

Judge: It's too late to fine Sierra Railroad

By Inga Miller, staff writer

Modesto Bee, Tuesday, July 19, 2005

The Sierra Railroad Co. will not have to pay a \$25,000 fine for failing to run its trains on earth-friendly biodiesel fuel, a Tuolumne County judge has ruled.

After a fuel spill in Chinese Station in 2000, the railroad company agreed to convert its trains to run on biodiesel fuel as part of a settlement to avoid a \$25,000 fine.

Prosecutors said the company made the switch, then "quietly ceased to operate its locomotives on biodiesel fuel." So prosecutors were trying to reinstate the fine.

Tuolumne County Superior Court Judge William G. Polley said in a July 11 ruling that prosecutors acted too late to collect. The ruling was released Monday.

Prosecutors could challenge the judge's order. Alpine County District Attorney Will Richmond, who prosecutes environmental cases for Tuolumne County, declined to say what action he would pursue.

In 2002, prosecutors agreed to forgive a \$25,000 fine if the railroad kept a groundbreaking public promise to convert its locomotives to biodiesel fuel by July 1, 2003.

When investigators discovered in July 2004 that the trains were no longer running on biodiesel, prosecutors tried to force the company to uphold its pledge - or face the fine.

Sierra Railroad argued it was too late to enforce the order and that the railroad company made good on the 2002 agreement.

Mike Hart, railroad president, said the agreement only required the company to convert its train engines so they could run on biodiesel - not that the trains actually would use biodiesel.

Hart said the company complied.

Biodiesel, a nontoxic, biodegradable fuel, is in short supply, Hart said last month. Hart said the company still intends to use the fuel - after it is more readily available.

The judge noted the agreement required the company to "convert all its locomotives in service from diesel fuel to biodiesel fuel." Whether that meant converting the trains to be able to run on biodiesel or actually running the trains on biodiesel is irrelevant, the judge wrote.

Either way, the changeover was supposed to be made by July 1, 2003, the judge said. If there was a dispute, prosecutors should have collected the fine no later than July 2, 2003. Now, he said, it's too late.

Ford shedding electric trucks

Leaseholders can buy the vehicles for a dollar, or enter a separate lottery

By Thuy-Doan Le, staff writer

Sacramento Bee, Tuesday, July 19, 2005

Drivers who formerly leased an electric-powered Ford Ranger truck will have a chance to purchase one for \$6,000 in a lottery system this fall, Ford Motor Co. said Monday.

Current lease owners will be able to purchase their vehicles - as is, with no warranty - for a dollar.

The plan is in response to public protests that Ford was discontinuing the program and sending the trucks to the scrap heap after the lease.

"A very small, but committed group of people ... love these vehicles," said Niel Golightly, director of sustainable business strategies for Ford.

In January, Ford agreed to sell two of the electric-powered trucks to a pair of California drivers who refused to return their leased vehicles because the carmaker had intended to scrap them.

With the help of San Francisco-based Rainforest Action Network and Global Exchange, a human rights group, a handful of supporters staged a protest at Downtown Ford.

The company said it eventually allowed the two Californians to purchase their vehicles for a dollar. Since then, Ford made "a commitment not to scrap any more vehicles," Golightly said.

The protest demonstrated that a "small group of dedicated people have the power to turn around one of the world's largest corporations," said Jennifer Krill, zero emissions campaign director with the Rainforest Action Network.

Ford began leasing its electric trucks in the late 1990s, intending it as a short-term project with prototypes being returned at the end of each lease. The company is now focusing on hybrid gas-electric vehicles and hydrogen-based vehicles.

About 20 people have chosen to purchase the vehicle for \$1, said Golightly, who expects to have about 200 vehicles available for the lottery.

"The batteries have been degraded somewhat, and some of these vehicles need a lot of work," he said.

Buyers will not be able to choose the color or battery type. If interested, former leaseholders must submit their information by Aug. 31. for a Sept. 23 drawing. Company officials said information will go out this week to ex-leaseholders on how to register.

A Web site is under construction at www.rangerevlottery.com.

Worth an estimated \$16,000, the Ford Ranger EVs will be sold for \$6,000 each to cover transportation and refurbishing the vehicle and battery, the company said. Most of the work will be handled by Sacramento-based Battery M.D. Inc. The EV's batteries, which typically run for about five years, could cost thousands of dollars to replace.

Kitty Rodden, president and founder of Battery M.D., said her company has done battery pack repair for high voltage cars for all the major U.S. automakers.

"We're going to refurbish these cars using older parts and batteries, but we're going to bring them up to like-new condition," she said. "Once the car comes back into the custody of Ford, it must meet all safety standards, and with the electric vehicles, the batteries were not doing well."

Because of Ford's new plan, Rodden started up another branch called Blue Sky Motors to sell the electric vehicles.

Rodden said she could understand passion for the cars.

"I've personally designed a few electric vehicles, and with no noise and no pollution, you feel like you're doing your part for the environment," she said.

[Fresno Bee editorial, Tuesday, July 19, 2005:](#)

Summer plague

Extended heat wave exacerbates Valley's annual smog season.

The current heat wave is doing more than frying lawns and fraying tempers. It's causing a dramatic increase in the smog that forms in the Valley during the day, when compared with the relatively light levels reached earlier this year.

This snuck up on us, to some extent, because cooler and windier days in May and June kept the air cleaner than usual. Perhaps we should have known that was just a lull before the ozone storm.

On these blistering days, we long for even the slightest breeze to take the edge off the heat. But such winds turn out to be trouble for Valley residents in small communities and rural areas, because they blow in more pollutants from urban areas.

Thus Arvin, which lies downwind of Bakersfield, its much larger neighbor in Kern County, has already recorded 16 violations of the air quality health standards this year. Similarly, Clovis and the small towns of eastern Fresno County — as well as Sequoia National Park — lie in the path of smog blown in from Fresno.

It may get worse. This is the beginning of what is usually the worst ozone period, from late July through September. Ozone is the principal component of summer smog. It's formed when various gases — mostly emissions from vehicles — are literally cooked in the Valley's hot sun. A litany of cardiovascular and respiratory illnesses — and deaths — are blamed on smog. It does its worst damage on the most vulnerable: children, the elderly and those already suffering from such heart and lung ailments.

Nor should we expect any serious abatement of the problem anytime soon. Federal and state governments control what we may do about vehicle emissions, and neither shows any real inclination to get serious about more efficient cars or other alternatives. That leaves local agencies with their hands effectively tied in dealing with 60% of the problem.

Until practical, efficient alternatives — new fuels, new vehicles, real mass transit — are widely available, our summers will remain filled with coughing, wheezing and worse.