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# 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; department of land and  
17 natural resources; wildfire hazard map. (a) The department of  
18 land and natural resources shall create and update annually a  
19 single wildfire hazard map identifying high-risk, medium-risk,  
20 and low-risk wildfire areas in each county.

21 (b) Unless otherwise stated in contractual documents:



- 1       (1) A utility company shall not be obligated to trim or  
2       remove trees and other vegetation located within the  
3       utility company's easements or within a public right  
4       of way;
- 5       (2) A utility company shall not be obligated to trim or  
6       remove trees and other vegetation located outside of  
7       the utility company's easements or outside of a public  
8       right of way;
- 9       (3) Any private and public property owner shall be  
10       responsible for the maintenance of their property and  
11       shall manage the growth of trees, grasses, and other  
12       vegetation located thereon, either within or outside  
13       of a utility company's easements, to mitigate the risk  
14       of wildfire ignition on or adjacent to the private or  
15       public property owner's property;
- 16       (4) A utility company shall not be considered a private or  
17       public property owner solely because it possesses  
18       easement rights that cross other private or public  
19       properties; and
- 20       (5) Public entities that own and maintain public rights of  
21       way shall be responsible for the maintenance of public



1 rights of way and shall manage the growth of trees,  
2 grasses, and other vegetation located thereon to  
3 mitigate the risk of wildfire ignition on or adjacent  
4 to public rights of way.

5 (c) From months to , each year, any  
6 private or public property owner whose property is located in  
7 high- and medium-risk fire areas identified pursuant to  
8 subsection (a) shall trim grasses located on their property to  
9 create a combustible-free space within twenty-five feet from the  
10 edge of any public right of way that is adjacent to or runs  
11 through the property and shall trim grasses located on their  
12 property to create a combustible-free space within ten feet from  
13 any utility line that crosses their property.

14 (d) During the months identified in subsection (c), the  
15 department may notify a private or public property owner that  
16 their property is in violation of subsection (c), provide the  
17 private or public property owner with a description of the  
18 condition that violates subsection (c), and provide the private  
19 or public property owner with notice that the violation shall be  
20 abated within thirty days of when the notice was mailed to the  
21 property owner. If the private or public property owner has not



1 abated the violation of subsection (c) within thirty days of the  
2 notice being mailed, the department shall issue a fine of \$1,000  
3 against the private or public property owner. Each day after  
4 the thirty-day period provided by the department's notice that a  
5 violation continues shall constitute a separate offense. The  
6 notice provided under this subsection shall be sent by certified  
7 mail to the last known address of the private or public property  
8 owner identified on public land records associated with the  
9 subject property.

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



1 this section. A utility company that elects to trim or remove  
2 hazardous vegetation under this subsection located outside of  
3 its easement, where no easement exists, or within or outside of  
4 a public right of way, shall notify the private or public  
5 property owner of the utility company's intent to trim or remove  
6 the hazardous vegetation; provided that the utility company  
7 provides the private or public property owner with a general  
8 location and description of the hazardous vegetation proposed to  
9 be trimmed or removed. If the private or public property owner:  
10     (1) Fails to respond to the utility company's notice of  
11         its intent to trim or remove hazardous vegetation  
12         located on their property; or  
13     (2) Does not abate the hazardous vegetation within thirty  
14         days of the mailing notice,  
15 the utility company shall be entitled to enter the property in  
16 question and trim or remove the hazardous vegetation at the  
17 private or public property owner's expense. The notice provided  
18 under this subsection shall be sent by certified mail to the  
19 last known address of the private or public property owner  
20 identified on public land records associated with the property  
21 in question.



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 under this subsection, the utility company shall notify the  
9 private or public property owner of the action taken under this  
10 subsection within two days of having taken action. The notices  
11 provided under this subsection shall be sent by phone call,  
12 email, or if both are unobtainable, certified mail to the last  
13 known address of the private or public property owner identified  
14 on public land records associated with the property in question.  
15 On a schedule determined by the public utilities commission, the  
16 utility company shall regularly report on all notices issued  
17 under this subsection to the commission.

18        (g) For purposes of this section:

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



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. In accordance with section 9 of article VII of  
11 the Hawaii State Constitution and sections 37-91 and 37-93,  
12 Hawaii Revised Statutes, the legislature has determined that the  
13 appropriations contained in Act 164, Regular Session of 2023,  
14 and this Act will cause the state general fund expenditure  
15 ceiling for fiscal year 2024-2025 to be exceeded by  
16 \$            or            per cent. This current declaration takes  
17 into account general fund appropriations authorized for fiscal  
18 year 2024-2025 in Act 164, Regular Session of 2023, and this Act  
19 only. The reasons for exceeding the general fund expenditure  
20 ceiling are that:





1 (1) The appropriation made in this Act is necessary to  
2 serve the public interest; and

3 (2) The appropriation made in this Act meets the needs  
4 addressed by this Act.

5 SECTION 4. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$ or so  
7 much thereof as may be necessary for fiscal year 2024-2025 for  
8 the purposes of this Act.

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

11 SECTION 5. New statutory material is underscored.

12 SECTION 6. This Act shall take effect on July 1, 2050.



**Report Title:**

DLNR; Electric Utility Companies; Wildfire Mitigation; Fines;  
Hazardous Vegetation; Expenditure Ceiling; Appropriation

**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. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation. Takes effect 7/1/2050. (SD1)

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

