

RICHARD T. BISSEN, JR.
Mayor

KEKUHAUPIO R. AKANA
Managing Director

JORDAN MOLINA
Director

WENDY TAOMOTO, P.E.
Deputy Director

WADE SHIMABUKURO, P.E.
Development Services Administration

RODRIGO "CHICO" R. RABARA, P.E.
Engineering Division

JOHN R. SMITH, P.E.
Highways Division

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DEPARTMENT OF PUBLIC WORKS
COUNTY OF MAUI
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/publicworks

November 6, 2023

Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

APPROVED FOR TRANSMITTAL

A handwritten signature in black ink, appearing to be "R. Bissen", is written over a horizontal line. Below the line, the word "Mayor" is printed in green. To the right of the signature, the date "11/7/23" is handwritten in black ink. Below the date, the word "Date" is printed in green.

For Transmittal to:

Honorable Tom Cook, Chair
Water and Infrastructure Committee
Maui County Council
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Chair Cook:

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

The Department of Public Works (Department) is in receipt of your request dated October 20, 2023, regarding the subject matter above and provides the following comments.

The bill simply extends the existing undergrounding requirement to rural, ag, and residential developments. Council needs to be aware of the substantial cost increase that will result for these developments. It could render projects, especially smaller projects and affordable projects, infeasible if there isn't enough density or subsidy to cover the additional costs.

The other potential issue is existing roads not having enough ROW to fit the underground improvements. The duct banks and vaults used for underground utility installations require substantially more area than the overhead installations. Existing

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ROWs are generally narrower than county standard making it difficult to add additional underground utilities without interfering with other utilities. The bill proposes language that facilities installed under this section must not interfere with other underground utilities or proposed locations of other underground utilities. It is unclear how to resolve situations where proposed undergrounding cannot avoid interfering with other utilities. In such situations, would the undergrounding not be required or will the development be stopped until it can resolve the interference?

There should also be clarity for when this change applies to active applications. We suggest that applications that have already submitted construction plans should be grandfathered.

Should you have any questions, please contact me at extension 7845.

Sincerely,

A handwritten signature in black ink that reads "Jordan Molina". The signature is fluid and cursive, with the first name "Jordan" and last name "Molina" clearly distinguishable.

JORDAN MOLINA
Director of Public Works

JM:sec

[\\Fs1\pubwks_shared\PubWKS\PWADMIN\SummerCouncil\Committees\WAI\Response to Chair Cook Bill 90 \(2023\) Relating to Utility Lines and Facilities \(WAI-12\).doc](#)

ORDINANCE NO. _____

BILL NO. 90 (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 directives to require the undergrounding of more utility lines.

SECTION 2. Section 18.20.140, Maui County Code, is amended by amending subsection (B) to read as follows:

"B. Utility lines, including [but not limited to] those required for electric, telephone, street lighting, cable television services, and 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,] except where a subdivision consists of three or fewer lots [or less], 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. [The director may require the installation of underground utilities serving the subdivision in other urban areas in order to assure compatibility with neighboring developments.] 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. Utility lines and related facilities installed under this section must not interfere with other underground utilities or proposed locations of other underground utilities."

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.

APPROVED AS TO FORM AND LEGALITY:

/s/ Michael J. Hopper

MICHAEL J. HOPPER

Deputy Corporation Counsel

Department of the Corporation Counsel

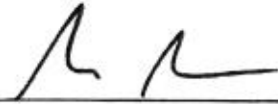
County of Maui

LF2023-1537

PAF 23-268 2023-09-26 Ord Amd Ch 18.20

paf:ebm:23-268a

INTRODUCED BY:

A handwritten signature in black ink, consisting of a stylized 'G' followed by a series of loops and a horizontal stroke.

GABE JOHNSON

WAI Committee

From: Michelle Santos <Michelle.Santos@co.maui.hi.us>
Sent: Tuesday, November 7, 2023 10:23 AM
To: WAI Committee
Cc: Cynthia Sasada; Jordan Molina; Josiah Nishita; Kekuhaupio Akana; Leo Caires; Louise Batoon; Pili Nahooikaika; Summer Enfield-Carlos; Wendy Taomoto
Subject: MT#10360 Bill 90 Relating to Utility Lines and Facilities
Attachments: MT#10360-WAI Committee.pdf

NOTE: PLEASE DO NOT FORWARD MY EMAIL TO ANYONE OUTSIDE OF THE COUNTY OF MAUI. YOU MAY CLICK ON THE ATTACHMENT ITSELF AND CREATE YOUR OWN EMAIL TO FORWARD THE DOCUMENT TO ANOTHER PERSON OUTSIDE OF THE COUNTY.

Michelle L. Santos

Office Operations Assistant

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