

**BOLT NAGI** PC  
ATTORNEYS AT LAW

MERCHANTS FINANCIAL CENTER  
4608 TUTU PARK MALL, SUITE 202  
ST. THOMAS, U.S. VIRGIN ISLANDS 00802-1816

TELEPHONE (340) 774-2944  
FAX (340) 776-1639

EMAIL [info@vilaw.com](mailto:info@vilaw.com)  
<http://www.vilaw.com>

Tom Bolt  
CEO/President  
[tom.bolt@vilaw.com](mailto:tom.bolt@vilaw.com)

April 8, 2026

VIA EMAIL – [mblyden@legvi.org](mailto:mblyden@legvi.org)

The Honorable Marvin A. Blyden  
Chair, Committee on Housing, Transportation & Telecommunications  
36th Legislature of the Virgin Islands  
Post Office Box 1690  
St. Thomas, U.S. Virgin Islands 00804

Re: Bill No. 36-0074; An Act amending title 20 Virgin Islands Code, part I by adding a chapter 3 establishing the “Virgin Islands Roadside Property Maintenance and Vegetation Act”; To require property owners to maintain roadside vegetation, prevent obstruction of public roads and utility lines, provide for enforcement, penalties and exceptions, and for other related purposes

Dear Chairman Blyden:

As local counsel to Liberty Mobile USVI, Inc. (“Liberty Mobile”), we respectfully submit this correspondence for consideration at the Committee’s public hearing on Bill No. 36-0074 scheduled for April 8, 2026 in the Frits E. Lawaetz Legislative Conference Room on St. Croix, VI.

At the outset, Liberty Mobile commends the bill’s sponsor, Senator Kenneth L. Gittens, and the Committee for the underlying objective of this legislation - enhancing roadway safety, visibility and the reliability of public infrastructure through improved vegetation management. These are important and necessary goals. However, for the reasons outlined below, Liberty Mobile must respectfully oppose Bill No. 36-0074 as currently drafted and urges the Committee to defer action pending revision.

**I. Summary of Concerns**

In its present form, Bill No. 36-0074:

- Conflicts with existing U.S. Virgin Islands law governing public roads and rights-of-way;
- Improperly shifts responsibility for public infrastructure maintenance from the Government to private property owners;

- Fails to account for the legal and operational realities of utility and telecommunications corridors;
- Encourages unsafe vegetation trimming near utility and telecommunications lines by unqualified individuals; and
- Creates a material risk of service disruptions, infrastructure damage and public safety hazards.

## **II. Conflict with Existing Law**

Under existing law in 20 V.I.C. §1, the Government of the Virgin Islands, acting through the Department of Public Works, bears responsibility for maintaining public roadways in a safe condition. Bill No. 36-0074 alters this framework by imposing inspection and remediation obligations on adjacent property owners—even where vegetation is located within public rights-of-way, government-controlled corridors or utility easements.

These areas are not under the legal control of adjacent landowners. Imposing liability in such circumstances creates a structural inconsistency in the law and exposes property owners to obligations they are not legally positioned to fulfill.

## **III. Impact on Telecommunications and Utility Infrastructure**

Telecommunications infrastructure in the Territory is typically located along public roads, on shared utility poles and within public rights-of-way and recorded easements. The bill does not distinguish between vegetation on private property and vegetation within these regulated corridors.

Nor does it recognize that telecommunications infrastructure:

- Is frequently co-located with electric facilities provided by the Virgin Islands Water and Power Authority;
- Requires coordinated and technically specialized maintenance; and
- Is subject to strict safety and access standards.

As drafted, Bill No. 36-0074 would impose obligations on property owners who lack both the authority and the technical capability to safely perform such work.

## **IV. Public Safety Risks**

Vegetation management near utility and telecommunications lines is not routine landscaping. It requires trained personnel, adherence to safety standards and coordination with utilities and pole owners. The bill, as written, effectively encourages untrained individuals to undertake trimming near energized facilities, creating substantial risks including:

- Personal injury or electrocution;
- Damage to telecommunications and electric infrastructure;
- Disruption of emergency communications; and
- Widespread service outages.

A statute intended to improve safety could, in practice, produce the opposite result.

#### **V. Enforcement and Due Process Concerns**

The enforcement provisions of Bill No. 36-0074 present additional issues:

- Lack of objective standards (e.g., undefined “overgrown vegetation”);
- No requirement to confirm that the cited condition is within the owner’s control;
- Ambiguity between “immediate” action and a thirty (30) day cure period;
- Absence of a clear administrative appeal process; and
- Broad lien authority for conditions potentially outside the owner’s responsibility.

These deficiencies raise fundamental fairness and due process concerns.

#### **VI. Recommended Amendments**

Liberty Mobile respectfully recommends that the Committee on Housing, Transportation and Telecommunications consider the following revisions:

1. **Limit Responsibility to Property Under Owner Control**  
Clarify that obligations apply only to vegetation within the owner’s property and legal control, excluding public rights-of-way, government property and utility easements;
2. **Require Coordination with Utilities and Telecommunication Providers**  
Mandate consultation with affected utilities or telecommunications providers prior to any enforcement action involving utility infrastructure;
3. **Prohibit Unsafe Self-Help Near Utility and Telecommunication Facilities**  
Explicitly provide that unqualified individuals are not required or permitted to perform work near energized or aerial facilities;
4. **Establish Objective Standards**  
Define measurable criteria for violations, including roadway clearance, visibility thresholds and confirmed infrastructure interference;
5. **Clarify Notice, Cure and Appeal Rights**  
Provide clear notice requirements, reasonable cure periods and a defined administrative appeal process;
6. **Limit Cost Recovery and Liens**  
Restrict cost recovery to conditions clearly within the owner’s legal responsibility; and
7. **Provide for Post-Storm Coordination**  
Require that vegetation management following storms or emergencies be coordinated through the Department of Public Works and affected utilities and telecommunications providers.

Letter to Hon. Marvin A. Blyden  
Chair, Committee on Housing, Transportation & Telecommunications  
36<sup>th</sup> Legislature of the Virgin Islands  
RE: Bill No. 36-0074  
April 8, 2026  
Page 4

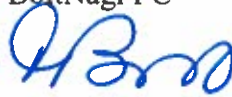
## **VII. Conclusion**

Liberty Mobile USVI, Inc. shares the 36<sup>th</sup> Legislature's commitment to safe roadways, reliable infrastructure and resilient communities. We stand ready to work collaboratively with the Committee, the Department of Public Works and other stakeholders to develop a practical and enforceable vegetation management framework.

However, Bill No. 36-0074, as currently drafted, presents significant legal, operational and public safety concerns. Accordingly, Liberty Mobile respectfully recommends that the Committee on Housing, Transportation and Telecommunications table the bill pending a comprehensive amendment in the nature of a substitute.

Thank you for your consideration and for this opportunity to provide this testimony.

Respectfully submitted,  
BoltNagi PC



TOM BOLT  
Attorney at Law

TB:cl

cc: Members, 36<sup>th</sup> Legislature of the Virgin Islands  
Committee on Housing, Transportation and Telecommunications

Carla Framil Ferran, Esq.  
General Counsel  
Liberty Communications

Wanda Perez Alvarez, Esq.  
Senior Manager Government Affairs  
Liberty Communications