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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

April 17, 2025

Mr. Noah Walin, Chair
Public Works Commission
c/o Department of Public Works
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Walin:

SUBJECT: **BILL 90 (2023), UTILITY LINES AND FACILITIES**
(WAI-12)

The Council's Water and Infrastructure Committee is in receipt of a proposed CD1 version of Bill 90 (2023), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.140, MAUI COUNTY CODE, RELATING TO UTILITY LINES AND FACILITIES." Bill 90's purpose is to promote the undergrounding of utility lines in subdivisions.

Given the Public Works Commission's role under Subsection 2.98.030(C)(3), Maui County Code, your input may provide valuable insight into the potential impacts of this bill.

May I please request the Commission review and provide comments on Bill 90, CD1 (2023), and consider the following:

1. How will the requirement for undergrounding utility lines affect subdivision development, with respect to cost and implementation challenges?
2. How will Bill 90 influence existing and future roadways, and other related facilities?
3. What are the perspectives of industry professionals on Bill 90?

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4. Are there any suggested modifications that could improve Bill 90's effectiveness while balancing feasibility?

May I further request you transmit your response to wai.committee@mauicounty.us once the Commission deliberates on this matter. To ensure efficient processing, please include the Committee item number in the subject line.

Should you have any questions, please contact me or the Committee staff (Keone Hurdle at ext. 7659, or Lori Ann Tengan at ext. 7147).

Sincerely,



TOM COOK, Chair
Water and Infrastructure Committee

wai:ltr:012apw02:kjh

Attachment

cc: Mayor Richard T. Bissen, Jr.
Director of Public Works
Deputy Director of Public Works

ORDINANCE NO. _____

BILL NO. 90, CD1 (2023)

A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.140, MAUI COUNTY CODE, RELATING TO UTILITY LINES AND FACILITIES

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. This Ordinance's purpose is to implement the General Plan's objectives to promote the undergrounding of utility lines.

SECTION 2. Section 18.20.140, Maui County Code, is amended to read as follows:

"18.20.140 Utility lines and facilities. A. Electrical service for all improved lots [shall be] is required and [shall] must be provided for, coincident with other required improvements[; provided, however,], except that the director may waive this requirement for agricultural subdivisions where it can be shown that the specific intended use would not require such service.

B. [Utility] Except as provided in subsection C, utility lines, including [but not limited to] those required for electric, telephone, street lighting, cable television services, internet services, and other related facilities, [shall] must be installed underground in all subdivisions [laid out within the industrial, business, hotel, apartment and duplex areas in accordance with] under the applicable standards and methods employed for [such] underground installation by the public utility companies [involved; provided, however, where a subdivision consists of three lots or less, the].

C. The subdivider may, upon the director's approval, [of the director,] arrange to have [such] utility lines and related facilities installed overhead [in accordance with] under the standards and methods employed for [such] overhead installation by the public utility companies[.], if the director finds at least one of the following:

1. The subdivision consists of three or fewer lots.
2. The subdivision is part of a residential workforce housing project.
3. The subdivision includes cultural or historical areas of significance.

4. The subdivision includes topographic, surface, or subsurface conditions that make underground installations unreasonable or impractical.

[The director may require the installation of underground utilities serving the subdivision in other urban areas in order to assure compatibility with neighboring developments.]

D. The subdivider [shall be responsible for making] must make the necessary arrangements with government agencies and the public utility companies [concerned] for the installation of [such] utility lines and related facilities [in accordance with the requirements of this chapter.], consistent with this chapter's requirements. The subdivider must make a reasonable effort to install utility lines and related facilities under this section so as not to interfere with other underground utilities or proposed locations of other underground utilities.

[C.] E. [The] This section's provisions [of this section shall] do not apply to the following types of utility lines and related facilities:

1. Pedestals used exclusively for police and fire alarm boxes, traffic-control facilities, street lighting, or similar equipment belonging to or operated by [either] the state or the county[;].

2. Overhead lines attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location [of] on the building to another location on the same building or to an adjacent building without crossing [any] a street or alley[;].

3. Electric distribution or transmission [system] systems in excess of [fifteen] 15 kilovolts[;].

4. Electric distribution transformers and related switching and protective equipment mounted on pads[;].

5. Electric distribution circuits of the [twelve kilovolt] 12-kilovolt class supported by metal poles without crossarm[; and].

6. Communication distribution terminals and television cable apparatuses mounted on pads or aboveground pedestals.

[D.] F. Whenever the strict application of [the] this section's requirements [of this section would be] are impractical because of the nature of the surface, subsurface, or topographical conditions of the property to be subdivided, the board of variances and appeals may approve [such] the modification [thereof as is reasonably] as may be necessary when in the public interest [of the public] and not contrary to [the] this chapter's intent and purposes [of this chapter]. Before [making] approving [any such] a modification, the board of variances and appeals [shall] must refer

the request for [any such] modification to the director for a recommendation.”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This Ordinance takes effect on approval, except that Section 2 does not apply to any applications for subdivisions with construction plans submitted on or before the Ordinance’s effective date.

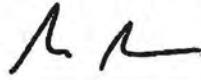
APPROVED AS TO FORM AND LEGALITY:

/s/ Michael J. Hopper

Department of the Corporation Counsel
County of Maui

wai:misc:012abill01:kjh

INTRODUCED BY:

A handwritten signature in black ink, consisting of a stylized 'G' followed by a horizontal line and a small flourish.

GABE JOHNSON