

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-6 (SUB-NO. 428X)

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

**NOTICE OF INTENT TO FILE AN
OFFER OF FINANCIAL ASSISTANCE**

Kevin M. Sheys
Janie Sheng
Kirkpatrick & Lockhart Nicholson
Graham LLP
1800 Massachusetts Avenue
Washington, DC 20036
(202) 778-9000

ATTORNEYS FOR VERMEJO PARK, LLC

Dated: July 15, 2005

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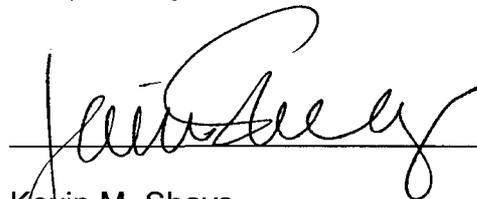
Vermejo Park, LLC (“Vermejo”), a Georgia limited liability company, pursuant to 49 U.S.C. §10904(c) and 49 C.F.R. §1152.27(c)(2)(i), hereby formally expresses its intent to file an offer of financial assistance by purchasing the 36.90-mile line of railroad proposed to be abandoned extending between M.P. 0.00 near French, New Mexico and M.P. 36.90 near York Canyon, New Mexico, in Colfax County, New Mexico.

By copy of this Notice, Vermejo Park, LLC, pursuant to 49 C.F.R. §1152.27(a), requests that BNSF Railway Company provide it with the minimum purchase price which the railroad seeks, copies of the most recent report on the physical condition of the line, and the carrier’s estimate of the net liquidation value of the line, with supporting data reflecting available real estate appraisals (including documents to verify BNSF’s fee ownership of the land), assessments of the quality and quantity of track materials on the line, and removal cost estimates.

Vermejo respectfully requests that the Board accept this late-filed Notice. The Board has accepted such late-filed notices in the past. See, e.g., New York Central Lines, LLC – Abandonment Exemption – in Vermillion and Warren Counties, IN, Docket

No. AB-565 (Sub-No. 4X)(STB served Oct. 29, 2001); New York Central Lines, LLC – Abandonment Exemption – in Berkshire County, MA, In the Matter of an Offer of Financial Assistance, Docket No. AB-565 (Sub-No. 3X)(STB served Feb. 22, 2002); Seminole Gulf Railway, Inc. – Abandonment Exemption – in Lee County, FL, Docket No. AB-400 (Sub-No. 2X)(ICC served Dec. 22, 1994). Furthermore, because a notice of intent to file an offer of financial assistance previously has been filed in this docket, the effective date of the Notice of Exemption for Abandonment already has been stayed. Therefore, BNSF Railway Company will not be adversely impacted by acceptance of this Notice and might benefit from receiving multiple offers of financial assistance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Janie Sheng", is written over a horizontal line.

Kevin M. Sheys
Janie Sheng

Kirkpatrick & Lockhart Nicholson
Graham LLP
1800 Massachusetts Avenue, NW
Washington, DC 20036
(202) 778-9000

Attorneys for Vermejo Park, LLC

Dated: July 15, 2005

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2005 I served a copy of the foregoing Notice by mailing a copy by prepaid first-class mail to the following:

Michael A. Smith (also via facsimile)
Freeborn & Peters
311 South Wacker Drive Suite
Chicago, IL 60606-6677
Fax: (312) 360-6598

John D Heffner, PLLc
1920 N Street, NW, Suite 800
Washington, DC 20036

Fritz R Kahn PC
1920 N Street, NW 8th Floor
Washington, DC 20036-1601

A handwritten signature in black ink, appearing to read "Fritz R Kahn", is written over a horizontal line. The signature is cursive and extends above and below the line.

Dated: July 15, 2005