

Published November 25th, 2020

Court orders PG&E to wait on tree removal, for now

By Pippa Fisher



Trees along the Lafayette-Moraga Regional Trail are situated close to an underground high transmission gas pipeline. Photo provided

A judge has once again called a halt, at least for now, to Pacific Gas & Electric Company's plans to cut down 17 trees on East Bay Regional Park District property within the city of Lafayette, issuing a preliminary injunction order that will remain in effect pending further court orders.

PG&E had notified the city Nov. 10 that it intended to begin removing the 17 trees, 12 of which are on the Lafayette-Moraga Regional Trail, within a few days as part of its Community Pipeline Safety Initiative. The city immediately filed a lawsuit against the utility in the Bankruptcy Court, contending that PG&E failed to comply with a 2017 Tree Removal Agreement obliging them to provide all information required by the city's tree protection regulations before cutting or removing trees within Lafayette.

PG&E maintain that the tree removal is necessary to allow access to the underground high-pressure gas lines, and that tree roots threaten the pipes' safety - claims that a grass-roots organization called Save Lafayette Trees formed by residents initially out of concern for the trees, disputes. SLT says that although PG&E has met with residents, the city and the California Public Utilities Commission for two years, they have never been able to demonstrate how cutting trees improves gas safety.

"The CPSI doesn't make safety sense to us - tree root threat is neither specifically identified nor addressed and some supportive data is invalid, making us wary of other PG&E data provided to us and the CPUC," explains Gina Dawson, co-founder with her husband Michael of SLT. "We believe to best protect community safety, untested pipeline needs to be lawfully examined and this should take priority over a discretionary tree removal program founded on unspecific, unverified, and invalid data."

SLT's involvement which started in 2017 when removal of close to 272 trees was first proposed, led to the group's larger concerns about pipeline safety and led to the formation of the Gas Safety Task Force.

"Nothing is more important than the safety of our customers, employees and communities we serve," says PG&E Spokesperson Tamar Sarkissian. "As part of PG&E's Community Pipeline Safety Initiative, we identified 17 trees on East Bay Regional Park District property within the city of Lafayette that are located too close to the gas transmission pipeline and need to be removed for gas-related safety reasons."

Sarkissian says, "While we continue to believe it is important that we complete this necessary safety work, per the court ruling on Nov. 20, we will not proceed with this work at this time."

Michael Dawson says he is happy with the latest court order to halt proposed tree cutting in Lafayette.

"With PG&E's rush to cut Lafayette trees, they were not only breaching their agreement with the city, they were acting against the concern of residents who have highlighted many important community safety concerns," says Michael Dawson, adding, "No tree has caused a transmission pipeline accident, but PG&E may be stressing old welds with large tree weight displacement, and creating a corrosive underground environment by introducing many new dead tree roots."

Earlier in the year the GSTF requested a pipeline safety audit out of safety concerns for the aging pipeline. The first week of the CPUC audit was in June with a second week scheduled for December. Gina Dawson says that they had hoped PG&E would postpone tree removal until after the CPUC audit.

"The CPUC audit would give us some assurance that PG&E is currently in compliance with safety laws or otherwise on track to do so," says Gina Dawson, noting that "The Alliance (a partnership of the city, PG&E, and the CPUC) was formed in hopes to rebuild community trust in PG&E safety priorities and integrity. Postponing tree removal in the spirit of the Alliance would have gone a long way."

The issue is unlikely to drag on too long. The judge expects PG&E to submit the required site plan and mitigation plan to the city and for the city council to conduct an expedited review of the plan.

According to a statement released by the city, "While there is no expiration on the preliminary injunction, the judge told PG&E that the utility could seek a hearing on an expedited basis if there were delays in the proceedings."

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