

NEVADA CENTRAL RAILROAD

BASE OF OPERATIONS: 2741 - Pinewood Avenue, Henderson, Nevada 89074
(702) 914-7796

ROBERT ALAN KEMP, D/B/A:

229082
229083

NEVADA CENTRAL RAILROAD

VIA - IMMEDIATE FAX FILING

(Thursday), March 31, 2011

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 - E. Street, S. W., Room: 100
Washington, D.C. 20423-0001

BY EMERGENCY FAX FILING: 202-245-0461 - 0464

RE: Docket No.

AB-33 (SUB-NO. 297X)

MOTION FOR LATE FILING OF PETITION FOR EXTENSION OF TIME TO FILE OF OFA

PETITION FOR EXTENSION OF TIME TO FILE OFA

Union Pacific Railroad Company
-- ABANDONMENT EXEMPTION --

ENTERED
Office of Proceedings

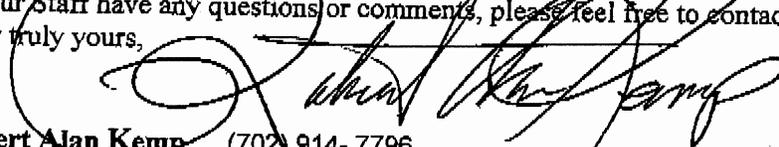
MAR 31 2011

Ms. Brown:

Today, I have enclosed the instant original and three copies of: ROBERT ALAN KEMP, D/B/A; NEVADA CENTRAL RAILROAD's: MOTION FOR LATE FILING OF PETITION FOR EXTENSION OF TIME TO FILE OFA, and PETITION FOR EXTENSION OF TIME TO FILE OFA.

If You or Your Staff have any questions or comments, please feel free to contact me personally.

Very truly yours,



Robert Alan Kemp (702) 914-7796

Sole Proprietor D/B/A; NEVADA CENTRAL RAILROAD, Henderson, NV 89074

Enclosures: Notice of Intent, Certification of Service

cc: Mr. John T. Digilio, Jr., Vice Chairman - Director/President, ITLS
Mr. Joseph Anthony McNulty, III - Director/Vice President, ITLS

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO: AB-33 (Sub. No: 297X)

**Union Pacific Railroad Company
-- ABANDONMENT EXEMPTION --
IN LAFAYETTE COUNTY, MISSOURI
(LEXINGTON INDUSTRIAL LEAD)**

**MOTION FOR LATE FILING OF PETITION FOR EXTENSION
OF TIME TO FILE OFA**

PETITION FOR EXTENSION OF TIME TO FILE OFA.

ROBERT ALAN KEMP, D/B/A;

- NEVADA CENTRAL RAILROAD -

1. Robert Alan Kemp, D/B/A; Nevada Central Railroad, based in Henderson, Nevada, 89074, hereby files his **MOTION FOR LATE FILING OF HIS PETITION FOR EXTENSION OF TIME TO FILE OFA, PETITION FOR EXTENSION OF TIME TO FILE OFA** to the Board with respect to the future filing by this Petitioner of his (Offer of Financial Assistance) within this proceeding. Following direct and continuing communications between Petitioner and the Union Pacific Railroad Company, hereafter ("UP"), as well as the recent execution of an On-Site Personal Inspection of the subject Rail Line by Petitioner in Lexington, MO, this Petitioner has now confirmed as of TODAY (Thursday) March 31st.,

2011, thru direct Telephone Communication to the Union Pacific Railroad Company to Ray Allemong following review by UP of the Boards Decision published earlier (TODAY) March 31st., 2011, that UP has agreed to continue its work for the Provision of the Information previously requested by This Petitioner in his Notice of Intent to File OFA timely filed on February 28th., 2011. UP has apologized to Petitioner for their Delay in the Provision of the NLV directly relating to the Lexington Industrial Lead, and Petitioner has confirmed with Mr. Allemong that UP will ensure that Petitioner receives the relevant NLV to satisfy Petitioners original request for same no later then one week from TOMORROW, on (FRIDAY) April 8th., 2011. UP has confirmed that their Delay was occasioned as a direct and proximate result of the additional time they are internally experiencing due to the unauthorized demolition and removal of the Rail Bridge Appx: 1-Mile North-East of Myrick Junction, and that Mr. Allemong is ready to roll for the Provision of the NLV to NCR, with the exception of an accounting for the problem relating to the fact that the Line has been severed due to the missing Bridge for which Mr. Allemong is working with their Engineering Department to resolve.

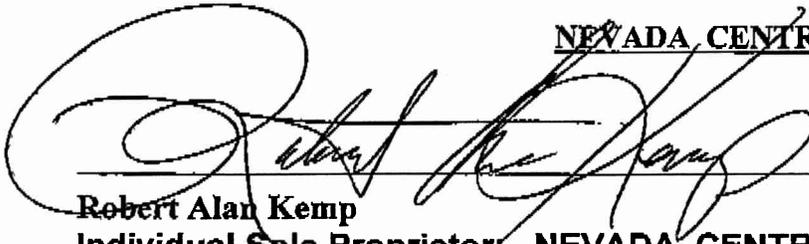
2. Petitioner hereby respectfully notices the Board that Petitioner simply made a procedural error in his interpretation of Board Rules concerning the Time Period for which to File his (Petition For Extension of Time to File OFA.), and that Petitioner did not intend to exhibit any disrespect for Board Rules in this regard concerning OFA procedures. In this case, Petitioner confused and thus miscalculated the 10-day Time Period for which to Toll the Time to File OFA, with the 40-Day time period from which the Abandonment Exemption was filed. Further, Petitioner incorrectly assumed that the Board would enter a Published NOTICE OF DECISION confirming the Suspension of the 10903 Abandonment Proceeding, and Initiation and or Procedural Conversion over to the 10904 Proceeding, which would have included additional relevant directives and dates concerning the filing deadlines under OFA procedures, as previously experienced by Petitioner. Therefore, Petitioner hereby apologizes to the Board and Staff for any inconvenience that may have been caused regarding his failure to timely File his Motion for Extension of Time.

3. As a result of the foregoing, and the fact that the **UNION PACIFIC RAILROAD COMPANY** has failed to provide Petitioner with the NLV and all Supporting Information specifically and timely requested by Petitioner, as ("PROMISED") personally by Mr. Allemong, and the fact that the instant Motion has been filed by Petitioner prior to the effective date for the 10903 Abandonment set to take effect on April 1st, 2011, combined with the fact that **UNION PACIFIC RAILROAD COMPANY** does NOT intend to Object to Petitioners Late Filing, and further that No Party engaged in the instant proceeding will be Biased and thus Harmed as a result of the Granting by the Board of the instant Late Filing for Extension of Time. Moreover, Petitioner has confirmed that the Board has accepted Late Filings of (Offers of Financial Assistance) from other Parties, and that in order for Petitioner to Timely Comply with the provision of 10904 Procedures and file his OFA, that he will require Additional Time to collect the NLV Data from UP, as well as Additional Time to Analyze the information contained therein which by virtue of the actions by UP, could Not be accomplished by Petitioner on or before April 1st, 2011.
4. Petitioner hereby asserts that his continuing intent to closely work with the **UNION PACIFIC RAILROAD COMPANY**, to form a solution to the unlawful removal of the Rail Bridge on the Lexington Industrial Lead, will result in a resolution that is in the best interests of both UP and NCR, and further is in the best interest of the People of the United States, in that Petitioners anticipated use of the Lexington Industrial Lead will enable [NCR, and All Class-1 Railroads] operating in the state of MO to directly benefit from the production of both Electrical Power and Ultra Low Emissions Fuel as an alternative to Petrochemical Based Electricity and Liquid Fuel Sources.
5. For ALL of the reasons stated herein, this Petitioner **ROBERT ALAN KEMP, D/B/A; NEVADA CENTRAL RAILROAD**, hereby requests that the Board Grant Petitioners **MOTION FOR LATE FILING OF HIS PETITION FOR EXTENSION OF TIME TO FILE OFA**, as well the instant **PETITION FOR EXTENSION OF TIME TO FILE OFA**, and therefore confirm the 10904 Proceeding in this docket. Therefore, Petitioner respectfully requests additional time of 30-Days from the receipt of the NLV to file his OFA, as this will enable Petitioner necessary time to confirm an Equitable Solution with UP on the Bridge Issue which directly relates to the Proposed Re-Alignment of the Rail Line by NCR in

Respectfully submitted this: 31th. Day of March, 2011.

by: ROBERT ALAN KEMP, D/B/A;

NEVADA CENTRAL RAILROAD



Robert Alan Kemp
Individual Sole Proprietor: NEVADA CENTRAL RAILROAD
2741 - Pinewood Avenue,
Henderson, Nevada, 89074 (702) 914- 7796

CERTIFICATE OF SERVICE

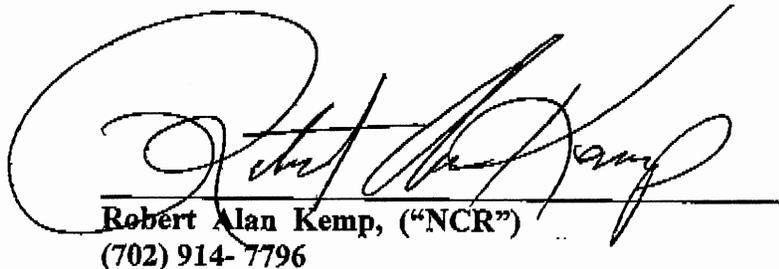
I, Robert Alan Kemp, hereby certify that (3-EA.) copies of the instant (5 -Page): MOTION AND PETITION, along with the enclosed Proof of Service Sheet filed by Robert Alan Kemp to the SURFACE TRANSPORTATION BOARD, was personally mailed by the undersigned this 31th., day of March, 2011, via First Class US-Mail, as well as a single copy of same to:

UNION PACIFIC RAILROAD COMPANY C/O:

Mack H. Shumate, Jr., Senior General Attorney
101 - North Wacker Drive, Room: 1920
Chicago, Illinois 60606
(312) 777-2055 Voice
(312) 777-2065 Fax

CITY OF LEXINGTON, MO.

Honorable Mayor of Lexington
Col. Jerry Brown
919 - Franklin Avenue,
Lexington, MO 64067
(660) 259- 4633 Voice
(660) 259- 4093 Fax



Robert Alan Kemp, ("NCR")
(702) 914- 7796