

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: February 5, 2002**

REGULAR X CONSENT _____ EFFECTIVE DATE _____

DATE: January 22, 2002

TO: John Savage through Jerry Murray, Terry Lambeth and Lee Sparling

FROM: Bob Sipler

SUBJECT: AR 431: Initiate a rulemaking to adopt a new rule for electric utilities pertaining to vegetation pruning standards as required by House Bill 2493 and as allowed in ORS 757.035.

STAFF RECOMMENDATION:

Staff recommends that the Commission initiate a rulemaking to adopt OAR 860-024-0017 as detailed in Attachment A. This rulemaking would adopt the American National Standard for Tree Care Operations, ANSI A300 (Part 1) – 2001 Pruning, into PUC regulation.

DISCUSSION:

Enacted House Bill 2493 gives electric utilities relief from civil liability related to the pruning and removal of vegetation that threatens electrical supply lines. It also gives support to responsible electric utilities in performing important safety functions (i.e., tree trimming and removals) in keeping Oregon's power lines safe and reliable. With this bill, Oregon's electric utilities are eligible for this civil relief as long as the utility's pruning and removal complies with the rules adopted by the PUC. This rulemaking would bring an industry standard recognized by the American National Standards Institute (ANSI) into Commission rules.

Early proposed language of House Bill 2493 (A-Engrossed version) stated under section 3, paragraph (3) that, "The limitation provided by this section does not apply unless the pruning or removal complies with the American National Standards for Tree Care Operations, ANSI A300-1995, as adopted by the American National Standards Institute and in effect on the effective date of this 2001 Act." This language was not enacted, but all interested parties to the bill were in agreement with the adoption of this ANSI A300 standard. However, PUC Staff voiced concerns because there was no provision for updating the standard without going back to the legislature. The final approved bill called for PUC to set the standards by administrative rule. But, the intent

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of the enacted bill was to adopt the ANSI A300 standard. It should be noted that this standard is an appropriate consideration for rulemaking under the provisions of ORS 757.035, and Staff would recommend it on that basis alone.

The ANSI A300 Pruning standard covers safe utility work practices and sound arboriculture methods to protect tree health. It is a national industry standard that is reasonable for utilities to comply with and it gives protection to property owners.

Electric utilities in many parts of Oregon have a challenging task in keeping the trees pruned back from the power lines in a safe and efficient manner. Trees are often dense and growth is rapid. If this work is not performed adequately, both safety and reliability of the electrical system can suffer. The highest cause category for electric supply contact injuries in Oregon over the past twenty years is tree-related incidents. Also, tree interference is a major continuing cause of electrical outages in the Northwest. Needless to say, maintaining clearance between high voltage lines and trees is critical and is very expensive in high growth areas.

While this proposed standard does not specify the clearances required to provide reasonable public safety and reliable service, it does cover two important subjects. The first is worker safety while the work is being performed. These rules are similar to Oregon OSHA requirements. The second subject is tree strength and health after the work is completed. An additional benefit of sound arboricultural methods is limiting and directing regrowth so clearances are better maintained and future trimming is reduced.

PUC Safety and Reliability Staff have emphasized the need to maintain adequate tree clearances during its National Electrical Safety Code (NESC) compliance reviews of Oregon electric utilities. NESC rule #218, which addresses tree interference, is further expanded and clarified in OPUC Staff's Tree Clearance Policy. This rule and policy provides the minimum requirements/practices to maintain clearances to an acceptable level under a variety of reasonably anticipated weather conditions.

The combination of the PUC's existing tree standards and the ANSI A300 Pruning standard will provide for improved public safety, system reliability, worker safety and tree health. Staff believes that greater long term efficiencies will be gained yielding equal or lower costs and a better end product.

Staff has consulted with utility personnel, especially those involved in managing and performing the tree clearance work, regarding the adoption of the A300 Pruning standard. This included discussing the standard with head foresters for Portland General Electric and Pacific Power and Light, giving a presentation to a wide variety of tree professionals from the entire region at the 2001 Pacific Northwest Utility Vegetation

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Management Conference in November 2001, and meeting with the Oregon Rural Electric Cooperative Association members on this subject. There have been no unresolved objections to adopting the ANSI A300 Pruning standard to date.

To obtain copies of the standard, contact the publisher at:

National Arborist Association, Inc.
3 Perimeter Rd. Unit 1
Manchester, NH 03103
Phone: (800) 733-2622 or (603) 314-5380
FAX: (603) 314-5386
E-Mail: naa@natlarb.com www.natlarb.com

PROPOSED COMMISSION MOTION:

Initiate rulemaking to adopt OAR 860-024-0017 as detailed in Attachment A to Staff's memo.

HB2493.doc

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Attachment A

860-024-0017

Vegetation Pruning Standards

An operator that is an electric utility as defined in ORS 758.505 shall perform tree and vegetation work associated with line clearance in compliance with the American National Standard for Tree Care Operations, ANSI A300 (Part 1)-2001 Pruning, approved May 22, 2001, by the American National Standards Institute.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Public Utility Commission.]

Stat. Auth.: ORS Ch. 756, 757 & 758

Stat. Implemented: House Bill 2493 & 757.035

Hist.: NEW