

JAN 15 2025

A BILL FOR AN ACT

RELATING TO VEGETATION MANAGEMENT NEAR UTILITY LINES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that on August 8, 2023,
2 catastrophic wildfires swept through various communities on
3 Maui. The wildfires impacted human life, the community,
4 housing, education, the economy, the environment, and the health
5 of Maui residents. The legislature further finds that a
6 significant issue regarding fire safety is the presence of
7 grasses, trees, and other vegetation adjacent to or under
8 electric utility lines. Utility companies in Hawaii have miles
9 of utility lines installed throughout the State on private
10 lands, either within or outside established utility easements on
11 public lands, which are often located in the public right of way
12 and mountainous areas of the State. Recognizing this issue, the
13 legislature proposes to establish a vegetation management
14 program for utility lines within public rights of way and on all
15 public and private lands.



1 The purpose of this Act is to reduce wildfire risk by
2 establishing a vegetation management program as it relates to
3 public utility lines that:

4 (1) Defines property owner obligations, which, in limited
5 circumstances will authorize Hawaii's utility
6 companies to either trim or remove hazardous
7 vegetation away from transmission utility lines,
8 distribution utility lines, and service drops, even if
9 the hazardous vegetation is located outside an
10 established easement; and

11 (2) Provides a recovery mechanism to recoup the additional
12 vegetation management costs.

13 SECTION 2. Chapter 269, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§269- **Vegetation management; utility lines; wildfire**
17 **hazard map; hazardous vegetation; property owner obligations;**
18 **utility company rights.** (a) The department of land and natural
19 resources shall create and annually update a single wildfire
20 hazard map that identifies high-risk, medium-risk, and low-risk
21 wildfire areas in each county.



1 (b) Unless otherwise stated in contractual documents:

2 (1) A utility company shall not be obligated to trim or
3 remove trees and other vegetation located within the
4 utility company's easements or within a public right
5 of way;

6 (2) A utility company shall not be obligated to trim or
7 remove trees and other vegetation located outside of
8 the utility company's easements or outside of a public
9 right of way;

10 (3) Any private and public property owner shall be
11 responsible for the maintenance of their property and
12 shall manage the growth of trees, grasses, and other
13 vegetation located thereon, either within or outside
14 of a utility company's easements, to mitigate the risk
15 of wildfire ignition on or adjacent to the private or
16 public property owner's property;

17 (4) A utility company shall not be considered a private or
18 public property owner solely because it possesses
19 easement rights that cross other private or public
20 properties; and



1 mailed to the property owner. The notice provided under this
2 subsection shall be sent by certified mail to the last known
3 address of the private or public property owner identified on
4 public land records associated with the subject property. If
5 the private or public property owner has not abated the
6 violation within thirty days after the notice mailing date, the
7 department shall issue a fine of \$1,000 against the private or
8 public property owner. Each day after the noticed thirty-day
9 abatement period that a violation continues shall constitute a
10 separate offense.

11 (e) During the months identified in subsection (c), a
12 utility company may trim or remove hazardous vegetation on
13 properties in high- and medium-risk fire areas identified
14 pursuant to subsection (a); provided that in the utility
15 company's reasonable commercial judgment, the hazardous
16 vegetation poses a risk of falling into or interfering with the
17 utility company's utility lines located on private property
18 within or outside of the utility company's easement; provided
19 further that the utility company may trim or remove hazardous
20 vegetation located on public land within or outside of the
21 public right of way.



1 A utility company shall have a right of entry to enter
2 private property or public property pursuant to this section. A
3 utility company that trims or removes vegetation pursuant to
4 this subsection that is located outside of its easement, where
5 no easement exists, or within or outside of a public right of
6 way, shall notify the private or public property owner of the
7 utility company's intent to trim or remove the hazardous
8 vegetation and a general location and description of the
9 hazardous vegetation proposed to be trimmed or removed. If the
10 private or public property owner:

11 (1) Fails to respond to the utility company's notice of
12 its intent to trim or remove hazardous vegetation
13 located on their property; or

14 (2) Does not abate the hazardous vegetation within thirty
15 days after the notice mailing date,

16 the utility company may enter the property in question and trim
17 or remove the hazardous vegetation at the private or public
18 property owner's expense. The notice provided under this
19 subsection shall be sent by certified mail to the last known
20 address of the private or public property owner identified on
21 public land records associated with the subject property.



1 (f) If a utility company reasonably determines that
2 hazardous vegetation poses an imminent risk of wildfire ignition
3 and reasonably believes that the hazardous vegetation must be
4 trimmed or removed as soon as feasibly possible, the utility
5 company may enter private or public property after giving forty-
6 eight hours' notice and may trim or remove the hazardous
7 vegetation. After trimming or removing the hazardous vegetation
8 pursuant to this subsection, the utility company shall notify
9 the private or public property owner of the action taken within
10 two days of the action taken. The utility company shall provide
11 the notices required under this subsection by phone call, email,
12 or, if both are unobtainable, certified mail to the last known
13 address of the private or public property owner identified on
14 public land records associated with the subject property. All
15 utility companies shall regularly report on the notices issued
16 under this subsection to the public utilities commission on a
17 schedule to be determined by the commission.

18 (g) For purposes of this section:
19 "Department" means the department of land and natural
20 resources.



S.B. NO. //

1 "Hazardous vegetation" means any tree or shrub or other
2 vegetation located within or outside of an existing easement or
3 located within or near a public right of way that poses an
4 imminent threat of interfering with or damaging electric utility
5 lines located within or outside an existing easement or within
6 the public right of way.

7 "Utility company" means any company operating in the State
8 to provide electricity service and is regulated by the public
9 utilities commission."

10 SECTION 3. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$ or so
12 much thereof as may be necessary for fiscal year 2025-2026 and
13 the same sum or so much thereof as may be necessary for fiscal
14 year 2026-2027 for the purposes of this Act.

15 The sums appropriated shall be expended by the department
16 of land and natural resources for the purposes of this Act.

17 SECTION 4. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 2025.

19

INTRODUCED BY:



S.B. NO. //

Report Title:

Vegetation Management Program; Public Utility Lines; DLNR; Wildfire Hazard Map; Hazardous Vegetation; Property Owner Obligations; Utility Company Rights; Fines; Appropriations

Description:

Requires the Department of Land and Natural Resources to create and annually update a wildfire hazard map. Requires private and public property owners to trim grasses within certain proximities of public rights of way and utility lines. Authorizes electric utility companies to enter private or public property to trim or remove hazardous vegetation. Makes appropriations.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

