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BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Chief Counsel
November 17, 2025
Part of
Public Record

Docket No. AB – 1344 X

COLORADO PACIFIC RIO GRANDE RAILROAD LLC –
ABANDONMENT EXEMPTION – IN RIO GRANDE COUNTY, COLORADO

VERIFIED MOTION TO SUBSTITUTE CORPORATE AFFILIATE

MICHAEL J. HAYDUK
23 MACKEY FARM DRIVE
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Date: November 15, 2025

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1. NOW COMES Hayduk International, LLC, (“Hayduk”) by its Managing Member, Michael J. Hayduk, which respectfully, pursuant to 49 C.F.R. §1152.27(i), moves to substitute its Corporate Affiliate, Matthew J. Hayduk¹, in his individual capacity, as the Offeror in the above entitled proceeding, and in support hereof states:

BACKGROUND INFORMATION

2. On July 1, 2025, Colorado Pacific Rio Grande Railroad LLC, (“CXRG”), a Class III carrier, filed an Abandonment Exemption to abandon approximately 26.8 miles of its Line, commonly known as the Creede Branch, between Mile Post (“MP”) 272.5, in Monte Vista, Colorado, and MP 299.3, in South Fork, Colorado.

3. On July 7, 2025, CXRG filed an Errata to correct “two minor, inadvertent errors;”

4. On July 15, 2025 CXRG filed a “Motion to Hold Proceeding in Abeyance”

“pending CXRG’s filing of a corrected Verified Notice of Exemption that will address certain inadvertent minor errors discovered after it was filed. The errors relate to the milepost of one end of the segment of track to be abandoned. Specifically, in several places the Notice and its exhibits reference Milepost 272.5 when the correct Milepost is

¹ Notice of Intent to Participate as a Party of Record with Comment was served November 12, 2025 and docketed November 13, 2025.

272.75. ... The corrected Notice will correct those errors and certain corresponding errors, such as the overall distance of the track subject to the Notice.”

5. On July 22, 2025, CXRG filed:

“an updated version of the Verified Notice of Exemption filed on July 1, 2025. This version corrects several instances where milepost 272.5 was inadvertently inserted instead of 272.75, and where the segment length stated 26.8 miles instead of 26.55. Pursuant to a request by Surface Transportation Board staff, it also clarifies that Colorado Pacific Rio Grande Railroad LLC intends to remove the track within its right-of-way upon the abandonment being consummated, but that the bridges and culverts along this segment will be left in place.”

6. On July 30, 2025, CXRG certified:

“that the newspaper notice included as Attachment 1 to this Certification was published in the Rio Grande Valley Courier, a newspaper of general circulation in Rio Grande County Colorado, and the notice includes the information required by 49 C.F.R. §1105.12.”

7. In a Decision Served August 19, 2025, the Surface Transportation Board (“STB”) gave notice of CXRG’s Abandonment Exemption; granted, then lifted, CXRG’s Abeyance Motion; stated, in footnote 1, that “July 30, 2025, will be considered the filing date of the verified notice”; then held that “formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2) ... must be filed by August 29, 2025.”

8. On August 29, 2025, Hayduk International, LLC by its Managing Member, Michael J. Hayduk, filed a Notice of Intent to File an OFA to purchase the entire Line and provided evidence of financial responsibility.

9. On September 15, 2025, Hayduk, in cooperation with CXRG late-filed a petition to toll the deadline to file an OFA until ten days “after receipt of the land information requested by Hayduk.”

10. In a Decision Served September 18, 2025, the STB tolled the deadline to file an OFA until ten days after Hayduk received the land information.

11. On September 22, 2025, Hayduk gave the STB notice that Hayduk had received the land information.

12. In a Decision Served September 25, 2025, the STB ordered that “Hayduk’s OFA will be due by October 2, 2025.

13. In a Decision Served October 1, 2025, the STB ordered that “any relevant filing or Board deadlines on or after October 1, 2025, are postponed, until further order of the Board.”

ARGUMENT

14. The Managing Member of Hayduk International LLC, the current OFA Offeror, is Michael J. Hayduk.

15. Hayduk International, LLC is a single member² limited liability company formed under the laws³ of the State of South Carolina.

16. Matthew J. Hayduk will be the individual who will manage and control the Line Segment that Hayduk International, LLC seeks to obtain via the OFA process.

17. If the Line Segment is in fact acquired, Matthew intends to create a Colorado corporation, which will ultimately seek to acquire operating authority for the Line Segment.

18. In the interim, Hayduk International LLC desires Matthew J. Hayduk, in his individual capacity, to be the legal entity that seeks to acquire, and actually acquires, the Line Segment via the OFA process.

² Hayduk International, LLC has a Manager (Michael J. Hayduk) who is also the sole Member (owner) of the LLC and Company is considered a “disregarded entity” by the Internal Revenue Service. See Treas. Reg. § 301.7701-3.

³ S.C. Code Ann. § 33-44 (1996) [Uniform Limited Liability Company Act of 1996].

19. Hayduk International, LLC certifies that Matthew J. Hayduk is its Corporate Affiliate.

20. 49 C.F.R. 1152.27(ii)(1), states that:

“(1) Prior to the consummation of a purchase under this section, an offeror may substitute its corporate affiliate as the purchaser under an agreement, provided the Board has determined either:

(i) The original offeror has guaranteed the financial responsibility of its affiliate; or

(ii) The affiliate has demonstrated financial responsibility in its own right.”

21. Hayduk International, LLC guarantees the financial responsibility of its corporate affiliate, Matthew J. Hayduk. See Attachment “A” Verified Statement of Michael J. Hayduk (Marked Confidential).

22. While Matthew J. Hayduk is an individual, as opposed to being a corporation, Limited Liability Company or other type of legal entity, the STB has previously authorized individuals to be substituted as the corporate affiliate of an LLC. See *CSX Transportation, Inc. – Abandonment Exemption – In Allegany County, Maryland*, STB Docket No. AB-55 (Sub-No. 659X) Served August 18, 2006.

23. Further; and in closing, granting this motion would not adversely affect CXRG, any party of record or modify or delay the timelines of this proceeding.

RELIEF REQUESTED

24. For the above reasons, Hayduk International, LLC and would respectfully ask that the Board grant it permission to substitute its corporate affiliate, Matthew J. Hayduk, as the purchaser of the line of railroad which is the subject of the above entitled proceeding.

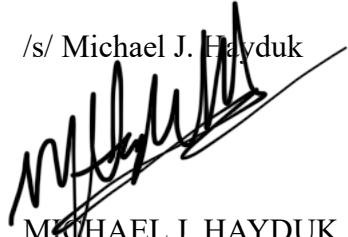
VERIFICATION

I, Michael J. Hayduk, declare and verify under penalty of perjury that the forgoing is true and correct of my own knowledge and belief. Further, I certify that I am qualified and authorized

to file this Verified Motion to Substitute Corporate Affiliate as an authorized corporate officer of Hayduk International, LLC.

Respectfully, submitted,

/s/ Michael J. Hayduk

A handwritten signature in black ink, appearing to read 'Michael J. Hayduk', written over a diagonal line.

MICHAEL J. HAYDUK
23 Mackey Farm Drive
Old Fort, North Carolina 28762

Dated: November 15, 2025

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2025, I served the foregoing document, Verified Motion to Substitute Corporate Affiliate (Per STB Service List):

Mr. Thomas W. Wilcox, Esq.
VIA EMAIL ONLY: tom@twilcoxlaw.com

Mr. Matthew J. Hayduk
VIA EMAIL ONLY: matthew.hayduk@gmail.com

A handwritten signature in black ink, appearing to read 'Michael J. Hayduk', written over a diagonal line.

MICHAEL J. HAYDUK

CONFIDENTIAL
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EXHIBIT A

Verified Statement of Michael J. Hayduk

This statement contains personal financial and estate information that is not in the public interest
and is not relevant to understanding the underlying motion.

NOT FOR PUBLIC DISTRIBUTION

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