

## **Planners discuss future Fresno County rail hub**

Written by Jonathan Partridge  
Patterson Irrigator, Wednesday, Oct. 10, 2007

Rail Dreams: Developers are negotiating with Stanislaus County to develop 4,800 acres in and around the former Crows Landing U.S. Navy airfield into a short-haul rail hub. Above, a train rolls into Crows Landing earlier this year.

Developers of a potential industrial park and inland port in Crows Landing are talking with ag exporters about an additional short-haul rail hub in Fresno County.

PCCP West Park transportation consultant D.J. Smith estimated the entire project could cost \$80 million to \$100 million, but it's too early to know for sure, he said.

It's unclear who would develop the facility, but agricultural exporters and members of West Park's team are discussing it with regional planning agencies.

Advocates for the Fresno County "transloader system" say the project could provide a great service for southern San Joaquin Valley agricultural exporters.

"We're having our civil engineers look at it," Smith said Friday.

PCCP West Park is also negotiating with Stanislaus County to develop 4,800 acres in and around Crows Landing's former 1,527-acre U.S. Navy airfield, now owned by the county.

A key component of West Park's proposal is an inland port where trains would pick up and drop off containers from the Port of Oakland.

West Park developer Gerry Kamilos said the Crows Landing facility remains his top priority and that the Fresno County proposal is not a West Park project.

Smith said the idea for a Fresno County port came after West Park officials met with southern San Joaquin Valley agricultural industry representatives in July. There is a gap between the tracks running from Tracy to Los Banos and the tracks running from Los Banos to Fresno County. However, ag exporters and West Park officials have talked with Merced County Association of Governments about laying new tracks along a proposed Highway 152 bypass project north of Los Banos.

West Park officials have met with the California Air Resources Board and with the Merced County Association of Governments about the idea. A possible good location for the transit hub would be near the city of Kerman, Smith said.

### **South valley support**

Smith said the project actually might lower an \$11.5 million subsidy projected to cover West Park's financial losses during the first three years. A recent market survey of more than 60 exporters and importers indicated that the farther south one goes, the more interest there is in short-haul rail services to the Port of Oakland, Smith said.

Brian McGuire, export traffic manager of Fresno-based cotton company Dunavant of California, said a trucker that now can make only one trip a day to the Port of Oakland from Fresno could make two to three trips in that time to Crows Landing.

"Anything that gets agricultural commodities to market faster and more efficiently is what we need right now," he said.

McGuire, who also sits on the Washington, D.C.-based Agriculture Transportation Coalition, said it also would be great to have a Fresno County rail hub if it proves efficient and economical.

Trade groups including the Fresno-based California Cotton Ginners and Growers Associations and Exeter-based California Citrus Mutual also support the short-haul rail concept.

The best part of short-haul rail is the potential benefit to air quality, said Shirley Batchman, California Citrus Mutual's director of industry relations. Federal air regulators are working to

clamp down on air pollution in the San Joaquin Valley, in part by placing more restrictions on truck traffic. As a result, rail could become more attractive, particularly if it can be accessed in Fresno County, Batchman said.

Tony Boren, deputy director of the Fresno Council of County Governments, said he had heard rumblings of a potential rail hub in Fresno County, but he has not heard about a specific proposal yet.

"There's just been talk," he said.

"I haven't seen anything in concrete."

### **Future of rail**

Boren noted that short-haul rail options are mentioned in a draft San Joaquin Valley Regional Goods Movement Plan being reviewed by valley councils of government.

That plan mentions opportunities for intermodal rail yards in Crows Landing, Lathrop, Victorville and Shafter.

Wilson Lacy, former maritime director for the Port of Oakland and current director of maritime commerce for the Port of Humboldt, believes rail will play a major role in moving goods from ports in the future as freeways become increasingly clogged.

"It's a culture thing," he said. "Over the last 50 years, we've had a highway culture."

Still, he believes there will not be sufficient demand or capacity for it until sometime between 2015 and 2020.

West Park hopes to have its short-haul rail service ready for action in 2011. However, project officials say they know it will lose money during the first three years, necessitating the \$11.5 million subsidy.

Industrial park tenants would pay that subsidy over a period of several years through an assessed fee, West Park representatives say.

West Park has expressed interest in getting money for the project through a joint application with the Port of Oakland and other Northern California agencies for state rail bond dollars. However, port officials have expressed little interest in working on a joint application.

### **Addressing the critics**

While Port of Oakland officials say they support short-haul rail, they say it's not a priority right now, and Metropolitan Planning Commission officials have questioned the usefulness of West Park's project plans.

The MTC - the transportation planning, coordinating and financing agency for the nine-county Bay Area - sent a letter Sept. 10 with a list of questions about West Park's project.

West Park officials and county representatives met with port and MTC officials in Oakland on Thursday. Port spokeswoman Diann Castleberry said this week that officials still believe long-haul needs are a higher priority than short-haul projects.

Despite criticism, West Park wrote in its response to the MTC's letter that the agency should consider the consequences if short-haul rail is not pursued.

If congestion, air quality and greenhouse gas problems are not addressed, "the projected future growth for our area of California will come at a horrendous quality of life cost," officials said.

Kamilos also has expressed hopes that other nearby counties will overmatch the amount Stanislaus County would need to pay for the Crows Landing project infrastructure. Stanislaus supervisors have said they will not spend any money on developing the former airbase. Stanislaus County Supervisor Jim DeMartini, for one, expressed his incredulity about that idea.

"If anybody ever suggested here that Stanislaus County give money to other counties, I'd rip their heart out," DeMartini said.

Still, he noted that Kamilos has until April of next year to come up with a formal plan for his project, so all the details are not required to be in place yet.

### **Cash for clean air**

West Park staff continues to work with the state Air Resource Board in the meantime, in hopes of getting air quality-related infrastructure bond money for goods movement projects.

Kamilos said West Park is working on models to show how the project would positively affect air quality by reducing truck trips.

"It looks very promising," he said.

While West Park's Crows Landing proposal has drummed up controversy among some West Side residents because of its size and the addition of trains, some southern San Joaquin Valley exporters say shorter trips to an inland port sound nice.

"On paper, it all makes sense," said McGuire of Dunavant. "Can they make it happen? That remains to be seen."

### **Excerpts from "Ag Bag"**

Valley Voice Thursday, October 11, 2007

**Valley ozone plan** will set in motion requirements that farmers use off-road equipment that pollutes less but farmers will have to scrape to afford the equipment the ARB mandates, says Nisei Farmers League President Manuel Cunha. He wants to see incentives and financing options for farmers to work with equipment dealers to replace older polluting machinery.

**A statewide biodiesel trade group** has sprung up in California to promote the low carbon fuel here. Oregon just passed a mandate of blending 2% biodiesel with petroleum diesel. But Doug Smith, secretary for the group, says the rub right now is finding affordable feedstock to make biodiesel in California. Restaurant grease like other oil has skyrocketed in prices in the past year and the Midwest soybean crop is not as big as they hoped. The problem is that while California can grow some crops for biodiesel making the price maybe too high to make it economically viable, he worries. Research work on some alternative crops that may help meet the demand hold out some hope, says Smith who works for Baker Commodities. That company is planning a biodiesel plant in the L.A. area, he says.

### **Belmont's next idea: Green cars**

#### **New initiative would offer hybrid-buyers vouchers for city services**

By Will Oremus, MEDIANEWS STAFF

Tri-Valley Herald, Thursday, October 11, 2007

**BELMONT** — With the ink not yet dry on Belmont's first-of-its-kind smoking ordinance, the City Council is already embarking on its next innovative policy related to clean air.

This one, it hopes, will be far less controversial.

On Tuesday night, the council decided unanimously to pursue a program that would give rebates to residents who purchase low-emission vehicles.

If approved at a future meeting, the program will give residents who buy an environmentally friendly car such as a Toyota Prius a \$250 voucher toward city services. The vouchers could be used for anything from swim lessons to building permits to rental of city facilities.

The council agreed it would be willing to spend up to \$5,000 from its general fund to cover the cost of the vouchers. That means the rebates would be guaranteed only to the first 20 residents who buy hybrids after the resolution goes into effect.

After one year, the city will revisit the policy and decide whether to renew or expand it.

Will a \$250 rebate affect residents' car-buying decisions?

Perhaps not, admits Councilman Dave Warden, who came up with the idea when a critic asked him why Belmont was targeting secondhand smoke but not vehicle pollution. But he points out the city is also planning to look for state and federal matching grants that could boost the amount of the vouchers.

"I think it's good at least as a policy statement," Warden said. "It promotes the city, and it allows people to use recreation programs and other city services they might not otherwise know about."

The city must still investigate the program's legality and work out the details of implementation, said City Manager Jack Crist. While San Jose offers free city parking to low-emission vehicles, the idea of a city services voucher may be another Belmont original.

"I look at things like the smoking ordinance and this green vehicle initiative as a model for other cities," Warden said. "I know we look at what other cities have done all the time," such as the smoking laws passed by Dublin and Calabasas.

Exactly what models of car will qualify for the rebate remains to be determined, though the council agreed the criterion should be the vehicle's "carbon footprint," not just its miles per gallon.

The city will hold a public hearing before making a final decision on the program in the next few months.

Warden, who has been car-shopping of late, said he and other city employees probably wouldn't be eligible for the voucher. He also noted that he doesn't see it helping or harming any specific Belmont businesses, since there's no dealer in town that sells hybrids.

## **Some get tax breaks for mass transit**

By EILEEN ALT POWELL , AP Business Writer  
Modesto Bee, Thursday, October 11, 2007

NEW YORK — There's a way to help the environment and save on taxes every day that you work. The mechanism - known variously as a commuter benefits program or a transit incentive program (TRIP) - was created by Congress in the 1990s to encourage the use of mass transit and van pooling.

It allows companies to cover up to \$110 a month of a worker's commuting costs via bus, subway, train or ferry or lets workers take up to \$110 a month in pretax money for that purpose. A similar amount can be contributed to each rider in van pools for six or more passengers. A related program allows \$215 to be set aside each month for parking, including at park-and-ride lots that feed mass transit or van pool sites.

Now is a good time for consumers to take a fresh look at the transit programs because many companies make them available during their open enrollment benefit season each fall.

Larry Filler, president and chief executive of TransitCenter Inc., a nonprofit company set up in New York to promote the use of mass transit, estimates that about 2 million workers currently take advantage of the commuter benefits programs nationwide.

He predicts growing interest because concerns about global warming have led both employers and employees to focus on auto emissions and the role they may play in global warming.

"Two-thirds of companies have some type of 'green' initiative," Filler said, including commuter benefits programs.

Rising gasoline prices also have made consumers more interested in seeking out mass transit alternatives, Filler said.

Unlike what are called flexible spending programs, such as those allowing employees to set aside pretax money for health care or dependent child care, there are no restrictions in the transit programs on who can enroll and money that isn't used in one calendar year can be carried over to the next, Filler said. Because the money isn't counted as income, the worker saves taxes; someone in a 25 percent tax bracket would save about \$300 a year in taxes using the mass transit benefit.

"It also lets employers provide the benefit in many different ways," Filler added.

Transit commuter benefits can include passes, vouchers, prepaid debit cards, actual tickets or sometimes just cash, he said. Some companies manage the programs themselves, while others use companies such as TransitCenter or WageWorks Inc.

Joni Sackett, the human resources manager for Wireless Generation, an educational software company in New York, said her company lets its employees set aside money for mass transit.

"It used to be that people would sign up, I'd order the (subway and bus) the cards and then go around like the Easter bunny and deliver them every month," she said.

Now, workers sign up via the Internet using TransitCenter's TransitChek program, Sackett verifies the participants, and TransitCenter mails them either a subway card or a prepaid debit card that they can use to buy their own tickets.

"It's a nice perk, and people are interested in it," Sackett said.

Robert Wagner, spokesman for the American Payroll Association, a San Antonio-based trade group for payroll professionals, said employers are happy with the transit programs because they can be set up at little or no cost.

If employers fund the program, they get a tax deduction for the expense; when the money is set aside from employees' paychecks, employers save money because the amount is not subject to payroll taxes. In many cases, state and local taxes don't apply either.

"It's such a win-win situation," Wagner added. "It encourages mass transit, and that's always a good thing. And it gets more cars off the road, so employees get to work faster because there's less traffic, and that's good for workers and their employers."

Wagner noted that the transit benefit is another tool companies can use to compete for good workers.

"The more benefits they offer, the better the employees they can get - and retain," he said.

Employers and employees seeking more information about the transit incentive programs can find it on the Web site maintained by the Federal Transit Administration of the Department of Transportation at <http://www.fta.dot.gov> under the heading Commuter Choice Program. A detailed pamphlet titled "It Pays to Ride Public Transportation" is on the Web site for the American Public Transportation Association at <http://www.apta.com>. And the site <http://www.CommuterChoice.com>, sponsored by the Association for Commuter Transportation, has information on the program, including links to service providers by geographical location.

## **EPA Joins Settlement of Lawsuit but Adds a Waiver Action Against Polluting Utility Is Ruled Out Until 2018**

By Juliet Eilperin, Washington Post Staff Writer  
The Washington Post, Thursday, October 11, 2007

Although the Environmental Protection Agency joined in a legal settlement this week to force the largest power-plant pollution cleanup in U.S. history, the Bush administration signaled in the

agreement that it has no intention of taking enforcement actions against the utility for the same kind of Clean Air Act violations in the future.

The language of the settlement indicates that the administration has not wavered in its distaste for a Clinton-era policy of using the law to force power plants to upgrade their pollution controls whenever they significantly update or expand a plant. That marks a significant victory for the power industry, which has strenuously opposed the "New Source Review," saying that it penalizes them for efficiency improvements that ultimately benefit consumers and the environment.

"That is something that we fought to get in the settlement that was very important to us," said American Electric Power spokesman Pat D. Hemlepp, whose company settled with the EPA and other groups on Tuesday. "There are a lot of things we can do . . . to improve the efficiency of our plants."

Buried in paragraph 133 of the consent decree, in which the utility agreed to install \$4.6 billion in pollution-control measures at 16 existing plants and pay \$75 million in penalties, is a section that assures AEP that the government will not pursue any action stemming from the "modification" of these plants between now and Dec. 31, 2018. The EPA has inserted similar language in other settlements.

That section addresses the most controversial element in the administration's air policy: determining when utilities must install new pollution controls. The AEP case -- which started in 1999 -- centers on whether the utility had adequately updated its aging plants with new pollution-control technology when it modified them, an issue that falls under the New Source Review rule. Under Tuesday's settlement, the utility has agreed to install controls on the 16 plants it has expanded over the years, which will effectively remove 1.6 million tons of pollution from the air annually by 2018.

The administration has repeatedly questioned the value of enforcing the current rules, and the settlement guarantees that AEP will not face federal prosecution if its activities over the next decade trigger this sort of federal review.

Although the nine state attorneys general and 13 environmental advocacy groups that are party to the lawsuit praised the administration for Tuesday's settlement, they explicitly rejected this prosecutorial amnesty in the consent decree: Paragraph 140 says these parties "do not release any claims under the Clean Air Act and its implementing regulations." That means they could again sue the utility over violations of the law.

By inserting the amnesty clause, federal officials "have written in the ability for AEP to violate [the law] in those plants for the next 10 years," said Natural Resources Defense Council senior attorney John Walke, whose group is part of the lawsuit. "It just shows the Bush administration is of two minds when it comes to enforcing the Clean Air Act."

The battle over the New Source Review is not over: About half a dozen similar cases are still pending in court, and the administration is preparing to finalize a rule that will exempt plants from installing new pollution controls as long as their hourly rate of emissions does not increase as a result of any plant upgrade.

That follows an Oct. 5, 2005, memo in which EPA Deputy Administrator Marcus C. Peacock said that, because the administration had adopted newer regulations that would reduce utility emissions by nearly 70 percent in the eastern part of the United States, the agency would pursue only cases involving violations of regulations it had proposed as a replacement for the New Source Review, which is still on the books. Some of the administration's proposals have been overturned in court, and others have not been implemented.

"These rulemakings, particularly CAIR, will reduce power plant emissions deeper, faster, and more efficiently than would be achieved by continuing costly and uncertain litigation in case-by-

case enforcement actions of existing . . . regulations," Peacock wrote, referring to the Clean Air Interstate Rule.

In an interview, William Harnett, director of the EPA's air quality policy division, said the agency still wants utilities to "live by the rules." But he added: "At the same time, we want to improve the program and make these operations better to get the environmental benefits everyone wants from them."

Since the October 2005 memo, the administration has pursued three lawsuits against utilities over what would be violations of its still pending proposal.

And both Scott H. Segal, a lobbyist for utility and coal companies, and Frank O'Donnell, who heads the advocacy group Clean Air Watch, said in interviews that this week's court deal does not mean that the legal fight over air policy is over.

"Seven or eight years ago, the U.S. electric industry was frantically on the run because federal enforcers were going after them at every turn," O'Donnell said. "Then the Bush administration called off the dogs."

[Fresno Bee editorial, Thursday, Oct. 11, 2007:](#)

### **Lawmakers must act boldly on global climate change**

Skeptics of global warming are now working overtime to discredit and distract from the latest worrisome news about the planet's feverish climate.

Scientists have learned that warmer winds and temperatures are melting the Arctic ice cap much faster than expected. The meltdown has exposed 1 million square miles of open water in the Arctic, about the size of six Californias.

In a flurry of op-eds and sound bites, the skeptics will tell you this melt-off is natural and just a prelude to a period of cooling.

Don't believe it. Respected scientific institutions, ranging from the National Academy of Sciences to the British Royal Society, agree that manmade emissions of carbon dioxide and other gases are heating up the atmosphere. The melt-off of polar ice sheets is just one symptom of this fever, which is expected to lead to ever-higher sea levels, more intense storms and other devastating consequences.

The question now is whether Congress will stand up to fossil fuel industries that continue to try to deny and delay. A triumvirate of women lawmakers from California -- Sens. Barbara Boxer and Dianne Feinstein and House Speaker Nancy Pelosi -- could be instrumental in ensuring Congress doesn't waste another year in enacting meaningful climate legislation.

Boxer, who chairs the Senate Environment Committee, has co-sponsored S 309, the Global Warming Pollution Reduction Act. The bill calls for a 15% reduction in greenhouse emissions by 2020 and an 80% reduction by 2050. The bill complements California's law and is in line with what many scientists say is needed to forestall the worst impacts of global warming.

Yet as the Senate prepares to debate a comprehensive package, there are signs that some in Congress will be satisfied with weaker tea.

Sens. Joe Lieberman of Connecticut and John Warner of Virginia are working on legislation that is expected to be more modest than Boxer's. Over in the House, Energy and Commerce Committee Chair John Dingell claims to be working on his own package. But Dingell, whose district includes the auto manufacturers of Detroit, has already blocked House legislation to improve vehicle fuel economy and set a renewable energy standard.

Earlier this year, we saw some value in Feinstein and Boxer pursuing a moderate approach, in the hope President Bush might sign a bill this year that could later be improved. But Bush has since signaled he won't sign any legislation that includes even the most minor mandatory controls on greenhouse emissions.

Given that stance, legislators need to shift tactics and endorse the strongest possible controls on greenhouse gases, as embodied in Boxer's bill. Bush will surely veto it, but such a bill would create a template for the next Congress. It also would send a strong message to presidential candidates who are waffling on climate policy, even as they try to distance themselves from the current president.

[Visalia Times-Delta and Tulare Advance-Register, Letter to the Editor, Wednesday, Oct. 11, 2007:](#)

### **Air board bill deserves governor's signature**

According to the American Lung Association, Visalia is the third smoggiest metropolitan area in the nation for 2007. Given the human cost and estimated health costs associated with air pollution of \$3.5 billion a year, it is imperative that the city of Visalia have a voice at our regional air board.

Cities such as Visalia will have a greater chance of being represented on our regional air board with SB 719.

SB 719 will increase the membership of the San Joaquin Valley Air Pollution Control District Governing Board from 11 members to 15. SB 719 adds two representatives from the Valley's five large cities. As it currently stands Visalia has to share a rotating seat with four other large cities.

It also adds a physician and a scientist who must live in the Valley and be familiar with the health effects of air pollution.

On behalf of my asthmatic mother, a long-time resident of Visalia, and for the other estimated 66,999 other asthmatics in Tulare County, I urge Gov. Schwarzenegger to sign SB 719 into law. The health of my family, neighbors, and fellow Visalians depend on it. You can reach the Governor's office at 916-445-2841 or [governor@governor.ca.gov](mailto:governor@governor.ca.gov).

MARIA ROJAS, Visalia

[Letter to the Fresno Bee, Thursday, Oct. 11, 2007:](#)

### **'No more delays, no more deaths' from bad air**

In its Oct. 7 editorial, The Bee pointed out that polluted air increases health costs for Valley residents in excess of \$3 billion annually. Let me remind readers that the \$3 billion of annual health costs refer to the economic value of avoiding 460 premature deaths, which result from breathing ultra-fine particulate matter that are formed mostly during winter.

These microscopic particulates, called PM2.5, can be inhaled deep into the lungs and pass through minute blood vessel openings, triggering cardio-pulmonary illnesses and even heart attacks in people with pre-existing conditions.

The premature death of 460 people can be avoided if federal standards for PM2.5 are met. Actually, more premature deaths can be prevented by reaching California standards for PM2.5. State standards are more stringent than federal standards.

The 2006 study by Hall, Brajer and Lurmann estimates that lower levels of PM2.5 in state standards will prevent 880 premature deaths. A crass way of stating this tragedy is the loss of \$6 billion in economic value.

Valley residents should demand more, by way of expedited attainment and more stringent state air standards. "No more delays, no more deaths" should be the rallying cry when it comes to Valley air.

*Alvin Valeriano, Fresno*