

Noise, tree cutting from PG&E Meadow Vista canal work disturbs resident

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Alan Swanson has his peace and quiet back.

But the bitterness of having to put up with almost of month of what he described Thursday as incessant noise throughout his mornings, afternoons and evenings lingers.

Swanson, a resident of rural Country Road in Meadow Vista, owns property that borders the Bear River Canal. This fall, Pacific Gas & Electric Co. crews let him know in July that they would be doing maintenance on a stretch of canal fronting his house.

On Oct. 1, the noise started as crews moved in with chainsaws and heavy machinery to cut trees and clear ground, Swanson said. They started on weekdays at 7 a.m. and didn't quit until 8 p.m. On weekends, the work started at 8 a.m.

As the month progressed, cement trucks and pumps to pour the concrete mix into the drained canal rumbled onto the PG&E easement to complete the job. Swanson said the sound of back-up beepers, the roar of chainsaws, and the steady cacophony of equipment was a form of torture that didn't let up.

"We couldn't open the windows," Swanson said. "The guys operating the equipment were wearing earphones. The noise was unbelievable."

Adding to Swanson's woes, he said he agreed to allow PG&E to cut down trees on his property and they ended up removing, at his count, 23 pine trees and two oaks. Now he's left with spaces overlooking neighbors' homes and a loss of privacy he has enjoyed for the 25 years he has owned his home.

"I said, 'Take down what you need,'" Swanson said. "They have an easement and I think it was too intimidating to say 'no' to."

The last of the heavy equipment made their final backward "beeping" sounds on Wednesday and crews were mopping up work on Thursday.

"My advice to anyone having to deal with this is to get an attorney before signing off on anything so you don't get abused," Swanson said. "I feel abused."

PG&E spokeswoman Brandi Ehlers said Thursday that the maintenance project started Oct. 15 to strengthen canal walls and ensure future reliability. The project next to the Swanson property involved concrete liner replacement, she said.

"Before and throughout, we're working with customers on the canal," Ehlers said. "We're looking to complete the project and return the canal to service this weekend."

Tree removal on the easement was undertaken to remove any growth that might cause hazards if they fell into the canal, Ehlers said.

"They were all in our easement," she said. "When trees are cut, we notify the property owner."

Ehlers added that all the work done complied with the Placer County noise ordinance.

PG&E is willing to work with any property owner along a canal if they have problems, she said.

"Any time there is work along easements, canals or power lines we always want to work with customers and see what solutions there are," Ehlers said. "We want to work with those customers to come to reasonable solutions on both ends so impacts are more bearable."

Easements are little-understood and can cause problems for property owners dealing with quasi-government entities such as PG&E, a Placer County land-use attorney said Thursday.

Brigit Barnes, a Loomis-area land use and real estate attorney, said that public and private easement language in sales agreements often are ignored or misunderstood by buyers. That can lead to misunderstandings when PG&E or Placer County Water Agency move onto easements for maintenance or emergency repairs, she said.

"Hardly anyone reads their preliminary and the preliminary is written in Sanskrit," Barnes said. "For example, an easement for PG&E would say little more than refer to a book and a page. The owner should be ordering a copy and reading it."

On easements involving public utilities, many of the rights the utility has are implied rather than spelled out, Barnes said.

"When the Bear River canal burst a couple of years ago, they were running folks 24-7 to fix canal and they had every right," Barnes said. "They can almost rise to level of government in those cases because they have a duty to public they serve."

That duty includes the argument that maintenance is essential to a major canal line, Barnes added.

Barnes added that an entity like PG&E can do a property owner a favor by agreeing to take out dead or dying trees. But the utility also has a right to remove trees on the easement that may have been planted at the property owner's expense.

"We're getting more calls about negotiating to have easements removed but you can't generally get a PG&E or PCWA easement removed unless a canal is abandoned," Barnes said. "When you have a quasi-governmental easement, you need to understand it's going to be there for entire life of property."