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223823

October 21, 2008

E-Filing

The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E. St., S.W., Room 1149
Washington, D.C. 20024

CERTIFICATION

**Re: Proposed Abandonment of the Flanigan Industrial Lead from M.P. 338.33 near Flanigan, Nevada to M.P. 360.10 near Wendel, California, a total distance of 21.77 miles in Washoe County, Nevada and Lassen County, California; and of the Susanville Industrial Lead from M.P. 358.68 to M.P. 359.25 near Wendel, California, a total Distance of 0.57 Miles in Lassen County, California (collectively the "Line");
STB Docket Number AB-33(Sub-No. 230X)**

Dear Ms. Quinlan:

The Union Pacific Railroad Company received by mail on October 20, 2008 a document entitled [Notice of Intent to File: (Motion to Strike), the Reply by Union Pacific of October 7, 2008, on or before: Monday, October 27th, 2008] from Mr. Robert Allen Kemp, d/b/a Nevada Central Railroad.

In this document, Mr. Kemp states in part:

"Please also be advised that Union Pacific Railroad Company ("UP"), has NOT complied with the Board's order to provide a complete condition report along with details supporting same, but has simply filed an incomplete NLV with no supporting details, as well as a Simple Speed Chart."

By prior Certification filed with the Board on August 15, 2008, the Union Pacific certified to the Board that it has provided to Nevada Central Railroad Union Pacific's most recent report on the physical condition of the above-referenced line as

Anne Quinlan
October 21, 2008
Page 2

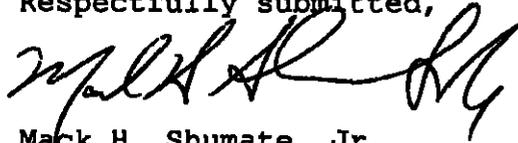
AB-33 (Sub-No. 230X)

well as the documents that UP used to establish its Net Liquidation Value for the Line. The prior Certification to the Board included a complete set of the documentation and related exhibits provided to the Nevada Central Railroad.

It is now October 21, 2008. The Board by decision dated September 19, 2008 rejected Nevada Central Railroad's offer of financial assistance to acquire a 220 foot segment of the entire Flanigan to Wendel Line on the grounds that the record did not show that continued rail service was likely to result from the proposal and that Mr. Kemp did not show that he or the Nevada Central Railroad would be able to finance the purchase of the line segment and operations over it for at least two years. Nevada Central Railroad's claim that Union Pacific has not complied with the Board's order to provide a complete condition report along with details supporting same is clearly inaccurate as evidenced by the record which has been filed with the Board. Moreover, the time frame for serving a new or modified Offer of Financial Assistance has expired.

For the reasons outlined above, in addition to the reasons previously filed with the Board by the Union Pacific Railroad Company on October 7, 2008, Union Pacific respectively requests that the decision served September 19, 2008 be affirmed.

Respectfully submitted,



Mack H. Shumate, Jr.
Senior General Attorney

cc: Robert Allen Kemp

CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing document upon Robert Alan Kemp by First Class United States Mail at the addresses shown below and via e-mail to atlnv13@aol.com.

Robert Alan Kemp
Nevada Central Railroad
4959 Talbot Lane, Unit #69
Reno, NV 89509

Robert Alan Kemp
c/o Joseph McNulty
45 Lakeview Avenue
Bay Shore, NY 11706

Robert Alan Kemp
c/o General Delivery
Phoenix, AZ 85034-9999

Dated at Chicago, Illinois this 21st day of October, 2008


Mack H. Shurnate