

CHAPTER 44.

[H. B. 87.]

PUBLIC AND STATE FOREST LANDS—ACCESS ROADS.

AN ACT relating to access to public and state forest lands; authorizing the acquisition of access; providing for means of facilitating acquisition and for disposal of access; authorizing use of access by specified persons subject to reasonable conditions; authorizing the department of natural resources to create, maintain and administer an access road revolving fund; providing for reimbursement of costs for acquisition of access; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. In addition to any authority otherwise granted by law, the department of natural resources shall have the authority to acquire lands, interests in lands, and other property for the purpose of affording access by road to public lands or state forest lands from any public highway.

Access roads to public and forest land, department may acquire property for.

SEC. 2. To facilitate the carrying out of the purpose of this act, the department of natural resources may:

Powers incident to acquisition.

(1) Grant easements, rights of way, and permits to cross public lands and state forest lands to any person in exchange for similar rights over lands not under its jurisdiction;

(2) Enter into agreements with any person relating to purchase, construction, reconstruction, maintenance, repair, regulation, and use of access roads;

(3) Dispose, by sale, exchange, or otherwise, of any interest in an access road in the event it determines such interest is no longer necessary for the purposes of this act.

SEC. 3. Purchasers of valuable materials from public lands or state forest lands may use access roads for the removal of such materials where the

Public use, restrictions on.

rights acquired by the state will permit, but use shall be subject to the right of the department of natural resources:

- (1) To impose reasonable terms for the use, construction, reconstruction, maintenance, and repair of such access roads; and
- (2) To impose reasonable charges for the use of such access roads.

Permits for regulated use.

SEC. 4. Whenever the department of natural resources finds that it is for the best interest of the state and where the rights acquired by the state will permit, the department may grant permits for the use of access roads to any person. Any permit issued under the authority of this section shall be subject to reasonable regulation by the department. Such regulation shall include, but is not limited to, the following matters:

- (1) Requirements for construction, reconstruction, maintenance, and repair;
- (2) Limitations as to extent and time of use;
- (3) Provision for revocation at the discretion of the department; and
- (4) Charges for use.

Access road revolving fund.

SEC. 5. The department of natural resources shall create, maintain, and administer a revolving fund, to be known as the access road revolving fund in which shall be deposited all moneys received by it from users of access roads as payment for costs incurred or to be incurred in maintaining, repairing, and reconstructing access roads. The department may use moneys in the fund for the purposes for which they were obtained without appropriation by the legislature.

Disposition of moneys other than into revolving fund.

SEC. 6. All moneys received by the department of natural resources from users of access roads which are not deposited in the access road revolving fund shall be paid as follows:

(1) To reimburse the state fund or account from which expenditures have been made for the acquisition and construction of the access road, and upon full reimbursement, then

(2) To the funds or accounts for which the public lands and state forest lands, to which access is provided, are pledged by law or constitutional provision, in which case the department of natural resources shall make an equitable apportionment between funds and accounts so that no fund or account shall benefit at the expense of another.

SEC. 7. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. **Severability.**

SEC. 8. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. **Emergency.**

Passed the House January 30, 1961.

Passed the Senate February 22, 1961.

Approved by the Governor February 27, 1961.