

The Denver Post

editorial

Ghost roads haunt public land

Sunday, May 02, 2004 -

Trees uprooted near Jamestown. Off-road-vehicle tracks wrecking the tundra near Ouray. And in many places uncertainty among thoughtful drivers about where they can or can't take their ORVs.

Across Colorado and the West, there's growing confusion and controversy about what dirt roads and backcountry tracks are open or closed to motorized travel. A key problem is an antiquated federal law, RS 2477. Congress passed it in 1866 to encourage settlement of the West, letting counties build roads across federal land. Congress repealed it in 1976 but never defined what old road claims were legitimate. The problem is that irresponsible off-road-vehicle drivers use Congress' inaction as an excuse to run roughshod over public lands and private property. Old mule tracks, mud ruts and cow paths have been claimed as "highways" by ORV users. Such "ghost" roads should be shut down, public lands protected and private property respected.

Congressional action also would give guidance to careful ORV drivers who want to ride without ruining public lands or trespassing on private property.

More conflicts are erupting partly because there are more ORVs. In 1991, 11,700 ORVs were registered in Colorado. By 2001, there were 62,000.

A disputed road may have motivated last fall's vandalism on the Arapaho National Forest near Jamestown. In April, federal authorities filed a criminal complaint against a local landowner, saying he chopped down and uprooted hundreds of trees to block a dirt road that ORV drivers used to cross his land.

There's no excuse for vandalism, but there is reason to seek an appropriate solution to such disputes.

Colorado Counties Inc. thinks the RS 2477 issue needs congressional action. CCI has been torn between Moffat County, which says it has a right to bulldoze dirt tracks through wildlife refuges and other protected lands, and moderate counties that think local governments should maintain real highways.

Colorado's state Senate may have helped prod Congress to untangle the mess.

Senate President John Andrews, a conservative Centennial Republican, and Rep.

Andrew Romanoff, a liberal Denver Democrat, sponsored identical resolutions calling on Congress to address the matter. Andrews wants to protect private property and Romanoff wants to protect public lands. Andrews' resolution passed 34-1 in March, but Romanoff's died Thursday in committee. Panel members apparently didn't understand that abuses of "ghost roads" also hurt ranchers and farmers.

There's only one measure pending in Congress that addresses the problem: U.S.

Rep. Mark Udall's House Resolution 1639. The Boulder Democrat may use Andrews' state Senate resolution to help convince U.S. House Resources Committee Chairman Richard Pombo, R-Calif., to hold a hearing on his bill. The irony of Udall getting help from Andrews underscores how widespread and bipartisan concerns about RS 2477 conflicts have become.