

# Colorado Springs Gazette

## Fee on highway to Mount Evans causes confusion

**Some travelers headed up highway to Mount Evans are confused about or opposed to access fee — which they can skip if they don't use amenities.**

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BY R. SCOTT RAPPOLD

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**MOUNT EVANS** - Randy Hinton was having lunch at the bottom of 14,264-foot Mount Evans and planning his exit strategy.

A tourist from Kilgore, Texas, he last visited the mountain west of Denver several years ago, and was surprised to learn, on his return May 29, that he would have to pay \$10 to drive the highway to the top of the peak.

Or he could tell the fee collector he didn't plan to park, use any bathrooms, look at any interpretive exhibits, use picnic tables or throw away any trash, and he could go for free. And get a ticket if caught parking or using the amenities.

"I don't have the money to come back and fight it in court, and if there was at least another way down, I could outrun them," Hinton said.

Hinton isn't the only one confounded by the fee structure on the state highway to the top of Mount Evans.

The entrance fee - collected by the U.S. Forest Service since 1997 - is optional. Because it is a state highway, anyone who plans to drive the 14 miles to the top stopping or using any amenities doesn't have to pay. Drivers who are caught doing so without a pass are given a "compliance envelope," which encourages them to pay on the way down.

Last year, the Colorado Department of Transportation made the Forest Service put up signs clarifying the fee situation because the highway is maintained by the state, and the fees don't go to upkeep on the road as a toll would.

But a group of outdoors enthusiasts says the Forest Service shouldn't be charging a fee at all. Two highway users, with the backing of the group Western Slope No-Fee Coalition, sued the agency last month to try to stop the fees.

Critics say few of the 170,000 who visit the highway each year are aware the fee is optional.

"It's essentially a big bluff, but it works," said Dave Sherer, a hiker, skier and bicyclist who is one of the two plaintiffs in the lawsuit. "As long as people don't know any more, the Forest Service keeps charging them fees."

The agency, though, says so many people use the road that it had to charge fees for maintaining the facilities, even though the \$300,000 collected each year - more than \$3 million over 11 years - doesn't go to the road itself.

"We're not in the business to make money. We're in the business to provide service and support up there and that's why we collect the fees," said District Ranger Daniel Lovato. "We're not lining our pockets with what we collect up there. What we collect, we use."

Federal law lets the Forest Service charge a fee for sites that constitute "substantial federal investments," including designated parking, permanent toilets and trash receptacles, interpretive signs or a kiosk, picnic tables and security services.

The Forest Service says all the conditions exist on the mountain, but opponents say the agency should have to meet the requirements at each site, and charge fees at the sites, rather than for the entire highway.

Construction began on the Mount Evans Scenic Byway in 1912, spurred by a group of Denver businessmen reportedly concerned that the popularity of Pikes Peak - the carriage road was finished in 1888 and the railroad to the top two years later - was drawing tourists from Denver.

"It was an heroic effort, complicated by thunderstorms, rock slides, thin air, cold and wind that took a toll on both machines and men," reads an exhibit on Mount Evans. "Most quit, a few died and only six stayed on the project from beginning to end."

What became Colorado Highway 5 is the highest paved road in the United States, ending 134 feet below the summit. And there are plenty of places to stop along the way.

The first 14 miles, from Interstate 70 in Idaho Springs, climb gently to 10,600 feet, at Echo Lake, where a logcabin-style restaurant and gift shop offer the last possibility for food and souvenirs. Unlike Pikes Peak, no doughnuts are served atop this mountain.

Here is where most hikers climbing the mountain start, at the Echo Creek trailhead.

It is also where motorists encounter what looks like a toll booth, with a sign

describing the fees.

A sign added last year says, "Travel non-stop on road no charges." Drivers are then greeted with the message "Parked vehicles must display a pass next 15 miles."

Most pay the fee.

"I think most people pay the fee because when your government asks you to pay a fee, you don't question it," Sherer said. "A lot of people think it goes to the road."

The optional nature of the fee is not mentioned on the U.S. Forest Service's Web site, in the 2008 visitor guide for the Arapaho and Roosevelt national forests, or in the pamphlet given to drivers at the fee station.

Since the highway, once it is plowed around Memorial Day, is open 24 hours a day, fees are collected at an automated station at night.

The first temptation to stop and enjoy the amenities is a couple of miles up, at the Mount Goliath Natural Area, where a \$1.5 million nature center and arboretum were recently completed. A nature trail winds into the grassy tundra and a stand of beautifully twisted bristlecone pines.

A uniformed Forest Service employee stood in the parking lot, answering questions and - subtly - glancing at windshields for passes.

The highway winds gradually upward, offering expansive views of the Front Range, past a trailhead for 12,216-foot Goliath Peak, and oblong Lincoln Lake, popular with anglers. Drivers may see mountain goats and bighorn sheep. Marmots linger in the road with impunity.

At 12,800 feet is Summit Lake, owned by the city of Denver. Some people hike the last 1,400 feet to the summit from here, and there are some interpretive signs, portable toilets and a small cottage for shelter.

"Your recreation fees helped improve this facility," says the sign outside the building.

The road goes up steeply, winding through switchbacks, above the verdant foothills and the valley of South Park.

The road ends at a restroom and the remains of the Crest House, a snack bar and gift shop that burned in 1979, now a small labyrinth of walls that provide welcome shelter from the fierce wind.

Those who want to reach the summit can walk a quarter-mile trail to the top.

It may not be fair to compare the view from the top with Pikes Peak's - the Sahwatch and Mosquito ranges, the Continental Divide and Rocky Mountain National Park all loom large from here.

But some do.

"This is a better highway, because, No. 1, it's prettier," said Barbara Day, a manager at Echo Lake Lodge and part of the family that managed the Pikes Peak Summit House for decades. Pikes Peak is more expensive, too - \$10 per adult or \$35 per car.

Day never had a problem with the toll at Pikes Peak, which brought in \$1.9 million last year, because the Pikes Peak highway is a self-sufficient enterprise, and revenue goes toward maintenance of the road - unlike Mount Evans.

"Mount Evans is a state highway. It is maintained by the state of Colorado," Day said. "People are already paying for its maintenance every time they buy a tank of gas."

"So what if I just want to drive straight up and straight down?" visitor Troy Jensen of Washington, Kan., asked her.

Told of the fees, he said, "I don't know if I'm going up or not. I don't know if it's worth \$10 to freeze."

Maybe it was the views or maybe it was the altitude, but many on top of the mountain had no problems with the fees.

"I think it's a good idea. It helps the mountain, and they need to do work on the highway," said Carl Garver, among a group of skiers making fresh tracks in the still-abundant snow at the top.

"I'm just so happy we have these services in Colorado and they're accessible, and it wouldn't be possible if we didn't maintain them," said Chris Ebert, after running five miles up the road to the upper parking lot.

The Forest Service says it needs to provide services required at a site visited by 170,000 people a year.

"Folks are up there to bike, hike, walk around, see wildlife; and with those come other things that are necessary," Lovato said.

Failure to pay the fee could be a misdemeanor, though Lovato said nobody has been ticketed.

Sherer, a plaintiff in the lawsuit over the fees, believes the agency builds the amenities - such as the new \$1.5 mill nature center - to justify the fees, not the other way around.

"So many people use them, but they're not up here for the amenities. They're up for the scenery," Sherer said.

## **DETAILS**

### **Fees**

- Vehicle pass, good for three days, one to 12 occupants: \$10
- Vehicle with 13 to 40 occupants: \$25
- Vehicle with 40 or more: \$40
- On foot, bicycle or motorcycle: \$3
- Season pass: \$25

### **Other regulations**

- Hunting, camping and fires are prohibited within a half-mile of the highway.
- The road is open 24 hours a day.
- Feeding wildlife is prohibited

### **Getting there:**

From Colorado Springs, take Interstate 25 north to Colorado Highway 470 west. Get on Interstate 70 west to Idaho Springs, take Exit 240, and then Colorado Highway 103 south for 14 miles. Turn right at Colorado Highway 5 at Echo Lake Lodge.

Distance: 115 miles to Echo Lake Lodge, 14 more miles to the summit.