

COUNCIL OF THE COUNTY OF MAUI
**PUBLIC WORKS AND
FACILITIES COMMITTEE**

August 21, 2007

**Committee
Report No.**

07-92

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Public Works and Facilities Committee, having met on July 25, 2007, makes reference to County Communication No. 07-206, from the Director of Public Works and Environmental Management, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.16, MAUI COUNTY CODE, PERTAINING TO ELECTRIC AND TELEPHONE POLES".

The purposes of the proposed bill are to: (1) authorize the Director of Public Works to approve the installation of up to six utility poles upon a public highway if the height of the utility poles does not exceed the height of existing poles on the highway by more than five feet; and (2) replace references to electric, telephone, and/or power poles with utility poles.

By correspondence dated July 17, 2007, the Co-Chairs of your Committee requested that the Department of the Corporation Counsel revise the proposed bill for greater clarity.

By correspondence dated July 18, 2007, the Department of the Corporation Counsel transmitted a revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.16, MAUI COUNTY CODE, PERTAINING TO ELECTRIC AND TELEPHONE POLES" incorporating your Committee's requested revisions.

At its meeting, your Committee met with the Director of Public Works; a Deputy Corporation Counsel; Neal Shinyama, Engineering Manager, Maui Electric Company, Limited; and Greg Kauhi, Engineering Supervisor, Maui Electric Company, Limited.

There was no public testimony.

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The Director provided an overview of the matter. He stated that the Maui County Code currently requires Council approval for all placements of electric and telephone poles upon public highways. By resolution, the Council has granted the Director of Public Works and Environmental Management limited authority to approve the installation of utility poles. He explained that the revised proposed bill would codify, and make permanent, a modified version of the authority granted to the Director of Public Works, to authorize the Director to approve utility poles that are up to five feet higher than existing poles. He noted that the bill would also require an annual report to be submitted to the Council on new utility poles approved for installation on public highways. The Director emphasized that requests involving poles that are more than five feet higher than existing poles, or exceed more than six poles, would still be submitted to the Council for approval.

Your Committee discussed the modification to the revised proposed bill, which would allow poles up to five feet higher than existing poles without Council approval. Your Committee noted various concerns involving cell phone towers, briefly reviewed the costs associated with under-grounding utilities, and discussed circumstances under which notification requirements should apply.

Mr. Shinyama stated that circumstances sometimes require that a utility pole be replaced by a pole that is slightly taller, in order to provide adequate clearance and address safety issues. He further stated that an existing pole would ordinarily be replaced by one of the same height.

Mr. Kauhi described ownership and liability issues related to utility poles, stating that Maui Electric Company, Limited has a contract with Hawaiian Telcom that provides for joint ownership and liability for certain poles.

Your Committee discussed the issue of notifying abutting property owners to allow them an opportunity to comment on proposed utility pole installations. Your Committee declined to further revise the revised proposed bill to incorporate notification provisions at this time.

Your Committee voted to recommend passage of the revised proposed bill on first reading and filing of the communication.

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Your Public Works and Facilities Committee RECOMMENDS the following:

1. That Bill No. _____ (2007), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.16, MAUI COUNTY CODE, PERTAINING TO ELECTRIC AND TELEPHONE POLES", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication No. 07-206 be FILED.

Adoption of this report is respectfully requested.

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BILL KAUAKEA MEDEIROS Co-Chair

DANNY A. MATEO Member

MICHAEL P. VICTORINO Co-Chair

JOSEPH PONTANILLA Member

G. RIKI HOKAMA Member