

PSC 85

BEFORE THE
PUBLIC SERVICE COMMISSION


STATE OF WISCONSIN)
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PUBLIC SERVICE COMMISSION)

I, John F. Goetz, Secretary of the Public Service Commission and legal custodian of the official records of said Commission, do hereby certify under my signature and official seal of the Commission that the attached created rules, Wis. Adm. Code Chapter PSC 85, relating to motor vehicles of railroads used to transport railroad employes, were duly approved and adopted by order of August 11, 1970 in Docket No. 2-R-5389.

I further certify that the copy of the created rules attached hereto has been compared by me with the original on file in this Commission and that the same is a true copy thereof.

Dated at Madison, Wisconsin

September 1, 1970


John F. Goetz
Secretary

*Filed September 2, 1976
9:05 am*

ORDER OF THE
PUBLIC SERVICE COMMISSION
ADOPTING RULES

Pursuant to authority vested in the Public Service Commission by section 192.327 Wis. Stats., the Public Service Commission adopts rules as follows:

Chapter PSC 85 of the WISCONSIN ADMINISTRATIVE CODE is adopted to read:

CHAPTER PSC 85

Motor Vehicles of Railroads Used
to Transport Employees

PSC 85.01 General. (1) Statutory Authority. Wis. Adm. Code Chapter PSC 85 constitutes a general order of the Public Service Commission prescribing rules designed to effectuate and implement section 192.327, Wis. Stats., relating to motor vehicles used by railroads to transport employees. The authority to prescribe these rules will be found in both sections 192.327(3) and 227.014, Wis. Stats.

(2) Minimum Requirements. The rules prescribe minimum standards for the transportation of employees by motor vehicles to and from their places of employment and during the course of their employment and shall be observed by all railroads in their operations within the state of Wisconsin.

PSC 85.02 Application. (1) Intent. The intent of the rules will be realized (a) by applying the rules in full to all new motor vehicles and related items or equipment when placed in service, (b) by applying all except sections PSC 85.04(1), (2), (3), (5), and (6) to existing vehicles, (c) by applying all rules where there is major reconstruction of the vehicles and to those parts used as replacements in the partial reconstruction of a vehicle, (d) these regulations shall not apply to taxicabs or other vehicles licensed

by competent authority to transport the public, and used by a railroad to transport its employes.

(2) Design. All motor vehicles and related items or equipment shall be designed for use in the manner contemplated in these rules.

(3) Inspection and Repairs. Motor vehicles and related items or equipment shall be cleaned when necessary and inspected at such intervals as experience has shown to be necessary. Any motor vehicle or related items or equipment found or known to be defective so as to endanger life or property shall be promptly repaired or taken out of service until repairs can be made. Repairs shall be made by competent persons. Compartments for employes shall be kept in a reasonably clean and sanitary condition, and employes shall cooperate in maintaining such conditions.

(4) Changes in Requirements. It is recognized that these regulations cannot cover all contingencies, and accordingly the Commission may, on application or on its own motion, modify, grant exceptions to, or prescribe higher standards than the rules contained herein.

(5) Emergency. In times of emergency, if approved vehicles are not available, vehicles not complying with these regulations may be used. An emergency shall be considered as existing when rail traffic has been stopped or disrupted (or where there is a threat of stoppage or disruption) because of derailment, accident, disastrous storm, fire, flood or other similar condition. Ordinary weather conditions including usual storms especially in winter shall not be considered to call for emergency operation.

PSC 85.03 Definitions. As used in these rules, unless the context requires otherwise:

(1) "Commission" means the Public Service Commission.

(2) "Employe" means an individual employed for any period in any work for which he is compensated by a rail common carrier.

(3) "Employer" means a railroad common carrier who employs one or more employes.

(4) "Heating facilities" means a hot water radiator type system, or any other generally acceptable form of heating which does not emit nauseous fumes or gases into the vehicle.

(5) "Material" means all items that can be lawfully transported by motor vehicles.

(6) "Motor Vehicle" means any vehicle which is self-propelled and designed primarily for highway use, and which may or may not be equipped with retractable flange wheels for operation on railroad tracks.

(7) "Owner" means any person holding legal title to, or having lawful use of the motor vehicle through contract, lease, or otherwise.

(8) "Place of employment" means all locations where one or more employes are performing the work incident to their employment.

(9) "Rear compartment" means a crew cab which may be a continuation of the driver's cab, providing additional seating facilities, or an auxiliary cab located directly behind the driver's cab.

(10) "Seating facilities" means seats provided for workers other than the driver.

(11) "Tools" means hand or power-driven instruments and machines used in the efficient prosecution of a trade or calling.

(12) "Worker" means an individual employed for any period in any work for which he is compensated, whether full or part-time.

PSC 85.04 Rear Compartments. (1) A rear compartment may be either a continuation cab or an auxiliary cab.

(2) A continuation cab is a standard crew cab as designed and furnished by the motor vehicle manufacturer or as constructed by a motor vehicle body company which is a continuance of the driver's cab, of equal strength, all welded construction. In this type of cab, no communication system between the rear compartment and the driver is required.

(3) An auxiliary cab is a rear compartment separated from the driver's cab. It shall be of metal construction (including top), welded or riveted, with interior lining, equipped with adequate padded seats and back rests firmly secured in place. It shall be fastened directly to the frame of the motor vehicle and not to the surface of the bed of the vehicle. When necessary, it shall be equipped with steps and hand holds.

(4) A system of communication between an auxiliary cab and the driver shall be provided and said communication system must be kept in good working condition at all times.

(5) Both types of cabs shall be provided with a heating system for cold weather and a ventilation system for hot weather, providing heat and ventilation substantially equal to that provided for the driver. Exhaust systems shall be so designed as to prevent exhaust fumes from entering the rear compartment. Heavy-duty hinge-type doors shall be provided, equipped with automotive-type safety latches. All windows shall be of safety glass, as required by law. Where a compartment is equipped with only one door, at least one window shall be of the "knock-out" type and of sufficient size to provide emergency exit for the employes. All vehicles shall have adequate seating capacity for the number of employes carried.

(6) Canvas-covered truck beds or shelters built of wood, plywood or light-gauge metal on the bed of the truck shall not be considered as a rear compartment. The vehicles shall be especially built or modified for transporting employes in compartments separate from space used to transport tools, material and equipment for the employes.

PSC 85.05 Safety Equipment Required. (1) All vehicles used for the transportation of employes shall carry an adequate first-aid kit suitable for the number of employes transported.

(2) Each vehicle used to transport employes shall be equipped with either a 2-pound dry chemical type, or a 4-pound carbon dioxide type fire extinguisher approved by the Underwriters Laboratories, Inc. These are minimum capacities. Toxic vaporizing liquid type fire extinguishers, such as those containing carbon tetrachloride or chlorobromethane, will not be permitted.

(3) Racks, boxes, holsters or equivalent means shall be provided and arranged so employes will not be endangered by tools or equipment being transported, loaded or removed.

(4) To prevent materials being transported on flatbed trucks from shifting against cab or rear compartment, a suitable front endgate must be provided.

PSC 85.06 Drivers, Operation, Employes' Duties. (1) Only authorized, experienced, competent, qualified and licensed drivers not less than 18 years of age who satisfy the minimum standards for drivers established by the Division of Motor Vehicles shall be permitted to operate vehicles used to transport employes.

(2) The motor vehicle shall not carry railroad passengers or non-employes, except in an emergency. Persons having a work contact with the railroad or governmental inspection personnel may be carried.

(3) When the driver's compartment is separate from the compartment used to transport employes, the signals adopted for use on the communication system shall be simple and understood by both driver and employes.

(4) No vehicle shall be loaded beyond its safe carrying capacity, or beyond its licensed capacity when in use on public streets or highways. No motor vehicle shall be driven if it is so loaded, or if the load thereon is so distributed or so inadequately secured as to prevent safe operation.

(5) No motor vehicle shall be driven when anything in, on or attached to the vehicle obscures the driver's view ahead or to either side, or interferes with the free movement of his arms or legs, or prevents his free and ready access to his controls and emergency equipment, or prevents the free and ready exit of any person from the vehicle.

(6) All vehicles transporting employes shall observe all motor vehicle laws of this state.

(7) No explosives (except flagging equipment) shall be hauled on any vehicle while it is engaged in transporting employes. This rule shall not prohibit the driver and one qualified powder man from riding in a vehicle in which explosives are being hauled.

(8) Gasoline and other low flash point liquids shall not be hauled in vehicles transporting employes except when in Department of Industry, Labor and Human Relations approved safety containers or in containers meeting with the current specifications of the United States Department of Transportation. Such containers shall be carried in a safe, suitable location outside the passenger compartment as far from the compartment as possible, firmly secured to prevent shifting, and where they will not block exit from the vehicle.

(9) Occupants shall not ride with any part of their bodies extending out over the side of the vehicle.

(10) Employes wearing equipment which might injure a fellow employe (spurs, exposed sharp tools, and the like) shall remove such equipment before entering any vehicle in which employes are being transported.


(11) Scuffling or horseplay while riding in any vehicle is prohibited.

(12) Any hazardous condition or defect of a motor vehicle or unsafe practice of the driver or employes riding in vehicles used to transport employes shall be reported in writing to the employer or supervisor as soon as possible by any employe having knowledge of such conditions.

The rules contained herein shall take effect on October 1, 1970 as provided in section 227.026(1).

PUBLIC SERVICE COMMISSION

Dated: September 1, 1970



John F. Goetz
Secretary