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214255  
**ORIGINAL**

**FILE RECEIVED**

JUN 28 2005

**STB  
TRANSPORTATION BOARD**



June 28, 2005

VIA HAND DELIVERY - RETURN COPY

Hon. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, NW (7<sup>th</sup> fl.)  
Washington, DC 20423-0001

**ENTERED**  
**Office of Professional Regulation**

JUN 28 2005  
Part of  
Public Record

**FILED**

JUN 28 2005

**SURFACE  
TRANSPORTATION BOARD**

Dear Secretary Williams:

Enclosed for filing in STB Docket No. AB-6 (Sub-No. 428X), BNSF Railway Company—Abandonment Exemption—In Colfax County, NM, are the original and ten copies of the Statement of MTHB, LLC.

A check for \$200 in payment of the filing fee is attached.

An additional copy of the Statement is enclosed for you to stamp to acknowledge your receipt of it and to return to me via the messenger.

Sincerely yours,

*John D. Heffner*  
John D. Heffner

enc.

cc: Michael Smith, Esq.

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC

ORIGINAL

214255



STB Docket No. AB-6 (Sub-No. 428X)

BNSF RAILWAY COMPANY  
-- ABANDONMENT EXEMPTION --  
IN COLFAX COUNTY, NM

**FEE RECEIVED**  
JUN 29 2005  
SECRETARY  
TRANSPORTATION BOARD

**FILED**  
JUN 28 2005  
SURFACE  
TRANSPORTATION BOARD

STATEMENT  
OF  
MTHB, LLC.

ENTERED  
Office of Proceedings

JUN 28 2005

Part of  
Public Record

John D. Heffner  
John D. Heffner, PLLC  
1920 N St., NW  
Suite 800  
Washington, DC 20036

Dated: June 28, 2005

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC

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STB Docket No. AB-6 (Sub-No. 428X)

BNSF RAILWAY COMPANY  
-- ABANDONMENT EXEMPTION --  
IN COLFAX COUNTY, NM

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STATEMENT  
OF  
MTHB, LLC.

MTHB, LLC, of Reno, Nevada ("MTHB"), pursuant to 49 C.F.R. 1152.29, expresses its interest in acquiring for interim trail use and rail banking under the National Trails System Act, 16 U.S.C. 1247(d), and 49 C.F.R. 1152.29, the right-of-way of the railroad line of the BNSF Railway Company ("BNSF") proposed for abandonment.

By this Statement, MTHB seeks the entry by the Board of a Decision and Notice of Interim Trail Use or Abandonment authorizing MTHB to negotiate with BNSF to acquire the right-of-way extending between Milepost M.P. 0.00 near French and Milepost M.P. 36.90 near York Canyon in Colfax County, New Mexico.

The Federal Register Notice appeared June 21, 2005, and trail use/rail banking requests must be filed no later than July 1, 2005.

Statement of Willingness to Assume

Financial Responsibility

In order to establish interim trail use and rail banking under the National Trails System Act, 16 U.S.C. 1247(d), and 49 C.F.R. 1152.29, MTHB is willing to assume full responsibility for the management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way heretofore owned and operated by BNSF. The property extends between Milepost M.P. 0.00 near French and Milepost M.P. 36.90 near York Canyon, a distance of 36.90 miles in Colfax County, New Mexico.

A map of the railroad line is attached.

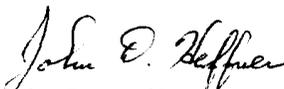
MTHB acknowledges that use of the right-of-way segments is subject to the user's continuing obligation to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

A copy of this statement is being served on counsel for BNSF on the same date it is being served on the Board.

Respectfully submitted,

MTHB, LLC.

By its attorney,

  
John D. Heffner  
John D. Heffner, PLLC  
1920 N St., NW  
Suite 800  
Washington, DC 20036  
(202) 263-4180

Dated: June 28, 2005

CERTIFICATE OF SERVICE

I certify that I this day have served a copy of the foregoing Statement on the BNSF Railway Company by mailing and facsimile transmitting copies to its representative, Michael Smith, Esq.

Dated at Washington, DC, this 28<sup>th</sup> day of June 2005.

  
\_\_\_\_\_  
John D. Heffner

# FRENCH - YORK CANYON, NEW MEXICO

**YORK CANYON  
MILEPOST 36.90**

**NORTH**

**COLFAX**

**CIMARRON**

**FRENCH  
MILEPOST 0.00**

**LINE SEGMENT 7308**

