



**Pacific Gas and
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Via Electronic Mail Only

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Dear Mr. Wolff/ Ms. Subramanian,

With the cooperation of my colleague, Matthew McLane, this letter is being sent to you and the City of Lafayette, at your request, to clarify that the trees identified by PG&E's Enhanced Vegetation Management (EVM) program, referenced and attached, are not subject to local ordinances and discretionary permits because the California Public Utilities Commission (and, in some cases, the California Independent System Operator and federal authorities) have the exclusive jurisdiction to regulate vegetation management practices associated with the safe and reliable operation and maintenance of PG&E's electric transmission and distribution facilities. While PG&E remains committed to working closely with our community partners, such as the City of Lafayette, and following all relevant local permitting procedures—such as the need to obtain an encroachment permit—PG&E cannot agree to any vegetation or tree-related conditions tied to issuance of any such permits.

PG&E's routine vegetation management work for this year in Lafayette is ongoing and occurring now. Annually, PG&E's routine vegetation maintenance crews prune and remove vegetation within the city limits of Lafayette to reduce fire risk, enhance public safety and maintain vegetation compliance standards in accordance with General Order 95 Rule.

PG&E's Lafayette EVM plan, communicated on February 5, 2020, is intended to further reduce wildfire and ignition risks in the community. It looks beyond the 4-12 foot clearance standards to identify and remove hazardous trees in compliance with California Public Resources Code Sections 4293 and 4295.5. This includes identifying and evaluating trees in high fire threat districts that are beyond 12 feet from PG&E lines, but are tall enough or located such that, were they to fall, they could fall on the lines or on PG&E facilities. PG&E's Tree Assessment Tool (TAT), developed by arborists in conjunction with industry experts, is used to evaluate and identify hazardous trees. Please let us know if you would like to learn more about how the tool works.

PG&E's EVM plan also includes compliance trims, secondary strain trims, and overhang pruning. Though overhang removals are not covered under GO 95 Rule 35, all limbs and branches located directly over electrical lines pose a threat due to gravitational forces, wind events, and growth. As a result, PG&E's EVM program is targeting abatement of overhanging vegetation occurrences as a component of its scope of work.

To reiterate, the scope of PG&E's 2020 Enhanced Vegetation Management project in Lafayette is described more specifically below:

- PG&E evaluated 191 trees that were tall enough to strike or that had overhanging limbs (on St Mary's Rd and Moraga Rd, in high fire threat districts, within Lafayette city limits) using the TAT.
- 141 of the trees PG&E evaluated were identified by the TAT as hazardous trees that create an immediate public safety concern because they have a significant risk of falling on PG&E lines or facilities, valuable property, citizens or the adjacent road. PG&E marked these trees with yellow "X" and will remove and cut them down as low to the ground as safely as possible. All wood and cut material will be removed and disposed of safely.
- 11 of the trees are overhanging PG&E's powerlines. PG&E will remove the overhangs to restore the trees to a safe condition. These trees are marked with yellow dots and will be pruned so that no overhanging vegetation will remain from a 4-foot distance horizontally, and upward vertically over the powerline as demonstrated in the PG&E EVM demonstration slide deck presentation previously provided by PG&E. All wood and cut material will be removed and disposed of safely.
- The remaining 39 trees that PG&E inventoried that are tall enough to strike PG&E facilities if they were to fall, are not currently hazardous and do not overhang. Therefore, no work is required for these trees at this time, and they were not marked.

As wildfire season is fast approaching, PG&E is eager to complete this work. We appreciate the ongoing cooperation of the City of Lafayette and its community as a partner in helping to reduce wildfire risk.

Please let me know if I can be of further assistance.

Best regards,

A handwritten signature in blue ink, appearing to read "JL", with a stylized flourish at the end.

Josh Levenberg

Encl.: Selected Relevant Regulations

Selected Relevant Regulations:

General Order 95

Section III Requirements for All Lines

Rule 35 Vegetation Management

Where overhead conductors traverse trees and vegetation, safety and reliability of service demand that certain vegetation management activities be performed in order to establish necessary and reasonable clearances the minimum clearances set forth in Table 1, Cases 13 and 14, measured between line conductors and vegetation under normal conditions, shall be maintained. (Also see Appendix E for tree trimming guidelines.) These requirements apply to all overhead electrical supply and communication facilities that are covered by this General Order, including facilities on lands owned and maintained by California state and local agencies.

When a supply or communication company has actual knowledge, obtained either through normal operating practices or notification to the company, that dead, rotten or diseased trees or dead, rotten or diseased portions of otherwise healthy trees overhang or lean toward and may fall into a span of supply or communication lines, said trees or portions thereof should be removed.

Communication and electric supply circuits, energized at 750 volts or less, including their service drops, should be kept clear of vegetation in new construction and when circuits are reconstructed or repaired, whenever practicable. When a supply or communication company has actual knowledge, obtained either through normal operating practices or notification to the company, that its circuit energized at 750 volts or less shows strain or evidences abrasion from vegetation contact, the condition shall be corrected by reducing conductor tension, rearranging or replacing the conductor, pruning the vegetation, or placing mechanical protection on the conductor(s). For the purpose of this rule, abrasion is defined as damage to the insulation resulting from the friction between the vegetation and conductor. Scuffing or polishing of the insulation or covering is not considered abrasion. Strain on a conductor is present when vegetation contact significantly compromises the structural integrity of supply or communication facilities. Contact between vegetation and conductors, in and of itself, does not constitute a nonconformance with the rule.

Note: Revised January 13, 2006 by Decision No. 05-01-030, August 20, 2009 by Decision No. 09-08-029 and January 12, 2012 by Decision No. 12-01-032

EXCEPTIONS:

(1) Rule 35 requirements do not apply to conductors, or aerial cable that complies with Rule 57.4-C, energized at less than 60,000 volts, where trimming or removal is not practicable and the conductor is separated from the tree with suitable materials or devices to avoid conductor damage by abrasion and grounding of the circuit through the tree.

(2) Rule 35 requirements do not apply where the supply or communication company has made a “good faith” effort to obtain permission to trim or remove vegetation but permission was refused or unobtainable. A “good faith” effort shall consist of current documentation of a minimum of an attempted personal contact and a written communication, including documentation of mailing or delivery. The written communication may include a statement that the company may seek to recover any costs and liabilities incurred by the company due to its inability to trim or remove vegetation. However, this does not preclude other action or actions from demonstrating “good faith”. If permission to trim or remove vegetation is unobtainable and requirements of exception 2 are met, the company is not compelled to comply with the requirements of exception 1.

(3) The Commission recognizes that unusual circumstances beyond the control of the utility may result in nonconformance with the rules. In such cases, the utility may be directed by the Commission to take prompt remedial action to come into conformance, whether or not the nonconformance gives rise to penalties or is alleged to fall within permitted exceptions or phase-in requirements.

(4) Mature trees whose trunks and major limbs are located more than six inches, but less than the clearance required by Table 1, Cases 13E and 14E, from primary distribution conductors are exempt from the minimum clearance requirement under this rule. The trunks and limbs to which this exemption applies shall only be those of sufficient strength and rigidity to prevent the trunk or limb from encroaching upon the six-inch minimum clearance under reasonably foreseeable local wind and weather conditions. The utility shall bear the risk of determining whether this exemption applies, and the Commission shall have final authority to determine whether the exemption applies in any specific instance, and to order that corrective action be taken in accordance with this rule, if it determines that the exemption does not apply.

Public Resources Code 4293

Except as otherwise provided in Sections 4294 to 4296, inclusive, any person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land, or in forest-covered land, brush-covered land, or grass-covered land shall, during such times and in such areas as are determined to be necessary by the director or the agency which has primary responsibility for the fire protection of such areas, maintain a clearance of the respective distances which are specified in this section in all directions between all vegetation and all conductors which are carrying electric current:

- (a) For any line which is operating at 2,400 or more volts, but less than 72,000 volts, four feet.
- (b) For any line which is operating at 72,000 or more volts, but less than 110,000 volts, six feet.
- (c) For any line which is operating at 110,000 or more volts, 10 feet.

In every case, such distance shall be sufficiently great to furnish the required clearance at any position of the wire, or conductor when the adjacent air temperature is 120 degrees Fahrenheit, or less. Dead trees, old decadent or rotten trees, trees weakened by decay or disease and trees or portions thereof that are leaning toward the line which may contact the line from the side or may fall on the line shall be felled, cut, or trimmed so as to remove such hazard. The director or the agency which has primary responsibility for the fire protection of such areas may permit exceptions from the requirements of this section which are based upon the specific circumstances involved.

Public Resources Code 4295.5

(a) Notwithstanding any other law, including Section 4295, any person who owns, controls, operates, or maintains any electrical transmission or distribution line may traverse land as necessary, regardless of land ownership or express permission to traverse land from the landowner, after providing notice and an opportunity to be heard to the landowner, to prune trees to maintain clearances pursuant to Section 4293, and to abate, by pruning or removal, any hazardous, dead, rotten, diseased, or structurally defective live trees. The clearances obtained when the pruning is performed shall be at the full discretion of the person that owns, controls, operates, or maintains any electrical transmission or distribution line, but shall be no less than what is required in Section 4293. This section shall apply to both high fire threat districts, as determined by the California Public Utilities Commission pursuant to its rulemaking authority, and to state responsibility areas.

(b) Nothing in subdivision (a) shall exempt any person who owns, controls, operates, or maintains any electrical transmission or distribution line from liability for damages for the removal of vegetation that is not covered by any easement granted to him or her for the electrical transmission or distribution line.