

1 **NORTHWEST PUBLIC POWER ASSOCIATION**

2
3 **14-06 Archived Resolution**

4
5 **U.S. FOREST SERVICE AND BUREAU OF LAND MANAGEMENT'S**
6 **STRICT LIABILITY POLICY**

7
8 Northwest Public Power Association (NWPPA) members remain
9 opposed to the U.S. Forest Service (USFS) and Bureau of Land
10 Management's (BLM's) imposition of a strict liability clause for fire
11 suppression in utility easement agreements. Such a standard holds the
12 utility responsible for all fires regardless of the cause.

13 Despite repeated meetings with the USFS and the BLM regarding
14 this onerous policy, they refuse to modify this restrictive standard in
15 favor of a standard of ordinary negligence for assigning fire suppression
16 liability.

17 Congressional intervention has not proved to be effective.
18 Questions posed to USFS and BLM regarding the strict liability standard
19 have gone unanswered.

20 In light of the USFS and the BLM's intractable position, NWPPA
21 actively seeks the introduction and passage of legislation to change the
22 current unreasonable liability standard to one of ordinary negligence and
23 to enhance the right for utilities to maintain rights-of-way. At the very
24 least, the USFS should facilitate rights-of-way clearing and there should
25 be no liability if the USFS prevents or delays adequate clearing.
26 Additionally, any federal strict liability claims against utilities should be
27 timely and the utility should be promptly notified of any investigation to
28 respond to the claim before being billed.

29 We feel there is great injustice in this policy and strongly request
30 the Secretaries of Agriculture and Interior waive the strict liability clause
31 for fire suppression in utility easement agreements imposed by the
32 federal government, and further request that the current standard for
33 these agreements or agreements with other federal agencies be that of
34 ordinary negligence. We request Congress enact legislation to change the
35 current strict liability standard on electric lines crossing federal lands to
36 one of ordinary negligence.

37 To effect the changes necessary, NWPPA will work closely with
38 national electric utility associations and the Northwest Congressional
39 Delegation to enact this important legislation.

40
41 **NORTHWEST PUBLIC POWER ASSOCIATION**

42
43 Origination Date: 1997