Editorial -- The Fresno Bee, July 31, 2003:

Credit for clean-fuel cars

Cardoza bill would make it easier to do the right thing.

The biggest single problem -- and the hardest to deal with -- in efforts to clean the Valley's air is the pollution caused by all the vehicles we drive. Just about anything that promises to help, even a little, is welcome. And if it's a pleasant incentive, then all the better.

Rep. Dennis Cardoza, D-Merced, is introducing legislation in the House of Representatives that would create such incentives for those who buy qualified clean-fuel vehicles. A similar bill will be offered next week in the Senate by Sen. Joseph Lieberman, D-Conn.

The idea is to give tax credits to those who purchase clean-fuel vehicles in areas where the federal Environmental Protection Agency says the problem of ozone -- the principal villain in our summer smog -- is most acute. The Valley certainly qualifies.

The bill envisions a credit of $3,500 per vehicle in areas of "severe non-attainment" of standards for ozone pollution. That's where we are now. If, as many expect, we move into the worst category -- "extreme" -- the credit under Cardoza's proposal would go up to $4,000.

The legislation would also set up tax credits for those who purchase larger vehicles (trucks and vans weighing more than 10,000 pounds) with cleaner power plants: Under our current severe non-attainment status that would be $8,500; under extreme status, $10,000.

That could be an especially sweet deal for fleet owners, who might get the credit several times over for converting to clean-fuel vehicles.

Vehicles contribute more than half of the nitrogen oxide pollution that is a key building block for the smog afflicting us each summer. Remedies are largely in the hands of federal and state authorities; the San Joaquin Valley Air Pollution Control District has no control over so-called "mobile sources."

That ought to change. In the meantime, efforts such as Cardoza's are most welcome.

Letter to the Editor – The Fresno Bee, July 31, 2003:

'Serious problems'

By Paul Besselievre, Coarsegold

I'm writing in response to Fresno City Council Member Henry T. Perea's proposal to eliminate prostitution by impounding and selling the john's automobile. I support efforts to reduce prostitution, but I have some serious problems with this method.

What about equal justice under the law? Drive a cheap car; pay a meager penalty. Drive an expensive car; pay a penalty that far exceeds what most would consider fair for more serious crimes.

Who is the real criminal, and who is the victim? If the prostitute is the criminal, shouldn't the penalty assessed to her be heavier than that of her "victim"?

If seizing property arbitrarily is allowed in the name of crime prevention, where does it stop? Red light runners are a bigger hazard than prostitutes. Why don't we take their cars?

With new clean air initiatives, if we catch people using their fireplaces on a bad air day, will we take their homes and sell them?

If a business receives an Occupational Safety and Health Administration citation, why not take the business and sell it?

If this is enacted, I predict the following:

Take a man's car and he can no longer get to work. We will then come up with a welfare program to furnish him with a car. Rental car agencies will spring up near the Farm Bureau. There could be a crisis when our city impounds state vehicles.

Scariest of all, we may see more proposed legislation to make us more like Oakland.

Plan to Toughen Fuel-Mileage Rules Thwarted

By Richard Simon, staff writer
Los Angeles Times
July 30, 2003

WASHINGTON - Democrats from automobile-making states and Republicans wary of government regulation blocked a Senate proposal Tuesday to toughen fuel-mileage standards for motor vehicles, virtually ensuring the provision will be left out of any new energy bill.

The 65-32 vote against the higher requirements culminated a fierce lobbying effort that pitted environmentalists against car manufacturers and the auto workers union.

Environmentalists have called tougher fuel-economy rules the most important step Congress could take to reduce U.S. dependence on foreign oil and emissions of carbon dioxide, a gas linked to global warming.

"How can you have a serious energy bill and not address the fuel efficiency of vehicles?" asked Sen. Richard Durbin (D-Ill.).

But with the House rejecting a similar measure earlier this year, environmentalists held little hope that the energy legislation would include the stiffer mileage standards.

Auto makers and auto union leaders contended that the proposal would hurt their industry's competitiveness - resulting in job losses - and lead to lighter, less safe vehicles.

"This is not the place, on the Senate floor, to make a complex decision that should involve a whole host of factors," said Sen. Carl Levin (D-Mich.).

The measure would have required cars and sport-utility vehicles to meet a 40-miles-per-gallon standard by 2015.

Currently, cars must meet an average fuel economy standard of 27.5 mpg - unchanged for more than a decade. The standards for light trucks, including SUVs, minivans and pickups, is 20.7 mpg. That is due to rise to 22.2 mpg for the 2007 model year.

Rather than stiffen the requirements, the Senate approved an industry-backed amendment to direct the Department of Transportation to set fuel-economy standards on factors that include how tougher rules would affect vehicle safety and auto industry jobs.

Environmentalists contend that the measure, which passed 66-30, could set up new obstacles to raising the standards.

The vote came as President Bush and Vice President Dick Cheney met with a bipartisan group of lawmakers at the White House to press them to finish work on an energy bill. Bush has called such a measure vital to economic growth and national security.

The House version of the bill, passed in April, includes a Bush-backed provision to open Alaska's Arctic National Wildlife Refuge to oil drilling. But that measure has been thwarted in the Senate and, like the tougher fuel-efficiency standards, is not expected to be part of a final bill.

Both the Senate and House bills contain other measures to promote domestic energy production, as well as proposals to spur conservation. These include promoting construction of a pipeline to bring natural gas from Alaska to the lower 48 states, expanding nuclear power and doubling the amount of ethanol that must be added to the nation's gasoline supply.

The Senate could vote on its bill this week.

Tuesday's debate on the higher mileage requirements illustrated that the complex politics of the energy debate can produce strange - and temporary - bedfellows. Eighteen Democrats, many of them usually on the opposite side of Republicans on environmental issues, joined virtually all the Senate's GOP members in opposing the tougher standards.

Among the Democrats voting against the measure were Mary Landrieu and John B. Breaux of Louisiana, Levin and Debbie Stabenow of Michigan, Joseph R. Biden Jr. of Delaware, Evan Bayh of Indiana, Zell Miller of Georgia and Barbara A. Mikulski of Maryland. All come from states with vehicle-manufacturing plants.

California Democratic Sens. Dianne Feinstein and Barbara Boxer joined 25 other Democrats, four Republicans and one independent voting for the tougher standards.

Supporters of the measure noted that because of the increasing popularity of SUVs, overall fuel economy has declined since the 1980s.

But opponents contended that Americans could be deprived of their vehicles of choice.

"I don't want to tell parents they cannot get the SUV or minivan they wanted for their family or business because Congress decided it would be a bad choice," said Sen. Christopher S. Bond (R-Mo.).

Sens. John F. Kerry of Massachusetts and Joe Lieberman of Connecticut - both Democratic presidential candidates - have made tougher fuel standards a centerpiece of their proposals to cut U.S. dependence on foreign oil.

But both were absent Tuesday, as was another Democratic presidential contender, Sen. Bob Graham of Florida. Sen. John Edwards (D-N.C.), who is also running for president, voted for the tougher standards.

Bush opposes efforts to legislate what the White House has termed "an arbitrary increase" in fuel standards. He instead advocates tax incentives to encourage consumers to buy gas-electric hybrid vehicles. He also has proposed spending more than $1 billion to speed up the development of cars that run on pollution-free hydrogen fuel cells.

Judge gives agencies 60 days to cut pollution

Jane Kay, Chronicle environment writer
San Francisco Chronicle
Wednesday, July 30, 2003

A San Francisco Superior Court judge gave the Bay Area's transportation and air-quality agencies 60 days to come up with a plan to cut by about 5 percent the smog-producing pollutants spewing into the environment.

Judge A. James Robertson II ruled Friday that the Metropolitan Transportation Commission and the Bay Area Air Quality Management District are violating the California Clean Air Act by failing to regulate enough sources of hydrocarbon pollution in their joint clean-air plan.

The region produces about 550 tons a day of hydrocarbons, a precursor of ozone, the main ingredient in smog.

The Bay Area's clean-air plan submitted to the U.S. Environmental Protection Agency in 2001, which was designed to reduce hydrocarbons to levels that would meet ground-level ozone standards by 2006, fell short by 26 tons a day, the judge said.

For three years, both agencies have argued in court and with the EPA -- which came up with the 26-ton shortfall number -- contending it is merely theoretical and should be revised. What matters are new controls coming along in the future which will help attain the standards, they say.

Randy Rentschler, spokesman for the Metropolitan Transportation Commission, said his agency intends to appeal the decision. Will Taylor, an air district spokesman, said his agency is reviewing it.

Environmental groups have asked for tougher regulations on refineries and improvements in public transit, including placing more pollution-control traps on diesel buses. Already, the Bay Area has the benefit of new controls on refinery flares and a 10-ton-a-day reduction in hydrocarbons expected from the enhanced smog check program, they say.

Will Rostov, an attorney for Communities for a Better Environment, one of the groups that brought the suit, said it makes "no sense to waste public resources in continued litigation. They could just clean up the air as the judge ordered."

The air-quality district is already holding meetings with the regulated businesses on possible new rules to control leaks from refinery equipment, ships, tanks, wastewater ponds and pressure-relief valves, said Julia May, an analyst for the Oakland-based environmental group.

"There's little doubt that the district and MTC have it well within their means to come up with a plan to meet 26 tons a day," May said.

The EPA came up with the shortfall number in 2001 when it rejected the Bay Area's plan. The agency reiterated its 26-ton shortfall number on July 16 when it approved the region's plan. But it left avenues for the agencies to recalculate the shortfall or to delay coming up with reductions to meet it.

The environmentalists had argued before Judge Robertson that the 26-ton reduction is mandatory, and the reductions should be laid out immediately. But Taylor, the air district spokesman, challenged the 26-ton number on Tuesday, saying it "is not germane to reaching attainment. We're engaged is a very diligent planning process, and we report our progress to the EPA."

The air district is conducting an ozone study to determine how hydrocarbons and nitrogen oxides are transported between the Bay Area and the Central Valley. The agency hopes to use the study, set for a September release, to show that it's

on the way to reaching attainment and doesn't have to deal with the 26-tons-a-day provision.
The Metropolitan Transportation Commission also hopes that the study's results will show that the need for immediate curbs is unnecessary. "Is it zero? Is it 26 tons? We'll see," said Rentschler.

SF judge gives Bay Area 60 days to clean air

The Associated Press
In the Bakersfield Californian
July 30, 2003

San Francisco (AP) - A San Francisco Superior Court judge is giving regional air quality agencies 60 days to come up with a plan to reduce pollution by five percent.
Judge James Robertson ruled the Metropolitan Transportation Commission and the Bay Area Air Quality Management District are violating the state Clean Air Act. He says they have failed to regulate enough sources of hydrocarbon pollution in their joint clean-air plan.
The region produces about 550 tons a day of hydrocarbons, which contribute to the formation of smog. The judge says the plan to reduce hydrocarbons to meet ground-level ozone standards by 2006 falls short by 26 tons a day.
Randy Rentschler is a spokesman for the Metropolitan Transportation Commission. He says the M-T-C plans to appeal the ruling. The air district says the ruling is being reviewed.

Growth under Measure A begins to take shape

Bob Brownne
Tracy Press
July 31, 2003

Approval this week of 88 growth allotments was just a routine part of the development process in Tracy.
It cleared the way for half of a 112-home subdivision, a 30-unit townhouse complex, a duplex and a six-plex on Holly Drive and a couple of houses within an older subdivision east of Lincoln Boulevard.
It also served as a preview of what development will look like under Measure A, the city's slow growth measure. From now on just about everybody applying for growth allotments will need to be in a "priority" project, which include those areas planned around infrastructure designed and built prior to the Plan C subdivisions.
Todd Aarvig, owner and president of Rimrock Inc. of Tracy, and builder of the 30-unit apartment complex, said he could tell that this would be the type of project city officials would endorse.
"That's why we got full cooperation from everyone involved," he said, noting that the project, a series of two-story townhomes between Mt. Oso and Mt. Diablo avenues just east of South School, appears set for final approval.

“You’ve got to be able to adapt to what the city wants and to what people want and morph it into a business. That’s the challenge.”

Senior planner Victoria Lombardo said smaller projects in the middle of town typically require little more than staff review. In the case of the Rimrock apartments, she said there could be a planning commission hearing on a proposed subdivision map for the 2.7-acre parcel.

Some of the other small projects up for review this week also require little more than planning staff review, mainly because they are in areas that are already zoned for this type of development, and large planning maps are either not required or already complete.

It will still be a couple of years before Tracy residents stop seeing houses sprouting up in new subdivisions on the southern and western sides of town. Builders already hold residential growth allotments for nearly 2,400 houses in “vested” projects, which are those developments that had planning maps approved prior to passage of Measure A.

But virtually all of the Plan C and South Mac Arthur developments that claimed vested rights have their growth allotments. Those add up to 6,675 homes in 15 subdivisions. When those projects all have their building permits, probably in late 2005, development of major new subdivisions will not start again for another six years.

That doesn’t mean housing development will come to a complete halt. Of the 88 dwelling units, including houses and apartments, approved this week none are considered vested projects, but all are considered infill or priority projects. Measure A allows an exception, 100 growth allotments per year, for this type of development. The measure also allows up to 150 growth allotments for affordable housing, defined by the state Department of Housing and Community Development as housing for people earning less than the median income.

When the city’s Growth Management Review Board meets again in January or February, it could still have 200 or more homes in vested projects to consider. The city also has 52 homes in the 112-home Eastgate subdivision, having awarded 60 of those growth allotments this week.

Eastgate, on the east side of Corral Hollow Road north of Valpico Road, is a priority project because it gains its sewer and water capacity from infrastructure built for the 1987 Residential Areas Specific Plan. Bright Development’s 63-home Southgate subdivision at the end of Schulte Road, just west of Corral Hollow, falls into the same category, but Bright still has to work out infrastructure issues with the city before its planning maps are complete.

The 102-house Tiburon Village project northwest of the intersection of Mac Arthur Drive and Valpico Road is going through the city planning process as an infill project, but issuance of growth allotments has been delayed as planning staff and the developer, Kimball Hills Homes, finish working on environmental documentation and traffic studies for the project.

While the Measure A average of 600 homes per year has been exceeded, the slowdown in building after 2005 will allow those averages to be attained after a few years, probably in 2011 or 2012.

Development and Engineering Services Director Bill Reeds said there is plenty of development that will probably be ready to begin at that time.

“When it goes back to 600 it will go back to bigger projects but a lot fewer of them,” Reeds said.

He added that those projects, such as the 5,500-home Tracy Hills, could still develop fairly quickly, especially if they are able to claim most of the growth allotments and building permits that will be available.

“There’s nothing in Measure A that prevents people from beginning to process development and Tracy Hills is working on it.”

Other projects on the long-term planning horizon include the 1,844-acre South Schulte planning area, which would include 5,700 homes. That area also remains outside city limits, and the planning process has stalled because of concerns about water supply and environmental reviews.

Smaller development proposals that have been on hold add up to nearly 2,000 homes. Some of those areas, which are mostly on the western side of town, have been annexed but await more detailed planning approvals. Some haven’t been annexed but have gone through preliminary reviews.