

COALITION URGES VOTE NO on SB 396 Concurrence

Urgent: Oppose SB 396 (Bradford) authorizing tree cutting without viable landowner recourse

CAUTION: The previous Senate Vote on SB 396 (38-0) was NOT on the bill that you are reading now. Assembly amendments resulted in significant opposition ([54-1-25](#)). Rural counties, power authorities, environmental groups, and **many others** ([see opposing groups list](#) + [83 CA Indivisible groups](#)) **all still oppose the objectives of SB 396**. One of the main reasons is **existing legislation** AB 2911 (Chapter 641, Statutes of 2018) **already provides sufficient authority** for electrical corporations to prune and remove trees as needed. [See SB 396 Opposition Fact Sheet Side by Side](#) and [Horror Stories of PG&E Cutting Healthy Trees without Permission](#).

With the June 30 Assembly amendments, **you may have been told** the bill would:

1. Clarify that there will be no financial burden to the landowner: UNTRUE:

FACT: The amended bill only requires that the **cutting** is done without charge, **the landowner is left with all of the trees and brush lying where cut**, except “within 150 feet of a structure, public road, or other infrastructure, woody materials trimmed, cut, or felled pursuant to this section shall be treated to achieve a maximum postactivity depth of nine inches.” **Thus, landowners not wanting nine inches of chips and brush in driveway or yard must remove it at their cost. In addition, 9 inches of woodchips are an extreme fire hazard** ([CalFire requires no combustible material within 30 feet and no more than 3 inches high within 100 feet of structures](#)), **so this bill allows IOUs to create increased fire dangers for homeowners.**

2. Require compliance with California Forest Practice Rules (CFPR) that would be enforced by CalFire: UNTRUE and UNWORKABLE:

FACT: [PG&E has stated publicly that it does not believe that the Forest Practice Rules apply](#) to its vegetation removal operations.

FACT: CalFire does not have the staff and would need millions to hire licensed arborists to accompany every tree contractor to ensure the Rules are enforced.

3. Apply to high-fire districts or state responsibility areas mostly in the Sierra Nevada/Foothills areas: UNTRUE:

FACT: State Responsibility Areas cover most of the state [as shown on this map](#).

4. Clarify that a utility is not exempt from liability for damages: MISLEADING:

FACT: Bill as amended says: “nothing in this bill exempts a person who owns, controls, operates, or maintains an electrical transmission or distribution line from liability for personal injury or property damage proximately caused by that person’s negligence or recklessness in felling, cutting, or trimming trees or vegetation.” This means the **landowner has to prove in court the IOU has been negligent or reckless, which is a very high bar**. This is usually **after** the trees are already cut. **Thus the IOU still can cut trees without the landowner’s permission.**

5. Only affect a few trees outside of PGE’s existing easements: UNTRUE:

FACT: [CalFire Director’s July 2022 report](#) (p. 18) states PG&E has indicated intent to cut trees on nearly **1 million acres** (SCE is zero).

FACT: Almost no limits, SB 396 as amended says, “The clearances obtained when the pruning [which also includes removal] is performed shall be at the **full discretion of the**” [IOU]. This has resulted in many complaints, such as asking for a moratorium from PG&E from excessive logging by [Counties](#) and by [Native American tribes](#).

6. *Provide advance notice to the landowner*: MISLEADING:

FACT: Although the bill requires the CPUC, on or before January 1, 2025, to develop, through a public process, standardized content and methods of delivery for a letter, door hanger, or other means of notification. The problem is, before that date, the IOU only has to “make a good faith effort,” which PG&E has failed to do, as we can document in many cases of cutting trees without notification or opportunity to be heard.

Additional issues with the amended language:

1. **Enhanced Vegetation Management (EVM)** has **not been shown to prevent wildfires**. After all these years, the worst wildfires in California history are still occurring in PG&E service territory and happening due to equipment failures unrelated to trees! The more thorough solution to eliminate utility-caused wildfires is to follow SoCal Edison’s example and replace bare wire with reinforced, triple-insulated wires and computerized circuit breakers, which are successful in stopping fires and blackouts. SoCal Edison’s acreage and terrain are similar to that of PG&E.
2. Under existing law, San Diego Gas and Electric (SDG&E) provides a reasonable and respectful notification and opportunity-to-be-heard process: Landowners are given a full month’s notice, and after evaluating the impacted trees, may appeal. **PG&E should adopt SDG&E’s system** which would make SB 396 unnecessary.
3. [For detailed analysis of amendments, click here.](#)

Please vote *NO* on SB 396.

Sincerely,

Jennifer Tanner, Indivisible CA: StateStrong, [link to our oppose letter](#).