
SUBSTITUTE HOUSE BILL 2506

State of Washington

58th Legislature

2004 Regular Session

By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Hinkle, Armstrong, Blake, Shabro, Buck, Hatfield, Upthegrove, Condotta, Moeller, McMorris and Bush)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to allowing property owners to acquire access to
2 landlocked parcels across public lands; amending RCW 79.36.355; and
3 adding a new section to chapter 77.12 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.12 RCW
6 to read as follows:

7 (1) The department may grant to any person such easements and
8 rights in state-owned lands administered by the department as the
9 person may acquire in privately owned lands through proceedings in
10 eminent domain. No grant shall be made under this section until such
11 time as the full market value of the estate or interest granted
12 together with damages to all remaining property of the state of
13 Washington has been ascertained and safely secured to the state.

14 (2) The department shall grant such easements and rights in state-
15 owned lands administered by the department consistent with subsection
16 (1) of this section when:

17 (a) A person's property is landlocked by state lands;

18 (b) There has been historical usage of the state lands to access
19 the person's property; and

1 (c) Easements or other rights in state lands are needed to access
2 the person's property.

3 (3) Easements and rights granted according to this section shall be
4 such as is necessary to provide for historical use and shall be granted
5 along routes selected by the department to minimize impacts to state
6 resources. Any road constructed pursuant to this section shall be
7 constructed in compliance with road construction and maintenance rules
8 adopted by the forest practices board according to chapter 76.09 RCW.

9 **Sec. 2.** RCW 79.36.355 and 2003 c 334 s 396 are each amended to
10 read as follows:

11 (1) The department may grant to any person such easements and
12 rights in state lands or state forest lands as the ((applicant applying
13 therefor)) person may acquire in privately owned lands through
14 proceedings in eminent domain. No grant shall be made under this
15 section until such time as the full market value of the estate or
16 interest granted together with damages to all remaining property of the
17 state of Washington has been ascertained and safely secured to the
18 state.

19 (2) The department shall grant such easements and rights in state
20 lands or state forest lands consistent with the requirements of
21 subsection (1) of this section when:

22 (a) A person's property is landlocked by state lands or state
23 forest lands;

24 (b) There has been historical usage of the state lands or state
25 forest lands to access the person's property; and

26 (c) Easements or other rights in state lands or state forest lands
27 are needed to access the person's property.

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