty.
12 They promised us many things in that treaty
13 of 1855. I am going to leave you a copy of that
14 treaty so that you may know that is what
15 we live by. In that treaty by the President
16 (inaudible) it says the railroad and the highway
17 and those roads will have right way or you will
18 not have this treaty.

19 In fact, they said up at the (inaudible) Treaty
20 Council, "Your people will be knee high in blood
21 if you do not sign." And that treaty council
22 stood days and days and days trying to make
23 negotiation happen. Chief (inaudible) finally
24 signed and was killed a few days later.

25 They promised many things in that treaty,

1 as you will read: A house, furnishings, oxens,
2 land clear from Sumpter Point clear up to the Hood River.
3 None of that came true.

4 1855 is a long time ago, but we will
5 still stand here. We will still survive. I take
6 this picture of my little Juniper. She's the youngest
7 granddaughter I have. She's Wasco and (inaudible).
8 When you carry that Wasco name, there's a lot of
9 people that stand behind it. Honor it. I speak
10 for them. We know they cannot speak for themselves.
11 Right here in your mountains those (inaudible) live.
12 When we leave this land, they will stand up
13 and they will say how did the people treat you?
14 That salmon will stand up on the other side
15 and he will say, "How did the people treat you?"
16 The roots, the (inaudible), the house, they will
17 stand up. The deer and the elk, they will stand up.
18 How did the people treat you? That is the command
19 witch, that is not written in your paper. It is
20 not even in your book sometimes, but it's in our
21 hearts. That's why I come here today.

22 I am not an elected leader. I'm only a
23 grandma. They call me Ella. But we when we come
24 with the truth from our hearts, you have to listen.
25 So, I'm the only Native in the room. I'm here.

1 I'm witness to this today. And I thank all of you
2 for standing for those who cannot speak.

3 Thank you. Good day.

4 (Applause)

5 MS. IMMODA: Wasco County Planning Commission, my
6 name is Charlene Immoda. I live in Hood River and
7 I
8 live at -- (inaudible) is the street. 132 (inaudible) Drive,
9 number 28. And thank you, the last two speakers.
10 The fire speaker and the Native American speaker,
11 they are perfect because it set perfect for what I
12 am going to speak to.

13 So the title. I am speaking today as a mother.
14 Thank you, panel, for this long afternoon, all this
15 patience listening. Thank you for this important
16 decision, a very crucial decision for not only us,
17 as we are saying, but for the children. In my
18 (inaudible) accountability, but a different kind
19 of accountability. Kind of tough mother kind of
20 accountability. Really good mothers are tough and
21 strong. They are a good bunch.

22 So I want to say something strong. What we
23 are talking about today is having more rail, extra
24 rail, extra track, extra trains. I propose we go the
25 opposite direction, which is that, we need to have

1 more accountability from Union Pacific about what is
2 on those trains, at what time when they hit the
3 Dalles and Mosier, and Hood River because of the
4 first responders, firemen, how will they know how best
5 to respond. Secondly, what if you're a mother or a
6 father on the tracks and there is a derailment.
7 You're going to want to know, what accountability
8 there is. What gases are coming out, and what
9 (inaudible) is going to happen.

10 So, as parents, please, we are parents
11 for our children, for our grandchildren. We have to
12 think about this. This is real science, affecting
13 real lungs and real bodies. So, please, everyone, think
14 about accountability. And the eyes, the eyes that are
15 looking at us, the little children, the little Anglo
16 children, the Hispanic children who don't have a voice
17 because they don't have documentation, and Native American
18 children. Please, let's not be accountable to
19 paychecks from bosses.

20 Let's be accountable to the people who
21 do not have a voice. Thank you.

22 MR. OLSEN: All right. Next we have Jack
23 Herbert, Patricia Morgan, and Daniel Rasmusson.

24 MR. HERBERT: Members of the Wasco County
25 Planning Commission, I want to thank you for inviting

1 us here to listen to us. My name is Jack Herbert. I'm
2 from Cedar Hills, Oregon. I was a VISTA volunteer in
3 Hood River in 1980/1981.

4 There are two kinds of harm we are all
5 responsible for, global harm from worldwide sources
6 and local harm from local substances. You know, I
7 hope that peer review science said years ago that
8 we need to leave 80 percent of the fossil fuels in
9 the ground unburned. I have heard if we have any
10 hope of meeting the two degree safe, worldwide
11 temperature wise target. That target would be a
12 disaster. So we are hoping to hold it down to
13 merely disaster. And we are all almost to the point
14 where we're going to blow right past it based on
15 we have already emitted. And the warming is going
16 to keep coming. We know that the rest of the
17 world, except for the United States, signed the
18 Kyoto agreement. Our federal government is so
19 corrupt it didn't sign that and hasn't done very
20 much since then (inaudible).

21 So our federal government is not going to
22 save us.

23 When Pearl Harbor happened, our federal
24 government was working for us and we all got
25 together and they did the organizing and we pulled

1 it off.

2 Now we've got a bigger threat than Pearl
3 Harbor and our federal government is the problem
4 more than just about anybody else. They are owned
5 by people who are driving all this stuff. So it
6 comes back to us here.

7 We're the ones that have got to stop this.
8 We're the ones that have to do the leadership.
9 We've got (inaudible) you've got the global warming.
10 You've got utter insanity of running oil tank --
11 oil tanks -- moving oil tanks by rivers. Anybody
12 with any sense knows better than that, but the
13 federal government is so corrupt that they claim they
14 have most of the authority. You've got to use
15 everything, you've got to do the leadership we need
16 here.

17 In an industrial air quality regulation for DEQ,
18 DEQ found that out of almost 190 air toxins in 1990
19 Clean Air Act Amendments, one of them accounted for
20 most of the cancer deaths: diesel exhaust. You heard
21 about that. So we tried to get (inaudible) we're
22 working on how can we get (inaudible) in the last 30
23 years and the newest regulations only apply to new
24 ones. So, you know, we're stuck. We weren't able to
25 get complete conversion.

1 MR. OLSEN: Time's up.

2 MR. HERBERT: Okay. So you guys just need to
3 stop more trains coming through and you got to stop
4 shipping fossil fuels. You all know about all this.

5 Thank you.

6 MS. MORGAN: Before you start the clock, I
7 have a question. I don't want to take my time
8 asking something I haven't heard: How much money
9 are we paying to do this? Kind of like a Monopoly
10 game. Is there money being exchanged here for you
11 putting those rails? That's a question I had. I don't
12 know if you have that discussion.

13 My name is Patricia Morgan. I live at 2550 Hollow
14 Road sometimes, but right now living in Lyle,
15 Washington, right in the front of the railroad
16 tracks which rumbles, and I put closed captioning
17 on the television so I can listen to TV, because
18 it's so loud.

19 We have come to speak. I'm coming from
20 my heart and you come from -- you're speaking money.
21 We speak two different languages. Ours is love;
22 Yours is oil and money. Ours is the environment and
23 all that supports life on this Earth. And yours is
24 power and all that destroys the Earth. They are two
25 different languages for which there is no

1 translation available for us to understand each
2 other. I hear the words the big money
3 corporations speak, jobs, international trade deals,
4 that supposedly strengthen the economy, tax revenue
5 supports communities, money as well. Do you hear my
6 words and all -- everybody who's spoken in here
7 today? We're speaking fresh water, fresh air,
8 green, healthy forests, fertile soil, (inaudible).
9 Not taking our river bottoms and putting in rails.

10 I looked up on the internet to see how many
11 rail disasters there have been just in the United
12 States. In 2010 there were five. In the United
13 States. In 2011 there was seven. In 2012 there were
14 14 train accidents. Listen carefully. In 2013 there
15 were 18 train disasters. One outside of the U.S. was
16 a big one in Canada that destroyed half the town,
17 and killed 47 people. Then we get to 2014 where there
18 are 24 disasters, 24 disasters. One on January 7th,
19 13th, 17th, January 17th, again, the 19th, the 20th.

20 Earthquakes, everybody's talking about
21 preparing for earthquakes. What is the difference
22 between an earthquake and oil tank? Earthquake,
23 you just simply shake and roll. What if we dump
24 a whole hundred cars of oils into our rivers?
25 You know, there won't be any help.

1 I ask you to deny this application. I have
2 lots to say, you know. But if you're going to approve
3 it in any way, make them pay for every 10 miles.
4 Having (inaudible), having full hazmat setup
5 because we don't know where this big next
6 accident is going to happen. We need to protect.
7 This is the most incredible place in the world.

8 Why do you even consider letting them do
9 what they're doing? And I'm going to point out
10 how my friend here had to work so hard to get
11 his solar panels in so he could be free of oil, free
12 of fossil fuels.

13 MR. OLSEN: Ma'am.

14 MS. MORGAN: Okay. Thank you. Please,
15 deny this application.

16 And there's investors, insurance
17 policies where Canada is suing.

18 MR. OLSEN: Wrap it up.

19 MS. MORGAN: Fifteen million dollars,
20 because they didn't need investor quota.

21 MR. RASMUSSEN: I am Dan Rasmusson. 602 Canyon Road
22 in Lyle, Washington. I am a semi-retired science and
23 music teacher at Mosier School, where I did about
24 ten years.

25 As a middle school teacher, (inaudible)

1 project involving kids building their own
2 science museum. I have expertise and experience
3 in science museum and I am also a music teacher
4 at the (inaudible) music and (inaudible).
5 I'm fond of telling my classes that Teddy Roosevelt
6 and John York and Cindy Vallick from the National
7 Park System. That people of goodwill and rationality
8 can get together and solve their problems and all
9 those problems may not be solved today but they
10 can be solved in the future.

11 I'm going to take a little different approach
12 here. A lot of things have been true. We all
13 understand the safety and safety concerns. We
14 also should understand that the railroad is an
15 essential infrastructure. I was impressed by your
16 comment that (inaudible). We're only thinking of
17 the end cost of that product (inaudible).
18 Our trains are (inaudible) infrastructures.
19 Someday it will be (inaudible) rail and you can
20 play music of some sort. It creates structured
21 interference with the sound waves. Acoustically
22 (inaudible).

23 When I came into Mosier, I came into
24 an environment, in which for 20 years people
25 had been envisioning and thinking about what

1 Mosier might become. It already has a certain
2 centrality. Psychologically, geographically,
3 topologically and in many ways represent the
4 center of our community of the Gorge, an asset
5 that tens of thousands of people are going
6 through. They have a role to play in the future.

7 We've envisaged what's called Motion
8 Institute, for lack of a better word, an
9 educational theme park. A place to highlight
10 promising technology to the future in which we
11 can show how we can have a bright future, a
12 democratic institution with respect for the
13 environment. And it's just a really an exciting
14 thing to have done even talking about the
15 future children, talking about clean air,
16 clean water. So that is one of visions sort
17 of for Mosier with the town benefitting from
18 some of the spillover from this institute,
19 working in concert with the school there with
20 laboratories, people coming (inaudible) getting
21 excited about the future, about how Intel,
22 about Boeing, how Google are going to build a
23 brighter future for us all.

24 So, I suggest that with the smoke signals
25 that happened in Mosier that maybe we could have

1 a cooperative effort with Union Pacific and learn
2 how to make this a safer way to do things for all
3 of us.

4 I just got back from Europe early last year
5 and (inaudible) panels and screens for (inaudible)
6 that kind of thing --

7 MR. OLSEN: Time is up here.

8 MR. RASMUSSEN: Okay. Anyway, that's the point.
9 I want to quote from William James.
10 Everything we do makes a difference because it does.

11 MR. OLSEN: Thank you. Now we have Roberta Lapp,
12 Rose Christianson, and Vicki Stifter.

13 MS. LATH: I appreciate your service and the
14 talent that you have. I come from a rural family. My
15 husband (inaudible). I ask the railroad people here
16 if they have any operating experience.

17 MR. OLSEN: Give us your name, please.

18 MS. LAPP: I'm sorry. My name is Roberta Lapp. I
19 live in Hood River. My street address is 1110
20 (inaudible).

21 My husband started (inaudible). He worked ten
22 years in the Burlington Northern Railroad and put in
23 the computerized freight yard and then he got out of
24 Washington to work on what to do about the southern
25 bankrupt railroad. And so we took over a short line

1 and had coal-fired electrical plant on that.

2 And I was asked to find out, it took me two seconds
3 to know that your name is (inaudible). Your number one
4 is to cover the coal. It is my understanding that coal
5 in a car is like logs at the lumber mill before they get
6 milled. They have to put water on those logs or they will
7 combust automatically inside the other logs. I don't know
8 if you've driven by logging places, but that's what
9 they do to keep the fire from happening.

10 If you cover a coal car, this has been true for
11 the last 33 years I was on the railroad, The coal can
12 combust. That means it automatically starts to combust.
13 So you can't cover coal cars.

14 So I would ask you to not accept this proposal,
15 because you can't cover coal cars.

16 The second thing I say is this siding track is
17 like Highway 30 in 1930. It will take the train and
18 safely put it to rest for a while and then put it back
19 on the line. What they're asking for is not an
20 improvement, but it's like a whole new technology.
21 It's like they're asking for interstate highway to
22 be built. And I don't think that it's legal. I mean,
23 I don't know even, but it's immoral to say that this
24 is just replacement of a siding when they're going
25 to have it be mainline standard. And I don't know

1 if you know the difference, but Class 1 railroad
2 standards for mainline are different than a siding
3 passing.

4 MS. OLSEN: Ma'am you need to finish up, please.

5 MS. LATH: Keep the trains on the track. That's
6 your job. And our job is to keep the oil and coal
7 from coming. And I appreciate your help in having all
8 of us do that.

9 DR. CHRISTOPHERSON: Hi. I am Rose
10 Christopherson. I am a retired VA physician in
11 Portland, Oregon. And I am the head of the
12 Care Creation Ministry Church in Portland.

13 And I want to say that we all need to take care
14 of this beautiful Earth we live on, whether we call
15 it creation or the planet or whatever. And I thank
16 and congratulate all of you, because in doing your
17 work, you are taking care of this Earth. You're taking
18 care of this small piece of Earth around Mosier and
19 you're taking care of the whole Earth. And you're
20 taking it seriously.

21 I've been sitting in the front row. I've been
22 watching your faces. I've been seeing you, sometimes
23 tired, sometimes a little bit bored, I will admit,
24 and -- but always very serious and so I just want to
25 thank you for the hard work you're doing for all of

1 creation.

2 MS. STIFTER: Good evening. My name is
3 Vicki Stifter. And I'm a United Church of Christ Pastor,
4 a community Church in Hood River, Oregon, also mother
5 and a lover of Earth. And I live very near the cap. I
6 wanted to just with the crowd with me -- I know everybody
7 is getting tired, and I thank you so much for being here
8 and for listening to all of us. How many of you live
9 within a blast zone? That's one mile of the track. Those of you
10 who are here? And how many of you -- how many of you who
11 are working for Union Pacific live in the blast zone?

12 MR. OLSEN: We need to have you just provide your
13 testimony.

14 MS. STIFTER: That was just part of it.

15 So, basically, what I want to say is I am a here
16 as mother, pastor, lover of Earth. I come here today
17 because I breathe the air here. I drink the water
18 here. And I live within blocks and raise my family
19 within blocks of the track. In my Christian tradition,
20 the creation is gift and we treat it as gifts, for
21 ourselves, for our children, and for our grandchildren,
22 pure gift. And so I come here today speaking from that
23 place where I'm concerned about lots of facts. What I
24 am most concerned about is we talk again, again, again,
25 about privatized profit and collective risk. The risk

1 for there is no benefit to us, none, zero.

2 The CEO of Union Pacific is now making \$9,105,000,
3 about \$4,375 an hour. I don't know how well you
4 gentlemen are paid -- I hope it's really -- you deserve
5 a lot of money for being here tonight, but it all comes
6 down to the fact that we're trying to push more and more
7 stuff through. We're trying to push more and more oil
8 through more and more coal, more and more dangerous
9 things through so that somebody else, someplace else
10 who doesn't live here, who doesn't breathe this air
11 and drink this water is making an immense profit.

12 And I thank you for being here, for listening,
13 for speaking, for asking on behalf of this people
14 in the community who breathe this air, who love
15 these children and who go to school near the tracks.
16 Thank you from the bottom of my heart.

17 I have heard the definition of insanity
18 was doing the same thing over and over and over
19 again and expecting different results. We know now
20 what happens when we have trains coming through here
21 loaded with oil and coal. You don't need more. We
22 know the result. So, let's be wise and let's act on
23 behalf of our children and grandchildren and do the
24 right thing. Thank you.

25 MR. OLSEN: All right. We have Debra Romerein,

1 David Stolic, Beth Lolick.

2 DEBRA ROMEREIN: My name is Debra. I am from
3 Portland; business owner. You can't get to four by
4 adding one to two. You can't get up north by
5 heading due south. And you can't fight climate
6 change by building more fossil fuel terminals,
7 pipelines, and more rail tracks that will accommodate
8 more and more oil transport.

9 So a guy named James Black, he was ExxonMobil's
10 senior scientist. He delivered this sobering message
11 back in 1977, he said: There is general scientific
12 agreement that the most likely manner in which mankind
13 is influencing the global climate is through carbon
14 dioxide release from the burning of fossil fuel. He urged
15 ExxonMobil to act. Exxon's response: They launched a
16 colossal 30 million campaign to spread
17 disinformation and to sow confusion about climate
18 change.

19 One Exon exec was quoted as saying victory
20 will be achieved when the average person is
21 uncertain about climate change. Christine
22 Lagarde, the Head of IMF, not exactly a basket of
23 liberalism. She admonished in 2014. She said the
24 planet is perilously close to a climate change
25 tipping point.

1 And let us not forget that nine short
2 months ago in Paris 195 nations came together and
3 agreed that global warming is an urgent threat and
4 that all nations must take extreme steps to reduce
5 CO2 emissions.

6 Did anyone see last Sunday's New York
7 Times? Main headline it said the flooding of
8 America's coasts a consequence of global warming is
9 not 100 years away. It's now. Last Sunday.

10 Our oceans are rising. Our ice sheets are
11 melting. We have the set record highs for global
12 temperatures for each of last 14 months. Holy cow!
13 And our concentration of C-O2 in the atmosphere
14 last year hit an alarming 400 parts per million.
15 The last time we hit that, there were no
16 humans. It was that long ago.

17 But as the chief scientists for ExxonMobil
18 found out 40 years ago, we can't depend on fossil
19 fuel companies to make a change. We can't expect
20 rail companies that transport thier payloads to
21 change. We have to do it, us.

22 Now for the good news: Scientists have
23 estimated that Americans can generate 80 to 85
24 percent of the power from sun, wind, and water by
25 2030, a mere 14 years.

1 MR. OLSEN: Ma'am, time.

2 MS. ROMERAN: If we all put our full effort in to
3 making that happen and reject more fossil fuel
4 projects like this Union Pacific rail expansion.
5 Thank you.

6 MR. OLSEN: We've got Pat Freberg and Lenore Boyer
7 and John Boonstra.

8 MS. FREBERG: Hello. I'm Pat Freberg. I
9 reside at 8327 Northeast 54th Street in Vancouver.
10 For 40 years, I have traipsed over Gorge mountain and
11 trails while enjoying the amenities offered by the
12 Dalles station, Hood River and little towns, like
13 Mosier.

14 While I'm not a Wasco County resident, I'm
15 invested in this nation's environmental and economic
16 health. Many people here today, probably some of you,
17 remember the Gorge before it was a designated a
18 National Scenic Area and the bloody fight it took to
19 get us to the protections we have today. I am here
20 right now because I am angry; not at you but of the
21 mess you are in.

22 This mess is like three concentric circles.
23 The inner smaller circle is around Mosier and the
24 Gorge. Today we're focused on the Union Pacific's
25 Application to lay four miles of additional railroad

1 track so the company can haul ever more fossil fuel
2 products from inland America to the Pacific Coast.
3 Our concerns involves protecting residents and
4 sparing the area future environmental degradation.

5 The second larger concentric circle involves
6 the corporate world, its power and intent. Union
7 Pacific's interest in Mosier is strictly that as
8 a corporate person. It wants to reap the massive
9 profits by increasing revenues and cutting expenses
10 with intention of returning -- with the intention
11 of rewarding stockholders and corporate officers.
12 This same corporate entity is heavily subsidized
13 by taxpayers. The outrageousness of this system
14 in balance makes me angry. It's corporate tyranny
15 over the environment, over U.S. government, and
16 over U.S. citizens.

17 The third and largest concentric circle
18 involves the planet, the possible climate change,
19 possible extinction of our species. At the very
20 least, there will be serious and definite suffering
21 for our children, our grandchildren, great-grandchildren
22 and beyond. And they will have to deal with heat,
23 desertification and storms that are caused by a
24 tumultuous planet that has no polar ice caps.

25 This really makes me angry. So what can we

1 do? You, who make decisions that affect the smallest
2 circle, the Gorge, have plenty of ammunition in
3 Chapter 5, the Conditional Use section, to deny this
4 application. I urge you to make your decision based
5 on the best interests of the local (inaudible),
6 -- your local environment and the Columbia River,
7 not on the need of the Union Pacific.

8 If you do that, your decision will ultimately have an
9 impact on the outer concentric ring. It will both
10 affect the corporate world and may eventually
11 affect our planet's future. Deny this application.
12 Thank you.

13 MS. BOYER: Good evening. My name is Lenore Boyer.
14 I live in White Sands, Washington. And I can attest
15 firsthand to the terror of evacuating from a
16 railroad-related accident. I don't know if perhaps you recall,
17 but on a windy September day several years ago there was
18 a grinder -- a spark caused by a grinder on a rail line
19 that ignited the hillsides around (inaudible) Hill and
20 obliterated the hill and surrounding neighbors' homes.
21 It's as terrifying as it was profoundly preventable.
22 It wasn't intentionally set, but it happened.

23 In my hand is a 73-page list of rail accidents
24 that have occurred within the past six years, actually
25 just little over five-and-a half. In them scores of

1 innocent people were killed, countless more being
2 injured, not to mention the destruction of property
3 and natural environment. None of the accidents had
4 been planned. That you insist optimal measures will
5 are and continue to be taken to ensure accidents won't
6 happen is as unrealistic as it is irresponsible.
7 Accidents have happened and accidents, many of them
8 fatal, will continue to happen in spite of your best
9 intentions or policy/procedures.

10 The accident in Mosier underscored the point
11 that the Columbia River Gorge is no place for
12 additional coal or oil trains, let alone rail
13 expansion. I am in envy as perhaps many of you are
14 as well. And the Columbia River Gorge is our backyard
15 and is something that we would like to see it
16 preserved and protected for future generations.

17 So with that in mind, I'm just hoping that -- not
18 even hoping, just imploring you that you will reject
19 this ill-begotten project and keep it out of our
20 backyard. Thank you.

21 MR. BOONSTRA: Good evening. My name is John
22 Boonstra. I live in Hood River. I am a creation
23 justice minister for the Central Pacific Conference
24 of United Church of Christ, former executive minister
25 Washington State Association of Churches and now an

1 organizer with the Columbia River Gorge Private
2 Climate Action Network.

3 It is my conviction that the proposal before
4 you diminishes and disregards the collateral damage
5 to our communities and dares us, dares us to grant
6 socializing to business practices that will cause
7 certain dangers and risks to everyone. I urge you to not
8 put your stamp of approval on this project. The
9 motives behind this project are cast in terms of
10 economic profits and efficiency. We've heard a lot
11 today that they are environmentally unsustainable,
12 socially irresponsible, economically unacceptable,
13 medically indefensible, and morally unconscionable.

14 We need to try to be very honest about the big
15 picture at stake in today's hearing. It is
16 profoundly relevant. I urge the Planning Commission
17 to play your role in unveiling the truth about this
18 bold, in-your-face railroad corporate denial of
19 what's giving rise to climate change.

20 This project aims to strengthen lethal fossil fuel
21 infrastructure. The project aims to accelerate a
22 short-sighted private business plan whose goal is to
23 empower and build what some systems analysts have said
24 is a carbon combustion complex. It's not a legacy that
25 you want to leave as your footprint on a dangerously

1 warm planet. Business as usual in the face of global
2 warming can never be exchanged for the health of our
3 families, our neighborhoods, and our environment.
4 I urge you to play your role in the ultimate defeat
5 of this double expansion track. Thank you.

6 MR. OLSEN: All right. Next we have Todd
7 Verdi, Judy Todd, and Gina Fuller.

8 MR. VERDI: My name is Todd Verdi
9 from Washington, Washougal; on the Washougal River.
10 I live right on the Gorge. I think I am the only person
11 from Washougal. I have lived in Washougal for about
12 50 years. I urge you to reject this application. And
13 we know the railroad really isn't telling the truth
14 about the purported safety that they're going to do.
15 It's not going to be any safer than it was, because
16 there won't be any controls. And they are working
17 for their shareholders, and their top two guys that
18 are making 25 million a year. They don't care about
19 folks within the Gorge that are living in the
20 hinterlands and they are not going to care until when
21 it happens, they incinerate some people. Fifty
22 people were killed in Quebec. Fifty homes were
23 destroyed, and it's very likely that, given the
24 numbers, it will, in fact, happen again with the
25 flammability of the oils.

1 So, since we -- I don't think that we can trust
2 them. I think that we need to plan for two to three
3 times the accident that happened in Quebec. And that
4 means that we need to have those folks put up a
5 performance bond of somewhere between 2 and 5 million
6 and if their safety accidents or incidents go down, the
7 bond will become cheaper if they go out in the marketplace
8 to buy it. If, like we have heard, they're sloppy
9 compared to most people, or operators, that performance
10 bond will become more expensive. You guys have the
11 power to do this and I don't think it affects interstate
12 commerce, because you can -- you can plan for your own
13 local safety.

14 So, again, we need a performance bond up around
15 3 to 5 million so the taxpayers, when they're injured,
16 they don't have to pay, because, as we know, in
17 America, it seems like the little people always pay
18 and the big guys get away with it. So, I say be the
19 little people's hero and you protect us, even if we're
20 from Washougal.

21 So, don't poison the children for cheap oil going to
22 China. I urge you to reject it and I urge you to make
23 these guys pay. Thanks.

24 MR. OLSEN: Todd, what was the amount of that fund?

25 MR. FLAHERTY: Well, I was just thinking that my

1 calculation would be 3 to 5 million, because if you --
2 if you burn -- let's say you burn 50 kids and they're
3 alive, but they are alive and they need nursing care for
4 the rest of their lives, you're talking probably seven to
5 \$15 million each. That right there is a billion bucks.

6 CHAIRMAN HARGRAVE: Okay, thanks.

7 MR. FLAHERTY: That doesn't include the property
8 damage. You have to deal with it. It is going to go
9 wrong. It's just a fact.

10 MR. OLSEN: Thank you.

11 MS. JENNY: Good evening. My name is Jenny. I live
12 in Portland, Oregon. I started out in one place today
13 listening as you began your process and I find myself
14 in a very different place now. I am here to ask you to
15 deny this permitting. I think you have the facts. I
16 think some of what's being shared as the day has gone
17 on has been heard perhaps more than once, maybe more than
18 twice. I don't think it's going to be useful to malign
19 anyone or to point a finger. I have noticed I've been
20 learning while I've been sitting here. I've been
21 learning a little bit about each of you since I've
22 observed you in your process. And I appreciate that it
23 requires a lot of due diligence to do what you're doing.
24 And I'm glad that you have signed on for that, to do
25 your due diligence, to do it to the best of your clients

1 and good people working with you to provide you
2 information. I trust that if you follow that, you'll
3 make the right decision for the community.

4 I think there's an underlying more difficult
5 decision to talk about or to be presented here. It's
6 one thing to look at a corporate enterprise and to
7 figure out how to fit it into the communities in which
8 we live, whether it's oil, gas, railroads, it's kind
9 of -- it's corporate America. So, how do we live in a
10 context of corporate America who, by law, is acting
11 legally but by a fact it's a different reality for the
12 citizens who are living on the ground in the places
13 that are the sacrifice zones.

14 I had the good fortune in 2014 to spend three
15 months walking and I walked across most of the Southwest
16 and through five states of the East. And I started in
17 Arizona and I ended in Washington, D.C. What I saw on
18 that walk sleeping on the ground night after night,
19 talking to people in community after community, what
20 I saw was that we are creating the sacrifice zone
21 called the United States of America. And those who are
22 sacrificing are the people, the animals, the creatures,
23 the waters, the air. It's one place after another that
24 is being overcome or overburdened by its inability to
25 do what we're asking. Thank you.

1 Thanks for tonight.

2 MS. FULLER: My name is Gina Fuller. I live in
3 (inaudible). Over the past couple of years the
4 number of trains and the size of trains through the
5 Gorge has increased drastically. It's really impacted
6 people's quality of life. It's impacted the beauty of
7 the Gorge. When you're driving on Highway 14 now, the
8 normal view of the river is a train. It's very rare
9 that you see the river these days because the trains
10 are so many and so long. And if you approve this
11 project, it will increase that negative impact not
12 only on the Gorge, but, of course, on the world
13 nature of the oil trade and if that impact includes
14 so that trains can be bigger, that increases the
15 scope of the disasters that can happen. I think
16 you've been presented plenty of justification to
17 disapprove this and I hope that's what you will do.

18 MR. OLSEN: All right. Next we have Ken
19 Ferguson, Catherine Cozwell, and John Corbin -- excuse
20 me, Stan Corbin.

21 MS. COZWELL: I'm not speaking. I am writing
22 (inaudible).

23 MR. OLSEN: All right. Thank you.

24 MR. FERGUSON: Hello My name is Ken Ferguson.
25 Legal resident of the state of Oregon. I attended

1 earlier this year the hearing at the Oregon State
2 Parks Commission (inaudible) state park area. That
3 was prior to the Mosier derailment. And of course,
4 that permit was denied.

5 I oppose any extension of rail in this area.
6 (Inaudible). First responders can't deal with this.
7 We got lucky in Mosier. So, you know, I'd like to
8 see less rail traffic in the Gorge Scenic Area.
9 Just a couple months ago I was up in North Lake,
10 which is about seven miles from a train. I couldn't
11 sleep at night because the trains are so loud. I was
12 seven miles through the (inaudible). There is a lot
13 of noise coming down the Gorge (inaudible). This is
14 a National Scenic Area. This is not fossil fuel
15 transport (inaudible).

16 We do share a water supply. We're seeing a
17 connection between this pipeline (inaudible) on
18 rails coming through the Gorge and the opposition
19 to that pipeline. We need to keep it in the ground
20 and stop any of those routes to get this dangerous
21 cargo to -- (inaudible). Threatening water
22 supplies of the Missouri River or the Columbia River.
23 None of us can survive without clean water and we're
24 rapidly running out of it on Planet Earth. This river
25 needs to be protected. Honor the trees. (Inaudible).

1 We need informed consent of tribal nations. A lot
2 of the people that were representing Yakima Nation
3 -- Joe (inaudible), they were in the Mosier press
4 conference, they said zero tolerance. They
5 certainly don't want you expanding this railway.
6 (Inaudible). You know, they have been on the road to
7 try to stop this pipeline. I wasn't sure they
8 would be here.

9 I mean, this is the thing, this hearing was
10 delayed. It was supposed to be closer to the
11 derailment date of June 3rd. Of course, wait a
12 couple months, then we'll try to get it through.

13 MR. OLSEN: Sir.

14 MR. FERGUSON: Closer to that date. Now there's
15 larger issues on these the same.

16 MR. OLSEN: Sir, we need to have you wrap
17 it up.

18 MR. FERGUSON: Please deny the permit. Thanks.

19 MR. OLSEN: All right. We have Stan Foreman,
20 Lois Bancrot, John (inaudible). Kirwind from Hood River.
21 All right. Katherine Hill, Michele Bryant, John Halls,
22 Margaret Sulla, Jeanette Conn.

23 MR. HARGRAVE: If you have already signed up,
24 come up one at a time and state your name.

25 (Pause in proceedings)

1 MS. CROWLEY: I'll make this quick. My name is
2 Susan Crowley. I am a business owner, and a resident of
3 Mosier.

4 First of all, thank you all so much for being
5 here and sitting through and listening to all of our
6 testimony. It's a challenge to have gone through such a
7 complicated application procedure. And also thank you
8 for holding public hearing, finally. It was a little bit
9 frustrating always having the rescheduling, but I am
10 glad we are here now.

11 First of all, you know, I am not going to repeat
12 a lot of points already made. There were many points
13 to deny this application. And I really hope you have
14 the strength and courage to deny this application. It
15 will take some strength and courage to do so.

16 I -- there is a plaque atop the Mosier twin tunnels
17 that the Columbia River Gorge is a ational treasure that
18 deserves the protection of a lifetime. And that is really
19 something we need to keep reminding ourselves; that in
20 all the changes that are coming, we still need to protect
21 that area that can't speak for itself, not just wildlife,
22 that's the Scenic Area, that's the trees and the
23 land.

24 One thing that we keep talking about that I haven't
25 seen in a study is the noise. Of course, living in Mosier,

1 we hear the trains. We hear a lot of trains. It's not
2 just the whistle that they have been blowing recently to
3 let us know that they're there, but it is the wheels and
4 the -- you know. Depending on if it's a double track, or
5 double container load, we hear the squeaking, the
6 squealing a lot more loudly than if it's a single car.
7 So, I think that if there's any way to do some studies
8 on noise, that would be great because that does
9 adversely affect fish, wildlife, plants, what have you.

10 And one of the things you talked about is
11 that this application or this thing must not
12 adversely affect air, water, or land.

13 I'm going to hurry through this. So, it is a
14 National Scenic Area. It has its own rules and regs. You,
15 as the Planning Commission, adhere to those, know the
16 rules and regs and deny this application.

17 One of the things terms like "being railroaded"
18 definitely came from high-powered manipulation at the
19 national level when railroads and tracks were being laid,
20 so that's a term we all know. What I would like to
21 suggest is don't let that happen to us. Show your
22 strength to the people here in the Gorge and deny this
23 permit and develop a better thing that says we stopped
24 them in their tracks. Thank you very much.

25 MS. ELLEN: My name is Ellen. I am a 50-year

1 resident of Oregon. I am grandmother. I am a retired
2 teacher. For fun, I have done research for people who
3 are members of a group called Oregonians for Tax Fairness
4 which (inaudible) project.

5 First of all, I want to say how much I admire
6 your attention and your intelligent (inaudible). Thank you.
7 Thank you very much and thank you for the chance to speak.
8 I want to quote I think the first person who spoke, but
9 it might have been the second. Every employee at Union
10 Pacific works constantly to prevent incidents like that.
11 We have to work together to prevent these accidents. And
12 then somebody said that it's intermodal transport, which
13 is what I do research on for Oregonians for Tax Fairness.
14 Every employee of Union Pacific works constantly to
15 prevent incidents like what happened to Mosier.

16 One of the research projects that I did for
17 Oregonians for Tax Fairness involved reporting reports
18 to OSHA on the retaliation or complaints filed for unsafe
19 practices. Union Pacific, in fact, seven of the top ten
20 offenders for retaliation from employee complaints about
21 unsafe practices, Union Pacific, is number two on the
22 list of ten. The top seven are all railroads. So,
23 remember that when you're considering Union Pacific's
24 plans; they retaliate against whistleblowers. Thanks for
25 your time.

1 UNIDENTIFIED SPEAKER: There are three left, because-
2 we're here representing the (inaudible) international
3 group. And we do testimony, but usually we do it with
4 song. Sometimes we do a little theatre, but today --

5 MR. OLSEN: Did each of you sign up?

6 UNIDENTIFIED SPEAKER: Yes, we signed up as (inaudible).

7 MR. OLSEN: Definitely don't want to interrupt the
8 song.

9 UNIDENTIFIED SPEAKER: Okay. It's just one testimony.
10 It's less than three minutes. And we've done it before
11 for other groups.

12 MR. OLSEN: We just to make sure we have names for
13 each one.

14 UNIDENTIFIED SPEAKER: Jean (inaudible), Portland,
15 Oregon. I will give testimony later.

16 UNIDENTIFIED SPEAKER: Ellen, you have me. So this
17 is our testimony usually in song. And music goes to a
18 different part of your brain and different emotional space.
19 (Inaudible). Ready.

20 THREE WOMEN SINGING: Oil train, oil train going
21 through, carrying more oil or coal, all you do. Please
22 don't blow up any town. Keep that crude right in the
23 ground. Mosier, Oregon, may be small but what happens
24 there says keep them all. Stop destructive coal and oil,
25 don't let our Gorge be soiled. Oregon is big enough to

1 make a huge difference if we are tough. Demand to keep
2 it in the ground so our Gorge is safe and sound.

3 No oil trains in the Gorge.

4 Please deny this. Okay.

5 MS. ROBINSON: My name is Barbara Robinson. I am
6 at P.O. Box 682, Mosier, my address. I actually live in
7 The Dalles now, but I have lived around Mosier for years.
8 I have been involved in conservation of the oak
9 woodlands and the Gorge since 1970. (Inaudible). My
10 daughter went to Mosier School, and I lived in Rowena
11 for quite a while. I was evacuated in the last Rowena
12 fire, the one before that, 1998.

13 When this happened, you know, a lot of people
14 have said how Mosier the best-case scenario happened,
15 and that's true but nobody has really talked about
16 what the worst-case scenario could have been. I have
17 been visualizing a lot. If this proposal would put more
18 trains in the Gorge and the more trains the more
19 chances are of accidents and more safety hazards
20 there.

21 Now, I talked to Jim Appleton, the fire chief
22 of Mosier, right after this happened and he said that
23 he -- they fought it for nine hours before they could
24 even start to use the foam. These fires, the foam
25 would have just evaporated. That's what he said you

1 let an oil fire burn. And he said to me that if it had
2 been the day before, 24 hours earlier with the 35-mile-an-hour
3 winds we had, that car would have ignited the
4 next car, the next car, pretty certain.

5 Now, also I talked to the people who own the
6 ice cream and Porsche repair shop in Mosier, they were
7 sitting outside. They heard it. The smoke started
8 rising. (inaudible) got up to go toward it and her
9 husband said, "No that is toxic smoke."

10 Now, this smoke is different from a forest
11 fire. It is oil smoke. It is toxic. Visualize--
12 all those oil cars go pretty quickly. You get all that
13 smoke going up. Smoke inhalation kills people; even
14 regular smoke is enough. Toxic oil smoke. Imagine
15 all the little valley of Mosier covered in smoke.
16 I-84 closed because nobody could see to drive. I-30
17 closed because nobody could see to drive. The west
18 winds carrying it westward in the Gorge.

19 The Dalles, everywhere else. (Inaudible),
20 but just smoke. The smoke would go up the valleys.
21 Maybe people could get out of town by going up
22 (inaudible) Road, maybe up (inaudible) Road. Imagine
23 you are in Mosier and with all the smoke coming at
24 you. Where do you go? What do you do? You can't
25 even think. The whole town could have been killed,

1 I think.

2 What you need is to have some expert, not me,
3 but some expert do a study on the worst-case
4 scenario. What would have happened if Mosier--
5 24 hours before, if this had happened? What if it
6 had happened a month later when things are even
7 dryer in the Gorge? It was pretty dry right then.
8 We would have had forest fires. You couldn't stop
9 the fire on the train.

10 MR. OLSEN: Wrap it up.

11 MS. ELLEN: Okay. Anyway, so say no to this,
12 but also do studies on what would happen in the
13 worse-case scenario.

14 MR. OLSEN: I don't have your name on the
15 list. Could you come by and put your name and
16 address down?

17 MS. ROBERTSON: I'm on one of your lists
18 there, but I'll be happy to do that.

19 MR. OLSEN: Okay.

20 MR. KERR: My name is Matthew Kerr. I'm a
21 relative newcomer to Mosier. I moved there in 1988.
22 Here and that time I served as town water operator.
23 I can't stress sort (inaudible) how fragile a
24 community like Mosier is. The morning of the train
25 derailment just proved nothing simpler than a tiny

1 little telephone connection and we had a reservoir
2 that was at six feet of water. It should have
3 been at 30 feet of water.

4 We'll go through those sort of numbers, when
5 I am then scrambling that afternoon in incident
6 command that evening, when they're asking me, you
7 know, how much water do we have because we want
8 to put 1500 gallons a minute of water at this
9 fire, I said, "I'll give you a thousand minutes."
10 And that's still 8,000 gallons in reserve in case
11 there was a structure fire. A couple of the people
12 on the crew said -- they looked at me and they
13 snickered and said, Thank you very much. And they
14 were fortunate enough to go and find a source of
15 water somewhere else.

16 So, I guess in closing, in all this, is I'm
17 not going to be a water operator on this next
18 event, because there will be another event, just
19 because it's a case of railroad roulette. I mean,
20 it's fragile and in the same -- I'm sorry to say it,
21 but in the same way that someone can go out and
22 buy a lottery ticket and win and go out and buy
23 another lottery ticket and win again. I mean,
24 disaster isn't going to just visit us once. This
25 will happen again and it's more likely to happen

1 because there's increased capacity this project
2 will put forth.

3 So, I appreciate it. I want to first thank
4 all of the responders that couldn't be in
5 attendance tonight, because there were so many
6 of them that I've worked with first on the initial
7 charge in. And they left their families, their
8 jobs, they left it all to jump in. And I want to
9 thank them who aren't in attendance, as well as
10 thanking you for listening. Thank you.

11 MS. GILLOIL: Again, my name is Leda Gilloil.
12 I live in 4626 SE Clinton, Apartment 53, in
13 Portland, Oregon. And one of the things that I'm
14 not hearing anyone mention is the signs and
15 evidence that we have that the risk is going to
16 increase much more than exponentially and much
17 more and worse in many areas the more variables
18 they have been mentioning.

19 And, therefore, we need to have a fund set
20 aside by UP to cover the costs of all those, far
21 greater than any of the costs the people have been
22 talking about. For example, the steel of the rails,
23 the fasteners, the switches is being degraded. The
24 vibration, because we're having more trains pass
25 with higher weight. We are having fluid in the

1 cars that's not being stopped of the vibration
2 because of (inaudible). The steel is worse, being
3 replaced from China, where they don't have the
4 quality control. We don't have the big trees for
5 the -- for the type of steel that we used to have.

6 The fasteners and the switches are degraded,
7 because we have the coal dust which has a lot of
8 toxic chemicals we didn't have before, gumming
9 up with lethal fill, the pollen and tree sap.
10 We are having more gumming up. We don't control
11 them. We are having more problems (inaudible)
12 switching because when we have increased
13 temperature changes from global climate change,
14 when we have shifting from the rail beds from the
15 train at higher speed and variety of different
16 types of vibration. We're also having harder rain,
17 less snow melt, and so we're having more water
18 erosion so we're having the rail bed underneath
19 erode out. We're having more vibration from the
20 train tracks, from the tracking, from the drilling,
21 from the sonar depth, from the sonar testing,
22 military testing, and from the fracking, and that
23 causes us to have less of the oil and the coal
24 lubricants and shock absorbers. We have less of
25 that, more frequent earthquakes. There is going

1 to be worse earthquakes, and they are going to
2 spread farther, do more damage. We have that,
3 plus the extra heating methane into the air.

4 We're going to have more global change,
5 which means we're going to have more death of the
6 different microorganisms in the soil, which are
7 holding the water in place, so we're going to
8 have more shifting. We're having more shifting,
9 plus we're having more heat expansion of the
10 steel, we're going to have more steel fatigue.
11 And so we're not going to have the tracks to be
12 able to maintain it. Plus, the train cars themselves
13 are being eroded. They're having constant decay. And
14 they are having heat expansion so they are becoming
15 weaker and more volatile. And we're going to have
16 more explosions and fire.

17 They've been talking about the earthquakes
18 (inaudible) and then having the methane fire
19 spreading.

20 So please look at the extra cost, the extra
21 risk that I am talking about. We need to have
22 the wetlands to protect our rail bed. We can't
23 destroy our wetlands.

24 MR. OLSEN: Thank you. Can you give me your
25 last name one more time.

1 MS. GILLOIL: Gilloil. Gill like the fish.
2 Oil like spilled oil.

3 MR. OLSEN: All right. Is there anyone else
4 later on the list or not on the list who wishes to
5 testify in opposition or just to raise a question?

6 Thank you. I think that's everybody.

7 CHAIR HARGRAVE: Thank you. I know many
8 of you actually put in more time in this speaking
9 than us. We came locally. Some of you came from
10 some distance. We really appreciate the testimony.
11 It is an absolute critical part of our process and
12 we really appreciate not only the richness of the
13 comments and the input, but also the cordiality of
14 the way you -- the way everyone handled themselves;
15 Some clapping. It's really been a good experience,
16 as well as a learning experience.

17 So at the conclusion of this testimony,
18 the staff --

19 (Multiple voices)

20 UNIDENTIFIED SPEAKER: Does the Applicant get a
21 chance for rebuttal first?

22 CHAIRMAN HARGRAVE: Okay. Well, I think 15
23 minutes, is that right, for rebuttal? But no new
24 evidence.

25 UNIDENTIFIED SPEAKER: I agree with Chair

1 Hargrave. Wow. And the "wow" really goes to you.
2 We admire your stamina, and you will be pleased to
3 know that we do not intend to test that stamina and
4 (unaudible) will not take 15 minutes. There has
5 been lots of testimony. There is not way
6 (inaudible).

7 I actually would like to start with a
8 procedural matter, and it may be addressed by
9 Mr. Olsen, but Mr. Baker in particular, I believe,
10 when I took his comments about the request to hold
11 the record open (inaudible).

12 In Oregon, in Oregon land use cases, it is very,
13 very common, but do you agree that the question is
14 off the table besides? (Inaudible).

15 CHAIRMAN HARGRAVE: For the record, that was my
16 intention.

17 UNIDENTIFIED SPEAKER: Mr. Chairman, the Wasco
18 County code provides for a seven-day comment
19 period. And chairman indicated at the beginning of
20 the meeting that it was the intent of the Planning
21 Commission to take written comments for seven days
22 and then provide a short period of time for
23 responses to those written comments, but no new
24 evidence.

25 The seven, seven, and seven rule that's typical

1 in Oregon does not apply to this proceeding because
2 of the National Scenic Ordinance statute.

3 CHAIRMAN HARGRAVE: Okay.

4 UNIDENTIFIED SPEAKER: (Inaudible). As I said, I
5 think the plan is to have seven days and then a
6 short period of time for rebuttal for the evidence
7 procedure, for the seven-day procedure.

8 UNIDENTIFIED SPEAKER: Okay. So our thought is
9 to -- is to respond to what we all heard in the
10 last several hours during that time.

11 One of the issues that we have been hearing
12 about frequently, and Mr. Olsen described it as the
13 elephant in the room, is that it is straight off of
14 -- I don't know if you can hear me, but it
15 certainly struck a cord is the safety one.

16 (Inaudible) direct response to one of the questions
17 that was asked and Mr. Olsen enjoined us from
18 answering it.

19 I have raised two children and lived within a
20 mile of the railroad tracks. I can tell you when I
21 started as outside counsel for this company in
22 about 2007, 2008, I was immediately amazed at the
23 priority they put on safety. They start every
24 meeting when you get into a room with a safety
25 check. Who has -- what is it -- the CPR?

1 UNIDENTIFIED SPEAKER: CPR?

2 The CPR. Who has CPR training? Who is going
3 to call 911? Et cetera, et cetera. They simply
4 take it absolutely seriously for the simple reason,
5 we all have -- we all have children. We are all
6 working with our friends and colleagues. We all
7 want everybody to get home at the end of the day.

8 But I really want to bring Wes Lujan on, if I
9 can, just for a moment just to emphasize a
10 hypothetical. He can provide a broader survey of
11 what this company does about safety.

12 MR. LUJAN: You know, I'm just going to speak
13 to what we have been doing in the Gorge in response
14 to the June 3rd incident. You know, a number of
15 folks in the audience and other public persons
16 around the area have heard this, but I thought it
17 would be good for the Commission to hear it
18 directly from me, just reinforcing.

19 It doesn't matter if you're Lance Fritz or any
20 other of our companies. We're all committed to
21 having every one of our employees go home safe
22 every day. We operate (inaudible) every day with
23 the safest communities. So it's very disheartening
24 to hear some comments this evening, but I assure
25 you of the 45,000 employees that we have working on

1 our railroad every day, 365 days a week, 24 hours a
2 day, seven days a week, they are all committed to
3 safety every day. So I just want to reiterate
4 that. 1600 of them are here in Oregon, working out
5 of Oregon proper.

6 Safety recap. You know, we have heard -- we
7 have spoken to the Governor on the communities here
8 in the Gorge. I just want to recap what we did in
9 response to the incident on June 3rd.

10 So what we have done, we've amended -- we've
11 augmented our discussion practices, so now what
12 we're doing, we are doing a high rail, enhanced
13 high rail inspection three times a week in the
14 Gorge. It used be two times a week and now it's
15 three times a week. So it is a random sampling of
16 lag screws that are in the curves in the Gorge.

17 We've modified our -- we have (inaudible) a
18 gate (inaudible) so it's a big -- it's a big truck
19 basically with 7,000 pounds of lateral pressure on
20 the tracks. Basically it pushes out, they can test
21 for (inaudible) the lag screw came out (inaudible).

22 That truck operated after the inspection after
23 we refaced the track in Mosier. We did a testing
24 in the Gorge in Mosier, in that area, to make sure
25 the track was safe in those curves. 7000 pounds of

1 lateral pressure, a single-engine locomotive
2 pushing out against the tracks.

3 We are going to do that. Now -- we used to do
4 it every 18 months. Now we're going to do it every
5 four. Okay? And it's operating actually today. I
6 noticed it coming out here. It's in the Gorge. We
7 are replacing 80 miles of lag screws in the curves.

8 So I just wanted to underscore, we started
9 using lag screws in 2000. As a result of this
10 incident, we're changing that. We're starting here
11 in the Gorge. We will be done by October 15
12 replacing the eight miles of lag screws in the
13 Gorge with an equally safe fastener -- I want to
14 underscore that -- with the rail strike fastener.

15 We are replacing those rail strikes with
16 fasteners. Okay. (Inaudible) That's what we're
17 looking at is a hard fastener in the curves. So it
18 will be done by October 15.

19 Obviously you guys have a -- there is a lot of
20 grain coming in from the East, Eastern Oregon and
21 other places, and also bringing to the ports other
22 commodities (inaudible) buckets are while driving
23 along the track on I-84. (Inaudible)

24 Another thing we did, we added an inspector.
25 We have intensified our discussion process on the

1 ground. Once a month an inspector is walking the
2 Gorge corner, the curves in the Gorge, and doing a
3 physical walking inspection of the curves. Okay?

4 So they are getting out, tapping it with a
5 hammer, like a long hammer, basically tapping it so
6 if they moved, then we know, right? So that's what
7 we couldn't see when a derailment happened. We
8 could not see that it was broken underneath the
9 tie. So that is what we're testing for now.

10 The number of individuals have gone from two to
11 three. Another thing that I think sort of gets
12 overlooked a lot because it happened in the context
13 of around the same time this was all happening the
14 derailment, unfortunately, is we have purchased six
15 foam trailers for use by the state fire marshall.
16 The state fire marshall is going to decide where
17 they are going. It's up to local governments to
18 work with the state fire marshall to determine
19 their locations, but they are working with them to
20 stage those processes.

21 UNIDENTIFIED SPEAKER: You mean across the
22 state or in the Gorge?

23 MR. LUJAN: Across the state, but the Gorge
24 could be a location. That is between, you know,
25 the state fire marshal and the first responders.

1 I also want to state that we have scholarships.
2 We send people out to Pueblo, Colorado. We do
3 trainings locally. There has just been a drill in
4 The Dalles prior to the incident with the local
5 first responder partners. We are doing
6 scholarships. We are committed to this as part of
7 the coverage in Oregon. We are going to keep
8 moving forward on implementing that.

9 Our Chairman has doubled our efforts. He
10 committed verbally at our meeting on the 26th. I
11 think Ms. Brewer was there, as well the Chairman of
12 Wasco County, as well as other folks in the room.
13 And he basically said, hey, we are going to do
14 everything we can on safety. We're going to double
15 down on these communities. We're going to do more
16 trainings, more drills locally, so we're going to
17 get that done.

18 So I just want to reassure you that's
19 happening. That's drills, and that's training at
20 fire stations with volunteers. That's sending
21 people to Pueblo, Colorado, at our expense through
22 the scholarship program we have. And we're going
23 to keep doing that.

24 Mosier proper. You know, there's a lot of
25 discussion about, you know, how do we move forward

1 with Mosier? We're going to be doing our
2 presentation at the Mosier City Council tomorrow
3 night. We are working with Team Mosier, which has
4 a Chairman, Mr. Terri Moore. We are having
5 conversations with them. We are going to see how
6 we can move forward together. It doesn't just stop
7 after the initial response. We are going to keep
8 working with them in collaboration to build a
9 dialogue and find solutions that are amicable and
10 reasonable for all parties involved.

11 There was a shot taken about, you know, our
12 investment, our lack of interest in investing in
13 rail infrastructure, the tracks are falling apart.
14 We spent \$572 million since 2011 to 2013 in Oregon.
15 That's just in Oregon. \$572 million we have spent
16 as a corporation rebuilding our infrastructure,
17 maintaining our infrastructure, and improving the
18 safety for the residents of Oregon. I just wanted
19 to inform you of that.

20 Another thing to kind of bring in closing, a
21 lot of folks have talked about access. Access is a
22 big deal. And that was something that came across
23 for in our meeting with the Chairman on the 26th
24 that really was well-articulated by a member of the
25 elected officials and others in the room.

1 And my chairman is committed to working with
2 the communities on safe and reasonable access. So
3 we're going to see what we can do there. That's
4 noted and that is a condition that you referenced
5 in your report here, but we are committed to
6 working with the Gorge communities on seeing how we
7 can work on access. So that's going to keep coming
8 back and we're going to be here every time.

9 So Mr. Tyler Stodd, I believe, is going to call
10 and follow up on that and he is coordinating with
11 all of the communities in the Gorge on everything.

12 So those were just a couple of closing
13 comments. Please let me know if you have any
14 questions. We are going to follow up with a PDF
15 that has the details of our inspection practices
16 that have been enhanced in the Gorge and we'll keep
17 working with you guys.

18 Thank you for your time.

19 UNIDENTIFIED SPEAKER: So, yeah, I'm going to
20 close now where I was several hours ago. We are
21 all -- your record has got to be this tall at this
22 point. Every person here, on either side, is here
23 to address your questions.

24 And I know it's late, but I ask you to take
25 another deep breath and if you have any questions,

1 we've still got some brain cells left over there.

2 We would be happy to answer them.

3 Yes?

4 UNIDENTIFIED COMMISSIONER: One question that
5 came up many times tonight was will or will not the
6 train traffic increase?

7 UNIDENTIFIED SPEAKER: Clint, why don't you
8 come up. Clint Schelbitzki.

9 MR. SCHELBITZKI: Clint Schelbitzki at the
10 Union Pacific.

11 So train traffic as a result of this project
12 will not change.

13 UNIDENTIFIED SPEAKER: Oh, please.

14 MR. SCHELBITZKI: It won't increase. Our
15 traffic is really dictated by the global market, by
16 the U.S. economy. When our customers give us more
17 goods to ship, that's when our train volumes will
18 either increase; or if the economy goes down, like
19 it has in the past several years, train volumes
20 could decrease the same, but it has nothing to do
21 with the amount of track that we install in any
22 given area.

23 UNIDENTIFIED SPEAKER: So how about capacity?

24 One of the other lawyers, I think from the
25 Friends of the Gorge, gave us some numbers and I

1 wanted to ask you about those numbers.

2 I think that they said that right now your
3 capacity was in the neighborhood of 30 to 48 trains
4 and after this project it would be in the
5 neighborhood of 75 to 100 trains a day.

6 So understanding that's not what you're saying
7 the intent is, but what is your capacity now and
8 what would your capacity be after this project?

9 MR. SCHELBITZKI: I think the question turns
10 into what is the capacity. We can move a good
11 number of trains, but is it fluid? Is it -- you
12 know, can you do it without the -- without a level
13 of congestion that we're trying to relieve right
14 now?

15 So I don't have the specific capacity number
16 with me. I can tell you that 75 to 100 is false.
17 There's no way we could move 75 to 100 trains with
18 the track we have there today.

19 UNIDENTIFIED SPEAKER: With what it is here
20 today, correct, but what -- what will it be with
21 the proposed decision?

22 UNIDENTIFIED SPEAKER: Just to follow up, I
23 appreciate that you're saying what you actually
24 move is going to be driven by the global economy,
25 pricing, and other macroeconomic factors, but it is

1 true that you could move -- the train volume could
2 be higher after this project than it could be prior
3 to the project. Is that true?

4 MR. SCHELBITZKI: That's correct, yes. That's
5 where we have a common carrier obligation to our
6 customers. If they provide us a shipment to move
7 across the country, we don't have a choice in that.
8 We have to move that. And if the economy improves
9 such that it increases our volume as a result, we
10 have to do this at that train crossing.

11 UNIDENTIFIED SPEAKER: So we have some
12 information for you out of our planning department,
13 like Clint said, but, you know, one of the things
14 our chairman talked about in our meetings is that
15 there will be some incremental -- that trains will
16 get longer. That's something you will see. We'll
17 be able to fit longer trains passing each other.
18 They will be -- they'll be incrementally longer.
19 So that doesn't mean there will be more trains,
20 more trains trying to get out of the way. That's
21 one of the factors you have to think about in this
22 equation.

23 One other thing is that the experts -- the
24 contention of the experts is that constructing 4.04
25 miles of double track and having the capacity to go

1 up to 75 to 100 trains per day, levels blatantly
2 false and misleading.

3 The Portland subdivision on UPRR is 169 miles
4 on an equal ordinance to cross in Oregon. That's
5 24.8 miles of double track. With the addition of
6 the Mosier double track project, the 4.024 miles of
7 double track, the route will have 28.84 miles of
8 double track on the route. That is 17 percent of
9 double track.

10 Okay? So just to repeat that. 169 miles, 17
11 percent is in the double track. We have a lot of
12 single track railroad, right, Clint, wouldn't you
13 say?

14 Since the majority of the route is single
15 track, the capacity calculation has to take this
16 fact into account. So, you know, basically we're
17 guessing between 25 to 32 trains per day in order
18 to run a consistent railroad. Okay? That's
19 shrinking the largest single gap (inaudible) gap in
20 usable siding, the double track that we are talking
21 about at this hearing, we will gain capacity to run
22 five to seven more trains per day. So what's where
23 we are, five to seven more trains per day.

24 UNIDENTIFIED SPEAKER: Of the 25 you run today,
25 give or take?

1 MR. SCHELBITZKI: Yes.

2 UNIDENTIFIED SPEAKER: Is Mosier your shortest
3 siding?

4 MR. SCHELBITZKI: Yes.

5 No, no. It's Bridal Veil.

6 Thank you, Luke.

7 UNIDENTIFIED SPEAKER: So what is your shortest
8 siding?

9 MR. SCHELBITZKI: Bridal Vail.

10 UNIDENTIFIED SPEAKER: Where is that?

11 MR. SCHELBITZKI: It's west of -- it's
12 comparative, but it's Bridal Vail. So Mosier has
13 6,388 feet siding feet and Bridal Vale is
14 comparative with 6,360.

15 UNIDENTIFIED SPEAKER: So how many foam trucks
16 are you going to need along the Columbia River
17 Gorge if you have two --

18 UNIDENTIFIED SPEAKER: I'm sorry. We have
19 finished that input section.

20 Okay. Are there more questions?

21 UNIDENTIFIED SPEAKER: So if you're looking at
22 25 to 32 trains per day, right now is that your
23 current average or is that your maximum right now?

24 MR. SCHELBITZKI: We provide -- 25 trains per
25 day, give or take, is our operating average with a

1 maximum velocity of five to seven increase.

2 UNIDENTIFIED SPEAKER: And that's it for the
3 velocity, picked up by increasing the double track,
4 you're still going to run into bottleneck because
5 you only have 17 percent double track. Is that
6 what you guys are getting at when you say there is
7 only 17 percent in terms of overall double track?

8 MR. SCHELBITZKI: Yes.

9 UNIDENTIFIED SPEAKER: Yes.

10 MR. SCHELBITZKI: This all comes from our
11 engineer and the network planning guys, but the
12 goal is by, you know, getting this build-out that
13 we're going to have, it's going to allow that much
14 more fluidity moving forward. Right now, the
15 trains stop.

16 Talk about environmental impact. I mean, you
17 know, having a train idle in the community is not
18 ideal. You know, trains moving, in our opinion,
19 are safer trains, because if they are stopped on
20 the siding, you're going to have people crawling
21 through them to get to the river. You are going to
22 have issues with people crawling on locomotives. I
23 mean, it's a number of issues that creates a very
24 bad problem.

25 CHAIRMAN HARGRAVE: Do any of the commissioners

1 have more questions?

2 Okay. I thank you very much for your rebuttal.

3 And, Angie, does the staff want to say anything
4 further?

5 MS. BREWER: Just that I appreciate how many
6 people came out tonight. I feel like we learned a
7 lot. Nothing to amend in the staff report.

8 CHAIRMAN HARGRAVE: Okay. Great. So,
9 Commissioners, is there a motion to keep the
10 written record open until five o'clock on September
11 13th for submittal of new evidence and argument,
12 and until five o'clock September 21st for written
13 comments, but no new evidence and to continue this
14 meeting to three o'clock on September 26th for the
15 Planning Commission deliberations?

16 UNIDENTIFIED SPEAKER: Commissioner, we need to
17 have a location for that meeting as well. I wasn't
18 sure where that would be.

19 CHAIRMAN HARGRAVE: I'm guessing that would be
20 Grant's Point at the Discovery Center.

21 Angie?

22 MS. BREWER: Staff has confirmed that the space
23 is available.

24 CHAIRMAN HARGRAVE: That was fast.

25 Is there a such a motion?

1 UNIDENTIFIED SPEAKER: Yes.

2 CHAIRMAN HARGRAVE: Okay.

3 Is there a second? Perfect.

4 All in favor?

5 GROUP: Aye.

6 CHAIRMAN HARGRAVE: And any opposed?

7 Okay. That motion is carried.

8 So thank you all for coming. The hearing is
9 over.

10 (Proceedings adjourned)

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