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6 **BEFORE THE STATE OF WASHINGTON ENERGY**
7 **FACILITY SITE EVALUATION COUNCIL**

8 In the Matter of: Application No. 2013-01

CASE NO. 15-001

9 TESORO SAVAGE, LLC

PREFILED TESTIMONY OF ASSISTANT
POLICE CHIEF MICHAEL S. LESTER,
SUBMITTED BY THE CITY OF
VANCOUVER

10 VANCOUVER ENERGY DISTRIBUTION
TERMINAL

11
12 Q: Please state your name, place of employment and title, and address.

13 A: My name is Michael S. Lester. I am an Assistant Police Chief for the City of Vancouver,
14 Washington ("Vancouver"). My office address is Vancouver Police Department, 605 E.
15 Evergreen Blvd., Vancouver, WA 98661.

16 Q: Summarize your current job responsibilities as they relate to the subject matter of your
17 testimony.

18 A: I am currently assigned as the Operations Bureau Assistant Chief for the Vancouver
19 Police Department ("VPD"). I supervise patrol, Neighborhood Response Team,
20 Neighborhood Police Officers and School Resource Officers.

21 Q: Identify the previous professional positions you have held and summarize the
22 corresponding job responsibilities related to the subject matter of your testimony.

1 A: I have been employed with VPD for approximately 24 years. During this time I have
2 held positions in Patrol, Investigations, Internal Affairs, Special Operations and the
3 Office of the Chief.

4 Q: Review your professional experience related to emergency planning and response.

5 A: I have attended Incident Command Training (ICS¹): 100, 200, 700 and 800, and Riot &
6 Crowd Control Training.

7 Q: Describe your educational degrees and professional certifications.

8 A: I have a Bachelor's Degree in Business Management from California Coast University. I
9 attended the Oregon Police Academy (1989) and the Washington State Police
10 Equivalency Academy (1993). During my 27 years in law enforcement I have attended
11 numerous leadership trainings including First Level Leadership, Tactical Leadership and
12 Mid-Level Supervisors training courses.

13 Q: Describe VPD's current staffing levels and organization.

14 A: VPD has a service area of approximately 49 square miles and provides 24-hour response
15 for public safety and police services within Vancouver. VPD is currently understaffed
16 due to budget cuts and personnel reductions dating from the recent recession (2009-
17 2010). There is no standard formula for determining ideal municipal police staffing
18 levels, but VPD's historic staffing levels serve as a useful point of comparison. Prior to
19 1996-1997, when Vancouver experienced significant growth due to annexation, VPD was
20 staffed at 1.8 officers per thousand population. Vancouver's population is 165,554,² so

22 ¹ The Incident Command System ("ICS") is a management system designed to enable effective and efficient
23 domestic incident management by integrating a combination of facilities, equipment, personnel, procedures and
24 communications operating within a common organizational structure.

² (Declaration of Susan Drummond Providing Attachments to City of Vancouver's Response to Tesoro Savage
LLC's and Port of Vancouver's Motions to Dismiss and for Summary Judgment, Ex. B at 3 (Apr. 28, 2016) (City
Website Page).)

1 using the historic standard as a guide, VPD should have at least 298 officers. However,
2 VPD currently has only 198 authorized officers, and only 190 of these positions are
3 filled. VPD's lack of sufficient staffing has caused challenges for normal daily
4 operations. Consequently, staffing an emergency response would likely result in delayed
5 police response to other calls. For the duration of an emergency response, VPD would
6 implement a system to prioritize other call responses, and in some instances, VPD would
7 be unable to respond in a timely manner or at all.

8 VPD's Patrol Division is divided into two patrol precincts, west and east. The
9 Patrol Division is currently staffed with one assistant chief, two commanders, four
10 lieutenants, 12 sergeants, and 87 corporals or officers. Each precinct is divided into an
11 A-day and B-day schedule, so the Patrol Division has a total of four staffing units. Under
12 the current patrol staffing plan, the Patrol Division's total officer-level staffing, for both
13 precincts combined, is as follows:

14 **TABLE VPD-1**

| Shift (military time) | Full Staff | Minimum Staff |
|--------------------------|------------|---------------|
| Day (0600-1630) | 12 | 10 |
| Early Swings (1030-2100) | 9 | 7 |
| Swings (1500-0130) | 10 | 7 |
| Graves (2000-0630) | 12 | 10 |
| Totals | 43 | 34 |

18
19 Thus, operating under these minimum staffing levels, Vancouver has the following levels
20 of officer staffing during a 24-hour period:
21
22
23
24

TABLE VPD-2

| Time Period (military) | Total On-Duty |
|------------------------|---------------|
| 0600-1030 | 10 |
| 1030-1500 | 17 |
| 1500-1630 | 24 |
| 1630-2000 | 14 |
| 2000-2100 | 24 |
| 2100-0130 | 17 |
| 0130-0600 | 10 |

Historically, VPD has been operating at these minimum staffing levels. By the end of 2016, VPD estimates using 39,251 hours in overtime to backfill staffing in officer patrol, which constitutes approximately 48 percent of VPD's total annual overtime budget.

Q: Provide an overview of the oil terminal proposed by the Applicant Tesoro Savage, LLC ("Tesoro") as it relates to the opinions expressed in your testimony.

A: Tesoro's proposal is to construct and operate a new crude oil terminal ("Terminal"), located at the Port of Vancouver, Washington ("Port"). The Terminal would receive an average of 360,000 barrels per day of Bakken crude oil and diluted bitumen delivered by rail over BNSF's tracks that run in close proximity and parallel to the northern bank of the Columbia River, beginning in the east at the city limits, just east of SE 192nd Ave., and continuing through Vancouver for approximately 11.3 miles to the Terminal. The crude oil would be transported on High Hazard Flammable Trains ("HHFTs") consisting of up to 123 total cars. These HHFTs would be about 1.5 miles long and would pass through at-grade crossings at an average speed of 20 miles per hour.

An average of four (and occasionally five) HHFTs per day would make deliveries to the Terminal. Crude oil would be temporarily stored at the Terminal in above-ground storage tanks. The Terminal would have six of these tanks, each having a storage capacity of up to 370,000 barrels of oil. Thus, a total of 2,220,000 barrels (or 93.24

1 million gallons) could be stored at the Terminal at any one time. From the storage tanks,
2 oil would be loaded onto marine vessels bound for West Coast refineries.

3 Q: Summarize the risks associated with Tesoro's proposal arising from potential criminal
4 interference.

5 A: Tesoro's proposal would locate the largest rail-to-vessel transfer station in the county in
6 the heart of Vancouver. Any facility of this magnitude poses a risk of terrorism and
7 sabotage, particularly a strategically important energy facility such as the Terminal
8 involved in transporting highly volatile hazardous substances. Terrorists or other
9 individuals or groups with violent or criminal intent could disrupt shipments of Baaken
10 crude oil or damage or destroy the oil or its containment structures, while it is in transit
11 on HHFTs, at the Facility and on marine vessels at the Port. In addition, work force
12 stoppages and strikes could pose similar risks.

13 Q: Summarize the status of VPD's planning, training and preparedness to respond to such
14 violence and threats of violence.

15 A: All Vancouver Police Command members have attended portions of the Homeland
16 Security Training and Incident Command Training (ICS). Acts of violence or terrorist
17 activity would be addressed through the deployment of the Southwest Washington
18 Regional SWAT (Special Weapons and Tactics) Team, which was formed in 1998 when
19 the tactical teams of VPD and the Clark County Sheriff's Office combined. VPD would
20 respond to disaster-type events under the ICS model, working closely with the Vancouver
21 Fire Department and other regional partners.

1 Q: Discuss VPD's planning estimates of the personnel needed to conduct an evacuation of
2 the population in response to an accident involving HHFTs, the Facility and/or oil
3 transport marine vessels at the Port.

4 A: Under Vancouver's Emergency Management Ordinance, Chapter 2.12 of the Vancouver
5 Municipal Code, and the current Comprehensive Emergency Management Plan, VPD is
6 responsible for three major functions in an emergency requiring evacuation: (i) safely
7 evacuating Vancouver's residents from their homes, places of business and institutions
8 such as schools and hospitals within the hazard area and returning them when the hazard
9 has passed; (ii) establishing and maintaining a secure perimeter around the incident
10 location to protect human health and safety and to prevent property losses; and
11 (iii) directing and routing traffic throughout all affected areas of the city. The emergency
12 management plan uses a one-mile evacuation corridor (one-half mile in all directions) per
13 Guide 128 of the 2008 Emergency Response Guidebook.³

14 Depending on the location in Vancouver, the estimated number of citizens
15 requiring evacuation or relocation will range from 7,000 to 13,000. Based upon the
16 University of California Crowd Control matrix,⁴ VPD would need approximately 7
17 sergeants and 38 officers for an estimated 13,000 citizens needing evacuation and
18 approximately 4 sergeants and 26 officers for an estimated 7,000 citizens needing
19 evacuation. Staffing for the second function, perimeter control, is very difficult to
20 estimate, because it varies widely depends on the size of the evacuation area, the cause
21 for the evacuation and the evacuation's duration. For the third function, traffic control,

22
23 ³ Available at <http://www.caslab.com/ERG/Guide-128.pdf>.

24 ⁴ The University of California Crowd Control matrix indicates that, for every 3,000 people needing evacuation, staffing should be two sergeants, eight officers and 10 private security guards. An additional two officers are needed per 500 people, and one additional sergeant is needed per 2,000 people.

1 an estimated 45 to 60 officers per 10,000 residents are needed, according to the
2 Washington State Patrol, assuming a moderate disaster, as described in the Prefiled
3 Testimony of Scott Johnson.

4 Q: Discuss VPD's current ability to staff such an evacuation.

5 A: VPD does not have the resources to meet demands of an evacuation of this nature, and
6 the current patrol staffing likely would not be sufficient to meet the personnel needs of an
7 emergency event. As illustrated in Table VPD-2, in a 24-hour period, depending on the
8 shift, VPD typically has between 10 and 24 officers on patrol for the entire city. To
9 maintain these minimum levels of service, VPD has had to use about half of its annual
10 overtime budget. To provide staff to perform the additional emergency services of
11 regulating evacuations, perimeter security and traffic control, VPD would have to enact
12 an emergency staffing plan requiring all available personnel to report to duty on rotating
13 twelve-hour shifts. The delays inherent in recalling personnel to active duty would
14 adversely affect VPD's responses times in the critically important early stages of
15 emergency response.⁵ In the event of a prolonged emergency situation, VPD also would
16 have to make mutual aid requests to area law enforcement agencies.

17 Q: Describe the process for implementing an evacuation response.

18 A: The relocation of people from their homes, schools and places of business is inter- and
19 intra-jurisdictional, and an Emergency Coordination Center would coordinate emergency
20 service providers during an emergency relocation event. The Clark Regional Emergency
21 Services Agency ("CRESA") provides 9-1-1 dispatch, technology services and

22 ⁵ VPD officers live in Washington in Clark, Skamania and Cowlitz Counties and in Oregon throughout the
23 greater Portland metropolitan area. Depending on road and bridge closures and other issues, some officers could
24 take several hours to respond to a recall to active duty. Some officers might even take days to respond or not be able
to respond at all if, for example, the Interstate-5 bridge, which is within the one-half mile evacuation zone from the
Terminal, had to be closed. (See text accompanying n.3.)

1 emergency management services for Clark County. The evacuation notification system
2 that CRESA currently uses is the Hyper-Reach reverse 911 system. On duty VPD
3 personnel would call CRESA and request to speak with the on-duty Duty Officer. A
4 series of questions must be answered before the system can be activated. The use of
5 media and social media can help supplement the notification process.

6 Special accommodations will be necessary for the evacuation of:

- 7 • Special needs populations, such as those who are elderly, disabled,
8 nonambulatory and/or non-English speaking;
- 9 • Institutionalized individuals in hospitals, nursing homes and adult family homes;
- 10 • Incarcerated individuals in jails, juvenile facilities and drug treatment centers;
- 11 • Transient populations, such as the homeless, travelers, out-of-town guests and
12 seasonal workers; and
- 13 • People without private transportation.

14 All of these individuals may require special transportation arrangements, but VPD has
15 very limited access to public transportation capacity. Moreover, disaster response
16 transportation may be difficult to coordinate effectively during the immediate post-
17 disaster period. For example:

- 18 • The requirement for transportation capacity during the immediate lifesaving-
19 response phase may exceed Vancouver's resources and other readily obtained
20 assets.
- 21 • Where an emergency has severely disabled the local ground, water or air
22 transportation systems, Vancouver will act to restore transportation systems and
23 equipment on a priority basis.
- 24 • Some people can be expected to evacuate a risk area to places of their choice prior
to receiving official evacuation instructions.
- Some of the population may not follow instructions to evacuate a risk area, but
will choose to remain in homes or places of business.

1 After a decision to evacuate has been made, VPD would be engaged in multiple
2 specific operations, such as:

- 3 • selecting evacuation and return routes;
- 4 • directing and coordinating crowd and traffic control operations;
- 5 • identifying and establishing evacuation routes;
- 6 • advising the population;
- 7 • coordinating the removal of stalled vehicles and equipment from evacuation
8 routes;
- 9 • providing security for the evacuated area; and
- 10 • coordinating the use of public and private mass transportation resources for the
11 movement of people who lack transportation or require special transportation
12 arrangements.

12 STATE OF WASHINGTON)
13)
14 COUNTY OF CLARK) ss.

15 I, Michael S. Lester, do hereby solemnly affirm: (i) I am competent to testify in this
16 adjudication; (ii) I have personal knowledge of the facts and professional opinions stated in the
17 foregoing prefiled testimony and they are true, accurate and complete to the best of my
18 knowledge, information and belief; and (iii) I adopt the foregoing prefiled testimony as my own.

19 Dated: May 12, 2016

20 

21 Michael S. Lester
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1 I certify that I know or have satisfactory evidence that Michael S. Lester is the person
2 who appeared before me, and said person acknowledged that he signed this instrument and
3 acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the
4 instrument.

5 Dated: May 12, 2016



6 Anna Quintrell
7 Notary Public

8 My appointment expires:

9 12/05/2019

10 Dated: May 13, 2016

11 Respectfully Submitted,
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