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# NEVADA CENTRAL RAILROAD

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

## ROBERT ALAN KEMP, D/B/A: NEVADA CENTRAL RAILROAD

VIA - IMMEDIATE FAX FILING

(Monday), May 9, 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)

### PETITION FOR RECONSIDERATION

by: ROBERT ALAN KEMP, D/B/A:  
NEVADA CENTRAL RAILROAD,

(Monday), May 9<sup>th</sup>., 2011.

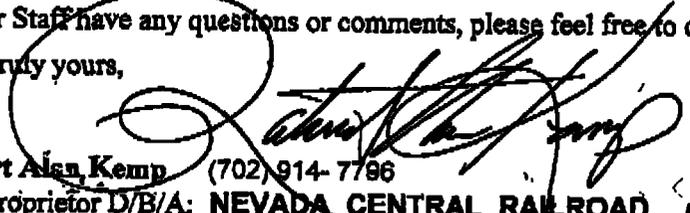
UNION PACIFIC RAILROAD  
-- ABANDONMENT EXEMPTION --  
Lexington Industrial Lead, Lexington, MO., in Lafayette County, MO.

Ms. Brown:

Today, (Monday) May 9<sup>th</sup>., 2011, I have enclosed the instant original and three copies of the: PETITION FOR FULL BOARD RECONSIDERATION, hereby filed by: ROBERT ALAN KEMP, D/B/A: NEVADA CENTRAL RAILROAD specifically relating to: AB-33-297X.

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: Petition for Reconsideration, Certification of Service

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

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)

PETITION FOR RECONSIDERATION

by: 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 PETITION FOR RECONSIDERATION for Full Board Reconsideration of the Decision by the Board entered April 19<sup>th</sup>, 2011, as Petitioner Robert Alan Kemp, D/B/A: NEVADA CENTRAL RAILROAD, hereby Notices the Board that Petitioner Withdraws his Stipulation filed by NCR on April 11<sup>th</sup>, 2011, as well as for reasons further specified as follows.

2. UNION PACIFIC RAILROAD COMPANY hereafter ("UP"), deliberately and knowingly deceived the Board and this Petitioner when UP confirmed to the this Petitioner and the BOARD in Writing on April 1<sup>st</sup>, 2011, that UP would continue to negotiate IN GOOD FAITH outside of the scope of Board Jurisdiction with NCR for the acquisition of all or any portion of the subject line, track structure and right of way constituting the Lexington Industrial Lead. Therefore as a result of Fraud for which this Petitioner has fallen Victim, this Petitioner hereby

respectively [Withdraws His Stipulation of April 11<sup>th</sup>, 2011] and asks the Board to now Reconsider Petitioners previously filed: MOTION FOR LATE FILING OF PETITION FOR EXTENSION OF TIME TO FILE OFA and his PETITION FOR EXTENSION OF TIME TO FILE OFA entered on March 31<sup>st</sup>, 2011, Lawfully and Timely Filed Prior To the Effective Date of April 1<sup>st</sup>, 2011 of the Decision on the subject UP Abandonment

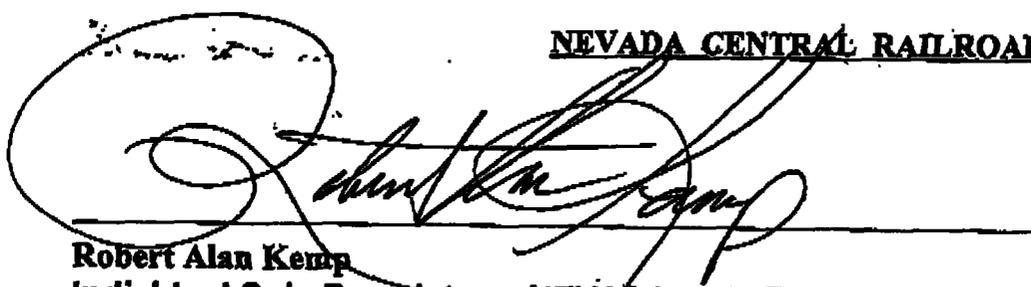
3. NCR further advises the BOARD that this Petitioner lawfully operating under in the U.S. Federal Registered Trademark Name of: NEVADA CENTRAL RAILROAD, is the Only Legally Qualified Lawful Railroad Petitioner who appeared within this docket, who has clearly confirmed his intent to lawfully acquire and thus retain relevant portions of the RAILROAD RIGHT OF WAY constituting the Lexington Industrial Lead, prior to the Consummation of Abandonment by UP of said RIGHT OF WAY, which exists almost entirely on Reversionary Property as a means to construct and supply his NEW TECHNOLOGY COMBINED: Electrical Ground Power Generating Facility and Organic Oil Fuel Processing/Conditioning Plant necessary to support the operation of up to 300-EA. Railroad Locomotives presently operating within a 150-Mile Radius of Kansas City and St. Louis, MO.

4. Finally, as an act of Good faith, this Petitioner will Not Factor into the Valuation Requirements of the OFA to be filed to the Board within this proceeding, either that Cost of, or Fact that a RAILROAD BRIDGE was unlawfully removed by UP. NCR will simply proceed to Pay UP for Any and All Rail Materials as part of its OFA.

Respectfully submitted this: 9<sup>th</sup>, Day of May, 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 (3 -Page): PETITION FOR RECONSIDERATION, 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 9<sup>th</sup>, day of May, 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