

[Bakersfield California - May 6, 2004](#)

**City, county continue torrid growth pace**

**They're among the state's fastest-growing areas, bringing elation and alarm)**

By VIC POLLARD, Californian Sacramento Bureau

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SACRAMENTO -- Bakersfield and Kern County were among the fastest-growing areas in California during 2003, according to new state population estimates that added fuel to the debate over population growth versus quality of life in the valley.

Environmentalists greeted the news with dismay. They are battling city and county officials over development plans. But builders and business owners welcomed the growth.

The annual estimates issued by the state Department of Finance show that California's population as a whole grew by more than half a million people for the fifth year in a row. As of Jan. 1, 2004, the state had 36,144,000 residents, an increase of 532,000, or 1.5 percent, during the previous 12 months, the department reported. Kern County's population rose from an estimated 708,400 to 724,900, a spurt of 2.3 percent during the year.

That placed it seventh among the 10 fastest-growing counties based on percentage of growth and eighth among the 10 fastest-growing by population change. Riverside County had the largest percentage increase, 3.4 percent, while Los Angeles County, as usual, gathered the largest number of new residents, 136,800. Kern County's 2.3 percent growth was slightly less than its 2.8 percent increase in 2002, but the county has grown by more than 2 percent for the last four years. Bakersfield, which grew from 268,900 to 279,700 last year, or 4 percent, was listed as number two among the 10 fastest-growing cities under 300,000 based on numerical growth. The growth numbers got a mixed reception in Bakersfield.

Debbie Moreno, president of the Greater Bakersfield Chamber of Commerce, was enthusiastic. "New growth means new need for products and services, which means potential growth for the business community to keep up with the growth in population," she said. "It's both good and not so good," said Pauline Larwood, executive director of the Smart Growth Coalition of Kern County. "It's more jobs for the building industry," she said. "We're building like gangbusters in metropolitan Bakersfield. Of course, low interest rates helped with that. "On the down side, we're out of compliance on air quality," she said. "Sixty percent of that problem is people moving around, so that growth makes it harder to deal with that issue."

Increased car and truck travel is considered a major factor in the valley's air pollution, which is among the worst in the nation. Kern County had the third worst ozone pollution in the country in three of the last four years, and it was second in 2002, according to an American Lung Association survey.

A recent opinion poll by the Pacific Policy Institute of California showed that growth and air pollution are viewed by valley residents as some of the most serious problems, especially those in the southern end of the valley. Nevertheless, most residents said they like the communities where they live and are optimistic about the valley's future.

But their loyalty may be tested if projections of future growth by the Department of Finance prove reliable. The department's demographers expect Kern's population to approach 1 million by 2015.

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**(Planning hearings to remain(Plan that would have nixed public comment on urban growth issues voted down)**

By JAMES BURGER, Californian staff writer

The Bakersfield Planning Commission voted Thursday night to protect the public's right to comment as much as it likes on urban growth. City staff had suggested eliminating public hearings that are held before the commission on draft versions of reports that detail the environmental impact of new homes, streets and shopping centers.

But several commissioners said they weren't willing to eliminate any chance that the people of Bakersfield have to get involved in their government. The seven commissioners voted unanimously to deny the staff plan and keep the hearings. "I realize we have budgetary concerns," said Commissioner Barbara Lomas. But "we are here to serve the public and I can't do that if I can't hear them talk."

City planner Marc Gauthier told commissioners that eliminating the meetings would reduce the workload on the city's over-burdened planning staff -- which is juggling a flood of new environmental reports. "We're going to do more (reports), not less, but we're not going to have any more staff to do it," he said.

The meetings on the draft environmental reports are not required by the California Environmental Quality Act. But the act does encourage governments to take comments from the public "as soon as possible in the review of environmental documents." Gauthier said people would still be able to submit concerns in writing and speak before the commission and the Bakersfield City Council during review of the final draft of each environmental document.

He also said eliminating the meetings will reduce the number of bureaucratic hoops the city has to jump through -- hoops that can leave the city open to a lawsuit if they are handled incorrectly. Gauthier said there has been a burst of new environmental lawsuits against the city such as those that targeted two proposed Wal-Mart Supercenters and several brought by the Sierra Club against tracts of new homes. But his arguments weren't good enough for the people who came to City Hall Thursday to protest the plan.

Members of the public argued against cutting the public out of a chance to speak about the city's growth. "It appears that these new procedures are aimed at my organization," said Sierra Club chairwoman Lorraine Unger. "Short-cutting the process will not keep you free from litigation." Lois Watson, president of the local League of Women Voters, said citizens have to be given every chance to be involved in their government.

"Although the law does not require public comment on draft reports, having a strong, quality, democratic government does," she said. Unger agreed. "We do feel that public input is needed for a democratic process," she said. Local activist Renee Nelson said the California Environmental Quality Act exists to provide good decision-making by public agencies.

Eliminating a meeting -- even if it is not required by the act -- would take away the voice of the people in the community, she said. "Staff is correct; they don't have to have public hearings, but is that the way we want to go?" Nelson said. Commissioners seemed split on the issue.

"I do not support staff's recommendation on this," said Commissioner Murray Tragish. "I feel this is so fundamental. We need to keep open communication as much as we can." Chairman David Gay agreed.

"I don't think right now I've heard enough to support the issue," he said. But some commissioners seemed inclined to support the staff plan. So the commission put together something of a compromise.

The commission voted unanimously to keep the public hearings.

Then, at the end of their meeting, commissioners directed staff to come up with alternative ways to reduce the planning department's workload without eliminating meetings. Those ideas will be developed later.

[S.F. Chronicle - May 7, 2004](#)

### **Fuel-cell technology wins UC contest**

A proposal for an economically viable fuel-cell technology that could save long-haul freight truckers thousands of dollars in diesel fuel every year has won the \$25,000 grand prize at the sixth annual UC Berkeley Business Plan Competition at the Haas School of Business.

The winning proposal uses a solid acid fuel-cell technology that would initially serve as auxiliary power units for long-haul freight trucks. The units would save truckers from having to idle their diesel engines to power heat, air and electricity in their truck cabins and could save an estimated \$2,600 annually in fuel costs.

The auxiliary units are rechargeable at methanol refueling stations about every 40 days and also significantly reduce noise and pollution, according to the winning team. The idea is timely because independent truck drivers in California since last Friday have been protesting increases in diesel fuel prices and asking shipping companies and operators of terminals at West Coast ports to increase their rates so they can cover the price increase.

The fuel-cell technology was developed over the past seven years by researchers at the California Institute of Technology and transformed into a business idea by four MBA students at the Haas School of Business.

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### **Power plant sale put on hold (State panel tells group to return when rules change in 2006)**

By JAMES BURGER, Californian staff writer

The California Public Utilities Commission ruled Thursday that Pacific Gas & Electric cannot sell the Kern Power Plant on Rosedale Highway. The decision stops, at least for the moment, plans by North American Power Group of Colorado to reopen the old, shuttered power plant using biodiesel fuel.

The city of Bakersfield has opposed North American's plan to reopen the plant, citing concerns about industrial pollution at the site and the plant's location near major commercial centers in northwest Bakersfield. Commission President Michael R. Peevey was the only commissioner who spoke before the panel voted unanimously to deny the sale at a hearing held in San Francisco. He said he generally likes the idea of restarting old power plants like the Kern facility -- which has been closed since 1985.

But in this case state public utilities code prevents the sale, Peevey said, "no matter how you slice or dice it." Section 377 of the public utilities code states that facilities that generate electricity cannot be sold by a public utility before Jan. 1, 2006.

But the battle over the plant may not be over. Peevey invited PG&E to submit a new application to sell the plant when the utilities code provision expires in 2006.

Bakersfield City Councilman David Couch said the battle over the plant's fate probably isn't over. "I'm obviously pleased with their ruling, but I really just view this as a first step in a process that's going to have a lot of steps along the way," he said.

Jim Rexroad, power plant project coordinator for North American, said that the company intends to immediately refile an application to purchase the plant -- and will date the sale agreement for after the January 2006 deadline.

"We don't believe it's a loss but rather we view it as an alteration of our timeline," he said about Thursday's decision. Rexroad said Peevey's comments seem to indicate the commission's opposition is based solely on the January 2006 deadline in the utilities code.

"We also view the commission's ruling as a positive, in that they don't oppose the project," Rexroad said. Both sides of the power plant battle demonstrated -- in the past several weeks -- that they weren't willing to wait quietly for the commission to make a decision.

North American succeeded, last month, in getting commissioner Susan Kennedy to postpone the hearing until Thursday. Still, Kennedy voted against the sale. Rexroad said North American did very little lobbying this week. "We had made inquiries into whether our assistance was required. We did not make any active efforts to lobby the commission," he said.

Couch said the city did work to convince the commission to vote its way on Thursday, but would not give the specifics of what the city did to try to influence the decision. "We did everything we could, legally and aboveboard, to make sure this didn't happen -- to make sure the PUC would affirm the decision of the administrative law judge," Couch said.

Mike Porter, a Bakersfield businessman who has been talking with North American about starting a biodiesel fuel plant to help power the re-fired Kern plant, said he also met with local legislators in Sacramento this week. The future of the Kern Power Plant lies with its current owner Pacific Gas & Electric and what the utility chooses to do with the plant.

City Attorney Ginny Gennaro said the city is now free to talk to PG&E about alternatives to reopening the Kern Power Plant. Couch said the city's ultimate desire is to see the plant demolished, any lingering environmental concerns dealt with and the land developed with a different use.

"Long term, I hope we can arrange an option that benefits the community as a whole, as well as PG&E," Gennaro said. "We don't have any particular options ready at this point."

It is possible, she said, that there could be a commercial use for the site.

But Rexroad said North American has a contract with PG&E that would secure the sale of the plant to the Colorado company.

The contract does have dates at which either party can pull out of the deal without approval from the other side, he said. But Rexroad said North American plans to work with PG&E to adapt both groups' plans to the January 2006 timeline enforced by the commission Thursday.

Cynthia Pollard, spokeswoman for PG&E, said the power company will hold internal meetings over the next couple of weeks to consider its next course of action. Those meetings will include discussion of the the future sale of the plant to North American. "We have not yet decided what our next steps will be," she said.

Rexroad said North American remains open to talking to the city about its concerns.

"We would like to work with the city to work out a solution. We would love to involve the city," he said. The city, however, has repeatedly declined to meet with North American.

That isn't likely to change, Gennaro said. "The city is not interested in meeting with NAPG," she said. Couch talks about the dispute in military terms. "We may have won the battle and not the war, but I don't plan on losing too many battles," he said.

[Modesto Bee - Friday, May 7](#)

**Bill allowing hybrids into carpool lanes passes Assembly**

By STEVE LAWRENCE, Associated Press Writer

SACRAMENTO (AP) - Trying to encourage people to buy hybrids, the Assembly voted to allow the high-mileage, low-polluting vehicles to use car-pool lanes regardless of how many riders they carry.

"There is a finite amount of fuel in the world," said one of the bill's supporters, Assemblyman John Benoit, R-Bermuda Dunes. "We should do what we can to incentivize people to use it as efficiently as possible."

The bill, sponsored by Assemblywoman Fran Pavley, D-Agoura Hills, passed the Assembly 54-14 Thursday and now goes to the Senate. It would enable hybrids that get at least 45 mpg and meet low emission requirements to get decals allowing them to use car-pool lanes even if they don't have the required number of occupants.

Vehicles powered by batteries and natural gas currently have that right.

Most car-pool lanes require at least two riders per vehicles, at least during commute hours, but there are some that require at least three occupants per vehicle.

The bill would allow the Department of Motor Vehicles to issue the decals to 75,000 hybrids, although the department could cut off the program after issuing 50,000 decals if car-pool lanes became too crowded.

The DMV could also shut down the program on any particular car-pool lane if the lane became too jammed. The program, which would sunset in 2008, also needs federal authorization. There is legislation pending in Congress that would give that permission.

Critics attacked both the concept behind car-pool lanes and Pavley's bill, claiming the legislation would favor "an elitist class of people who can afford expensive vehicles."

But Pavley said that hybrids are less expensive than the average vehicle and save money on gas. The cars run on both gasoline engines and electric motors.

"You get another bang for your buck and you're also cleaning up the air at the same time," she said.

Assemblymen Ray Haynes, R-Temecula, and Doug La Malfa, R-Biggs, said the state should get rid of car-pool lanes to ease overall traffic congestion.

Another opponent, Assemblyman Bill Maze, R-Visalia, said car-pool lanes should be turned into express lanes for big trucks to ease freeway crowding. And Assemblyman Dennis Mountjoy, R-Monrovia, complained that the bill amounted to lawmakers promoting "politically correct products. Are we going to have politically correct advertisements on the floor of this Assembly?" he asked. But Assemblyman John Campbell, R-Irvine, said the bill "would be good for the air. This is not government mandating that you buy it. This is creating an incentive for customers."

[Los Angeles Times - May 7, 2004](#)

### **Hybrids Move Closer to Using Carpool Lanes**

**Assembly passes bill intended to spur sales of fuel-efficient vehicles. It would need federal OK.**

By Robert Salladay, Times Staff Writer

SACRAMENTO — Owners of hybrid cars could use freeway carpool lanes, even with a single driver during rush hour, under legislation approved Thursday by the Assembly and supported by Gov. Arnold Schwarzenegger.

Despite near-certain approval in California, the new law would not take effect unless the Bush administration granted permission to the state. Federal transportation officials are pushing their own plan that could open the door for hybrid cars in carpool lanes.

Despite complaints that commuter lanes have become clogged, the California legislation is designed to boost sales of hybrid cars by rewarding drivers with easier commutes. California has more freeway miles, more cars, more hybrid vehicles and more carpool lanes than any other state.

"This is a win, win, win — cleaning up our air, reducing dependence on foreign oil and saving money at the pump," said Assemblywoman Fran Pavley (D-Agoura Hills), author of the measure.

Estimates of the number of hybrid cars in California vary from 20,000 to 50,000, still a fraction of the 29 million vehicles on the road. The Honda Insight, Honda Civic Hybrid and the Toyota Prius are the biggest sellers.

Pavley's bill would require hybrid cars made after 2005 to have strict new anti-smog standards and achieve at least 45 miles per gallon to use carpool lanes. Hybrids made before 2005 also must get 45 miles per gallon but would not be subject to the newer smog standards.

The legislation also would limit the number of hybrid cars allowed in carpool lanes to 75,000 statewide. Drivers would have to get a special decal from the Department of Motor Vehicles.

The entire law, if approved, would expire in 2008 — giving officials a chance to judge if the hybrids were disrupting the flow of traffic. By that time, transportation officials estimate, California will have about 110,000 hybrid cars on the road.

The Pavley legislation passed the Assembly by a 55-14 vote, with only Republicans opposing it — on grounds that the government should not infringe on people's ability to drive wherever they want.

"It's not the job of the Legislature to promote politically correct products," said Assemblyman Dennis Mountjoy (R-Monrovia), who said the legislation would turn already crowded carpool lanes into "a parking lot."

Caltrans estimates that allowing hybrid cars in carpool lanes would add an additional two minutes of commuting time in highly congested areas and make no difference when traffic flows were normal.

One Republican lawmaker noted that allowing hybrid cars to use carpool lanes with a single occupant would use more gasoline than a regular car with several passengers because, in the latter case, fewer cars would be on the road.

"We're actually more efficient if we have higher-occupancy vehicles in the HOV lanes than a single person in a hybrid car," said Assemblyman Doug La Malfa (R-Richvale), who voted no.

Passage in the state Senate and approval by Schwarzenegger are expected. The Republican governor has been trying to bolster his environmentalist credentials by proposing a "hydrogen highway" of fuel-efficient cars and working to convert his gas-guzzling Hummers to use hydrogen fuel.

Even if the legislation becomes law, however, California will need permission from the federal government to allow hybrids in commuter lanes. A few days before he was recalled from office, former Gov. Gray Davis requested a waiver from the Bush administration, but he was turned down.

The administration instead has proposed allowing cars with high fuel efficiency — more than 45 mpg — to use carpool lanes. The plan, pending in Congress, also would require that carpool lanes didn't get overburdened because of the inclusion of hybrids — by making sure that all cars were moving at a fast clip in the lanes.

"The president wants states to be able to do what it takes to keep traffic moving, get people home to their families on time and protect our environment," Mary Peters, administrator of the Federal Highway Administration, said in a prepared statement.