



COLORADO  
WATER CONGRESS  
INFORM | CONVENE | TRAIN | ACT

## **SB21-170**

**SHORT TITLE:** Wildland Fire Mitigation Cooperative Electric Association

**LONG TITLE:** Concerning standards applicable to cooperative electric association wildland fire mitigation, and, in connection therewith, requiring wildland fire protection plans, providing authority for vegetation management, and limiting cooperative electric association liability.

**COMMITTEES:** Senate Transportation & Energy Committee

**SPONSORS:** Reps. Hisey and Arndt/Sens. Ginal and Lynch

**PURPOSE OF THE BILL:** To require cooperative electric associations to adopt wildfire protection plans, manage vegetation (to prevent fires from downed power lines), including vegetation outside their easement, and limiting their liability. Plans must be filed with the PUC every three years.

**PROPOSERS OF THE BILL:** Colorado Rural Electric Association

**POTENTIAL STAKEHOLDERS:** Cooperative electric companies, Trial Lawyers, farmers and ranchers, water utilities, conservation organizations, public safety entities, other property owners granting easements to cooperative electric associations.

**BACKGROUND:** Powerlines have been implicated in wildfires raising liability issues for electric utilities (particularly in California). The bill attempts to limit liability for cooperative electric associations if they remove vegetation that would present a wildfire hazard. The bill would require cooperative electric associations to include information on:

- Areas where the association has powerline facilities that may have an increased risk of wildland fires;
- The procedures and standards that the association will use to inspect and operate its powerline facilities and perform vegetation management around those facilities;
- The modifications or upgrades that the association will implement to reduce risks of wildland fires;
- The procedures for de-energizing powerline facilities to mitigate potential wildland fires;
- Community outreach efforts during the wildland fire season; and
- The potential for coordination with other wildland fire protection plans

**Is this bill necessary this year?** There is no deadline.

**How does the bill change current law:** It provides new authority to cooperative electric associations to remove vegetation that could present a wildfire hazard within or without the utility's easement and would limit liability for personal injury, property damage, or fire suppression costs if it has complied with conditions of the filed plan and if it was denied access to remove vegetation that would create a fire hazard.

**Does the bill affect the prior appropriations system?** No.

**How is the bill implemented?** The plan must be filed with the Public Utilities Commission, but no hearings will be held on the plan and the PUC is not required to take any action on the plan. . The bill allows, but does not require, an association to remove or partially remove vegetation outside of a powerline facility easement as necessary following a major weather event or other emergency. In addition, an association may designate vegetation as "hazard vegetation" if the association finds that the vegetation is dead, likely to fail, or likely to fall, sway, or grow into a powerline facility and finds that the vegetation is likely to cause substantial damage, disrupt service, or come within a minimum clearance distance of the powerline facility. An association may, but is not required to, remove or partially remove hazard vegetation outside of an easement after providing notice to the landowner. The association is not required to provide notice if removal of the hazard vegetation is necessary to continue safe operation of its facilities or if the removal is done as part of trimming or removing vegetation after a storm or other emergency event. An association is not liable for personal injury, property damage, or fire suppression costs resulting from a wildland fire if any of the following apply:

- The association filed a wildland fire protection plan and completed the activities described in it;
- A landowner failed to control vegetation outside of a powerline facility easement on the landowner's land;
- The association requested and was denied access to perform vegetation management in a right-of-way on land owned by a local government, the state, a federal agency, or a tribal agency; or
- A landowner prevented the association from maintaining its powerline facility easement or from removing hazard vegetation outside the easement.

**Practical considerations:** N/A

**Fiscal Impact:** There is no fiscal impact statement.