

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
RYAN K.P. KANAKA'OLE  
FIRST DEPUTY  
CIARA W.K. KAHAHANE  
DEPUTY DIRECTOR - WATER  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the Senate Committees on  
COMMERCE AND CONSUMER PROTECTION  
and  
WATER AND LAND

Friday, February 7, 2025  
9:30 AM

State Capitol, Conference Room 229 and Via Videoconference

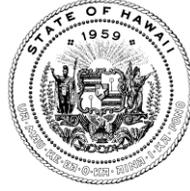
In consideration of  
SENATE BILL 11  
RELATING TO VEGETATION MANAGEMENT NEAR UTILITY LINES

Senate Bill 11 requires the Department of Land and Natural Resources (Department) to create and update annually 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. Appropriates funds. **The Department appreciates the intent of this measure and offers the following two recommendations.**

1. Responsibility for vegetation management should fall on the easement holder (utility companies), not private property owners. Utility easements exist to provide space for infrastructure and are granted to utilities with the understanding that they will maintain them. Shifting the burden to private property owners for maintenance on easement land is impractical and unjustified when property owners do not control the utility infrastructure placed on their land. California's vegetation management laws (California Public Utilities Commission General Order 95, Rule 35) put the responsibility for utility line vegetation maintenance squarely on the utility companies, requiring them to maintain specified clearances. Hawai'i should adopt a similar standard. Utility companies are better equipped with the resources, personnel, and expertise to manage vegetation around power lines and should be held accountable for its maintenance.
2. Enforcement should be assigned to the Office of the State Fire Marshal or County Fire Departments based on whether the easement is on state-owned or private land. SB11 assigns

enforcement authority to the Department, an agency whose primary role is land and natural resource management, not fire code enforcement. The Office of the State Fire Marshal is the appropriate enforcement body for fire prevention regulations on state land, including vegetation management for fire safety. County fire departments already enforce vegetation-related fire codes on private land, and they should continue doing so with the assistance of the State Fire Marshal if needed.

Mahalo for the opportunity to provide comments on this measure.



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
KA 'OIHANA PILI KĀLEPA  
335 MERCHANT STREET, ROOM 310  
P.O. BOX 541  
HONOLULU, HAWAII 96809  
Phone Number: (808) 586-2850  
Fax Number: (808) 586-2856  
cca.hawaii.gov

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

NADINE Y. ANDO  
DIRECTOR | KA LUNA HO'OKELE

DEAN I HAZAMA  
DEPUTY DIRECTOR | KA HOPE LUNA HO'OKELE

## Testimony of the Department of Commerce and Consumer Affairs

Before the  
Senate Committee on Water and Land  
And  
Senate Committee on Commerce and Consumer Protection  
Friday, February 7, 2025  
9:30 a.m.  
Conference Room 229

On the following measure:  
**S.B. 11, RELATING TO VEGETATION MANAGEMENT NEAR UTILITY LINES**

Chair Inouye, Chair Keohokalole, and Members of the Committees:

My name is Michael Angelo, and I am the Executive Director of the Department of Commerce and Consumer Affairs (Department) Division of Consumer Advocacy. The Department offers comments on this bill.

The purpose of this bill is to: (1) require the Department of Land and Natural Resources to create and annually update a wildfire hazard map; (2) require private and public property owners to trim grasses within certain proximities of public rights of way and utility lines; and (3) authorize electric utility companies to enter private or public property to trim or remove hazardous vegetation.

The tragedy and devastation of the August 8, 2023 wildfires on Maui must be prevented from reoccurring. The Department supports the intent of this bill, which seeks to reduce risk from catastrophic wildfires by requiring vegetation management on a seasonal basis and if hazardous vegetation poses a serious threat to life and property.

The Department offers that more investigation is needed into the best practices for vegetation management to prevent wildfire risk at different levels of the electrical grid (transmission and distribution). The most appropriate entities for ensuring compliance with best practices for vegetation management to prevent wildfire risk and to have responsibility for undertaking vegetation management action should be determined as part of this investigation. Any investigation into best practices for vegetation management should also consider the wildfire mitigation actions that were proposed as part of the Hawaiian Electric Company's Climate Adaptation Transmission and Distribution Resilience Program in Docket No. 2022-0135 and the electric utilities' (including Kauai Island Utility Cooperative (KIUC)) hazard mitigation plans that were filed with the Public Utilities Commission (Commission) on August 22, 2024. Such plans were filed as part of a non-docketed proceeding under Case No. 2023-04661.

In addition, on January 10, 2025, the Hawaiian Electric Company submitted its Wildfire Safety Strategy for the Commission's and the Department's review in Case No. 2023-04661, and on January 28, 2025, KIUC also submitted its plan in the same case. Hawaiian Electric Company's wildfire plan will be reviewed before the Commission in Docket No. 2025-0156. The Department believes that it is important to incorporate the results of this review into best practices for vegetation management near electrical lines. The Department would additionally welcome further investigation as to whether wildfire risks are indeed only present during certain months of the year, or if these risks are present throughout the year.

Thank you for the opportunity to testify on this bill.

JOSH GREEN, M.D.  
GOVERNOR

SYLVIA LUKE  
LT. GOVERNOR



STATE OF HAWAII  
PUBLIC UTILITIES COMMISSION  
465 S. KING STREET, #103  
HONOLULU, HAWAII 96813

LEODOLOFF R. ASUNCION, JR.  
CHAIR

NAOMI U. KUWAYE  
COMMISSIONER

COLIN A. YOST  
COMMISSIONER

Telephone: (808) 586-2020  
Facsimile: (808) 586-2066

Website: [puc.hawaii.gov](http://puc.hawaii.gov)  
E-mail: [puc@hawaii.gov](mailto:puc@hawaii.gov)

## Testimony of the Public Utilities Commission

To the  
Senate Committees on  
Water and Land  
and  
Commerce and Consumer Protection

February 7, 2025  
9:30 a.m.

Chairs Inouye and Keohokalole, Vice Chairs Elefante and Fukunaga, and Members of the Committees:

**Measure:** S.B. No. 11  
**Title:** RELATING TO VEGETATION MANAGEMENT NEAR UTILITY LINES.

**Position:**

The Public Utilities Commission ("Commission") offers the following comments for consideration.

**Comments:**

The Commission appreciates the intent of this measure to clarify vegetation management responsibilities.

First, the Commission believes statewide wildfire hazard maps should be developed with input from multiple stakeholders, such as the Office of the State Fire Marshal, the county fire chiefs, Department of Land and Natural Resources ("DLNR") Division of Forestry and Wildlife, the Hawaii Wildfire Management Organization, and the University of Hawaii. Separate vegetation management maps identifying state responsibility areas and hazardous vegetation on the easements where electric utility powerlines are located should be also developed in parallel. Additional funding and resources will be required for agencies to develop these maps.

Second, the Commission believes it is in the public interest to grant electric utilities right of entry to perform vegetation management in certain cases. Consistent with Oregon Revised Statutes 758.282-284 and Revised Code of Washington 64.12.035, the Commission believes electric utilities should be immune from liability and any claims for

general or special damages, including claims of emotional distress, for pruning or removing vegetation growing on property on which electric facilities are located, or growing on property that is adjacent to property on which electric facilities are located, as long as the pruning or removal is consistent with the Commission's rules or with a local ordinance or resolution applicable to the property that relates to the pruning or removal of vegetation, and:

- 1) The vegetation has come in contact with or caused damage to electric facilities; or
- 2) Pruning or removal of vegetation is necessary to protect life or property to restore electric service.

For the following cases, the limitation on liability should not apply unless the electric utility is in compliance with rules relating to pruning or removal adopted by the Commission and has provided reasonable notice to owners of the property where the vegetation is located:

- a) The vegetation to be pruned or removed has encroached upon electric facilities by overhanging or growing in such close proximity that it constitutes an electrical hazard under any electrical safety code adopted by the Commission or constitutes a danger under state or federal health and safety codes to a person working on the facilities or with access to the facilities.
- b) The vegetation to be removed is diseased, dead or dying or is close enough to electric facilities that pruning or removal of the vegetation is necessary to avoid contact between the vegetation and electric facilities.
- c) The vegetation is of such size, condition and proximity to electric facilities that the vegetation can reasonably be expected to cause damage to electric facilities in the future.

A determination under b) and c) should be made by a qualified forester or arborist if required by local ordinance or resolution.

At a minimum, the notice provided by the utility should:

- Indicate that the electric utility intends to prune or remove vegetation on the property;
- Include a brief statement of the nature of the work to be performed and the reason the work is needed;
- Include an estimate of the time period during which the work will occur; and
- Provide information on how the electric utility can be contacted.

Hawaiian Electric's ("HECO") 2025-2027 wildfire mitigation plan ("WMP"), filed January 10, 2025 in Case No. 2023-04661, targets a 12-to-18-month cycle for vegetation management inspections in all high wildfire risk areas and for prioritized circuits in medium wildfire risk areas as informed by its risk model outputs, local knowledge, and experience of its arborists. For distribution rights-of-way, HECO's objective is to maintain 10 feet of clearance at the time of trimming and to always maintain a minimum 4-foot clearance zone from energized distribution conductors. For transmission rights-of-way, HECO's objective is to maintain up to 25 feet from transmission conductors. HECO also sets clearance standards for "qualifying" transmission and distribution poles and substations on an "emergent" basis.

Kauai Island Utility Cooperative's ("KIUC") 2025 WMP, filed January 28, 2025 in Case No. 2023-04661, targets 10 feet of clearance from distribution conductors at the time of trimming and 25 feet from transmission lines. Distribution lines are also cleared 15 feet above and 10 feet below the power lines.

The Commission believes electric utilities have a duty to keep the easement area in a clean, sanitary, and orderly condition and its infrastructure in a good and safe condition, including trimming and maintaining all vegetation in the easement area so that it does not present a threat to public safety. The Commission notes that the vegetation management and clearance targets pursued by HECO and KIUC are voluntary and the Commission does not currently have administrative rules pertaining to this matter. With the recent opening of Docket No. 2025-0156 focused on the review of HECO's WMP (and soon to be opened docket to review KIUC's 2025 WMP), the Commission sees an opportunity to establish rules clarifying electric utility vegetation management responsibilities and minimum clearance requirements. This would align with the Fire Safety Research Institute's Phase 3 Recommendation for the Commission and State Fire Marshal to work with public utilities to identify immediate improvement to vegetation management programs. The Commission would encourage the future State Fire Marshal to submit comments in the new WMP proceeding.

Third, the Commission respectfully requests that the Committees consider including additional provisions that protect native plant species and endangered habitats. If not done in statute, DLNR could potentially develop a vegetation management license agreement template for electric utilities that, among other things, outlines expectations for vegetation management on conservation lands, as the Department of Natural Resources has done in Washington State.<sup>1</sup> Additional funding and resources may be needed for such an effort.

Lastly, the Commission recognizes that fire prevention and mitigation require intervention from not only electric utilities but also government, private landowners, and the community. Preparedness involves contribution and sacrifice even at the granular level of a household.

Thank you for the opportunity to testify on this measure.

---

<sup>1</sup> See Washington Department of Natural Resources Vegetation Management License Template, available on page 9 of [https://www.dnr.wa.gov/publications/rp\\_fire\\_electric\\_utility\\_report\\_final.pdf](https://www.dnr.wa.gov/publications/rp_fire_electric_utility_report_final.pdf).



# INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 1260 EMPOWERING THE PACIFIC

**THIRTY-THIRD LEGISLATURE, 2025**

**Committee on Water and Land and Commerce and Consumer Protection**

**HEARING DATE:** Friday, February 7, 2025

**TIME:** 9:30 a.m.

**PLACE:** Senate Committee Room 229

**RE:** Senate Bill 11- SUPPORT with Amendments

Aloha Honorable Chair(s) Inouye and Keohokalole, Vice-Chair(s) Elefante and Fukunaga, and Joint Committee Members;

The International Brotherhood of Electrical Workers Local 1260 (IBEW 1260) would like to offer the following testimony in SUPPORT of Senate Bill 11 with proposed amendments.

IBEW Local 1260, is comprised of approximately 3,000 members throughout Hawaii and Guam and consists of a diverse and highly-skilled workforce that supports the electric utility infrastructure across our state as well as government service contracts and broadcasting. It's our duty to serve and to protect the well-being of our members, but beyond that, it is incumbent upon all of us to serve and protect the well-being of our island home.

SB11 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, and authorizes electric utility companies to enter private or public property to trim or remove hazardous vegetation.

IBEW Local 1260 supports SB11 in an effort to reduce the likelihood of another catastrophic wildfire by establishing wildfire mitigation policies consistent with other jurisdictions where such events are prevalent. In doing so, we must ensure the safety of the public and those performing this extremely hazardous work.

As such, we respectfully submit the following proposed amendments for consideration and inclusion in an SD1, seeking to be consistent with national standards, and more importantly, to ensure that vegetation management work near high voltage transmission and/or distribution lines is performed by a properly trained and qualified workforce to protect the safety of the public and of the worker.

Mahalo for the opportunity to testify on this measure.



# INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 1260 EMPOWERING THE PACIFIC

## **Proposed Amendments to Senate Bill 11; Related to Vegetation Management Near Utility Lines Offered for consideration by: IBEW Local 1260**

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

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

- (1) Defines property owner obligations, which, in limited circumstances will authorize Hawaii's utility companies to either trim or remove hazardous vegetation away from transmission utility lines, distribution utility lines, and service drops, even if the hazardous vegetation is located outside an established easement; and
- (2) Provides a recovery mechanism to recoup the additional vegetation management costs.

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



# INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 1260 EMPOWERING THE PACIFIC

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

(b) Unless otherwise stated in contractual documents:

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

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

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

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

(5) Public entities that own and maintain public rights of way shall be responsible for the maintenance of its public rights of way and shall manage the growth of trees, grasses, and other vegetation located thereon to mitigate the risk of wildfire ignition on or adjacent to public rights of way.

(c) From months \_\_\_\_\_ to \_\_\_\_\_, each year, any private or public property owner whose property is located in high- and medium-risk fire areas identified pursuant to subsection (a) shall trim grasses located on their property to create:



# INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 1260 EMPOWERING THE PACIFIC

(1) A combustible-free space within twenty-five feet from the edge of any public right of way that is adjacent to or runs through the property; and

(2) A combustible-free space within ten feet from any utility line that crosses their property.

(d) During the months identified in subsection (c), the department may provide a private or public property owner with notice of a violation of subsection (c), a description of the condition that violates subsection (c), and request that the owner abate the violation within thirty days after the notice is mailed to the property owner. The notice provided under this subsection shall be sent by certified mail to the last known address of the private or public property owner identified on public land records associated with the subject property. If the private or public property owner has not abated the violation within thirty days after the notice mailing date, the department shall issue a fine of \$1,000 against the private or public property owner. Each day after the noticed thirty-day abatement period that a violation continues shall constitute a separate offense.

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

A utility company shall have a right of entry to enter private property or public property pursuant to this section. A utility company that trims or removes vegetation pursuant to this subsection that is located outside of its easement, where no easement exists, or within or outside



# INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 1260 EMPOWERING THE PACIFIC

of a public right of way, shall notify the private or public property owner of the utility company's intent to trim or remove the hazardous vegetation and a general location and description of the hazardous vegetation proposed to be trimmed or removed. If the private or public property owner:

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

(2) Does not abate the hazardous vegetation within thirty days after the notice mailing date, the utility company may enter the property in question and trim or remove the hazardous vegetation at the private or public property owner's expense. The notice provided under this subsection shall be sent by certified mail to the last known address of the private or public property owner identified on public land records associated with the subject property.

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



# INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 1260 EMPOWERING THE PACIFIC

(g) All work performed under this section shall be paid no less than the prevailing wage rate for a second-step apprentice electrical utility lineman as determined by the director of labor and industrial relations, and shall be performed:

(1) By a qualified line clearance tree trimmer or an apprentice under the direct supervision and instruction of a qualified line clearance tree trimmer pursuant to 29 C.F.R. section 1910.269 and American National Standards Institute Z133.1 safety standard; or

(2) By a journeyman electrical lineman or apprentice under the direct supervision and instruction of a journeyman electrical lineman.

(gh) For purposes of this section:

"Department" means the department of land and natural resources.

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

"Line Clearance Tree Trimmer" means an individual of at least eighteen years of age who has successfully completed a state-approved Line Clearance Tree Trimmer apprenticeship program and who can provide satisfactory evidence of experience in high voltage line clearance tree trimming of at least one and one-half years full-time or its equivalent, but not less than three thousand hours, in the trade under the supervision of a journey worker or supervising line clearance tree trimmer.

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



**INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS  
LOCAL UNION 1260  
EMPOWERING THE PACIFIC**

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

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

SECTION 4. New statutory material is underscored.

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



**Hawaiian  
Electric**

**LATE**

**TESTIMONY BEFORE THE SENATE COMMITTEES ON  
WATER AND LAND & COMMERCE AND CONSUMER PROTECTION**

**SB 11  
Relating to Vegetation Management Near Utility Lines**

Friday, February 7, 2025  
9:30 AM  
State Capitol, Conference Room 229

Wendy Oda  
Manager, Land & Rights of Way  
Hawaiian Electric

Aloha Chairs Inouye and Keohokalole, Vice Chairs Elefante and Fukunaga, and  
Members of the Committees,

My name is Wendy Oda and I am testifying on behalf of Hawaiian Electric in  
support of SB 11, with comments.

Establishing a comprehensive statewide vegetation management program that  
includes the creation of wildfire hazard maps for each county, establishing vegetation  
management guidelines and responsibilities near utility lines on public and private  
properties, and establishing a vegetation management violation and notification process  
will help reduce wildfire risks across the state. Authorizing electric utility companies to  
use their discretion to enter public and private properties to perform vegetation  
management around electric utility lines will support the execution of an effective  
vegetation management program for wildfire mitigation and is also in the public interest.

Successful implementation of effective vegetation management near utility lines,  
however, should also consider: (1) allowing a utility company to enter public or private  
property to remove hazardous vegetation around power lines that pose an imminent

wildfire risk, without notice to the landowner, and (2) exempting the utilities from liability for property damage while performing hazardous vegetation removal on public and private properties that pose a wildfire risk. In the event of an emergency or imminent threat of wildfire ignition near power lines, a utility company may not have time to give landowner's advance notice of the need for entry onto their property. Safety is of utmost importance and a utility company may need to gain entry expeditiously to respond to the threat to protect its infrastructure and to keep everyone safe. Many of Hawaiian Electric's existing easements give it the right to enter upon the easement grantor's land and appurtenant interests to perform vegetation management without prior notice. Further, requiring utility companies to provide thirty days written notice to private or public property owners where in the utility company's reasonable commercial judgment, hazardous vegetation poses a risk of falling into or interfering with the utility company's utility lines, in areas outside of its easement, where no easement exists, or within or outside of a public right of way, will require time and additional staffing for the utility company in each of the service territories it serves.

Hawaiian Electric is not proposing a total exemption from liability for all damages resulting from hazardous vegetation removal. Rather, Hawaiian Electric requests consideration of language that would cover instances of inadvertent property damage from hazardous vegetation removal, where vegetation within or outside utility easements poses a risk of interfering with the utility's equipment or posing a risk of fire ignition. If a utility determines that hazardous vegetation must be removed and the property owner will not do so after receiving adequate notice, the utility should not be burdened with explicit liability for inadvertent property damages under the circumstances. Moreover, if a utility chooses to act to remove hazardous vegetation

when a property owner will not, after having provided adequate notice and when there is no imminent wildfire risk, the utility should not be burdened with liability associated with inadvertent property damage.

Hawaiian Electric seeks to create an environment where Hawaii's utility companies are reasonably permitted to take action to clear hazardous vegetation, including grass fuels, on private or public properties where no vegetation management mechanism currently exists. The utility companies' existing easements allow it to manage vegetation that threatens its equipment; particularly its lines and pole-situated equipment. The trimming of grass and ground level vegetation generally falls outside of this right. If a utility company acts within the scope of this measure, which is outside of the utility's normal practices, the utility company should be exempt from any liability arising from the utility company's performance, either by itself or through others, of any work authorized by the bill. Further, a utility company should not be liable for any failure to determine the existence of hazardous vegetation on private or public property that is located within or outside of the utility company's easements or a public right of way, nor should utility companies be responsible for determining the existence of hazardous vegetation on public or private lands. Likewise, utilities should not be held liable for a decision to refrain from performing vegetation management under this bill where they are not otherwise obligated to do so.

For these reasons, Hawaiian Electric respectfully recommends that: (1) language allowing the utilities to enter public or private property to remove hazardous vegetation around power lines that poses an imminent wildfire risk, without notice to the landowner, and (2) language limiting liability against utility companies who perform, or who choose

not to perform, vegetation management pursuant to the conditions set forth in the bill be inserted into the measure on page 8 after subsection (g) to read as follows:

(h) If a utility company trims or removes hazardous vegetation as provided in subsection (e), the utility company shall be exempt from any liability arising from the utility company's performance, either by itself or through others, of any work authorized under subsection (e), including but not limited to any damage to other vegetation or other property caused in whole or in part by the utility company's actions or omissions, acting by itself or through others.

(i) A utility company shall not be liable for any failure to determine the existence of hazardous vegetation on private or public property that is located within or outside of the utility company's easements or within or outside a public right of way. A utility company that does not trim or remove hazardous vegetation as provided in subsections (e) and (f) shall be exempt from any liability associated with the utility company's decision to refrain from doing so.

Thank you for this opportunity to testify.

Hawai'i State Legislature  
Senate Committee on Commerce and Consumer Protection

February 5, 2025

*Filed via electronic testimony submission system*

**RE: SB 11, Vegetation Management Program - NAMIC's Testimony – statement of opposition**

Thank you for providing the National Association of Mutual Insurance Companies (NAMIC) an opportunity to submit written testimony to your committee for the February 7, 2025, public hearing. Unfortunately, I will not be able to attend the public hearing, because of a previously scheduled professional obligation.

The National Association of Mutual Insurance Companies consists of nearly 1,500 member companies, including seven of the top 10 property/casualty insurers in the United States. The association supports local and regional mutual insurance companies on main streets across America as well as many of the country's largest national insurers. NAMIC member companies write approximately \$391 billion in annual premiums and represent 68 percent of homeowners, 56 percent of automobile, and 31 percent of the business insurance.

NAMIC commends the bill sponsors for the desire to establish a clear vegetation management program for the state. We fully support public safety measures designed to reduce wildfire risk and programs that help facilitate wildfire risk mitigation. NAMIC believes that wildfire prevention and risk management is an activity that needs to be undertaken by individuals, communities, businesses and governmental agencies in a cooperative manner that encourages all to be vigorously engaged in this necessary and important public safety endeavor. Consequently, while some of the provisions in SB 11 provide a reasonable framework, we are gravely concerned with the majority of the provision, specifically those which seem to shift the burden of vegetation management from utility companies who have the knowledge, expertise, and skill to develop and implement an effective vegetation management plan. The average property owner does not possess the requisite knowledge to know what vegetation may create a hazard, how to minimize the hazard, or whether it is safe to do so.

NAMIC is expressly opposed to the following provisions in the proposed legislation, because they are inconsistent with the welfare of the citizens of the state and increase wildfire risk exposure for all:

*(b) Unless otherwise stated in contractual documents:*

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

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

NAMIC does not understand the rationale for giving utility companies a “free pass” on being responsible for trimming or removing trees or vegetation that may cause or contribute to wildfire risk exposure, especially for vegetation within their easement where they may have utilities equipment prone to wildfire ignition.

NAMIC supports the provision in the bill that clearly enumerates the duties of homeowners to engage in reasonable wildfire risk mitigation activities and the department’s duty to inspect for compliance and issue citation violations to homeowners. However, we believe that it is in the best interest of all citizens for the department to also inspect for compliance and issue citation violations to utility companies for them not doing their part to reduce wildfire risk exposure from vegetation within their easements and controlled or accessed public right of ways. *Why should homeowners have a legal duty of care and utility companies be given de-facto immunity via an expressed statutory statement that they do not have a legal duty of care?*

NAMIC also suggests that the “may” language in several sections of the bill should be changed to “shall” so that utility companies have an affirmative legal duty of care to access private property to mitigate wildfire risk posed by “hazardous vegetation” to their utilities’ equipment. For example, the following “may” should be amended to say “shall”:

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

Wildfire risk, as evidenced by the 2023 tragedy in Maui, is a significant public safety concern that requires enhanced personal and professional attention and legal responsibility, something the utilities are in a unique position to provide. SB 11 should be amended to promote and facilitate greater wildfire risk mitigation and vegetation management.

NAMIC looks forward to working with the sponsors and leadership on the specifics of the proposed legislation as the bill is further evaluated throughout the legislative process.

Thank you for your time and consideration. Please feel free to contact me at 303.907.0587 or at [crataj@namic.org](mailto:crataj@namic.org), if you would like to discuss NAMIC’s written testimony.

Respectfully,



Christian John Rataj, Esq.  
NAMIC Senior Regional Vice President  
State Government Affairs, Western Region



Testimony of **Lahaina Strong**  
Before the Senate Committees on  
**Water and Land & Commerce and Consumer Protection**

In Consideration of Senate Bill No. 11  
RELATING TO VEGETATION MANAGEMENT NEAR UTILITY LINES.

To Chair Inouye, Chair Keohokalole, Vice Chair Elefante, Vice Chair Fukunaga and the honorable members of the committees,

We are writing on behalf of Lāhainā Strong, an organization deeply rooted in our community's resilience and advocacy. Originally formed in 2018 following the Hurricane Lane fire in Lahaina and revitalized after the devastating fires of August 8, 2023, Lahaina Strong has become the largest grassroots, Lahaina-based community organization, with over 35,000 supporters. Our mission is to amplify local voices and champion community-driven solutions, which are more critical than ever as we continue rebuilding and recovering.

Lāhainā Strong, stands in **support of Senate Bill 11** which establishes clear vegetation management responsibilities and ensures that all property owners-private and public-are held accountable for maintaining their land. Unfortunately, our community knows all too well the devastation wildfires bring. We have seen firsthand the consequences of unchecked hazardous vegetation, unclear responsibility, and weak enforcement. We cannot afford to let history repeat itself—here or anywhere in the state.

This bill provides necessary structure and enforcement. Wildfire risk is not just a theoretical concern; it is a life-threatening reality that demands immediate action. Private landowners must be required to clear hazardous vegetation, especially in high- and medium-risk fire zones. Too often, lands go unmanaged, overgrown with dry brush that turns into kindling in the wrong conditions. Without enforcement, this negligence continues to endanger surrounding communities.

Utility companies should not be forced to take on the burden of clearing vegetation outside of their easements or public rights of way, but they must have the right to remove hazardous vegetation when landowners fail to act. This bill ensures that when necessary, that work can be done at the landowner's expense—because inaction has consequences.

Public agencies also have a role to play in managing vegetation along roadsides and rights of way. Fires spread rapidly when brush and overgrowth are left unchecked along public lands. It is not enough to acknowledge the risk—we must act to mitigate it.

This bill is a step toward real wildfire prevention, but its effectiveness will depend on enforcement. Without clear penalties and strong follow-through, the same conditions that fueled the Lāhainā fire will persist. We urge the Legislature to **support Senate Bill 11** and to ensure that enforcement remains a priority. Lives, homes, and communities depend on it.

Mahalo for your time and leadership in addressing this urgent issue.

Sincerely,

Lāhainā Strong



Testimony Before the Senate Committees on Commerce and Consumer  
Protection and Water and Land

By David Bissell  
President and Chief Executive Officer  
Kaua'i Island Utility Cooperative  
4463 Pahe'e Street, Suite 1, Lihu'e, Hawai'i, 96766-2000

Friday, February 7, 2025; 9:30 am  
Conference Room #229 & Videoconference

**Senate Bill No. 11 – RELATING TO VEGETATION MANAGEMENT NEAR UTILITY LINES**

To the Honorable Chairs Jarrett Keohokalole and Lorraine R. Inouye, Vice Chairs Carol Fukunaga and Brandon J.C. Elefante, and Members of the Committees:

Kaua'i Island Utility Cooperative (KIUC) is a not-for-profit utility providing electrical service to more than 34,000 commercial and residential members.

**KIUC offers comments on this measure.**

KIUC strongly agrees with the premise of this bill that a robust vegetation management program, particularly around electric utility infrastructure, can significantly reduce the risk of wildfire. Historically, KIUC budgeted roughly \$1.2 million a year for this work. In 2024, KIUC spent \$2.1 million on its vegetation management program. That figure is estimated to reach \$3 million in 2025.

Contracted vegetation management crews are responsible for trimming trees and vegetation around energized power lines, utility-owned fiber optic cables, utility poles, and regulators to obtain the minimum required clearance. Beginning in 2024, KIUC adopted a vegetation management plan which provides guidance for contract line clearance tree crews clearing and pruning trees year-round, aiming to re-clear the co-op's power line rights of way on each circuit systematically on a five-year cycle.

KIUC maintains over 970 miles of overhead right of way. This includes not only the maintenance of the hardware, conductors, and poles, but also trees and other vegetation that threaten to fall or grow into the powerlines. ROW maintenance is focused on providing recommended clearances between vegetation and conductors, and not on maintaining growth along the ground, below the powerlines, since grasses and bushes, and even short trees, are well outside of the required contact clearance area.

Requiring landowners to manage the growth of trees, grasses, and other vegetation, and provide a combustible-free space within ten feet from any utility line that crosses their property, will make a significant contribution to mitigating the risk of wildfire ignition around utility poles and lines.

KIUC also appreciates the intent of sections in the bill that would allow the utility to enter private or public property to trim or remove hazardous vegetation should the property owner fail to do so. While there may be circumstances where such hazards come to the attention of KIUC and action might be taken, we do not consider that this bill creates an obligation for KIUC to proactively search for, identify and remove hazardous vegetation from private or public property.

Mahalo for your consideration.



# Hawai'i Climate Advisory Team

To: Senator Jarrett Keohokalole, Chair  
Senator Carol Fukunaga, Vice Chair  
Senate Committee on Commerce and Consumer Protection

Senator Lorraine R. Inouye, Chair  
Senator Brandon J.C. Elefante, Vice Chair  
Committee on Water and Land

From: The Climate Advisory Team

RE: **SB11 - Relating to Vegetation Management Near Utility Lines - In Support**  
Friday, February 7, 9:30 a.m.; Conference Room 229 & Videoconference

Aloha Chairs Keohokalole and Inouye, Vice Chairs Fukunaga and Elefante, and Members of the Committees,

Mahalo for the opportunity to testify on SB11 relating to vegetation management near utility lines. We, the members of the Governor's Climate Advisory Team (CAT), **support the intent of SB11** because it supports proactive vegetation management practices that minimize fuel hazards and the potential for wildfires.

This bill aligns with the CAT's near-term recommendations to promote environmental resilience through the removal of vegetation that acts as fuel for fires. Minimizing fuel risk should also include creating firebreaks and green breaks around isolated communities, which can serve as alternative access points and evacuation routes in the event of a disaster.

According to a public survey conducted by the CAT in October 2024 of 600+ Hawai'i residents, nine in 10 residents believe the State should increase its investment in protecting, managing, and restoring land, water, wildlife, and recreation resources, and residents strongly supported proactive vegetation management. Studies from California find that vegetation management, a form of environmental resilience work, can result in a cost-benefit ratio of 1 to 3.7, meaning that every \$1 million spent annually on vegetation management can save roughly \$3.7 million in cost, not to mention the human toll.

For further information about the CAT's recommendations for environmental resilience work including vegetation management please refer to [Section 3.3.1 of our Policy Recommendations on Climate Disaster Resilience, Recovery and Funding](#).



# Hawai'i Climate Advisory Team

Thank you for the opportunity to testify before your committee **in support of the intent** of SB11.

With aloha,

The Climate Advisory Team



# Kamehameha Schools®

Senate Committee on Commerce and Consumer Protection

Senate Committee on Water and Land

**LATE**

Time: 9:30 a.m.

Date: February 7, 2025

Where: Conference Room 229

## TESTIMONY

By Kā'eo Duarte

Vice President, 'Āina Pauahi

**RE: SB 11, Relating to Vegetation Management Near Utility Lines.**

Aloha e nā Luna Ho'omalua Inouye, Keohokalole, nā Hope Luna Ho'omalua Elefante, Fukunaga, a me nā Lālā o nā Kōmike.

Kamehameha Schools appreciates this opportunity to provide comments on SB 11.

As stewards of our 'Āina Pauahi, we mālama this 'āina for the education of Native Hawaiian children in perpetuity. An essential part of this kuleana is working with local governments, the community, and the public and private utility sectors to ensure the safety of our keiki and kaiāulu.

We support the efforts to reduce wildfire risks around utility lines, but we are deeply concerned about the impact this bill could have on all landowners, big or small.

Many utility easements over private lands, including those granted by Kamehameha Schools and other landowners, were provided as a community service decades ago, without compensation. This bill would impose new burdens on homeowners, non-profits, farmers, ranchers, small businesses, conservation land stewards—that is, all landowners—who never anticipated these liabilities. Families who purchased homes with utility easements, or lands abutting such easements, would suddenly be responsible for costs and risks they could not have foreseen.

At the same time, climate change has increased fire risks, and higher-voltage utility lines create additional concerns. Yet it is utility companies and their shareholders—not landowners—who profit from these utility lines. This bill shifts the responsibility for vegetation management entirely onto landowners, despite the fact that the risks this bill addresses stems from infrastructure benefiting utility providers.

Kamehameha Schools remains committed to providing access to our lands. However, no single group—whether families, farmers, nonprofits, businesses, or cultural stewards—should bear the full burden of fire mitigation for utility lines. The financial and legal risks this bill creates could drive up the cost of land ownership, forcing more local families and organizations to sell and accelerating changes to the character of local communities.

We believe a more balanced approach can be found in SB1383, which directs the State Fire Marshal to develop defensible space requirements aligned with best practices and traditional Hawaiian land management approaches. This would provide clearer, more equitable guidance for landowners and utilities while ensuring wildfire mitigation efforts are effective. SB1383 was recently passed by the Senate

Committees on Public Safety and Military Affairs and Labor and Technology, reflecting broad support for a fair and evidence-based approach.

Founded in 1887 by the legacy of Princess Bernice Pauahi Bishop, Kamehameha Schools (KS) is a private, educational, charitable trust committed to improving the capability and well-being of Native Hawaiian people through education. KS envisions a thriving lāhui where learners, grounded in Christian and Hawaiian values, grow into ‘ōiwi leaders who inspire and contribute to their communities, both locally and globally.