

Investigation on Commission's
Motion of Transportation of
Explosives and Dangerous Articles
by Common and Contract Motor
Carrier

MC-1564

ORDER PROPOSING AMENDED RULE

American Trucking Associations, Inc., Agent, Motor Carriers' Explosives and Dangerous Articles Tariff No. 10, MF I.C.C. No. 11, P.S.C. Wisc. No. 8, currently referred to in section PSC 69.02, Wisconsin Administrative Code, will be cancelled by Tariff No. 11, MF I.C.C. No. 12, P.S.C. Wisc. No. 9, effective October 3, 1962, which incorporates material contained in Tariff No. 10 and supplements thereto, and makes current revisions in the lists of participating carriers and changes in regulations governing the transportation of explosives and other dangerous articles required by the Interstate Commerce Commission's order No. 55 in Docket No. 3666.

Said section should be accordingly amended to substitute the new tariff for that incorporated by reference in the present rule.

Order

THE COMMISSION THEREFORE ORDERS:

That notice be and hereby is given that pursuant to sections 194.02, 194.18 (9), 194.36 (9), and 194.38, Wis. Stats., and according to the procedure set forth in section 227.02 (1) (e), Wis. Stats., the Public Service Commission will amend section PSC 69.02 (1), (2) and (4) as herein

proposed, without public hearing thereon unless, within 30 days after publication of this notice, it is petitioned for a public hearing on said proposed amendment by 25 persons who will be affected by the rule, a municipality which will be affected by the rule, or an association which is representative of a farm, labor, business or professional group which will be affected by the rule:

PSC 69.02 (MC-1564) Transportation of explosives and dangerous articles. (1) No contract or common motor carrier shall transport any explosives and dangerous articles in intrastate commerce except in accordance with the rules and regulations contained in American Trucking Associations, Inc., Agent, Motor Carriers' Explosives and Dangerous Articles Tariff No. 11, MF I.C.C. No. 12, P.S.C. Wisc. No. 9, unless otherwise specifically authorized by the commission.

(2) Each contract and common motor carrier who transports any such commodity shall issue a proper intrastate concurrence in Motor Carriers' Explosives and Dangerous Articles Tariff No. 11, MF I.C.C. No. 12, P.S.C. Wisc. No. 9 to American Trucking Associations, Inc., Agent; and shall file a copy thereof with this commission on not less than one day's notice.

(4) Pursuant to section 227.025, Wis. Stats., the revisor of statutes and the attorney general have consented to the incorporation by reference in this section of the matter contained in the American Trucking Associations, Inc., Agent, Motor Carriers' Explosives and Dangerous Articles Tariff No. 11, MF I.C.C. No. 12, P.S.C. Wisc. No. 9 which can be obtained through American Trucking Associations, Inc., 1616 P Street N. W., Washington 6, D. C. Copies of this material are on file in the offices of the public service commission, the secretary of state, and the revisor of statutes.

COPY

THE STATE OF WISCONSIN
OFFICE OF ATTORNEY GENERAL
MADISON 2

PSC 69.02

August 6, 1962

Mr. Edward T. Kaveny, Secretary
Public Service Commission of Wisconsin
State Office Building
Madison, Wisconsin

Dear Sir: Re: Your File MC-1564 - PSC 69.02

Your Commission requests our consent and that of the Revisor of Statutes, under sec. 227.025, Stats., for you to incorporate by reference in a rule the standards relating to transportation of explosives and dangerous articles contained in American Trucking Associations, Inc., Agent, Motor Carriers' Explosives and Dangerous Articles Tariff No. 11, MF I.C.C. No. 12, P.S.C. Wisc. No. 9, issued ~~September 11, 1959~~ ^{July 18, 1962}, and effective ~~November 20, 1959~~ ^{October 3, 1962}, unless otherwise specifically authorized by the Commission.

The rule would require any contract or common motor carrier transporting explosives and dangerous articles in intrastate commerce to transport these items in accordance with the rules and regulations contained in the designated tariff, unless otherwise specifically authorized by the Commission. The tariff includes a great many pages of highly technical specifications for the packaging and handling of dangerous articles and is amended frequently.

It appears that your proposed rule is of limited public interest, that the tariff is readily available in published form, that the reference to the material to be incorporated is specific, that incorporating the tariff provisions by reference would save considerable expense, and that the American Trucking Association, Inc. meets the statutory definition of a technical society or organization of recognized national standing.

Mr. Edward T. Kaveny

August 6, 1962

-2-

Accordingly, we herewith consent to the incorporation by reference in the rule as set forth in your letter received August 3, 1962.

Very truly yours,

/s/ John W. Reynolds
JOHN W. REYNOLDS
Attorney General

James J. Burke
JAMES J. BURKE
Revisor of Statutes

EWV:lm

Filed Oct 4-1962
3:55 PM

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

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 document in docket MC-1564**

relating to transportation of explosives and dangerous articles by common and contract motor carriers

were duly approved and adopted by this Commission on **October 4, 1962**

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 *4th* day of *October* A.D. *1962*.

Edward T. Kaveny
Secretary

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Investigation on Commission's Motion of Transportation of Explosives and Dangerous Articles by Common and Contract Motor Carriers } MC-1564

ORDER ADOPTING AMENDED RULES

Notice of proposal to amend section PSC 69.02 (1), (2), and (4) was published in the August 1962 Notice Section of the Wisconsin Administrative Register. The Commission has received no petition for public hearing as provided for in section 227.02 (1) (e), Statutes.

Order

THE COMMISSION THEREFORE ORDERS:

1. That pursuant to authority vested in the Public Service Commission by sections 194.02, 194.18(9), and 194.36 (9), Wis. Stats., amended section PSC 69.02 (1), (2), and (4) of the Wisconsin Administrative Code be and the same hereby are adopted to read as follows:

PSC 69.02 (MC-1564): Transportation of explosives and dangerous articles. (1) No contract or common motor carrier shall transport any explosives and dangerous articles in intrastate commerce except in accordance with the rules and regulations contained in American Trucking Associations, Inc., Agent, Motor Carriers' Explosives and Dangerous Articles Tariff No. 11, MF I.C.C. No. 12, P.S.C. Wisc. No. 9, unless otherwise specifically authorized by the commission.

(2) Each contract and common motor carrier who transports any such commodity shall issue a proper intrastate concurrence in Motor Carriers' Explosives and Dangerous Articles Tariff No. 11, MF I.C.C. No. 12, P.S.C. Wisc. No. 9, to American Trucking Associations, Inc., Agent; and shall file a copy thereof with this commission on not less than one day's notice.

(4) Pursuant to section 227.025, Wis. Stats., the revisor of statutes and the attorney general have consented to the incorporation by reference in this section of the matter contained in the American Trucking Associations, Inc., Agent, Motor Carriers' Explosives and Dangerous Articles Tariff No. 11, MF I.C.C. No. 12, P.S.C. Wisc. No. 9, which can be obtained through American Trucking Associations, Inc., 1616 P Street, NW., Washington 6, D.C. Copies of this material are on file in the offices of the public service commission, the secretary of state, and the revisor of statutes.

2. That a certified copy of the above adopted amended rule be filed in the office of the Secretary of State and of the Revisor of Statutes, as required by section 227.023, Wis. Stats.

3. That, in compliance with section 227.025, Wis. Stats., a copy of American Trucking Associations, Inc., Agent, Motor Carriers' Explosives and Dangerous Articles Tariff No. 11, MF I.C.C. No. 12, P.S.C. Wisc. No. 9 be filed with the Secretary of State. A copy of this Tariff was filed with the Revisor of Statutes at the same time as the proposed amended rule was submitted for inclusion in the aforementioned August Notice Section of the Wisconsin Administrative Register. The Revisor of Statutes and the Attorney General had previously consented to the incorporation of said Tariff by reference in the Public Service Commission

rules as required by section 227.025, Wis. Stats.

4. That the adopted amended rule, as shown above, become effective November 1, 1962, according to the provisions of section 227.026 (1), Wis. Stats.

Dated at Madison, Wisconsin, this 4th day of

October, 1962.

By the Commission.

Edward P. Kaveny
Secretary