

AMENDED IN SENATE APRIL 7, 1999

**SENATE BILL**

**No. 427**

**Introduced by Senator Peace**

February 16, 1999

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An act to add Section 8037.5 to the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 427, as amended, Peace. ~~Public utilities: electric lines: trees~~ *Electrical corporations: tree trimming programs.*

Existing law, except as specified, requires any person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous, forest-covered, brush-covered, or grass-covered land, to maintain a clearance in all directions between all vegetation and all conductors that are carrying electric current, as prescribed.

~~This bill would state that it is the intent of the Legislature to consider the enactment of laws to deal with the public safety issue of trees and other vegetation growing into electric lines.~~

*This bill would require the Public Utilities Commission to allow full cost recovery by an electrical corporation for a tree trimming program in compliance with prescribed requirements. The bill would authorize an electrical corporation to trim or remove any tree that grows naturally in the rights-of-way or easements of the electrical corporation after documenting all trees and other major vegetation growing in its rights-of-way, and in its easements, as specified.*

*The bill would require the Department of Fish and Game to assist electrical corporations in developing a plan to minimize the impact on nesting birds of those electrical corporation tree trimming programs and to review the plan every 5 years. The bill would require the commission to create a state advisory committee to select and list trees appropriate for each region of the state, as prescribed. The bill would require the Department of Forestry and Fire Protection to develop and implement a program to minimize the risk of plant disease transmission in the conduct of tree trimming or removal by an electrical corporation. The bill would make a related statement of legislative intent.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 8037.5 is added to the Public  
2     Utilities Code, to read:  
3     ~~8037.5. It is the intent of the Legislature to consider~~  
4     ~~the enactment of laws to deal with the public safety issue~~  
5     ~~of trees and other vegetation growing into electric lines.~~  
6     8037.5. (a) *It is the intent of the Legislature to*  
7     *provide energy safely and reliably and reduce the*  
8     *long-term tree trimming and removal costs for electrical*  
9     *corporations, thereby reducing energy costs to*  
10    *consumers, improving energy efficiency by promoting*  
11    *shade tree planting, and improving the quality of life in*  
12    *cities through tree planting and maintenance.*  
13    (b) *The Department of Fish and Game shall assist*  
14    *electrical corporations in developing a plan to minimize*  
15    *the impact on nesting birds of electrical corporation tree*  
16    *trimming programs in accordance with subdivision (e).*  
17    *The Department of Fish and Game shall review the plan*  
18    *every five years. The commission or the Department of*  
19    *Forestry and Fire Protection shall deem an electrical*  
20    *corporation that delays any tree trimming as a result of*  
21    *the plan to be in compliance with any regulation of the*  
22    *commission or the Department of Forestry and Fire*  
23    *Protection that would otherwise be violated by the delay.*

1 *An electrical corporation may conduct tree trimming*  
2 *that affects nesting birds if the corporation determines*  
3 *that emergency conditions exist.*

4 *(c) The commission shall create a state advisory*  
5 *committee comprised of a representative of the*  
6 *Department of Fish and Game, who shall chair the*  
7 *committee, urban forestry experts, native plant experts,*  
8 *a representative of the Department of Food and*  
9 *Agriculture, representatives of local government, and*  
10 *interested citizens. The committee shall select and list*  
11 *trees appropriate for planting in each region of the state.*  
12 *The committee shall not list non-native tree species that*  
13 *the committee determines to be noxious due to*  
14 *proliferation or the production of pollen, nectar, seeds,*  
15 *leaves, or fruit. The commission shall maintain the list and*  
16 *shall make the list available to the public via the Internet.*

17 *(d) The Department of Forestry and Fire Protection*  
18 *shall develop and implement a program to minimize the*  
19 *risk of plant disease transmission in the conduct of tree*  
20 *trimming or removal by an electrical corporation in*  
21 *accordance with subdivision (e).*

22 *(e) The commission shall allow full cost recovery by an*  
23 *electrical corporation for a tree trimming program in*  
24 *accordance with this subdivision, after the competition*  
25 *transition charge and the rate freeze imposed pursuant*  
26 *to Chapter 2.3 (commencing with Section 330) of Part 1*  
27 *of Division 1 have ended. The commission shall*  
28 *determine the costs attributable to a program in*  
29 *accordance with this section. To be eligible for full cost*  
30 *recovery, an electrical corporation tree trimming shall*  
31 *comply with all of the following:*

32 *(1) For each tree removed by an electrical*  
33 *corporation, the electrical corporation shall plant not less*  
34 *than three five-gallon trees for each inch of diameter at*  
35 *breast height of the tree removed. An electrical*  
36 *corporation is not required to mitigate the removal of a*  
37 *tree by a person who was not authorized to do so by the*  
38 *electrical corporation. An electrical corporation shall*  
39 *maintain a tree planted in accordance with this section*

1 for not less than three years from the date of planting at  
2 the expense of the electrical corporation.

3 (2) Replacement trees shall be selected from the list  
4 created pursuant to subdivision (c). In selecting trees  
5 from the list, the electrical corporation shall give first  
6 preference to native species found in the local area that  
7 are appropriate for the tree planting site. Trees planted  
8 in an electrical corporation right-of-way that, in the  
9 determination of the electrical corporation, have the  
10 potential to impact power lines shall be a species that will  
11 not interfere with the power lines or the maintenance of  
12 those lines.

13 (3) The electrical corporation shall give first priority  
14 to planting replacement trees on or near the site of tree  
15 removal, but may maintain a right-of-way free of trees,  
16 and may plant replacement trees elsewhere.

17 (4) The electrical corporation shall use volunteer  
18 labor, to the extent available, to plant trees. Otherwise,  
19 the electrical corporation shall use local conservation  
20 corps or the California Conservation Corps. If local or  
21 state corps members are not present in the area, the  
22 electrical corporation shall employ disadvantaged youth  
23 or neighborhood organizations to plant trees.

24 (5) An electrical corporation shall conduct all tree  
25 trimming and planting under the supervision of a  
26 certified arborist. A work crew that performs tree  
27 trimming or planting shall be trained by an arborist in  
28 proper tree trimming. Any tree in excess of 24 inches  
29 diameter at breast height shall be trimmed under the  
30 direct supervision of an arborist. An electrical  
31 corporation shall provide the services of an arborist for  
32 the trimming of a tree on private property, at the request  
33 of the property owner.

34 (6) An electrical corporation, with regard to a tree  
35 considered by a city or county to be a heritage tree or a  
36 tree of special interest or concern, or a tree greater than  
37 11 inches in diameter at breast height, shall, to the  
38 maximum extent possible, trim the tree in such a manner  
39 to preserve the life and beauty of the tree while

1 preventing damage to the property of the electrical  
2 corporation.

3 (7) All equipment used to trim or remove a tree,  
4 whether owned by the electrical corporation or an entity  
5 under contract to the electrical corporation, shall comply  
6 with the plant disease transmission program developed  
7 pursuant to subdivision (d).

8 (8) An electrical corporation shall offer wood and  
9 shredded tree material made available as a result of tree  
10 trimming to the easement property owner, or property  
11 owners adjacent to the electrical corporation  
12 right-of-way. If the property owner does not want the  
13 wood or material, the electrical corporation shall remove  
14 and offer it to charities for provision to low-income  
15 persons able to use the wood or material for heating or  
16 compost. Wood and tree trimmings that cannot be used  
17 for fuel shall be composted and made available to the  
18 public at no cost. Material otherwise unusable may be  
19 disposed of at a landfill. The electrical corporation shall  
20 remove any flammable materials resulting from tree  
21 trimming or tree removal to a safe place, if local officials  
22 with fire management and suppression responsibilities or  
23 the Department of Forestry and Fire Protection  
24 determine the removal is necessary for fire protection.

25 (9) Before implementing a program in accordance  
26 with this subdivision, an electrical corporation shall  
27 provide three months notice to the public and to the cities  
28 and counties in which any easements or rights-of-way of  
29 the electric corporation are located. That notice shall  
30 describe the intent of the electrical corporation to  
31 implement a tree trimming program in accordance with  
32 this subdivision. The electrical corporation may use bill  
33 inserts to inform the public pursuant to this paragraph.

34 (f) (1) An electrical corporation may document all  
35 trees and other major vegetation growing in its  
36 rights-of-way, and in its easements, and shall make that  
37 documentation available to any person who wishes to  
38 inspect it. The electrical corporation shall provide the  
39 documentation to any person who requests it, at no cost.  
40 On and after January 1, 2001, or after the date of

1 completion of documentation pursuant to this  
2 subdivision, whichever is later, the electrical corporation  
3 may trim or remove any tree that grows naturally in the  
4 rights-of-way or easements of the electrical corporation  
5 after that date. Subdivision (e) applies to tree trimming  
6 or removal pursuant to this subdivision, except that the  
7 electrical corporation shall also plant three five-gallon or  
8 greater trees for a tree of less than one inch in diameter  
9 at breast height, unless the tree is less than one foot in  
10 height. An electrical corporation shall report to the  
11 commission all tree trimming, removal, and planting, and  
12 the commission shall make that information available to  
13 the public in written form and via the Internet.

14 (2) An electrical corporation may implement this  
15 subdivision in all or part of its service territory. If an  
16 electrical corporation implements this subdivision it shall  
17 comply fully with all the requirements of the subdivision  
18 in the area affected.

