**Judge Strikes Down Parking Fees in Area Forests**

Adventures Pass no longer needed for roadside parking under ruling

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[Western Slope No Fee Coalition] – In a ruling issued April 28, 2014, Senior U.S. District Judge Terry J. Hatter Jr. found that the United States Forest Service cannot charge fees to visitors who park their vehicles and head off down the trail without using any developed facilities, such as picnic tables and bathrooms, that may be adjacent to the parking area.

“This ruling is a victory for the American public, be they hikers, equestrians, hunters or fishermen. The nationwide fee law has clearly prohibited fees solely for parking since 2004, and the U.S. Forest Service should now cease charging these fees immediately, across southern California and beyond,” said Alasdair Coyne, Conservation Director of Keep Sespe Wild and one of the four plaintiffs in the case.

The Forest Service has been levying such fees, and ticketing parked cars, at trailheads and roadside pullouts since 1996 under a program called the Adventure Pass which encompasses all four National Forests in southern California: the Angeles, Cleveland, Los Padres, and San Bernardino. The Adventure Pass began as an experiment called Fee Demo, which allowed recreation fees to be charged for any activity. Many Fee Demo fees were extremely unpopular, particularly the requirement to buy a pass merely to park and go for a hike in the woods. In response to rising complaints, Congress repealed Fee Demo in 2004 and replaced it with the Federal Lands Recreation Enhancement Act (FLREA).

The FLREA allows fees for use of amenities and services at developed sites, but prohibits them solely for parking or for passing through National Forests with facilities. This case, Fragosa et al v. US Forest Service, hinged on whether the Forest Service can require an Adventure Pass anywhere amenities are present, does not use them and only parks there while traveling through undeveloped areas.

In his ruling, Judge Hatter said decisively that they can not.

In an earlier case, Adams v. U.S. Forest Service, the 9th Circuit Court of Appeals ruled in 2012 that the Forest Service was similarly in violation of the FLREA charged visitors to Mt Lemmon, near Tucson, a fee to park anywhere along a 28-mile roadway that provides access to numerous backcountry trails. The Adams binding in the nine western states that comprise the 9th Circuit, including California, but the Forest Service there continued to require an Adventure Pass for ticket unoccupied cars at trailheads.

In the current case, four southern California hikers sued in October 2012 to require the Forest Service to follow the Adams ruling and the Adventure Pass area. The Adventure Pass is the Forest Service’s largest fee program, selling more than 300,000 passes per year, broadly unpopular, with more than 40,000 warnings and tickets for non-payment issued annually.

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