

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

**RESOLUTION E-4856
August 10, 2017**

R E S O L U T I O N

Resolution E-4856. Pacific Gas and Electric Company Request for Encroachment Agreement with the Sacramento Regional Transit District pursuant to Advice Letter 5042-E.

PROPOSED OUTCOME:

- This Resolution approves Pacific Gas and Electric Company's (PG&E) Advice Letter (AL) 5042-E with an effective date of today. PG&E proposes to grant an encroachment agreement (Agreement) to the Sacramento Regional Transit District (District) to permit the encroachment of a light rail system and passenger station platform within PG&E's easement area.

SAFETY CONSIDERATIONS:

- Effective administration of PG&E's fee property is part of the responsibility of PG&E to meet their obligations under Public Utilities Code Section 451 to provide services that promote the safety, health, comfort, and convenience of their patrons, employees and the public.
- There are no specific safety concerns with this transaction.
- This approval of AL 5042-E will assist the District to fully implement improvements contemplated in the South Sacramento Corridor Light Rail Phase 2 Project (LRT Project).

ESTIMATED COST:

- A request for authority to enter into transactions pursuant to General Order (GO) 173 requires the filing of cost information. PG&E states in AL 5042-E that the LRT Project facilities contemplated within the PG&E easement "does not rise to the level of a right that has any realizable economic value to PG&E." Therefore PG&E does not intend to collect any compensation for this transaction.

By Advice Letter 5042-E, filed on March 30, 2017.

SUMMARY

This Resolution approves PG&E's AL 5042-E, with an effective date of today. On March 30, 2017, PG&E filed Advice Letter 5042-E requesting approval under GO 173 and Public Utilities Code Section 851 to enter into an encroachment agreement with the Sacramento Regional Transit District. The encroachment agreement will allow the District to permit the encroachment of a light rail system and passenger station platform within PG&E's easement area. PG&E has reviewed the District's plans and has determined that the proposed facilities will not impede PG&E's ability to access, maintain, repair, and replace its facilities within the easement agreement area.

BACKGROUND

The proposed LRT Project Phase 2 was reviewed in the "South Sacramento Corridor Phase 2 Supplemental Final Environmental Impact Statement / Subsequent Final Environmental Impact Report EIR No. 1996052075" (EIR/EIS) prepared by the Sacramento Regional Transit District as the Lead Agency. A Draft EIR/EIS was filed with the Office of Planning and Research (OPR) for public distribution and was available to agencies and the public for review and comment for 45 days. A public hearing was held by the District's Board of Directors on March 12, 2007, to take comments on the Draft EIR.

Comments from government agencies and the public were responded to and a Final EIR/EIS was prepared by the District staff. On October 27, 2008, the District's Board of Directors held a public meeting to consider the Final EIR/EIS and all comments received; adopt a Mitigation Monitoring Plan and Statement of Overriding Considerations; certify the Final EIR/EIS; and approve the Project. The proposed LRT Project 2 Final EIR was submitted to the Sacramento County Clerk and a Notice of Determination (NOD) was filed with OPR on October 27, 2008.

NOTICE

Notice of AL 5042-E was made by publication in the Commission's Daily Calendar. PG&E states that AL5042-E was filed in accordance with the noticing requirements of General Order 173. In addition, PG&E provided notice in accordance with General Order 96-B.

PROTESTS

There were no protests to PG&E Advice Letter 5042-E.

DISCUSSION

The Commission has reviewed PG&E AL 5042-E and the attached materials relating to the CEQA process as prepared by the District. The Commission has determined that the documents comply with the requirements of the California Environmental Quality Act. The Commission finds that PG&E's AL 5042-E request for approval was made in accordance with the streamlined procedure adopted by the Commission in General Order 173 and Public Utilities Code Section 851. The Commission finds that the relief requested in AL 5042-E is not adverse to the public interest and should be granted.

COMMENTS

This is an uncontested matter in which the resolution grants the relief requested. Accordingly, pursuant to PU Code 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

FINDINGS

1. On March 30, 2017, PG&E filed Advice Letter 5042-E to enter into an encroachment agreement with the Sacramento Regional Transit District under General Order 173 and Public Utilities Code Section 851.
2. The Sacramento Regional Transit District requires an encroachment agreement with PG&E to allow the District to complete a regional light rail project known as LRT Phase 2.
3. There are no specific safety concerns with this transaction.
4. PG&E does not intend to collect any compensation for this transaction as it "does not rise to the level of a right that has any realizable economic value to PG&E."
5. The proposed LRT Phase 2 Project was reviewed in the "South Sacramento Corridor Phase 2 Supplemental Final Environmental Impact Statement / Subsequent Final Environmental Impact Report EIR No. 1996052075" (EIR/EIS) prepared by the Sacramento Regional Transit District as the Lead Agency.

6. A Draft EIR/EIS was filed with the Office of Planning and Research for public distribution and was available to agencies and the public for review and comment for 45 days.
7. A public hearing was held by the District's Board of Directors on March 12, 2007, to take comments on the Draft EIR.
8. On October 27, 2008, the District's Board of Directors held a public meeting to consider the Final EIR/EIS and all comments received; adopt a Mitigation Monitoring Plan and Statement of Overriding Considerations; certify the Final EIR/EIS; and approve the Project.
9. A Notice of Determination was filed with the County of Sacramento and the State Office of Planning and Research (OPR) on October 27, 2008.
10. The Commission has reviewed PG&E AL 5042-E and the associated documentation filed with the AL and has determined that the documents comply with the requirements of the California Environmental Quality Act.
11. PG&E Advice Letter 5042-E complies with the streamlined procedures adopted by the Commission in General Order 173.
12. PG&E states that it has reviewed the proposed facilities and has determined that they will not interfere with PG&E's operations or PG&E's ability to provide safe and reliable utility services to its customers.
13. Approval of this transaction will not impair PG&E's provision of utility service.
14. The Commission finds that the relief requested in AL 5042-E is not adverse to the public interest and should be granted.

THEREFORE IT IS ORDERED THAT:

1. The request of Pacific Gas and Electric Company in AL 5042-E for approval to enter into an encroachment agreement with the Sacramento Regional Transit District is approved.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held August 10, 2017; the following Commissioners voting favorably thereon:

/s/TIMOTHY J. SULLIVAN
TIMOTHY J. SULLIVAN
Executive Director

MICHAEL PICKER
President
CARLA J. PETERMAN
LIANE M. RANDOLPH
MARTHA GUZMAN ACEVES
CLIFFORD RECHTSCHAFFEN
Commissioners