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September 9, 2005  
Office of Proceedings

SEP 12 2005

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Public Record



BY HAND DELIVERY

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

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 the Status Report and Request To Continue To Hold Proceeding In Abeyance.

Please date stamp the extra copy of the Report 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

STATUS REPORT AND REQUEST TO CONTINUE  
TO HOLD PROCEEDING IN ABEYANCE

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Karl Morell  
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(202) 638-3307

Attorney for:  
BNSF Railway Company

Dated: September 9, 2005

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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

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

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STATUS REPORT AND REQUEST TO CONTINUE  
TO HOLD PROCEEDING IN ABEYANCE

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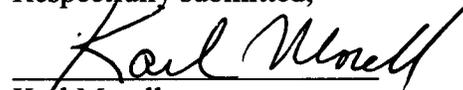
By decision served August 11, 2005, the Surface Transportation Board (“Board”) granted the request of BNSF Railway Company (“BNSF”), to hold this proceeding in abeyance for 30 days to permit the parties to negotiate an arrangement for the sale of the rail corridor outside of the offer of financial assistance (“OFA”) process. Hust Brothers, Inc. (“Hust”), Colfax Land and Cattle Company, LLC (“Colfax”) and Vermejo Park, LLC (“Vermejo”), which had filed separate formal expressions of intent to file an OFA, concurred in the request to hold the proceeding in abeyance. The Board also directed BNSF to report to the Board on the status of the negotiations within 30 days of the service date of the Board’s decision.

Because three separate parties are seeking to acquire all or portions of the rail line, negotiating an arrangement that accommodates the interests of all three parties has been difficult. Nevertheless, in BNSF’s view, significant progress has been made during the past thirty days. Given the substantial progress to date, BNSF requests that the Board hold this proceeding in abeyance for an additional 30 days so as to permit the ongoing negotiations to continue. BNSF is optimistic that an agreement among all or at least most of the parties can be reached in the near future.

BNSF contacted the attorneys representing Hust Brothers, Vermejo and Colfax but has not heard back as to whether they continue to support this request.

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

Respectfully submitted,



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(202) 638-3307

Attorney for: BNSF Railway Company

Dated September 9, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Status Report and Request To Continue To Hold Proceeding In Abeyance was served by facsimile and U.S. Mail, first class, postage pre-paid, this 9th day of September, 2005 upon:

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