



# **Liability Issues and the A300 Standard**

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**Derek Vannice**  
**UAA Executive Director**

# What Are We Going to Talk About

- ⌚ What does the “Industry Standard” mean?
- ⌚ What is in the A300?
- ⌚ How should we use it?
- ⌚ Where does liability come in?
- ⌚ What do the laws and regulations say?
- ⌚ Add it all up and what do you have?



# What does the standard mean?

- ∞ An Industry consensus
- ∞ A performance standard for tree care
- ∞ A guide in drafting maintenance specifications

# What does the standard mean?

- ⌚ Users must first interpret its wording
- ⌚ Users must apply their knowledge of growth habits in a given environment
- ⌚ User ultimately develops their own specifications



# What is in the A300?

- ∞ The purpose of utility pruning
- ∞ Who should do the pruning
- ∞ Urban Residential Pruning
- ∞ Rural Remote locations
- ∞ Emergency Service Restoration

# Utility Crown Reduction Pruning

- ∞ Pruning cuts are pruning cuts no matter if crown reduction, crown clean, crown thin, etc.
- ∞ Use a minimum number of cuts
- ∞ Consider natural structure of the tree
- ∞ Consider tree location



# Utility Crown Reduction Pruning

- ∞ Cut to laterals or the parent branch
- ∞ Do not use pre-established clearance limits
- ∞ If clearance limits are set, cuts should be made outside the specified clearance zone



# Rural Locations/Mechanical

- ∞ Cuts should be made close to main stem, outside of the branch bark ridge and branch collar



# Emergency Service

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- ∞ Can deviate from the use of proper pruning technique
- ∞ Corrective pruning should be done after emergency

# How should we use it

- ⌚ The A300 is only the what
- ⌚ The ISA BMP's are the how to
- ⌚ A300 gives you contract language
- ⌚ It is certainly not the law
- ⌚ In absence of anything else it can be used in law related issues like Z133.1



# Best Management Practices

## ∞ Utility Pruning of Trees

- **Purpose: Utility Pruning is undertaken to maintain an acceptable level of safety, prevent the loss of critical services and ensure the intended use of the facility.**



# BMP - Contents

## ∞ Safety

## ∞ Tools and Equipment

## ∞ Utility Pruning

- Pruning Cuts
- Pruning Method
  - Minimum number of cuts
  - Directional Pruning
  - Pre-Established Clearing Limits
  - Rounding Over and Stubbing cuts
  - Pollarding



# BMP - Contents

∞ **Tree Response to Utility Pruning**

∞ **Cycle Pruning**

- **Mid-Cycle Pruning**
- **Tree Growth Regulators**
- **Recovering Overgrown Facilities**

∞ **Palm Pruning**

∞ **Pruning Vs. Removal**

# BMP - Contents

## ∞ Remote/Rural Environments

- Mechanical Methods
- Chemical Side Trimming

## ∞ Emergency Service Restoration

- Threat from Storms
- Deviation from standards after storms
- Corrective Pruning

# Now comes the liability part

- ⌚ Does the utility have the authority?
- ⌚ Is there an easement?
- ⌚ Is the intrusion reasonable?
- ⌚ If the answer is yes, then all is right with the world!
- ⌚ If the answer is no, then the utility can be held liable.

# Liability – Cont.

- ⌚ A landowner's property interest in trees is subservient to a public utility company's right to remove or trim trees which interfere with the necessary and reasonable operations of the public utility company.
- ⌚ Don't forget the test of reasonableness

# Liability –cont.

- ⌚ The utility has a duty of care
- ⌚ The duty is provide reliable and safe electric service
- ⌚ The reasonable method is pruning
- ⌚ If there are no other laws/standards then A300



# Laws and Regulations

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## Ω NESC – Rule 218

- Trees that may interfere should be trimmed or removed
- If not practical, separate conductor with suitable materials

# Laws and Regulations

## Ω California

- **General Order 95 Rule 35**
  - 18 inch clearance rule
  - Good faith effort to resolve if there is a refusal
  - Zero tolerance for non compliance



# Laws and Regulations

## ∞ California

- **Public Resource Code Section 4292**
  - Utilities must clear all flammable vegetation from poles for a 10 feet radius
  - Failure to comply can lead to criminal charges



# Laws and Regulations

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## ∞ Illinois

- Utilities must submit line clearance plan
- Municipalities must be notified and can pay for additional work
- Utilities must follow national standards for pruning – A300

# Laws and Regulations

## Ω Oregon

- **An operator that is an electric utility ... shall perform tree and vegetation work associated with line clearance in compliance with the American National Standard for Tree Care Operations, ANSI A300 PART 1**



# Let's Add it up

- ∩ A300 is the what
- ∩ Use the language to write it into your specifications
- ∩ Demand it of your contractors
- ∩ Educate the regulators and the public
- ∩ Follow the standard and lower your exposure

# Conclusion...

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## ∞ Be Professional

- **ISA Certification Programs**
  - **ISA Certified Treeworker/Climber Specialist**
  - **ISA Certified Arborist**
  - **ISA Utility Specialist**



# Finally ...

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- Ω Join UAA and ISA – get involved in your profession
- Ω Who has the first question?