

INITIAL STATEMENT OF REASONS

Fire Prevention Standards for Electrical Utilities, 2004

(Notice Published on October 22, 2004)

Title 14, Chapter 7. Fire Protection, Article 4. Fire Prevention Standards for Electrical Utilities, of the California Code of Regulations (14 CCR):

Amend:

§1251. Definitions

§1252. Locations Where PRC 4292, 4293 Apply.

§1252.1. Official Area Maps.

§1253. Time When PRC 4292-4296 Apply.

§1256. Minimum Clearance Provisions--PRC 4293

§1257. Exempt Minimum Clearance Provisions--PRC 4293.

The Department of Forestry and Fire Protection (CDF) is proposing clarifying changes to fire prevention standards for electric utilities. The changes provide grammatical and regulatory enforcement clarity. The changes are related to improving or deleting definitions, clarifying where the CDF Director (Director) will apply fire prevention codes, specifying where the most current SRA maps can be reviewed, providing consistency of designation of fire hazard dates, and clarifying minimum clearing specifications.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

Electrically charged power lines remain a problematic forest fire ignition source. Improper maintenance of clearing around power lines has resulted in several large, damaging and costly wildfires in California. To help improve compliance with existing regulatory language for fire prevention standards for electrical utilities, several revisions to the existing regulation are necessary. Current regulations may not clearly define the locations and specifications for requirements related to fire hazard reduction for electrical utility structures in the SRA. Ambiguity in the definitions and specifications have resulted in enforcement conflicts, resulting in higher fire risks related to electrical utility structures near wildland flammable materials.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION

Clarity in the definitions, locations and expected hazard reduction requirements will improve utility company compliance with fire hazard reduction regulations. This will ultimately result in less forest fires due to improved maintenance around electrical utilities.

§1251. Definitions: The proposed language revises and deletes several definitions to provide clarity, enforceability and eliminate unnecessary definitions.

The definition of “Agency” was deleted because it is not used in the regulations under Article 4., 1250-1258.

The definition of “conductor” is clarified to better specify what constitutes a conductor. The term “connector” is added, as it also carries an electrical charge which is a fire hazard. Language edits help clarify that a connector is a conductor.

§1252. Locations Where PRC 4292, 4293 Apply: The revision changes the title of the regulation to relieve any misapprehension that the director is responsible for application of fire prevention rules only in SRA. This helps avoid ambiguity about where the CDF director will apply fire prevention PRCs. It also helps eliminate ambiguity that PRCs do not apply to areas outside of SRA. Changes are needed to clarify the law, help protect against forest fires, and enhance cost recovery efforts against those who are responsible for fires.

§1252.1. Official Area Maps. The regulation currently specifies the location and availability of SRA maps where fire prevention standards apply. This revision improves clarification of locations and availability of maps to ensure direct access to the most current SRA maps.

§1253. Time When PRC 4292-4296 Apply. Current regulation applies an arbitrary date during which forest prevention standards apply. To provide a more responsive and consistent period for application of fire prevention standards, the revision changes the ending date for fire prevention requirements to the date the director declares, by proclamation, that hazardous fire conditions have abated. This declaration is made annually by the director and affects other fire prevention requirements beyond hazard reduction related to electrical utilities. Changing the ending date provides a better assessment of actual hazard conditions by having fuel moisture conditions/hazardous fire conditions assessed by a professional, instead of an arbitrary date.

§1256. Minimum Clearance Provisions--PRC 4293: The proposed revisions help clarify fire hazard reduction requirements and improve enforceability of the prevention standards. Revisions improve clarity of the regulation by stating that clearance requirements are needed based on the ability of the conductor or vegetation adjacent to the conductor to sway and come in contact with the conductor.

§1257. Exempt Minimum Clearance Provisions--PRC 4293. The proposed revisions help clarify of grammar and syntax to provide better understanding of where clearing requirements apply. Changes are made to clearly state where the fire standards apply and where they are exempt.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE CDF THE REASONS FOR REJECTING THOSE ALTERNATIVES

The CDF has considered alternatives to the regulation proposed. The alternatives were related to minor grammatical methods to better interpret existing regulation. These minor wording changes were not selected as the proposed rule language provided the most clear interpretation of where and what fire prevention methods are necessary.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The CDF has not identified any adverse environmental effects as a result of the proposed rules. These rules are expressly developed to improve fire prevention standards and provide lessened risk to wildland resources from wildfire.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The CDF estimated that this regulation will not have a significant adverse economic impact on businesses. Proposed revisions do not impose new requirements; they primarily clarify existing requirements.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

No alternatives were presented to the CDF that would lessen any adverse impact on small businesses.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The CDF relied on the following technical, theoretical, or empirical studies, reports or documents in proposing this regulation as referenced in this *Statement of Reasons*:

1. West's Annotated California Codes.

Pursuant to Government Code 11346.2(b)(6): In order to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues as those addressed under the proposed regulation revisions listed in this *Statement of Reasons*; the Board has directed staff to review the Code of Federal Regulations. The CDF staff determined that no unnecessary duplication or conflict exists.

PROPOSED TEXT

The proposed revisions or additions to the existing rule language is represented in the following manner:

UNDERLINE indicates an addition to the California Code of Regulations, and

~~STRIKETHROUGH~~ indicates a deletion from the California Code of Regulations.

All other text is existing rule language.

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