

JAN 19 2023

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

15 The legislature further finds that large trees planted
16 along thoroughfares that provide access to coastal communities
17 may potentially obstruct these roads during an evacuation. A



1 large fallen tree may block ingress and egress and thus prevent
2 residents from evacuating quickly. Further, if an obstructed
3 road is the only means by which to flee an evacuation zone, the
4 obstruction may needlessly endanger countless lives.

5 Obstructions along roads may also prevent emergency response
6 vehicles and personnel from returning to an evacuation zone
7 following a disaster, thus preventing lifesaving support from
8 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, 2024, and no less
6 than every five years thereafter, the agency shall compile a
7 list of public highways in the State that qualify as evacuation
8 routes, as defined in subsection (e).

9 (b) Beginning July 1, 2024, 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, 2025, 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 public highway under the jurisdiction of the
7 department 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 may determine,
11 in the director's discretion, has a reasonably
12 high likelihood of being required to evacuate
13 during an emergency; or

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

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



1 "Public highway" has the same meaning as in section 264-1.

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

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

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

9 SECTION 3. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so
11 much thereof as may be necessary for fiscal year 2023-2024 and
12 the same sum or so much thereof as may be necessary for fiscal
13 year 2024-2025 for the purposes of this Act.

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

16 SECTION 4. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on July 1, 2023.

18

INTRODUCED BY: *Kurt Fjell*



S.B. NO. 255

Report Title:

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

Description:

Prohibits the planting of large trees along evacuation routes. 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 an evacuation route. Defines evacuation route. Appropriates funds.

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