

AVIATION TECHNOLOGIES LTD.

Administrative Offices: 4959 - Talbot Lane, Unit # 69, Reno, Nevada 89509
 Physical Operations: Tonopah Airport, Tonopah, Nevada

222153

Aviation Technologies Ltd., "ATL" PRINCIPAL PLACE OF BUSINESS: TONOPAH AIRPORT, NYE COUNTY, NEVADA

Robert Alan Kemp

Chief Executive Officer - Aviation Technologies Ltd.

[Representing]

NEVADA CENTRAL RAILROAD

VIA - USPS & IMMEDIATE FAX FILING

(Thursday), April 17, 2008

The Honorable Charles D. Nottingham, Chairman - STB.

The Honorable Ann K. Quinlan, Acting Secretary

Office of the Chairman and Secretary

Surface Transportation Board

395 - E Street, SW.

Washington, DC 20423-0001

RE: Docket No. AB-33 (SUB-NO. 230X)

(NCR - Reply) to: UP Request to Remove Tolling Period for Filing Submissions of Offers of Financial Assistance

Union Pacific Railroad Company
-- ABANDONMENT EXEMPTION --

Dear Secretary Quinlan:

Please find the instant **(NCR - Reply) to: UP Request to Remove Tolling Period for Filing Submissions of Offers of Financial Assistance** filed by UP on March 28th, 2008, which refers to the Union Pacific Railroad Company Abandonment Exemption Request: Docket No. AB-33 (SUB-NO. 230X), the Public Comment Letter filed by NCR on October 13th 2006, and the Notice of Intent and Extension of Time to File [OFA], respectively filed by NCR on October 30th 2006., and January 25th, 2007.

Despite continuing assertions by Union Pacific Railroad filed with the Board on March 28th, 2008, and again by Supplemental Filing, (the provision of which NCR conditionally stipulates) Dated April 4th, 2008, the Data which NCR requested for production from Union Pacific Railroad Company ("UP"), pursuant to 49 C.F.R. 1152.27(a), has **Not** yet been received by NCR at it's Administrative Office located at: 4959 - Talbot Lane, Unit: # 69, Reno, NV 89509, as of Today, April 17th, 2008. Three original hard copies of this letter that will be enclosed via USPS, to permit circulation of same to the Board. Please feel free to contact me personally if You have any Questions or Comments.

Very truly yours,

Robert Alan Kemp (775) 827-3258

Acting Representative and Legal Resident Agent for: **NEVADA CENTRAL RAILROAD**

Enclosures: **(NCR - Reply) to: UP Request to Remove Tolling Period for Filing Submissions of Offers of Financial Assistance, Exhibits, Certification of Service**

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

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO: AB-33 (Sub. No: 230X)

**Union Pacific Railroad Company
- ABANDONMENT EXEMPTION -
IN WASHOE COUNTY, NV, AND LASSEN COUNTY, CA.**

(NCR - REPLY) to:

**UP REQUEST TO REMOVE TOLLING PERIOD FOR FILING
SUBMISSIONS OF
OFFERS OF FINANCIAL ASSISTANCE
- NEVADA CENTRAL RAILROAD -**

**THIS INFORMATION IS PROVIDED BY NEVADA CENTRAL RAILROAD IN RESPONSE TO THE REQUEST FILED
BY UNION PACIFIC RAILROAD TO THE STB ON: MARCH 28TH, 2008.**

Dated and Filed by NCR: April 17th, 2008

The Board by Decision stated February 2nd, 2007 was enacted by the Board to ensure that NCR was provided with information and data by UP relating, but not limited to INFORMATION SUPPORTING THE (NLV) OF THE LINE, as well as the REPORT OF CURRENT CONDITION OF THE LINE, in addition to the NLV. Following the Decision of the Board in this regard in 2007, UP informed NCR that it would NOT deal in any way with NCR, and further in effect, would NOT provide any additional information to NCR that it had already agreed to provide to RTI, directly relating to the Condition of the Track which is the subject of the instant Abandonment Proceeding, as a result of what UP described as it's previously executed Contract with RTI for the Sale of the Trackage as described within the instant Abandonment. UP Legal Counsel as well as UP Planning Managers in Nebraska, also directly confirmed to NCR that the Board had NO AUTHORITY to Determine which OFA Offeror could be selected, and that the Selection Decision was to be executed at the Sole Discretion of UP, and further that UP had already decided by Written Contract to Sell the said line to RTI, and therefore in effect, that NO FURTHER INFORMATION WOULD BE PROVIDED TO NCR IN SUPPORT OF THE NLV, than recently provided to NCR, including the Condition Report of the Trackage of the Susanville Industrial Lead, and the Rail Yard in Wendel, CA.

UP then over a Year Later, after unlawfully ignoring NCR's request for information provided to RTI, conveniently RETRACTS it's representations made both to the Board, as well as NCR, confirming the previously documented contract of sale of the line to RTI, and then proceeds to document to the Board by way of Motion, that NCR has sat on its hands for over a Year, and has Never Filed It's OFA, despite the fact that UP has knowingly FAILED to EVER COMPLY with the BOARDS DECISION of February 1st, 2007. As a result, NCR filed its Motion on April 9th, 2008 to EXTEND TOLLING PERIOD for NCR, and COMPEL.

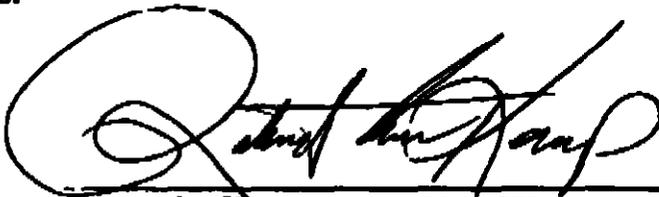
UP, now fully comprehending that NCR will in FACT file a Legally and Financially Compliant OFA with the Board in order to successfully affect the Acquisition of the Subject Lines, now seeks to cover its

tracks, and provides NCR with what is characterized as a New NLV, purportedly **RAISING THE PRICE** for the said Trackage, and asks the Board to **ORDER NCR TO FILE OFA.**

NCR has yet to obtain the **MOST CURRENT REPORT OF CONDITION** for both of the Subject Lines, as well as Supporting Information previously sought from UP over a Year Ago. NCR then discovers on April 15th, 2008 that UP has already **COMMENCED** the Salvage of the said Rail Lines which are the subject of this Abandonment, and have also **KNOWINGLY ALTERED** their representations and Factual Documented Description of Rail and Track Materials previously provided to the Board in an Attempt to Cover Up the Fact that UP has knowingly enabled individuals to come in and **REMOVE and REPLACE** selected **HIGH VALUE** Track Material, as well as to Terminate and Sever the Rail Connection to the Susanville Industrial Lead. See attached NCR EXHIBITS: (113-1, 113-2, 113-3). Exhibit: 113-1, indicates a Photo of the Switch to the Susanville Industrial Lead depicting the **FACT** that the "FROG" has already been removed from the Switch, effectively Severing Access of Forward Bound Traffic NW to the Susanville Industrial Lead. (Note): in NCR Exhibits: 113-2 and 113-3, that the Identification of CWR and Relay Rail, has been altered to cover up the Fact that UP has been Cherry Picking **ALL** of the **HIGH VALUE** Trackage subsequent to the Filing of the Abandonment Filing in the instant AB Docket to the BOARD.

Finally, NCR just discovered that the Honey Lake Power Plant is in fact located **ADJACENT** the Subject Line for which this Abandonment is based, and as such can and will be served by NCR as a **Class-III Interstate Commerce Carrier**, following the successful acquisition of said lines by NCR.

NCR hereby respectfully requests that the **BOARD** therefore **Deny** the Request filed by UP on March 28th, 2008.



BY: Robert Alan Kemp (775) 827-3258
Acting Representative and Legal Resident Agent for: **NEVADA CENTRAL RAILROAD**

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NEVADA CENTRAL RAILROAD

RE: Docket No. (SUB-NO. 230X) (UNION PACIFIC COMPANY)

(NCR - Reply) to: UP Request to Remove Tolling Period for Filing Submissions of Offers of Financial Assistance

Concerning: ABANDONMENT EXEMPTION

CERTIFICATE OF SERVICE

I, Daria Lynne Kemp certify that on this 17th day of April, 2008, that I made service of the attached original NCR **(NCR - Reply) to: UP Request to Remove Tolling Period for Filing Submissions of Offers of Financial Assistance** filed by UP on March 28th, 2008, upon the Surface Transportation Board, (STB) via United States Priority Mail postage prepaid, and mailed a Single Copy of same to all Parties, Agencies, and Individuals, listed for Service within the Union Pacific Exemption: AB-33 (SUB-NO. 230X), by depositing same into the United States First Class Mail with prepaid postage, and also Directly to the STB via IMMEDIATE EMERGENCY FAX DELIVERY FILING to: (202) 245-0458 / 245-0464.



Daria Lynne Kemp, for:

Robert Alan Kemp
Chairman & CEO., AVIATION TECHNOLOGIES LTD.,
4959 - Talbot Lane, Unit: # 69
Reno, Nevada, 89509 (776) 827- 3258

Representing: **NEVADA CENTRAL RAILROAD**

EXHIBIT-113-13



[NCR: US-FEDERAL COURT OF APPEALS DISTRICT OF COLUMBIA EXHIBIT-113-2.]

NET LIQUIDATION VALUE OF TRACK & BRIDGES

04/18/07

MODOC SUB (Flanigan Ind Ld) (MP 380.10 Wendel, CA TO MP 338.33 Flanigan, NV)

M.P.	338.33	TO	380.10	=	41.77 TRACK MILES
MISCELLANEOUS SIDINGS					0.30
Other tracks (Susanville Br.)					0.53
					27.50 TOTAL T.M.S

TRACK COMPONENTS

Rail Weight	RAIL		OYM	SWITCHES			Net Tons	NET TONS
	Track Miles	Net Tons		No. 7	No. 8 & No. 9	No. 14 & No. 15		
130#		0.00	0.00				0.00	0.00
135#		0.00	0.00				0.00	0.00
132#		0.00	0.00				0.00	0.00
131#		0.00	0.00				0.00	0.00
110#	2.83	802.18	234.83			1	8.78	1042.72
115#		0.00	0.00				0.00	0.00
112#	0.00	1171.40	338.85			1	4.63	1514.88
110# CWR	0.00	188.94	33.45				0.00	222.37
112#	10.57	2083.88	607.87			3	13.88	2798.01
112# CWR	0.00	17.74	2.78				0.00	38.83
110#	3.00	588.22	184.29			5	18.88	781.38
100#	0.00	0.00	0.00				0.00	0.00
90#	2.32	387.48	80.74			2	7.21	468.40
80#	0.00	0.00	0.00				0.00	0.00
90#	0.27	38.82	7.71			2	7.27	52.99
70#	0.88	88.78	18.81				0.00	189.37
Total:	27.50	8377.38	1488.48				87.88	2814.35

SWITCH TIES	835 EA
CROSS TIES	83474 EA
TOTAL WOOD TIES	84309 EA

VALUE OF TRACK COMPONENTS

MAIN & SIDE TRACKS	2,844.88 N.T. x	\$338.00 N.T. =	\$964,934	Scrap Rail
MAIN & SIDE TRACKS	1,180.81 N.T. x	\$318.00 N.T. =	\$375,680	Scrap Rail
MAIN & SIDE TRACKS	2,131.88 N.T. x	\$800.00 N.T. =	\$1,705,504	No 3 Coal Rail
Turnouts	14.00 ea. x	\$4,100.00 ea. =	\$57,400	\$4 #10 T.O.s
O.T.M. & Turnouts	288.00 N.T. x	\$345.00 N.T. =	\$99,360	Scrap Material
TIE PLATES:	0 ea. x	\$2.00 ea. =	\$0	\$4 Railway Tie Plates 14" x 18"
TIE PLATES:	0 ea. x	\$1.00 ea. =	\$0	Tie Plates 8x13
SWITCH & CROSS TIES :	20,880 ea. x	\$8.00 ea. =	\$167,040	Reusable Ties
SWITCH & CROSS TIES :	27,838 ea. x	\$5.00 ea. =	\$139,190	Landscape Ties
SWITCH & CROSS TIES :	18,882 ea. x	\$3.00 ea. =	\$56,646	Landscape Ties
SWITCH & CROSS TIES :	18,301 ea. x	\$8.00 ea. =	\$146,408	Scrap Ties
TOTAL TRACK VALUE			\$3,782,408	

BRIDGE VALUE

TOTAL VALUE \$3,786,334

REMOVAL COSTS

TRACK REMOVAL	27.50 T.M.S @	\$2,800 Per Mile	\$77,000
SWITCH & CROSS TIES	84312 Ea. @	\$3.00 Ea.	\$252,936
ROAD CROSSING REMOVAL	284 FT. @	\$85.00 Per Ft.	\$24,140
BRIDGE REMOVAL COST			\$28,188
TOTAL REMOVAL			\$322,264

NET LIQUIDATION VALUE

\$2,228,104

Value of Material Railroad will retain	\$278,163
Labor associated with Material retained by Railroad	\$143,802

US-FEDERAL COURT OF APPEALS DISTRICT OF COLUMBIA EXHIBIT-113-3.]

NET LIQUIDATION VALUE OF TRACK & BRIDGES

MODOC SUB (Flanigan Ind Ld) (MP 380.10 Wendel, CA TO MP 338.33 Flanigan, NV)

04/10/88

M.P.	338.33	TO	380.10	=	41.77 TRACK MILES
MISCELLANEOUS SOURCE					
Other Trains (Bucksville Ga.)					
					0.00
					0.00
					27.83 TOTAL T.M.S

Rail Weight	RAIL		GTR	SWITCHES			NET TONS
	Track Mils	Net Tons		No. 7	No. 8 & 9	No. 14 & 15	
1200		0.00	0.00				0.00
1250		0.00	0.00				0.00
1300		0.00	0.00				0.00
1350		0.00	0.00				0.00
1700	3.83	682.10	234.53			1	5.73
1700		0.00	0.00				0.00
1750	0.82	1117.51	321.84			1	4.83
1120 GWR	1.80	916.51	59.51				0.00
1120	19.10	2003.00	583.73			2	13.00
1120 GWR	0.00	17.74	2.70				0.00
1400	3.00	690.00	104.00			0	10.00
1600	0.00	0.00	0.00				0.00
000	2.52	207.00	60.71			2	7.51
000	0.00	0.00	0.00				0.00
000	0.27	30.00	7.71			2	7.37
700	0.00	0.00	0.00				0.00
TOTAL	27.83	6327.41	1402.40			17.43	692.51

SWITCH TIES	622 EA
CROSS TIES	11574 EA
TOTAL WOOD TIES	12196 EA

MAIN & SIDE TRACKS:	2,044.70	N.T. X	\$800.00	AL.T. "	\$1,188,373	Marsh Rail
MAIN & SIDE TRACKS:	1,106.04	N.T. X	\$300.00	AL.T. "	\$400,471	Scrap Rail
MAIN & SIDE TRACKS:	2,132.23	N.T. X	\$800.00	AL.T. "	\$1,305,960	No 2 Class Rail
Tieboards	12.00	ea. X	\$2,100.00	ea. "	\$25,200	SN 510 T.C.S.
G.T.S. & Ties:	200.00	N.T. X	\$875.00	AL.T. "	\$175,000	Scrap Material
THE PLATES:	0	ea. X	\$2.00	ea. "	\$0	SN Relay Tie Plates 14" x 18"
THE PLATES:	0	ea. X	\$1.00	ea. "	\$0	Tie Plates 2x12
SWITCH & CROSS TIES :	20,010	ea. X	\$5.00	ea. "	\$100,050	Round Tie
SWITCH & CROSS TIES :	20,000	ea. X	\$5.00	ea. "	\$100,000	Language Tie 01
SWITCH & CROSS TIES :	10,000	ea. X	\$3.00	ea. "	\$30,000	Language Tie 03
SWITCH & CROSS TIES :	20,000	ea. X	\$2.00	ea. "	\$40,000	Scrap Tie
TOTAL TRACK VALUE					\$1,971,000	

TOTAL VALUE \$3,632,000

TRACK REMOVAL	27.83 T.M.S @	\$1,500 Per Mile	\$41,745
SWITCH & CROSS TIES	66410 ea. @	\$3.00 ea.	\$199,230
ROAD CROSSING REMOVAL	204 FT. @	\$80.00 Per Ft.	\$16,320
BRIDGE REMOVAL COST			\$43,770
TOTAL REMOVAL			\$301,065

Value of Material retained will retain **\$331,935**
 Labor associated with Material retained by Railroad **\$141,000**

[NCR: US-FEDERAL COURT OF APPEALS DISTRICT OF COLUMBIA EXHIBIT-113-4.]



02/06/1997 00:16