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SEC

SERVICE DATE - AUGUST 18, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33552

BUDGET CHAUFFER DRIVE, PTY., LTD.
--PETITION FOR DECLARATORY ORDER--
FEDERAL PREEMPTION

Decided: August 14, 1998

By petition filed February 9, 1998, Budget Chauffer Drive, Pty., Ltd. (Budget sought a declaratory order determining that the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA) has preempted state regulation of the transfer of small carrier intrastate motor passenger carrier operating authority when such a transfer is associated with the transfer of small carrier interstate motor passenger carrier operating authority.

Budget asserted that a controversy had arisen out of its purchase of the interstate and intrastate operating authorities of bankrupt motor passenger carrier Nevada Showboat, Inc., dba Showboat Lines, pursuant to an order of the United States Bankruptcy Court for the District of Nevada (Reno Court) in In Re: NV Showboat, Inc., Debtor(s), BK-N-91-30608 (order dated Sept. 3, 1997). According to Budget, following the purchase, Nevada regulatory authorities notified Budget that any transfer of the state authority would require state approval.

In a Board decision served March 11, 1998, it was noted that Budget had not served its petition on the Public Service Commission of Nevada (PSCN). In order to afford PSCN an opportunity to participate in this matter, the Board, by order of the Secretary, ordered petitioner to serve a copy of its petition on PSCN and to certify to the Board that it had done so. Petitioner subsequently made the appropriate certification. PSCN did not file a reply to the petition.

By a letter filed July 31, 1998, petitioner has notified the Board that it wishes to withdraw its petition for declaratory order. The request will be granted and the proceeding dismissed.

It is ordered:

1. Petitioner's request to withdraw its petition for declaratory order is granted, and this proceeding is dismissed.

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2. This decision is effective on its service date.
3. By the Board, Vernon A. Williams, Secretary

Vernon A. Williams
Secretary