

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

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

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

---

**PETITION TO TOLL PERIOD FOR SUBMITTING  
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 20, 2005

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

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

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

---

**PETITION TO TOLL PERIOD FOR SUBMITTING  
OFFER OF FINANCIAL ASSISTANCE**

Vermejo Park, LLC ("Vermejo"), a Georgia limited liability company, pursuant to 49 C.F.R. §1152.27(c)(2)(ii), respectfully requests that the Board toll the deadline for submitting an offer of financial assistance ("OFA") for purchase of the 36.90-mile line of railroad proposed to be abandoned by BNSF Railway Company ("BNSF") 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.

On July 15, 2005, Vermejo submitted a Notice of Intent to File an OFA ("Notice of Intent").<sup>1</sup> No party has objected to the Notice of Intent; nor has the Board formally ruled on the Notice of Intent. BNSF Railway Company ("BNSF") has not yet provided Vermejo with the requested information required under 49 C.F.R. §1152.27(a). BNSF previously received a Notice of Intent submitted by Hust Brothers, Inc. requesting the same required information; thus, Vermejo assumed such information would be readily available. Vermejo anticipates that BNSF will provide the requested information shortly.

---

<sup>1</sup> Vermejo's Notice of Intent was late-filed.

Once the information is received, Vermejo will require 15 days to review and evaluate it, and prepare an OFA.

Based on the foregoing and pursuant to 49 C.F.R. §1152.27(c)(2)(ii), Vermejo hereby respectfully requests that the deadline for submitting an OFA be tolled until 15 days after BNSF provides such information to Vermejo.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin M. Sheys", 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 20, 2005

## CERTIFICATE OF SERVICE

I hereby certify that on July 20, 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

Sarah W. Bailiff (via facsimile)  
BNSF Railway Company  
2650 Lou Menk Drive, 2<sup>nd</sup> Floor  
PO Box 96157  
Forth Worth, TX 76161-0057  
Fax: (817) 352-2397

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

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

A handwritten signature in black ink, appearing to read "John D. Heffner", is written over a horizontal line.

Dated: July 20, 2005