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KARL MORELL



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October 11, 2005

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

OCT 11 2005

Part of  
Public Record

214 884

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 in the above-referenced proceeding.

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

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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

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Karl Morell  
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Ball Janik LLP  
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Washington, D.C. 20005  
(202) 638-3307

Attorney for:  
BNSF Railway Company

Dated: October 11, 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

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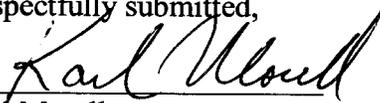
By decision served August 11, 2005, the Surface Transportation Board (“Board”) granted the request of BNSF Railway Company (“BNSF”), to hold this proceeding in abeyance for 30 days to permit the parties to negotiate an arrangement for the sale of the rail corridor outside of the offer of financial assistance (“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.

On September 9, 2005, BNSF filed its first status report. In that report, BNSF informed the Board that significant progress had been made and that BNSF was optimistic that an agreement among the parties would be reached in the near future. BNSF explained, however, that accommodating the interests of all the parties was difficult and that, therefore, more time would be needed. Consequently, BNSF requested that the proceeding be held in abeyance for an additional 30 days.

By decision served September 30, 2005, the Board granted BNSF's request and held the proceeding in abeyance for an additional 30 days. The Board also ordered BNSF to report to the Board on the status of the negotiations by October 11, 2005.

BNSF is pleased to report to the Board that an agreement in principle has been reached that should accommodate the interests of all the parties. BNSF is hopeful that a final written agreement will be entered into in the next few days that will provide for the sale of the rail corridor outside of the OFA process. Consequently, BNSF is not, at this time, asking for any additional time. In the event an unexpected issue arises that will require additional time to resolve, BNSF may come back to the Board seeking more time to finalize the agreement.

Respectfully submitted,



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Attorney for: BNSF Railway Company

Dated: October 11, 2005

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Status Report was served by facsimile and U.S. Mail, first class, postage pre-paid, this 11th day of October, 2005 upon:

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