

HOUSE BILL NO. HB0165

Access to public land.

Sponsored by: Representative(s) Blackburn, Gay, Halverson, Jennings and Lindholm and Senator(s) Scott

A BILL

for

1 AN ACT relating to public lands; providing for acquisition
2 of access easements across private lands adjoining public
3 lands as specified; providing specifications for access
4 points; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 36-1-122 is created to read:

9

10 **36-1-122. Public access easements; acquisition;**
11 **specifications; valuation.**

12

13 (a) The board of land commissioners may acquire, as
14 provided in this section, public access easements or right-
15 of-ways across private lands at the geographic point where

1 parcels of private land share a common corner with parcels
2 of public land and:

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4 (i) The parcels of public land are adjacent and
5 only share a common corner or boundary that is not
6 sufficient in width to allow a person access from one (1)
7 public parcel to the other without crossing private
8 property;

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10 (ii) The physical presence of a person on the
11 parcels of public land is lawful; and

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13 (ii) No other public access is provided from one
14 (1) parcel of public land to the other parcel.

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16 (b) Acquisition of the public access easements or
17 right-of-ways permitted under subsection (a) of this
18 section may be by gift, donation, lease, license or
19 purchased.

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21 (c) Except as provided in this subsection, a public
22 access easement or right-of-way acquired under subsection
23 (a) of this section shall be limited to the privately owned

1 portion of a square, the midpoint of whose sides are not
2 more than four (4) feet from the corner where the public
3 lands and the private lands abut. A larger easement may be
4 acquired if, as determined by the board of land
5 commissioners:

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7 (i) A land survey has offset the corners so that
8 they do not actually touch; or

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10 (ii) Terrain features require a larger easement
11 area.

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13 (d) When a public access easement or right-of-way has
14 been acquired pursuant to this section, the office of state
15 lands and investments shall identify or mark the easement
16 or right-of-way as follows:

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18 (i) If there is a fence that passes through or
19 obstructs the public access easement or right-of-way, a
20 gate or other opening shall be installed, at the expense of
21 the state, within the easement to facilitate public access.

22 The gate shall be large enough to allow passage of a person
23 mounted on a horse and shall be constructed in a manner

1 which allows a person of average strength to open the gate
2 without difficulty;

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4 (ii) If there is no fence passing through a
5 public access easement or right-of-way obtained pursuant to
6 this section, there shall be two (2) posts or other visible
7 markers placed, at the expense of the office of state lands
8 and investments, which identify the location and boundary
9 of the easement or right-of-way.

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11 (e) The office of state lands and investments shall
12 publish a list of the locations of all access easements or
13 right-of-ways acquired under this section.

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15 (f) For purposes of this section, "public lands"
16 means state trust lands, game and fish owned lands and
17 federal lands to which the public has access for
18 recreational purposes.

19

20 **Section 2.** This act is effective July 1, 2015.

21

22

(END)