

CR 85-60

RECEIVED

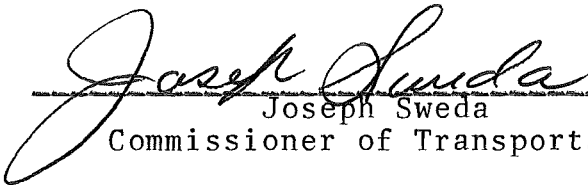
MAY 31 1985  
9:20 am  
Revisor of Statutes  
Bureau

STATE OF WISCONSIN )  
OFFICE OF THE COMMISSIONER OF TRANSPORTATION ) SS

I, Joseph Sweda, Commissioner of Transportation and custodian of the official records, do hereby certify that the annexed rules relating to Intrastate Railroad Ratemaking Jurisdiction were duly approved and adopted by this office on May 30, 1985.

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Office of the Commissioner of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 30th day of May, 1985.

  
\_\_\_\_\_  
Joseph Sweda  
Commissioner of Transportation

8-1-85

ORDER OF THE OFFICE OF  
THE COMMISSIONER OF TRANSPORTATION  
AMENDING AND CREATING RULES

Relating to rules concerning the regulation of intrastate railroad rates.

Pursuant to authority vested in the Office of the Commissioner of Transportation by ss. 195.03(1), 195.04 to 195.043, 195.05 to 195.08 and 227.014(2), Stats., the Office of the Commissioner of Transportation hereby amends and creates rules which allow Wisconsin to maintain its intrastate railroad ratemaking jurisdiction, as follows:

Section 1. TC 5.02(1) is amended to read:

(1) JURISDICTION OVER RAIL RATES. The office may not regulate general railroad rate increases, inflation-based railroad rate increases and fuel adjustment surcharges. The office shall not require pre-justification of rate increases. The office shall regulate intrastate contract rates in accordance with 49 U.S.C. s. 10713. The office shall also regulate 2 special classes of rates, limited liability rates and rates on recyclable materials, in a manner consistent with federal law, specifically 49 U.S.C. ss. 10730 and 10731, respectively. Recyclable materials shall be transported at a revenue-variable cost percentage of no more than 146%. Railroads may publish rates under which the liability of the carrier is limited to a value established by a written declaration of the shipper or by written agreement between the shipper and railroad.

Section 2. TC 5.13(15)(b)3 is created to read:

TC 5.13(15)(b)3. Savings Provisions - any interested party may file a complaint alleging that an intrastate railroad rate which was in effect on the effective date of the Staggers Act (October 1, 1980) is subject to market dominance under the provisions of 49 U.S.C. s. 10709 and is not reasonable under the provisions of 49 U.S.C. s. 10701a. The complaint shall have been filed with the Office within 180 days of the effective date of the Staggers Act, i.e. by March 30, 1981.

Section 3. TC 5.16(4)(b) is amended to read:

(b) Contract summaries for other commodities or services not involving a port shall contain the information required in par. (a)1, 2, ~~4, 5 and 8~~ and 5. Identification of special features, as required in par. (a)9, shall be applicable to the extent that service requirements are placed in the contract.

Initial Regulatory Flexibility Analysis:

The proposed amendments to Ch. TC 5, Wis. Adm. Code, have no fiscal effect on "small business" as defined in s. 227.016(1)(a), Stats. At present, all regulated railroads comply with the practices and procedures delineated in the rule. Therefore, the proposed amendments to the rule have no fiscal impact.

The proposed amendments to the rule impose no new reporting or recordkeeping requirements on affected railroads. The professional skills required to comply with the proposed amendments are identical to those presently required of railroads. Hence, there is no requirement to obtain additional professional services such as accounting or legal services in order to comply with the amended rule.

Fiscal Estimate:

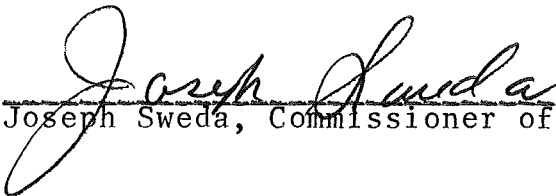
The amended regulation will have no fiscal effect. Ch. TC 5, Wis. Adm. Code, and the proposed changes thereto merely codifies existing practices and procedures.

Effective Date:

The proposed amendment to Ch. TC 5, Wis. Adm. Code, shall become effective on the first day following publication in the Wisconsin Administrative Register pursuant to s. 227.026(1), Stats.

Dated at Madison, Wisconsin, May 30 1985

By the Office of the Commissioner of Transportation.

  
\_\_\_\_\_  
Joseph Sweda, Commissioner of Transportation