

Chapter 79A.35 RCW
WASHINGTON STATE RECREATION TRAILS SYSTEM

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RCW 79A.35.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the recreation and conservation funding board.

(2) "System" means the Washington state recreation trails system.

[2007 c 241 s 63; 1970 ex.s. c 76 s 2. Formerly RCW 67.32.020.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Recreation and conservation funding board: Chapter 79A.25 RCW.

RCW 79A.35.020 Purpose. (1) In order to provide for the ever increasing outdoor recreation needs of an expanding resident and tourist population and to promote public access to, travel within, and the enjoyment and appreciation of outdoor areas of Washington, it is declared to be in the public interest to plan a system of trails throughout the state to enable and encourage the public to engage in outdoor recreation activities.

(2) The purpose of this chapter is to provide the means for attaining these objectives by instituting a method for establishing a system of state recreation trails, and by prescribing the manner by which a proposed trail may be included in the system. [1970 ex.s. c 76 s 3. Formerly RCW 67.32.030.]

RCW 79A.35.030 Trails to be designated by board—Inclusion of other trails—Procedure. (1) The system shall be composed of trails as designated by the board. Such trails shall meet the conditions established in this chapter and such supplementary criteria as the board may prescribe.

(2) The board shall establish a procedure whereby federal, state, and local governmental agencies and/or public and private organizations may propose trails for inclusion within the system. Such proposals will comply with the proposal requirements contained in RCW 79A.35.050.

(3) In consultation with appropriate federal, state, and local governmental agencies and public and private organizations, the board shall establish a procedure for public review of the proposals considered appropriate for inclusion in the statewide trails system. [2007 c 241 s 64; 2000 c 11 s 86; 1970 ex.s. c 76 s 4. Formerly RCW 67.32.040.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

RCW 79A.35.040 State trails plan. The director shall prepare a state trails plan as part of the statewide outdoor recreation and open space plan. Included in this plan shall be an inventory of existing trails and potential trail routes on all lands within the state presently being used or with potential for use by all types of trail users. Such trails plan may include general routes or corridors within which specific trails or segments thereof may be considered for designation as state recreation trails. [1989 c 237 s 7; 1971 ex.s. c 47 s 1; 1970 ex.s. c 76 s 5. Formerly RCW 67.32.050.]

Effective date—1989 c 237: See note following RCW 79A.25.005.

Application of chapter—Permission necessary to enter upon private lands: RCW 46.09.300.

RCW 79A.35.050 Proposals for designation of existing or proposed trails as state recreational trails. Before any specific existing or proposed trail is considered for designation as a state recreational trail, a proposal must be submitted to the board showing the following:

(1) For existing trails:

(a) The route of such trail, including maps and illustrations, and the recommended mode or modes of travel to be permitted thereon;

(b) The characteristics that, in the judgment of the agency or organization proposing the trail, make it worthy of designation as a component of a state recreation trail or trail system;

(c) A map showing the current status of land ownership and use along the designated route;

(d) The name of the agency or combination of agencies that would be responsible for acquiring additional trail rights-of-way or easements, trail improvement, operation and maintenance, and a statement from those agencies indicating the conditions under which they would be willing to accept those responsibilities;

(e) Any anticipated problems of maintaining and supervising the use of such trail and any anticipated hazards to the use of any land or resource adjacent to such trail;

(f) And such others as deemed necessary by the board.

(2) In addition, for proposed trails or for existing trails which require additional right-of-way acquisition, easements, and/or development:

(a) The method of acquiring trail rights-of-way or easements;

(b) The estimated cost of acquisition of lands, or interest in land, if any is required;

(c) The plans for developing the trail and the estimated cost thereof;

(d) Proposed sources of funds to accomplish (a) and (b) of this subsection. [2007 c 241 s 65; 1970 ex.s. c 76 s 6. Formerly RCW 67.32.060.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

RCW 79A.35.060 Coordination by recreation and conservation funding board. Following designation of a state recreation trail, the recreation and conservation funding board may coordinate:

(1) The agency or agencies that will acquire (where appropriate), develop and/or maintain the trail;

(2) The most appropriate location for the trail;

(3) Modes of travel to be permitted;

(4) And other functions as appropriate. [2007 c 241 s 66; 1970 ex.s. c 76 s 7. Formerly RCW 67.32.070.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

RCW 79A.35.070 Categories of trails or areas—Policy statement as to certain state lands. The following seven categories of trails or areas are hereby established for purposes of this chapter:

(1) Cross-state trails which connect scenic, historical, geological, geographical, or other significant features which are characteristic of the state;

(2) Water-oriented trails which provide a designated path to, on, or along fresh and/or salt water in which the water is the primary point of interest;

(3) Scenic-access trails which give access to quality recreation, scenic, historic or cultural areas of statewide or national significance;

(4) Urban trails which provide opportunities within an urban setting for walking, bicycling, horseback riding, or other compatible activities. Where appropriate, they will connect parks, scenic areas, historical points, and neighboring communities;

(5) Historical trails which identify and interpret routes which were significant in the historical settlement and development of the state;

(6) ORV vehicle trails which are suitable for use by both four-wheel drive vehicles and two-wheel vehicles. Such trails may be

included as a part of the trail systems enumerated in subsections (1), (2), (3) and (5) of this section or may be separately designated;

(7) Off-road and off-trail areas which are suitable for use by both four-wheel drive vehicles and two-wheel vehicles. The board shall coordinate an inventory and classification of such areas giving consideration to the type of use such areas will receive from persons operating four-wheel drive vehicles and two-wheel vehicles.

The planning and designation of trails shall take into account and give due regard to the interests of federal agencies, state agencies and bodies, counties, municipalities, private landowners and individuals, and interested recreation organizations. It is not required that the above categories be used to designate specific trails, but the board will assure that full consideration is given to including trails from all categories within the system. As it relates to all classes of trails and to all types of trail users, it is herein declared as state policy to increase recreational trail access to and within state and federally owned lands and private lands where access may be obtained. It is the intent of the legislature that public recreation facilities be developed as fully as possible to provide greater recreation opportunities for the citizens of the state. The purpose of chapter 153, Laws of 1972 ex. sess. is to increase the availability of trails and areas for off-road vehicles by granting authority to state and local governments to maintain a system of ORV trails and areas, and to fund the program to provide for such development. State lands should be used as fully as possible for all public recreation which is compatible with the income-producing requirements of the various trusts. [2007 c 241 s 67; 1977 ex.s. c 220 s 21; 1972 ex.s. c 153 s 1; 1971 ex.s. c 47 s 2; 1970 ex.s. c 76 s 8. Formerly RCW 67.32.080.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Application of chapter—Permission necessary to enter upon private lands: RCW 46.09.300.

RCW 79A.35.080 General types of use. All trails designated as state recreational trails will be constructed, maintained, and operated to provide for one or more of the following general types of use: Foot, foot powered bicycle, horse, motor vehicular or watercraft travel as appropriate to the terrain and location, or to legal, administrative or other necessary restraints. It is further provided that the same trail shall not be designated for use by foot and vehicular travel at the same time. [1970 ex.s. c 76 s 9. Formerly RCW 67.32.090.]

RCW 79A.35.090 Guidelines. With the concurrence of any federal or state agency administering lands through which a state recreation trail may pass, and after consultation with local governments, private organizations and landowners which the board knows or believes to be concerned, the board may issue guidelines including, but not limited to: Encouraging the permissive use of volunteer organizations for planning, maintenance, or trail construction assistance; trail construction and maintenance standards, a trail use reporting

procedure, and a uniform trail mapping system. [2007 c 241 s 68; 1971 ex.s. c 47 s 3; 1970 ex.s. c 76 s 10. Formerly RCW 67.32.100.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Application of chapter—Permission necessary to enter upon private lands: RCW 46.09.300.

RCW 79A.35.100 Consultation and cooperation with state, federal, and local agencies. The board is authorized and encouraged to consult and to cooperate with any state, federal, or local governmental agency or body including special districts subject to the provisions of chapter 85.38 RCW, with private landowners, and with any privately owned utility having jurisdiction or control over or information concerning the use, abandonment, or disposition of roadways, utility rights-of-way, dikes or levees, or other properties suitable for the purpose of improving or expanding the system in order to assure, to the extent practicable, that any such properties having value for state recreation trail purposes may be made available for such use. [2007 c 241 s 69; 1993 c 258 s 1; 1970 ex.s. c 76 s 11. Formerly RCW 67.32.110.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

RCW 79A.35.110 Participation by volunteer organizations—Liability of public agencies therefor limited. Volunteer organizations may assist public agencies, with the agency's approval, in the construction and maintenance of recreational trails in accordance with the guidelines issued by the board. In carrying out such volunteer activities the members of the organizations shall not be considered employees or agents of the public agency administering the trails, and such public agencies shall not be subject to any liability whatsoever arising out of volunteer activities. The liability of public agencies to members of such volunteer organizations shall be limited in the same manner as provided for in RCW 4.24.210. [2007 c 241 s 70; 1971 ex.s. c 47 s 4. Formerly RCW 67.32.130.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Application of chapter—Permission necessary to enter upon private lands: RCW 46.09.300.

RCW 79A.35.120 Department of transportation—Participation. The department of transportation shall consider plans for trails along and across all new construction projects, improvement projects, and along or across any existing highways in the state system as deemed desirable by the board. [2007 c 241 s 71; 1984 c 7 s 368; 1971 ex.s. c 47 s 5. Formerly RCW 67.32.140.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Application of chapter—Permission necessary to enter upon private lands: RCW 46.09.300.

RCW 79A.35.130 Participants in conservation corps programs—Exempt from provisions related to rates of compensation. Participants in conservation corps programs offered by a nonprofit organization affiliated with a national service organization established under the authority of the national and community service trust act of 1993, P.L. 103-82, are exempt from provisions related to rates of compensation while performing environmental and trail maintenance work provided:

- (1) The nonprofit organization must be registered as a nonprofit corporation pursuant to chapter 24.03A RCW;
- (2) The nonprofit organization's management and administrative headquarters must be located in Washington;
- (3) Participants in the program spend at least fifteen percent of their time in the program on education and training activities; and
- (4) Participants in the program receive a stipend or living allowance as authorized by federal or state law.

Participants are exempt from provisions related to rates of compensation only for environmental and trail maintenance work conducted pursuant to the conservation corps program. [2021 c 176 s 5242; 2011 c 56 s 1.]

Effective date—2021 c 176: See note following RCW 24.03A.005.

RCW 79A.35.140 Electric-assisted bicycles—Use—Public process—Report—Persons who possess current parking placard for persons with disabilities. (1) The department of natural resources and the department of fish and wildlife shall each undergo a public process to collect information related to electric-assisted bicycle use on nonmotorized natural surface trails and closed roads open to bicycles to determine where such use may occur, and which classes of electric-assisted bicycles are acceptable on such trails and roads under the agencies' management. The public processes must also include a consideration of opportunities to improve awareness of applicable trail rules and trail etiquette among all classes of trail users.

(2) The public processes shall include, but not be limited to, input from tribes, individuals with disabilities, representatives of natural resource conservation organizations, and representatives of outdoor recreation interests representing horseback riding, traditional and electric-assisted mountain biking, hiking, and hunting. The department of natural resources and the department of fish and wildlife must report their findings to the appropriate committees of the legislature by September 30, 2022.

(3) Until June 30, 2023, or until legislation is enacted or rules are adopted related to the use of electric-assisted bicycles on nonmotorized natural surface trails and closed roads on lands managed by the department of natural resources and by the department of fish and wildlife, whichever is earlier, the department of natural resources and the department of fish and wildlife must allow persons

who possess a current parking placard for persons with disabilities, issued by the department of transportation pursuant to RCW 46.19.030, to use class 1 and class 2 electric-assisted bicycles, as defined in RCW 46.04.169, on all nonmotorized natural surface trails and closed roads on which bicycles are allowed. [2021 c 191 s 1.]

RCW 79A.35.900 Short title. This chapter may be cited as the Washington State Recreation Trails System Act. [1970 ex.s. c 76 s 1. Formerly RCW 67.32.010.]