Unit 8: Negligence

Slide 1

Objective

Describe the different categories of Negligence and evidentiary requirements needed for each.

Slide 3

Objective

Describe the how these requirements may be applicable to the construction, maintenance, inspection, and operations of an electric utility.
Unit 8: Negligence

**Slide 4**

"Negligence Definition"
A failure to exercise the care which a reasonably prudent person would do under similar circumstances – or doing of something which a reasonably prudent person would not do.

**Slide 5**

"Ordinary Care Definition"
Ordinary or reasonable care is that care which persons of ordinary prudence would use in order to avoid injury to themselves or others.

**Slide 6**

"Case Definition"
"[It may be safely said that on the basis of past experience it is a matter of common knowledge that a forest fire [i.e., a wildfire] does not ordinarily happen unless someone has been negligent."

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“Case Definition”

Failure to anticipate that during high winds that power lines might break or otherwise cause a short circuit that could ignite nearby combustible, untrimmed vegetation growing in close proximity to its distribution facilities and lines, as in this instant case, must be deemed to be negligence.


Slide 8

Categories

Simple Negligence
Meets all of the standard tests for application

Negligence, per se
Action, or lack of action, was a violation of statute, ordinance, regulation, or use permit or easement condition and the harm suffered is the type the requirement was intended to prevent.

Slide 9

Categories

Res ipsa loquitur

“In California, the doctrine of res ipsa loquitur is applicable "where the accident is of such a nature that it can be said, in light of past experience, that it probably was the result of negligence by someone and that the defendant is probably the one responsible" . . . It is based upon common sense inference from the happening of the accident."

Bedford v. Re, 9 Cal.3d 593, 597 (1972) 599 P.2d 724
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### Slide 10

**Application to Electric Utility Situations**

**Construction and Installation**
- **Duty:** Designed to meet foreseeable conditions
- Construction to required or industry standards
- **Breach:** Failed to properly plan for conditions
- Construction not to required standards
- **Proximate Cause:** Foreseeable wind broke crossarm
  - Span length allowed sag into vegetation

### Slide 11

**Application to Electric Utility Situations**

**Maintenance**
- **Duty:** Maintain system as designed
- System maintained required standards
- **Breach:** Failed to incorporate maintenance program
  - Failed to replace defective equipment/materials
- **Proximate Cause:** Crossarm degraded and broke
  - Tie wires corroded causing line to fall

### Slide 12

**Application to Electric Utility Situations**

**Inspections**
- **Duty:** Monitor system for changes in conditions
- Inspectors properly trained – reporting system
- **Breach:** Reported deficiencies not corrected – timely inspections failed to recognized deficiencies
- **Proximate Cause:** Deficiency caused circuit outage
  - Vegetation in violation not reported
Unit 8: Negligence

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Application to Electric Utility Situations

Vegetation Clearance
Duty: Incorporate vegetation clearance program
Maintain standard clearance requirements
Breach: Clearance crews do not clear vegetation
Clearance program insufficient for growth
Proximate Cause: Foreseeable wind broke crossarm
Vegetation allowed to encroach into line/pole

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Application to Electric Utility Situations

Operations
Duty: Operate system in a safe and reliable manner
Incorporate additional safety measures for known problems or during extreme fire weather conditions
Breach: System overloaded because of demand
Safety requirements or features overridden
Proximate Cause: Additional load cause greater line sag
Lack of proper safety measures allowed power surge

Slide 15

Knowledge Check

In order to show negligence on the part of an electric utility, the investigation must show that the utility:
A. Owed a duty
B. Breached that duty
C. The breach was the proximate cause of the incident
D. All of the above

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The correct answer is:
Unit 8: Negligence

Knowledge Check
To apply the principle of Negligence per se the offending party must have:
A. Failed to exercise reasonable care
B. Breached a duty to perform
C. Violated a statute, ordinance, or safety order that caused the incident
D. Failed to have the knowledge, experience, or skills to perform the job

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The correct answer is:

TRANSITION to Unit 9: Records and Information.