

Environmental objections line path of California's bullet train

By Ralph Vartabedian

In the Los Angeles Times, Stockton Record, and other papers, Monday, June 11, 2012

LOS ANGELES -- The California bullet train is promoted as an important environmental investment for the future, but over the next decade the heavy construction project would potentially harm air quality, aquatic life and endangered species across the state's Central Valley.

Eleven endangered species, including the San Joaquin kit fox, would be affected, according to federal biologists. Massive emissions from diesel-powered heavy equipment could foul the already filthy air. Dozens of rivers, canals and wetlands fed from the rugged peaks of the Sierra Nevada would be crossed, creating other knotty issues.

A wide array of state and federal agencies is examining those effects and, over the next several months, will issue scientific findings that could affect the cost and schedule of construction. Beyond the regulators, environmental lawsuits brought by the powerful California agriculture industry are threatening to further delay work.

The state rail authority is trying to push ahead with an urgent plan to start construction of a 130-mile segment from Madera to Bakersfield as early as December, arguing that any delays could put more than \$2 billion of federal funding at risk. Even if the Legislature appropriates the state's share of money this summer, the construction schedule will depend on friendly and quick decisions by often tough regulators.

"We make an independent decision here," Paul Maniccia, a biologist for the Army Corps of Engineers. "We don't willy-nilly say that's OK."

The \$68 billion bullet train would be the largest infrastructure project in the nation, projected to carry at least 20 million passengers annually with clean electrical power. If it draws motorists off the highway, it would reduce vehicle emissions. But those long-term benefits have to be weighed against heavy immediate effects.

Among the most difficult issues will be air quality, which is regulated across eight counties by the San Joaquin Valley Air Pollution Control District. The district worries that the construction project would exacerbate already problematic levels of nitrogen oxides, particulates and volatile compounds.

The district already bears an annual \$29 million federal fine for violating the Clean Air Act, a burden levied on businesses and motorists, who must pay higher annual vehicle fees. Without its approval, the California High-Speed Rail Authority cannot sink a shovel into the ground, said Samir Sheikh, the district's director of strategies and incentives.

"We have an air quality problem that cannot tolerate an increase in emissions," he said.

In the Fresno Unified School District, 10,045 students - 1 out of every 7 - have been diagnosed with asthma, according to data provided by the school district. Many experts believe poor air quality acts as a trigger.

Children in the valley carry inhalers with their books and lunches. On bad air days, emergency rooms see a significant increase in residents having asthma attacks, according to district figures. Hospitalizations, lost work days and premature deaths, among other effects, cost \$5.7 billion annually, a 2008 California State University, Fullerton study found.

The district is taking the position that the rail construction should make no net increase in emissions. If the cleanest diesel equipment still adds to emissions, then the district wants "financial mitigation" so it can reduce pollution from other sources, Sheikh said. Even the increased population that the rail project would generate would need to be mitigated, he said.

A potential hold-up is that the district wants to know the exact quantity of emissions that the construction project would create. Up to 50 miles of elevated structures or viaducts just from Merced to Bakersfield would be built, hundreds of millions of pounds of gravel would be hauled from quarries, and thousands of towers would be erected to hold up electrical lines - much of it done with diesel-powered equipment.

"There will be a lot of heavy equipment producing a lot of emissions over a number of years," Sheikh said.

The rail authority has downplayed such concerns. It has vowed in many forums to work closely with regulatory agencies, protect the public health and comply with all environmental laws.

"We do not expect any significant adverse impacts on children's health to occur as a result of construction," Karin Lilienbecker, an environmental consultant with CH2M Hill, told the rail authority board at a public hearing in early May.

Such positions are not winning the authority a warm political welcome by the air district's governing board, whose 15 members include 11 registered Republicans from around the Central Valley.

"These high-speed rail people just blow through everything," said Harold Hanson, a board member and Bakersfield city councilman. "I am not sure they know how much dust and pollution they will cause. Their environmental homework has been shoddy."

Although the rail authority gets support from national environmental groups who say rail could reduce global warming in future decades, local activists say their immediate health concerns are discounted.

"What about the people who will live next to this temporary activity for the next five years?" said Sandra Celedon-Castro of Fresno, a member of the environmental justice advisory board to the air district. "Once your health is affected, how are you going to fix that? Once you have asthma, that is not temporary. We have always been overlooked."

The rail authority and its partners at the Federal Railroad Administration also need clearance from the U.S. Fish and Wildlife Service, which is preparing a biological opinion on the project's effects on endangered and threatened species, said Daniel Russell, a deputy assistant field supervisor at the service.

So far, the service has identified six animal and five plant species listed as endangered or threatened that would be affected by the Merced-to-Fresno section of the rail project. It has yet to determine whether the project would harm those species or could jeopardize their survival or have effects that could be mitigated, Russell said.

The animals include the San Joaquin kit fox, the California tiger salamander, two types of fairy shrimp, a tadpole shrimp and the valley elderberry longhorn beetle.

Kathryn Phillips, director of the Sierra Club California, said a lot of public and private money has been invested into preserving those species.

"The kit fox is pretty charismatic," she said.

By choosing to go up the eastern side of the Central Valley rather than the drier western side, the rail authority will cross up to 100 bodies of water controlled by the Army Corps of Engineers.

"We anticipate there to be unavoidable impacts, given the sheer magnitude of the project," said Susan Meyer, a senior project manager at the Army Corps of Engineers. The law requires that any impacts be avoided or minimized. The Army could require "compensatory mitigation" under its permits, Meyer said.

The Army's work is done at an almost microscopic level, examining sediment transport, chemical processes and the effect of every bridge pier.

"You live in a home," said Maniccia, the Army biologist. "How would you feel if somebody put a big structure over it?"

Idling limits the 'Rodney Dangerfield' of laws

By Paul Foy, Associated Press

In the Fresno Bee and other papers, Tuesday, June 12, 2012

SALT LAKE CITY -- Jodi Miller likes her coffee as much as anyone, but she admits to feeling guilty idling her car with a half-dozen others at a coffee shack on a residential street corner.

Miller knows Salt Lake City recently passed a law that limits "unnecessary" idling to no more than two minutes. She's pushing the limit at Java Jo's in the Avenues neighborhood.

"I usually turn my car off. I try to remember that but sometimes I just space it," said Miller, waiting for a carhop to deliver coffee. "It's hard at a drive-thru when you have to start, stop, start. When I saw this line, I thought, is it really worth coffee today?"

Miller is at little risk of getting a ticket. About 20 states, 50 cities or towns and 33 counties across the country limit engine idling time with fines and even jail time, the American Transportation Research Institute reports, but actual enforcement is spotty or non-existent with officials proclaiming they emphasize public education over ticketing.

"It's pretty difficult to get a fine when you can accumulate three warnings before a fine," said Art Raymond, a spokesman for Salt Lake City Mayor Ralph Becker.

Joining the idling action, Utah Gov. Gary Herbert signed an executive order May 31 to limit idling in the state's fleet of 7,300 vehicles to no more than 30 seconds - part of a strategy to avoid federal Clean Air Act violation sanctions.

Yet it amounts to little more than a "please and thank you" edict. Herbert left enforcement to individual agencies. He says he's doing everything he can to get organizations and people to voluntarily reduce emissions.

Other officials say it's almost impossible to catch idling violators in the act.

"The problem with idling at a lot of places is it's here today, gone tomorrow," said Greg Thomas, a supervisor at Denver's Department of Environmental Health. Checking his records, Thomas said nobody has been cited in Denver for idling for at least the past five years.

That leaves environmental groups complaining that idling restrictions are the Rodney Dangerfield of state and local laws - they don't get much respect.

"Why isn't this the law of the land? It's such a no-brainer," said Diane Bailey, a senior scientist for the Natural Resources Defense Council in San Francisco. "Idling remains a pervasive problem, and whether there's a law on the books or not doesn't seem to matter."

Exhaust gases are toxic and believed to be the cause for soaring urban asthma rates, especially in children. Advocates for cracking down don't argue that less idling cleans up a region's air, with so many other sources of pollution at play, but it can reduce concentrated pockets of air pollution in front of schools and other places where motorists often linger.

New York City completed a two-week crackdown on idling near schools in May. Mayor Michael Bloomberg got tough after a brush with violations himself - he has apologized for letting his SUVs idle for as long as an hour outside events.

So how many tickets did New York City issue during the crackdown?

"This is not just about enforcement," said Chris Gilbride, a spokesman for the New York City Department of Environmental Protection. "It's about changing people's behavior. It's like getting people to wear seat belts. There isn't a bunch of environmental cops on the street."

The city issued a handful of \$50 idling tickets during the crackdown, he said.

Aspen, Colo., limits idling to five minutes punishable by fines of up to \$1,000 or a year behind bars.

"I'm not aware of anyone going to jail," Aspen police Sgt. Robert Fabrocini said. "If there's a truck idling, we'll track down the owner and educate first. A lot of people honestly don't know about the anti-idling law when they come to town."

Meanwhile, the U.S. Environmental Protection Agency, which is pressuring Utah to clean up its air, lauded Herbert's move to cut idling in the state fleet.

"It raises awareness and sets an example," EPA spokesman Richard Mylott said. "Regional air quality planning is about the cumulative impact of a lot of measures, and this is a good step. Reducing vehicle idling reduces exposure to carbon monoxide and particle pollution as well as air toxins like benzene and formaldehyde. It also saves money and fuel."

Saving money is the ticket for Salt Lake City-based long-haul trucking firm C.R. England, which has been using auto shut-off devices after five minutes of truck idling for about a dozen years.

"You burn close to a gallon an hour idling," said C. Allen Nielsen, the company's fuel director. "For us, burning less fuel saves money, but it also keeps the air clean."

The trucking company also outfits trucks with separate heaters for crews resting overnight in cabs, and speed governors that limit a truck to 65 mph. Through these and other measures C.R. England says it saves about 627,000 gallons of fuel every month.

At Java Jo's in Salt Lake City, fumes are everywhere, wafting into open apartment windows just yards away. The coffee shop's owners argue idling is from a constant turnover of cars, not the same cars, so no violations are occurring. They don't want to discuss it further, however, and order an Associated Press writer off their property.