
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 "**S269- Vegetation management; utility lines; wildfire**
17 **hazard map; hazardous vegetation; property owner obligations;**
18 **utility company rights.** (a) The department of land and natural
19 resources shall create and annually update a single wildfire
20 hazard map that identifies high-risk, medium-risk, and low-risk
21 wildfire areas in each county.



1 (b) Unless otherwise stated in contractual documents:

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

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

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

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



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

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

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

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

17 (d) During the months identified in subsection (c), the
18 department may provide a private or public property owner with
19 notice of a violation of subsection (c), a description of the
20 condition that violates subsection (c), and request that the
21 owner abate the violation within thirty days after the notice is



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

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



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

11 (1) Fails to respond to the utility company's notice of
12 its intent to trim or remove hazardous vegetation
13 located on their property; or
14 (2) Does not abate the hazardous vegetation within thirty
15 days after the notice mailing date,
16 the utility company may enter the property in question and trim
17 or remove the hazardous vegetation at the private or public
18 property owner's expense. The notice provided under this
19 subsection shall be sent by certified mail to the last known
20 address of the private or public property owner identified on
21 public land records associated with the subject property.



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

18 (g) If a utility company trims or removes hazardous
19 vegetation pursuant to subsection (e), the utility company shall
20 be immune from any liability arising from the utility company's
21 performance, either by itself or through others, of any work



1 authorized pursuant to subsection (e), including but not limited
2 to any damage caused to other vegetation or property caused in
3 whole or in part by the utility company's actions, acting by
4 itself or through others.

5 (h) A utility shall not be liable for any failure to
6 determine the existence of hazardous vegetation on private or
7 public property that is located within or outside the utility
8 company's easements or within or outside a public right of way.

9 A utility company that does not trim or remove hazardous
10 vegetation pursuant to subsections (e) and (f) shall be immune
11 from any liability associated with the utility company's
12 decision to refrain from doing so.

13 (i) For purposes of this section:

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

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



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

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

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

11 SECTION 4. New statutory material is underscored.

12 SECTION 5. This Act shall take effect on June 1, 2050.



Report Title:

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

Description:

Requires the Department of Land and Natural Resources to create and annually update a wildfire hazard map. Requires private and public property owners to trim grasses within certain proximities of public rights of way and utility lines. Authorizes electric utility companies to enter private or public property to trim or remove hazardous vegetation. Exempts electric utility companies from liability for certain damages to other vegetation and property caused during the removal of hazardous vegetation. Appropriates funds. Effective 6/1/2050. (SD1)

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