

Measure C at a crossroads

Local government has come to count on Fresno County's transportation tax, but voters will decide soon if it's worth keeping.

By Russell Clemings / The Fresno Bee
Monday, September 19, 2005

In the mid-1980s, the Fresno area was choking on cars. A freeway network mostly languished in yellowing plans from the 1950s. Stoplights every half-mile made crosstown trips an ordeal.

So when local leaders proposed a solution - a half-cent sales tax for 20 years - voters said yes.

Two decades later, Measure C has built the freeways. But it also has given city and county governments a pot of money to use for anything that fits the measure's vague definition of "local transportation purposes," such as:

Developer subsidies - including more than \$1 million to the nation's second-largest cotton exporter for building streets, sewers, landscaping and other improvements in a north Fresno office park that now houses three luxury car dealerships and a Wal-Mart.

Flashy projects - including \$1.4million for downtown Fresno "streetscapes" tied to the opening of Grizzlies Stadium. Seven major intersections were made over with decorative pavement circles and crosswalks of tinted concrete.

Accounting gimmicks - including more than \$850,000 from Measure C that Clovis has spent on its bus system in the past five years. By doing that, the city was able - legally - to divert three times as much state transit funding to street work.

Measure C reaches the end of its 20-year life less than two years from now.

A 24-member committee is working on plans for a November 2006 vote on extending it. Local government leaders warn that losing that vote - and letting the measure expire - would force them to cut back on street repairs, public transit and other services.

In all, one-fourth of the \$697 million raised by Measure C has been funneled directly to the county and its 15 cities for such "local transportation purposes."

But few keep detailed records on how they spend that money. Most simply blend Measure C funds into their general public works budgets.

Both the opaque bookkeeping and the offbeat projects appear to pass muster under the 1986 state law authorizing Measure C, said Clovis City Council Member Harry Armstrong, longtime chairman of the Fresno County Transportation Authority, which distributes the measure's proceeds.

Fresno spent \$1.4 million to fit seven intersections with tinted concrete. The work coincided with the opening of Grizzlies Stadium.

Of the law's mandate on how cities spend and account for Measure C funds, Armstrong said: "I would tell you that I think it was very loose."

Even as local governments have spent Measure C money subsidizing development and marginal transit systems, other transportation needs have gone begging.

Fresno's FAX bus system is a lifeline for the "transit-dependent" young, old, poor and disabled, and a key weapon against air pollution. But FAX's share of the city's Measure C funds has never been secure.

During the measure's first six years, FAX got almost half of the city's money. Then it got nothing at all in 1995, 1999, 2000 and 2001. Now it gets about one-third of the total. It got more in 1993 than in the most recent fiscal year. Over that same time, operating costs doubled.

Other needs have met a similar fate.

Five years ago, the city forfeited a \$9.5 million state grant for overpasses at the Shaw and Herndon avenue crossings of the Union Pacific railroad because it didn't pay a local match that once was estimated at only \$1.7 million.

Measure C could have supplied at least part of that match. The same year it lost the grant, the city spent \$553,974 on something it considered more pressing - installing curbs for the first time in a leafy neighborhood southeast of Shaw and West avenues, where the median household income ranks in Fresno County's top third.

Street repairs were a primary justification for giving cities a share of Measure C. But with millions being spent on other projects, many older Fresno streets fell into disrepair. Last year, the city issued \$45 million in bonds to catch up on repairs in the central city.

Suburbanites, meanwhile, dodge obstacles on half-finished streets and sit in traffic at congested intersections. Developers of new housing and commercial tracts in Fresno pay some of the state's lowest fees. Money from Measure C, gasoline taxes and other sources fills some of the missing links.

Finally, local leaders have spent almost no Measure C money on planning. As a result, transportation needs that might be addressed in the proposed renewal remain largely undefined. Which freeway interchanges need work? No one knows for sure. The study is still under way. Should Fresno have a light rail or other transit system? That study still needs an additional \$2 million in funding.

The result is a vision gap that weighs on the minds of steering committee members who are debating plans to put a Measure C extension on the November 2006 ballot.

"What do we collectively, as a community - what do we aspire to?" said Mark Keppler, business professor at California State University, Fresno, and founder of the Coalition for Community Trails.

"What are we trying to become? Fresno and Clovis and Fresno County are very much at a fork in the road. What are we going to be?"

There was no shortage of vision in 1997, when Calcot Ltd., the cotton cooperative and exporter, diversified into development with the 235-acre Palm Bluffs project in northwest Fresno, on the site of a recently closed cluster of cotton warehouses.

Former Mayor Jim Patterson had just begun his second term, his first under the city's then-new strong mayor system. City officials leaped at the chance to transform an ocean of beat-up, corrugated-metal sheds into a tidy office park.

The resulting deal committed the city to reimburse Calcot for as much as \$7.5 million in infrastructure costs - streets, streetlights, signals, sewer and water lines, storm drains, landscaping, even dust control - in return for the increased property and sales taxes the development would yield.

"The idea of it was that the city would help offset some of the offsite development costs, based on the extra tax base that was going to be generated," said then-City Manager Jeff Reid.

But when the time came for the reimbursements to begin, Patterson and Reid had left office. The city, under new Mayor Alan Autry, turned to Measure C for the cash.

In 2001, the City Council voted to give Calcot \$569,613.15 of its \$4.8 million in Measure C funds. The next year, it turned over \$536,847.99, from a total of \$4.7 million.

In 2003, with the pace of construction quickening and a pending reimbursement of \$1,392,720 threatening to chew up almost one-fourth of the city's annual Measure C allotment of \$5.8 million, the council opted to borrow instead, stretching out payments over the next decade.

It rolled its Calcot obligation into a \$53 million bond issue, most of which was earmarked for the new Convention Center parking garage. The bonds were secured by leases on 15 pieces of city property; in effect, the city mortgaged its police headquarters, a half-dozen fire stations, the new parking garage and other real estate to pay off the new debt.

Money for payments on the portion attributed to Calcot was to come from either Measure C or gasoline taxes, according to documents provided to the council. So far, gasoline taxes have been used, city budget manager Renena Smith said.

Reid now sits on the committee to come up with a new Measure C extension plan as a representative of the Valley Taxpayers Association. In 2002, he publicly opposed an earlier Measure C extension plan that fell far short of the required two-thirds voter approval.

He is critical of the city's decision to give Measure C funds to Calcot.

"I'm not sure that was appropriate, frankly," he said. "To me, that was not the proper source of funding."

The city stands behind the decision.

"It was either fund it out of the general fund ... or use Measure C," said Bruce Rudd, interim assistant city manager. "It was proposed in the budget, the council thought it was a good idea at the time, and therefore made the commitment."

The motivation was equally simple for another of Fresno's big Measure C projects - downtown streetscapes.

As the stadium opened in early 2002, city officials dreamed of a downtown renaissance. So they used \$1.4 million of Measure C money to spruce things up, replacing pavement and sidewalks throughout downtown with decorative colored concrete in contrasting shades of gray and brown. "It wasn't just the stadium. It was attracting employers and businesses into downtown," Rudd said. "The downtown area needs to look nice."

In Clovis, city officials have been putting money into their bus system and taking it out at the same time via bookkeeping maneuvers involving Measure C and a state sales tax fund earmarked for transit.

Instead of using all of the state money for transit, as Fresno and most other major California cities do, Clovis has diverted a sizable share - \$793,487 in the last fiscal year - to its streets budget. The city was allowed to do so under a 34-year-old state law because it used a smaller amount of Measure C - about \$332,000 last year - to supplement its fare collections.

"I don't think there's anything strange about it," Clovis City Manager Kathy Millison said. The diverted money, she said, is used mainly "for street maintenance, fixing potholes and things like that."

Measure C money also has indirectly benefitted Fresno developers through the city's street building in newly developed parts of town.

Like most California cities, Fresno requires developers to pay thousands of dollars in fees to pay for streets and other improvements that will serve their projects. But for more than a decade, Fresno's fees have lagged behind those in other jurisdictions.

Of 83 cities surveyed for a 2001 state study, Fresno's fees for transportation and parks ranked 62nd.

Last year, the city raised street fees by 45%. The first such increase in 15 years, it helped bring fees in line with increases in construction costs, but still left them short of covering the full cost of improvements.

A second round of increases is now being discussed.

In the meantime, the city has used tax dollars - from Measure C, gasoline taxes, or state and federal grants - to make up the difference, sometimes months or years after developments are finished.

When new subdivisions and a school were built near Ashlan and Cornelia avenues, rush-hour traffic in the single southbound lane backed up almost a quarter-mile.

So between 2001 and 2003, the city spent \$200,000 from Measure C to widen the congested intersection.

"There are a lot of needs and not a whole lot of money to go around," Rudd said.

A previous effort to extend Measure C ended in failure in November 2002 as a coalition of environmentalists and anti-tax groups urged its defeat.

The proposed 30-year extension won 54% voter approval but fell short of the two-thirds needed for passage under a 1995 state Supreme Court ruling. The original Measure C in 1986 would not have met that standard, either.

The two-thirds requirement is a difficult hurdle for the latest proposed Measure C extension, which the 24-member steering committee has been working on since May.

The committee includes many opponents of the 2002 proposal, along with an assortment of government and business leaders. Its goal is to reach consensus on a spending plan before taking the extension to voters. It meets Friday and Saturday to write an initial draft.

Few people will watch with keener interest than officials from the county and its 15 cities.

If voters reject a Measure C extension again, local government leaders warn, they will blow a big hole in budgets that pay for everything from public transit and curb cuts for the disabled to traffic signals and routine street maintenance.

"We actually have one employee in our public works department that takes care of our roads," said Firebaugh City Manager Jose Antonio Ramirez, "and half of his salary, Measure C is set aside for that."

Exactly what each jurisdiction collects from Measure C is based on a formula derived from population and street miles, with population counting for three times as much.

In 2005-06, Fresno County and its cities expect to get about \$13.7 million from the local government share of Measure C.

About \$6.3 million is earmarked for Fresno, \$4.1 million for the county and \$1.1 million for Clovis. The rest - slightly less than \$2.2 million - is distributed to the 13 other cities from Coalinga to Selma.

The 1986 authorizing law required the cities and county "to separately account for those funds and maintain records of expenditures." But many just pour their Measure C money into their capital improvements and street-maintenance budgets.

Even Armstrong, the transportation authority's chairman, concedes some jurisdictions spend their local shares of Measure C money on questionable projects:

"I've seen some things that I wondered why they were using the money for particular uses, instead of putting it into roads," he said.

But when the authority's staff discussed whether to challenge those expenses as not being legitimate "local transportation purposes," they were warned off for legal reasons.

The law's provisions were too vague to be enforceable, Armstrong said:

"I know a couple that we've kicked back, but then after checking with legal counsel, legal counsel felt that it would meet the criteria and we let it go."

Some of the extension's opponents did a survey of Fresno County cities after the failed 2002 campaign.

They were told the cities wanted an even bigger piece of the pie, said Mary Savala, who represents the League of Women Voters on the steering committee.

"That money was very, very important to them," Savala said. "They were looking at their needs and saying, 'Why shouldn't we be getting more?'"

The county and cities do send brief reports to the authority listing some of their local-share projects, such as street maintenance and traffic signals.

Opponents of the 2002 vote tried but failed to find out what else cities were spending their Measure C funds on, Savala said.

"It's very hard to tease that out," she said. "We tried to get the details, and it's not accessible."

There is much better documentation of how the Fresno County Transportation Authority has spent the three-quarters of Measure C earmarked for major regional projects. But even those decisions have provoked sharp debate.

The November 1986 ballot language gave voters only the barest details about where their half-cent would go. It said simply that the new tax would be used "not more than 75% for highway improvements in Fresno County and no less than 25% for local transportation purposes."

The state law passed earlier that year to authorize the vote contained more specifics.

Yet even that didn't mention what would become the single biggest Measure C project - construction of Freeway 168 from southeast Fresno into Clovis, which ended up consuming almost half of the regional projects share.

Meanwhile, some of the projects the law did mention - such as widening Freeway 99 from Ashlan Avenue to the Madera County line - were never built.

"The people were promised that the money would go to fix up existing roads," said Bob Dwyer, chairman of 1,000 Friends of Fresno, a group formed to fight Freeway 168. "No one dreamed they were going to take so much of it and stick it into that freeway."

Others say the transportation authority ended up making the right decisions on spending the regional share. By superimposing new freeways over a street grid that was being rapidly outgrown, they say, Measure C saved a city from itself.

"Can you imagine what it would be like in Clovis and Fresno if there weren't the three freeways?" Armstrong said. "You wouldn't want to drive on the surface streets. We would be in gridlock."

Yet even as all that construction went on, population and driving miles grew. In 1986, Fresno County had about 588,300 people. Now it has an estimated 883,537, an increase of 50%.

The number of miles driven in the county has more than doubled in the same period, from 10.3 million per day in 1985 to 21.8 million now.

A nationwide study by researchers at Texas A&M University concluded that delays at peak travel times in Fresno more than doubled between 1986 and 2003, despite all the Measure C work.

The future only looks worse: state Department of Finance projections say the county's population will double in 45 years to more than 1.6 million people. Air pollution - a twin wallop of summer smog and winter particulates, both resulting partly from vehicle exhaust - is likely to result in ever-harsher regulation.

In short, having nearly choked on an antiquated street grid system, Fresno built expensive freeways on top of it, but now is in danger of choking again.

Transportation planners have proposed an array of street and highway projects in response. Some may find their way into a Measure C renewal plan.

They include express lanes and bypasses for crowded Herndon Avenue near its Blackstone Avenue and Freeway 41 junctions; a new bridge over the San Joaquin River linking Copper Avenue to Madera County's Avenue 12; a new Veterans Boulevard linking Herndon and Grantland avenues in northwest Fresno with a new Freeway 99 interchange; and an extension of Highway 65, skirting the Sierra foothills and connecting to Highway 152 near Chowchilla.

Without funding from a new Measure C, prospects for those new roads are dim. They most likely would have to compete for funding with hundreds of other projects, both locally and statewide.

At the same time, others argue it is time for the Fresno area to focus on alternatives to cars.

Population densities in parts of the metropolitan area, such as southeast Fresno, have risen sharply in the past quarter-century, suggesting that public transit may be more viable.

The beginnings of what may eventually become a 200-mile network of trails and bike paths have been built.

Transit solutions for farm laborers and other workers are on the horizon in the county's rural areas, where traditional bus systems struggle to make ends meet.

Kings County's Rural Transit Agency has used federal and state funds to set up a network of van pools driven by volunteers with clean driving records.

Mainly serving prison employees and farm laborers, the vans are insured and equipped with devices to track their locations. Riders pay a minimum of \$80 per month, based on the length of their trips, said Ron Hughes, the agency's transit manager.

"We actually have more ridership on our vans than we have on our bus service," Hughes said.

In all, the van pools serve an average of 2,364 riders per day and prevent an estimated 40 million miles per year of driving and resulting air pollution emissions.

At present, 88 of the vans either start or end their routes in Fresno County. But Hughes estimates there is enough demand just from the county's farm laborers to fill 500 to 600 vans, which he says would cost slightly more than \$2 million per year.

Sierra Club representative Kevin Hall, another member of the Measure C steering committee, says that would be a wise use of Measure C funds.

"To me, \$2 million a year is a drop in the bucket for Measure C," Hall said.

Nevertheless, projects like that face a lot of competition for a place in the Measure C extension plan.

Light rail, or at least a downscaled version called Bus Rapid Transit, is on the agenda. So are flights of fancy like a Blackstone Avenue monorail. So is moving the Burlingame Northern Santa Fe railroad tracks that cut through the heart of Fresno.

Armstrong advocates an improved rural road network to help farmers and processors get their products to market. Others suggest the emphasis of any new Measure C should shift to maintaining projects built by the first Measure C.

All that's missing is consensus - and a sense of limits.

"Everybody wants this measure to be the be-all and end-all, the perfect thing, but the reality is there just isn't enough money," said committee member Debbie Hunsaker, representing the Fresno Chamber of Commerce.

Measure C provides about 16% of the street maintenance budget in Clovis, 15% in Kerman and 20% in unincorporated Fresno County. It covers half the cost of two street workers and 29% of streetlighting costs in Kingsburg, where City Manager Don Pauley warns of dire consequences if the tax is not renewed:

"As far as I'm concerned, Measure C is critical to the ability of local governments in Fresno County to properly maintain their streets. If we don't get that money, things will continue to deteriorate."

But lax restrictions on how the proceeds could be used have given local jurisdictions an opening to spend Measure C funds on projects that have nothing to do with potholes, buses and streetlights.

Now, with the half-cent sales tax about to run out, political leaders must persuade two-thirds of county voters that the money is going to be spent wisely in the future.

Whether they succeed - and how money from a new Measure C is spent - may determine whether the Fresno metro area at mid-century remains uncongested or becomes gridlocked like other major California cities.

"What kind of community do we want to build in the next 20 or 30 years?" Keppler said.

"It's really that simple. Measure C is that profound."

Outage Sparks New Air Quality Worries

A long-running debate over pollution is intensified when oil refineries lose power and burn gases as a safety precaution.

By Deborah Schoch, Times Staff Writer

Los Angeles Times, Monday, Sept. 19, 2005

The flames and black smoke that rose from three oil refineries after last week's Los Angeles blackout have stirred up the debate over how to stem the pollution that comes from burning excess gases.

The Sept. 12 blackout caused three Wilmington refineries to shut down abruptly. The plants then used open flames or flares as safety measures to reduce pressure. The result produced the eerie spectacle of leaping flames and billowing black smoke captured by television news helicopters.

The vivid pollution has hardened the resolve of some harbor-area residents to press for strong curbs on flaring. Wilmington activist Jesse Marquez took photographs of the flames and is mounting a door-to-door effort to document any health problems residents experienced.

"People here were really worried, really upset," Marquez said.

Joe Sparano, president of the Western States Petroleum Assn., an industry trade group, said the flares are a safety measure to prevent pressure from building dangerously in the plants. "The flares did exactly what they're supposed to do," he said "They did their job splendidly."

But Southern California air quality regulators believe that curbs are needed on nonemergency flaring, the most common flaring use in the region. They have drafted a proposal they say would remove more than two tons of air pollutants emitted daily by the 27 flares at eight Los Angeles-area refineries and two other plants.

The oil industry is guardedly optimistic about the proposal, but environmental activists claim that recent revisions weakened it so much that they cannot support it.

Although last week's flaring was a one-day curiosity for most Angelenos, it's a familiar sight at refineries. The flames emerge from tall stacks designed to vent gases. Pilot lights at the top of the stacks ignite the gases to prevent them from wafting into nearby neighborhoods.

Harbor-area residents fear the practice close to their homes is releasing dangerous amounts of chemicals into the air. The area also gets air pollution from ships, trucks and trains moving cargo in and out of the port complex.

Flaring can lead to the release of sulfur oxides, hydrocarbon gases, nitrogen oxides and particulate matter. Air regulators are focusing on sulfur oxides, which can cause breathing problems, aggravate asthma and chronic bronchitis and mix with other pollutants to create a more potent health risk.

The eight refineries in southern Los Angeles County make up the largest cluster of them on the West Coast, with three in Wilmington alone.

The forced shutdown of the ConocoPhillips, Equilon and Valero-Ultramar refineries last week was expected to reduce gasoline supplies statewide by at least 8%, according to the California Energy Commission.

Flaring at Los Angeles refineries emitted two tons of sulfur oxides each day in 2003, or as much as all large diesel trucks in Southern California, according to the South Coast Air Quality Management District, which regulates air quality in the region.

Air quality district records show that most area refineries reduced sulfur oxide emissions significantly between 2001 and 2003, dropping from 1,793 tons to 735 tons annually.

Amounts vary widely among refineries.

Flares at the two ConocoPhillips refineries in Wilmington and Carson together produced 496 tons of sulfur oxide emissions in 2003. The next largest amounts: 121 tons at Valero-Ultramar Wilmington, 75.6 tons at the BP refinery in Carson and 23.7 tons at Shell's Equilon refinery in Wilmington. ConocoPhillips has agreed to install a vapor recovery system to sharply reduce its emissions, an air district spokeswoman said.

The air district conducted tests in Wilmington during last week's flaring, with most samples showing hydrocarbon concentrations "well within expected levels." But heightened levels of hydrogen sulfide, a gas that smells like rotten eggs, were found downwind of the ConocoPhillips refinery, in an amount that could produce reports of headaches and nausea, district experts said.

District officials are still investigating the Wilmington flaring. A ConocoPhillips spokesman said Friday that air samples conducted by refinery health and safety staff "registered no readings that would have adverse health effects to our employees, contractors and surrounding neighbors."

Emergencies like the power outage account for only 4% of flaring at refineries in the Los Angeles area, according to figures from 1999 to 2003 that the air district's staff analyzed.

That compares to 4% for maintenance, 5% for planned shutdowns and start-ups, 35% for unknown reasons and 45% for non-emergency events that did not require recordkeeping, the staff found.

"Basically they use the flares like a big wastebasket," said Julia May, a Bay Area environmental consultant working for Communities for a Better Environment, an activist group with offices in Huntington Park and Oakland. She wants the refineries to recycle more of their gases rather than burning them off with flares.

Sparano said the industry turns to flaring as a last resort.

"Refiners don't flare as a matter of practice because, if nothing else, it's money up the stack," he said. "There is a basic premise in every business where you don't want to waste your product."

Flaring attracted little attention until the late 1990s.

"It's like a lot of other things that have slipped through the regulatory cracks," said Bahram Fazeli, a policy advisor for Communities for a Better Environment.

"There was a community outcry over the fact that there are these big flare events happening, and there's really no accountability or serious regulatory ability to reduce flaring."

The industry has been studying how to reduce flaring, said Ron Chittim, senior refining associate at the American Petroleum Institute.

"Just like improvements in a lot of technologies, there have been improvements in flaring technologies," he said.

The South Coast air district staff began monitoring flaring in 1999. Although emissions have dropped considerably, the staff believes emissions need to be controlled.

In September 2004, the air quality district board directed the staff to draw up a rule. Industry and community representatives have monitored the evolution of that proposed rule in a series of meetings.

That process gets high marks from Sparano at the petroleum association, who has been deeply involved in the talks.

"Refiners have not fought having a rule. We have been embedded in the process," he said. "This is one of the most intense and effective collaborations that I've seen for a long time."

The rule would add more monitoring requirements and require certain improvements, such as video cameras to record flaring. Each refinery would be assigned a specific standard to meet in reducing flaring.

It would cut emissions of all pollutants at county refineries, with daily sulfur oxide emissions dropping to 1.5 tons by 2006 and 0.7 tons by 2010.

Some community and environmental activists, however, say they want the district to devise a rule similar to one adopted in July by the Bay Area Air Quality Management District

That rule requires each refinery to draw up a plan showing how it will reduce emissions. A similar provision was dropped from the proposed South Coast rule this summer, riling environmentalists.

May, of Communities for a Better Environment, is also concerned that refineries would be allowed to flare for "essential operational needs," which she dismisses as a grab bag of excuses that provides refineries with a major loophole.

But an air quality district official involved in designing the rule says that requiring each refinery to design a plan would be cumbersome and difficult to enforce.

Sparano declined to discuss specific concerns his group has with the proposed rule, saying he does not want to negotiate in public.

But Fazeli said the current version is fraught with loopholes. "We cannot support it in its current form," he said.

*

Flaring up

During last week's blackout, some Angelenos were worried by large flames and smoke rising from refinery stacks that are designed to be relatively smokeless. Here is what happens in emergencies:

1. Excess pressure forces gases through spring-loaded valves and into a network of pipes.
2. Pressure builds and forces the flammable gases to break through the water seal and flow to the stack.
3. Pilot lights ignite the gases. A large release of gases, as happened during the blackout, produces flame and smoke.

Source: Western States Petroleum Assn.

Officials with city, county to discuss fireworks, freeways

Twice-a-year session to bring together members of two government bodies

By GRETCHEN WENNER, Californian staff writer
Bakersfield Californian, Monday, Sept. 19, 2005

Fireworks -- the exploding, real-world kind -- and freeways will dominate tonight's joint meeting of city and county officials.

The twice-yearly special sessions bring together Bakersfield's seven City Council members, Kern's five county supervisors and their various staffers for a public meeting on issues facing the metropolitan area.

Residents can address the elected officials at the start of the session.

Here are details regarding some of tonight's agenda items:

Fireworks

Some fireworks are already outlawed in Bakersfield, a move approved by council members in June in the wake of a local man's death in 2004.

Now, city leaders want to develop rules that apply to the entire metro area.

Tonight's discussion will be just that: talk.

Any new rules would be voted on and finalized at a later date.

Still, the subject is likely to inspire heated debate.

On one hand is Bakersfield Fire Chief Ron Frazee, who has called for a total fireworks ban.

Frazee will outline the need for a metrowide policy.

The city's ban of Piccolo Pete and other "whistling" torchers, for example, had little impact this Fourth of July when county vendors were allowed to sell the items.

On the other side of the debate, firework sellers, nonprofit groups that benefit from sales and many residents oppose bans and limits.

On July 4, 2004, 45-year-old Raymond Reilly III was killed in a suburban cul-de-sac when neighbors exploded a homemade device crafted from Piccolo Petes. The canister-in-a-watermelon bomb blew shrapnel 74 feet, straight into Reilly's heart. His death prompted the partial city ban.

Freeways

A trio of road-related items are up for discussion. As with the fireworks item, the briefings won't lead to immediate action.

First up is the future South Beltway. Last month, county supervisors OK'd a route for the eight-lane cross-town freeway that will run east-west south of Bakersfield. County planners will brief Bakersfield officials on details of the roadway's status.

Eventually, the City Council will need to approve the route as well.

County and city staffers will then update officials on specific projects benefiting from \$726 million in federal highway money.

The massive funding for local projects in the federal transportation bill approved last month is attributed to Rep. Bill Thomas, the powerful Bakersfield Republican who chairs the House Ways and Means Committee.

Finally, city and county staffers will provide the latest news on a proposed half-cent local sales tax measure to fund road projects. The long-simmering issue has previously been rejected by voters, and not all officials back the tax.

But some believe the tax is needed to provide matching funds for the \$726 million in federal highway dollars Thomas funneled here.

Thomas has also encouraged passage of the tax.

In other business, officials will hear an update on the Western Rosedale Specific Plan and vote on a joint resolution to [improve air quality](#).

The meeting starts at 5:30 p.m. in the first floor of the downtown county building at 1115 Truxtun Ave.

The City Council and Board of Supervisors will next meet on Feb. 27, 2006.

Bill aims to keep projects rolling

Road work totaling \$8.6 million at stake within Fresno County.

By Jennifer M. Fitzenberger / Bee Capitol Bureau

Fresno Bee, Sunday, September 18, 2005

SACRAMENTO - Nearly \$8.6 million earmarked for transportation projects in Fresno County is scheduled to expire early next year, but last-minute legislation could save it.

Gov. Schwarzenegger is considering a bill that would allow the California Transportation Commission to reauthorize lapsing money for 29 projects statewide, including six in Fresno County.

State law requires that money allocated through the Traffic Congestion Relief Program be used within five years to ensure that projects are completed in a timely manner. The program was created in 2000, so the deadline is fast approaching for some projects.

In Fresno County, officials are using soon-to-expire money to upgrade the Shaw Avenue interchange at Freeway 99, widen Highway 43 from Selma to the Kings County line and add a lane to Freeway 41 between Herndon Avenue and Friant Road.

Funded projects also include an extension of Highway 180, improvements to roads near California State University, Fresno, and the widening of Peach Avenue.

In addition to the Fresno projects, about \$6.5 million for the San Joaquin Valley Air Pollution Control District to reduce emissions from diesel engines is in jeopardy.

"These projects are very worthwhile, and I look forward to seeing them move forward again," said Assembly Member Juan Arambula, D-Fresno, who voted to approve Assembly Bill 216.

Supporters expect Schwarzenegger to sign the bill, sponsored by Assembly Member Jenny Oropeza, D-Long Beach, who chairs the Assembly Transportation Committee.

But some question whether the bill is needed. David Brewer, chief deputy director of the California Transportation Commission, said he believes his group already has the power to reauthorize the money. Oropeza's bill, he said, clarifies that power.

"If we reached the five-year deadline, they would have naturally come back before the commission," Brewer said.

Oropeza said the bill is needed because transportation funding is always uncertain: "There are just too many threats to transportation funds these days. There are too many people who think they may want to raid the funds for whatever purpose."

The Traffic Congestion Relief Program was created to help unclog California's busy roadways. About 150 projects were included in the program, which is funded with gasoline sales tax revenue.

In 2002, passage of Proposition 42 secured the sales tax funding. But for multiple years, funding under that measure was diverted to the state's general fund to patch the bleeding budget, leaving little money for transportation projects.

As a result, planners throughout the state put many projects on hold, pending the availability of steady funding. This year, Schwarzenegger fully funded Prop. 42, redirecting \$1.3 billion in gasoline sales taxes to transportation construction. This prompted officials to take another look at projects in the Traffic Congestion Relief Program, and they realized that some of the money would soon expire.

Money not used by the five-year deadline reverts back to the Traffic Congestion Relief Fund to be spent on other projects. AB 216 would allow the California Transportation Commission to direct the reallocation of money to the same projects if it determines that delays were outside of the lead agency's control.

D. Alan McCuen, deputy director for planning with the California Department of Transportation in Fresno, said local projects were slowed or downsized because of lack of funding. "It's no fault of anybody," McCuen said.

Most of the projects, he said, have additional funding sources, but Traffic Congestion Relief Program money is important to their completion.

"Those projects are all good projects," McCuen said. "They need to have that money."

Owners of polluting vehicles clean up their acts

By Louis Galvan / The Fresno Bee
Sunday, September 18, 2005

Larry Forbes had the right idea when he decided to show up 90 minutes early Saturday to line up his 1989 Cadillac El Dorado for a free smog testing and repair program at Fresno City College.

What the 68-year-old Fresno resident didn't count on, however, was that at least another 100 owners of cars with smog problems decided to get an even earlier jump - some of them arriving as early as 6:30 a.m. - for a program that was not scheduled to start until 9 a.m.

But Forbes wasn't complaining after waiting nearly four hours for his car to be tested.

"It was worth it," he said, holding a smog-repair coupon for up to \$500 at A-1 Auto Electric to help his vehicle meet state standards.

Like most of the other motorists who showed up for the program, Forbes already knew his Cadillac was not going to pass the emissions test.

"I've known since May, but I just haven't had the money to get it fixed," he said. "Thanks to this program, I can now afford to take care of the problem."

The voluntary program was sponsored by Valley Clean Air Now (CAN), a nonprofit air-improvement group, and the Advanced Transportation Technology Center at City College.

The event is known as the "Tune In & Tune Up" vehicle emission repair program. Saturday was the third year the event has been held in Fresno.

The program targets gross-polluting vehicles and gives owners of such vehicles a chance to get their cars tested and at the same time get money to repair them.

"Gross-polluting vehicles are among the largest sources of air pollution in the San Joaquin Valley," said Octavia Diener, president of Valley CAN.

Air-quality officials say gross-polluting vehicles make up less than 10% of the state's cars and small trucks, but they account for more than half of the state's smog-forming emissions from light-gasoline vehicles.

Shelley McKenry, a Valley CAN spokeswoman and organizer, said turnout for Saturday's program, which had drawn nearly 200 motorists by noon and was not scheduled to end until 3 p.m., was about three times bigger than in previous years.

Because of the long lines, some car owners who arrived shortly before noon were told they could leave and return in a couple of hours instead of waiting to be called.

But some latecomers such as Danny Safarian, 46, of Fresno, weren't too keen about that suggestion.

"I'm here already," he said. "I don't think the line is going to get any shorter. I'm staying."

McKenry said Valley CAN had about 200 coupons available for up to \$500 in smog-related repairs.

Additionally, she said, the state's Bureau of Automotive Repair was also offering a number of \$500 emissions-repair coupons to eligible participants.

Qualified motorists also were given the opportunity to receive \$1,000 from the Bureau of Automotive Repair in exchange for their polluting vehicles.

Task force starts cure for what ails valley

Governor's panel meets for first time to draw up plan for highway, jobs, air

by Eric Stern, Capital Bureau

Modesto Bee, Saturday, Sept. 17, 2005

SACRAMENTO — Gov. Schwarzenegger's new San Joaquin Valley task force met for the first time Friday to begin drawing up a plan to create jobs, fix Highway 99 and reduce air pollution in the region.

"This is historic, especially for me personally, having grown up in the San Joaquin Valley," Schwarzenegger Cabinet secretary Sunne Wright McPeak said before the scheduled four-hour hearing.

McPeak grew up on a Livingston farm and now heads the state Business, Transportation and Housing Agency. She's been tapped to lead Schwarzenegger's blue-ribbon panel of government, business and education leaders to develop an action plan by November 2006 to fix the valley's problems.

"There have been a lot of studies, so today we can start focusing on action," McPeak said in a conference call with reporters.

Schwarzenegger issued an executive order in June to create the California Partnership for the San Joaquin Valley. The 26-member task force will work on steering grants and state funding for

economic development, education, land use, transportation, air quality, water, health services and technology projects in the valley.

One area of focus is widening Highway 99 to at least six lanes between Stockton and Bakersfield, and monitoring talks about upgrading the road into an interstate highway.

Schwarzenegger set a deadline of Oct. 31, 2006, to turn in a report to the governor's office, county boards of supervisors and city councils. The partnership dissolves the next day, according to the executive order.

"Our governor is action, action, action, and he's given us a time frame," said Tulare County Board of Supervisors Chairwoman Connie Conway, who is co-chairing the panel. "While we've had study after study, we are going to have an action plan."

Other task force members include Stanislaus County Board of Supervisors Chairman Jeff Grover, Modesto businesswoman Sheila Carroll, Stockton developer Fritz Grupe, Los Banos Mayor Michael Amabile, Fresno Mayor Alan Autry and Merced businesswoman Sharon Thornton.

Valley nears the standard for air quality

Region must go until Dec. 31 without having dirty air incident

By MARK GROSSI - THE FRESNO BEE

In the Modesto Bee, Friday Sept. 16, 2005 (previously published in the Fresno Bee)

FRESNO — The San Joaquin Valley's horizon of dust, smoke and chemical specks may have cleared up enough to qualify as clean air under one federal health standard, an unprecedented event in this region.

The valley has gone almost three years without violating the standard for particulate matter, or so-called PM-10. If the area makes it until Dec. 31 without a dirty air incident, it will be the first time the valley makes any federal air standard.

"This is a significant achievement for the San Joaquin Valley," said Seyed Sadredin, deputy director of the San Joaquin Valley Air Pollution Control District. "The air basin is reaping the benefits of the ... courageous actions of the district's governing board, substantial investment by valley businesses, and the general public's participation and cooperation."

In a push for the attainment, local air authorities are asking farmers, builders and the public to continue to keep pollution-making activities under control this fall.

PM-10 — specks 10 microns wide or one-seventh the width of a human hair — comes from agriculture, construction, roads and burning. Fall is considered prime time for this pollution.

The microscopic specks evade the body's defenses, lodging deep in the lungs and triggering asthma, bronchitis and other respiratory ailments. Medical science has linked the pollution with heart disease and higher mortality rates.

Community activists and environmentalists are pleased about the cleanup, but they say the weather has as much of an influence as district rules. Damper conditions helped hold down pollution.

"It would be an outstanding accomplishment to achieve this standard," said lawyer Brent Newell of the Center on Race, Poverty and the Environment, a legal watchdog in the air fight. "But the credit is not all theirs because they don't control the weather. And this job is not over."

Next step is maintenance

Lawyer Susan Britton of Earthjustice Legal Defense Fund, which has filed several lawsuits over valley air, added that nobody should relax after achieving the standard.

"Once you make a standard, you have to maintain it," she said. "We're not home free."

Air district officials said they will not slow their efforts against PM-10. They also know there are five other standards that the valley has not attained.

The five are state and federal standards applying to smog and the tiniest specks, called PM-2.5, or particulate matter 2.5 microns wide. About 30 of these specks would fit along the width of a human hair, and they are considered more dangerous than PM-10.

It may take many years to clean up PM-2.5.

But this year, the district is hoping to attain two federal standards for PM-10. One applies to 24-hour periods; the other is an annual average.

In 1990, the valley had 55 days when particle pollution exceeded the daily limit. By 2001, the figure had dropped to 12 days. There have not been any since 2002.

The area needs three consecutive good years to make the standard.

Agriculture, a large contributor of PM-10, has been kicking up less dust since the summer of 2004, officials said. Many beneficial practices have become standard, such as watering unpaved roads, reducing speeds on those roads and less tilling in the fields.

The district also has cracked down on wood burning during the worst episodes of bad air in cooler weather.

A spokeswoman for the U.S. Environmental Protection Agency, which supervises federal clean-air issues, said the valley is moving in the right direction.

"There are three months left in the year," said Lisa Fasano in San Francisco. "We think it is important for everyone to keep up their efforts."

Event offers drivers free smog test

By Mark Grossi

The Fresno Bee, Friday, September 16, 2005

Here's a chance to get some free help for that gross-polluting car.

Motorists can drive Saturday to Fresno City College for a free emissions test. A smog-repair coupon for up to \$500 at A-1 Auto Electric will be available to those whose cars don't pass the test.

People also may qualify for a state Bureau of Automotive Repair program that pays up to \$500 in emissions-related repairs to qualified motorists. Or, qualified participants can swap their polluting vehicles for \$1,000.

The voluntary program Saturday is sponsored by Valley Clean Air Now (CAN), a nonprofit air improvement group, and the Advanced Transportation Technology Center at City College. It will run from 9 a.m. to 3 p.m. at the McKinley Avenue parking lot.

"It's a great chance for people to get their cars checked and get money to fix them," said CAN spokeswoman Shelly McKenry.

Officials said there is no paperwork, no reporting and no government agencies involved.

Gross-polluting vehicles are among the biggest sources of air pollution in California. They make up fewer than 10% of the state's cars and small trucks, but they account for more than half of the state's smog-forming emissions from light-gasoline vehicles.

Many such cars are either older or poorly maintained.

The state usually requires motorists to pay for smog tests. Then, if their cars do not pass, they must pay for possible repairs, which can cost hundreds of dollars.

On Saturday, the CAN group and the Advanced Transportation Technology Center will offer an emissions test and, if necessary, an on-site diagnostic of vehicles. In previous years, CAN has tested up to 85 cars.

The event also will feature a car-crushing demonstration with high-polluting vehicles.

School buses not part of ARB rules

Kerry Cavanaugh, Staff Writer

LA Daily News, Sept. 17, 2005

State air regulators have decided to require Southern California transit operators to buy alternative-fuel models when they replace their diesel buses, but they did not apply the new rules to school buses and garbage trucks.

The California Air Resources Board decision this week doesn't mean Southern California school districts or trash companies can begin buying diesel vehicles, because South Coast Air Quality Management District rules already require those fleets to purchase alternative-fuel vehicles.

But AQMD officials worry that their alternative-fuel mandate could be overturned in court if engine manufacturers renew a long-standing fight over the AQMD rules.

Despite its decision this week, the Air Resources Board said that if a court overrules the Southern California alternative-fuel requirements, the state will reconsider the school bus and trash truck rules they declined this week.

Some school districts opposed the alternative-fuel mandate because they say they can't afford increased maintenance and operation costs of natural gas buses.

Doug Snyder with the California Association of School Transportation Officials was pleased with the ARB decision because it may discourage other regions from adopting alternative fuel-only rules, even though it won't impact Southern California schools.

Todd Campbell with the Coalition for Clean Air said the Air Resources Board's decisions were inconsistent.

"Clearly if our state passes a rule to protect the health of adults riding on public buses, then they should pass an equal, if not stronger, rule to protect the health of children on dirty diesel school buses, who are even more at risk from air pollution," Campbell said.

Get gassed

In the Bay Area, wood-burning fireplaces are seen as big polluters; better alternatives -- gas or electric

Judy Richter, staff writer

S.F. Chronicle, Saturday, September 17, 2005

From cavemen huddling around a fire for warmth and safety to family and friends gathering for a festive event, fires and fireplaces have played a special role in human life.

Wood has traditionally been the fuel of choice, but today's options have expanded to include gas and electricity. In fact, because of health and pollution concerns, wood is taking a back seat to its rivals.

An open-air, wood-burning masonry fireplace generates high levels of particulates, minute particles that contribute to air pollution, a major health concern, said Terry Lee, spokeswoman for the Bay Area Air Quality Management District. The district includes seven of the Bay Area's nine counties and parts of Solano and Sonoma.

The smallest particles, those 10 micrometers or smaller, are the biggest concern because they can become lodged deep in the lungs, according to the air district.

Burning wood also generates other pollutants such as carbon monoxide, benzene and dioxin.

"Since the 1980s, many scientific studies have been published that correlate rising (levels of particular matter) with serious health effects, such as asthma symptoms, decreased lung function, increased hospital admissions and even premature death," the district says.

Old-fashioned open fireplaces are so inefficient and so highly polluting that many cities and counties are restricting them.

These restrictions are based on a model ordinance written by the air district.

The ordinance doesn't outlaw burning wood, but it requires U.S. Environmental Protection Agency-certified devices in new construction. These devices may not emit more than 7.5 grams of particulates in 24 hours. An older wood-burning fireplace generates about 20 to 60 grams.

To meet the EPA standard, the new devices have either secondary combustion zones or catalytic converters similar to the catalytic converters on cars.

The ordinance also bans all wood burning when the district issues a "Spare the Air Tonight" warning, usually on cold, still nights when the air stagnates and pollutants build up. Finally, it prohibits the burning of garbage and plastics in a wood-burning appliance.

Model ordinance

The model ordinance allows wood pellet stoves, natural gas fireplaces and electric fireplaces, which all meet or exceed EPA standards.

Local jurisdictions determine when such devices are required in a remodeling project.

Fairfield is one of the cities that have adopted an ordinance based on the district's model, said Tom Garcia, a building official. If a fireplace is affected by a remodeling project, it must be replaced with a device that meets EPA standards.

Fairfield allows EPA-certified wood-burning fireplaces or inserts that have glass doors and outside combustion, making them more efficient than open-air fireplaces. They also have triple-wall metal chimneys that keep the flues much cooler and more fire-safe than masonry chimneys.

Metal chimneys may go inside a wooden chase, which is less likely than masonry to collapse in an earthquake, Garcia said.

In addition to concerns about pollution and inefficiency, wood can be a hassle. After it's delivered, it has to be stacked away from the house and should be kept dry during the rainy season.

Then the resident has to haul the logs into the house, keep the fire stoked and eventually remove the ashes.

After a while, creosote builds up in the chimney, posing a fire hazard, so chimneys should be cleaned once a year. Chimney fires are the leading cause of home fires, the air district's Lee said.

Wood also can be expensive. A sampling of prices on the Peninsula showed that a cord of seasoned hardwood costs about \$300, which may or may not include delivery -- another \$45 or so.

Manufactured logs like Duraflames, which are a combination of wood waste and wax, do away with much of the inconvenience, and they're more efficient than wood, but they still leave residue that has to be removed.

They burn well in an open fireplace but not in a closed combustion appliance, said Guy Fasanaro, owner of California Comfort, a fireplace outlet store in Benicia.

North Idaho Energy Logs makes all-sawdust logs for closed-combustion fireplaces and stoves. They burn cleaner than wood and cost about \$200 a ton, Fasanaro said.

Fasanaro hasn't entirely written off wood. He notes that, unlike gas, wood is a renewable resource. It also can be relatively nonpolluting if the device meets EPA standards.

"Wood is still the best way to go to heat, but it's a lifestyle choice" because of the work, he said.

However, he doesn't recommend wood pellet stoves. "They're not cost-effective unless you're in a propane (rather than natural gas) market," he said. Pellets cost about \$200 a ton and produce about 8,600 Btu in 24 hours, about the same as a cord of soft wood like pine.

A Btu, or British thermal unit, is the amount of heat needed to raise the temperature of 1 pound of water 1 degree Fahrenheit; 100,000 Btu equal 1 therm, the unit used by utility companies like PG&E to measure natural gas usage.

The pellets are made of sawdust and sometimes contain dirt, which can produce clinkers, or slag. The stoves require three electric motors -- a drawback if the power goes out -- and must be cleaned at least once a year, Fasanaro said.

Gas fireplaces

Gas fireplaces have come to be the fireplaces of choice for new construction and remodeling. They're cost-competitive, and newer models "simulate a wood fire very exactly," the air district's Lee said.

They're also cleaner, more convenient and much safer than wood fireplaces.

Gas fireplaces vary in their efficiency, Fasanaro said. The gas-burning appliances typically seen in new houses are only about 35 to 50 percent efficient, he said.

"The pinnacle of the technology" is the heater-rated direct-vent fireplace, which is about 60 percent efficient, about the same as a wall furnace, he said.

It produces about 25,000 to 60,000 Btu an hour and can heat an area of 500 to 1,500 square feet, said Mike Ryman, co-owner of Hearth & Home, a fireplace store in San Carlos.

It also can be used with a thermostat, so the heat output can be adjusted. Its variable-speed fan is relatively quiet.

Gas fireplaces can be vented directly to the outside simply by cutting a 10-inch-square hole through an exterior wall and placing the fireplace against the wall. The vent has a center flue for the exhaust and an outer shell that draws in outside air for combustion.

Gas fireplace inserts go inside a fireplace opening and vent through the chimney. They use room air for combustion.

If a gas line is needed, a permit is required, but installation is fairly easy for a licensed plumber, Ryman said, and costs about \$1,000.

If the fireplace has a fan, it will need an electrical line. Any wiring that's not plug-in also requires a permit, Fairfield's Garcia said, advising homeowners to check with their local building department before any changes.

Gas fireplaces and inserts produce realistic-looking flames. Their logs are made of a ceramic material that glows red as they heat up.

An alternative to the gas fireplace or insert is a gas log set. Gas logs are not designed to be heaters, yet they use more gas than a gas fireplace, Ryman said.

On the other hand, they're less expensive, costing \$450 to \$550 at his store and less at home improvement stores.

A heater-rated gas fireplace can range from \$1,400 to \$4,500 at Ryman's store. Inserts range from \$1,400 to \$2,700. Mantels, if needed, are \$1,000 to \$1,200.

Installation can cost \$1,500, including the gas line.

Other options for gas fireplaces can include a wall switch, \$300, or a remote control, \$450.

Electric fireplaces

Electric fireplaces are picking up in popularity.

They can be an insert for a fireplace opening or a freestanding model.

They don't require vents or special electrical lines. "You just plug it into the wall," so no building permits are needed, said Tim Gilbride of Dimplex North America Ltd., which had an exhibit at the Pacific Coast Builders Conference in June.

When you move, you can just unplug the fireplace and take it with you.

"You can use it year-round," either with flame-only for warm weather or with a heating element in cooler weather, Gilbride said. However, it provides just supplemental heat because it uses only four 60-watt chandelier bulbs that are supposed to last 2,000 hours.

Models that plug into a standard 120-volt line produce about 5,000 Btu. Models that plug into 220-volt lines produce 10,000 Btu. They're generally found in new construction or remodels because installing a 220 line requires a permit.

Electric fireplaces come with a variety of mantels that are easy to put together and take apart for portability, Gilbride said.

Fasanaro of California Comfort is skeptical about electric fireplaces. "They basically are a fancy lamp," he said. Some of the new designs look good, he said, "but they provide little heat."

He estimated prices at \$700 to \$800 with a mantel.

Hearth & Home has a model for \$675, plus about \$540 for a mantel.

Gilbride said prices for Dimplex models range from \$600 to \$1,300. The more expensive models come with a remote control.

Because there are so many choices available for both fireplaces and mantels, homeowners who want to add or change a fireplace are advised to shop around and ask a lot of questions.

At the very least, people who have old-fashioned, open masonry fireplaces are advised to add glass doors, which reduce the amount of heat lost from the room. They're especially useful at night when the fire is dying but still is burning enough that the damper must remain open to keep smoke out of the house.

Prices of glass doors at Hearth & Home start at \$450 and go up to about \$2,000 for custom doors, Ryman said.

They're required in new fireplaces, said Lee, the air district spokeswoman. "It's illegal to sell anything else," she said.

As far as the Bay Area Air Quality Management District is concerned, "our overarching theme is the cleanest-burning fireplace possible," Lee said.

"This is a smart clean-air choice and an investment in your neighborhood to switch to natural gas or not burn wood," she said.

Dairy group pitches in money for further air quality studies

By SARAH RUBY, Californian staff writer
Bakersfield Californian, Friday, Sept. 16, 2005

The dairy industry is pooling its money with air regulators to launch new air pollution studies. All parties hope new data will settle whether dairy cows really are the air pollution juggernaut regulators have said they are.

On Thursday, the regional agency in charge of funding new air science approved a \$200,000 study to quantify the amount of smog-forming volatile organic compounds coming from dairies. The dairy industry group Community Alliance for Responsible Environmental Stewardship will pay \$90,000. The rest will be split between the San Joaquin Valley Air Pollution Control District and the state air board, with \$60,000 and \$50,000, respectively.

Studies are shepherded through a joint powers agency known as the San Joaquin Valleywide Air Pollution Study Agency.

Hailing regulators' "new, cooperative relationship" with the dairy industry, district Executive Director Dave Crow said dairymen "made a very generous offer to help further the science."

This study is an extension of previous work by CE Schmidt, an independent researcher in Red Bluff, Calif. That study cost the state and the air district \$50,000 each, according to state records, but lingering questions led them to extend the work.

The district has also funded dairy research at California State University, Fresno, state records show.

Until now, the milk industry hasn't paid for this type of air quality research, according to industry representatives and the scientists themselves.

It's not unusual for industries to fund government-run studies of themselves, according to state and local regulators.

"The goal of the dairy industry is not to avoid regulation," said Jim Tillison, a member of the Community Alliance for Responsible Environmental Stewardship's board of directors. "It's how best to effectively ... mitigate dairy air emissions."

The district's first effort to quantify dairies' share of smog-forming gases fell short, according to industry representatives responding to the district's August announcement that individual dairy cows produce 19.3 pounds of volatile organic compounds each year. To reach this number the district used what little science is available.

Some dairymen said that science is flawed and called for further research.

That research is on the way. In addition to the \$200,000 study, to be conducted by an independent researcher, state air officials are coordinating another "bovine bubble" study by University of California-Davis researcher Frank Mitloehner. State officials coordinating this study could not be reached Thursday. It's unclear how much this study will cost or who will pay for it.

Mitloehner's work takes cows inside a tented chamber to catch the gas from their front and back ends. Mitloehner was an outspoken critic of the way the district used his earlier work.

Regulators hope to have both under way this year. Together, the studies are meant to help determine how much pollution comes from animals, feed and manure storage lagoons, among other sources. Under state law, the valley air district has until July 1, 2006, to figure out how to cut air pollution from dairies. The new research could affect the way dairies are regulated. Kern is home to some 300,000 dairy cattle, and an additional 200,000 are looking to move in. Those moves are being stalled while the county investigates the environmental impact of so many cows.

State Air Board Rejects Rule on School Bus Emissions

By Julie Cart, Times Staff Writer
Los Angeles Times, Friday Sept. 16, 2005

The California Air Resources Board on Thursday declined to adopt a rule requiring Southern California's school buses to maintain strict emissions standards. The board voted 5 to 3 to reject the proposed rule, which was suggested by the South Coast Air Quality Management District. The regulation would have required that any new school buses have the cleanest-burning engines available, rather than older, dirtier diesel engines. The AQMD adopted rules in 2000 that required cleaner-burning buses in its four-county jurisdiction. Those rules remain in effect for fleets operated by public agencies. But the air board's ability to require the same standards for privately operated school buses has been challenged in court. The AQMD, however, is still enforcing the rules on private contractors. The daylong debate considered the state agency's "fuel neutral" stance not to discriminate against a particular type of fuel, the cost to school districts of purchasing new natural-gas buses and whether support for the AQMD rule might draw the Air Resources Board into future lawsuits. An earlier vote to table the discussion deadlocked 4 to 4.

Scientists examine ways to curb climate change

By Don Thompson
Contra Costa Times, Friday, Sept. 16, 2005

SACRAMENTO - The global climate isn't the only thing warming up. The political climate has changed, too, as politicians warm to addressing what scientists have been warning for years is an inevitable rise in the earth's temperatures. "In the last year or so, this has really taken off like a freight train without brakes," said Philip Mote, a leading researcher with the University of Washington and Washington's state climatologist. The shift was dramatized by Gov. Arnold Schwarzenegger's June pledge that California will strive to reduce greenhouse gases emissions to 80 percent below 1990 levels by 2050, and by a global warming initiative backed by the governors of California, Oregon and Washington two years ago. Experts from as far away as England and Israel attending a global warming conference here this week said politicians' receptiveness is prompting a shift to practical research, science that can help policy-makers deal with far-reaching changes affecting everything from population growth and disbursement to how those people get their food and water. Lisa Sloan of UC Santa Cruz, for instance, said studies show irrigation of California's Central and Imperial valleys and the urbanization of Southern California have altered the regional climate over the last 100 years, cooling farm areas and heating the cities. That should affect future planning, she said. "As areas of urban landscape expand, these issues of land use's effect on global climate will become more important -- at least as important as greenhouse gas emissions," she said. Other researchers are examining topics as diverse as estimating the greenhouse gas emissions from products manufactured in California, how smog affects rainfall, and how much farming can cut carbon emissions believed to contribute to the warming trend.

"A lot of the discussion here (at the three-day conference) is what changes are we going to see and how do we adapt to them?" said Arthur Rosenfeld, a member of the California Energy Commission.

California has a head start on the rest of the nation and much of the industrialized world because of its decades-long effort to reduce smog and protect the environment, said commission member Jim Boyd. That slowed California's increase of energy use and per capita carbon emissions significantly below the nation as a whole.

California alternates with France as the world's fifth or sixth largest economy, yet ranks 10th in emissions of the pollutants known as greenhouse gases.

What he called the California "nation-state" has generally done well in reducing pollution from industry and power plants. But it needs to do more to control transportation emissions, the No. 1 source, Boyd said.

"We've frankly failed miserably" in finding workable alternatives to fossil fuels, he said.

California is committed by law to cutting vehicles' emissions, over the objections of the auto industry. And Schwarzenegger is pushing ahead with plans for a "hydrogen highway" to encourage use of that clean-burning energy.

But more money needs to be devoted to fuels and vehicle technology and transportation efficiency in the nation's most populous state, Boyd said.

The challenge faced by California and the world is cutting greenhouse gases without undermining industrialized economies, said Alan Lloyd, a scientist himself who heads the California Environmental Protection Agency.

That can be done by building an industry and technology around the goal of climate change reduction and adaptation, he said. He noted that some of Silicon Valley's biggest companies -- Hewlett Packard and Oracle among others -- have signed on to a pledge to cut greenhouse gases 20 percent by 2010.

A Radical Shift in Tone for L.A. Harbor Panel

By Deborah Schoch, Times Staff Writer

Los Angeles Times, Friday, Sept. 16, 2005

S. David Freeman, elected less than an hour before as president of the Los Angeles Harbor Commission, listened intently as a port planner explained that a long-delayed project to refurbish the Wilmington waterfront would not be completed before January 2011.

Freeman pounced.

"I want you to get a sense of urgency about this - 2011 is a long ways off for a guy 79 years old," he said. Then he addressed the standing-room-only crowd of more than 250 people, many from Wilmington.

"A completion date of 2011. Is that OK with the community?"

"No!" residents responded.

So it went for nearly eight hours Wednesday night and Thursday morning as Mayor Antonio Villaraigosa's new harbor commissioners met for the first time, adjourning shortly before 2 a.m.

The evening was an unlikely mix of drama and comic relief, as Freeman and his colleagues launched a review of the most contentious issues facing the port.

"We want to get into these issues with both feet," Freeman said.

Some in the audience voiced skepticism that port managers would become more receptive to community concerns.

Others berated port officials for what they labeled a series of flawed environmental reviews that they said had allowed the port to expand without compensating for worsening air quality.

And when Freeman suggested incentives to attract new business to the port, half a dozen speakers voiced fears that such a move would derail efforts to reduce air pollution.

But Freeman - who formerly managed the city Department of Water and Power and the Tennessee Valley Authority - lightened tensions with jabs of humor and salt-of-the-earth comments.

He grinned when one Wilmington resident urged the board to cut air pollution with trains powered by electricity.

"You warm the cockles of my heart when you talk about electric trains," he said. And when the board discussed ethical guidelines, he commented dryly, "We're going to be cleaner than a hound's tooth."

The meeting marked a radical shift in tone from the commission appointed by former Mayor James K. Hahn, which was led by San Pedro attorney Nicholas G. Tonsich. He favored a brusque, no-nonsense style, and some residents criticized the panel as imperious. It met in the formal boardroom of the Harbor Administration building in San Pedro on weekday mornings

The new commissioners held their first meeting at night in a hall in Wilmington, drawing so many people that they lined the walls and crammed the doorways. Meetings will alternate between Wilmington and San Pedro, and between daytime and evening schedules.

"It was a very impressive board meeting, and the commissioners showed they have the energy and drive to deal with all the issues facing the Port of Los Angeles," said Michele Grubbs, vice president of the Pacific Merchant Shipping Assn., which represents port tenants and other major shippers.

Freeman said Thursday that he was pleased with the outcome. "I thought it was democracy at work," he said.

After years of record growth, the port since last year has seen a 2% drop, which has been blamed on last fall's congestion problems, competition from other ports and perceptions that the port was putting community and environmental goals ahead of shipping companies.

Villaraigosa has promised both growth and air-quality improvements at the city-owned port, and Freeman sounded that theme Wednesday, saying he strongly believes that the port can attract new business while reducing diesel pollution from ships, trains and trucks.

Driven by increased Asian imports in recent years, the Los Angeles-Long Beach port complex has grown to become the single largest air polluter in the region.

Freeman directed port officials to study the possible use of bio-fuels to cut the use of diesel and other petroleum products.

The board also requested an update on the "no net increase" plan produced during the Hahn administration in hopes of reducing pollutants to their 2001 level. That goal is not good enough, Freeman said, drawing applause from the crowd.

The Hahn plan would still result in 1,700 premature deaths tied to air pollution by 2025, he said, adding, "Surely, you can't settle on that."

Although discussion about pollution consumed much of the evening, the board moved deliberately through a long list of major issues. In the first hour, it decided to require commissioners to report contacts with lobbyists and to ask for permission before traveling on business. Under past practice, commissioners frequently did not get travel spending approved until after their trips, even when the bills totaled thousands of dollars.

The board also discussed port finances and customer relations.

The agenda called for it to commit \$11.4 million to help restore the Bolsa Chica wetlands in Orange County in return for the ability to expand the port into deep-water areas. But after environmental activist Marcia Hanscom questioned why the funds were not going to L.A. projects, commissioners postponed the vote.

Another California energy crisis looms, draft report warns

By DON THOMPSON, Associated Press Writer

Fresno Bee, S.F. Chronicle & Orange County Register, Friday, September 16, 2005

SACRAMENTO (AP) - Four years after electricity prices soared and blackouts rolled across California, the state is in danger of another energy crisis - this one involving gasoline and natural gas as well, said a draft report Friday.

The state is a captive of its own geographic and regulatory isolation, separated by miles and mountains from many refineries and fossil fuel sources. Moreover, the state sets stricter fuel standards to trim air pollution, driving up prices and limiting availability as is evident in the wake of Hurricane Katrina, said the California Energy Commission.

"California's way of life is threatened by its growing dependence on oil and natural gas, spiraling energy prices, potential supply shortages and an inadequate and aging energy delivery infrastructure," said the report that, in its final version, will go to Gov. Arnold Schwarzenegger and state legislators.

The draft was released as a three-day international global warming conference hosted by the commission and the California Environmental Protection Agency concluded. Commissioners are to vote on adopting the report Nov. 16.

An EPA panel separately released draft proposals for how the state can meet Schwarzenegger's goal of cutting the state's emissions of greenhouse gases to 2000 levels by 2010, 1990 levels by 2020, and 80 percent below 1990 levels by 2050. A final version will go to Schwarzenegger in January.

The problems are interlinked: Warming temperatures could harm the Sierra Nevada snow pack that provides hydroelectricity, while hotter summers will drive up electricity demand.

"As the state's demand for electricity intensifies, California could face severe shortages in the next few years," partly as a result of the warming trend, the energy report warned.

Both panels recommended conservation, improved technology and regulatory changes among responses.

But the energy commission report warns that "the state has made only minimal progress" since it made similar recommendations two years ago, and calls for policy-makers to "take immediate action." Few new power plants are operating despite an intensive drive after the last electricity crisis, with 7,000 megawatts worth of approved plants on hold due to regulatory and market problems.

California's demand for transportation fuels has increased nearly 50 percent in 20 years. It is second only to Texas in consumption of natural gas, 87 percent of which is imported from other states or nations and much of which goes to produce electricity.

Electricity transmission problems last year cost the state's economy more than \$1 billion, the energy report estimated, and this summer led to Southern California's first rolling blackouts since the 2000-2001 crisis.

Casino critics cite traffic, water

East Fresno Co. gaming site faces opposition.

By Marc Benjamin

The Fresno Bee, Friday, September 16, 2005

PRATHER - Narrow roads, increasing traffic and a lack of water are issues that eastern Fresno County residents say must be considered when Harrah's Entertainment tries to build a new casino just two miles from Table Mountain Casino.

About 250 residents filled the Foothill Junior High School cafeteria Thursday night, many urging opposition to the casino that would be built near Millerton and Auberry roads.

The proposal is a joint project between Harrah's and the Big Sandy Band of Western Mono Indians, who run Mono Wind Casino near Auberry.

The meeting was called by the Bureau of Indian Affairs and National Indian Gaming Commission to hear comments from residents before preparing an environmental impact statement. The environmental document will be completed in about 18 months.

The casino would cover 1.3 million square feet and contain 221 hotel rooms and a conference center. In addition, the casino would include 2,000 slot machines and 40 gaming tables.

Tribal officials say the project will provide 2,000 new jobs and inject millions of dollars annually into the local economy.

Bart Bohn, Fresno County's administrative officer, said Thursday that county officials will be examining every potential impact such a large project could bring with it.

"Do we have enough lanes on Millerton and on Auberry Road? That traffic study is big," Bohn said before the meeting. "The second big issue is water, and where does the tribe expect to get water."

The area where the casino is being sited is known as a "water-short" portion of Fresno County, and the 48 acres are not in a "place of use" to receive water from Millerton Lake or its users.

"I don't know that there is adequate ground water over there," Bohn said.

Bohn also expects endangered species and other environmental issues, such as waste-water treatment, to be addressed.

Members of the Table Mountain Rancheria, which operates the casino about one-tenth the size of the proposed Harrah's project, opposed the plan and also said the site was a burial ground for American Indians.

In calling for unity among the tribes, Elaine Fink, tribal chairwoman for the North Fork Rancheria of Mono Indians, said her tribe endorses the plan.

The Sierra and Foothill Citizens Alliance, a community group based in Auberry that began meeting last year during foothill water shortages, also is against the planned casino.

"To introduce major impact Las Vegas-style mega-casinos into this water-short and transportation-poor area, along with the vast increase in population that would result, would compromise this area beyond belief," said Gary Temple, chairman of the alliance. "Multilane highway access would, by necessity, be constructed, [creating more air pollution](#) and destroying the existing designated scenic highways. And we, the local taxpayers, would be forced to pay for these so-called improvements."

Clovis prepares to enlarge business park by 125 acres

By Sanford Nax

The Fresno Bee, Friday, September 16, 2005

Clovis city officials are seeking to expand their new research and technology park even though a business has yet to open in it.

"The key to economic development is having land ready for development," said Michael Dozier, economic development director.

So, the city is preparing to expand by 125 acres the Central Valley Research and Technology Business Park on Temperance Avenue north of Freeway 168. The expansion is just east of the existing 180-acre park. That would bring the industrial park to more than 300 acres.

The research and technology park is not expected to be vacant much longer. Most of the first 80 acres are controlled by developers or businesses planning a variety of projects.

Those include Precision Plastics, which bought 3 acres and has an option for 3 more; CargoBay, which plans a business incubator, storage and other services on 5.2 acres; and land purchases by developers who envision other business and retail projects, Dozier said.

"A lot of entitlements are being forwarded, land is being bought and options and plans are going through the process," he added.

The proposed expansion area consists of 37 parcels, of which 21 are privately owned and 16 are publicly controlled. The land is outside the city, and the multiple ownership makes development more challenging, according to consultants hired by the city.

"If commercial/industrial investors and uses are to be attracted to the expansion area, special measures will need to mandate or encourage parcel assemblage," said a report by Thomas Cooke Associates, which studied the feasibility of expanding the business and industrial park.

The consultant suggested, among other things, amending the city's general plan to allow a mixed-use designation similar to that of the adjoining research park. The consultant's report was submitted to the Clovis City Council earlier this week.

For Clovis, an expanded research and technology park would generate more land for businesses. With only about 1,000 acres of vacant nonresidential land, Clovis has a short supply.

And the balance between jobs and households is out of whack. The ratio is 0.8 jobs to households, but the city seeks a ratio of 1:1. Many people who live in Clovis commute to other cities for work.

That contributes to [air pollution](#), traffic congestion and takes tax dollars from Clovis, Dozier said.

The efforts to expand the research and technology park occur when demand for industrial and commercial property is increasing, said Dave Spaur, president of the Economic Development Corp. serving Fresno County.

"There is pent-up demand for that 125 acres," Spaur said.

"There are companies that don't want to be in California, but have to be, and those are looking at the Central Valley as the friendliest business environment," Spaur said.

The expansion of the Clovis business park, when combined with the proposed 230-acre North Pointe Business Park in south Fresno and an industrial park in the planned Fancher Creek project near Tulare and Clovis avenues, would give expanding companies more choices, Spaur said.

"They are complementary competition," Spaur said. "They attract more users and offer different properties at different price points."

Greenhouse-gas suit tossed out by judge

California, 7 other states had sought emission limits on power plants.

by Chris Bowman -- Bee Staff Writer

Sacramento Bee, Friday, Sept. 16, 2005

California's pioneering lawsuit to cap global warming gases from coal-fired power plants as distant as Kentucky and Florida was tossed out of federal court Thursday on jurisdictional grounds.

U.S. District Judge Loretta A. Preska in Manhattan ruled that the case brought by state Attorney General Bill Lockyer and prosecutors for seven other states and New York City raised sweeping questions of public policy best resolved by Congress and the president, not the courts.

At issue were emissions of carbon dioxide, the primary heat-trapping gas that alters the Earth's temperature, and the nation's highest emitters of the gas - old coal-fired power plants, mainly in the Midwest and the South.

Lockyer and an attorney for a companion complaint brought by three Northeast land conservancies said they would appeal the decision.

The plaintiffs - including Connecticut, Iowa, New Jersey, Rhode Island, Vermont, Wisconsin and New York - sought a court order requiring the nation's top five power producers to cut carbon dioxide emissions every year for at least a decade, by an amount to be determined later by the court.

The electric power industry argued that the technology to capture these gases in the plant doesn't exist, at least not at affordable prices

In her ruling, Preska said the plaintiffs sought "to impose by judicial fiat" limits on carbon dioxide emissions that Congress and President Bush explicitly refused to mandate.

"These actions present non-justiciable political questions that are consigned to the political branches, not the judiciary," Preska concluded.

Lockyer said the opposite is true.

"When Congress has not taken action on a pressing environmental issue, states have the right to take legal action to protect themselves," Lockyer said in a press release responding to the dismissal.

"We filed this lawsuit because global warming poses a serious threat to our environment, our public health, and our economy. We must act now, not later, to combat this threat."

Attorneys for the targeted power companies said they were not surprised by the dismissal.

"We were curious why we were included in the first place," said Pat Hemlepp, spokesman for American Electric Power Co. of Columbus, Ohio.

"We were doing much of what they were seeking through voluntary reductions of carbon dioxide."

The other four companies named in the suit were Southern Co., Xcel Energy, Cinergy Corp. and the Tennessee Valley Authority.

The companies own about 175 plants in 20 states that together emit about 652 million tons of carbon dioxide every year, roughly 25 percent of the carbon dioxide from power plants in the nation, according to the suit.

[Editorial in the Merced Sun-Star, Sept. 19, 2005](#)

Our View: Hold your breath for some good news

The Valley had good news to celebrate this past week -- provisionally, anyway -- as it nears achievement of one federal air quality standard, which doesn't happen often hereabouts.

If the region makes it to the end of this year without exceeding the standard for particulate matter of a certain size, called PM-10, it will have gone three years without such a violation. That's considered meeting the standard, and it would be the first time the Valley has met such a mark for either particulate matter or ozone, the two main villains in our dirty air.

There is a caveat: Valley air is still far from complying with several other, more restrictive federal standards, and it likely will take many years and much more hard work to meet those. "Cleaner" air does not mean "clean" air.

It's also not entirely clear just why the air has been cleaner in the Valley over the past three years. The weather has almost certainly played a part. This summer saw a record string of 100-plus temperatures, but a long and wet spring delayed the onset of the hot days. How did that affect this year's air quality readings? Hard to say. We'd like to think -- and we're not alone -- that the various small efforts that have been made to this point by the San Joaquin Valley Air Pollution Control District, businesses, farmers, government agencies and countless individuals have actually begun to add up to something significant.

Many of those changes have fallen on Valley agriculture, which has had to eliminate most open-field burning, reduce dust from tilling and unpaved roads and refit or replace older diesel engines used to pump irrigation water, among other new rules. Regulations on the use of fireplaces have impacted urban dwellers, but they've also helped clean the air.

The chief offender for both ozone and particulate matter remains the individual automobile, and all our other vehicles, accounting for as much as 60 percent of the problem. New regulations governing diesel emissions will make a difference as they come into effect, and higher gasoline prices may force wiser use of automobiles, but the convenience of private vehicles -- and our passion for them above all other conveyances -- likely means it will take years to make a real dent in the bad air. It doesn't help that the alternatives -- especially in Fresno -- range between slim and none.

Still, cleaner air is better than dirtier, and that really is something to celebrate. May this be the first in a long string of years when we have something to make us happier about the air we all breathe.

[Fresno Bee editorial, Sunday, September 18, 2005:](#)

Hold your breaths

Valley close to meeting a federal air standard for the first time.

The Valley had good news to celebrate this past week - provisionally, anyway - as it nears achievement of one federal air quality standard, which doesn't happen often hereabouts.

If the region makes it to the end of this year without exceeding the standard for particulate matter of a certain size, called PM-10, it will have gone three years without such a violation. That's considered meeting the standard, and it would be the first time the Valley has met such a mark for either particulate matter or ozone, the two main villains in our dirty air.

There is a caveat: Valley air is still far from complying with several other, more restrictive federal standards, and it likely will take many years and much more hard work to meet those. "Cleaner" air does not mean "clean" air.

It's also not entirely clear just why the air has been cleaner in the Valley over the past three years. The weather has almost certainly played a part. This summer saw a record string of 100-plus temperatures, but a long and wet spring delayed the onset of the hot days. How did that affect this year's air quality readings? Hard to say.

We'd like to think - and we're not alone - that the various small efforts that have been made to this point by the San Joaquin Valley Air Pollution Control District, businesses, farmers, government agencies and countless individuals have actually begun to add up to something significant.

Many of those changes have fallen on Valley agriculture, which has had to eliminate most open-field burning, reduce dust from tilling and unpaved roads and refit or replace older diesel engines used to pump irrigation water, among other new rules. Regulations on the use of fireplaces have impacted urban dwellers, but they've also helped clean the air.

The chief offender for both ozone and particulate matter remains the individual automobile, and all our other vehicles, accounting for as much as 60% of the problem. New regulations governing diesel emissions will make a difference as they come into effect, and higher gasoline prices may force wiser use of automobiles, but the convenience of private vehicles - and our passion for them above all other conveyances - likely means it will take years to make a real dent in the bad air. It doesn't help that the alternatives - especially in Fresno - range between slim and none.

Still, cleaner air is better than dirtier, and that really is something to celebrate. May this be the first in a long string of years when we have something to make us happier about the air we all breathe.