

Air pollution control district issues "Please Don't Light Tonight" notice

The Bakersfield Californian, Thursday January 16, 2003, 05:56:00 PM

Valley residents are being asked not to use their fireplaces and woodstoves tonight through Friday afternoon to protect air quality.

The "Please Don't Light Tonight" advisory was issued by the San Joaquin Valley Air Pollution Control District because high pressure conditions will trap wood smoke near the ground, increasing the risk of aggravation for people with breathing difficulties. The advisory runs until 3 p.m. Friday.

The voluntary "don't light" advisories are expected to become mandatory next year. For more information, call 1-800-SMOG-INFO or visit www.valleyair.org.

Court orders review of Mexican trucks on U.S. highways

By COLLEEN VALLES, Associated Press Writer, Thursday January 16, 2003, 03:15:06 PM

SAN FRANCISCO(AP) - The government must complete an environmental review before opening U.S. highways to trucks from Mexico, a federal appeals court ruled Thursday.

The 9th U.S. Circuit Court of Appeals' ruling follows a request by a coalition of environmental, labor and trucking industry groups for an emergency stay of President Bush's decision to open the highways to Mexican trucks beyond the 20-mile commercial border zones where Mexican rigs transfer their cargo to U.S. trucks. Those trucks then carry those loads to points within the United States.

The president in November ordered that the highways be opened to Mexican trucks to bring the United States into compliance with the North American Free Trade Agreement.

"Although we agree with the importance of the United States' compliance with its treaty obligations with its southern neighbor, Mexico, such compliance cannot come at the cost of violating United States law," wrote Judge Kim McLane Wardlaw for the unanimous three-judge panel.

The coalition, which had sued the government in April to stop the trucks from operating in the United States, said the Department of Transportation did not adequately review the impact the trucks would have on air quality north of the border.

"The administration remains committed to implementing NAFTA, and the administration believes it has complied with all applicable environmental requirements," said Leonardo Alcivar, transportation department spokesman.

Jonathan Weissglass, attorney for the International Brotherhood of Teamsters, part of the coalition, said Mexican trucks are, on average, older than American trucks and therefore typically more polluting.

Also, he said, while U.S. and Mexican air standards for diesel trucks are currently the same, the U.S. regulations are scheduled to become more stringent in 2004 and 2007, while Mexico's are not.

"This is great," he said. "It really is a resounding victory for the environment."

Charles Miller, a U.S. Justice Department spokesman, said the government was reviewing the decision.

"We have made no determination as to what our next step will be," he said.

No trucks have crossed beyond the commercial border zone so far, but the department has received almost 170 applications for that, said Department of Transportation spokesman Dave Longo. The trucks have not been allowed beyond that zone because the government has not yet completed safety audits.

A 1982 moratorium banned Mexican trucks from the United States.

The court earlier had ordered the government to give notice when it takes steps to give trucks full access to the highways.

"We hold that the Department of Transportation acted arbitrarily and capriciously in failing to prepare a full Environmental Impact Statement under the National Environmental Protection Act, as well as the conformity determination under the Clean Air Act," Wardlaw wrote.

Air stifles activities

Fresno Unified puts sports, recess on hold until Tuesday because of smoke.

By Mark Grossi and Bryant-Jon Anteola, The Fresno Bee, January 17, 2003

Fresno children will stop indoor and outdoor school activities until Tuesday because of the smoke still wafting from a 6-day-old woodpile fire that now has the attention of federal and state authorities.

After a wind shift caused pollution readings to triple Thursday at one elementary school, the Fresno Unified School District announced the brief moratorium on sports, recess and all other physical activities.

Meanwhile, the U.S. Environmental Protection Agency and the California Integrated Waste Management Board joined the effort to quell the fire, which began Saturday in a 25-foot-tall woodpile at Archie Crippen Excavation in southwest Fresno.

Large earth-moving equipment is scheduled to arrive today, and work will begin Saturday to pull apart the wood pile and douse the fire. The pile is the size of a football field filled two stories high, and the fire is burning deep within it.

Authorities estimate the fire suppression will take 10 to 15 days.

The state has committed \$300,000 for the work. The price tag will probably spiral higher, but officials do not yet have further estimates. The federal government will pay whatever additional costs are necessary, said EPA spokesman Mark Merchant.

"We're going to put in any amount of money needed to stop the fire," said EPA spokesman Mark Merchant. "This is a unified effort with the state and the city."

Officials have said they will not decide until after the job is over whether property owner Archie Crippen will be required to repay the government. Crippen already faces possible fines of \$50,000 or more per day from the San Joaquin Valley Air Pollution Control District.

Federal officials Thursday placed eight air monitors around the Crippen property, took readings for several hours and sent smoke particles captured in the monitors to a Fresno laboratory for evaluation.

"The majority of the pile is wood," Merchant said. "If you stand anywhere near it, it smells like a really dirty campfire. But we need to know more about it."

Monitors for the Valley air district picked up a midday spike at Fremont Elementary School in central Fresno after a light wind shifted. The levels jumped far beyond the federal health standard for small particles, which evade body defenses and trigger asthma and other lung problems.

"But we haven't seen elevated levels at the monitor at First and Shields," said Evan Shipp, supervising meteorologist with the district. "That shows you the hit-and-miss nature of this plume."

The fire and the current stagnant weather conditions have prompted the district to continue asking homeowners not to light fires in their fireplaces. The district also is warning residents to use caution in outdoor activities.

Fresno Unified, the state's fourth-largest school district, decided students should remain inside and not engage in physical activities.

Reacting to an air quality health advisory, Fresno Unified School District canceled all athletic events scheduled in the Fresno and Clovis area until Tuesday.

Fresno Unified was the only district to cancel all indoor and outdoor events, calling off six high school varsity basketball games -- two were scheduled Thursday.

Concerns about air quality increased this week because of the fire in southwest Fresno.

"This wasn't a judgment call," Fresno Unified athletic director John Mauer said. "All the experts said this is a wise decision. We don't want to take any chances with our children's health.

"I'm on the third floor of a downtown building, and I'm already feeling it. I'd hate to find out the effects an athlete would have trying to perform in these conditions."

All Clovis Unified events are expected to be played except those against Fresno Unified teams.

"From my understanding," Clovis Unified spokeswoman Kelly Avants said, "Fresno Unified is experiencing significant instances that we, fortunately, haven't had to deal with yet."

Washington and Central Unified school districts, and Memorial High, also did not cancel any activities but are taking precautions with outdoor activities.

The medical community continued to see an increase in lung-related visits to clinics, emergency rooms and doctors' offices. Dr. Malik Baz, a Fresno allergist, said mid-January is normally a slow time.

"But it has been picking up all week," Baz said. "It's very busy. Today is the busiest day we've had."

The hardest-hit groups are children and senior citizens, he said. And asthma is the prevalent problem. Baz said he prescribes medication and advises patients to stay indoors.

He said he even took his own advice Thursday: "I had my lunch inside at the office. I never left the building today."

The reporters can be reached at bjanteola@fresnobee.com or 441-6330.

Brakes slammed on hybrid program

Cash incentive for buying an economical car ends because of budget woes.

By Jerry Bier, The Fresno Bee, January 17, 2003

State budget constraints are blamed for the end of a Valley air pollution control program that offered cash incentives up to \$3,000 to buyers of hybrid vehicles.

The San Joaquin Valley Air Pollution Control District announced Thursday that it is no longer accepting applications for the clean-air vehicle program that was launched nearly two years ago and has granted approximately \$750,000 to buyers.

The announcement was sad news for Rose Rowe, a retired teacher who purchased a Toyota Prius last April and received a \$2,000 check from the air district.

The Prius is among three gas/electric hybrids available in the United States. The others are the Honda Civic Hybrid and the Honda Insight. The cars cost about \$20,000 and average 44 to 60 mpg.

"I'm disappointed," Rowe said, "especially for the ones on a tight budget, \$2,000 is really helpful."

Rowe said she heard of the program through Bingham Toyota when she went car shopping last April and asked whether there were any incentives.

"I'm quite sure a lot of people didn't know about it," she said. "A friend got a Prius about six months before from the same dealer, and they did not tell her about it."

David L. Crow, executive director of the air district, said the program was among the first to give private citizens incentives to try hybrids.

"Because of this funding, the Valley will see 21 fewer tons of smog-causing emissions over the lifetimes of these vehicles," Crow said.

Since the program began in February 2001, the district helped defray the cost of 374 vehicles throughout the Valley, including 344 hybrid, eight electric and 22 compressed natural gas-fueled vehicles. The program also funded 44 electric police bicycles.

Hybrid vehicles powered by both gas engines and electric motors, such as the Insight and Prius, were eligible for program incentives, as were vehicles fueled by compressed natural gas, liquefied petroleum, methanol, ethanol or electricity.

Crow called the two-year effort a success.

"Valley residents are much more comfortable with these technologies now," he said. "The program helped consumers see that hybrid vehicles are a legitimate option. These cars are practical, affordable, user-friendly and cleaner than the gas-powered alternatives."

Despite the end of the program for hybrids and light- and medium-duty trucks, Crow said, the district will continue to offer financial incentives to heavy-duty engine owners who switch to cleaner technologies. These incentives help fund cleaner-burning retrofits of heavy-duty on-road vehicles, off-road vehicles, locomotives, marine vessels, electric forklifts and stationary agricultural pumps.

Although the air district's incentive money is gone, the federal government still offers one to hybrid vehicle buyers. The IRS has approved the Prius, Civic Hybrid and the Insight for a special \$2,000 tax deduction. The deduction can be applied against the car owner's income for the year in which the car was purchased -- even if that was as long as three years ago.

Linda Gist, general manager of Bingham Toyota, said she also was disappointed to see the air district's program end.

"Of all the places in the world, Fresno needs the money," said Gist, who has emphysema that is sometimes complicated by the Valley's dirty air.

The hybrid cars burn 90% cleaner, Gist said, and have been offered by manufacturers at a sales loss. Even so, they still generally cost more than their gasoline counterparts.

"We didn't know about it from the start," Gist said of the air district's program, "but once we found out, the district was very helpful."

She said she hopes incentive funding can again be made available for hybrid buyers. But even without it, she said, prospective purchasers should consider hybrids, which in addition to their environmental qualities can go about 565 miles on a tank of gas.

Environmental concerns hold up Highway 59 project

By Kim Yancey, LOS BANOS ENTERPRISE (also in the Merced Sun-Star), Friday, January 17, 2003

LOS BANOS - By the time environmental work to build the Atwater-Merced Highway is finished 10 years from now, the opportunity to build the road may be gone.

The Merced County Association of Governments governing board on Thursday directed staff to convene a meeting among senior managers of the jurisdictions through which the proposed highway is planned to devise a strategy to preserve rights-of-way for the road.

Formerly known as the Castle Highway, the project would realign part of Highway 59 near Merced to create an interchange on Highway 99 and a highway that stretches north from Highway 99 across Santa Fe Drive. It would eventually reconnect with the existing Highway 59 at a point near Bellevue Road. Three alignments are currently under consideration.

Through the 2000 Regional Transportation Improvement Program, MCAG directors approved \$3.643 million for the environmental and route selection phases of the project through Caltrans.

In a report to the board, MCAG Executive Director Jesse Brown stated Caltrans' project development team recently advised that the environmental phase alone will take up to eight years to complete, meaning that right-of-way acquisition couldn't start until 2012.

In light of the development pressure and urbanization trends in the area, without some means of preserving rights-of-way the cost of the project 10 years from now could be prohibitive.

"This definitely needs to move forward," said MCAG Board Chairman Ed Abercrombie. "The city of Merced will be absolute gridlock in 10 years if we don't do something."

While none on the board disagreed that traffic problems in the Merced and Atwater area were only going to worsen in coming years, board member Jerry O'Banion took exception to MCAG's involvement in the matter of determining land use.

"This is an issue for local jurisdictions," he said. "If you're looking to preserve rights-of-way, they (local jurisdiction) need to do it. I won't support this or anything that takes away property rights of landowners along those routes."

Abercrombie said effective highway systems are a matter of public safety and within MCAG's domain.

"If we had taken action like this on the Los Banos bypass issue and said, 'OK, this is the route' we'd have that project done by now," he said.

Brown said MCAG is the lead agency in the Atwater-Merced Highway project and the problem is to determine if there are steps that can be taken to protect rights-of-ways.

O'Banion said he had no objection to MCAG sending letters to the cities of Merced and Atwater and Merced County asking the three agencies to pick a single route for the project.

"My point is we're talking about land use issues," he said. "I don't have any problem with the cities and county getting together on a specific route, but I'm not willing to tie up land on three routes."

"I keep thinking about Modesto and how sorry it is to try and get around there," Abercrombie said. "Merced's going to be a big city in 20 years and we've got to start to figure this project out."

The board approved Brown's request to convene a meeting on a 6-4 vote. Members O'Banion, Gloria Cortez-Keene, Kathleen Crookham and Jerry Westlake voted no.

Making service priority

The Bakersfield Californian, Thursday January 16, 2003, 06:55:04 PM

This evening, John Mackessy will be sworn in as president of the Bakersfield Association of Realtors during a dinner event at Seven Oaks Country Club.

Mackessy, who is president and broker of Coldwell Banker Preferred Realtors, will replace Darrell Sparks of KW Associates, Realtors as leader of the 1,000-member organization.

Californian staff writer Gretchen Wenner recently sat down with Mackessy, 57, to discuss his career, goals for the association and projections for the local market this year.

Q: What is your background in real estate?

A: I've been in the real estate business half of my life. I was very lucky to be associated with Dean Gay in my formative years. He gave me my first job in the real estate business, with Watson Realty. It started out right, and it's been a great time ever since.

Q: What keeps you interested in the industry?

A: From a real-world standpoint, our business is constantly changing. From an agent's perspective, no two deals are alike, so no two clients are alike and no two problems are alike. From a manager's perspective or a broker's perspective, we deal with all of the things that are constantly changing.

For example, in October a new deposit receipt was introduced to our industry.

Q: The new purchase agreement?

A: Yes.

It's a positive thing in that it helps us protect ourselves and our clients, but at the same time raises new issues regarding how you handle particular details. What I find intriguing about real estate is that constant change. If it was the same day after day after day, I'd probably be doing something else.

Q: Have you seen a lot of new agents join the ranks as the industry has been booming?

A: The Bakersfield Association of Realtors has grown considerably. I think we've added more than 200 members in the last couple of years.

Q: How does that play out in the market? Can there be too many agents?

A: There seems to be enough business to go around. I encourage people, particularly people coming out of college with marketing or business backgrounds, to consider the real estate business as a career.

Q: How do you see your role as president this year? What changes, if any, do you have planned for the association?

A: I think that, first of all, my theme for this year is: a commitment of service. The idea being that we tend to underestimate the value of ourselves as Realtors for what we do, for how we help the public achieve the American Dream of home ownership. My goal this year is to raise our level of consciousness as to the role that we play in the economy as well as people's lives, in people's ability to have wonderful lives. I'll also be shifting the focus of a few of our committees to thinking of ways we can recruit people into our business.

Q: What does the association do for Bakersfield homeowners or buyers who may not be familiar with it?

A: There's a structure, a national structure, headed up by the National Association of Realtors. They set up broad guidelines as to how we do our business. Then, the California Association of Realtors is the next step toward us. They take and refine different issues as they relate to California. The Bakersfield association implements the things that filter down from both N.A.R. and C.A.R.

There are a number of qualities about the Bakersfield association that I find significant. One is that the association polices our industry, in a sense, by always looking out to make sure our membership is abiding by the code of ethics. Second, the B.A.R. is involved in local politics as it relates to the real estate business. The organization also provides tools for our agents to do business.

Q: Is the association's main focus on residential homes?

A: No. We have members who handle all kinds of different properties, including rentals and leasing commercial properties.

Q: The state association's chief economist was recently in town and she advised Realtors who are new to the business to save money, saying things won't always be as good as they are now. Do you have a similar sentiment in mind as leader of your organization?

A: I try to dwell on the positive. I think that all of us who have been around as long as I have recognize that things can turn around and go the other way; our business could shrink and generally slow down.

But I think we can control our destiny to a certain degree.

Q: What would your advice to some of the younger Realtors be? What would you tell a newcomer who's coming into the industry during its best year ever, knowing business is going to slow down somewhat eventually?

A: That goes back to my theme of a commitment of service. The secret to long-term success in the real estate business is taking care of your clients in a way that causes them to come back to you and to refer others to you. The highly successful agent does just as well when times are tough as when things are rosy.

Q: What do you see happening to the local market in 2003?

A: I see more of the same. As long as demand continues to overwhelm supply, you're going to have multiple offers and appreciating prices. I haven't yet seen year-end numbers on new home construction or new home sales, but I think that this year they will hit or exceed the 2,000-unit mark, which is a real benchmark.

Q: Many local Realtors say that the Bakersfield market is fueled, in large part, by out-of-town buyers. What are your thoughts on that?

A: I think that's true. That has affected inventory, because out-of-town buyers are obviously not bringing with them something to sell when they come to Bakersfield. On the other hand, I don't think it's hurt our business at all that these new people have come to town. It's helped our community. It's good for our community.

Q: In what way?

A: Any time new people come to Bakersfield with new perspectives, new demands and new desires, that just makes us more cosmopolitan.

Q: What is your opinion as to how Bakersfield should grow as a city?

A: My view of the growth in this community is somewhat tainted by my profession, but I believe in free enterprise and I think as long as we can meet some broad criteria in terms of air quality and transportation issues, Bakersfield should be allowed to continue on the path of growth we've seen over the last 10 or 15 years.

It's inevitable that Bakersfield will grow simply because of its location and its ability to grow into the wide open spaces that we have.

It's up to us as a community to handle our own issues. So far, I think we've done a good job and I believe that will continue.

Q: What do you see interest rates doing?

A: I think they're going to remain where they are, maybe trend upward a little in the next few years. As long as we don't have any rampant inflation, that trend will continue. But I don't think a slight increase, even an increase of 1.5 to 2 percentage points in existing rates, will have much of an impact on the housing market in Bakersfield. In other words, now is the perfect time to buy a home.

Santa Cruz officials to get demo of Segway

The Associated Press, January 17, 2003

Santa Cruz(AP) - - Santa Cruz officials will get a personal demonstration of the controversial Segway transportation device.

The company is bringing the hot little two-wheelers to town January 28th.

Police, transportation leaders and pedestrian and senior groups will be in the audience.

The visit comes as the city ponders regulating Segways.

The devices are priced at 49-hundred-and-50 dollars. They begin shipping March first.

Segways weigh less than 100 pounds, look like push mowers and can travel at around twelve miles an hour for 15 miles.

Pedestrian and senior citizen groups had been pressing the City Council to ban the devices on sidewalks - as has already been done in San Francisco.

[Letters to the Editor, Fresno Bee, January 17, 2003](#)

Finish the trail

By Al Perry

Veterans Administration Cycling Club, Fresno

We wholeheartedly support your recent editorial urging quick resolution of the ongoing dispute over the last uncompleted section of the Sugarpine Trail bike path.

This magnificent bike path, with its wide, safe asphalt track, thousands of newly planted trees, well-designed rest stops and major highway underpasses is a testament to what can happen in Fresno when private citizens, civic groups, businesses and land owners get together for the community good. Most important, it provides safety for hundreds of walkers, runners, cyclists -- young and old -- for 16 of its 17-mile length from Old Town Clovis to River Park.

To land owner Pat Ricchiuti we say: Please settle now. We hope he will drop his lawyer's claim that he is only protecting trail users from the orchard pesticides. If he is truly interested in rider safety, he will not force cyclists off the trail at his property line. This detour puts us onto heavily traveled Willow and Shepherd avenues, sometimes less than two feet from overtaking casino buses, trucks and local high school students speeding in their parents' SUVs -- real danger.

To the Fresno City Council we say: Be bold. Use the power of eminent domain if necessary before a lone rider or family of cyclists is killed.

To both parties we say: "Get together and make it happen now for everyone's safety."