

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

RESOLUTION G-3423
September 18, 2008

R E S O L U T I O N

Resolution G-3423. Pacific Gas and Electric Company (PG&E). This resolution approves PG&E's Advice Letter 2947-G. This resolution has been prepared pursuant to a pilot program specified in Resolution ALJ-202 granting expedited treatment to utility proposals meeting certain requirements.

By Advice Letter 2947-G. Filed August 7, 2008.

SUMMARY

This resolution approves PG&E's Advice Letter 2947-G requesting California Public Utilities Commission ("Commission" or "CPUC") approval under Public Utilities ("PU") Code Section 851 and Resolution ALJ- 202 to enter into an Encroachment Agreement with the City of Suisun ("City") to construct and maintain for public use a prefabricated pedestrian and bike bridge ("Pedestrian Bridge") over an existing PG&E gas pipeline easement. This Pedestrian Bridge encroachment does not require CEQA review. The City finds that the categorical exemptions under Section 15301(c) and 15304(h) apply. The City will not interfere with PG&E's provision of utility service.

Advice Letter 2947-G was processed pursuant to Resolution ALJ-202.

This Resolution is effective immediately.

BACKGROUND

Utilities proposing to sell, lease, dispose of, or otherwise encumber property must comply with PU Code Section 851. Ordinarily, such a proposal would entail a full Application to the Commission, including a review pursuant to CEQA or a demonstration that such a review is not necessary. The Commission on August 25, 2005, initiated a 24-month pilot program per Resolution ALJ-186 that provides for an expedited process for certain transactions meeting criteria

specified in the Resolution. On August 23, 2007, the Commission approved Resolution ALJ-202, which extends the pilot program an additional 36 months. Resolution ALJ-202 provides for an expedited process for certain transactions meeting criteria specified in the ALJ Resolution. For proposals that meet the requirements, an Advice Letter may be filed demonstrating the applicability of the pilot program to the utility's proposal and requesting an expedited review of the Advice Letter, resulting in a Resolution confirming that the proposal meets the requirements of Resolution ALJ-202 and granting approval to the proposed project.

On August 7, 2008, PG&E filed Advice Letter 2947-G requesting approval under PU Code Section 851 to allow PG&E to enter into an Encroachment Agreement ("Agreement") with the City of Suisun to construct and maintain a Pedestrian Bridge over an existing PG&E gas pipeline easement located in Suisun city in Solano County, California (the "City or Suisun"). Protests or comments were due to the Commission on August 27, 2008; no protests or comments were filed.

Suisun is located approximately 34 miles southwest of Sacramento on the Suisun Slough adjoining Fairfield. Located in Suisun, the Central County Bikeway Gap Closure Project is the last phase of the Central County Bikeway (CCB) that will provide important zero-emissions alternative transportation options, as well as safety enhancements for the community of Suisun, as discussed in greater detail below. As the name implies, the CCB system has countywide and regional significance by connecting the bicycling systems of Suisun City, Fairfield, Vacaville and unincorporated Solano County as a coordinated network to the Bay Trail. The Gap Closure Project is a critical new linkage of the CCB, which is described in the Countywide Bicycle Plan as a "key primary segment identified for implementation in the short-term. It is also identified as part of the San Francisco Bay Trail System and the State Trail System. In addition to being an essential component of the approved Countywide Bicycle and Pedestrian Plan, the Gap Closure Project is a critically important safety enhancement allowing bicyclists and pedestrians, including many children, to access the Waterfront District without using the at-grade, striped Highway 12 crosswalks. To avoid crossing the Highway at Marina Boulevard, bicyclists now are forced to utilize an unsafe route along the highway shoulder and off-ramp adjacent to an open tidal water channel. The Gap Closure project will redirect bicyclists to the north side of the channel and away from the highway's off-ramp closing the gap in the existing bikeway system. The Gap Closure Project will primarily provide a 10-foot wide by 177-foot long concrete Class I bike/pedestrian path and a

prefabricated bridge over an existing channel between Marina Boulevard to the Suisun City-Fairfield Intermodal Transit/ Amtrak Station on Main Street in the Suisun City Waterfront District (the "Project Area"). The bridge will encroach across PG&E's 35-foot wide PG&E gas easement area with footings and abutments to be located outside that easement.

Suisun City has been successful in securing a number of competitive state and regional grants for this project that has wide political support in the community, Solano County and the region. The Gap Closure Project is funded primarily by the following grant programs on a reimbursement basis: (The City has informed PG&E that the Pedestrian Bridge project would be cancelled if any one of the grant funding sources expired.)

- Transportation for Clean Air Program (through the Bay Area Air Quality Management District) - \$187,000. This has a completion deadline of December 31, 2008.
- Bicycle Transportation Account (through Caltrans) - \$593,000.
- Transportation Development Act 3 (through the Metropolitan Transportation Commission) - \$ 86,000.
- Recreational Trails Park Program (through California State Parks and Recreation Department) - \$160,000

Without the Pedestrian Bridge, Suisun City and the granting agencies supporting this project cannot complete a continuous Class I bike/ pedestrian path. Without this Pedestrian Bridge, the City would be forced to bring the path over the channel via an existing bridge onto Main Street, an arterial roadway, placing bicyclists adjacent to vehicular traffic exiting or approaching Highway 12. This change would create a Class II bike lane, which would be ineligible to receive grant funds that have already been awarded for the Class I facility. Without these grant reimbursements, it is very uncertain the project can proceed. Commission approval of the Agreement must be obtained by September 2008 to allow project completion by December 2008, the completion date required by the Bay Area Air Quality Management District to reimburse grant funds to the City. Commission approval of this Pedestrian Bridge encroachment agreement is warranted as it will not interfere with PG&E's provision of utility service, is not adverse to the public interest and in fact creates significant public benefits.

PG&E has a Grant Easement (recorded January 30, 1981, in Book 1981, Page 7141, Instrument 4179 (81-4179) located on the north side of Main

Street along the north side of State Route 12, from Marina Boulevard to the Intermodal Transit/Amtrak Train Station within the City of Suisun. The property includes vacant land, abutting a storm drain channel. The vacant land is used as an access road to allow for maintenance of a storm drain channel owned and maintained by the City of Fairfield, a 16 " steel PG&E gas transmission pipeline and a Kinder Morgan Petroleum Pipeline.

Pursuant to the Agreement, the City will own and maintain the Pedestrian Bridge for the term of the Agreement, unless PG&E exercises an express unilateral right to terminate the Agreement on 90 days advance notice in the event the Pedestrian Bridge ever interfered with PG&E operations in the easement. The Pedestrian Bridge, as currently proposed, will not interfere with PG&E's existing facilities and will be designed and constructed in such a way so as not to hinder access to, or maintenance of, PG&E's facilities in the easement. The project design call for adequate access on both sides of the Pedestrian Bridge so that PG&E maintenance can be performed without hindrance. PG&E Gas Operations has reviewed and approved the design plans after confirming appropriate access was provided for PG&E maintenance.

PG&E is not collecting any use fees associated with granting the City's encroachment of the easement. By consenting to this construction and use on the easement, PG&E is supporting the Countywide Bicycle and Pedestrian Plan and Gap Closure Project as a public project that provides an important safety enhancement for bicyclists and pedestrians. Placement of the Bridge within the easement does not rise to the level of a right that has any realizable economic value to PG&E.

No PG&E property is being sold or disposed of, so there are no changes to PG&E's rate base as a result of granting the Agreement. The granting of the Agreement will not interfere with the use of the gas transmission pipeline corridor by PG&E.

To PG&E's knowledge, there is no recent past or anticipated future transactions that may appear to be related to the subject transaction.

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 or responsible agency. The City finds the CEQA categorical exemptions (CEQA Section 15301 (c) and Section 15304 (h)) applies to the proposed transaction. The proposed transaction will service the public interest by providing public access to the County Wide Bikeway Network. There is no payment for the proposed agreement. Finally, the transaction does not involve the transfer or change of ownership of facilities currently used in utility operations. PG&E will retain full access rights to its natural gas facilities for maintenance under the current easement agreement and the Pedestrian Bridge will not interfere with PG&E's provision of utility service.

NOTICE

Notice of AL 2947-G 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 or comments to PG&E's Advice Letter 2947-G were filed.

DISCUSSION

The Energy Division has reviewed PG&E's Advice Letter 2947-G and finds that it satisfies the criteria for inclusion in the pilot program specified in Resolution ALJ-202. Additionally, AL 2947-G satisfies the filing requirements specified in Appendix a Section IV. 1-13 of Resolution ALJ-202

PG&E has provided information in this advice letter to meet the eligibility criteria under the advice letter pilot program. Under the CEQA requirements specified in ALJ-202, the activity proposed in the transaction will not require environmental review by the CPUC as a lead agency. The Commission agrees the proposed transaction will not have an adverse effect on the public interest. The proposed transaction will serve the public interest by supporting the Countywide Bicycle and Pedestrian Plan and Gap Closure Project as a public project that provides an important safety enhancement for bicyclists and pedestrians.

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 August 7, 2008, PG&E filed Advice Letter 2947-G requesting approval under PU Code Section 851 to allow PG&E to enter into an Encroachment Agreement (“Agreement”) with the City of Suisun to construct and maintain a Pedestrian Bridge over an existing PG&E gas pipeline easement located in Suisun city in Solano County, California (the “City or Suisun”).
2. Protests or comments were due to the Commission on August 27, 2008
3. No protests or comments were filed.
4. This Pedestrian Bridge encroachment does not require CEQA review. The City finds that the categorical exemptions under Section 15301(c) and 15304(h) apply. The City and will not interfere with PG&E’s provision of utility service.
5. CCB system has countywide and regional significance by connecting the bicycling systems of Suisun City, Fairfield, Vacaville and unincorporated Solano County as a coordinated network to the Bay Trail.
6. The Gap Closure Project is a critical new linkage of the CCB, which is described in the Countywide Bicycle Plan as a “key primary segment identified for implementation in the short-term.
7. It is also identified as part of the San Francisco Bay Trail System and the State Trail System.
8. Suisun City has been successful in securing a number of competitive state and regional grants for this project that has wide political support in the community, Solano County and the region.
9. The City has informed PG&E that the Pedestrian Bridge project would be cancelled if any one of the grant funding sources expired.
10. The Gap Closure Project is funded primarily by the following grant programs on a reimbursement basis:
11. Transportation for Clean Air Program (through the Bay Area Air Quality Management District) - \$187,000. This has a completion deadline of December 31, 2008.
12. Bicycle Transportation Account (through Caltrans) - \$593,000.

13. Transportation Development Act 3 (through the Metropolitan Transportation Commission) - \$ 86,000.
14. Recreational Trails Park Program (through California State Parks and Recreation Department) - \$160,000
15. Without the Pedestrian Bridge, Suisun City and the granting agencies supporting this project cannot complete a continuous Class I bike/pedestrian path.
16. Without this Pedestrian Bridge, the City would be forced to bring the path over the channel via an existing bridge onto Main Street, an arterial roadway, placing bicyclists adjacent to vehicular traffic exiting or approaching Highway 12.
17. PG&E has a Grant Easement (recorded January 30, 1981, in Book 1981, Page 7141, Instrument 4179 (81-4179) located on the north side of Main Street along the north side of State Route 12, from Marina Boulevard to the Intermodal Transit/Amtrak Train Station within the City of Suisun. The property includes vacant land, abutting a storm drain channel.
18. Pursuant to the Agreement, the City will own and maintain the Pedestrian Bridge for the term of the Agreement, unless PG&E exercises an express unilateral right to terminate the Agreement on 90 days advance notice in the event the Pedestrian Bridge ever interfered with PG&E operations in the easement.
19. PG&E is not collecting any use fees associated with granting the City's encroachment of the easement.
20. By consenting to this construction and use on the easement, PG&E is supporting the Countywide Bicycle and Pedestrian Plan and Gap Closure Project as a public project that provides an important safety enhancement for bicyclists and pedestrians.
21. No PG&E property is being sold or disposed of, so there are no changes to PG&E's rate base as a result of granting the Agreement.
22. To PG&E's knowledge, there is no recent past or anticipated future transactions that may appear to be related to the subject transaction.

THEREFORE IT IS ORDERED THAT:

1. The request of the PG&E seeking approval under PU Code Section 851 to enter into an Encroachment Agreement with the City of Suisun to construct and maintain a Pedestrian Bridge over an existing PG&E gas pipeline

easement located in Suisun city in Solano County, as requested in Advice Letter AL 2947-G 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 September 18, 2008; the following Commissioners voting favorably thereon:

/s/ Paul Clanon

Paul Clanon
Executive Director

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