

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**CONSUMER SERVICES DIVISION
UTILITIES SAFETY BRANCH**

**RESOLUTION SU-45
Date: March 12, 1998**

RESOLUTION

RESOLUTION SU-45, ENDORSES THE CALIFORNIA CODE OF REGULATIONS, TITLE 8 PROPOSED RULE CHANGE RECOMMENDED BY THE "PUBLIC AWARENESS COMMITTEE" DURING THE WORKSHOPS HELD PURSUANT TO DECISION NO. 94-07-033 AMENDING INVESTIGATION NO. 94-06-012.

SUMMARY

1. During workshops held to resolve tree trimming issues in Investigation No. 94-06-012, the "Public Awareness Committee" introduced a proposed rule change to the California Code of Regulations (CCR), Title 8 (copy attached). The proposed rule requires the posting of "Warning" and "Caution" signs on orchard trees and irrigation pipes in designated "Danger Zone" areas near power lines and at all entrances to employment areas having such a "Danger Zone" designation. The proposed rule also requires that employees who perform work in any "Danger Zone" receive training about the associated electrical hazards.
2. In order to accomplish the CCR, Title 8 rule change, Cal/OSHA needs Commission support.
3. This Resolution endorses the rule change recommended by the "Public Awareness Committee" and forwards it to the Cal/OSHA Standards Board for consideration.

BACKGROUND

1. In response to a 1992 fatal incident involving a farm worker who came in contact with overhead 12kV conductors in San Diego County, the Commission initiated Order Instituting Investigation (OII) No. 94-06-012. The OII was divided into two phases; Phase I addressed the 1992 incident and Phase II addressed the tree trimming practices of all electric utilities in California. The Commission directed the Utilities Safety Branch (USB) to hold workshops to resolve Phase II issues.

2. From September 1994 through November 1995, the USB held workshops which were attended by representatives from electric and communication utilities, municipalities, state and local agencies, the International Brotherhood of Electrical Workers (IBEW), tree trimming companies, the Audubon Society, and other intervenors. Four subcommittees were formed, namely, "Equipment Committee", "Access Committee", "Public Awareness Committee", and "Rule 35 Committee".

3. The "Public Awareness Committee", which included representatives from Cal/OSHA, studied new ways to increase public awareness of the hazards associated with overhead electrical lines. Among other recommendations, the committee proposed the CCR, Title 8 rule change.

DISCUSSION

1. Commission Decision 97-01-044, which adopted final standards for tree trimming around power lines, directed the assigned Administrative Law Judge (ALJ) to hold a prehearing conference in order to identify the issues to be considered in concluding the tree trimming proceeding. Among the issues identified by the ALJ during the prehearing conference were the recommendations of the workshop subcommittees. The ALJ directed parties to file testimony on outstanding issues. Testimony filed by USB, Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas and Electric Company supported the "Public Awareness Committee" recommendations, including the CCR, Title 8 rule change. There was no testimony opposing the CCR, Title 8 rule change filed by any party.

2. Commission Decision 97-10-056, which concluded Phase II of the OII found the CCR, Title 8 rule change proposal to be meritorious and directed USB to prepare an appropriate resolution endorsing the rule change for its consideration.

FINDINGS

1. The CCR, Title 8 rule change proposed by the "Public Awareness Committee", which requires the owners of agricultural orchards to provide warning to workers about the hazards associated with overhead power lines, is supported by USB and electric utilities.

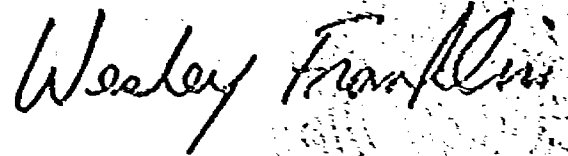
2. Cal/OSHA requests Commission support in order to accomplish the rule change.

THEREFORE IT IS ORDERED THAT:

1. The Commission endorses the attached CCR, Title 8 rule change and forward it to the Cal/OSHA Standards Board for consideration.

2. This resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on March 12, 1998. The following Commissioners approved it:



WESLEY M. FRANKLIN
Executive Director

RICHARD A. BILAS
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DOQUE
JOSIAH L. NEEPER
Commissioners

**Proposed General Industry Safety Order,
Title 8, California Code of Regulations Rule Change**

Add Section 3491.1 Overhead Electrical Hazards to General Industry Safety Order, Article 13 Agricultural Operations to state:

3439.1. Overhead Electrical Hazards

(a) All agricultural operations, including harvesting, pruning and the handling of irrigation piping, performed in the vicinity of overhead high voltage electrical lines shall be conducted in a manner which does not expose workers to associated electrical hazards.

(b) Where overhead high voltage lines pass over, through or along, planted areas or orchards, a **Danger Zone**, below the lines and extending 15 feet beyond the outermost energized conductors, shall be established along such lines. Orchard trees within this **Danger Zone** shall be clearly identified by:

(1) Maintaining a red band **Warning** sign at least 4 inches wide, located between 2 and 4 feet above the ground, around their trunks;

or

(2) Placing at least 4 each **Caution** signs or a continuous band **Warning** sign located between 2 and 4 feet above the ground, located at the quarter points around their trunk;

and

(3) **Caution** signs shall be posted at all entrances to employments having a **Danger Zone** as described in this section.

(c) In other field crop areas, **Caution** signs shall be posted at all entrances to employments having a **Danger Zone** as described in this section.

(d) **Caution** signs shall be attached to irrigation pipe or other conductive tools used within the **Danger Zone**, if the tools or equipment can reach within 6 feet of energized high voltage lines or the clearances specified in Article 37 of the High Voltage Electrical Safety Orders, Title 8 California Code of Regulations (CCR). Also see T8CCR Section 3455 and Penal Code Section 385.

(e) Employees whose job requires that they perform duties such as pruning, harvesting and the handling of irrigation pipe within any **Danger Zone** shall not be assigned such work until they are instructed in associated electrical hazards as well as the use of tools, equipment and work practices necessary to perform such work safely.

(1) All work within every designated **Danger Zone** shall be maintained under close and competent supervision at all times.