



**VIRGIN ISLANDS
WATER AND POWER AUTHORITY**

P.O. Box 5997
Christiansted, St. Croix,
U.S. Virgin Islands 00823
(340) 773-2250
Website: www.viwapa.vi

April 7, 2026

The Honorable
Marvin A. Blyden
Capitol Building, Charlotte Amalie
P.O. Box 1690
St. Thomas, VI 00804

Dear Chairman Blyden:

I am writing to submit testimony for the upcoming Committee on Housing, Transportation, and Telecommunications on April 8, 2026, regarding BILL NO. 36-0074 (ROADSIDE PROPERTY MAINTENANCE AND VEGETATION ACT). A virtual link will not be necessary. However, participating team members will be joining in-person from the Earle B. Ottley Legislative Hall on St. Thomas.

Enclosed with this letter, please find the Virgin Islands Water and Power Authority's detailed testimony in support of the Roadside Property Maintenance and Vegetation Act. We appreciate the opportunity to present this information and my team looks forward to discussing these important issues in greater detail during the hearing.

Respectfully,

Karl Knight
Chief Executive Officer/Executive Director
Virgin Islands Water and Power Authority

Good morning, Honorable Chairman Marvin A. Blyden; Honorable members of the Committee on Housing, Transportation, and Telecommunications; Honorable Senators present; testifiers; and the listening and viewing audience. I am Lemuel Lavinier, Chief Operating Officer - Electric Systems, of the Virgin Islands Water and Power Authority, which I may later refer to as “WAPA” or “the Authority,” appearing today on behalf of Executive Director and CEO Karl Knight. Joining me today is Dionne Sinclair, General Counsel of the Virgin Islands Water and Power Authority.

Thank you for the opportunity to provide testimony on Bill No. 36-0074, which proposes establishing the Virgin Islands Roadside Property Maintenance and Vegetation Act. This testimony provides the Authority’s perspective on the bill’s potential impacts on utility operations and seeks to offer guidance on its implementation and practical implications.

IMPORTANCE OF VEGETATION MANAGEMENT AND SYSTEM RELIABILITY

WAPA supports the intent of this bill and recognizes its importance to public safety, grid stability, roadway visibility, and overall community well-being. Vegetation overgrowth, particularly around the Authority’s power lines, presents a persistent and well-documented threat to the power system’s reliability throughout the Territory. In fact, vegetation contact with electrical lines is a major cause of power outages, accounting for an average 20 percent of monthly outages per district, with significantly higher impacts during storms and high-wind events. Additionally, trees conduct electricity from nearby power lines and create hazardous conditions. For these reasons, efforts to require routine vegetation maintenance are both necessary and appropriate. Without proper maintenance, overgrown vegetation can cause outages, damage equipment, and create hazardous conditions for the public.

SAFETY CONSIDERATIONS

With that in mind, WAPA has significant concerns regarding vegetation encroachment in proximity to or on energized power lines. Vegetation management within minimum clearance distances of power lines is highly specialized work. It cannot be safely performed by untrained individuals or contractors without line-clearing certification. Put simply, vegetation near power lines is not routine yard work—it is specialized, high-risk work that must be handled with proper training and coordination.

As drafted, in the context of the utility, the bill places responsibility on property owners to control vegetation on their property without distinguishing between general vegetation maintenance work and maintenance work occurring in proximity to energized infrastructure. For purposes of clarity, WAPA refers to the space as its “clearance zone,” within which vegetation management must be performed by trained personnel using specialized equipment and in accordance with established safety standards. This ‘clearance zone’ refers to the area within 15 feet below and 15 feet on either side of the power lines where specialized safety standards apply. Improper trimming practices in proximity to energized lines can result in serious injury, death, property damage, and electrical outages.



Realistically, property owners may attempt to comply with the bill without realizing that vegetation removal near energized power lines requires specialized handling. As a result, compliance with this bill may place property owners in a difficult position: they may attempt to undertake the work themselves, incur the costs of engaging unqualified or undertrained contractors, or obtain properly trained personnel where available. Without a clearly defined pathway for safe compliance, including coordination with qualified line-clearance professionals and the Authority, the requirements of the bill may not be reasonably achievable in a safe and consistent manner. The bill should establish a clear and accessible compliance pathway for property owners, including when to contact WAPA and engage qualified line-clearance professionals.

Therefore, WAPA recommends that the language of the bill be updated to distinguish between general vegetation maintenance and vegetation maintenance within the clearance zone, and that such work be performed only by qualified personnel in coordination with the Authority. Clarifying this distinction will help ensure that hazardous work is handled safely and by appropriately trained personnel.

OPERATIONAL FRAMEWORK AND INTERAGENCY COORDINATION

Additionally, further clarity regarding funding or cost-recovery for specialized vegetation maintenance is needed. Any framework addressing vegetation within this clearance zone should clearly allocate responsibility so that the financial burden is not shifted to the Authority without express authorization and support. These safety and operational considerations also highlight a broader structural aspect of the bill that warrants further clarification. While the bill assigns enforcement authority to the Department of Public Works (DPW), it does not expressly incorporate WAPA into the operational framework to ensure the level of care required for vegetation management around power lines.

WAPA is already called upon to respond to vegetation-related issues involving electrical lines, consistent with standard utility practice and existing easement rights. While the Authority may have the ability to access its infrastructure, the bill does not define WAPA's role in its implementation or establish how coordination with enforcement agencies will occur in situations involving energized lines. Without that clarity, there is a risk of inconsistent response, delays in addressing hazardous conditions, and uncertainty regarding fiscal responsibility.

This becomes particularly important in situations where the vegetation creates an immediate hazard, for instance, when trees are caused to interact with an energized line during property owner vegetation management activities. In those cases, WAPA will likely be called upon to respond in real-time to protect public safety and restore service, regardless of formal responsibility. It remains unclear whether the Department of Public Works has the capacity or access to specialized contractors necessary to address the overgrown vegetation or whether WAPA would be expected to intervene without a defined cost-recovery mechanism. To ensure long-term sustainability, a clear cost-recovering or funding mechanism is necessary.



**Testimony to the 36th Legislature | COMMITTEE ON HOUSING, TRANSPORTATION & TELECOMMUNICATIONS
RE: BILL NO. 36-0074 (ROADSIDE PROPERTY MAINTENANCE AND VEGETATION ACT)**

A related concern is also what happens after that work is completed. Where the Authority undertakes vegetation removal to protect its infrastructure, the bill does not provide a mechanism to prevent recurring encroachment. When power lines are clear from vegetation, a property owner may plant or allow vegetation to regrow in the same area, potentially requiring repeated intervention by WAPA at WAPA's expense. This raises concerns regarding the potentially repetitive costs imposed by the property owner on the Authority without clear control, or reimbursement. The bill may benefit from provisions that prevent planting within the clearance zone or require ongoing compliance within designated clearance areas.

For these reasons, interagency coordination will be essential to the successful implementation and enforcement of this Act. At a minimum, WAPA anticipates serving in a technical and operational support role for matters involving electrical infrastructure and recommends that the Committee include provisions to support that coordination.

COST ON THE AUTHORITY

Finally, vegetation management near energized infrastructure is resource-intensive and requires specialized crews, equipment, and coordination. The cost of vegetation management within the clearance zone is borne by the Authority and paid by customers through rates. Therefore, effective management of those costs is the responsibility of the Authority and the property owner.

CONCLUSION

As I stated earlier, WAPA supports the goals of Bill No. 36-0074 and appreciates the Legislature's attention to this important issue. With targeted refinements to address safety, coordination, and operational clarity, this legislation can significantly enhance public safety while ensuring that it is implemented in a manner that reflects the operational realities of managing critical utility infrastructure in the Territory.

