

JAN 23 2025

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# A BILL FOR AN ACT

RELATING TO VEGETATION MANAGEMENT.

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

1           SECTION 1. The legislature finds that the increasing  
2 frequency and severity of wildfires threaten public safety,  
3 property, critical infrastructure, and the natural environment.  
4 As climate conditions change and drought periods lengthen, it is  
5 imperative that the State adopt robust vegetation management  
6 standards to mitigate wildfire risks and minimize the frequency  
7 and length of power outages caused by inadequate vegetation  
8 management.

9           The legislature also finds that certain jurisdictions have  
10 developed and enforced vegetation management standards that  
11 reduce the likelihood of wildfire ignition and spread. Notably,  
12 these standards include:

13           (1) Mandating that property owners clear flammable  
14           vegetation within a specified distance around  
15           structures;

16           (2) Requiring that entities responsible for electrical  
17           transmission or distribution lines establish and



1 maintain firebreaks around poles and towers supporting  
2 critical components, ensuring a minimum clearance to  
3 prevent vegetation from contacting electrical  
4 equipment;

5 (3) Preventing vegetation from contacting power lines by  
6 specifying minimum clearance distances between nearby  
7 vegetation and power lines, with greater distances for  
8 powerlines with higher voltages;

9 (4) Requiring that electric utilities manage vegetation  
10 near power lines and equipment;

11 (5) Imposing penalties on individuals who obstruct  
12 emergency personnel, including emergency personnel  
13 involved in fire prevention and suppression  
14 activities; and

15 (6) Establishing standards for construction and  
16 maintenance of overhead electrical lines and  
17 inspection requirements for electric distribution and  
18 transmission facilities.

19 By adopting similar comprehensive vegetation management  
20 standards, the State can enhance its wildfire mitigation



1 efforts, thereby protecting public safety, property, and the  
2 natural environment.

3 SECTION 2. The Hawaii Revised Statutes is amended by  
4 adding a new chapter to Title 12 to be appropriately designated  
5 and to read as follows:

6 "CHAPTER

7 VEGETATION MANAGEMENT

8 § -1 **Definitions.** For the purposes of this chapter,  
9 unless the context otherwise requires:

10 "Defensible space" means the area around a structure where  
11 vegetation and other flammable materials are managed to create a  
12 buffer between a structure and wildland areas, reducing the  
13 likelihood that a wildfire will ignite the structure.

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

16 "Hazardous vegetation" means any vegetation that, by reason  
17 of its proximity to structures, power lines, or other critical  
18 infrastructure, or due to its density, dryness, species  
19 composition, or lack of maintenance, poses a significant risk of  
20 wildfire ignition or spread.



1 "Public nuisance" includes hazardous vegetation that  
2 endangers public safety, obstructs public ways, or creates  
3 conditions conducive to wildfire.

4 "Utility" includes any electric utility company, its  
5 electric utility affiliates under chapter 269, and any  
6 contractor retained by an electric utility company or its  
7 electric utility affiliates to perform work related to the  
8 electric utility or its electric utility affiliates.

9 "Vegetation management" means the proactive removal,  
10 trimming, or maintenance of trees, shrubs, grasses, and other  
11 plant materials to reduce fire hazard potential or mitigate the  
12 risk of contact with electrical infrastructure.

13 § -2 **Vegetation management and public nuisance**

14 **abatement.** (a) The existence of hazardous vegetation that may  
15 threaten life, property, or the environment through increased  
16 wildfire risk is hereby declared a public nuisance subject to  
17 abatement.

18 (b) Every property owner, lessee, and occupant shall be  
19 responsible for maintaining vegetation to reduce fire hazards.

20 (c) The department shall adopt rules under chapter 91  
21 that:



- 1           (1) Require the establishment and maintenance of
- 2           defensible space around structures, ensuring clearance
- 3           distances in immediate zones;
- 4           (2) Provide guidance on removing or thinning flammable
- 5           vegetation, reducing ladder fuels, and maintaining
- 6           separation between tree canopies; and
- 7           (3) Prescribe enforcement procedures, including warnings,
- 8           fines, and the authority of local fire officials or
- 9           department agents to undertake abatement at the
- 10          owner's expense if compliance is not met.

11          §    -3   **Power line hazard reduction and clearances.**   (a)

12   Clearance requirements for utility poles and towers shall be as

13   follows:

- 14          (1) Utilities operating overhead electrical lines shall
- 15          establish and maintain a cleared firebreak free of
- 16          flammable vegetation and other combustible materials
- 17          around poles, towers, and other structures supporting
- 18          high-voltage overhead conductors;
- 19          (2) The firebreak shall be maintained year-round and
- 20          extend a minimum horizontal radius of at least ten
- 21          feet from the base of the pole or tower, or a distance



1 deemed necessary by the department to ensure an  
2 equivalent level of fire protection; and  
3 (3) The firebreak area shall be kept clear of all  
4 vegetation that may serve as a potential ignition  
5 source, including dry grass, brush, and other  
6 combustible materials.  
7 (b) Vegetation clearance from conductors shall be as  
8 follows:  
9 (1) Utilities shall maintain a continuous minimum  
10 clearance distance between overhead conductors and any  
11 vegetation. The required clearance distance shall be  
12 based on line voltage, local vegetation growth rates,  
13 and environmental conditions;  
14 (2) At a minimum, utilities shall ensure that vegetation  
15 does not encroach within four feet of conductors  
16 carrying voltages commonly found in distribution  
17 lines, or a greater distance as determined necessary  
18 by the department to account for local species growth  
19 patterns and weather variability. Higher-voltage  
20 lines shall require proportionally greater clearances;  
21 and



1           (3) Vegetation management activities shall be conducted  
2           proactively so that anticipated regrowth does not  
3           cause encroachment into the required clearance zone  
4           before the next scheduled maintenance cycle. Dead,  
5           diseased, or structurally compromised branches or  
6           trees that could fall into the clearance zone shall be  
7           removed or trimmed accordingly.

8           (c) Year-round maintenance and anticipatory pruning shall  
9 be as follows:

- 10           (1) Clearances described in this section shall be  
11           maintained throughout the year; and
- 12           (2) Utilities shall conduct regular inspections and  
13           perform maintenance proactively to prevent vegetation  
14           from entering the clearance zones, especially during  
15           periods of rapid growth or extreme weather conditions.

16           (d) The department shall adopt rules under chapter 91 as  
17 follows that:

- 18           (1) Specify minimum clearance distances for various  
19           voltage classes of overhead lines;
- 20           (2) Establish standards for pruning, trimming, and removal  
21           methods that prioritize vegetation health, habitat



1           preservation, and the prevention of soil erosion while  
2           ensuring fire safety; and

3           (3) Coordinate procedures among utilities, private  
4           landowners, and government agencies to ensure  
5           consistent compliance and rapid response to potential  
6           hazards.

7           §   -4   **Industry safety orders and worker protections.**   (a)

8           The department of labor and industrial relations shall adopt  
9           safety rules for vegetation management workers to ensure  
10          compliance with chapter 396.

11          (b) Any person or entity that owns, controls, operates, or  
12          maintains any electrical transmission or distribution line equal  
13          to or greater than six hundred volts shall maintain around and  
14          adjacent to any pole or tower that supports a switch, fuse,  
15          transformer, lightning arrester, line junction, or dead end or  
16          corner pole, a firebreak that consists of a clearing of not less  
17          than ten feet in each direction from the outer circumference of  
18          the pole or tower; provided that all work subject to  
19          sections   -3 and   -4 shall be performed:

20          (1) By a qualified line clearance line clearance tree  
21          trimmer or an apprentice trainee under the direct



1 supervision and instruction of a qualified line  
2 clearance tree trimmer pursuant to 29 C.F.R. section  
3 1910.269 and American National Standards Institute  
4 Z133.1 safety standard;

5 (2) By a journeyman electrical utility lineman or  
6 apprentice trainee under the direct supervision and  
7 instruction of a journeyman electrical utility  
8 lineman; or

9 (3) Under the supervision of a qualified utility arborist.

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

14 (d) This section shall not apply to any line used  
15 exclusively as telephone, telegraph, telephone or telegraph  
16 messenger call, fire or alarm line, other line classified as a  
17 communication circuit, or line by the public utilities  
18 commission; provided that this section shall apply to any line  
19 that is shared on a pole having electrical utility equipment.

20 (e) The department may grant exceptions from the  
21 requirements of this section.



1           §   -5   **Enforcement; liability; private cause of action.**

2       (a)   The department shall enforce this chapter.

3           (b)   Utilities and property owners failing to comply with  
4 these standards shall be subject to:

5           (1)   A fine of not more than \$10,000 per violation; and

6           (2)   Liability for any damages resulting from wildfires  
7                caused by non-compliance.

8           (c)   If an entity repeatedly violates this chapter and the  
9 department fails to enforce compliance after reasonable notice,  
10 affected individuals or organizations may bring a civil action  
11 in a court of competent jurisdiction.

12          (d)   Plaintiffs may seek injunctive relief to compel  
13 compliance with this chapter or recovery of damages for injuries  
14 or losses caused by non-compliance and attorney's fees and costs  
15 for successful claims.

16          (e)   For the purposes of this section, "repeated  
17 violations" shall mean three or more documented violations  
18 within a three-year period.

19           §   -6   **Rules.**   The department shall adopt rules under  
20 chapter 91 for purposes of this chapter.



1           §   -7 **Funding; assistance.** The department shall seek  
2 federal grants, private partnerships, and other funding  
3 opportunities to support the statewide vegetation management  
4 program."

5           SECTION 3. If any provision of this Act, or the  
6 application thereof to any person or circumstance, is held  
7 invalid, the invalidity does not affect other provisions or  
8 applications of the Act that can be given effect without the  
9 invalid provision or application, and to this end the provisions  
10 of this Act are severable.

11           SECTION 4. This Act shall take effect upon its approval.

12

INTRODUCED BY: \_\_\_\_\_

A large, stylized handwritten signature in black ink, written over a horizontal line.

# S.B. NO. 1561

**Report Title:**

Vegetation Management; Wildfire Mitigation; DLNR

**Description:**

Establishes vegetation management requirements to prevent wildfires caused by electric utilities. Requires the Department of Land and Natural Resources to enforce the provisions.

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

