



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
April 2, 2014**

TO: Mayor Schroder and City Council Members

FROM: Anna Gwyn Simpson, Interim City Manager
Veronica A. F. Nebb, City Attorney's Office

SUBJECT: City's Position Relating to the PG&E Pipeline Pathways Project

DATE: April 2, 2014

RECOMMENDATION:

Adopt resolution of the City Council of the City of Martinez regarding the City's position relating to the PG&E Pipeline Pathways project.

BACKGROUND:

As Council is aware, Pacific Gas and Electric Company (PG&E), has recently begun implementation of a project which they have named the Pipeline Pathways project. PG&E began the project by surveying the 6,750 – mile natural gas transmission system operated by PG&E in California. As part of this project, PG&E proposes to clear pathways above these pipelines and is proposing to remove vegetation (trees and brush) to provide 10-14 feet of clearance on either side of their main distribution lines on both public rights of way and private property throughout Contra Costa County. A copy of the information provided by PG&E regarding the proposed locations of the work they are intending to undertake is attached hereto as **Attachment 2**.

Staff had an initial meeting with PG&E staff earlier this month in an effort to understand the proposal specific to Martinez. Based on the initial information provided by PG&E, staff has been informed that PG&E is proposing to remove 265 trees and 241 brush units within the City. Staff has requested additional information from PG&E and has contacted them to request an additional meeting regarding their plans for tree removal in the public right of way and the City's concerns and understanding of its rights. Additionally, we understand that PG&E has sent initial letters to owners of property upon which PG&E has an easement and intends to remove vegetation.

The City has serious concerns about PG&E's authority to unilaterally implement this project. Staff and the Mayor met last week with City leaders from other jurisdictions to discuss our collective concerns and possible approaches to address these concerns. Staff mailed an informational letter on March 27, 2014, to the addresses near the areas slated for work as identified by PG&E in an effort to assist those property owners in understanding their rights and responsibilities as they relate to this project and more specifically the removal of trees and shrubs on their properties. A copy of the letter is attached hereto as **Attachment 3**.

DISCUSSION:

Based on the meeting conducted among the affected jurisdictions, staff has been participating with the other jurisdictions in a coordinated approach to this issue. As you are aware, the Mayor signed a joint letter to PG&E Chairman, Anthony Early, requesting a meeting to discuss the concerns of the local jurisdictions with the proposed project. A copy of the letter is attached hereto as **Attachment 4**. In addition, staff has sent a letter to PG&E staff responsible for the implementation of the project, expressing the City's concerns and expectations regarding any tree removal in the City. A copy of staff's letter is attached hereto as **Attachment 5**.

It is important that the public become aware of this project and that the City Council clearly state its position regarding the manner in which PG&E is proposing to undertake this project. While the City fully supports efforts to ensure pipeline safety, it is not at this point in the proposed project, clear how the contemplated vegetation removal achieves that goal and whether it is necessary or the only manner in which to address PG&E's desired goals.

In addition to the actions taken to date, staff and the City Attorney's office will be preparing additional correspondence to PG&E to detail the City's position regarding the project. We are also requesting that the City Council adopt the resolution attached hereto as **Attachment 1** in an effort to take an official Council position on the project.

This is an urgent matter since PG&E has provided a timeline that anticipates beginning vegetation removal on May 26, 2014.

FISCAL IMPACT:

No fiscal impact.

ACTION:

Adopt resolution regarding the City's position relating to the PG&E Pipeline Pathways Project.

Attachment:

- 1) Resolution
- 2) PG&E Project
- 3) March 27, informational letter
- 4) Joint Letter to PG&E Chairman
- 5) Staff's letter to PG&E

APPROVED BY:


Interim City Manager

RESOLUTION NO. -14

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARTINEZ
REGARDING THE CITY'S POSITION RELATING TO THE
PG&E PIPELINE PATHWAYS PROJECT**

WHEREAS, the City of Martinez ("City") was incorporated in 1876 to own and manage the public rights-of-way, parks and other public property among its other rights and responsibilities pursuant to the California Constitution and State Laws, which it has continued to do so in the intervening 139 years; and

WHEREAS, in managing the public rights of way and public property, the City must balance many interests including: vehicular, bicycle and pedestrian traffic; water, sewer, storm water, gas, electric and telecommunications utilities both above ground and underground; pipelines carrying fuel, telecommunication fiber or other materials; aesthetics and visual experience of the community whether in a downtown setting or rural setting; environmental concerns including the habitat for flora and fauna; interests of neighboring property owners; and the residents in the community; and

WHEREAS, trees in our community not only provide life-sustaining oxygen, but also shade, privacy and beauty; and

WHEREAS, the City has been designated a Tree City USA and has continually planted, maintained and preserved City trees recognizing the value of trees in our community; and

WHEREAS, City trees are valuable public property and the presence of landscaping, and particularly mature trees, increases the value of other property, whether public or private, and is often critical in economic development efforts in our communities; and

WHEREAS, the City has adopted a Tree Preservation Ordinance to provide for protection of trees by controlling tree removal, recognizing in particular that mature trees and native species trees have a profound aesthetic beauty and are a key component of the ecosystem in Northern California; and

WHEREAS, the City supports Pacific Gas & Electric's ("PG&E") interest in ensuring that improvements over or near gas lines not affect the safe operation of gas pipelines and understands PG&E's interest in efficiently accessing its gas pipelines; and

WHEREAS, nonetheless, PG&E's sudden program, known as the "Pipeline Pathways Project", which proposes to remove trees in our community, especially street trees and trees in public parks, without prior discussions with municipal representatives, without following City or State environmental (CEQA) procedures, or without considering alternatives or mitigation measures is disturbing; and

WHEREAS, PG&E does not have the legal authority to unilaterally clear trees and vegetation as the utility's rights in the streets are subservient to the public's rights as reflected in the Franchise Act of 1937 and reinforced by the California Supreme Court in the case of *Southern California Gas Co. v. Los Angeles* (1958) 50 Cal. 2d 713; and

WHEREAS, in response to PG&E's Pipeline Pathways Project program to remove thousands of trees in Contra Costa County and 265 trees in the City, the City is compelled to demand that PG&E cease its tree removal activities until these issues can be addressed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Martinez that Pacific Gas & Electric ("PG&E") refrain from all tree removal activities until:

1. PG&E provides the requested information to City including the exact location of the trees and improvements under consideration for removal, identification of the trees by size and species and the scientific basis for removing them to protect the gas pipeline;
2. Discussions are held with all stakeholders to discuss appropriate alternatives and mitigation measures to achieve the goals of all stakeholders; and
3. PG&E complies with all federal, state and local laws, including the California Environmental Quality Act (CEQA) and the City's permitting process.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez, at Regular Meeting of said Council held on the 2nd day of April, 2014, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

Martinez

Project Overview

- **265 Trees**
- **241 Brush Units**



RW_V_4619_14

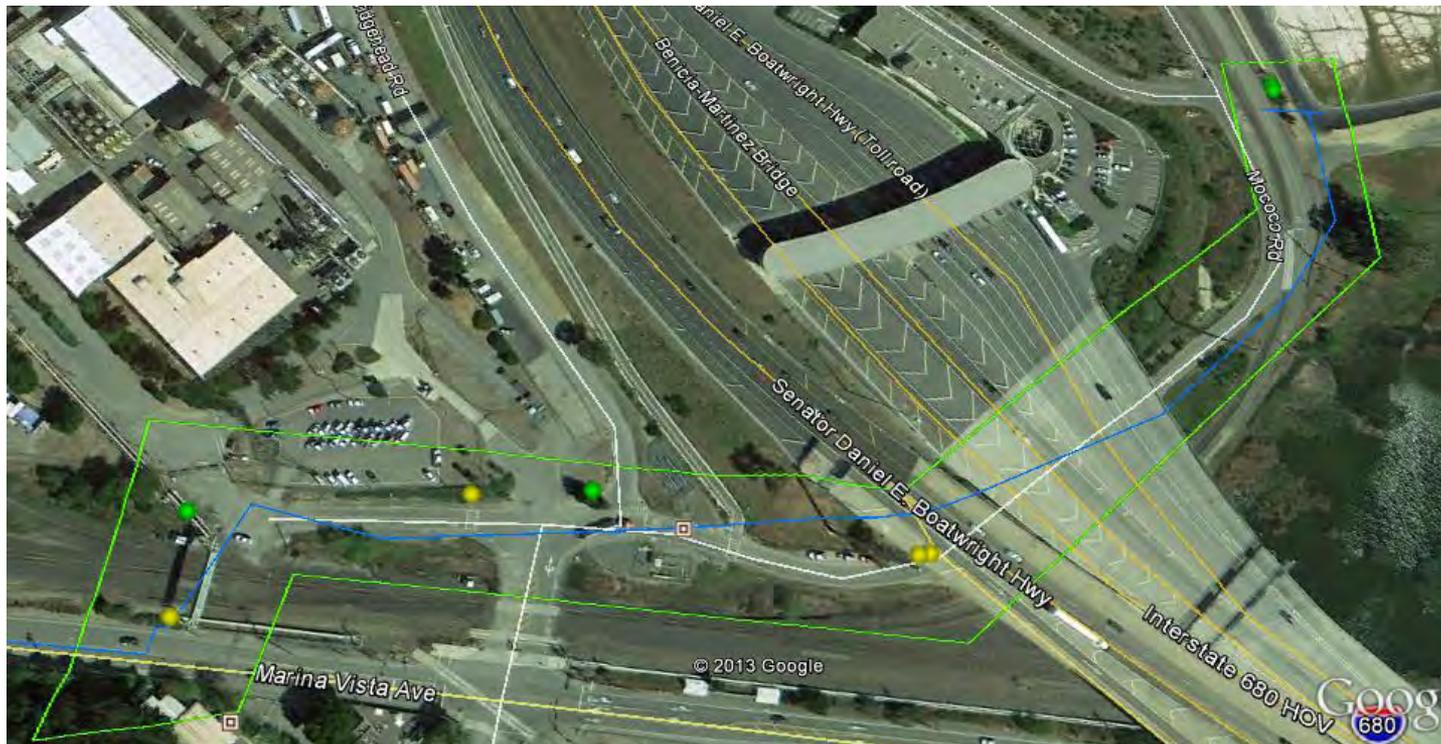
Project Location: Mococo Road on either side of 680.

Area Description: Trees and brush buffering industrial area and 680.

Scope of Work: Removal of trees and brush unit. Traffic control needed.

Equipment Needed:

Removals: 4 trees, 4 units of brush.





RW_V_4626_14

Project Location: Shell Ave. south of Mococo Rd.

Area Description: Trees buffering property and road.

Scope of Work: Removal of trees. Traffic control needed.

Equipment Needed:

Removals: 2 trees.





RW_V_4597_14

Project Location: Just south of RW_V_4619_14 on Shell Ave.

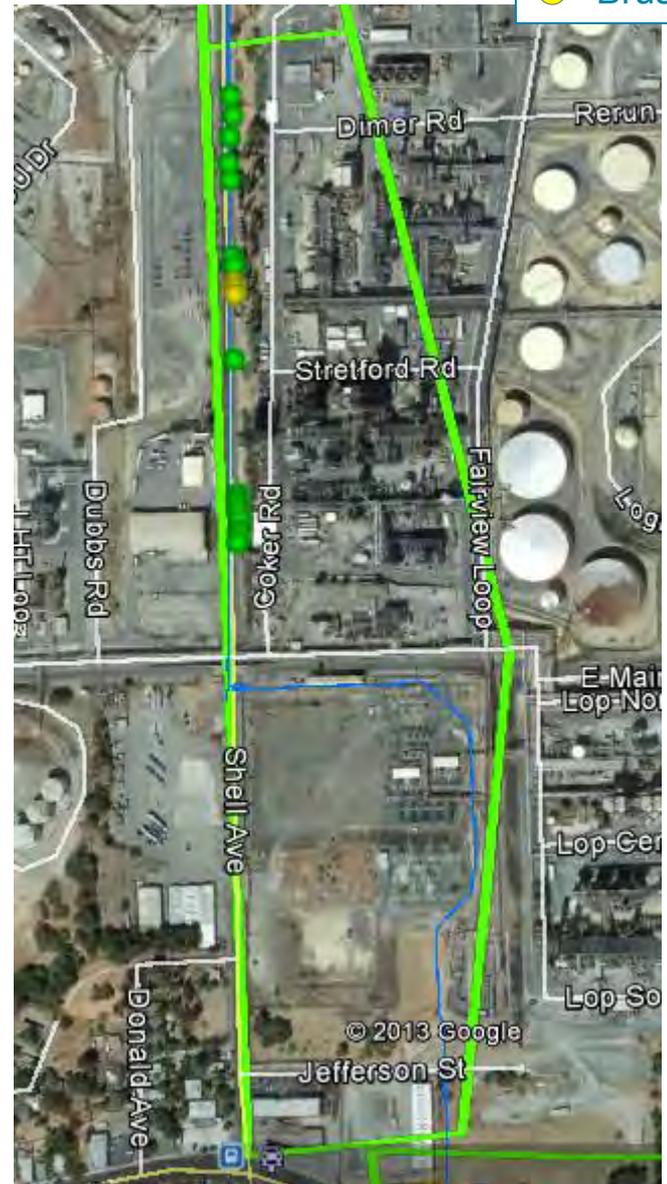
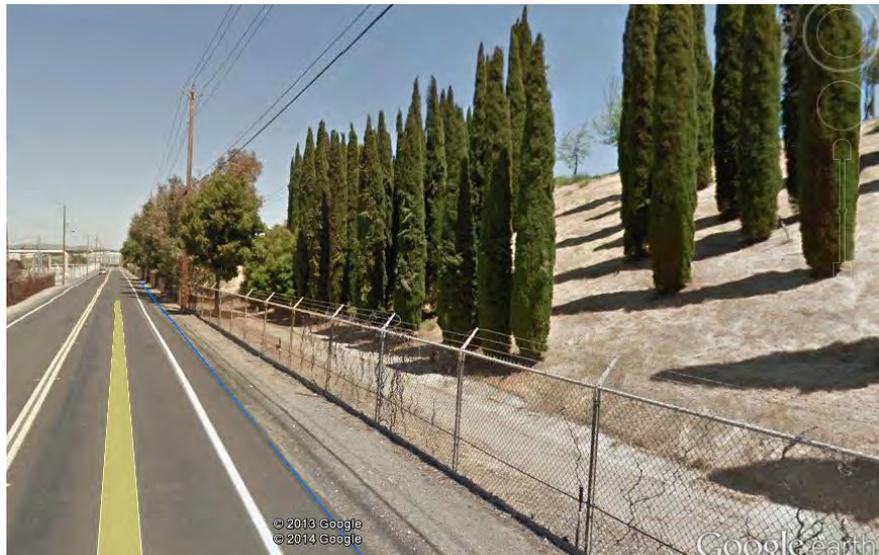
Area Description: Trees and brush units to be removed buffering industrial complex and road.

Scope of Work: Removal of trees and brush units. Traffic control needed.

Equipment Needed:

Removals: 16 trees, 3 units of brush.

- Tree
- Trim
- Brush





- Tree
- Trim
- Brush

RW_V_4599_14

Project Location: Pacheco Blvd. between Peach St. and Howe St.

Area Description: Trees and brush buffering Pacheco Blvd. and industrial area.

Scope of Work: Removal of trees and brush.

Equipment Needed:

Removals: 9 trees, 5 units of brush.





RW_V_4598_14

Project Location: Pacheco Blvd. between Howe St. and Refinery Rd.

Area Description: Trees and brush for removal and trimming on property landscaping.

Scope of Work: Removal of trees and brush. Traffic control needed.

Equipment Needed:

Removals: 37 trees, 72 units of brush.



RW_V_4622_14

Project Location: Shell Ave., just east of Harbor View Dr.

Area Description: Trees and brush for removal buffering road.

Scope of Work: Removal of trees and brush, traffic control needed.

Equipment Needed:

Removals: 1 tree, 4 units of brush.





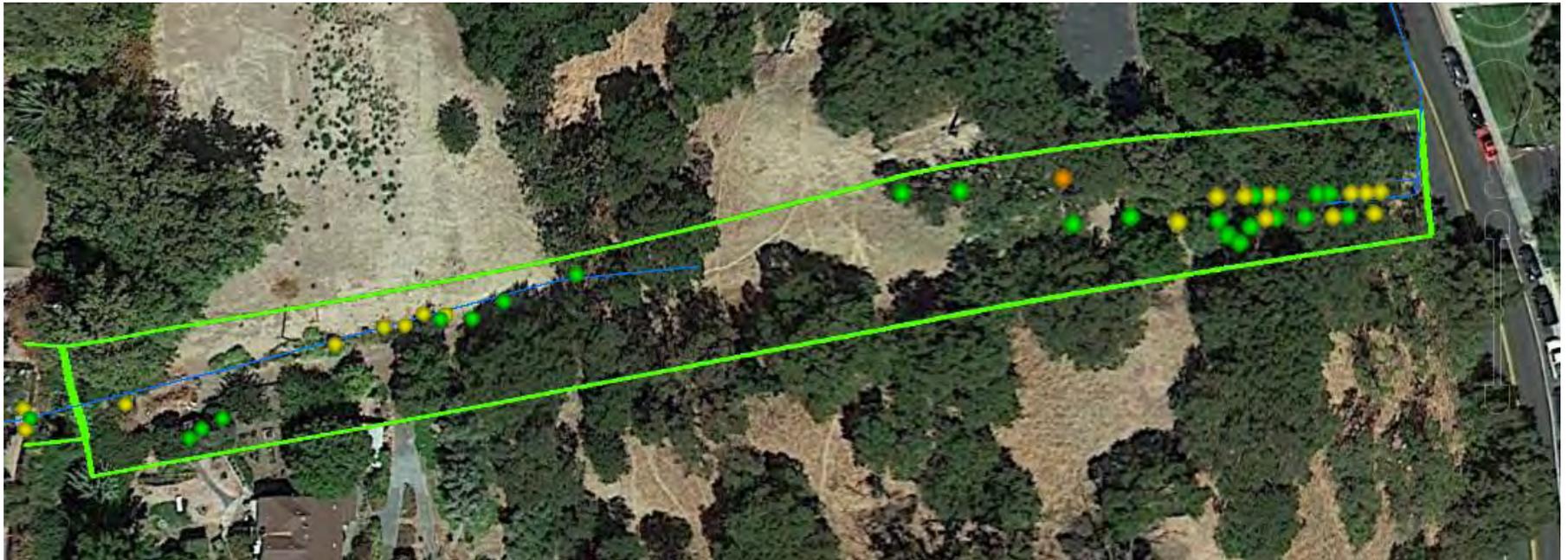
RW_V_4608_14

Project Location: Between Shell Ave. and Sabral Circ.

Scope of Work: Removal of trees and brush, along with tree trimming.

Equipment Needed:

Removals: 22 trees, 3 tree trims, 16 units of brush, 1 tree trim.





RW_V_4596_14

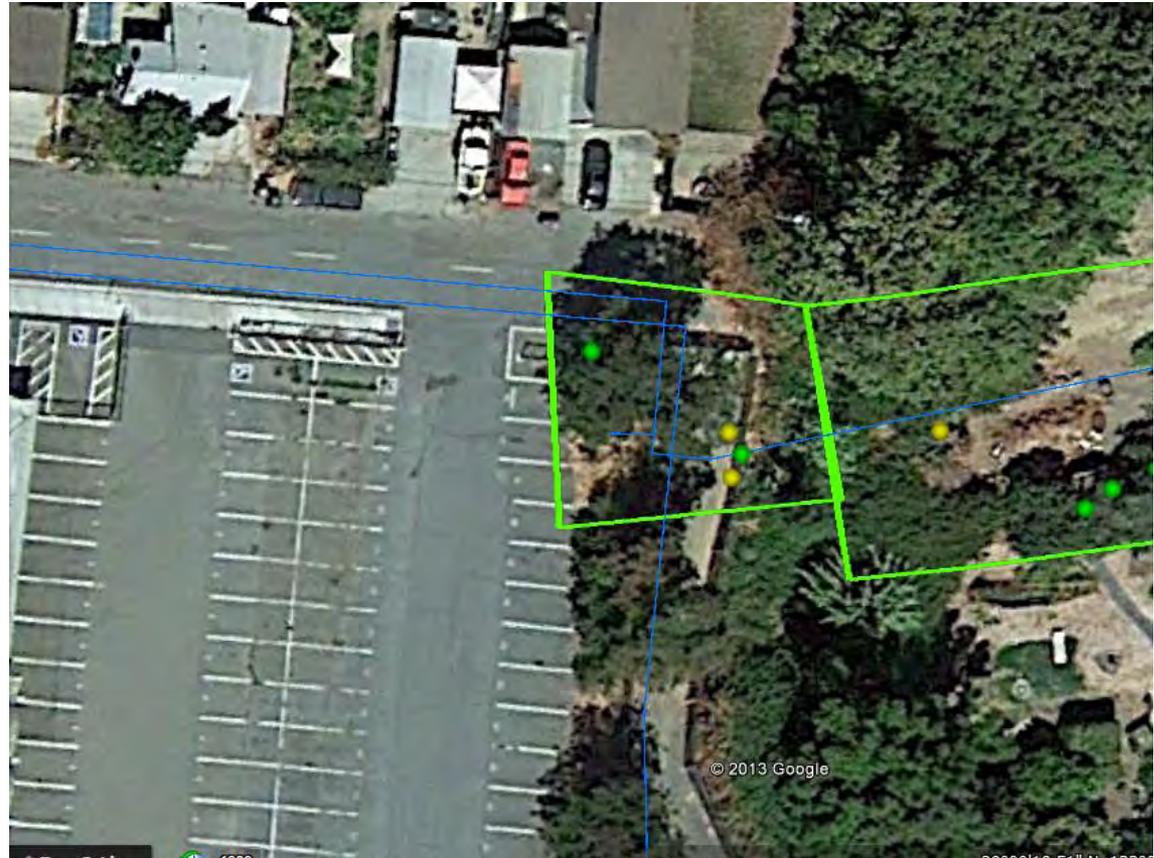
Project Location: Adjacent to RW_V_4608_14, by creek behind valve station.

Area Description: Trees and brush units for removal.

Scope of Work: Tree and brush removal.

Equipment Needed:

Removals: 2 trees, 2 brush units.



RW_V_4616_14

Project Location: C St. just west of Alhambra Ave. and Alhambra Middle School.

Area Description: Trees for removal on sidewalk landscape.

Scope of Work: Tree removal.
Traffic control needed.

Equipment Needed:

Removals: 5 trees.



RW_V_4606_14

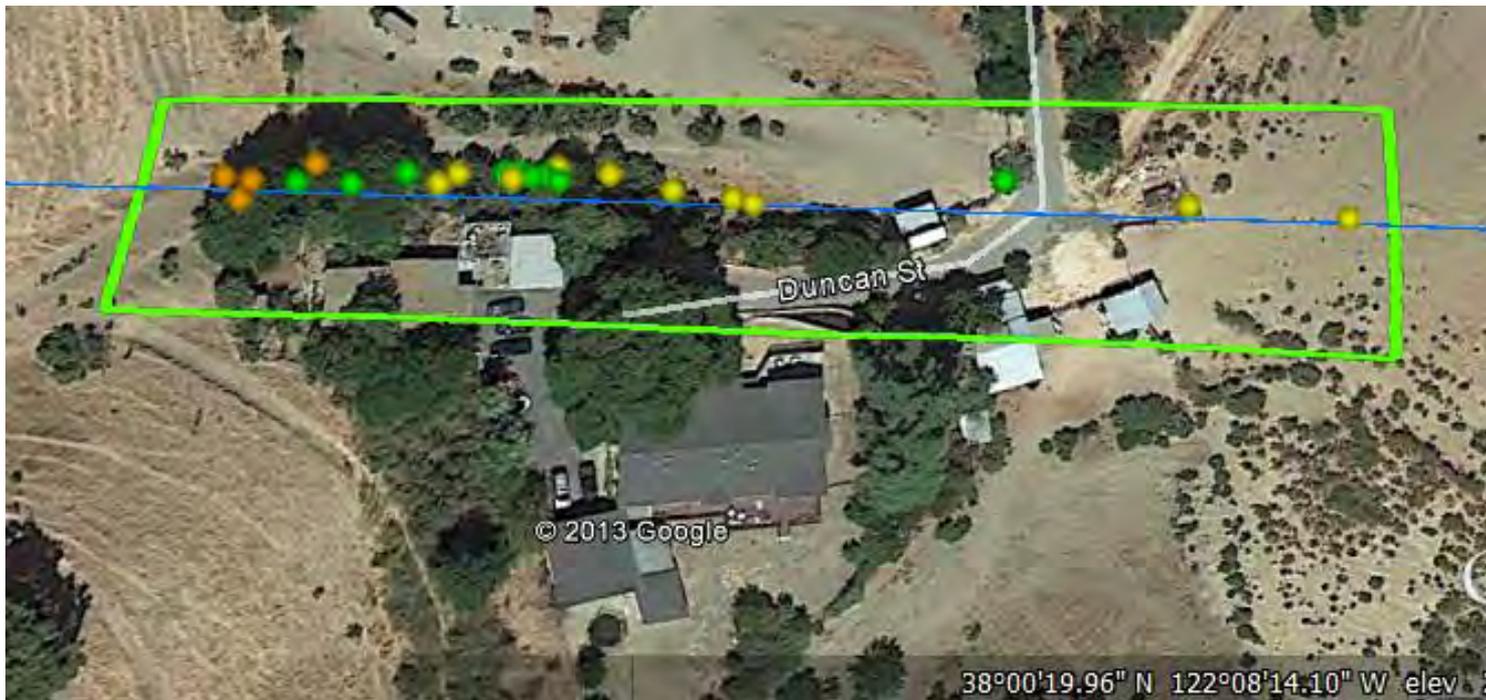
Project Location: Private property at the end of Duncan St.

Area Description: Trees and brush units for trimming and removal.

Scope of Work: Tree and brush removal and trimming.

Equipment Needed:

Removals: 9 trees, 10 brush units, 4 tree trims.





RW_V_4603_14

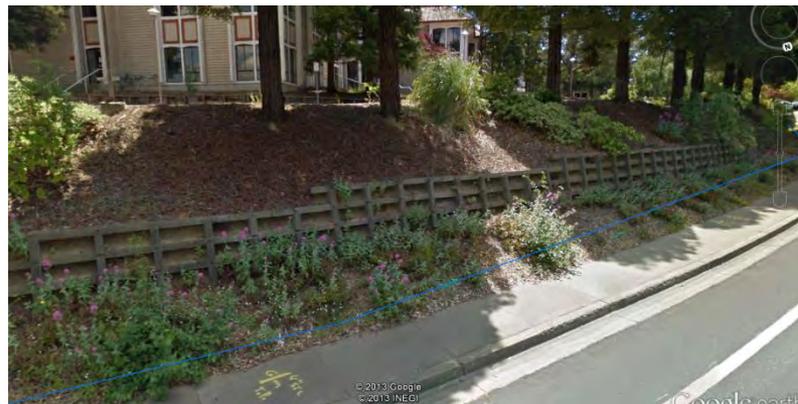
Project Location: UC Davis Health System on Muir Road.

Area Description: Trees and brush units for removal and trimming buffering property and road.

Scope of Work: Tree and brush unit removal and trimming. Traffic control needed.

Equipment Needed:

Removals: 5 trees, 17 brush units, 1 tree trim.



RW_V_4602_14

Project Location:
Shopping center on
Muir Station Road
and Center Ave.

Area Description:
Trees for removal
bordering property
and road.

Scope of Work:
Trees for removal.
Traffic control
needed.

Equipment Needed:
Removals: 11 trees.





RW_V_4601_14

Project Location: Muir Station Road just southwest of RW_V_4602_14

Area Description: Trees for trimming and removal along road.

Scope of Work: Trees for removal and trimming. Traffic control needed.

Equipment Needed:

Removals: 2 trees for removal, 3 for trimming.





RW_V_4600_14

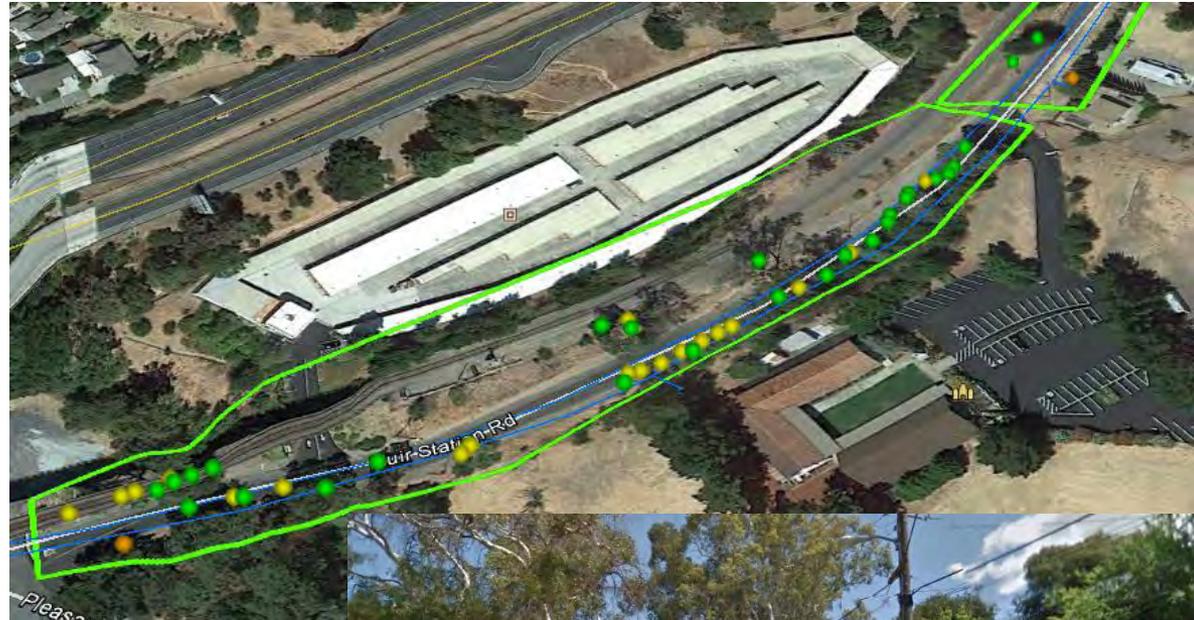
Project Location: Muir Station Road by Grace Episcopal Church across from Security Public Storage.

Area Description: Trees and brush units for removal and trimming bordering road.

Scope of Work: Trees for removal and trimming. Traffic control needed.

Equipment Needed:

Removals: 26 trees for removal, 18 units of brush for removal, 1 tree for trimming.





RW_V_4604_14

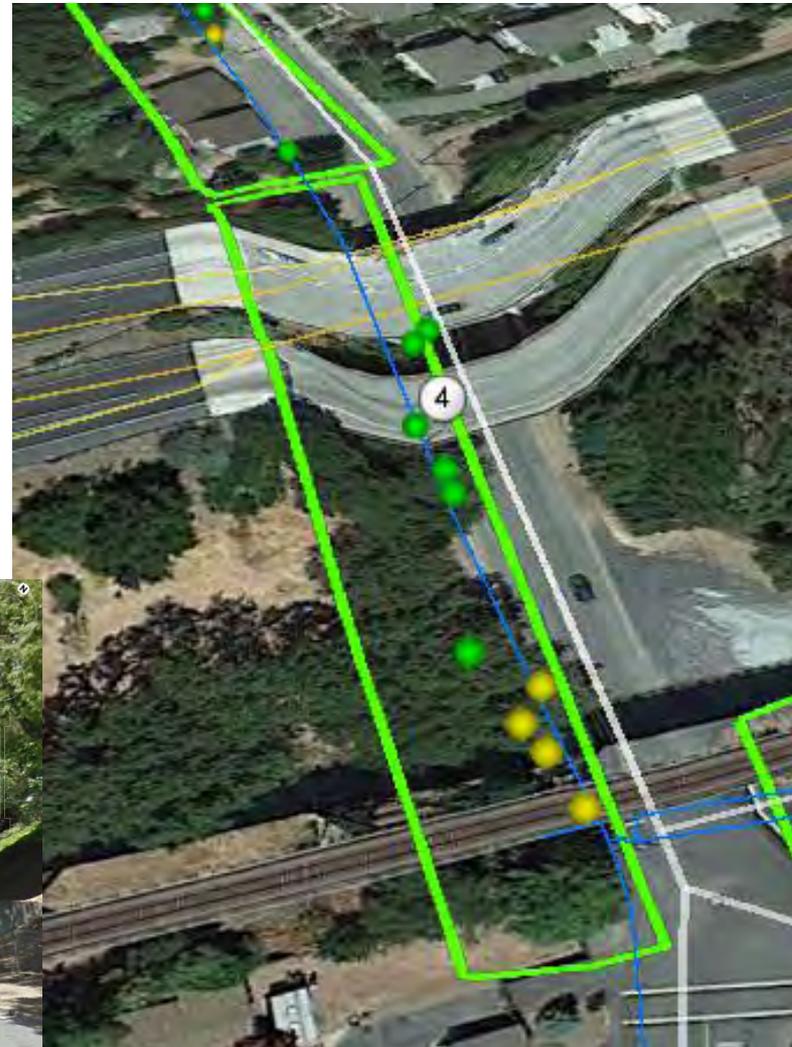
Project Location: Alhambra Way from Muir Station Road to John Muir Parkway.

Area Description: Trees and brush units for removal bordering road and along underpass.

Scope of Work: Trees and brush units for removal. Traffic control needed.

Equipment Needed:

Removals: 6 trees, 4 units of brush.





RW_V_4611_14

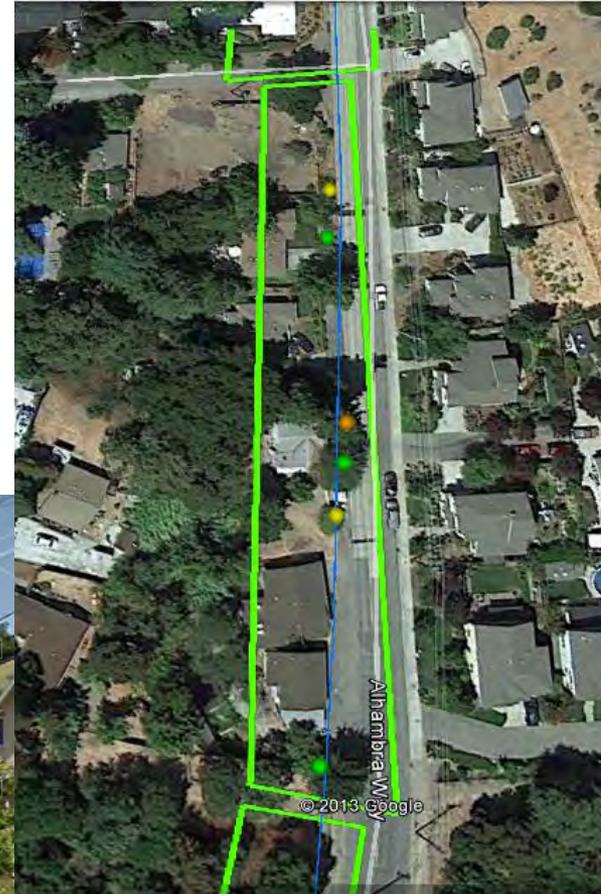
Project Location: From 4344 Alhambra Way to Walnut Ave.

Area Description: Trees and brush units for removal and trimming along residential property.

Scope of Work: Trees and brush units for removal. Traffic control needed.

Equipment Needed:

Removals: 3 trees, 2 units of brush, 1 tree trim.



RW_V_4614_14

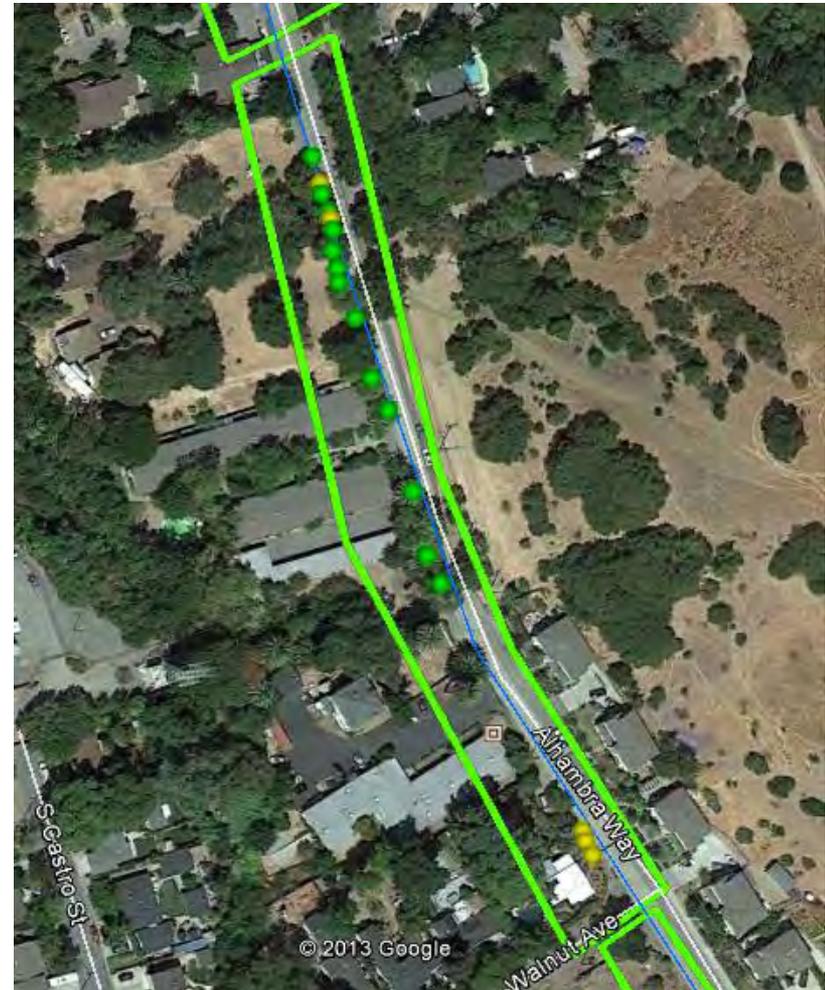
Project Location: Alhambra Way from Walnut Ave to approximately 3989 Alhambra Way.

Area Description: Trees and brush units for along residential property.

Scope of Work: Trees and brush units for removal. Traffic control needed.

Equipment Needed:

Removals: 13 trees, 5 units of brush.





RW_V_4612_14

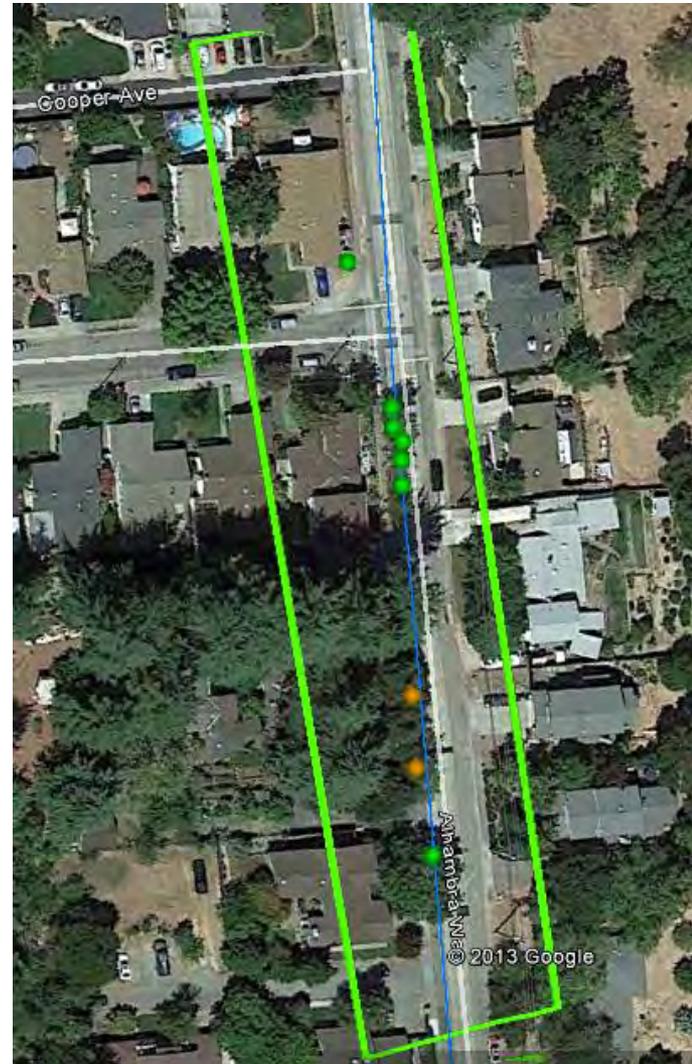
Project Location: From approximately 3971 Alhambra to Cooper Ave.

Area Description: Trees along residential property.

Scope of Work: Trees for removal and trimming. Traffic control needed.

Equipment Needed:

Removals: 7 trees, 2 tree trims.





RW_V_4613_14

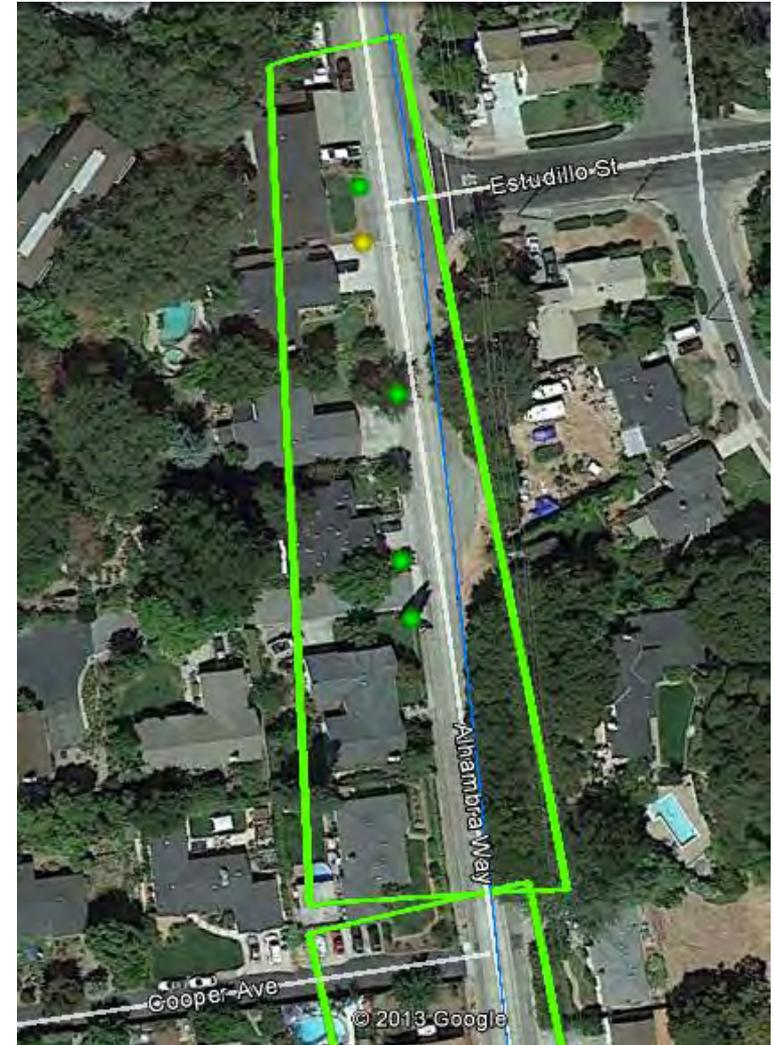
Project Location: Alhambra Way between Cooper Ave. and Estudio St.

Area Description: Trees and brush unit along residential property.

Scope of Work: Trees and brush unit for removal. Traffic control needed.

Equipment Needed:

Removals: 4 trees, 1 unit of brush.



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RW_V_4615_14

Project Location: Alhambra Way just east of Alhambra Ave.

Area Description: Trees and brush unit buffering road.

Scope of Work: Trees and brush unit for removal. Traffic control needed.

Equipment Needed:

Removals: 14 trees, 1 unit of brush.





RW_V_4618_14

Project Location: Corner of Alhambra Way and Alhambra Ave.

Area Description: Trees buffering road.

Scope of Work: Trees for removal. Traffic control needed.

Equipment Needed:

Removals: 3 trees.





RW_V_4617_14

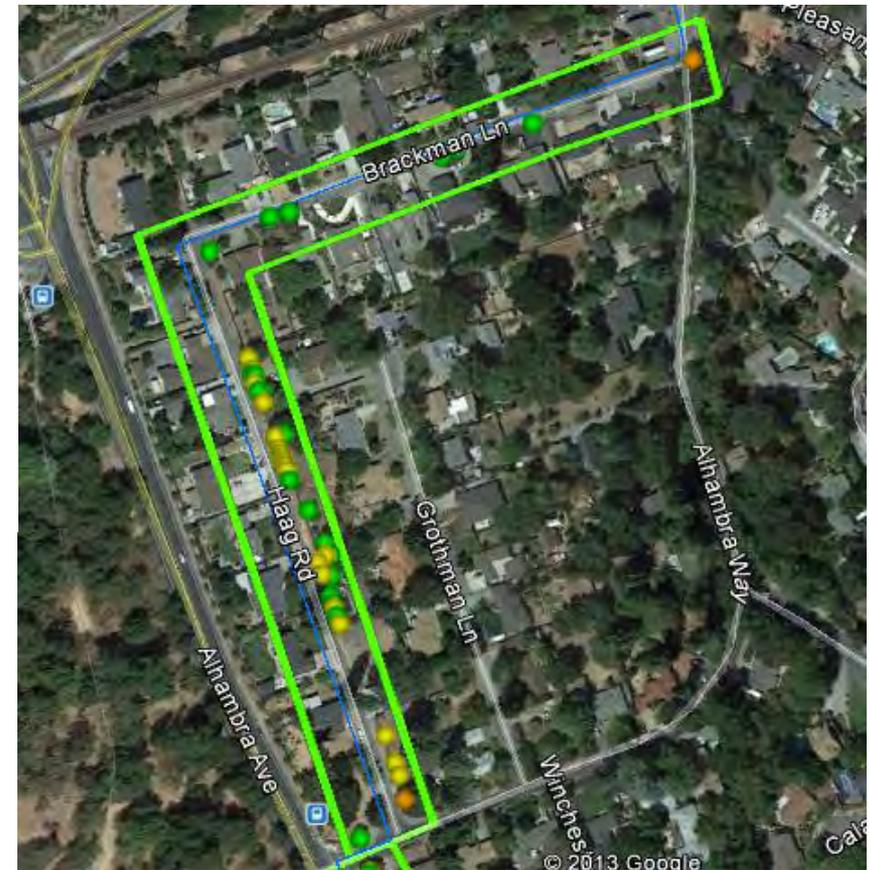
Project Location: Brackman Ln. to Haag Rd.

Area Description: Trees and brush units along residential property.

Scope of Work: Trees and brush units for removal, trees for trimming. Traffic control needed.

Equipment Needed:

Removals: 19 trees for removal, 19 units of brush for removal, and 2 trees for trimming.





RW_V_4617_14

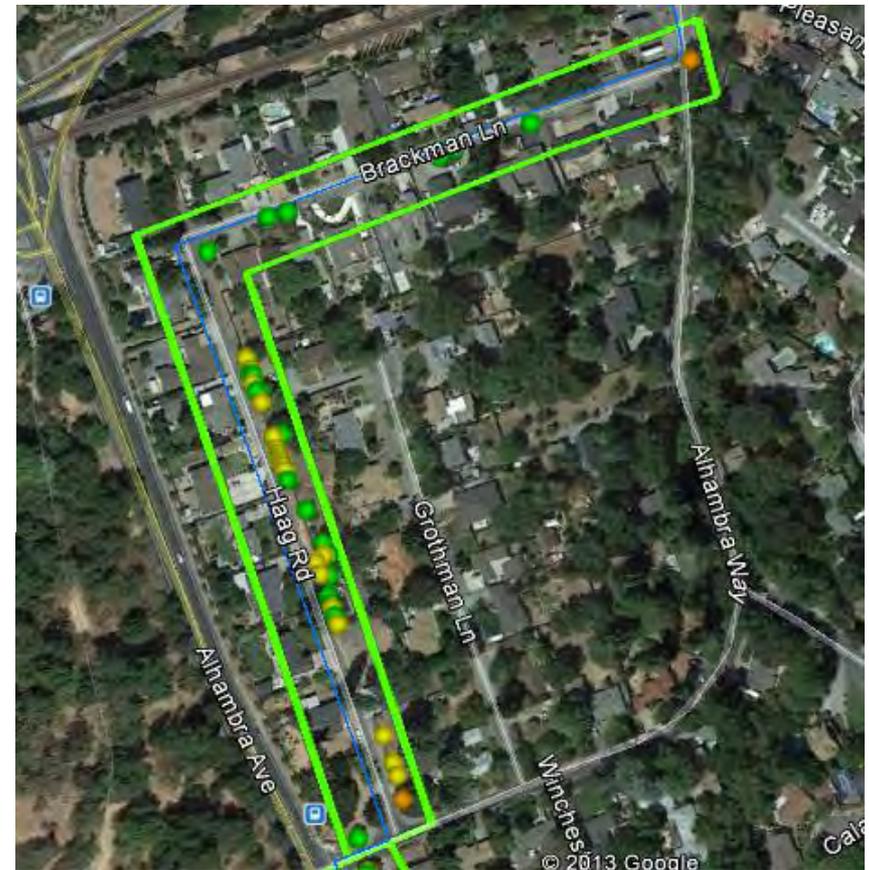
Project Location: Brackman Ln. to Haag Rd.

Area Description: Trees and brush units along residential property.

Scope of Work: Trees and brush units for removal, trees for trimming. Traffic control needed.

Equipment Needed:

Removals: 19 trees for removal, 19 units of brush for removal, and 2 trees for trimming.





RW_V_4605_14

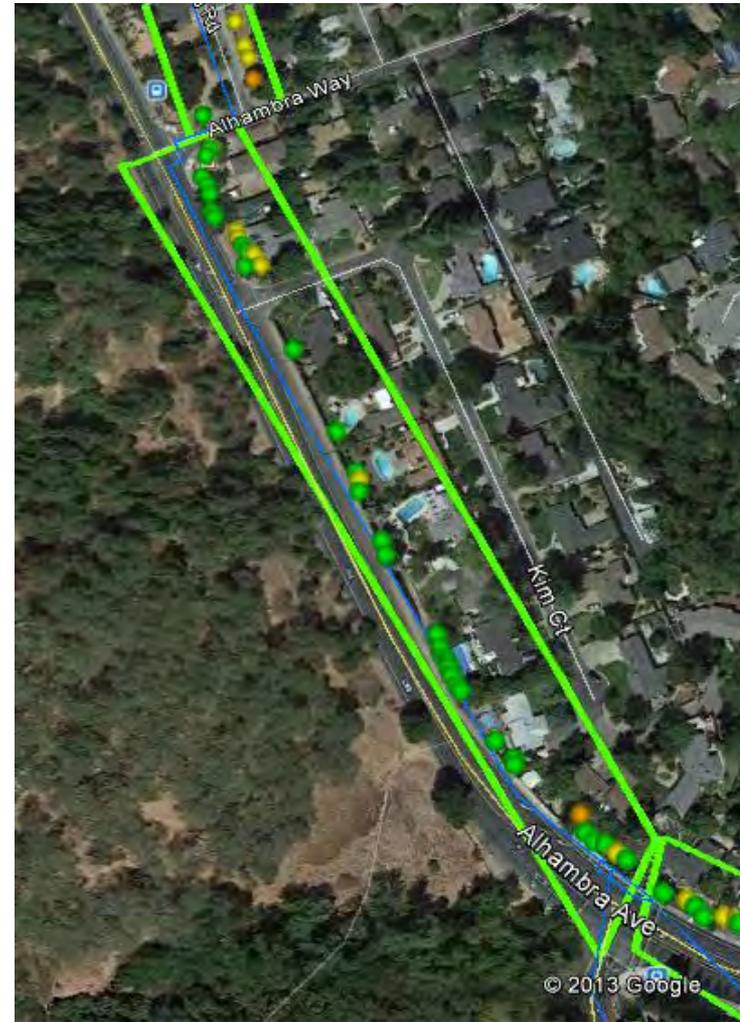
Project Location: Alhambra Ave. between Alhambra Way and Alhambra Valley Rd.

Area Description: Trees and brush units in backyards along Alhambra Ave.

Scope of Work: Trees and brush units for removal, trees for trimming. Traffic control needed.

Equipment Needed:

Removals: 32 trees for removal, 7 units of brush, 1 tree for trimming.





RW_V_4607_14

Project Location: Phylis Terrace between Alhambra Valley Road and Travers Dr.

Area Description: Trees and brush units buffering residential property and road.

Scope of Work: Trees and brush units for removal, trees for trimming. Traffic control needed.

Equipment Needed:

Removals: 38 trees for removal, 8 units of brush for removal, 3 trees for trimming.



RW_V_4620_14

Project Location:
Alhambra Ave. east of
Travers Dr.

Area Description: Trees
and brush units along
road.

Scope of Work: Trees
and brush units for
removal, trees for
trimming. Traffic control
needed.

Equipment Needed:

Removals: 67 trees for
removal, 43 units of brush
for removal, 1 tree for
trimming.





- Tree
- Trim
- Brush

RW_V_4621_14

Project Location:

Alhambra Ave. and John Muir Rd.

Area Description: Trees and brush units along road.

Scope of Work: Trees and brush units for removal, trees for trimming. Traffic control needed.

Equipment Needed:

Removals: 23 trees for removal, 5 units of brush for removal, 2 trees for trimming.





- Tree
- Trim
- Brush

RW_V_4628_14

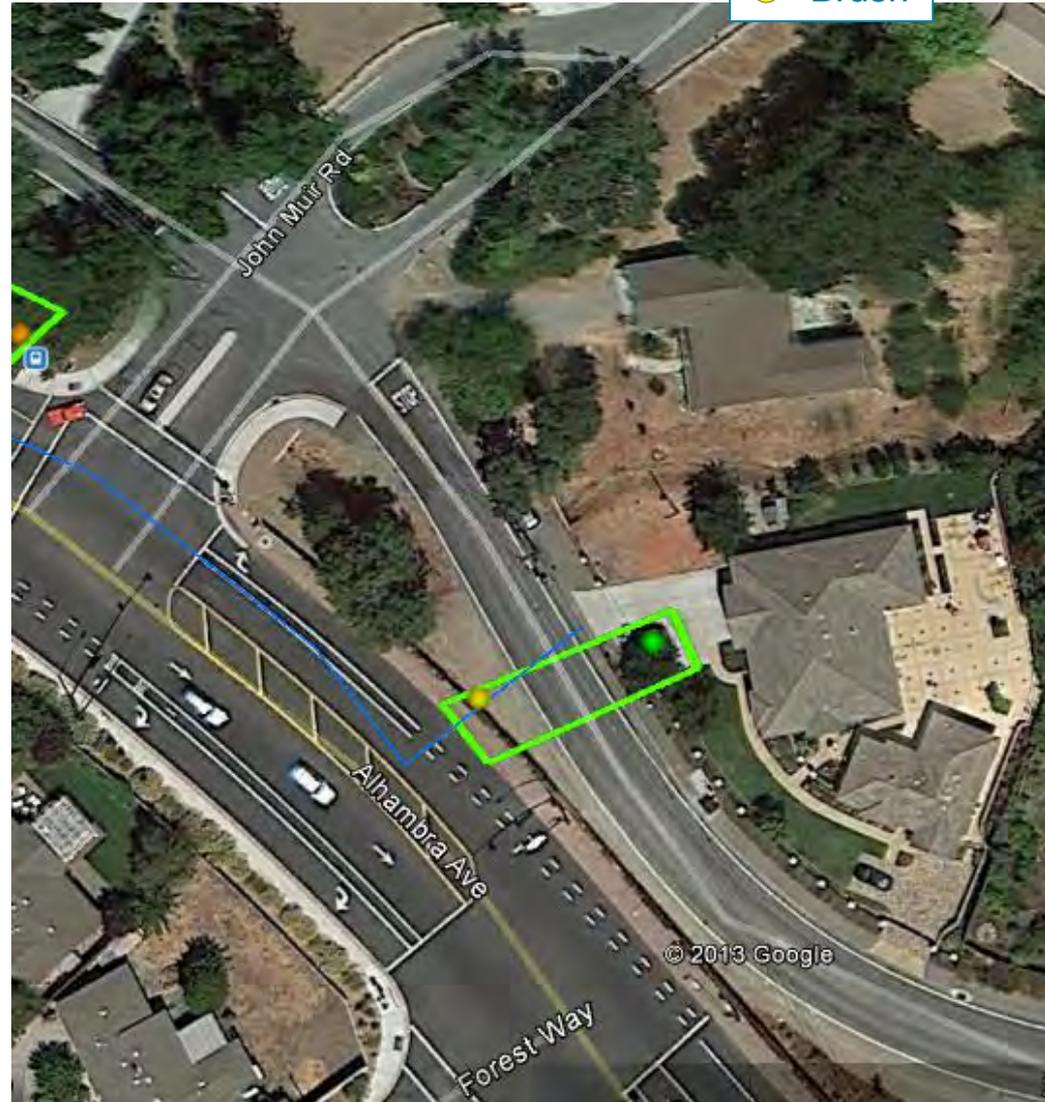
Project Location: Alhambra Ave. between John Muir Rd. and Forest Way.

Area Description: Tree and brush unit in median and street.

Scope of Work: Tree and brush unit for removal.

Equipment Needed:

Removals: 1 tree, 1 unit of brush.





RW_V_4610_14

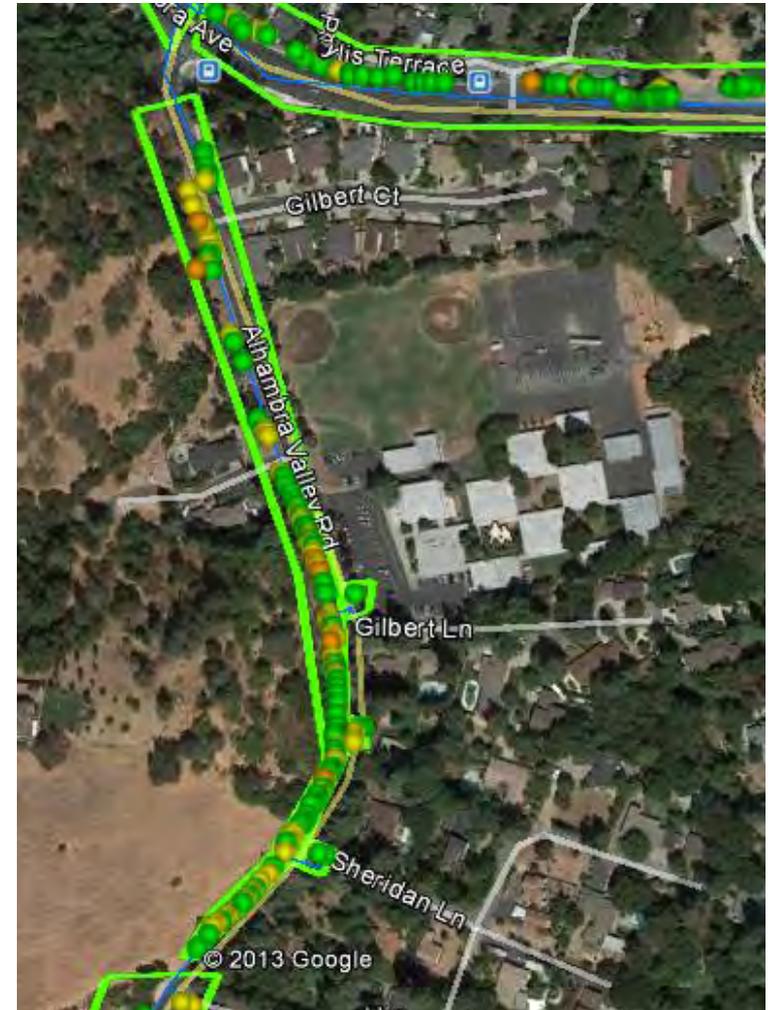
Project Location: Alhambra Valley Road south of Alhambra Ave. to Strenzel Way.

Area Description: Trees and brush units for removal and trim along road buffering school, residential property, and open space.

Scope of Work: Trees and brush units for removal and trim. Traffic control needed.

Equipment Needed:

Removals: 76 trees, 47 units of brush, 6 tree trims.





RW_V_4625_14

Project Location: Corner of Alhambra Valley Way and Gilbert Lane.

Area Description: Tree for removal buffering school and road. Traffic control needed.

Scope of Work: Tree for removal

Equipment Needed:

Removals: 1 tree.





RW_V_4624_14

Project Location: 4991 Alhambra Valley Road.

Area Description: Trees and brush units for removal in backyard.

Scope of Work: Trees and brush for removal. Traffic control needed.

Equipment Needed:

Removals: 2 trees, 4 units of brush.





RW_V_4623_14

Project Location: 4997 Alhambra Valley Road.

Area Description: Trees for removal in backyard.

Scope of Work: Trees for removal.
Traffic control needed.

Equipment Needed:

Removals: 2 trees.





RW_V_4609_14

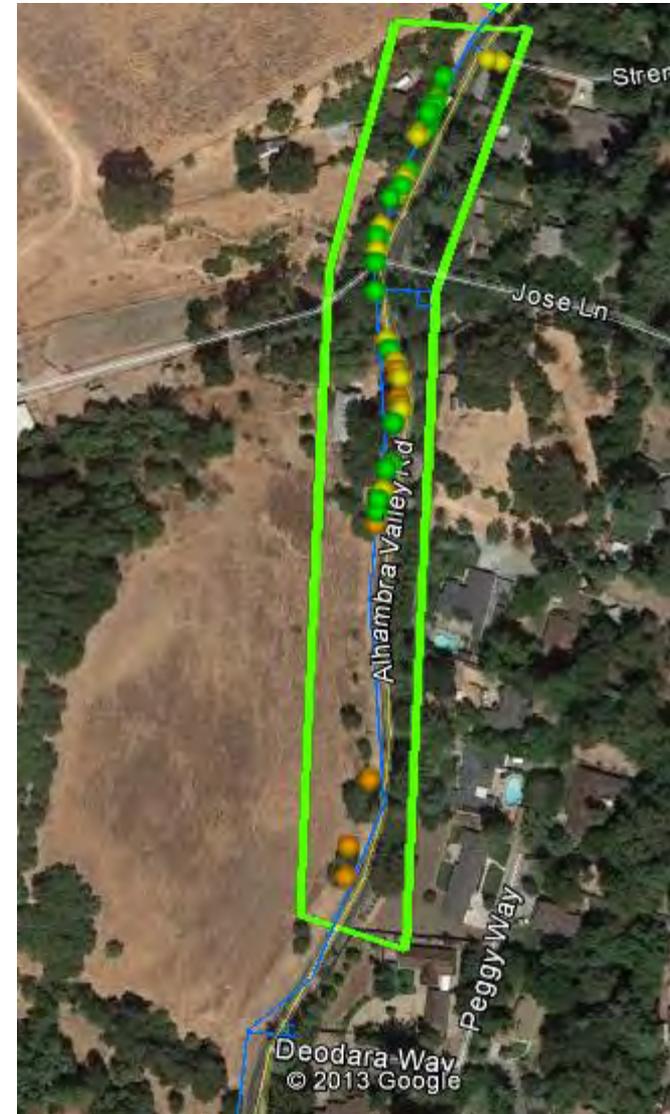
Project Location: Alhambra Valley Road from Strenzel Lane to Deodara Way.

Area Description: Trees and brush units for removal, trees for trimming along road and open space.

Scope of Work: Trees and brush units for removal, trees for trimming. Traffic control needed.

Equipment Needed:

Removals: 26 trees for removal, 15 units of brush for removal, 7 trees for trimming.



Thank You





March 27, 2014

NOTIFICATION OF PG&E PIPELINE PATHWAYS PROJECT - TREE REMOVAL CONCERNS AND REQUIREMENTS

Dear Property Owner/Resident:

The City of Martinez was recently informed that property owners within certain areas of the City have been or will be contacted by Pacific Gas & Electric (PG&E) to discuss removal and/or pruning of trees on both public and private property. This is part of a project that PG&E is calling the "Pipeline Pathways" program.

You may be notified by PG&E that they intend to remove or prune trees located on private property owned by you. You can contact PG&E at 1-877-259-8314 to obtain further information about how the Pipeline Pathways program may affect your property.

We are contacting you to let you know about the City's concerns regarding the Pipeline Pathways program and to advise you to investigate your rights and responsibilities relating to the project and your property. The City has informed PG&E that while the City is focused on ensuring public safety and encourages pro-active measures by PG&E to specifically address pipeline safety, the City is concerned with the proposal for widespread and possibly unnecessary tree removal within both the public right-of-way and on private property.

The question of whether PG&E may have a right to remove vegetation or structures on private property is a question of the rights granted by PG&E's specific easements and California property law. The City encourages you to request that PG&E provide you proof of their purported legal right to remove trees on private property and that you investigate your personal property rights as it relates to this project. In addition, the City wants to advise you of your responsibility to ensure that any tree removal on your private property by PG&E and/or its contractors is done in accordance with the requirements of the City's tree removal regulations.

As you may or may not be aware, the City has certain permit requirements for tree removal. Martinez Municipal Code Chapter 8.12; *Trees on Private Property – Preservation, Protection and Removal* defines all indigenous trees (i.e. trees native to Martinez area) with a circumference of 20 inches, or larger - approximately 6½ inches in diameter - as "protected." Section 8.12.020 states that no person shall remove any protected tree on private property within the City without a "Tree Permit". Thus, in most cases where removal of a protected tree is proposed, the property owner (or his/her authorized agent) must file an application for tree removal with the Community Development Department not less than 10 days prior to proposed tree removal.

Violations of the City's *Trees on Private Property* regulations, including the removal of a tree without the required permit, may be subject to citations, fines, and possible civil or criminal proceedings.

Obtaining the required permit for tree removal is ultimately the property owner's responsibility. If you are contacted by PG&E regarding removal of any trees on your property, we strongly recommend contacting the City Community Development Department so that we can review any applicable permit requirements with you to ensure that unauthorized tree removal does not occur. Please contact Dina Tasini at 925-372-3563 or by email at DTasini@cityofmartinez.org if you have any questions or need any further information.

Sincerely



Anna Gwyn Simpson
City Manager

March 25, 2014

Anthony F. Earley, Jr.
Chairman, Chief Executive Officer, and President
PG&E Corporation
77 Beale Street
San Francisco, CA 94105

Re: Pipeline Pathways Project

Dear Mr. Earley:

Because we are entrusted with protecting our respective communities' values, we, the undersigned mayors and elected officials of Alameda and Contra Costa Counties, request a meeting with you immediately to discuss your company's Pipeline Pathways project. We are aware of the access concerns purportedly driving this project, but the project will have significant and irreversible impacts on the character of our communities. The need to meet to discuss the project is urgent, as your company has already been contacting residents in our communities.

In pursuing the project, PG&E has indicated a willingness to "work with" local jurisdictions, but it does not do so. Instead, PG&E has declared that the cities and counties *must*, without exercising any discretion, grant permits and authorizations for PG&E's tree and vegetation removal activities. PG&E has utterly failed to demonstrate a safety need for this project. The failure makes it appear that the project is driven instead by convenience and cost savings associated with having clear access to the pathways. From our view point, that seems an insufficient justification for the great community harm to be caused. If PG&E gets its way, thousands of trees would be removed in the East Bay with virtually no oversight. PG&E's current posture, beyond being legally incorrect, is unacceptable to the City and the public. PG&E can do better, and we demand it take immediate steps to do so.

Our attorneys have informed us that the legal assertions the project is premised upon are incorrect. PG&E does not have the unilateral right under its gas franchise agreements to remove trees in the public right of way. Instead, PG&E needs our authorization to remove such trees. Our attorneys have also concluded, once again directly contrary to PG&E's assertions, that local tree removal requirements apply to PG&E's gas pipeline projects. Notably, it has been the experience of many communities in the past that PG&E has complied with tree removal permitting processes.

Anthony F. Earley, Jr.
March 25, 2014
Page 2

Trees are valuable to the character of communities. They have aesthetic value, increase property values, moderate extreme temperatures, create identity, and have a beneficial impact on economic development. Unsurprisingly, all of our local agencies have ordinances, policies, and regulations that are designed to protect trees.

PG&E's current posture would have elected officials completely ignore these public policies. That will not happen. We are prepared to take the necessary steps to ensure that PG&E complies with City ordinances and does not destroy City property.

Our efforts will not be at the expense of safety. We are all aware of the importance to the public of the proper maintenance and operation of gas transmission lines. We all stand ready to work with PG&E on a process to ensure that all permits and approvals required by the project are processed expeditiously. This commitment does not mean that we will approve all of PG&E's requests, but we can assure you that they will be given fair consideration.

We urge PG&E to change its posture to one that is more flexible and more in keeping with the expectations of our constituents and PG&E's rate payers.

Please contact Darcy Smith at 925-943-5812 (dsmith@walnut-creek.org), who can assist in promptly scheduling the meeting.

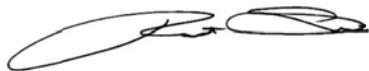
Very truly yours,



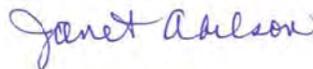
Hank Stratford, Mayor
City of Clayton



Timothy S. Grayson, Mayor
City of Concord



Robert Storer, Mayor
Town of Danville

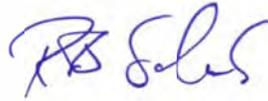


Janet Abelson, Mayor
City of El Cerrito

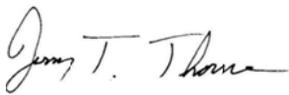
Anthony F. Earley, Jr.
March 25, 2014
Page 3

A handwritten signature in black ink, appearing to read "Mike Anderson".

Mike Anderson, Council Member
City of Lafayette

A handwritten signature in blue ink, appearing to read "Rob Schroder".

Rob Schroder, Mayor
City of Martinez

A handwritten signature in black ink, appearing to read "Jerry T. Thorne".

Jerry Thorne, Mayor
City of Pleasanton

A handwritten signature in purple ink, appearing to read "Kristina Lawson".

Kristina Lawson, Mayor
City of Walnut Creek



City of Martinez

525 Henrietta Street, Martinez, CA 94553-2394

Attachment #5

(925) 372-3505 / Fax (925) 229-5012

Sent Via Electronic Mail

TGG3@pge.com, SRMF@pge.com

March 18, 2014

Tom Guarino
East Bay Government Relations Team
Pacific Gas and Electric Company
6121 Bollinger Canyon Road, 2nd Floor
San Ramon, CA 94583

RE: Legal Opinion for Authority to Implement PG&E Pipeline Pathways Program

Dear Mr. Guarino,

Thank you for meeting with City staff on March 7, 2014 to review the Pacific Gas and Electric (PG&E) Pipeline Pathways project. At that meeting, PG&E indicated that there would be a follow up meeting scheduled in the next week to go over several questions raised during that meeting and to review the impacts to Martinez in more detail. While we appreciate the information we received on March 12, 2014 providing more details about the proposed project in Martinez, entitled "Martinez Project Overview", we have not received other information requested or a notification regarding a follow up meeting.

On March 12, 2014, I sent an email to your attention requesting PG&E's legal opinion regarding its authority to undertake the Pipeline Pathways project. In the Public Managers Association meeting in Walnut Creek on March 13, 2014, you indicated to me that PG&E's authority to implement this program was explained in the handout entitled "PG&E's Pipeline Pathways: Enhanced Safety for Natural Gas Transmission Pipelines." This handout has been reviewed by our City Attorney and does not provide sufficient explanation regarding the legal authority for the project. We request that PG&E provide a written legal opinion regarding the legal authority to undertake this project over the objections of property owners, the local jurisdiction, and without required permits or environmental review pursuant to the California Environmental Quality Act (CEQA).

Additionally, we would like to schedule a follow up meeting with representatives from PG&E as soon as possible. PG&E has presented a very aggressive schedule for implementing this program in our community and we would like more information to share with our citizens.

Although we appreciate the need and encourage pro-active measures to ensure pipeline safety, we have grave concerns regarding the potential impact of your project on our residents, our environment, city owned property and the community as a whole. PG&E has expressed their desire in meetings and in its written communication to “work closely with local officials to coordinate and communicate our pipeline safety activities.” We hope that PG&E is sincere in this statement and look forward to receiving your response and notification of our next meeting.

Based thereon, we anticipate that no further implementation of the Pipeline Pathways program will take place within the City of Martinez until such time as we have received the information the City has requested, met again to discuss same and reached an appropriate resolution to the City’s concerns.

Sincerely,



Anna Gwyn Simpson
Interim City Manager

cc: Shaun Maccoun, Manager, Pipeline Pathways, PG&E
Veronica Nebb, Esq., Assistant City Attorney, City of Martinez