

SERVICE DATE – SEPTEMBER 18, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1344X

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

Decided: September 18, 2025

Colorado Pacific Rio Grande Railroad LLC (CXRG) has 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 On September 8, 2025, CXRG filed a letter stating, among other things, that it does not object to the notice of intent being filed, provided that Michael J. Hayduk, who filed the notice of intent on Hayduk’s behalf, is authorized under the Board’s rules to file formal pleadings with the agency.²

On September 15, 2025, Hayduk late-filed a petition to toll the deadline to file an OFA.³ Hayduk states that it requested information from CXRG pursuant to 49 C.F.R. § 1152.27(a) and that information exchange is ongoing between it and CXRG. Hayduk requests that the Board toll the deadline to file an OFA until ten days “after receipt of the land information requested by Hayduk.” (Pet. to Toll 1.) Hayduk states that CXRG does not oppose the request.

¹ Submission of the notice of intent automatically stayed the effective date of the exemption until September 28, 2025. See 49 C.F.R. § 1152.27(c)(2)(i).

² By decision served September 8, 2025, Hayduk was directed to, among other things, file a verification for the notice of intent in accordance with 49 C.F.R. § 1104.4(b)(3). Colo. Pac. Rio Grande R.R.—Aban. Exemption—in Rio Grande Cnty., Colo., AB 1344X, slip op. at 2 (STB served Sept. 8, 2025). Hayduk filed the verification of the notice of intent with the Board on September 10, 2025.

³ The deadline for filing the petition to toll was September 12, 2025. See 49 C.F.R. § 1152.27(c)(2)(ii)(C) (petitions to toll are due within 25 days of publication of notice of the exemption and must be filed on or before the actual due date under 49 C.F.R. § 1152.25(d)(4)).

Under 49 C.F.R. § 1152.27(c)(2)(ii)(C), the Board will entertain petitions to toll the 30-day period for filing an OFA when an applicant has failed to provide a potential offeror promptly with the information required under 49 C.F.R. § 1152.27(a) and the information is not contained in the notice of exemption. As CXRG does not oppose the petition, Hayduk's late-filed petition will be accepted into the record and granted.

However, "[p]etitions should include copies of the prior written request for information or an accurate outline of the specific information that was orally requested." 49 C.F.R. § 1152.27(c)(2)(ii)(C). Hayduk did not include that information. Hayduk will be directed to file a supplement providing a copy of the written request or an accurate outline of the specific information that was orally requested by September 22, 2025.

The deadline for Hayduk to file an OFA will be tolled until ten days after Hayduk receives the land information referred to in the petition. In addition, the effective date of the exemption will be further postponed until ten days after the extended deadline to file the OFA. Because this extension grant is not date specific, Hayduk will be directed to notify the Board of its receipt of the information from CXRG no later than one business day thereafter.

It is ordered:

1. Hayduk's late-filed petition to toll the deadline to file an OFA is accepted into the record.
2. Hayduk's petition is granted and the deadline to file an OFA is tolled until ten days after Hayduk receives the land information referred to in the petition.
3. The effective date of the exemption is postponed until ten days after the deadline to file an OFA.
4. Hayduk is directed to file a supplement with copies of the prior written request for information or an accurate outline of the specific information that was orally requested as required in 49 C.F.R. § 1152.27(c)(2)(ii)(C) by September 22, 2025.
5. Hayduk is directed to notify the Board of its receipt of the information from CXRG no later than one business day thereafter.
6. This decision is effective on its service date.

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