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Contra Costa County Board of Supervisors

Subcommittee Report

TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

7.

Meeting Date: 06/09/2016

Subject: CONSIDER Department responses to the Pipeline Safety Report and DIRECT staff on next steps.

Submitted For: TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE,

Department: Conservation & Development

Referral No.: 15

Referral Name: Monitor the Iron Horse Corridor Program

Presenter: Carrie Ricci, Department of Public Works, and John Cunningham,
Department of Conservation and Development

Contact: Carrie Ricci (925)313-2235

Referral History:

At the April meeting of the Transportation, Water and Infrastructure Committee (TWIC), Michael Kent, Executive Assistant to the Hazardous Materials Commission presented the Pipeline Safety Report that was developed by the Pipeline Safety Trust.

The Hazardous Materials Commission supported seven of the nine recommendations moving forward. TWIC directed staff from the Departments of Conservation and Development and Public Works to review the recommendations and report on how they could be implemented within the County.

Referral Update:

On May 23, 2016 staff from the Departments of Conservation and Development and Public Works met with staff from the Office of Emergency Services, Health Services, Contra Costa County Fire Protection District and San Ramon Valley Fire District to discuss the following recommendations, what is currently being performed and any additional steps that can be taken to improve in these areas.

Recommendation: Review all development applications for opportunities to improve existing ingress/egress where currently limited, and where possible, include conditions on approvals to improve connectivity and avoid exacerbation of access problems.

Response: The Contra Costa County Fire Protection District and San Ramon Valley Fire District review development applications to determine based on the size of the development whether a second access is required. Access requirements are determined by the Contra Costa County Fire Code.

Recommendation: Plan emergency evacuation ingress/egress for areas in Alamo west of Danville Boulevard and

the Iron Horse Corridor where a single pipeline crossing road is the only access for numerous homes and facilities with the goal of creating public accessibility across these “dead-end” neighborhoods that necessitate crossing the pipeline to access any services.

Response: The San Ramon Valley Fire Protection District is in the preliminary phase of developing evacuation maps for neighborhoods on the west side of the trail in the Danville area. They have requested feedback from the Danville Police Department and will look at the Alamo area next. The information will be incorporated into a mailer and is anticipated to be sent to residents in fiscal year 2016-17. In some emergency situations, Shelter in Place may be the most appropriate option.

Recommendation: Ensure the County has complete and accurate records of corridor and right of way locations. Continue to coordinate with Kinder Morgan and other utilities on resolution of encroachments into pipeline rights of way.

Response: The County has current maps that show property lines and utility easements. Staff continues to work with the utilities and property owners to address encroachments.

Recommendation: Ensure the single staff point-of-contact for citizens with concerns about multiple utility issues and right of way questions has technical training on safety concerns, adequate resources to conduct regular and broad community outreach (especially along the Iron Horse Trail Corridor), and resources to work in close coordination with other related departments and advisory groups.

Response: The Public Works Department has a single staff contact for the corridor who is the Iron Horse Corridor Manager. The Corridor Manager works with the utilities, County Survey staff and property owners to address right of way questions. The Corridor Manager interacts with other departments to address corridor concerns and attends advisory committee meetings, as needed to share information with the community. The Department has contacts with all of the utilities and the State Fire Marshal so they can provide expertise, as needed.

Recommendation: Request appropriate staff conducts an analysis of all congregate facilities located in close proximity to transmission pipelines. Work with other emergency response agencies to develop a list of resources for emergency and evacuation planning expertise for congregate facilities near pipelines that include potential hazards from a pipeline incident, and mitigation strategies for those hazards based on site-specific considerations.

Response: The Fire District and Health Services discussed working with Community Awareness and Emergency Response (CAER) to develop a fact sheet to send to the congregate facilities that describes what to consider regarding pipelines when they're developing their emergency plans. The term congregate will need to be further defined to determine what facilities would receive this information. San Ramon Valley Fire Protection District has an evacuation video developed for this type of scenario that has been promoted to surrounding jurisdictions.

Recommendation: Adopt clear policies and deterrents regarding preventing encroachments including review of setback variances by municipal advisory councils or committees and department staff, so that properties and vegetation along utility corridors do not encroach on pipelines.

Response: The County has clear policies that prevent encroachments. Property owners and contractors are required to apply for a permit to access and/or perform work in the Iron Horse Corridor. The Public Works Department is looking into different methods to communicate this information to property owners adjacent to the Iron Horse Corridor, such as informational letters

that remain. *Appendix C* Elements of the corridor property lines, utilities in the corridor and the requirement to call Underground Service Alert when digging. Other possibilities include Board of Supervisors email communication and markers in the corridor designating the property line in various locations. The County and cities along the corridor have setback requirements in place. Utilities companies, specifically Kinder Morgan routinely clears vegetation over their easement. When property owners apply for a setback variance the application may go to the appropriate municipal advisory committee for review and a recommendation.

Recommendation: Consider adding goals and policies regarding pipelines to the General Plan, and amending Contra Costa County Zoning code 82.2.010 so that all gas and hazardous liquid transmission pipelines would be subject to land use regulations. Consider additional ordinances pertaining to zoning and land use that are proposed for construction, replacement, modification, or abandonment.

Response: The Land Use, Transportation and Circulation, Open Space, and Safety elements of the County General Plan contain references to pipelines that transport hazardous materials. The Land Use and Safety elements also contain policies, though they are few and their nature is more suggestive than directive. Because the County does not always have jurisdiction over pipeline projects, amending the General Plan to add goals and policies pertaining directly to pipeline development may have limited value. However, adding policies addressing the relationship of other land uses to pipelines could be useful. Examples of such policies could include, but not be limited to:

- *Discouraging placement of uses and facilities which primarily house or serve vulnerable or sensitive populations (elderly, ill, children, etc.) within X feet of a hazardous materials pipeline right-of-way.*
- *Requiring deed notifications for all newly subdivided lots within X feet of a hazardous materials pipeline right-of-way.*
- *Encouraging new buildings to be located away from hazardous materials pipeline rights-of-way when such design flexibility exists on the project site.*

Ordinance Code Section 82-2.010 currently states that pipelines are exempt from the County's zoning regulations. However, on May 24, 2016, the Board of Supervisors adopted an amendment to Section 82-2.010 clarifying that pipelines are subject to Ordinance Code Chapter 84-63, Land Use Permits for Development Projects Involving Hazardous Waste or Hazardous Materials. The amendment becomes effective 30 days after adoption.

Staff believes the Ordinance Code provides for proper review of pipelines and sees no compelling need for additional regulation of pipeline construction, replacement, modification, or abandonment. Statutory exemptions exist for replacement/modification of pipelines and often these activities take place under order from a federal or state agency. Pursuant to Chapter 84-63, pipeline projects located more than 300 feet from residential or commercial properties are not "development projects" and therefore do not require a land use permit. If a pipeline is located

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within 300 feet of such properties and has a hazard score^[1] of 80 or higher, then a land use permit is required and an environmental review will be performed.

The Transportation Risk component of hazard scoring rates pipelines as the preferred method for transporting hazardous materials, relative to truck, rail, and marine vessels. Discouraging pipeline development through unnecessary regulation could have the unintended consequence of incentivizing the use of less safe transportation methods, especially since increasing the frequency of truck, rail or vessel deliveries typical would not require a County review.

[1] The hazard score is calculated pursuant to Ordinance Code Section 84-63.1004 and represents a project-specific risk assessment based on the following factors (possible points for each factor are indicated in parentheses): Transportation Risk (0-10); Community Risk – Distance from Receptor (1-30); Community Risk – Type of Receptor (4-7); Facility Risk – Size of Project (Total Amount Change in Tons; 0-30); Facility Risk – Size of Project (Percentage Change; 0-6); and Hazard Category of Material or Waste (1-3).

Recommendation(s)/Next Step(s):

CONSIDER Department responses to the Pipeline Safety Report and DIRECT staff on next steps.

Fiscal Impact (if any):

N/A
