
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; 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 outside of
4 the utility company's easements or outside of a public
5 right of way;

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

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

17 (4) Public entities that own and maintain public rights of
18 way shall be responsible for the maintenance of its
19 public rights of way and shall manage the growth of
20 trees, grasses, and other vegetation located thereon



1 to mitigate the risk of wildfire ignition on or
2 adjacent to public rights of way.

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

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

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

13 (d) During the months identified in subsection (c), the
14 office of the state fire marshal, with respect to a violation on
15 state-owned land, or the applicable county fire department, with
16 respect to a violation on privately owned land, may provide a
17 public or private property owner with notice of a violation of
18 subsection (c), a description of the condition that violates
19 subsection (c), and request that the owner abate the violation
20 within thirty days after the notice is mailed to the property
21 owner. The notice provided under this subsection shall be sent



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

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.



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
6 forty-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) All work performed under this section shall be paid
19 not less than the prevailing wage rate for a second-step
20 apprentice electrical utility lineman as determined by the



1 director of labor and industrial relations and shall be
2 performed:

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

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

12 (h) For purposes of this section:

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

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



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

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

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

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

19 SECTION 4. New statutory material is underscored.

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



Report Title:

DLNR; State Fire Marshal; County Fire Departments; 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, enforced by the State Fire Marshal as to State-owned land and the applicable county fire department as to privately owned land. Authorizes electric utility companies to enter private or public property to trim or remove hazardous vegetation. Appropriates funds. Effective 6/1/2050. (SD2)

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

