



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR
April 14, 2020

To: Honorable Mayor and Members of the City Council
From: Councilmember Wengraf, Councilmember Hahn, and Councilmember Bartlett
Subject: Support for SB-1160 (Stern) Public utilities: electrical and communication infrastructure: undergrounding

RECOMMENDATION

Write a letter to Senator Stern in support of SB-1160 and send copies to Senator Nancy Skinner, Assembly Member Buffy Wicks and Governor Gavin Newsom.

FINANCIAL IMPLICATIONS

None

BACKGROUND

The CPUC's Rule 20A undergrounding program directs the conversion of overhead electrical facilities to below ground for municipal or other applicant-identified projects. This bill would require the commission to revise Tariff Rule 20A to authorize and fund the undergrounding of electrical and communication infrastructure within high fire-threat districts and the wildland-urban interface.

A significant area of the City of Berkeley is in the CPUC's Tier 2 and Tier 3 High Fire Threat District, making Berkeley highly susceptible to wildfire. According to nationally recognized Hazard Mitigation Expert Charles Scawthorn, 26,000 Berkeley residents live in this designated area. Egress and ingress throughout Berkeley's hillside of narrow and windy streets would be impeded if utility poles and/or wires fall down and block escape and rescue in an earthquake or wildfire. Additionally, utility wires have proven responsible for igniting at least eleven of Northern California's most destructive wildfires.

Undergrounding in High Fire Threat Districts is critical to reducing wildfire risk, increasing egress and ingress, and supporting local resiliency efforts after disasters. Further, it will protect the environment against the extreme greenhouse gases produced by fire smoke, protect human health, and protect local economies so communities can thrive.

ENVIRONMENTAL SUSTAINABILITY

Passage of this bill could result in a reduction of wildfires and therefore greenhouse gases.

CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

Attachments:

1: SB 1160

2: Letter

SENATE BILL No. 1160

Introduced by Senator Stern

February 20, 2020

An act to amend Section 320 of the Public Utilities Code, relating to public utilities.

legislative counsel's digest

SB 1160, as introduced, Stern. Public utilities: electrical and communication infrastructure: undergrounding.

Under existing law, the Public Utilities Commission has jurisdiction over public utilities, including electrical corporations. Under existing law, the Legislature has declared that it is the policy of this state to achieve, whenever feasible and not inconsistent with sound environmental planning, the undergrounding of all future electric and communication distribution facilities that are proposed to be erected in proximity to designated state scenic highways and that would be visible from those highways if erected above ground. The commission's existing Tariff Rule 20A undergrounding program requires electrical corporations to convert overhead electric facilities to underground facilities when doing so is in the public interest for specified reasons.

This bill would require the commission to revise Tariff Rule 20A to authorize and fund the undergrounding of electrical and communication infrastructure within high fire-threat districts and the wildland-urban interface.

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because a violation of an order, decision, rule, direction, demand, or requirement of the commission implementing the provisions of this bill would be a crime, this bill would impose a state-mandated local program.

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SB 1160 — 2 —

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 320 of the Public Utilities Code is
- 2 amended to read:
- 3 320. (a) (1) The Legislature hereby declares that it is the
- 4 policy of this state to achieve, whenever feasible and not
- 5 inconsistent with sound environmental planning, the

6 undergrounding of all future electric and communication
7 distribution facilities—~~which that~~ are proposed to be erected in
8 proximity to any highway designated a state scenic highway
9 pursuant to Article 2.5 (commencing with Section 260) of Chapter
10 2 of Division 1 of the Streets and Highways Code and—~~which that~~
11 would be visible from—~~such those~~ scenic highways if erected above
12 ground. The commission shall prepare and adopt by December
13 31, 1972, a statewide plan and schedule for the undergrounding
14 of—~~all such those~~ utility distribution facilities in accordance with
15 ~~the aforesaid that~~ policy and the rules of the commission relating
16 to the undergrounding of facilities.

17 ~~The~~

18 (2) *The* commission shall coordinate its activities regarding the
19 plan with local governments and planning commissions concerned.

20 ~~The~~

21 (3) *The* commission shall require compliance with the plan upon
22 its adoption.

23 ~~This section~~

24 (4) *This subdivision* shall not apply to facilities necessary to the
25 operation of any railroad.

26 (b) (1) *The Legislature further finds and declares that it is the*
27 *policy of the state to underground electrical and communication*
28 *infrastructure located within high fire-threat districts and the*
29 *wildland-urban interface.*

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*(2) The commission shall revise Tariff Rule 20A to authorize
2 and fund the undergrounding of electrical and communication
3 infrastructure within high fire-threat districts and the
4 wildland-urban interface.*

*(3) For purposes of this subdivision, “high fire-threat district”
5 means the areas identified as tier 2 (elevated) or tier 3 (extreme)
6 fire risk on the fire-threat map maintained by the commission.
7*

8 SEC. 2. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.

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April 14, 2020

The Honorable Henry Stern
California State Senate
State Capitol, Room 5080
Sacramento, CA 95814

RE: SB 1160 (Stern) Public utilities: electrical and communication infrastructure: undergrounding. Support from the Berkeley City Council.

Dear Senator Stern:

The City Council of the City of Berkeley officially expresses our support on SB 1160 (Stern) Public utilities: electrical and communication infrastructure: undergrounding. This bill would require the CPUC to revise Tariff Rule 20A to authorize and fund the undergrounding of electrical and communication infrastructure within high fire-threat districts and the wildland-urban interface.

A significant area of the City of Berkeley is in the CPUC's Tier 2 and Tier 3 High Fire Threat District, making Berkeley highly susceptible to wildfire. According to nationally recognized Hazard Mitigation Expert Charles Scawthorn, 26,000 Berkeley residents live in this designated area. Egress and ingress throughout Berkeley's hillside of narrow and windy streets would be impeded if utility poles and/or wires fall down and block escape and rescue in an earthquake or wildfire. Additionally, utility wires have proven responsible for igniting at least eleven of Northern California's most destructive wildfires.

Undergrounding in High Fire Threat Districts is critical to reducing wildfire risk, increasing egress and ingress, and supporting local resiliency efforts after disasters. Further, it will protect the environment against the extreme greenhouse gases produced by fire smoke, protect human health, and protect local economies so communities can thrive. The investment is worth it.

The Berkeley City Council thanks you for your leadership on this important policy topic.

Sincerely,

Berkeley City Council

CC: Senator Nancy Skinner
Assembly Member Buffy Wicks
Governor Gavin Newsom