Roaring Fork Transportation Authority

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

February 13, 2020

Re: 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 October 24, 2019, 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 Railroad 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 Railroad 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.

The Roaring Fork Open Space Special District (the "District") is not listed among the members of the CEC. 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. 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 Roaring Fork Railroad Holding Authority ("RFRHA"), a consortium of Roaring Fork Valley Governments, initially purchased the Railroad Corridor on June 30, 1997. 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 2003 through the present; the report for 2019 was submitted to the CEC Board at the October 24th meeting and they were able to review and question in detail each potential violation cited in the report.

Summary Findings of the CEC for 2019

The following is a summary of the findings of the 2019 Corridor Assessment Report (the full report is included with this letter):

The current encroachments are far fewer than in past years. New violations noted in conservation areas #1, #2, #5 and #7. Violations still in place from the November 2018 report include areas #6 and #9. Overall, staff feels that the corridor is in excellent condition, well used and maintained with a couple of violations still in need of consideration, and many more remedied.

Staff has continued to make progress controlling noxious weeds without using herbicides. They are constantly weeding and picking up trash, and will work in earnest to keep the values of the conservation areas intact.

Conclusions of the CEC

- Overall, the Railroad Corridor is in excellent condition. The Rio Grande Trail within the Railroad Corridor is well used and maintained.

- Regarding the violations still in place: staff is working with me to address the longstanding encroachments in area #6 and will be actively working to remedy the encroachments by the end of summer 2020. Regarding the violation in area #9, staff and I will prepare correspondence requesting the removal of a small vehicle (ATV) and pedestrian access for a private property.

- The new violations noted in areas #1 and #2 involve weeds and the lack of weed management by the adjacent ditch companies, and/or two separate utility companies trenching activities. In the case of the ditch companies, staff is investigating the extent to which the landowners and the ditch companies are responsible. In the case of the utility companies, both companies have been notified of the new application process for installation of utilities inside the railroad corridor and both have submitted applications and are in the process of remedying the weed issues. Combatting weeds is always difficult when soils are disturbed. For example, even though one utility company reseeded an entire area at RFTA's direction there is nonetheless an abundance of scotch thistle that staff now has to manage. The violation in #5 involves the area around the Roaring Fork Bridge where there are issues of graffiti and trash. This has been largely remedied with the installation of a bear proof trash can and more frequent oversight by the trails staff. The violation noted in #7 involves an encroachment by the Roaring Fork Club, which expanded some greenspace next to the railroad tracks into the Corridor. Staff is working with the Club's property manager to educate the Club's new staff as to the location of the property boundaries and requirements of the covenant areas.

In closing, a copy of the final 2019 CEC Report and staff CEC report is included with this letter. Please do not hesitate to contact Angela, any of the members of the CEC listed on the following page or me with any questions.

Sincerely,

The Roaring Fork Railroad Corridor Covenant Enforcement Commission
By Paul Taddune
RFTA General Counsel

Enclosures: 2019 Corridor Assessment
2019 Staff Report
List of CEC members

RFTA COVENANT ENFORCEMENT COMMISSION 2017
(3-year term 4-1-17 to 11-1-19)

APPOINTED
Ms. Ann Mullins
City of Aspen Council Member

APPOINTED
Mr. George Newman
Pitkin County Commissioner

APPOINTED
Mr. Dan Richardson
Mayor - Town of Carbondale

APPOINTED
Ms. Markey Butler
Mayor - Town of Snowmass Village

APPOINTED
Ms. Shelley Kaup
Glenwood Springs City Council

APPOINTED
Ms. Jeanne McQueeney
Eagle County Commissioner

APPOINTED
Ms. Jacque Whitsitt
Mayor - Town of Basalt

APPOINTED
Mr. Paul Holsinger
Pitkin County Open Space and Trails

APPOINTED, New Castle joined RFTA in 2005
Mr. Art Riddle
Mayor - New Castle

APPOINTED
Mr. John Krueger
Aspen Transportation Department

AT LARGE MEMBER
George Trantow – Eagle County