Do You Have Legal Access to Your Property?

How to avoid trespass on state trust land roads

Washington’s Department of Natural Resources (DNR) builds roads on forested state trust lands to manage the forests and earn income for public schools, universities and other trust beneficiaries.

What you need to know

- Property owners need to find access to their property other than across state trust lands—or obtain access rights.
- To legally use state trust land roads for commercial use, utility lines, or to access private property, a road use permit or easement must be obtained from DNR.
- However, easements across trust lands to access residential property are rarely granted by DNR because these roads are not engineered or compatible for safe residential traffic. Residential easements, if granted, are generally temporary to allow the property owner time to find alternate legal access.
- Trust roads are largely built and maintained with revenue generated through DNR’s management of trust lands.

What are state trust lands?

In 1889, the federal government gave Washington trust lands to fund the building of public schools, universities and other state institutions. Additional forested trust lands were acquired, and are managed to help fund local libraries, hospitals, and other county services. DNR was designated as trust land manager, and over time, has generated billions of dollars for the trust beneficiaries. DNR must operate as any private trust manager—managing with ‘undivided loyalty’ for the benefit of the trusts.

An easement across trust lands?

State law requires DNR to protect trust lands and ensure that easement encumbrances do not jeopardize management activities. DNR does not grant all requests for easements or road use permits—only doing so if granting is in the best interest of the trusts. DNR usually grants easements for major utility lines and such uses as hauling timber or gravel, but not for residential access. Trust roads can be closed or abandoned at any time for environmental, storm-related or other management reasons and are not viable for residential access.

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Frequently Asked Questions

What is a road use permit?
A road use permit is permission to enter another’s land for a specific purpose. It is usually temporary, non-transferable, and revocable at will by the grantor.

What is an easement?
An easement is a legally binding contract that grants a person the rights to cross another’s property. It is an interest in the property with rights. Those rights typically transfer to the next land owner.

What is needed in county building permits and residential plats?
County officials should require proof of legal access prior to approving a residential plat or building permit. Approval without legal access across state trust lands (or private property) invites road and utility trespass, and compromises growth management and public safety.

What should lenders, real estate agents, and title companies know?
Verify that legal access exists and that access corresponds to current roads used to access the property. There is no clear title for properties in trespass.

What questions do I need to ask before purchasing land next to state trust land?
Does the property have road and utility access that is not on state trust lands? If access is across trust lands, is it permanent legal access?

Where can I verify legal access to my property?
A title company, county auditor or real estate lawyer can provide public records about access to property. A realtor is required to disclose access issues that may affect a buyer’s use of the property.

To inquire about access to state trust land roads, contact DNR’s rights-of-way program manager near you, or visit our website.

Research and verify that legal access to your property exists.

What should title companies know about private property access?
Easements are not required on state trust lands for road and utility access. If a road provides ‘physical’ access to a property then ‘legal’ access must exist.

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