

**JoAnn Hallum**

**From:** JoAnn Hallum  
**Sent:** Tuesday, October 24, 2006 9:15 AM  
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## **Climate shifts on global-warming law**

**A Senate leader accuses Gov. Schwarzenegger of undermining the landmark legislation.**

By Marc Lifsher, Times Staff Writer  
L.A. Times, Tuesday, October 24, 2006

SACRAMENTO — The bipartisan good feeling that followed the passage last month of a landmark California law to reduce global warming is starting to sour.

Harsh words came Monday from the Senate president pro tem, who in a letter accused the governor of subverting parts of the law with an executive order to fast-track plans for a system that would allow industry to sell or trade pollution credits.

The executive order is ill-timed and unnecessary, and creates confusion at this early stage in the implementation of the law," Sen. Don Perata (D-Oakland) wrote. "Its substance and process undermine the bipartisan spirit and cooperation in which the law was passed and signed earlier this year."

Perata asked Gov. Arnold Schwarzenegger to rescind the order, which would create an advisory committee to study pollution-credit trading. But the governor said no.

"The executive order carries out both the spirit and intent" of the legislation to combat global warming, said Margita Thompson, a Schwarzenegger spokeswoman.

The global warming bill, AB 32, the nation's most ambitious effort to combat global climate change, has a goal of reducing emissions of carbon dioxide and other greenhouse gases by 25% by 2020.

The law, which will be phased in over eight years, beginning in 2012, gives government a number of tools for cutting carbon dioxide, including energy efficiency measures, alternative fuels and regulatory caps and the creation of markets for pollution-credit trading.

But Perata and some environmentalists, who backed AB 32, complain that Schwarzenegger is moving too quickly to push the legislation toward a market-based system of trading rights to pollute and away from traditional regulation.

Perata also criticized the governor for attempting to put a Cabinet official, the secretary of the California Environmental Protection Agency, in charge of the state's global warming effort. The new law specifically gives that responsibility to the independent California Air Resources Board.

The senator's letter echoes comments made last week by AB 32's author, Assembly Speaker Fabian Nuñez (D-Los Angeles).

"I will not allow the governor to rewrite the legislation through an executive order," Nuñez said.

Criticism from the Legislature's two top Democrats could spell trouble for the law during its crucial first year, said Bill Magavern, an environmental lobbyist for the Sierra Club.

"The governor cut the era of good feelings short with his executive order," Magavern said. "I think we all want to work together, but the lines of division are becoming clear."

He noted that so-called environmental justice groups, which advocate for people who live near

industrial sites, were worried that they would continue to be threatened by pollution from plants kept open through the purchase of credits.

Environmental activists, however, are split on the issue of pollution trading and the governor's order. "I don't see anything in this executive order that surprises me at all," said Ralph Cavanagh of the Natural Resources Defense Council.

The governor unveiled the executive order a week ago during a visit to New York. Schwarzenegger told New York Gov. George Pataki that he planned to form a greenhouse gas trading partnership between California and a group of seven Northeastern states spearheaded by Pataki.

Such a market-based approach is favored by large businesses, which dislike costly regulation. They praised the order for bringing clarity to a process they fear could force them to scale back operations.

The California Manufacturers and Technology Assn., though it opposed the global warming bill, is backing the governor's executive order for starting to fill in blanks in what is likely to be a costly law.

"The sooner the agencies can create some structure, the less uncertainty there will be for many companies and the economy," said Dorothy Rothrock, the trade group's senior vice president.

### **Off-highway park plan vote likely to be delayed**

BY DAVID BURGER, Californian staff writer  
Bakersfield Californian, Tuesday, Oct. 24, 2006

The Kern County Board of Supervisors will likely postpone a vote today on a proposed off-highway park north of Bakersfield.

The supervisors will be asked to approve a 90-day continuance of the vote, Denise Pennell, clerk of the board of supervisors, said Monday.

Planning Director Ted James said he will request the continuance after receiving notification from the state last weekend.

The continuance has been requested by the state parks department.

"If an applicant wants a continuance, we'll honor that," James said.

County supervisors were scheduled to review the environmental report for the proposed 11,000-acre Bakersfield State Vehicular Recreation Area along Round Mountain Road north of Bakersfield this afternoon.

However, the state parks department and James will ask supervisors to postpone their vote for 90 days -- until late January -- to give the state time to look at concerns about valley fever, access and other issues, according to James.

"Our message (to audience members) is that it will be continued," James said.

He said his staff has been notifying citizen activists that any vote will likely be postponed.

Off-highway park proponent Dick Taylor didn't want the delay, and said he'd still show up to answer any questions the supervisors may have.

Taylor said he'd also be there to let off-highway enthusiasts know the vote was postponed.

"It's not like people RSVP'd." Taylor said. "Who in the hell is coming?"

At issue in the environmental review are concerns over potentially 1,000 tons of dust kicked up by riders each year, the spread of valley fever spores and the possible impact on wet woodlands and American Indian cultural sites near Poso Creek.

## **News in brief from the San Francisco Bay area**

The Associated Press

In the Bakersfield Californian, Tuesday, Oct. 24, 2006

Neighborhoods close to hubs for moving goods and freight are showered with the most diesel soot in the San Francisco Bay area, according to a study by the region's clean air agency.

The top diesel hot spots in the region are near the Port of Oakland and much of eastern San Francisco, both magnets for diesel trucks, according to the Bay Area Air Quality Management District study.

Of the many toxic air contaminants in the region, diesel presents the biggest cancer risk, researchers concluded.

Trucks, ships, railroads, construction and industrial equipment spew tons of soot into the air daily, according to the study.

Microscopic diesel soot particles can penetrate deep into the lungs, causing premature deaths, cancer, asthma attacks and other health problems.

## **Study pinpoints diesel soot range**

By Denis Cuff, Contra Costa Times, October 24, 2006

Bay Area neighborhoods near freeways and ports are showered with the largest volumes of diesel soot, the region's top air pollutant for creating cancer risks, according to a study by the region's clean air agency.

Walnut Creek, Concord, Dublin and San Jose are among the areas with high emissions of diesel soot.

Trucks on freeways are likely a big contributor, according to the study. Many more tons are spewed daily from ships, railroads, construction and industrial equipment.

The top diesel hot spots in the region are the area near the Port of Oakland and much of eastern San Francisco. These areas are magnets for diesel trucks moving goods and freight.

Of the many toxic air contaminants in the region, diesel presents the biggest cancer risk, researchers concluded in preliminary findings from the first phase of the study by the Bay Area Air Quality Management District.

"This study will open a lot of eyes," said Mark Ross, a Martinez city councilman on the air board. "If you live near a freeway, you're getting dosed with diesel. This tells us we have to step up our regulations and incentives to clean up diesel."

Microscopic diesel soot particles can penetrate deep into the lungs, causing premature deaths, cancer, asthma attacks and other health problems.

But curbing diesel emissions from trucks, buses, ships and railroads is a politically delicate task.

Local air districts have limited powers over cars and trucks, which the state regulates, and ships and railroads, which are largely regulated by the federal government.

In Southern California, the largest air pollution district is fighting the diesel industry in court over a rule requiring diesel truck and bus fleet owners to switch to natural gas engines.

The diesel industry contends the pollution district had no authority and no need to enact the rule because diesel vehicles have become much cleaner with new engine and fuel standards.

"With new technology, diesel engines can be as clean as natural gas," said Joe Suchecki, spokesman for the Engine Manufacturers Association. "The problem is being solved."

California has reduced diesel emissions by requiring cleaner fuel and cleaner-burning new engines, he said.

But some critics worry that old diesel engines, which generally last much longer than gas engines, are still belching soot.

"The question is, how long do we have to wait for cleaner air?" said Henry Clark, executive director of the West County Toxics Coalition. "We in North Richmond are getting deluged with diesel. We're near the freeway and the Chevron refinery."

In the Bay Area, air pollution officials say they will look at some combination of local rules and financial incentives to reduce diesel soot.

"I think you have to look at both," said Mark DeSaulnier, a Contra Costa County supervisor on both the Bay Area and the California air pollution boards.

The Bay Area air district already is investing in pollution cuts, he noted.

The air district provides more than \$40 million in clean-air grants and financial incentives annually, with the largest share going to diesel truck and bus owners to reduce pollution.

The study results may be used to help the air district decide how and where the grant money is spent to do the most good, said Karen Schkolnick, a district spokeswoman.

District officials are concerned that low-income, minority neighborhoods bear a disproportionate share of the diesel soot and other toxic air contaminants..

The district, however, has more study to do before it pins down the health risk in individual neighborhoods.

In the first phase of the study, researchers divided the Bay Area into square-mile grids and estimated the inventory of toxic pollutants in each area as well as for the entire region.

Other contaminants include benzene, formaldehyde and cadmium.

By putting together the volume and toxicity of pollutants, the researchers estimated that diesel soot particles account for 81 percent of the cancer risk in the Bay Area from all air contaminants.

This mirrors a similar finding about diesel soot in Southern California.

More study is needed to estimate the specific cancer risk that people face in each area, officials said.

"The first phase is about total emissions, not the concentrations people are exposed to, " said Schkolnick. "We are still in the early phase of this study."

In later phases of the study, researchers will examine wind direction and topography to attempt to determine how much pollution people are actually exposed to.

Cancer-causing pollutants weren't the only ones examined in the district's Community Air Risk Evaluation study.

The study identified acrolein, a product of fuel burning in aircraft and other sources, as the biggest contributor to chronic, noncancerous health risks to lungs and other body organs.

Airports had the biggest acrolein emissions, the study found

One environmentalist said the air district deserves credit for examining the cumulative health impacts of toxic pollutants.

"It's a big step in the right direction," said Greg Karras, senior scientist with Communities for a Better Environment "It definitely shows that old idea that 'having a little more pollution doesn't matter' belongs in the dust pan of history."

Karras said he hopes the study spurs public transit systems and school districts to upgrade or replace old diesel buses.

## **AIIIIIAboard! Rail Group Wants Passenger Trains Along Highway 99**

Valley Voice, October 24, 2006

San Joaquin Valley - The San Joaquin Rail Committee is made up of representatives of Central Valley cities and counties who advise Cal Trans on Amtrak passenger train operations. At their next meeting Tulare representatives Ty Holscher and Connie Conway plan to present a "Resolution for Rail" to use the Union Pacific railroad line adjacent Highway 99 for passenger rail service. By all accounts the rail proposal will likely get near unanimous approval from the committee.

The move comes after a few years of effort to get Union Pacific to listen to Highway 99 towns who would like increased commuter connections to large valley towns that, in turn, would allow more convenient access to the statewide Amtrak route.

"We can't wait to see what happens with High Speed Rail" in California, says Tulare businessman Ty Holscher. "We have a lot of people in the valley with modest income that need service and don't have cars. We need commuter service that would help ease congestion and [clean the air](#)."

The difficulty has been getting the attention of the Union Pacific, the nation's largest railroad, that bought out Southern Pacific back in the 1970s. Union Pacific wants to retain the rail corridor to run freight cargo and business is very good these days.

But just in recent months UP may be ready to at least sit down to talk to valley leaders who are prepared to lobby for carrots that might attract the railroad to the idea. The carrot - statewide bond money that can be used to improve tracks.

"We had a bidding war over Amtrak California monies in the 1990s when track improvement bonds were available," says Holscher - a bidding war that rival BNSF won. Now the Santa Fe line that runs from Fresno to Hanford, Corcoran to Bakersfield is where all Amtrak trains run, with millions of public monies helping to improve those tracks over the years.

But the westside valley route offers poor access to the population centers along Highway 99, say leaders like Kingsburg mayor Leland Bergstrom who also sits on the rail committee.

Holscher says after years of non response "for the first time at a meeting of the rail committee that I can remember, a Union Pacific representative, Jerry Wilmoth, general manager of Network Infrastructure Transportation for UP, was in attendance. Jerry came up to me after the September meeting and suggested we get together and talk about it."

Holscher says several measures on this November ballot include monies that can be used to build additional rail infrastructure if the public is allowed access for passenger service. "This is the first overture I've had on the issue."

Holscher, Conway and Mr. Wilmoth plan to meet late this month.

Double Track?

Holscher says his vision would be to have a double track up and down Highway 99 with the City of Tulare as the hub "just like it was historically." We could see small feeder trains running north and south every day from Tulare, he suggests, with train access near the new proposed intermodal station being built near J Street.

Holscher says he believes "you don't have to try to shove the plan down Union Pacific's throat" that there is clear mutual benefit in the plan to form a partnership that could mean rail service to Tulare County - not in a decade or two maybe but much sooner with rolling stock provided by Cal Trans that runs Amtrak in the state. The current Amtrak line - the San Joaquin continues to gain ridership.

One bottleneck in the system continues to be no passenger rail service into LA and some rail committee members would like to see a new route offered similar to what the High Speed Rail plan calls for.

Waiting for the High Speed Rail to move forward with a high price tag associated with it, has made it questionable if and when it will ever happen. "But now it's time to get Amtrak service up to speed" claims Mr. Holscher.

Union Pacific does allow Amtrak trains on its Coastal route from LA to Portland but has received plenty of bad press for delayed passenger trains that have to wait long periods of time for freight trains to pass. By law Amtrak is supposed to get priority over freight trains. But late performance has been a problem with many Amtrak trains on different UP lines.

"The refusal of Union Pacific to invest in Coast or Valley capacity to run more passenger service between northern and southern California is one of the key factors holding up growth of the California economy," suggests Train Riders Association of California in their most recent newsletter and goes on to point to the ways to get around this "monopolistic blockade" 1) begin acquiring right of way and building an alternate route, 2) review the tax status of railroads that refuse to be common carriers and block passenger traffic, or 3) create a California terminal railroad authority to control key trackage leading to ports.

It appears unlikely this type of hardball approach will be adopted locally although there is some hope now that the efforts here by Holscher and Conway might open the door for the first time. All Aboard!

## **Tulare/Visalia Councils To Meet On Light Rail Plan**

Valley Voice, October 24, 2006

Tulare and Visalia city councils will meet in the next few months to discuss a possible light rail plan that would connect both towns. "We have completed a consultant study that offers three proposed routes that would end at each town's transit center," says Scott Cochran, Tulare County Association of Governments (TCAG) staffer.

TCAG came up with \$50,000 for a feasibility study that included the alternate routes. Cochran says the report looks at a possible route down Mooney Blvd., from Highway 99 and swinging over to 198 and down the old Santa Fe rail alignment that runs between Tulare and Visalia.

The abandoned Santa Fe rail alternative "from a pure planning view" has a lot of merit says Cochran in that Tulare has already preserved the route and has converted it to a walking trail that heads north out of Tulare. Visalia in turn has recently acquired the same rail route through all of the city limits leaving but a few miles between the two cities in limbo.

Planners from Visalia have been looking at the possibility of building some “transit oriented developments” in the way of high density housing along the Santa Fe route including at the proposed SE Area Specific Plan project that runs from Santa Fe to Lovers Lane south of Caldwell.

Likewise in Downtown Visalia the city is planning high density housing just north of the city transit center at Oak Street where the light rail would arrive.

The consultant report suggests while the city might not want to plan to build the light rail any time soon, they could make some proactive moves that would make it likely it would be built eventually. That includes planning a light rail blueprint in each city’s general plan. Tulare’s general plan is being updated this winter.

Tulare has its own plan for dense residential units along Pine St. adjacent to the rail track where a new senior tower just opened. The city is looking to acquire property from the Utah company - American Trails (Tulare Valley Railroad) to plan more mixed use projects there that would tie into Downtown. This is the same company that the city of Visalia recently completed a deal with to buy the old SF alignment through town after a decade of negotiations.

#### 20 to 30 Years Ahead

Now is the time the cities ought to get into a planning stage, believes Cochran. “I think we need to look 20 to 30 years ahead on this,” says vice mayor Greg Kirkpatrick of Visalia.

“Our best chance for funding will come if we can show we have the infrastructure in place,” says Cochran who believes this project could be a model for other valley communities looking for ways to ease congestion and [clean the valley’s air](#).

One boost would be the passage of Measure R on the countywide ballot next month that earmarks \$10 million for right of way acquisition for this project.

Cochran says the project has a price tag of \$16 million a mile although there are sources of funding that would mean that not all fund would have to be generated locally.

“Other local towns are expressing interest in tying into this route,” says Cochran who is discussing this idea at this week’s TCAG meeting.

The idea came about a year ago, says Cochran, when city council member from Visalia, Phil Cox, brought the idea to TCAG. Now Cox sits on the Board of Supervisors as well as the TCAG board.

“There’s some indication that the county wants to meet on the idea along with both cities,” says Cochran, since the land in between both cities is county jurisdiction.

Planners endorse light rail not just because it gets people out of their cars but it can make possible dense transit oriented villages that could be built while maintaining surrounding lands in open space or ag.

Cochran says the other two routes would likely be more expensive in that Mooney Blvd. might require a monorail type set up like at Disneyland and the Highway 99 route would be longer.

Tulare intermodal transit center is nearing completion that could be the end point for the light rail as well as a possible commuter train being discussed along the Highway 99 (see other story).

Connecting the light rail to the commuter rail would mean people could commute from Downtown Visalia to Bakersfield or Fresno easily in the future. Cochran points out the rail lines could be connected to a key institution like a future 4-year college if and when we get one.

Cochran says his own feeling is that commercial rail on Highway 99 would help Tulare County’s effort to get the High Speed Rail to go up Highway 99 as well instead of the BNSF alignment on the west side of the valley.

Bakersfield Californian, Letter to the Editor, Tuesday, Oct. 24, 2006:

### **Thanks, Californian**

I really enjoyed and agreed with a recent *Californian* article about bicycling in Bakersfield. It was well done and I enjoy reading about my sport.

Anything that gets more people into riding their bikes and letting them know that Bakersfield is becoming a safer place to ride is great. I liked that the article listed some of the bike safety tips. Increasing bicycle safety awareness is brilliant idea.

I'm glad that it also included comments from the people at Bike Bakersfield. They're a great not-for-profit organization and are doing a fabulous thing for this city.

I've participated in several of their events and gatherings and I have nothing but praise for the group. They are increasing awareness on many topics, such as alternate ways to get to work, [decreasing pollution](#) and getting more people physically active in our community, which is always a good thing!

I'd suggest to anyone who is into bicycling or thinking about getting into it, to check out Bike Bakersfield at [www.bikebakersfield.org](http://www.bikebakersfield.org). They are some of the nicest and helpful people I've met. They also have a bike kitchen, so if you've got something going on with your bike that you can't fix yourself or you just want help with it, they are always more than willing to help.

I just want to thank *The Californian* for writing a great article about riding in Bakersfield. Increasing safety awareness and getting more people active is a noble deed and I applaud it!

ERIC O'CONNOR, Bakersfield

Fresno Bee editorial, Sunday, October 22, 2006:

### **VALLEY'S TOP 10: Reasons to vote against Measure C**

10. I like supporting oil-rich regimes in Iran, Venezuela and Saudi Arabia.
9. Healthy lungs are so overrated.
8. Only poor people ride buses and bikes.
7. Herndon Avenue needs more traffic, not less.
6. Asthma makes kids buck up and be tough.
5. Where are the subsidies for SUV owners?
4. County roads should be made of gravel and dirt.
3. I backed Measure Z; one tax per century is my limit.
2. I love the smell of fossil fuels in the morning.
1. Air pollution is a hoax, just like global warming.