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SEC

SERVICE DATE - NOVEMBER 30, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33793

SWKR OPERATING CO., INC.--PETITION FOR DECLARATORY ORDER--  
LINE RELOCATION IN COCHISE COUNTY, AZ

Decided: November 29, 1999

In a petition filed August 27, 1999, SWKR Operating Co., Inc. (SWKR) sought a declaratory order under 5 U.S.C. 554(e) to remove the uncertainty that its proposed construction of a 1,775-foot line of railroad from Naco, in Cochise County, AZ, to the international border with Mexico is a line relocation for which no authorization from the Board is required under 49 U.S.C. 10901. In the petition, SWKR stated that the growth of transborder traffic prompted by the North American Free Trade Agreement and the congestion that has occurred at the nearby railroad crossing point of Nogales, AZ, have spurred interest in reopening the crossing at Naco.

By letter filed November 19, 1999, SWKR, acting through its counsel, requests that the petition be allowed to be withdrawn and that the proceeding be discontinued. The request will be granted.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to withdraw the petition for declaratory order is granted and the proceeding in STB Finance Docket No. 33793 is discontinued.
2. The decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary