
**SENATE COMMITTEE ON ENERGY, UTILITIES AND
COMMUNICATIONS**

Senator Ben Hueso, Chair

2021 - 2022 Regular

Bill No:	SB 396	Hearing Date:	08/16/2022
Author:	Bradford		
Version:	6/30/2022 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Nidia Bautista		

SUBJECT: Forestry: electrical transmission or distribution lines: clearances: notice and opportunity to be heard

DIGEST: This bill establishes a process for electrical corporations that own electrical transmission and distribution lines to cut, fell, or trim trees on property outside the utility easement where the electrical corporation does not have existing rights or express permission from the landowner.

ANALYSIS:

Existing law:

- 1) Establishes the California Public Utilities Commission (CPUC) with regulatory authority over public utilities, including electrical corporations. (California Constitution, Article XII)
- 2) Requires each electrical corporation to construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire. Requires each electrical corporation to annually prepare and submit a wildfire mitigation plan (WMP) to the Wildfire Safety Division (WSD) for review and approval. Requires the WMP to include a description of the preventive strategies and programs to minimize the risk of its equipment causing catastrophic wildfires, including plans for vegetation management. (Public Utilities Code §8386)
- 3) Establishes the Office of Energy Infrastructure Safety (OEIS) within the Natural Resources Agency and transfers the functions of the WSD to OEIS by July 1, 2021. (Government Code §15473, Public Utilities Code §326)
- 4) Requires the CPUC, the OEIS, and the Department of Forestry and Fire Protection (CalFire) to enter into a memorandum of understanding to cooperatively develop consistent approaches and share data related to fire

prevention, safety, vegetation management, and energy distribution systems.
(Public Utilities Code §8386.5)

- 5) Authorizes any person who owns, controls, operates, or maintains any electrical transmission or distribution line to traverse land as necessary, regardless of land ownership or express permission to traverse land from the landowner. After providing notice and an opportunity to be heard to the landowner, to prune trees to maintain clearances, as provided, and to abate, by pruning or removal, any hazardous, dead, rotten, diseased, or structurally defective live trees. Authorizes this abatement at the full discretion of the person that owns, controls, operates, or maintains the electrical transmission or distribution lines, except for certain applicable minimum clearance requirements for those lines. (Public Resources Code §4295.5(a))
- 6) States that the above authority does not exempt a person who owns, controls, operates, or maintains an electrical transmission or distribution line from liability for damages for the removal of vegetation that is not covered by an easement granted to the person for the electrical transmission or distribution line. (Public Resources Code §4295.5(b))
- 7) Requires any person that owns, controls, operates, or maintains any electrical transmission or distribution line, that is more than 750 volts in a mountainous land, or in forest-covered land, brush-covered land, or grass-covered land to maintain around and adjacent to any pole or tower which supports a switch, fuse, transformer, lightning arrester, line junction or dead end or corner pole, a firebreak which consists of a clearing of not less than 10 feet in each direction. (Public Resources Code §4292)
- 8) Requires any person that owns, controls, operates, or maintains any electrical transmission or distribution line that is more than 750 volts in a mountainous land, or in forest-covered land, brush-covered land, or grass-covered land to maintain a clearance of: (a) four feet for any line operating at 2,400 or more volts, but less than 72,000 volts; (b) six feet for any line operating at 72,000 or more volts, but less than 110,000 volts; and (c) 10 feet for any line operating at 110,000 or more volts. (Public Resources Code §4293)

This bill:

- 1) States the intent of the Legislature that nothing in this bill exempts a person who owns, controls, operates, or maintains an electrical transmission or distribution line from liability for personal injury or property damage

proximately caused by that person's negligence or recklessness in felling, cutting, or trimming trees or vegetation.

- 2) States the intent of the Legislature that any trees that are felled, cut, trimmed or treated under this legislation must be at no cost to the landowner.
- 3) Authorizes, notwithstanding any other law or regulation related to trespass or damage liability, an electrical corporation to traverse lands in High Fire Risk Districts (HFTDs) and the State Responsibility Area (SRA), regardless of property ownership and without property owner permission, to cut, fell, or trim hazardous, dead, diseased, or structurally defective live trees in order to maintain clearance around electrical transmission and distribution lines above 750 volts.
- 4) Requires an electrical corporation to provide notice to the landowner and an opportunity for the landowner to be heard before cutting, felling, or trimming trees.
- 5) Requires the electrical corporation's compliance with Public Resources Code §4293, which requires specified clearances in all directions between all vegetation and all conductors which are carrying electrical current, and, if applicable, Rule 35 of the CPUC's General Order 95, which specifies vegetation clearance requirements for overhead electrical supply and communication facilities.
- 6) Requires, where the electrical corporation does not have existing rights or the express permission from the landowner, trees that are cut, felled, or trimmed to remain on the property unless the landowner makes a timely request to the electrical corporation to perform a treatment of the wood, including, but not limited to, onsite chipping or the removal of the wood from the property.
- 7) Requires an electrical corporation to treat the wood in a manner that is cost-effective, reduces wildfire risk, and consistent with the above provisions. Provides that the electrical corporation is not obligated to treat or remove the wood if the wood is not safely accessible by its vehicles and equipment or other regulations prohibit the treatment.
- 8) Requires, except where the landowner has requested the woody material to be kept intact, when operating within 150 feet of a structure, public road, or other infrastructure (as defined), woody materials trimmed, cut, or felled be treated to achieve a maximum post-activity depth of nine inches. Provides that nothing in this subdivision shall supersede Public Resources Code §4291.

- 9) Requires electrical corporations that conduct cutting, felling, or trimming, per the provisions of this bill, to be done in compliance with the California Forest Practice Rules (CFPR) and the California Coastal Act.
- 10) Exempts electrical cooperatives from the provisions of this bill.
- 11) Requires the CPUC, on or before January 1, 2025, to develop, through a public process, standardized content and methods for delivery for a letter, door hanger, or other means of notification an electrical corporation can provide a property owner before pruning, cutting, trimming, or felling trees on property where the electrical corporation does not have existing rights or express permission.
- 12) Requires, until the CPUC's standardized content is approved, an electrical corporation to make a good faith effort to communicate the process for felling, cutting, or trimming trees to the property owner.
- 13) Sunsets the provisions of this bill on January 1, 2028.

Background

Wildfires caused by electric utility infrastructure. Electrical utility infrastructure equipment, including downed electric power lines, arcing, and conductor contact with trees and grass, can act as an ignition source. Risks for wildfires has increased with extended drought conditions, bark beetle infestation that has increased tree mortalities, extreme heat and high wind events, along with increased encroachment of development into forested and high-fire threat areas. According to a State Auditor's report titled *Electric System Safety* released in March 2022: since 2015, power lines have caused six of the State's 20 most destructive wildfires. The report also noted that CalFire found that fires caused by power lines hit by falling limbs or trees accounted for 74 percent of the acres burned in its jurisdiction from 2018 through 2020 that were caused by electrical power.

Wildfire mitigation plans (WMPs). In response to the numerous catastrophic wildfires, the state has adopted numerous statutes to require electric utilities to mitigate wildfire risks. Pursuant to the adoption of SB 1028 (Hill, Chapter 598, Statutes of 2016), further expanded by SB 901 (Dodd, Chapter 626, Statutes of 2018) and AB 1054 (Holden, Chapter 79, Statutes of 2019), electric utilities are required to annually file WMPs based on the guidance from the WSD. Previously housed at the CPUC, as of July 1, 2021, the WSD has been transferred to the OEIS within the Natural Resources Agency. The WSD reviews and determines whether to approve the electric investor-owned utilities (IOUs') plans and ensures

compliance with guidance and statute. The electric IOUs' WMPs detail, describe, and summarize electric IOU responsibilities, actions, and resources to mitigate wildfires. These plans include efforts to harden their system to prevent wildfire ignitions caused by utility infrastructure, such as widespread electric line replacement with covered conductors designed to lower wildfire ignition, pole replacement, sectioning of circuits, and other actions. The plans also include information regarding the electric IOUs' efforts to conduct extensive vegetation management to reduce the risk of tree branches, grasses, and other vegetation from coming into contact with utility infrastructure. The WMPs also require electric utilities to incorporate their protocols and procedures for proactive power shutoffs intended to be used as a last-resort to prevent wildfire ignitions.

Vegetation clearance. There are various Public Resources Code and Public Utilities Code sections requiring electric utilities to conduct vegetation clearance and management. Public Resources Codes §§4292 through 4295 provide specified clearances between utility infrastructure and vegetation, including those in SRAs. The clearances can vary depending the voltage of the electric line, ranging between four feet in each direction to upwards of 10 feet. Additionally, CPUC rules provide additional requirements for electric IOUs regarding vegetation clearance, including CPUC General Order 95 (GO 95), Rule 35 which specifies line clearances, including for bare-line conductors and vegetation in extreme and high fire-threat zones in Southern California. As the State Auditor's report notes:

California is at a higher risk of wildfires and more frequent power shutoffs in part because of the nearly 40,000 miles of bare power lines in areas where there is a greater threat of wildfire. In 2020 the six utilities [state's electric IOUs] reported completing hardening projects—improvements to make electrical equipment more fire resistant or to reduce the risk of them igniting a fire—on only 1,540 miles of lines.

Vegetation clearance on land not owned by the electric utility. AB 2911 (Friedman, Chapter 641, Statutes of 2018) provided electric utilities the authority to traverse land the utility does not own to complete required vegetation clearance work. The bill added Public Resources Code §4295.5 which provides that the electric utility can traverse the land, after providing notice and an opportunity for the landowner to be heard, in order to prune or remove hazardous trees within SRAs and CPUC-identified high-fire threat districts. The bill also included language to not exempt the electric utility from liability for removal of vegetation that is not covered in the utility distribution or transmission line easement.

Forest Practices Rules. The California Forest Practice Act was enacted in 1973 to ensure that logging is done in a manner that will preserve and protect fish, wildlife,

forests and streams. The State Board of Forestry and Fire Protection enacts and enforces additional rules to protect these resources, such as the California Forest Practice Rules (CFPR), under Title 14 of the California Code of Regulations. The CFPR provides detailed instructions for woody material management, among many other things, for fuel treatment standards that specify wood material management, treatment and removal within specified distances of various structures and roads.

Communities upset with utility vegetation clearance efforts. After the 2020 CZU Lightning Complex fires in the Santa Cruz Mountains were contained, Pacific, Gas & Electric (PG&E) cut thousands of trees, including second growth redwoods, madrones, and cypress, in Boulder Creek, Ben Lomond and Bonny Doon to clear the forests of dead and damaged trees near powerlines. However, more trees were removed than may have been necessary. The Santa Cruz County Board of Supervisors described PG&E logging as “egregious and reckless.” Though Santa Cruz is in the Coastal Zone, this was all done without a Coastal Development Permit because current law expressly exempts this activity from “any other law,” which includes the Coastal Act. Had current law required compliance with CFPR and the Coastal Act, oversight and permitting would have been required, and much of the damage may have been avoided. PG&E faces millions of dollars in fines from the CalFire and the California Coastal Commission for over-cutting large trees. The OEIS issued a Draft Action Statement on PG&E's 2021 Wildfire Mitigation Plan Update that raised concerns that PG&E's vegetation management and post-fire restoration activities created large amounts of biomass residue. On August 24, 2021, the CPUC requested that PG&E:

- Immediately and without delay establish a felled tree removal plan for the customers impacted by wildfires in 2020;
- Communicate the plan clearly to impacted county and local governments, tribes, customers, and landowners;
- Ensure close coordination with the California Governor's Office of Emergency Services' debris management program;
- Consider every possible commercial use for the felled tree once removed; and,
- Execute the plan safely, in keeping with local permits and rules, and with high priority.

In addition to the issues in Santa Cruz, many communities have expressed concerns about the efforts by PG&E to prune, trim, and fell trees. Some of these experiences have received news attention, including in Nevada City, El Dorado and Calaveras Counties, to name a few. Additionally, this committee has received comments from residents in various parts of the state who have shared details of

the challenges and concerns with the tree trimming and cutting work in their communities by PG&E.

PG&E announces effort to underground 10,000 miles of electric lines. In July 2021, within days of disclosing to the CPUC that their equipment may have ignited the Dixie Fire that was then-burning in Northern California, PG&E announced a safety initiative to protect communities from the threat of wildfire by moving 10,000 miles of power lines underground in areas with high-fire risk. PG&E's public statements acknowledge a shift in their perspective on the need to underground electric facilities as a preferred strategy to reduce wildfire risks based on adjustments in the calculations for undergrounding infrastructure (largely given to the growing costs and risks of continued wildfires) and costs of other strategies (including the need for ongoing vegetation management and use of power shutoffs). While the utility did not release a detailed plan, including how costs would be paid, they noted the intent to underground 1,000 miles per year over ten years and a desire to work with all stakeholders to develop a plan.

Comments

SB 396. This bill would replicate some of the language in AB 2911 (Friedman, 2018) with notable changes. This bill only applies to electric IOUs, and does not include electric POUs. This bill would also expand the allowable activities beyond solely pruning or removing hazardous trees, and instead allow cutting, trimming, and felling trees with full discretion of the electric IOU. This bill also does not include the specific liability language included in AB 2911, Public Resources Code §4295.5(b). Instead, this bill includes language in the findings and declarations regarding the legislature's intent to not exempt electric utilities from liability caused by reckless or negligence in conducting the vegetation clearance. This bill also includes a section requiring the CPUC, by January 1, 2025, to develop standardized content for landowner notification regarding the electric IOUs intent to cut, trim, fell, or prune trees on the landowner's property.

Given the limitations on the ability of more than one policy committee to hear bills returned to the Senate on a 29.10, the Senate Committee on Natural Resources has provided comments on this bill.

Strategies to address wildfire risks. As noted above, the WMPs filed by electric IOUs incorporate all the strategies that an electric utility intends to take to reduce wildfire risks. Recognizing the tens of thousands of miles of electric lines that need to be addressed, electric utilities are likely to need a combination of actions, including covered conductor, judicious undergrounding of electric lines, sectioning circuits to limit customer exposure to proactive power outages, as well as, a

continued need for vegetation management. Noting that bare electric lines present some of the greatest challenges, the need to address this risk is critical. However, given the announcement by PG&E to underground 10,000 miles of distribution lines, the need for ongoing vegetation clearance should subside. Nonetheless, the numerous customer concerns and complaints regarding the utility's trimming and cutting of trees raises concerns by many opposed to this bill who question whether their authority should be expanded.

California Coastal Act and Forest Practice Act (FPA). This bill would provide that all actions undertaken by an electrical corporation pursuant to the bill's new authority must comply with FPA rules and the Coastal Act. While staff understands this to be declaratory of existing law, this provision is important because some utilities, like PG&E, have questioned the applicability of these laws to their vegetation management activities. CalFire has pushed back on PG&E's claim, issuing 67 notices of violation to PG&E and/or its contractors since 2019, 56 of which have been issued since July 2021. Some stakeholders have raised concerns that this bill's language mandating compliance with the FPA still leaves the door open for PG&E to claim that its actions are not subject to the FPA. This committee may wish to ask PG&E, if a representative is present at the hearing, to clarify its position on this issue and address this concern.

FPA laws vs rules. This bill would only require compliance with FPA rules; it does not explicitly require compliance with FPA laws. Given this bill's explicit call out of the Coastal Act, some may interpret this bill's leaving out FPA laws as intentional and that this bill only requires compliance with the FPA rules. This would mean that any FPA laws that are not further interpreted or clarified in the rules would not apply. This is not a theoretical issue. According to CalFire, not all FPA laws have associated rules.

Enforcement capacity. Ensuring electric corporations follow the Coastal Act and FPA, when these laws apply, requires sufficient enforcement capacity. Some are concerned that both the Coastal Commission and CalFire lack sufficient enforcement capacity to track and inspect the scale of work being undertaken by utilities to manage wildfire risk around their lines. These groups maintain these agencies would need significant investments to increase their enforcement teams to meet the demand, but that the investment may be unlikely given this bill's short life, since it sunsets in 2028.

Expanded authority to fell trees. This bill would expand an electric utility's authority to maintain clearances around utility lines on land the utility does not own from pruning trees to felling trees. Opponents argue this would give electrical corporations unfettered power to cut down healthy, mature trees, far outside the

utility's right-of-way or easements. This concern is particularly salient given recent allegations of PG&E's actions following the CZU Lighting Fire. According to one letter, "PG&E and its contractors cut down ("felled") from the stump nearly 3,500 trees along and adjacent to its utility corridor... [The] property manager—a seasoned and well respected forester with nearly two decades of forestry experience in Santa Cruz County—observed that the vast majority of the felled redwoods were largely undamaged by the Fire and posed essentially no risk to PG&E's utility lines. Additional experienced foresters and arborists have since validated this observation." In some instances, felling a tree may be the best option to safely maintain clearance. However, there are many cases where pruning is sufficient and the tree can be retained. This Committee may wish to consider whether it is prudent to expand this authority beyond pruning without adding other conditions or protections to ensure healthy trees that do not pose a danger to the utility's infrastructure are retained.

Conservation easements. Many of the trees cut down by PG&E in the example provided above were protected under conservation easements that the state helped to fund. PG&E did not provide notice to the easement holders. While this bill would provide some opportunities for the landowner to engage with the utility, it does not include opportunities for other stakeholders to weigh in, like conservation easement holders.

Retaining the wood's economic value. This bill does not require the electrical corporation operate in a manner that preserves the wood's economic value for the landowner. For example, while this bill would allow the landowner to request the utility to leave the wood intact, this does not necessarily mean it will be in a condition that a timber mill would accept.

Limited protections outside of areas under the Coastal Act and FPA. The Coastal Act only applies in the Coastal Zone and the FPA only applies to timberlands. Outside of these areas, like in oak woodlands or chaparral forests, the protections provided by these laws would not apply. This is concerning as some of the provisions could increase fire hazards and potentially create other risks. For example, outside of these areas, this bill would exempt a utility from dealing with the waste it creates but cannot access, leaving the burden on the landowner. Further, while this bill would limit treated materials to a maximum height of nine inches within 150 feet of certain structures and infrastructure, outside of that radius, this could be higher. Additionally, the utility must only treat the materials to *reduce* wildfire risk, not to *avoid* or *eliminate* that risk, and this bill does not require consideration of other risks or hazards, including those for water quality, habitat, or erosion.

Costs to electric ratepayers and landowners. Under current processes, an electric IOU must receive approval by the CPUC for cost recovery from ratepayers for any wildfire mitigation work, after a review by the CPUC to ensure the costs are just and reasonable. This bill appropriately does not change that process. While this bill includes intent language that any trees that are felled, cut, trimmed or treated under this legislation must be at no cost to the landowner, the intent language, appropriately, does not prevent the CPUC from disallowing electric IOUs from recovering costs that are found to not to be just and reasonable. At the same time, the intent language assures landowners that these costs should not be borne by them. Unfortunately, the challenge of who should pay for removal of hazardous trees can be complicated. In many cases, landowners can not afford to pay for the removal of hazardous trees, however, it is not clear that these costs should always be borne by electric ratepayers. Additionally, the intent language only applies to trees outside the coastal zone or timberlands. Some stakeholders would like to expand this intent to other areas.

Notice to landowners. This bill requires the CPUC, by January 1, 2025, to develop a standardized process to notify landowners when an electric IOU intends to traverse their property for vegetation clearance. Many of the entities opposed to this bill express concerns between the lag of when this bill would take effect and the date by when the CPUC would develop the standardized notification requirements. Many residents have expressed frustrations with inadequate notification by PG&E's past and current vegetation clearance work. Many of the groups opposed to this bill also express concerns that a requirement for a "good faith effort" by the electric IOUs is not sufficient.

Prior/Related Legislation

AB 2911 (Friedman, Chapter 641, Statutes of 2018) proposed numerous provisions related to fire prevention and vegetation management, including providing explicit authority for electric utilities to traverse land as necessary, regardless of land ownership, after providing notice, in order to prune trees to maintain clearances. Explicitly does not exempt electric utilities from liability for damages for the removal of vegetation not within their easements.

SB 884 (McGuire, 2022) creates an expedited program by which a large electrical corporation may receive approval for a plan to underground utility distribution infrastructure. The bill is pending on the Assembly Floor.

SB 247 (Dodd, Chapter 406, Statutes of 2019) made several changes related to the vegetation management requirements of electrical corporations, including: specifying qualifications and prevailing wages for line clearance tree trimmers, and other requirements.

AB 1054 (Holden, Chapter 79, Statutes of 2019) shifted the responsibility for review of WMPs from the CPUC to the WSD of the CPUC (temporarily located there) and made modifications to the review process, among other provisions.

AB 111 (Committee on Budget, Chapter 81, Statutes of 2019) required, by January 1, 2020, the CPUC to establish the WSD within the CPUC and requires all functions of the WSD to be transferred to OEIS, effective July 1, 2021.

SB 901 (Dodd, Chapter 626, Statutes of 2018) established the requirement that the WMPs of each electrical corporation meet a number of specified requirements, among other provisions.

SB 1028 (Hill, Chapter 598, Statutes of 2016) required electric IOUs to file annual WMPs and requires the CPUC to review and comment on those plans. The bill also required POU and electrical cooperatives to determine their risk of catastrophic wildfire that can be caused by their electric lines and equipment and, if a risk exists, submit WMPs to their governing board for its approval.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT:

Pacific Gas and Electric Company (Sponsor)
California Professional Firefighters
Coalition of California Utility Employees
San Diego Gas & Electric
Southern California Edison
Tree Care Industry Association

OPPOSITION:

350 Bay Area Action
350 South Bay LA
Alameda County Democratic Party
Big Sur Land Trust
California Council of Land Trusts
California Native Plant Society
Center for Biological Diversity
Change Begins With ME
Defenders of Wildlife
Elder Creek Oak Sanctuary
Environmental Protection Information Center
Friends of Harbors, Beaches and Parks

Indi Squared

Indivisibles: 36, 41, Alta Pasadena, Auburn CA, Beach Cities, CA-14, CA-25 Simi Valley Porter Ranch, CA-29, CA-33, CA-34 Women's Feminists in Action, CA-37, CA-43, CA: Green Team, CA: StateStrong, Claremont / Inland Valley, Cloverdale, Colusa County, East Bay, East Valley, El Dorado Hills, Euclid, Hillcrest, Livermore, Los Angeles, Manteca, Marin, Media City Burbank, Mendocino, Normal Heights, North San Diego County, Orchard City, Petaluma, Resisters Walnut Creek, Rooted in Resistance, Ross Valley, Sacramento, San Diego Central, San Diego Downtown, San Jose, San Pedro, Santa Barbara, Santa Cruz, Santa Cruz County, Sausalito, SF Peninsula, SFV, Sonoma County, South Bay LA, Stanislaus, Suffragists, Together We Will Los Gatos, Ventura, Windsor, Yolo, and Yalla

Marin County Board of Supervisors

Midpeninsula Regional Open Space District

Mountain Progressives

Orinda Progressive Action Alliance

Peninsula Open Space Trust

Planning and Conservation League

Progressive Democrats of California

Progressive Democrats of Santa Monica Mountains

Rural County Representatives of California

Santa Cruz for Bernie

Save the Redwoods League

Sempervirens Fund

Sierra Club California

So Cal 350

Sonoma Land Trust

The Climate Alliance of Santa Cruz County

The Climate Reality Project

The Resistance Northridge

Town of Fairfax

Utility Wildfire Prevention Task Force

Valley Women's Club of San Lorenzo Valley Environmental Committee

Venice Resistance

Women's Alliance Los Angeles

Two Individuals

ARGUMENTS IN SUPPORT: According to the author:

In the last decade, California has seen some of the most destructive and unmanageable wildfires in history. It is imperative that the State assist in streamlining fire mitigation strategies and safety for utility workers and

firefighters alike. California utilities and the International Society of Arboriculture have identified thousands of hazard trees that have not been abated because they are located on private or public property where the utility cannot utilize an easement or permission from the landowner to remove them. Currently, utilities face liability for trespassing and treble damages (triple the property value loss) for abating hazard trees where they do not have the authority to do so. This situation between utilities and landowners puts many communities at risk even though the imminent threat of wildfire is widely acknowledged. Efforts to wildfire risk should not place utilities and their employees at odds with public safety. SB 396 is simple wildfire mitigation policy that will assist and ease the stress of some of the State's most vulnerable emergency service workers.

ARGUMENTS IN OPPOSITION: 350 Bay Area, Sierra Club California, and others, in a joint letter, express opposition to this bill due to concerns that “the bill does not provide sufficient safeguards to protect landowners and the environment.” Specifically, they note the lack of explicit statutory language regarding liability from damages caused by the electric IOU, lack of adequate hearing process to allow landowners to be heard, deference to electric IOUs on how to remove or treat trees that are cut or felled, the need for explicit requirement to follow FPA, and lack of meaningful opportunity for landowners to save trees.

Indivisible CA State Strong shares many of the same concerns and provides testimony from individual residents and their experiences with PG&E vegetation clearances. They also express concerns about the reliance on vegetation management in lieu of more “thorough solutions to eliminate utility-caused wildfires” including the application of covered conductors as has been done by Southern California Edison.

The coalition of land trusts also express similar concerns and further express “shielding IOUs from liability for damages for felling non-hazardous trees and trees not covered by an IOU’s easement rights is not the answer.” They argue that this particularly concerning given the recent history by one electric IOU to “unnecessarily” fell non-hazardous trees “that posed no risk to the IOU’s infrastructure.”

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