



MEMORANDUM

TO: MAYOR and COUNCIL MEMBERS
FROM: Kate Johnson, City Attorney
DATE: February 2, 2026
RE: Use of bus lanes between Maroon Creek Roundabout and Buttermilk

ISSUE:

Community members and Council members have asked whether the bus lane between the Maroon Creek roundabout and Buttermilk can be opened for use by private vehicular traffic exiting town, either during some or all hours. The answer to this question requires an analysis of risks and impacts of such a decision and will require a review by the multiple jurisdictions that have an interest in this section of Hwy 82, including Pitkin County, RFTA, and the State of Colorado. What the City can speak to are the legal constraints regarding the use of City property over which portions of this stretch of bus lanes were constructed, and whether the City's Charter requires additional voter approval to change the use of these lanes from exclusive bus lanes to mixed traffic.

ANSWER:

Additional voter approval is required under the City's Charter prior to City Council authorizing the use of these lanes by other forms of traffic. Provided that the voters authorized additional uses for the bus lanes, other questions involving stakeholders such as RFTA, CDOT, and Pitkin County may need to be resolved before the bus lanes over this section of Hwy 82 could be opened for use by other types of vehicles.

DISCUSSION:

A brief review of the history concerning the construction of bus lanes over this portion of Hwy 82 between the Roundabout and Buttermilk may be helpful to understand why a vote is

required. This review begins after the 1998 Record of Decision (“ROD”) that established the Preferred Alternative (“PA”).

In 2002 City Council conveyed a Right-of-Way Easement to CDOT, including lands required to complete the PA and a 1996 ballot measure passed by the City electorate, for use of City open space along the Entrance to Aspen corridor, *“to construct, operate and maintain a two lane parkway and corridor for a light rail transit system (to be constructed when the financing is available), but for no other purpose or purposes....”*

Language set forth in an easement agreement is highlighted here because under Colorado law, an owner of an easement has the right to use the area of the easement consistent with the grant. The Colorado Supreme Court has opined that if the grant of an easement is clear, then it must be applied as written. *Lazy Dog Ranch v. Telluray Ranch Corporation*, 965 P.2d 1229 (Colo. 1998).

Pursuant to the Easement, CDOT received an easement over a 1.2 acre strip of land along the south side of the Aspen Golf Course and the former Plum Tree Field over which the tennis courts sit, 1.5 acres over the Zoline Open Space, and another .5 acre located in the Maroon Creek Basin immediately below the existing Maroon Creek Bridge, and other areas such as the Marolt Open Space and Thomas property.

In 2004, Council, acting through the Elected Officials Transportation Committee, approved \$1.5M in funding to complete the design and construction drawings for a new Maroon Creek Bridge contemplated by the PA, however the Federal Highway Administration indicated that a new bridge would trigger a Reevaluation of the EIS. As a result, in cooperation with federal and state officials, the decision was made to replace the existing Maroon Creek Bridge with a new bridge that would operate as *a replacement two-lane facility* until a Reevaluation could be completed in the future.

During the 2004 discussions, the City Attorney’s Office determined that the replacement two-lane bridge could proceed without additional voter approval because the Easement allowed the construction and operation of a two-lane parkway. Construction of bus lanes or additional transportation facilities would trigger the need for additional voter approval pursuant to the City’s Charter.

The legal analysis completed in 2004 is the same legal analysis that applies to the present question. City of Aspen Home Rule Charter, Section 13.4. *Restrictions on the sale or change in use of property*, provides that city council may not cause or permit the change in use of real property acquired for open space purposes without first obtaining the approval of a majority of the electors¹. Because the Easement and 1996 voter approval authorized the use of

¹ Section. 13.4 of the Charter carves out exceptions for recreational, agricultural or underground easement purposes.

the subject property for a two-lane parkway and light rail corridor, any other uses would require an additional vote of the electorate pursuant to Section 13.4 of the Charter.

In February 2006, Council and the EOTC approved \$200,000 from the ½ cent transportation tax funds to proceed with the Reevaluation of the 1997 EIS and 1998 ROD.

The 2006 Reevaluation upheld the 1998 ROD and PA, and concluded no significant changes had occurred that necessitated changes to the ROD or PA. City Council saw the results of the Reevaluation as an opportunity to pursue the construction of bus lanes adjacent to the new Maroon Creek Bridge, which was to be completed in spring of 2008.

In 2007, City staff recommended that Council seek voter approval to amend the Easement to include construction, operation and maintenance of a two-lane parkway and two **exclusive** bus lanes between the Maroon Creek Roundabout and Buttermilk, in addition to the already permitted use for a two-lane parkway and a corridor for light rail².

In 2007, City Council placed the following question on the 2007 ballot:

QUESTION NO. 1

CITY OF ASPEN
BUS LANES BETWEEN BUTTERMILK AND ROUNDABOUT

Shall the City Council be authorized to amend the Right-of-Way Easement that was conveyed in 2002 by the City of Aspen to the State of Colorado, Department of Transportation, for additional uses on the rights of way across City-owned property along State Highway 82, only between Buttermilk and the Maroon Creek Roundabout, to allow construction, operation, and maintenance of a two-lane parkway and **two exclusive bus lanes** or the already permitted use for the two-lane parkway and a corridor for light rail. (emphasis added.)

This vote passed with a vote of 1365 (63%) in favor and 797 (36%) against.³

The Easement was amended to reflect the authorization of the voters to expand the use of this area of City property to allow for construction of two exclusive bus lanes, in addition to the two-lane parkway. CDOT may only use City property over which Hwy 82 traverses between the Maroon Creek Roundabout and Buttermilk for two lanes of traffic and two **exclusive** bus lanes, or a light rail corridor. Allowing other types of traffic to use the bus lanes is a violation of the Easement. While it is possible to amend the Easement to expand the uses allowed in the

² This information was based upon a Memo dated January 25, 2007, from the Assistant City Manager to City Council RE Recommendation for Open Space Ballot Question – Buttermilk to Roundabout Segment of Entrance to Aspen, attached hereto.

³ The question and election results are attached hereto.

existing exclusive bus lanes to other types of traffic, it is my opinion that Council must seek voter approval prior to agreeing to such an amendment under Section 13.4 of the Charter.

If Council does not obtain voter approval prior to authorizing a change in use of the bus lanes, there is a substantial likelihood the City will face legal challenges, including allegations the City has violated its Charter. Possible legal remedies include a court order enjoining the use of the bus lanes for other types of traffic. Such challenges would be difficult to defend.

Other Considerations

RFTA's Use

RFTA issued a Memo RE Aspen Bus Lanes -Airport Road to Roundabout and therein discussed its contractual obligations related to this stretch of Hwy 82. These are additional constraints that would need to be addressed prior to changing the use of these lanes from exclusive bus lanes to other types of traffic. See the attached Memorandum from RFTA marked as Exhibit C.

EOTC Funds

Construction of the bus lanes was funded by the Elected Officials Transportation Committee (EOTC) through use of funds generated by the ½ cent sales tax approved by Pitkin County voters in 1993⁴ to fund mass transportation improvements and Pitkin County voter approval in 2000 authorizing use of the then existing EOTC surplus funds for the Entrance to Aspen. It is foreseeable that issues concerning the relationship between the proposed use and the purposes for which EOTC's funding was authorized may need to be resolved if the bus lanes were opened for use by other forms of traffic.

⁴ A copy of the 1993 ballot question is attached hereto for reference.



THE CITY OF ASPEN

Memorandum

To: Mayor and City Council

From: Randy Ready, Asst. City Manager

Cc: Steve Barwick, City Manager
John Worcester, City Attorney

Re: Recommendation for Open Space Use Ballot Question—Buttermilk to Roundabout Segment of the Entrance to Aspen

Date: January 25, 2007

For Discussion at the January 30 Work Session

Summary:

This memorandum recommends that City Council take action to place a measure on the May 2007 municipal ballot to allow construction of two general traffic lanes and two exclusive bus lanes (the Preferred Alternative) on the 1.2 mile long segment of the Entrance to Aspen *between Buttermilk and the Maroon Creek Roundabout*. Moving ahead with this section of the Entrance to Aspen would not predetermine or preclude any option on the more controversial portion of the corridor between the Roundabout and Main Street.

Construction of the Preferred Alternative with bus lanes between Buttermilk and the Roundabout could be done with available ½ cent transit tax funds and would take advantage of a narrow window of opportunity (now that the Reevaluation is completed and the Maroon Creek Bridge replacement is underway) to construct and open the new bridge with bus lanes next spring. Doing so would avoid approximately \$500,000 in bridge construction and retrofit costs. It would also allow every bus trip in the corridor to benefit from 10-15 minutes in travel time savings during peak hours that often extend throughout the day in this heavily congested section of State Highway 82. Decreases in transit travel time equate to lower operating costs, improved service reliability, and superior passenger convenience that would allow transit to better compete with private automobiles.

Staff recommends a ballot question to allow only a change in use to construct and operate bus lanes in the easement that has already been granted to CDOT between Buttermilk and the Roundabout. This is admittedly not a total solution to upper valley traffic congestion, but it is a reasonable approach that can be accomplished with available funds in the near term. Meanwhile, the City can continue to honor the public process dealing with the diverse, heartfelt community sentiments regarding what, if any, transportation improvements should be implemented between the Roundabout and Main Street.

Previous Council Action and Background:

In November 1996 City Council placed a ballot question before Aspen voters that asked, "Shall the City Council be authorized to use or convey to the State of Colorado, Department of Transportation, necessary rights of way across City owned property, including the Marolt Property, acquired for open space purposes, and the Thomas Property, acquired for transportation purposes, for a two lane parkway and a corridor for a light rail transit system to be constructed when the financing is available?"

That ballot question passed with the approval of 59% of City voters, and was followed by completion of the Final Environmental Impact Statement in 1997 and the Record of Decision with the following Preferred Alternative in 1998:

A combination of highway and intersection improvements, a transit system, and an incremental transportation management (TM) program. The highway component will consist of a two-lane parkway that generally follows the existing alignment, except at the Maroon Creek crossing across the Marolt-Thomas Property. The highway alignment at Maroon Creek will be north of the existing crossing with the light rail transit (LRT) alignment on the existing bridge. The Modified Direct Alignment is across the Marolt-Thomas Property. A connection to Main Street occurs at 7th Street. The transit component includes an LRT system that, if local support and/or funding are not available, will be developed initially as exclusive bus lanes.

In August 2002 City Council followed through with conveyance of the Right-of-Way easement to CDOT for the City open space along the Entrance to Aspen corridor "to construct, operate and maintain a two lane parkway and a corridor for a light rail transit system (to be constructed when the financing is available), but for no other purpose or purposes." The easement was consistent with the 1996 City vote and the 1998 Record of Decision. The Record of Decision and Memorandum of Understanding with CDOT anticipated the need for CDOT to acquire a permanent easement on a total of 8.6 acres of City open space in order to construct the Entrance to Aspen:

Parcel	Easement	Returned Acreage	Net Total
Zoline	1.5 acres		
Aspen Golf Course/ Plum Tree Field	1.2 acres		
Maroon Creek Basin	0.5 acres		
Marolt-Thomas	4.6 acres	2.5 acres	2.1 acres
Castle Creek Basin	0.8 acres		
TOTAL	8.6 acres	2.5 acres	6.1 acres

2.5 acres would be restored to the Marolt-Thomas property (consisting of the existing alignment from Cemetery Lane to the Roundabout and the top of the cut and cover tunnel). The net acreage to be replaced was estimated to be 6.1 acres (MOU, p.9). In exchange for those 6.1 acres (along with the 1.5 acres of Moore open space that CDOT acquired from Pitkin County in 1999 for the Roundabout), CDOT agreed to convey 31 acres of Mills Ranch property at the intersection of SH82 and Brush Creek Road. Page 3 of the MOU states that, "CDOT shall convey the replacement property from Mills Ranch as public open space by quitclaim deed to the City and County, each to hold an undivided interest in the property. . . . The parties acknowledge that the value of the replacement property is equal to or greater than the value of the property taken." In exchange for the undivided interest with the County in the Mills Ranch property, "the City agrees to provide permanent and temporary easements, as described herein, at no cost to CDOT for completion of the transportation improvements."

In addition to the easement across the Marolt-Thomas property and in the Castle Creek Basin, approximately 1.2 acres are in a long strip along the south side of the Aspen Golf Course and the former Plum Tree Field (now tennis courts). Another 0.5 acre is in the Maroon Creek Basin immediately below the new Maroon Creek Bridge. The remaining 1.5 acres are part of the Zoline Open Space, most of which is under lease to the Maroon Creek Club.

In 2004 City Council, acting through the Elected Officials Transportation Committee, approved \$1.5m in funding to complete the design and construction drawings for a new Maroon Creek Bridge. City and County staff worked closely with CDOT on the selection of a consultant team to do the design work. However, before the consultant team could begin work, the Federal Highway Administration (FHWA) indicated its intention to require a Reevaluation of the EIS before federal approval to proceed with design and construction of a new bridge as described in the 1998 Record of Decision could be granted.

Discussions with federal and state officials during the summer of 2004 led to the decision to proceed with the replacement of the existing bridge with a new bridge that would operate only as a *replacement two-lane facility* until a Reevaluation could be completed sometime in the future. A two-lane replacement bridge was designed and is now under construction, with completion scheduled for spring 2008. The new structure will be 73 feet in width and will include a concrete median and wide shoulders that could be removed to enable the construction of "any other reasonably foreseeable transportation improvements" that may come out of the Reevaluation process. During the bridge design process, plans for a two-lane

bridge with two bus lanes were also completed, with the understanding that the bus lanes could not be built unless they were reconfirmed as the preferred transit component in a future Reevaluation.

The City Attorney determined at that time that a two-lane replacement bridge could proceed without another City election because the Right-of-Way easement was conveyed for a two-lane parkway and corridor for a light rail transit system (to be constructed when the financing is available). The two-lane bridge component would be built in full compliance with the 1996 City Right of Way vote and with the existing Record of Decision. The light rail corridor would remain in place along the south side of the alignment and over the existing historic Maroon Creek Bridge. Construction of any additional transportation facilities (e.g., bus lanes) would trigger the requirement for another City election to approve the new use for the ROW, once the Reevaluation process determined what the additional transportation improvements should be.

In February 2006 City Council and the EOTC approved \$200,000 from the ½ cent transportation fund to proceed with a Reevaluation of the 1997 Entrance to Aspen FEIS and 1998 Record of Decision. CDOT contracted with the engineering firm HDR, Inc. to do the technical review work.

Discussion:

The Reevaluation was completed between May and November 2006. On November 16 representatives of CDOT and the consulting firm HDR, Inc. released the major findings and results of the Reevaluation. They found that there have been no significant changes in the project, the affected environment, or relevant regulations. Therefore the existing Preferred Alternative remains valid and has been found to continue to meet the project objectives. No further environmental analyses are necessary if the community decides to advance the Preferred Alternative.

Construction of the new Maroon Creek Bridge continues, with completion scheduled for spring 2008. However, the Reevaluation's conclusion upholding the Preferred Alternative creates an opportunity to open the new bridge with bus lanes in place if City voters approve a change in the use of the open space to allow bus lane construction and operation. The open space directly involved with or adjacent to the new bridge consists of a portion of the easement across the former Zoline property, the land in the Maroon Creek Basin immediately beneath the new bridge, and a long thin strip of Aspen Golf Course/Plum Tree Playing Field.

As previously mentioned, this property has already been conveyed to CDOT for the express purpose of building two general traffic lanes and a corridor for light rail. The property has already been impacted: Trails have been relocated to the extent that they need to be, bridge piers are located in the Maroon Creek basin easement, the 10th Hole tee boxes have been relocated, six clay tennis courts have replaced the former Plum Tree playing field and are

located outside of the ROW. What is in question at this point is the allowable use of the easement.

A draft ballot question that would allow the use of the easement for two lanes plus bus lanes could be as follows:

Shall the City Council be authorized to amend the Right-of-Way Easement that was conveyed in 2002 by the City to the State of Colorado, Department of Transportation, for additional uses on the rights of way across City owned property along State Highway 82 *between Buttermilk and the Maroon Creek Roundabout* to allow construction, operation and maintenance of a two lane parkway and two exclusive bus lanes, *in addition to* the already-permitted use for a two lane parkway and a corridor for a light rail transit system

Why This Portion of the Easement?

There are three reasons why construction of the Preferred Alternative with bus lanes between Buttermilk and the Roundabout in the near term is highly recommended:

1. *Transit Service Operations:* The new bus lane on Main Street is extremely helpful and valuable in improving the speed by which RFTA buses depart town. The time savings attributed to the bus lane on Main Street is anywhere from five to eighteen minutes per outbound bus trip during afternoon peak hours. While the Main Street outbound bus lane is saving transit passengers a considerable amount of time, congestion from the Roundabout to Buttermilk has been eroding some of the savings. The afternoon commuter buses are regularly experiencing delays (Roundabout- AABC) of as much as 12-17 minutes. RFTA is finding it difficult for the afternoon Aspen to Glenwood buses to make it down to Glenwood Springs during peak periods in time for their upvalley runs and, therefore, RFTA has had to build in backup buses and drivers, which cost approximately \$100,000 per year to provide. RFTA also encounters some significant traffic snarls in the inbound direction as well, so having inbound bus lanes would save additional time. For example, it often takes buses in excess of twenty minutes throughout the day to get from the AABC to 8th Street.

Dedicated bus lanes from Buttermilk to the Roundabout could save buses about 15 minutes during the peak morning commute and at least 10 minutes during the afternoon commute. Combine this with the time savings of the bus lane on Main Street, and the time saving impact could be substantial.

With the additional 1.2 miles of bus lanes in place between the Roundabout and Buttermilk, cost savings are anticipated to be realized from the reduction in round-trip time from the Brush Creek Park & ride facility to Rubey Park. The faster that buses can make the round trip during peak hours between Brush Creek

and Rubey Park, the fewer buses, drivers, and costs required to move people back and forth from the park & ride to town. Travel time savings translates into operational cost savings in terms of reduced drivers' shifts and reduced fuel, which would in turn be translated into reduced overhead costs that are passed in part onto the City of Aspen and the Ski Company in our service contracts.

While the exact amount of cost savings is difficult to quantify at this time, the savings would be most relevant for Aspen to Snowmass buses, Buttermilk and Snowmass skier shuttles and the new West Side route to Burlingame and the AABC, based on RFTA being able to avoid using additional pieces of equipment and drivers during peak congestion hours. The new bus lanes would ensure that the new West Side route can provide service and stay on schedule all the way to the AABC and the airport, rather than spending many hours every day tied up in mixed traffic.

In addition, with the associated improved service time reliability and trip time savings, the exclusive bus lanes would provide a major incentive for people to select transit for their trips. When stuck in traffic, seeing buses in the next lane moving smoothly would serve to market transit to auto drivers and to further help transit to compete with the private automobile in terms of reliability and travel time.

RFTA wholeheartedly supports the City moving forward with implementing bus lanes between Buttermilk and the Roundabout. (See attached RFTA memorandum for more information.)

2. *Cost and Funding Feasibility:* The Reevaluation updated the total cost in 2005 dollars to complete the design, construction and remaining right-of-way acquisition for the Preferred Alternative with exclusive bus lanes from 7th and Main to Buttermilk as approximately \$77.7 million. However, funds for the Maroon Creek Roundabout (\$6.3m), the new Maroon Creek Bridge (\$17.9m), and realigned Owl Creek Road (\$7.6m) have already been spent or allocated, leaving the *total remaining cost of about \$45.9m for the entire corridor.*

The cost to complete the two general traffic lanes and two bus lanes between Buttermilk and the Roundabout is estimated to be \$7.9 million. Among the assumptions that went into development of that cost estimate is that, wherever possible, construction of the bus lanes should preserve the LRT platform on the south side of the easement to allow the bus lanes to continue in operation throughout construction of the LRT system at some point in the future.

In addition:

- Complete preliminary plans with a quantity breakdown do not yet exist for this project, so estimates were made based on quantities for previous

projects including SH 82 ABC-Buttermilk, SH 82/Truscott intersection, and the Maroon Creek Bridge.

- The bus lanes will also serve as right turn lanes for side roads and accesses. The bus lane widening is essentially completed from station 874 to 894 (Buttermilk to Tiehack Road), both directions.
- The previously proposed pedestrian under-crossing (CBC) at the Country Inn was not included in the cost estimates per EOTC direction and concern about the \$1.5 million cost. Country Inn residents are being served by free taxi service to avoid the need to cross SH82 at that unsignalized location.
- There may be some overlap between cost items in this estimate and items such as roadway approaches, median, striping, etc. that may be included in the current Maroon Creek bridge construction contract.
- Costs are based on current (2007) unit price assumptions, so there is greater accuracy in this estimate than with the 2005 unit prices used in the Reevaluation.
- The contingency was increased to 25% to cover the cost uncertainty based on local labor, material and traffic control shortages, which have been observed on the Maroon Creek Bridge replacement project.

While there are currently no federal, state or local funds identified that would be sufficient to cover the \$45.9 for the entire project, in November 2000, 64% of Pitkin County voters approved the following ballot question:

SHALL PITKIN COUNTY DEBT BE INCREASED BY AN AMOUNT NOT TO EXCEED \$10.2 MILLION WITH A MAXIMUM REPAYMENT COST OF \$14 MILLION (BUT WITH NO INCREASE IN THE COUNTY'S EXISTING TAXES) FOR THE PURPOSE OF SUPPLEMENTING EXISTING DEBT AUTHORIZATION OF \$8.1 MILLION AND OTHER LOCAL, STATE AND FEDERAL FUNDING TO ACCOMPLISH THE FOLLOWING TRANSIT PROJECTS:

PROVIDE LOCAL FUNDS TO PARTICIPATE WITH CDOT IN THE COMPLETION OF THE IMPROVEMENTS TO HIGHWAY 82 FROM BUTTERMILK TO 7TH AND MAIN, INCLUDING A CUT AND COVER TUNNEL, NEW BRIDGES OVER MAROON CREEK AND CASTLE CREEK, AND REALIGNING THE HIGHWAY TO CONNECT DIRECTLY WITH THE 7TH AND MAIN STREET INTERSECTION,

\$7 MILLION FOR SNOWMASS VILLAGE TRANSPORTATION IMPROVEMENTS,

\$1.5 MILLION FOR SAFETY IMPROVEMENTS TO PITKIN COUNTY BUS STOPS, AND

**\$7.5 MILLION FOR BUSES, MAINTENANCE FACILITY IMPROVEMENTS,
AND AFFORDABLE HOUSING FOR THE ROARING FORK TRANSIT
AGENCY OR SUCCESSOR REGIONAL TRANSPORTATION AUTHORITY**

County voter approval of that ballot question authorizes the use of the current cumulative surplus of about \$12 million in the ½ cent county-wide transportation tax (EOTC) fund (plus some capacity for debt service of up to about \$10 million) to go towards completion of the Entrance to Aspen, with concurrence of a majority of the elected officials from each of the three EOTC jurisdictions.

Available ½ cent funds would be sufficient (without the need for bond proceeds) to complete the \$7.9 million Buttermilk to Roundabout segment, but would fall well short of funding the entire \$45.9 million necessary to complete the project all the way to Main Street.

3. *Community Acceptability:* One of the project objectives for the Entrance to Aspen is to “develop an alternative which fits the character of the community and is aesthetically acceptable to the public.” The various conflicting outcomes of the 26 votes over the past 37 years, including “NO” votes in 1999, 2001 and 2002 are indicative of the contentiousness about crossing the Marolt-Thomas property with a transportation project. Early indications from the public process that has been underway since the release of the Reevaluation findings in November of last year are that community sentiment about the use of Marolt-Thomas remains volatile. There continue to be major stakeholder disagreements about mode, alignment and profile options across the Marolt/Thomas property entering Aspen. However, the only alignment under consideration between Buttermilk and the Roundabout is the existing highway alignment. The controversy in this segment over the years has focused mainly on laneage alternatives and transit mode preferences. Implementation of the bus lanes now would not preclude construction of a different transit mode at some point in the future.

It appears unlikely that broad community support among Aspen voters will emerge over the next few months—in time to take advantage of the window of opportunity to move forward with bus lanes on the new Maroon Creek Bridge and the adjacent 1.2 mile segment of congested roadway between Buttermilk and the Roundabout. Furthermore, as discussed above, funding sources for the additional \$38 million necessary to complete the project across the modified direct alignment on the Marolt-Thomas property and across Castle Creek are not readily available at this time. Unless City Council is prepared to act expeditiously and to move forward with new funding sources promptly to construct the Roundabout to Main Street segment of the project, staff recommends proceeding with a vote only on the portion of the project that is feasible and where the impacts have already occurred and been mitigated.

Why Now?

Ongoing construction of the new bridge with completion scheduled for next spring brings an opportunity for significant cost avoidance and expedited opening of the facility. The cost to construct and then demolish the concrete median on the new bridge, along with new bridge asphalt and restriping is estimated to be \$500,000. There will be additional construction/demolition time involved and traffic control delays associated with the demolition, resurfacing and restriping of the bridge after the median is removed. However, if the City is interested in avoiding these costs and inconveniences and in having the bridge open in its busway configuration, CDOT needs to be notified in a timely manner. Notification delay beyond this spring means that construction will need to proceed with the concrete median included.

In the meantime, transit service will continue as is in mixed traffic for the foreseeable future without a significant breakthrough in reliability and passenger convenience. Reevaluation of the project cost information from 1996 to 2005 dollars shows a nearly three-fold increase in highway construction costs over the past ten years. Such double-digit annual inflation in roadway construction costs will continue to significantly increase the necessary amount of funding if construction is delayed.

Financial Implications:

The financial implications involved with proceeding with the Buttermilk to Roundabout section of the Preferred Alternative include the opportunity to avoid \$500,000 in bridge construction and retrofitting costs if CDOT receives Aspen voter approval and direction to proceed with bus lanes on the new bridge.

Total design and construction cost in 2007 dollars for the Buttermilk to Roundabout segment is estimated to be \$7.9m for the project to be completed without conflicting with a future south side rail platform. Funding for this project is available in the ½ cent transit tax fund controlled by the Elected Officials Transportation Committee.

In addition to the difficult to quantify, but very significant benefits of improved bus service reliability and reduced travel time, RFTA would be able to avoid at least \$100,000 a year in regional backup service costs. Additional savings would be realized on Snowmass and Buttermilk Skier Shuttle service costs. The new West Side service to Burlingame and the AABC that debuts this spring would be able to reliably operate all the way to the AABC and the airport rather than potentially needing to be abbreviated during hours of peak congestion.

Recommendation:

Staff recommends going to the Aspen voters this May with a ballot question that would enable the construction of the preferred alternative with bus lanes between Buttermilk and the Roundabout. The voters' approval of use of the open space for bus lanes would clear the way for the new Maroon Creek Bridge to open next year with bus lanes on it instead of with two lanes, a concrete median and wide shoulders.

Staff further recommends discussing this project with the other members of the EOTC at its February meeting. With EOTC concurrence, funding is available to proceed with this section of the project that has not been the subject of acrimonious community debate. If there is community will to proceed with this 1.2 mile segment of heavily-congested roadway that would tie into the HOV lanes from Buttermilk downvalley, this portion of the project can proceed in the near term.

Crossing the Marolt-Thomas property remains the bitterly controversial part of this project, and there is no readily identifiable funding available at the local, state or federal level to accomplish that section and a new Castle Creek Bridge any time soon.

Staff recommends that the following ballot question be placed on the May 2007 municipal ballot in order to open the new Maroon Creek Bridge and its approaches with bus lanes. In so doing, about \$500,000 in bridge construction and retrofit expenses will be avoided, and transit passengers will begin to realize 10-15 minutes of reduced travel time in both directions during peak hours of congestion:

Shall the City Council be authorized to amend the Right-of-Way Easement that was conveyed in 2002 by the City to the State of Colorado, Department of Transportation, for additional uses on the rights of way across City owned property along State Highway 82 *between Buttermilk and the Maroon Creek Roundabout* to allow construction, operation and maintenance of a two lane parkway and two exclusive bus lanes, *in addition to* the already-permitted use for a two lane parkway and a corridor for a light rail transit system.

EXHIBIT B

Statement and Certificate of Determination of an Election held in _____

Colorado, on Tuesday the _____

day of May 2007

NAMES OF CANDIDATES OR PROPOSITIONS	OFFICE VOTED FOR	NUMBERS OF WARDS AND PRECINCTS AND VOTES CAST IN EACH						Total No. of Votes Cast
		286	287	305	567	766 A.V. PCT.		
MAYOR								
Jim Semrau		101	100	72	207	267	747	
Bonnie Behrend		3	5	0	7	15	30	
Michael C. "Mick" Ireland		138	112	181	254	351	1036	
Torre		41	67	49	90	128	370	
COUNCIL								
Steve Kadron		130	109	14	212	270	862	
L.J. Erspamer		70	43	68	119	135	435	
Michael Wampler		46	39	78	108	179	450	
Dwayne Romero		152	149	147	311	367	1126*	
Toni Kronberg		61	66	47	114	199	487	
Andrew Kole		39	53	38	73	97	300	
Hassen H. Dasher		1	1	2	3	5	12	
Michael O'Sullivan		30	37	34	63	111	275	
QUESTION NO. 1								
CITY OF ASPEN								
BUS LANES BETWEEN BUTTERMILK AND ROUNDABOUT								
Shall the City Council be authorized to amend the Right-of-Way Easement that was conveyed in 2002 by the City of Aspen to the State of Colorado, Department of Transportation, for additional uses on the rights of way across City-owned property along State Highway 82, only between Buttermilk and the Maroon Creek Roundabout, to allow construction, operation and maintenance of a two-lane parkway and two exclusive bus lanes, or the already-permitted use for a two-lane parkway and a corridor for a light rail transit system?								
<input type="checkbox"/> YES								
<input type="checkbox"/> NO								
		YES	NO					
		171	162	188	337	487	1365	
		106	110	112	214	255	797	


STATE OF COLORADO.)

We, the undersigned, Canvassers of the Election

Returns of an Election held in said City of Aspen in the State of Colorado,

MEMO



DATE: December 22, 2025
TO: RFTA Board of Directors 
FROM: Kurt Ravenschlag, RFTA CEO
CC: Pete Strecker, Aspen City Manager; Kara Silbernagel, Pitkin County Interim-County Manager; Clint Kinney, Snowmass Village Town Manager
RE: Aspen Bus-only lanes – Airport Road to Roundabout

As RFTA has followed the Transportation Coalition for the 21st Century's discussions and recommendations (Upper-valley led citizen coalition) and recent media coverage, it has become apparent that additional context would be helpful regarding the bus-only lanes, in both directions, along State Highway 82 between Airport Road and the roundabout in Aspen. This includes how and why the lanes were constructed and the constraints that limit their use beyond bus queue bypass lanes.

In May 2007, the City of Aspen approved an Open Space vote authorizing the construction, operation, and maintenance of a two-lane parkway and two exclusive bus lanes (City of Aspen 2007A). The local funding for project design and construction came from revenues managed by the Elected Officials Transportation Committee (EOTC). Those revenues were generated by a ½ cent sales and use tax approved by Pitkin County voters in November 1993 to fund mass transportation improvements. State legislation authorizing the collection and use of this tax specifies that it may be used only "for the purpose of financing, constructing, operating, or maintaining a mass transportation system within the county" (CRS 29-2-103.5). The decision to limit use of the busway to RFTA transit vehicles, school buses, and emergency vehicles is based on these voter-approved commitments and statutory funding constraints.

In addition to these voter commitments and statutory constraints, the bus-only lanes on State Highway 82 between Airport Road and the roundabout have been leased to the Roaring Fork Transportation Authority by the Colorado Department of Transportation (CDOT). The lease applies in both directions. The 30-year Master Lease Agreement was executed in 2011 to support Bus Rapid Transit (BRT) service. The Federal Transit Administration (FTA) required this agreement to ensure that the key elements and infrastructure of the BRT system remain under RFTA's continuing control. This requirement supports ongoing operations and protects the FTA's \$24,023,500 investment in Bus Rapid Transit service in the Roaring Fork Valley.

RFTA staff work closely with CDOT's Property Management Program Manager and operate in accordance with the lease terms. The lanes have been made available exclusively for RFTA operations, as intended under the agreement. The current lease term extends through 2041. It will automatically renew for an additional 30 years unless RFTA provides CDOT with at least 180 days' notice that the lease is no longer required. This arrangement remains essential to maintaining BRT service today and in the future.

RFTA remains committed to working collaboratively with the Coalition. At the same time, RFTA must ensure that any proposed use of the bus-only lanes is consistent with community commitments, voter-approved funding restrictions, existing lease agreements, and applicable federal requirements.

Attachment A

1/2% SALES AND USE TAX TO FUND MASS TRANSPORTATION IMPROVEMENTS

SHALL PITKIN COUNTY TAXES BE INCREASED UP TO \$2,870,000¹ ANNUALLY BY THE IMPOSITION OF AN ADDITIONAL ONE-HALF OF ONE PERCENT SALES TAX AND AN ADDITIONAL ONE-HALF OF ONE PERCENT USE TAX² COMMENCING JANUARY 1, 1994, AND THEREAFTER, FOR THE PURPOSE OF INCREASING AND IMPROVING THE PUBLIC MASS TRANSPORTATION SYSTEM WITHIN THE ROARING FORK VALLEY;

such mass transportation system improvements to be approved by intergovernmental agreement between Pitkin County, the City of Aspen, and the Town of Snowmass Village and to include but not be limited to (i) increased and improved bus service, including, where feasible, the conversion of diesel-powered buses to cleaner-burning alternative fuels, (ii) park-and-ride facilities, (iii) participating with Roaring Fork Valley governments and/or others to acquire the Denver and Rio Grande railroad right-of-way for transportation and related trails and open space uses, and (iv) a fixed guide-way public transportation system on a separate right-of-way (such as a busway, monorail, light-rail or similar mechanical transit system) connecting Aspen, Snowmass and downvalley locations within the Roaring Fork Valley and developed with the participation of federal, state, and private entities;

the proceeds of such one-half of one percent use tax to be utilized first for the acquisition of the Denver and Rio Grande railroad right-of-way (unless an acceptable purchase agreement cannot be reached) and then for other public mass transportation system improvements;

the proceeds of both taxes to be supplemented to the greatest extent possible by additional federal, state, and private funding for public mass transportation system improvements within the Roaring Fork Valley;

and the receipt, collection and expenditure of the full proceeds of such sales and use taxes to not be limited by Article X, Section 20 of the Colorado Constitution (except that the first full fiscal year's collections may not exceed the estimated dollar amount stated above) and to not thereby otherwise limit the receipt, collection or spending of any other revenues or funds by Pitkin County?

Note: As authorized by state statute, approval of this question will result in an aggregate sales tax rate in the incorporated areas of the County in excess of the current seven percent statutory limit. The aggregate sales tax rate in the remainder of the County would be 6.5 percent.

(1) The estimated maximum amount to be collected in 1994 from the proposed sales and use tax, calculated as the amount that would have been collected in 1992 (\$2,049,159 from the sales tax plus \$246,746 from the use tax) and increased by 25%.

(2) Use tax is collected on motor vehicles and building materials purchased outside of the county and brought into the County for use.