

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 2<sup>nd</sup> day of April, 2014, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK  
CITY OF MARTINEZ