



LAW OFFICE OF THOMAS W. WILCOX, LLC
1629 K. STREET, NW SUITE 300
WASHINGTON, DC 20006

(202) 508-1065 (O)
(202) 365-8409 (C)
TOM@TWILCOXLAW.COM
WWW.TWILCOXLAW.COM

311028

ENTERED
Office of Chief Counsel
March 20, 2026
Part of
Public Record

March 20, 2026

By E-Filing

Ms. Cynthia T. Brown
Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Docket No. AB-1344 – *Colorado Pacific Rio Grande Railroad LLC*
Abandonment Exemption – In Rio Grande County, Colorado

Dear Ms. Brown:

This letter is submitted on behalf of the applicant in this proceeding, Colorado Pacific Rio Grande Railroad LLC (“CXRG”), in reply to (1) the Motion for Leave to Supplement filed by Michael and Mathew Hayduk, and (2) the Notice of Intent to Participate, Request for Extension of Time, and Verified Statement of Donald L. Shank, all filed on behalf of the Denver and Rio Grande Railway Historical Foundation (“DRGRHF”).

First, the motion to supplement should be denied because it is moot for all the reasons previously articulated by CXRG in its prior pleadings, starting with the fact that the Offer of Financial Assistance (“OFA”) that the motion seeks to supplement is moot because CXRG desires to withdraw its Notice of Exemption.¹ The OFA is also fundamentally defective. *Id.* The numerous fatal defects of the OFA include that its author, Mr. Mathew Hayduk, cannot be substituted for the submitter of the Notice of Intent to submit the OFA under the Board’s rules, and he has not and cannot make the requisite showing of financial

¹ See, CRXG Reply to Offer of Financial Assistance, submitted November 20, 2025.

Law Office of Thomas W. Wilcox, LLC

Letter to Cynthia Brown

March 20, 2026

Page 2

responsibility.² The numerous other defects are set forth in CXRG's filings and those of the Concerned Citizens of San Luis Valley.

The motion to supplement should also be denied because it offers no information of any substance to this proceeding. Rather, it asks the Board to accept a verified statement of an individual, with no other identifying information except the individual's name, such as an address, phone number, email, company name, or any other information that links the signer to the alleged "New Shipper Evidence" sought to be provided. The validity of the submission is also questionable. As CXRG has previously stated, it has elected to retain the line and the attendant common carrier obligations to provide service upon reasonable request. As such, upon being served the motion to supplement the undersigned counsel for CXRG contacted its filer, Michael Hayduk, asking for such contact information so the alleged "new shipper" could be put in touch with CXRG to discuss the alleged new traffic. No response has been received as of the date of this letter.

Regarding the filings submitted by DRGRHF, CXRG appreciates DRGRHF's support for CXRG's withdrawal of its Notice of Exemption, which this Board should promptly permit and terminate this proceeding. CXRG disagrees with DRGRHF's claim that the Notice of Exemption was false or misleading for the reasons set forth in CXRG's reply to the Offer of Financial Assistance. *See* Reply to OFA at 5.

Finally, in response to the statements of DRGRHF's representative that DRGRHF has received "recent rate requests" and "fully expects that formal demands for rail freight service will soon be forthcoming," Notice of Intent to Participate at 5, CXRG also contacted DRGRHF to discuss this alleged service since any such traffic would need to traverse CXRG's track. Unlike Mr. Hayduk, DRGRHF did respond to CXRG and CXRG is authorized to report to the Board that the two short lines are discussing the potential for certain freight service to resume over their respective tracks. This is yet another reason to permit CXRG to withdraw its Notice of Exemption and continue to explore potential opportunities to resume common carrier freight service over the track after many years of its nonuse.

Respectfully submitted,



Thomas W. Wilcox

*Attorney for Colorado Pacific Rio Grande
Railroad LLC*

² *See*, CXRG Reply to Verified Motion to Substitute Corporate Affiliate, submitted November 26, 2025.

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of March, 2026, a copy of the foregoing Letter was served on all parties of record on the official service list for Docket AB-1344.

/ss/ Thomas W. Wilcox
Thomas W. Wilcox