

Supervisors look to rein in Wasco dairy projects

By GRETCHEN WENNER, Californian staff writer
Bakersfield Californian, June 23, 2004

New dairies won't be trampling past county supervisors anytime soon if Tuesday's board meeting is any indication.

Supervisors had strong words about the 104,000 cows that could settle near Wasco if eight proposed dairy-related projects go forward.

"We need some standards," said board chairman Jon McQuiston. "Everything should be intentional. Everything should be by design."

Already, there are an estimated 297,000 cows on 58 or so dairies in Kern County.

McQuiston was clear about what he doesn't want: having to approve dairies that are so far along in the application process they're allowed in under outdated rules.

Previously, about a half-dozen dairies were "grandfathered" in when the county switched to a tougher permitting process a few years back.

"I don't want to be in a position six or nine months from now ... where we're in a position of grandfathering in a number of dairies simply because of inaction," he said.

While board members steered clear of using the words "moratorium" or "ban," their questions to county planners -- especially from McQuiston -- indicated they were interested in keeping a firm grip on future dairies.

"Is there any risk we may end up having to grandfather any existing projects out there?" McQuiston asked county planning chief Ted James.

"No," James said. "There is no issue related to grandfathering."

The board asked planners for a report laying out how much time and money it would take to create county-wide standards for new dairies.

They also asked for an update of previously grandfathered dairies, details of Merced County's tough dairy standards, status of new air pollution rules and the possibility of reactivating an old dairy task force.

Even as the board toughened their talk on dairies, they also learned that even more cows may be on the way.

James said in addition to the eight known dairy projects, there are at least two or three more being discussed informally.

James said he doesn't yet know how many more dairies or cows could come out of the latest discussions.

Supervisors asked about grouping the eight or more projects under a single environmental report or under several clustered reports.

Such reports are expensive and time-consuming to create and review. They also are frequently challenged in court by environmental groups.

The board has power to dictate whether dairies are reviewed under one, several or individual environmental reports, James said.

Two consultants representing proposed dairies weren't keen on the idea of a single environmental report.

"There are a lot of problems with grouping the projects together," said David Albers, a land-use lawyer representing two of the proposed dairies.

Two or three reports would be workable, he said.

But putting the dairies under a single report "makes no sense at all," Albers said.

Mary Jane Wilson, who heads consulting firm WZI Inc., said all dairies operate differently, making it hard to group them together.

"It's hard for me to conceive how this will really work," said Wilson, who represents two dairymen proposing projects near Wasco.

Most of the projects are expansions of existing Tulare County dairies, Albers said. Tulare farmers bought the land long ago and have been using it to feed cattle.

It's "just happenstance" that a number are expanding at the same time, he said.

In other actions, supervisors:

- * Officially designated fire stations in Kern County as locations where parents can surrender unwanted newborns without legal repercussions.

- * Approved a five-year agreement with the city of Bakersfield to operate a joint animal shelter. The deal has a possible five-year extension.

Toxic pollution rose 5 percent in 2002, reversing trend

JOHN HEILPRIN, Associated Press Writer

S.F. Chronicle, June 22, 2004
(06-22) 22:58 PDT WASHINGTON (AP) --

Toxic chemical releases into the environment rose 5 percent in 2002, marking only the second such increase reported by the Environmental Protection Agency in nearly two decades, and the first since 1997.

Some 4.79 billion pounds were released in 2002, the latest for which figures are available, not including releases from metal mining, the EPA reports. The agency stopped including that data because of a recent court decision in an industry challenge.

The increase reversed a recent trend, and was a big turnaround from last year's report by EPA that chemical releases in 2001 had declined 13 percent from a year earlier.

Kimberly Terese Nelson, the EPA's chief information officer, blamed the "extraordinarily large change" on the 1999 shutdown of BHP Copper Co.'s San Manuel plant in Tucson, Ariz., where 2,000 people worked. Dismantling a plant turns components and product into waste.

"If we were take that one facility out we would see a 3 percent decrease," Nelson said Tuesday of the releases of 650 chemicals by 24,379 facilities that EPA tracks. Last year, 25,388 facilities reported their findings.

EPA spokeswoman Cynthia Bergman said EPA's annual Toxics Release Inventory begun under a 1986 law wasn't meant to be all-inclusive of all types of emissions and chemicals. She called it "one of just several tools" for informing the public on that pollution.

EPA figures show 1997 was the only other year with an increase, 6 percent, in the several billion pounds of pollution allowed yearly into the air, water and ground in the United States.

Even so, a study by two environmental groups said EPA was underreporting the air pollution portion of releases of chemicals and emissions by 330 million pounds a year. They cast the inventory as particularly soft on refineries and chemical plants, keeping as much as 16 percent of the nation's air pollution "off the books."

"It's time that the EPA and the states deal with the problem of inaccurate and flawed reporting of toxic releases," said Kelly Haragan of the Rockefeller Family Fund's Environmental Integrity Project, which joined with Texas-based Galveston-Houston Association for Smog Prevention in doing the study.

The National Petrochemical and Refiners Association, however, described the groups' conclusions as misleading, because other EPA data shows some decreases in nationwide air toxics emissions. It said the refining industry helped lower pollution through improved technology and management and cleaner gasolines.

"Ironically, if environmentalists intend to push for an even greater regulatory burden on refineries, they may complicate the smooth introduction of newer, cleaner fuels," the trade group said.

EPA reported a 10 percent increase in releases of mercury -- which Nelson blamed on a single gold mine -- and a 3.2 percent increase in releases of lead. It is the second year in a row that the EPA is requiring facilities to tell state and federal authorities about lead releases of more than 100 pounds. Previously, only much larger releases were reported.

Releases of dioxin, a chemical worrisome in even small amounts, decreased by 5 percent from the previous year.

Sen. Jim Jeffords, I-Vt., a senior member of the Senate Environment and Public Works Committee, said the 2002 increase "proves that the policies of the Bush administration have moved us backward, not forward, on the environment."

The biggest polluters in recent years have been hard-rock mining companies and coal-burning power plants, and 2002 was no exception, according to the EPA.

Last year, Nelson told Congress the EPA and the White House Office of Management and Budget wanted to make reporting easier, faster and less burdensome for companies.

Help air quality

Modesto Bee, June 23, 2004

The San Joaquin Valley Air Pollution Control District forecasts a Spare the Air Day today in the southern region around Kern and Tulare counties. Although the air in the Northern San Joaquin Valley isn't predicted to be as dirty, the air district advises that people can help control pollution levels by:

Avoiding unnecessary vehicle use, including personal automobiles, watercraft, and off-road vehicles.

Link trips so you do all your travel at one time rather than making several individual trips.

Bring your lunch to work so you don't have to go out.

Don't use gasoline-powered gardening equipment.

For more information, call 559-230-5800 or log onto www.valleyair.org.

Backers again float plan for Las Vegas-to-Anaheim maglev train

S.F. Chronicle, Tuesday, June 22, 2004
(06-22) 08:41 PDT LAS VEGAS (AP) --

Backers of an expensive high-speed train between southern Nevada and Southern California are floating tentative plans for an initial Las Vegas-to-Primm segment.

"Funding is the most important component of it," said Richann Johnson, executive assistant for the California-Nevada Super Speed Train Commission, a nonprofit corporation seeking to build the line.

Johnson, a city of Las Vegas economic development official, said during a public hearing Monday at Las Vegas City Hall that once people see the maglev train whisking passengers past traffic-packed Interstate 15, investors will support it.

The 40-mile initial segment to Primm, at the Nevada-California state line, is expected to cost \$1.4 billion. Officials say the entire 269-mile line to Anaheim, Calif., could cost \$10 billion.

Maglev trains would reach Primm in 12 to 18 minutes, and Anaheim in under 96 minutes, officials say, at speeds averaging more than 200 mph. Driving from Las Vegas to Anaheim can take four hours or more.

Project planners believe millions of riders would pay \$84 for a round-trip ticket between Las Vegas and Anaheim, home to Disneyland and other attractions. Tourism officials say about one-third of Las Vegas' 35 million visitors a year come from Southern California.

Backers say the high-speed train would restore intercity passenger rail service lost when Amtrak ended Salt Lake City-to-Las Vegas-to-Los Angeles "Desert Wind" rail service in 1997.

They predict less freeway congestion and reduced air pollution because magnetic levitation trains are emissions-free. Passenger cars float a fraction of an inch above an elevated track, propelled forward by a magnetic cushion produced by electricity.

The only commercial maglev line in the world opened last year in Shanghai, China. Prototypes also operate in Germany and Japan.

Johnson rode the Shanghai and Germany trains, and said there was little comparison to traditional rail.

"It's a very smooth ride. It accelerates very quickly. There's no vibration," she said. "It's a very pleasant experience."

Congress has been considering federal financing for a maglev system somewhere in the United States. Other proposals include a 40-mile line between Baltimore and Washington, D.C., and a 47-mile line between Pittsburgh and its suburbs.

Supporters of the Nevada proposal hope Congress will allocate \$1 billion for the Las Vegas-to-Primm line. Another \$400 million could come from bonds that would be repaid by ticket revenues, Johnson said.

Cargo Ship Plugs Into New Technology at Port of L.A.

Some docked vessels can now power systems with electricity instead of diesel fuel in program to reduce air pollution.

By Sara Lin, Times Staff Writer, Los Angeles Times, June 22, 2004

A Chinese container ship on Monday became the first cargo vessel to use electrical power while docked at the Port of Los Angeles, part of an effort to reduce air pollution at the harbor.

The program - mandated under a court settlement with environmentalist and community groups - is designed to reduce the diesel exhaust from cargo ships that idle for days at a time with their engines running.

Each ship that docks at the harbor creates an estimated 3 tons of nitrogen oxide and 350 pounds of soot in what is considered a major contributor to Southern California's poor air quality.

In the so-called green terminal, ships will shut down their diesel-burning engines while in the harbor and use electricity to power their systems.

The first ship to use the technology is the Xin Yang Zhou, a part of China Shipping Co.'s vast fleet. The cargo company is the first to retrofit its ships to plug into electrical outlets at the terminal. The port is in negotiations with other companies to take part.

The port paid \$5 million to install the plug-in technology and put aside another \$5 million for the retrofitting of China Shipping's vessels. So far, it has outfitted four of the firm's ships at an average cost of \$300,000 each.

The Port of Los Angeles says it is the first commercial harbor in the world to use a plug-in facility for cargo ships, though such technology has been used for years by the Navy and private yacht marinas.

On Monday morning, city and port officials stood at the edge of the new China Shipping terminal and joined a ceremonial plug and socket.

"The ability of container ships to plug in is going to make a huge difference for air quality in Los Angeles," said Daniel Hinerfeld, spokesman for the Natural Resources Defense Council, which helped negotiate the settlement.

His group and another environmental organization released a study in March that ranked the ports of Los Angeles and Long Beach as the largest fixed source of air pollution in Southern California. The study said the ports produce as much diesel exhaust as 16,000 tractor-trailers idling their engines for 24 hours a day.

Air-quality officials have struggled to figure out ways to reduce port pollution, which involves ships from around the world that are difficult to regulate.

The development of the green terminal began in 2001 when the port and city approved a lease to China Shipping without filing the environmental impact studies.

Neighborhood groups teamed up with the defense council and the Coalition for Clean Air and filed suit, alleging that the port had violated state and federal development laws. In October 2002, a court order halted construction.

The port began negotiations with the environmental groups and reached a settlement. In return for allowing the terminal to open, the port agreed to \$60 million worth of environmentally friendly measures, including the plug-in system.

The settlement also required that trucks operating in and around the new terminal run on cleaner alternative fuels and that all other equipment in the terminal have devices installed in them to reduce emissions.

City Councilwoman Janice Hahn, whose district includes several harbor communities, supported the call for more green terminals.

"I think we proved that we don't need to make a choice between economic development and the environment . we can have both," Hahn said. "This is the kind of mitigation that local communities have deserved for a long time."

Several of the groups that filed suit against the port said they were pleased with the opening and hope that the trend will continue.

"Our view is that every terminal can implement these green practices and protect the local community while still turning a profit," said Gail Ruderman Feuer, senior attorney for the Natural Resources Defense Council. "The community is not opposed to expansion . it's opposed to dirty expansion."

Feuer said the real test of whether officials are committed to reducing pollution from the ports will come in the following months as they begin planning expansions at several terminals not covered by the lawsuit settlement.

Theresa Adams Lopez, spokeswoman for the Port of Los Angeles, said officials are working on a second electric dock. Pier 400 has been outfitted with the plug-in technology, but none of the ships that dock there are equipped to use the system.

Typically, ships need to keep their diesel engines running while in port to power refrigerators, lights and computer equipment.

Imperial Valley held responsible for bad air

By Associated Press, published in the Tri-Valley Herald, June 22, 2004

California's Imperial Valley lost its final appeal Monday in a three-year air pollution battle that ended with the desert farm community being ordered to remove a blanket of dust from its pallid skies.

The U.S. Supreme Court let stand last year's ruling by the 9th U.S. Circuit Court of Appeals that put the Imperial Valley on a list of U.S. communities with some of the worst air.

Imperial, tucked into the state's southeastern corner, will now be required to take "best available control measures" to control pollution, joining other California regions with excessive levels of airborne particulate matter, including Los Angeles and the San Joaquin Valley.

Steve Birdsall, Imperial's air pollution control officer, said those measures could include paving dirt roads, no-till days for farmers, and restrictions for off-road vehicle use. The cost, Birdsall said, would be possibly tens of millions of dollars -- a heavy burden for the state's poorest county.

Imperial is almost completely dependent on its \$1-billion-a-year farm economy. The valley is an off-road Mecca of sorts, attracting legions of sand dune riders.

The Sierra Club filed suit in 2001 to challenge the U.S. Environmental Protection Agency's finding that Mexican pollution was fouling the valley's air.

The environmental group pointed to state data that showed the county's 145,000 residents led the state in the number of hospitalizations for children with asthma. Imperial also had more than double the number of deaths due to respiratory illnesses.

"The poor people in the county suffer because they're not being protected from air pollution," said Pat Gallagher, a Sierra Club lawyer.

The air in Imperial is often fouled with microscopic particles of soot, soil, dust and smoke known as PM-10, which has been linked to premature deaths and unhealthy lungs, particularly in children, according to the Sierra Club.

In October, a three-judge panel of appellate judges agreed with lawyers for the Sierra Club that Mexico was not to blame for Imperial's air problem, based on a review of air data on two days in 1993 when PM-10 emissions exceeded acceptable limits in Brawley. The wind that day was predominantly out of the west and air monitors further south, closer to the border, detected lower levels of pollution.

On Monday, Birdsall maintained that the county's air pollution was being hurt by air from Mexicali, Mexico -- an industrial city of nearly 1 million residents due south across the border.

"We believe the only solution to this problem is a joint venture between the two countries," he said.

Port of LA unveils electrified ship container to help reduce smog

PAUL CHAVEZ, Associated Press Writer

S.F. Chronicle, Tuesday, June 22, 2004
(06-22) 00:04 PDT LOS ANGELES (AP) --

The world's first electrified container ship terminal, designed to reduce area pollution, has been built at the Port of Los Angeles.

The terminal allows ships to plug into "alternative maritime power," which is a dockside power source that allows cargo ships to turn off their pollution-emitting engines.

Other types of ships, including naval vessels and ferries, employ the technology, but it is now being used for the first time for container ships, said Daniel Hinerfeld, spokesman for the Natural Resources Defense Council.

"We hope that we are going to see a lot more terminals in Los Angeles and around the country adopt this technology in the future," Hinerfeld said.

Ships at berth in the ports of Los Angeles and Long Beach, the nation's largest port complex, annually generate more than 4,000 tons of nitrogen oxide pollution, which contributes to smog, according to a recent report commissioned by the port of Long Beach.

The so-called "cold ironing" system installed at the new China Shipping Line terminal will eliminate more than 1 ton of nitrogen oxide and 87 pounds of particulate matter from the air each day a ship is plugged in, officials said.

"This is a historic day," Councilwoman Janice Hahn said in a statement. "It may seem like a small task -- plugging in just in just one ship. But, ... with every ship that is plugged in, we remove as much pollution from our air as is generated by 16,000 truck trips."

The installment of the system fulfills part of a legal settlement negotiated by the Natural Resources Defense Council, the Coalition for Clean Air and other groups that filed a 2001 lawsuit against the Port of Los Angeles and the city. The lawsuit alleged that the port and city approved the China Shipping Line terminal without appropriate environmental review and mitigation, Hinerfeld said.

The settlement, which was finalized last week, also requires the port to use dock tractors that run on cleaner fuels and to install shorter cranes when the China Shipping terminal expands.

Remove blocks to Highway 99 upgrade

[Visalia Times-Delta editorial, June 23, 2004](#)

Wherever state Sen. Dean Florez, D-Shafter, and Assemblywoman Sarah Reyes, D-Fresno, are going with their efforts to block interstate designation for Highway 99, they ought to turn that truck around and head it in the right direction.

The concerns of those two Valley lawmakers are not significant enough to warrant prevention of desperately needed upgrades to 99. U.S. Rep. Devin Nunes, R-Visalia, and Assemblyman Bill Maze, R-Visalia, have been working hard to induce first Congress and now the Secretary of Transportation to designate 99 a federal interstate. We certainly hope that the opposition by Democrats Florez and Reyes is not simply political partisanship, but it's hard not to come to that conclusion.

Nunes has worked hard to get more federal money dedicated toward widening and repairing Highway 99. As a state highway, it is California's responsibility to maintain it, but the state has its share of fiscal problems and is behind on road projects. Nunes got Highway 99 designated a federal Farm-To-Market corridor, making it eligible for federal funds. He's pushing to get 99 named an interstate so it can be eligible for even more.

But last week, Florez persuaded colleagues in the Legislature to vote against a resolution urging Congress to make the change. That's the kiss of death. If local lawmakers won't support it, why should Congress?

Florez and Reyes are concerned that the federal government won't fund the highway and California will get left holding the bag. That should not be their concern. The very least local lawmakers should be doing is advocating for local projects.

Florez and Reyes are also concerned about the Valley losing a landmark with unique character. They should look closer: The character is already gone. Highway 99 is no longer a Route 66 and never will be. It has become a crumbling, dangerous, traffic-choked corridor where big rigs duel with commuter traffic every day on the most truck-traveled road west of the Mississippi. For safety, for commerce, for quality of life, for cleaner air and for economy, Highway 99 needs work.

If it doesn't get an upgrade, Highway 99 will cost the state and the area in money, in vehicle maintenance, costs of traffic accidents, lost productivity, fuel efficiency and the need for highway repairs. The Highway 99 corridor is already a huge pollution contributor.

We have noted before that expanding 99 to hold more traffic holds the promise of more pollution. We reiterate that the state should make provisions for that. More efficient highways contribute less to pollution than roads where diesel trucks idle in traffic.

The trucks are already here. Highway 99 needs to get them moving.

Florez and Reyes need to turn their rigs around and get them moving in a positive direction.

Tough dairy rules needed

[Bakersfield Californian editorial, June 23, 2004](#)

Once upon a time in the Kingdom of Kern, county supervisors embraced a new industry that promised to bring jobs and prosperity to the people.

They changed the county's general plan and zoned hundreds of acres in eastern Kern County to accommodate this new industry.

And then the bulldozers arrived, clawing at the picturesque mountainsides surrounding Tehachapi and Mojave. Steel was hauled in and towers erected. Soon the whop-whop-whop of wind energy machines filled the air.

And then the rains came, washing dirt from the scarred hillsides. Propeller blades spun off their pedestals. The people of Kern were not happy.

But it was too late. Supervisors had already given their blessing to this new industry. Speculators had the "right" to consume the land for their wind energy parks. County officials had not anticipated problems and were unprepared.

The early years of Kern's wind energy development were controversy-filled. Rural residents who inherited these developments as neighbors suffered and bitterly complained.

Eventually supervisors adopted development standards and exercised oversight, bringing peace and reining in the industry.

As supervisors now embrace another "new" industry that promises to bring jobs and prosperity to the kingdom, they must heed earlier lessons.

Marching into Kern by the thousands are herds of cows, many belonging to dairies relocating from the polluted, urbanized Chino basin.

Zoning and permitting precede dairy construction and the arrival of the herds. The accumulated consequences of the dairy industry likely will not be felt for years to come.

Unless supervisors act now, they will be too late. Kern County could suffer from the air and water pollution problems that plague the Chino basin. The nuisance of dairy odors and flies could become Kern's way of life.

Kern requires dairies to obtain permits listing operating conditions. But who will enforce these conditions? Will Planning Director Ted James, for example, go out and count cow noses to insure herd limits are maintained? Hardly.

County officials estimate 297,000 cows on 58 dairies call Kern their home. Plans have been submitted for eight projects around Wasco that could add another 104,000 cows to the mix. No end is in sight.

Kern must increase its oversight of this rapidly expanding industry by forming an enforcement task force that includes a county dairy inspector, as well as representatives of planning, environmental health and agricultural agencies.

Tough rules and tough enforcement are needed.

We're No. 1 -- well almost

[Bakersfield Californian editorial, June 23, 2004](#)

Surprise. Bakersfield passed the grade in the most recent national rating of cities by a magazine.

Men's Health magazine, in its June issue, grades the 101 largest American cities based on their toxic industrial pollution. Bakersfield earned a B-plus, one of the best grades in the survey.

Matt Marion, the magazine's health editor, said the grades are based on toxic pollution in the air, water and soil caused by industrial activities.

"In this case, we were just looking at the industrial toxicity to how each city stacked up," Marion said. "Bakersfield came out pretty close to the top."

Wow!

San Francisco often wins "lifestyle" awards in various surveys, but it got beat out by Bakersfield this time. The magnificent "City by the Bay" received a B-minus grade. And our neighbors to the north, Fresno got a C-plus. Good old Los Angeles darn near flunked with a D.

Compared to other cities, the survey found no federal Superfund toxic contamination sites in Bakersfield.

Also contributing to the high rating is the fact that the city had fewer hazardous waste sites than others and fewer pounds of industrial toxins released into the environment by industry.

Don't think our citizens aren't busting with pride after getting low ratings in myriad surveys -- you know, the kind that rate cities on how many residents walk their dogs on a leash or drink tea with raised little fingers.

Take one survey, please, as Rodney Dangerfield might say. In its last November edition, Men's Health ranked cities based on air pollution from vehicles. Bakersfield ranked 86th out of 101 cities. Madison, Wisc., was No. 1 in that ranking.

Well, guess what?

In the Men's Health survey on toxic industrial pollution, Madison got a lower grade than Bakersfield.

Go figure.

Imagine: A city ranked tops in low car pollution, but lower than Bakersfield in industrial pollution.

This kind of result tends to make people skeptical of all surveys.

But Bakersfield folks are not making light of the toxic industrial pollution survey. We've been beat on too long.

Bakersfield resident David Morton told *The Californian's* Matt Weiser: "I'm certainly pleased with the results and I think it shows what the people who live here know, and that is that it's a very livable, enjoyable community." He prefaced his remarks by saying, "I'll be darned" after learning of the survey's results. Something a lot of us probably said.

Christian Beck, president of the Bakersfield 20-30 Club -- a club for young adults who want to make a difference in their community -- is pleased about the latest survey. "I think it's good to hear that maybe we're doing something in right direction," he said.

That is, indeed, good news.

Pump up the veto

[Porterville Recorder editorial, June 23, 2004](#)

We hate to use a tired cliché one more time, but California Gov. Arnold Schwarzenegger really needs to be ready to be "The Terminator" on dozens of bad bills making their way through the state Legislature.

"Republican Gov. Schwarzenegger and the Democratic Legislature appear to be on a collision course," reported the June 20 Sacramento Bee, "not only over the budget but also a number of bills in the legislative pipeline."

Californians, burdened by a Legislature that has pushed into law an annual average of nearly 1,000 bills in recent years, would cheer Gov. Schwarzenegger if he vetoed these bad bills wholesale.

In addition to these bad bills, the governor also needs to be wary of legislation that is being tagged on to the 2005 budget by Democrats who would rather use the budget process to get approvals rather than the normal legislative path. As a June 21 Orange County Register news story explained, "The legislation attached to the budget is voluminous. The budget bill itself can be 800 pages, and it pulls a chain of more than a dozen 'trailer bills.' Individual pieces, out of context, are easily overlooked or brushed aside."

So the governor and his staff need to closely scrutinize every word in anything the Legislature sends him.

Some of the worst of the worst bills being worked on in the Legislature include:

AB 1032, by Assemblywoman Hanna-Beth Jackson, D-Santa Barbara, would, says its legislative summary, "establish ... a monitoring program to determine the magnitude of state contracts that are entered into with persons or businesses that have violated federal, state and local laws and regulations and exclude ... prospective bidders from state contracting for five years for misstating or failing to provide certain information called for in this measure." This bill would add unneeded regulation and cost. Existing laws already punish firms that engage in unethical conduct.

AB 1690, by Assemblyman Mark Leno, D-San Francisco, would allow cities to impose income taxes. Current state law bans such taxes. The Assembly analysis notes that AB 1690 requires a majority vote of the Legislature for approval, which could run afoul of the Proposition 13 requirement that local tax increases must pass with a two-thirds vote. AB 1690 tries to get by this with a complicated property-tax shift scheme. So a court case would be the first result if this became law. A better idea: Reform state finances to change the shift of local funds to the state that began in the early 1990s.

[AB 2042, by Assemblyman Alan Lowenthal, D-Long Beach, would "prohibit ... growth at the Ports of Long Beach and Los Angeles ... from increasing air pollution." This would choke off growth in the import-export industry that is the life's blood of our state's Southland economy. Existing state and federal pollution laws are adequate.](#)

AB 2317, by Assemblywoman Jenny Oropeza, D-Long Beach, would "increase the amount of liquidated damages paid for violations of state law prohibiting gender-based pay discrimination." Again, existing state and federal equal opportunity laws are adequate for protecting against discrimination. Lawyers would have a field day; businesses would leave for more sensible states.

It's obvious that the governor needs to veto so many bills he should start doing special exercises at the gym to avoid hand cramps.

Hybrids don't need special treatment

[Modesto Bee editorial, June 23, 2004](#)

A bill that would allow energy-efficient hybrid cars into car-pool lanes with fewer than the requisite number of passengers is both unnecessary and unwise. It wouldn't do much to reduce pollution or spur the sale of hybrid cars, as its proponents claim. Even more troubling, it has the potential to clog car-pool lanes, which would make traffic congestion and air pollution even worse.

U.S., Mexico face trucking roadblocks

[Stockton Record editorial, June 23, 2004](#)

"Truly opening the market between Mexico and the United States for trucks and buses means more opportunities for American companies, more jobs for American drivers and better deals for American consumers."

-- Norman Y. Mineta

U.S. secretary of transportation

Drivers heading north and south along Interstate 5 and Highway 99 in California one day will be joined by some first-time company: truckers and their big rigs from Mexico.

The U.S. Supreme Court has agreed unanimously that the Bush administration can skip a lengthy environmental review and open U.S. roads to truckers from south of the border.

Mexico has been waiting since 1998 for this rule to be implemented as a final aspect of the North American Free Trade Agreement.

Don't look in the rearview mirror just yet.

The ruling allows the White House to move forward as soon as it wishes, but there are still some trust issues and pragmatic considerations standing in the way.

These are the speed bumps from south of the border as described by Leon Flores Gonzalez, president of Mexico's National Freight Transit Chamber:

- * "We need legal guarantees" to circulate freely in all the states and under equal conditions.
- * Mexican drivers already face "excessive fines" at U.S. truck-inspection stations near the border.
- * Texas refuses to let Mexican drivers travel any farther than 20 miles beyond the border because of state regulations.
- * Smaller, less-well-financed Mexican trucking firms will find it harder to meet stricter U.S. standards. Competition will force many of them either to shut down or to find ways to circumvent the law.

There are roadblocks for U.S. truckers as well:

- * U.S. trucking-company owners worry about competition from Mexican firms able to operate more cheaply because they won't face the same regulations.
- * U.S. unions worry about jobs, because Mexican drivers earn less than half the salary made by U.S. drivers.
- * Officials in border states worry that Mexican trucks will clog busy highways, pollute the air in areas already struggling to meet federal standards and fail to meet local safety rules.

Still, the ruling should prompt competitive improvements on both sides of the border.

NAFTA was designed to guarantee mutual trucking access beginning in 1995 and expanding in 2000. The United States kept its border closed during President Clinton's tenure because of environmental and union pressure. Mexico retaliated and refused U.S. truckers access to the south.

As the two nations move forward, it will be important to keep fairness in mind.

Mexico needs assurance that its access to northern markets is based on an even application of the law.

Local officials must not be allowed to apply special rules predicated on jingoistic thinking. Mexican drivers won't be content for long to earn a great deal less than their U.S. counterparts for performing identical tasks.

The U.S. trucking industry will need to know that safety and environmental standards are enforced uniformly.

There's a price yet to be paid for both nations.

The Supreme Court ruling clearly opens the way for the unhindered movement of free trade. It will take some time to do so fairly.

Freight lines

Currently Mexican and U.S. trucks are allowed into a 20-mile buffer zone along each side of their international border.

Inside that zone, most freight is transferred. Mexican trucks unhook their trailers before inspection stations. A separate cab pulls the rig through. On the other side, a U.S. truck picks up the load and carries it for the long haul to U.S. markets.

Even with this expensive and wasteful process, trade with Mexico has tripled under NAFTA. It was \$81 billion in 1993 and \$235 billion in 2003

Reverse the flow

[Letter to the S.F. Chronicle, June 22, 2004](#)

Editor -- The solution to the Bay Area's problems of affordable housing, sprawl, air pollution, power consumption, traffic congestion and the steady degradation of our quality of life in general is jobs. Get rid of them.

Fewer high-paying jobs in the Bay Area means fewer people competing to buy overpriced housing or gas-guzzling SUVs. Send the jobs over to the Central Valley. Get some commuters going the other way over the passes, across the bridges and through the tunnels. Our focus on larger capacity and higher-speed ways of moving workers into the Bay Area leads to squandering resources, which could be much better spent on stopping and reversing that flow. This concept needs much more visibility.

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