Board of Directors
Roaring Fork Transportation Authority
1340 Main Street, #4
Carbondale, Colorado 81623

February 11, 2016

Re: 2015 Annual Report of the Rio Grande Railroad Corridor Covenant Enforcement Commission

Dear Directors:

This is to provide you with the Annual Report of the Rio Grande Railroad Corridor Covenant Enforcement Commission, based on information provided to me by Angela Henderson.

On December 9, 2015, 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.

You should be reminded as to 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 into 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 2002 through the present. The report for 2014 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 2015

The following is a summary of the findings of the 2015 Corridor Assessment Report (the full report is included with this letter):

The 2015 report found generally acceptable or improved compliance with the terms of the Conservation Restriction Covenant; there were no new violations identified. There are two (2) existing violations. The first involves a berm and a structure in conservation area six (6) which are encroaching on the south side of the corridor. The second involves a fence which may or may not be located in conservation area seven (7). Staff will be contacting a local surveying team to establish whether or not the fence is actually encroaching into the conservation area.

Conclusions of the CEC

- Overall the corridor is in outstanding condition. The trail is well used and maintained. Regarding the remaining violation (the landscape berm and outbuildings along Hook's Spur Road), staff will be working on 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.

In closing, a copy of the final 2015 CEC Report is included with this letter. Please do not 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 Paul Taddune
RFTA Interim General Counsel

Inclusions: 2015 Corridor Assessment
2015 Staff Report
List of CEC members

RFTA COVENANT ENFORCEMENT COMMISSION 2015

APPOINTED
Mr. Steve Skadron
City of Aspen

APPOINTED
Mr. Michael Owsley
Pitkin County Commissioner

APPOINTED
Ms. Stacey Bernot
Town of Carbondale Council Member/Mayor

APPOINTED
Ms. Markey Butler
Town of Snowmass Village Council Member

APPOINTED
Ms. Kathryn Trauger
Glenwood City Council

APPOINTED
Ms. Kathy Chandler-Henry
Eagle County Commissioner

APPOINTED
Ms. Jacque Whitsitt
Town of Basalt, Town Councilor/ Mayor

APPOINTED
Mr. Paul Holsinger
Pitkin County Open Space and Trails

APPOINTED, New Castle joined RFTA in 2005
Mr. Robert Gordon
Mayor of Town of New Castle

APPOINTED
Mr. John Krueger
Aspen Transportation Department

AT LARGE MEMBERS
Mr. George Trantow – Pitkin County