

*Filed March 22 - 1957
2 P.M.*

PSC 50

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

In the Matter of Rules and Regu-)
lations in the Use of Highways) MC-326

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, Edward T. Kaveny, Secretary of the Public Service Commission of Wisconsin, do hereby certify that I have compared the annexed copy of the decision with the original decision of the Public Service Commission of Wisconsin in the above-entitled matter, now on file in the office of said Commission, and that the same is a true copy of such original decision and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Commission at its office in the City of Madison, this *21st* day of *March*, A.D. 19 *57*

Edward T. Kaveny

Secretary

PUBLIC SERVICE COMMISSION OF WISCONSIN

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

In the Matter of Rules and)
Regulations in the Use of) MC-326
Highways)

ORDER AMENDING RULE

By notice dated November 19, 1956 and due publication in the Wisconsin Administrative Register in November 1956, Chapter PSC 50, Wisconsin Administrative Code, was reopened on the Commission's own motion to consider revisions thereto as might be necessary because of changed highway conditions.

Pursuant to due notice hearing was held January 15, 1957 at Madison before Examiner Calmer Browy.

Appearances:

M. G. Fiske
Darien

Howard Dudley, village marshal
Clinton

Rev. F. Nielsen
Clinton

Rev. R. F. Peterson
Clinton

Village of Walworth by

Russell Knull, chairman,
Police department
Karl Severt, chief of police
Warren L. Rasmussen, village attorney

Milwaukee Milk Haulers Association
Film Service, Inc., by

William C. Dineen, attorney
Milwaukee

Gateway Transportation Company by

Joseph E. Ludden, assistant secretary
La Crosse

Appearances: (Continued)

Motor Vehicle Department by

Sergeant C. F. Holmquist
Fond du Lac

G. K. Woodworth, former captain of patrol
Fond du Lac

Highway Commission of Wisconsin by

Wayne N. Volk, engineer of traffic services
Madison

Of the Commission Staff:

A. Wilford Larson, chief, transportation department
J. H. Justesen, supervisor, motor carrier section
Miles F. Fenske, motor carrier section
R. W. Connor, motor carrier section

Opinion and Findings of Fact

The present general order restricting truck traffic in the use of certain highways was last amended April 6, 1954. Traffic conditions existing in the vicinity of Walworth were brought to the attention of the Commission too late in 1956 to permit amendment of the order before the lifting of restrictions for that year. Representations were made to the Commission by the State Highway Commission informally. The Commission consequently reopened the matter for investigation of any relevant revisions of the existing order.

The State Highway Commission recommended changes on highways 57 and 141 necessitated by relocation of existing highways. These changes do not in any way affect the existing restrictions and will be adopted. The Highway Commission likewise proposed the elimination of the present restriction on highway 16 between Portage and Wisconsin Dells and the placement of a restriction on highway 41 between its junction with highway 45 east of Richfield and its junction with highway 175 south of Fond du Lac.

Lifting of the restriction on highway 16 was proposed in view of the completion of the new construction bypassing Wisconsin Dells between highways 16 and 13 and the completion of the bridge over the Wisconsin River on highway 82. It was felt that the existing bottle-neck at Wisconsin Dells had been eliminated by the new construction.

This Commission does not feel, however, that the public interest requires this new route to be made available for heavy highway traffic during the congested traffic periods.

The recommendation of the Highway Commission to close highway 41 was supported by the State Traffic Patrol which by observation and mechanical devices determined that the highway was overburdened to the point of creating unnecessary and unwarranted hazards and inconvenience. The Commission is of the opinion that highway 41 should be closed as recommended inasmuch as highway 45 is available as an adequate alternate route.

The Village of Walworth requested that highway 14 between the Illinois state line and Walworth be opened to permit traffic to be dispersed on the city streets thereof. The distance from the Illinois state line to Walworth is 2 miles without intersecting highways to permit trucks to leave the highway until they reach the village of Walworth if they should unintentionally be on said highway at restricted times.

Records of the Highway Commission show the heaviest concentration of traffic between Walworth and the state line with a slight diminution thereof to the intersection of state trunk highway 11 north of Darien. With highway 14 closed for this distance, the normal alternate route has been highway 140. Such diversion created an unreasonable burden of traffic in

Lifting of the restriction on highway 16 was proposed in view of the completion of the new construction by-passing Wisconsin Dells between highways 16 and 13 and the completion of the bridge over the Wisconsin River on highway 82. It was felt that the existing bottle-neck at Wisconsin Dells had been eliminated by the new construction.

This Commission does not feel, however, that the public interest requires this new route to be made available for heavy highway traffic during the congested traffic periods.

The recommendation of the Highway Commission to close highway 41 was supported by the State Traffic Patrol which by observation and mechanical devices determined that the highway was overburdened to the point of creating unnecessary and unwarranted hazards and inconvenience. The Commission is of the opinion that highway 41 should be closed as recommended inasmuch as highway 45 is available as an adequate alternate route.

The Village of Walworth requested that highway 14 between the Illinois state line and Walworth be opened to permit traffic to be dispersed on the city streets thereof. The distance from the Illinois state line to Walworth is 2 miles without intersecting highways to permit trucks to leave the highway until they reach the village of Walworth if they should unintentionally be on said highway at restricted times.

Records of the Highway Commission show the heaviest concentration of traffic between Walworth and the state line with a slight diminution thereof to the intersection of state trunk highway 11 north of Darien. With highway 14 closed for this distance, the normal alternate route has been highway 140. Such diversion created an unreasonable burden of traffic in

the community of Clinton which objected particularly to the flow of heavy truck traffic on Sunday during church hours.

The Commission is of the opinion that the lifting of the restriction on highway 14 will alleviate the traffic conditions at Walworth on highway 14 and at Clinton on highway 140. The Commission staff proposed minor changes in the wording of the exemptions in the interest of clarity which do not in any way affect the application of the exemptions as presently interpreted. Such revisions will be adopted. The existing order was not proposed to be amended in any way other than set forth above and will be continued in effect except as herein modified.

Conclusion of Law

THE COMMISSION CONCLUDES:

That it has authority under chapter 194, Wisconsin Statutes, and particularly under sections 194.02, 194.18, 194.36, and 194.43, to amend its rules PSC 50.02 and PSC 50.03, Wisconsin Administrative Code, as set forth in the order herein pursuant to the foregoing opinion and findings of fact.

Order

THE COMMISSION THEREFORE ORDERS:

1. That sections PSC 50.02 and PSC 50.03, Wisconsin Administrative Code, be and is hereby amended and adopted in the following respects:

- a. That section PSC 50.02(2) be repealed. ✓
- b. That section PSC 50.02(8a) be created to read: ✓

(8a) HIGHWAY 41--Between its junction with highway 45 east of Richfield and its intersection with highway 175 south of Fond du Lac, except where it is coincidental with highway 28 east of Theresa.

c. That section PSC 50.02(11) be amended to read: ✓

(11) HIGHWAY 57--Between Milwaukee and DePere except where it is coincidental with highway 114 in Calumet County, and except where it is coincidental with highway 10 in Calumet County.

d. That section PSC 50.02(12) be amended to read:

(12) HIGHWAY 141--Between Milwaukee and Green Bay except between its east junction with highway 42 and its north junction with highway 10 in Manitowoc County. ✓

e. That section PSC 50.03(1)(c)1., 3., 4., and 6., be amended to read: ✓

1. Live animals

3. Fresh or frozen fish, including shell fish.

4. Fresh or frozen fruits and/or vegetables.

6. Fresh bakery goods in finished form.

2. That certified copies of sections PSC 50.02 and 50.03, Wisconsin Administrative Code, as herein amended and adopted be sent to the Secretary of State and Revisor of Statutes as required by section 227.023, Statutes.

3. That, except as herein modified, chapter PSC 50, Wisconsin Administrative Code, shall continue in full force and effect.

4. That this Order shall become effective on the 1st day of May, 1957, pursuant to section 227.026, Statutes.

Dated at Madison, Wisconsin, this 21st day of March, 1957.

By the Commission.

Edward T. Kaveny
Secretary



PUBLIC SERVICE COMMISSION OF WISCONSIN

STATE OFFICE BUILDING
MADISON 2, WISCONSIN

March 21, 1957

GEORGE P. STEINMETZ,
CHAIRMAN
NICHOLAS J. LESSELYOUNG,
COMMISSIONER
ARTHUR L. PADRUTT,
COMMISSIONER
EDWARD T. KAVENY, SECRETARY

FILE NO. MC-326

Mr. James J. Burke
Revisor of Statutes
State Capitol
Madison, Wisconsin

In the Matter of Rules and Regula-
tions in the Use of Highways

Dear Sir:

Pursuant to Section 227.023, Wisconsin Statutes,
we are enclosing a certified copy of the Order of March 21,
1957 in the above entitled matter amending and adopting
rules PSC 50.02 and PSC 50.03, Wisconsin Administrative
Code.

Very truly yours,

Edward T. Kaveny
Secretary

mcb