

June 19, 2014

Michael Kent, Ombudsman
Contra Costa County Hazardous
Materials Commission
50 Douglas Drive, Suite 310-A
Martinez, CA 94553

Re: **AB 380 - Letter of Concern - Do Not Pass Unless Amended to Protect the
Public's Right to Know**

Members of the Commission:

The Martinez Environmental Group (MEG) has serious concerns regarding the impact AB 380 would have on the public's right to receive information on the movement of crude oil and other hazardous materials through California communities including Martinez. AB 380 Sec. 2 as currently drafted states:

"The Legislature finds and declares that Section 1 of this act, which adds Section 25547.8 to the Health and Safety Code, **imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies** within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to provide for the safe transport of hazardous materials through the state and to avoid creating a transportation security risk, **it is in the state's interest to limit public access to this information.**" (emphasis added)

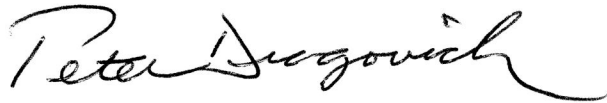
AB 380 also states that information given to the State Office of Emergency Services (OES) by railroad carriers is, "deemed to be proprietary information and shall be disseminated only to those government personnel with emergency response, planning or security-related responsibilities on a need-to-know basis" Sec. 25547.8 (b).

MEG believes these provisions would effectively cut off from the public information on the flow of volatile crude oil and other hazardous materials through California communities reportable under provisions of the bill. The public's right to know is essential at all levels of government for informed decision-making. A balanced debate on the potential social and environmental impacts of potentially devastating hazardous materials is not possible when basic information on the existence of these materials is withheld from the public. Security concerns in a post-911 world are understandable but AB 380 strikes no balance. Surely, some level of historical data could be made available to communities without jeopardizing security. For example, allow public access to summary data such as the number of trains that passed through a community

in the past month or the past quarter. This information would not need to include railroad carrier names, dates or times of shipment, schedules, track numbers, origins or destinations of cargo only the number of trains that passed through a community and general information on the type and volume of cargo. AB 380 as presently drafted makes no attempt to provide the public with basic information.

What better way to defeat meaningful regulation of industry than to keep the public in the dark? Protect the public's right to know. Protect the public's right to a safe environment. Democracy functions on the will of the people and the consent of the governed through an informed debate on facts. **This bill must be amended to strike a balance of interests with regard to public access to information or the bill should be defeated.**

Respectfully submitted in support of the public's right to know,

A handwritten signature in black ink that reads "Peter Dragovich". The signature is written in a cursive, flowing style.

Peter Dragovich, for
Martinez Environmental Group (MEG)
P.O. Box 3111
Martinez, CA 94553

www.mrtenvgrp.com