

Chapter PSC 16

RATE AND TARIFF RULES APPLICABLE TO INTRA-STATE MOTOR CARRIER OPERATIONS

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PSC 16.01 Common motor carriers; rate and tariff rules. Every common motor carrier shall comply with section PSC 16.02 through section PSC 16.07 which set forth rate and tariff rules for intrastate common motor carrier operations, unless otherwise specifically authorized by the commission.

PSC 16.02 Bills, freight. (1) Freight bills for each shipment handled shall be made and kept by the carrier showing the name and address of the carrier, consignor, and consignee; the origin and destination; the date of receipt by the carrier; the description by number of packages and commodity name; and the weight, rate, and charge.

(2) On traffic moving under joint rates, freight bills shall also show the point of interchange, the name of the connecting carrier, and the division of revenues between the joint carriers.

PSC 16.03 Classification, freight. The less-than-truck-load ratings, rules, and regulations of the National Motor Freight Classification shall govern the rating of traffic moving on class rates.

History: 1-2-56; am. Register, March, 1969, No. 159, eff. 4-1-69.

PSC 16.04 Distance formula. Distances for the application of class rates shall be determined by the use of the airline-distance principle as it appears in section PSC 16.36.

History: 1-2-56; am. Register, December, 1957, No. 24, eff. 1-1-58.

PSC 16.05 Rates, freight. (1) DEFINITION OF "SINGLE-LINE" AND "JOINT-LINE" RATES. (a) "Single-line rates" are rates applicable to "single-line operation," which is the movement by a single carrier of traffic originating and terminating at points served by that carrier.

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(b) "Joint-line rates" are rates applicable to "joint-line operation," which is the movement of traffic where two or more carriers forming a through route, providing a line haul to each, participate in transportation over different segments of the through route to perform a complete service and to join in a combined total charge, or "joint rate," instead of requiring payment by the shipper of each carrier's individual rate.

(2) **DISTANCE FORMULA.** The single- and joint-line class rates prescribed by the Commission shall be based on airline distances computed as provided under Wis. Adm. Code section PSC 16.36, except that for common motor carrier rates, all municipalities located wholly or partially within Milwaukee County shall be considered as having Index No. 4541.

(3) **JOINT-LINE RATES APPLIED.** The joint-line rates shall be applicable between all points served by authorized common motor carriers via routes providing a line haul to each carrier participating in the joint transportation service, except that where a carrier is authorized to serve between the point of origin and the point of destination in single-line service, that carrier shall not be required to joint-line traffic with any other carrier, or carriers, between those points.

History: 1-2-56; am. (2), Register, December, 1957, No. 24, eff. 1-1-58; am. (2), Register, August, 1964, No. 104, eff. 1-1-65.

PSC 16.06 Tariffs, freight. (1) The joint-line less-than-truckload class rates shall be published by the carriers in a single joint-line tariff in which all common motor carriers shall participate by giving a proper concurrence or power of attorney to the publishing carrier or agent.

(2) The joint tariff shall:

(a) Provide for the determination of rates by the use of the airline-distance principle set forth in section PSC 16.36.

(b) List alphabetically all intrastate common motor carriers of property with their certificate numbers, and also numerically by carrier number.

(c) List all points on each carrier's certificated routes which the carrier can serve in either single-line or joint-line service.

(d) Show opposite each point the certificate or carrier number of the carrier or carriers authorized to serve such point; and, by symbol, indicate those carriers who can serve it in only joint-line service.

(e) Show the local authority restrictions and other pertinent operating information for each carrier participating in the tariff.

History: 1-2-56; am. (2) (a), Register, December, 1957, No. 24, eff. 1-1-58.

PSC 16.07 Payment of intrastate rates and charges. (1) Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, common carriers by motor vehicle may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of 7 days, excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to

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the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill.

(2) Where a common carrier by motor vehicle has relinquished possession of freight and collected the amount of tariff presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days, to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.

(3) Freight bills for all transportation charges shall be presented to the shippers within 7 calendar days from the first 12 o'clock midnight following delivery of the freight.

(4) Shippers may elect to have their freight bills presented by means of the United States mails, and when the mail service is so used the time of mailing by the carrier shall be deemed to be the time of presentation of the bills. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

(5) The mailing by the shipper of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such shipper, may be deemed to be the collection of the tariff rates and charges within the credit period for the purpose of this section. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

History: Cr. Register, February, 1957, No. 14, eff. 3-1-57.

PSC 16.30 Contract motor carriers (other than household goods carriers); rate and tariff rules. Every contract motor carrier (other than household goods carriers) shall comply with section PSC 16.31 through section PSC 16.35, which set forth rate and tariff rules, unless otherwise specifically authorized by the commission, and except as provided in section PSC 16.31.

History: 1-2-56; am. Register, October, 1957, No. 22, eff. 3-1-58.

PSC 16.31 Exemptions from rate and/or tariff rules. (1) Contract motor carriers are exempt from rate regulation and are not required to file rates or tariffs for the following operations:

- (a) Transporting unmanufactured products of farm and forest.
- (c) Transporting cheese from point of production to warehouses, concentration points, or processing plants; and the return of cheese factory supplies weighing not in excess of 1,000 pounds per shipment.
- (d) Transporting fluid milk, cream, ice cream mix, and whey.
- (e) Transporting livestock.
- (f) Transporting agricultural limestone, lime sludge, and marl.
- (g) Transporting ashes, asphalt mix, batch cement, cinders, clay, crushed stone, dirt, gravel, mine tailings, ore, redi-mix concrete, sand, sod, stone, lime, refuse, and waste sulphite liquor.
- (h) Transporting farm supplies or equipment directly to farms for use or consumption thereon for distances not in excess of 35 miles or contained within the authority of a carrier to transport such supplies or equipment from points within 35 miles of his residence or place of business to farms within a defined area located within such radius.

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(i) Local cartage which takes place entirely within an area comprised of one municipality and municipalities contiguous thereto as well as local cartage wholly within the following described area: All of Milwaukee County; the cities of Brookfield and New Berlin and the villages of Butler, Elm Grove, Lammon, and Menomonee Falls, and the town of Brookfield, Waukesha County; and the city of Mequon and the village of Thiensville, Ozaukee County.

(j) Delivering merchandise from retail stores to purchasers incidental to retail sales.

(k) Towing disabled motor vehicles.

(l) Transporting coin, currency, securities, negotiable and non-negotiable instruments, commercial papers, documents, written instruments, papers used in the processing of data by computing machines, punch cards, magnetic encoded documents, magnetic tape, punch paper, tape, printed reports, documents, office records, proofs, cuts, copy, photo engraving, exposed or processed film, prints, incidental film, dealers' supplies such as envelopes, labels, mountings, advertising, complimentary replacement of film, dental impressions, models and bites, articulators, dentures, and products relating to restorative dentistry. All of the aforesaid articles are to be transported in vehicles having a licensed gross weight of 8,000 pounds or less or in armored vehicles.

(m) Transporting cut flowers and potted plants.

(n) Transporting newspapers.

(2) Contract motor carriers are required to file their rates and tariffs but are exempt from rate regulation for the following operations:

(a) Transporting wool.

(b) Transporting automobiles and motor vehicles.

(f) Transporting commodities by motor vehicles used exclusively in the service of a single shipper or receiver over a period of not less than 3 months.

(3) Contract motor carriers are required to charge rates not less than the minimum rates prescribed but are not required to file their rates or tariffs for the following operations:

(a) Transporting heavy machinery or other cumbersome articles requiring special equipment and not handled in the course of repeated instances of transportation for the same shipper.

(b) Emergency and isolated instances of transportation referred to in section 194.34 (4), Wis. Stats.

History: 1-2-56; am. (2) (c), Register, October 1957, No. 22, eff. 3-1-58; cr. (1) (l), Register, May, 1963, No. 89, eff. 6-1-63; am. (1) (i), Register, September, 1964, No. 105, eff. 10-1-64; am. (1) (a), (c), (d), (f), (g), and (1); r. (1) (b); cr. (1) (m) and (n); r. (2) (c), (d) and (e), Register, March, 1969, No. 159, eff. 4-1-69.

PSC 16.32 Bills, freight. (1) Freight bills, or other documentary evidence, for each shipment shall be made and kept by the contract motor carrier showing the name and address of the carrier, consignor, and consignee; the origin and destination; the date of the shipment; the number and kind of pieces, packages, or other quantity units of freight comprising the shipment, together with a description of the commodities included; and the weight, rate, and charge except for operations as outlined under Wis. Adm. Code subsections PSC 16.31 (1) and PSC 16.31 (2) (f).

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(2) Such freight bills or documentary evidence thereof shall be carried, during the course of the transportation of such shipment, on the motor vehicle used for any shipment for which minimum rates have been prescribed.

(3) Such freight bills shall be numbered serially, and retained as a record of the carrier.

(4) All contract motor carriers shall maintain all shipping documents or manifests for all shipments combined to make a volume and moved under a volume rate as a record in such manner as to facilitate the audit of the charges applied to such shipments.

History: 1-2-56; am. (1), Register, May, 1963, No. 89, eff. 6-1-63.

PSC 16.33 Rates, freight. All contract motor carriers shall maintain and apply rates and charges for transportation not lower than those prescribed by the commission as reasonable minima, except as provided in section PSC 16.31 (1) and (2).

PSC 16.34 Tariffs, freight. (1) All contract motor carriers shall keep on file with the commission in approved form a tariff or other written statement of the actual rates and charges applied to any intrastate transportation within Wisconsin except as provided in section PSC 16.31 (1) and (3).

(2) All contract motor carriers subject to section PSC 16.31 (2) (f) shall file with the commission a true and correct copy of every contract for the exclusive assignment of a motor vehicle to any single shipper or receiver for a period of 3 months or over and every contract for the transportation of commodities by a motor vehicle so assigned.

PSC 16.35 Contract motor carriers of petroleum products in bulk in tank trucks; minimum rates; charges and regulations. (1) All contract motor carriers transporting petroleum products in bulk in tank trucks shall maintain and apply rates for such transportation not lower than the rates set forth in subsections (4) and (5) herein.

(2) Minimum rates and charges shall be determined in accordance with highway mileages computed from the official Wisconsin state highway log issued by the Wisconsin department of transportation division of highways, as specifically published in a table of distances by the Wisconsin motor carriers association (petroleum rate and tariff division) from points of origin to all points of destination in the state of Wisconsin as set forth in tariff No. P-101, subject to a minimum charge based on the applicable minimum rate and minimum quantities of:

- (a) 8,000 gallons—Group A commodities
 - (b) 7,000 gallons—Group B commodities
 - (c) 6,000 gallons—Group C commodities
 - (d) 9,000 gallons—Group D commodities
- at 60 degrees Fahrenheit

except that when a tank truck having a capacity of less than the aforesaid minimum quantities is furnished, the minimum loading required shall be the capacity of the tank truck furnished. In instances where the employment of certain tractors and trailers used make it impossible to load the above minimum gallonages due to highway weight limits, the actual gallonage loaded to full visible

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capacity will be in compliance with minimum quantities set forth above. The carrier's tariff must specify equipment by its assigned number which are thus affected.

(3) Commodity groups are described as follows:

(a) *Group A* includes gasoline, jet fuel, and naphtha.

(b) *Group B* includes distillate fuel oil Nos. 1, 2, and 3 not suitable for illuminating purposes; distillate gas oil, diesel oil, furnace oil; kerosene, range oil; and refined oil, illuminating or burning.

(c) *Group C* includes asphalt; crude oil; fuel oil Nos. 4, 5, and 6, bunker C and residual; gas oil; and lubricating oil.

(d) *Group D* includes liquefied petroleum gas, not including butadiene, ethylene, or propylene.

(4) Minimum scale of petroleum rates in cents per gallon:

(a) Commodity groups A, B, and C:

DISTANCE—HIGHWAY MILES (Numbers inclusive)	COMMODITY GROUPS		
	A	B	C
0- 15.....	.390	.445	.546
16- 20.....	.462	.527	.647
21- 25.....	.489	.557	.685
26- 30.....	.516	.588	.722
31- 35.....	.547	.624	.766
36- 40.....	.579	.660	.811
41- 45.....	.616	.702	.862
46- 50.....	.648	.738	.900
51- 55.....	.690	.787	.966
56- 60.....	.733	.836	1.026