

1                   **Technical Comments on Bill 36-0074**  
2                   **Virgin Islands Roadside Property Maintenance and**  
3                   **Vegetation Act**

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5    Good morning Senator Blyden, members of the Committee, and those in attendance.

6    My name is Greg Guannel, and I'm the Director of the Caribbean Green Technology Center  
7    at the University of the Virgin Islands. We develop and share knowledge on how  
8    infrastructure, ecosystems, and institutions interact in the U.S. Virgin Islands, with the goal  
9    of supporting more resilient and sustainable development of the islands.

10   Thank you for the opportunity to provide technical comments on Bill 36-0074. This bill  
11   amends Virgin Islands law to require property owners to keep roadside vegetation trimmed  
12   so it does not block public roads or utility lines. The Department of Public Works (DPW) can  
13   inspect, issue notices, and if the owner fails to act within 30 days, DPW can do the work  
14   and impose a \$1,500 lien (plus costs) on the property, collected via property taxes. There is  
15   a hardship waiver and an exception for natural disasters.

16   My goal in this testimony is to provide technical context on the proposed legislation. In  
17   preparing these comments, I reviewed similar laws from other jurisdictions, and consulted  
18   with my staff who is an arborist. My comments are mostly about what the law as written is  
19   missing, and I provide some recommendations for your consideration.

20   **Jurisdiction Overlap**

21   The bill addresses the issue of transportation safety, which is vegetation encroaching on  
22   roads, but also addresses utility safety, such as vegetation near energized power lines, or  
23   water pipes. These two matters require different expertise.

24   As written, roadside clearance is appropriately the responsibility of the property owner and  
25   enforceable by DPW. However, when it comes to vegetation near energized power lines, I  
26   wonder if that responsibility should not fall under WAPA's purview. As written, the bill  
27   assigns responsibility of maintaining vegetation near utilities to property owners. However,  
28   they are neither trained nor legally equipped to work near high voltage lines or critical water  
29   lines. This creates both safety and liability exposure. I recommend that vegetation  
30   management be the responsibility of utilities. In Puerto Rico, PREPA bears exclusive

31 responsibility for vegetation management within line corridors, with clear separation  
32 between utility and property owner responsibilities. Similar models exist across the  
33 Caribbean and the U.S. mainland. I could not find similar law in the USVI.

34 The bill should explicitly separate these functions and assign utility corridor management  
35 to WAPA, with defined clearance zones and coordination with DPW. The same principle  
36 applies to other utilities, such as telecommunications, water, and sewer. The only  
37 regulation we found in the code related to natural resources and utilities is the prevention  
38 from cutting vegetation near guts. No laws exists that specifies who should be in charge of  
39 maintenance of vegetation near utilities. However, in 2023, in a case related to street lights,  
40 the VI Supreme Court (WAPA vs Cyprian) affirmed that WAPA has an “explicit statutory  
41 duty” to maintain its infrastructure with “reasonable care... for the safety of drivers”. So  
42 there might be some legal clarification needed here.

## 43 Property Boundaries and Ownership

44 The bill assumes property boundaries align with areas of responsibility. In practice, this is  
45 often not the case in the Virgin Islands. Road rights-of-way are not always clearly defined  
46 on the ground, and utility easements are often undocumented or not visible to property  
47 owners. A property owner may be held responsible for vegetation in an area they do not  
48 know is within a public right-of-way or utility corridor.

49 The bill should require clearer definition or guidance on rights-of-way and easements to  
50 avoid inconsistent enforcement and legal challenges.

51 Similarly, the bill assumes a clearly identifiable and capable property owner. This is often  
52 not the case in the Virgin Islands, where many properties are vacant with unclear  
53 ownership, or they are inherited or passed to heirs without the legal papers to justify  
54 ownership. That was an issue after the hurricanes, and it is still an issue from my  
55 understanding.

56 Also, there may be an equity issue, where some residents do not have the physical and  
57 financial capacity for ongoing vegetation management. The recent Census found that we  
58 have a growing number of people over 65, and if the trend observed since 2000 continues,  
59 we will have a greater proportion of our population in fixed income.

60 Without mechanisms to address unclear ownership and limited capacity, enforcement will  
61 be uneven and may disproportionately affect vulnerable populations. Trinidad’s *ME WE*  
62 *GREEN* is interesting because it offers training and build community connection around  
63 these issues. It builds community capacity while reducing the burden on individual  
64 property owners.

## 65 Need for Measurable Standards

66 The bill does not define what “overgrown” means in measurable terms. Without clear  
67 standards, enforcement will be subjective and difficult to defend. For example, Jamaica  
68 sets maximum vegetation heights along roadways, Trinidad defines setback and clearance  
69 distances, and Florida requires minimum vertical clearance over roadways.

70 The bill should require DPW to publish measurable standards before enforcement begins  
71 and include minimum threshold. Minor encroachments that pose no safety risk should  
72 result in a warning, not a lien.

## 73 Environmental Protection and Institutional Capacity

74 The bill allows broad clearing authority without addressing protected species or cross-  
75 referencing existing law. For example, provisions in Title 12 and Title 30 discuss that  
76 vegetation management near guts falls under the jurisdiction of DPNR. At the same time,  
77 requiring individual permits for routine trimming would create a bottleneck. A general  
78 permit and training model, something like a registry of protected species, training for  
79 property owners, and targeted permitting only where needed, offers a workable balance.  
80 UVI’s Cooperative Extension Service already has the foundation to support this, and should  
81 be consulted.

82 The bill also might create an enforcement mandate that exceeds current DPW capacity.  
83 Other jurisdictions address this by allowing contracting of vegetation management  
84 services, which reduces pressure on government while creating local employment.

## 85 Due Process and Enforcement Gaps

86 As written, the enforcement structure lacks basic safeguards. There is no appeal process  
87 before a lien is applied; a single notice may not ensure awareness; there is no expedited  
88 process for imminent hazards; and there is no requirement for an itemized cost before a  
89 lien

90 The bill should include an administrative appeal process, strengthened notice procedures,  
91 itemized cost requirements, and an emergency provision allowing rapid response to  
92 hazards, especially during hurricane season. Barbados, for example, allows removal within  
93 24–48 hours for imminent risks, with post-action notice and appeal rights.

## 94 Debris Disposal

95 As we discussed last time we were here, vegetation debris removal is a big question. This  
96 bill will generate a substantive amount of green waste. I would recommend that there is  
97 some coordination with Waste Management Authority to discuss how to properly manage  
98 the waste. For example, Grenada operates public woodchipping services, Barbados runs  
99 composting and collection programs, and Puerto Rico processed large volumes of  
100 vegetative debris through mulching.

## 101 Post-Disaster Provisions

102 The bill includes an exception for natural disasters, but it is unclear for how long these  
103 exceptions would remain in place, or mechanisms for who would create conditions for  
104 these exceptions.

105 The bill should suspend enforcement deadlines for at least 90 days following a declared  
106 emergency, with the option to extend, while DPW and WAPA prioritize clearing public  
107 infrastructure.

## 108 Implementation Timeline

109 Finally, the proposed 60-day implementation period might be too short. Before  
110 enforcement begins, there is a need to establish measurable standards; put in place  
111 coordination with WAPA and DPNR; and create practical disposal options. More  
112 importantly, the public must be educated and possibly trained. In other islands, there  
113 usually an implementation period of six to twelve months for this.

## 114 Conclusion

115 This bill addresses a real and important problem. However, in its current form, there may  
116 be issues with implementation on the part of property owners, and capabilities on the part  
117 of agency. I think that the utility management part of the bill is the one that creates both a  
118 safety and liability issues that should be clarified.

119 The amendments I suggests are to

- 120 1. Separate utility and roadside responsibilities, and clarify any types of liability issues
- 121 2. Define measurable standards
- 122 3. Address disposal and capacity constraints
- 123 4. Strengthen post-disaster provisions, and

124 5. Allow time for the public and agency to build the proper capacities to follow the law.

125 Thank you, and I am happy to provide additional technical input if helpful.

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