

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

**ENERGY DIVISION**

**RESOLUTION E-4105  
July 12, 2007**

**RESOLUTION**

Resolution E-4105. Pacific Gas & Electric Company (PG&E). This resolution approved PG&E's Advice Letter 3054-E to grant the City of Folsom a non-exclusive easement to construct and maintain for public use a bike and pedestrian path over PG&E electric transmission fee property. This resolution has been prepared pursuant to a pilot program specified in Resolution ALJ-186 granting expedited treatment to utility proposals meeting certain requirements.

By Advice Letter 3054-E Filed May 18, 2007.

---

**SUMMARY**

This Resolution approved PG&E's Advice Letter 3054-E seeking authority under the Public Utilities (PU) Code Section 851 to enter into a non-exclusive easement to construct and maintain for public use a bike and pedestrian path and associated landscaping improvements on PG&E electric transmission fee property located within the City of Folsom in Sacramento County. Advice Letter 3054-E was processed pursuant to Resolution ALJ-186, Appendix B, Section 111.A.1.B, providing for expedited action for transactions subject to statutory or categorical exemption from CEQA. This resolution is effective immediately.

**BACKGROUND**

Utilities proposing to sell, lease, dispose of, or otherwise encumber property must comply with PU Code section 851. Under recent amendments to PU Code Section 851, for certain transactions valued at \$5,000,000 or less, the utility can file an advice letter and obtain a resolution from the commission authorizing the transaction. The Commission has initiated a pilot program per Resolution ALJ-186 that provides certain criteria required for a PU Code Section 851 transaction to qualify for advice letter treatment.

On May 18, 2007 PG&E filed Advice Letter 3054-E pursuant to the pilot program seeking authority under PU Code Section 851 to enter into a non-exclusive easement to construct and maintain for public use a bike and pedestrian path over PG&E electric transmission fee property. Protests were due June 18, 2007; no protests were filed. A comment letter in favor of approval of the advice letter was filed by the City of Folsom.

The City of Folsom plans to use the property that is the subject of this advice letter as part of the Oak Parkway Corridor Trail Project. Ultimately, this path segment will be part of a three-mile long bike trail, which is planned to extend from East Natoma Street to the B.T. Collings Park in Folsom. The PG&E property consists of PG&E electric transmission fee land and PG&E facilities situated on this land. The PG&E property is commonly known as the Rio Oso-Gold Hill 230kV Electric Transmission Fee Strip Property (Assessor's Parcel Number (APN) 071-0320-004). There are two towers located on the property with two sets of overhead transmission lines attached that run east to west through the subject property. The two transmission lines supported by the property are the 230kV Atlantic-Gold Hill line located on the south end of the property and the 115kV Placer-Gold Hill #1 located to the north end of the property.

The City of Folsom is requesting a non-exclusive easement of approximately one hundred twelve feet (112) in width to install, construct, reconstruct, resurface, replace, repair, maintain and use a paved bicycle and pedestrian path, and appurtenant support facilities including trail directional and regulatory signing, with a paved area to be determined, for use by pedestrians and bicycles and other non-motorized vehicles on PG&E owned electric transmission fee property. The proposed Bike Path will be a 10-foot wide paved asphalt path with a 4-foot wide shoulder on one side and a 1-foot shoulder on the other. Some shrubs or small trees may also be planted to mitigate views of the path and traffic by nearby residents. The path will allow for public recreation use by bikers, joggers, walkers, and leashed dogs. The path will be aligned to be setback a minimum of 10-feet from utility tower footings and will not interfere with PG&E's existing facilities.

In consideration for the easement, the City of Folsom has agreed to pay PG&E a one-time fee of One Hundred and fifty Two Thousand Dollars (\$152,000.00). PG&E will account for the one-time easement fee as Electric Other Operating

Revenue. No PG&E property is being sold or disposed of, and as such, there are no changes to PG&E's rate base as a result of granting the proposed easement.

PG&E has provided information in this advice letter to meet the eligibility criteria under the advice letter pilot program. Under the CEQA Checklist, the activity proposed in the transaction will not require environmental review by the CPUC as a lead agency. The proposed transaction will not have an adverse effect on the public interest. In fact, the proposed transaction will serve the public interest because it will provide recreational use to bikers, joggers, walkers, leashed dogs, and Folsom Police cycle patrols. Payment for the proposed easement is well below the \$5,000,000 threshold set forth for fee property and lease equivalents. Finally, the transaction does not involve the transfer or changes in ownership of facilities currently used in utility operations.

Also, in accordance with the CEQA Guidelines adopted in rule 2.4 of the Commission's rules of Practice and Procedure, PG&E contends that the project is exempt from CEQA. (Cal. Code Regs., tit. 14 Sec. 15300, et seq.) . The City of Folsom filed a Notice of Exemption on September 20, 2001 citing the exemption as a Categorical Exemption: Minor alteration to land, Section 15304 (State Clearing House Number: 2001098489). Section 15304 reads "Class 4 includes minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include . . ." Section 15304 (h) specifies, "The creation of bicycle lanes on existing rights-of-way."

### **NOTICE**

Notice of Advice Letter 3054-E was made by publication in the Commission's Daily Calendar. PG&E states that a copy of the Advice Letter was mailed and distributed in accordance with Section III-G of General Order 96-A.

### **PROTESTS**

No protests to PG&E's Advice Letter 3054-E were filed.

### **DISCUSSION**

Energy Division has reviewed PG&E's Advice Letter 3054-E and finds that it satisfies the criteria for inclusion in the pilot program specified in Resolution ALJ-186.

We find that the proposed transaction here falls within the categorical exemption provided for in Cal. Code Regs., tit. 14, Sec. 15304, Minor Alterations to Land. "Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:" Examples include subsection section (h), "The creation of bicycle lanes on existing rights-of-ways". We conclude this use of land meets this exemption.

The City of Folsom has filed a letter in support of approval of this advice letter. The City of Folsom requests that this advice letter be approved as soon as possible in order to be able to construct the bike path this summer and to take advantage of available grant funds.

We find that the proposed transaction will serve, and not harm, the public interest because with our approval of this transaction, the City of Folsom will be able to construct a bicycle pathway for public use. The proposed transaction is well below the \$5,000,000 threshold set forth in ALJ 186 for fee property and lease equivalents. Further, the transaction does not involve the transfer or change in ownership of facilities currently used in utility operations.

Additionally, Advice Letter 3054-E satisfies the filing requirements specified in Section III.B.1.a-k of Resolution ALJ-186 and includes all of the information necessary to provide a satisfactory review of PG&E's proposed easement.

For all the above reasons, we find that expedited treatment pursuant to Section III.A.1.b of Resolution ALJ-186 is appropriate for Advice Letter 3054-E and that no reason to deny the approval of Advice Letter 3054-E exists pursuant to Section III.A.2 of Resolution ALJ-186.

## **COMMENTS**

This is an uncontested matter in which the resolution grants the relief requested. Accordingly, pursuant to PU Code 311 (g) (2) and Rule 14.6(c)(2) of the Commission's Rules of Practices and Procedures, the otherwise applicable 30-day period for public review and comment is being waived. Additionally, the Commission notes that the City of Folsom has requested to begin construction of this project as soon as possible.

**FINDINGS**

1. On May 18, 2007, PG&E filed Advice Letter 3054-E.
2. Protest or comments were due to the Commission on June 18, 2007.
3. No protests were filed.
4. One comment letter in support of granting approval to Advice Letter 3054-E was filed by the City of Folsom on June 6, 2007.
5. PG&E owns a certain real property within the City of Folsom, County of Sacramento, commonly known as Rio Oso-Gold Hill 230kV Electric Transmission Fee Strip Property (Assessor's Parcel Number APN 071-0320-004).
6. The City of Folsom is requesting a non-exclusive easement of approximately one hundred twelve feet in width to construct and maintain a pedestrian and bicycle path for public use within the PG&E property.
7. The City of Folsom has agreed to pay a one-time fee of One Hundred and Fifty Two Thousand Dollars (\$152,000.00) for the easement.
8. Payment for the proposed easement is below the \$5,000,000 threshold set forth for fee property and lease equivalents.
9. The transaction does not involve the transfer or change in ownership of facilities currently used in utility operations.
10. The proposed transaction will serve the public interest because it will provide recreational use to the public.
11. In accordance with the CEQA Guidelines adopted in rule 2.4 of the Commission's Rules of Practice and Procedure, PG&E contends that the project is exempt from CEQA under Section 15304 (Minor alteration to land).
12. The Commission finds that this categorical exemption applies to the proposed transaction.
13. This is an uncontested matter in which the resolution grants the relief requested. Accordingly, pursuant to PU Code 311 (g) (2) and Rule 14.6(c)(2) of the Commission's Rules of Practices and Procedures, the otherwise applicable 30-day period for public review and comment is being waived.
14. The City of Folsom has requested to begin construction of this project as soon as possible.

**THEREFORE IT IS ORDERED THAT:**

1. The request of the PG&E to enter into a non-exclusive easement agreement with the City of Folsom to construct and maintain a bike and pedestrian path for public use over PG&E electric transmission fee property by Advice Letter 3054-E 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 on July 12, 2007; the following Commissioners voting favorably thereon:

---

Paul Clanon  
Executive Director

MICHAEL R. PEEVEY  
PRESIDENT  
DIAN M. GRUENEICH  
JOHN A. BOHN  
RACHELLE B. CHONG  
TIMOTHY ALAN SIMON  
Commissioners