

*Filed April 3-1961
3:58 P.M.*

BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

PSC 50

STATE OF WISCONSIN)
PUBLIC SERVICE COMMISSION) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Edward T. Kaveny, Secretary of the Public Service Commission of Wisconsin, and custodian of the official records of said commission, do hereby certify that the **annexed documents which is an Order of the Public Service Commission Amending and Adopting Rules, Sec. PSC 50, Wisconsin Administrative Code, relating to MC-326 - In the Matter of Rules and Regulations in the Use of Highways**

were duly approved and adopted by this Commission on **April 3, 1961**

I further certify that said copy has been compared by me with the original on file in this commission and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the Capitol, in the city of Madison, this *3rd* day of *April* A.D. 1961.

Edward T. Kaveny
Secretary

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

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

ORDER AMENDING RULES

By notice dated December 19, 1960 and due publication in the Notice Section of the Wisconsin Administrative Register for December 1960, docket MC-326, relating to Chapter PSC 50, Wisconsin Administrative Code, was reopened upon the Commission's own motion, to consider modifications of sections PSC 50.02 and PSC 50.03 of said chapter. Pursuant to due notice, hearings were held on January 20, 1961 and January 27, 1961 at Madison before Examiner Samuel Bryan and oral argument on March 2 before Commissioners Leonard Bessman, Arthur L. Padrutt, and Martin G. Glaeser.

Appearances:

Janesville Auto Transport Co., by

Walter R. Arthur
1263 S. Cherry St., Janesville

Tom Richards
Janesville, and

Adolph J. Bieberstein
Glenn W. Stephens, Attorneys
121 W. Doty St., Madison

Appearances: (Continued)

Wisconsin Motor Carriers Association, by

Roy C. Rollins
6317 Ford Street, Madison

John P. Varda
1 W. Main St., Madison

Minnesota-Wisconsin Carriers Conference, by

John P. Varda
1 W. Main St., Madison

Wisconsin State Patrol, by

Captain Lewis V. Versnick
Commander, District No. 3, Fond du Lac

Captain Earl O. Wolff
Route 1, Box 397, McFarland

Captain Charles Litkey
District No. 2, Route 4, Pewaukee

Consolidated Freightways, by

Chester A. Nowak
3830 W. Southland Drive, Hales Corners

Spector Freight, Inc.
Steffke Freight Co., Div. of Spector Freight by

Edward J. Lamm
4069 S. 60th Street, Milwaukee

Senator Carl W. Thompson
113 E. Main St., Stoughton

United States Rubber Co., by

W. O. Stelling
613 Clyde St., Stoughton

Stoughton Area Industry, by

Harry F. Miedema, Jr.
Stoughton

Appearances: (Continued)

Assemblyman Jerome L. Blaska
4th Assembly District, Sun Prairie

Liberty Trucking Company, by

R. R. Rickman
5314 Schlueter Rd., Madison

Pure Milk Association of Chicago, by

H. E. Miller
Route 1, Janesville

Baker Manufacturing Company, by

H. W. Edelman, vice president
34 Sherman Terrace, Madison 4

Albion Cooperative Creamery Co., by

Jack A. Pedersen
301 Quigley St., Edgerton

Severson Transport by

Laverne Severson
Route 1, Edgerton

City of Edgerton, by

Arnold Wickum, mayor
Edgerton, and

Stanley W. Slagg, city attorney
110 W. Fulton St., Edgerton

Edgerton Farmers Warehouse Co., by

Norman Amundson, manager
Edgerton

Wisconsin Mold & Tool Co., Inc., by

E. J. Kjellstrom
705 S. Main St., Oregon

Appearances: (Continued)

Wisconsin Farm Truckers Association, by

J. T. Williams
Endeavor

Neuendorf Transportation Company, by

Mr. Laird, Madison

Railway Express Agency, Inc., by

E. J. Hardebeck
527 N. 4th Street, Milwaukee

Rock County Sheriff's Department, by

Miles C. Sweeney
Under-Sheriff of Rock County, Janesville

Brakebush Bros., by

William Brakebush
Westfield

Ed. Stick, Inc., Processors & Distributors
of Live Poultry, by

Gordon Stick,
1202 Walworth Ave., Whitewater

Wisconsin Poultry Processors Association
and
Dairyland Poultry, Inc., by

Donald Alf
Endeavor

Hartwig's Poultry Farm, Inc., by

Leroy Hartwig
Johnson Creek

Of the Commission Staff:

Clarence B. Sorensen, staff counsel
legal department

Appearances: (Continued)

Of the Commission Staff: (Continued)

J. H. Justesen,
Miles F. Fenske,
Ray W. Connor,
transportation department

Opinion and Findings of Fact

The notice of investigation and hearing specifically proposed modifications of PSC 50.02(1) to open highway 12 between Fort Atkinson and Middleton; PSC 50.02(11) to repeal restrictions relating to highway 57; PSC 50.02(15) to close highway 51 between its junction with 14 near Janesville and its junction with 12 near Middleton; PSC 50.02(16) to close highway 14 between its junction with 51 near Janesville and highway 12 near Madison; PSC 50.02(17) to close highway 41 between its junction with 175 and De Pere, except between Winnebago County Trunk PP and 10 near Appleton; and of PSC 50.03(1)(b) to include railroad emergency vehicle repair trucks as an exemption thereto. The notice also provided that any other modifications could be presented at the hearings.

At the hearings, the Highway Commission offered modifications as follows:

1. To open 41 from the south city limits of Neenah to 10 in lieu of Winnebago County Trunk PP.

2. To continue restriction on 57 from its intersection with 141 near Port Washington to Cedarburg and in lieu thereof to open 141 from such intersection to Milwaukee. The purpose is to remove the traffic from urban to rural areas.

3. To leave 51 open between Dane County Trunk N east of Stoughton to 138 west of Stoughton to permit an outlet for trucks serving Stoughton.

The Poultry Processors recommended that dressed poultry be exempt from all restrictions.

The testimony shows 41 between Fond du Lac and De Pere to be extremely congested in spite of new construction, due mainly to converging traffic from divided into nondivided highways. Eventually, this congestion will be minimized by new construction, except for the crossing of Lake Butte des Morts. Adequate alternate routes are available for heavy vehicular traffic. Highway 57 has had a great deal of realignment and improvement since its original closing, and it is now felt to be adequate to handle a share of the truck traffic.

The opening of the Illinois toll road has diverted to 51 and 14 a substantial amount of traffic which had been using 12. The connecting Wisconsin Freeway I-90 terminates at Janesville where 14 and 51 intersect. Projected I-90 continues northward adjacent to 51 where it will connect

with I-94 at Madison and continue on to Tomah through Wisconsin Dells. The stretch between Madison and Wisconsin Dells will be open for travel late in 1961 and between Madison and Janesville, by late 1962. It is expected that this will be the future route of Chicago-Twin Cities traffic.

The record shows that, while both 51 and 14 are exceeding their maximum capacity during peak periods, 51 would be less affected by the interjection of trucks because of its better geometrics. Between Janesville and Madison, 14 has 21 marked curves while 51 has a minimum of marked curves or turns. Thus, the retardation of traffic by slower-moving vehicles on 51 would be less noticeable as constant speeds may be maintained. Highway 12 and 26, the proposed alternate route, has 31 marked curves and one marked turn, which is even more inferior from a physical standpoint than 14.

Inasmuch as this is a permanent continuing order, some consideration must necessarily be given to the future. Obviously, the trucks, especially through traffic, will normally shift to the I system. Having this in mind, every effort should be made to encourage the truck traffic into these channels. Highway 51 traffic will flow naturally into the I system and for only one, or at the most two, seasons will extra effort be necessary to police the heavy traffic

volume. It would appear that, with 14 and 12 closed to through truck traffic, more automobile traffic will divert to these routes.

Oregon and Evansville are located directly on 14 and it is necessary that an outlet be provided for these communities. Therefore 14 will be left open where it is coincidental with 59 and between Oregon and 106.

While some inconvenience is experienced by the poultry processors in the movement of dressed poultry it is not unreasonable to continue the restrictions on these commodities, in view of the provisions for special permits for unreasonable hardships.

The Commission is of the opinion that the following changes in PSC 50.02 and PSC 50.03 are in the public interest and should be adopted.

Conclusion of Law

THE COMMISSION CONCLUDES:

That it has power under Chapter 194, Wisconsin Statutes, and particularly under sections 194.02, 194.18, 194.36, and 194.43 to amend its rules, sections 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 OF THE PUBLIC SERVICE COMMISSION
AMENDING AND ADOPTING RULES

Pursuant to authority vested in the Public Service Commission by Chapter 194, Wis. Stats., the Public Service Commission hereby amends and adopts rules as follows:

Section PSC 50.02 (1) of the WISCONSIN ADMINISTRATIVE CODE is amended to read:

PSC 50.02 (1) HIGHWAY 12--Between Wisconsin-Illinois state line and its junction with Juneau County Trunk O south of Mauston except where it is coincidental with highway 15 north of Elkhorn, except where it is coincidental with highway 73 west of Cambridge, except from its intersection with highway 51 westerly to its junction with highway 14 at Middleton, and except where it is coincidental with highway 33 north of Baraboo.

Sections PSC 50.02 (2) and PSC 50.02 (8a) of the WISCONSIN ADMINISTRATIVE CODE are created to read:

PSC 50.02 (2) HIGHWAY 14--Between its junction with highway 51 near Janesville and its south junction with highway 12 at Madison except where it is coincidental with highway 59 north of Evansville and except between Oregon and its junction with highway 106 east of Oregon.

PSC 50.02 (8a) HIGHWAY 41--Between its junction with highway 175 south of Fond du Lac and De Pere, except between Neenah and its junction with highway 10 west of Appleton.

Sections PSC 50.02 (11), PSC 50.02 (12), and PSC 50.03 (1) (b) of the WISCONSIN ADMINISTRATIVE CODE are amended to read:

PSC 50.02 (11) HIGHWAY 57--Between Cedarburg and its junction with highway 141 north of Grafton.

PSC 50.02 (12) HIGHWAY 141--Between its junction with highway 57 north of Grafton and Green Bay, except between its east junction with highway 42 and its north junction with highway 10 in Manitowoc County.

PSC 50.03 (1) (b) As wreckers or public utility or railroad emergency repair trucks or;

The rules and amendments contained herein shall take effect on May 1, 1961 as provided in section 227.026, Wis. Stats.

Dated April 3, 1961

PUBLIC SERVICE COMMISSION OF WISCONSIN

Edward P. Kaveny
Secretary



PUBLIC SERVICE COMMISSION OF WISCONSIN

STATE OFFICE BUILDING
MADISON 2, WISCONSIN

LEONARD BESSMAN
CHAIRMAN
ARTHUR L. PADRUTT
COMMISSIONER
MARTIN G. GLAESER
COMMISSIONER
EDWARD T. KAVENY, SECRETARY

April 3, 1961

FILE NO. MC-326

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

Re: In the Matter of Rules and Regu-
lations in the Use of Highways

Gentlemen:

Pursuant to Section 227.023, Wisconsin Statutes, we are enclosing a certified copy of the order of April 3, 1961, in the above entitled matter amending and adopting Rules PSC 50.02, Wisconsin Administrative Code.

Very truly yours,

Edward T. Kaveny
Secretary

mcb