

Surface Transportation Board Allows Public Service Co. of Colo. to Cross "Burlington Northern" Track in Connection with New Line Construction

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has issued a decision authorizing the Public Service Company of Colorado (PSCo) to cross track owned by The Burlington Northern and Santa Fe Railway Company (BNSF) to reach a Union Pacific Railroad Company (UP) railroad line in connection with PSCo's construction of a 1,500-foot line to service its Comanche Power Station (Comanche Station) in Pueblo County, Colorado. Final approval of the exemption from Board regulation allowing the construction was previously granted by the Board in its decision in *Public Service Company of Colorado--Construction Exemption--Pueblo County, CO*, STB Finance Docket No. 33862, issued to the public on January 8, 2001.

The Comanche Station is a coal-fired generating plant that burns approximately 2.8 million tons of coal and receives 230 unit trains (trains entirely dedicated to the shipments of a particular shipper) of coal each year. It is now served exclusively by BNSF from a spur extending from BNSF's main railroad line.

Concerning the line's construction, the Board previously found that the line will enhance competition by providing PSCo, and possibly other shippers, with an additional rail transportation option. In today's decision, the Board concluded that PSCo's construction and operation of the crossing will not unreasonably or materially interfere with BNSF's operation of the crossed line. In this regard, PSCo agreed to modify its proposal to accommodate BNSF's concerns and minimize interference with BNSF's operations. Construction of the crossing was permitted to begin immediately while the appropriate level of PSCo compensation to be paid to BNSF is negotiated. If the parties are unable to agree on the amount of payment or on precise operational terms, then matters in dispute may be submitted to the Board for determination.

The Board issued its decision today in the case entitled *Public Service Company of Colorado--Petition for Crossing Authority Under 49 U.S.C. 10901(d)*, STB Finance Docket No. 33862 (Sub-No. 1). Printed copies are available for a fee by contacting **D~To~D~ Office Solutions, Room 405, 1925 K Street, N.W., Washington, DC 20006, telephone (202) 466-5530**. The decision also is available for viewing and downloading via the Board's Website at <http://www.stb.dot.gov>.

###