

HB 353

1. **Extends the current right enjoyed by owners of residences and farms to pursue private road access to highways to the owners of:**
 - **Non tilled agricultural land such as orchards or grazing**
 - **Timber land**

2. **Land ownership**
 - **Interlocking patterns of land ownership**
 - **Grid system of Townships (6 miles square) and Sections (1 mile square/640 acres) (36 sections/township) often referred to as "legal subdivision"**

3. **Routes of travel**
 - **Flat lands of middle US tend to follow straight lines of legal subdivision and property ownership**
 - **Rugged terrain dictates the use of topographic features such as river and creek bottoms, passes through hills and mountain ranges...no respect to straight lines...means that you will have to transit through another owners property at some point**

4. **Changes over time**
 - **Property ownership changes over time**
 - **Verbal agreements fade into history**
 - **Loss of written agreements and even public records**
 - **Use patterns and societal values change**
 - **Changes in law**

5. **HB 352, 1999 Session**
 - **Provided that a landowner with historic access across state or county land could purchase a none-exclusive easement**

- **Stopped the practice of state or county abandonment of roads and right of ways that access public land**
- **Stopped the practice of state or county abandonment of roads and right of ways that accessed private lands that benefited two or more owners**

6. Strength of HB 353

- **Does not rely on trying to trace history of land ownership**
- **Does not rely on producing evidence of historic access**
- **Does not rely on the vagaries and contentiousness of “prescriptive easements” or “adverse possession”**
- **Takes the court out of deciding whose version of history is the most accurate**
- **Takes the court out of deciding the most appropriate route**

Comments by Matt Brainard,
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