

Senate Bill No. 1463

Passed the Senate August 25, 2016

Secretary of the Senate

Passed the Assembly August 18, 2016

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 761.2 to the Public Utilities Code, relating to electrical lines.

LEGISLATIVE COUNSEL'S DIGEST

SB 1463, Moorlach. Electrical lines: mitigation of wildfire risks.

The California Constitution establishes the Public Utilities Commission, authorizes the commission to establish rules for all public utilities, subject to control by the Legislature, and authorizes the Legislature, unlimited by the other provisions of the California Constitution, to confer additional authority and jurisdiction upon the commission that is cognate and germane to the regulation of public utilities. The Public Utilities Act provides the commission with broad authority over public utilities, including electrical corporations. Existing law establishes standards that are applicable to any person, as defined, to run, place, erect, or maintain wires or cables used to conduct electricity and requires the commission to enforce these standards. Pursuant to its existing authority, the commission has adopted rules for the construction of electrical lines and the trimming of trees near electrical lines.

Except as specified, existing law 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 require the commission, in consultation with the Department of Forestry and Fire Protection, to prioritize areas in which communities are subject to conditions that increase fire hazards associated with overhead utility facilities when determining areas in which it will require enhanced mitigation measures for wildfire hazards posed by overhead electrical lines and equipment. The bill would require the commission to develop a definition of “enhanced mitigation measures” for these purposes. The bill, as part of any findings supporting a decision to approve the boundaries for those areas, would require the commission to describe how the

commission incorporated the concerns of local governments, fire departments, or both in determining those boundaries.

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

SECTION 1. Section 761.2 is added to the Public Utilities Code, to read:

761.2. (a) In determining areas in which to require enhanced mitigation measures for wildfire hazards posed by overhead electrical lines and equipment, the commission, in consultation with the Department of Forestry and Fire Protection, shall prioritize areas in which communities are subject to conditions that increase fire hazards associated with overhead utility facilities generally and at specific locations. Consistent with Section 321.1, the commission shall develop a definition of “enhanced mitigation measures” for purposes of this subdivision in Rulemaking 15-05-006 (Filed May 7, 2015), Order Instituting Rulemaking to Develop and Adopt Fire-Threat Maps and Fire-Safety Regulations, or in another appropriate proceeding.

(b) Any findings supporting a decision to approve the boundaries for areas described in subdivision (a) shall describe how the commission incorporated the concerns of local governments, fire departments, or both in determining those boundaries.

Approved _____, 2016

Governor