



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

April 1, 2019

The Honorable Bill Dodd
Member, California State Senate
State Capitol, Room 4032
Sacramento, CA 95814

**RE: Senate Bill 247 – OPPOSE UNLESS AMENDED
As Amended March 14, 2019**

Dear Senator Dodd:

On behalf of the Rural County Representatives of California (RCRC), I regretfully write to inform you of our “Oppose unless Amended” position on your Senate Bill 247, which shifts responsibility for identifying trees and other vegetation near power lines that utilities must remove from the individual utilities to the California Department of Forestry and Fire Protection. RCRC is an association of thirty-six rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties.

RCRC member counties contain much of California’s forested lands and have suffered the vast majority of the State’s most catastrophic wildfire events in the last decade, including the Camp Fire, which completely devastated the City of Paradise and stands on record as the most destructive wildfire in California history with 85 lives lost, nearly 19,000 structures destroyed, and 50,000 people displaced.

Like you, RCRC strongly supports efforts to reduce wildfire risk and agree that vegetation management near utility lines is crucial to avoiding future wildfires. At the same time, we believe that the year-round fire season is straining CAL FIRE’s scarce resources that are focused on fighting wildfires, fuel reduction, and defensible space inspections.

Under existing law, it is the individual utility’s responsibility to identify and trim vegetation that encroaches upon its power lines. SB 247 shifts that responsibility to CAL FIRE, which must prepare and update a comprehensive inventory of trees and vegetation near electrical lines and infrastructure. This “trim list” is intended to identify all vegetation work necessary to ensure a utility’s compliance with existing requirements.

RCRC believes that preparing and updating this exhaustive “trim list” will require the continuous expenditure of significant CAL FIRE resources that are better allocated to fuel reduction projects and defensible space inspections. These are costs that could and should be borne by the utilities. Furthermore, we do not believe that it is CAL FIRE’s role to identify

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all trees and vegetation that a utility must remove in order to comply with existing regulatory requirements. Again, the utility has the resources and experience to determine what vegetation management work must be performed. The existing financial consequences for failure to adequately maintain vegetation around powerlines should be enough motivation for the utilities to identify what must be done and act accordingly.

Rather than requiring CAL FIRE to proactively and regularly survey utility lines to create a comprehensive "trim list," *we believe the bill should be amended to narrow the scope of CAL FIRE's responsibility.* CAL FIRE should only have to identify trees and vegetation that it observes in need of work during its ordinary course of operations. Local agencies that observe encroaching trees or vegetation could forward that information on to CAL FIRE for dissemination to the appropriate utility. These changes preserve the utilities' existing roles and responsibilities while providing a helpful backstop where CAL FIRE and local agencies can recommend needed work. We have attached a mock-up of our suggested amendments to SB 247.

While we oppose some of the provisions included in SB 247, we do commend several provisions improving accountability of ratepayer funds collected for vegetation management. RCRC supports prohibiting utilities from diverting vegetation management ratepayer money for other purposes. With respect to prohibiting a utility from earning any profit on ratepayer funds deposited into its vegetation management account, the bill could instead direct that any interest earned on those moneys shall also be used for vegetation management.

For the above reasons, RCRC opposes your SB 247 unless amended. If you should have any questions, please do not hesitate to contact me at jkennedy@rcrcnet.org or (916) 447-4806.

Sincerely,



JOHN KENNEDY
Legislative Advocate

cc: Members of the Senate Energy, Utilities & Communications Committee
Consultant, Senate Energy, Utilities & Communications Committee
Consultant, Senate Republican Caucus

Attachment: SB 247 Mock-Up

Suggested Amendments

Public Resources Code Section 4742.

(a) (1) The department shall provide a list for each electrical corporation identifying all trees and other vegetation requiring removal or trimming in the vicinity of electrical lines or equipment owned by the electrical corporation, including the extent of trimming required. The list shall include those trees and vegetation identified by local agencies or by the department during the ordinary course of operations. This list shall be known as the “trim list.” The trim list shall describe the actions required to do both of the following:

(A) Ensure compliance with all rules, decisions, or orders of the Public Utilities Commission and any other legal requirements.

(B) Reduce the risk of wildfires resulting from contact with electrical lines or equipment owned by the electrical corporation to a reasonable level.

(2) The department shall provide the trim list to the electrical corporation as soon as reasonably practical, but no longer than one week after the identification of trees and other vegetation for removal or trimming. The trim list shall be provided on a rolling basis as the identification is made.

(b) (1) An electrical corporation shall notify the department after it has completed all or a substantial portion of the trimming or removal in the trim list. Upon receiving notice from the electrical corporation, the department shall promptly audit the work performed by, or on behalf of, the electrical corporation. The audit shall specify any failure of the electrical corporation to fully comply with the trim list and the department shall provide that specification to the electrical corporation. The electrical corporation shall have a reasonable time to correct and eliminate any deficiency specified in the audit.

(2) After the time to correct and eliminate any deficiency specified in the audit expires, and no less than annually, the department shall issue a report to the electrical corporation and Public Utilities Commission specifically describing any failure of the electrical corporation to substantially comply with the trim list. The report shall be made publicly available.

(c) (1) All electrical line clearance tree trimmers performing work to comply with the trim list shall be qualified line clearance tree trimmers or trainees under the direct supervision and instruction of qualified line clearance tree trimmers as provided in the Department of Industrial Relations’ High-Voltage Electrical Safety Orders (Group 2 (commencing with Section 2700) of Subchapter 5 of Chapter 4 of Division 1 of Title 8 of the California Code of Regulations).

(2) All qualified line clearance tree trimmers shall be paid no less than the prevailing wage rate for a first period apprentice electrical utility lineman as determined by the Director of Industrial Relations.

(d) Each electrical corporation shall reimburse the department for its cost to carry out this section with respect to that electrical corporation’s electrical lines and other exposed energized overhead conductors and equipment.

(e) This section shall not be construed to create any new obligation for the department or local agencies to proactively survey electrical lines or equipment or inform utilities of the actions that must be taken to comply with vegetation clearance standards.

(f) This section shall become operative on January 1, 2021.