

## **TCAG weighs air-improvement grants for rails**

By David Castellon

Visalia Times-Delta and Tulare Advance-Register, Friday, July 22, 2011

The Tulare County Association of Governments is expected to vote Monday to apply for a series of air improvement grants that could pay up to 80 percent of the cost to upgrade 20 miles of train tracks between Lindsay and Dinuba.

An official with the San Joaquin Valley Air Pollution Control District suggested that TCAG apply now for grants to help pay the estimated \$15 million cost to fix and improve the short-haul rail lines, said TCAG's executive director, Ted Smalley.

"They suggested we turn in a formal grant request," he said, and air district officials would watch out for funding pots the rail project might qualify to receive.

If the plan works, the rail line improvements could be done over the next three to five years, he said.

Some safety matters on the tracks have to be addressed within the next year, and about \$1.5 million will be needed for those projects, he said.

The San Joaquin Valley Railroad, the track owner, seems to be on board with the notion of fixing and improving the tracks in phases, Smalley said. The railroad has indicated that it would commit to paying 20 percent of the track renovation costs, he said.

The air district already is awaiting an application from TCAG for \$750,000, which wouldn't come from an established grant. Instead, the district's governing board would consider awarding the money from its own funds, said Todd DeYoung, the agency's grants program manager.

The district recently launched another \$10 million grant program for air quality improvement projects, and Tulare County's project to promote use of rail — which generates less pollution than transporting goods by trucks — could be considered to receive part of that money, he said.

Smalley said the hope is that the combined air-quality grants would cover at least 50 percent of the railroad track improvement costs or as much as 80 percent. If all the costs aren't covered by the air grants and the railroad's contribution, TCAG would seek other grants and could consider using portions of the federal transportation dollars awarded annually to the county to help fill the cost gap.

The goal, he said, is to ensure that SJVR doesn't abandon the tracks, as its parent company, RailAmerica, did to about 30 miles of track on the east side the county between Jovista and Strathmore.

County and TCAG officials had worked three years to preserve the line, claiming that having train service to transport goods is an incentive for businesses to locate in the eastern part of the county.

There was even talk of buying the tracks, and TCAG's board of directors — made up of the five county supervisors and representatives from each of the eight cities in the county — authorized a change to the spending plan for Measure R sales-tax money that would have allowed them to set aside \$3 million to buy the railroad right of way.

That money was never spent. RailAmerica opted last year to tear out the tracks, but TCAG's efforts to preserve them sparked a major debate on whether TCAG and local governments should have considered getting involved in the rail business.

A county Grand Jury investigation concluded, "The voters of Tulare County did not approve expenditures for rail lines when considering their vote for Measure R" and other funding sources should be sought to buy or repair rail lines.

Monday's TCAG meeting will focus on the 20 miles of short-haul tracks between Lindsay and Dinuba. While there have been no plans announced to abandon those tracks, Smalley said there is concern that RailAmerica could abandon them, too.

Officials with the railroad declined to be interviewed for this story, but in an April interview, Patrick Kerr, a RailAmerica director of government affairs, said, "At the very end of the day, we don't have customers shipping or receiving products on this line. We've kept it open for years. We've got great customers, but we're also a for-profit business."

Only two Tulare County businesses ship or receive goods along on the line, Tulare Frozen Foods in Lindsay and Superior Soil Supplements in Ivanhoe, and there are concerns that both might pull up stakes if the rail service ends.

A third Tulare County business, Richard Best Transfer, receives corn feed from rail cars and has a spur connected to the SJVR tracks north of Dinuba. But the tracks north of Dinuba have been maintained and upgraded. They extend to Fresno, so they wouldn't be affected if rails between Dinuba and Lindsay are abandoned.

"We'd be the end of the line," said Chuck Littlefield, Richard Best's chief operating officer.

If the county gets the grants, "this will ease the issue of coming up with the money to fix the rail lines," said Supervisor Phil Cox.

"There's absolutely some value there," he said of having rail service on the line continue. "But you're talking about a huge mega corporation that doesn't see the value in it."

Supervisor Pete Vander Poel noted that about 40 percent of businesses that enquire with the Tulare County Economic Development Corporation about locating here ask about access to freight rail service.

"I think it's important we do have access to rail," he said, adding that once the rails are repaired and upgraded, speed and weight restrictions on the current tracks would be increased, and more businesses likely would use the service.

"You certainly stand to benefit a lot more if you have it, rather than if you don't have it."

Cox said he doesn't see the need to spend county money on the project, including Measure R funds. "I'm for using federal and state money to fix anything in the county."

He also supports asking the businesses that use the rail line to chip in for track renovations.

"We're going to have to find multiple funding sources — not Measure R — to make this work," Smalley said, adding that TCAG is in discussion with Superior Soil to see if the business might contribute to the rail improvements.

Officials from that company and Tulare Frozen Foods declined to be interviewed.

## **California electric-car rebate program resumes**

By David R. Baker, staff writer  
S.F. Chronicle, Friday, July 22, 2011

SAN FRANCISCO -- California's electric-car rebate program, so popular that it ran out of cash last month, is back in business.

The California Air Resources Board on Thursday approved spending \$15 million to \$21 million to fund the program, which gives rebates to buyers of electric vehicles or plug-in hybrids.

"This money is going to put thousands of ultra-clean vehicles on our roads within the year," said Mary Nichols, the board's chairwoman, in a statement. "That means better air quality sooner, and real progress in making a dent in our dependence on petroleum."

The money for rebates, which will be smaller than in the past, comes from vehicle registration fees and smog abatement fees, so the program's exact budget will depend on the amount of revenue collected.

Even though electric cars are just now reaching the mass market, the Clean Vehicle Rebate Project has already attracted more applicants than planned.

The state hands out the rebates on a first come, first served basis. During the last fiscal year, the air resources board and the California Energy Commission devoted \$7 million to the program. So many car buyers applied that the money ran out on June 20.

So for the fiscal year that began this month, the air board decided to expand funding and shrink the individual rebates in a bid to stretch the money further.

In the past, buyers of electric cars such as the Nissan Leaf or the Tesla Roadster could receive a \$5,000 rebate. Now the maximum rebate will be \$2,500. People who buy plug-in hybrid cars or electric motorcycles will receive smaller amounts.

Since funding dried up last month, applicants have been placed on a waiting list, which now has roughly 500 names. Those people will be first in line for the next round of rebates, which the air board expects to issue this fall.

Even though the program has far more money for the new fiscal year, the possibility remains that the funding won't last until next July. People buying electric cars are therefore encouraged to apply immediately.

"If it runs out in the first six months, it runs out - that's it," said board spokeswoman Mary Fricke.

The board on Thursday also approved spending \$11 million to \$16 million to continue funding a program that gives California businesses vouchers to help buy fuel-efficient or zero-emission trucks and buses.

## **Business groups say new smog rule will hurt Obama in 2012**

By Renee Schoof - McClatchy Newspapers  
Sacramento Bee, Friday, July 22, 2011

WASHINGTON — Within weeks, the Environmental Protection Agency is expected to tighten the national standard for ozone, the main ingredient in smog. In last-minute lobbying, business groups are warning that the country can't afford cleaner air in an economic downturn and that President Barack Obama can't afford it politically, either.

Ozone inflames the airways, makes it hard to breathe, worsens asthma and other lung ailments, and increases the risk of death from lung or heart disease.

The Bush administration in 2008 set the ozone standard at 75 parts per billion, even though EPA scientists and the EPA's independent science advisory panel said it should be set a 60 to 70 parts per billion. Facing a lawsuit from the attorneys general of 14 states, the Obama administration's EPA decided not to defend the Bush standard but instead decide whether it should be changed.

The Business Roundtable, comprising chief executive officers of top U.S. corporations, argued in a letter to the White House last week that the Bush-era standard should remain unchanged because any change under consideration "threatens to seriously impede economic expansion."

In areas where the standard isn't met, new businesses or those that expand would have to install emissions controls to avoid worsening ozone levels. The letter said that these costs, plus uncertainty and bureaucratic delays, could lead businesses to close some facilities and open new ones elsewhere, including outside the U.S.

The Roundtable said a new rule for ozone levels would cost businesses \$20 billion to \$90 billion annually, depending on how tough the EPA makes it.

Ozone is mainly a problem in summer because sunlight and heat help it form from emissions from fossil-fuel burning, oil and gas drilling and chemical solvents. Because there are many sources and because ozone can travel hundreds of miles, cities and rural areas alike can have high levels.

American Petroleum Institute president and chief executive officer Jack Gerard said the ozone standard is "all about jobs, and I believe it is the most significant regulation right now that will stand in the way of job creation."

Obama could overrule EPA's plans and stick to the Bush standard.

It's the "first true test" of the president's interest in creating jobs, Gerard said at a press conference. He said the country couldn't afford tighter ozone rules.

"That would be a high burden on an economy that's already pretty fragile," agreed John Engler, president of the Business Roundtable.

The country is headed into a presidential election that will focus mainly on jobs, and the ozone rule would be a job killer, said Engler, a Republican and former Michigan governor. "We think this really represents a test of, is the president serious or not."

A White House official, who didn't want to be identified because the standard hasn't been announced yet, said: "There's been a lot of speculation out there. The truth is that this administration will continue to put in place smart standards that are based on science and the law, and at the same time the president has been clear that when it comes to implementing a standard, we will do so in a way that maximizes flexibility to ensure it does not impede our economic recovery in any way.

"He believes that it is essential that considerations of cost and impacts on local communities and businesses are a fundamental part of proposals to meet the standard," the official said.

EPA Administrator Lisa Jackson last week wrote that ozone is "among the most widespread and stubborn air pollutants" and is "responsible for tens of thousands of visits to emergency rooms by Americans each year for serious bronchial conditions, including asthma."

Children are at a higher risk because their lungs are still developing and they spend more time playing outside. Senior citizens also are especially vulnerable. Healthy younger adults also can be harmed by ozone if they exercise outside on bad air days.

Jackson, in a public letter to Sen. Thomas Carper, D-Del., wrote that flexibility brought compliance costs down to "a fraction" of the tens of billions a year that business groups warned about when the Clinton administration tightened the standard in 1997.

Some improvements in ozone will come from pollution reduction required in another rule the EPA recently made final. It will reduce power plant emissions that spread ozone and fine particle pollution to other states.

## **Bike paths would link up parts of Merced**

**No money from general fund will be used to complete the project.**

By Ameera Butt

Merced Sun-Star, Late Thursday, July 21, 2011

Mercedians may have more options on how to get around town, thanks to some new bike paths that are in the works.

The future paths would connect UC Merced to the rest of the community, and North Merced to south of Olive Avenue.

The city received \$337,920 from the federal government for the preliminary engineering of two paths from Buena Vista Drive to 16th Street along Highway 59 and the Bear Creek corridor, and from Yosemite Avenue to McKee Road along the Black Rascal Creek corridor.

Preliminary engineering includes engineering design, surveying and environmental studies, said Ken Elwin, associate engineer for the city. "We need to figure out if there is any archeological concerns (and conduct) studies to make sure the impacts are minimal," he said.

The city received grant funding from the Congestion Mitigation and Air Quality Improvement Program under the U.S. Department of Transportation. Caltrans will administer the funds, Elwin said.

The city is paying a total of \$46,080 in local funds, or local matches for the projects, none of which will come from the general fund. It's money the city has received from the state, Elwin said.

The bike paths will be completed sometime in 2012. Completion hinges on small studies of the environment that have to get reviewed by Caltrans, according to Elwin.

The city has a bike master plan that dictates where the bike paths will go in the future, said Kim Espinosa, city planning manager. It was adopted last year.

The city has miles of pathways, she said. "Bike paths are separated paths. The bike paths are mostly along the creeks, a few run along power-line easements," Espinosa explained. "We're always looking at ways of connecting the paths."

Councilwoman Mary-Michal Rawling said the city's done a really good job of bringing more opportunities to bicycle around town and to the community. "And we do have a lot of residents that like to bike, whether it's for recreation or transportation or both," Rawling said. "We just keep adding those pieces to the puzzle of having a comprehensive bicycle transportation plan."

The Merced City Council approved both items at the council meeting earlier this week.

## **Lawsuit Accuses EPA of Failing to Meet Valley Air Standards Supervisor Worthley Blasts Legal Action, Lauds Recent Progress**

George Lurie, staff writer

The Valley Voice, Thursday, July 21, 2011

*Tulare County* - Tulare County Supervisor Steve Worthley is criticizing a lawsuit filed this week accusing the U.S. Environmental Protection Agency of failing in the San Joaquin Valley to meet the national ozone standard adopted by the EPA over 30 years ago.

"Nothing could be further from the truth," said Worthley this week. "Air quality in the Valley has improved dramatically in recent years, something like 80 percent from 20 years ago."

The public-interest law firm Earthjustice filed the lawsuit this week in the U.S. District Court of Northern California on behalf of Fresno-based Medical Advocates for Healthy Air and the Sierra Club. Environmental groups in the Los Angeles area filed a similar suit demanding the same enforcement of smog regulations in the L.A. air basin.

Of the ten U.S. cities with the worst air quality, eight are in California and four are in the San Joaquin Valley, according to the American Lung Association's annual State of the Air report, which was released earlier this year. Los Angeles and Bakersfield top the list as the smoggiest cities in the country.

"The government air agencies have had over 20 years to clean up the San Joaquin Valley's extreme ozone pollution but they have missed one deadline after another," Earthjustice attorney Erin Tobin said in a statement released after the lawsuit was filed. "EPA cannot ignore the public health crisis caused by ozone pollution in the Valley any longer. It is time for EPA to act."

Under the federal Clean Air Act, even the worst polluted areas of the country, like the San Joaquin Valley and the L.A. region, were required to meet the national "one-hour standard" for ozone no later than Nov. 15, 2010.

The one-hour ozone standard limits the maximum concentration of ozone that people can be exposed to over a one-hour period.

Air quality monitoring data from 2010 showed that neither the San Joaquin Valley nor Los Angeles attained that standard by the statutory deadline, the environmental group says.

“Valley doctors and their patients are tired of waiting for political appointees to obey the law and clean up our air,” said Kevin Hamilton, a registered respiratory therapist and founder of the group Medical Advocates for Healthy Air of Fresno.

The lawsuit seeks a court order forcing the EPA to make an immediate decision as to whether the Valley has failed to attain the one-hour ozone standard.

Worthley called the environmental group's lawsuit “unfortunate” and added: “There's not a good reason for them [filing] it right now.”

On the Tulare County Board of Supervisors since 1998 and a current member of and past chairman of the [San Joaquin Valley Unified Air Pollution Control District](#), Worthley said, “This is the thing that always frustrates me about the environmental community. They always have to have an emergency.”

While admitting that “mobile” sources of air pollution – like cars and airports – continue to be a problem, the air board and the state in general have made great strides in decreasing “stationary” sources of air pollution.

Citing as examples the glass plant in Selma, Kern County's oil refineries and the hundreds of dairies around the Valley – all operating under more tightly regulated air quality standards – Worthley added that the one-hour ozone standards targeted by the lawsuit have already been “superseded by an 8-hour ozone standard” which Worthley has heard is about to be replaced by an even newer standard set to be unveiled by federal officials in coming months.

Worthley said that last year when Valley counties failed to “hit the target” of going two years without violating the one-hour ozone standards set by the EPA, the air board, which was granted authority by the state, added an additional \$12 to DMV licensing fees in order to raise \$29 million in penalties that the EPA directed Valley officials use to make further improvements to air quality standards.

“It's a complicated process,” said Worthley, “but I think we've done a great job of working with effected industries without killing the goose that lays the golden eggs.”

Worthley added: “We have no control over improving [air pollution] sources like cars moving up and down the freeways. Those sources are controlled by the federal government. But in the past 20 years, we've reduced sources of stationary air pollution in the Valley by as much as 90 percent.”