



Kenneth E. Varner
President & Chief Executive Officer

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VIA FACSIMILE AND U.S. MAIL

Ms. Billie Blanchard
California Public Utilities Commission
c/o Aspen Environmental Group
235 Montgomery Street, Suite 800
San Francisco, CA 94104-2906
Facsimile: (650) 240-1720

RE: PG&E Jefferson-Martin 230 kV Transmission Project: Comments on NOP

Dear Ms. Blanchard,

Cypress Lawn Cemetery Association ("Cypress Lawn") is in receipt of the Notice of Preparation ("NOP") for the PG&E Jefferson-Martin 230 kV Transmission Project ("Project"). Cypress Lawn hereby submits the following comments on the NOP.

Cypress Lawn is located in the Town of Colma, south of Serramonte Boulevard. Cypress Lawn's property extends in an east-west direction, extending from west of El Camino Real to east of Hillside Boulevard. The Project, which appears to involve, among other items, placement of electric cables within Hillside Boulevard, would have impacts to Cypress Lawn.

Location of Electric Cables and Other Appurtenances. Cypress Lawn understands from its reading of the NOP that (1) all electric cables and related appurtenances and equipment in the vicinity of Cypress Lawn would be underground and (2) the cables and related appurtenances and equipment would be entirely within the Hillside Boulevard public right-of-way (*i.e.*, no permanent real property interest of Cypress Lawn would be affected by the Project). *Please confirm in the EIR and by return letter that Cypress Lawn's understanding is correct. Any above-ground equipment would have potential aesthetic, visual and noise impacts to Cypress Lawn.*

Please note that the alternate alignment for the electric cables listed in the NOP as Segment 3B would use the BART underground right-of-way near El Camino Real. This right-of-way traverses Cypress Lawn's property (*i.e.*, the BART subway tunnel is directly underneath Cypress Lawn's property). *Please confirm in the EIR and by return letter that all work to run the electric cables and install related appurtenances (if Segment 3B were chosen rather than running the cables within Hillside Boulevard) would be done entirely underground within the BART subway tunnel (i.e., that no physical disturbance of Cypress Lawn property would occur).*

Additionally, regarding the alternate alignment, PG&E must obtain Cypress Lawn's approval to use the BART underground right-of-way through Cypress Lawn's property. BART does not have the

exclusive authority to permit PG&E to use the right-of-way; approval from Cypress Lawn is required.¹ Please contact Cypress Lawn to discuss.

Area Needed for Construction. It is unclear from the NOP whether construction of the Project (either as proposed or as required for alternative Segment 3B) in the vicinity of Cypress Lawn will encroach onto Cypress Lawn's property (e.g., staging of construction equipment, trucks, etc... on Cypress Lawn's property). Please clarify in the EIR and by return letter whether construction-related activity or equipment would encroach onto Cypress Lawn's property. Any encroachment would have aesthetic impacts to Cypress Lawn that should be identified and discussed in the EIR, and mitigation measures proposed.

Additionally, any encroachment onto Cypress Lawn's property cannot be done without Cypress Lawn's granting of a temporary construction easement (or some similar temporary property right). If encroachment is anticipated, please contact Cypress Lawn to discuss Cypress Lawn's willingness to grant such an easement.

Construction: Aesthetic and Traffic Impacts on Memorial Services at Cypress Lawn. As a memorial park, Cypress Lawn conducts outdoor and indoor memorial services during the daytime on weekdays – the exact time when construction of the Project is certain to occur. Construction noise, equipment and vehicles would have negative aesthetic noise and visual impacts, and negative traffic impacts, on the participants in these services. The EIR should clearly identify these potential impacts. The EIR also should propose mitigation measures for these impacts, including (at a minimum) (1) 30-days advance notification to Cypress Lawn of the Project construction dates and construction activities in the vicinity of Cypress Lawn so that Cypress Lawn can attempt to coordinate the dates and times of its memorial services and (2) measures to ensure that no traffic patterns associated with Cypress Lawn's memorial services would be impacted by construction activity.

Please note, however, that due to many factors, including religious requirements of some faiths, memorial services in many cases cannot be delayed until after Project construction ends (e.g., in some cases, interment must occur within a short period after death). The EIR should propose mitigation measures for these circumstances, including (at a minimum) (1) suspension of construction activity during memorial services, (2) a requirement that the construction area be left in a neat and orderly state during these periods of suspended construction activity and (3) coordination with Cypress Lawn management by the construction contractor.

Thank you for the opportunity to submit comments on the NOP. Please do not hesitate to contact me if you have any questions.

Sincerely,

KENNETH E. VARNER by Angela DeBenedetto
Kenneth E. Varner
President and CEO

Cc: Susan R. Diamond, Esq.

¹ BART's right-of-way through Cypress Lawn's property was granted by Cypress Lawn to BART and to the San Mateo County Transit District ("SamTrans") via an agreement under which BART and SamTrans covenanted to use the granted property for subsurface public transit and communication purposes only. This covenant was recorded against the property in a grant deed. Accordingly, PG&E must obtain Cypress Lawn's approval in order to use the BART underground right-of-way (i.e., the subway tunnel).