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

May 9, 2024

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

Dear RFTA Board Members,

On October 16th, 2023, the Roaring Fork Transportation Authority Covenant Enforcement Commission ("CEC") held a meeting to review the progress of the Roaring Fork Transportation Authority ("RFTA") in enforcing the conservation covenants that apply to RFTA's Rio Grande Corridor.

Newland Project Resources completed the assessment of the Corridor. The report was presented to the Committee, who then reviewed and questioned in detail each potential violation cited in the report.

Summary Findings for 2023

Overall, the Rio Grande Corridor and Trail are in excellent condition. However, staff still faces some challenges with neighbors not acknowledging, or not understanding the RFTA property boundaries or the RFTA land use process to review and approve or deny new uses. For example, ditch companies have the right to maintain their ditches inside the RFTA Corridor, but they do not have the right to dump their ditch spoils on the RFTA Corridor. Staff continues to approach each ditch company and attempt to work jointly with them to remove their spoils. Staff continuously works with me to develop a reasonable system to remedy encroachments. RFTA Rio Grande Corridor and Trail Staff will continue building relationships with our neighbors and work hard to keep the values of the conservation areas intact.

Conclusions of the CEC

- The Rio Grande Trail within the Railroad Corridor is well used and maintained.

- The current encroachments are similar to those in past years. New violations are in conservation areas #7 and #8. Violations still in place from the October 2022 report include areas #6 and #8. The Corridor is in outstanding condition with a couple of violations still needing consideration.

- Regarding the violations still in place, Staff is working with our contract attorneys to remove the two remaining encroachments in Area #6. The property owners have been notified in writing, that the encroachments must be removed at their expense within two years' time. If the encroachments are not removed within the defined two-year period, RFTA staff will remove the items at RFTA's expense and potentially lien the property for the full cost of the removal.

The Committee has directed staff to discuss the following items with the RFTA Board:

1. A consistent approach to managing ditch companies. To date it has been a hit and miss process. Staff would like to discuss a potential process with the board and see if this process aligns with board thinking. Once the process is defined, future staff will be able to understand and utilize the same process.

2. Support for Roaring Fork Bridge Repairs Project.

3. Support to move forward with a license for the utility installation with Pitkin County Open Space and Trails

In closing, a copy of the final 2023 CEC Report and Staff CEC Report are included with this letter. Please do not hesitate to contact me, or Abbey Pascoe, EAM Administrator and Railroad Manager, with any questions regarding this report.

Sincerely,

Roaring Fork Transportation Authority –
Corridor Covenant Enforcement Commission
By Paul Taddune
RFTA General Counsel

Enclosures: 2023 CEC Assessment - NPR
2023 RFTA Staff Assessment
List of CEC Members