Controversy Continues Over Mount Evans Road Fee

Mount Evans, Colo. (CBS4) — Mount Evans Road is the highest paved road in the nation, reaching an elevation of 14,130 feet. The goal is to keep it open from Memorial Day to Labor Day, but even in mid-summer snow can shut it down.

The road has also been a source of controversy ever since the U.S. Forest Service began charging drivers to use it. Two years after a lawsuit was filed it's now up to federal judge Michael Hagerty to decide if the $10 per car fee for three days is legal.

Many don't know that it is possible to drive the road for free if driving all the way through without making any stops.

The Western Slope No Fee Coalition began challenging the fee in court when the Forest Service implemented it several years ago.

"It's clear if the Forest Service expects us to comply with the law then we need them to comply with the law and that includes not charging people for the use of scenic overlooks," plaintiff Dave Scherer said.

CBS4 obtained a 2005 internal Forest Service e-mail that says the law says people don't have to pay unless they stop to use the facilities. Then it adds, "Don't advertise this capability."

The fee is supposed to be meant for using improved facilities like the Goliath Nature Center. But those who stop at Summit Lake can get a ticket even though that's part of the city of Denver.

Then there is the parking lot at the top of Mount Evans Road.

"It's one of Colorado's treasures and they keep the road up," one driver told CBS4.

Actually, maintaining the road is the job of the Colorado Department of Transportation.

When we asked about the 2005 e-mail, a Forest Service spokesman said they cannot comment on pending lawsuits.