

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Title 14 of the California Code of Regulations**

[Notice Published October 22, 2004]

NOTICE OF PROPOSED RULEMAKING

Fire Prevention Standards for Electrical Utilities, 2004

The California Department of Forestry and Fire Protection (CDF) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

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

Amend 14 CCR CHAPTER 7, Article 4. sections as follows:

§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.

PUBLIC HEARING

CDF will hold a public hearing starting at 9:00 A.M., on Wednesday, December 15, 2004, at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. CDF requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to CDF during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by CDF and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to CDF. The written comment period ends at 5:00 P.M., on Monday, December 6, 2004. CDF will consider only written comments received at the Department office by that time (in addition to those written comments received at the public hearing). CDF requests, but does not require, that persons who submit written comments to CDF reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments may be submitted by U.S. mail to the following address:

Christopher Zimny
Regulations Coordinator
California Department of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered or sent by courier to the contact person listed in this notice at the following address:

California Department of Forestry and Fire Protection
Resources Building
1416 9th St., Room 1517
Sacramento, CA 95818

Written comments may also be sent to CDF via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

chris.zimny@fire.ca.gov

AUTHORITY AND REFERENCE

Under the authority of PRC 4292 and 4293, CDF is amending Article 4, Chapter 7, to Title 14 California Code of Regulations. References include Sections 4292-4296, and 4125 to 4128 of the Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Forestry and Fire Protection (CDF) is proposing clarifying changes to fire prevention standards for electric utilities. 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.

The proposed changes are designed to address grammatical and regulatory enforcement clarity, they do not change clearing standards required by existing regulations. 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.

SPECIFIC PURPOSE OF THE REGULATION

§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.

DISCLOSURES REGARDING THE PROPOSED ACTION

The CDF has determined the proposed action will have the following effects:

- **Costs or savings to any State agency:** None

Cost to any local agency or school district that must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500:

None

- **Mandate on Local Agencies or School Districts, including reimbursable state mandate:** None
- **Other non-discretionary cost or savings imposed upon local agencies:** None
- **Cost or savings in federal funding to the State:** None
- **Significant Statewide Adverse Economic Impact Directly Affecting Business, including ability of California Businesses to compete with businesses in other states:** None
- **Cost impacts on representative private persons or businesses:** The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- **Significant effect on housing costs:** None
- **Adoption of these regulations will not:** (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within

California; or (3) affect the expansion of businesses currently doing business within California.

- **Effect on small business:** None. The regulation does not impose any new fire prevention clearing standards for electrical utilities that would require additional work or expense. It clarifies existing standards to ensure enforceability of standards.
- The proposed rules do not conflict with, or duplicate Federal regulations.

BUSINESS REPORTING REQUIREMENT

The regulation does not require a report that applies to businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5(a) (13), CDF must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of CDF would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Christopher Zimny
Regulations Coordinator
California Department of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

The designated backup person in the event Mr. Zimny is not available is Doug Wickizer, California Department of Forestry and Fire Protection, a phone number (916) 653-5602 at the above address.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

CDF has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

CDF will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at the following address.

California Department of Forestry and Fire Protection
Resources Building
Room 1517
1416 9th St.
Sacramento, CA 94816
Attention: Christopher Zimny
Tel: (916) 653-9418

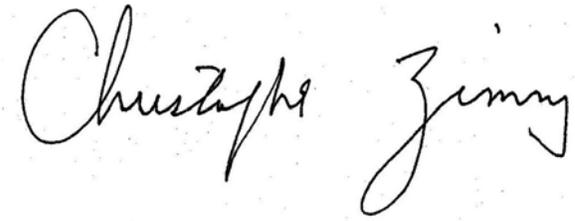
**All of the above referenced information is also available on the CDF website at:
<http://www.fire.ca.gov>**

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, CDF may adopt the proposed regulations substantially as described in this notice. If CDF makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before CDF adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from CDF.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. CDF will accept written comments on the modified regulations for 15 days after the date on which they are made available.

A handwritten signature in black ink that reads "Christopher Zimny". The signature is written in a cursive style with a large initial "C" and a long, sweeping tail on the "y".

Christopher Zimny
Regulations Coordinator
Board of Forestry and Fire Protection

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