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# A BILL FOR AN ACT

RELATING TO THE INSTALLATION OF INFRASTRUCTURE.

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

1       SECTION 1. Act 151, Session Laws of Hawaii 2011, provides  
2 an exemption for the installation, improvement, construction, or  
3 development of infrastructure relating to broadband service or  
4 broadband technology from state and county permitting  
5 requirements, under certain conditions.

6       Since Act 151 was passed into law, broadband technology has  
7 advanced substantially. Wireless technology is now essential to  
8 the delivery of broadband service. Implementation of wireless  
9 technology, such as small wireless and wireline facilities, will  
10 play a major role in continuing the benefits afforded by  
11 broadband infrastructure to the State.

12       The purpose of this Act is to:

- 13       (1) Clarify the exemptions permitted by Act 151 to include  
14           both small wireless and wireline facilities;  
15       (2) Repeal and codify in chapter 27, Hawaii Revised  
16           Statutes, provisions of Act 151 that are permanent and  
17           general;



1 (3) Expand the definition of wireless communications  
 2 antennas in section 205-4.5(a)(18), Hawaii Revised  
 3 Statutes, to include small wireless or wireline  
 4 facilities; and

5 (4) Allow wireless communications antennas as a  
 6 permissible use in districts under section 205-2,  
 7 Hawaii Revised Statutes.

8 SECTION 2. Chapter 27, Hawaii Revised Statutes, is amended  
 9 by adding a new section to part VII to be appropriately  
 10 designated and to read as follows:

11 "§27- Broadband-related infrastructure; installation;  
 12 rates. (a) Actions relating to the installation, improvement,  
 13 construction, or development of infrastructure relating to  
 14 broadband service or broadband technology, including the  
 15 interconnection and installation of telecommunications cables  
 16 and the installation of small wireless or wireline facilities on  
 17 utility poles, or other supporting structure, shall be exempt  
 18 from county permitting requirements; state permitting and  
 19 approval requirements, which includes the requirements of  
 20 chapters 171, 205A, and 343; and public utilities commission  
 21 rules under Hawaii Administrative Rules, chapter 6-73, that



1 require existing installations to comply with new pole  
2 replacement standards at the time of any construction or  
3 alteration to the equipment or installation; except to the  
4 extent that permitting or approval is required by federal law or  
5 is necessary to protect eligibility for federal funding,  
6 services, or other assistance; provided that the installation,  
7 improvement, construction, or development of infrastructure  
8 shall:

9       (1) Be directly related to the improvement of existing  
10       telecommunications cables or the installation of new  
11       telecommunications cables, including the improvement  
12       and installation of small wireless or wireline  
13       facilities and small wireless or wireline facilities  
14       networks:

15       (A) On existing, replacement, or new utility poles;  
16       and

17       (B) Using existing or new infrastructure and  
18       facilities;

19       (2) Take place within existing rights-of-way or public  
20       utility easements, or use existing or new  
21       telecommunications infrastructure; and



1       (3) Make no significant changes to the existing public  
2       rights-of-way or public utility easements. For  
3       purposes of this section, the installation of a small  
4       wireless or wireline facility shall be deemed to not  
5       make a significant change to existing public rights-  
6       of-way or public utility easements.

7       A person or entity taking any action under this section,  
8       shall comply with all applicable safety and engineering  
9       requirements relating to the installation, improvement,  
10      construction, or development of infrastructure relating to  
11      broadband service.

12      At least thirty calendar days before taking any action  
13      under this section, the person or entity taking the action shall  
14      provide notice to the director of commerce and consumer affairs  
15      by electronic posting in the form and on the site designated by  
16      the director for posting on the designated central state of  
17      Hawaii internet website; provided that notice need not be given  
18      by a public utility or government entity for an action relating  
19      to the installation, improvement, construction, or development  
20      of infrastructure relating to broadband service or broadband  
21      technology where the action taken is to provide access as the



1 owner of the existing rights-of-way, utility easement, or  
2 telecommunications infrastructure.

3 (b) Consistent with federal law, a person or entity may  
4 upgrade or replace an existing utility pole when using that  
5 utility pole to install new telecommunications cables or small  
6 wireless or wireline facilities, or to improve existing  
7 telecommunications cables or small wireless or wireline  
8 facilities; provided that:

9 (1) The installation or improvement does not increase the  
10 overall weight load and diameter of the attachment  
11 prior to the installation or improvement;

12 (2) The overall weight load on the utility pole does not  
13 exceed maximum utility pole safe weight capacities  
14 established by the Federal Communications Commission  
15 and the public utilities commission; and

16 (3) The utility pole is not damaged or made less safe or  
17 reliable due to the installation or improvement of  
18 telecommunications cables.

19 (c) The public utilities commission may allow a public  
20 utility to recover all prudently incurred costs as approved  
21 through rates, charges, or clauses approved or established by



1 the public utilities commission pursuant to section 269-16  
2 including but not limited to planning, engineering,  
3 construction, installation, or replacement of utility poles  
4 undertaken to accomplish the objectives of this section.  
5 Recovery of all prudently incurred costs shall also apply to a  
6 broadband service provider.

7 (d) If access to a utility pole is not granted within  
8 forty-five days of a written request for access, the utility  
9 shall confirm the denial in writing by the forty-fifth day,  
10 consistent with the requirements established by the Federal  
11 Communications Commission under Title 47, Chapter 1, Code of  
12 Federal Regulations. The utility's denial of access shall be  
13 specific, shall include all relevant evidence and information  
14 supporting its denial, and shall explain how the evidence and  
15 information relate to a denial of access for reasons of lack of  
16 capacity, safety, reliability, or engineering standards.

17 (e) The state or county may impose a charge on facilities  
18 collocated on utility poles, structures, and lighting standards  
19 located within the public rights-of-way and installed on state  
20 or county property. The rates shall be reasonable and  
21 nondiscriminatory based on annual services provided by the



1 collocating person. The rate may not exceed the annual  
2 recurring rate that would be permitted under rules adopted by  
3 the Federal Communications Commission under 47 United States  
4 Code section 224(e). The rate shall be used to recover the  
5 actual, direct, and reasonable costs related to the use of space  
6 on the utility pole. In any controversy concerning the  
7 appropriateness of a rate for a state or county owned utility  
8 pole, the state or county shall have the burden of proving that  
9 the rates are reasonable."

10 SECTION 3. Section 27-41.1, Hawaii Revised Statutes, is  
11 amended by adding three new definitions to be appropriately  
12 inserted and to read as follows:

13 "Small wireless or wireline facilities" means wireless or  
14 wireline facilities that meet the following qualifications:

- 15 (1) If applicable, each individual antenna, excluding the  
16 associated equipment, is individually no more than  
17 three cubic feet in volume, and all antennas on the  
18 structure total no more than six cubic feet in volume;  
19 and  
20 (2) All other wireless or wireline equipment associated  
21 with the structure, excluding cable runs for the



1           connection of power and other services, do not  
2           cumulatively exceed:

3           (A) Twenty-eight cubic feet for collocations on all  
4           non-pole structures, including buildings and  
5           water tanks that can support fewer than three  
6           providers;

7           (B) Twenty-one cubic feet for collocations on all  
8           pole structures, including light poles, traffic  
9           signal poles, and utility poles that can support  
10           fewer than three providers;

11           (C) Thirty-five cubic feet for non-pole collocations  
12           that can support at least three providers; or

13           (D) Twenty-eight cubic feet for pole collocations  
14           that can support at least three providers.

15           "Small wireless or wireline facilities network" means a  
16           collection of interrelated small wireless or wireline facilities  
17           designed to deliver wireless communications service.

18           "Utility pole" means a pole or similar structure that is  
19           owned by the State or a county and is used in whole or in part  
20           for communications service, electric service, lighting, traffic  
21           control, signage, or similar functions."



1 SECTION 4. Section 205-2, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) Rural districts shall include activities or uses as  
4 characterized by low density residential lots of not more than  
5 one dwelling house per one-half acre, except as provided by  
6 county ordinance pursuant to section 46-4(c), in areas where  
7 "city-like" concentration of people, structures, streets, and  
8 urban level of services are absent, and where small farms are  
9 intermixed with low density residential lots except that within  
10 a subdivision, as defined in section 484-1, the commission for  
11 good cause may allow one lot of less than one-half acre, but not  
12 less than eighteen thousand five hundred square feet, or an  
13 equivalent residential density, within a rural subdivision and  
14 permit the construction of one dwelling on such lot; provided  
15 that all other dwellings in the subdivision shall have a minimum  
16 lot size of one-half acre or 21,780 square feet. Such petition  
17 for variance may be processed under the special permit  
18 procedure. These districts may include contiguous areas which  
19 are not suited to low density residential lots or small farms by  
20 reason of topography, soils, and other related characteristics.



1 Rural districts shall also include golf courses, golf driving  
2 ranges, and golf-related facilities.

3 In addition to the uses listed in this subsection, rural  
4 districts shall include geothermal resources exploration and  
5 geothermal resources development, as defined under section  
6 182-1, and shall allow wireless communication antennas, as  
7 defined under section 205-4.5(a)(18), as permissible uses."

8 SECTION 5. Section 205-4.5, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) Within the agricultural district, all lands with soil  
11 classified by the land study bureau's detailed land  
12 classification as overall (master) productivity rating class A  
13 or B and for solar energy facilities, class B or C, shall be  
14 restricted to the following permitted uses:

- 15 (1) Cultivation of crops, including crops for bioenergy,  
16 flowers, vegetables, foliage, fruits, forage, and  
17 timber;
- 18 (2) Game and fish propagation;
- 19 (3) Raising of livestock, including poultry, bees, fish,  
20 or other animal or aquatic life that are propagated  
21 for economic or personal use;



- 1           (4) Farm dwellings, employee housing, farm buildings, or  
2           activities or uses related to farming and animal  
3           husbandry. "Farm dwelling", as used in this  
4           paragraph, means a single-family dwelling located on  
5           and used in connection with a farm, including clusters  
6           of single-family farm dwellings permitted within  
7           agricultural parks developed by the State, or where  
8           agricultural activity provides income to the family  
9           occupying the dwelling;
- 10          (5) Public institutions and buildings that are necessary  
11          for agricultural practices;
- 12          (6) Public and private open area types of recreational  
13          uses, including day camps, picnic grounds, parks, and  
14          riding stables, but not including dragstrips,  
15          airports, drive-in theaters, golf courses, golf  
16          driving ranges, country clubs, and overnight camps;
- 17          (7) Public, private, and quasi-public utility lines and  
18          roadways, transformer stations, communications  
19          equipment buildings, solid waste transfer stations,  
20          major water storage tanks, and appurtenant small  
21          buildings such as booster pumping stations, but not



- 1 including offices or yards for equipment, material,  
2 vehicle storage, repair or maintenance, treatment  
3 plants, corporation yards, or other similar  
4 structures;
- 5 (8) Retention, restoration, rehabilitation, or improvement  
6 of buildings or sites of historic or scenic interest;
- 7 (9) Agricultural-based commercial operations as described  
8 in section 205-2(d)(15);
- 9 (10) Buildings and uses, including mills, storage, and  
10 processing facilities, maintenance facilities,  
11 photovoltaic, biogas, and other small-scale renewable  
12 energy systems producing energy solely for use in the  
13 agricultural activities of the fee or leasehold owner  
14 of the property, and vehicle and equipment storage  
15 areas that are normally considered directly accessory  
16 to the above-mentioned uses and are permitted under  
17 section 205-2(d);
- 18 (11) Agricultural parks;
- 19 (12) Plantation community subdivisions, which as used in  
20 this chapter means an established subdivision or  
21 cluster of employee housing, community buildings, and



1 agricultural support buildings on land currently or  
2 formerly owned, leased, or operated by a sugar or  
3 pineapple plantation; provided that the existing  
4 structures may be used or rehabilitated for use, and  
5 new employee housing and agricultural support  
6 buildings may be allowed on land within the  
7 subdivision as follows:

8 (A) The employee housing is occupied by employees or  
9 former employees of the plantation who have a  
10 property interest in the land;

11 (B) The employee housing units not owned by their  
12 occupants shall be rented or leased at affordable  
13 rates for agricultural workers; or

14 (C) The agricultural support buildings shall be  
15 rented or leased to agricultural business  
16 operators or agricultural support services;

17 (13) Agricultural tourism conducted on a working farm, or a  
18 farming operation as defined in section 165-2, for the  
19 enjoyment, education, or involvement of visitors;  
20 provided that the agricultural tourism activity is  
21 accessory and secondary to the principal agricultural



1 use and does not interfere with surrounding farm  
2 operations; and provided further that this paragraph  
3 shall apply only to a county that has adopted  
4 ordinances regulating agricultural tourism under  
5 section 205-5;

6 (14) Agricultural tourism activities, including overnight  
7 accommodations of twenty-one days or less, for any one  
8 stay within a county; provided that this paragraph  
9 shall apply only to a county that includes at least  
10 three islands and has adopted ordinances regulating  
11 agricultural tourism activities pursuant to section  
12 205-5; provided further that the agricultural tourism  
13 activities coexist with a bona fide agricultural  
14 activity. For the purposes of this paragraph, "bona  
15 fide agricultural activity" means a farming operation  
16 as defined in section 165-2;

17 (15) Wind energy facilities, including the appurtenances  
18 associated with the production and transmission of  
19 wind generated energy; provided that the wind energy  
20 facilities and appurtenances are compatible with



1 agriculture uses and cause minimal adverse impact on  
2 agricultural land;  
3 (16) Biofuel processing facilities, including the  
4 appurtenances associated with the production and  
5 refining of biofuels that is normally considered  
6 directly accessory and secondary to the growing of the  
7 energy feedstock; provided that biofuel processing  
8 facilities and appurtenances do not adversely impact  
9 agricultural land and other agricultural uses in the  
10 vicinity.

11 For the purposes of this paragraph:

12 "Appurtenances" means operational infrastructure  
13 of the appropriate type and scale for economic  
14 commercial storage and distribution, and other similar  
15 handling of feedstock, fuels, and other products of  
16 biofuel processing facilities.

17 "Biofuel processing facility" means a facility  
18 that produces liquid or gaseous fuels from organic  
19 sources such as biomass crops, agricultural residues,  
20 and oil crops, including palm, canola, soybean, and  
21 waste cooking oils; grease; food wastes; and animal



1 residues and wastes that can be used to generate  
2 energy;  
3 (17) Agricultural-energy facilities, including  
4 appurtenances necessary for an agricultural-energy  
5 enterprise; provided that the primary activity of the  
6 agricultural-energy enterprise is agricultural  
7 activity. To be considered the primary activity of an  
8 agricultural-energy enterprise, the total acreage  
9 devoted to agricultural activity shall be not less  
10 than ninety per cent of the total acreage of the  
11 agricultural-energy enterprise. The agricultural-  
12 energy facility shall be limited to lands owned,  
13 leased, licensed, or operated by the entity conducting  
14 the agricultural activity.

15 As used in this paragraph:

16 "Agricultural activity" means any activity  
17 described in paragraphs (1) to (3) of this subsection.

18 "Agricultural-energy enterprise" means an  
19 enterprise that integrally incorporates an  
20 agricultural activity with an agricultural-energy  
21 facility.



1 "Agricultural-energy facility" means a facility  
2 that generates, stores, or distributes renewable  
3 energy as defined in section 269-91 or renewable fuel  
4 including electrical or thermal energy or liquid or  
5 gaseous fuels from products of agricultural activities  
6 from agricultural lands located in the State.

7 "Appurtenances" means operational infrastructure  
8 of the appropriate type and scale for the economic  
9 commercial generation, storage, distribution, and  
10 other similar handling of energy, including equipment,  
11 feedstock, fuels, and other products of agricultural-  
12 energy facilities;

13 (18) Construction and operation of wireless communication  
14 antennas[+] including small wireless or wireline  
15 facilities as defined in section 27-41.1; provided  
16 that, for the purposes of this paragraph, "wireless  
17 communication antenna" means communications equipment  
18 that is either freestanding or placed upon or attached  
19 to an already existing structure and that transmits  
20 and receives electromagnetic radio signals used in the  
21 provision of all types of wireless communications



1 services; provided further that nothing in this  
2 paragraph shall be construed to permit the  
3 construction of any new structure that is not deemed a  
4 permitted use under this subsection;

5 (19) Agricultural education programs conducted on a farming  
6 operation as defined in section 165-2, for the  
7 education and participation of the general public;  
8 provided that the agricultural education programs are  
9 accessory and secondary to the principal agricultural  
10 use of the parcels or lots on which the agricultural  
11 education programs are to occur and do not interfere  
12 with surrounding farm operations. For the purposes of  
13 this paragraph, "agricultural education programs"  
14 means activities or events designed to promote  
15 knowledge and understanding of agricultural activities  
16 and practices conducted on a farming operation as  
17 defined in section 165-2;

18 (20) Solar energy facilities that do not occupy more than  
19 ten per cent of the acreage of the parcel, or twenty  
20 acres of land, whichever is lesser or for which a  
21 special use permit is granted pursuant to section 205-



1 6; provided that this use shall not be permitted on  
2 lands with soil classified by the land study bureau's  
3 detailed land classification as overall (master)  
4 productivity rating class A unless the solar energy  
5 facilities are:

6 (A) Located on a paved or unpaved road in existence  
7 as of December 31, 2013, and the parcel of land  
8 upon which the paved or unpaved road is located  
9 has a valid county agriculture tax dedication  
10 status or a valid agricultural conservation  
11 easement;

12 (B) Placed in a manner that still allows vehicular  
13 traffic to use the road; and

14 (C) Granted a special use permit by the commission  
15 pursuant to section 205-6;

16 (21) Solar energy facilities on lands with soil classified  
17 by the land study bureau's detailed land  
18 classification as overall (master) productivity rating  
19 B or C for which a special use permit is granted  
20 pursuant to section 205-6; provided that:



- 1           (A) The area occupied by the solar energy facilities
- 2                   is also made available for compatible
- 3                   agricultural activities at a lease rate that is
- 4                   at least fifty per cent below the fair market
- 5                   rent for comparable properties;
- 6           (B) Proof of financial security to decommission the
- 7                   facility is provided to the satisfaction of the
- 8                   appropriate county planning commission prior to
- 9                   date of commencement of commercial generation;
- 10                  and
- 11          (C) Solar energy facilities shall be decommissioned
- 12                   at the owner's expense according to the following
- 13                   requirements:
- 14                   (i) Removal of all equipment related to the
- 15                               solar energy facility within twelve months
- 16                               of the conclusion of operation or useful
- 17                               life; and
- 18                   (ii) Restoration of the disturbed earth to
- 19                               substantially the same physical condition as
- 20                               existed prior to the development of the
- 21                               solar energy facility.



1 For the purposes of this paragraph, "agricultural  
2 activities" means the activities described in  
3 paragraphs (1) to (3);

4 (22) Geothermal resources exploration and geothermal  
5 resources development, as defined under section 182-1;  
6 or

7 (23) Hydroelectric facilities, including the appurtenances  
8 associated with the production and transmission of  
9 hydroelectric energy, subject to section 205-2;  
10 provided that the hydroelectric facilities and their  
11 appurtenances:

12 (A) Shall consist of a small hydropower facility as  
13 defined by the United States Department of  
14 Energy, including:

15 (i) Impoundment facilities using a dam to store  
16 water in a reservoir;

17 (ii) A diversion or run-of-river facility that  
18 channels a portion of a river through a  
19 canal or channel; and

20 (iii) Pumped storage facilities that store energy  
21 by pumping water uphill to a reservoir at



1 higher elevation from a reservoir at a lower  
2 elevation to be released to turn a turbine  
3 to generate electricity;

4 (B) Comply with the state water code, chapter 174C;

5 (C) Shall, if over five hundred kilowatts in  
6 hydroelectric generating capacity, have the  
7 approval of the commission on water resource  
8 management, including a new instream flow  
9 standard established for any new hydroelectric  
10 facility; and

11 (D) Do not impact or impede the use of agricultural  
12 land or the availability of surface or ground  
13 water for all uses on all parcels that are served  
14 by the ground water sources or streams for which  
15 hydroelectric facilities are considered."

16 SECTION 6. Act 151, Session Laws of Hawaii 2011, as  
17 amended by section 3 of Act 264, Session Laws of Hawaii 2013, as  
18 amended by section 1 of Act 193, Session Laws of Hawaii 2016, is  
19 amended by repealing section 2.

20 [~~SECTION 2. Beginning January 1, 2012, actions relating~~  
21 ~~to the installation, improvement, construction, or development~~



1 ~~of infrastructure relating to broadband service or broadband~~  
2 ~~technology, including the interconnection of telecommunications~~  
3 ~~cables, shall be exempt from county permitting requirements,~~  
4 ~~state permitting and approval requirements, which includes the~~  
5 ~~requirements of chapters 171, 205A, and 343, Hawaii Revised~~  
6 ~~Statutes, and public utilities commission rules under Hawaii~~  
7 ~~Administrative Rules, chapter 6-73, that require existing~~  
8 ~~installations to comply with new pole replacement standards at~~  
9 ~~the time of any construction or alteration to the equipment or~~  
10 ~~installation, except to the extent that such permitting or~~  
11 ~~approval is required by federal law or is necessary to protect~~  
12 ~~eligibility for federal funding, services, or other assistance,~~  
13 ~~provided that the installation, improvement, construction, or~~  
14 ~~development of infrastructure shall:~~

15       ~~(1) Be directly related to the improvement of existing~~  
16           ~~telecommunications cables or the installation of new~~  
17           ~~telecommunications cables:~~

18           ~~(A) On existing or replacement utility poles and~~  
19           ~~conduits; and~~

20           ~~(B) Using existing infrastructure and facilities;~~



1       ~~(2) Take place within existing rights of way or public~~  
2           ~~utility easements or use existing telecommunications~~  
3           ~~infrastructure; and~~

4       ~~(3) Make no significant changes to the existing public~~  
5           ~~rights of way, public utility easements, or~~  
6           ~~telecommunications infrastructure.~~

7       ~~An applicant shall comply with all applicable safety and~~  
8       ~~engineering requirements relating to the installation,~~  
9       ~~improvement, construction, or development of infrastructure~~  
10       ~~relating to broadband service.~~

11       ~~A person or entity taking any action under this section~~  
12       ~~shall, at least thirty calendar days before the action is taken,~~  
13       ~~provide notice to the director of commerce and consumer affairs~~  
14       ~~by electronic posting in the form and on the site designated by~~  
15       ~~the director for such posting on the designated central State of~~  
16       ~~Hawaii Internet website; provided that notice need not be given~~  
17       ~~by a public utility or government entity for an action relating~~  
18       ~~to the installation, improvement, construction, or development~~  
19       ~~of infrastructure relating to broadband service or broadband~~  
20       ~~technology where the action taken is to provide access as the~~



1 ~~owner of the existing rights of way, utility easements, or~~  
2 ~~telecommunications infrastructure." ]~~

3 SECTION 7. Act 151, Session Laws of Hawaii 2011, as  
4 amended by section 3 of Act 264, Session Laws of Hawaii 2013, is  
5 amended by repealing section 3.

6 [~~SECTION 3. Consistent with federal law, no person or~~  
7 ~~entity shall be required to upgrade or replace an existing~~  
8 ~~utility pole when using that utility pole to install new~~  
9 ~~telecommunications cables or to improve existing~~  
10 ~~telecommunications cables; provided that:~~

11 ~~(1) The overall weight load and the diameter of the~~  
12 ~~attachment on the utility pole following the~~  
13 ~~installation or improvement does not exceed the~~  
14 ~~overall weight load and diameter of the attachment~~  
15 ~~prior to the installation or improvement;~~

16 ~~(2) The overall weight load on the utility pole does not~~  
17 ~~exceed maximum utility pole safe weight capacities~~  
18 ~~established by the Federal Communications Commission~~  
19 ~~and the public utilities commission; and~~



1       ~~(3) The utility pole is not damaged or made less safe or~~  
2           ~~reliable due to the installation or improvement of~~  
3           ~~telecommunications cables.~~

4       ~~The public utilities commission may allow a public utility~~  
5 ~~to recover all prudently incurred costs as approved through~~  
6 ~~rates, charges, or clauses approved or established by the public~~  
7 ~~utilities commission pursuant to section 269-16, Hawaii Revised~~  
8 ~~Statutes, including but not limited to planning, engineering,~~  
9 ~~construction, installation, or replacement of utility poles~~  
10 ~~undertaken to accomplish the objectives of this Act. Recovery~~  
11 ~~of all prudently incurred costs shall also apply to a broadband~~  
12 ~~service provider.~~

13       ~~If access to a utility pole is not granted within forty~~  
14 ~~five days of a written request for access, the utility must~~  
15 ~~confirm the denial in writing by the forty fifth day, consistent~~  
16 ~~with the requirements established by the Federal Communications~~  
17 ~~Commission under Title 47, Chapter 1, Code of Federal~~  
18 ~~Regulations. The utility's denial of access shall be specific,~~  
19 ~~shall include all relevant evidence and information supporting~~  
20 ~~its denial, and shall explain how such evidence and information~~



1 ~~relate to a denial of access for reasons of lack of capacity,~~  
2 ~~safety, reliability, or engineering standards."]~~

3 SECTION 8. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 9. This Act shall take effect on January 1, 2099.



**Report Title:**

Telecommunication; Wireless Communications; Infrastructure

**Description:**

Clarifies the telecommunication exemptions to include small wireless and wireline facilities. Repeals and codifies in the Hawaii Revised Statutes provisions of Act 151, SLH 2011, that are permanent and general. Expands the definition of "wireless communications" antennas to include small wireless or wireline facilities. (HB624 HD1)

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

