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HOUSE BILL 2506

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State of Washington

58th Legislature

2004 Regular Session

By Representatives Hinkle, Armstrong, Blake, Shabro, Buck, Hatfield, Upthegrove, Condotta, Moeller, McMorris and Bush

Read first time 01/15/2004. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to allowing property owners to acquire access to  
2 landlocked parcels across public lands; amending RCW 79.38.040; adding  
3 a new section to chapter 79.38 RCW; adding a new section to chapter  
4 79A.05 RCW; and adding a new section to chapter 43.300 RCW.

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

6 **Sec. 1.** RCW 79.38.040 and 2003 c 334 s 501 are each amended to  
7 read as follows:

8 Except as provided in section 2 of this act, whenever the  
9 department finds that it is ((for)) in the best interest of the state  
10 and ((where)) when the rights acquired by the state will permit, the  
11 department may grant permits for the use of access roads to any person.  
12 Any permit issued under the authority of this section shall be subject  
13 to reasonable regulation by the department. Such regulation shall  
14 include, but is not limited to, the following matters:

15 (1) Requirements for construction, reconstruction, maintenance, and  
16 repair;

17 (2) Limitations as to extent and time of use;

18 (3) Provision for revocation at the discretion of the department;

19 and

1 (4) Charges for use.

2 NEW SECTION. **Sec. 2.** A new section is added to chapter 79.38 RCW  
3 to read as follows:

4 (1) Any owner or any person entitled to the beneficial use of  
5 private land that is completely surrounded by state-owned land may  
6 obtain a permit to use, improve, or construct an access road or roads  
7 across state-owned land when:

8 (a) The state-owned land surrounding the private land is  
9 administered, managed, or operated by the department, the department of  
10 fish and wildlife, or the state parks and recreation commission;

11 (b) No right of way on, across, over, or through the private land  
12 or the land of another exists for means of ingress to and egress from  
13 the private land; and

14 (c) Use, improvement, or construction of an access road across the  
15 state-owned land administered, managed, or operated by the department,  
16 the department of fish and wildlife, or the state parks and recreation  
17 commission is necessary to provide ingress to and egress from the  
18 private land.

19 (2) The owner or person entitled to the beneficial use of private  
20 land seeking a permit according to subsection (1) of this section shall  
21 request in writing the use of an existing access road or roads or the  
22 authority to improve or construct an access road or roads. Any of the  
23 three state agencies receiving such a request may request reasonable  
24 documentation from the owner or person entitled to the beneficial use  
25 of private land to demonstrate that the requirements of subsection (1)  
26 of this section have been satisfied. When the documentation  
27 demonstrates that the requirements of subsection (1) of this section  
28 have been satisfied, any of the three state agencies receiving such a  
29 request shall:

30 (a) Issue a permit to the owner or person entitled to the  
31 beneficial use of land to use an existing access road or roads;

32 (b) Issue a permit to improve an existing access road or roads or  
33 to construct a new access road or roads; or

34 (c) Agree in writing to improve an existing access road or roads or  
35 to construct a new access road or roads and then to issue a permit  
36 allowing use of the road or roads to the owner or person entitled to  
37 the beneficial use of land.

1           (3) A permit issued under the authority of this section is subject  
2 to reasonable regulation. The regulation includes but is not limited  
3 to:

4           (a) Requirements for construction, reconstruction, maintenance, and  
5 repair; and

6           (b) Payment or reimbursement of costs associated with construction,  
7 reconstruction, maintenance, and repair.

8           NEW SECTION. **Sec. 3.** A new section is added to chapter 79A.05 RCW  
9 to read as follows:

10          The commission is subject to the requirements of section 2 of this  
11 act.

12          NEW SECTION. **Sec. 4.** A new section is added to chapter 43.300 RCW  
13 to read as follows:

14          The department is subject to the requirements of section 2 of this  
15 act.

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