

## **Dairy criteria being crafted**

### **Madera Co. creating standards to guide growing industry.**

By Cyndee Fontana

[The Fresno Bee, Monday, Oct. 10, 2005](#)

Pressed by a growing dairy industry, Madera County is working on development standards to help guide one of its biggest agricultural enterprises.

The Board of Supervisors next week is expected to review interim standards that would apply to expansions and large dairy proposals.

Those would remain in place until permanent standards are completed for a booming industry that has become increasingly popular -- and controversial -- around the San Joaquin Valley.

The interim standards mainly collect and formalize the county's existing approach to dairy projects, said Planning Director Rayburn Beach.

"We're trying to communicate with the industry and the public," he said. "We are simply codifying what we do now."

Supervisor Vern Moss, whose northwest district contains most of the county's 57 dairies, said officials want to make guidelines clear to protect the industry, environment and residents.

In part, the interim standards spell out minimum buffer zones between dairies and homes and require that experts submit materials and plans that deal with waste management.

Dairy expansions, and any proposal for 700 or more cows, need county permits and full-scale environmental reviews in addition to meeting the requirements of regional air and water quality boards.

The San Joaquin Valley is the heart of California's dairy industry.

Tulare County led the state with \$1.4 billion in milk production in 2004; the county has roughly 437,000 milk cows on 323 dairies.

Growth in counties such as Tulare, Kings and Kern partly is driven by the relocation of dairies from Southern California.

In Madera County, milk is a \$195 million industry that ranked No. 3 on its top 10 crop list last year.

While the number of dairies has fluctuated between 50 and 59 since 2000 - and the Southern California influence is faint - the milk cow population has grown about 45%, according to county estimates.

Today's dairy herd population, including milk cows and support stock, is estimated at more than 110,000.

"We do have the room here and there is interest," said Robert J. Rolan, the county's agricultural commissioner.

But the political climate, and concerns over water quality and air pollution, have complicated development.

The county hired a consultant in March 2004 to prepare development standards and an accompanying environmental study.

Beach said a draft of permanent standards should be available soon; the draft environmental study should be ready for review by early next year.

The staff proposed an interim step because of the lengthy process. Said Beach: "I was concerned that we were taking too long on the permanent standards.... There were a number of applicants out there that were at a loss as to how to proceed."

Madera County has fielded some opposition to dairy projects based on environmental concerns. The Center on Race, Poverty and the Environment filed a lawsuit against one 9,500-head dairy in 2001; the courts ultimately upheld the county's approval of the project.

Brent Newell, the lawyer who filed that lawsuit and other dairy challenges around the Valley, plans to review the county's proposed standards.

He added: "It's important that whatever program they do adopt is one that continues to make strides toward a more health-protective policy."

Cows, and the pollution they create, have become a hotly debated issue.

Dairies, with an estimated 2.5 million animals, are believed to be a major source of smog-making gases in the Valley.

The state now requires air permits for dairies but industry and air pollution officials have sparred over estimates of dairy-related pollution.

According to Rolan, one goal of the county's development standards is to address issues such as air and water.

For example, the interim standards state that new and expanding operators must describe how they will avoid or protect ground and surface water.

Operators also must explain how they will handle and dispose of manure, often used as fertilizer on farmland.

Alternatives -- such as using manure for energy production -- are encouraged but must be scientifically sound.

Long-range, the county is working to identify the best areas for dairy development based largely on environmental constraints and urban growth projections. Officials are particularly wary of problems created when dairies and neighborhoods run together.

"The dairyman does not want to have a lot of people around him because that presents issues for him, and we want to protect the buildup areas, too," Moss said.

While some smaller family operations remain, officials also recognize the trend toward larger dairies with thousands of cows.

Said Rolan: "I think we are going to see more of that because of the type of industry it is these days."

County planners are reviewing several applications for new dairies.

One applicant is Costa View Farms, which wants to build a 5,000-head dairy with support stock near Road 12 and Avenue 17.

David Albers, a lawyer representing the Costa family, said they want to transform a piece of an existing farming operation into a dairy that family members would operate.

Albers, who practices real estate, land use and environmental law for agricultural companies and families, has represented dairy operators in several Valley counties.

Counties such as Tulare and Kings already have adopted dairy programs to guide development.

Albers said such programs typically are helpful: "It takes the mystery out of it and it takes a lot of the controversy out of it."

In Kings County -- now home to about 300,000 milk cows and support stock -- supervisors approved a plan in 2002 that set benchmarks for new and expanding operations.

In part, the plan identifies suitable areas for dairies and supplies a layer of environmental analysis.

"I think it provides better protection than we did before," said Bill Zumwalt, the county's planning director. "Better protection for the environment and the community."

## **House Passes Bill to Boost Refineries**

By H. JOSEF HEBERT, Associated Press Writer

[In the Modesto Bee and San Francisco Chronicle, Saturday, Oct. 8, 2005](#)

WASHINGTON (AP) -- The House, by a two-vote margin, is sending the Senate legislation to encourage oil companies to open new refineries.

Approval came Friday only after leaders of the Republican majority extended the vote by 40 minutes to buttonhole colleagues, prompting calls of "Shame, Shame" from Democrats.

The bill, passed 212-210, would streamline government permits for refineries and open federal lands including closed military bases for future refinery construction.

It also would limit the number of gasoline blends refiners must produce, eliminating many blends now designed to reduce air pollution.

But Democrats, joined by some GOP moderates, called the bill a sop to rich oil companies that would do nothing to ease energy costs that include heating bills expected to soar this winter.

President Bush welcomed the outcome. "I commend the House for passing legislation that would increase our refining capacity and help address the cost of gasoline, diesel fuels and jet fuels," he said in a statement.

It looked as if the bill was headed to defeat, two votes shy of approval. Democrats called in vain for gaveling the vote closed as GOP leaders lobbied their members to switch votes and support the bill.

House Speaker Dennis Hastert, R-Ill., "worked me over a little," said Rep. Bill Young, R-Fla., among the last group of lawmakers to switch to support the legislation.

Rep. Tom DeLay, R-Texas, who recently stepped down temporarily as majority leader after being indicted in Texas over a campaign finance issue, was as active as ever, putting pressure on wavering lawmakers in the crowded, noisy House chamber.

Finally, long after the vote had been scheduled to close, two Republican members switched, providing the victory. A tie would have killed the bill.

Afterward, Democratic leader Nancy Pelosi of California called it all "a shameless display of the Republican culture of corruption," a theme she has used in recent days on a number of issues since DeLay's indictment.

Rep. Joe Barton, R-Texas, said he was not aware of "any deals" being made to get the last votes. No Democrats voted for the legislation, although three initially favored it, only to change their minds after talking to Pelosi and Rep. Steny Hoyer of Maryland, the second-ranking Democrat.

Supporters of the measure said hurricanes Katrina and Rita made clear that the country needed more refineries, including new ones outside the Gulf region. No new refinery has been built since 1976, although large refineries have been expanded to meet growing demand.

Critics of the legislation argued that a cash-rich industry with huge profits over the past year shouldn't need government help to build refineries. They said the bill would allow the oil industry to avoid environmental regulations and would lead to dirtier air.

The bill number is H.R. 3893.

Additional information at [thomas.loc.gov](http://thomas.loc.gov)

## **House passes a bill to help oil refineries after standoff**

### **Detractors call measure a handout to big oil firms**

By H. Josef Hebert, ASSOCIATED PRESS

[In the San Diego Union-Tribune, Saturday, Oct. 8, 2005](#)

WASHINGTON -- The House voted to encourage U.S. oil companies to build new refineries yesterday in a raucous roll call that Republican leaders extended 40 minutes while they buttonholed their own members to avoid an embarrassing defeat.

Democrats crying "Shame, shame" -- and some GOP moderates -- called the bill a sop to rich oil companies that would do nothing to ease energy costs, including expected soaring heating bills this winter.

The bill would streamline government permits for refineries, open federal lands including closed military bases for future refinery construction, and limit the number of gasoline blends refiners have to produce, eliminating many blends now designed to reduce air pollution.

President Bush welcomed the vote.

"I commend the House for passing legislation that would increase our refining capacity and help address the cost of gasoline, diesel fuels and jet fuels," he said in a statement.

The legislation, which now goes to the Senate, passed 212-210, but not before a standoff on the House floor.

Rep. Henry Waxman, D-Los Angeles, asked at one point, "Is this the House of a Banana Republic?"

It looked as if the bill was going down to defeat, two votes shy of approval.

Democrats, to no avail, called for gaveling the vote closed as GOP leaders lobbied their own members to switch votes and support the bill.

"He worked me over a little," said Rep. Bill Young, R-Fla., among the last group of lawmakers to switch to support the legislation, referring to his discussions with House Speaker Dennis Hastert of Illinois.

Rep. Tom DeLay, who recently stepped down temporarily as majority leader after being indicted in Texas over a campaign finance issue, was as active as ever, administering pressure on wavering lawmakers in the crowded, noisy House chamber.

Finally, long after the vote had been scheduled to close, two GOP votes switched, providing the Republican victory. A tie would have killed the bill. "Shame, shame, shame" came a chorus from the Democratic side of the aisle.

Afterward, Democratic leader Nancy Pelosi of San Francisco called it all "a shameless display of the Republican culture of corruption," a theme she has used in recent days on a number of issues since DeLay's indictment on conspiracy and money-laundering charges.

Rep. Joe Barton, R-Texas, who had predicted a close vote, said he was not aware of "any deals" being made to get the last votes.

No Democrats voted for the legislation, although three initially favored it, only to change their minds after talking to Pelosi and Rep. Steny Hoyer of Maryland, the second-ranking Democrat.

Reps. Randy Cunningham, R-Rancho Santa Fe; Duncan Hunter, R-Alpine; and Darrell Issa, R-Vista, voted with the majority. Reps. Bob Filner, D-San Diego, and Susan Davis, D-San Diego, opposed the measure.

Supporters of the measure said that Hurricanes Katrina and Rita made it clear that the country needed more refineries, including new ones outside of the Gulf region. No new refinery has been built since 1976, although large refineries have been expanded to meet growing demand.

Critics of the legislation argued that a cash-rich industry with huge profits over the past year shouldn't need government help to build refineries.

## **House Bill Calls for New Refineries**

**Republicans have to extend voting time to muster support for the measure, which they say will help increase fuel output and curb prices.**

By Richard Simon, Times Staff Writer

[Los Angeles Times, Saturday, Oct. 8, 2005](#)

WASHINGTON — The House on Friday approved legislation that seeks to spur construction of oil refineries — the first major congressional response to rising energy prices and tight supplies following Hurricane Katrina.

The bill passed, 212-210, but only after House GOP leaders extended the roll call from a scheduled five minutes to about 40 minutes to round up the votes. Partisan tensions boiled over, with Democrats shouting, "Shame! Shame! Shame!" to protest the prolonged vote.

The measure was approved after the bill's GOP sponsors dropped the most contentious provision — relaxing anti-pollution rules for refinery projects — after moderate Republicans threatened to vote against the bill and possibly kill it.

Still, every Democrat who was present voted no, contending that the legislation was designed more to shield the GOP-controlled Congress from political fallout from high gas prices than to bring down fuel costs.

"Don't go home and tell your constituents you did anything for them. In truth, you haven't," said Rep. James P. McGovern (D-Mass.).

The bill faces an uncertain fate in the Senate, where lawmakers are drafting their own proposals, including offering tax breaks to encourage refinery construction and expansion.

The House-passed Gasoline for America's Security Act would direct the president to designate sites, including former military bases, for new refineries and streamline the issuance of permits.

The bill would limit the different gasoline blends produced to meet clean-air rules, an effort to make it easier to move fuel from one region to another during supply shortages. In addition, it would require the Federal Trade Commission to investigate price-gouging after a disaster and give the agency authority to impose fines of up to \$11,000 per violation.

The measure is among a raft of energy-related bills that have shot to the top of the congressional agenda since Hurricane Katrina knocked out refineries in the Gulf Coast region, where about half the U.S. refining capacity is located. The loss of those refineries has driven up gas prices, focused attention on the vulnerability of the nation's energy infrastructure and caused political headaches on Capitol Hill.

President Bush praised the House action and urged Congress to "continue to promote sound energy policy to help keep prices down for small businesses and hard-working American families."

"We want to do something that shows the average American who is paying \$3 a gallon for gasoline that help is on the way," said Rep. Joe L. Barton (R-Texas), the bill's chief sponsor.

Environmentalists accused the bill's sponsors of attempting to exploit the hurricanes to advance initiatives long sought by the energy industry that did not get into the energy bill that Bush signed this year.

Votes are expected in coming weeks on whether to relax a decades-old federal ban on new offshore drilling for oil and natural gas and to open a portion of Alaska's Arctic National Wildlife Refuge to energy exploration.

As a sign of the bill's difficult prospects in the Senate, House Republican leaders were forced to scramble just to get enough votes from their own caucus. The long roll call was reminiscent of the November 2003 vote on the Medicare prescription drug benefit, when House leaders had to extend the vote for three hours in the middle of the night while Bush and GOP leaders twisted arms.

The California delegation split along party lines, with all Democrats opposed and all Republicans in favor, with the exception of Republican Ed Royce of Fullerton, who did not vote.

Rep. C.W. "Bill" Young (R-Fla.), who was skeptical that the bill would do anything to increase fuel supplies or bring down prices, voted for the measure after House Speaker J. Dennis Hastert (R-Ill.) appealed to him on the House floor to change his position.

A spokesman for Rep. Jim Gerlach (R-Pa.), who initially voted no, explained that his boss changed his vote after House GOP leaders pledged to eventually strip the bill of a provision that would make federal funds available to compensate oil and gas companies for "unforeseen regulatory or litigation delays" to refinery projects.

In his effort to ensure passage, Barton, chairman of the House Energy and Commerce Committee, dropped a provision that would have eased a requirement for companies to install anti-pollution equipment when making changes to refineries and power plants. But environmentalists and their congressional allies still objected to the bill.

"Hurricane Barton has gone from a Category 5 to a Category 3. But it is still a disaster," said Frank O'Donnell of Clean Air Watch. And even with that provision gone, said Rep. Sherwood Boehlert of New York, one of 13 Republican opponents, the bill will still "weaken environmental laws, interfere with states' prerogatives and give undue aid to oil companies."

The bill would also direct the Department of Energy to establish a program to promote carpooling and create a \$2.5-million ad campaign to alert drivers to gas-saving techniques. Critics have scoffed at these measures as weak and called on Congress to mandate tougher miles-per-gallon rules for vehicles.

"Perhaps worst of all, the bill still does virtually nothing to limit the nation's growing demand for oil — the core cause of price spikes," Boehlert said.

Whether the legislation will be enough to cause the building of the first U.S. refinery in 30 years is uncertain. Currently, the nation's 148 refineries operate near capacity, producing about 17 million barrels of crude oil a day — about 4 million barrels short of the nation's daily consumption.

Rep. Rick Boucher (D-Va.), a senior member of the Energy and Commerce Committee, expressed skepticism that the bill would lead to refinery construction, contending that refiners are reluctant to build facilities "since they're enjoying record profits under the current regime."

No refinery has been built in the United States since 1976.

In a letter to lawmakers opposing the bill, the National League of Cities, the U.S. Conference of Mayors, the National Assn. of Counties and the National Conference of State Legislatures contended that the legislation would "preempt state and local government authority to site and permit oil refineries."

Bob Slaughter, president of the National Petrochemical and Refiners Assn., recently told a congressional hearing that "economic, public policy and political considerations, including siting costs, environmental requirements, a history of low refining-industry profitability and, significantly, 'not in my back yard' public attitudes" would make any new construction difficult.

## **Energy Panel Says Liquefied Gas Terminal Acceptable**

From Times Staff and Wire Reports

[Los Angeles Times, Saturday, Oct. 8, 2005](#)

A liquefied natural gas terminal proposed for the Port of Long Beach was deemed "environmentally acceptable" in a report released Friday by the Federal Energy Regulatory Commission.

The draft report — which was prepared by the commission, the port, the U.S. Coast Guard and other agencies — was the product of more than a year of research and concluded that the

proposed terminal would not pose a threat to the environment, a major victory for project proponents.

The terminal has been proposed by Sound Energy Solutions, a subsidiary of Mitsubishi Corp., and would be used to import liquefied natural gas from ships, store it and then ship the fuel by pipeline to regional distribution centers.

The report concluded that the terminal would meet acceptable noise and air pollution limits and that the plant's holding tanks and pipelines could withstand all but the most devastating earthquakes.

Opponents of the terminal say it would be too close to Long Beach and that an earthquake or terrorist attack could trigger an enormous explosion. But authors of the report concluded that while the facility might make an attractive target, an attack was unlikely.

They said that several layers of security would reduce the risk.

Four public hearings on the draft report are scheduled for November and December, and a final environmental impact report must be completed before a final decision on the terminal.

## **A new sheriff at Port of L.A. takes dead aim at air pollution** **Former state energy czar adopts lofty goals for reducing toxics**

James Sterngold, staff writer

[San Francisco Chronicle, Sunday, Oct. 9, 2005](#)

San Pedro, Los Angeles County -- David Freeman has never been one to think small. When he ran the Tennessee Valley Authority under President Jimmy Carter, he halved the sulfur oxide emissions from the country's largest utility, and later, as Gov. Gray Davis' energy czar, helped extricate California from the fallout of the energy crisis by renegotiating punishingly expensive power contracts.

But at 79, Freeman may have now taken on his most ambitious mission yet: slashing pollution from one of the dirtiest industrial sites in the country -- the Port of Los Angeles -- by perhaps 80 percent or more, and soon.

Tough as that may sound, Freeman insists with matter-of-fact confidence, it is just the start. His real goal, he said, is to show how cutting-edge technologies, which he intends to employ aggressively and pioneer at the port, can bring about a radical shift away from fossil fuels by industrial users nationwide. "Ports can lead the way to an end of our dependence on oil," said Freeman, appointed this summer as chairman of Los Angeles' powerful harbor commission. "There is a patriotic commitment to this."

Other California port officials are watching Freeman's efforts closely, and agree that if Freeman can push shippers, truckers and the railroads to adopt new technologies that drastically reduce emissions, it will help their efforts.

"We're also talking about radical changes," said Roberta Reinstein, the manager for air and safety at the Port of Oakland. "We're of a similar mind."

Los Angeles may be better known for Hollywood, but in reality no industry looms larger in the city's economy than its thriving port operations.

Growing rapidly on the back of soaring trade with Asia, the port is one of the largest sources of jobs in the state -- more than 260,000 in Los Angeles County alone, and hundreds of thousands more throughout the region. These range from truckers and stevedores to railroad and warehousing workers, along with thousands of executive positions.

But the port has also become an enormous source of health-threatening emissions, which recent studies by experts at the University of Southern California and UCLA suggest may be getting close to emergency levels. As the air elsewhere in the Los Angeles basin is generally getting cleaner, at the port and the connecting transportation corridor it is getting worse.

Of special concern, according to researchers, are toxic particulates, produced in heavy volumes by diesel engines, which, the researchers say, are causing hundreds of cancer cases every year. The threat is likely to worsen; container traffic, which has doubled since 1998, is projected to grow perhaps fourfold by 2025.

According to Peter Greenwald, a senior policy adviser to the South Coast Air Quality Management District, which regulates air quality for more than 16 million people in the Los Angeles region, the port emits 25 percent of the diesel particulates in the region, and diesel particulates account for 71 percent of the region's cancer-related emissions.

Even pro-growth officials say there needs to be dramatic change. "What we've been learning about the health issues has just made us readjust our thinking," said Mark Pisano, executive director of the Southern California Association of Governments, a regional planning body. "The changes the (harbor) commission is talking about now are an absolute necessity."

When Antonio Villaraigosa became Los Angeles' mayor in July, he pledged to make the city a leader in adopting green policies. He quickly followed up with the appointment of Freeman, a colorful character rarely without his white cowboy hat, as chairman of the harbor commission.

"The mayor's marching orders to me were double green -- grow the port and clean the air," Freeman said, referring to Villaraigosa's insistence that the port also continue to create jobs. "The price of growth is clean growth. I'm not replacing real dirty with dirty. Am I making myself clear?"

Clarity, in fact, may be one of Freeman's strengths, as was evident when he presided over just his second commission meeting two weeks ago. When the director of the port's environmental efforts, Ralph Appy, proudly described minor reductions of emissions by switching some equipment to cleaner diesel fuel, Freeman cut him off.

"But how much are we still emitting?" Freeman demanded. "Isn't this a drop in the bucket?"

"Yes," Appy stammered. "If you're saying this does not solve our problem, you're right."

Freeman ordered Appy to return to the commission in 45 days with a plan for slashing, not just whittling away, emissions of nitrogen oxides and particulates from the thousands of diesel engines that lift and move containers.

"Let's start acting like our lives depended on it," Freeman said. "Our lives do depend on it."

Appy replied, "We're going to do that."

"Forty-five days," Freeman shot back.

Later, Freeman said he was trying to send a message that the old ways of doing business will not do. Rather than simply reducing diesel emissions, for instance, he wants much cleaner liquefied natural gas engines to replace diesel. He talks of using biofuels and electric motors, and hopes that hydrogen-fueled engines will soon be commercially available. He said he wants the port to push manufacturers to offer clean machinery with the inducement of a huge, ready-made market.

In another typically blunt move, Freeman has all but pushed aside the three-year, 600-page study produced under the previous mayor -- and endorsed by his own staff -- that aimed to roll back port emissions to 2001 levels.

"I mean, if we achieve everything in that report we'd still be at a completely unacceptable level of pollution," Freeman said.

Freeman admits he is issuing such harsh declarations in part to motivate the commission's staff.

"It's hard for those guys to shift gears," he said. "There's an adjustment process under way, but they have no choice. They'll adjust. It's a radical culture change."

Freeman relies on tough language partly because of the limits of his reach.

The Port of Los Angeles shares the enormous harbor here -- the busiest in the country -- with the adjacent Port of Long Beach, which has its own administration. Long Beach officials said they share Freeman's desires, and that they, too, will be watching his actions closely. But as they tick

off their own more limited initiatives, allowing companies to buy and sell pollution credits, for instance, it is clear that Freeman is taking a more ambitious approach.

Southern California environmentalists are incredulous, and delighted, if somewhat skeptical that Freeman will succeed. Communities adjacent to the harbor, like San Pedro and Wilmington, have been fighting for years to eliminate truck congestion and to clean up the foul air.

"It was night and day," said Jesse Marquez, executive director of the Coalition for a Safe Environment, in Wilmington, on the differences between the new commission and its predecessors. "That type of discussion never took place before."

Freeman said he realizes he has several constituencies he has to persuade, notably the maritime and industrial companies that use the port. Oceangoing container ships, whose engines burn a particularly dirty form of diesel called bunker fuel, produce 55 percent of the particulates from the port, according to the Air Quality Management District. Company representatives say they share Freeman's basic goals, but technology is not readily available for radical improvements.

"I would take his approach here to be, 'Let's do another extensive evaluation of what technologies are available,' " T.L. Garrett, vice president of the trade group Pacific Merchant Shippers Association, said of Freeman's demands.

Freeman does not see it that way.

"If they think I'm just a study guy they don't know me," he said. "My main point is if it takes 10 years to finally accomplish something real, it's all the more reason to get started yesterday."

Freeman readily concedes that it is not clear how all the reductions will be achieved, or who will pay for them, although a number of technologies are already being used to reduce diesel emissions, by using fuels with lower sulfur content and by employing catalytic converters, for instance.

One change already being implemented involves supplying electricity to the piers so the ships, when they dock, can shut down their diesel engines. The port of Oakland and Long Beach are also employing some of these ideas.

Industrial companies and the port itself have already faced barriers to growth because of litigation, and they understand the potentially ruinous costs of endless court fights.

"The environmentalists have gotten very, very sophisticated, and very good at litigation," said Jack Kyser, chief economist for the Los Angeles County Economic Development Corporation, a pro-growth public agency.

"This can be a show-stopper, and the port doesn't want to let that happen. So this makes sense from a dollars-and-cents view."

Freeman, as usual, puts it more bluntly. "The shippers know that environmental problems can put a stop to any port expansion, and all these companies want to expand," Freeman said. "It's in their financial interests to help, and I'm making sure they know that."

## **I-580 truckers trying later hours**

### **Port of Oakland experiments with keeping terminal open until 2 a.m.**

By Mike White, STAFF WRITER, Inside Bay Area

[Tri-Valley Herald, Monday, Oct. 10, 2005](#)

Truckers hauling nuts, wine and other agricultural products from the Central Valley have long been frustrated by heavy traffic on Interstate 580 — and so have the motorists stuck between them.

"Traffic is the No. 1 problem for truckers," said Manuel Cunha Jr., president of the Fresno-based Nisei Farmers League. "They lose time and are sometimes put in dangerous situations."

A new program under way at the Port of Oakland could make driving easier for truckers and commuters alike. The port is experimenting with keeping one of its eight terminals open from

6 p.m. to 2:30 a.m., making it a so-called "night gate." The experiment began Sept. 6 and was expected to last two to three months.

The Oakland International Container Terminal, which handles exports only, is the largest terminal with about 2,500 truck trips daily. Officials are hoping that about 15 percent of that traffic will move to the later hours.

"The trucks pulled off of I-580 as a result of this experimental program probably will not be noticeable," said port spokeswoman Marilyn Sandifur. "But if it is extended, including to the other terminals, motorists and truckers will definitely reap some benefits."

Port of Oakland Executive Director Jerry Bridges said in a statement the program could reduce air pollution.

"We anticipate that this project will deliver important environmental benefits to our local community, because it will take trucks off the road during the day, relieving congestion and [reducing emissions](#)," he said.

Night gates have been introduced in other ports with high traffic, including Los Angeles/Long Beach ports, but the local experiment is closely tied to factors only associated with Oakland.

Interstate 580 over the Altamont Pass and through the Tri-Valley is a conduit for California's and the nation's bread basket — the Central Valley — but it has also become clogged with commuters seeking cheaper homes in such places as Tracy, Manteca and Patterson.

In September, Caltrans and the Metropolitan Transportation Commission released a report showing that I-580 around Livermore in the morning was the second-slowest commute in 2004, and the evening commute on the same freeway from Pleasanton to Livermore was third. Just four years ago, the freeway hadn't been in the top 10 of the Bay Area's worst commutes.

The dubious rise in ranking for I-580 was attributed in part to increased truck traffic from the Central Valley to the Port of Oakland.

Cunha, who was instrumental in getting the program started, said he has been working with port officials to improve the night-gate program. But overall, truckers are pleased and hope that it gets extended full-time, he said.

Port officials understand why the topic is so important to truckers.

"For the agricultural community, time is money," Sandifur said.

Other plans are being studied to ease truck traffic on the busy freeway, including truck-only bypass lanes. Caltrans has developed plans for a westbound truck bypass for a distance of just more than six miles.

The bypass would run from Interstate 205, at the Mountain House Parkway interchange, to west of I-580 at Grant Line Road. As conceived, the bypass would be two lanes wide. There is no timetable for building the bypass, however.

The Port of Oakland is the fourth busiest container port in the nation and moves some \$30 billion worth of goods annually.

## **Electric cars spark interest**

Story and photos by CYNTHIA FUREY

[Orange County Register, Monday, Oct. 10, 2005](#)

All-electric vehicles have been around for more than a century, existing quietly in the shadows of the ubiquitous gasoline-powered vehicle. Now, with the rising costs of gasoline, drivers are taking a new interest in electric cars. Here, we track the life of the all-electric vehicle, from its humble roots more than a century ago to the present.

## **Then**

Robert Anderson invented the first electric vehicle between 1832 and 1839 in Scotland. By the 1900s, electric automobiles not only held vehicle land-speed and distance records, but they also outsold gasoline-powered vehicles. Despite these records, the popularity of electric vehicles waned throughout the years because of their limited range and short battery lifespan.

## **Now**

Between 1997 and 2003, Toyota Motor Co. produced the all-electric RAV4 EV. About 1,500 of these vehicles were made and leased or sold before Toyota canceled production, citing disappointing sales and technical problems.

Today there are no major automakers producing an all-electric vehicle. The only way to get one is to convert a gasoline-powered car.

## **Do-it-yourself**

From a Hummer to a VW Bug, any vehicle can be converted. First, the engine, fuel tank, radiator, exhaust and cooling systems are gutted. In their place go batteries, a motor, an adapter to mount the motor to the transmission, a speed controller, a charger and a converter to power the lights and horn.

Conversion supplies and kits from private companies can range from \$5,000 to \$30,000. Orange resident Bob Siebert is in the process of converting his 1996 Honda Civic DX, which will eventually run on lithium ion batteries. In addition to what is under the hood, there are only a few physical differences between Siebert's converted car and its gasoline-guzzling twin.

"The only clue is that there's no exhaust pipe," Siebert said.

## **How it works**

Turning the ignition key in an electric car produces a click and an eerie silence. The three main parts are a controller, electric motor and batteries. The batteries and motor are hooked to the controller, which acts as the brain and messenger. Press the gas pedal, and the controller takes power from the batteries and delivers it to the motor, which makes the car run. The more you press on the gas pedal, the more volts are sent. Braking allows the motor to morph itself into a regenerator and actually put energy back into the car.

## **Hitting the road**

When Anaheim Hills resident Linda Nichols starts her 2001 Toyota RAV4 EV, there's a faint click, and then nothing. Not a sound. Not even when accelerating to a maximum speed of 80 mph on the freeway.

"First you think, 'Oh my God, it stalled in traffic,' but it's just really quiet," Nichols said. "And it's not like you're plodding along in a golf cart."

Nichols plugs her car into the wall every night to charge. A full charge costs her around \$2, which will power the car for 100 to 120 miles.

## **The skeptics**

Some point out that the electricity used to charge the batteries, which can be lead-acid, nickel metal hydride or lithium ion, might come from the burning of fossil fuels. According to Toyota, the cost to replace the batteries in its RAV4 EV vehicle was more than the overall value of the vehicle.

## **Chronic car fatigue**

ERIN SHERBERT, Record Staff Writer  
[Stockton Record, Sunday, Oct 9, 2005](#)

The back pain started about 30 minutes into Maria Curiel's commute.

She adjusted the pillow behind her, struggling to get comfortable during her 1 1/2-hour drive from Tracy to San Jose.

"My back is killing me," Curiel, 42, whispered as she wiggled in her seat. "If it starts to hurt really bad, I just pull over and stretch."

She ignored the pain for a minute and scanned the radio stations until she landed on an upbeat hip-hop song.

She sang along, trying to stay awake and alert for the drive that started at 5:30 a.m.

Curiel said she knows her daily commute is poisoning her health, but she tries to cope with the chronic back pain aggravated by the long drive and the lack of sleep.

She doesn't worry so much about the 40 pounds she has gained since she started commuting four years ago.

Like many San Joaquin County commuters, Curiel keeps plowing through a hellish commute for a higher-paying job in the Bay Area. She estimates that she makes \$10,000 more working for the registrar of voters in Santa Clara County than she would if she took a job in San Joaquin County.

Commuting is hazardous to health and well-being, triggering a gamut of ailments from stress and depression to sleep disorders, chronic pain and dysfunctional relationships, medical authorities say. [Studies also show that commuters might be more exposed to high levels of pollutants while they are inside cars.](#)

"I've never heard anyone say commuting is good for your health," said Dr. Alex Kelter of the California Department of Health Services. "The minute you are in your vehicle commuting, you are sedentary. Diseases are exacerbated by being inactive."

But workers across the nation continue to make long commutes, logging an average of more than 100 hours each in 2003, according to the U.S. Census Bureau.

Many San Joaquin County commuters say their long drives are to blame for their ongoing health problems, but they continue to commute for the cheaper housing and higher-paying jobs. More than 73,000 San Joaquin County residents commute to surrounding counties for work. Of those, 50,000 cross the Altamont Pass, which ranked among one of the 10 worst commutes in the Bay Area in 2003. Last year, traffic congestion on freeways throughout the Bay Area increased about 4 percent, transportation officials said.

Today, many commuters spend up to four hours a day on the roads, cramming long commutes into full work days and cutting into family time, officials say.

"Commuting can be more stressful than pilots going into battles and police officers in training exercises," said Kathleen Hall, founder of the Georgia-based Stress Institute, which helps people curb work and commuter stress. "This is a real problem. It's very serious."

### **Commuter stress**

Every Monday it starts again. In the creeping traffic, commuters can get anxious and frustrated, feeling trapped and powerless over the traffic jams ahead.

Their blood pressure begins to rise.

The longer the commute, the more stressed drivers can become. And that stress can lead to serious health problems, including depression, sleep disorders and cancer, Hall said.

"For some people, it's just too much for their health, and they get everything from anxiety to skin diseases," Hall said.

Women in particular are more at risk for commuter stress as they juggle families, careers, and long drives to and from work, stress experts say.

Studies conducted from the 1970s to the 1990s by Raymond Novaco, a psychology professor at the University of California, Irvine, show commute times and blood pressure are linked: The farther the commute, the higher the blood pressure.

Novaco's studies showed that commuting made people sick. The more roads commuters traveled and the more traffic jams they faced, the more likely they were to come down with the flu or a cold, Novaco said. They also called in sick more often. They were in bad moods at work and at home.

The stress doesn't affect just the commuter. Employers absorb the cost of high absentee rates and major turnover, Novaco said. People who are unhappy with their commutes are more likely to change jobs to shorten their drives, Novaco said.

"Job change did not seem to be related to job satisfaction; it was related to commuting satisfaction," Novaco said.

Dan Cabral is one of those commuters.

He recently took a demotion and a pay cut so he could work closer to home.

The former San Mateo police sergeant drove from Tracy to San Mateo for two years before the chronic stomachaches started, which doctors attributed entirely to stress.

Cabral, 35, blames his commute, saying he has been free of stomach pain since he shortened his drive.

"There were days that the commute actually made me physically sick," Cabral said.

When he used to sit in early-morning traffic jams, he felt anxious and nervous, thinking he might be late for work.

When he got to work, he worried about his wife and kids 60 miles away, Cabral said.

"If something happened to my family, I wouldn't be able to get back," he said. "I always felt so far away."

He tried prescription medication to ease his stomachaches, but he still couldn't shake the stress.

He decided it wasn't worth it, and after six years of commuting, Cabral took a job with the Livermore Police Department, closer to home.

Although he is making less money, Cabral says he has no regrets.

"I gave up my position to have some peace of mind," Cabral said.

### **Painkillers, sleeping pills**

Painkillers and sleeping pills often helped Cheryl Bell cope with the effects of her daily commute from Tracy to Walnut Creek.

Bell, 50, was mentally and emotionally exhausted from the long drive, but it was the physical pain that wore her down.

Her doctors said the commute exacerbated hip pain from an old injury. They warned that without therapy and some exercise, the syndrome would evolve quickly into arthritis.

"By the time I would get home, I had to prop pillows under my head and take pain pills to get to sleep. I was a mess," said Bell, who recently took a job in Livermore. "You take a lot of physical stress in commuting that you don't realize."

With a shorter commute, Bell said, she now has the time to relax and exercise. She no longer takes sleeping pills and painkillers, and her hip pain is gone, she said.

Commuting contributes to chronic physical pain. The human body was not built to stay sedentary for long periods, said Charles Sperbeck, a Tracy chiropractor who treats many commuters.

Sitting for hours in a car will stress the neck, lower back and hip, because commuters are stuck in the driving position, unable to get up and stretch their muscles, Sperbeck said. Car vibrations can aggravate the situation, causing tension headaches, muscle pain and numbness, Sperbeck said.

Commuters double their risk of lower-back pain when they drive more than 20 minutes, said Darran Marlow, a chiropractor with the Texas Back Institute, the largest spine specialty clinic in the United States.

That risk of pain is even greater for commuters who smoke, don't exercise or never stretch, Marlow said.

Aside from using a lower-back support while driving, Marlow said commuters should make time for regular stretching and exercise. While in the car, commuters can do shoulder shrugs and neck stretches, doctors say.

And fitting in just 15 minutes of exercise can matter. For every hour spent behind the wheel, drivers face a 6 percent increase in obesity, said Lawrence Frank, a transportation researcher at the University of British Columbia.

Nearly 75 percent of adults do not get enough exercise, and about 52 percent of all trips shorter than a half-mile are made by car, transportation officials say.

Bell said she gained more than 20 pounds when she was commuting to Walnut Creek.

"I attribute it to eating on the run and eating late, eating breakfast in the car, and sometimes I would stop for fast food," Bell said. "It's just not a healthy lifestyle at all."

About 25 percent of Suzanne Maestas' clients are commuters. The Sutter Tracy Community Hospital nutritionist said many commuters depend on fast food, and many have high cholesterol, high blood pressure and are overweight.

She advises clients to avoid fried foods, cheese and whole-milk coffee drinks. Watch overeating with large burritos or supersized meals, Maestas said.

"You have to control how much you eat, especially if you are eating and then sitting in the car for an hour," she said.

### **Lonely commuters**

Commuters spend most of their waking hours driving and working -- away from family and friends.

Timothy Miller, a Stockton-based clinical psychologist, said about 50 percent of the families and couples he counsels are commuters who moved to the Central Valley for cheaper housing.

Those couples start to feel lonely and gradually become strangers to each other. Many of them get jealous that co-workers see their loved ones more often than they do, Miller said.

"It's a very painful dilemma, especially for couples who are really fond of each other and would otherwise have a happy relationship," Miller said. "Yet there's no way out of their dilemma."

But it doesn't affect just married couples and families. Young, single commuters are lonely, too, Miller said.

They have a hard time meeting new people and finding opportunities for love, Miller said.

Declining social interaction can lead to fear, anxiety and depression, health officials say.

"Every expert will tell you that a healthy person has to have healthy relationships with other people," the state health department's Kelter said.

Katie Couvson, 57, says she doesn't have a lot of friends in Stockton, where she lives.

The single mother moved to Stockton nine years ago so she could afford a house for herself and her children. At that time, her commute from Stockton to San Francisco was about an hour.

Now, her drive to work takes as long three hours. Couvson leaves the house by 4 a.m. and doesn't get back until as late as 7 p.m., giving her almost no time for friends, she said.

"I don't have time to socialize," Couvson said. "When I get home, it's check my mail, eat my dinner and watch TV while I go to sleep."

### **Commute threshold**

Barbara Robinson, a Stockton mother, decided to take early retirement.

For more than 20 years, she drove from San Joaquin County to San Francisco, and every year, the drive took longer and became more tiresome.

She tried to ease the stress of her commute by listening to inspirational CDs on the way to work. But in the end, the commute wore her down.

It wasn't the constant head pressure she felt, the 30 pounds she had gained or the anxiety and stress she couldn't fight.

It was the day she fell asleep at the wheel that forced Robinson to reconsider her commute.

"I nodded off and ended up in the other lane. It terrified me," said Robinson, 54. "I felt sleep deprived. I never felt like I got enough rest."

After that, Robinson took a leave of absence and eventually retired, she said.

Now, the ex-commuter says, her life is better. She's not as moody, she spends more time with her family, and she has shed about 40 pounds now that she has time to go walking.

While the threshold for long commutes is hard to determine, experts say something gradual such as increasing gasoline prices isn't enough to deter commuters.

What will it take for someone to quit a long commute?

"I'm betting it's the same way lots of other decisions get made -- in the wake of some crisis," Kelter said.

"The commuter develops a new health condition or has a car crash while commuting or gets laid off and re-examines life's priorities."

But for now, commuters such as Curiel are willing to endure the long drive even if it means sacrificing good health.

"I always thought about a job in Tracy, but there's more opportunity farther," Curiel said. "But we are talking two hours of a commute, and as years go by it will be longer. I may have no choice but to find a job closer."

[Fresno Bee editorial, Monday, Oct. 10. 2005:](#)

### **Air of arrogance**

#### **Pombo, colleague try end run to let polluters off the hook.**

Sleazy contractors aren't the only people shamelessly exploiting the tragedy created by Hurricanes Katrina and Rita. On the political front, Rep. Richard Pombo, R-Tracy, and Rep. Joe Barton, R-Texas, introduced a pair of bills to suspend or cancel altogether clean air protections approved by Congress and put aside almost all restrictions on gas and oil development anywhere in the country.

Barton's bill contains a slew of provisions to weaken environmental protections that President Bush tried but failed to impose last summer, when the Senate rejected his administration's assault on the nation's historic Clean Air Act.

The new bill would repeal the requirement that industries install modern pollution control devices when they substantially expand or upgrade their facilities. A Bush EPA rule change intended to

weaken this key protection already faces a court challenge. The Barton measure both expands and codifies the Bush rule, thus rendering the current court battle moot.

It would also delay until 2015 existing smog cleanup deadlines in cities affected by the hurricanes, for no good reason condemning citizens in some of the most polluted cities in America to breathe bad air. Current law already allows for delays in Clean Air Act enforcement where warranted. The bill would derail the EPA's widely celebrated new clean diesel standards as well.

Before it ran into a wave of opposition from Republicans and stalled, Pombo's measure went even further. Hypocritically titled the National Energy Supply Diversification and Disruption Prevention Act, it would have given the federal government power to waive any laws restricting oil and gas development practically anywhere in the country. When even the president's brother, Florida Gov. Jeb Bush, along with Florida's two senators announced their opposition, Pombo quickly announced that he would seek a compromise. We hope he keeps his promise.

Pombo and Barton and their oil industry cronies say these measures are necessary to respond to the supply shortages and price spikes caused by Katrina and Rita. But nothing in either measure is likely to increase supplies significantly in the short term. They are simply a crass attempt to exploit a national disaster for the benefit of an oil and gas industry already enjoying windfall profits.

[Triv-Valley Herald, Commentary, Saturday, Oct. 8, 2005:](#)

### **The solve-everything tax**

By John Tierney, Inside Bay Area

I have a modest proposal to fight global warming, save energy, cut air pollution, ease traffic congestion, reduce highway fatalities and, while we're at it, reform Social Security.

All we have to do is raise the federal gasoline tax by 50 cents per gallon, and refund all the new revenue directly to Americans by putting it in new Social Security individual accounts. I realize how crazy this sounds, given the current public anger at high gas prices, but bear with me.

The \$3-per-gallon price probably isn't going to last. Suppose, as some experts do, that the price will end up sooner or later back around \$2 per gallon. And suppose you gradually phase in the tax-only when prices fall — say, an extra dime of tax per gallon whenever the retail price falls by 20 cents. Consumers would still see their costs declining at the pump, so there'd be no sudden shock at any tax increase.

Some people would complain about any new tax, but at least they'd get their money back. Americans hate seeing today's gas taxes being diverted to thousands of pork-barrel projects like horse trails in Virginia and the bridge to nowhere in Alaska. These new tax revenues would be divided equally among all workers and go right into their personal accounts.

As much as Democrats hate private accounts, they couldn't complain that anyone was "raiding" the Social Security "trust fund" for these accounts. Recalcitrant Democrats would have to explain why they oppose an energy policy favored by environmentalists and a social program that would transfer money to the poor. Since low-income people tend to drive less than the average American, they pay less in gas taxes than average, so they'd make money when the revenue was divided equally.

Any new tax, of course, terrifies Republicans. When I mentioned this idea to one White House official, he went immediately into off-the-record mode and warned me, "You realize you're never going to get invited to Grover's Wednesday meetings." Those are the weekly conservative strategy sessions convened by Grover Norquist, the head of Americans for Tax Reform and enforcer of the no-tax pledge signed by a majority of the members of the House.

But Norquist reassured me I would not be cast into the abyss. He said a 50-cent gas tax, with all the revenue refunded to personal accounts, wasn't verboten. "If it were attached to one of the

annual tax cuts that we've been passing so that the overall package reduced taxes, it wouldn't violate the no-tax pledge," he said.

Some conservatives I consulted, on and off Capitol Hill, were opposed to the new tax and didn't like taxing drivers to pay for retirement accounts. But others were intrigued by the prospect of offering Democrats something new in exchange for pension reform.

"If you used a gas tax as end run to start personal accounts for people, you might strengthen their savings habits and get them to start contributing their own money," said Gary Becker, the Nobel laureate economist. He and other economists especially liked the notion of encouraging energy conservation through a gas tax instead of the current approach of mandating fuel-economy standards for cars.

A 50-cent tax would save much more gasoline and avoid some of the perverse effects of the fuel-economy rules, which encourage people to drive more because their new cars save them money on gas. A gas tax makes people drive less, not only saving gas but also easing congestion on the roads and reducing pollution.

Although 50 cents per gallon may seem high (slightly more than the total current federal and state taxes on gas), it's in line with the calculations of the economists Ian Parry and Kenneth Small. They figure that the tax should increase 60 cents per gallon to compensate for the congestion, pollution and other costs that drivers impose on society.

A 50-cent tax increase would reduce driving but still yield nearly \$70 billion in extra revenue annually, according to Peter Van Doren, the editor of the journal *Regulation* at the Cato Institute. There would be enough to put about \$440 into the personal account of every worker now paying into Social Security.

As those workers watched their nest eggs grow, they'd want to put more of their Social Security taxes into personal accounts instead of the mythical trust fund now being squandered by Congress. And then, after we've reformed Social Security while saving the planet, we could take on something really challenging.

*John Tierney writes for The New York Times.*

[Letter to the Fresno Bee, Monday, Oct. 1, 2005:](#)

### **Dirty scooters**

The Bee's Associated Press article "Gas-sipping scooters not just toys" (Oct. 2) failed to mention the fact that just one of these cute, "peppy" gas-powered scooters generally produces as much air pollution as 30 or 40 new cars. A mission of The Bee is to educate and inform the public, and this paper has certainly publicized so well the serious issue of Valley air quality.

Gas-powered scooters are not what your child's doctor ordered. Childhood obesity and asthma are growing problems, so contrary to what the article suggests, a teenager should not be encouraged to get rid of his or her bike and start riding a scooter.

Likewise, Valley residents should be encouraged to avoid the use of dirty two-cycle engines. Such articles whose sole quotes are those of scooter sales reps should be topped by the phrase "Paid Advertisement."

Ronald Bohigian, Fresno

[Modesto Bee, Letter to the Editor, Saturday, Oct. 8, 2005:](#)

### **Cold words for gas companies**

Regarding "Leave gas prices alone" (Oct. 4, Letters): The gas companies raise prices in anticipation of anything they can find to raise the prices for. I have never pulled into a gas station, in my 45 years of driving, to find it completely out of gas. As long as people pay through the nose for gas, it's there.

When gas companies make many billions in profits, they are no better than common thieves and should be held accountable. I don't know how they sleep at night or keep from choking on their food.

Now Pacific Gas and Electric Co., just in time for winter, is raising its price 70 percent for natural gas with people being told they [can't burn wood in their fireplaces](#). Butane is \$1.99 a gallon and you can bet the farm it will go up more. The gas companies and politicians don't care.

Mable Hodges  
Ceres

[Letter to the Editor, Merced Sun-Star, Oct. 8, 2005](#)

### **Park will hurt air quality**

Editor: It's the air, stupid.

That's what I wanted to shout out at the League of Women Voters forum for Merced City Council members. All candidates, except Ellie Wooten (she wants to wait for the Environmental Impact Report before deciding), agreed that they would like to see Riverside Motorsports Park build a racing facility near Atwater.

If traffic and noise problems could be addressed, they were all for it. The next day the Sun-Star printed an article noting that Valley smog violations were at their lowest since the 1970s. The article stated, however, that though violations were lower than they have been, the air in the Valley is far from clean.

This area has to get its air pollution problem under control or we will lose out on millions of dollars of federal money. I don't see how we can possibly build tens of thousands of new homes with at least two vehicles per home, at the same time encouraging industry that will bring thousands of cars and RVs onto our freeways and country roads most weekends, and expect the air to get cleaner.

Around 90,000 people can be at the track on one weekend, as RMP plans to have multiple events on multiple tracks. If three people are in each car, that still comes to 30,000 vehicles creating smog from emissions. How do our officials possibly expect the air quality to meet federal standards? Oh yes, by the way, what about quality of life? How many more of our children and grandchildren are going to develop asthma or other lung diseases if they are breathing filthy air on most days?

Supporters of the raceway say that if you don't support the track "you don't care about children." That is absolutely not true. Sure children need places to recreate, but they need clean air first. We must consider health a top priority.

Please, if clean air is as important to you as it is to me, e-mail or mail the Merced County Board of Supervisors and the Planning Commission and tell them to vote against Riverside Motorsports Park.

Janet Wilson  
Merced