



HISTORICAL DOCUMENTATION RELATED TO THE ACQUISITION AND MANAGEMENT OF THE RFRHA/RFTA RAILROAD CORRIDOR AND THE RIO GRANDE TRAIL WITHIN THE RAILROAD CORRIDOR

1969 - Pitkin County acquired the railroad corridor segment from Woody Creek to Aspen

1991 - In September of 1991, eight local governmental entities resolved to purchase the Aspen Branch of the Denver & Rio Grande Western railroad right-of-way from the Southern Pacific Transportation Company to preserve the corridor as a public asset. Pitkin County, Eagle County, Garfield County, City of Aspen, City of Glenwood Springs, Town of Snowmass Village, Town of Basalt and Town of Carbondale.

1991 – Southern Pacific Telecomm/Qwest/CenturyLink has an easement for the installation, maintenance and operation of an underground fiber optic communications cable. The 10' easement parallels the rail bed, predominantly on the north side, with an average offset between 6' and 8' from the nearest rail. The continuous easement begins at 23rd Street in Glenwood, running upvalley the length of the property to Woody Creek and beyond.

1994 - In December of 1994, the eight local governments signed an Intergovernmental Agreement to purchase the property. The urgency of the purchase was realized when the merger of Southern Pacific and Union Pacific railroads was announced. With the dissolution of Southern Pacific, Union Pacific could have abandoned the rail corridor and the land reverted to possible residential and commercial development. The result would have been the loss of the corridor and any opportunity to preserve it for recreational and transportation use.

Aside from the immediate need for preservation, issues and opportunities that prompted the purchase of the corridor included

- 1) Using the corridor as a potential transportation solution for increasing and long-term traffic congestion in SH82.
- 2) Creating a continuous non-motorized recreation trail along the corridor
- 3) Developing environmental and wildlife educational programs and enhancing access to public lands and the Roaring Fork River.
- 4) Providing additional river access and parking on public land to continue and expand the use of this resource. **Developing an integrated transportation and recreation solution to future problems before they were even fully realized.**

1996-10-03 – Southern Pacific sells all of its interests in and related to common carrier obligations on the Aspen Branch to RFRHA for \$8.5M subject to the railroad easement and all prior leases and agreements, includes mineral rights and water rights, interest in leases, permits, easement and agreements, all fixtures attached to the real estate.

1997-06-28 – Southern Pacific(SP)/Denver & Rio Grande Western Railroad(D&RGW)/Union Pacific Railroad (UPRR)

–Conveys all interest in the Aspen Branch along with rails, ties, ballast, etc., reserving rights under the Qwest easement and reserving a perpetual **exclusive freight rail easement**, through the WYE and **non-exclusive easement through the WYE for passenger rail**.

1997-06-28 – Shared Use and Pedestrian Walkway Agreement between SP/D&RGW/UPRR and RFRHA allows RFRHA to conduct passenger and freight rail operations on the WYE and allows RFRHA to install two pedestrian walkways OVER the WYE

1997-06-28 – Assignment, Assumption and Indemnification on Agreement – SP and RFRHA – Assigns all SP’s interests in leases and other agreements related to the Aspen Branch to RFRHA

1997-06-30 – SP, Qwest/CenturyLink and RFRHA – Qwest conveys back to SP its rights to create multiple longitudinal easement areas within the Aspen Branch or grant subtenants rights to install facilities; preserves rights to construct facilities in 5000SF area within the WYE; RFRHA has relocation rights at ITS expense

1997 - June 30, 1997 – First Amended and Restated IGA, the Roaring Fork Railroad Holding Authority (RFRHA), a public entity created in 1994 by the towns and counties within the Roaring Fork Valley, purchased the Aspen Branch of the Denver & Rio Grande Western Railroad right-of-way from the Southern Pacific Transportation Company. Garfield County withdraws from RFRHA but still contributes funds towards the acquisition of the Railroad Corridor. This leaves seven remaining members of RFRHA. The \$8.5 million purchase was funded by a consortium of state and local interests including Eagle County, Pitkin County, the City of Aspen, the City of Glenwood Springs, the Town of Snowmass Village, the Town of Basalt, the Town of Carbondale, the Eagle County Regional Transportation Authority, the Pitkin County Open Space and Trails Program, the Colorado Department of Transportation and the Great Outdoors Colorado Trust Fund.

RFRHA agrees to develop a Comprehensive Plan that outlines management of the Railroad Corridor within two years of the signed IGA. The plan was to include the following:

1. A listing and description of possible uses for the property, including but not limited to such improvements necessary to place and operate a public transportation system. Public Trail. And/or access to public lands:
2. A detailed improvements and operations plan for the ultimate preferred use(s) on the property, including a recommended management and funding strategy; and
3. An interim plan which incorporates the interim use of the rail corridor for a temporary trail following approval from the Surface Transportation Board (STB) of a Notice of Interim Trail Use (NITU) pending the re-establishment of rail service.

Pitkin County Contributes an additional \$500K for a 20’ trail easement from Emma to Woody Creek. Pitkin County agrees to bind its portion of the Property to the conditions of the 1997 First Amended and Restated Intergovernmental Agreement, provided that the existing conditions and policies concerning this portion of the Property are kept in force until such time that the Agreement expires or a Comprehensive Plan for the Property is approved. This Amended Intergovernmental Agreement shall not be construed or interpreted as a conveyance of the Pitkin County property described above to the Roaring Fork Railroad Holding Authority.

1997-06-20 – The Colorado Department of Transportation (CDOT) signs an IGA with the Pitkin County and the City of Aspen to contribute \$3M towards the acquisition of the Railroad Corridor. CDOT understood that the Railroad Corridor was an integral part of any comprehensive multi-modal transportation solution for the Roaring Fork Valley. As such,

CDOT agreed to work with RFRHA on studies that needed to be completed to advance a final set of preferred transportation solutions for the valley. The plan was to include a transportation master plan with emphasis on the future use of the rail line and to install some type of multi-modal transportation system on the Corridor by 12-31- 2020 or pay back CDOT the full \$3M without interest. The Rio Grande Trail met the intent of a multi-modal system.

1997-06-30 – Legacy Project Grant from Great Outdoors Colorado (GOCO) \$2M - The Grant agreement places a conservation easement on the entire 33.4 mile Corridor and adds a requirement for an organization like the Aspen Valley Land Trust to oversee the Corridor and report back to the GOCO Board on RFRHA’s management of the Corridor. Some concerns are raised about the ability to utilize the Corridor for mass transit if the entire corridor were under a conservation easement causing RFRHA to work to amend the original grant agreement. Failure to adhere to the requirements of the grant agreement will trigger a repayment of the grant funds + 8% per annum from the time the funds were dispersed to RFRHA.

1998-06-25 – Wingo Junction Easement Agreement between RFRHA and CDOT. CDOT wants to widen the highway at Wingo Junction from 2 lanes to 4 lanes and lower the highway grade 12’ below the existing railroad grade to accommodate a new elevated railway grade. If at any time after the installation of the improvements, any law, state or federal, or any officer or regulatory board or commission, state or federal, having jurisdiction, shall require any alterations, changes of said improvements, or any additional safeguards, protections, signals or warnings, the same shall be constructed, maintained and operated at the sole expense of CDOT.

1998-10-16 – Due to the potential costs associated with continuing to provide freight service on the rail line if demanded by shippers, RFRHA files for an Abandonment Exemption with the Surface Transportation Board (STB), successor to the Interstate Commerce Commission (ICC) the federal agency tasked with federal oversight of rail lines, to terminate common carrier obligations consistent with preserving (railbanking) the Rail Line under 16 U.S.C § 1247(d) and the issuance of a Notice of Interim Trail Use (NITU), subject to the reactivation of freight rail service. The NITU afforded RFRHA all of the rights, privileges, and obligations of an active freight rail operator, without the requirement to provide freight rail service. The STB also conferred upon RFRHA the rights to reactivate freight rail service.

1999 - D&RGW RR (5EA198/5GF1661/5PT123) West Glenwood Springs to Pitkin Co Airport is determined to be eligible for listing on the National Register of Historic Places, giving the Railroad Corridor a 4F historic designation and requiring some form of environmental process to review potential adverse effects on historic properties when considering use of the asset. There is still some confusion about how and when this should be applied to the projects involving the Railroad Corridor. Staff is in the process of attempting to seek clarification from the State Historic Preservation Office (SHPO).

1999-06-20 – The STB grants RFRHA an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon the 33.4 mile rail line, as well as a NITU, historic preservation, environmental, and employee protective conditions. The STB provides oversight of railbanked corridors. This conveys all the rights of and active rail line status without the requirement to provide freight service and to allow construction of an interim trail system until RFRHA reinstitutes some form of mass transit on the Corridor.

2000-02-03 – RFRHA Comprehensive Plan is completed. The Comp Plan includes (Copy available at <https://www.rfta.com/trail-documentation/>):

1. Introduction

2. Compliance with the requirements of the conservation easement
3. Summary and Key findings of the Recreational Trails Plan
4. Summary and key findings of Corridor Access Control Plan
5. Summary of key findings of Corridor Investment Study/draft Environmental Impact Statement
6. Changes of the Conservation Easement required by the Comp Plan

The 2000 Comp Plan is both rail and trail centric, with some level of design guidelines for rail crossings and trail crossings. This version is much in line with the 2017 version that staff has been working through with the RFTA Board for the past 2 to 3 years.

2000-09-12 – An election was held on 11-07-2000 asking voters in the RFTA service areas to allow for the formation of the Roaring Fork Transportation Authority (RFTA). The ballot question passed and an IGA detailing the process for folding the Roaring Fork Transit Agency into RFTA and outlining the governing policies for both RFTA and RFRHA. The initial member jurisdictions of RFTA were the same member jurisdictions as RFRHA, Pitkin County, Eagle County, City of Aspen, City of Glenwood Springs, Town of Snowmass Village, Town of Basalt and Town of Carbondale.

2001-01-17- An Amendment to the Legacy Project Grant from Great Outdoors Colorado (GOCO) Grant reduces the funds provided to RFRHA for the acquisition of the corridor to \$1.5M – After a more detailed analysis of the environmental qualities of the Railroad Corridor is completed a reduction in the total area that needs to be conserved and changes the conservation easement to a conservation covenant.

1. RFRHA is tasked with managing the corridor to protect the health and safety of those using the corridor and to report annually to the GOCO board about the conditions within each of the 9 covenant areas.
2. New Road Crossings over the corridor shall be minimized
3. Existing crossings shall be consolidated so long as the trail, mass transit, open space, recreational, parks, and wildlife uses and values will not be impaired by doing so; and
4. Any development permitted in the corridor (including but not limited to mass transit facilities, trails, road crossings, etc.) shall be located, designed, constructed and managed in a manner that avoids, minimizes or mitigates adverse impacts to the open space, recreation, scenic and wildlife values of both the Corridor and adjacent lands that add to the scenic value and enjoyment of the Corridor
5. RFRHA must by 12-31-20 shall identify and legally describe a perpetual 20' trail easement within Pitkin County to Pitkin County.
6. RFRHA must also identify and legally describe a perpetual 20' trail easement outside of but connecting to the Pitkin County trail to replace the RFRHA interim trail while still preserving the rest of the Corridor for mass transit.
7. RFRHA is required to update the Comprehensive Plan every five years until such time as a mass transit system and trail uses are implemented throughout the Corridor.

2001-06-25 – RFTA assumes the financial and management obligations of RFRHA. RFTA agrees to create a D&RGW GOCO Covenant Enforcement Commission (CEC) to facilitate compliance with an agreement date 01-17-2001 between RFRHA and the State Board of the Great Outdoors Colorado Trust Fund and the First Amendment to the Legacy Grant Agreement for the Roaring Fork Legacy Project dated 01-03-2001 between the State Board of the Great Outdoors Colorado Trust Fund and all of the voting members of RFRHA and the Comprehensive Plan adopted by RFRHA on 07-05-2000, defining the types of uses that may be permitted within the D&RGW ROW for the purpose of determining whether or not a proposed encroachment is compatible with the transportation, recreation and conservation values of

the D&RGW ROW. The CEC is tasked with reporting annually to GOCO on RFTA's subsequent management of the Corridor. CEC is made up of 1 elected official from each member jurisdiction of RFRHA and 2 at-large members who are reside in either Pitkin or Eagle County and who are not members or employees of the Authority and 1 Pitkin County Open Space Board member. Appointees shall serve three year terms and may be reappointed. An Independent professional to monitor conservation activities within the boundaries and conduct an annual performance audit to deliver a written report to the CEC board that states whether the Environmental Covenants have been and are being complied with and describes the actions, if any, required to correct any past failure to comply with such covenants or to comply with such covenants in the future.

2001-11-15 - the Roaring Fork Transportation Authority (RFTA) accepts ownership of the railroad corridor from RFRHA and RFRHA is dissolved.

2003-04-02 – Colorado State Parks and Pitkin County (Grant #1068) – Land and Water Conservation Funds (LWCF) used to pay for a portion of the Wingo Junction Pedestrian Bridge project. Use of LWCF funds potentially added a 20' trail Conservation layer (6F designation) to the Rio Grande Trail between Glenwood Springs and Woody Creek. It is unclear if the 20" trail obligation pertains to the entire 34-mile corridor or just the sections of the corridor which were used to fund the construction of discrete trail segments.

2004-11-05 – Colorado State Parks and RFTA (Grant #1072) – LWCF funds used to fund a portion of the trail built between Emma and Hooks Lane. Use of LWCF funds potentially added a 20' trail Conservation layer (6F designation) to the Rio Grande Trail between Glenwood Springs and Woody Creek.

2005-12 – Comprehensive Plan updated. This version includes the following (copy available at <https://www.rfta.com/trail-documentation/>):

The Comprehensive Plan is intended to guide all future use of the Railroad Corridor and at the time it was first published, the plan was intended to comply with and be incorporated into the Conservation Easement for the Railroad Corridor. However, since the first printing, there have been changes in the ownership and management of the Railroad Corridor as follows:

- RFTA became the new owner of the Aspen Branch of the Denver & Rio Grande Western Railroad Corridor in November 2001, replacing RFRHA.
- The Conservation Easement was removed and replaced by the Conservation Covenant in July 2001.
- Several trail segments have been constructed by local jurisdictions and by RFTA, and the entire trail is anticipated to be complete by 2010.

As a result of the factors listed above, the focus of the 2005 update is completion of the Rio Grande Trail construction within the Railroad Corridor by 2010. Because the Comprehensive Plan will be amended every five years, this update does NOT specifically address rail but includes provisions for mass transit to occur in the future. It is anticipated that the Plan will be amended to specifically to address the requirements for transit when transit use becomes more imminent in the Corridor. As such, several of the components of the previous Comprehensive Plan have been superseded and/or are no longer relevant. Such references have been removed from this update and replaced by more current information. Specific changes that are reflected in this document include:

- The Conservation Easement has been replaced by the Conservation Covenant.
- The Recreation Plan focuses on the 2010 trail alignment

- The Access Plan focuses on access relative to trails in the Railroad Corridor.
- The Categorical Exclusion provides the most current information on resources on the Railroad Corridor

The 2005 Access Control Plan outlined the same requirements for managing the Railroad Corridor as defined in the 2000 Comprehensive Plan with much less definitive information and a more generalized management structure:

1. Minimize the number of new road crossings over the railroad corridor.
2. Ensure the safe operation of existing railroad corridor crossings.
3. Consolidate existing railroad corridor crossings when practical.
4. Implement the Conservation Covenant objectives, by avoiding adverse impacts to the open space, recreation, scenic and wildlife values of the corridor, and adjacent lands that add to the scenic value and enjoyment of the corridor. When adverse impacts cannot be avoided, they shall be mitigated to the extent practicable.

2006-09-05 – Department of Natural Resources, Division of Parks and Outdoor Recreation and RFTA – (Grant #1107)
LWCF funds used to construct a 4.5 mile segment of the Rio Grande Trail from the Catherine Store Bridge Area to Rock Bottom Ranch on Hooks Lane. Use of LWCF funds potentially added a 20' trail Conservation layer (6F designation to the Rio Grande Trail between Glenwood Springs and Aspen.

2007-07-23 - Department of Natural Resources, Division of Parks and Outdoor Recreation and RFTA – (Grant #1110)
LWCF funds used to construct 5.17 miles from 23rd Street in Glenwood Springs to County Road 114 (aka CMC intersection). Use of LWCF funds potentially added a 20' trail Conservation layer (6F designation to the Rio Grande Trail between Glenwood Springs and Aspen.