



City of Martinez

525 Henrietta Street, Martinez, CA 94553-2394

Attachment #5

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Sent Via Electronic Mail

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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