Roaring Fork Transportation Authority

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

January 10, 2019

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 November 15, 2018, 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 Railroad 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 2003 through the present; the report for 2018 was submitted to the CEC Board at the November 15th meeting and they were able to review and question in detail each potential violation cited in the report.

Summary Findings of the CEC for 2018

The following is a summary of the findings of the 2018 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 #6, #7 and #9. Violations still in place from November 2018 report include areas #6. Violations remedied in last 7 months: areas #2, #5, #6, #8, and #9. Overall, the corridor is in outstanding condition, well used and maintained with a couple of violations still in need of consideration, and many more remedied.

Staff feels the corridor is in excellent condition. They have 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 potential violations and/or the remaining violations: staff is working with me to address the longstanding encroachment in area #6 and will be actively working to remedy this encroachment by the end of summer 2019. Staff contacted the property owner in area #7 about the excavation and fill issue and the property owner will be cleaning up the area, removing the irrigation system and revegetating the area to meet RFTA's revegetation plan. We are in the process of of drafting a letter requesting the removal of a small vehicle (ATV) and pedestrian access for a private property in Area #9.

A copy of the final 2018 CEC Report and staff CEC report is included with this letter. Please do not hesitate to contact Angela Henderson, any of the members of the CEC listed on the following page or me with any questions.

Sincerely,

Paul J. Taddune
RFTA General Counsel

Enclosures: 2018 Corridor Assessment
2018 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