

Cal Pub Resources Code § 4293

Deering's California Codes are current through all 1016 chapters of the 2018 Regular Session and the November 6, 2018 Ballot Measures.

Deering's California Codes Annotated > PUBLIC RESOURCES CODE > Division 4 Forests, Forestry and Range and Forage Lands > Part 2 Protection of Forest, Range and Forage Lands > Chapter 3 Mountainous Forest-, Brush- and Grass-Covered Lands

§ 4293. Fire protection areas; Required clearance according to voltage; Cutting or trimming decayed trees; Permitting exceptions

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.

History

Added Stats 1965 ch 1144 § 9.6. Amended Stats 1976 ch 1300 § 60.

Annotations

Notes

Amendments:

1976 Amendment:

Substituted "director" for "State Forester" in the first and second paragraphs.

Notes to Decisions

1. Jury Instructions

In an action against an electric power company for damages arising out of a fire allegedly caused by defendant's negligence in permitting its power transmission line to come into contact with a tree, the trial court erred in giving a conditional res ipsa loquitur instruction that presented for the jury's determination the questions whether the accident, if it occurred as alleged, was the kind that ordinarily does not occur in the absence of someone's negligence, and whether it was caused by an agency or instrumentality in the exclusive control of the defendant. If the jury had found that the occurrence resulted from contact between defendant's powerline and the tree limb, someone had to be negligent either by failing to keep the statutory clearance or by failing to insulate the wire and the probability that the fire was originated by some other means was ipso facto excluded by the instruction's initial requirement that plaintiffs prove the contact. However, if the jury found that the fire was the result of such contact, it was rather improbable, if not impossible, that it would have reached a different result even if it had been instructed on res ipsa loquitur as a matter of law, and thus the giving of the erroneous conditional instruction could not have caused a miscarriage of justice. [Scally v. Pacific Gas & Electric Co. \(Cal. App. 1st Dist. Feb. 25, 1972\), 23 Cal. App. 3d 806, 100 Cal. Rptr. 501, 1972 Cal. App. LEXIS 1256.](#)

Research References & Practice Aids

Cross References:

Acts or omissions constituting misdemeanor: Pub Res C § [4021](#).

Authority of district board to enforce provisions of §§ 4291 to 4296, inclusive, of this code, in any district authorized to provide fire protection services: Wat C § [31009](#).

Hierarchy Notes:

[Cal Pub Resources Code Div. 4](#)

[Cal Pub Resources Code Div. 4, Pt. 2, Ch. 3](#)

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