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## Judge sides with Save Lafayette Trees on CEQA appeal

By Pippa Fisher



PG&E will be working to replace sections of exposed pipeline on the Lafayette-Moraga Regional Trail. Photo provided

community pipeline safety initiative, claiming pipeline safety is compromised by tree roots and that the trees hinder access in an emergency.

SLT's concerns grew beyond the initial tree removal to concerns over safety, including the lack of automatic shut-off valves, exposed pipeline, lack of testing and aging infrastructure.

Attorney for SLT Stephan Volker says it is an outstanding victory for his clients and for the public. "It is undisputed that the city completely failed to comply with CEQA," he says, adding, "Because the city did nothing to comply with CEQA, we are confident that the superior court will now rule that the city violated CEQA. Once the court makes that ruling, it will set aside the city's tree removal agreement with PG&E."

PG&E spokesperson Jeff Smith says that the utility is in the process of analyzing the court's decision. "It is premature to declare this ruling as in favor or against either party involved in the litigation," he said.

Meanwhile, PG&E signage has appeared at exposed pipeline locations and the company says they will be replacing approximately 150 feet of pipeline, with work starting in mid-November and taking about six weeks to complete.

Gina Dawson, co-founder of SLT, credits community engagement for bringing this about.

"That being said, their latest activities, pipeline signage and possible address of the exposed pipeline, are surface issues. We'd like to know that PG&E is addressing the strength and longer-term viability of the lines - which will entail deeper inspection."

A second public meeting bringing together PG&E, the CPUC with SLT and the city is scheduled for Nov. 13.

It is a meeting Dawson is looking forward to.

Dawson explains their hope for the meeting. "We'd hope the city might dedicate resources to an independent analysis of pipeline risks in our community. We are looking forward to taking both PG&E and the CPUC up on their commitments to further engagement to create what we are dubbing an alliance for

The Court of Appeal for the First District has ruled in favor of Save Lafayette Trees, reversing the Superior Court's previous dismissal of the case. The court must now rule on whether the city of Lafayette failed to comply with the California Environmental Quality Act.

The appeals court upheld the previous dismissal of other claims against the city and PG&E, but found that SLT's claim concerning CEQA had been served within the proper timeframe. As such, the trial court will now have to consider this challenge. Parties have 30 days to appeal.

"We have noted the Court of Appeal's decision," said Lafayette Vice Mayor Cam Burks in a statement from the city. "We will continue to work with Save Lafayette Trees, PG&E and the California Public Utilities Commission to ensure that Lafayette's citizens have confidence that they are safe and that a fair and transparent process is being followed whereby PG&E can conduct the pipeline safety work it feels is needed and residents' concerns about that work are properly addressed," he added.

The Oct. 23 ruling is the latest step in the 16-month long legal saga following SLT's petition filed June 26, 2017 against the city of Lafayette and PG&E.

The group took issue with the March 27, 2017 city council agreement with the utility, allowing them to remove hundreds of trees on public and private property in the city, which PG&E says is necessary as part of the

community pipeline safety.

"Our proposal for this group would be to have a community specific pipeline integrity management program in place, based on an independent assessment, so the public can be assured each part of the gas pipeline system in Lafayette is known and accounted for, and threats are known, ranked, and addressed in order of reducing safety risks," Dawson continues. "That basically is our pitch to getting to trust. ... turning words into action."

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