

SENATE BILL REPORT

SB 5730

As Reported by Senate Committee On:
Natural Resources & Parks, February 19, 2015

Title: An act relating to access roads utilized by the department of natural resources.

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

Sponsors: Senators Pearson, Chase, Roach, Hewitt, Sheldon and Warnick.

Brief History:

Committee Activity: Natural Resources & Parks: 2/11/15, 2/19/15 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 5730 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pearson, Chair; Dansel, Vice Chair; Hatfield, Ranking Minority Member; Chase, Hewitt, McAuliffe and Warnick.

Staff: Curt Gavigan (786-7437)

Background: Department of Natural Resources (DNR) Lands. DNR manages a number of different categories of land, each for a specific purpose and under different management requirements. These include approximately 3 million acres of federally granted lands and state forest lands, which DNR manages to support common schools, counties, and other public institutions.

Management Authority for DNR Access Roads. DNR has the broad authority to acquire lands and interests in lands to achieve access to DNR land from public highways. Other authorities include the authority to:

- grant easements and permits to cross DNR land;
- enter into agreements for purchase, construction, repair, and use of access roads or public roads; and
- dispose of any interest in an access road if DNR determines it is no longer necessary.

DNR may permit the use of an access road, including by timber purchasers. However, DNR may:

- set reasonable terms for use, construction, maintenance, or repair; and

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- impose reasonable charges for the use of the access road or public road.

Access Road Revolving Fund (ARRF). ARRF is a non-appropriated account used to maintain, repair, and reconstruct access roads or public roads. It is funded from fees imposed on those utilizing access roads.

Summary of Bill (Recommended Substitute): Road Maintenance Requirements. DNR must maintain compliance with its road maintenance requirements contained in easements or other road use agreements. This includes monitoring the impacts of road use by the agency or purchasers of valuable materials and ensuring the timely completion of necessary repairs. The agency may use any appropriate resources to meet this requirement, but if other resources are not available, it must use monies from the newly renamed Access Road Account.

Public Agency Access. DNR must use best efforts to modify an easement or sell adjacent public lands to provide access to property acquired by certain public agencies when a public agency:

- acquires a property that benefits from an easement allowing the use of a road for commercial purposes;
- intends to use the road for noncommercial purposes; and
- communicates this intent to DNR in writing.

Road Closure or Abandonment. DNR must provide alternative access to private property before closing or abandoning a road that has been relied on by the landowner for at least 25 consecutive years. In these circumstances, DNR may impose reasonable fees to the extent necessary to ensure consistency with the best interest of the state or affected trust.

Access Road Account. The non-appropriated Access Road Revolving Fund is changed to the appropriated Access Road Account. DNR must consider the amount of money needed to fulfill road maintenance obligations when developing its budget proposals.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES & PARKS COMMITTEE (Recommended Substitute):

- Specifies that DNR is responsible for complying with its road maintenance or repair responsibilities under an easement or other agreement, and that DNR must monitor for and repair certain impacts caused by DNR or valuable material purchasers.
- Specifies that DNR may impose reasonable fees on those receiving alternative access to private property when a road is to be closed, to the extent necessary to ensure consistency with the best interest of the state or affected trust.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This bill could resolve issues for landlocked individuals, and other access road users seeking to work with DNR. We hope the bill will encourage DNR to work with citizens on solutions to road access problems. The bill could potentially address public recreation access to some of the roads closed off. As landowners, farmers, and ranchers, access to these roads is critical in order to access remote, rural properties.

CON: The responsibility of DNR is to generate revenue. The bill removes flexibility for DNR in a number of situations. We are willing to work with people to try and come to reasonable solutions.

Persons Testifying: PRO: Kevin Lenon, Dawn Vyvyan, Suak Suiattle Indian Tribe; Bill Sieverkropp, WA Cattlemen's Assn.; Sue Sherman, Ted Jackson, James James, citizens.

CON: Kyle Blum, DNR.