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KARL MORELL

July 29, 2005

214441

BY HAND DELIVERY

The Honorable Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Suite 700
Washington, DC 20423-0001

ENTERED
Office of Proceedings

JUL 29 2005

Part of
Public Record

Re: STB Docket No. AB-6 (Sub-No. 428X), BNSF Railway Company --
Abandonment Exemption -- In Colfax County, NM

Dear Secretary Williams:

Enclosed for filing are the original and ten copies of a Petition To Hold Proceeding In Abeyance.

Please date stamp the extra copy of the Petition and return it with our messenger.

If you have any questions, please call me.

Sincerely,

Karl Morell

Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD

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

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

PETITION TO HOLD PROCEEDING IN ABEYANCE



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Of Counsel
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Attorney for:
BNSF Railway Company

Dated: July 29, 2005

BEFORE THE
SURFACE TRANSPORTATION BOARD

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

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

PETITION TO HOLD PROCEEDING IN ABEYANCE

BNSF Railway Company ("BNSF"), hereby petitions the Surface Transportation Board ("Board") to hold this proceeding in abeyance for thirty (30) days to permit the parties to negotiate an arrangement for the sale of the rail corridor outside of the offer of financial assistance ("OFA") process.

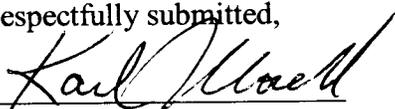
On June 1, 2005, BNSF filed its Notice of Exemption in this proceeding seeking to abandon a 36.90-mile line of railroad located between milepost 0.00, near French, and milepost 36.90, near York Canyon, in Colfax County, NM. On June 21, 2005, the Board issued a decision in this proceeding which, among other things, set the deadline of July 1, 2005 for filing a formal expression of intent to file an offer of financial assistance ("Notice of Intent"). Hust Brothers, Inc. ("Hust Brothers"), timely filed a Notice of Intent on June 28, 2005. MTHB, LLC filed a Statement on June 28, 2005 requesting the Board to issue a notice of interim trail use in this proceeding. On July 15, 2005, Vermejo Park LLC ("Vermejo") and Colfax Land & Cattle Company, LLC ("Colfax") separately late-filed their Notices of Intent.

By decision served July 21, 2005 in this proceeding (“July 21st Decision”), the Board accepted Vermejo’s and Colfax’s late-filed Notices of Intent. The Board also directed BNSF to provide Vermejo and Colfax the information they requested in their Notices of Intent.

Based on the preliminary discussions BNSF has had with Hust Brothers, Vermejo and Colfax, BNSF is optimistic that further discussions will lead to a settlement agreement between BNSF and the other parties. Although the July 21st Decision did not set a firm deadline for BNSF providing Colfax and Vermejo with the requested information or for the filing of OFAs, the parties are of the view that the negotiations have a better chance of success if the Board formally holds this proceeding in abeyance for 30 days. The undersigned is authorized to state that Hust Brothers, Vermejo and Colfax concur in and support this request.

In conclusion, BNSF respectfully urges the Board to issue an order holding this proceeding in abeyance for 30 days. BNSF will notify the Board of the status of the negotiations before the 30-day period expires.

Respectfully submitted,



Karl Morell
Of Counsel
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Attorney for: BNSF Railway Company

Dated July 29, 2005

CERTIFICATE OF SERVICE

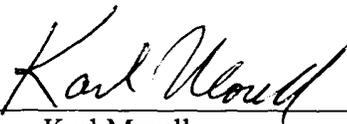
I hereby certify that a copy of the foregoing Petition To Hold Proceeding In Abeyance was served by facsimile and U.S. Mail, first class, postage pre-paid, this 29 day of July, 2005 upon:

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