

SERVICE DATE – SEPTEMBER 8, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1344X

COLORADO PACIFIC RIO GRANDE RAILROAD LLC—ABANDONMENT
EXEMPTION—IN RIO GRANDE COUNTY, COLO.

Decided: September 8, 2025

Colorado Pacific Rio Grande Railroad LLC (CXRG) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 26.55-mile segment of its Alamosa Subdivision between milepost 272.75, near Monte Vista, Colo., and milepost 299.3, near Derrick, Colo., both in Rio Grande County, Colo. (the Line). Notice of the exemption was served and published in the Federal Register on August 19, 2025 (90 Fed. Reg. 40,460), and the notice indicated that the exemption would become effective on September 18, 2025, unless stayed by the Board or unless a formal expression of intent to file an offer of financial assistance (OFA) was filed by August 29, 2025.

On August 29, 2025, Hayduk International, LLC (Hayduk), filed a notice of intent to file an OFA to purchase the Line.¹ Pursuant to 49 C.F.R. § 1152.27(c)(1)(ii), Hayduk calculates the preliminary financial responsibility amount to be \$716,782.03, based on a scrap steel price per ton of \$143.92, which Hayduk states was the national average price of unprepared heavy metal steel as of August 22, 2025, according to a website. Although Hayduk includes a hyperlink to the website in its filing, it does not provide documentary evidence, such as a screenshot from the website, to support the quoted price.

On September 8, 2025, CXRG filed a letter stating that it does not object to Hayduk’s motion for protective order or its notice of intent being filed, provided that Michael J. Hayduk is authorized under the Board’s rules to file formal pleadings with the agency.

Under 49 C.F.R. § 1152.27(c)(1)(ii), persons submitting an expression of intent to file an OFA “must provide evidentiary support for their calculations.” To comply with this requirement, the Board has permitted the use of internet sources to obtain scrap steel prices, without endorsing any specific websites. See Offers of Fin. Assistance, EP 729, slip op. at 7 (STB served June 29, 2017). However, because the information currently viewable on a website may not be available in the future, Hayduk will be directed to supplement its filing with static evidence, such as a screenshot from the website, of the scrap metal price used to calculate the preliminary financial responsibility amount by September 10, 2025.

¹ Hayduk also filed, on September 5, 2025, a motion for protective order. That motion will be addressed in a separate decision.

In addition, Mr. Hayduk, who filed the notice of intent and the motion for protective order on Hayduk's behalf, is described as a "managing member" of Hayduk. Because it does not appear Mr. Hayduk is an attorney, any filings he makes with the Board on Hayduk's behalf that include allegations of fact must include a separate verification of the veracity of the statements made in the filing. See 49 C.F.R. § 1104.4(b)(3). Therefore, Hayduk will also be directed to submit separate verifications for the notice of intent and the motion for protective order in accordance with 49 C.F.R. § 1104.4(b)(3) by September 10, 2025.

Unless ordered otherwise in a subsequent decision, Hayduk's OFA will be due on September 18, 2025. See 49 C.F.R. § 1152.27(b)(2)(ii).

It is ordered:

1. Hayduk is directed to file supplemental evidence of the scrap metal price used to calculate the preliminary financial responsibility amount by September 10, 2025, as described above.
2. Hayduk is directed to file separate verifications for the notice of intent and the motion for protective order by September 10, 2025, as described above.
3. This decision is effective on its service date.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.