

JAN 22 2021

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# A BILL FOR AN ACT

RELATING TO DISASTER PREPAREDNESS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that in preparation for a  
2 natural disaster, every second of potential evacuation time  
3 makes a difference in protecting the lives of the State's  
4 residents. Specifically, because Hawaii is a seismically active  
5 state, a shallow undersea earthquake could very quickly cause  
6 destruction to low-lying areas. The Pacific Tsunami Warning  
7 Center notes that a tsunami generated along the southeast coast  
8 of the island of Hawaii could reach Hilo or Kona within five to  
9 ten minutes, Maui within fifteen to twenty minutes, and Oahu  
10 within thirty to forty minutes. During a locally generated  
11 tsunami event, persons in low-lying areas must act quickly to  
12 evacuate. The legislature believes it is essential that  
13 evacuation routes be clear and free of obstruction to allow for  
14 a quick evacuation in case of an emergency.

15           The legislature further finds that large trees planted  
16 along thoroughfares that provide access to coastal communities  
17 have the potential to obstruct these roads during an



1 evacuation. A large tree that has fallen onto a road may  
2 prevent residents from evacuating quickly. Further, if an  
3 obstructed road is the only means by which to leave an  
4 evacuation zone, the obstruction may needlessly put countless  
5 lives in danger. Obstructions along roads may also prevent  
6 emergency response vehicles and personnel from returning to an  
7 evacuation zone following a disaster, thus preventing lifesaving  
8 support from reaching those who critically need it.

9 Accordingly, the purpose of this Act is to prevent large  
10 trees from obstructing evacuation routes by:

- 11 (1) Requiring the Hawaii emergency management agency to  
12 identify key evacuation routes;
- 13 (2) Prohibiting the planting of large trees along  
14 evacuation routes;
- 15 (3) Requiring the Hawaii emergency management agency to  
16 identify existing large trees along evacuation routes  
17 and trim, spray, or remove the trees if the trees have  
18 the potential to obstruct the evacuation route; and
- 19 (4) Appropriating funds to the Hawaii emergency management  
20 agency.



1 SECTION 2. Chapter 127A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§127A- Emergency evacuation routes; prevention of  
5 obstructions. (a) No later than January 1, 2022, and no less  
6 than every five years thereafter, the agency shall compile a  
7 list of highways in the State that qualify as an evacuation  
8 route, as defined by subsection (e).

9 (b) Beginning July 1, 2022, no person shall plant a large  
10 tree within fifteen feet of the roadway portion of an evacuation  
11 route.

12 (c) No later than January 1, 2023, the agency shall  
13 establish a registry of existing large trees planted within  
14 fifteen feet of the roadway portion of an evacuation route. The  
15 agency shall update the registry on an ongoing basis.

16 (d) If the agency believes that a large tree identified  
17 pursuant to subsection (c) has the potential to obstruct an  
18 evacuation route during an emergency or disaster, the agency  
19 shall:

20 (1) Trim, spray, or remove the large tree; or



1        (2) Order a landowner or other person having control over  
2            the real property where the tree is situated to trim,  
3            spray, or remove the large tree.

4        (e) As used in this section:

5        "Evacuation route" means:

6        (1) Any highway under the jurisdiction of the department  
7            of transportation that provides access to:

8            (A) A tsunami evacuation zone;

9            (B) A special flood hazard area; or

10          (C) Any other area that the director, in the  
11            director's discretion, has a reasonably high  
12            likelihood of being required to evacuate during  
13            an emergency; or

14        (2) Any highway under the jurisdiction of the department  
15            of transportation that provides access to an area  
16            where at least one hundred persons live, work, or are  
17            otherwise present at a particular time; provided that  
18            the highway is the only means of access to the area.

19        "Highway" has the same meaning as in section 264-1.

20        "Large tree" means any plant that has a single trunk and  
21        will eventually attain a height of more than fifteen feet.



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1        "Roadway" has the same meaning as in section 291C-1.

2        "Special flood hazard area" means an area identified as a  
3 special flood hazard area by the Federal Emergency Management  
4 Agency.

5        "Tsunami evacuation zone" means an area within a tsunami  
6 evacuation zone or an extreme tsunami evacuation zone, as  
7 designated by a county emergency management agency."

8        SECTION 3. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$                    or so  
10 much thereof as may be necessary for fiscal year 2021-2022 and  
11 the same sum or so much thereof as may be necessary for fiscal  
12 year 2022-2023 for the purposes of this Act.

13        The sums appropriated shall be expended by the Hawaii  
14 emergency management agency for the purposes of this Act.

15        SECTION 4. New statutory material is underscored.

16        SECTION 5. This Act shall take effect on July 1, 2021.

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INTRODUCED BY: *Kurt Ferrelle*



# S.B. NO. 687

**Report Title:**

Disaster Preparedness; Evacuation Routes; Large Trees; Removal; Appropriation

**Description:**

Prohibits the planting of large trees along evacuation routes and requires the Hawaii emergency management agency to identify large trees along evacuation routes and trim, spray, or remove large trees having the potential to obstruct the evacuation route. Defines evacuation route. Appropriates moneys.

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