

228912

# NEVADA CENTRAL RAILROAD

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

**ROBERT ALAN KEMP, D/B/A:**

# NEVADA CENTRAL RAILROAD

ENTERED  
Office of Proceedings

MAR - 1 2011

(Tuesday), March 1, 2011

Part of  
Public Record

**VIA - IMMEDIATE FAX FILING**

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- 0458 / 0461 - 0464

**RE: Docket No. AB-33 (SUB-NO. 297X)**

## **CORRECTIONS TO:**

**Notice of Intent to Participate and File: Offer of Financial Assistance, ("OFA") filed on Monday February 28<sup>th</sup>, 2011.**

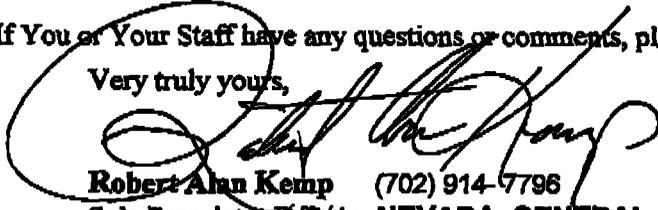
**Union Pacific Railroad Company**  
**-- ABANDONMENT EXEMPTION --**

Ms. Brown:

Today, I have enclosed the instant Original and three copies of: **ROBERT ALAN KEMP, D/B/A: NEVADA CENTRAL RAILROAD's CORRECTIONS TO: (Notice of Intent to Participate and File Offer of Financial Assistance).**

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: (CORRECTIONS TO:) Notice of Intent to File Offer of Financial Assistance, Verification, Certification of Service

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

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

228912

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

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

ENTERED  
Office of Proceedings

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Part of  
Public Record

**CORRECTIONS TO:**

**PUBLIC NOTICE OF INTENT TO PARTICIPATE AND FILE OFFER OF  
FINANCIAL ASSISTANCE TO ACQUIRE AND PROVIDE FOR THE  
MAINTENANCE OF INTERSTATE COMMERCE AND OPERATION OF  
RAIL TRANSPORTATION SERVICES IN LAFAYETTE COUNTY,  
MISSOURI, filed February 28<sup>th</sup>, 2011.**

**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 corrections to certain minor Non-Substitutive Errors to his Notice of Intent To Participate and File Offer of Financial Assistance, previously filed by this Petitioner on (Monday) February 28<sup>th</sup>, 2011, pursuant to 49 U.S.C. 10904(c) and 49 C.F.R. 1152.27(c)(2)(i), that formally expressed his intent to participate and file an offer of financial assistance by purchasing the combined lines identified by Union Pacific Railroad Company as the (Lexington Industrial Lead) from Milepost 246.49 near Myrick, Missouri to Milepost 243.58 near Lexington, a distance of 2.91 miles in Lafayette County.**

**1-A. This Petitioner on Page -2- of his filing with the Board on February 28<sup>th</sup>, 2011, executed (3 -EA.) Minor Non-Substitve Human Errors. Error # 1., relates to a mistake by which Petitioner inadvertently transposed the name of the City of "LEXINGTON" for which the rail system in question exists, for the correct name of the County of "Lafayette", within the Summary of his filing. Petitioner did however correctly identify within his filing Lafayette County as the location for which the Union Pacific Railroad Company Abandonment Exemption relates within the Summary of the UP Case Docket, as well as at the end of Petitioners own filing in Paragraph - # 1. Petitioners intent was Obviously Clear that the Abandonment in question for which Petitioner filed his Notice of Intent to Participate and File OFA on February 28<sup>th</sup>, 2011, directly related to the precise Track/Rail System identified by UP within AB 33-297X, as being located in LAFAYETTE County. Petitioner is currently experiencing critical neurological disability relating to a previous automobile accident, and as a result simply made a Human Error transposing the name LEXINGTON as in the words that UP used in their filing, ("LEXINGTON" INDUSTRIAL LEAD), with the correct name of LAFAYETTE, as in LAFAYETTE COUNTY, MO.**

**1-B. Error #2., relates to an automatic function of the Legal Version of the Corel WordPerfect Computer Program utilized by Petitioner that automatically converted the lower case (c), to the international legal sign for: Copyright, as opposed to small case (c) in paren's within Paragraph # 1., on line # 3.**

**1-C. Error # 3. relates to the simple mistake of the inadvertent capitalization of the letter (I), as opposed to the lower case (i) in paren's. These Three mistakes are outlined further on Petitioners EXHIBIT: 13-13-A., with the Corrected Page Version wherein the mistakes are corrected as Petitioners EXHIBIT: 13-13-B.**

**2-A. Error # 4. relates to also to an automatic function of the Corel WordPerfect Version for which Petitioner utilizes that automatically inserts either ("th.",) or ("nd.") next to a typed in date. In this case, Petitioner changed the Numeric Date, and the program did not respond as in the case of the execution of an Original Draft, at which time the Program would automatically enter the correct suffix following the**

**Numeric Date. Please see Petitioners EXHIBIT: 13-13-C, outlining his mistakes on Page -4- of his February 28<sup>th</sup>, 2011 filing to the Board, and Petitioners EXHIBIT: 13-13-D, which the corrected version of Page # 4. Please make No-Mistake, Petitioner is not blaming the WordPerfect Computer Program Application, but is in fact stating that his current Critically Limited Physiological Condition combined with undetected automatic functions of the WordPerfect Application for which Petitioner in person failed to detect, exist as the cause for which the mistakes identified herein now exist.**

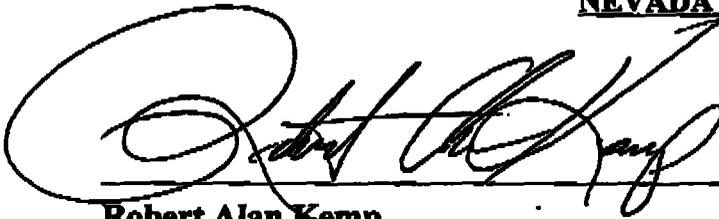
**3. Petitioner hereby respectfully requests that the Section of Chief Section of Administration or the Board, direct STB-Staff as necessary to effect and thus in so doing, retroactively resolve the Corrections as outlined herein by Petitioner in order to legally and procedurally preserve and thus simply perfect and protect the integrity of Petitioners Original Filing as that of and being executed on (Monday), February 28<sup>th</sup>, 2011.**

**Respectfully submitted this:**

**1<sup>st</sup>. Day of March, 2011.**

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

**NEVADA CENTRAL RAILROAD**



**Robert Alan Kemp**

**Individual Sole Proprietor: NEVADA CENTRAL RAILROAD**

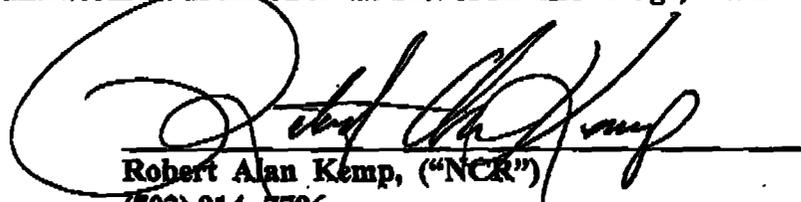
**2741 - Pinewood Avenue,**

**Henderson, Nevada, 89074 (702) 914- 7796**

**VERIFICATION**

State of Nevada:     )  
                                  ) ss.  
County of Clark:    )

Robert Alan Kemp, being duly sworn, deposes and states that he is the individual Sole Proprietor and Owner doing business in the name of: NEVADA CENTRAL RAILROAD™, and is legally authorized to make this verification, has read the foregoing CORRECTIONS TO: his Notice of Intent to PARTICIPATE and file OFFER OF FINANCIAL ASSISTANCE filed TODAY on (Tuesday) March 1<sup>st</sup>, 2011, and has personal knowledge that the facts asserted therein relating to these CORRECTIONS are true and accurate as stated to the best of his knowledge, information, and belief.

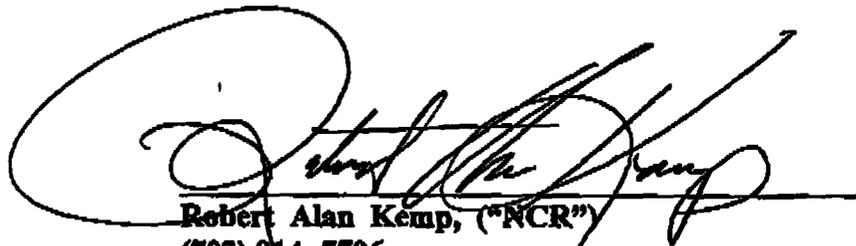
  
Robert Alan Kemp, ("NCR")  
(702) 914- 7796

**CERTIFICATE OF SERVICE**

I, Robert Alan Kemp, hereby certify that (3-EA.) copies of the instant (4 -Page): CORRECTIONS, along with the enclosed separate Verification and Proof of Service Sheet filed by Robert Alan Kemp to the SURFACE TRANSPORTATION BOARD, was personally mailed by the undersigned this 1<sup>st</sup>, 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

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

**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)**

**PUBLIC NOTICE OF INTENT TO PARTICIPATE AND FILE  
OFFER OF FINANCIAL ASSISTANCE TO ACQUIRE AND  
PROVIDE FOR THE MAINTENANCE OF INTERSTATE  
COMMERCE AND OPERATION OF RAIL TRANSPORTATION  
SERVICES IN LEXINGTON COUNTY, MISSOURI**

ROBERT ALAN KEMP, D/B/A;

**ERROR # 1.  
SHOULD BE: LAFAYETTE**

**- NEVADA CENTRAL RAILROAD -**

**- NOTICE OF INTENT: TO FILE OFFER OF FINANCIAL ASSISTANCE -**

**THIS INFORMATION IS PROVIDED BY NEVADA CENTRAL RAILROAD IN RESPONSE TO THE  
PETITION FOR ABANDONMENT EXEMPTION FILED BY UNION PACIFIC RAILROAD TO THE STB  
ON: JANUARY 31<sup>st</sup>, 2011.**

1. Robert Alan Kemp, D/B/A; Nevada Central Railroad, as a financially responsible individual now described and identified doing business hereinafter as "NCR" based in Henderson, Nevada 89074, pursuant to 49 U.S.C. 10904(c) and 49 C.F.R. 1152.27(c)(2)(I), hereby formally expresses his intent to participate and file an offer of financial assistance by purchasing the combined lines identified by Union Pacific Railroad Company as the (Lexington Industrial Lead) from Milepost 246.49 near Myrick, Missouri to Milepost 243.58 near Lexington, a distance of 2.91 miles in Lafayette County.

**ERROR # 2.  
- SHOULD READ (C)**  
**ERROR, SHOULD READ (i) LOWER CASE**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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

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

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**PUBLIC NOTICE OF INTENT TO PARTICIPATE AND FILE  
OFFER OF FINANCIAL ASSISTANCE TO ACQUIRE AND  
PROVIDE FOR THE MAINTENANCE OF INTERSTATE  
COMMERCE AND OPERATION OF RAIL TRANSPORTATION  
SERVICES IN LAFAYETTE COUNTY, MISSOURI**

ROBERT ALAN KEMP, D/B/A;

**- NEVADA CENTRAL RAILROAD -**

**- NOTICE OF INTENT: TO FILE OFFER OF FINANCIAL ASSISTANCE -**

THIS INFORMATION IS PROVIDED BY NEVADA CENTRAL RAILROAD IN RESPONSE TO THE PETITION FOR ABANDONMENT EXEMPTION FILED BY UNION PACIFIC RAILROAD TO THE STB ON: JANUARY 31<sup>st</sup>, 2011.

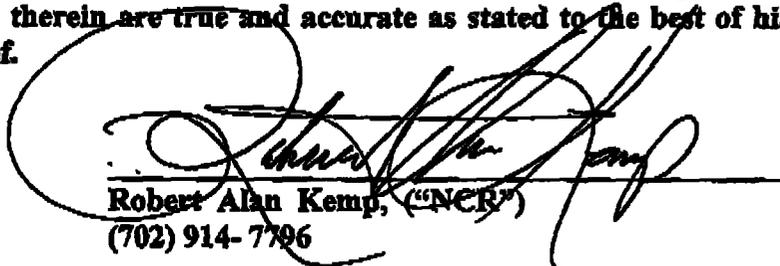
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**VERIFICATION**

State of Nevada:     )  
                                  ) ss.  
County of Clark:    )

Robert Alan Kemp, being duly sworn, deposes and states that he is the individual Sole Proprietor and Owner doing business in the name of: NEVADA CENTRAL RAILROAD™, and is legally authorized to make this verification, has read the foregoing Notice of Intent to PARTICIPATE and file OFFER OF FINANCIAL ASSISTANCE, and has personal knowledge that the facts asserted therein are true and accurate as stated to the best of his knowledge, information, and belief.

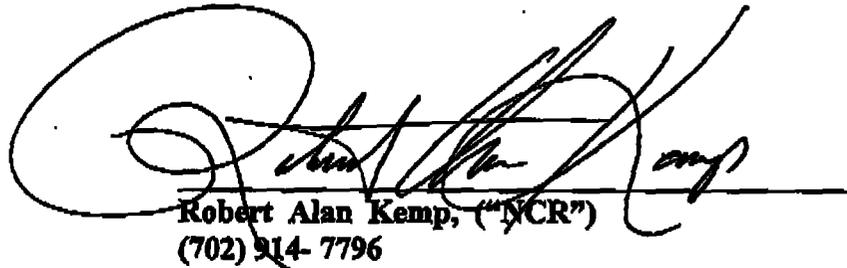
  
Robert Alan Kemp, ("NCR")  
(702) 914- 7796

**CERTIFICATE OF SERVICE**

I, Robert Alan Kemp, hereby certify that (10-EA.) copies of the instant (3 -Page): NOTICE, along with the enclosed separate Verification and Proof of Service Sheet filed by Robert Alan Kemp to the SURFACE TRANSPORTATION BOARD, was personally mailed by the undersigned this 28<sup>th</sup>, day of February, 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

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