

Chapter PSC 95**EMERGENCY TRANSPORTATION**

PSC 95.01 Emergency transportation

PSC 95.01 Emergency transportation. This rule shall automatically be invoked upon the proclamation by the governor under authority of section 22.16 (3) (b), Wis. Stats., that a state of emergency exists. The rule shall be inactive at all times which are not included in the period during which such proclamation makes effective a state of emergency:

(1) All common motor carriers of property in Wisconsin intrastate operation holding a certificate issued by the public service commission of Wisconsin shall be authorized to use any highway and to perform service between all points in Wisconsin if such carrier or carriers are specifically requested to perform such service by the director of the state transportation agency under the provisions of annex G, state of Wisconsin emergency operations plan;

(2) Transportation of passengers between points in Wisconsin upon request of duly authorized emergency government personnel shall not be considered as being subject to the provisions of chapter 194, Wis. Stats.;

(3) Transportation of property, by contract motor carriers holding a license to perform intrastate operations in Wisconsin issued by the public service commission of Wisconsin, upon the request of duly authorized emergency government personnel for such transportation, shall be considered as being emergency instances of transportation under the provisions of section 194.34 (4), Wis. Stats.;

(4) All authorized common carriers of property in Wisconsin intrastate operations shall, during the period when the state transportation agency exercises control under the provisions of annex G, the state of Wisconsin emergency operations plan, operate in accordance with the following priority system:

(a) Transportation requested by or under the direction of the director of the state transportation agency;

(b) Transportation requested by or shipments consigned to authorized emergency government services, other than the director of the state transportation agency;

(c) Transportation in accordance with currently effective established priorities;

(d) Any other transportation authorized under the certificate issued by the public service commission of Wisconsin, for common motor carriers;

(e) Any regular rail operations for railroads.

(5) All contract motor carriers of property in Wisconsin intrastate operations holding a license issued by the public service commission shall, during the period when the state transportation

agency exercises control under the provisions of annex G, the state of Wisconsin emergency operations plan, operate in accordance with the following priority system:

- (a) Transportation requested by or shipments consigned to authorized emergency government services;
- (b) Any other transportation authorized under the license issued by the public service commission of Wisconsin.

(6) **USE OF PRIVATE CARRIER VEHICLES.** During the existence of a state of emergency, as defined in Wis. Adm. Code section PSC 95.01 (introductory paragraph), authorized for-hire carriers may lease vehicles with drivers from private motor carriers on a trip basis to perform operations in accordance with the provisions of this chapter. Such leases

(a) Shall be in writing and signed by the parties thereto, or their regular employes or agents, and shall show the identification number of the vehicles.

(b) Shall provide for the exclusive possession, control, and use of the motor vehicle involved, by the authorized carrier and the complete assumption by such authorized carrier of full responsibility to the public, the shippers, the public service commission, and the department of transportation, division of motor vehicles, during the entire period of the lease.

(c) Shall specify the time the lease begins and the circumstances on which it ends, and the amount of compensation or basis thereof, for the use of the motor vehicle involved.

(7) **AUTHORIZATION FOR PRIVATE MOTOR CARRIERS OF PROPERTY.** The I.C.C.-Wisconsin emergency transport board and its staff may authorize private motor carriers of property to perform operations for-hire as contract motor carriers during an emergency as defined in Wis. Adm. Code section PSC 95.01 (introductory paragraph), provided that

(a) It is necessary to utilize the equipment and personnel of private motor carriers to fulfill the functions of emergency transportation service under the provisions of the state of Wisconsin emergency operations plan and the federal plan for civil defense.

(b) It is impractical to arrange for a lease arrangement under the provisions of Wis. Adm. Code subsection PSC 95.01 (6).

(c) Such authorization shall be for a specific trip, movement of specific shipments, or other specifically designated short-term operation not to exceed a 30-day period.

(d) The I.C.C.-Wisconsin Emergency Transport Board and its staff may revoke or suspend the above authorization prior to the expiration thereof.

History: Cr. Register, June, 1961, No. 66, eff. 7-1-61; cr. (6) and (7), Register, May, 1964, No. 101, eff. 6-1-64; am. (1), (4) intro. par., (a), (b) and (c), and (5) intro. par., Register, November, 1966, No. 131, eff. 12-1-66; am. intro. par., (1), (2), (3), (4) intro. par., and (b), (5) intro. par., and (a), (6) (b) and (7) (a), Register, May, 1972, No. 197, eff. 6-1-72.