
**Agriculture & Natural Resources
Committee**

SSB 5730

Brief Description: Concerning access roads utilized by the department of natural resources.

Sponsors: Senate Committee on Natural Resources & Parks (originally sponsored by Senators Pearson, Chase, Roach, Hewitt, Sheldon and Warnick).

Brief Summary of Substitute Bill

- Imposes on the Department of Natural Resources (DNR), in the context of the DNR's acquisitions of land and property interests for purposes of providing access by road to public lands from public highways, an affirmative and ongoing duty to ensure that the DNR maintains compliance with the DNR's responsibilities pursuant to any road maintenance or repair requirements included in any easement or other agreement.
- Requires the DNR to use the DNR's best efforts to either modify an easement or sell adjacent public lands to a public agency so that a public agency has an alternative means of access to property when a public agency acquires property that benefits from an easement allowing the use of a DNR road for commercial purposes, the public agency intends to use the road for noncommercial purposes only, and the public agency communicates that intent to the DNR in writing.
- Requires the DNR to provide reasonable alternative access to private property before abandoning or closing a road if an owner of private property has relied on the road for access to the property for at least 25 consecutive years.
- Changes the Access Road Revolving Fund to the Access Road Account.

Hearing Date: 3/19/15

Staff: Peter Clodfelter (786-7127).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Management of Access Roads by the Department of Natural Resources.

The Department of Natural Resources (DNR) manages different categories of land, each for a specific purpose and under different management requirements. The DNR has broad authority to acquire lands and interests in lands, such as easements, in order to provide for access to public land from public highways. The DNR may also grant easements, rights-of-way, and permits to cross public lands to any person in exchange for similar rights over lands not under the DNR's jurisdiction. Further, the DNR may enter agreements with any person or agency relating to the purchase, construction, reconstruction, maintenance, repair, regulation, or use of access roads or public roads used to provide access to public land. Moreover, the DNR may dispose of any interest in an access road if the DNR determines an interest is no longer necessary.

Use of Access Roads.

Permits. The DNR may issue permits for the use of access roads to any person when the DNR finds that it is in the state's best interest and where the rights acquired by the state will allow such use. The DNR may impose various conditions on access pursuant to a permit.

Use of Access Roads by Purchasers of Valuable Materials. Valuable materials from state lands may be purchased. Valuable materials include, with limited exception, any product or material on state lands, such as forest products, forage or agricultural crops, stone, gravel, sand, peat, and all other materials of value. Purchasers of valuable materials from public lands may use access roads or public roads to remove the valuable materials where the rights acquired by the state will permit such use of the access roads or public roads.

Access Road Revolving Fund.

The Access Road Revolving Fund is a non-appropriated account used to maintain, repair, and reconstruct access roads and public roads. Deposited in the fund are all moneys received by the DNR from users of access roads as payment for costs incurred or to be incurred in maintaining, repairing, and reconstructing access roads or public roads. The DNR is authorized to use money in the access road revolving fund for purposes for which the money was obtained without legislative appropriation.

Summary of Bill:

Management of Access Roads by the Department of Natural Resources.

Maintaining Compliance with Easements and Access Agreements. In the context of the Department of Natural Resources' (DNR) acquisitions of land and property interests for purposes of allowing access by road to public lands from public highways, an affirmative and ongoing duty is imposed on the DNR to ensure that the DNR maintains compliance with the DNR's responsibilities pursuant to any road maintenance or repair requirements included in any easement or other agreement. To ensure that the DNR is meeting its responsibilities, the DNR is required to monitor the impacts of road use by purchasers of valuable materials and to ensure the completion of necessary maintenance or repairs that are necessitated by the DNR or the purchasers of valuable materials in a timely manner. To meet that requirement, the DNR may use any appropriate resources, but if other resources are not available, the DNR is required to use monies from the newly renamed Access Road Account.

Public Agency Property Acquisitions. When a public agency acquires property that benefits from an easement allowing the use of a DNR road for commercial purposes, like timber or gravel

hauling, and the public agency intends to use the road for noncommercial purposes only, the public agency may communicate that intent to the DNR in writing. If the public agency communicates that intent to the DNR in writing, the DNR is required to use its best efforts to either modify the easement to reflect the public agency's intended use of the road, or sell adjacent public lands to the public agency so the public agency has an alternative means of access to the property.

Abandoning or Closings Roads. Before the DNR abandons or otherwise closes a road, the DNR is required to provide reasonable alternative access to private property where the owner(s) of that property has relied on that road for access to the property for at least 25 consecutive years. In that circumstance, the DNR may impose reasonable charges to the extent necessary to ensure that the private access is consistent with the best interest of the state or affected trust.

Access Road Account.

References to the Access Road Revolving Fund are changed to the Access Road Account. The newly renamed Access Road Account is changed from a non-appropriated account to an appropriated account. Money from the account may be spent only pursuant to appropriation. It is clarified that expenditures from the Access Road Account may be used only for maintaining, repairing, and reconstructing access roads or public roads used to provide access to public lands. Last, the DNR must consider the amount of money needed to fulfil road maintenance obligations while developing its budget proposals.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.