CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 2151

Chapter 114, Laws of 2014

63rd Legislature
2014 Regular Session

RECREATIONAL TRAILS

EFFECTIVE DATE: 06/12/14

Passed by the House February 12, 2014
Yeas 97  Nays 1

FRANK CHOPP
 Speaker of the House of Representatives

Passed by the Senate March 7, 2014
Yeas 48  Nays 1

BRAD OWEN
 President of the Senate

Certified March 28, 2014
2:18 p.m.

BART HANSEN
Chief Clerk

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE HOUSE BILL 2151 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER
Chief Clerk

FILED
March 31, 2014

JAY INSLEE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to recreational trails; amending RCW 79.10.120 and 79.10.130; adding new sections to chapter 79.10 RCW; creating new sections; and providing an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The legislature finds that the citizens of the state will benefit from a coordinated effort to plan recreational trails on land managed by the department of natural resources that are accessible by the greatest number of people and are constructed to standards that are consistent statewide. The legislature recognizes that demand for outdoor recreational opportunities continues to expand while the places to enjoy outdoor recreation has diminished due to changes in private landownership and reduced access to federal lands that resulted from a reduction in federal forest road networks. As a result, the public has greater expectations of state-owned land for recreational use. Therefore, greater emphasis on policies that secure recreational access are needed, for public health and safety, as well as for maintaining protections for the state-owned land that are subject to the recreation so that the interests of current and future generations are afforded the same opportunities.
NEW SECTION. Sec. 2. A new section is added to chapter 79.10 RCW to read as follows:

(1) The department must develop and implement, through an inclusive stakeholder process managed by the department, an official recreational trail policy that is consistent with this section and the management mandate of the department.

(2)(a) The recreational trail policy developed by the department under this section must provide that recreational trails be developed and managed in a manner that ensures the following principles are satisfied:

(i) Causing the least impact to the land;

(ii) Providing environmental and water quality protection; and

(iii) Maintaining the lowest construction and maintenance costs that are reasonable.

(b) The department should use trail standards developed by the United States forest service as primary guidelines for trail construction and maintenance. However, the department must develop its own construction standards and best management practices when the primary guidelines are deemed insufficient or inapplicable.

(c) Trails developed or maintained consistent with a recreational trail policy developed under this section must comply with Title 79 RCW and all applicable state laws and rules, including those administered by the department of ecology.

(d) After developing the recreational trail policy required in this section, and when developing or assessing recreational trail systems, the department should evaluate existing nondesignated trails for compliance with trail standards and incorporate those trails, when compliant and consistent with the standards, into comprehensive recreational management plans.

(3) When appropriate, the department should incorporate public input on new and existing trail systems, and if deemed appropriate, the department should support formal or informal public forums to allow members of the local community to share concerns and ideas or organize themselves for volunteer trail maintenance.

(4)(a) A recreational trail policy developed by the department under this section must provide for the department to enter into a hold harmless agreement with all volunteers coordinating with the department
under the policy or enter into other agreements that limit the
department's liability from the actions of volunteers.

(b) Whenever volunteers or volunteer organizations are authorized
to perform activities or carry out projects under this subsection, the
volunteers or members of the organizations may not be considered
employees or agents of the department and the department is not subject
to any liability whatsoever arising out of volunteer activities or
projects. The liability of the department to volunteers and members of
the volunteer organizations is limited in the same manner as provided

NEW SECTION. Sec. 3. A new section is added to chapter 79.10 RCW
to read as follows:

The department should work with representatives of local
governments to find efficiencies in gaining local government permits
for the development and maintenance of recreational facilities and
trails. If barriers to permitting efficiencies require legislative
action to overcome, then the department must provide options for
solutions to the appropriate committees of the legislature.

Sec. 4. RCW 79.10.120 and 2003 c 182 s 2 are each amended to read
as follows:

Multiple uses additional to and compatible with those basic
activities necessary to fulfill the financial obligations of trust
management may include but are not limited to:

(1) Recreational areas;
(2) Recreational trails for both vehicular and nonvehicular uses
devolved or maintained consistent with section 2 of this act;
(3) Special educational or scientific studies;
(4) Experimental programs by the various public agencies;
(5) Special events;
(6) Hunting and fishing and other sports activities;
(7) Nonconsumptive wildlife activities as defined by the board of
natural resources;
(8) Maintenance of scenic areas;
(9) Maintenance of historical sites;
(10) Municipal or other public watershed protection;
(11) Greenbelt areas;
(12) Public rights-of-way;

(13) Other uses or activities by public agencies;

If such additional uses are not compatible with the financial obligations in the management of trust land they may be permitted only if there is compensation from such uses satisfying the financial obligations.

Sec. 5. RCW 79.10.130 and 2013 c 15 s 1 are each amended to read as follows:

(1) The department is hereby authorized to carry out all activities necessary to achieve the purposes of this section and RCW 79.10.060, 79.10.070, 79.10.100 through 79.10.120, ((79.10.130,)) 79.10.200 through 79.10.330, 79.44.003, and 79.105.050 including, but not limited to:

(a) Planning, construction, and operation of conservation, recreational sites, areas, roads, and trails developed or maintained consistent with section 2 of this act, by itself or in conjunction with any public agency, nonprofit organization, volunteer, or volunteer organization, including entering cooperative agreements for these purposes;

(b) Planning, construction, and operation of special facilities for educational, scientific, conservation, or experimental purposes by itself or in conjunction with any other public or private agency, including entering cooperative agreements for these purposes;

(c) Improvement of any lands to achieve the purposes of this section and RCW 79.10.060, 79.10.070, 79.10.100 through 79.10.120, ((79.10.130,)) 79.10.200 through 79.10.330, 79.44.003, and 79.105.050, including entering cooperative agreements with public agencies, nonprofit organizations, volunteers, and volunteer organizations for these purposes;

(d) Entering cooperative agreements with public agencies, nonprofit organizations, volunteers, and volunteer organizations regarding the use of lands managed by the department for the purpose of providing a benefit to lands managed by the department, including but not limited to the following benefits: The utilization of such lands for watershed purposes; carrying out restoration and enhancement projects on such lands, such as improving, restoring, or enhancing habitat that provides for plant or animal species protection; improving, restoring, or
enhancing watershed conditions; removing nonnative vegetation and
providing vegetation management to restore, enhance, or maintain
properly functioning conditions of the local ecosystem; and other
similar projects on these lands that provide long-term environmental
and other land management benefits, provided that the cooperative
agreements are consistent with land management obligations;
(e) Authorizing individual volunteers and volunteer organizations
to conduct restoration and enhancement projects on lands managed by the
department through cooperative agreements authorized in this section or
other arrangements that are consistent with land management obligations
and that do not require the volunteers to pay a fee for the cooperative
agreement purpose;
(f) Authorizing the receipt of gifts of personal property,
services, and other items of value for the purposes of this section, as
well as the exchange of consideration in cooperative agreements
authorized under this section;
(g) The authority to make such leases, contracts, agreements, or
other arrangements as are necessary to accomplish the purposes of this
section and RCW 79.10.060, 79.10.070, 79.10.100 through 79.10.120,
((79.10.130,)) 79.10.200 through 79.10.330, 79.44.003, and 79.105.050.
However, nothing in this section shall affect any existing requirements
for public bidding or auction with private agencies or parties, except
that agreements or other arrangements may be made with public schools,
colleges, universities, governmental agencies, nonprofit organizations,
volunteers, and volunteer organizations. In addition, nothing in this
section is intended to conflict with the department's trust
obligations.

(2) The definitions in this subsection apply throughout this
section unless the context clearly requires otherwise.
(a) "Nonprofit organization" means: (i) Any organization described
in section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C.
Sec. 501(c)(3)) and exempt from tax under section 501(a) of the
internal revenue code; or (ii) any not-for-profit organization that is
organized and conducted for public benefit and operated primarily for
charitable, civic, educational, religious, welfare, or health purposes.
(b) "Volunteer" or "volunteer organization" means an individual or
entity performing services for a nonprofit organization or a
governmental entity who does not receive compensation, other than
reasonable reimbursement or allowances for expenses actually incurred, or any other thing of value, in excess of five hundred dollars per year. "Volunteer" includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

NEW SECTION. Sec. 6. (1) The initial recreational trail policies required under section 2 of this act must be reviewed by the department of ecology and a representative panel of stakeholders and be adopted by October 31, 2015.

(2) This section expires June 30, 2016.

Passed by the House February 12, 2014.
Passed by the Senate March 7, 2014.
Approved by the Governor March 28, 2014.
Filed in Office of Secretary of State March 31, 2014.