

**ROARING FORK TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS MEETING AGENDA**

TIME: 8:30 a.m. – 12:00 p.m., Thursday, February 9, 2012

USUAL LOCATION: *Town Hall, 511 Colorado, Carbondale, Colorado*

(This Agenda may change before the meeting)

	<u>Agenda Item</u>	<u>Policy</u>	<u>Purpose</u>	<u>Est. Time</u>
1	Call to Order / Roll Call:		Quorum	8:30 a.m.
2	Executive Sessions:			
	A. Pursuant to §24-6-402(4)(b), C.R.S. for the purposes of receiving legal advice regarding the purchase of properties and pursuant to §24-6-402(4)(e), C.R.S., for the purpose of discussing negotiations and developing negotiation strategies regarding properties to be acquired for the VelociRFTA Bus Rapid Transit (BRT) Project – Walter Mathews, General Counsel, no attachment		Executive Session	8:31 a.m.
	B. Pursuant to C.R.S. §26-6-402(b) and (e) for the purpose of receiving legal advice and discussing negotiations and developing negotiating strategies regarding property located at 111 Main Street in Carbondale – Walter Mathews, General Counsel, no attachment		Executive Session	
	Resume Open Session			9:00 a.m.
3	Approval of Minutes: RFTA Board Meeting, January 12, 2012, p.3		Approve	9:00 a.m.
4	Public Comment: Regarding items not on the Agenda (up to one hour will be allotted if necessary, however, comments will be limited to three minutes per person)		Public Input	9:02 a.m.
5	Items Added to Agenda – Board Member Comments	4.3.3.C	Comments	9:05 a.m.
6	Public Hearing:			
	A. Resolution #2012-04 – 2011 Supplemental Budget Resolution – Michael Yang, Director of Finance, page 17	2.5	Approve	9:20 a.m.
	B. Resolution #2012-05 – 2012 Supplemental Budget Resolution – Michael Yang, Director of Finance, page 22	2.5	Approve	9:30 a.m.
7	Action Items:			
	A. CNG Project Update, including Authorization for CEO to Perform Due Diligence to Secure Financing for CNG Facilities, Vehicles, and Equipment, and Policy Update to clarify RFTA position on Natural Resource Extraction – Dan Blankenship, CEO, page 26	1.2.B.ii. b	Approve	10:10 a.m.
	B. VelociRFTA BRT Project Update, including Willits Underpass Financing Agreement – Mike Hermes, Director of Facilities & BRT Project Manager and Dan Blankenship, CEO, page 28	1.2.B.ii. b	Approve	10:40 a.m.
	(Agenda Continued on Next Page)			

	<u>Agenda Item</u>	<u>Policy</u>	<u>Purpose</u>	<u>Est. Time</u>
	C. Comments on BLM Area Management Plan for Crown Mountain area – Mike Hermes, Director of Facilities, page 34	4.2.4	Direction	11:10 a.m.
	D. Garfield Clean Energy Budget Request – Dan Blankenship, CEO, page 38	4.2.4	Approve	9:40 a.m.
8	Presentations:			
	A. Rio Grande Trail Wildlife Monitoring Report – Mike Hermes, Director of Facilities & BRT Project Manager and Jonathan Lowsky, Colorado Wildlife Science, LLC, page 39	1.1.B	FYI	11:30 a.m.
	B. Covenant Enforcement Committee Report – Angela Kincade, Assistant Director of Project Management and Facilities Operations, page 41	1.1.C	FYI	12:00 p.m.
9	Information/Updates:			
	A. CEO Report – Dan Blankenship, CEO, page 53	2.8.6	FYI	12:15 p.m.
10	Issues to be Considered at Next Meeting:	4.3	Mtg. PIng.	12:25 p.m.
	A. To Be Determined at January 12, 2012 Meeting			
11	Next Meeting: Regularly scheduled meeting would be 8:30 a.m., March 8, 2012 at Carbondale Town Hall. However, staff recommends rescheduling this meeting to March 22 nd , in order to have adequate time to evaluate CNG infrastructure/equipment cost and financing proposals prior to presenting them to the RFTA Board.	4.3	Mtg. PIng.	12:29 p.m.
12	Adjournment:		Adjourn	12:30 p.m.
13	Lunch and EnCana Community Investment Grant Award Ceremony		Award/ Lunch	Until 1:15 p.m.

**ROARING FORK TRANSPORTATION AUTHORITY
BOARD MEETING MINUTES
January 12, 2012**

Board Members Present:

Michael Owsley, Chair, Pitkin County; Frank Breslin, Vice-Chair, Town of New Castle; Steve Skadron, City of Aspen; Jacque Whitsitt, Town of Basalt; Sara Fisher, Eagle County; Ted Edmonds, City of Glenwood Springs; John Wilkinson, Town of Snowmass Village

Voting Alternates Present:

John Hoffmann, Town of Carbondale

Non-Voting Alternates Present:

N/A

Staff Present:

Dan Blankenship, CEO; Edna Akeh, Secretary to the Board; Walt Mathews, General Counsel; Todd Horsley, COO; Mike Hermes, Angela Kincade, Randy Schutt and Amy Skinner, Facilities & Trails Department; Mike Yang and Paul Hamilton, Finance Department; Lydia Moore, Human Resources Department; Kenny Osier, Maintenance Department; Kent Blackmer, Operations Department; David Johnson and Jason White, Planning Department

Visitors Present:

John Krueger and Janette Whitcomb, City of Aspen; Rosa Silver, City of Glenwood Springs; Tom Baker, Garfield Clean Energy (GCE); Chad Abraham, *Aspen Daily News*; Scott Condon, *Aspen Times*; Rachel Peterson and Dave Sturges, Citizens

Agenda

1. Roll Call:

Michael Owsley, Chairman, declared a quorum to be present (8 member jurisdictions present) and the meeting began at 8:30 a.m.

Introduction of New RFTA Employees

Owsley informed the Board that Todd Horsley, Chief Operating Officer (COO), had requested to introduce two new RFTA employees to the Board before the Executive Session. Horsley introduced Lydia Moore, Human Resources Generalist, and Paul Hamilton, Assistant Director of Finance, to the Board and gave background information on both new employees. Owsley welcomed Moore and Hamilton to RFTA on behalf of the Board.

Review of RFTA Accident on January 1, 2012

Prior to moving on to Agenda Item #2 (Executive Session), Walt Mathews, General Counsel, requested that the Board allow Dan Blankenship, Chief Executive Officer (CEO), to provide a brief update on the bus accident involving a pedestrian fatality in the early morning hours of January 1, 2012.

Blankenship relayed the details of the accident to the Board, including the date, time, location and circumstances of the accident, the identity of the pedestrian (Joanie Kocab of Basalt), RFTA's internal investigation into the accident, and RFTA's cooperation with local law enforcement agencies on the official accident investigation. Blankenship stated that RFTA has been reviewing video from its buses and is working closely with the Pitkin County Sheriff's Department to try to determine how Ms. Kocab got to the scene of the accident. While Ms. Kocab had ridden on RFTA earlier in the evening of December 31st, it does not appear that she rode RFTA to the vicinity of the accident. Blankenship informed the Board that the bus involved in the accident was impounded by the Colorado State Patrol for inspection, which it passed. Blankenship also stated that the Pitkin County District Attorney will review the accident to determine if any charges should be filed against the RFTA driver. Blankenship also said that the accident has been traumatic to everyone at RFTA, including all of our drivers and especially the driver of the bus that was involved in the accident and those staff who were at the scene of the accident.

Kent Blackmer, Co-Director of Operations, informed the Board that the bus operator who was involved in the accident was given a month of leave and encouraged to take advantage of counseling provided by RFTA. Blackmer also explained that a professional counselor responded to the scene of the accident to talk with the driver and passengers on the bus. In addition, RFTA brought counselors to its facilities in Aspen and Glenwood Springs for any employee who wished to discuss the accident with them and RFTA has made ongoing counseling available to those RFTA employees who responded to the accident scene.

John Hoffmann asked Blackmer how RFTA manages employee fatigue since it basically operates 24 hours per day. Blackmer responded that the U.S. Department of Transportation (USDOT) regulates the amount of time that transit drivers can work just like it does truck drivers and RFTA stays well within the USDOT limits.

John Wilkinson extended his personal sympathy as well as sympathy on behalf of the RFTA Board to the family of the accident victim and to the RFTA bus driver. Wilkinson expressed concern about the width of the bus lane where the accident occurred. Blankenship explained that the lane design and construction were approved by the Colorado Department of Transportation (CDOT), though there is no shoulder between the road and the guard rail in that area. Blankenship added that the area where the accident occurred is poorly lit, but that it might be challenging to get additional lighting approved in the area because Highway 82 is designated as a rural highway.

With no further questions from the Board regarding the accident, Owsley asked for a motion to adjourn into the scheduled Executive Session.

2. Executive Session:

John Hoffmann moved that the RFTA Board adjourn into Executive Session, pursuant to:

- A. §24-6-402(4)(b), C.R.S., for the purpose of receiving legal advice regarding the purchase of properties and pursuant to §24-6-402(4)(e), C.R.S., for the purpose of discussing negotiations and developing negotiation strategies regarding properties to be acquired for the VelociRFTA Bus Rapid Transit (BRT) Project;**

John Wilkinson seconded the motion. The motion passed unanimously. The Board adjourned into Executive Session at 8:50 a.m.

RFTA staff present in the Executive Session included: Dan Blankenship, Walter Mathews, Edna Adeh, Todd Horsley, Mike Hermes and Angela Kincade.

John Hoffmann moved to adjourn from Executive Session into the regular Board Meeting. Sara Fisher seconded the motion. The motion passed unanimously.

No action was taken during the Executive Session. The Executive Session was adjourned at 9:12 a.m. and the regular Board meeting was called to order.

3. Approval of Minutes:

Frank Breslin moved to approve the minutes of the November 10, 2011 Board Meeting and John Hoffmann seconded the motion. The motion passed unanimously.

4. Public Comment:

The public comment period was opened at 9:13 a.m.

Rachel Peterson, Race Director for the Ragnar Relay Race, asked the Board for approval to hold the Ragnar Relay Race on the Rio Grande Trail in July 2012. Michael Owsley advised Peterson to speak to Mike Hermes, Director of Facilities and Trails, regarding the formal application procedure for special events on the Rio Grande Trail and directed Hermes to advise the Board on this issue in February 2012.

John Wilkinson asked Hermes to explain the procedure for approval of special events on the Rio Grande Trail. Hermes responded that events involving over 100 participants are subject to a formal application and approval by the Board. Hermes added that he will work with Peterson on her application and will advise the Board on the issue in February 2012.

Jacque Whitsitt suggested that Hermes advise RFTA staff to refer requests for special events on the Rio Grande Trail to him first instead of referring them directly to the Board as appeared to be the case with Peterson's request. Whitsitt added that this would avoid wasting the time of future applicants for special events.

The public comment period was closed at 9:16 a.m.

5. Items Added to Agenda – Board Member Comments:

There were no items added to the agenda.

John Wilkinson thanked RFTA for its excellent service in Snowmass Village on Saturday, January 7th, which was an extremely snowy and traffic congested day. Wilkinson added that he had been contacted by State Senator Gail Schwartz who asked if there was anything that he would like to see action on in the Colorado State Legislature this year. Wilkinson said he consulted with Walt Mathews and forwarded an e-mail from Mathews to Schwartz regarding legislative action that RFTA would like to see move forward with regard to its condemnation authority. Schwartz responded favorably to the e-mail and pledged to work with RFTA on the requested action in the legislature this year. Wilkinson will stay in touch with Schwartz on the issue and he thanked Mathews for his recommendation.

Frank Breslin asked Dan Blankenship to ensure that the grading of RFTA's property in New Castle for a Park & Ride Lot be added to the monthly progress report of the Facilities Department. Blankenship agreed to do so.

Steve Skadron relayed an experience to the Board that he had while waiting on a RFTA bus at Rubey Park during the Holiday season. Skadron said he witnessed a RFTA driver direct a passenger to her appropriate bus at Rubey Park. Since the passenger was carrying an armload of shopping bags and had to walk to another bus at Rubey Park, the RFTA driver offered to assist her with carrying the

shopping bags to the other bus. Skadron said while the passenger did not take the driver up on his offer of assistance, the joy on her face for the offer was probably worth more than all the money that RFTA spends on marketing. Michael Owsley asked Dan Blankenship to convey that observation to RFTA staff.

6. Consent Agenda:

A. Intergovernmental Agreement (IGA) with Garfield County Senior Programs (Dan Blankenship, CEO):

Dan Blankenship explained that the proposed IGA is an annual agreement with Garfield County for the operation of the Traveler service and that it has previously been reviewed and approved by Walt Mathews, RFTA General Counsel.

Michael Owsley opened the floor to Board Members for questions on the IGA.

With no questions from Board members, **Jacque Whitsitt moved to approve the IGA as presented on the consent agenda. Ted Edmonds seconded Whitsitt's motion and it passed unanimously.**

Owsley recognized Dave Sturges, Glenwood Springs City Councilman, to comment on the IGA. Sturges stated that he is a member of the Garfield County Senior Citizen Advisory Committee and commented on the value of the Traveler program to the senior population of Garfield County. Sturges said that the Traveler program is a very important service and is recognized as a model around the state. Sturges thanked Blankenship, Traveler Manager Mildred Alsdorf and the Traveler staff for their services. Sturges added that the Traveler is a good example of collaboration between RFTA, Garfield County and its municipalities.

Owsley thanked Sturges for his remarks.

7. Presentations:

A. Rio Grande Trail Rock Bottom Ranch to Catherine Store Road Wildlife Monitoring Report 2007-2011 (Mike Hermes, Director of Facilities & Trails):

Mike Hermes reported that RFTA has completed five (5) years of required wildlife monitoring on the Rock Bottom Ranch to Catherine Store Road section of the Rio Grande Trail and informed the Board that a copy of the Wildlife Monitoring Report is available in both hard copy and on the RFTA web site.

Hermes also informed the Board that RFTA needs to solicit public comment on the report and develop revised rules and regulations for the Rock Bottom Ranch section of the Rio Grande Trail in response to the report. Hermes referred Board members to the Board agenda for the proposed schedule for the public comment period and development of the revised rules and regulations. The schedule anticipates that the revised rules and regulations will be presented to the Board for approval at its meeting on April 12, 2012. Hermes stated that the wildlife biologist that performed the monitoring and compiled the report for RFTA will be in attendance at the March 2012 Board meeting to answer questions from the Board.

John Hoffmann asked Hermes which trail rules and regulations may be tweaked. Hermes replied that all comments that are received will be reviewed as will all trail rules and regulations to determine if there is any need to modify them as a result of the Wildlife Monitoring Report. Hermes added though that the current trail rules and regulations seem to be working well.

John Wilkinson asked Hermes to identify the effective date of the current seasonal trail closure for the Rock Bottom Ranch to Catherine Store Road section of the Rio Grande Trail. Hermes replied that section of the trail closes on December 1st. Wilkinson stated he would like for the seasonal trail closure date to be referenced in the final Wildlife Monitoring Report.

Wilkinson also asked if anyone monitors and checks the work of RFTA's wildlife biologist and whether it should be double-checked. Hermes replied that no one verifies the work of its biologist and the Board has always accepted the biologist's work in the past. Hermes added that he would be happy to hire someone to review RFTA's biologist's work if that is the desire of the Board. Wilkinson stated that he was just curious about how RFTA validates the report.

B. VelociRFTA BRT Project Update (Mike Hermes, Director of Facilities & BRT Project Manager):

Mike Hermes referred Board members to the VelociRFTA BRT Project report on Page 17 of the Board agenda packet and reviewed the status of the project with Board members. Hermes noted that the land acquisition and land use entitlements processes were the items of most concern and that both were taking much longer than anticipated. Hermes reported though that progress was being made on other fronts most notably on the procurement of a construction contractor and buses for the BRT project. Hermes noted that bids in response to RFTA's Invitation for Bids (IFB) for BRT project construction services are due on January 24th so he will be able to report on the results of the bid opening at the next Board meeting. Hermes also noted that there was an Action Item on the Board agenda that requested Board authorization to order buses for the BRT system. RFTA needs to order the buses by March to ensure they are delivered in time for BRT system start-up in September 2013.

Hermes also informed the Board that RFTA was still moving forward with due diligence activities required for determining the feasibility of implementing Compressed Natural Gas (CNG) as a fuel source for the BRT system instead of clean diesel. Hermes reported that the due diligence work includes two procurements: a Request for Proposals (RFP) for a CNG Fueling Station that was issued on January 5th and a RFP for Modifications to the Glenwood Maintenance Facility (GMF) for CNG-related Improvements that will be issued in early February. RFTA's internal deadline for making a decision on whether to utilize CNG in the BRT project is March 15th. Hermes stated that the possible introduction of CNG into the BRT project has added new challenges and complexities to the project.

John Hoffmann asked if RFTA is considering a CNG fueling station at the Aspen Maintenance Facility (AMF) as well as at the GMF. Dan Blankenship responded that RFTA's short-term plans are to only construct a CNG fueling station at the GMF to enable RFTA to implement CNG as part of the BRT project; however, RFTA is working on a renovation and recommissioning project at the AMF and will use some of the funds for that project to make improvements to the facility to allow it to maintain CNG buses in the short-term and to accommodate a CNG fueling station in the future. Blankenship stated that the major expense associated with the implementation of CNG is the installation of a fueling station and that RFTA currently only has the resources to construct a fueling station at one of its maintenance facilities. Since most of the BRT buses will be staged from the GMF it makes the most sense to install CNG fueling infrastructure at the GMF rather than the AMF. Blankenship added that as RFTA transitions the remainder of its bus fleet to CNG in the future it will then make sense to add a CNG fueling station at the AMF. Blankenship also stated that there is a possibility that RFTA may be able to offer a public CNG fueling option on property near the GMF at some point in the future and he is interested in exploring a public/private partnership to do so; however, RFTA's immediate focus is on a CNG fueling station for the BRT fleet.

Steve Skadron stated that as RFTA's pursues a conversion of its fleet to CNG, it will have to balance the competing goals of environmental sensitivity and gas exploration. Skadron said that it is important that RFTA be sensitive to the fact that its transition to CNG will be viewed as tacit support for gas exploration in Garfield County. Skadron added that it would be appropriate for RFTA to issue a statement that it will only use natural gas that is produced in a sustainable way. Blankenship responded that he plans to address that issue at the next Board meeting in February in response to direction the Board gave to him on this subject in November 2011.

Skadron recognized Janette Whitcomb of the City of Aspen Health Department and asked if she had any questions or comments. Whitcomb replied that she would wait to see the statement at the February 2012 Board meeting before commenting.

Michael Owsley commented that energy independence from foreign countries should be considered as a benefit of a transition to CNG and that it is ideal to use locally sourced fuel as long as we are responsible with its extraction and use.

In response to a question from Frank Breslin about the fueling time for CNG buses vs. diesel buses, Blankenship responded that there is little difference. Kenny Osier, Director of Maintenance, added that CNG would require no significant changes in RFTA's fueling process.

Blankenship next informed the Board that RFTA had applied for and received a grant of \$365,000 from Encana to assist with the cost difference between CNG buses and clean diesel buses if RFTA ultimately chooses to implement CNG. A grant award ceremony will be scheduled at a Board meeting in the near future for the Encana grant. Jacque Whitsitt asked if there are any strings attached to the Encana grant like putting their name on the buses they assist with financing. Blankenship replied that he is not aware of any such strings attached to the Encana grant.

John Wilkinson voiced concern about the final location of the El Jebel Upvalley BRT Station based on the information presented in the BRT project status report in the Board agenda packet. Blankenship replied that RFTA has a definitive location for both the El Jebel Upvalley BRT Station and the El Jebel Park & Ride Lot, but RFTA is working through a lengthy approval process with CDOT and Eagle County for the Park & Ride Lot. Blankenship added that there is concern on the part of CDOT and Eagle County as to how the Park & Ride Lot and future development in the area will impact the intersections and traffic flow in the area. CDOT and Eagle County are currently working through a process to identify a preferred alternative for improving traffic flow in the area and the alternative they choose could adversely impact the Park & Ride Lot. At this point RFTA does not know what it will be required to contribute toward the solution that is approved by CDOT and Eagle County so there is the possibility that RFTA may have to move forward with a BRT Station at El Jebel without a Park & Ride Lot.

Wilkinson asked if RFTA is building the El Jebel Upvalley BRT Station where it needs to be and would we not want a Park & Ride Lot to go along with it. Hermes responded that the BRT Station is at the proper location and while it is RFTA's desire to construct the Park & Ride Lot at the station, the Park & Ride Lot is not necessary to the success of the BRT project. Wilkinson asked if the El Jebel Park & Ride Lot is in the IFB for BRT construction services. Hermes replied that it is, but that it is an add alternate that can be removed if needed.

Michael Owsley advised the Board that due to the current uncertainty surrounding several of the BRT stations there is the possibility that the Board may need to hold a couple of special called meetings to rapidly respond to and address issues with the BRT project like the one just discussed.

Jacque Whitsitt asked if it is feasible to add Whole Foods as a financial partner on the Willits BRT Station. Hermes responded that he does not think Whole Foods would be willing to participate. Blankenship added that the financing for the Willits BRT Station is complicated and that only once the engineering of the proposed Highway 82 underpass is completed will we know the true cost of the project. The underpass is the issue complicating the Willits BRT Station as it is being financed through a combination of funds from the developer of the Willits Town Center, the Town of Basalt and possibly Eagle County. Blankenship explained the possible financing scenarios for the Willits underpass and stated that financing for construction will probably not be available until 2013, which would mean the underpass and BRT Station would likely not be constructed until 2014. Construction sequencing is the other issue complicating the Willits BRT Station as the BRT Station cannot be constructed until after the underpass. Blankenship stated that he has had preliminary discussions with the Town of Basalt about the possibility of RFTA advancing some funding for the underpass project, for which RFTA would be reimbursed, to speed up its construction and that he will report back to the Board on this possibility at its next meeting in February.

Hermes next reported that most of the issues with CDOT related to the BRT project have been resolved except for the Traffic Signal Priority (TSP) plan. Since TSP has not been installed on any other CDOT highway in the state, both parties are approaching it with caution.

Hermes reminded the Board to reserve April 14th on their calendars for the Ground Breaking ceremony for the BRT Project. The ceremony will be held at the Carbondale Park & Ride Lot. Invitations to the Ground Breaking will be sent out soon.

John Wilkinson asked Hermes to clarify his statement on Page 20 of the Board agenda packet that the Elected Officials Transportation Committee (EOTC) is supposed to give its concurrence on the location and design of the grade separated crossing at the Aspen Airport Business Center (AABC) BRT Stations at its meeting in March 2012. Wilkinson stated that the EOTC is a funding organization only and that Pitkin County should concur with the location of the crossing rather than the EOTC. Hermes responded that it was his understanding the EOTC would provide concurrence with the location, but there may have been a miscommunication on the issue. Blankenship interjected that there will be a presentation on the crossing to the EOTC in March and that the EOTC's opinion would probably only be advisory to Pitkin County.

Sara Fisher stated that she was taken aback by the portion of the BRT Status Report related to the El Jebel BRT Station and Park & Ride Lot and that she would like to discuss the comments in the report privately with Blankenship and Owsley rather than try to rebut them point by point at the meeting. Fisher added that she wanted to re-enforce that all parties are working really hard on a solution to the traffic issues in El Jebel and it is premature to state that RFTA may have to move forward with its BRT Station at El Jebel without the Park & Ride Lot. Blankenship responded that he would be happy to meet with Fisher and Owsley as quickly as a meeting can be arranged.

C. CNG Project Update (Dan Blankenship, CEO):

Dan Blankenship indicated that most of the issues related to CNG had been addressed during the BRT Project Update but would answer any additional questions on CNG that the Board may have. The Board had no additional questions on CNG for Blankenship.

8. Action Items:

A. Authorization to Execute Contract with Gillig and Issue a Notice to Proceed for 18 BRT Buses and 4 Replacement Buses (Dan Blankenship, CEO):

Dan Blankenship referred the Board to the Agenda Item Summary on Page 24 of the Board agenda packet. Blankenship explained that in order to have the buses required to open the BRT system in September 2013 they must be ordered in 2012. Since the buses will be paid for in 2013 they are not included in the approved 2012 RFTA Budget; therefore, Blankenship stated that he needs the Board's authorization to execute the contract for the purchase of the buses with Gillig in 2012. Blankenship further explained that he wishes to purchase a total of 22 buses of which 18 will be used for the BRT system and paid for with FTA grant funds and four will be used to replace four older buses in the regular RFTA fleet. RFTA will finance the four replacement buses unless or until grant funds can be identified to pay for them. RFTA has submitted a request for a Letter of No Prejudice to the FTA to preserve the right to use grant funds for the buses in the future.

Blankenship explained that RFTA needs to order the buses by March to guarantee that they are scheduled for production in time to be manufactured and delivered on time for the start of BRT service; however, RFTA does not have to specify the fueling technology for the buses (CNG or clean diesel) for a few months after the order is placed. RFTA's internal deadline for a decision on the fueling technology for the buses is mid-March.

Blankenship stated that the cost of CNG buses is approximately \$39,500 more per bus than clean diesel buses included in the VelociRFTA BRT grant, so RFTA will have to obtain financing for an additional \$869,000 if it chooses to order 18 CNG BRT buses. Blankenship reminded the Board that RFTA has secured a grant in the amount of \$365,000 from Encana to help defray the extra cost of CNG buses so the remaining additional cost for CNG buses that would have to be financed is actually \$504,000. Blankenship explained that RFTA is exploring several options for financing the additional costs associated with CNG buses including financing through a CNG fueling contract, financing through State of Colorado Qualified Energy Conservation Bonds (QECB) and traditional financing. The annual debt service on any financing would be paid for with fuel savings derived from the lower cost of CNG as opposed to diesel. In addition to the additional costs associated with CNG buses, RFTA may also finance the CNG fueling station and modifications to the GMF through the same financing mechanism that it finances the buses.

In response to questions from the Board, Blankenship explained the fuel and mileage savings calculations for CNG buses, the purpose of the four replacement buses and how RFTA uses and disposes of surplus buses.

Ted Edmonds asked if RFTA would still be liable to pay for the 22 buses if FTA were for some reason to cancel its grant to RFTA for the BRT project. Blankenship stated that he is not concerned with that possibility and the BRT system will be constructed as planned. Blankenship said the worst case scenario would be that some elements of the BRT system may not be ready in time for the formal opening of the system in September 2013, but the project will be built and FTA is determined to see that it is built.

Jacque Whitsitt moved to authorize the CEO to execute a contract with Gillig for 22 buses. John Wilkinson seconded Whitsitt's motion and it passed unanimously.

Michael Owsley next announced that the meeting would take a short recess. The recess began at 10:16 a.m.

The Board meeting resumed at 10:25 a.m.

B. Intergovernmental Agreement with Garfield Clean Energy (GCE) (Dan Blankenship, CEO):

Dan Blankenship stated that this Intergovernmental Agreement (IGA) is with Garfield Clean Energy and was previously discussed by the Board at its meetings on September 8, 2011 and November 10, 2011. At the November 2011 Board meeting, Board members expressed

concern about the transparency of the budget and the absence of a clear list of deliverables in the IGA. The IGA has since been revised to include a scope of services to be provided by GCE and a more transparent budget. Blankenship noted that Tom Baker of GCE was in attendance to answer questions from the Board.

Blankenship reiterated his past statements that RFTA has been a long-time member of GCE in its present formation and believes it would benefit RFTA to remain a member in its proposed new form. Blankenship also restated his belief that it is worth \$20,000 for RFTA to remain a member of GCE because it behooves RFTA to be at the table discussing issues with the communities of Garfield County and especially those in western Garfield County with which RFTA currently has little regular interaction. Blankenship added that GCE was instrumental in assisting RFTA with the application process for the \$365,000 grant that it recently received from Encana for assistance with the purchase of CNG buses. Blankenship finished his remarks by stating that he believes RFTA should remain a member of GCE, but if the Board does not wish to be a member it should at least consider making a financial contribution to GCE.

Baker next explained the changes that had been made to the proposed IGA since the November 2011 RFTA Board meeting. Baker also explained again the relationship between GCE and Clean Energy Economy for the Region (CLEER). Baker explained that GCE has chosen to contract with CLEER for staff services in 2012 rather than hiring staff of its own. GCE will reassess its contract with CLEER on an annual basis. Baker also informed the Board that both Garfield County and the City of Glenwood Springs had approved the IGA since the November 2011 RFTA Board meeting.

Michael Owsley next opened the floor to questions from Board members.

Steve Skadron thanked Baker for revising the IGA and returning to answer additional questions by the RFTA Board. Skadron also stated that he appreciates the great work that GCE and CLEER each do. Skadron then stated that he had several additional questions that he would like for Baker or Blankenship to address, including:

1. Who reviews GCE's performance? Does Garfield County review GCE's performance?
2. Why should upvalley dollars be redirected to an energy program specific to Garfield County?
3. Why should RFTA support GCE when Garfield County is not a member of RFTA?
4. Why should an intergovernmental agency responsible for transportation (RFTA) contribute funding to another intergovernmental agency with a non-transportation purpose (GCE)?
5. Could RFTA directly contract with CLEER for work to be performed without being a member of GCE? If so, why should

In response to Skadron's first question, Baker replied that Garfield County does not review or evaluate GCE's performance. Baker explained that GCE is an intergovernmental authority made up of individual governments so the elected officials of those individual governments evaluate whether or not their individual government should or should not remain a member of GCE. Other than that there is no formal review of GCE's performance.

In response to Skadron's second question, Blankenship replied that the RFTA Board has worked hard and has done a great job of staying away from upvalley vs. downvalley issues. Blankenship cited the example of RFTA's \$10,000 annual contribution to the WE-cycle Aspen program that benefits residents and visitors to Aspen, and to some extent Pitkin County, but does not necessarily benefit any of RFTA's other members. Blankenship added that RFTA has three members, Carbondale, Glenwood Springs and New Castle that are located in Garfield County so he does not view a contribution to or membership in GCE as taking anything away from Aspen and giving it to Garfield County. Blankenship said that RFTA is interested in sustainability which benefits every RFTA member jurisdiction.

Blankenship responded to Skadron's third question by stating that while Garfield County is not a member of RFTA it does contribute funding to the Grand Hogback transit service and to the Traveler senior transportation program. In 2011, Garfield County contributed \$650,000 to RFTA for the Grand Hogback transit service in addition to funding for the Traveler.

In response to Skadron's fourth question, Blankenship cited, as precedent for RFTA membership in GCE, RFTA's past memberships in the Rocky Mountain Railroad Authority (RMRA) as examples of other intergovernmental organizations that RFTA has been part of in the past. Blankenship added that the decision whether or not join other intergovernmental organizations is primarily a philosophical and/or political decision for the Board to make.

In response to Skadron's fifth question, Blankenship stated that RFTA could contract directly with CLEER but he would want to perform a cost/benefit analysis before doing so. Blankenship said he feels as though the association with other local governments through GCE would provide more value than simply contracting with CLEER.

Blankenship stated that the decision whether or not to join or contribute funding to GCE is strictly a decision for the RFTA Board and he would have no problem supporting whatever decision is made.

Jacque Whitsitt stated that she has served on the Board of CLEER in the past and believes it was a good decision to separate GCE from Garfield County. Whitsitt asked Baker how the decision to separate GCE from Garfield County was made. Baker responded that there were three reasons for separating GCE from Garfield County, including:

1. The ability of the organization to apply for and receive grants depends on its legal designation and a separate entity made more sense for that reason than remaining part of Garfield County.
2. Garfield County decided that it no longer wished to be the fiscal agent for GCE.
3. The original Colorado Department of Local Affairs (DOLA) grant that financed the formation of GCE was intended to establish an entity that could be replicated statewide so GCE becoming an autonomous entity was the best method for satisfying the requirements of the DOLA grant.

Frank Breslin asked Baker if Colorado Mountain College (CMC) is a potential member of GCE. Baker replied that CMC is considering an informal partnership with GEC rather than full membership.

John Hoffmann asked Baker if GCE has taxing authority to support itself. Baker replied that in October 2011 at the request of several of its potential members, who have since become members, GCE removed the ability to incur long-term debt and the ability to levy fees or taxes from the IGA with its members so the answer to Hoffman's question is no.

Hoffmann also asked Baker if someone from Aspen or CORE could sit on the GCE Board. Baker replied that GCE's members can appoint whoever they wish to represent them on the GCE Board.

Skadron asked Baker if he is employed by CLEER. Baker replied that he is a part-time employee of CLEER. Skadron then asked Baker how he explains the conflict of interest that is created by Baker's lobbying the RFTA Board to join GCE since GCE contracts with CLEER, who is Baker's part-time employer, for all of its staff services. Baker agreed that it may be perceived as a conflict of interest. Baker stated that he could invite one or two GCE Board members to attend the next RFTA Board meeting to answer questions if that would remove the appearance of a conflict of interest. Skadron replied that he would like to know Garfield

County's position on GCE. Baker replied that he could invite Tom Jankovsky to the RFTA Board meeting in February since Jankovsky was the Garfield County representative on the GCE Board.

Hoffmann stated that he is an alternate member to the GCE Board from Carbondale and may need to recuse himself from voting on this issue as a member of the RFTA Board. Hoffman also stated that he knows that Jankovsky is supportive of GCE and that Jankovsky brought the rest of the Garfield County Board of County Commissioners along on the issue. Hoffman added that RFTA itself is the ultimate collaboration of governments in the Roaring Fork Valley and that GCE is just another form of intergovernmental collaboration.

Whitsitt asked Baker for the names of the officers of GCE. Baker replied that Greg Russi, Town Councilman from New Castle, is Chairman; Leo McKinney, Mayor Pro-Tem of Glenwood Springs is Vice-Chair; and Judy Ward of Parachute is Secretary.

Owsley asked Baker if RFTA could join GCE for a year at a time. Baker replied that RFTA could join GCE for one year. Owsley then stated that perhaps RFTA could join GCE as a provisional member, review the benefits of membership while a member and then decide whether or not to remain a member. Walt Mathews stated that the section of the IGA with GCE that governs the withdrawal of members allows members to leave GCE with three months' notice but it does not provide for a refund of their annual contribution if they withdraw from membership. Blankenship stated that perhaps RFTA could make quarterly payments to GCE so that it would not forfeit any funds if it chose to withdraw from membership.

Whitsitt stated that it might be helpful if the name of the organization was not "Garfield" Clean Energy. Baker replied that he would bring that to the attention of the GCE Board.

Frank Breslin stated that he believes all members of GCE have received a net gain as a result of their membership and he believes RFTA should join GCE.

Breslin moved to approve the IGA with renewal on an annual basis and with a \$20,000 membership contribution to GCE for 2012. Ted Edmonds seconded the motion.

John Wilkinson stated that he is not comfortable with the creation of another new entity and cannot support RFTA membership in GCE.

Hoffmann stated that the grant from Encana that GCE helped RFTA to secure is worth several years of membership contributions to GCE. Wilkinson countered that RFTA staff has proven that it can obtain grants on its own. Blankenship replied that GCE is knowledgeable about grant opportunities in the energy industry that RFTA staff may not know about.

Edmonds asked Baker to clarify whether membership in GCE required a financial contribution. Baker said that it does not. Mathews stated that the IGA is not clear on the topic.

Mathews also stated that he believes GCE is subject to the Colorado Taxpayer Bill of Rights (TABOR) and can take on debt, but it has simply chosen not to take on debt. Baker replied that GCE's attorney advised him otherwise and that he will talk to the GCE attorney about the issue.

With no further discussion, Owsley called for a vote on the Breslin motion. Five members voted in favor of the motion (Breslin, Edmonds, Hoffmann, Owsley and Whitsitt) and three members voted against the motion (Fisher, Skadron and Wilkinson). **Since a supermajority of six votes was required for passage, the motion failed on a 5-3 vote.**

Owsley asked Board members if they could approve the IGA if the \$20,000 financial contribution were not included. Skadron indicated that he would still vote against the motion. Fisher indicated that she could support a motion that approved the IGA without the \$20,000 financial contribution and that she may vote in favor of a phased contribution but she still needs to hear more from GCE.

Fisher moved to approve the IGA with RFTA membership in GCE but with no funding commitment. Breslin seconded the motion.

Wilkinson asked if RFTA would be a voting member of GCE even though it is not contributing funding. Mathews replied that RFTA would be a voting member of GCE.

Whitsitt asked if the IGA needs to be revised to reflect the action taken by the Board. Mathews replied that the IGA does not need to be revised at this time.

Fisher asked Baker to return in February with at least one member of the GCE Board who can answer further questions from the RFTA Board. She added that if all of the RFTA Board's questions are satisfied then RFTA may approve a financial contribution to GCE in addition to membership. Fisher also asked Mathews to speak to the GCE attorney regarding the TABOR issue and report back to the RFTA Board at its next meeting in February.

Mathews advised Hoffmann that he did not need to recuse himself from the vote.

The motion passed on a 7-1 vote with Skadron voting against the motion.

9. Public Hearing

- A. Resolution #2012-01 – 2011 Supplemental Budget Resolution** (Michael Yang, Director of Finance)
- B. Resolution #2012-02 – 2012 Supplemental Budget Resolution** (Michael Yang, Director of Finance)

Michael Yang, RFTA Director of Finance, presented the two proposed Supplemental Budget resolutions to the Board. Yang explained that the purpose of the two resolutions was to re-appropriate funds from projects that were not completed in 2011 to the 2012 RFTA Budget. The 2012 Supplemental Budget Resolution also appropriates \$23,000 for new capital expenditures in 2012.

Yang then responded to a couple of requests from Board members for minor clarifications on the proposed 2012 Supplemental Budget Resolution.

Michael Owsley noted that this is a public hearing and opened the public hearing at 11:22 a.m.

Dave Sturges of Glenwood Springs commented that the proposed Supplemental Budget Resolutions were appropriate budget adjustments.

With no further public comments, **the public hearing was closed at 11:23 a.m.**

Walter Mathews instructed the Board that Resolutions #2012-01 and #2012-02 would need separate motions.

Jacque Whitsitt moved to approve Resolution #2012-01 and John Wilkinson seconded the motion.

Resolution #2012-01 was unanimously approved.

Jacque Whitsitt moved to approve Resolution #2012-02 and John Hoffmann seconded the motion.

Resolution #2012-12 was unanimously approved.

10. Information/Updates:

A. CEO Report (Dan Blankenship, CEO):

Michael Owsley directed the Board to the CEO Report in the Board agenda packet on Page 46. Blankenship briefly reviewed the report and asked if Board members had any questions.

Blankenship reported that RFTA system-wide ridership was up 6.27% through November 2011 over the same period in 2010 and added that he believes that is a good sign for the local economy. Blankenship also stated that RFTA has also seen a rise in sales tax collections in 2011 and he believes the trend will continue when RFTA receives sales tax collection numbers for December 2011.

Blankenship also referred Board members to Page 49 of the Board agenda packet and asked if anyone had any comments that they would like to see incorporated into RFTA's comments to the Bureau of Land Management (BLM) in response to the BLM's proposed Area Resource Management Plan for the BLM's Crown Mountain parcel that is adjacent to the Rio Grande Trail. Mike Hermes stated that comments to the BLM are due on January 17, 2012.

Blankenship stated that RFTA should probably include information about its seasonal trail closure periods in its comments to the BLM. John Hoffmann commented that some trail connections in the Crown Mountain area are appropriate and specifically referenced the connections at ACES and Catherine Store Bridge. Jacque Whitsitt recommended that RFTA provide very specific comments to the BLM, including that the RFTA Board must approve all new connections to the Rio Grande Trail. Owsley recommended attaching the Rio Grande Trail Wildlife Monitoring Report to RFTA's comments to the BLM.

John Wilkinson expressed concern about the number of vacant employee housing rental units that RFTA currently owns or leases. Wilkinson asked if RFTA can rent out its employee housing units on the open market. Hermes responded that RFTA can rent out the employee housing units that it owns on the open market and has done so in the past. RFTA is currently looking into this option to reduce its number of vacant units. Wilkinson encouraged RFTA to try to rent its vacant units on the open market and said he just wants RFTA to break even with its employee housing.

Wilkinson also asked if RFTA is committed to all of the leases for employee housing at Burlingame. Blankenship responded that RFTA has a master lease for employee housing units at Burlingame wherein it rents units for 8 months out of the year. Wilkinson asked if RFTA should reconsider its agreement with Burlingame. Blankenship responded that when the economy is strong RFTA needs all the employee housing units it can get so he does not recommend renegotiating the agreement with Burlingame because the economy will inevitably improve. Wilkinson asked Blankenship to provide a report on the budget impact of RFTA's employee housing units at the next Board meeting in February. Blankenship agreed to do so.

11. **Board Governance**

A. **Election of 2012 RFTA Board Officers** (Walter Mathews, General Counsel):

Walter Mathews explained the process for electing new Board officers for 2012. Mathews added that RFTA staff can serve as the Secretary and Treasurer to the Board and these positions have traditionally been filled by Edna Adeh and the Director of Finance respectively.

Jacque Whitsitt asked if she can nominate by acclamation the current slate of Board officers to serve for another year. Frank Breslin responded that he does not wish to serve as Vice-Chair of the Board in 2012.

Walter Mathews asked the Board for nominations for Chairman for 2012.

Jacque Whitsitt nominated Michael Owsley to serve as RFTA Board Chairman again in 2012 and Sara Fisher seconded the motion. The motion passed unanimously.

Whitsitt stated that nominations should really be brought forward by a Nominating Committee. Mathews agreed and said that is the normal practice but since the Board did not meet in December 2011 a Nominating Committee was not formed for the 2012 RFTA Board elections. Mathews stated that there will be a Nominating Committee for the 2013 RFTA Board elections.

John Hoffmann nominated Jacque Whitsitt to serve as RFTA Board Vice-Chairman in 2012 and Steve Skadron seconded the motion. The motion passed unanimously.

Jacque Whitsitt nominated Edna Adeh to serve as RFTA Board Secretary again in 2012 and Michael Yang to serve as RFTA Board Treasurer in 2012. John Hoffmann seconded the motion. The motion passed unanimously.

12. **Issues to be Considered at Next Meeting:**

Michael Owsley reminded Board members that there may be a need for a special called meeting at any time so they should be prepared to attend as requested.

13. **Next Meeting:** The next regularly scheduled meeting of the RFTA Board of Directors is scheduled for Thursday, February 9, 2012, at 8:30 a.m. at the Carbondale Town Hall.

14. **Adjournment:**

Jacque Whitsitt moved to adjourn the meeting and John Hoffmann seconded the motion. The motion passed unanimously.

The Board Meeting adjourned at 11:45 a.m.

Respectfully Submitted:

Edna Adeh
Secretary to the Board

**RFTA BOARD OF DIRECTORS MEETING
 “PUBLIC HEARING” AGENDA SUMMARY ITEM # 6.A.**

Meeting Date:	February 9, 2012
Agenda Item:	Resolution 2012-04: 2011 Supplemental Budget Appropriation
Presented By:	Michael Yang, Director of Finance
Options:	Adopt, amend and adopt, or not adopt Supplemental Budget Appropriation Resolution 2012-04
Recommendation:	Adopt Supplemental Budget Appropriation Resolution 2012-04
POLICY #:	2.5: Financial Planning/Budgeting: <i>[Policy 2.5.2 “The CEO shall not allow budgeting that omits credible projection of revenues and expenses.”]</i>
Core Issues:	<p>The 2012 adopted budget included appropriations for an Aspen City bus acquisition and its federal and local funding sources. However, the delivery of the bus occurred in December 2011 and Generally Accepted Accounting Principles require this transaction to be recorded in the 2011 budget year. Therefore, the following 2011 supplemental budget appropriations are needed to add them to the 2011 budget:</p> <p>General Fund</p> <ol style="list-style-type: none"> 1. \$310,156 additional FTA Section 5309 Grant revenue for bus acquisition. 2. \$89,620 additional City of Aspen contribution for bus acquisition. [Note that actual contribution is \$2,685 more than original budget of \$86,935 due to increased actual cost of bus.] 3. \$399,776 additional capital outlay for bus acquisition entirely funded by both FTA Section 5309 Grant and COA local contribution. [Note that actual cost of bus is \$2,685 more than original budget of \$397,091.]
Policy Implications:	Board Job Products Policy 4.2.5 states, “The Board will approve RFTA’s annual operating budget (subject to its meeting the criteria set forth in the Financial Planning/Budget policy).”
Fiscal Implications:	<p>Net increase (decrease) to 2011 fund balance:</p> <p>General Fund: \$0</p>
Backup Memo?	Yes, please see Resolution 2012-04 attached.

Director _____ moved adoption of the following Resolution:

BOARD OF DIRECTORS

ROARING FORK TRANSPORTATION AUTHORITY

RESOLUTION NO. 2012-04

2011 SUPPLEMENTAL BUDGET RESOLUTION

WHEREAS, Pitkin County, Eagle County, the City of Glenwood Springs, the City of Aspen, the Town of Carbondale, the Town of Basalt, and the Town of Snowmass Village (the “Cooperating Governments”) on September 12, 2000, entered into an Intergovernmental Agreement to form a Rural Transportation Authority, known as the Roaring Fork Transportation Authority (“RFTA” or “Authority”), pursuant to title 43, article 4, part 6, Colorado Revised Statutes; and

WHEREAS, on November 7, 2000, the electors within the boundaries of the Cooperating governments approved the formation of a Rural Transportation Authority; and

WHEREAS, the Town of New Castle elected to join the Authority on November 2, 2004; and

WHEREAS, certain revenues will become available and additional expenditures have become necessary that were not anticipated during the preparation of the 2011 budget; and

WHEREAS, upon due and proper notice, published in accordance with the state budget law, said supplemental budget was open for inspection by the public at a designated place, a public hearing was held on, February 9, 2012 and interested taxpayers were given an opportunity to file or register any objections to said supplemental budget; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Roaring Fork Transportation Authority that the following adjustments will be made to the 2011 budget as summarized herein:

General Fund

Revenue and Other Financing Sources (OFS):

Type	Amount	Explanation
FTA Section 5309 Bus Grant	310,156	Recorded in 2011; originally budgeted in 2012
City of Aspen contribution for bus	89,620	Recorded in 2011; originally budgeted in 2012
Total	399,776	

Revenue & OFS Summary	Previous	Change	Current
Sales tax	9,974,000	-	9,974,000
Grants	879,000	310,156	1,189,156
Fares	3,732,000	-	3,732,000
Other govt contributions	1,314,920	89,620	1,404,540
Other income	608,000	-	608,000
Other financing sources	421,705	-	421,705
Total	16,929,625	399,776	17,329,401

Expenditures and Other Financing Uses (OFU):

Type	Amount	Explanation
Bus acquisition	399,776	Occurred in 12/2011; originally budgeted in 2012
Capital total	399,776	

Expenditures & OFU Summary	Previous	Change	Current
Fuel	1,439,000	-	1,439,000
Transit	12,110,900	-	12,110,900
Trails & Corridor Mgmt	238,000		238,000
Capital	1,448,810	399,776	1,848,586
Debt service	2,347,494	-	2,347,494
Total	17,584,204	399,776	17,983,980

The net change in the Fund balance for this amendment is as follows:

Revenues and other financing sources	399,776
Expenditures and other financing uses	399,776
Net increase (decrease) in fund balance	-

Fund balance Roll Forward: Net Change in Fund balance

Resolution	Beginning Balance	Change	Ending Balance
			6,620,000 *
2010-11&12	6,620,000	264,000	6,884,000
2011-01	6,884,000	364,000	7,248,000
2011-04	7,248,000	(535,000)	6,713,000
2011-05	6,713,000	(390,000)	6,323,000
2011-10	6,323,000	-	6,323,000
2011-11	6,323,000	(280,000)	6,043,000
2011-13	6,043,000	(122,900)	5,920,100
2011-15	5,920,100	14,101	5,934,201
2011-18	5,934,201	30,920	5,965,121
2012-01	5,965,121	-	5,965,121
2012-04	5,965,121	-	5,965,121
		(654,879)	

* Per audited financial statements

(remainder of page intentionally left blank)

That the amended budget as submitted and herein above summarized be, and the same hereby is approved and adopted as the amended 2011 budget of the Roaring Fork Transportation Authority, and be a part of the public records of the Roaring Fork Transportation Authority,

That the amended budget as hereby approved and adopted shall be signed by the Chair of the Roaring Fork Transportation Authority.

INTRODUCED, READ AND PASSED by the Board of Directors of the Roaring Fork Transportation Authority at its regular meeting held the 9th day of February, 2012.

ROARING FORK TRANSPORTATION AUTHORITY
By and through its BOARD OF DIRECTORS:

By: _____
Michael M. Owsley, Chairman

I, the Secretary of the Board of Directors (the "Board") of the Roaring Fork Transportation Authority (the "Authority") do hereby certify that (a) the foregoing Resolution was adopted by the Board at a meeting held on February 9, 2012 (b) the meeting was open to the public; (c) the Authority provided at least 48 hours' written notice of such meeting to each Director and Alternate Director of the Authority and to the Governing Body of each Member of the Authority; (d) the Resolution was duly moved, seconded and adopted at such meeting by the affirmative vote of at least two-thirds of the Directors then in office who were eligible to vote thereon voting; and (e) the meeting was noticed, and all proceedings relating to the adoption of the Resolution were conducted, in accordance with the Roaring Fork Transportation Authority Intergovernmental Agreement, as amended, all applicable bylaws, rules, regulations and resolutions of the Authority, the normal procedures of the Authority relating to such matters, all applicable constitutional provisions and statutes of the State of Colorado and all other applicable laws.

WITNESS my hand this ____ day of _____, 2012.

**RFTA BOARD OF DIRECTORS MEETING
 “PUBLIC HEARING” AGENDA SUMMARY ITEM # 6.B.**

Meeting Date:	February 9, 2012
Agenda Item:	Resolution 2012-05: 2012 Supplemental Budget Appropriation
Presented By:	Michael Yang, Director of Finance
Options:	Adopt, amend and adopt, or not adopt Supplemental Budget Appropriation Resolution 2012-05
Recommendation:	Adopt Supplemental Budget Appropriation Resolution 2012-05
POLICY #:	2.5: Financial Planning/Budgeting [Policy 2.5.2 “ <i>The CEO shall not allow budgeting that omits credible projection of revenues and expenses.</i> ”]
Core Issues:	<p>The 2012 adopted budget included appropriations for a bus acquisition and its federal and local funding sources. However, the delivery of the bus occurred in December 2011 and Generally Accepted Accounting Principles require this transaction to be recorded in the 2011 budget year. Therefore, the following 2012 supplemental budget appropriations are primarily needed to remove them from the 2012 budget:</p> <p>General Fund</p> <ol style="list-style-type: none"> 1. \$310,156 removal of FTA Section 5309 Grant revenue for bus acquisition. 2. \$86,935 removal of City of Aspen contribution for bus acquisition. 3. \$397,091 removal of capital outlay for bus acquisition entirely funded by both FTA Section 5309 Grant and COA local contribution. 4. \$10,000 additional transit budget to conduct the 2012 passenger survey. 5. \$18,000 additional capital outlay for bird net pest control at the Glenwood Springs Maintenance Facility.
Policy Implications:	Board Job Products Policy 4.2.5 states, “The Board will approve RFTA’s annual operating budget (subject to its meeting the criteria set forth in the Financial Planning/Budget policy).”
Fiscal Implications:	Net increase (decrease) to 2012 fund balance: General Fund: (\$28,000)
Backup Memo?	Yes, please see Resolution 2012-05 attached.

Director _____ moved adoption of the following Resolution:

BOARD OF DIRECTORS

ROARING FORK TRANSPORTATION AUTHORITY

RESOLUTION NO. 2012-05

2012 SUPPLEMENTAL BUDGET RESOLUTION

WHEREAS, Pitkin County, Eagle County, the City of Glenwood Springs, the City of Aspen, the Town of Carbondale, the Town of Basalt, and the Town of Snowmass Village (the “Cooperating Governments”) on September 12, 2000, entered into an Intergovernmental Agreement to form a Rural Transportation Authority, known as the Roaring Fork Transportation Authority (“RFTA” or “Authority”), pursuant to title 43, article 4, part 6, Colorado Revised Statutes; and

WHEREAS, on November 7, 2000, the electors within the boundaries of the Cooperating governments approved the formation of a Rural Transportation Authority; and

WHEREAS, the Town of New Castle elected to join the Authority on November 2, 2004; and

WHEREAS, certain revenues will become available and additional expenditures have become necessary that were not anticipated during the preparation of the 2012 budget; and

WHEREAS, upon due and proper notice, published in accordance with the state budget law, said supplemental budget was open for inspection by the public at a designated place, a public hearing was held on, February 9, 2012 and interested taxpayers were given an opportunity to file or register any objections to said supplemental budget; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Roaring Fork Transportation Authority that the following adjustments will be made to the 2012 budget as summarized herein:

General Fund

Revenue and Other Financing Sources (OFS):

Type	Amount	Explanation
FTA Section 5309 Bus Grant	(310,156)	Moved to 2011 per Resolution 2012-04; originally budgeted in 2012
City of Aspen contribution for bus	(86,935)	Moved to 2011 per Resolution 2012-04; originally budgeted in 2012
Total	(397,091)	

Revenue & OFS Summary	Previous	Change	Current
Sales tax	10,125,000		10,125,000
Grants	2,420,606	(310,156)	2,110,450
Fares	3,825,000	-	3,825,000
Other govt contributions	1,420,935	(86,935)	1,334,000
Other income	350,761		350,761
Other financing sources	1,066,171	-	1,066,171
Total	19,208,473	(397,091)	18,811,382

Expenditures and Other Financing Uses (OFU):

Type	Amount	Explanation
Transit passenger survey	10,000	Conducted every 2 years; was not included in adopted budget.
Operating total	10,000	
Bus acquisition	(397,091)	Moved to 2011 per Resolution 2012-04; originally budgeted in 2012
GMF Netting	18,000	Bird net pest control with 5-year service period
Capital total	(379,091)	

Expenditures & OFU Summary	Previous	Change	Current
Fuel	1,474,889		1,474,889
Transit	11,980,388	10,000	11,990,388
Trails & Corridor Mgmt	353,637		353,637
Capital	3,082,721	(379,091)	2,703,630
Debt service	2,234,324	-	2,234,324
Total	19,125,959	(369,091)	18,756,868

The net change in the Fund balance for this amendment is as follows:

Revenues and other financing sources	(397,091)
Expenditures and other financing uses	(369,091)
Net increase (decrease) in fund balance	(28,000)

Fund balance Roll Forward: Net Change in Fund balance

Resolution	Beginning Balance	Change	Ending Balance
			5,965,121 *
2011-16&17	5,965,121	82,514	6,047,635
2012-02	6,047,635	-	6,047,635
2012-05	6,047,635	(28,000)	6,019,635
		54,514	

* Per 2011 budget

That the amended budget as submitted and herein above summarized be, and the same hereby is approved and adopted as the amended 2012 budget of the Roaring Fork Transportation Authority, and be a part of the public records of the Roaring Fork Transportation Authority,

That the amended budget as hereby approved and adopted shall be signed by the Chair of the Roaring Fork Transportation Authority.

INTRODUCED, READ AND PASSED by the Board of Directors of the Roaring Fork Transportation Authority at its regular meeting held the 9th day of February, 2012.

ROARING FORK TRANSPORTATION AUTHORITY
By and through its BOARD OF DIRECTORS:

By: _____
Michael M. Owsley, Chairman

I, the Secretary of the Board of Directors (the "Board") of the Roaring Fork Transportation Authority (the "Authority") do hereby certify that (a) the foregoing Resolution was adopted by the Board at a meeting held on February 9, 2012 (b) the meeting was open to the public; (c) the Authority provided at least 48 hours' written notice of such meeting to each Director and Alternate Director of the Authority and to the Governing Body of each Member of the Authority; (d) the Resolution was duly moved, seconded and adopted at such meeting by the affirmative vote of at least two-thirds of the Directors then in office who were eligible to vote thereon voting; and (e) the meeting was noticed, and all proceedings relating to the adoption of the Resolution were conducted, in accordance with the Roaring Fork Transportation Authority Intergovernmental Agreement, as amended, all applicable bylaws, rules, regulations and resolutions of the Authority, the normal procedures of the Authority relating to such matters, all applicable constitutional provisions and statutes of the State of Colorado and all other applicable laws.

WITNESS my hand this ____ day of _____, 2012.

RFTA BOARD OF DIRECTORS MEETING
“ACTION ITEMS” AGENDA ITEM SUMMARY # 7.A.

Meeting Date:	February 9, 2012
Agenda Item:	<ol style="list-style-type: none"> 1. CNG Project Update; 2. Authorization for CEO to Perform Due Diligence for Financing for CNG Facilities, Vehicles and Equipment; 3. Policy Update to clarify RFTA Position on Natural Resources Extraction
Presented By:	Dan Blankenship, CEO
Options:	FYI: Information on Status of the CNG Project, Only
Recommendation:	Discuss opportunities, issues, and challenges associated with the CNG Project
Policy #:	1.7: Trail & Transit Users Enjoy Environmentally Friendly Equipment and Facilities
Core Issues:	<p>1. CNG Project Update:</p> <ol style="list-style-type: none"> a. CNG due diligence continues as follows: <ol style="list-style-type: none"> i. Proposals for CNG fueling infrastructure due February 13th. ii. Proposals for facility safety modifications advertised February 6th and due March 9th. iii. A Notice to Proceed has been provided to Gillig, LLC, for 18 BRT and 4 replacement buses. Determination regarding clean-diesel or CNG engine technology will be made in March. iv. Bi-weekly conference calls with Federal Transit Administration (FTA) to discuss CNG due diligence process. v. Discussions with Governor’s Energy Office (GEO) regarding RFTA’s ability to use low-interest rate Qualified Energy Conservation Bonds funding for project. vi. <i>It may be advisable to reschedule the March 8th Board meeting to March 22nd in order to have time to evaluate CNG proposals and financing, prior to RFTA Board meeting.</i> b. <u>This is an FYI. No Board action requested regarding the update.</u> <p>2. Authorization for CEO to Perform Due Diligence for Financing for CNG Facilities, Vehicles and Equipment:</p> <ol style="list-style-type: none"> a. Initial estimates indicate that savings on the cost of CNG fuel for 18 BRT and 4 replacement buses should be adequate to more than offset the annual debt service for the incremental cost of CNG engine technology for the 18 BRT buses, the debt service on 4 replacement CNG buses, the debt service on the CNG fueling facility, and the debt service on the facility safety modifications. b. When proposals are received for the fueling facility and facility modifications, staff will have more accurate estimates of the costs involved for this infrastructure. Assuming the costs are within the range that has been estimated by RFTA’s consulting team, staff believes that

	<p>the potential short and long-term savings derived from using CNG to fuel 22 buses will make it attractive for RFTA to move forward with this CNG transition project.</p> <p>c. The tight schedule involved in making the determination regarding the engine technology for the 22 buses that will be delivered in 2013, and for installing the CNG fueling station and the facility safety modifications in 2012, require RFTA to make arrangements for its financing within the next 60 days.</p> <p>d. Staff is requesting Board authorization to undertake preliminary efforts to arrange financing for the CNG project. These efforts likely will include submitting an application to the GEO and/or soliciting financing proposals from lending institutions.</p> <p>e. Assuming staff is successful in developing a workable financing approach through the GEO or a lending institution, the Board may be required to approve the proposed financing transaction at a March or April Board meeting.</p> <p>f. Board Action Requested:</p> <ul style="list-style-type: none"> i. Authorize the CEO to perform due diligence for CNG financing. ii. Reschedule the March meeting date from March 8th to March 22nd. <p>3. Policy Update to Clarify RFTA Position on Natural Resources Extraction:</p> <p>a. At the November 2011 Board meeting, a proposed RFTA policy statement regarding the exploration and extraction of natural gas was presented to the RFTA Board for consideration. After discussion, the Board felt that the policy statement was too technical and, instead, a more general statement was preferred.</p> <p>b. Staff is proposing that the RFTA Board consider adopting the following “draft” policy statement which is more general in nature:</p> <ul style="list-style-type: none"> • <i>RFTA expects the gas and oil industry to adhere to industry best practices when exploring for, extracting, and delivering the energy resources upon which RFTA relies and, to the best of its ability, RFTA will attempt to do business with only those that do. Additionally, RFTA does not support exploration or drilling for natural resources in environmentally sensitive areas.</i> <p>c. Board Action Requested: Discuss, adopt, or modify and adopt the recommended policy statement.</p>
Policy Implications:	Board End Statement 1.7 states, “Trail and Transit Users Enjoy Environmentally Friendly Equipment and Facilities.”
Fiscal Implications:	Currently, staff estimates that capital costs associated with the incremental cost of CNG engine technology for 18 BRT buses, 4 CNG buses, fueling infrastructure, and facility safety modifications, are in the \$5m – \$5.7m range. However, staff also estimates that savings derived from using CNG as a fuel for 22 buses will more than offset these costs.
Backup Information?	No.

**RFTA BOARD OF DIRECTORS MEETING
“ACTION ITEMS” AGENDA ITEM SUMMARY # 7.B.**

Meeting Date:	February 9, 2012
Agenda Item:	Presentation – VelociRFTA BRT Project Update Action Item – Willits Underpass Financing Agreement (Conceptual Approval)
Presented By:	Mike Hermes, Director of Facilities & Trails and BRT Project Manager Dan Blankenship, CEO
Options:	Presentation – FYI with Question & Answer Session following Presentation Action Item – Approve or Not Approve Intergovernmental Agreement
Recommendation:	<ul style="list-style-type: none"> • Presentation – N/A – FYI only to inform Board of project progress • Action Item – Conceptually Approve Willits Underpass Financing Agreement
Policy #:	1.2.B.ii.b – Implementation of BRT by 2017
Core Issues:	<p><u>Presentation:</u></p> <p>BRT Project Status Update:</p> <ul style="list-style-type: none"> • Beginning in September 2011, RFTA staff began making brief presentations on the status of the VelociRFTA BRT Project rather than just including the status updates in the monthly CEO Report. • The monthly updates will allow staff to discuss current project issues and problems with the Board. • A written update is attached to this Agenda Item Summary and will be discussed at the February 9, 2012 Board meeting. <p><u>Action Item:</u></p> <p>Willits Underpass Financing Agreement:</p> <ul style="list-style-type: none"> • Staff is requesting that the Board provide conceptual authorization for the CEO to develop a Financing Agreement with the Town of Basalt and, potentially, the Willits developer, which would, in essence, allow RFTA to help cash-flow the construction of the underpass at the Willits BRT station in 2012, with subsequent repayment. • The Town and the Willits developer have committed approximately \$1.4 million to the construction of the underpass, which is the current cost estimate. However, the Town and the developer will not be able to supply their funding for the underpass project until 2013. Given that scenario, construction of the underpass would not be completed in time for RFTA to construct and open its BRT stations by September 2013, the planned opening date for VelociRFTA BRT.

	<ul style="list-style-type: none"> • Staff is proposing that RFTA advance the funding needed to enable all or a significant portion of the Willits underpass project to be completed in 2012, so that RFTA can complete the Willits BRT stations by September 2013. The estimated amount that RFTA would advance would be up to approximately \$1.2 million. This amount would be repaid in full by the Town and the Willits developer. • There are a number of details that would need to be worked out in an Agreement between the parties to assure RFTA that repayment would be made. RFTA would use a portion of the estimated \$6 million available in the fund balance in its BRT Special Revenue Fund to help cash flow the project. • Board Action Requested: Staff seeks conceptual authorization from the RFTA Board to proceed with developing the Willits Underpass Financing Agreement with the parties. It is anticipated that the Financing Agreement would be submitted to the Board for consideration at the March Board of Directors meeting.
Background Info:	<ul style="list-style-type: none"> • <u>Presentation:</u> See attached project update memo. • <u>Action Item:</u> See Core Issues above.
Policy Implications:	1.2.B.ii.b – Implementation of BRT by 2017
Fiscal Implications:	<p><u>Presentation</u></p> <ul style="list-style-type: none"> • N/A – FYI only <p><u>Action Item</u></p> <ul style="list-style-type: none"> • If the Agreement with the parties is ultimately approved, RFTA would pay up to approximately \$1.2 million in construction costs for the Willits underpass in 2012 and subsequently be reimbursed by the parties.
Backup Information?	<p><u>Presentation</u></p> <ul style="list-style-type: none"> • Yes. See attached project update memo. <p><u>Action Item</u></p> <ul style="list-style-type: none"> • No.

General Project Update

The VelociRFTA BRT project continues to move forward and is gaining momentum with the accomplishment of several milestones over the last few weeks. Since the January 2012 Board update, significant progress has been made on property acquisition and permitting/agreements with the Colorado Department of Transportation (CDOT), bids for construction services have been received and a contract is now being negotiated, a Notice To Proceed (NTP) has been given to Gillig for the purchase of 22 buses (18 BRT and 4 general fleet replacement buses), installation of the Automatic Vehicle Location / Computer-Aided Dispatch (AVL/CAD) system and testing of the Transit Signal Priority (TSP) system has begun, and RFTA's due diligence activities related to the potential conversion from clean diesel to Compressed Natural Gas (CNG) as a fuel source is still on schedule.

In addition, RFTA staff has continued to work with its local partners to make progress on outstanding issues related to several BRT stations, including Eagle County on the configuration and approval of the Park & Ride Lot at the Upvalley El Jebel BRT Station, the Town of Basalt on cash flow issues related to the Highway 82 underpass for the Willits BRT Stations, and Pitkin County on the final location of the Upvalley Aspen Airport Business Center (AABC) BRT Station.

It now appears that the critical path for the BRT project is shifting from land acquisition to completion of the local land use entitlements processes on which we now also seem to be making significant progress. RFTA is now concurrently moving multiple development applications through the land use approval processes in local counties and municipalities. While progress is being made, additional delays associated with the land use entitlements processes could affect the overall project schedule and the planned September 2102 VelociRFTA opening date. Additionally, protracted delays in obtaining approvals and permits could potentially expose RFTA to delay related claims from the construction contractor for the project. Therefore, staff is doing everything possible to expedite the land use entitlements process and, to this end, appreciates the cooperation and support of all the affected member jurisdictions that are helping us.

As we informed you in January, the ground breaking ceremony for the VelociRFTA BRT System is scheduled for Saturday, April 14, 2012 in Carbondale so please save this date in your calendar.

With 19 months remaining until the scheduled opening of the VelociRFTA BRT System, the pace of project activities will only continue to accelerate.

Property Acquisition and Community Development Update (outstanding issues by jurisdiction)

Glenwood Springs (27th Street BRT Station and Park & Ride Lot): RFTA continues to negotiate with the property owner for the acquisition of the property required for the 27th Street BRT Station and Park & Ride Lot. RFTA is unable to officially begin the community development process in Glenwood Springs until RFTA has legal ownership of the property.

Eagle County (El Jebel BRT Stations and Park & Ride Lot): RFTA, Eagle County, CDOT, Crown Mountain Recreation District and the Town of Basalt, continue to work together to develop a plan for making needed intersection improvements at El Jebel. A variety of alternative intersection designs were collectively developed by the parties, and Option 4b (see page 32 below) is generally considered to be the preferred alternative. As can be seen from the drawing, Option 4b will require RFTA to make an envelope available for a realigned Valley Road. The purpose of realigning the roadway system is to provide the necessary stacking distance for vehicles turning off of Highway 82 that want to access the commercial businesses, such as City Market.

RFTA staff acknowledges the valid safety concerns that make the proposed intersection improvements necessary and believes that Option 4b is the best of all of the options considered. To accommodate the envelope for the realigned Valley Road, staff is planning to redesign the BRT park & ride facility to eliminate

parking spaces where the road will be constructed in the future. As currently planned, the park & ride facility has 117 spaces, which would be reduced to 85 or 90 after the redesign.

Staff believes that the reduction in parking spaces to accommodate the realigned Valley Road also will reduce the forecasted vehicle trips generated by the park & ride to a number that will not exceed the threshold for which a CDOT access permit is required. By making provisions for the future roadway, RFTA should be able to move forward with constructing its park & ride. This concept was discussed with Federal Transit Administration (FTA) staff who expressed support for the plan. FTA support for the plan is crucial because it has a continuing interest in property purchased with Federal grant funds. FTA support for creating an envelope for the realigned Valley Road hinged on RFTA's ability to move forward with constructing the park and ride so that it can be opened in September 2013.

Staff has discussed this plan with personnel from Eagle County, CDOT, and Basalt, and everyone seems to be supportive of the direction RFTA is moving. Additionally, staff has pledged to continue working cooperatively with all of the parties to ensure that the intersection redesign process achieves a successful outcome.



Basalt (Willits BRT Stations): Please see discussion regarding the Willits Underpass Financing Agreement that staff is proposing above in the agenda summary for item 7. B on page 28.

Pitkin County (AABC – Aspen Airport Business Center BRT Stations): There are no significant new activities to report on at this time.

Construction Update

On January 24, 2012 RFTA received five (5) bids in response to its Invitation for Bids (IFB) for the construction of the BRT Stations, Park & Ride Lots and TSP improvements. We are pleased that the low bidder was a local construction firm, Gould Construction of Glenwood Springs. RFTA has issued a Notice of Intent to Award a contract to Gould based upon successful negotiation of a contract. Construction is scheduled to begin on the BRT System in March.

CDOT Access and Special Use Permits

We are pleased to report that we now have an executed Memorandum of Understanding (MOU) and Master Lease Agreement with CDOT for the BRT System and use of the Highway 82 corridor. RFTA also has received 19 special use permits from CDOT for the construction of the Highway 82 BRT stations and the Transit Signal Priority (TSP) highway improvements. The last 2 access permits required for the project cannot be processed by CDOT until RFTA has taken possession of the property in Glenwood Springs for the 27th Street BRT Station.

RFTA staff has continued to meet with CDOT staff to coordinate the testing and development of a TSP system for the BRT project. This will be the first TSP project in the CDOT highway system so both CDOT and RFTA have basically had to design, test and install the system from scratch. RFTA has ordered new two (2) new signal controllers for CDOT to use in the bench testing of the TSP system. We have agreed upon a method of testing and the criteria to establish when the system has passed the bench test and is ready to install in the field for testing.

At a TSP meeting with CDOT in February it was determined that the new components required for the TSP system will not fit in the existing signal cabinets so RFTA will need to upgrade these cabinets. The TSP working group also identified the need to do some public outreach to inform the public of how the new system will work and what they can expect to see RFTA buses doing differently as a result of the system. This outreach will also need to extend to law enforcement agencies in the Valley.

Quarterly Meeting with Federal Transit Administration (FTA)

On January 19th and 20th, RFTA hosted staff from the FTA Region 8 office in Denver for a quarterly meeting on the BRT project and a tour of the corridor. These on-site meetings will now occur every three months until project completion. The purposes of the quarterly meetings are to update FTA on progress and outstanding issues related to the BRT project, most notably budget and schedule, and to answer their questions. Overall, FTA seemed to be pleased with the progress that has been made on the project and RFTA's management of the project.

Some of the concerns expressed by the FTA included the lingering issues related to several BRT stations (AABC, El Jebel and Willits) at this late date in the project and RFTA's tight deadlines related to the decision-making process on whether to purchase clean diesel or CNG buses for the BRT system. The FTA staff expressed concern that the attempt to convert the BRT system to CNG this late in the process presents significant scheduling and financial risks to a project that already faces several other challenges. RFTA staff outlined the steps that are being taken to resolve each of FTA's concerns and the FTA staff felt that RFTA was on an appropriate course to resolve these issues.

The FTA staff did feel that the CNG conversion project is enough of a challenging effort that they instituted biweekly conference calls with RFTA to work through the issues related to CNG. The first of these biweekly calls was held on January 23rd. FTA staff members from both the Region 8 office and FTA headquarters in Washington, DC were on the call along with RFTA staff and RFTA consultant representatives from HNTB and Schmueser Gordon Meyer (SGM).

VelociRFTA BRT System Project Ground Breaking Ceremony

Our Ground Breaking ceremony on April 14, 2012 at the Carbondale Park & Ride Lot will be a public celebration for the entire Roaring Fork Valley of this wonderful, unique, first in the nation rural BRT system. May activities are planned for the afternoon so please plan to be attendance.

We have confirmation that the FTA Administrator, Peter Rogoff, plans to attend the ceremony and that the U.S. Secretary of Transportation, Ray LaHood, is trying to work the event into his calendar. All of our Congressional delegation has been invited to attend the Ground Breaking and the date of the ceremony was specifically scheduled for a recess period in the Congressional calendar. In addition, all of our State legislative delegation and State Executive branch officials have been invited to attend as well as all local government officials. RFTA will host a dinner for visiting dignitaries on the evening of April 13th and will provide transportation for them to and from the airport and their hotels to both events. RFTA has worked with hotels in Aspen and Glenwood Springs to secure special rates for our visitors.

As for activities at the Ground Breaking, we plan to have several tents with food, a band, a bouncy house for kids and live radio broadcasts by KSNO. RFTA's Bike Express bus and the newly wrapped Aspen bus will be on display. The Garfield County District Library will be on hand to tout their successful "Books on Buses" program that is supported by RFTA and representatives from a couple of local bike shops will be on hand to offer free bicycle tune-ups for visitors. In addition, we hope to have a display on the discovery of the "Snowmastadon".

We are also exploring ways to incorporate community education on RFTA, transit and the Rio Grande Trail into the Ground Breaking event. We are working with the DECA program at Glenwood Springs High School, the Roaring Fork High School football team and the Basalt High School Key Club to assist with educational activities for attendees, including kids.

Advertising for the event will include commercials and coverage from the KREX television station in Grand Junction as well as advertising on KUUR, KSPN and KSNO radio stations. Information will also be broadcast on Glenwood's Channel 12 and Grassroots TV, which is available from Carbondale to Aspen.

We are working with local businesses to secure financial sponsorships to minimize the cost of the event to RFTA.

A tremendous amount of planning and coordination will be required to pull off this event and we will keep you informed on our progress as the date of the Ground Breaking draws closer. While many RFTA staff members have been involved in the event planning and we thank all of them, a special thank you needs to be said to Dawn, Angie and Amy for their work on the event so far.

**RFTA BOARD OF DIRECTORS MEETING
 "ACTION ITEMS" AGENDA ITEM SUMMARY # 7.C.**

Meeting Date:	February 9, 2012
Agenda Item:	Comments on BLM Area Management Plan for Crown Mountain Area
Presented By:	Mike Hermes, Director of Facilities and Trails
Options:	<ol style="list-style-type: none"> 1. Provide recommendations on and/or additions to Draft RFTA Staff comments 2. Approve Draft RFTA Staff comments as written
Recommendation:	Provide recommendations on and/or additions to Draft RFTA Staff comments.
Policy #:	4.2.4 – Board Job Products – “The Board may take positions on transportation matters, including local, state or federal issues that affect the organization’s regional goals and the organization’s ability to achieve its Ends.
Core Issues:	<ul style="list-style-type: none"> • The Bureau of Land Management (BLM) is currently in the process of gathering public comment on an “Area Resource Management Plan” for the Crown Mountain parcel (the “Crown”) directly to the south of the Rock Bottom Ranch (RBR) section of the Rio Grande Trail. • RFTA is a stakeholder in this plan because the Rio Grande rail corridor borders the Crown Mountain BLM parcel and they share a common border at 3 points from just above Catherine Store to Rock Bottom Ranch. • Rob Comey, RFTA Rio Grande Trail Corridor Manager, has developed a set of draft RFTA comments to the BLM on the Area Resource Management Plan. The draft comments are included below. • RFTA staff requests that the Board review the draft comments and provide recommendations for additions or other changes to the comments before they are finalized and submitted to the BLM. • The purpose of the Area Resource Management Plan is to balance the interests of recreation, oil and gas exploration, wildlife and traditional cattle grazing on BLM property in the area. • Below is a list of issues that RFTA may wish to consider in its comments: <ul style="list-style-type: none"> ○ <u>Access</u>: The mountain biking community and motorized users of the Crown desire additional trails and access to the area and at least one connection from the Crown to the Rio Grande Rail Corridor has been proposed. These new connections could pose management problems for RFTA staff trying to enforce the seasonal closures of the Rio Grande Trail and the ban on motorized/mechanized vehicles. The topography of the Crown adjacent to the rail corridor is very steep and once someone descends from the top down onto the corridor it is very difficult to turn around and ascend again. Once on the valley floor, trail users of all varieties will be very tempted to use the Rio Grande Trail to exit the area. ○ <u>Seasonal closures</u>: The seasonal closure dates for the Crown do not match the seasonal closure dates for the Rio Grande Trail.

	<ul style="list-style-type: none"> ○ <u>Motorized/mechanized vehicles</u>: The groups representing motorized and mechanized vehicle users desire additional trails and access to the Crown and this increased use has the potential of adversely affecting the wildlife in the crown area. In addition, increased use of the Crown by motorized vehicles could create management problems for RFTA as these users find themselves on the Rio Grande Trail or they request more convenient access to the Crown via the rail corridor. ○ <u>Oil and gas exploration</u>: Oil and gas exploration has the potential to adversely affect the wildlife in the area and possibly create other unforeseen land management issues for RFTA. ○ <u>Impacts to wildlife</u>: Increased use of the Crown will undoubtedly have some impact on the wildlife in the area and may possibly confound RFTA's efforts to protect and preserve this area as critical wildlife habitat. At this time is difficult to know what these impacts may be or how they will affect the wildlife in the area but this is something RFTA should closely monitor and perhaps have Jonathan Lowsky include in his wildlife monitoring program.
Policy Implications:	The BLM's management of the Crown has the potential to impact RFTA's policies and procedures related to the management of the Rio Grande Trail and rail corridor and on wildlife management efforts in the corridor.
Fiscal Implications:	None at this time.
Backup Information?	Draft comments by RFTA staff (attached below)

“DRAFT”

RFTA Staff Comments to the BLM Draft Resource Management Plan – Zone I (“The Crown”)

Prepared by Roaring Fork Transportation Authority Rio Grande Trail Staff

Introduction

Bureau of Land Management Zone I public lands intersect the Rio Grande Trail Corridor in three locations between Catherine Bridge and Rock Bottom Ranch. These three contact points are all located in Garfield County and are in the northern-most portion of Zone I. RFTA staff comments are intended to reflect a joint approach at managing recreation users on both the adjacent BLM lands and the RFTA corridor in a manner which keeps wildlife impacts and user conflicts to a minimum.

Before any new trail connection or new use is proposed which will impact the Rio Grande rail corridor, RFTA staff suggests that the BLM consult the following relevant documents that govern the use of the RFTA corridor. This list may not be all inclusive of every document relevant to the management of the rail corridor.

1. Rio Grande rail corridor rail banking certificates and associated documents
2. Rio Grande rail corridor purchase agreements
3. Great Outdoors Colorado grant award documentation
4. Rio Grande Corridor Categorical Exclusion
5. Rio Grande Corridor Comprehensive Plan
6. Rio Grande Corridor Access Control Plan
7. RFTA Rio Grande Trail rules and regulations
8. RFTA Wildlife Management Plan

Background

The Rio Grande Trail is constructed within the rail corridor owned by the Roaring Fork Transportation Authority (RFTA). The rail corridor has been rail banked by RFTA and by order of the Surface Transportation Board. The trail is considered an “interim rail use” until such time as RFTA reestablishes a mass transit system in the corridor. All trail uses and trail connections to adjacent public and private lands are subservient to any future mass transit system RFTA may construct within the rail corridor. Any and all new trail connections to the Rio Grande Trail or any new management use of the Rio Grande rail corridor and trail must be approved by the RFTA Board of Directors.

The rail corridor was purchased in part with funds awarded from Great Outdoors Colorado. As a condition of the grant award, GOCO established twelve Conservation Covenant Areas within the corridor with the intent of preserving the ecological and wildlife attributes of these areas. The lands within these covenant areas are encumbered with certain restrictions which RFTA is obligated to honor. The portion of the Rio Grande Trail Corridor which bisects the Zone I parcel is located entirely in Conservation Covenant Area #6, and presently is subject to a seasonal closure to benefit wildlife as outlined below.

Specific Recommendations to the BLM regarding Zone I (The Crown)

With certain conditions outlined below, RFTA supports Alternative B.

1. All connections between Zone I ("The Crown") and the Rio Grande Trail Corridor should be categorized as *no less* restrictive than "Mechanized". This prevents the present situation whereby a motorized user will find themselves at the bottom of the hill faced with the non-motorized designation of the RGT Corridor. RFTA does not allow the use of motorized equipment regardless of power source in the Rio Grande Corridor, with the exception of specific OPDMD use by those with mobility impairment, and cannot support any trail connection that creates a situation where motorized users are likely to find themselves on the Rio Grande Trail.
2. RFTA and BLM seasonal closure dates should correspond as much as possible. RFTA recommends that the present BLM closure to motorized users which runs from December 1st to April 30th be extended to mechanized users. RFTA recommends that the closure dates be adjusted to November 15th to April 15th [see note below].
3. The present eastern connection between The Crown trail system and the RGT Corridor designated as "8325F – Rio Grande Trail connection" in management discussion should be re-aligned to get it off private land and constructed so as to be sustainable in use by equestrian, cyclist and pedestrian visitors.
4. RFTA may, upon approval by the RFTA Board of Directors, be open to a new trail connection between the northwestern-most portion of Zone I and the RGT Corridor if impacts to wildlife can be minimized. A collaborative process that includes the BLM wildlife management specialist, the Department of Wildlife and Parks, and RFTA is encouraged. A trail connection at this location will permit a loop experience during the spring-autumn season by Carbondale and down valley residents, and reduce the incidence of trespass in the RFTA corridor during the winter seasonal closure period by the same.
5. BLM trails which terminate at the RGT Corridor must be clearly signed at the closest trail junction to inform all users of seasonal closure periods and neighboring (i.e. RFTA) management use rules and guidelines (for example, "No Dogs").
6. Any changes to trail alignments that create a modification to intersection with the Rio Grande Trail and Corridor must be coordinated with RFTA to ensure a safe, sustainable and environmentally sensitive interface.
7. RFTA recommends no more than one or two trail connections between The Crown and the RGT Corridor in order to reduce impact to wildlife communities.

NOTE: A seasonal closure end date of April 15th is presently being considered for the eastern end of the RFTA seasonal closure area between the "Crown Gate" (AKA the Green Gate) and the "Rock Bottom Ranch Gate" (AKA the Animal Pen Gate). The April 30th end date would remain in effect for the area between the Crown Gate and the Catherine Bridge Gate to the west. The two-week earlier opening on the eastern 0.25 mile segment would permit egress for BLM public land users from the lower Buckhorn Trail to the Basalt and El Jebel communities.

Conclusion

The comments to the BLM included here will, if incorporated in the final Resource Management Plan, enhance public land access via the Rio Grande Corridor while preserving RFTA's goal of maintaining high quality wildlife habitat and a fully utilized transportation corridor in this portion of the Roaring Fork Valley.

Robert Comey
Rio Grande Trail Corridor Manager
Roaring Fork Transportation Authority
766 Industry Way
Carbondale, CO 81623
(970) 384-4975
rcomey@rfta.com



16 January 2012

**RFTA BOARD OF DIRECTORS MEETING
 "ACTION ITEMS" AGENDA ITEM SUMMARY # 7.D.**

Meeting Date:	February 9, 2012
Agenda Item:	Garfield Clean Energy Budget Request
Presented By:	Tom Baker, CLEER Dan Blankenship, CEO
Options:	Approve or not approve \$20,000 in RFTA funding requested by Garfield Clean Energy (GCE).
Recommendation:	Approve the \$20,000 funding request (which was included in RFTA's final approved 2012 budget). Also, please appoint a RFTA Board Member to represent RFTA on the GCE Board. Staff recommends that Jason White, Assistant Planner be appointed to be the Alternate GCE member, although the Board may wish to appoint another RFTA Board Member to serve as the Alternate.
Policy #:	4.2.5 Board Governance Process
Core Issues:	<ol style="list-style-type: none"> 1. At the January Board meeting the RFTA Board approved the Intergovernmental Agreement (IGA) with Garfield Clean Energy (GCE) which effectively made RFTA a member of the fledgling organization. 2. The Board did not approve the \$20,000 GCE budget request because questions were raised about whether GCE has bonding authority. Therefore, the RFTA General Counsel was asked to ascertain whether or not that was so. 3. Subsequently, the RFTA General Counsel consulted with the attorney for GCE and determined, per State statute and the IGA, that GCE does not have bonding authority. 4. The RFTA Board also asked that a Board member of GCE appear at the February 9 meeting to make the request for the \$20,000 in funding. 5. Greg Russi, Chair of GCE is expected to attend the RFTA meeting on February 9th, to make the \$20,000 budget request on behalf of GCE.
Policy Implications:	Board Job Products policy 4.2.5 states, "The Board will approve RFTA's annual operating budget (subject to its meeting the criteria set forth in the Financial Planning/Budget policy).
Fiscal Implications:	GCE/CLEER is requesting a \$20,000 funding commitment from RFTA in 2012. This amount was included in the final approved 2012 budget.
Backup Information?	No.

**RFTA BOARD OF DIRECTORS MEETING
 “PRESENTATIONS” AGENDA SUMMARY ITEM # 8.A.**

Meeting Date:	February 9, 2012
Agenda Item:	Rio Grande Trail (Rock Bottom Ranch to Catherine Store Road) Wildlife Monitoring Report - 2007-2011
Presented By:	Mike Hermes, Director of Facilities & Trails and BRT Project Manager Jonathan Lowsky, U.S. Fish and Wildlife Service
Options:	FYI with Question & Answer Session following Presentation
Recommendation:	N/A – FYI only to inform the Board and answer questions regarding the Wildlife Monitoring Report
Policy #:	1.1: The Rio Grande Corridor is Appropriately Protected and Utilized
Core Issues:	<ul style="list-style-type: none"> • At the Board meeting on January 9, 2012, RFTA staff informed the Board of the availability of the Wildlife Monitoring Report and the process we intend to follow to collect public comment and develop revised rules and regulations for the Rock Bottom Ranch section of the Rio Grande Trail, in order to continue to meet RFTA’s obligation and intention to protect wildlife in the corridor while addressing the recreational needs and desires of the citizens of the Roaring Fork Valley. • While the original schedule called for RFTA’s Wildlife Biologist, Jonathan Lowsky, to be in attendance to answer questions from the Board at the March 2012 meeting, we decided to have him make a presentation on the Wildlife Monitoring Report to the Board at the February 2012 meeting and be available to answer Board questions in both February and March. • In accordance with the schedule presented to the Board in January, RFTA began running advertisements in local newspapers on January 16, 2012 to solicit comments on the Wildlife Monitoring Report. RFTA has received one comment to date. The advertisements will continue to run through February 9th and the public comment period will close on February 24th. • The remaining schedule for the review process includes: <ul style="list-style-type: none"> ○ February 24, 2012 – Public comment period ends ○ March 8, 2012 Board Meeting – RFTA’s Wildlife Biologist, Jonathan Lowsky, will be in attendance to answer questions from the Board; RFTA staff will present public comments to the Board; Board comments and proposed policy modifications will be discussed ○ April 12, 2012 Board Meeting – RFTA staff presents recommended policy modifications; Board comments on and approves policy modifications; subject to any revisions. • For your reference, the Executive Summary of the 5-Year Wildlife Monitoring Report has been reprinted below. • The full report was too large to be included in the Board Agenda packet, so it has been posted on the RFTA website and it can be accessed by clicking on: (http://www.rfta.com/traildocs.html). Upon reaching RFTA’s website, please click on “Report” at the bottom right of the webpage.
Background Info:	See Core Issues.
Policy Implications:	1.1: The Rio Grande Corridor is Appropriately Protected and Utilized
Fiscal Implications:	Unknown at this time.
Backup Information?	Yes. See Executive Summary of the Wildlife Monitoring Report (below).

EXECUTIVE SUMMARY: 5-Year Wildlife Monitoring Report

In 2006 the Roaring Fork Transportation Authority (RFTA) began construction of a paved multiple use trail (the “RGT”) along the Rio Grande Railroad right-of-way that included a section that runs from the Aspen Center for Environmental Studies educational facility at Rock Bottom Ranch to the Catherine Store Road bridge (the “trail corridor”). In 2006, as construction progressed, it became apparent that the Rock Bottom Ranch segment of the trail would require a special wildlife management plan with rules and regulations to protect the area’s natural ecological resources. The RFTA Board directed staff to create a plan, policies and a monitoring plan to protect the ecological resources in the area. To accomplish this, RFTA hired Colorado Wildlife Science, LLC (CWS) to produce a Wildlife & Ecological Resources Management Plan (WERMP). The WERMP in combination with annual and 5-year monitoring reports were the results of this direction. The WERMP and monitoring reports also help RFTA fulfill its obligations to protect the area’s ecological resources as required by the Categorical Exclusion issued by the Federal Highways Administration (FHWA) for the construction of the Rio Grande Trail, and to Great Outdoors Colorado (GOCO) in connection with its participation in the corridor’s purchase

CWS prepared survey protocols for 5 wildlife groups: breeding birds, great blue herons, bald eagles, waterfowl, and mammals. CWS has monitored wildlife use of the trail corridor for 5 years, from 2007 through 2011. This report presents the survey methods, includes the results, evaluates the monitoring methods and makes recommendations for best management practices, mitigation measures, and determines whether continued monitoring is warranted.

Since 2007, 1,376 detections of 75 bird species were recorded during the monitoring period (2007-2011). Species known to be sensitive to human activity (e.g., blue-gray gnatcatcher, plumbeous vireo) and species requiring riparian habitat (e.g., gray catbird, yellow warbler) are present within the trail corridor in substantial numbers and population trends are not declining and may be increasing. Birds known to be insensitive to human activity (synanthropes) such as American robins, American crows, and black-billed magpies, have not increased within the trail corridor and their population densities appear to be stable.

The great blue heron colony at Rock Bottom Ranch has persisted and successfully fledged young in 2011. In 2009, golden eagle predation at the heronry was observed for the first time and caused a complete abandonment. Golden eagles predation continued in 2010 and 2011. In 2010 only one nest persisted, fledging 2 young. In 2011, fledglings were observed fighting off an eagle for the first time and although the eagle preyed on many of the young, 15-16 young successfully fledged. These events support our initial conclusion that the RGT did not cause abandonments but was more likely due to other factors.

Forty-three bald eagles and 9 golden eagles were recorded within the trail corridor. Observed activity was dominated by flying and perched with 6 observed actively hunting and 2 observed soaring high above the trail. Observations trended slightly upward but this relationship is not significant.

Mammal track surveys recorded 3,796 detections of 13 mammal species. The lowest number of individual tracks detected was in 2007-08 ($n = 840$) and the greatest number was in 2009-10 ($n = 1,052$). The mean number of track detections per year was 949 and the number of tracks recorded increased over the monitoring period. As expected, detections of elk and mule deer tracks were the most abundant. Voles and the long-tailed weasels that prey on them were 3rd and 4th most abundant, respectively. Bobcats, coyotes, mountain lions, mountain cottontails, pine squirrel, red fox, and rock squirrels were also among the species detected.

Results of the 5-year monitoring effort provide valuable information regarding the management of the trail corridor and status of wildlife within the corridor. In addition, the results suggest that some modifications to current monitoring methods will provide additional insight into wildlife responses to the trail. For the most part, it appears that current management strategies are exceeding expectations in minimizing the effects of recreation on the monitored wildlife community. Herons, songbirds, deer & elk, and other mammals all seem to have adapted to the increased recreational activity in combination with the winter closure. The species of waterbirds we expect to find within the corridor are indeed present and are benefitting from the winter closure as well. The

eagle monitoring reveals that wintering bald eagles continue to use the corridor but not whether use has changed over time. There is some evidence that bald eagles are using the corridor more in summer but that is likely a product of the increased breeding production in the Roaring Fork Valley. The winter trail closure is the most significant management measure in balancing the recreational and wildlife protection goals for the RGT. Closing the trail 2 weeks earlier, however, would likely benefit mule deer pushed down to the trail corridor by early snows.

Recommended changes to RFTA management of the trail corridor include: 1) Change the trail November 15th to benefit mule deer; 2) Create additional fence openings at RGT intersections with game trails; 3) Replace dead trees and augment trees planted to screen trail activity from heronry; 4) Continue to work with ACES/RBR to protect cottonwood suckers from ungulate herbivory; 5) Limit activities that alter the landscape, especially landscaping activities involving noisy machinery such as skid steers, power mowers, chainsaws between April 1 and June 1; and 6) Intensify efforts to control non-native plants and noxious weeds within the trail corridor, particularly Russian olive, reed canarygrass and cheatgrass;

Given the requirements of the Categorical Exclusion and public concern regarding the ecological resources of the trail corridor monitoring should continue. We recommend that the following monitoring efforts should continue with modifications (if necessary):

- 1) Cease track surveys –monitoring cameras sufficiently record use of the corridor by large and medium mammals year-round. Add 2 or 3 cameras to adequately monitor the entire corridor.
- 2) Continue monitoring birds via point-transects but conduct 2 transects per year to increase the number of detections per species so that population trends can be determined for more species.
- 3) Bald eagle surveys and great blue heron monitoring should continue as required by the Categorical Exclusion. Osprey monitoring can continue as part of the heron monitoring.

**RFTA BOARD OF DIRECTORS MEETING
“PRESENTATIONS” AGENDA ITEM SUMMARY # 8.B.**

Meeting Date:	February 9, 2012
Agenda Item:	Presentation – Covenant Enforcement Commission Report
Presented By:	Angela Kincade, Deputy BRT Project Manager
Options:	FYI with Question & Answer Session following Presentation
Recommendation:	N/A – FYI only
Policy #:	1.1.B. – Rio Grande Corridor Open Space is Protected
Core Issues:	<ul style="list-style-type: none"> • RFTA’s implementation of Great Outdoors Colorado (GOCO) requirement to manage and maintain the nine conservation areas along the Rio Grande Trail
Background Info:	<ul style="list-style-type: none"> • The Roaring Fork Railroad Holding Authority (RFRHA), with assistance from Great Outdoors Colorado (GOCO), Pitkin County Open Space and Trails, and the Colorado Department of Transportation (CDOT), purchased the Rio Grande Corridor, a 34-mile stretch of property running from Glenwood Springs to Woody Creek. • As part of the Purchase agreement, RFTA and GOCO agreed to place a covenant on approximately half of the corridor to preserve the “Conservation Values” on the property. • One of the requirements of GOCO was the formation of the Covenant Enforcement Commission (CEC). The CEC monitors management by RFTA of the conservation areas called out in the Comprehensive Plan for the corridor. • RFTA hires an independent consultant to survey the entire length of the Rio Grande Corridor and report potential violations of the nine designated conservation areas. • RFTA staff also prepares a report on the state of the rail corridor. • The CEC meets annually to review the both the independent consultant and staff reports to prepare recommendations for the RFTA Board of Directors.
Policy Implications:	N/A
Fiscal Implications:	N/A
Backup Information?	<ul style="list-style-type: none"> • 2012 Letter to the RFTA BOD by Walter Mathews (below) • 2011 RFTA Staff Report (below) • 2011 Roaring Fork Railroad Corridor Conservation Area Assessment (attached as .pdf document to Board Agenda)



Board of Directors
Roaring Fork Transportation Authority
1340 Main Street
Carbondale, Colorado 81623

February 9, 2012

Re: Annual Report of the Rio Grande Railroad Corridor
Covenant Enforcement Commission

Dear Directors:

On November 30, 2011, the Roaring Fork Transportation Authority Covenant Enforcement Commission (“CEC” or “Commission”) held a meeting to review the progress of the Roaring Fork Transportation Authority (“RFTA”) in enforcing the conservation covenants that apply to RFTA’s rail corridor. The members of the Commission are listed on an attached page.

The members of the CEC include one elected official from each of the entities that participated in the purchase of the rail corridor: Aspen, Snowmass Village, Basalt, Carbondale, Glenwood Springs and the counties of Pitkin and Eagle. The CEC also includes two at-large members of the Roaring Fork valley and one representative from each of Pitkin County Open Space and the Roaring Fork Open Space Special District. In addition, the Town of New Castle is always invited to participate with the CEC.

I would like to remind you why the CEC member from the Roaring Fork Open Space Special District is not listed among the members of the CEC. The Open Space Special District (the District) was formed in 2000 by a majority vote of the District’s electors. However, the electors failed to approve a companion ballot measure that would have provided taxes to fund the District. So, although the District was formed, it has no funding. Consequently, the District does not wish to participate in the Covenant Enforcement Commission until such time as the District is funded.

Background of the CEC

The rail corridor was initially purchased on June 30, 1997, by the Roaring Fork Railroad Holding Authority (“RFRHA”), a consortium of Roaring Fork Valley Governments. Additional contributors to the Corridor purchase were Great Outdoors Colorado (“GOCO”) and the Colorado Department of Transportation (“CDOT”). When the Roaring Fork Transportation Authority was formed by voter approval in 2000, the operating plan

included absorption of an existing transit system, and absorption of RFRHA. In 2001, RFRHA was dissolved and its assets, liabilities and obligations were transferred to RFTA.

Initially the Corridor was held subject to a Conservation Easement administered by the Aspen Valley Land Trust. However, when a Comprehensive Plan was developed for management of the Corridor it was determined that many portions did not contain the attributes described as “conservation values” warranting protection under the conservation easement. Subsequently, RFRHA entered an amended agreement with GOCO to change the Conservation Easement to a Conservation Covenant. One of the requirements of GOCO for removal of the Conservation Easement was the formation of the CEC. The CEC monitors management by RFTA of the conservation areas called out in the Comprehensive Plan.

In 2002, RFTA hired an independent consultant to survey the entire length of the Corridor and report on potential violations of the Conservation Covenants. The same consultant, Newland Project Resources, was hired to assess the Corridor in 2003 through the present. The report for 2011 was submitted to the CEC and the Commission was able to review and question in detail each potential violation cited in the report.

Summary Findings of the CEC for 2011

The following is a summary of the findings of the 2011 Corridor Assessment Report (the full report is included with this letter):

The 2011 report found generally acceptable or improved compliance with the terms of the Conservation Restriction Covenant; however, three (3) new violations were identified. One violation involves trash from the highway being trapped along an Elk fence. The second violation is the construction and installation of a crossing with stairs located at the Roaring Fork Club. The third violation involves debris from an old culvert was left on the Trail. In addition, there is still a previous violation involving a berm and a structure which are encroaching on the south side of the corridor.

Conclusions of the CEC

- Overall the corridor is in good condition. The Trail is well used and maintained. As you may recall there was a mudslide that occurred, however RFTA has taken great measures to make that section of the Trail safe and accessible to the public.
- RFTA staff will monitor the trash and debris in the area labeled, Conservation Area # 3 in the CEC Report and work with CDOT to keep the debris clear from this area.
- RFTA staff has approached the Roaring Fork Club and obtained a verbal commitment from the Club to remove the steps and vegetate the areas in the spring of 2012.
- RFTA staff has removed the old culvert debris sections from the corridor.
- The RFTA Board should revisit the leases for the railcars and yellow storage shed near Woody Creek, since one of the railcar owners has not signed the lease. In addition, persons accessing the railcars have to drive on the trail and it is dangerous to trail users. If possible, the railcars should be removed from the Corridor.
- Regarding the remaining violation (the landscape berm and outbuildings along Hook’s Spur Road), the RFTA Board should revisit the issue of removal of the specified structures or relocation to the corridor

boundary. Removal or relocation would be consistent with the narrow latitude offered by the GOCO legal agreement initially signed on to by RFRHA in 2001. In addition, this approach is believed to best preserve the physical and conservation integrity of the public lands within the corridor.

The CEC made several specific recommendations about individual violations that will be implemented by staff.

In closing, a copy of the final 2011 CEC Report is included with this letter. Please don't hesitate to contact me or any of the members of the CEC listed on the following page with any questions.

Sincerely,

The Roaring Fork Railroad Corridor Covenant Enforcement Commission
By Walter Mathews, IV
General Counsel

Inclusions: 2011 Corridor Assessment
List of CEC members

RFTA COVENANT ENFORCEMENT COMMISSION 2012

APPOINTED

Mr. Adam Frisch
City of Aspen Council Member

APPOINTED

Mr. Michael Owsley
Pitkin County Commissioner

APPOINTED

Mr. John Hoffman
Town of Carbondale Council Member

APPOINTED

Mr. John Wilkinson
Town of Snowmass Village Council Member

APPOINTED

Mr. Matt Steckler
Mayor of City of Glenwood Springs

APPOINTED

Ms. Sara Fischer
Eagle County Commissioner

APPOINTED

Jacque Whitsitt
Town of Basalt, Councilor Member

APPOINTED

Mr. Paul Holsinger
Pitkin County Open Space and Trails

APPOINTED, New Castle joined RFTA in 2005

Mr. Frank Breslin
Mayor of Town of New Castle

APPOINTED

Mr. John Krueger
Aspen Transportation Department

AT LARGE MEMBER

George Trantow



November 2, 2011

Staff Report and Summary – Conservation Covenant Area Assessment

- **General Comments:**

The Conservation Covenant Area assessment report prepared by Tom Newland of Newland Project Resources for 2011 identifies compliance and potential violations as described within the Conservation Restriction Covenant. The nine conservation areas and the locations of activities and potential violations are described based on the Rio Grande Trail mile marker numbering system and the railroad mile post system. The Conservation Restriction Covenant document identifies nine specific classes of potential violations. Tom's assessment found three new violations in the categories of New Crossings, Trash and Other.

A discussion of the potential violations follows.

- **Category (3) New Crossings:**

A new crossing was documented in Conservation Area #7 (see photos below).

The excavation of the embankment and installation of stairs was done without RFTA's consent, and presumably without a permit from Pitkin County. RFTA staff had made contact with the management staff of the RFC in 2009 regarding a fencing matter of an irrigation distribution box adjacent to the trail, so presumably they knew who to call but just didn't make the effort to do so. Based on a discussion with Pitkin County Open Space and Trails Stewardship Manager Gary Tennenbaum, Pitkin County was not contacted by the Roaring Fork Club regarding this project.

As a final resolution of this encroachment, staff recommends that the stairs be removed and the embankment rehabilitated including replacement of suitable soil and reseeding according to the appropriate Pitkin County standards, however until RFTA legal counsel approves this action, RFTA staff will take no action to resolve the matter but will continue to monitor this and other similar situations.



View of path constructed at Roaring Fork Club across trail from staircase



View of staircase constructed at Roaring Fork Club photographed from trail



View of RFC staircase photographed from top of stairs looking toward the RGT.

- **Category (9) Other**

Conservation Area # 6. Refer to photos below.

The following text is drawn verbatim from the 2010 report:

“The fence, berm, irrigation system and out building noted in area 6 involve a landowner who has been approached regarding these corridor incursions in prior years and provided RFTA with a letter stating their willingness to remove the berm and fence, but who so far has taken no action to rectify the situation. Staff recommendation is that the berm, fence and barn be removed or relocated back onto the adjacent landowner’s property for the following reasons: first, the structures restrict the access of the public to public lands; second, the structures are inconsistent or are maintained in a fashion that is inconsistent with the general character of a rural environment embodying significant conservation values; and third, the structures present a negative impact on the use of this public property by wildlife.”

Staff recommendation remains unchanged for the 2011 report.

The area in question describes an unlicensed encroachment by the adjacent property owners AKA Smith/Irwin. This is a high-profile and high-priority encroachment which has not been acted upon pending resolution of another possibly precedent setting encroachment elsewhere along the corridor. It may be several years before RFTA has the capacity to resolve this particular encroachment satisfactorily.



View of berm and old fence gate located in corridor at Smith/Irwin property looking east



View of red barn and berm in the corridor looking east; property line runs along right edge of barn.



View of berm, fence, outbuilding and red barn looking west. Everything is encroaching in the RFTA corridor.

- **Category (7) Trash:**

Trash was mentioned as a minor violation in Conservation Area #1 just up valley from the City of Glenwood Springs boundary. This area gets a significant – and perennial - amount of “blow off” of trash from SH82. There is presently an Adopt-a-Trail group doing litter pick up on this stretch twice a year. A litter cleanup was most recently completed during the second week of October, after the annual report field survey was completed.

The other area where trash has become a problem is along SH82 in Conservation Area #3 where trash blown off of the highway is getting caught up in the wildlife fence that runs adjacent to the trail. Staff is not presently maintaining the highway-side of the fence due to the fact that the only access is from a particularly narrow shoulder on SH82 bounded by a guardrail atop a steep slope. This is an unfortunate by-product of the installation of this eight foot fence and, clearly, safety trumps litter pickup in this case. Staff will continue to clean up what gets caught in the fence or finds its way adjacent to the trail. Anything on the highway side of the fence ought to be the purview of the CDOT Adopt-a-highway program.

The third and final area of trash involves parts of an irrigation culvert disposed of next to the trail 1/10th of a mile up-valley from the rail cars in Conservation Area #9. Staff will remove this material at the next available opportunity (see photos).



View of new culvert and ditch to left; old culvert parts lie beyond the big tree on the berm to left of ditch.



Old culvert parts dumped along ditch as photographed from trail Treadway.

- **Conclusions:**

Staff has taken note of the new encroachment at the Roaring Fork Club and will initiate action to resolve as soon as RFTA counsel gives the go ahead. The landscape berm and outbuildings along Hook's Spur Road remain from initial reporting in 2009. Again, no action will be taken beyond documentation of the encroachment until staff is given appropriate guidance by RFTA counsel. Other violations are relatively minor and will be resolved as soon as weather permits.

**RFTA BOARD OF DIRECTORS MEETING
INFORMATION/UPDATES AGENDA SUMMARY ITEM # 9.A**

CEO REPORT

FYI

TO: RFTA Board of Directors
FROM: Dan Blankenship, CEO
DATE: February 9, 2011

Encana Community Investment Grant: As reported at the January 12th Board meeting, RFTA applied for and received a \$365,000 Community Investment Grant from EnCana. The grant funds are intended to defray a portion of the incremental cost of upgrading 22 buses to operate on Compressed Natural Gas (CNG). ***A formal award presentation is scheduled directly after the Board of Directors' meeting on February 9th or at approximately 12:30 p.m. Lunch will be served at this time and all RFTA Board members are invited to stay for the ceremony and the lunch.***

December Year-to-Date Ridership Report

Service	YTD	YTD	Variance	Variance
City of Aspen	1,066,181	1,104,133	37,952	3.56%
Regional 82 Commuter	1,764,258	1,875,380	111,122	6.30%
Grand Hogback	60,745	62,790	2,045	3.37%
Aspen Skiing Company	456,769	494,065	37,296	8.17%
Ride Glenwood Springs	424,455	448,602	24,147	5.69%
X-games/Charter	33,788	33,906	118	0.35%
Senior Van	4,168	3,900	(268)	-6.43%
MAA Burlingame	32,017	30,581	(1,436)	-4.49%
Maroon Bells	78,916	84,548	5,632	7.14%
Total	3,921,297	4,137,905	216,608	5.52%

Chief Operating Officer Update – Todd Horsley, Chief Operating Officer

- Monthly Action Item Update. The following is a status update on action items from the January 12, 2012 Board meeting:
 1. Schedule meeting between Sara Fisher, Michael Owsley and Dan Blankenship to discuss El Jebel Park & Ride Lot (Sara Fisher)
 - **COMPLETE** – Meeting was held immediately after Board meeting on January 12, 2012.
 2. Request for Walt Mathews to consult with legal counsel for Garfield Clean Energy (GCE) to discuss TABOR issues raised by Board and report to Board at February 9, 2012 meeting (Sara Fisher)
 - **COMPLETE** – Walt discussed this issue with GCE's legal counsel, Jim Neu, and a report is provided in the documentation for Item #7.A on this Board agenda. Walt can also answer questions at the Board meeting on February 9, 2012.
 3. Request for Board member(s) of Garfield Clean Energy (GCE) to attend February 9, 2012 RFTA Board meeting to answer questions about proposed Intergovernmental Agreement between RFTA and GCE (Steve Skadron)

- **COMPLETE** – Board members from GCE will attend the RFTA Board meeting on February 9, 2012 to answer questions.

4. Analyze and report on budget impact of Burlingame employee housing units (John Wilkinson)
 - **COMPLETE** – Requested housing analysis is included below in the CEO Report for the Board meeting this month on page 56.

➤ The following is a status update on open action items from previous Board meetings:

1. Determine a site for the placement of a Port-A-Potty at the Basalt Park & Ride Lot (George Newman)
 - **IN PROGRESS** – To date, RFTA staff has been unable find a suitable location for a Port-A-Potty at the Basalt Park & Ride. We will keep continue to work on this effort and report back to the Board as soon as a final decision has been made.
2. Update current RFTA policies to clearly reflect RFTA’s position on responsible extraction of natural gas (Michael Owsley and Jacque Whitsitt)
 - **COMPLETE** – Proposed policy revisions will be presented to the Board for consideration at its meeting on February 9, 2012.
3. Investigate contribution to the Town of Carbondale for use of Town Hall for Board meetings (Michael Owsley)
 - **IN PROGRESS** – Dan Blankenship has contacted the Town of Carbondale about this and will report to the Board on it at a later meeting when a decision or purchase is made.
1. Provide a legal opinion on how a Board member may participate in a decision related to a Transit Joint Development (TJD) project if the TJD project is located in his or her jurisdiction (John Wilkinson)
 - **IN PROGRESS** – Walter Mathews will provide the requested legal opinion to the Board at a future meeting prior to any decisions related to TJD projects being presented to the Board.
2. Staff from RFTA and other jurisdictions along Rio Grande Corridor to meet to determine strategy and plan for updating Corridor Comprehensive Plan and developing a Corridor Mission Statement (Michael Owsley)
 - **IN PROGRESS** – Appropriate RFTA staff will meet with other jurisdictions along the Rio Grande Corridor on this issue and will report back to Board at a future meeting.
3. Staff from RFTA and City of Glenwood Springs to meet to determine strategy and plan for Union Pacific easement in Glenwood Springs wye area and present strategy and plan to RFTA Board for approval (Michael Owsley & Ted Edmonds)
 - **IN PROGRESS** – Appropriate RFTA staff will meet with City of Glenwood Springs on this issue as soon as possible and will report back to Board at a future meeting. Dan Blankenship and Ted Edmonds met on August 22, and Dan Blankenship and Jeff Hecksel, Glenwood Springs City Manager, met on September 12 to discuss these issues in advance of discussions between RFTA and City staff.
4. Research future establishment of Energy Manager position at RFTA (Michael Owsley)
 - **NOT YET STARTED** – Dan Blankenship and Mike Hermes will research the need for this position and will report to the Board at a future meeting. The position is not included in the 2012 RFTA Budget.
5. Establish Citizens Committee comprised of people with physical disabilities to advise RFTA on transit and trail issues (Michael Owsley)

- **NOT YET STARTED** – Dan Blankenship, Todd Horsley and Walter Mathews will research requirements for the advisory committee and will present a recommendation to the Board at a future meeting.
9. Research and provide information on the feasibility of allowing the Early Childhood Council to utilize the Traveler for transportation (*John Hoffmann*)
 - **DEFERRED** – Dan Blankenship, John Hoffmann and Todd Horsley met to discuss this issue on June 30, 2011 and decided to investigate it with Garfield County before discussing it with the RFTA Board.
 10. Request for sample job description for a potential RFTA Public Transit Officer position and staff recommendation on establishment of RFTA Public Transit Officer position (*Michael Owsley & Jacque Whitsitt*)
 - **IN PROGRESS** – Research is underway and staff will provide the requested information at a future Board meeting. This will likely be done in conjunction with the Rio Grande Trail comprehensive plan update (Item #2 above).
 11. Hold public hearings on E-Bike usage on Rio Grande Trail following development of recommendation by committee of local jurisdictions along the trail (*Michael Owsley*)
 - **IN PROGRESS/DELAYED** – Item to be included on a future Board meeting agenda when the committee finalizes its recommendations. RFTA has conducted the ADA assessment required by new DOJ regulations and the RFTA Board approved interim rules for trail use on May 9, 2011. The next step is to develop draft trail rules with the other local jurisdictions along the trail that can be reviewed by the public and subjected to a public hearing. Interim rules adopted on May 9, 2011 will remain in effect at least through the upcoming 2011-12 winter season.
 12. RFTA staff needs to review or develop policy for financial contributions to nonprofits or other organizations seeking RFTA funds (*Jacque Whitsitt*)
 - **IN PROGRESS** – Policy remains under development.
 13. Meet with City of Glenwood Springs to discuss water use at GMF and City shop adjacent to GMF and develop MOU on joint responsibilities (*Michael Owsley & Bruce Christensen*)
 - **IN PROGRESS** – Mike Hermes and I met with Robin Millyard (City of Glenwood Springs Public Works Director) and Buddy Burns (City of Glenwood Springs Water/Wastewater Program Director) on February 1, 2011. We agreed on the contents of an MOU but it was not finalized. The City of Glenwood Springs is now having some similar problems at their shop adjacent to the GMF so the contents of the MOU will likely need to be changed before execution to reflect the most recent conditions.

Facilities and Trails Update – Mike Hermes, Director of Facilities and Trails

Facilities and Bus Stop Maintenance

➤ **Glenwood Maintenance Facility (GMF):**

- Pigeon Problems

The canopy over the bus parking shelter at the GMF has become home to a large number of nesting pigeons. RFTA staff has tried a variety of methods and products over the years to discourage the pigeons from roosting under the canopy but they have managed to foil all of the mechanical deterrents we have tried. The pigeon population has reached the point where the nesting activities and guano from the birds is beginning to deteriorate the protective coating on the steel structure of the canopy and causing the steel to rust. If we do not find a way to prevent the pigeons to cease roosting under the

canopy and clean out the mess they have created the result could be structural damage to the canopy and expensive repairs to the structure.

We have recently been investigating the next level of control methods to manage the pigeon problem. The most effective method seems to be to hang a net under the entire canopy to physically prevent the pigeons from getting into the canopy rafters to nest. The current cost estimate for this solution is approximately \$18,000, but there could be some additional cost to recoat the existing structure once the pigeons are removed and any damage can be assessed.

- **Aspen Maintenance Facility (AMF):** There are no significant updates at this time related to the AMF.
- **RFTA Employee Housing:** There are no significant updates at this time related to RFTA Employee Housing by the Facilities Department. However, at the January 2012 meeting, the RFTA Board requested a financial analysis of RFTA Employee Housing by the Finance Department, which is included below. Although RFTA is fully staffed, a significant number of vacancies have occurred in RFTA Employee Housing units because there is an abundance of rental housing available in the region. Additionally, due to the high rate of unemployment, RFTA has been successful at recruiting people from the local area who already have housing available. Staff will undertake an analysis of options available to reduce the net outflow associated with RFTA Employee Housing for presentation at the March 8th Board meeting.

RFTA Housing		2012 Budget*	2012 Projection*	If 100% Capacity*
Revenues				
Carbondale (Main St)		\$ 40,000	\$ 41,000	\$ 58,000
Parker House		\$ 85,000	\$ 64,000	\$ 154,000
Burlingame		\$ 67,000	\$ 48,000	\$ 155,000
Total Revenue	<i>a</i>	\$ 192,000	\$ 153,000	\$ 367,000
Operating Expenditures				
Carbondale		\$ 16,000	\$ 16,000	\$ 31,000
Parker House		\$ 35,000	\$ 35,000	\$ 67,000
Burlingame		\$ 132,000	\$ 132,000	\$ 132,000
Total Operating Exp	<i>b</i>	\$ 183,000	\$ 183,000	\$ 230,000
Debt Service Expenditures				
Parker House (P&I)	<i>c</i>	\$ 173,000	\$ 173,000	\$ 173,000
Net inflow/(outflow)	<i>a-b-c</i>	\$ (164,000)	\$ (203,000)	\$ (36,000)
<i>* Rounded to 1,000</i>				

- **RFTA Bus Stops and Park & Ride Lots:** There are no significant updates at this time related to RFTA bus stops or Park & Ride lots.
- **New Castle Park & Ride:** Due to the BRT and CNG projects, no procurement activity has been undertaken for the grading of the New Castle park & ride lot at this time. Staff is review options for accelerating this project and hopes to be able to provide a verbal update at the February 9th Board meeting.

Rio Grande Trail and Corridor

➤ **Ragnar Relay Race, “Ride the Rockies” and Special Events Policy**

- A request to utilize the Rio Grande Trail for the Ragnar Relay Race, a relay running event for about 250 people on July 27-28, 2012 has been received. RFTA staff has reviewed the details of the request and has determined that the event is appropriate for the trail and should have minimal impact on trail users. It is our understanding that event participants will overnight in Carbondale and that the Town of Carbondale is working with event organizers to allow participants to camp in town. Unless there are no objections or concerns by the Board, we plan to approve this event for the Rio Grande Trail on July 27-28, 2012.
- The “Ride the Rockies” organization has approached RFTA about using the Rio Grande Trail for its 2012 ride. With Board concurrence, RFTA staff approved this event in 2011. We are not aware of any issues that resulted from the 2011 event that utilized the trail. At this time we do not have the 2012 event dates or other details. The “Ride the Rockies” event is probably one of the most organized and professionally managed events in the state, and given the publicity and economic benefits the Roaring Fork Valley derives from this event, we plan to approve this event for 2012 unless there are objections or concerns by the Board.
- The recent requests that RFTA has received to hold special events on the Rio Grande Trail has highlighted the need to revise RFTA’s current special event policy and approval process for the Rio Grande Trail. The current special event policy and approval process was written without the benefit of a great deal of real world experience managing special events and recent experience has revealed that the current policy and process is inadequate. It is our intent to revise the current Rio Grande Trail special events policy and approval process and bring them to the Board for discussion and concurrence at a future Board meeting.

Planning Department Update: *David Johnson, Director of Planning*

(Please see the Planning Department Update that is an attachment to the e-mail transmitting the February RFTA Board Meeting Agenda in a separate pdf document.)