

SERVICE DATE – NOVEMBER 21, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1344X

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

Decided: November 21, 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. On September 18, 2025, a decision was served granting Hayduk's late-filed petition to toll the deadline to file an OFA. See Colo. Pac. Rio Grande R.R.—Aban. Exemption—in Rio Grande Cnty., Colo., AB 1344X (STB served September 18, 2025). A subsequent decision established October 2, 2025, as the deadline for Hayduk to file its OFA, and October 12, 2025, as the effective date of the exemption. See Colo. Pac. Rio Grande R.R.—Aban. Exemption—in Rio Grande Cnty., Colo., AB 1344X (STB served September 25, 2025). Subsequently, because of a lapse in the Board's appropriation, a decision was served indicating that the exemption would not become effective and any filing or Board deadline on or after October 1, 2025, would be postponed until further Board order. See Colo. Pac. Rio Grande R.R.—Aban. Exemption—in Rio Grande Cnty., Colo., AB 1344X (STB served Oct. 1, 2025).

On November 13, 2025,¹ CXRG filed a request to withdraw its verified notice to abandon the Line. CXRG states that it has become aware of local opposition to abandonment of the Line. (CXRG Mot. to Withdraw 1, Nov. 13, 2025). In addition, according to CXRG, other complicating issues arose during the OFA process that have complicated the ability to accurately estimate the value of the Line for purposes of conveying the Line to a potential railroad purchaser. (*Id.*) Such issues, CXRG states, include past transactions regarding the property underlying the railroad right-of-way, some of which were not fully known to CXRG when it

¹ All filings submitted during the recent Federal government shutdown are considered filed on November 13, 2025. Materials Due to Be Submitted During the Fed. Gov't Shutdown, EP 751, slip op. at 1 (STB served Nov. 13, 2025).

acquired the Line in 2023. (Id.) While CXRG states it remains doubtful it will receive a viable request for service on the Line, it has decided to retain ownership of the Line and reevaluate its plans for the Line, which could eventually include reinstating common carrier freight service. (Id.)

On November 17, 2025, Hayduk filed a motion to substitute its corporate affiliate, Matthew J. Hayduk, in his individual capacity, as the offeror in this proceeding. On the same day, Matthew J. Hayduk filed an OFA to purchase the Line. On November 20, 2025, CXRG replied to the OFA, arguing that the OFA is moot given the pending request to withdraw the verified notice of exemption. (CXRG Reply 1-3, Nov. 20, 2025.) CXRG notes that the OFA is completely silent on the request to withdraw and makes no attempt to argue that withdrawal of the verified notice of exemption would be inappropriate or contrary to Board precedent. (Id. at 3.) Furthermore, CXRG argues that even if the Board were to consider the OFA, it should be rejected because it is “fatally flawed.” (Id. at 4-8.) As to Hayduk’s pending request to substitute, CXRG reserves the right to reply to the motion “within the period of time allowed by the Board’s rules.” (Id. at 2 n.2.)

The Board will reserve ruling on the pending request to withdraw and the motion to substitute until parties have an opportunity to respond. Therefore, and to ensure that the Board can act expeditiously, Hayduk/Matthew J. Hayduk will be directed to file any response to CXRG’s request to withdraw the verified notice of exemption by November 26, 2025; CXRG will be directed to file any response to the motion to substitute by November 26, 2025. In the meantime, all OFA deadlines will be tolled until further Board order.

It is ordered:

1. Hayduk/Matthew J. Hayduk is directed to respond to CXRG’s request to withdraw the verified notice of exemption by November 26, 2025.
2. CXRG is directed to reply to the motion to substitute by November 26, 2025.
3. All OFA deadlines are tolled until further Board order.
4. This decision is effective on its service date.

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